



<b>Table 1. Uses Identified for Discussion</b>			
Flex Building	Energy Storage	Farm Market	Distillery
Data Center	Farm	Mobile Vendor	kennel, Indoor
Vehicle Service Station/Gasoline Sales	Convention/Exhibition Center	Accessory Dwellings	Other uses identified by the Commission

Following is a discussion of additional staff recommended revisions to Chapter 3, Chapter 4, and Chapter 13. The draft Zoning Ordinance does not reflect these revisions. Staff seeks the Commission’s direction regarding whether to proceed with these revisions.

**Flex Buildings**

Public Comment Theme: Don’t overregulate Flex Buildings.

Below is a table that compares where Flex Buildings (called “Flex industrial uses” in the current Zoning Ordinance, subject to additional regulations in [Section 5-608](#)) are permitted in the current and draft Zoning Ordinances.

<b>Table 2. Zoning Districts Permitting Flex Buildings</b>	
Revised 1993 Zoning Ordinance	Permitted: CLI, PD-IP, PD-GI
	Special Exception: PD-TREC Outer Core, PD-MUB
Draft Zoning Ordinance	Permitted: CLI, IP, GI
	Special Exception: UE, TC Fringe, PD-MUB

The draft Zoning Ordinance does not propose to change where Flex Buildings are permitted, but the draft released for the January Public Hearing included revised standards intended to address ongoing administrative challenges regarding adequate parking and permissibility of uses at the time of zoning permit when non-industrial tenants are seeking to locate within a Flex Building. Public comment indicated that those new standards placed excessive limitations on the non-industrial uses and that they are generally too restrictive. To address public comment, staff recommends:

Definition: The current Zoning Ordinance does not define Flex Industrial uses. Staff recommends revising the proposed definition for this use in the draft text.

**Flex Building:** ~~A category of building that generally includes a compatible mix of warehouses, general manufacturing, and related accessory uses. These facilities are typically used for product production and service and the storage and distribution of goods. A building designed to accommodate a combination of uses, the exact proportions of each use being subject to user needs over time and the applicable district.~~

Uses: Allow any use in the underlying zoning district to be established within a Flex Building with the approval of a Zoning Permit, subject to any additional Use-Specific Standards for the use.

Parking: The current Zoning Ordinance requires 2 parking spaces per 1,000 square feet of gross floor area plus any additional spaces required for office, sales or similar use—but this parking rate has resulted in too few parking spaces to accommodate the variety of uses that locate in Flex Buildings. To address staff and industry concerns on parking, staff recommends eliminating the maximum parking limitation and increasing the minimum parking ratios in the draft Zoning Ordinance, from 1 parking space per 1,000 square feet of gross floor area to 4 parking spaces per 1,000 square feet of gross floor area.

Outdoor Storage: The current Zoning Ordinance prohibits outdoor storage for Flex Buildings, which was raised as an issue by public comment. To address this, staff recommends that the draft Zoning Ordinance include an allowance for up to 10% of the lot area to be used for outdoor storage, subject to Use-Specific Standards regarding screening requirements and limitations on the types of materials that may be stored outdoors.

Draft Motion:

I move that the Planning Commission direct staff to revise Flex Building regulations as presented in the February 25, 2023, Planning Commission Work Session Memo OR with the following revisions:

- a. \_\_\_\_\_; and
- b. \_\_\_\_\_.

**Data Centers in MR-HI Zoning District**

Public Comment Theme: Allow Data Centers in the Mineral Resources-Heavy Industry (MR-HI) Zoning District.

Data centers are not listed as permitted in the MR-HI zoning district in the current Zoning Ordinance. MR-HI corresponds to the Suburban Industrial/Mineral Extraction Place Type in the [2019 Loudoun County General Plan](#) (2019 GP), which allows Data Centers by policy. Staff recommends the Commission consider permitting Data Centers within the MR-HI zoning district as the use is anticipated by the 2019 GP. Staff notes there is a 178-acre area of existing MR-HI zoning that does not correspond to the Suburban Industrial/Mineral Extraction Place Type but is instead planned as Transition Large Lot Place Type and currently used as a quarry. The Transportation and Land Use Committee (TLUC) recommended Data Centers be permitted by-right in MR-HI in [June 2022](#) as part of their Data Center Discussion Series. Staff recommends that the use be permitted in the zoning district.

Draft Motion:

I move that the Planning Commission direct staff to permit Data Centers as a use permitted in the MR-HI zoning district subject to Use-Specific Standards, as presented in the February 25, 2023, Planning Commission Work Session Memo OR with the following revisions:

- a. \_\_\_\_\_; and
- b. \_\_\_\_\_.

