

**PLANNING COMMISSION
PUBLIC HEARING
STAFF REPORT**

SUBJECT: ZOAM-2020-0001, Zoning Ordinance Rewrite

ELECTION DISTRICT(S): Countywide

STAFF CONTACT(S): Judi Birkitt, Deputy Director, Planning and Zoning
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PURPOSE: To hold a Public Hearing on the following portions of the draft Zoning Ordinance: Chapter 1: Introduction, Chapter 2: Zoning Districts, Chapter 3: Uses, Chapter 4: Use-Specific Standards, Chapter 5: Overlay Districts, Chapter 6: Natural and Environmental Resources, Section 7.02 Open Space, Chapter 9: Attainable Housing, and Chapter 11: Procedures – Additional Requirements.

Throughout this staff report, the term “current Zoning Ordinance” refers to the [Revised 1993 Zoning Ordinance](#). “Draft text” and “draft Zoning Ordinance” refer to the January 2023 version of the Zoning Ordinance being developed as part of the Zoning Ordinance Rewrite (ZO Rewrite) project (Attachments 1 and 2).

RECOMMENDATION(S): Staff recommends the Planning Commission (Commission) forward ZOAM-2020-0001, Zoning Ordinance Rewrite, to a Work Session for further discussion.

BACKGROUND: The Zoning Ordinance regulates land use in Loudoun County and promotes orderly growth, development, and redevelopment, as well as the health, safety, and general welfare of the public. The Zoning Ordinance is the primary implementation tool for the [Loudoun County 2019 Comprehensive Plan](#), specifically its components, the *2019 General Plan* (2019 GP) and the *2019 Countywide Transportation Plan* (2019 CTP). The Zoning Ordinance is a *regulatory* document, whereas the Comprehensive Plan is a *policy* document that represents the community’s long-term vision and provides guidance for governmental decision-makers.

The last comprehensive update of the Zoning Ordinance occurred in 2003. The ZO Rewrite project aims to rewrite the Zoning Ordinance to establish consistency between the County’s regulatory

and policy documents. The Board of Supervisors (Board) endorsed (8-0-1: Meyer absent) the ZO Rewrite Project Plan on September 19, 2019¹ and approved (8-0-1: Briskman absent) the Resolution of Intent to Amend the Zoning Ordinance (ROIA)² on November 16, 2021. The Project Plan and Resolution of Intent to Amend (ROIA) describe the Board’s intent to rewrite the Zoning Ordinance to implement the 2019 CP, modernize land uses and definitions, improve document consistency and structure, improve the legislative application review process, offer more administrative review processes, make improvements based on public input, and incorporate changes based upon revisions to the Code of Virginia.³

The Planning Commission (Commission) held a Public Hearing on August 30, 2022, on a portion of the draft Zoning Ordinance. The January 24, 2023, Commission Public Hearing covers the remaining portions of the draft Zoning Ordinance, as noted in Table 1.

Table 1. Planning Commission Public Hearing Topics	
August 30, 2022 Commission Public Hearing Topics	January 24, 2023 Commission Public Hearing Topics
Chapter 7: Development Standards Chapter 8: Signs Chapter 10: Nonconformities and Adaptive Reuse (Adaptive Reuse is now § 4.09) Chapter 11: Procedures Chapter 12: Officials, Boards and Commissions Chapter 13: Definitions and Rules of Interpretation Appendix B (now A): Acronyms Appendix C (now B): Land Development Application Fees	Chapter 1: Introduction Chapter 2: Zoning Districts Chapter 3: Uses Chapter 4: Use-Specific Standards Chapter 5: Overlay Districts Chapter 6: Natural and Environmental Resources § 7.02 Open Space Chapter 9: Attainable Housing Chapter 11: Procedures – Additional Requirements (§§ 11.10.06, 11.10.07, 11.10.09)

Since the August 30, 2022, Commission Public Hearing, staff have continued to refine draft text to respond to public comment and Commission direction received during six Work Sessions including a Parking Subcommittee meeting. Further, staff provided the Commission previews of the Chapters being considered at the January 24, 2023, Public Hearing, except for overlay districts in Chapter 5: Overlay Districts with minimal changes and the recently drafted Additional Requirements in §§ 11.10.06, 11.10.07, and 11.10.09 of Chapter 11: Procedures.

The Commission is anticipated to finalize review of the draft Zoning Ordinance in late February/early March 2023, and forward the draft Zoning Ordinance to the Board for

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

² [November 16, 2021, Board Business Meeting Item 07 – Zoning Ordinance Rewrite ROIA](#)

³ For additional background on the ZO Rewrite, including Zoning Ordinance Committee (ZOC) involvement and recommendations, and public engagement and participation, please see the [August 30, 2022, Commission Public Hearing staff report](#).

consideration. Commission Work Sessions are currently scheduled for February 9 and February 25.

Stand-Alone ZOAMs: The Commission and Board are currently considering the independent Zoning Ordinance Amendments (ZOAM) below. Each ZOAM has been advertised separately from the draft Zoning Ordinance, with separate Public Hearings. Upon Board adoption of the ZOAMs, the approved text will be incorporated into the draft Zoning Ordinance. Therefore, these ZOAMs have also been advertised for the January 24, 2023, Commission Public Hearing. For additional information, see loudoun.gov/zoningordinancerewrite.

- **ZOAM-2020-0002, Prime Agricultural Soil and Cluster Subdivision:** Amends the regulations for the Cluster Subdivision Option in the Agricultural Rural-1 (AR-1) and Agricultural Rural-2 (AR-2) Zoning Districts to protect Prime Farmland Soils. Following the [January 12, 2023, Commission Work Session](#), this item was forwarded to another Work Session (meeting date to be determined).
- **ZOAM-2018-0001, Short Term Residential Rentals:** Establishes two new short-term residential rental uses with use-specific standards and specifies the Zoning Districts in which allowed. Following the [January 11, 2023, Board Public Hearing](#), the Board sent this item to the February 22, 2023, Transportation and Land Use Committee (TLUC) meeting.
- **ZOAM-2021-0002, Airport Impact Overlay District:** Amends regulations and definitions for the Airport Impact Overlay District (AIOD), to implement the 2019 Washington Dulles International Airport Aircraft Noise Contour Map Update. The Board approved the amendments at the [January 17, 2023, Board Business Meeting](#).
- **ZOAM-2022-0002, Dulles Airport Solar Project:** Amends the Planned Development/General Industrial (PD-GI) Zoning District regulations to add “Utility generating plant and transmission facility, ground-mounted solar energy generation facility only” as a permitted use subject to new use limitations. The Board approved this ZOAM at the [December 6, 2022, Board Business Meeting](#).

Key Change Matrix: Beginning with the August 30, 2022, Commission Public Hearing, staff have been maintaining a Key Change Matrix. The Key Change Matrix summarizes the “key” differences between the existing provisions in the current Zoning Ordinance and the draft Zoning Ordinance provisions, the reason for the change, findings and recommendations from the Zoning Ordinance Committee (ZOC), public input themes from [Public Comments](#), Commission direction, and staff’s recommendation. Key differences are major changes with potential impacts to stakeholders or of topics of public interest. Refer to Attachment 3 for the most recent version.

Note this report includes public input themes for the chapters under consideration at the January 24, 2023, Commission Public Hearing. In this report, staff provides responses only to public input themes that are not related to a key change in the draft Zoning Ordinance. Staff responses to public input themes related to a key change are included in the Key Change Matrix.

STAFF RECOMMENDED DRAFT ZONING ORDINANCE

Chapter 1: Introduction

Draft Chapter 1 largely carries forward language from the current Zoning Ordinance (§§ 1-103 (Application of Ordinance), 1-300 (Zoning Map and District Boundaries, and 6-407 (Map Interpretations and Boundary Determinations) regarding how to apply and interpret the Zoning Ordinance text, Zoning District and Overlay District boundaries, and other mapped features that are subject to the Zoning Ordinance. Noteworthy highlights in the draft text include the following:

- *Official Zoning Map.* Draft text clarifies the official Zoning Map is the County mapping data in digital form as displayed on [WebLogis](#) and publicly available County GIS data.
- *Route 28 Tax District.* Draft text (§ 1.02.K and §1.02.L) confirms that commercial or industrial property in the Route 28 Tax District that has a prior approved Zoning Map Amendment (ZMAP) or Zoning Conversion Route 28 Tax District (ZRTD) or that previously elected to waive Route 28 Tax District protections may develop in accordance with applicable vested rights under the Code of Virginia.
- *Condominium Projects.* A new provision (§ 1.02.N.) clarifies an existing point of confusion by confirming single-family detached and attached dwelling condominium projects are subject to the same District Dimensional Standards and Transportation regulations as physically identical projects under a different form of ownership.

Public Comment Themes: Public comment themes for Chapter 1 include the following:

- Maintain protections for owners in the Route 28 Tax District who are subject to the 1972 Zoning Ordinance. *Staff response:* These protections are explicitly maintained in draft text.
- Clarify how the new Zoning Ordinance will impact approved and pending applications. *Staff response:* The draft text confirms that where there is a conflict between an approved application and the new Zoning Ordinance, the approved application will prevail. The new Zoning Ordinance will apply to all pending applications unless the Board establishes grandfathering provisions in a resolution when adopting the new Zoning Ordinance (§ 1.02.G). The Commission may wish to make a recommendation regarding grandfathering. Staff plans to discuss this topic in more depth at the February 25, 2023, Commission Work Session.

Chapter 2: Zoning Districts

A primary goal of the ZO Rewrite is to implement the 2019 GP. As such, Chapter 2: Zoning Districts groups Zoning Districts by 2019 GP Policy Area: Urban (§2.01), Suburban (§2.02), Transition (§2.03), Rural (§2.04), and Joint Land Management (§2.05). The Chapter also includes a Countywide Zoning Districts Section (§2.06) to accommodate existing Zoning Districts that will continue to apply in more than one policy area.

