

**2019 Zoning Ordinance Amendment (ZOAM) Work Program**

**Description & Status of ZOAM Initiatives**

Mid-Year Update: July 18, 2019

*(Listed in order of ZOAM application number)*

<b>Number</b>	<b>ZOAM Title and Topic</b>	<b>Review Status/Timeframe</b>
2017-0001	Housing Affordability – Article 7 & Accessory Dwelling Units	ROIA: July 18, 2019 PC Public Hearing: 4 <sup>th</sup> Quarter 2019
<p>At the October 16, 2017 Housing Summit, the Board directed (8-0-1: Letourneau absent) staff to develop potential topics for a ZOAM to establish necessary revisions and newly created amendments to incentivize affordable housing. These topics were to be brought to TLUC for review and input prior to taking a resolution of intent to amend (ROIA) to the full Board. This initiative was identified as the Affordable Housing: Comprehensive Ordinance Review &amp; Update ZOAM in the 2018 ZOAM Work Program, which was in addition to another affordable housing initiative identified as the ADUAB Article 7 Recommendations ZOAM. At its July 16, 2018 meeting, following consideration of potential topics for the comprehensive amendment, TLUC directed (5-0) staff to consolidate the two initiatives into a single ZOAM as incorporated herein. TLUC further considered the scope of the consolidated ZOAM at its meeting on October 16, 2018, at which staff was directed (4-0-1: Meyer absent) to return to TLUC with a draft ROIA following completion of additional stakeholder outreach in cooperation with ADUAB. At the final May 28, 2019, TLUC meeting, staff returned to the Committee and presented a ROIA that addressed Article 7 amendments recommended by ADUAB, with the topics comprising the comprehensive amendment deferred to the Zoning Ordinance Overhaul. The recommendations took into consideration the homebuilding industry feedback on proposed Article 7 amendments. TLUC forwarded (5-0) the ROIA to the Board with a recommendation of approval, including two additional amendments: 1) permit SFA and MF dwelling unit types when exempt projects voluntarily provide ADUs in return for bonus density, and 2) include an amendment to increase opportunities to provide accessory dwelling units in the County. The ROIA will be considered by the Board at the July 18, 2019 Board Business Meeting. Public hearings at the Planning Commission and Board are expected in the 4<sup>th</sup> quarter of 2019 and 1<sup>st</sup> quarter of 2020, respectively, to enable adequate time to engage stakeholders regarding draft ordinance text.</p>		
2017-0004	Rural Uses & Performance Standards - Phase 2	ROIA Adopted: April 19, 2018 TLUC: July 16, 2019 PC Public Hearing: 4 <sup>th</sup> Quarter 2019
<p>The ROIA for this ZOAM was adopted (9-0) by the Board on April 19, 2018. This ZOAM builds upon the content of the previously approved Rural Uses and Historic Structures ZOAM (ZOAM-2015-0006; adopted November 1, 2016), and is intended to promote uses and standards conducive to a vibrant rural economy pursuant to input received from stakeholders during the “Business Friendly” ZOAM. The ZOAM will address the following uses in the rural zoning districts: “eco-tourism,” “farm-based tourism,” “recreation establishment, indoor,” “wetland mitigation bank,” and “sport shooting range.” Staff and ZOAG’s Rural Subcommittee conducted multiple meetings during 2018 and 2019 to develop draft text. The subcommittee’s meetings were held monthly, advertised on the Loudoun County website, and open to the public. An update on the ZOAM will be provided to TLUC at the July 16, 2019 meeting. Staff is seeking TLUC’s recommendation to the Board on next steps for the Phase 2 ZOAM. Specifically, the draft text for the Phase 2 ZOAM is ready to proceed to the Planning</p>		

Commission for public hearing, but prior to scheduling the public hearing staff intends to conduct community outreach concerning the proposed standards for outdoor shooting ranges. Staff is therefore seeking guidance from TLUC regarding whether to proceed with such outreach immediately and schedule the Planning Commission public hearing for the Phase 2 ZOAM as currently assembled, or alternatively, to process outdoor shooting ranges as part of the comprehensive Zoning Ordinance overhaul, thereby enabling the associated outreach to occur as part of the larger overhaul effort, while allowing the other elements of the Phase 2 ZOAM advance for public hearing.