### **Data Center Use-Specific Standards**

Public Comment Theme: Data Center uses should address the following issues:

- Enhance the facade requirements contained in the current Zoning Ordinance, to better mitigate the industrial impacts of a Data Center on residential uses and public roads.
- Mitigate the impacts of a Data Center use when the use is proposed to be in proximity to a residential use.
- Reduce the environmental impacts of a Data Center use on a site.

Staff has continued to refine Data Center Use-Specific Standards with feedback from the Loudoun County Data Center Coalition (DCC), including one additional meeting with the DCC since the January 24, 2023, Commission Public Hearing<sup>1</sup>, to address these public comment themes. Staff recommends the following additional revisions to Section 4.06.02 - Data Centers:

1. **Clarify When Standards in Section 4.06.02 Apply.** All standards in the section are now provided in table format, and the applicability of the Data Center use specific standards tables for the TC Zoning District versus all other Zoning Districts is now clearly referenced.
2. **Revise the Interval Requirements for *Differentiated Surfaces* and *Change in Building Height Adjacent to Residential*.** This revision to the draft Zoning Ordinance text would apply to all interval requirements, such as the provision of *Differentiated Surfaces* and a *Change in Building Height* as applicable, in Section 4.06.02 and would add the option of a building height-based ratio interval concept as a separate option from already included interval requirement of every 150 horizontal linear feet. The building height-based ratio interval concept would require that the *Differentiated Surfaces* or *Change in Building Height Adjacent to Residential* be provided at an interval no less frequent than 3 times the average building height. This would be an additional option separate from the interval requirements included in the January 24 standards, which requires an interval that is no less frequent than every 150 horizontal linear feet. The addition of this second interval requirement is intended to provide multiple options to meet the requirements to facilitate less

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<sup>1</sup> Staff has held 5 meetings to-date with the DCC since September 2022.

uniformity and allow for different or creative approaches to be taken to meet the overall requirements.

3. **Revise the (Optional) Mechanical Equipment Façade applicability.** This staff recommended revision to the draft Zoning Ordinance text would permit up to one Mechanical Equipment Façade in lieu of one of two required Principal Façades that would otherwise be required on two opposing sides of a building. This revision is intended to accommodate operational needs of a Data Center to typically locate Mechanical Equipment on the longer side of a building, while also requiring enhanced façade requirements where Mechanical Equipment is located in accordance with this option. The Mechanical Equipment façade requirements will require that this Mechanical Equipment is screened and the façade meets the *Differentiated Surfaces* requirement.
4. **Revise the Coverage Pattern Requirement for Fenestration and Green Walls.** This revision would remove the word “evenly” from the draft Zoning Ordinance text coverage pattern requirements for Fenestration and (Optional) Green Walls. This change retains the requirement that *Fenestration*<sup>2</sup> and *Green Wall*<sup>3</sup> elements be distributed throughout the façade but allows for some variation in the pattern of that distribution. The change is intended to facilitate less uniformity and allow for different or creative approaches to be taken to meet the overall requirements.
5. **Revise the Main Entrance Feature Applicability.** This staff recommended change would revise the draft Zoning Ordinance text applicability of the *Main Entrance Feature* from a requirement that the element be located within a Principal Façade along a road, to require that one *Main Entrance Feature* be provided for each building. The revision is intended to accommodate a campus-style development where two main entrance features on two adjacent buildings are oriented to face one another. Principal Facades without a *Main Entrance Feature* would still be required to meet all requirements for a Principal Façade.
6. **General Site Design Standards Table.** This change would reformat all non-façade site design requirements in the draft Zoning Ordinance text into a table to improve ease of use.
7. **Clarify Screening of Trash and Loading Bay Requirement.** This revision would clarify the draft Zoning Ordinance requirement that *Screening of Trash and Loading Bay Areas* must be from ground level view.

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<sup>2</sup> The Chapter 13 draft definition for Fenestration is: An architectural feature that provides a real, functional opening that allows light to pass or filter through; or faux opening (a decorative veneer giving the appearance of an opening) in the building facade, through the installation of curtain walls or recessed or protruding windows or doors.

<sup>3</sup> The Chapter 13 draft definition for Green Wall is: A vertically constructed element of a structure or building that is functionally designed with a primary purpose of accommodating or featuring living plants across the surface area of the subject structure or building plane.

