Date of Meeting: July 13, 2012

BOARD OF SUPERVISORS
TRANSPORTATION AND LAND USE COMMITTEE
ACTION ITEM

6

SUBJECT: ZOAM 2012-0002, Commercial and Industrial Zoning Ordinance Amendments

ELECTION DISTRICTS: County-wide

CRITICAL ACTION DATE: At the Pleasure of the Board

STAFF CONTACTS: Terrance Wharton, Director, Building and Development
Michelle Lohr, Zoning Administration
Theresa Stein, Zoning Administration
Nicole Dozier, Zoning Administrator

RECOMMENDATION:

Staff: Staff recommends that the Transportation and Land Use Committee (TLUC) recommend that the Board of Supervisors: (1) establish a Zoning Ordinance Action Group (ZOAG) by resolution, rather than amending and including the requirements for such a group in the Revised 1993 Loudoun County Zoning Ordinance ("Zoning Ordinance"); and (2) direct Staff to develop Zoning Ordinance amendments for the Commercial Light Industry (CLI) zoning district's regulations to reclassify certain existing special exception uses as permitted uses and add certain new permitted uses.

BACKGROUND:

On February 14, 2012, the Board of Supervisors ("Board") approved a Workplan to review the Zoning Ordinance for the purpose of developing a Zoning Ordinance Amendment (ZOAM-2012-0002) to advance commercial and industrial development throughout the County (Attachment 1). The review included all aspects of the Zoning Ordinance identified as potential impediments to economic development, with the goal of making the process of expansion or the start up of a commercial or industrial enterprise more business-friendly.

Pursuant to the Workplan, a Stakeholders Group ("Stakeholders") was formed to review and prioritize issues and concerns in regard to current County regulations that may hamper business development in the County. At its June 19, 2012, Business Meeting, the Board was provided a list of 14 priority issue topics identified by the Stakeholders, along with brief descriptions of the Zoning Ordinance Amendments that the Stakeholders proposed to address these priority issue topics and an overview of Staff's reaction to the proposals. To formally initiate ZOAM-2012-0002, at the June 19 meeting, the Board approved a motion (8-0-1, York absent) requesting Chairman York to work with the Chair of the TLUC and Staff to develop a work program and

process that would take into consideration time and resource constraints, Planning Commission comments, and Board comments and direction raised at the June 19 meeting, for approval by the Board in July. Staff is currently preparing that material for the July 17 Board business meeting and will advise the TLUC of those recommendations on July 13. In addition, the approved motion directed that Zoning Ordinance Amendments in regard to the priority issue topics of the Commercial Light Industry (CLI) Zoning District and the formation of a ZOAG be forwarded to the TLUC for further discussion.

DISCUSSION:

Creation of Zoning Ordinance Action Group

Stakeholder Recommendation: The Stakeholders recommend the creation of a Board appointed advisory group that would draft, review, and/or make recommendations in regard to proposed zoning ordinance amendments on an on-going basis, and that regulations regarding the formation of this group be included within the Zoning Ordinance. The Stakeholders are concerned that unless the ZOAG is required in the Zoning Ordinance, a subsequent Board of Supervisors could easily alter or eliminate this advisory group. The Stakeholders believe that the ZOAG could provide a more rapid response to zoning issues and its creation would send a message to the business community that the County is responsive to their needs and concerns. The ZOAG is similar in nature to the Zoning Ordinance Review Committee (ZORC) that presented amendments to the Board in 2006. The purpose of the ZOAG is intended to allow for more timely amendments to the Zoning Ordinance to respond to changes in the marketplace. The Stakeholder proposed draft amendment text for the ZOAG has been included as Attachment 2. The draft text describes the potential make-up of this group and the TLUC may be inclined to offer additional recommendations as to assemblage of group with the appropriate variety of background and experience to develop Zoning Ordinance amendments. Staff notes that the draft has not been fully reviewed for consistency or formally adopted by the Stakeholders; however, it may be helpful for discussion.

Staff Issues:

1. *Regulations regarding the ZOAG in the Zoning Ordinance.* Staff supports the concept of a ZOAG and believes that it would have a high business impact countywide, but does not recommend including regulations regarding the ZOAG within the Zoning Ordinance. Staff believes that by not including regulations within the Zoning Ordinance, the Board would have greater discretion and flexibility to review the effectiveness of the ZOAG and to modify the ZOAG's responsibilities as the need arises. Otherwise, changes to the Ordinance regulations regarding the ZOAG's role and responsibilities would require a Zoning Ordinance Amendment. For the aforesaid reasons, if regulations regarding the ZOAG are to be placed in the Zoning Ordinance, then caution should be exercised regarding the amount of detail included.

2. *ZOAG Involvement in Every Zoning Ordinance Amendment.* Staff recommends that the ZOAG's involvement not be required for every Zoning Ordinance Amendment, as this could delay, rather than expedite, certain amendments.

3. *Impact on Staff Resources.* Staff resources will be required to serve as a liaison to the ZOAG in order to assist with the interpretation of the Zoning Ordinance and other related regulations. Staff would still review all Zoning Ordinance Amendments proposed by the ZOAG and manage such Zoning Ordinance amendments through the public process.