Since the April 2022, 90-day comment period, the approach to Zoning Districts has been adjusted. The April draft proposed remapping and renaming many Zoning Districts to correspond to Place Types in the 2019 GP. Currently, no remapping is recommended as part of the ZO Rewrite project.

The new approach aligns the current Zoning Districts in the Revised 1993 Zoning Ordinance with the 2019 GP Place Types when possible and results in four categories of Zoning Districts in the draft Zoning Ordinance: Retained, Retained and Renamed, New, and Legacy, as outlined in the [December 8, 2022 Commission Work Session Item 2 Memorandum](#).

Retained Zoning Districts. The draft Zoning Ordinance includes 17 retained Zoning Districts currently in the Revised 1993 Zoning Ordinance. The retained Zoning Districts closely resemble 2019 GP Place Types but are revised to better realize the development patterns and housing attainability envisioned in the 2019 GP, as well as to improve implementation of the Zoning Ordinance. Permitted residential density in retained Zoning Districts has not been changed from the current Zoning Ordinance. Permitted nonresidential floor area ratio (FAR) has not been reduced except for one Zoning District, Town Center (TC) (formerly Planned Development-Town Center (PD-TC)), where the FAR has been reduced from no maximum FAR to 1.0 maximum FAR. This new FAR limitation in the TC Zoning District will only apply to projects approved after the adoption date of the draft Zoning Ordinance.

Retained and Renamed Zoning Districts. Of the 17 retained Zoning Districts, eight Zoning Districts are also renamed. Primarily, “Planned Development” or “PD” has been removed from the name to streamline retained Zoning Districts.

New Zoning Districts. Staff developed nine new Zoning Districts; eight to implement new planned land uses in the 2019 GP, as no Zoning District in the current Zoning Ordinance correlated to a Place Type, and one to provide an option for a negotiated development scheme. The eight new Zoning District names mirror the Place Type names to indicate which Place Type a Zoning District is implementing. The ninth new Zoning District is a Planned Unit Development (PUD) Zoning District. No land in Loudoun County is currently zoned as one of these new Zoning Districts nor would be automatically zoned (i.e., remapped) to one of these districts upon Board adoption of the draft Zoning Ordinance. For a property to be zoned one of these new Zoning Districts, a property owner would need to request a ZMAP application to be rezoned to one of these districts.

Lastly, considering the Board’s direction at the [September 20, 2022, Business Meeting](#) to address data centers near residential development, a tenth new Zoning District may be developed. This direction includes initiating a Comprehensive Plan Amendment (CPAM) to revise the boundaries of the Suburban Mixed Use, Suburban Neighborhood, and Suburban Compact Neighborhood Place Types, as appropriate, to remove existing data centers from these Place Types. Upon adoption of the CPAM, a new employment-based Zoning District that precludes data centers in these Place Types would be developed. At a minimum, this new Zoning District would replace the Planned Development/Office Park (PD-OP), Planned Development/Industrial Park (PD-IP), and Planned Development/Research Development Park (PD-RDP) Zoning Districts in the Suburban Mixed Use, Suburban Neighborhood, and Suburban Compact Neighborhood Place Types and will likely result in remapping these properties. This Zoning Ordinance Amendment (ZOAM) will not be incorporated into the ZOR due to the time necessary to complete the CPAM, including a Public Hearing requirement. The CPAM is currently planned to begin in the summer of 2023.

Use specific standards for data centers that address building design, screening and other site features have been developed and are included in the revised regulations as discussed on Page 19 of this staff report.

Legacy Zoning Districts. For existing Zoning Districts that do not align with the Place Types in the 2019 GP, staff recommends retaining such districts as Legacy Zoning Districts. Staff identified 26 Legacy Zoning Districts. Legacy Zoning Districts are intended to protect previously approved projects. They will also allow the County to continue implementing Zoning Districts that exist prior to adoption of the Draft Zoning Ordinance, avoiding the need to maintain more than one Zoning Ordinance. All Legacy Zoning Districts may continue as they exist within their current boundaries. Legacy Zoning Districts subject to an approved rezoning will be able to continue building out according to their concept development plans and proffers, as well as undertake Zoning Concept Plan Amendments (ZCPA) that would allow additional uses, rearrange a site layout, and increase approved residential density or FAR to the maximum allowed by the Legacy Zoning District. Legacy Zoning Districts include new regulations prohibiting the expansion of such districts beyond their current boundaries. The long-range goal is for Legacy Districts to phase out over time as property owners choose to rezone to a different Zoning District in the draft Zoning Ordinance that implement the 2019 GP. When or if a property owner proposes to rezone a property within a Legacy District, it should be to a Zoning District that is consistent with the property's associated Place Type.

There are three primary reasons for Legacy Zoning Districts:

- A district may be the result of a proffered rezoning that does not easily translate to or implement a 2019 GP Place Type. Examples include Planned Development-Active Adult Age Restricted (PD-AAAR), Planned Development-Special Activity (PD-SA), Planned Development-Commercial Center (Small Regional Center) (PD-CC(SC)), and Planned Development-Commercial Center (Regional Center) (PD-CC(RC)). In these cases, several 2019 GP Place Types accommodate the age restricted, active adult uses allowed in the PD-AAAR Zoning District and special activity uses allowed in the PD-SA Zoning District, while no Place Type anticipates the scale of commercial development permitted in the PD-CC(SC) or PD-CC(RC) Zoning Districts.
- The permitted density in the current Zoning Ordinance is lower than that envisioned by the Place Type in the 2019 GP, such as Single Family Residential (R-1, R-2, R-3) in the Suburban Policy Area. In this case, rezoning to a Zoning District that implements the density envisioned in the Place Types of the 2019 GP is anticipated.
- A Zoning District is obsolete, has limited area or properties subject to the district, does not implement the 2019 GP, and/or another retained district better implements an associated Place Type. Examples of these districts include Transitional Residential-2 (TR-2), General Business (GB), Agricultural Residential (A-3), Joint Land Management Area-20 (JLMA-20), and Planned Development-Mixed Use Business (PD-MUB). In these cases, there is limited TR-2, A-3, or JLMA-20 land and no Place Type that supports these Zoning Districts. There is also limited GB or PD-MUB land, and new or renamed and retained Zoning Districts would better implement the 2019 GP Place Types.

Retired Zoning District. The draft Zoning Ordinance also does not include the Planned Development-Countryside Village (PD-CV) Zoning District, which is an unmapped Zoning District in the Revised 1993 Zoning Ordinance. This district will be retired, as no property has ever been remapped to this district.

Zoning Districts by policy area Section, noting the Zoning District, associated Place Type, and approach for each, as well as substantial changes and public comment themes for each Section are further discussed below. A more detailed list of draft changes to Zoning Districts, compared to the Revised 1993 Zoning Ordinance, is included in Attachment 4.

Urban Policy Area Zoning Districts (§ 2.01): The Urban Policy Area (UPA) Zoning Districts implement the UPA Place Types in the 2019 GP. There are two UPA Zoning Districts. Table 2 shows the UPA Zoning Districts and the associated Place Types, as well as the Zoning District approach.

Section Reference	Draft Zoning District Draft Zoning Ordinance	Place Type 2019 General Plan	Zoning District Approach
2.01.01	Transit Related Center (TRC) <i>Formerly Planned Development- Transit Related Center (PD-TRC)</i>	Urban Transit Center (Inner and Outer Core) Urban Mixed Use (Transit Designed Supportive Area (TDSA))	Retained and Renamed
2.01.02	Urban Employment (UE) <i>Formerly Planned Development- Transit Related Unemployment Center (PD-TREC)</i> <i>(No property mapped to this district)</i>	Urban Employment	Retained and Renamed

Public Comment Themes: Staff received public comments on the following major themes regarding the UPA Zoning Districts draft text.

- Confusion about how the Urban Transit Center Place Type along the Fairfax County line would be accommodated. *Staff response:* The Location requirements for the Inner and Outer Core Subareas in the Urban Transit Center Place Type have been revised for better consistency with the Urban Transit Center Place Type.
- Minimum district size for TRC district is unnecessary.
- Define and provide flexibility for Inner Core focal point requirement.
- Minimum height and minimum FAR regulations are too restrictive and should be avoided and allow market dynamics to guide development outcomes. Eliminate minimum building heights for individual buildings if targeted FAR is met.
- Incentivized FAR increase from 1.5 FAR to 2.0 FAR in the TDSA of the TRC district that focuses on energy efficiency and housing affordability is not enough.

- Energy efficiency standards for FAR increase in the TC district can be improved.
- Vertically mixed-use building requirements should be avoided and allow market dynamics to guide development outcomes.
- The required mix of uses is too high.
- In TRC, block lengths are too restrictive and do not allow for site constraints. Other jurisdictions allow longer block lengths if there are mid-block pedestrian connections.
- Regulations to achieve pedestrian-oriented building and site design, pedestrian and road network connectivity are overly prescriptive, confusing, and unenforceable.

Suburban Policy Area Zoning Districts (§ 2.02): The Suburban Policy Area (SPA) Zoning Districts include five new and three retained and renamed Zoning Districts, as well as 16 Legacy Zoning Districts.

