



Staff Report

TO: Mayor and Town Council
FROM: Bobby Lohr, Town Planner
DATE: May 12, 2023
SUBJECT: Staff Request for Zoning Ordinance Amendment

PURPOSE:

Town Staff discovered an irregular parking standard in the Zoning Ordinance and is requesting Town Council to consider a Zoning Ordinance Text Amendment

BACKGROUND:

When reviewing the Round Hill Zoning Ordinance for the Preliminary Site Plan for 41 West Loudoun Street, Town Staff believe they have found a discrepancy in Article 12: Off-Street Parking and Loading Requirements.

This suspected discrepancy is found in [Article 12 Section 7](#) which focuses specifically on the general design standards of parking in commercial, industrial, institutional and community uses. 12.7.4 States that "No required parking shall be located in any required buffer or setback".

After reviewing other Loudoun Town Zoning Ordinances, contradictory language in the Round Hill Zoning Ordinance, and the practical consequences of this ordinance it becomes apparent that Section 12.7.4 could potentially place undue hardship on future commercial, institutional, and community land development applicants.

Similar Ordinances of Other Loudoun Towns

After reviewing other Towns in Loudoun County, Town Staff found that Purcellville, Lovettsville, Hamilton, and Hillsboro – do not have a "no parking in setback" zoning requirement. Additionally, when researching the Loudoun County Zoning Ordinance, there is no similar zoning requirement.

The Town of Middleburg has a similar requirement but allows for Town Council to waive it in certain circumstances.

Existing Policies in the Round Hill Zoning Ordinance

There are several existing policies in the Town Zoning Ordinance that can achieve a similar effect of reducing the adverse impact of off-street parking to adjacent lots.

The Town of Round Hill has strict landscaping requirements for non-residential uses to reduce the negative effects on adjacent residential properties. Setback requirements are a tool that is used in conjunction with the landscaping requirements to achieve a similar result.

The Round Hill Zoning Ordinance requires:

14.4 General Screening Requirements:

- a. Every development shall provide sufficient screening so that neighboring properties are buffered and screened from adverse effects of that development and the development is buffered and screened from any adverse effects of adjacent uses such as streets.
- b. Buffer yards shall be provided between various uses
- c. The Planning Commission may reduce the requirements of Section 14.4 when such landscaped areas cannot be reasonably provided because of parking lot size, existing structures or other unique features.

14.6 Parking Lot Landscaping:

- a. A 10-foot wide perimeter strip be provided between any parking lot and the right-of-way. The strip shall contain at least one deciduous canopy tree that has or will have a trunk at least 12 inches in diameter when fully mature for every 40 feet of street frontage.
- b. At least 5 percent of the parking lot area shall be landscaped. With no landscaped area less than 50 square feet. The landscaped area must contain one tree and three shrubs for each 10 parking spaces. A minimum of 75 percent of the required trees shall be deciduous canopy trees that have or will have trunks at least 12 inches in diameter when fully mature.
- c. The Planning Commission may waive the requirements of this Section in the B-1 district when such landscaped areas cannot be reasonably provided because of parking lot size, existing structures, or other unique features.

Additionally, there are several specific use requirements that permit parking in building setbacks (that are contradictory to 12.7.4)

- 25.3.4: Boutique Hotel:
 - f.) Parking Areas: Parking area shall be located at a minimum of 25 feet from any property line. Parking areas shall be paved.

- [25.3.9: Guest Lodging Facility:](#)
 - i.) Parking Areas shall be located a minimum of 10 feet from any property line

- [25.3.12: Assisted living facilities:](#)
 - c.) Setback: Must be at least 40 feet from the property line of an adjacent residential zoned lot.

 - d.) Internal Traffic: No parking, driveway or loading area shall be located closer than twenty (20) feet to a side or rear property line.

 - e.) Parking Location: Parking located on the front of a facility shall be limited to visitors only. Employee parking shall be located on the side or the rear of the building.

ORDINANCE IN PRACTICE

Every zoning district has building setback requirements, which cannot be waived or reduced. (There is a possibility for BZA variances in rare cases). Some of these setbacks are shown in the chart below.

Examples of Current Building Setback Requirements			
District	Front Setback	Side Setback	Rear Setback
R-2	35'	15'	30'
R-1A	25'	9'	25'
B-1	25'	10'	30'

When observing the requirements in 12.7.4, it essentially extends the existing structure setbacks by the length and width of the required parking area for non-residential uses depending on the location of the parking lot. Currently [Article 12: Off-Street Parking and Loading Requirements](#) section 4 all requires all parking spaces to be 9'x18'. Additionally, there are specific requirements for parking lot aisles.

EXAMPLE: For a normal parking lot with spaces arranged using a 90-degree design, an aisle must be 22' wide. This means that for a single parking lot with two rows of parking spaces will be 58' wide and a lot with a single row of parking will be 40'. In this example Section 12.7.4 would extend the required setback requirement by 40". This is shown below is the affected districts.

Non-Residential Building Setbacks with the 12.7.4 No Parking in Setback Requirement (setback plus parking lot)			
District	Front Setback	Side Setback	Rear Setback
R-2	93'	73'	88'
R-1A	83'	67'	83'

B-1	83'	68'	88'
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Here is an example of a site plan that meets setback requirements and landscape buffer requirements but allows parking in the setback.



RECOMMENDATION:

Staff recommends that the Town Council consider amending 12.7.4 of the Round Hill Zoning Ordinance to remove the requirement “no parking in the setback” but preserve the requirement “no parking in the landscape buffer.”

Staff does not recommend a change to the requirement that no parking be in any landscape buffer yard. The staff feel that the current landscape requirements, other off-street parking ordinances and use standards that currently exist in the Zoning Ordinance provide enough protection to buffer between incompatible land uses.

Section 12.7.4 places undue hardship on potential non-residential development in the Town of Round Hill to obtain an objective that is already being addressed throughout the Zoning Ordinance.