4. *Possible Duplication of Roles.* Staff questions how the role of the ZOAG will differ from, or provide additional value beyond, what the Planning Commission currently provides. The establishment of a ZOAG would not change the State Code requirement that Zoning Ordinance amendments include a Planning Commission public hearing and recommendation.

CLI Amendments

Stakeholder Recommendation: The Stakeholders recommend reclassifying certain special exception uses as permitted uses; adding new permitted (by-right) uses; increasing the permitted percentage of floor area for accessory uses; reducing the minimum lot size; increasing the maximum lot coverage; increasing the permitted maximum building height; increasing access to Route 50; and allowing individual property owners to file a unified development plan without having to consolidate lots. The text of the Stakeholders' proposed draft Zoning Ordinance Amendment is included in Attachment 3. Staff notes that the draft has not been fully reviewed for consistency or formally adopted by the Stakeholders; however, it may be helpful for the development of draft text.

Staff Issues:

1. *Proposed Uses within CLI.* The CLI zoning district already allows for a wide variety of commercial uses that generate high traffic volumes and do not promote the coordinated and efficient land use or traffic pattern envisioned by the County for the Route 50 Corridor. The Stakeholders recommended adding new permitted uses that do not necessarily promote the vision or land use policy for the Route 50 Corridor. For example, the Stakeholders recommended expansion of permitted accessory dwellings to include single-family attached and multi-family dwelling units. However, the original intent of Zoning Ordinance in allowing residential units accessory to permitted and special exception uses was to only permit caretaker type dwellings. Staff believes that a better approach would be to look at whether existing by-right and special exception uses could be modified for uses that are more appropriate for achieving the County's objectives. Initially, Staff would support reclassifying certain special exception uses to permitted uses, such as "automobile service stations", or adding compatible new uses such as "facilities for lessons in dance" and "motorcycle sales." However, Staff notes that if the Zoning Ordinance is amended such that a former special exception use is reclassified as a by-right (permitted) use, properties that had an approved special

exception with conditions under the prior Zoning Ordinance generally could be developed under the amended Zoning Ordinance without complying with the conditions. The conditions would no longer be binding because the use has become "by-right" (permitted). Thus, further research is needed to determine what the full impact of reclassifying these special exception uses as permitted (by-right) uses would be. For example, Staff believes that research is necessary in regard to what improvements associated with conditions of approval would be lost, whether new performance standards should be developed to mitigate the effects of these reclassified special exception uses, and how such reclassification would affect proffered commercially and/or industrially zoned properties located within the Route 28 Taxing District.

2. *Access.* The Stakeholders recommendation to permit increased access along Route 50, in the form of right-in and right-out movements, is contrary to the limited access policies for Route 50.

3. *Setback and Height Reductions.* Staff is concerned that the recommended reduction in the additional setback required for increased building height, coupled with the proposed increase in the maximum building height, will have a negative impact on adjacent properties.

For these reasons, and, given the proposed CLI revisions are anticipated to only have a medium business impact on a limited geographic area (see Attachment 4), Staff believes that this Stakeholder priority issue topic should not proceed on the accelerated timeline proposed by the Stakeholders, but rather should proceed after ZOAM-2012-0002 (meaning the initial priority package of amendments) has been acted upon by the Board. This approach will allow more time and resources to be devoted to obtaining additional input and conducting research and analysis regarding the proposed CLI changes. However, Staff is amenable to proceeding with limited amendments to the CLI zoning district's regulations, such as the reclassification of some existing special exception uses as permitted uses, such as "automobile service station" or the addition of new permitted uses, such as "facility for lessons in dance" and "motorcycle sales", for approval as soon as possible.

DRAFT MOTIONS:

1. I move the Transportation and Land Use Committee recommend that the Board of Supervisors establish a Zoning Ordinance Action Group (ZOAG);

AND

2a. I further move the Transportation and Land Use Committee recommend that the Board of Supervisors direct staff to develop amendments to the CLI zoning district's regulations to reclassify certain existing special exception uses as permitted uses and add certain new permitted uses.

OR

2b. I further move the Transportation and Land Use Committee recommend that the Board of Supervisors take no further action in regard to amendments to the CLI zoning district's regulations.

OR

3. I move an alternate motion.

ATTACHMENTS:

1. February 14, 2012 Work Plan
2. Stakeholder Draft ZOAG text
3. Stakeholder Draft CLI text
4. CLI map

INTRODUCTION

On January 3, 2012, the Board of Supervisors (Board) directed staff to develop a Resolution of Intent to amend the Revised 1993 Loudoun County Zoning Ordinance for the purpose of advancing commercial development throughout the County. The overall objective of the amendment is to move forward the Board's stated mission to encourage a more business-friendly environment.

As a first step in this effort, the Board directed staff to prepare a workplan that proposes a timeline, identifies the resources necessary to complete the Zoning Ordinance amendment(s), and assesses the impacts on other zoning related initiatives that are currently underway or planned.

This workplan is intended to respond to the Board's direction and provide a process for completing the Ordinance amendment within the timeframe shown on Exhibit 1, Project Workplan Graph. However, it should be noted that the estimated completion date may need to be adjusted, depending on the actual scope of the Ordinance changes identified during the initial Stakeholder Engagement/Public Outreach, as well as additional time that may be needed for the Planning Commission (Commission) and Board to complete their review of the proposed amendments.

