

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

**SUBJECT:** Zoning Ordinance Rewrite Project Update

**ELECTION DISTRICT:** Countywide

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

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

**PURPOSE:** To update the Transportation and Land Use Committee (TLUC) on Zoning Ordinance Rewrite (ZO Rewrite) progress from August 2020 to November 2020.

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**BACKGROUND:** The Board of Supervisors (Board) endorsed (8-0-1: Meyer absent) the ZO Rewrite project plan on September 19, 2019.<sup>1</sup> At the July 22, 2020 TLUC meeting, staff went over progress made in the areas of public messaging, community and advisory body engagement, staff research, and consultant deliverables.

This update provides more detail on staff review and assessment of the following major consultant deliverables: a code audit that evaluates the County’s approach to zoning and recommends changes to structure, organization, and content, and an online interactive platform for the County’s Zoning Ordinance called EnCodePlus. This item also provides a brief discussion on the work plan for the newly formed Zoning Ordinance Committee (ZOC), as well as updates on ZO Rewrite project timeline, milestones, and next steps.

**ISSUES**

**Code Audit:** The consultant, WSP, delivered a code audit that evaluates the County’s code structure, districts, development standards, use regulations, and code administration process.<sup>2</sup> The code audit includes recommended updates to the Zoning Ordinance that improve usability, modernize regulations, and implement the recently adopted *Loudoun County 2019 General Plan* (2019 GP). The following subsections highlight key recommendations from the code audit.

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

<sup>2</sup> The consultant’s Code Audit is available for review upon request.

### Code Structure

- 1. Ensure that the code is user-friendly.** The Zoning Ordinance can be reorganized to put the most useful information up front, consolidate land uses into one matrix that shows each use and the districts where it is allowed, and add more graphics. Improving readability will improve administration, enhance public understanding, and encourage economic development by making standards and procedures clearer.
- 2. The code should make the right things easy.** Development that reflects the long-term planning policies of the 2019 GP and other strategic and area management plans adopted by the county should have a streamlined approval process.
- 3. The code should reflect best practices.** Loudoun primarily utilizes “conventional zoning” that is use-based, and “planned unit development” zoning that is negotiated as part of the rezoning process. Opportunity exists to expand the use of “overlay zoning” to introduce additional design standards, or “composite zoning” that breaks out use, site, and architectural standards as a menu of appropriate choices. Also, Loudoun’s implementation of planned unit development zoning could be less prescriptive to allow more flexibility on a case-by-case basis, while adhering to certain performance standards.
- 4. Integrate code with other documents.** Add cross-references and similar terms with Codified Ordinances, VA Code, Facilities Standards Manual, and 2019 GP. This will address inconsistencies, such as how “open space” is defined differently in the 2019 GP versus the Zoning Ordinance. Add a purpose statement in each code section to explain why the provisions exist and cite 2019 GP policy.

### Districts

- 5. Connect 2019 GP place types to zoning districts.** Consolidate similar zoning districts when possible to implement a corresponding place type. Rename districts to mirror place type names to make clear the relationships between the 2019 GP and the Zoning Ordinance.
- 6. Simplify zoning districts.** Align lot areas, dimensional standards, and design to the extent practicable. Propose alternate dimensions and/or criteria when consistency with place type is not feasible to better define character envisioned by the 2019 GP.

### Development Standards

- 7. Emphasize environmental sensitivity in site design standards.** Consider counting desired objectives, such as low-impact design practices that provide useful open space, towards open space requirements. For smaller sites, establish a minimum contiguous size for passive open space along with connectivity standards for adjacent open space.
- 8. Strengthen heritage resource preservation regulations.** Use separate Neighborhood Conservation Districts for each village instead of the one-size-fits-all Village Conservation Overlay District. Consider adaptive reuse regulations that incentivize preservation such as permitting uses by-right or counting heritage resources towards civic or open space.

- 9. Align regulations with 2019 GP environmental policy guidance.** Include specific use categories for solar facilities. Balance agricultural preservation with solar energy development standards that are consistent with recent State legislation.
- 10. Broaden ways to incentivize affordable housing.** The county uses density bonuses to make affordable housing projects more feasible for developers, but could also consider building height increases, setback reductions, lot coverage increases, technical study waivers, buffer modifications, occupancy standards that accommodate non-related group living, small lot subdivisions, and parking reductions.
- 11. Introduce building design standards that illustrate desired product types.** Graphic standards could be added for “missing middle” housing types such as apartment courts, converted apartment houses, stacked flats, live-work units, fourplexes, and cottages.
- 12. Strengthen transitional elements between zoning districts.** Add specifics for buffers, setbacks, civic spaces, placement of accessory structures, and reductions in building scale, as development transitions from intense commercial districts to residential neighborhoods, as recommended by the 2019 GP place types.

#### Use Regulations

- 13. Audit the list of uses against modern industry classifications.** Comparison with the [North American Industrial Classification System \(NAICS\)](#) and [American Planning Association’s Land-Based Classification Standards \(LBCS\)](#) will ensure that there is a place for all businesses, service agencies, and residential categories that the community needs, and that use definitions will be recognized and understood across industries.

