

	SECTION	ISSUE	RECOMMENDATION
	<i>Section of the draft zoning ordinance.</i>	<i>Summary of the concerns with the section.</i>	<i>Recommended edits to address the issue.</i>
1	<p>2.01.01.A.5.a Urban Transit (UT) Inner Core Subarea Mandatory requirements –</p> <ol style="list-style-type: none"> 2 highest land use intensities closest to transit stop 3 Include primary focal point of UT development 	<p>2. This requirement is too prescriptive and does not offer flexibility to market conditions. For example, if there is a development opportunity for office rather than multifamily residential next to the Metrorail station, but the building is not considered to be higher intensity at that point in time, then it would not meet the ordinance requirement.</p> <p>3. This requirement is too prescriptive and does not offer flexibility to allow high quality, site-specific design. Uses other than plazas should be considered for primary focal points of development. For example, amphitheaters and active retail centers within the UT Core can also serve as focal points of a development.</p>	<p>2. Recommend removal of this requirement as market dynamics already guide development to this outcome where this is feasible. Additionally "intensity" would need to be defined in Chapter 11; in the General Plan, intensity was used interchangeably with "density" but more specificity would be needed to clarify what "intensity" means for a building.</p> <p>3. Provide for more flexibility by replacing the word "plaza" with "focal point" in Sec. 2.01.01.G, which requires plazas to be the primary Focal Point of the development.</p>
2	<p>2.01.01.A.5.c Urban Mixed Use (UM) Subarea: Mandatory requirements –</p> <p>3. Provide a mix of office, retail, and service uses that are integrated into the neighborhood and complement and support the uses of the UT inner and Outer Core subareas</p>	<p>3 This requirement may inadvertently prohibit uses as it is a mandatory requirement that the mix of uses in the UM Subarea 'complement and support the uses of the UT inner and Outer Core subareas'</p>	<p>3 change requirement to state: "provide a mix of office, retail, service, and other uses allowed in the UM subarea as provided in Chapter 3"</p>
3	<p>2.01.02.I.2.a & b Urban Employment District must be:</p> <ol style="list-style-type: none"> a) Designed and sited to ensure the shortest and most direct route possible from point to point b) Connected so that pedestrians do not have to walk across grass or landscaped areas when making connections identified in Subsection 2.01.02.I.1 	<ol style="list-style-type: none"> A) As written, regulation is subjective as there is no definition of "point to point". Also, the shortest and most direct route may not always be feasible. B) The language does not provide a tangible regulation that can be enforced by zoning. 	<ol style="list-style-type: none"> A) Remove language. B) Either remove language or revise language (example: 'Connections identified in Subsection 2.01.02.I.1 above shall be designed to encourage pedestrians to remain on Pedestrian Way and Pedestrian Walkways through the use of design elements such as universal accessibility, signage, landscape-lined walkways, or similar enhancements.')
4	<p>2.01.02.J: On-Site Amenities in Urban Employment (UE) District All Development in the UE District containing 25,000 or more square feet of gross floor area must incorporate at least 2 of the following on-site amenities or features that are accessible to all uses within the development</p>	<p>The on-site amenities which are allowed are very prescriptive (ex. Sculpture provided a minimum in 10 feet in height, width, or depth). Also, several on-site amenities may be used to satisfy the minimum open space requirement, but not all on-site amenities meet this requirement though they are seen in the definition</p>	<p>Review/revise prescriptive language associated with on-site amenities. Allow all on-site amenities (except #4) to be used to satisfy open space requirement.</p>