SUMMARY

To develop the Zoning Ordinance amendment, the workplan is divided into the following three phases: Phase I: Stakeholder Engagement/Public Outreach; Phase II: Issues Research/ Analysis/Implications/Drafting; and Phase III: Formal Public Process to include Commission and Board review and approval. A more detailed description of each of the three phases is provided in the Section entitled "Detailed Approach" below. A key component of the workplan is a process designed to actively engage citizens and key stakeholders, identifying the challenges and issues encountered in establishing commercial development in the County and to encourage creative thinking and innovation for resolving these issues.

Further, the amendment process is intended to run concurrently with a similar effort underway for implementing the recently adopted Revised General Plan policies for the Route 28 Corridor. As demonstrated in the workplan below, by including key staff from both efforts – the process will ensure that the resulting work products will complement each other and that the stated goals will be accomplished.

During Phases II and III opportunities for updates and feedback are proposed to keep the Board, Commission, Stakeholders, and the public informed on the status of the amendment process and to ensure that the project stays on target for accomplishing the stated goals. Staff proposes to provide periodic updates to inform and update the Board as products are developed and to seek feedback. In addition, real time updates will be provided on a project specific web page on the County website. Furthermore, a dedicated e-mail address and voice mail phone number are proposed to receive public comments throughout the process.

STAFFING

The Zoning Ordinance amendment process is proposed to include a Technical Team, various County referral agencies and a public Stakeholders Group. A more detailed description of these staffing elements is provided as follows:

ATTACHMENT 1

Technical Team

An internal Technical Team (Tech Team) will be assembled to provide expertise, background, and staff support throughout the Zoning Ordinance amendment process based upon the scope of the amendment as identified in Phases I and II. This team will be composed of County Staff knowledgeable in the Ordinance and commercial development processes from the following departments:

- Building and Development
- County Attorney
- Planning
- County Administration
- Economic Development

A Core Team from the Departments of Building and Development, Planning, and Economic Development will have day to day research and drafting responsibilities. Staff will employ several organizing tools during the amendment process to ensure consistency, clarity, and transparency as work products are developed. During Phase I, the Core Team will focus on compiling public input into topics of concern to be used in Phase II.

Referral Agencies

After the initial outreach to the commercial development community and the public, the Core Team will present information and seek input and guidance from various County departments that can assist in identifying critical issues and provide feedback as to the potential impacts associated with proposed revisions of the Ordinance. In addition, the Referral Agencies will provide specific comments on the draft revisions to the Ordinance. The Referral Agencies may include Staff from the following Departments:

- Building and Development
- County Attorney
- Management and Financial Services
- Mapping and Geographic Information
- County Administration
- Economic Development
- Planning
- Transportation Services

Stakeholders Group

Throughout Phase I and during key portions of Phase II, the Tech Team will work with a Stakeholders Group. The Stakeholders Group should include individuals and organizations within the community that are familiar with developing commercial projects within the County. The Stakeholders Group could include industrial and trade association groups, regional organizations, realtors, brokers, financial institutions, landowners and/or their representatives, and other experts that have expressed interest in the proposed amendment. The following groups have been identified as potential members of the Stakeholders Group:

- Loudoun County Chamber of Commerce
- National Association of Office and Industrial Parks (NAOIP)
- Economic Development Commission (EDC)
- Route 50 Business Alliance

It is important to note that the workplan proposes avenues for garnering public input beyond the involvement of the Stakeholders Group.

Tasks in Phases I and II build from previous efforts, therefore, attendance at the forums and public input sessions by representatives from the Board's Economic Development Committee,

and the Commission is crucial as these groups will be instrumental in later phases of the workplan and in the implementation of the regulatory changes.

DETAILED APPROACH

Details of each of the three phases are described below.

Phase I

Upon approval by the Board, Phase I would commence with the public outreach and Stakeholder Group engagement to determine areas of the Zoning Ordinance that may be problematic and to identify impediments to commercial development within the County. It is anticipated that during this phase a "sense of the issues" or perceived impediments to commercial development within the County will be explored and a list of issues developed. This list of issues derived from public input and Stakeholder Group meetings will be the basis for the development of the Zoning Ordinance amendment that may involve several articles in the Zoning Ordinance and other County development regulatory documents. Issues that are unrelated to the Zoning Ordinance or to other development regulatory documents will be identified and brought to the Board for a decision on the most appropriate County department to address those concerns. A crucial activity of this phase will include public forums to hear from the key community stakeholders about the opportunities and challenges of developing commercial projects in the County and to organize the issues into distinct topics of concerns. The Board will be provided with an update on the results of the public input sessions and will be provided a list of proposed changes and issues in order to prioritize those changes that they deem most helpful to the commercial development community. The Board may determine that some proposed changes provide more immediate benefit, and direct those amendments to proceed to Phase II, while other potential amendments may require additional research and exploration, resulting in the need for independent workplan(s). This discussion between the Tech Team and Board may result in an altered workplan and timeline based upon the outcome. It is expected that these topics of concern will be the basis for identifying the research and analysis to be conducted in Phase II.

