



**ZOAM-2020-0001-Zoning Ordinance Rewrite --
USE SPECIFIC STANDARDS Draft Text**

Section	COMMENTS TO DRAFT TEXT -- USE SPECIFIC STANDARDS
	INTRODUCTORY COMMENTS:
	<p><u>EXPLANATION FOR VOLUME OF COMMENTS</u></p> <p>A significant quantity of Round 1 and Round 2 ZOR Focus Group and Zoning Audit input requests were not included in the current ZOR DRAFT TEXT. The following Public Input was documented over the past 18 months by numerous organizations*, from information consolidated over the past 5+ years and has been published on the ZOR LOLA site.</p> <p>As indicated to Staff, the meeting and written input provided during Focus Groups and Audits in Spring 2020 and Spring 2021** would be restated during ZOC review, and will again be included in Round 3 if explanation is not provided and/or DRAFT Text is not revised. (**https://loudouncoalition.org/zoning-committee/zoning-sub-committee-input/)</p> <p>If Staff or WSP Consultants require additional evidence, cases, complaints submitted via LEx and other methods, copies can be sent to James David and/or ZORewrite@loudoun.gov.</p>
	<p>*LCPCC Patricipating Organizations: Aldie Heritage Association, Bike Loudoun, Bluemont Citizens Association, Blue Ridge Mountain Civic Association, Catoctin Coalition, Farm Bureau of Loudoun, Friends of the Blue Ridge Mountains, Goose Creek Association, Goose Creek Scenic River Advisory Committee, LCPCC Executive Committee, LCPCC Finance Cte, Leesburg Garden Club, Loudoun Climate Project, Loudoun County Equine Alliance, Loudoun Historic Village Alliance, Loudoun Preservation Society, Loudoun Rural Landfills, Loudoun Soil & Water, Loudoun Walking Club, Loudoun Wildlife Conservancy, Piedmont Environmental Council, Potomac Heritage Trail Association, Save Rural Loudoun, Sterling Foundation, Transition Area Alliance, Unison Preservation Society, Virginia Native Plant Society (Piedmont Chapter), and Virginia Piedmont Heritage Area Association</p>

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Detailed Comments for Posting in enCodePlus & Discussion by ZOC	
3.06.01.A	3.06.01.A PURPOSE AND APPLICABILITY: Add 'environmental' to the list of items being protected, with notation such as: " and to protect the County's unique/sensitive environments" as the General Plan dedicates Chapter 2 to those goals. Does a 'restrictive covenant' clause need to be included as a conformance item?
3.06.02.01.A.1	3.06.02.01.A.1. ACCESSORY DWELLINGS. The district name in the Use Matrix was changed/corrected to be "Agricultural Rural." Will this change be made consistent throughout this section? 3.06.02.01.E ACCESSORY DWELLING. A detached accessory dwelling is subject to all yard requirements applicable to the building principle dwelling where it is located. 3.06.02.01.C ACCESSORY DWELLING. "Additional dwellings may be permitted by Special Exception f." What is "f"? 3.06.02.01.G. ACCESSORY DWELLINGS. Text for "G" is blank
3.06.02.04.A	3.06.02.04.A. MANUFACTURED HOMES. Why are manufactured homes in ARN, ARS, A-3 and TLN not subject to the standards? 3.06.02.04.B1 MANUFACTURED HOMES: Did you wish to limit size just to 900 sf or did you also want to limit to 19 feet wide?
3.06.02.07.B.3	3.06.02.07.B.3 SEASONAL LABOR DORMITORY. How will the requirement that residents be employed be enforced or monitored? 3.06.02.07.D Seasonal Labor Dormitory: Should this area also adhere to 5.07.05?
3.06.02.07.B.3 & 3.06.02.08.B.7	3.06.02.07.B.3 SEASONAL LABOR DORMITORY & 3.06.02.08.B.7 TENANT DWELLING. Why would "Sanitary and Bathing Facilities" requirement for Seasonal Labor Dormitory (and Tenant Dwellings) be removed? Wouldn't that mean than an empty barn could be used without confirming proper facilities?
3.06.02.08.B2	3.06.02.08.B2 TENENT DWELLING: Placing tenent dwelling on open space should not be a by right decision. It should require some type of approval by the county to avoid harm to the open space purpose.
3.06.03.00	3.06.03 LODGING. Many Round 1 and Round 2 ZOR Focus Group and Zoning Audit input requests were not included in the current ZOR DRAFT TEXT. As indicated to Staff in Spring 2020 and Spring 2021 the input would be restated during ZOC review, and will also be included in Round 3 if DRAFT Text is not revised. Input was consolidated from numerous organizations, all currently published on the ZOR LOLA public input site. If Staff or WSP Consultants require additional evidence, cases, complaints submitted via LEx and other methods, copies can be sent to James David and/or ZORewrite@loudoun.gov.
3.06.03.00	3.06.03 LODGING. LANDSCAPING/BUFFERING/SCREENING -- All. The statement requiring "outdoor private party areas shall . . . screen outdoor private party areas, regardless of the size of adjacent property." Unless the new Section for Landscaping/Buffering/Screening RETAINS this requirement it should be put back within the use specific standards to address known issues with large events held at B&Bs. All regulations for related to Special Events, set-backs, buffering,lighting, and site plans IF ALLOWED IN THE MDODs, must be the same as Brewery, Limited.