2017-0005	Buffers, Screening & Related Landscaping	ROIA Adopted: March 22, 2018 PC Public Hearing: July 30, 2019
-----------	--	--

The ROIA for this ZOAM was adopted (9-0) by the Board on March 22, 2018. This ZOAM is intended to refine setback and buffer yard requirements contained in various sections of the Zoning Ordinance to ensure that such requirements are appropriate for the intended form(s) of development, provide sufficient flexibility to facilitate innovative site design, and enable resolution of common design challenges/constraints. This amendment will further address buffer standards for historic cemeteries, as directed by the Board Member Initiative (BMI) approved on March 7, 2017 (7-0-2: Supervisors Buffington and Higgins absent). An initial draft package of amendments was presented by the consultant, WSP, in June 2018. ZOAG and staff subsequently reviewed the draft amendments and developed recommended refinements, with such efforts concluding in October 2018. The draft amendments reflecting ZOAG and staff revisions were distributed to referral agencies in November 2018. ZOAG and staff worked collaboratively during the first half of 2019 to address referral issues and make final refinements to the amendments, with such efforts concluding with ZOAG's endorsement of the draft text on June 20, 2019. It is noted that the standards and processes established through this ZOAM are expected to improve the clarity and ease of administration of the Zoning Ordinance, and ultimately result in a reduced number of buffer modification requests included with legislative land use applications. Such outcomes will improve the overall efficiency of the development review process and require fewer resources on the part of both the County and applicants. A companion amendment to the Facilities Standards Manual (FSM) is also being processed to incorporate the technical design standards required to implement the new Zoning Ordinance requirements.

2018-0001	Short-term Residential Rentals	ROIA: July 18, 2019 PC Public Hearing: 3 <sup>rd</sup> Quarter 2019
-----------	--------------------------------	--

The Board adopted (8-1: Meyer opposed) the Short Term Residential Rentals (STRR) Work Plan at the October 19, 2017 Board Business Meeting. The STRR Work Plan is intended to address the registration, taxation, zoning, and public safety implications of short term rentals of residential property. This ZOAM is identified as part of the STRR Work Plan's second phase, which is focused on zoning and public safety issues, and will address such land use considerations as the frequency and quantity of guest occupancies, allowances for special events (weddings, parties, etc.), and parking. The STRR Work Plan anticipates the ZOAM occurring concurrently with an amendment to the Codified Ordinance to address corresponding health, fire safety, and code enforcement considerations, if necessary. A survey of public expectations concerning regulation of STRR was conducted in September 2018, and outreach sessions with the local lodging industry and current STRR operators were conducted during the first half of 2019. The input received from such outreach will be used in developing the draft zoning provisions.

---

2018-0002 Child Care Facilities	<b>ADOPTED: May 15, 2019</b> (7-0-2: Higgins and Letourneau absent)
---------------------------------	--

---

The ROIA for this ZOAM was adopted (7-0-2: Buona and Meyer absent) by Board on October 18, 2018. Implementation of the additional regulations of Section 5-600 applicable to child care homes has generated an increased volume of minor special exception (SPMI) applications. These applications are frequently associated with child care homes proposed on single family attached lots. Such lots are often not large enough to accommodate required outdoor play areas and parking without obtaining approval of modifications, and the close proximity of adjoining units fosters increased scrutiny from neighbors. This amendment is recommended to assess the appropriate play area and parking requirements, whether and to what extent modifications to the child care home regulations should be permitted, and to evaluate processing alternatives when SPMI approval is needed, such as routing through the Board of Zoning Appeals (BZA) rather than the Board. Moreover, this amendment will address the parking and play area requirements applicable to larger-scale child care centers, which are frequently subject to modification requests to be consistent with applicable state standards.

---

2018-0004 Accessory Uses for Manufacturing Uses in PD-IP Zoning District	<b>ADOPTED: April 10, 2019</b> (7-0-2: Buffington and Letourneau absent)
--	---

---

The ROIA for this ZOAM was adopted (7-0-2: Buona and Meyer absent) by the Board on October 18, 2018. The Board's approval (9-0) of the Strategic Plan Update on November 8, 2017, included direction to staff to conduct a review of accessory uses for manufacturing uses in the Planned Development – Industrial Park (PD-IP) zoning district. Such review was intended to ensure manufacturers are provided sufficient flexibility to respond to evolving market trends. To that end, this amendment will define the appropriate scope of allowable accessory uses for manufacturing uses in the PD-IP zoning district and establish the maximum amount of floor area that any such use may occupy.