Phase II

Phase II builds on the results garnered in Phase I. Phase II is the most time intensive component of the workplan. During this phase, a considerable amount of time will be spent on detailed research on the issues identified by the Board in Phase I and analysis of the potential impacts that may result from making the changes suggested by the public and Stakeholder Group. The Tech Team may involve the Referral Agencies in order to gain additional input in identifying issues and impacts. The Tech Team will provide an analysis of identified issues, implications, and potential resolutions of issues to the Board and Commission for update and feedback on project status. Based upon the results of thoroughly researching the implications of the changes proposed, it may become necessary to alter the workplan in order to allow for more time, as determined by the Board.

After meeting with the Commission and Board, a draft set of regulatory changes will be produced and sent to Referral Agencies for review and comment. The Tech Team will return to the Stakeholder Group with the revised draft regulatory language to receive Stakeholder comments.

Work products from this effort could include issue papers that examine current commercial zoning districts in relation to the Phase I identified topics of concerns and may include regulatory changes that address uses and development standards between the various ordinances.

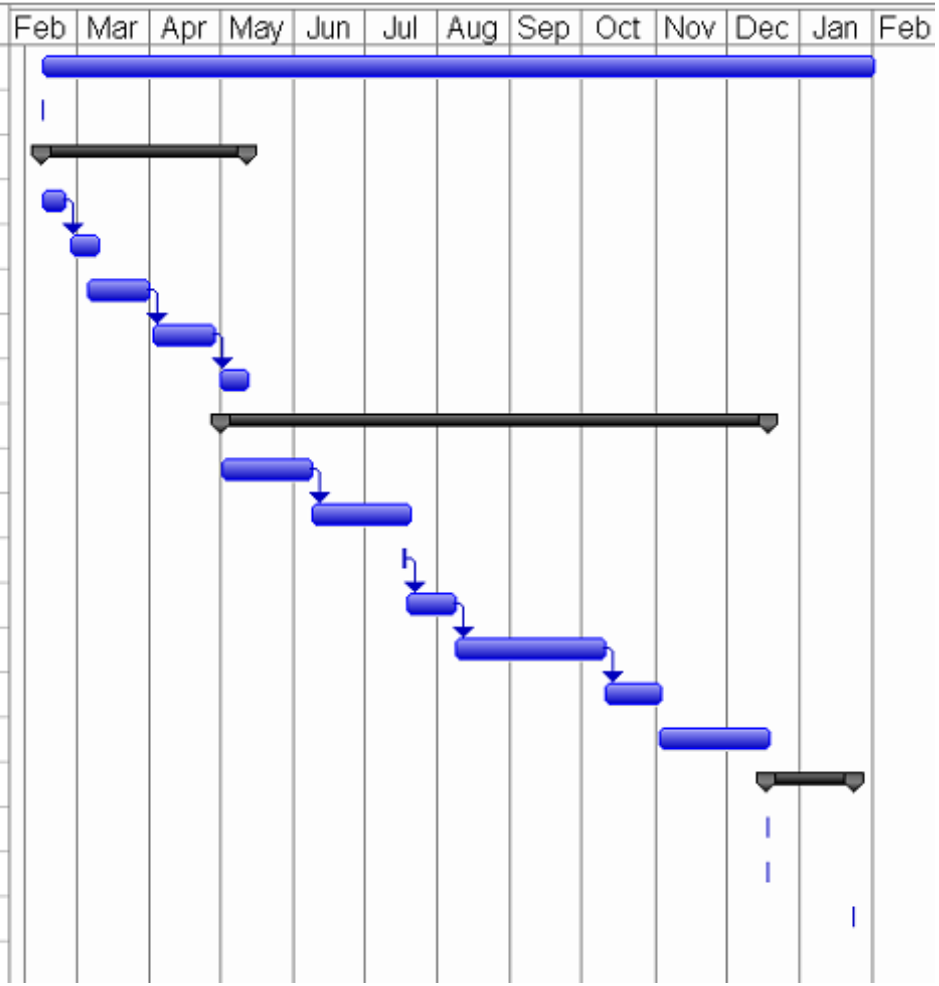
Phase III

In Phase III, the Tech Team will prepare a final draft of the proposed amendments to be presented at a joint briefing to the Board and Commission. Following this briefing and subsequent Resolution of Intent to Amend, the amendments will proceed through the traditional process of formal public hearings and work session, if necessary, beginnings with Commission review in January 2013.

The Tech Team, Referral Agencies, and possibly Stakeholder Group representatives, will provide technical assistance to the Commission and Board as requested. Additional studies intended to further the Commission and Board's understanding of the issues could be requested during this phase. Any such requests that will affect the proposed timelines and/or delay the Board action on the amendments would be brought to the Board's attention.

Exhibit 1, Project Workplan

ID	Task Name
1	**ZONING ORDINANCE AMENDMENT DURATION**
2	BOS review/agree Workplan
3	**PHASE I**
4	Convene Technical Team
5	Identify and convene Stakeholders Group
6	Public Outreach and Stakeholders
7	Finalize issue topics
8	Board Presentation: Priorization of issues
9	**PHASE II**
10	Issues research
11	Impact analysis
12	Board presentation and feedback
13	Referral agency comments
14	Draft regulatory language
15	Stakeholder comments on draft language
16	Prepare final document and forward to Board
17	**PHASE III**
18	Tech Team/Stakeholders brief BOS/PC
19	Board of Supervisors Intent to Amend
20	Planning Commission Public Hearing
21	Board of Supervisors Review



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Zoning Ordinance Review Committee. This committee shall meet to review in whole or in part the Zoning Ordinance for edits, corrections, changes, additions or deletions and shall advise the Board of Supervisors and Zoning Administrator of their findings and recommendations. Whenever a change in the Zoning Ordinance is proposed, the Zoning Administrator shall inform the Committee prior to requesting a public hearing for consideration of changes to the Zoning Ordinance.