8. **Clarify Transportation Requirements.** This revision would clarify that Data Center uses are not required to meet the Mid-Block Passageway requirements of Section 7.07.03 - Pedestrian and Bicycle Network but are otherwise required to meet all requirements in that section. The January 24, 2023, Data Center Use Specific Standards include a requirement for the provision of Shared-Use Paths and connections. Staff recommends removing that provision for redundancy with similar language in Section 7.07.03.
9. **Remove LPAT Trail Requirements.** The draft text includes the requirement that LPAT trails must be provided in RSCR Buffer Areas. Staff recommends removing this requirement from the use specific standards for Data Centers, as trails will be permitted in RSCR Buffer Areas, which is consistent with the [LPAT Plan](#). However, LPAT trails cannot be required as part of an administratively reviewed development process when a use is permitted by-right.
10. Staff recommends additional discussion with the Planning Commission regarding potential additional measures to address environmental sustainability.
  - a. *Permeable Parking Spaces.* Draft parking regulations for Data Center uses already included in the draft text for Section 7.06.02 require no minimum parking ratio for this use. Providing no parking for a Data Center use is more consistent with sustainable development best practices to reduce impervious surfaces and urban heat island effects and is subsequently more consistent with 2019 GP policy goals. However, should a provider choose to construct parking areas up to the applicable parking maximum ratios, the provision of permeable surfaces for parking spaces would reduce parking area impacts in a policy-consistent manner.
  - b. *Optional Green Roof.* Allow the optional provision of a *Green Roof* pursuant to [provisions of the Code of Virginia](#) that enable local jurisdictional incentivization for the provision Green Roofs, which are defined either as Solar roofs, or Vegetated roofs under the Virginia Stormwater Management Program requirements and as contained in the Virginia Stormwater BMP Clearinghouse. The County zoning incentivization would allow for the provision of any such *Green Roof* to be counted at a factor of 100% towards the Open Space requirements in Section 7.02.
  - c. *Energy and Water Sustainability Methods.* This section would require that a Data Center provide two Energy Sustainability and/or Water Sustainability Methods. An optional, administratively reviewed alternative option may also be counted towards the requirement.

- i. *Energy Sustainability Methods.* Energy Sustainability Methods include Electric Vehicle Charging Stations or the Provision of Solar or Wind Powered Exterior Site Lighting. If the applicant chooses to satisfy this requirement by providing Electric Vehicle Charging Stations, such stations must be provided for either 10% of all provided surface parking spaces or at least 6 parking spaces, whichever is greater. EV charging stations must also be able to provide at least separate Level 2 charging (as defined by the United States Department of Energy<sup>4</sup>) for each parking space. If the applicant elects to provide wind or solar powered exterior lighting, it must do so for all exterior lighting on the site.
- ii. *Water Sustainability Methods.* Water sustainability methods include the provision of a Rainwater Harvesting System. These methods could include specific approaches to collecting run-off from structures and impervious areas in order to store water for subsequent uses such as equipment cooling, landscaping, irrigation, vehicle washing and other non-potable uses.
- iii. *Alternative Energy or Water Sustainability Methods.* This administratively reviewed option is intended to facilitate creativity and innovation in the industry approach to sustainability goals. Data Center providers' sustainability goals vary in their environmental focus and targets in terms of energy and water sustainability. This alternative administratively reviewed method would allow a Data Center provider to submit an alternative sustainability method not included in the ordinance that is reviewed in accordance with the Loudoun County Energy Strategy policies and goals and/or the 2019 GP energy technology and energy policies and goals. The Zoning Administrator would review any alternate proposal to determine whether it is consistent with, and effectively implements one or more specific policy goals of the 2019 GP or the then-current Loudoun County Energy Strategy, and whether it is otherwise consistent with applicable Zoning Ordinance requirements. This option to allow an applicant to propose new, innovative sustainability methods that are not identified in the Zoning Ordinance was specifically requested by the Data Center industry. Furthermore, the draft update to the Loudoun County Energy Strategy also encourages collaboration between the County and the Data Center industry on sustainability measures.

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<sup>4</sup> "Level 2 charging uses 240V/208V for residential or commercial charging using a J1772 connector. Provides 10 to 20 miles of range per 1 hour of charging."  
[https://afdc.energy.gov/fuels/electricity\\_locations.html#/find/nearest?fuel=ELEC](https://afdc.energy.gov/fuels/electricity_locations.html#/find/nearest?fuel=ELEC)

**11. Reformat standards specific to Data Centers in the TC zoning district into a new table of Data Center Standards.**

- a. *Ground-Level Pedestrian Accessibility.* Add a standard stating that except for security bollards, ground-level fencing, barriers, and walls are not permitted for a Data Center in the TC District, and any provided security bollards must allow for wheelchair accessibility.
- b. *Generator Testing.* Clarify the draft Zoning Ordinance Generator Testing requirement excludes commissioning activities. This clarification is intended to allow for providers' operational needs during facility commissioning, during which some Data Centers rely on generator power to stress test their facilities. This procedure is conducted before the Data Centers are connected to utility power and can take up to 12+ hours.

