

**BOARD OF SUPERVISORS  
TRANSPORTATION AND LAND USE COMMITTEE  
INFORMATION ITEM**

**SUBJECT:** Zoning Ordinance Rewrite Project Plan

**ELECTION DISTRICT:** Countywide

**CRITICAL ACTION DATE:** At the pleasure of the Committee

**STAFF CONTACTS:** Alaina Ray, Director, Planning and Zoning  
James David, Deputy Director, Planning and Zoning  
Chris Mohn, Deputy Administrator, Planning and Zoning

**PURPOSE:** To provide information to the Transportation and Land Use Committee (TLUC) on the Zoning Ordinance Rewrite (ZO Rewrite) project plan, and update TLUC on progress to date.

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**BACKGROUND:** The Board of Supervisors (Board) endorsed the ZO Rewrite project plan at the September 19, 2019 Business Meeting.<sup>1</sup> The following project plan lays out steps for revising and/or replacing the Revised 1993 Loudoun County Zoning Ordinance (Zoning Ordinance) to implement the Loudoun County 2019 General Plan (2019 GP) and include other updates to modernize and simplify the ordinance, streamline processes, leverage opportunities, and address challenges.

The Zoning Ordinance is the primary implementation tool for the 2019 GP, which the Board adopted (8-1; Umstatted opposed) on June 20, 2019. It contains an added level of specificity for how and where land development can happen that is based on the community's vision as expressed in the goals, policies and actions of the 2019 GP. The Zoning Ordinance therefore needs to be revised and/or replaced to maintain consistency between the County's visionary and regulatory planning documents. In addition, while numerous amendments have been adopted to the existing Zoning Ordinance, there has not been a comprehensive evaluation and update of the ordinance since January 2003. As such, the ZO Rewrite will include updating the content and structure of the Zoning Ordinance based on modern best practices in land use regulation.

**A. PROJECT STRATEGY AND SCOPE:**

***Project Strategy***

Planning and Zoning staff will draft changes to the Zoning Ordinance with input from the public, community and interest groups, other departments, advisory bodies, the Zoning Ordinance Action

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<sup>1</sup> [September 19, 2019 Board Item – Zoning Ordinance Rewrite Project Plan](#)

Group (ZOAG), Planning Commission, and the Board. Consultant assistance is focused on technical research, document format, building a public-facing cloud-based software platform for the Zoning Ordinance, and drafting specific sections such as sign and parking standards. The consultant is also providing backfill support on core work tasks of the Zoning Administration division so that existing staff resources can be devoted to the ZO Rewrite. New, individual Zoning Ordinance amendments (ZOAM) should not be initiated while the larger overhaul project is taking place, unless a particular ZOAM is time-sensitive, legally required, or if alternative resources can be made available.

### ***Project Scope***

The core work on the ZO Rewrite is expected to take approximately 24 months to complete. The project formally kicked off in October 2019 following Board approval of the project plan. A request for consultant proposals was published in June 2019, and consultant selection occurred in September 2019. The main focus areas of the ZO Rewrite include:

1. **2019 GP.** Implementation of the new comprehensive plan vision, especially the Urban Policy Area (UPA), which involves new place types with densities, standards, building forms, and infrastructure that have yet to be realized in Loudoun County.
2. **Modernization.** Revise land uses and definitions to reflect the current marketplace, reevaluate parking ratios and calculations, update lot and building standards, and align how the County administers planned unit developments (PUD) with modern practice.
3. **Consistency audit.** Analyze existing standards and strive for consistency within the document and across zoning districts when feasible.
4. **Structure and flow.** Improve the document structure, make it user-friendly, and improve use of graphics for clarity.
5. **Opportunities and challenges.** Evaluate input from stakeholders about the current Zoning Ordinance and make improvements where appropriate.
6. **Legislation.** Incorporate changes based on new or revised provisions of the Code of Virginia, court cases, and best management practices promulgated by the Virginia Association of Zoning Officials (VAZO), Urban Land Institute (ULI), and American Planning Association (APA).
7. **Streamlined process.** Find ways to increase the scope of administrative approvals and expand the number of by-right uses, to include development of performance standards to ensure development meets desired criteria.
8. **Review process for legislative applications.** Implement changes to the legislative review process to enhance efficiency and improve outcomes for all stakeholders, to include bringing legislative applications to public hearing earlier in the process to promote understanding and attention to public comments and concerns.