~~This~~ The committee shall consist of at least seven representatives appointed by the Board of Supervisors of Loudoun County. The candidates for appointment may be any persons whom the Board of Supervisors deems qualified. In addition to public notification and request for citizen participation on the Review Committee, nominations shall be requested from, ~~but not limited to the following~~ organizations such as: NAIOP**;** Loudoun Chamber of Commerce**;** Economic Development Commission, Rural Economic Development Council, Northern Virginia Building Industry Association**;** Piedmont Environmental Council**;** Loudoun County Board of Realtors; local land use attorneys and land planners. The majority of members shall be actively involved in the Loudoun County community.

The committee shall meet at least twice a year (or more often if determined). Committee members shall elect a chairman. The Zoning Administrator or designee shall serve as County liaison to the committee. County staff members may serve as advisory staff to the committee but shall not be appointed to sit on committee. Members shall be appointed for a term of not less than one calendar year and no more than four calendar years and shall serve until replaced. Members may be reappointed. If a member resigns, the Board of Supervisors will appoint a replacement.

~~The committee shall meet at least twice a year (or more often if determined) to review the Zoning Ordinance and shall advise the Zoning Administrator of their findings and recommendations. Whenever a change in the Zoning Ordinance is proposed, the Zoning Administrator shall request the advice of the committee prior to requesting a public hearing for consideration of changes to the Zoning Ordinance.~~

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DRAFT TEXT SUBMITTED BY NAIOP STAKEHOLDER GROUP REPRESENTATIVE: REDLINED BY STAFF

Section 3-900 CLI - Commercial Light Industry.

3-901 **Purpose.** The purpose of the CLI district is to accommodate a mix of similar and compatible office and industrial uses, and related supportive commercial retail and service uses along the Route 50/John Mosby Highway Corridor. The CLI district shall have limited traffic and aesthetic impacts on surrounding properties and on supporting public facilities and utilities. The CLI district is intended to generate development through the use of creative design that will enhance the character of the surrounding area and contribute to the development of a distinctive gateway along the Route 50 corridor. The district may allow tourist supportive uses to serve visitors and maximize on opportunities afforded by its proximity to the Air and Space Museum.

3-902 **Size and Location.** The CLI district is mapped only along the eastern end of Route 50 as depicted on the Zoning Map. The rezoning of land to CLI in other areas of the County shall not be permitted.

3-903 **Permitted Uses.** The following uses shall be permitted in the CLI district subject to the requirements and performance criteria of these regulations:

(A) Adult day care facility, pursuant to Section 3-907(F).

(B) Animal hospital.

(C) Animal Day Care Facility

(D) Bakery, commercial.

(E) Business service establishment, pursuant to Section 3-907(F).

(F) Child care center, pursuant to Section 5-609(B) and Section 3-907(F).

(G) Church, synagogue and temple.

(H) Conference or training center, pursuant to Section 3-907(F).

(I) Dwelling, single family attached or multi-family, accessory to permitted or special exception uses, pursuant to Section 5-6___.

(J) Educational institution, pursuant to Section 3-907(F).

(K) Establishments for assembly, fabrication, processing, production and/or manufacturing of goods or products, pursuant to Section 3-907(H).

(L) Facility for providing lessons in dance, martial arts and similar activities.

(M) Fire and/or rescue station.

(N) Flex industrial uses, pursuant to Section 5-608.

(O) Funeral home or mortuary.

(P) Health and fitness center, pursuant to Section 3-907(F).

(Q) Hotel/Motel, 75 rooms or greater, pursuant to Section 5-611 and Section 3-907(F).

(R) Mass transit facilities.

(S) Medical care facility, outpatient only, pursuant to Section 3-907(F).

(T) Nursery, commercial.

(U) Office, administrative, business and professional, pursuant to Section 3-907(F).

(V) Park, public.

(W) Police Station.

(X) Post office, drop off and pick up.

(Y) Postal service, including overnight mail distribution facility.

(Z) Printing service.

(AA) Public utility service center, without outdoor storage.

(BB) Research, experimental, testing or development activities.

(CC) Sewer pumping station.

(DD) Telecommunications antenna, pursuant to Section 5-618(A).

(EE) Telecommunications monopole, pursuant to Section 5-618(B)(1).

(FF) Utility substation, dedicated.

(GG) Utility substation, distribution, pursuant to Section 5-616.

(HH) Veterinary service.

(II) Warehousing facility.

(JJ) Water pumping station.

(KK) Wholesale trade establishment.

(LL) Data Center.

(MM) Art Gallery.

(NN) Bank or Financial Institution, pursuant to Section 5-659.

(OO) Distribution Facility.