Draft Motion:

I move that the Planning Commission direct staff to proceed with changes to the Data Center Use-Specific Standards as presented in the February 25, 2023, Planning Commission Work Session Memo OR with the following revisions:

- a. \_\_\_\_\_; and
- b. \_\_\_\_\_.

**Energy Storage**

Public Comment Theme: Allow Energy Storage Facilities.

Use Permissions: Energy Storage is not a use specifically addressed in the current or draft Zoning Ordinances. Under the current Zoning Ordinance, the Zoning Administrator has determined that "electric battery storage" is most like and therefore permitted the same as "utility substation, transmission." Staff recommends that the draft Zoning Ordinance specifically define, permit, and regulate this use.

Energy Storage is often associated with storing electricity generated by solar facilities. Utility-scale solar facilities are permitted only in industrial zoning districts (current and draft Zoning Ordinances). Therefore, visual impacts related to such solar facilities and their associated Electric Energy Storage are less of a concern in an industrial environment. However, safety and procedures for handling an emergency are critical issues for Electric Energy Storage in whatever district the energy storage is located.

Should the Board consider allowing community scale solar facilities in zoning districts other than MR-HI and GI, as part of a future Comprehensive Plan Amendment (CPAM), that would trigger the need for new use-specific standards for both Community Scale Solar and Energy Storage, to mitigate the potential negative visual impacts.



*Energy Storage, Utility Scale:* Staff recommends Energy Storage, Utility Scale be defined, and listed as a permitted principal use the same way as Electric Generating Plant/Utility Generating Plant in the current Zoning Ordinance and draft Zoning Ordinance: as a Special Exception (SPEX) in the MR-HI and General Industry (GI) zoning districts, subject to Section 4.07.02 Use-Specific Standards.

*Energy Storage, Site Specific:* In addition, staff recommends that Energy Storage, Site Specific, be defined, and addressed in Section 3.03, Accessory Uses, as a use accessory to any principal use category, subject to Section 4.07.02 Use-Specific Standards.

Definitions: Staff recommends the following new definitions for this use. Text to add is underlined.

Energy Storage Facility: Energy storage equipment or technology that is capable of absorbing energy, storing such energy for a period of time, and redelivering energy after it has been stored.

- Energy Storage, Utility Scale: One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, greater than 600kWh in nameplate capacity.
- Energy Storage, Site-Specific: One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, less than or equal to 600kWh in nameplate capacity. Storage devices are an accessory use located on the property providing the energy generation source. This does not include energy storage devices associated with Utility Scale Solar Facilities.

Use-Specific Standards: Staff seeks the Commission's direction regarding whether to proceed with drafting new use-specific standards for Energy Storage Facilities. Given that these standards are not included in the current Zoning Ordinance and have not been included in any draft to date, staff is providing a working draft (Attachment 1) for the Commission and the public's information. Staff provided the language in Attachment 1 to the Fire Department for review and will update the Commission at the Work Session regarding any substantial comments.

Staff's working approach to the use-specific standards for this use is to provide separate standards for utility-scale and site-specific Energy Storage Facilities. The working draft text focuses largely upon utility-scale facilities and establishes:

- Strenuous safety provisions for utility-scale Energy Storage Facilities.
- Procedures in the event a utility-scale facility experiences an emergency such as a fire or explosion.

- A process for an abandoned or unsafe facility and a facility that has reached the end of its useful life.

**Draft Motion:**

I move that the Planning Commission direct staff to proceed with changes to address the Energy Storage use as presented in the February 25, 2023, Planning Commission Work Session Memo OR with the following revisions:

- a. \_\_\_\_\_; and
- b. \_\_\_\_\_.

**Farmers Market**

**Public Comment Theme:** Allow Farmers Markets countywide.

**Use Permissions:** The current Zoning Ordinance defines and permits Farm Markets in association with some onsite agriculture; it is intended as a rural economy use.

The following table shows what zoning districts allow these uses. There is no change between the current and draft Zoning Ordinances other than the addition of new zoning districts (italicized). The use is subject to [Section 5-603](#) in the current Zoning Ordinance and Section 4.04.14 in the draft Zoning Ordinance.