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3.06.03.00	3.06.03 LODGING. NOISE regulations only stipulating hours of operation for outdoor music/noise are insufficient for B&B's conducting weddings and large events. A noise regulation standard -- that is enforceable -- should be included. There is a known lack of clarity between noise regulations between Zoning Ordinances and Codified ordinance (Sheriff enforcement). NOW IS THE TIME with ZOR to make this correction.
3.06.03.01	3.06.03.01 BED AND BREAKFAST HOMESTAY. Item 7. This type of statement is listed under each type of overnight accommodation: Historic Property. " <i>...Any expansion or enlargement of structure shall not exceed 15% of the total floor area existing prior to January 7, 2003, unless a greater expansion is approved by Minor Special Exception, pursuant to Section 7.09.</i> " Can each "Historic Property" bullet point include this language: "Alteration to the original footprint of the historic structure must be relevant to the setting and context-sensitive in design, such as structural additions to a country inn must utilize appropriate rural design, in keeping with the surroundings whether rural in nature or located within an historic main street village." (Also stated in 03.06.04.02 ANTIQUE SHOP, and in 03.06.04.02 AUCTION HOUSE, and in 03.06.04.19 TEAHOUSE, and in 3.06.05.02 AGRICULTURAL CULTURAL CENTER, 3.06.05.04 ARBORETUM, 03.06.05.09 CROSS-COUNTRY SKI, 3.06.05.11 FARM BASED TOURISM)
3.06.03.01.1	3.06.03.01.1 BED AND BREAKFAST PRIVATE PARTY CHART: The number of attendees and number of private parties allowed for B&B Homestay and B&B Inns needs to be expanded to allow for differences per acreage since the current chart allows for too much use on smaller properties. Would recommend the following: 5 acres or less 21-75 attendees and 5 maximum private parties; 6-19 acres 21-100 attendees and 10 party maximum per year.
3.06.03.01.B	3.06.03.01.B BED AND BREAKFAST HOMESTAY, INN, COUNTRY INN AND RURAL RESORT LODGING. Section needs to also add/define the PURPOSE (as lodging) before Approval to avoid applications for B&B's filing to hold events vs. intent of lodging (as lesser restriction "path" than Event Center). Applications should verify (public information) or require affirmative oath with penalties if statements are later found to be false and/or falsified by applicants. Bed and breakfast Inn must be actively advertised, and records must be available to show that it is actively being rented, not being used only to hold large events (e.g., weddings) and parties.
3.06.03.01.B	3.06.03.01.B BED AND BREAKFAST HOMESTAY, INN, COUNTRY INN AND RURAL RESORT LODGING. APPROVAL. Change from sketch plan to site plan is appropriate to ensure the health, safety and welfare of residents and patrons. Thank you.
3.06.03.01.D5	3.06.03.01.D5 B&B HOMESTAY/B&B INN: Is the 5.12.B Noise section going to be similar to the current 5-652.B Noise Section? If yes, section 5.12B should be added to this area. The review of this section will remain open pending a review of 5.12B. 3.06.03.01.E5 B&B INN NOISE: Section 5.12B should be applied here if it is similar to old 5.652B. Open until added and reviewed 3.06.03.01.F6 COUNTRY INN. NOISE: Section 5.12B should be applied here if it is similar to old 5.652B. Open until added and reviewed 3.06.03.01.G.8.g RURAL RESORTS NOISE: Section 5.12B should be applied here if it is similar to old 5.652B. Open until added/reviewed
3.06.03.01.F	3.06.03.01.F COUNTRY INN. The change to minor special exception review and approval in ARN, ARS and A-3 is appropriate to ensure HS&W of residents and patrons.