(PP) Kennel, indoor, pursuant to Section 5-606.

(QQ) Motor vehicle service and repair, light.

(RR) Museum of Exhibition Facility.

(SS) Personal service establishment.

(TT) Private club or lodge.

(UU) Restaurant.

(VV) Retail sales establishment.

3-904 **Special Exception Uses.** The following uses may be permitted by the Board of Supervisors and, if approved, may be subject to certain conditions, pursuant to the provisions in Section 6-1300. In addition, the uses listed below shall be developed in accordance with Section 3-907(F) and all other applicable performance criteria.

(A) ~~Art Gallery~~

(B) Automotive Service Station.

(C) ~~Bank or Financial Institution, pursuant to Section 5-659~~.

(D) Convenience food store with or without gas pumps.

(E) Convention Facility.

(F) Car wash.

(G) Contractor Service Establishment.

(H) ~~Distribution Facility.~~

(I) Heliport or helistop.

(J) ~~Kennel, indoor, pursuant to Section 5-606~~.

(K) Motor vehicle rental.

(L) Motor vehicle sales.

(M) ~~Motor vehicle service and repair, light.~~

(N) ~~Museum or Exhibition Facility.~~

(O) ~~Personal service establishment.~~

(P) ~~Private club or lodge.~~

(Q) Public utility service, with outdoor storage.

(R) Radio, radar and/or television tower.

(S) ~~Restaurant.~~

(T) ~~Retail sales establishment.~~

(U) Sewage treatment plant.

(V) Telecommunications monopole, pursuant to Section 5-618(B)(2).

(W) Telecommunications tower, pursuant to Section 5-618(C)(2).

(X) Utility substation, transmission, pursuant to Section 5-616.

(Y) Utility transmission lines, overhead.

(Z) Water storage tank.

(AA) Water treatment plant.

3-905 Lot Requirements.

(A) **Size.** ~~Two (2)~~ One (1) acre~~s~~ minimum.

(B) **Width.** 200 feet minimum.

(C) **Depth.** 200 feet minimum.

(D) **Yards.**

(1) **Adjacent to Roads.** Except where a greater setback is required by Section 5-900, thirty five (35) feet for building; twenty five (25) feet for parking.

(2) **Adjacent to Parcel Boundaries.**

(a) **With Other Nonresidential Districts.** 25 feet minimum, buildings; 10 feet minimum, parking lot, loading unloading areas, and areas for the collection or storage of refuse. The Zoning Administrator may waive the parking lot yard requirement when necessary to permit shared parking and access arrangements between uses on individual parcels.

(b) **With Residential Districts.** 25 feet minimum. No building, parking lots, loading/unloading areas, outdoor storage, or areas for the collection or storage of refuse shall be permitted in any required yard adjacent to a residential zoning district.

3-906 Building Requirements.

(A) **Lot Coverage.** ~~45~~ 60 percent maximum.

(B) **Building Height.** ~~45~~ 55 feet maximum. The maximum building height may be increased provided that one (1) foot is added to each of the required yard setbacks for each additional one (1) foot of building height up to a maximum of (~~55~~ 100) feet total height. Additional height limitations for areas or building sites or lots directly under an airport runway flight path may be imposed in accordance with applicable Federal Aviation Administration regulations.

(C) **Base Floor Area Ratio.** 0.30 maximum.

(D) **Adjusted Base Floor Area Ratio.**

(1) The base floor area ratio in the CLI district may be increased on certain parcels by approval of the Zoning Administrator, upon demonstration of one or more of the following:

(a) A density increase of 0.1 FAR above the base floor area ratio shall be granted to properties or portions of properties located within 600 feet of the right-of-way of a road in the primary system of state highways (as defined in Section 33.1-25 of the *Code of Virginia*, 1950 as amended) if:

(i) Such properties are not located at an existing median break of such road; and

(ii) The owner(s) of such properties permanently relinquish direct access to such road; and

(iii) The owner(s) of such properties form shared access agreements with the owner(s) of adjoining properties that enable controlled access to such road for multiple uses. Such shared access agreements shall remain in effect in perpetuity or until future public road improvements provide alternative access to the subject parcels that alleviates the need for the original shared access agreement. The shared access agreement shall be depicted on the site plan(s) for the subject parcels and shall include all infrastructure improvements necessary to enable the safe and efficient access of each parcel as determined by the Department of Transportation Services and VDOT.

(b) A density increase of 0.1 FAR above the base floor area ratio shall be granted to properties or portions of properties located within 600 feet of the right-of-way of a road in the primary system of state highways (*as defined in Section 33.1-25 of the Code of Virginia, 1950 as amended)* if the owner(s) of such properties consolidates such properties for development purposes with a contiguous parcel of land or when owner's file a unified plan for development which, when so combined or unified, total at least 20 acres.

(c) A density increase of 0.1 FAR above the base floor area ratio shall be granted to properties or portions of properties located within 600 feet of the right-of-

way of a road in the primary system of state highways *(as defined in Section 33.1-25 of the Code of Virginia, 1950 as amended)* if the owner(s) of such properties maintains a parking setback of 150 feet and a building setback of 300 feet along the road.

(2) The density increase can be granted singly or cumulatively.

