

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

SUBJECT: Zoning Ordinance Rewrite Project Update and Early Look at Draft Chapter 5 – Development Standards

ELECTION DISTRICT(S): Countywide

CRITICAL ACTION DATE: At the pleasure of the Committee

STAFF CONTACT(S): Judi Birkitt, Planning and Zoning
Joe Kroboth, III, Planning and Zoning

PURPOSE: The purpose of this item is to update the Transportation and Land Use Committee (TLUC) on the Zoning Ordinance Rewrite (ZO Rewrite) project and provide an early look at the draft text for Chapter 5 – Development Standards (Attachment 1).

BACKGROUND: The Board of Supervisors (Board) endorsed (8-0-1: Meyer absent) the ZO Rewrite project plan on September 19, 2019.¹ At the TLUC meeting on June 22, 2022, staff provided an update on Zoning Ordinance Committee (ZOC) progress, the project schedule, and an overview of early draft text for Chapter 2 – Zoning Districts.

This item provides TLUC an opportunity to see early draft text being developed for Chapter 5 – Development Standards of the ZO Rewrite. This draft text continues to be refined as staff contemplates and incorporates input from ZOC, TLUC, business and community groups, and the public. Additionally, this item updates TLUC on the 90-day public comment and engagement period for the first draft zoning ordinance and the ZO Rewrite project schedule.

UPDATE:

Staff seeks TLUC’s initial thoughts and direction on draft text being developed for Chapter 5 – Development Standards (Attachment 1) of the ZO Rewrite project. Development standards are minimum requirements an applicant must meet when developing or redeveloping a site. Development standards cover a broad range of topics including parking, open space, landscaping, buffering, screening, lighting, noise, utilities, road access, and road and pedestrian networks. Development standards apply to most new development or redevelopment projects and to multiple, or in some cases all, zoning districts. In contrast, Use Specific Standards are minimum

¹ [September 19, 2019, Board Business Meeting Item 14– Zoning Ordinance Overhaul Project Plan](#)

requirements that are unique to a specific use, such as a quarry or an animal hospital. Use Specific Standards are found in a separate chapter of the draft zoning ordinance.

A primary goal of the ZO Rewrite project is to implement the *Loudoun County 2019 General Plan* (2019 GP). Staff’s approach to drafting the Development Standards chapter has been to carry forward the existing Development Standards from the Revised 1993 Loudoun County Zoning Ordinance (Revised 1993 Zoning Ordinance) to the draft zoning ordinance and revise those standards as necessary to implement the policies in the 2019 GP.

Attachment 1 includes the complete draft text of the Development Standards chapter. This item highlights the standards in the draft zoning ordinance that are new or significantly different from the standards in the Revised 1993 Zoning Ordinance. Specifically, the draft zoning ordinance includes two new sections, “variation of residential lots sizes” and “transitions,” and two sections with major revisions, “parking” and “open space.”

Variation of Residential Lot Sizes: The new Variation of Residential Lot Sizes standards in the draft zoning ordinance are based upon the following housing policies and actions in the 2019 GP. These policies support incorporation of zoning regulations that generally achieve more housing affordability.

- Housing Policy 1. Increase the amount and diversity of housing that is available in terms of unit type, size, and price and promote innovative designs throughout Loudoun County that are desirable and attainable to all income levels.
 - Action 1.1.B. Amend zoning regulations to accommodate more innovative and flexible density, building height, lot size, lot line, parking, setback, and design standards through the implementation of a planned unit development (PUD) ordinance.
 - Action 1.1.D. Develop zoning regulations and design standards that facilitate innovative, lower cost, compact residential and mixed-use development that emphasizes the physical form and the character of the built environment and seamlessly integrates uses.
 - Action 1.2.A. Amend zoning regulations to expand the number of districts where manufactured housing, accessory units, and alternative housing types are allowed (e.g., small lot, zero lot-line, micro-units, maximum unit sizes, and innovative housing types).

- Housing Policy 3. Ensure County residents are able to access housing they can afford.
 - Action 3.1.C. Develop zoning regulations and design standards that remove barriers and incentivize the development of housing affordable to households at or below 100 percent Area Median Income (AMI) in all residential and mixed-use development.

