

# **ZONING ORDINANCE REWRITE**

**ZOAM-2020-0001**

**Public Comments**

**Online Comment Form**

**Draft Zoning Ordinance**

**July 6, 2023 and November 21, 2023 Version**

The following comments were submitted through the online public comment form found on the Zoning Ordinance Rewrite project [webpage](#).

# MEMORANDUM

TO: LOUDOUN COUNTY BOARD OF SUPERVISORS

FROM: ARNOLD HOROWITZ, 5409 27TH RD N,  
ARLINGTON VA

SUBJECT: December 13, 2023, Staff Report:  
ZOAM-2020-0001, Zoning Ordinance Rewrite (PDF)

I own approximately 2.5 acres in Loudoun County, the street frontage for which is 2152 Rock Hill Road, in Arlington, County. The property is approximately 1/3 mile from Innovation Metro Station.

I have not had time to read the 1,490 pages, but these two paragraphs on page 7 seem particularly relevant:

Revise the Purpose statement for Section 2.02.03, TC Zoning District to support TC Zoning District only in existing locations in the Urban Transit Center Place Type of the 2019 GP, maximum 60 foot building heights and 1.0 floor area ratio (FAR) in the Suburban Mixed Use Place Type, minimum 95-foot building height and minimum 2.0 FAR for buildings proximate to the Innovation Metrorail Station, and minimum 70-foot building height and minimum 1.4 FAR (minimum 1.0 FAR if adjacent to single-family residential) as distance increased from the Innovation Metrorail Station.

Revise Section 2.02.03.A.2.a., Minimum District Size

for the TC Zoning District from 30 acres to 20 acres and allow this minimum district size to be reduced by a maximum of five acres by modification.

The first paragraph on Innovation Metrorail area makes sense. I do not understand how the second paragraph might impact the first, but am concerned that it could do so.

The 1,490 pages have been sprung on the public with little advance notice. Much more time is needed to digest them.

As a small property owner next to Innovation Metrorail Station, I urge that no zoning changes be made that inadvertently contradict the County's goal of encouraging Metro-centric development.

Several of my neighbours are in the same situation and will be make these same points tonight, both in person and in writing.

Good evening, chairman and board members. My name is Pinckney Lynch jr I am the resident and current owner of 2150 Rock Hill Rd., and part owner of 2148 where I have lived most of my life since 1949,

Thank you for the opportunity to speak concerning the boards desire to amend the requirements for zoning application in Loudoun County.

I have to say that we were a little surprised about the meeting as we did not receive any notification either by mail or on site posters as is normally done.

It is my understanding the County wants to require a minimum of 20 acres to be able to rezone.

I am one of several property owners on the Loudoun / Fairfax County border where the county lines splits our property into. The three properties together equal roughly 10 acres which fronts on the old portion of rock Hill Road. and is divided almost in half by the county line.

The properties are bordered on the southside by the New, Grey Star Apartment complex, which was recently approved a couple years for development and rezoning on a 7 acre parcel and is currently under construction.

To the west of us is Chantilly Crushed Stone and to the North of us lies property owned by Stout And Teague and associates

We sit in the middle of properties who have larger tracts of land and very little, if any need for our property,

This leaves us with a combined property that is torn between two counties and no possible way of achieving rezoning to be able to sell or develop with out being able to rezone independently of the larger tracts. This puts us in a difficult position to say the least.

By amending the zoning ordinance to read a minimum of 20 acres you will effectively decrease the value of our property making it literally impossible for us to be able to do anything with it while the taxes continue to increase.

A few months ago we requested a meeting between supervisor, Glass and supervisor Faust of Fairfax,

Supvr Foust met with us virtually in Supvr Glass's office.

The meeting was to discuss our situation concerning the division of our properties between both counties. We explained our situation to them and asked they pay a little more attention to our area and try to develop a way they could work together in the possible development of our small tracks of land across the county line. We also discussed existing flood plain issues which may or may not impact development of our tracts.

Not a word was mentioned at that time about this possible change in zoning.

I/we really felt after the meeting they learned more about this area that they weren't aware of and the impact being divided between both counties has on the property.

We felt they could appreciate the need to working together to everybody's mutual benefit. Maybe we were wrong in assuming that.

I am sure neither side wants a small tract of land sitting in the middle that can't be rezoned!!

At present we have a couple major developers in Northern Va that are interested in the property who have had discussions with the county and feel they can make a development work. But not with these restrictions.

So obviously we ARE STRONGLY OPPOSED TO THIS CHANGE.

We ask that you reconsider implementing the requirements you are proposing. We also asked that Loudoun and Fairfax make a combined effort to consider working together across the country line that would allow our property to become a better piece of the puzzle that will be a benefit for us all.

Keep in mind we are just out of the quarter-mile ring of the metro station maybe slightly farther but I really feel that it would be doing an injustice to both counties to not be able to come up with a way to develop our property as opposed to leaving it as it is in its current state in the middle of every thing going on around us.

Thank you for your consideration



November 16, 2023

Dear Chair Randall and Board Members,

In the United States, approximately 61 million adults live with a disability, which means that 26 percent or one in 4 adults in the country have some form of disability.<sup>1</sup> According to the 2021 American Community Survey, 29,109 residents of Loudoun County (6.8%) have at least one type of disability, with 3,517 being under 18 years old, 13,794 between 18 and 64 years old, and 11,798 being 65 years and older.<sup>2</sup> It is essential to recognize that the disability community constitutes the largest minority group in the United States.

I would like to emphasize the importance of universal design and accessible housing for people with disabilities in Loudoun County while considering any upcoming (or ongoing) plans for development, especially in the housing sector. In 2011, a study conducted by HUD's Office of Policy Development and Research's Multidisciplinary Research Team, titled "Accessibility of America's Housing Stock: Analysis of the 2011 American Housing Survey," revealed that the majority of U.S. homes are not fully accessible. Shockingly, fewer than 5 percent of units have the features needed to accommodate a person with moderate mobility difficulties.<sup>3</sup> In addition, a report from the National Disability Institute shows that the poverty rate is twice as high for adults with disabilities. Although there is high demand for affordable and accessible housing, fewer than 200,000 housing units in the U.S. are universally accessible and only a fraction of those units is affordable.

Universal design, as you may already appreciate, is an approach that seeks to create environments accessible to all individuals, regardless of age, ability, or mobility. As we collectively work towards enhancing accessibility and inclusivity within our community, we believe there is a crucial opportunity that merits our attention. This a huge opportunity for the Loudoun County Board of Supervisors to publically acknowledge and support the need to embed the principles of universal design within the fabric of our residential spaces. Thereby, forging a community that not only accommodates those with disabilities, but also fosters an inclusive, welcoming environment for every resident.