Section Reference	Draft Zoning District Draft Zoning Ordinance	Place Type 2019 General Plan	Zoning District Approach
2.02.01	Suburban Neighborhood-4, -6 (SN-4, SN-6)	Suburban Neighborhood	New
2.02.02	Suburban Compact Neighborhood-8, -16, -24 (SCN-8, SCN-16, SCN-24)	Suburban Compact Neighborhood Suburban Mixed Use	New
2.02.03	Town Center (TC) <i>Formerly Planned Development-Town Center (PD-TC)</i>	Suburban Mixed Use	Retained and Renamed
2.02.04	Commercial Center-Neighborhood Center (CC-NC) and Commercial Center- Community Center (CC-CC) <i>Formerly Planned Development-Commercial Center (Neighborhood Center) and Commercial Center (Community Center) (PD- CC(NC)) and PD-CC(CC))</i>	Suburban Commercial Suburban Neighborhood Suburban Compact Neighborhood	Retained and Renamed
2.02.05.01	Single Family Residential-1, -2, 3 (R-1, R-2, R-3)	N/A	Legacy
2.02.05.02	Single Family Residential-4 (R-4)	N/A	Legacy
2.02.05.03	Single Family Residential-8 (R-8)	N/A	Legacy
2.02.05.04	Townhouse/Multifamily Residential-16 (R-16)	N/A	Legacy
2.02.05.05	Multifamily Residential-24 (R-24)	N/A	Legacy
2.02.05.06	Planned Development-Housing (PD-H)	N/A	Legacy
2.02.05.07	Planned Development-Commercial Center (Small Regional Center) (PD-CC(SC)) and Commercial Center (Regional Center) (PD-CC(RC))	N/A	Legacy

Section Reference	Draft Zoning District Draft Zoning Ordinance	Place Type 2019 General Plan	Zoning District Approach
2.02.05.08	Planned Development-Research and Development Park (PD-RDP)	N/A	Legacy
2.02.05.09	Planned Development-Special Activity (PD-SA)	N/A	Legacy
2.02.05.10	Planned Development-Active Adult/Age Restricted (PD-AAAR)	N/A	Legacy
2.02.05.11	Planned Development-Mixed Use Business (PD-MUB)	N/A	Legacy
2.02.05.12	General Business (GB)	N/A	Legacy
2.02.05.13	Commercial Light Industry (CLI)*	N/A	Legacy

*Draft text inadvertently refers to Commercial Light Industrial. This will be corrected to Commercial Light Industry going forward.

Public Comment Themes: Staff received public comments on the following SPA Zoning District major themes:

- Eliminate the requirement that garages be located 10 feet behind the front of residential units in the SN Zoning District.
- Increase the permitted height in the SN and SCN Zoning Districts.
- Reconsider lot sizes and unit mix requirements in the SN and SCN Zoning Districts.
- Pedestrian, bicycle, and road network requirements in SN and SCN are too prescriptive.
- Multifamily attached (MFA) and multifamily stacked (MFS) should be treated equitably in the TC and SCN district.
- Vertically mixed-use building and mix of use requirements should be avoided and allow market dynamics to guide development outcomes.
- Increase yard, use size, and building location requirements in Commercial Center (CC) districts. Reduce the yard adjacent to residential or agriculture to 15 feet.

Transition Policy Area Zoning Districts (§ 2.03): The Transition Policy Area (TPA) Zoning Districts include three new and three retained Zoning Districts, as well as 1 Legacy Zoning District (Table 4).

Section Reference	Draft Zoning District Draft Zoning Ordinance	Place Type 2019 General Plan	Zoning District Approach
2.03.01	Transitional Residential-1, -3, -10 (TR-1, TR-3, TR-10)	Transition Large Lot Neighborhood	Retained
2.03.02	Transition Small Lot Neighborhood (TSN)	Transition Small Lot Neighborhood	New

2.03.03	Transition Compact Neighborhood (TCN)	Transition Compact Neighborhood	New
2.03.04	Transition Community Center (TCC)	Transition Community Center	New
2.03.05.01	Transitional Residential (TR-2)	N/A	Legacy

Public Comment Themes: Staff received the following public comment themes for this topic.

- Require open space to be contiguous to supplement and connect natural resources in TPA Zoning Districts.
- Maximum height in TPA Zoning Districts is too low.
- Require minimum lot size in TR-1, TR-3, and TR-10 to ensure function as a transition between the Rural Policy Area (RPA) and the SPA is achieved.
- Permitted mix of uses in TR should be 100% residential.
- For public/civic space requirements in the TCC Zoning District, nonresidential uses should be allowed to occupy 100% of the floor area; small sites may not be able to provide 5% public/civic space.
- Maximum yards in TCC are too restrictive and do not allow parking in the front, side, or rear.

Rural Policy Area Zoning Districts (§ 2.04): The RPA Zoning Districts are largely unchanged and include two retained and eight Legacy Zoning Districts (Table 5). The AR-1 and AR-2 Zoning Districts implement the Agricultural Rural North and Agricultural Rural South Place Types, respectively. The Countryside Residential (CR) and Rural Commercial (RC) Zoning Districts primarily apply in the Rural Historic Village Place Type. They are retained as Legacy Zoning Districts until the County undertakes small area plans to guide development of Zoning District regulations for each village that will result in a development pattern consistent with the associated village.

The A-3, A-10, and Planned Development-Rural Village (PD-RV) Zoning Districts, as well as the RC district outside the Rural Historic Village Place Type, represent limited areas in the RPA and are included as Legacy Zoning Districts to protect previously approved rezonings and properties with permitted residential density that is not consistent with the 2019 GP.

The RPA Zoning Districts also include the Rural Hamlet Development Option standards in the Legacy Zoning District subsection. Like the Legacy Zoning Districts, these development option regulations are retained to continue to implement existing Rural Hamlets in the AR, A-3, and A-10 Zoning Districts. Identified as Section 2.04.03.06 in the draft Zoning Ordinance attached to this item, the section has been moved to Section 7.01 in the Development Standards chapter, since this is a more appropriate location for the Rural Hamlet Development Options section.

Table 5. Rural Policy Area Zoning Districts in the Draft Zoning Ordinance
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Section Reference	Draft Zoning District Draft Zoning Ordinance	Place Type 2019 General Plan	Zoning District Approach
2.04.01	Agricultural Rural-1 (AR-1)	Agricultural Rural North	Retained
2.04.02	Agricultural Rural-2 (AR-2)	Agricultural Rural South	Retained
2.04.03.01	Agricultural (A-10)	N/A	Legacy
2.04.03.02	Agricultural Residential (A-3)	N/A	Legacy
2.04.03.03	Countryside Residential-1, -2, -3, -4 (CR-1, CR-2, CR-3, CR-4)	N/A	Legacy
2.04.03.04	Rural Commercial (RC)	N/A	Legacy
2.04.03.05	Planned Development-Rural Village (PD-RV)	N/A	Legacy

Public Comment Themes: Staff received public comments on the following RPA Zoning District major themes.

- Limit residential density and cluster subdivisions in the AR Zoning Districts. *Staff response:* The residential density in the AR-1 and AR-2 Zoning Districts is not changing. The Base Density Division and Cluster Subdivision Options are consistent with the Agricultural Rural North and Agricultural Rural South Place Types of the 2019 GP.
- Right to Farm should supersede Homeowners Association(s) (HOA) covenants limiting farm activities. *Staff response:* The Right to Farm language in the draft Zoning Ordinance is retained (§ 2.03.01.G and §2.03.02). The Right to Farm Act places restrictions on the County’s ability to regulate agriculture in agricultural Zoning Districts. It does not place any restrictions on private covenants, nor authorize the County to do so.
- Limit residential density and cluster subdivisions in the CR Zoning District. The intent and compatibility of cluster subdivision options in CR Zoning District does not seem consistent with the small, compact, pedestrian-oriented scale of rural villages.
- Prioritize pedestrian and bicycle safety in CR Zoning District in rural villages. *Staff response:* Zoning Districts in the Rural Historic Village Place Type of the 2019 GP are not being substantially revised until the development of small area plans for the Rural Historic Villages. At this time, requirements for pedestrian facilities would be developed based on the existing development pattern in the individual village.

Joint Land Management Area Zoning Districts (§ 2.05): The JLMA Zoning Districts are largely unchanged and include three retained and one Legacy Zoning District (Table 6). The JLMA-1, JLMA-2, and JLMA-3 Zoning Districts are retained to implement the Purcellville JLMA Rural Neighborhood, Western JLMA Neighborhood, and Leesburg JLMA Residential Neighborhood Place Types of the 2019 GP. The JLMA-20 Zoning District represents a limited area in the Leesburg JLMA and is included as a Legacy Zoning District to allow properties with this zoning to continue to develop as currently permitted until a property owner may request to rezone to a district that is consistent with the 2019 GP.

Table 6. Joint Land Management Area Zoning Districts in the Draft Zoning Ordinance

Section Reference	Draft Zoning District Draft Zoning Ordinance	Place Type 2019 General Plan	Zoning District Approach
2.05.01	Joint Land Management Area-1, 2, 3 (JLMA-1, JLMA-2, JLMA-3)	-Purcellville JLMA Rural Neighborhood -Western JLMA Neighborhood -Leesburg JLMA Residential Neighborhood	Retained
2.05.02.01	Joint Land Management Area-20 (JLMA-20)	N/A	Legacy

Public Comment Themes: Staff received public comments on the following JLMA Zoning Districts major themes.

- Decrease residential density and increase minimum residential lot sizes in JLMA-3 to encourage agricultural uses.
- Remove prescriptive and inflexible requirements, including block length and road network requirements.

Countywide Zoning Districts (§ 2.06): Of the 17 retained Zoning Districts, four are designated as Countywide Zoning Districts and accommodate existing Zoning Districts that are intended to apply in more than one policy area. These Zoning Districts are associated primarily with nonresidential employment, industrial, and mineral extraction Place Types in the Suburban, Transition, and Leesburg JLMA Policy Areas. The phrase “Planned Development” or “PD” was removed from the three retained and renamed Zoning Districts.