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3.06.03.01.G	3.06.03.01.G RURAL RESORTS. <u>IF Allowed in MDODs</u> , minimum acreage must be 50 acres, and accomodations for up to 20 sleeping rooms only, regardless of acreage, so as to preserve environmentally sensitive mountain forests. All permit application requirements, set backs, buffering, lighting, Special Event regulations must be devised accordingly.
3.06.03.01.G6	3.06.03.01.G6 RURAL RESORT: Can the Uses on open space be more limited to avoid destroying purpose of open space?
3.06.03.02.C	3.06.03.02.C CAMP DAY AND BOARDING: Lot areas of this type of camp should be 20 acres and not 15 to better handle the use
3.06.03.02.G	3.06.03.02.G CAMP DAY AND BOARDING: Noise. Section 5.12B should be applied if it is similar to old 5.652B. Open until added & reviewed
3.06.03.03	3.06.03.03. CAMPGROUNDS. In addition to "service buildings," there should be reference to other "structures." Specifically, is this use intended for "tents (as indicated/implied in D.1.a) or small cabins? If the latter, the line between "campground" and "STRR" could be easily crossed without better defintiion. 3.06.03.03.C.2 CAMPGROUND: Maximum campground stay by camper should be listed as no more than 30 days.
3.06.03.03	3.06.03 CAMPGROUNDS. In addition to JLMA-20, special exception review and approval should also apply to the use in the MDOD Overlay. Should <u>not be allowed in the MDODs without a Special Exception permit</u> , along with Environmental Impact Study, and review by relevant agencies overseeing Emergency Services, Traffic, Health. Campgrounds pose a particular challenge to environmentally sensitive mountain forests: septic handling, water access, habitat loss, night sky, pollution, trash, traffic, fire hazard.
3.06.03.03.Cb	3.06.03.03.C.b CAMPGROUNDS: The minimum lot size for Level 1 should be 50 acres, Level 2 should be 100 acres. This allows for proper setbacks and proper layout of the use.
3.06.03.03.E	3.06.03.03.E CAMPGROUNDS: Setbacks for Level 1 should be 250 feet, Level II should be 300 feet, Level III should be 400 feet. The activity around a campground is such that these mudh higher setbacks are required to buffer the neighboring properties.
3.06.03.03.J	3.06.03.03.J CAMPGROUNDS. NOISE: Section 5.12B should be applied if it is similar to old 5.652B. Open until added & reviewed
3.06.03.04	3.06.03.04 GUEST FARM OR RANCH. How will this use be differentiated from STRR/CWH rentals in applicability, permit approval and enforcement?
3.06.03.04.	3.06.03.04. GUEST FARM OR RANCH. Confirm definition of "FARM" as used for Guest Farm
3.06.04.01.G	3.06.04.01.G COMMERCIAL/MIXED USE NOISE: Section 5.12B should be applied if it is similar to old 5.652B. Open until reviewed
3.06.04.02.I	3.06.04.01.I ANTIQUE SHOP/ART GALLERY NOISE: Section 5.12B should be applied if it is similar to old 5.652B. Open until reviewed
3.06.04.03.D	3.06.04.03.D AUCTION HOUSE: Setback should be a minimum of 200 feet from property line to properly buffer neighboring areas
3.06.04.03.I	3.06.04.03.I AUCTION HOUSE. NOISE: Section 5.12B should be applied if it is similar to old 5-652B. Open until 5.12B can be reviewed
3.06.04.04	3.06.04.04. BANQUET EVENT FACILITY. C.1. ROAD/ACCESS standards now reference the new Section 5.13. To determine agreement, please provide DRAFT text for this section to determine what differences, if any, apply from Section 5-654. E EXTERIOR LIGHTING standards reference new Section 5.12.A.1-3; how do they differ from current Section 5-652(A)? F. NOISE standards reference new Section 5.12.b; how do they differ from Section current Section 5-652(B)? Without review of the referred-to sections, review of this use should be considered "in-progress" only, not final.