Allow me to highlight a few key principles of universal design that can be seamlessly integrated into zoning ordinances and housing development applications:

1. Change Policies to Enhance Minimum Federal Requirements: Advocate for policy changes that go beyond the minimum federal requirements to ensure that our community truly embraces universal design

<sup>1</sup> <https://www.cdc.gov/ncbddd/disabilityandhealth/infographic-disability-impacts-all.html>

<sup>2</sup> <https://data.census.gov/table?q=Loudoun+County,+Virginia+Health&tid=ACSST1Y2021.S1810>

<sup>3</sup> <https://www.huduser.gov/portal/sites/default/files/pdf/accessibility-america-housingStock.pdf>



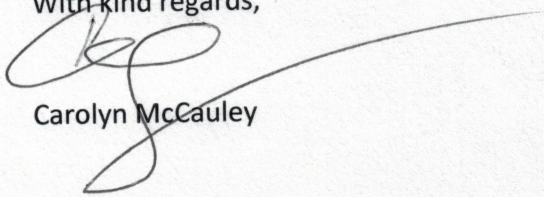
principles. For example, increase accessible parking requirements for both residential and commercial facilities and encourage playground amenities that are wheelchair accessible via paved paths.

2. Incentives for Developers: Consider offering incentives, such as density bonuses, to developers who incorporate universal design features in their projects. This proactive approach encourages the private sector to invest in universally accessible housing. There are no federal or building code requirements for single family housing to incorporate universal design. Retrofitting homes to add accessibility features is much more expensive than ensuring homes are adaptable as they are built.
3. Mixed-Use Development: Encourage zoning provisions that promote mixed-use developments, as they naturally lend themselves to more accessible environments for residents of all abilities.
4. Variances for Accessibility Features: Allow variances or special permits in cases where strict adherence to zoning regulations might impede the implementation of universal design elements, such as ramps or wider doorways.
5. Use Land Banks to Create Accessible Housing: Implement the use of land banks as a strategic tool to acquire and repurpose properties, with a focus on creating accessible housing options for all residents.

By thoughtfully merging these principles into the zoning ordinance, we can pave the way for a more inclusive and accessible community. This effort not only aligns with a shared commitment to inclusivity but also sets a strong precedent for other communities to follow suit.

I look forward to collaborating with you and your teams in advocating for these vital changes. Your continued dedication to the disability community is invaluable, and I believe that together, we can affect positive changes that resonate throughout our community.

With kind regards,



Carolyn McCauley

**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:** [DEPT-PZ-ZORW](#); [Barbour, Glen](#); [McCormick, Nancy](#)  
**Subject:** [EXTERNAL] Online Form Submittal: Zoning Ordinance Rewrite - Board of Supervisors Phase  
**Date:** Monday, October 16, 2023 4:59:54 PM

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## Zoning Ordinance Rewrite - Board of Supervisors Phase

### Project Overview

The Loudoun County Zoning Ordinance is the primary implementation tool for the [Loudoun County 2019 Comprehensive Plan](#). The zoning ordinance includes the regulations that are based on the community's vision as expressed in the goals, policies and actions of the 2019 Comprehensive Plan.

In June 2023, the Planning Commission completed its review of the zoning ordinance and forwarded a draft ordinance to the Board of Supervisors for consideration. The Board is scheduled to hold a public hearing on a Zoning Ordinance Amendment on July 26, 2023. In the coming weeks, the Board of Supervisors will consider the text as well as consider revisions before ultimately adopting a new zoning ordinance.

The Board of Supervisors welcomes your feedback through this form.

[Visit the project webpage.](#)

First Name	William
Last Name	Stewart
Address1	40101 Highland View Lane
Address2	<i>Field not completed.</i>
City	Paeonian Springs
State	VA
Zip	20129
<a href="#">Election District of Your Residence or Business</a>	Catoctin
Please check all that apply. I am a:	Loudoun County Resident
Name of community group or organization	<i>Field not completed.</i>



you are representing (if applicable)

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Areas of interest or concern

*Field not completed.*

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Please provide your specific comments on the Zoning Ordinance content or the Zoning Ordinance Rewrite process:

(see uploaded document) Please add the attached Wind Energy ordinance language to the Loudoun Zoning Ordinance rewrite

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Upload your letter or documents.

[Wind Energy Zoning Ordinance input.docx](#)

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Thank you for your participation!

To receive an email confirmation of this form, please check the box below.

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Email not displaying correctly? [View it in your browser.](#)

# Wind Energy Zoning Ordinance section

## Definitions

Add the following definitions to the section of the zoning ordinance that defines words used in the ordinance.

**A-WEIGHTED SOUND LEVEL** means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network, expressed as dB(A) or dBA.

**AMBIENT SOUND** means the all-encompassing sound associated with a given environment, being usually a composite of sound from many sources near and far, as defined by ANSI S12.9 Part 3, current revision.

**ANEMOMETER TOWER** means a freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system which is an accessory land use to a utility scale wind energy system. Also includes the same equipment for evaluating wind characteristics in preparation of or evaluation of construction of on-site wind energy system and utility-scale WES.

**ANSI** means the American National Standards Institute.

**BACKGROUND SOUND** means sound from all sources except the source of interest.

dBA means the sound pressure level in decibels using the "A" weighted scale defined by ANSI.

DECIBEL means a unit used to measure the intensity of a sound or the power level of an electric signal by comparing it with a given level on a logarithmic scale.

END OF USEFUL LIFE means the end of the manufacturer's recommended useful life of the product, when lease or easements expire, the WES or parts of the WES are abandoned for 12 months or more, or power purchase agreements expire.

[ Commentary. The end of useful life provision provides direction to the next generation of planners as to what will happen in 20-30 years when a WES owner requests to re-tool (such as,install new equipment to extend the life of the project), modify, or remove the project. [End of commentary]

HEIGHT means the distance between the base of the wind turbine tower at grade to the tip of the blade at its highest reach.

HORIZONTAL AXIS WIND TURBINE means a wind turbine that utilizes a main rotor shaft and electrical generator at the top of the tower and points into the wind for optimal operation.

IEC means the International Electrotechnical Commission.

ISO means the International Organization for Standardization.