Section Reference	Draft Zoning District Draft Zoning Ordinance	Place Type 2019 General Plan	Zoning District Approach
2.06.01	Office Park (OP) <i>Formerly Planned Development-Office Park (PD-OP)</i>	Suburban Employment Transition Light Industrial Leesburg JLMA Employment	Retained and Renamed
2.06.02	Industrial Park (IP) <i>Formerly Planned Development-Industrial Park (PD-IP)</i>	Suburban Employment Suburban Industrial/Mineral Extraction Transition Light Industrial Transition Industrial/Mineral Extraction Leesburg JLMA Employment Leesburg JLMA Industrial/Mineral Extraction	Retained and Renamed

2.06.03	General Industry (GI) <i>Formerly Planned Development-General Industry (PD-GI)</i>	Suburban Industrial/Mineral Extraction Transition Industrial/Mineral Extraction Leesburg JLMA Industrial/Mineral Extraction	Retained and Renamed
2.06.04	Mineral Resource-Heavy Industry (MR-HI)	Suburban Industrial/Mineral Extraction Transition Industrial/Mineral Extraction Leesburg JLMA Industrial/Mineral Extraction	Retained

Public Comment Themes: Staff received public comments on the following Countywide Zoning District major themes. After the 90-day public comment period, proposed Employment, Industrial, and Mineral Extraction Zoning Districts that applied to specific Place Types were revised. These Place Types are now proposed to be implemented by renamed and retained OP, IP, GI, and MR-HI Zoning Districts.

- Proposed Zoning Districts should not be required to be consistent with the location of corresponding Place Types identified in the 2019 GP. *Staff response:* The Revised 1993 Zoning Ordinance includes regulations that require location of the PD-OP, PD-IP, PD-GI, and MR-HI Zoning Districts to be consistent with the Comprehensive Plan. A similar requirement is included in all Zoning Districts under the Location requirement, but it has been revised for consistency, clarity, and implementation of the 2019 GP.
- Permit employment and industrial uses and office parks to be served by private roads. *Staff response:* The requirement that OP, IP, GI, and MR-HI be accessed by public roads has not changed from the Revised 1993 Zoning Ordinance. The CTP indicates that Virginia Department of Transportation (VDOT) advises against private streets for new development because of concerns related to maintenance, connectivity of the road network, and consistent design standards. A PUD (discussed below) may request the use of private roads.
- Road Network requirements should not include a requirement to provide blocks with certain lengths between intersections and must consider larger footprint data centers. *Staff response:* The Road Network requirements have been retained in § 7.07.02 but allow a variety of road patterns and a range of block lengths (or distance between intersections) that implement specified block length and street pattern Design Characteristics in the Place Types implemented by the OP, IP, GI, and MR-HI Zoning Districts. Additionally, the applicable Suburban Policy Area place types acknowledge the need for larger format uses, and the OP, IP, GI, and MR-HI Zoning Districts exempt data centers and extractive industry uses from the requirement.
- Pedestrian and Bicycle Network requirements should not apply to the Countywide Zoning Districts since these districts are more separated, have individual parcels, or are in industrial areas.

Planned Unit Development Zoning District (§ 2.07): The PUD Zoning District is a new Zoning District that will provide an option for a negotiated development scheme that meets the following standards:

- The PUD Zoning District cannot be located in the Rural Policy Area.

- The minimum size of any PUD is 20 acres.
- The PUD can only be established through a Zoning Map Amendment and must meet additional requirements (see discussion of § 11.10.09 below).
- Each PUD may include any use permitted in the Place Type underlying the proposed site.

The PUD Zoning District will also be limited to development proposals that implement the 2019 GP with a unique or innovative approach. Since the 90-day public comment period, the PUD District has been revised so that it does not modify a base Zoning District.

Chapter 3: Uses

Chapter 3: Uses specifies what uses are permitted in what Zoning Districts and whether the uses are permitted by-right, Minor Special Exception (SPMI), or Special Exception (SPEX)⁴. Chapter 3 consolidates the lists of uses from the text of each Zoning District Section into one Chapter organized into four Sections: 3.01 Uses Generally, 3.02 Use Tables, 3.03 Accessory Uses, and 3.04 Temporary Uses.

Below are considerations for Chapter 3: Uses:

1. If a use is currently permitted in the Revised 1993 Zoning Ordinance, it should continue to be permitted under draft text, with a few exceptions as noted below.
2. The names of many uses have changed or become simplified. This does not mean the use allowance has changed.
3. Adding or eliminating a land use allowance requires consideration of the entire Zoning District, not specific locations within the County.
4. Where use listings in the current Zoning Ordinance include standards, the standards have been moved to § 3.03 Accessory Uses, Chapter 4: Use-Specific Standards, or another appropriate Section of the Draft Zoning Ordinance.
5. Staff anticipates continued refinement of the draft text as it is reviewed and as discussions ensue at future Commission Work Sessions.
6. Key changes are discussed below and in the Key Change Matrix.

Use Tables (§ 3.02): Section 3.02 provides the lists of permitted uses in tabular format for ease of use, organized by 2019 GP Policy Area Zoning District, as listed below:

- 3.02.01 Urban and Suburban Policy Area Zoning Districts
- 3.02.02 Legacy Suburban Policy Area Zoning Districts
- 3.02.03 Transition, Rural, and JLMA Policy Area Zoning Districts
- 3.02.04 Legacy Transition, Rural, and JLMA Policy Area Zoning Districts
- 3.02.05 Countywide Zoning Districts

Use Names. Names of certain uses have been simplified to minimize redundancy and conflicting language. In the current Zoning Ordinance, certain uses are named differently in different Zoning

⁴ Permitted by-right means the use is subject to administrative review by staff and will be approved by staff when all applicable regulations are met. SPMI uses require one Board Public Hearing and SPEX uses require both a Commission Public Hearing and a Board Public Hearing. SPMI and SPEX uses are approved by the Board and are subject to the imposition of conditions of approval.

Districts, and all the various ways to phrase a use are not currently defined, which leads to confusion. The simplification of use names is proposed without changing the actual use permissions. A “crosswalk” document that compares Revised 1993 Zoning Ordinance terminology to the proposed draft text terminology is in Attachment 5 to the staff report, to track how the use names have changed.

Adjustments to Address Policy and Administrative Issues. Compared to the current Zoning Ordinance, draft text includes the changes to use permissions noted below:

- Remove *Cohousing* as a use permitted in the AR-1 and AR-2 Zoning Districts to address an ongoing administrative issue and a policy concern.
- Remove *Magazine contained explosives facility* as a use permitted by SPEX in the A-3 Zoning District to address a policy concern as this use is too intensive for this rural district. (This use is not proposed to be allowed in any Zoning District.)
- Remove *Dwelling, single-family detached* and *Dwelling, single-family attached* as uses permitted in the TRC Outer Core Subarea to implement a policy within the 2019 GP that promotes more density near transit.
- Remove *Car wash, accessory to convenience store*, in the TRC and Research and Development Park (RDP) Zoning Districts, to promote more pedestrian-oriented uses.
- Remove *Retail sales accessory to residential* in the PD-RV Zoning District and instead address this use as a Home Occupation.
- *Auxiliary uses* in the OP, IP, GI, and CLI districts are reclassified as permitted uses for clarity and consistency.

New Additions to Promote Housing Attainability. Draft text newly incorporates the Revised 1993 Zoning Ordinance Affordable Dwelling Unit (ADU) development standards to promote housing options and attainability, as noted below:

- Add *Dwelling, single-family attached* as a use permitted in the R-2, R-3, and R-4 Zoning Districts, not to exceed 35% of the total number of dwelling units in a development.
- Add *Dwelling, multifamily* as a use permitted in the R-8 Zoning District, not to exceed 50% of the total number of dwelling units in a development.

New Use Allowances. Draft text adds the following new uses to respond to public comment and to address new industries. Staff recommends these changes, as uses with similar impacts are also permitted in the same Zoning Districts, and where pertinent, the uses are regulated by use-specific standards in Chapter 4 that address common impacts. Note that permitted uses in entirely new Zoning Districts are not summarized in this Section of the staff report; however, uses permitted in new Zoning Districts are viewable in attached use tables. The list below is not meant to reflect uses with revised names (please see the uses “crosswalk,” Attachment 5).

Table 8. New Principal Use Allowances			
New Use	Permitted (P) or SPEX (S)	Zoning District	Ch. 4: Use-Specific Standards
Continuing care facility	P	CC (NC), CC (CC)	4.02.02

Table 8. New Principal Use Allowances			
New Use	Permitted (P) or SPEX (S)	Zoning District	Ch. 4: Use- Specific Standards
Contractor	P	TRC, UE, TC, CC (NC), PD-CC (SC), PD-CC (RC), PD-MUB, GB, TCC	4.06.01
Building and landscaping materials supplier	P	MR-HI	4.06.07
	S	GI	
Energy storage	S	GI, MR-HI	
Live/Work Dwelling	P	SCN-8, SCN-16, SCN-24, TSN, TCC	4.02.04
	S	SN-4, SN-6	
Maintenance and repair services	P	IP, GI	
Ground passenger transportation (e.g., taxi, charter bus)	S	TRC Outer Core, GI	
Auction facility, livestock	S	AR-1, AR-2	
Convenience Store (with Gasoline Sales)	S	OP, IP, MR-HI	
School, technical/trade	S	IP, GI	
Entertainment facility	S	PD-CC (SC), PD-CC (RC), TC Core, TC Fringe	
Dog park	S	TC Fringe	
Solar Facility, Utility Scale	S	GI, MR-HI	4.07.04

SPEX to Permitted. Uses that require SPEX review and approval in the Revised 1993 Zoning Ordinance that are listed as permitted by-right in draft text are listed below. Staff recommends these changes as uses with similar impacts are also permitted in the same Zoning Districts, where pertinent the uses are regulated by use-specific standards in Chapter 4 that address common impacts, and legislative review and conditions of approval are typically minimal or simply reference or regurgitate ordinance requirements. These uses would still require site plan approval and issuance of permits.

