



## Loudoun County, Virginia

[www.loudoun.gov](http://www.loudoun.gov)

Office of the County Administrator

1 Harrison Street, S.E., 5th Floor, P.O. Box 7000, Leesburg, VA 20177-7000

Telephone (703) 777-0200 • Fax (703) 777-0325

At a business meeting of the Board of Supervisors of Loudoun County, Virginia, held in the County Government Center, Board of Supervisors Meeting Room, 1 Harrison Street, S.E., Leesburg, Virginia, on October 2, 2018 at 5:00 p.m.

IN RE: Resolutions of Intent to Amend: Revised 1993 Loudoun County Zoning Ordinance To:

1) Express Residential Density as the Maximum Number of Dwelling Units Permitted Per Area of Land and 2) Clarify Where Lighting is an Inherent Component of Uses (Countywide)

Supervisor Volpe moved that the Board of Supervisors adopt the Resolution of Intent to Amend the Revised 1993 Loudoun County Zoning Ordinance to Clarify Where Lighting is an Inherent Component of Uses, provided as Attachment 2 to the Action Item for the Board of Supervisors October 2, 2018, Business Meeting.

Seconded by Vice Chairman Buona.

Voting on the Motion: Supervisors Buffington, Buona, Higgins, Letourneau, Meyer, Randall, Saines, Umstattd, and Volpe – Yes; None – No.

Supervisor Higgins moved that the Board of Supervisors forward the Resolution of Intent to Amend the Revised 1993 Loudoun County Zoning Ordinance to Express Maximum Residential Density Consistently as the Maximum Number of Dwelling Units Permitted Per Acre (or Other Land Area) Across All Zoning Districts to the Transportation and Land Use Committee for discussion.

Seconded by Supervisor Volpe.

Supervisor Meyer moved a Substitute Motion that the Board of Supervisors adopt the Resolution of Intent to Amend the Revised 1993 Loudoun County Zoning Ordinance to Express Maximum Residential Density Consistently as the Maximum Number of Dwelling Units Permitted Per Acre (or Other Land Area) Across All Zoning Districts, provided as Attachment 1 to the Action Item for the Board of Supervisors October 2, 2018, Business Meeting.

Seconded by Supervisor Buffington.

Supervisor Buffington moved to call the question.

Seconded by Vice Chairman Buona.

Voting on the Motion to Call the Question: Supervisors Buffington, Buona, Letourneau, Meyer, Randall, Saines, and Umstattd – Yes; Supervisor Higgins – No; Supervisor Volpe – Absent for the Vote.

Voting on the Substitute Motion: Supervisors Buffington, Buona, Letourneau, Meyer, Saines, and Umstadd – Yes; Supervisors Randall and Volpe – No; Supervisor Higgins – Abstained.

A COPY TESTE:

  
DEPUTY CLERK TO THE LOUDOUN COUNTY  
BOARD OF SUPERVISORS

**BOARD OF SUPERVISORS OF LOUDOUN COUNTY**

**RESOLUTION OF INTENT TO AMEND THE REVISED 1993 LOUDOUN COUNTY ZONING ORDINANCE TO EXPRESS MAXIMUM RESIDENTIAL DENSITY CONSISTENTLY AS THE MAXIMUM NUMBER OF DWELLING UNITS PERMITTED PER ACRE (OR OTHER LAND AREA) ACROSS ALL ZONING DISTRICTS**

WHEREAS, the Board of Supervisors wishes to initiate amendments to the Revised 1993 Loudoun County Zoning Ordinance (“Zoning Ordinance”) in furtherance of the purposes of zoning as set out in § 15.2-2283 of the Code of Virginia and to further implement the comprehensive plan; and

WHEREAS, the adopted policies of the Loudoun County General Plan (revised July 23, 2001, as amended) (“Revised General Plan”) consistently express residential density in terms of the number of dwelling units per acre; and

WHEREAS, the purpose of the Zoning Ordinance is to implement the Revised General Plan; and

WHEREAS, certain zoning districts under the Zoning Ordinance have maximum residential density requirements that could be interpreted as being something other than the maximum number of dwelling units per acre; and