<b>Table 3. Zoning Districts Permitting Farm Markets</b>	
Farm Market	Permitted: TR-10, TR-3, TR-1, <i>TSN, TCN, TCC</i> , AR-1, AR-2, TR-2, RC, PD-RV Work, JLMA-20, JLMA-1, JLMA-2, JLMA-3
	Special Exception: A-10, A-3
Farm Market (offsite production)	Special Exception: <i>TSN, TCN, TCC</i> , JLMA-1, JLMA-2, JLMA-3

Eastern Loudoun “farmers markets” located in the Urban Policy Area and Suburban Policy Area are currently administered as 1) retail and must be shown on a site plan if permanent, or 2) temporary uses. The draft Zoning Ordinance does not propose any change to Farm Market use permissions. At the Public Hearing, “farmers market” operators in Eastern Loudoun were concerned that their use was not listed as permitted in the urban and suburban zoning districts and thought there was a change or omission.

Staff recommends changing the use name to “Farmers Market”—the common term for this use. Staff also recommends specifically defining three tiers of Farmers Market:

1. Farmers Market onsite production (in the current Zoning Ordinance),
2. Farmers Market offsite production (in the current Zoning Ordinance), and
3. A new Temporary Farmers Market use that would be allowed anywhere subject to review and approval of a temporary zoning permit (Section 3.04).

This new third tier temporary use is how most Farmers Markets function and avoids the need for site plan approval. This approach does not eliminate or change any existing use permissions but specifically notes that Farmers Markets may be temporary uses (no permanent structure) with no limitations except those in the definition and identified in the temporary zoning permit requirements.

Staff recommended changes to the Public Hearing draft definitions are below. Text to add is underlined.

Definitions:

*Farmers Market*: A principal use that includes the sale of aquacultural, horticultural, agricultural, or agriculturally processed products, that are grown and processed on-site. Examples include nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider, and similar agricultural products.

- *Farmers Market (On-Site Production)*: A use that includes the sale of products that are grown and processed on-site.
- *Farmers Market (Off-Site Production)*: A use that includes the sale of products that are grown and/or processed off-site. The use may or may not be located on the site of ongoing aquacultural, horticultural, or agricultural activity. This use may include the sale of products from 1 or more vendors.
- *Farmers Market (Temporary)*: A temporary use that includes the sale of products that are grown and/or processed on-site or off-site and are permitted for no more than 3 days per week per location. A Farmers Market (Temporary) does not include permanent structures and may be permitted on application for a temporary zoning permit to the Zoning Administrator subject to Section 11.04.C.3.

*Farmers Market (Temporary)*: A Farmers Market (Temporary) may be permitted on application for a temporary zoning permit to the Zoning Administrator, subject to Section 11.04.C.3. (Suggested Addition to Section 3.04.D, Temporary Uses)

Draft Motion:

I move that the Planning Commission direct staff to proceed with changes to Farm Markets as presented in the February 25, 2023, Planning Commission Work Session Memo OR with the following revisions:

- a. \_\_\_\_\_; and
- b. \_\_\_\_\_.

**Farm**

Public Comment Theme: Don't mandate minimum acreage requirements for Farms.

Definition: Staff recommends deleting the Farm definition—which contains the acreage minimum—that was in the Public Hearing draft. The draft Zoning Ordinance already defines Agriculture, which captures the intent of farm. Farm is not used in a regulatory sense generally in the Zoning Ordinance and a definition is not needed. Staff will review the draft Zoning Ordinance to identify places where the term farm can be replaced with agriculture where appropriate. There are sections of the Zoning Ordinance that will continue to use farm because farm is a unique definition applicable to that section, which is another reason to not include a farm definition in Chapter 13.

Delete the Farm definition:

~~*Farm:* One or more adjacent or contiguous parcels of land having a minimum total size of 5 acres and operated under the same ownership or stewardship, used for agriculture or for animal husbandry.~~

Staff recommends no changes to the Agriculture definition, which is largely carryover from the current Zoning Ordinance:

**Agriculture:** A use and category characterized by general active and ongoing agricultural activities, including agronomy, aquaculture, biotechnical agriculture (including education parks for biotechnical agriculture or a demonstration farm), forestry, fisheries, honey production, silviculture , and similar uses. Accessory uses may include offices, storage areas, and repair facilities related to agriculture uses.

"Agriculture" includes:

- A direct market business for sale of products produced onsite-including but not limited to PYO (pick-your-own); and
- "Community supported agriculture" (CSA), defined as an area of land managed and maintained by an individual or group of individuals to grow and harvest food and/or horticultural products for shareholder consumption or for sale or donation.