LAYDOWN AREA means a designated area where turbine components are temporarily stored prior to erection. A central laydown area may be used for the project or there may be several laydown areas. A laydown area may be used temporarily during construction or may be a permanent feature of the WES development.

Leq means the equivalent average sound level for the measurement period of time.

L<sub>n</sub>, PERCENTILE-EXCEEDED SOUND LEVEL means the A-weighted sound pressure level which is exceeded by a specified percent of the time period during which a measurement is made, denoted as LXX and expressed as dBA. (For example a 10-Percentile-Exceeded Sound Level shall mean the A-weighted sound pressure level which is exceeded 10 percent of the time period during which a measurement is made, denoted as L10 and expressed as dBA. L90 denotes the sound level exceeded 90 percent of the time period.)

PARTICIPATING PARCEL means one or more parcels under a lease or easement for development of a utility-scale WES

NON-PARTICIPATING PARCEL means a parcel for which there is not a signed lease or easement for development of a utility-scale WES associated with the applicant project.

ROTOR means an element of a WES that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

ON-SITE WIND ENERGY SYSTEM (WES) means a land use for generating electric power from wind and is often an accessory use that is intended to primarily serve the needs of the consumer on-site or an adjacent property.

SHADOW FLICKER means alternating changes in light intensity caused by the moving blade of a WES casting shadows on the ground and stationary objects, such as but not limited to a window at a dwelling.



**SOUND PRESSURE** means the difference at a given point between the pressure produced by sound energy and the atmospheric pressure, expressed as pascals (Pa).

**SOUND PRESSURE LEVEL** means twenty times the logarithm to the base 10, of the ratio of the root-mean-square sound pressure to the reference pressure of twenty micropascals, expressed as decibels (dB). Unless expressed with reference to a specific weighing network (such as dBA), the unit dB shall refer to an un-weighted measurement.

**UTILITY-SCALE WIND ENERGY SYSTEM (WES)** means a land use for generating power by use of wind at multiple tower locations in a community and includes accessory uses such as but not limited to a SCADA Tower, electric substation. A utility-scale WES is designed and built to provide electricity to the electric utility.

**VERTICAL AXIS WIND TURBINE** means a wind turbine utilizing a vertical rotor shaft, these are often mounted the ground or a building and do not need to point into the wind to be effective.

**WES** means wind energy system (see on-site WES and utility-scale WES).

**WIND SITE ASSESSMENT** means an assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a WES.

**WIND TURBINE** means a group of component parts used to convert wind energy into electricity and includes the tower, base, rotor, nacelle, and blades.

[Next section number in ordinance] An on-site WES is a permitted or accessory use which shall meet the following standards:

Designed to primarily serve the needs of a home, agriculture, or small business or to test wind or other environmental conditions in the area for a period not to exceed 3 years from the date the permit is issued.

Height: Total height for on-site WES shall not exceed 120 feet.

On-Site System Exception: On-site WES mounted to existing structures (such as a roof or pole) that extend 20 feet or less above the highest point of the structure are exempt from this zoning ordinance.

Property Setback: The horizontal distance between the base of an on-site WES and the owner's property lines shall be no less than 1.1 times height. No part of the WES structure, including guy wire anchors, may extend closer than 20 feet to the owner's property lines, or the distance of the required setback in the respective zoning district, whichever results in a greater setback.

Sound Pressure Level: The audible sound from an on-site WES shall not exceed 45 dBA Leq (10 minute) at the neighboring dwelling closest to the WES.

[Commentary: Manufacturers of on-site turbines provide a maximum predicted sound level as part of the documentation given to the owner or installer. A zoning administrator can ask for this information upon application to verify sound levels will meet the regulation. It is unlikely that the owner of the on-site WES will be able to afford a detailed sound study, like those required of a utility-scale WES. The manufacturer's predicted sound level is important documentation to keep in the file should a complaint arise. In the event that two or more on-site systems are requested for the same property, additional detail may be needed from the manufacturer to obtain the cumulative sound level contributed by more than one turbine. [End of commentary]

Construction Codes, Towers, and Interconnection Standards: On-site WES towers shall comply with all applicable state construction and electrical codes and local building permit requirements. An interconnected on-site WES shall comply with Virginia SCC and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this requirement.

Aviation and Airports: Where applicable, on-site WES shall comply with Federal Aviation Administration requirements and local jurisdiction airport overlay zone regulations.

Safety: An on-site WES shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors.

Ground Clearance: The minimum vertical blade tip clearance from grade shall be 20 feet for a horizontal axis wind turbine<sup>64</sup>. Vertical axis wind turbines are exempt from this ground clearance provision, but sufficient clearance should be maintained for the safety of people, animals, machinery, or others that may traverse under or near the vertical turbine.

Temporary Towers (temporary anemometers for wind testing, bat testing towers)

Height: Temporary anemometers or other temporary testing towers (such as for bat studies) shall not exceed 120 feet

Setback: The horizontal distance between the base of a temporary anemometer tower and the owner's property lines shall be no less than 1.1 times height. No part of the tower structure, including guy wire anchors, may extend closer than 20] feet to the owner's property lines, or the distance of the required setback in the respective zoning district, whichever results in a greater setback.

Construction Codes, Towers, and Interconnection Standards: Temporary towers shall comply with all applicable state construction and electrical codes.

Aviation and Airports: Where applicable, temporary anemometers shall comply with Federal Aviation Administration requirements, and local jurisdiction airport overlay zone regulations.

Performance Guarantee: The Planning Commission shall obtain a performance guarantee for a temporary anemometer or other temporary tower in an amount sufficient to guarantee removal of the tower at the end of three years. The performance guarantee shall be obtained in compliance with Section \_\_\_\_\_ of this ordinance.



**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:** [DEPT-PZ-ZORW](#); [Barbour, Glen](#); [McCormick, Nancy](#)  
**Subject:** [EXTERNAL] Online Form Submittal: Zoning Ordinance Rewrite - Board of Supervisors Phase  
**Date:** Tuesday, October 10, 2023 5:42:56 PM

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[Visit the project webpage.](#)

First Name	Brian
Last Name	Reagan
Address1	PO Box 7000
Address2	<i>Field not completed.</i>
City	Leesburg
State	Virginia
Zip	20177
<a href="#">Election District of Your Residence or Business</a>	Countywide
Please check all that apply. I am a:	<i>Field not completed.</i>
Name of community group or organization	Affordable Dwelling Unit Advisory Board (ADUAB)

you are representing (if applicable)

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Areas of interest or concern

Attainable Housing

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Please provide your specific comments on the Zoning Ordinance content or the Zoning Ordinance Rewrite process:

See uploaded letter for comments from the Affordable Dwelling Unit Advisory Board.