Table 9. Uses Previously Requiring SPEX Approval		
Use	Districts, SPEX to P	Ch. 4: Use- Specific Standards
Child day care	IP, R-1, R-2, R-4, R-8, R-16, R-24, GB	4.04.09
Nursery, production	TR-10, TR-3, TSN, JLMA-1, JLMA-2, JLMA-3, A-10, A-3, CR-1	4.04.10
Hotel/Motel	PD-CC (SC), PD-CC (RC)	4.03.05
Veterinary service	A-3, CR-1	

Table 9. Uses Previously Requiring SPEX Approval		
Use	Districts, SPEX to P	Ch. 4: Use-Specific Standards
Community center	R-1, R-2, R-3, R-4, R-8, R-16, R-24	
Library	R-1, R-2, R-3, R-4, R-8, R-16, R-24, CLI	

Public Comment Themes:

- Allow more uses by-right.
- Clarify P/S, M/S, and P/M designations in Use Tables as they relate to use-specific standards in Chapter 4. *Staff response:* Draft text reclassifies auxiliary uses for clarity and consistency. Chapter 4 has been revised to correct conflicts with Chapter 3 Use Tables. Staff anticipates further refinement of draft text as it is reviewed by the Commission.
- Restrict high intensity uses including Breweries, Wineries, and Banquet/Event Facilities in the Rural Policy Area and within the Mountainside Development Overlay District by requiring a Special Exception and further implementing performance standards to mitigate traffic, noise, and light pollution concerns. *Staff response:* The Board has not directed, and the 2019 GP provides no policy guidance regarding changing these land use allowances. Further, the County is constrained by Virginia Code provisions with respect to farming in the Commonwealth. Revising land use allowances in rural areas would create nonconformance issues for many existing establishments and may be contrary to rural economy objectives. Staff anticipates that clearer and strengthened environmental and other requirements address this concern. Higher intensity activities such as food service and banquet facilities currently require legislative approval, and this remains the same in the draft text.

Accessory Uses (§ 3.03): Section 3.03 identifies permitted accessory uses and structures in a single table for ease of use. Section 3.03 consolidates various accessory use provisions into one Section; most of the provisions are carryover from the current Zoning Ordinance. The following changes are proposed compared to the Revised 1993 Zoning Ordinance:

- The accessory uses listed in the text of each Zoning District in the current ordinance have been moved from the use lists and added to § 3.03. Attachment 6 lists these uses and explains how they are treated in draft text. In some cases, former accessory uses will be treated as principal uses in draft text.
- *Donation Drop-Off Boxes.* (§ 3.03.F) Draft text establishes new regulations regarding Donation Drop-off Boxes (e.g., location, number, enclosure, maintenance, signage, enforcement).
- *Retail Sales Accessory to Industrial.* (§ 3.03.D) Draft text adds a new allowance for retail sales accessory to Industrial principal uses subject to specific regulations. Retail areas cannot exceed 10% of the gross floor area of the use and retail products must be manufactured and/or warehoused as part of the principal use or otherwise be directly related to the principal use.

- *Vehicle Parking.* (§ 3.03.C.8) Draft text specifically adds a clear allowance parking of two-axle vehicles such as automobiles, pick-up trucks, and/or service vans utilized in connection with a permitted use.
- *Accessory Vehicle Service.* (§ 3.03.G) Draft text allows accessory vehicle service for principal uses that inherently involve parking or storing vehicles for only those vehicles that are kept onsite.
- *Mobile Vendors.* (§ 3.03.H) Draft text codifies current administrative practice governing mobile vendors (e.g., food trucks) by allowing them as an accessory use and adds specific regulations.
- *Outdoor Sales.* (§ 3.03.I) Standards for accessory outdoor sales areas were added to the draft text.
- *Solar Facility, Site-Specific.* Explicit permission for all principal uses to have accessory solar energy facilities, as this use is defined in draft Chapter 13, is provided in § 3.03, pursuant to regulations in § 4.07.04

Public Comment Themes:

- Mobile Vendors should not be classified as a principal use. Mobile Vendors should be permitted as an accessory use in all districts.
- Retail sales should be allowed accessory to Industrial principal uses.

Temporary Uses (§ 3.04): Proposed revisions to § 3.04 refine the current Zoning Ordinance text to make it clearer; changes generally clean up language and do not alter the meaning or regulations, except for the following:

- Draft text eliminates the sketch plan requirement for Temporary/Fire Rescue Stations and now only requires a zoning permit exhibit to show satisfaction of setback criteria.
- Draft text establishes a new exemption from the requirement to obtain a temporary zoning permit for temporary special events held in required publicly accessible gathering spaces in the TRC, TC, and PD-MUB Zoning Districts.

Public Comment Themes:

- Allow twice as many temporary events per year. *Staff response:* Public comments also expressed concern about noise and traffic. The County strives to balance the competing interests between rural economy uses and residential uses. The Board has not provided direction and the 2019 GP does not provide policy guidance for doubling the number of temporary special events permitted on a property.
- Limit the number of annual events and hours of operation permitted to have amplified noise and light in Rural Policy Areas and environmentally sensitive areas including Mountainside Development Overlay District and specifically in connection with high intensity uses such as breweries. *Staff response:* Staff does not recommend adding regulations for live music at breweries, which typically is not subject to a temporary special event permit but part of ordinary daily operations. These activities are subject to noise regulations in the Zoning Ordinance and codified ordinances enforced by the Sheriff.

Chapter 4: Use Specific Standards

Chapter 4 provides regulations in addition to all other applicable standards within the Zoning Ordinance for specific uses that are permitted by-right, Minor Special Exception (SPMI), or SPEX. Chapter 4 identifies standards for new uses and revises and consolidates the use specific standards currently located within Revised 1993 Zoning Ordinance (§ 5-600 Additional Regulations for Specific Uses). The regulations for specific uses in Chapter 4 are organized into the following broad use categories: 4.02 Residential, 4.03 Lodging, 4.04 Commercial, 4.05 Public/Civic/Institutional, 4.06 Industrial/Production, 4.07 Infrastructure, 4.08 Agriculture, and 4.09 Adaptive Reuse.

The current Zoning Ordinance provides use specific standards for 68 uses. Most of these standards have been carried forward to the new Chapter 4. The draft Zoning Ordinance provides use specific standards for 84 uses in addition to Adaptive Reuse. The increase in the number of uses with standards is a result of addressing the goals of the 2019 GP and removing regulations from definitions and placing them in Chapter 4. Use-Specific Standards. Standards for Magazine Contained Explosive Facilities, Airport/Landing Strip, and Cross-Country Ski Business are removed. Major changes are noted below.

Residential (§ 4.02): A noteworthy change in the Use-Specific Standards for Residential uses is establishing new standards for Live/Work Dwelling (§4.02.04). The proposed standards will address uses that permit a dwelling unit to be situated over or under a ground floor commercial use under the same ownership and management as the dwelling unit. The standards establish occupancy requirements, maximum permitted floor area, limitations on permitted and non-permitted uses, signage, parking, a restriction of conversion of the business use to a residential use, and a restriction on the transfer of the property.

Industrial/Production (§ 4.06): Regarding Industrial/Production uses, new and comprehensively revised standards have been developed for Data Centers and Flex Buildings, as discussed below.

Data Centers (§ 4.06.02): Existing regulations for Data Centers in the current Zoning Ordinance include limited standards for design, mechanical equipment screening, pedestrian and bicycle facilities, and landscaping/buffering/screening. Staff has comprehensively revised the existing use-specific standards for data centers to better integrate data centers into their surroundings and reduce impacts related to their industrial character. New and revised Data Center use-specific standards include provisions regarding design, mechanical equipment screening, pedestrian and bicycle facilities, landscaping/buffering/screening, lighting, utilities, environmental considerations, setbacks, step-backs, and variation in height. Data Center use-specific standards included in the Draft Zoning Ordinance have been developed with regular feedback from the Data Center Coalition provided over four meetings to-date, with additional meetings and subsequent revisions to the draft standards anticipated.

Flex Buildings (§ 4.06.04): Existing regulations for Flex Buildings include limitations on building heights and percentage of non-accessory office uses, specifying the type of office uses that are prohibited. Without clear regulations addressing the uses permitted, future tenants deal with difficulties at the time of Zoning Permit, such as lack of parking. The proposed use-specific

standards provide a list of uses permitted within Flex Buildings while retaining flexibility to permit additional uses through an administrative approval process without the need for a Site Plan Amendment (SPAM). The proposed use-specific standards for Flex Buildings 1) Revise standards for gross floor space of each building dedicated for Industrial/Production uses, 2) Delete the maximum height requirement, 3) Establish standards for uses permitted within flex buildings, and 4) Establish an administrative process to include other uses without further site plan approvals.

Public Comment Themes:

- Data Centers. Include trails in open space easement as a use-specific standard. *Staff Response:* For any proposed Data Center use on a lot containing RSCR Buffer Areas or Adjacent Steep Slopes pursuant to Chapter 6, Trails must be provided in coordination with the Department of Parks, Recreation, and Community Services.
- Data Centers. Revise use specific standards to include native plant species. *Staff Response:* Landscaping regulations for Data Centers are subject to General Landscape Provisions in § 7.04.07, as well as all other provisions in § 7.04 except where additional or alternative provisions are noted in § 4.06.02. Section 7.04.07 includes Native Plant requirements for meeting buffering and landscaping standards. Additionally, preservation of existing vegetation can be used as credit towards required landscaping pursuant to § 7.04.01 and specific provisions contained in the FSM.