Agriculture does not include:

- A grocery store or the retail or wholesale sale of products remotely related to the production of agricultural products; or
- Preparatory functions such as grading or creation of planting beds through stockpiling of dirt or other means that do not result in an active and ongoing agricultural activity within 30 days.

Draft Motion:

I move that the Planning Commission direct staff to delete the Farm definition as presented in the February 25, 2023, Planning Commission Work Session Memo OR with the following revisions:

- a. \_\_\_\_\_; and
- b. \_\_\_\_\_;

**Distillery**

Public Comment Theme: How are Limited Distilleries permitted?

The Zoning Administrator previously determined that Limited Distilleries are like Limited Breweries and therefore administered the same. "Distillery, Limited" does not appear in the current Zoning Ordinance or draft Zoning Ordinance. Staff recommends changing the name of the use to "Brewery/Distillery, Limited" to encompass the distillery and clarify that this use is also permitted. There would be no changes to regulations or impacts to existing or future Limited Distilleries comparing the current Zoning Ordinance to this recommendation as this change simply codifies an existing administrative practice.

Draft Motion:

I move that the Planning Commission direct staff to proceed with changes to address the Distillery, Limited use as presented in the February 25, 2023, Planning Commission Work Session Memo OR with the following revisions:

- a. \_\_\_\_\_; and
- b. \_\_\_\_\_.

**Mobile Vendor**

Public Comment Theme: Don't prohibit Mobile Vendors and don't limit the number of Mobile Vendors permitted on a site.

Mobile Vendors, such as food trucks, are not addressed in the current Zoning Ordinance. Current administrative practice is to require certain Health Department permits and business licenses to operate Mobile Vendors. Note Mobile Vendors operating within the public right-of-way are not regulated but would still be subject to Health Department permits.

The draft Zoning Ordinance proposes to permit Mobile Vendors as accessory to any principal use category subject to standards in Section 3.03 Accessory Uses. This approach would preclude a standalone Mobile Vendor on a vacant lot as a principal use and ensure that each Mobile Vendor is tied to a principal use on a developed lot with parking and other infrastructure.

One of the standards in the draft text that went to Public Hearing limited a location to a maximum of three Mobile Vendors at a time unless approved as a temporary special event. Staff recommends the limitation remain except for where mobile vendors are permitted in conjunction with a principal use customarily designed or approved for events, as follows (Text to add is underlined.):

A maximum of 3 mobile vendors are permitted at any 1 location at the same time or as approved by a temporary special event permit (Section 3.04.D); except there is no limit to the number of mobile vendors allowed in conjunction with the following principal uses: banquet/event facility, farmer's market (off-site

production), convention or exhibition facility, amphitheater, and recreation, outdoor or major. (Changes proposed to Section 3.03.H.2)

Draft Motion:

I move that the Planning Commission direct staff to proceed with the staff recommended revisions to mobile vendor regulations as presented in the February 25, 2023, Planning Commission Work Session Memo OR with the following revisions:

- a. \_\_\_\_\_; and
- b. \_\_\_\_\_;

**Kennels and Dog Grooming**

Public Comment Theme: How are Kennels and Dog Grooming permitted?

“Pet Grooming” is not a use specifically addressed in the current Zoning Ordinance. Under the current Zoning Ordinance, the Zoning Administrator determined that dog grooming is most like a personal service establishment and is therefore permitted as such.

Staff recommends the following changes:

- The draft Zoning Ordinance should address the use “Companion Animal/Pet Grooming” specifically for clarity rather than rely on a previous zoning determination.
- Staff recommends changes to Indoor Kennel use permissions—to newly permit them in the same manner and in the same zoning districts as Personal Services.
- Staff recommends that Companion Animal/Pet Grooming be listed as permitted in the same manner and in the same zoning districts as Indoor Kennel.
- These changes are consistent with an existing administrative practice and recognize that Indoor Kennels and Companion Animal/Pet Grooming establishments sometimes co-locate.
- Additionally, Kennel, Indoor currently requires Special Exception approval in PD-CC (SC), PD-CC (RC)—staff recommends the use be permitted by-right because it has similar impacts to personal service establishments, which are also permitted by-right in these districts.