To implement the above policies and actions, the draft zoning ordinance establishes new requirements aimed at achieving a mixture of lot sizes and dimensions, allowing for a variety of

housing opportunities. These standards only apply to projects with ten or more residential lots in the following draft zoning districts:

- Suburban Neighborhood,
- Suburban Compact Neighborhood,
- Transition Large Lot Neighborhood,
- Transition Small Lot Neighborhood, and
- Joint Land Management Area

The standards include the following two key requirements:

- *Variation of Residential Lot Sizes:* No more than 60 percent of all single-family detached, and no more than 60 percent of all single-family attached duplex, triplex, and quadruplex building lots, are permitted to be similar in total lot area. "Similar" lot areas are defined as lots within 500 or 1,000 square feet of each other, depending on the zoning district.
- *Dispersion of Residential Lot Sizes:* Similar single-family detached and similar single-family attached duplex, triplex, and quadruplex lot sizes must be distributed throughout a subdivision rather than grouped in one area, unless the Zoning Administrator finds that the intent of the district and of the Zoning Ordinance will be better served by a design that tends to group lots of similar sizes.

Staff are actively preparing the ZOC Findings and Recommendations Report for ZOC's final approval at their July 20, 2022, meeting. However, during discussion of this topic, Committee Members expressed some concern that the above standards could increase the cost of housing in the County. Staff continues to refine these standards in preparation for a future Planning Commission (Commission) Public Hearing.

Transitions: Another new section of development standards in the draft zoning ordinance is called "Transitions." This section aims to ensure that larger scale, more intense, mixed-use and nonresidential developments, do not adversely affect neighboring lower density, smaller scale, less intense residential development. Transitions apply internal to a zoning district and between zoning districts. Further, this section intends to ensure that more dense residential uses do not adversely impact lower density residential neighborhoods. Each Place Type in the 2019 GP includes a transitions section, with slightly different policies unique to the Place Type. Examples of the transitions standards in the draft zoning ordinance are as follows:

- When adjoining existing less intensive uses and smaller buildings, taller buildings must step down in height to transition to the neighboring development so that at the edge of the district, buildings are generally no more than 15 feet taller than adjoining development consisting of less-intensive uses.
- Changes in building height or character must begin in the middle of a block. The middle of the block is determined by the greater of the width of the corner building; or one-third

of the proposed block length as measured from the edge of the block adjacent to the less intensive development.

- Single-family attached townhouse, duplex, triplex, and quadruplex dwelling units and/or lots must be located to minimize their impact on adjacent existing single-family detached dwelling unit developments.
- Multifamily dwelling units and/or lots must not be located at the edge of a development when adjacent to existing single-family detached dwelling unit developments.
- Multifamily dwelling units and/or lots must be located so that they create a transition between nonresidential uses and lower density residential areas, either within the same development or an adjacent development.
- Nonresidential buildings and/or lots must be located:
 - To minimize their impact on adjacent single-family detached dwelling units, either within or outside of the development.
 - In a manner that does not create excessive noise, odor, light, or vibrations that would negatively affect proximate residential uses, or require extensive separation from residential uses within the same zoning district or adjacent zoning districts allowing residential uses.
 - So that the impact on surrounding properties of areas for loading, delivery, and waste collection receptacles is reduced on surrounding properties to the maximum extent feasible, with highest priority given to reducing the impact on residential uses.

Staff are actively preparing the ZOC Findings and Recommendations Report for ZOC's final approval at their July 20, 2022, meeting. Based on ZOC discussions, the ZOC had no specific feedback or concerns regarding the Transitions Standards.

Parking: The draft parking Development Standards are substantially different from the parking regulations in the Revised 1993 Zoning Ordinance. The draft parking standards are organized by General Plan policy area, and for some uses, different parking requirements have been introduced depending on the policy area in which the zoning district is located. Other key changes in the draft parking standards are summarized as follows:

- Minimum parking ratios have been reduced in some cases to coincide with common usage rather than peak demand.
- New parking maximums have been introduced for some uses, largely in urban and suburban districts.
- Minimum parking requirements have been introduced for electric vehicles, bicycles, car-sharing, and motorcycles/scooters.
- Separate parking standards have been introduced for Villages.

ZOC discussion about the draft parking regulations centered on the following topics: 1) parking requirements could be re-organized as a tier system tying the intensity of uses to a tiered parking requirement; 2) parking standards for Villages may need to wait until after Village Area Plans are completed; 3) parking maximums may not be necessary for residential uses in any zoning districts;

4) parking requirements in urban zoning districts may not be necessary; and 5) parking maximums may be needed in Rural Policy Area zoning districts for large events.

Open Space: In the draft zoning ordinance, open space standards have been consolidated into one section rather than scattered throughout the zoning ordinance and revised to implement the open space policies of the 2019 GP. Key changes to the open spaces standards include the following:

- The types of open space in the draft zoning ordinance are aligned with the types of open space in the 2019 GP. The standards further define open space as common, private, or public.
- A new concept has been added to provide bonus credit for protecting priority open space, such as historic resources, prime agricultural soils, mature forests, pedestrian and bicycle trails, and wildlife habitat or corridors.
- The draft text clarifies which uses are allowed in open space areas.
- New requirements ensure the long-term maintenance and management of open space areas.