3-907 **Performance Criteria.** The purpose of the following sections is to achieve a design whereby buildings are located, oriented and designed to respect the natural landscape, principles of energy conservation, relationships to surrounding properties and buildings, views from major arterials, site access and circulation needs, and the desired overall character of the district as a principal gateway into Loudoun County.

(A) **Transportation Design.** Transportation elements shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic at intersections with traffic controls such as traffic lights, stop signs or traffic calming features. Left-turn storage and right turn lanes and/or traffic dividers shall be required where existing or anticipated heavy flows indicate need. In general, minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by substantial amounts of through traffic. To the maximum extent feasible, land development applications shall identify opportunities and methods for shared access and inter-parcel linkages.

(B) **Buffering and Screening.** Yards, berms, vegetative screening, fences, or walls shall be provided to buffer residential districts and public streets from uses allowed in this district. In particular, outdoor storage, off-street parking areas and service areas for loading and unloading and for storage and collection of materials, supplies, and/or refuse and garbage, shall be screened so that such areas are not visible from any public right-of-way and/or residential use. Areas for the collection and storage of refuse and outdoor storage areas shall be fully enclosed by a structure composed of opaque materials. Such materials shall be compatible with those used in the exterior construction of the principal building.

(C) **Landscaped Open Space.** Minimum landscaped open space on any individual lot shall not be less than .10 times the buildable area of the lot.

(D) **Off-Street Parking and Loading Facilities.** All off-street parking spaces shall be within 500 feet by safe and convenient pedestrian routes of entrances to the buildings the parking spaces are intended to serve. No off-street parking or loading facilities shall be located in required landscaped yards. Off-street parking areas shall, to the maximum extent feasible, be located to the rear of the buildings.

(E) **Accessory Uses.** The following accessory uses shall be permitted in the district:

(1) Administrative office for permitted and/or special exception uses, not to exceed ~~20~~ 40 percent of the floor space of the principal use.

(2) Warehousing, indoor storage and distribution associated with a permitted use, but excluding the bulk storage of gasoline, petroleum products, natural gas and chemicals.

(3) Retail sales and personal service uses for permitted and/or special exception uses, not to exceed ~~10~~ 25 percent of the floor space of the principal use.

(4) Outdoor storage for permitted and/or special exception uses, not to exceed 25 percent of the gross ~~floor~~ lot area ~~of the principal use~~. No storage of any kind shall be permitted within any required yard.

(5) Restaurant and restaurant carry-out.

(F) **Access Limitation for Certain Uses.** For the uses listed in Section 3-903 as being pursuant to this section and all uses listed in Section 3-904, direct access to a road in the primary system of state highways *(as defined in Section 33.1-25 of the Code of Virginia, 1950 as amended)* shall be limited to right-turn-in and out entrances only as approved by VDOT. Prior to approval of site plan for these uses, owner's must agree to relinquish direct access rights to such primary highway, at no cost to the County or VDOT, when alternative access to the site becomes available.

(G) **Vehicular Access and Circulation.** Primary access and through vehicular traffic impacting residential neighborhoods shall be avoided. Minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by through and construction traffic.

(H) **Pedestrian Access and Circulation.** Pedestrian ways shall be incorporated into each development so as to minimize conflicts with vehicular traffic and to enable safe and convenient pedestrian access to all buildings, parking and other facilities. Pedestrian ways shall be extended to adjacent properties and shall connect uses within individual developments. Land development applications shall delineate the on-site pedestrian system and provide connections to such systems in adjacent developments as well as public networks, if applicable.

(I) **Utility Requirements.** All utility distribution lines in the CLI district shall be placed underground.

(J) The following uses shall not be permitted:

(1) Alcoholic beverage manufacturing.

(2) Ammonia, bleaching powder or chlorine manufacture.

(3) Blast furnace.

(4) Boiler works.

(5) Chemicals and acid manufacture or storage.

(6) Distillation of coal, wood or bones.

(7) Distillation of turpentine or varnish.

(8) Dye works.

(9) Emery cloth manufacture.

(10) Fertilizer manufacture.

(11) Fireworks.

(12) Fish canning, curing, grinding or smoking.

(13) Garbage incineration other than in municipal plants.

(14) Glue, size or gelatin manufacture.

(15) Grinding, cooking, boiling, rendering or storing of slaughter-house refuse, animal refuse, rancid fats or refuse of dead animals.

(16) Iron, steel or copper works, foundries or smelting facilities.

(17) Lime, cement, concrete gypsum, plaster of paris or mortar manufacture.

(18) Mixing or batching plants for asphalt, concrete, brick or other paving and construction materials.

(19) Petroleum, alcohol or asphalt refining, mixing or manufacture or storage.

(20) Pyroxylin or celluloid manufacture.

(21) Pulverizing of charcoal or coal.

(22) Soap manufacture.

(23) Stockyards.

(24) Tanning, curing or storing of raw hides or skins.

(25) Tetra-ethyl lead precipitate liquid manufacture.

(26) Vinegar manufacture.

(27) Wool pulling and scouring.

(28) Material recovery facility.

(29) Any other use similar to the above excepted uses which is likely to be injurious or noxious by reason of odor, fumes, dust, smoke, vibration, noise or other causes.