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Upload your letter or documents.

[ADUAB ZOR Letter to BoS 10-10-23.pdf](#)

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Thank you for your participation!

To receive an email confirmation of this form, please check the box below.

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## **Loudoun County Affordable Dwelling Unit Advisory Board**

106 Catoclin Circle, SE

P.O. Box 7000

Leesburg, VA 20177

October 10, 2023

Loudoun County Board of Supervisors

1 Harrison Street, SE

P.O. Box 7000

Leesburg, VA 20177

Dear Members of the Board of Supervisors:

The Affordable Dwelling Unit Advisory Board (ADUAB), as an advisory body to the Loudoun County Board of Supervisors (BOS), is tasked with providing recommendations to the Board of Supervisors on reasonable rules and procedures to assist in the regulation and monitoring of the sale and rental of ADUs. On June 14, 2022, ADUAB drafted and reviewed comments on the Zoning Ordinance Rewrite Chapter 9, Attainable Housing and input the comments in the enCodePlus system.

Since that time, ADUAB has closely followed the progress of the Zoning Ordinance Rewrite and appreciates the time and dedication that staff, the Planning Commission, and the Board of Supervisors, are giving to this important initiative. Specific to Chapter 9, ADUAB fully supports any revisions that assist in the provision of housing to persons of moderate income and promote the development of a full range of housing choices. Amongst other topics, ADUAB is supportive of Chapter 9 revisions such as increasing the percentage of dwelling units that must be ADUs, altering the exemption for buildings with 4 or more stories to 8 or more stories, removing the exemption for R-1, TR-1, CR-1, and JLMA-1 zoning districts, and clarifying compatibility and interspersation.

The Zoning Ordinance Rewrite language recommended by the Planning Commission is in keeping with comments and recommendations provided by ADUAB. Separate from Chapter 9, Attainable Housing, ADUAB continues to recommend greater flexibility when considering parking requirements for ADUs which are currently 1.5 parking space per dwelling unit for attainable units (Section 7.06.02 C.1). ADUAB does not specifically propose an arbitrary number, but recommends that staff research and provide a number based on other examples for attainable units that are quantifiable and defensible.

Respectfully,

Loudoun County Affordable Dwelling Unit Advisory Board

Cc: Mr. Tim Hemstreet, County Administrator  
Ms. Erin McLellan, Deputy County Administrator  
Mr. Joe Kroboth, III, Assistant County Administrator  
Mr. Dan Galindo, Director, Department of Planning and Zoning  
Ms. Judi Birkitt, Deputy Director, Department of Planning and Zoning

## Torrible, Christina

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**Subject:** FW: Online Form Submittal: Zoning Ordinance Rewrite - Board of Supervisors Phase  
**Attachments:** ZOR--Motion 7.06.02.C.1--ADU Parking Ratio Reduction.pdf

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**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com) <[noreply@civicplus.com](mailto:noreply@civicplus.com)>

**Sent:** Monday, October 9, 2023 7:11 PM

**To:** DEPT-PZ-ZORW <[DEPT-PZ-ZORW@loudoun.gov](mailto:DEPT-PZ-ZORW@loudoun.gov)>; Barbour, Glen <[Glen.Barbour@loudoun.gov](mailto:Glen.Barbour@loudoun.gov)>; McCormick, Nancy <[Nancy.McCormick@loudoun.gov](mailto:Nancy.McCormick@loudoun.gov)>

**Subject:** [EXTERNAL] Online Form Submittal: Zoning Ordinance Rewrite - Board of Supervisors Phase

### Zoning Ordinance Rewrite - Board of Supervisors Phase

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[Visit the project webpage.](#)

First Name	Kim
Last Name	Hart
Address1	PO Box 1258
Address2	<i>Field not completed.</i>
City	Middleburg
State	VA
Zip	20118



[Election District of Your  
Residence or Business](#)

Blue Ridge

---

Please check all that apply. I  
am a:

Loudoun County Resident

---

Name of community group  
or organization you are  
representing (if applicable)

Good Works

---

Areas of interest or concern

Attainable Housing

---

Please provide your specific  
comments on the Zoning  
Ordinance content or the  
Zoning Ordinance Rewrite  
process:

I move to modify Section 7.06.02.C.1 of the DRAFT Zoning  
Ordinance.  
Please see my motion, a justification for this motion, a redline  
of the proposed changes to the draft text, and supporting  
documentation attached.

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Upload your letter or  
documents.

[ZOR--Motion 7.06.02.C.1--ADU Parking Ratio Reduction.pdf](#)

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Thank you for your participation!

To receive an email confirmation of this form, please check the box below.

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## **MOTION:**

I MOVE: That Section 7.06.02 C.1. be revised as follows:

- a. Reductions are determined by the number of attainable units regardless of bedroom type or Area Median Income (AMI) levels.
- b. Parking may be reduced to 1.5 parking spaces per dwelling unit.
- c. The site plan must show the number of attainable dwelling units.
- d. Parking for attainable units must be included in the rental price.
- e. Attainable Housing units may benefit from additional parking reductions, as appropriate, by applying Sections 7.06.02.C.2 through 7.06.02.C.4 below.  
[Please see redline attached.]

## **JUSTIFICATION:**

- The Institute of Transportation Engineers (ITE), based on 29 studies of over 4,600 Affordable Housing Units, has published in the 5<sup>th</sup> Edition of the Parking Generation Manual, that the Average Rate of Peak Period Parking Demand per [Affordable] Dwelling Unit is 0.99 parking spaces per dwelling unit. [See attached.]
- On May 5 & 6, 2020, Professional Engineers at Gorove Slade conducted a Parking Occupancy Survey at three of the largest ADU Projects in Loudoun County. They found, at the time of peak parking demand, that the Parking Ratios (Spaces/DU) were 1.1; 1.2; and 1.4 with an Average of 1.2 Spaces/DU. [See attached.]
- On May 20, 2020, Kimley-Horn completed and delivered the “Tuscarora Crossing Parking Demand Study” in which they published actual parking demand ratios for five affordable housing properties in Loudoun County (different from the three properties listed above). The average parking demand ratio was 1.3 parking spaces per dwelling unit. [See attached.]
- ITE, Gorove Slade, and Kimley-Horn all based their professional analysis on the number of affordable housing units in the apartment complex. To date, no research has been presented by County staff justifying a reduction in parking ratios based on Area Median Income (AMI) levels.
- A prior study of Resident Demographics at Heronview Apartments, one of the properties in the Gorove Slade study, found that 57% of households have only one single adult in the household. In addition to low to very low levels of household income, this high number of single-resident households helps to explain the low level of automobile ownership at ADU properties.
- In a sample problem, applying the current Draft Zoning Ordinance language to a 100-unit 4% LIHTC Bond deal, it was found that the current Draft language will reduce required parking spaces from 200 to 174. However, applying the parking ratio of 1.5 spaces per Dwelling Unit, proposed here, will reduce the required parking spaces from 174 to 150, a savings of 24 parking spaces. Using standard industry assumptions for the cost to build parking spaces, the cost to buy land for parking spaces, and the cost to treat storm water coming off parking spaces, these 24 unneeded parking spaces added \$635,000 (\$6,350 per units) of unneeded cost to the attainable project.