Infrastructure (§ 4.07): Regarding Infrastructure uses, new use-specific standards have been developed for Solar Facilities.

Solar Facilities (§ 4.07.04). New standards have been drafted for two common levels of solar facilities, as discussed at the [January 12, 2023, Planning Commission Work Session](#).

- *Utility-Scale Solar Facilities.* Utility-scale solar facilities continue to be permitted as a principal use upon approval of a Special Exception within industrial zoning districts. New draft standards include a minimum lot area of 20 acres, minimum setbacks for all components of the facility, and height limitations. Standards intend to minimize visual impacts through anti-reflective panel coatings, landscaping requirements, and a minimum distance of 1 mile from a landmark listed on the National Register of Historic Places or eligible for listing on the National Register of Historic Places. The standards also require submittal of a decommission plan and measures for determining when a facility can be deemed unsafe.
- *Site-Specific Solar Facilities.* Site-specific facilities, accessory uses serving the site on which they are located, continue to be permitted by-right within all Zoning Districts. New draft standards address permitted location or placement on the property, allowable height, and setbacks.

Agriculture (§ 4.08): The current Zoning Ordinance exempts bona fide agriculture from overlay district, open space and environmental regulations but does not provide a definition or use-specific standards. The draft Zoning Ordinance includes a new definition in Chapter 13 as well as Chapter 4 standards (§ 4.08.01) that require a bona fide agriculture use to operate in accordance with a Conservation Farm Management plan approved by the Loudoun County Soil and Water

Conservation District or the U.S. Natural Resources and Conservation Service. Any Silviculture use will require a Forest Management Plan and any notification requirements for timber harvesting must adhere to the Code of Virginia. Adding these requirements ensures that overlay district, open space and environmental exemptions are only granted for true and genuine agriculture.

Chapter 5: Overlay Districts

An overlay district is a Zoning District that may be overlaid upon another Zoning District(s). Within an applicable overlay district’s boundary, the regulations of both the underlying Zoning District(s) and the applicable overlay district apply, and land within an applicable overlay district may be used in a manner permitted in the underlying Zoning District only if and to the extent that such use is also permitted in the overlay district. Overlay districts may also provide more specific regulations than what is regulated within the underlying Zoning District.

Table 10 references each new Section contained in Chapter 5, which contains regulations related to all the County’s seven Overlay Districts, including the Airport Impact Overlay District (AIOD), Floodplain Overlay District (FOD), Mountainside Overlay District (MOD) (previously known as the “Mountainside Development Overlay District”), Limestone Overlay District (LOD), Quarry Notification Overlay District (QNOD), Village Conservation Overlay District (VCOD), and Historic Overlay District (HOD).

Table 10. Crosswalk Between the Existing Revised 1993 Zoning Ordinance and the Draft Zoning Ordinance – Chapter 5: Overlay Districts		
Overlay District	Existing ZO Section	New Draft ZO Section
General Provisions of Overlay Districts	N/A	5.01
Airport Impact Overlay District (AIOD)	4-1400	5.02
Floodplain Overlay District (FOD)	4-1500	5.03
Mountainside Overlay District (MOD)	4-1600	5.04
Limestone Overlay District (LOD)	4-1900	5.05
Quarry Notification Overlay District (QNOD)	4-1800	5.06
Village Conservation Overlay District (VCOD)	4-2100	5.07
Historic Overlay District (HOD)	6-1800, 6-1900	5.08
Note: § 4-1700 and § 4-2000 in the existing Zoning Ordinance are reserved and have no content.		

Airport Impact Overlay District – AIOD (§ 5.02): This Section substantively retains the existing AIOD from the current Zoning Ordinance while the AIOD regulations are comprehensively amended separately from the ZO Rewrite in a stand-alone Zoning Ordinance amendment, ZOAM-2021-0002. Should ZOAM-2021-0002 be approved in whole or in part, it will be incorporated into draft text accordingly.

Floodplain Overlay District - FOD (§ 5.03): Substantial updates to the FOD are planned in a standalone effort following completion of the ZO Rewrite to ensure continued programmatic compliance. This initiative is planned as a standalone effort to allow for Federal and State review timelines set by the Federal Emergency Management Agency and Virginia Department of Conservation and Recreation, and to allow for significant, separate community engagement. FOD

regulations in the current Zoning Ordinance have been maintained in draft text, and revisions are limited to updating Section references and formatting. Implementation of River and Stream Corridor Resources policies are included in Chapter 6, Natural and Environmental Resources.

Mountainside Overlay District - MOD (§ 5.04): The Mountainside Overlay District (MOD) is an existing Overlay District that primarily implements the “Mountainside Areas” policies of the 2019 GP, while also supporting broader implementation of the “Soils and Geologic Resources”, “Forest, Trees and Vegetation”, and “Water Resources” policies of the 2019 GP. The purpose of the MOD is to minimize disturbance or destruction to the critical ecological resources in Mountainside Areas as identified in the 2019 GP, which are defined according to the natural presence of elevation, forests, steep slopes, unstable soils, and groundwater recharge areas.

The MOD currently maps three categories of protected features: highly sensitive, sensitive, and somewhat sensitive features. These features are identified according to the mapped presence of natural topography, soils, elevation, and springs. The 2019 GP also envisions enhanced and comprehensive protection of Soils and Geologic Resources and specifically calls for new protections for ridgelines through updates to the MOD. The following key change is included in the draft text:

- *Ridgeline and Spring Protections.* The draft MOD includes new staff recommended Ridgeline and Spring Protections, which can be explored in greater detail in a [MOD StoryMap](#). The StoryMap demonstrates a new Ridgeline feature, which is identified within the existing MOD limits according to the presence of contiguous critical elevation areas except where geographic or natural features such as a water resource, saddle, gap, or manmade features such as roads form breaks in the ridge. New protections for Ridgeline features apply to the extent of the Ridgeline feature. New Springs protections apply a setback of 100’ to Spring features.

Public Comment Themes: Staff received public comments on the following major theme:

- There should be greater limitations on uses and development and greater protection for sensitive environmental features within Mountainside Areas such as Ridgelines. *Staff response:* New Ridgeline and Springs Protections within the MOD offer additional protections within the MOD, in addition to existing limitations set within Sensitive, Somewhat Sensitive, and Highly Sensitive areas of the MOD, and limitations within Steep Slope Areas pursuant to regulations for Steep Slope Areas in Chapter 6.

Limestone Overlay District - LOD (§ 5.05): The Limestone Overlay District (LOD) is an existing overlay district established to implement the “Soils and Geologic Resources” policies for “Limestone Geology Areas” of the 2019 GP. The LOD is substantively retained from the current Zoning Ordinance including protections such as required setbacks from identified Karst/Sensitive Environmental Features, prohibited pollution sources in the Overlay District, and required development standards. Revisions to the LOD include updates for alignment, consistency, and consolidation with other Sections of the draft Zoning Ordinance.

Quarry Notification Overlay District – QNOD (§ 5.06): The Quarry Notification Overlay District is an existing, limited Overlay District that requires written disclosure to prospective property buyers that the property they are purchasing is located within an area that may be impacted by quarrying activities and blasting. Policy 4.1.B (Chapter 2-73) of the 2019 GP calls for the County to “Continue to protect the extractive industry by maintaining a quarry notification overlay Zoning District.” The Quarry Notification Overlay District is substantially carried forward from the existing Overlay District in the current Zoning Ordinance.

Village Conservation Overlay District – VCOD (§ 5.07): The VCOD applies within mapped land areas associated with the villages of Aldie, Ashburn, Bluemont, Bowmantown (also known as Aldie Mountain), Lincoln, Loudoun Heights, Lucketts, Neersville, Paeonian Springs, Philomont, St. Louis, Taylorstown, and Waterford. The VCOD regulations assess the existing village’s built environment to determine requirements for new building placement and development pattern, such as, but not limited to required average yards, lot coverage, and connections to existing roads. The VCOD applies context-based development standards to ensure new development integrates into the existing village development form and pattern. The following key changes are included in the draft text:

- Clarified methods for determining building height, average front yard, connection to existing streets (new development), and variation of lot size (new residential subdivisions) requirements to better ensure compatibility with the existing built environment within the VCOD.
- Added new development standards for the following site and building elements:
 - o “*Building Features*”. This standard requires design consistency with existing buildings within 300 feet of the subject lot being developed. When applicable, consistency is required for the number of building stories, roof type, front or side porch type and location, and building orientation.
 - o “*Building Area*”. This standard requires a computation of the average gross square footage of principal buildings on the same side of the road within 150 feet of the subject lot being developed. The calculated average gross square footage is the allowable building area for development.
 - o “*Average Side Yard*”. This standard applies a side yard requirement for the subject lot being developed that is calculated within 50% of the average distance between the principal building and side yard lot line for lots within 150 feet of either side of the subject lot on the same side of the road. VCOD requirements in the current Zoning Ordinance already require a similar “Average Front Yard” requirement.
 - o “*Average Rear Yard*”. This standard applies a rear yard requirement for the subject lot being developed that is calculated within 50% of the average distance between the principal building and rear yard lot line for lots within 150 feet of either side of the subject lot on the same side of the road. VCOD requirements in the current Zoning Ordinance already require a similar “Average Rear Yard” requirement.
 - o “*Maximum Lot Size*” (for new lots). This standard applies a maximum lot size based on the largest existing lot area within 100 feet of the same side of the road, as of the adoption date of draft Zoning Ordinance.