In addition, the feasibility of three potential items is being evaluated as part of the ZO Rewrite: (1) consolidating to one ordinance instead of the current practice of maintaining and administering

multiple ordinances for commercial and industrial zoned properties in the Route 28 Tax District, (2) establishing performance-based incentives in the Zoning Ordinance for desired end states such as attainable housing, urban density, and connected trail and open space networks, and (3) laying the groundwork for a new fee study. These additional goals may be deferred if research proves they are best handled as separate work products.

## **B. PROJECT ASSUMPTIONS**

Prior to completion of the ZO Rewrite, the 2019 GP and the existing Zoning Ordinance may lack consistency, which will impact staff review and recommendations on land development proposals. Staff will continue to reference the existing Zoning Ordinance until adoption of an updated version, but will also offer analysis based on the intent of the 2019 GP to decision-makers. The ZO Rewrite project plan is based on guidance from the 2019 GP as it currently exists.

## **C. PROJECT ORGANIZATION AND CORE TEAM**

Since drafting text changes is a staff-led effort, rather than consultant-led, the core project team is dedicated staff from the Department of Planning and Zoning (DPZ), Department of Economic Development (DED), Public Affairs and Communications (PAC), and Department of Family Services (DFS). The outside consultant is augmenting staff resources and providing support on a task order basis.

## **D. STAKEHOLDERS**

As the local governing body, the Board will ultimately consider and decide whether to adopt the proposed Zoning Ordinance text following recommendation by the Planning Commission. The process of formulating the proposed Zoning Ordinance will involve engagement of a wide variety of internal and external stakeholders as described below.

### ***County Departments and Referral Agencies***

DPZ will lead a Staff Technical Advisory Committee (STAC), consisting of key County staff and outside referral agencies to provide technical guidance on various aspects of the ZO Rewrite.<sup>2</sup>

### ***Community Outreach Plan***

The public engagement objectives for this project are to *consult* community and interest groups regarding zoning opportunities and challenges, *inform* these interest groups about the scope of draft changes, and incorporate *feedback* on draft text. Outreach tools for community groups will include, but are not limited to: focus groups, discussion items at advisory bodies, informational materials, e-notification and blogs, online project page and survey, cloud-based interactive software platform, and special events.

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<sup>2</sup> County Administration, County Attorney, Building and Development, Economic Development, Family Services, Transportation/Capital Infrastructure, Parks and Recreation, Fire and Rescue, Public Schools, Loudoun Water.

Advisory bodies, interested groups, residents, business/property owners, developers, and other organizations may be affected by the revised Zoning Ordinance. Monthly engagement with ZOAG to receive input and feedback is necessary to ensure citizen and industry representation. Other groups identified for outreach and engagement efforts include, but are not limited to, the following:

- Dominion Power;
- Metropolitan Washington Airports Authority;
- REALTOR associations;
- Northern Virginia Building Industry Association;
- Chambers of Commerce;
- Economic Development Advisory Commission Ad-hoc Committee;
- Data Center Coalition;
- Save Rural Loudoun;
- Commercial Real Estate Development Association (NAIOP);
- Coalition of Loudoun Towns (COLT);
- Rural Economic Development Council Ad-hoc Committee;
- Heritage Commission;
- Historic District Review Committee;
- Affordable Dwelling Unit Advisory Board;
- Housing Advisory Board;
- Route 28 Landowners Advisory Board;
- Piedmont Environmental Council; and
- Loudoun County Preservation and Conservation Coalition.

## **E. PROJECT MILESTONES**

Sept 2019	Consultant selection, Project Plan
Oct 2019	Project kickoff, Web tools
Jan-Mar 2020	Round 1 community input <sup>3</sup>
Mid 2020	Round 2 community input
October 2020	Resolution of Intent to Amend (ROIA)
Late 2020	90-day referral review
Mid 2021	Planning Commission
Late 2021	Board of Supervisors

In addition, monthly meetings with ZOAG and quarterly status reports to the Board will occur throughout the project timeline.

**FISCAL IMPACT:** The Board has authorized \$1 million for the ZO Rewrite. The majority of this funding will likely be needed for backfill of DPZ staffing resources and consultant assistance over the anticipated 24 month project timeframe. This funding will also cover minor costs expected for outreach materials, public noticing, meeting materials, and print and production.

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<sup>3</sup> Two focus groups have occurred (DAAR and ADUAB), 10 more have been scheduled, and 12 are pending.