## Section 7.06.02 Parking Ratios

C. **Reduced Parking Ratios.** In accordance with Section 7.06.02.C., the parking ratios provided in Table 7.06.02-1 may be reduced. The reductions of Section 7.06.02.C. are not subject to Section 7.06.08, except to exceed the specified limits or to exceed a cumulative reduction of 35%. The reduction of Section 7.06.02.C.1. is not subject to this cumulative limitation. Additional parking reductions may be provided pursuant to Section 7.06.08.

1. **Attainable Housing.** Parking ratios for dwelling units provided pursuant to Chapter 9: Attainable Housing are reduced when in conformance with Section 7.06.02.C.1. These reductions apply to all of the dwelling units provided pursuant to Chapter 9 or meeting the definitions of Affordable Dwelling Unit (ADU), Unmet Housing Needs Unit (UHNU), and Affordable Housing Unit (AHU).

- a. Reductions are determined by ~~units at varying Area Median Income (AMI) levels; the number of attainable units, regardless of bedroom type or Area Median Income (AMI) levels.~~
- b. Parking may be reduced ~~to 1.5 parking spaces per dwelling unit at 10%, 30%, or 50% depending on dwelling unit income restrictions.~~
  - ~~1. 10% Reduction: Dwelling units affordable at or below 60% AMI.~~
  - ~~2. 30% Reduction: Dwelling units affordable at or below 50% AMI.~~
  - ~~3. 50% Reduction: Dwelling units affordable at or below 30% AMI.~~
- c. The Site Plan must show the number of attainable dwelling units with AMI levels.
- ~~d.~~ Parking for attainable rental units must be included in the rental price.
- ~~d.e.~~ Attainable Housing units may benefit from additional parking reductions, as appropriate, by applying Sections 7.06.02.C.2. through 7.06.02.C.4 below.

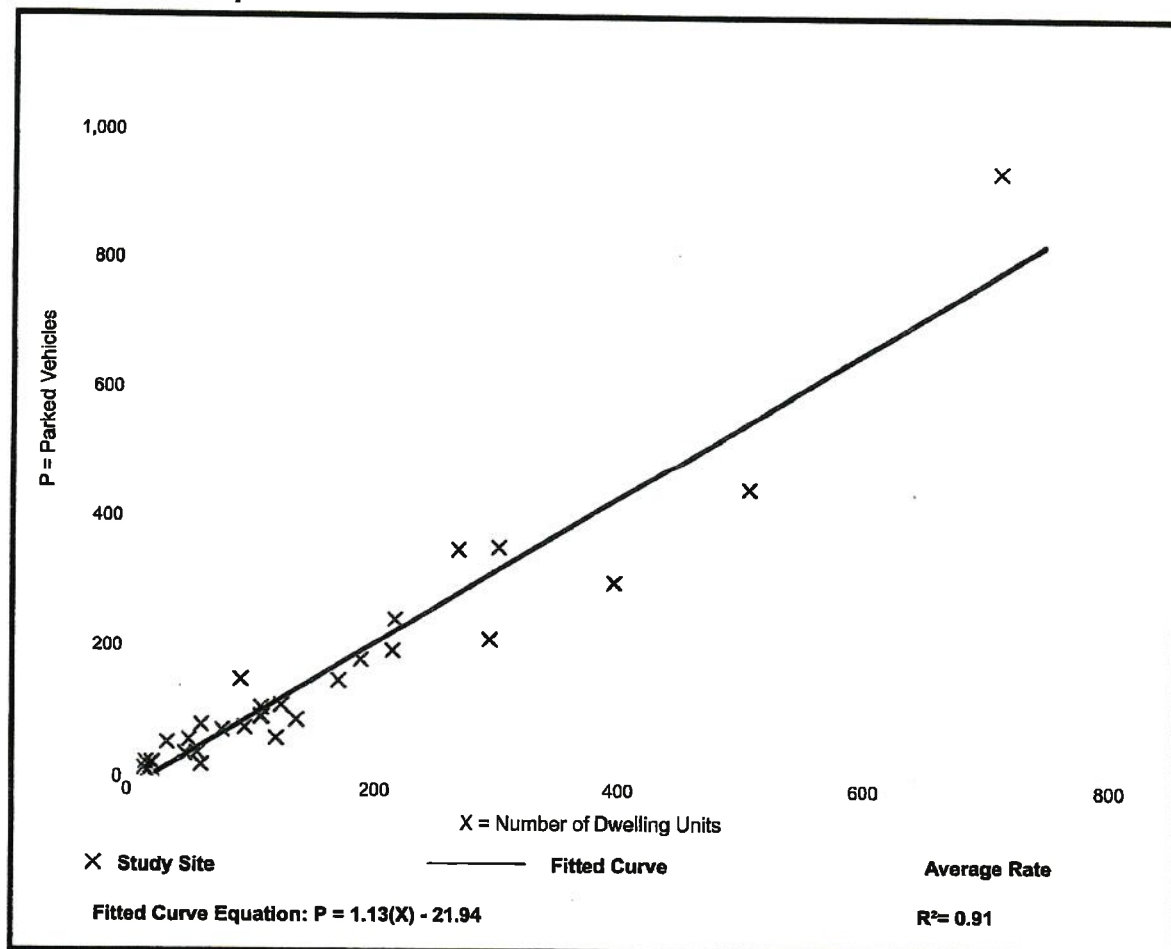
## Affordable Housing - Income Limits (223)

Peak Period Parking Demand vs: Dwelling Units  
 On a: Weekday (Monday - Friday)  
 Setting/Location: General Urban/Suburban  
 Peak Period of Parking Demand: 10:00 p.m. - 5:00 a.m.  
 Number of Studies: 29  
 Avg. Num. of Dwelling Units: 159

### Peak Period Parking Demand per Dwelling Unit

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
0.99	0.32 - 1.66	0.85 / 1.33	0.89 - 1.09	0.27 (27%)

### Data Plot and Equation



Parking Generation Manual, 5th Edition • Institute of Transportation Engineers



# Parking Demand Study

Prepared by Gorove Slade May 8, 2020 Page 2.