		of open space (ex. 'Water feature, such as lake, pond or fountain...' cannot be used to satisfy open space requirement, but definition of open space includes boating and fishing as acceptable uses).	
5	2.02.01.G ; 2.02.02.G ; 2.05.01.H ; 2.05.02.K Other Lot Requirements For single family detached and single family attached duplex, triplex, or quadruplex dwelling units , garages with access from the front must be setback at least 10 feet behind the front line of buildings	As written, it seems any homes which have a garage which is flush with the home or extends out further than the front of the home will become a non-conforming use (Ashburn village, Ashburn farm, Broadlands, Lansdowne, Belmont country club, JLMA areas, etc.). This could be a good design practice in some situations but should not be required by the zoning ordinance.	Please remove – this is too prescriptive and inflexible. In aggregate, excessive regulation of building design make development more difficult and expensive, and reduces the ability to provide attainable housing.
6	Table 3.02.01-1: Use Specific Standards	Not all use-specific standards have been linked in the matrix	Link applicable standards
7	Table 3.02.01-1: Animal Services	Dog day care currently falls under the use of a kennel which is not permitted in many districts. Dog day care is typically a less intense use than a kennel with overnight boarding	Consider creating a standalone use for dog day care and provide use specific standards related to noise, number of animals, etc.
8	Table 3.02.01-1: Craft Beverage Manufacturing	Craft beverage manufacturing is only permitted by special exception in the urban districts as well as suburban mixed district. This use brings visitors and other patrons to mixed use areas.	Permit by-right in urban districts and suburban mixed-use
9	Table 3.02.01-1 Banquet & Event	Is prohibited in SC-NC and SC-CC.	Allow use in SC-NC and SC-CC either “P” or “M”
10	Table 3.02.01-1 Farm Market (off-site)	Is prohibited in Urban Employment	Allow use in UE. There is an opportunity to strategically connect western Loudoun producers with customers in eastern Loudoun through Farm Markets. This enables customers to purchase locally grown food and supports the rural economy.
11	Table 3.02.01-1 Mobile Vendors	Mobile Vendors like Food Trucks are prohibited in the SC-NC, SC-CC, SE and SI	Remove use from list unless there is a clear determination that the zoning ordinance must regulate this use. Mobile vendors are not a land use – they operate in many locations, not one static location.
12	Table 3.02.01-1 Community Center	As defined, a community center seems to be similarly related to an HOA club house for a pool or similar recreational facility. It seems by applying a Special Exception to this use, the County is discouraging a Community Center as part of future communities in some residential districts.	Permit community center by-right in suburban residential districts

13	Table 3.02.01-1 Convention or exhibition facility	This type of use would do well in areas such as Suburban Mixed Use and Suburban Employment. Further, allowing in these districts allows an additional opportunity to increase visitors to Loudoun County.	Permit by-right in SM and SE districts
14	Table 3.02.01-1 EDUCATION	The education use type requires business/technical schools, colleges, instructional services, etc. to be permitted by special exception in some Urban Districts. By requiring a special exception, schools may not locate in urban areas, which are the areas which are likely to have the highest concentrations of future population with access to transit. There are education uses on other sites in urban areas that are adjacent to existing Silver Line stations that are successful and complement the other uses in those locations.	Allow all EDUCATION uses by-right in Urban Districts and Suburban Districts.
15	Table 3.02.01-1 Medical Office	Urban Districts are anticipated to have the highest concentration of future population, and these residents will need to see a doctor. Allowing a medical office by-right in the UT district would make possible better medical service for patients in the UT district area.	Permit medical office by-right in UT
16	Table 3.02.01-1 Amphitheater	An amphitheater provides a community amenity which residential users and visitors enjoy. Also, please link Use Specific Standard 3.05.05.01 to matrix.	Permitting Amphitheater "P/S" in the UT District, similar to SM District
17	Table 3.02.01-1 Cultural Facility	Currently, listed as special exception in UE district. An example of a cultural facility is an interactive science and technology center – a facility like this may do well in a UE district	Permit Cultural Facility by-right in UE district
18	Table 3.02.01-1 Open Space, passive	As drafted, Passive Open Space is currently prohibited in the UT, UM, UE, SN-4, SN-6, SM, SC-CC, SC-CC, and SE districts. Does not make sense to prohibit passive use of undeveloped land.	Permit by-right in all districts (including UT, UM, UE, SN-4, SN-6, SM, SC-CC, SC-CC, and SE districts).
19	Table 3.02.01-1 Flex Building	Flex buildings often include office & Research and Development type uses -- both of which are Core Uses of the Urban Employment district.	Allowing Flex Building as a permitted by-right use in the UE district.
20	Table 3.02.01-1 Research and Development	Research and Development uses are anticipated to be a major growing sector for our community and will need access a variety of office options, especially in the Urban areas.	Allow use by-right in all Urban Districts and the SM district.
21	Table 3.02.01-1 TRANSPORTATION/PARKING	Uncrewed aerial systems are quickly becoming a popular use type for research type uses. Consider including this use in the new ZOR.	Add uncrewed aerial systems to use list and assign to districts