#### Administration

- 14. Streamline processes.** Consider codifying conditions normally found in development approvals for some special exception uses.
- 15. Gather critical application information earlier in the process.** Expand checklist requirements at application intake to minimize the need to ask for more information in-process. This will reduce county review time and improve staff recommendations to decision-makers.

Staff conducted multiple rounds of review and critique of the code audit and will consider code audit findings and recommendations in concert with community feedback, advisory body input, and staff research to draft changes that improve the organization, text, graphics, and tables of the Zoning Ordinance.

**Online Interactive Zoning Platform:** The consultant has custom-built an online interactive platform (EnCodePlus) for the County’s Zoning Ordinance with form and function like a website rather than static PDF documents. The 1972, 1993, Revised 1993, and Route 28 Overlay Zoning Ordinances have already been migrated into this cloud-based software. EnCodePlus allows the public to search all County Zoning Ordinances via text or GIS map interface, guides users toward appropriate ordinance sections based on their interests and provides a mechanism for internal and

public comments on proposed ordinance amendments. As part of the buildout, improvements to the organization and usability of the Zoning Ordinance are already being implemented such as hyperlinked cross-references and color-coded section formatting. No ordinance content has been altered yet, as staff is scheduled to be trained in early December 2020 on the back-of-house side of the software that allows collaborative drafting, archiving, and code publishing.

Multiple departments have been involved in the EnCodePlus buildout, including Mapping and Geographic Information, Public Affairs and Communications, Information Technology, and Planning and Zoning. This ensured all ordinance content was successfully migrated, integration with the County's GIS information and interfaces was completed, and the look and feel of the online zoning platform aligns with county branding, messaging, and customer-service goals.

Loudoun's EnCodePlus is not ready for public use at this time.<sup>3</sup> User acceptance testing will continue as part of staff training, and it is likely that some of the forward-facing design and site structure will change in the coming months. Furthermore, additional EnCodePlus features will be developed as the new ZO Rewrite takes shape, including customer-focused calculators for buffer yards, development yield, landscaping/screening materials, parking and signage, a land use lookup tool, and libraries of definitions and graphics for use in drafting the new code. The beta EnCodePlus site will be presented to the TLUC at the December 16, 2020 regular meeting for review and feedback.

**Zoning Ordinance Committee:** The ZOC was created by the Board at its October 6, 2020 Business Meeting (7-0-2: Buffington and Letourneau absent). The committee will serve as a sounding board for the ZO Rewrite, acting in a role similar to that of the previous Zoning Ordinance Action Group. The ZOC will operate under the authority of and will report to the Planning Commission (Commission). It will comprise citizen-members representing a broad spectrum of countywide stakeholder organizations and professional areas of expertise potentially impacted by Zoning Ordinance changes.<sup>4</sup>

At its first meeting, November 12, 2020, the ZOC elected Kevin Ruedisueli as chair and Michael Capretti as vice chair. The ZOC will continue to meet on the first Wednesday of each month from 9:00 to 11:00 a.m., with additional meetings to be held as needed. The ZOC will review and discuss Round One public input in December 2020, consultant deliverables in early 2021, staff's recommendations for the new ordinance (e.g. Resolution of Intent to Amend) in mid-2021, and proposed draft text in summer 2021.

**ZO Rewrite Timeline:** Tentative dates for upcoming project milestones have changed slightly since the last TLUC update in July 2020. More time has been afforded to Round Two public input in response to the significant amount of interest generated in Round One focus groups. Overall project timeline did not change, with the target date for Commission intensive review remaining

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<sup>3</sup> Staff will preview EnCodePlus to a wider audience in upcoming Round Two public input. Public use of the site will be available when the public draft of the ZO Rewrite is released via EnCodePlus in summer 2021.

<sup>4</sup> To learn more about the Zoning Ordinance Committee, [visit the committee's webpage](#).

in late 2021 and Board intensive review remaining in early to mid-2022. The next quarterly update is anticipated to occur at the April 2021 TLUC regular meeting.

**Upcoming ZO Rewrite Project Milestones**

Project Milestones	Planned Date
Round Two Input: PC, ZOC, community groups, general public open house	Nov 2020 - March 2021
ROIA to Board of Supervisors for review & adoption	Spring 2021
First draft ZO Rewrite text changes	Summer 2021
Round Three Input: 90-day referral review (open to all parties)	Summer 2021
Second draft ZO Rewrite to Planning Commission for review & recommendations	Fall 2021
PC draft ZO Rewrite to Board of Supervisors for review & adoption	Early to Mid 2022

**FISCAL IMPACT:** The ZO Rewrite is currently funded and is operating within its \$1 million budget. The Board authorized carrying this fund balance over from fiscal year to fiscal year as the project continues. There are approximately \$746,000 in identified costs, which includes consultant expenses, salary for the two-year temporary backfill employee, and miscellaneous costs for outreach materials, public noticing, meeting materials, and print and production. \$153,500 of the \$746,000 has been paid. Staff is currently evaluating procurement of additional consultant assistance under the same contract for the audit and consolidation of the ZO Rewrite land use matrix, which would use a portion of the remaining budget of \$254,000.