Empirical data derived from existing ADU projects in Loudoun County indicates that the majority of residents of affordable units own one vehicle. This reduced amount of vehicle ownership is directly attributable to both the number of ADU households headed by a single person and the household income of ADU residents. Three similar existing ADU sites in Loudoun County that were surveyed in this memorandum include:

- Stone Springs Apartments
- Shreveport Ridge Apartments
- Heronview Apartments

The parking occupancy counts of these three sites were conducted on Tuesday, May 5, 2020, and Wednesday, May 6, 2020. Parking sweeps were conducted from 8:00 PM to 9:00 PM, which represents peak parking demand during typical weekdays. **Please note that based on discussions with the building owner for three sites noted above, it was also confirmed that all of these sites were fully occupied when the parking observations were conducted on these sites.** The results of the survey are summarized in Table 2.

**Table 2: Parking Occupancy Summary of Existing ADU Projects**

Project	Dwelling Units (DU)	Zoning Ordinance Requirement		Actual Usage			
		Parking Spaces	Parking Rate (Spaces/DU)	5-May		6-May	
				Parking Spaces	Parking Rate (Spaces/DU)	Parking Spaces	Parking Rate (Spaces/DU)
Stone Springs Apartments	128	267	2.1	145	1.1	143	1.1
Shreveport Ridge Apartments	98	223	2.3	140	1.4	135	1.4
Heronview Apartments	96	180	1.9	114	1.2	110	1.1
Average			2.1		1.2		1.2

As shown in Table 2, the parking demand of the studied ADU sites averaged at 1.2 spaces per dwelling unit.

## Tuscarora Crossing Parking Demand Study

Prepared by Kimley-Horn May 20, 2020 Page 4.

Observed parking demand at the local sites is shown in Table 3.

*Table 3: Local Parking Demand Comparison Sites – Observed Parking Demand Ratios*

Property Name	Address	Period Collected Start Time	Empty Spaces	Occupied Spaces / Parked Cars	Total Spaces	Parking Occupancy %	Parking Demand Ratio per unit	Parking Demand Ratio per bedroom
Woods at Brambleton	23601 Willshaw Square, Ashburn	Late Evening 7:30PM	127	287	414	69%	1.42	0.89
The Acclaim at Sterling *	46910 Shady Point Square, Sterling	Late Evening 7:00 PM	44	157	200	79%	1.54	0.69
Potomac Station	652 Fort Evans Road NE, Leesburg	Late Evening 8:00 PM	62	301	363	82%	2.01	0.91
Ashburn Meadows	21030 Lowry Park Terrace, Ashburn	Late Evening 7:00 PM	296	451	747	60%	1.34	0.61
Abbey at South Riding	43001 Thoroughgood Drive, South Riding	Late Evening 7:00 PM	253	101	354	29%	0.60	0.31

The Acclaim at Sterling was visited twice. Once in the early morning (6:00 AM) and once in the evening 7:00 PM. The data in the table represents the evening visit.

Based on observations at local sites, Loudoun County affordable housing parking demand ratios range from 0.60 to 2.01 spaces per unit. An average parking demand ratio of 1.3 spaces per unit was calculated. A **weighted** average parking demand ratio of 1.35 spaces per unit was calculated (based on weighting by the number of units at each site).

**HERONVIEW APARTMENTS  
RESIDENT DEMOGRAPHICS  
SEPTEMBER 2019**

**OVERVIEW**

- 96 units
- 250 residents (147 adults / 103 minors under 18)

**HOUSEHOLD MIX**

- Single Adult – No minors 23%
  - 2 Adults – No minors 17%
  - Single Adult – with minors 34%
  - 2 Adults – with minors 26%
  - 55% of minors live in single-parent households
- 57% are Single Adult Households

**ETHNICITY**

- Caucasian (including Hispanic) 43%
- African-American 35%
- Asian-American 22%

**HOUSEHOLD INCOME (annual)**

- Low (Social Security) \$20,000
- Average \$39,400
- High (2 earners with minors) \$62,000

**EMPLOYMENT BY CATEGORY - 96% employed (only 4% receiving any rental assistance)**

**Retail, Sales, Hospitality 29**

Retail – 4

Cashier - 5

Sales – 10

Food – 6

Bartender - 4

**Educators 12**

Teachers - 12

**Drivers and Mechanics 15**

Drivers - 8

CDL Drivers – 1

Mechanic – 5

Parts specialist - 1

**Construction 1**

HVAC helper

**Medical Professionals 9**

Dental Assistant - 3

Orthodontic Assistant – 1

Radiology Assistant – 1

Pharmacy – 1

Personal Care Assistant – 2

Equipment technician – 1

**Business and Government 27**

Office Assistant – 4

Receptionist - 6

Auto Finance Work – 1

IT workers – 8

Security Officer – 4

TSA Officer – 1

Clerk – 2

Property Manager - 1

**Miscellaneous 11**

Cleaner – 3

Toll Booth Worker – 1

Self-employed – 1

Personal trainer – 1

Caseworker – 1

Counselor – 1

Residential Counselor – 1

Customer service – 2

**Retired 3**

**TOTAL 104 JOBS FILLED**

## ADU/AHU Parking Ratio Reduction

### Sample Problem for Illustration:

- 100-unit LIHTC Project under the 4% Bond Program in the Sub-Urban Policy Area.
- Required Parking Spaces (before reduction) from Parking Table 1.:
  - 20% 1-BR units = 20 units x 1.5 spaces/DU = 30 spaces
  - 60% 2-BR units = 60 units x 2.0 spaces/DU = 120 spaces
  - 20% 3-BR units = 20 units x 2.5 spaces/DU = 50 spacesTotal Parking Spaces Required : 200 spaces (avg 2.0/DU)
- Current Proposed Reduction:
  - 8 units at 30% AMI x 2 spaces/DU = 16 x 50% reduction = 8 spaces
  - 92 units at 60% AMI x 2 spaces/DU = 184 x 10% reduction = 18 spacesTotal Parking Space Reduction : 26 spaces  
Net Parking Spaces Required : 174 (avg 1.74/DU)
- Industry Proposed Alternative:
  - 100 units x 1.5 required Parking Spaces/DU = 150 spaces (avg 1.5/DU)Net Unneeded Parking Spaces: 24