22	Table 3.02.01-1 Transit Facilities	<p>During the discretionary zoning process, applicants may be requested to provide a transit shelter or reserve locations for transit shelters. As drafted, this matrix would then require applicants to file a new Special Exception application as part of a zoning application to the Board of Supervisors. Perhaps create language in the Chp. 2 regulations requiring consultation with the County and other appropriate authorities on location.</p>	<p>Allow transit facilities by-right in SN, SCN, SM, SC, and SE districts.</p>
23	DEFINITIONS Restaurant, sit-down	<p>Very prescriptive language on what a sit down restaurant is and is not. Popular fast casual restaurants would fall under the "Restaurant, fast-food, excluding drive-through facilities" in the County. This would include areas such as the TCC (SPEX), TLI (SPEX), TI (SPEX), and all Rural districts (prohibited). As an example, a BBQ restaurant which you walk up to a counter, place an order, and throw away any utensils would not meet this definition. Restaurants using this model would be allowed to operate by-right in only the Urban and Suburban Districts.</p>	<p>Allow for two types of restaurant uses. Restaurant with drive-through facilities and Restaurant without drive-through facilities. All restaurant types within the ZOR may fall within these types.</p>
24	ACCESSORY USES Office	<p>Accessory office is only permitted as accessory to Agriculture, Public/Civic, and Lodging principal use types. Meaning Residential, Commercial, Industrial, and Infrastructure uses are prohibited from having accessory office.</p>	<p>Permit accessory office in Residential, Commercial, Industrial, and Infrastructure principal use categories.</p>
25	ACCESSORY USES Retail sales	<p>Agriculture often has an accessory retail sales component and allowing retail sales should not be removed.</p>	<p>Permit accessory retail sales in agriculture principal uses (do not strike through language as is drafted).</p>
26	<p>3.05.03.05.B.1 Hotel/Motel B. Locational Criteria 1. A Hotel/Motel must have direct access to collector or arterial roads</p>	<p>Hotels/motels should have easy access to minor collector, major collector, minor arterial, or major arterial roads, however direct access may not always be feasible. For instance, two existing hotels located near the Ashburn Metro Station and another located in One Loudoun would not meet this requirement.</p>	<p>Remove/revise requirement.</p>
27	<p>3.05.04.05.A Banquet/Event Facility A. Applicability This section applies to all Banquet/Event facility uses, except within the SM/SE District</p>	<p>No residential component permitted in UE District, so Banquet/Event Facility is not likely to be a nuisance to nearby properties.</p>	<p>Exempt UE District from regulation, too</p>