Based on ZOC’s discussions about open space, further work is needed to clarify the definitions of open space types, refine what counts towards fulfilling the open space requirements, and further develop the incentives for prioritizing quality open space. Staff are actively working to improve the open space standards in preparation for a future Commission Public Hearing.

90-Day Public Comment and Engagement Period: The first draft zoning ordinance was available to all stakeholders for a 90-day public review and comment period from April 18, 2022, to July 18, 2022. As of July 5, 2022, a total of 454 external comments have been received on the first draft zoning ordinance from members of the public, community groups, and business groups: 377 using the online interactive platform, 61 by email, and 16 by phone. Staff are actively reviewing the comments and revising the draft Zoning Ordinance text to incorporate public comment. A public comment report will be attached to the staff report provided to the Commission at the special August 30, 2022, Commission Public Hearing to consider a portion of the draft Zoning Ordinance. Additional public input opportunities will be available during the Commission and Board public hearing process.

Zoning Ordinance Committee Review Completed: ZOC has been reviewing draft zoning ordinance text since November 2020 and concluded their review on July 6, 2022. ZOC’s final work product on the ZO Rewrite project is a findings and recommendations report based on their review of the first draft zoning ordinance. At the Commission Public Hearing scheduled for August 30, 2022, the Chair and Vice Chair of ZOC will present the findings and recommendations report to the Commission. The ZOC presentation to the Commission marks the conclusion of the committee’s role in the ZO Rewrite project.

Planning Commission Early Look at Draft Text: From December 2021 to June 2022, the Commission has reviewed and provided initial feedback on the following key chapters or sections of the draft zoning ordinance: Zoning Districts, Uses, Overlay Districts, Development Standards,

Parking, Signs, and Attainable Housing. The Commission concluded their early look at draft zoning ordinance text at the June 9, 2022, Commission Work Session.

The next phase of the Commission’s review begins with a special public hearing scheduled for August 30, 2022. Staff is actively preparing a staff-recommended, second draft version of the zoning ordinance for the Commission Public Hearing. The second draft will be informed by input received from the public and all stakeholders during Rounds 1, 2, and 3 of public engagement,² the ZOC findings and recommendations report, and input and direction received from the Commission and TLUC during the early look phase. All comments, suggested edits, and recommendations provided by the ZOC, as well as community groups and the public, will be transmitted to the Commission and Board, and any topics that were especially controversial or that staff did not support during ZOC or Commission deliberations will be brought to the Board’s attention for further discussion.

TLUC Early Look at Draft Text: Since January 2022, staff has been presenting draft zoning ordinance text to TLUC for initial high-level input and direction. TLUC has taken an early look at the following key chapters or sections of the draft zoning ordinance: Uses, Overlay Districts, Parking, Signs, Attainable Housing, and Zoning Districts. As outlined in this item, TLUC will have an opportunity to provide high-level input and direction on Chapter 5 – Development Standards, concluding TLUC’s early look phase.

ZO Rewrite Timeline: Table 1 provides an estimated project timeline for the ZO Rewrite.

Table 1: Upcoming ZO Rewrite Project Milestones	
Project Milestones	Timeframe
Planning Commission Public Hearing(s) and Work Sessions	Fall/Late 2022
Board of Supervisors Public Hearing(s) and Transportation and Land Use Committee Work Sessions	Early 2023
Board of Supervisors Consideration and Adoption	Spring 2023

ISSUES: The outcome of TLUC’s three-part Data Center Discussion Series is expected to impact the ZO Rewrite project timeline. TLUC is considering targeted revisions and potential regulatory approaches (e.g., overlay, nonconforming use provisions, locational design standards) for data center uses throughout Loudoun County. The final discussion in the series is scheduled for July 18, 2022, at which time the Committee is expected to finalize recommendations for the Board’s consideration. Depending on Board direction, potential revisions to data center regulations could occur as part of the established ZO Rewrite project or as a separate Zoning Ordinance Amendment.

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 \$932,000 in identified costs, which includes consultant

² Round 1: Early-Mid 2020. Round 2: Late 2020-Early 2021. Round 3: 90-day public engagement and comment period, April 18 – July 18, 2022.

expenses, salary for the two-year temporary backfill employee, and miscellaneous costs for outreach materials, public noticing, meeting materials, and print and production. Approximately \$700,000 of the \$932,000 has been paid.

ATTACHMENT(S):

1. Draft Chapter 5 – Development Standards³ (April 18, 2022)

³ Due to the consolidation, reorganization, and creation of new development standards, a redline version of Chapter 5 is not available.