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3.06.04.04	3.06.04.04 BANQUET/EVENT FACILITY. <u>Should not be allowed in MDODs.</u> If allowed in MDODs, must be by Special Exception, and must, at a minimum, meet all permit and operation criteria established for Brewery, Limited
3.06.04.04.B4b	3.06.04.04.B4b BANQUET/EVENT FACILITY: Setback should be a minimum of 200 feet from property line to buffer neighbors
3.06.04.07	3.06.04.07. CHILD DAY CARE. It's been a while since reviewing the prior ZOAM for Child Day Care centers, but can you refresh my memory why " <i>written notice of Zoning Permit application</i> " is or cannot be also mailed to HOA Boards with KNOWN address and/or management? (i.e., primarily HOAs inTPA and SPA)?
3.06.04.09F	3.06.04.09.F CONVENIENCE STORES NOISE: Section 5.12B should be applied if it is similar to old 5.652B. Open until 5.12B reviewed
3.06.04.10	3.06.04.10 CRAFT BEVERAGE MANUFACTURING. As a Use with outdoor tasting rooms and activities as well as alcohol, food and exterior lighting, this use should be made CONSISTENT with defined Hours of Operation. Suggest 11am to 11pm.
3.06.04.10.	3.06.04.10 CRAFT BEVERAGE MANUFACTURING: Noise regulation (Section 5.12B if similar to old 5.652B) needs to be applied.
3.06.04.10.B1b	3.06.04.10.B.1.b CRAFT BEVERAGE MANUFACTURING: Setback of 50 feet may or may not be adequate. Needs review as created.
3.06.04.11.C	3.06.04.11.C DRIVE-THROUGH FACILITIES. You're leaving us in suspense! " <i>and an escape lane shall</i> " . . . ?
3.06.04.13	3.06.04.13. FARM MARKETS. Defer to REDC ZOR-AdHoc Committee input
3.06.04.15	3.06.04.15 MOBILE VENDOR (a.k.a. Food Trucks). Was this the Draft Text Section that was leaked and then escalated to Supervisors via complaint, thereby delaying the ZOC meetings by a week? If so, then Staff should restate the process by which Draft Text input should and will be provided, through the identified Focus Groups and Advisory Groups, and confirm that no "new" pathways for input after 18 months will be allowed.
3.06.04.17	3.06.04.17.B RESTAURANT. B. APPROVAL. RESTAURANT vs. FARM Restaurant (now combined). If the result from ZOAM-2015-0006 was to have ONE regulation to describe the same Use (Restaurant) regardless of location, why would they not both still require the same minor special exception review and approval for the health, safety and welfare of patrons? Appears inconsistent otherwise. At the Nov. 1, 2016, BOS Meeting, (ZOAM)-2015-0006, Rural Uses and Historic Structures was approved, with direction to prepare amendments to include "Restaurant" uses in open space. <i>April 19, 2018 BOS Item 10a further described the ZOAM purpose to: Rename "Restaurant" under the agriculture support and service directly related to on-going agriculture, horticulture and animal husbandry activity, on-site use category to "Farm Restaurant" in the AR zoning districts. Currently, "Restaurant" is listed twice in both the AR-1 and AR-2 districts, as a permitted use under the agriculture support and service directly related to on-going agriculture, horticulture and animal husbandry activity, on-site use category and as a minor special use under the commercial food and beverage use category.</i> <i>Amendment provides a clearer distinction between the two types of restaurants (farm support vs. commercial) currently allowed in the AR districts and avoids future misunderstandings by renaming the permitted "Restaurant" under the agriculture support and service directly related to on-going agriculture, horticulture, and animal husbandry activity, on-site use category to "Farm Restaurant."</i>

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3.06.04.17	<p>3.06.04.17 RESTAURANT:</p> <p>D.3. Location site/dimension standards. Is 100 feet for up to 1,500 sqft GFA sufficient?</p> <p>H. Exterior Lighting standards reference new Section 5.12.A.; how do they differ from current Section 5-652(A)?</p> <p>No noise regulation noted. Section 5.12B should be applied if it is similar to old 5.652B.</p>
3.06.04.18	<p>3.06.04.18 SMALL BUSINESS, AGRICULTURAL AND RURAL.</p> <p>E.3. Accessory Structures, Agriculture. "An approved zoning/building permit IS REQUIRED for the change in use" vs. "zoning/building permit shall be received for the change of use."</p> <p>H. Parking. Additional regulations should be considered beyond compliance for 5.05.03 for the volume and type of vans and/or trucks in addition to employee and customer vehicles.</p> <p>I Exterior Lighting standards reference new Section 5.12.A.1-3; how do they differ from current Section 5-652(A)?</p> <p>J. Noise standards reference new Section 5.12.b; how do they differ from Section current Section 5-652(B)?</p> <p>Without review of the referred-to sections, review of this use should be considered "in-progress" only, not final.</p>
3.06.04.18	<p>03.06.04.18 SMALL BUSINESS, AGRICULTURAL AND RURAL. "A. Adaptive Re-use of Farm Structures. This Section provides for the adaptive re-use of farm structures for home occupations and small businesses."</p> <p>ADD TEXT: "Adaptive Reuse must be performed to the Secretary of the Interior (NPS) Standards for historic preservation projects."</p>
3.06.04.18	<p>3.06.04.18 SMALL BUSINESS, AGRICULTURAL & RURAL. Need better parameters, such as footprint of the business structures, storage, etc. A single owner contractor could clear large parking and storage areas for supplies, equipment, etc. How will "small" be defined?</p>
3.06.04.19	<p>3.06.04.19 SNACK OR BEVERAGE BARS: Why is there no noise provisions for this use? Apply Section 5.12B if it is similar to old 5.652B.</p>