WHEREAS, the consistent administrative practice of the Zoning Administrator always has been to interpret such residential density requirements as limiting the maximum number of dwelling units per acre; and

WHEREAS, in accordance with and to better implement the policies of the Revised General Plan, the Board of Supervisors wishes to amend the Zoning Ordinance so that all zoning districts consistently express maximum residential density requirements in terms of the maximum number of dwelling units permitted per acre (or other land area);

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors states its intention to amend the Revised 1993 Loudoun County Zoning Ordinance as follows:

1. Amend Section 2-100 et seq., AR-1 Agricultural Rural-1 District, of the Zoning Ordinance to establish new, and clarify, revise, and/or delete existing, regulations as necessary in order to express maximum residential density requirements as dwelling units per acre (or other land area).
2. Amend Section 2-200 et seq., AR-2 Agricultural Rural-2 District, of the Zoning Ordinance to establish new, and clarify, revise, and/or delete existing, regulations as necessary to express maximum residential density requirements as dwelling units per acre (or other land area).

3. Amend Section 2-300 et seq., A-10 Agriculture District, of the Zoning Ordinance to establish new, and clarify, revise, and/or delete existing, regulations as necessary to express maximum residential density requirements as dwelling units per acre (or other land area).
4. Amend Section 2-400 et seq., A-3 Agricultural Residential-2 District, of the Zoning Ordinance to establish new, and clarify, revise, and/or delete existing, regulations as necessary to express maximum residential density requirements as dwelling units per acre (or other land area).
5. Amend Section 2-500 et seq., CR-1 Countryside Residential-1 District, of the Zoning Ordinance to establish new, and clarify, revise, and/or delete existing, regulations as necessary to express maximum residential density requirements as dwelling units per acre (or other land area).
6. Amend Section 2-600 et seq., CR-2 Countryside Residential-2 District, of the Zoning Ordinance to establish new, and clarify, revise, and/or delete existing, regulations as necessary to express maximum residential density requirements as dwelling units per acre (or other land area).
7. Amend Section 2-700 et seq., CR-3 Countryside Residential-3 District, of the Zoning Ordinance to establish new, and clarify, revise, and/or delete existing, regulations as necessary to express maximum residential density requirements as dwelling units per acre (or other land area).
8. Amend Section 2-800 et seq., CR-4 Countryside Residential-4 District, of the Zoning Ordinance to establish new, and clarify, revise, and/or delete existing, regulations as necessary to express maximum residential density requirements as dwelling units per acre (or other land area).
9. Amend Section 2-1400 et seq., TR-10 Transitional Residential-10 District, of the Zoning Ordinance to establish new, and clarify, revise, and/or delete existing, regulations as necessary to express maximum residential density requirements as dwelling units per acre (or other land area).
10. Amend Section 2-1500 et seq., TR-3 Transitional Residential-3 District, of the Zoning Ordinance to establish new, and clarify, revise, and/or delete existing, regulations as necessary to express maximum residential density requirements as dwelling units per acre (or other land area).
11. Amend Section 2-1600 et seq., TR-2 Transitional Residential-2 District, of the Zoning Ordinance to establish new, and clarify, revise, and/or delete existing, regulations as necessary to express maximum residential density requirements as dwelling units per acre (or other land area).