(K) **Uniform Landscaping for Front Yard Areas Adjacent to a Primary Highway.**

(1) All parcels with frontage on a primary highway *(as defined in Section 33.1-25 of the Code of Virginia, 1950 as amended)* shall include landscaping in accordance with the Type 5 Buffer Yard in Section 5-1414(B)(1).

(L) **Compatibility.** Architectural treatment of buildings, to include materials, color, and style, shall be compatible with buildings located within the same project. Compatibility may be achieved through the use of similar building massing, scale, materials, colors, and other architectural features. For the purposes of this section, a project is defined as a development that is planned, developed or managed as a unit.

(M) **Building Orientation.** The front façade and principal public entrance of all buildings shall be oriented toward an adjacent public street.

(N) **Screening of Mechanical Equipment.** Mechanical equipment, whether ground level or rooftop, shall be in accordance with Buffer Yard Type 3, screened from view from adjacent properties and public rights-of-way and designed to be perceived as an integral part of the principal building. For the purposes of this section, mechanical equipment shall include, but not be limited to, satellite dishes, exhaust fans, HVAC equipment, and roof access ladders. In cases where parapets are used to screen rooftop equipment, the maximum height of the parapet shall be equal to the top of the highest mechanical unit but shall not exceed the maximum height allowed in the district by more than 3 feet.

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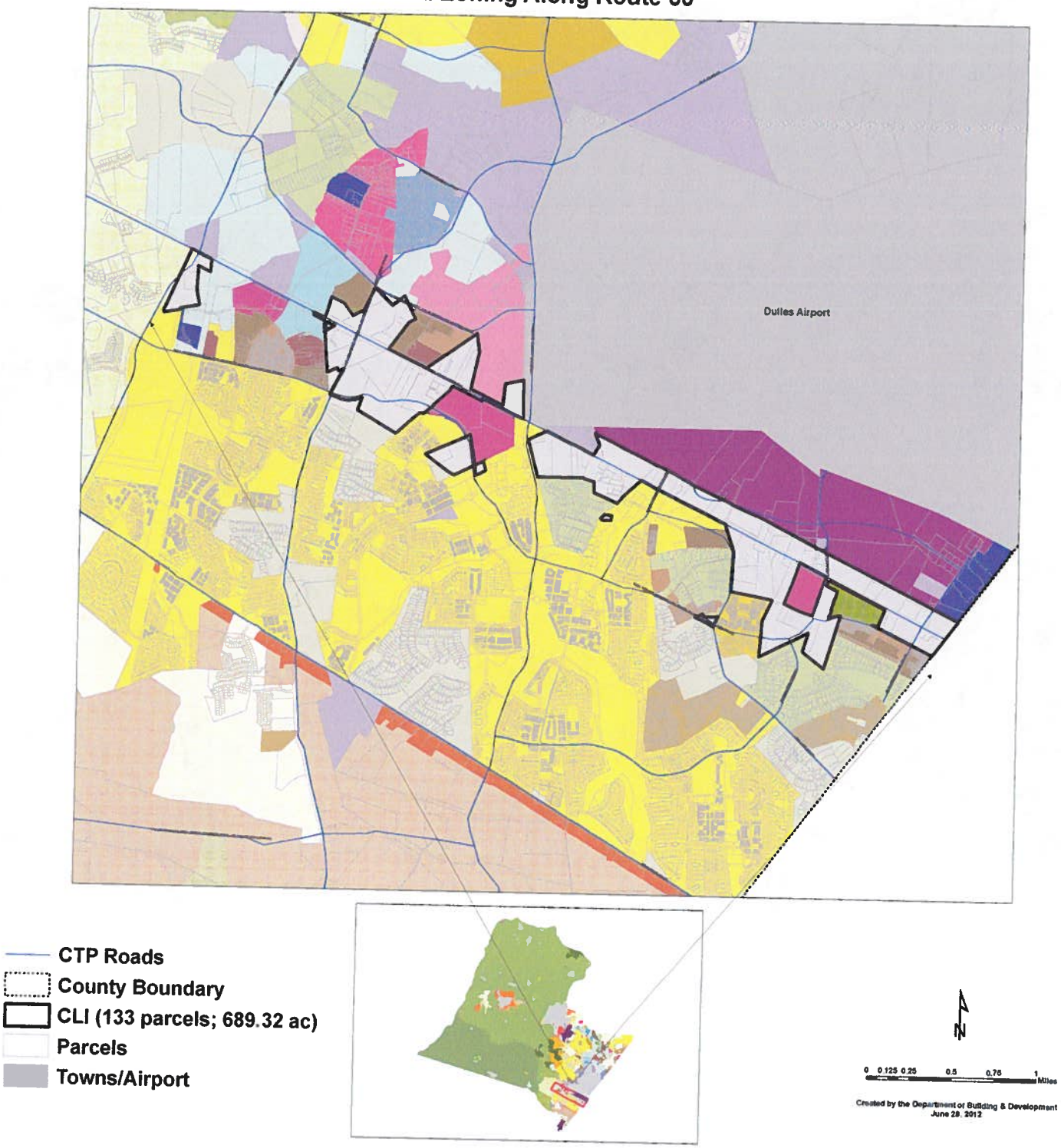
CLI Zoning Along Route 50



ATTACHMENT 4