---

2018-0005 Density in Rural & Residential Zoning Districts (Units per Acre)	ROIA: October 2, 2018 PC Public Hearing: March 26, 2019 PC Work Session: TBD
--	--

---

The ROIA for this ZOAM was adopted (6-2-0-1: Randall and Volpe opposed, Higgins abstained) by the Board on October 2, 2018. This ZOAM is proposed to ensure that all zoning districts permitting residential uses express residential density as the maximum number of dwelling units per acre of land, consistent with the policies of the Loudoun County General Plan. The Planning Commission held a public hearing regarding this ZOAM on March 26, 2019, during which eight members of the public spoke. The Planning Commission voted (9-0) to forward the ZOAM to a future work session, and further identified defining principal dwelling unit in Article 8 as an item for additional discussion.

---

2018-0006 Lighting as an Inherent Component of Certain Uses	ROIA: October 2, 2018/April 18, 2019 PC Public Hearing: 3 <sup>rd</sup> Quarter 2019
---	---

---

The original ROIA for this ZOAM was adopted (9-0) by the Board on October 2, 2018. The Planning Commission held a public hearing regarding this ZOAM on January 22, 2019, and forwarded (8-0-1: Blackburn absent) the ZOAM to the Board with a recommendation of approval. At the Board's March 13, 2019, Public Hearing, the Board received comments from eight members of the public in opposition to the draft language in the ZOAM due to concerns with allowing lighted playing fields as a permitted use and the lack of performance standards

---

for such lighted recreational facilities. At the Board Public Hearing, staff received direction from the Board to further define a process by which the public would have the ability to provide input about proposed lighted playing fields. More specifically, several Board members suggested that the County require legislative review and approval of proposed lighted outdoor facilities when the associated principal use does not otherwise require such approval. The Board approved a motion (8-0-1: Higgins absent) to initiate a new ROIA. The Board made the following requests: 1) Establish a public input process for lighting applications in all zoning districts, 2) Amend the Zoning Ordinance to make lighted outdoor facilities an SPMI or SPEX use for any zoning districts that are not currently specified, 3) Develop additional performance standards, including, but not limited to, light and glare standards and limitations on hours of operation of lighted outdoor facilities in zoning districts that are directly adjacent or within proximity to residential, and 4) Include a provision that lighting would not be allowed by-right in rural or residential areas. The new ROIA was adopted (9-0) by the Board on April 18, 2019.

TBD	Rural Uses & Performance Standards – Phase 3	TLUC: July 16, 2019 ROIA: 3 <sup>rd</sup> Quarter 2019 PC Public Hearing: 1 <sup>st</sup> Quarter 2020
-----	--	--

This ZOAM is proposed to address the recommendations of the Rural Economic Development Council (REDC), Zoning Ordinance Action Group (ZOAG), and Visit Loudoun regarding multiple rural land uses and related performance standards. The uses included in this initiative were originally included in the scope of the Phase 2 Rural ZOAM, but were separated at the Board’s direction (9-0) to enable additional input from the referenced groups. The feedback received from the REDC, ZOAG, and Visit Loudoun will be reported to TLUC prior to scheduling the ROIA for Board consideration.

TBD	Zoning Ordinance Overhaul - Phase 1, Ordinance Assessment	Work Plan to Board: September 2019 Begin 1 <sup>st</sup> Phase: 3 <sup>rd</sup> Quarter 2019
-----	---	---

This ZOAM is a multi-phase effort to comprehensively update the Zoning Ordinance to implement the new comprehensive plan adopted pursuant to the Envision Loudoun process, incorporate modern best practices, and improve the overall user-friendliness of the document. The first phase of the ZOAM will be completed in 2019 and involves assessment of the current content and structure of the Zoning Ordinance and identification of recommended amendments to ensure consistency with modern best practices. More specifically, a comprehensive SWOT analysis of the current Zoning Ordinance will be completed, to be followed by identification of regulatory best practices/alternatives to address SWOT findings and the recommendations of the recently adopted *Loudoun County 2019 General Plan* (i.e. use typologies, policy objectives). The outcome of this phase will be a comprehensive set of recommendations for Zoning Ordinance content and structure, as well as a strategy for preparing and integrating corresponding amendments during the ZOAM’s second phase, which is expected to occur in 2020. The ZOAM’s third phase will focus on completing the public hearing process, with Zoning Ordinance adoption projected by the end of 2021. Staff intends to engage an outside consultant to prepare the analysis and recommendations of Phase 1, and the RFP for such services was issued on June 17, 2019. Staff plans to present the work plan for the Zoning Ordinance Overhaul for Board consideration in September 2019.