12. Amend Section 2-1700 et seq., TR-1 Transitional Residential-1 District, of the Zoning Ordinance to establish new, and clarify, revise, and/or delete existing, regulations as necessary to express maximum residential density requirements as dwelling units per acre (or other land area).
13. Amend Section 3-100 et seq., R-1 Single Family Residential District, of the Zoning Ordinance to establish new, and clarify, revise, and/or delete existing, regulations as necessary to express maximum residential density requirements as dwelling units per acre (or other land area).
14. Amend Section 3-200 et seq., R-2 Single Family Residential District, of the Zoning Ordinance to establish new, and clarify, revise, and/or delete existing, regulations as necessary to express maximum residential density requirements as dwelling units per acre (or other land area).
15. Amend Section 3-300 et seq., R-3 Single Family Residential District, of the Zoning Ordinance to establish new, and clarify, revise, and/or delete existing, regulations as necessary to express maximum residential density requirements as dwelling units per acre (or other land area).
16. Amend Section 3-400 et seq., R-4 Single Family Residential District, of the Zoning Ordinance to establish new, and clarify, revise, and/or delete existing, regulations as necessary to express maximum residential density requirements as dwelling units per acre (or other land area).
17. Amend such other Articles, Sections, Subsections, and provisions of the Zoning Ordinance as necessary to implement and to maintain consistency with the foregoing amendments or as otherwise necessary to correct typographical errors, section and subsection numbering, and formatting within, update cross-references to, and further clarify the requirements of, the above -mentioned Articles, Sections, Subsections, and provisions of the Zoning Ordinance.

BE IT FURTHER RESOLVED that (1) these amendments are in furtherance of the public necessity, convenience, general welfare, and good zoning practice; (2) Staff is directed to prepare draft amendments for consideration; and (3) the proposed amendments on these matters be brought forward for notice, hearing, Planning Commission recommendation, and Board of Supervisors' action.

**BOARD OF SUPERVISORS OF LOUDOUN COUNTY**

**RESOLUTION OF INTENT TO AMEND THE REVISED 1993 LOUDOUN COUNTY ZONING ORDINANCE TO CLARIFY WHERE LIGHTING IS AN INHERENT COMPONENT OF USES.**

WHEREAS, the Board of Supervisors wishes to initiate amendments to the Revised 1993 Loudoun County Zoning Ordinance (“Zoning Ordinance”) in furtherance of the purposes of zoning as set out in § 15.2-2283 of the Code of Virginia and to further implement the comprehensive plan; and

WHEREAS, the County’s longstanding consistent administrative practice has been to consider certain forms of lighting to be such an inherent component of a use that it did not have to be expressly included in the use’s definition, and to permit such lighting subject to the Light and Glare Standards of Section 5-1504 of the Zoning Ordinance; and

WHEREAS, a recent Circuit Court ruling called into question the County’s longstanding consistent administrative practice because lighting was not specifically included in a use’s definition; and

WHEREAS, the Board of Supervisors wishes to amend the Zoning Ordinance to implement the County’s longstanding consistent administrative practice and to clarify where lighting is considered an inherent permitted component of uses, and to permit such lighting subject to the Light and Glare Standards of the Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors states its intention to amend the Revised 1993 Loudoun County Zoning Ordinance as follows:

1. Amend Section 1-200 et seq., Interpretation of Ordinance, of the Zoning Ordinance to establish new, and clarify, revise, and/or delete existing, regulations in order to clarify where lighting is considered an inherent permitted component of uses.
2. Amend Section 5-600 et.seq., Additional Regulations for Specific Uses, of the Zoning Ordinance to establish new, and clarify, revise, and/or delete existing, regulations in order to clarify where lighting is considered an inherent permitted component of uses.
3. Amend Section 5-1504 et.seq., Light and Glare Standards, of the Zoning Ordinance to establish new, and clarify, revise, and/or delete existing, regulations in order to clarify where lighting is considered an inherent permitted component of uses.
4. Amend Article 8 et.seq., Definitions, of the Zoning Ordinance to establish new, and clarify, revise, and/or delete existing, regulations in order to clarify where lighting is considered an inherent permitted component of uses.

5. Amend such other Articles, Sections, Subsections, and provisions of the Zoning Ordinance as necessary to implement and to maintain consistency with the foregoing amendments or as otherwise necessary to correct typographical errors, section and subsection numbering, and formatting within, update cross-references to, and further clarify the requirements of, the above -mentioned Articles, Sections, Subsections, and provisions of the Zoning Ordinance.

BE IT FURTHER RESOLVED that (1) these amendments are in furtherance of the public necessity, convenience, general welfare, and good zoning practice; (2) Staff is directed to prepare draft amendments for consideration; and (3) the proposed amendments on these matters be brought forward for notice, hearing, Planning Commission recommendation, and Board of Supervisors' action.