- o “Garages.” This standard requires that new garages proposed as of the adoption date of the draft Zoning Ordinance be detached from the principal building, be built to accommodate a maximum of 2 cars, and be setback at least 20 feet from the front plane of the principal building on the same lot, with an exception allowing for an equivalent setback if an existing garage within 150 feet of either side of the subject lot has a lesser setback than the standard requirement.
- Added language to allow exceeding the maximum lot coverage and encroaching into rear yard setbacks upon meeting certain criteria, and to allow the expansion and continued use of buildings on nonconforming lots.

Public Comment Themes: Staff received public comments on the following major themes. Additional discussion on these topics is provided in the Key Change Matrix (Attachment 3).

- Expand existing VCOD boundaries and allow additional villages to be incorporated into the VCOD. *Staff response:* The proposed VCOD regulations do not change VCOD boundaries or include additional villages. Rural Historic Village area plans must be developed for each village to expand existing boundaries and add new villages to the VCOD. Changing boundaries and adding villages also requires approval of a ZMAP, which is not part of the ZO Rewrite.
- Develop small area plans for the villages. *Staff response:* Development of Rural Historic Village area plans, including public engagement, is a separate planning process from the ZO Rewrite. Each village is unique; therefore, the assessment of village characteristics is necessary to develop underlying zoning regulations that will guide future development in the villages. Subsequent efforts to the ZO Rewrite will include village area plans and amendments to the underlying Zoning Districts to implement the village area plans.
- Allow interim protections while a village is being considered for the VCOD. *Staff response:* Revisions to the VCOD regulations were included to better relate to and ensure compatibility of new development with the existing built environment in existing VCOD. These updates are intended to provide additional interim protections until Rural Historic Village small area plans and related zoning regulations are developed.

Historic Overlay District – HOD (§ 5.08): The HOD establishes requirements for maintenance of structures within the overlay district and regulations for proposed activities requiring the approval of a Certificate of Appropriateness (CAPP), which apply to new proposals. Examples of proposed activities that require a CAPP approval include structural alterations, demolition, restorations, new construction, and changes to signs. The draft HOD regulations are primarily the result of reorganizing the Historic District regulations found in §§ 6-1800 and 6-1900 of the current Zoning Ordinance. Currently, the regulations implement a zoning overlay district; however, the regulations are outlined in the procedures Chapter rather than with the other zoning overlay districts. Relocating the HOD regulations to the overlay Section of the current Zoning Ordinance emphasizes that the HOD is a zoning overlay district. Otherwise, the HOD regulations are largely unchanged.

Public Comment Themes: Staff received public comment regarding the following major themes.

- *Beaverdam Creek Historic Roadways (HR) HOD*: Improve protection of the Beaverdam Creek HR HOD by allowing signs in the right-of-way indicating location in the HOD. *Staff response*: Staff does not support including HOD regulations that allow signs in the road right-of-way. Such signs would need to be approved by VDOT. The Zoning Ordinance is not the appropriate mechanism for establishing a program for installing signs identifying the Beaverdam Creek Historic Roadway.
- *Hazardous Conditions*: Include a notice provision that allows property owners the ability to demonstrate that people can be reasonably protected from a hazardous building, structure, wall, sign, or fence in the HOD before they are allowed to raze the hazardous feature without HDRC approval. *Staff response*: Language is retained, which is consistent with the current Zoning Ordinance. This language is provided for specific instances when there is an emergency. The Building Official and the Zoning Administrator must verify the unsafe conditions, providing analysis of whether an emergency exists.
- *Right to Raze or Demolish*: Under Right to Raze, set a standard to determine fair market value and include a provision that limits expansion of a new structure if the original historic structure must be demolished due to lack of required maintenance or demolition by neglect. *Staff response*: Staff does not recommend revisions to the Right to Raze in the HOD regulations. The regulations are consistent with the enabling Virginia State Code language regarding fair market value. The applicable historic district guidelines will provide the Historic District Review Committee (HDRC) with guidance on the size of a new replacement structure.

Chapter 6: Natural and Environmental Resources

Chapter 6 provides a new location for zoning regulations related to River and Stream Corridor Resources (previously regulated under the “Scenic Creek Valley Buffer”) and Steep Slopes, both of which were previously located in “Article 5 Additional Regulations and Standards” in the current Zoning Ordinance. Chapter 6 includes separate Sections for determining River and Stream Corridor Resources (RSCR) Buffer Areas (§ 6.01), Steep Slope Areas regulations (§ 6.02), a comparative use table for both RSCR Buffer Areas and Steep Slope Areas (§ 6.03), and development, land disturbance, and additional use specific standards for both areas (§ 6.04).

River and Stream Corridor Resources (§ 6.01): RSCR regulations further implement the RSCR policies of the 2019 GP by replacing existing limited protections implemented under the Scenic Creek Valley Buffer (SCVB) regulations of the current Zoning Ordinance. Like the Scenic Creek Valley Buffer, RSCR regulations are context-based, applying additional buffer areas to resources that are separately regulated under the current Zoning Ordinance and only when these resources are insufficient to meet minimum protected areas. The minimum protected areas prescribed by the 2019 GP are minimums of either 100 feet or 300 feet for water resources, as identified by the 2019 GP. A comparison of the SCVB and RSCR is provided in the Table 11.

Table 11. Comparing the Scenic Creek Valley Buffer (SCVB) and River and Stream Corridor Resources (RSCR) Minimums – Chapter 6: Natural and Environmental Resources		
	SCVB Minimum (in Feet)	RSCR Minimum (in Feet)
Potomac River	250	300
Goose Creek, Catoctin Creek	200	300
Bull Run	150	300
Other “creeks” (rivers and streams)	150	100

River and Stream Corridor Regulations in § 6.01 measure minimum areas and determine any applicable buffers based on the presence and extent of certain major and minor floodplain areas regulated under § 5.03, and very steep slopes under § 6.02. New regulations for RSCR permitted uses and development and use standards under §§ 6.03, and 6.04 apply within the RSCR buffer areas only and do not apply within the major or minor floodplain areas, which are regulated by the Floodplain Overlay District (5.03). Further explanation, analysis, and visualization of the new RSCR regulations are provided in [this ArcGIS StoryMap](#). “Source Water Protection” Board Member Initiative (BMI) (enhanced protections for the Broad Run).

The 2019 GP specifies a 300-foot minimum protected area for the Potomac River, the Bull Run, and Scenic Rivers, which include the [Catoctin Creek](#) and the [Goose Creek](#). 2019 GP policies do not explicitly include the Broad Run in the list of water resources specified for 300-foot minimum area protection. However, a June 1, 2021 ["Source Water Protection" BMI](#) directs staff to establish a 300-foot minimum protected area (as described in the interactive StoryMap information link provided above) for the Broad Run. Inclusion of enhanced protections for the Broad Run under the Source Water Protection BMI is further explored under the “Potential Broad Run 300-Foot Minimum Area” Section of [the RSCR StoryMap](#).

Public Comment Themes: Staff received public comment regarding the following major themes:

- Protect designated scenic rivers and reservoirs by requiring additional areas of protection. *Staff response:* The proposed RSCR regulations include 300-foot minimum protected areas for designated portions of the Broad Run. Reservoir protection regulations are contained in the FSM and future updates the FSM will consider enhanced protections for further RSCR policy implementation. A potential CPAM/ZOAM was previously identified for possible future inclusion in the [Department of Planning & Zoning work plan](#) to incorporate necessary changes to the 2019 GP and Zoning Ordinance related to the Source Water Protection BMI which could include necessary policy direction for implementing 200-foot transitional buffers along the Bull Run and the 1,000-foot voluntary open space area along the Goose Creek, Goose Creek Reservoir, and Beaverdam Reservoir.
- Enhanced environmental species protections regulations for “state species of concern” in the Virginia Wildlife Action Plan. *Staff response:* Natural and Environmental Resources development and land disturbance standards have been revised to require that wildlife and

habitat in the [Northern Virginia Planning Region](#) of the [Virginia Wildlife Action Plan](#) must be identified on a site, and any proposed Covered Activities must demonstrate no disturbance or impact to any wildlife or habitat as verified by the Virginia Department of Wildlife Resources.

- River and Stream Corridor Resources (RSCR) should be mapped and included as an overlay Zoning District. *Staff response:* The variable nature of the RSCR does not lend itself to an overlay district. RSCR buffers are determined using features of the Floodplain Overlay District and Steep Slope Area standards. The detailed, site-specific presence and extent of major floodplain, minor floodplain, and adjacent steep slopes features are typically determined during the land development process, and staff recommends that the regulations implement the RSCR policies using a site-specific level of detail.

Steep Slope Areas (§ 6.02): Existing regulations for Steep Slope Areas are revised for implementation of Soils and Geologic Resources policies of the 2019 GP and for alignment with new RSCR regulations. Use lists for Steep Slope Areas have been relocated to a new Natural and Environmental Resources (NER) Use Table in § 6.03, which provides a consolidated use table for Steep Slope Areas and RSCR. Development standards have been relocated to a new, consolidated Section for Development, Land Disturbance, and Additional Use-Specific Standards in § 6.04.

NER Use Table (§ 6.03), Development, Land Disturbance, and Additional Use Specific Standards (§ 6.04): The NER Use Table (§ 6.03) consolidates the use list for Steep Slope Areas with a new use list for RSCR uses proposed to implement the RSCR use policies of the 2019 GP. The new use table in § 6.03 provides a comparison of uses permitted within the RSCR Buffer Area, Very Steep Slopes, and Moderately Steep Slopes features of the RSCR and Steep Slope Areas.