### Added Cost of Unneeded Parking Spaces:

- Cost to Build Unneeded Parking Spaces:
    - Assume half surface parked = 12 spaces x \$10,000/space = \$120,000
    - Half structured parked = 12 spaces x \$30,000/space = \$360,000Funds Wasted to Build Unneeded Spaces: \$480,000
  - Cost to Buy Land for Unneeded Parking Spaces:
    - Assume 24 spaces will require about 0.20 Acre of land.
    - Assume cost of land at about \$700,000/acre  
(Discounted price for ADUs/AHUs).Funds Wasted to Buy Land for Unneeded Spaces: \$140,000
  - Cost to Treat Added Storm Water Runoff:
    - Assume an added 0.2 acre of impermeable surface will add to cost of Storm Water management and Treatment system
    - Assume added grading, pipe, and treatment at \$15,000.Funds Wasted on Assed Storm Water Management: \$15,000
- Total Funds Wasted on Unneeded Parking Spaces: \$635,000  
(Adds about \$6,350/unit to cost of project.)



Dear Supervisor Kershner,

My partner, Rob Riley, and I are the owners of R&D Baseball Academy, a small business in Fairfax County that we would like to relocate to Loudoun County and, in particular, in the Catoctin District. We are eyeing properties that are no longer used for farming purposes but have barns or other larger agricultural structures that would be ideal to house our small-scale, individualized baseball training program, and would give these agrarian structures a second life. Many of these agricultural structures offer adequate size for pitching and batting practice and would offer a commensurately unique environment for our specialized training programs. Our ultimate goal is to also have my family move to the house on the property where we would enjoy the rural character of the area. Throughout our search for suitable properties we have become increasingly familiar with the pending Zoning Ordinance Rewrite process to understand where and how our 'small business' use type is allowed.

I am writing to you to request modified language in *section 4.04.19.D.3* of the Zoning Ordinance Rewrite to provide clarity regarding the adaptive reuse of agricultural structures for small business uses. The small business section 4.04.19 encourages the adaptive reuse of existing agricultural structures for small business uses, as we propose, and serves to provide an exemption for the maximum structure size in Table 4.04.19-2. However, it is unclear how the reuse of an agricultural structure existing prior to the adoption date of the Zoning Ordinance would be treated with respect to other requirements. By virtue of 'existing prior to the adoption date of this Zoning Ordinance', it is possible and often likely that some of these agricultural structures will not comply with the bulk requirements of the new ordinance. So, while 4.04.19.D.3 accounts for structure size that is in excess of those identified in Table 4.04.19-2, there is no explicit reference about how these potentially nonconforming structures would be reviewed against other ordinance requirements. As such, the Zoning Ordinance Rewrite, as it is currently drafted, could hamstring the ability of a small business to actually adaptively reuse an existing agricultural structure. In an effort to support small business in the Catoctin District, we believe the following additional language to 4.04.19.D.3 (new language highlighted) will provide needed clarity to facilitate the adaptive reuse of agricultural structures as intended:

**3. Agricultural Structures.** 100% of an agricultural structure, existing prior to the adoption date of this Zoning Ordinance, may be used for small businesses irrespective of any bulk or structure-specific requirement that may otherwise be required by this Ordinance. An approved zoning/building permit must be approved for the change in use.

We believe this small change is consistent with the County's goal to provide small businesses the option to reuse already existing agricultural structures and are hopeful it can be incorporated as the Board is reviewing Chapter 4 of the Zoning Ordinance (work session on this chapter set for tonight). Our legal team at Cooley helped us with our understanding of the Zoning Ordinance. I am happy to discuss in further detail, if helpful. Thank you for your consideration.

Daniel J. Olds  
Managing Partner, R&D Baseball, LLC



Submission Date	First Name	Last Name	Please provide your specific comments on the Zoning Ordinance content or the Zoning Ordinance Rewrite process:
6/14/2023 14:23	John	Fuog	Regarding Sec 5-668 (c) distilleries. I have written numerous times and met with staff on more than one occasion to correct the verbage regarding water and sewer for distilleries. This should read "may be public water and sewer", not shall be. We are building a distillery in AR1 zoning. There are no public utilities in this area. Please correct this. Thank you. John Fuog
7/16/2023 12:15	Bryan	Brooks	Dear Members of the Loudoun County Board of Supervisors. Has this draft been subjected to actual application? I strongly urge the BOS to commission 3 different Civil Engineering firms to randomly select 2 properties from each of the zoning districts and attempt to apply the proposed requirements. Would you purchase an automobile that was never test driven? Would you buy software that was never beta tested? Of course not. Please please, slow this run-away train down and get it right the first time. As a land developer I have applied zoning ordinances. in multiple jurisdictions over the past 38 years, I can assure you that as is, this draft would grind development to a halt in Loudoun. If that is the goal, then be prepared for endless lawsuits for years to come. My concern is that as drafted, with no ability to achieve modifications and an endless list of other deficiencies, this draft is unusable.
7/26/2023 19:30	Stephen	Bradford Rose	As a young farmer in a 4 generation family Farm in Loudoun county I appreciate the care being given to rural economic uses by creating a separate CPAM for Western Loudoun. However, I would suggest that in addition to the specific areas of focus listed for consideration, a focus on farmworkers housing be added to address the growing need for attainable housing within the growing sustainable ag sector.
7/26/2023 7:30:00 PM (cont'd)	Stephen	Bradford Rose	<p>The zoning code must include explicit zoning protections for a broad diversity of alternative housing options to meet the growing demand for accessible farmworker housing in the sustainable agricultural sector. This must include protections for a range of low impact, temporary and movable housing options including trailers, cabins, yurts and tiny houses that share central sanitary facilities.</p> <p>The current zoning allowances for farm worker housing and tenant dwellings are not responsive to the needs of the sustainable ag sector which relies on intensive cultivation techniques demanding approximately 1 full time employee per acre in cultivation. Furthermore, infrastructure start-up cost for sustainable small farm operations are often considerable and the added burden of meeting the demands of building a conventional farm dormitory is prohibitive for most starting and existing farmers. Traditionally small farms have relied on a diversity of low impact, small scale, temporary and movable structures but this reality has not been reflected in the zoning code which has not adequately protected the needs of this growing ag sector.</p>