Definitions:

Kennel: Any establishment or use in or at which, 5 or more companion animals or pets over the age of 6 months are trained, fostered, boarded (including day care services), held for adoption or handled. This must not include any establishment whose principal use is grooming, any animal hospital, or pet shop. *(This definition is carryover.)*

Kennel, Indoor: Any kennel that is within a completely enclosed commercial facility with no outdoor activity in which companion animals are confined or penned in close

proximity to each other, except for the primary purpose of grooming, or wherein any owner engages in boarding, breeding, letting for hire, training for a fee, or selling dogs, cats, or other companion animals. *(This definition is carryover.)*

Companion Animal/Pet Grooming: A commercial establishment that provides grooming services for companion animals or pets. Services may include cleaning, cutting, styling, or maintaining of animal’s skin, coat, hair, or feathers. This use does not include the boarding or overnight stay of animals. *(This definition is new.)*

<b>Table 4. Kennels and Grooming, Current and Draft Ordinances</b>		
Use	Current Zoning Ordinance	Proposed Changes to Draft Zoning Ordinance
Kennel	Permitted: TR-10, PD-GI, MR-HI	Same
	Special Exception: R-1, TR-3, AR-1, AR-2, JLMA-3, A-10, A-3, CR-1, JLMA-20, GB	
Kennel, Indoor*	Permitted: CLI, TR-10, TR-3, JLMA-3, GI, MR-HI	Permitted: CLI, TR-10, TR-3, JLMA-3, TRC Inner Core, TRC Outer Core, TRC TDSA, UE, TC Core, TC Fringe, CC-NC, CC-CC, TCC, PD-CC (SC), PD-CC (RC), MR-HI, GI
	Minor Special Exception: AR-1, AR-2	Minor Special Exception: AR-1, AR-2
	Special Exception: Same as Kennel (above) as well as PD-CC (SC), PD-CC (RC)	Special Exception: A-10, A-3, CR-1, JLMA-20, R-1, TCN, IP
Companion Animal/Pet Grooming	N/A	Same as Kennel, Indoor (above)

\*Staff suggests expanding allowances for Kennel, Indoor to 1) permit the use generally in the same manner and zoning districts as Personal Services, and 2) permit the use by-right in PD-CC (SC) and PD-CC (RC). The table reflects these recommendations.

**Draft Motion:**

I move that the Planning Commission direct staff to proceed with changes to address Kennels and Grooming as presented in the February 25, 2023, Planning Commission Work Session Memo OR with the following revisions:

- a. \_\_\_\_\_; and
- b. \_\_\_\_\_.

**Vehicle Service Station/Gasoline Sales**

Commission Feedback: Discuss gas station/fueling station uses in the Rural Policy Area (RPA) and the Joint Land Management Area (JLMA).

Gas station or fueling stations are classified in the current Zoning Ordinance as either Automotive Service Station or as gas pumps accessory to a Convenience Food Store. In the current Zoning Ordinance for zoning districts commonly found in the RPA and JLMA, these uses are permitted only by Special Exception (SPEX) in the Planned Development–Rural Village (PD-RV) and Rural Commercial (RC) districts. Both are specifically prohibited in the Limestone Overlay District (LOD).

The 2019 GP continues policies for Western Loudoun County to focus commercial development like vehicle service stations and gas pumps to areas within the villages and towns where the presence of adequate public facilities, infrastructure, zoning, transportation, and land resources exist to accommodate these community-serving uses. The 2019 GP supports the development of businesses within the Rural Policy Area that are agricultural-based, preserve the rural character, and are compatible with the dominant rural land-use pattern. Vehicle service station and gasoline sales are not agricultural-related uses and are not envisioned in the Rural North or Rural South Place Types.

Although the names have been updated to Vehicle Service Station and Convenience Store (with gasoline sales), respectively, the draft Zoning Ordinance treats these uses in a similar fashion as the current Zoning Ordinance. In the RPA and JLMA Zoning Districts, these uses would only be permitted by SPEX in the PD-RV and RC districts not in the LOD. In the LOD they would remain prohibited.

Staff recommends no changes.

Draft Motion:

I move that the Planning Commission direct staff to make no changes to Vehicle Service Station and Convenience Store (with gasoline sales) in the Rural Policy Area and Joint Land Management Area, as presented in the February 25, 2023, Planning Commission Work Session Memo OR with the following revisions:

- a. \_\_\_\_\_; and
- b. \_\_\_\_\_.

**Convention or Exhibition Facilities**

Commission Feedback: Discuss convention or exhibition facility uses in the Urban Policy Area (UPA) and Suburban Policy Area (SPA) and what qualifies as a convention or exhibition facility.

In the current Zoning Ordinance, a Convention or Exhibition Facility is defined as an enclosed or semi-enclosed building, tent, or structure designed to accommodate large gatherings of human beings, either with or without display collections of animals, machines, or objects. Office, retail, and other commercial uses commonly established



in such facilities and related parking structures shall be allowed as accessory appurtenances. This use is not subject to any use specific standards and is permitted by-right in the Planned Development–Special Authority (PD-SA), Planned Development–Transit Related Employment Center (PD-TREC), Planned Development–Transit Related Center (PD-TRC), and in the Commercial Light Industry (CLI) district when the use is 25,000 square feet or less and has no direct access to Route 50. It is permitted by Special Exception (SPEX) in the Planned Development – Mixed Use Business (PD-MUB), Planned Development Town Center (PD-TC), CLI, and the PD-TRC Outer Core.