Section 6.04 reorganizes development standards for Steep Slope Areas and applies them to RSCR Buffer Areas. Standards that apply only to certain uses and activities, such as standards for “Roads, Driveways, Minor Utility, Water Lines Serving an Individual Water Supply System or Septic Lines Serving an Individual Sewage Disposal System” and “Sanitary Sewer and Water Line Standards” are separated from more generally applicable standards and provided as “Additional Use Specific Standards”. All other development standards are reformatted into a table, which incorporates new standards for permeable surfaces and wildlife and habitat protections.

Chapter 7: Development Standards, § 7.02 Open Space

Development Standards are the 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. Only § 7.02 Open Space is included for discussion in this report. All other Chapter 7 development standards were previously included in the August 30, 2022, Commission Public Hearing.

Section 7.02 consolidates open space regulations in one Section in contrast to them being located throughout the various Zoning District regulations, as in the current Zoning Ordinance. The intent is consistent administration of open space throughout the County. Section 7.02 sets forth the

amount and types of open space required for each Zoning District, the active recreation requirements for residential developments, maintenance provisions, and an allowance for off-site open space.

In response to public comments received during the 90-day public comment period on the April 2022 version of the draft Zoning Ordinance, staff extensively revised § 7.02. Significant changes to the open space regulations since April 2022 are as follows:

- To create a connected network of open space, open space for new development must be contiguous with open space on abutting properties. This does not apply to Active Recreation or Community Open Space.
- Open space required by the Zoning Ordinance must be within an easement acceptable to the Board of Supervisors. This does not apply to land accepted for dedication to the County.
- Off-site open space may be permitted by Special Exception approval. Due to the potential to exchange on-site requirements to promote the various priority open space areas identified in 2019 GP Fiscal Action 3.1.K for protection off-site, staff recommends the public and the Commission inform the Board’s decision.
- Draft open space provisions encourage the protection of natural, environmental, and historic resources and linear parks and trail corridors by allowing such resources to count more towards a project’s required open space. Refer to Table 12.

Table 12. Examples for Calculating Open Space in the Draft Zoning Ordinance	
See Table 7.02-2 for the complete table followed by sample calculations.	
Examples of Open Space	How Much it Counts Towards Required Open Space
Natural, environmental, and historic resources, wildlife habitat, linear parks and trail corridors	125%
Buffers, setbacks, yards, stormwater management facilities, and existing utility easements	75%
Off-site open space areas and land dedication for public uses.	50%

Public Comment Themes: Public comment themes related to open space are summarized below:

- Clarify which uses are allowed in areas designated for open space. *Staff response:* For ease of understanding, allowable uses within open space will be provided in Chapter 3 with a reference to § 7.02.
- Clarify how the open space regulations relate to the Linear Parks and Trails Framework Plan (LPAT). *Staff response:* The LPAT, the 2019 GP, and these open space provisions all support and encourage a connected network of linear parks and trail corridors.
- Specifically include wetlands as open space. *Staff response:* Preserved wetlands qualify as open space and are encouraged by the new open space regulations.

- Promote certain types of existing natural resources by providing “bonus credit.” *Staff response:* The draft regulations assign more value to open space that protects natural, environmental, and historic resources.

Chapter 9: Attainable Housing

Chapter 9: Attainable Housing includes regulations that implement the ADU Program, the Unmet Housing Needs Unit (UHNU) Program, and the Affordable Housing Unit (AHU) Program. Planning and Zoning staff worked closely with the County’s Department of Housing and Community Development (DHCD) staff to draft this Chapter. In general, the draft attainable housing zoning regulations align the ADU and UHNU Programs with the 2019 GP and are in harmony with the Board’s adopted [Unmet Housing Needs Strategic Plan \(UHNSP\)](#). As a referral agent, the Affordable Dwelling Unit Advisory Board (ADUAB) generally indicated support of the draft ADU Program regulations.

Affordable Dwelling Unit Program (§ 9.01): The current and draft ADU Program addresses rental housing attainable for households with incomes between 30% and 50% of the Area Median Income (AMI) and for purchase housing attainable for families with incomes between 30% and 70% AMI. The draft ADU Program applies to all residential development in the county that proposes 24 or more dwelling units and is served by public water and sewer.

Changes: The key changes to ADU Program regulations are provided below. Also see the [October 20, 2022, Commission Work Session Memorandum](#).

- Removed the applicability standard that the ADU Program does not apply to projects with a density less than one dwelling unit per 40,000 square feet.
- Removed the exemption of the R-1, TR-1, CR-1, and JLMA-1 Zoning Districts from the ADU Program.
- Revised the ADU percentage requirements.

Table 13 shows the current ADU requirements and the proposed ADU requirements, as well as how the new requirements affect projects with 24 and 100 dwelling units.

Dwelling Unit Type	Current ADU Requirement	ADUs Required (24 Unit Project)	ADUs Required (100 Unit Project)	Proposed ADU Requirement (% of total units)	ADUs Required (24 Unit Project)	ADUs Required (100 Unit Project)
SFD	12.5%	3	13	15%	4	15
SFA	12.5%	3	13	15%	4	15
MFS	6.25%	2	7	15%	4	15
MFA*	6.25%	2	7	10%	3	10

*MF Attached project that is not exempt from the ADU Program.

- Revised the optional density bonus from 10% for multifamily units and 20% for single-family units to 20% for all unit types.

- Added specific requirements to calculate ADUs by dwelling unit type.
- Included regulations for determining ADU compatibility and interspersions with market rate unit requirements.
- Included ability to provide land in lieu of required ADUs in SFD-only developments.
- Deleted the ADU Development Zoning District Regulations that have been incorporated into the base Zoning Districts in the Draft Zoning Ordinance.

Multifamily ADU Exemption: The current Zoning Ordinance includes an ADU exemption for 100% residential MFA buildings with four or more stories served by a common elevator; these projects are not required to provide 6.25% of the units as ADUs. At the [Board Business Meeting on June 2, 2020](#), the previous Board directed (8-0-1: Buffington absent) staff to commence a study to determine the feasibility of deleting this ADU exemption.¹ At the [April 20, 2022, Transportation and Land Use Committee \(TLUC\)](#) meeting, a consultant presented the results of the feasibility study. DHCD staff presented additional information on this study at the [November 16, 2022, TLUC](#) meeting and TLUC requested additional information. DHCD staff is anticipating returning to TLUC in the near future. . Direction from TLUC or the Board could result in revisions to the draft ADU Program regulations.

Unmet Housing Needs Unit Program (§ 9.02): The current and draft UHNU Program addresses housing attainable for households with incomes between 0% and 100% AMI. The draft UHNU Program regulations update, consolidate, and expand the UHNU requirements. Significant changes to UHNU Program regulations are provided below (Also see the [October 20, 2022, Commission Work Session Memorandum](#)):

- Included consistent affordability requirements.
- Allowed AHUs to be substituted for UHNUs.

Affordable Housing Unit Program (§ 9.03): Since both ADUs and UHNUs can be substituted by AHUs, the regulations specific to AHUs have been separated into a discreet Section in Chapter 9. The AHU Program establishes regulation for AHUs when an applicant provides AHUs in lieu of required ADUs or UHNUs. The significant changes to UHNU Program regulations are as follows:

- Revised the timing of construction and availability of MFA AHUs to market rate units.
- Clarified the documentation acceptable to demonstrate that AHU exterior building materials and architectural style is compatible with market rate units.

Public Comment Themes: Public comment themes on this topic are summarized below. Refer to the Key Change Matrix for additional discussion.

- *Delivery Proportionate to Market Rate Units.* Increase flexibility by not requiring ADUs unit types to be provided proportionate to market rate unit types in a project.
- *Interspersion.* Increase flexibility by not requiring ADUs to be interspersed in the residential development responsible for providing the ADUs.

- *Modifications.* Increase flexibility by allowing additional modifications to the ADU Program.
- *Delivery Timing.* Revise the timing and reporting requirements for the delivery of AHUs proportionate to market rate units so that market rate development is not delayed if AHUs are not provided on schedule.

Chapter 11: Development Standards Additional Requirements for Urban Policy Area (§ 11.10.06), Planned Development–Mixed Use Business (PD-MUB) (§ 11.10.07), and Planned Unit Development (PUD) Zoning Districts: Chapter 11 provides the location for all zoning procedures, including Zoning Amendments. Due to their relationship to Zoning Districts, these three Sections were not included in the August 30, 2022, Commission Public Hearing. Refer to the draft text in Attachments 1 and 2. Noteworthy differences from the current Zoning Ordinance include:

- Additional concept development plan requirements for zoning amendment applications to the urban TRC and UE Zoning Districts.
- Additional concept development plan and building design guideline requirements for zoning amendment applications in the PD-MUB Zoning District.
- Comprehensively revised regulations for the PUD Zoning District, including PUD Master Plan requirements, factors for consideration, and future amendments.

Chapter 13: Definitions

Chapter 13 provides a new location for all definitions, except for those applying to the FOD, which remain Chapter 5 with the FOD provisions. The Commission considered Chapter 13 at the August 30, 2022, Commission Public Hearing. Staff continue to refine definitions to address Commission direction as draft text progresses through the review process. Attachment 8 provides an updated list of new, revised, and deleted terms.

DRAFT MOTIONS:

1. I move that the Planning Commission forward ZOAM-2020-0001, Zoning Ordinance Rewrite to a Work Session for further discussion.

OR

2. I move an alternate motion.

ATTACHMENT(S):

1. Draft Loudoun County Zoning Ordinance (January 5, 2023)
2. Draft Loudoun County Zoning Ordinance – Redline (April 18, 2022 versus January 5, 2023)
3. Key Changes Matrix (January 17, 2023)
4. Summary of Changes to Zoning Districts

5. Use Crosswalk
6. Accessory Use Crosswalk
7. Draft Definitions: New, Revised, and Deleted