

MEMORANDUM

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To: Loudoun County Planning Commission
Zoning Ordinance Rewrite – Uses Subcommittee

From: Judi Birkitt, Deputy Director, Planning and Zoning
Daniel Galindo, Director, Planning and Zoning

Date: May 5, 2023

Re: May 11, 2023, Planning Commission Uses Subcommittee
**ZOAM-2020-0001, Zoning Ordinance Rewrite –
Chapter 3: Uses, Chapter 4: Use-Specific Standards,
and Chapter 12: Definitions**

2011 Election District(s): Countywide

2022 Election District(s): Countywide

PURPOSE: To receive the Planning Commission (Commission) Uses Subcommittee’s (Subcommittee) direction on Chapter 3: Uses, Chapter 4: Use-Specific Standards, and Chapter 12: Definitions, with specific regard to additional revisions that may be needed.

Throughout this memorandum, the term “current Zoning Ordinance” refers to the [Revised 1993 Loudoun County Zoning Ordinance](#). “Draft text” and “draft Zoning Ordinance” refer to the January 5, 2023, version of the Zoning Ordinance being developed as part of the Zoning Ordinance Rewrite (ZO Rewrite), unless otherwise noted. The Commission considered the January 5, 2023, draft at the [January 24, 2023, Public Hearing](#).

DISCUSSION: Below is a discussion outline for the May 11, 2023, Subcommittee Meeting, followed by a discussion of each of these uses to assist the Subcommittee with their deliberations.

1. Bed and Breakfast On-site Management Requirement
2. 4.02.08 and 4.02.09, Single-Family and Multifamily Use-Specific Standards in Town Center (TC) and Transit Related Center (TRC)
3. Marina
4. Use Comparison Table
5. Additional Staff Recommended Quality Control Revisions

In this memo, staff is making a recommendation regarding changes to the draft text (dated January 5, 2023) considered at the January 24, 2023, Commission Public Hearing, to address or respond to Subcommittee comments. Staff seeks the Subcommittee’s direction regarding whether to proceed with these revisions.

Topic 1: Bed and Breakfast On-site Management Requirement:

Public Comment: Staff received feedback from the public on Bed and Breakfast (B&B) regulations. Specifically, the request is to remove the requirement that the B&B owner or manager be always onsite when the B&B is occupied by guests/attendees, and instead, apply the same standard recently adopted for Short-Term Residential Rentals, which requires that the owner or manager respond to a guest/attendee within 30 minutes and be available to be onsite within 60 minutes.

Section 4.03.01, Bed and Breakfast Homestay, Bed and Breakfast Inn, Country Inn, and Rural Resorts, of the draft Zoning Ordinance is largely carryover from the current Zoning Ordinance. Staff would support the requested revision as it is consistent with a recent Court decision and Board of Supervisors (Board) discussion on this topic. Staff also recognizes the challenge of having to always be onsite and that the purpose of the regulation would be met if the owner or manager is always available and could arrive onsite within 60 minutes.

Draft Motion:

I move that the Planning Commission Uses Subcommittee direct staff to revise the use-specific standards for Bed and Breakfast uses, as presented in the May 11, 2023, Planning Commission Uses Subcommittee Work Session Memo OR with the following revisions:

- a. _____; and
- b. _____.

Topic 2: 4.02.08 and 4.02.09, Single-Family and Multifamily Use-Specific Standards:

Commissioner Feedback: A Commissioner requested to discuss the referenced Chapter 4 sections, which pertain to single-family detached and multifamily dwellings in certain urban or mixed-use districts. Specifically, the Commissioner proposed to move these standards to the text of each zoning district rather than have them in Chapter 4. Primarily, these requirements carryover from the current Zoning Ordinance but have been expanded to apply to additional dwelling unit types to ensure walkable, pedestrian-oriented development in the urban and mixed-use districts. Staff does not recommend moving these standards to the text of each zoning district because doing so would be inconsistent with the structure of the draft Zoning Ordinance.

Draft Motion:

I move that the Planning Commission Uses Subcommittee direct staff to make no revisions to Section 4.02.18 and Section 4.02.09, as presented in the May 11, 2023, Planning Commission Uses Subcommittee Work Session Memo OR with the following revisions:

- a. _____; and
- b. _____.

Topic 3: Marina:

Commissioner Feedback: A Commissioner requested to discuss Marina uses. The use is listed as permitted by Special Exception (SPEX) in the Agricultural/Residential-3 (A-3) (Legacy District) and as a SPEX in the Floodplain Overlay District (FOD). These permissions are carryover from the current Zoning Ordinance and reflect the A-3 zoning district’s proximity to the Potomac River. Staff is unaware of issues associated with this use permission and does not recommend eliminating existing permissions without policy direction. The definition of Marina in the draft Zoning Ordinance is provided below for context:

Marina: A facility that includes docks, piers, floats, mooring devices, fingers, stalls, gridirons, canals, a harbormaster structure, or other appurtenances designed and used to secure, store, service, fuel, berth, and launch ships, barges, boats, vessels, and other watercraft used to provide water transportation of cargo or passengers. This may include the sale of fuel and incidental supplies for boat owners, crews, and guests, servicing and repair of boats, and sale and charter of boats. Examples include pier, dock, wharf, or jetty facilities including port and harbor terminals, marine cargo handling and dry dock services, port warehouses, and port fuel facilities. This definition applies whether or not the Marina/Port is available for use by the general public.

Draft Motion:

I move that the Planning Commission Uses Subcommittee direct staff to make no changes to Marina regulations, as presented in the May 11, 2023, Planning Commission Uses Subcommittee Work Session Memo OR with the following revisions:

- a. _____; and
- b. _____.

Topic 4: Use Comparison Table:

Attachment 1 depicts a comparison between use names and use permissions in the current Zoning Ordinance and the draft Zoning Ordinance. This is an informational item provided for discussion purposes. Staff seeks Commission direction on changes to proposed use permissions in the draft Zoning Ordinance.

Draft Motion:

(If needed) I move that the Planning Commission Uses Subcommittee direct staff to change the following use permissions:

- a. _____; and
- b. _____.

Topic 5: Additional Staff Recommended Quality Control Revisions:

Staff’s continued internal quality control review results in other recommended revisions to the draft Zoning Ordinance. 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. In other instances, regulations with known administrative complications due to unclear language that were carried over from the current Zoning Ordinance have been revised for clarity. For a detailed list of staff recommended quality control revisions, refer to Attachment 2.

Draft Motion:

I move that the Planning Commission Uses Subcommittee direct staff to revise regulations as presented in Attachment 2 to the May 11, 2023, Planning Commission Uses Subcommittee Work Session Memo OR with the following revisions:

- a. _____; and
- b. _____.

ATTACHMENTS

1. Use Comparison Table
2. Additional Staff Recommended Quality Control Revisions