Submission Date	First Name	Last Name	Please provide your specific comments on the Zoning Ordinance content or the Zoning Ordinance Rewrite process:
9/6/2023 8:35	Julie	Hildebrand	Let's increase open space and green space instead of adding more data centers and development. Let's fund the Performing Arts Center in eastern Loudoun. Let's reduce the Dulles airport traffic and noise instead of adding to it. Let's complete the connection of walking trails.
9/26/2023 10:52	Rosalyn	Johnson	<p>Data Centers: Please do not allow any additional data centers to be built, especially along Rt 7! The current number of centers is already too many. Our once beautiful eastern Loudoun has now been taken over by data centers.</p> <p>Affordable Housing: limit expansive developments &amp; require developers of large # of home to provide more than just a few affordable. I've lived here 23 years and my daughter has to move to WVA to afford a home. We need our working community to be able to afford to purchase in Loudoun County</p> <p>Open Space: both of the above would save Open Space</p>
9/26/2023 16:14	Dan	Olds	<p>Dear Supervisor Kershner,</p> <p>My partner, Rob Riley, and I are the owners of R&amp;D Baseball Academy, a small business in Fairfax County that we would like to relocate to Loudoun County and, in particular, in the Catoctin District. We are eyeing properties that are no longer used for farming purposes but have barns or other larger agricultural structures that would be ideal to house our small-scale, individualized baseball training program, and would give these agrarian structures a second life. Many of these agricultural structures offer adequate size for pitching and batting practice and would offer a commensurately unique environment for our specialized training programs. Our ultimate goal is to also have my family move to the house on the property where we would enjoy the rural character of the area. Throughout our search for suitable properties we have become increasingly familiar with the pending Zoning Ordinance Rewrite process to understand where and how our 'small business' use type is allowed.</p>
9/26/2023 4:15:59 PM (cont'd)	Dan	Olds	<p>I am writing to you to request modified language in section 4.04.19.D.3 of the Zoning Ordinance Rewrite to provide clarity regarding the adaptive reuse of agricultural structures for small business uses. The small business section 4.04.19 encourages the adaptive reuse of existing agricultural structures for small business uses, as we propose, and serves to provide an exemption for the maximum structure size in Table 4.04.19-2. However, it is unclear how the reuse of an agricultural structure existing prior to the adoption date of the Zoning Ordinance would be treated with respect to other requirements. By virtue of 'existing prior to the adoption date of this Zoning Ordinance', it is possible and often likely that some of these agricultural structures will not comply with the bulk requirements of the new ordinance. So, while 4.04.19.D.3 accounts for structure size that is in excess of those identified in Table 4.04.19-2, there is no explicit reference about how these potentially nonconforming structures would be reviewed against other ordinance requirements. As such, the Zoning Ordinance Rewrite, as it is currently drafted, could hamstring the ability of a small business to actually adaptively reuse an existing agricultural structure. In an effort to support small business in the Catoctin District, we believe the following additional language to 4.04.19.D.3 (new language highlighted) will provide needed clarity to facilitate the adaptive reuse of agricultural structures as intended:</p>

Submission Date	First Name	Last Name	Please provide your specific comments on the Zoning Ordinance content or the Zoning Ordinance Rewrite process:
9/26/2023 4:15:59 PM (cont'd)	Dan	Olds	<p>3. Agricultural Structures. 100% of an agricultural structure, existing prior to the adoption date of this Zoning Ordinance, may be used for small businesses irrespective of any bulk or structure-specific requirement that may otherwise be required by this Ordinance. An approved zoning/building permit must be approved for the change in use.</p> <p>We believe this small change is consistent with the County's goal to provide small businesses the option to reuse already existing agricultural structures and are hopeful it can be incorporated as the Board is reviewing Chapter 4 of the Zoning Ordinance (work session on this chapter set for tonight). Our legal team at Cooley helped us with our understanding of the Zoning Ordinance. I am happy to discuss in further detail, if helpful. Thank you for your consideration.</p> <p>Daniel J. Olds Managing Partner, R&amp;D Baseball, LLC</p>



Submission Date	First Name	Last Name	Please provide your specific comments on the Zoning Ordinance content or the Zoning Ordinance Rewrite process:
10/27/2023 17:40	Eric	Kramer	<p>Why is there an exception for grooming in the kennel and indoor kennel definition? The other exceptions i.e. Animal Hospital and Pet Shop are regulated. There is no licensing nor regulation of grooming. Illegal kennels will use grooming as a means to continue running illegal kennels.</p> <p>Why is stable, livery "more than 10 horses used for hire." As soon as any horse is used as a horse for hire the stable should be a stable, livery. Stable, private through it's definition is a stable that does not "hire" horses. For example, what if a stable, only claims to hire out 10 horses? The stable, livery definition should be changed to denote "any" horse for hire. Again, stable, private is for the owner and up to 10 boarders - boarders are individuals that "own" their horses and board at a stable, private. Also, for the stable, private the definition of a boarder should be defined very clearly as to not include the lease of a horse or at least limit the number of leased horses to 2..</p>
10/30/2023 8:52	Eric	Kramer	<p>The Kennel, Indoor definition includes the term commercial facility. Commercial facility is vague and maybe unnecessary? Would this definition of kennel, indoor hold if someone was running such an establishment from their home? Also, Loudoun County should require businesses that board animals that are not licensed kennels to post and provide written notice to boarders the fact that they can only board 4 companion animals at a time and are not a licensed kennel and therefore are not inspected by Loudoun County to check the health and safety standards of the establishment. There are illegal kennels that claim that they are home businesses caring for 4 or less companion animals and the consumer is unaware of the zoning regulations or potential risk to their pets.</p>
11/8/2023 13:28	Anthony	Venafro	<p>Data centers are listed as Permitted by-right uses in the proposed rewrite (Table 3.02.05-1). The maximum building height in MR-HI is limited to 45 feet (Table 2.06.04-1. MR-HI District Dimensional Standards).</p> <p>The remaining large tracts of land that have been identified as a "green zone" for data centers, isolated from residential areas, are located on MR-HI property. If the County would like to see data center development thrive in these limited locations, it would be recommended that the building height is raised significantly to maximize the development opportunity in these areas, similar to IP and GI. Three-story data centers are nearing or exceeding 100 feet, prior to rooftop mechanical equipment screening. Thank you for your consideration.</p>