28	<p>3.05.06.04.E.1 Flex Buildings E. Uses. 1. At least 51% of the gross floor space of each building shall be used for industrial/production uses</p>	This regulation is not in line with existing flex buildings throughout Loudoun County and will likely create an abundance of non-conformities.	Remove regulation.
29	<p>4.09 Suburban Mixed Use Overlay District</p>	Suburban Mixed Use Overlay District is currently being drafted and has not been released to public for review and comment.	Extension to timeline recommended to review section or alternate ZOAM following ZOR.
30	<p>5.05.05-1 UPA EV Parking Percentages</p>	EVs offer many advantages but the speed of the shift to EVs is unknown, so it is premature to specify a number of parking spaces that must be EV parking spaces. In dense areas such as the urban policy areas with thousands of parking spaces, a high EV parking requirement may not be financially feasible. Additionally, not all EV plug ins are created equal in terms of size and specs. This may lead to unintended problems down the road as electric vehicles continue to evolve.	Remove requirements for EV parking spaces from the zoning ordinance. If needed, consider amending the ordinance with a future ZOAM.
31	<p>5.05.13.D Specific Residential Design Type Parking Specific residential design types must follow layout arrangements similar to illustrations in Sec. 5.05.14.D.1-2</p>	Section includes very prescriptive language for the design of all residential units in all policy areas. This regulations does not lend itself to current or future market demands of residential design.	Remove regulation. Please note, the draft Zoning Ordinance does not provide a Sec. 5.05.14.D.1-2.
32	<p>5.12 Owner's Associations <i>Establishes requirement for HOAs and what is required in HOA CC&Rs</i></p>	Confirm legality of this regulation and clarify whether this is intended only for HOAs or also commercial property owner associations. The Code of Virginia - Article 7, Sec. 15.2-2297 includes language related to HOA's -- "A zoning ordinance may include and provide for the voluntary proffering in writing, by the owner, of reasonable conditions...(v) the conditions shall not include a requirement that the applicant create a property owners' association under the Property Owners' Association Act..."	Remove regulation.
33	<p>8.01.A.4.a Affordable Dwelling Unit Program 4. Exemptions. Requirements of the ADU Program do not apply to the following: a. Any multistory structure of which a minimum of 4 stories are composed entirely of multifamily dwellings and/or facilities (excluding parking) restricted for the exclusive use and enjoyment of the residents of such multifamily dwellings, and has an elevator(s) that serves 2 or more dwelling units</p>	Removing the exemptions entirely may lead to a development which is not financially feasible. At 6 stories and higher, builders are likely required to build with steel and cost of construction is much higher and affordable housing may not be economically achievable due to cost of construction and/or market rents.	Increase requirement from 4 stories to 6 stories .

	<p>in the structure. Note: <i>The County directed staff to commence a study to determine the feasibility of deleting the ADU Program exemption for multifamily (MF) dwelling structures and develop new regulations for MF dwelling structures under the ADU Program as a priority of the Zoning Ordinance Rewrite. Findings of that study could result in changes to this exemption. See June 2, 2020 Board Business Item - TLUC Report: ZOAM-2017-0001 Housing Affordability ZOAM.</i></p>		
34	<p><u>8.01.K.5.c Affordable Dwelling Unit (AHU) Programs</u> In a development that contains SFD, SFA, or MF dwelling units, the timing of construction and availability of <u>AHUs</u> must be as follows:</p> <ol style="list-style-type: none"> 1. Occupancy permits for 50% of the AHUs must be issued prior to issuance of more than 50% of the market rate dwelling units occupancy permits for the development. 2. Occupancy permits for 75% of the AHUs must be issued prior to issuance of more than 75% of the market rate dwelling units occupancy permits for the development. 3. Occupancy permits for 100% of the AHUs must be issued prior to issuance of more than 90% of the market rate dwelling units occupancy permits for the development. 4. The following information must be submitted with each occupancy permit application for a market rate dwelling unit within the development: <ol style="list-style-type: none"> a. The total number of dwelling units, market rate dwelling units, and AHUs proposed for the development. b. The number of occupancy permits issued for market rate dwelling units within the development. c. The number of occupancy permits issued for AHUs within the development. d. The lot number or unit number of each AHU for which an occupancy permit has been issued. 	<p><u>AHUs</u> are often delivered by a developer separate from the master developer/builder of a site. However, the master developer/builder is required to meet the <u>AHU</u> timing requirements as prescribed in the ZO. Since this is the case, the master developer/builder may be required to slow construction to wait for the delivery of <u>AHU</u> units provided by an attainable housing developer. Rather than lead to possible delays, consider a secondary method (example: bond, escrow, etc.) the delivery of the <u>AHUs</u>. This will allow both developers/developments to proceed without potential delays caused by the timing of construction requirement.</p>	<p>Consider creating an optional delivery method for <u>AHUs</u> which requires a developer to construct <u>AHUs</u> in the event an affordable housing developer is not able to meet the obligations required to construct an affordable building.</p>
35	<p><u>11.03 DEFINITIONS</u></p>	<p>Please provide a red line version of <u>11.03 definitions</u> v. <u>11.03.23</u> Use Definitions as many definitions have been added, removed, or altered. For example: <u>11.03</u> includes</p>	<p>Update as requested.</p>

		language for church, synagogue, temple, or mosque, but 11.03.23 has language for a religious land use'.	
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