The 2019 GP does not specifically address Convention or Exhibition Facility uses. However, the 2019 GP does identify conventions within the definition for Conference Center. Conference Center uses are encouraged as a conditional use in the Urban Transit Center and Suburban Mixed Use Place Types and as a complementary use in the Suburban Commercial policy area. The 2019 GP supports Conference Centers in areas having commercial, entertainment, cultural, and recreational development that is pedestrian-oriented and/or accessible to transit.

The draft Zoning Ordinance carries over the current definition of Convention or Exhibition Facility and, as with the current Zoning Ordinance, does not provide Use-Specific Standards. In the draft Zoning Ordinance, Convention or Exhibition Facilities would be permitted by-right in the Urban Policy Area and by SPEX in the TC-Core and TC-Fringe districts and in PD-MUB. A principal characteristic of Convention or Exhibition Facility uses is the lack of accommodations for sleeping being permitted. An example of this type of use is Cascades Celebration and Corporate Events Center.

Staff recommends no changes.

Draft Motion:

I move that the Planning Commission direct staff to make no changes to Convention or Exhibition Facility, as presented in the February 25, 2023, Planning Commission Work Session Memo OR with the following revisions:

- a. \_\_\_\_\_; and
- b. \_\_\_\_\_.

**Accessory Dwellings**

Commission Feedback: Discuss incentivizing accessory dwellings (in the context of the discussion on Chapter 9: Attainable Housing).

Zoning Ordinance Amendment (ZOAM)-2017-0001, Housing Affordability<sup>5</sup>, expanded permissions for accessory dwellings. Even though accessory dwellings are now broadly permitted accessory to single-family detached and attached dwelling units,

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<sup>5</sup> To view associated materials, visit [www.Loudoun.gov/LOLA](http://www.Loudoun.gov/LOLA), and type "ZOAM-2017-0001" into the search box.

they remain subject to the same minimum yard and setback requirements applicable to the principal dwelling, which may inhibit a landowner’s ability to establish an accessory dwelling.

One potential suggestion for Commission consideration is to allow accessory dwellings to locate the same as a non-habitable accessory structure (i.e., a detached garage, shed, or other structure)—five feet from side and rear lot lines. This would apply in all zoning districts. Staff seeks Commission direction regarding whether to revise the draft text to change the minimum required setback for accessory dwellings to five feet from side and rear lot lines.

Draft Motion:

I move that the Planning Commission direct staff to reduce the minimum required setback for accessory dwellings, as presented in the February 25, 2023, Planning Commission Work Session Memo OR with the following revisions:

- a. \_\_\_\_\_; and
- b. \_\_\_\_\_.

**Additional Quality Control Revisions**

In addition to changes addressing public comment themes highlighted above, staff’s continued internal quality control review results in other recommended revisions to the draft Zoning Ordinance. This process will allow simultaneous revisions to occur as the staff continues to address the Commission’s specific input on any aspect of the draft Zoning Ordinance, and as additional conflicts and inconsistencies with the draft text arise. Primarily, these changes provide clarification, add missing hyperlinks, correct cross references, provide consistent terminology, and include revisions to address enforceability issues. In some cases, internal quality control review revealed the need to separate uses that had been consolidated in earlier drafts, restoring them to the way they appear in the current Zoning Ordinance (i.e., from “school” back to “public school” and “private school”). In a few instances, due to scrivener’s errors, a use permitted under the current Zoning Ordinance was inadvertently omitted, and those use permissions need to be restored.

For a detailed list of staff recommended quality control revisions, refer to Attachment 2. Text revisions will be reflected in subsequent redline versions that will be included in subsequent Commission packets as the process continues.

Draft Motion:

I move that the Planning Commission direct staff to proceed with additional staff recommended revisions to Chapter 3: Uses, Chapter 4: Use-Specific Standards, and Chapter 13: Definitions, such as those presented in Attachment 2 to the February 25, 2023, Planning Commission Work Session Memo, OR with the following revisions:

- a. \_\_\_\_\_; and
- b. \_\_\_\_\_.

**ATTACHMENTS**

1. Working Draft Text for Energy Storage Facilities (February 16, 2023)
2. Additional Staff Recommended Revisions