



ZOAM-2020-0001-Zoning Ordinance Rewrite -- DEVELOPMENT STANDARDS Draft Text

GENERAL / INTRODUCTORY COMMENTS	
5.01.00	<p>Observation submitted by Save Rural Loudoun:</p> <p>1. Entire 5.04 and the rest of the ZO References to “districts” are confusing.</p> <p>a. In the current and draft ZO, the word “districts” refers both to zoning districts defined in the GP and to “special and overlay districts” defined in Article 4 of the ZO.</p> <p>b. In the current ZO, dimensional standards only appear to apply to specific “special and overlay districts,” not to entire zoning districts.</p> <p>c. Some parts of draft 5.04 appear intended to apply to general by-right subdivision options in entire zoning districts, not just to the individual “special and overlay districts” listed in Article 4 of the ZO.</p> <p>d. This makes it difficult to tell which type of “district” Section 5.04 (and other sections) are referring to.</p> <p>e. To avoid confusion with the broader category of zoning districts, it would be helpful to re-label “special and overlay districts” as “planned developments.” All the subsections of Article 4 of the current ZO are labeled “planned developments.”</p>

*LCPCCC Participating Organizations: Aldie Heritage Association, Bike Loudoun, Bluemont Citizens Association, Blue Ridge Mountain Civic Association, Catoclin Coalition, Farm Bureau of Loudoun, Friends of the Blue Ridge Mountains, Goose Creek Association, Goose Creek Scenic River Advisory Committee, LCPCCC Executive Committee, LCPCCC 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

Section	COMMENTS TO DRAFT TEXT
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NEW INPUT -- JANUARY 19TH MEETING	
5.01.E.1.b.1	5.01 SITE DEVELOPMENT TERMS. E.1.b.1. Does this address the prior issues with the definition of Country Inn?
5.01.F.2.a	5.01 SITE DEVELOPMENT TERMS. F.2.a Density Calculation, Floor Area states? "the terms "lot" and "lot area" may include all adjacent parcels owned in common and which are the subject of an approved unified concept development plan specifying the allocation of density calculated pursuant to this section." Does this concept apply to calculation of density THROUGHOUT the ZO, including cluster subdivision?
5.02.C.2	5.02.C.2 UTILITIES. SPECIFIC STANDARDS. Rural Policy Area District. As indicated for ZOAM-2020-0002, allowing, "a maximum of 70% of the lots may have primary and or reserve septic fields within common open space" is excessive and contrary to the goals of the ZOAM. If the ZOAM modifies this then it will also be changed here, correct?

Section	COMMENTS TO DRAFT TEXT
5.04.A.5.a	5.04.A.5.a OPEN SPACE. APPLICABILITY. States, "Piecemeal applications that result in the approval of more than 4 dwelling units without the required open space when it would have otherwise been required if the applications had not been submitted separately, will be required to provide the required amount of open space on any future development application." This looks like a known loophole. What is the enforcement/consequences other than, "Don't do it again next time?"
5.04.A.5.a	5.04.A.5.a OPEN SPACE. APPLICABILITY. How do and will these standards apply to ZOAM-2020-0002 for consistent application?
5.04.B.1	5.04.B OPEN SPACE, CALCULATION. States, "Open Space is calculated by multiplying the required percentage as provided in the district requirements specified in Chapter 2, Zoning Districts by the gross acreage of the subject parcel or combined parcels." However, ZOAM-2020-0002 (Cluster/Prime Ag Soils) is proposing an overall 70% that is split between farming lots (PFLs) Rural Economy Lots (RELs) and Open Space -- which appears to get the "leftover" area after PFL and REL. How will that ZOAM be compliant with this ZO requirement?
5.04.B.2	5.04.B.2. OPEN SPACE, CALCULATION. States that "any portion of the parcel that may be included in an easement" would be excluded from the gross acreage used in calculation. Can you be more specific for what TYPES of easement (utility, conservation, development, open space, etc.)?
5.04.C.1	5.04.C.1. OPEN SPACE Types/Recreation. Definitions of Active and Passive Open Space were majorly changed from current ZO. Focus proposed is now on the activities involved (versus the amount of land development involved for the activity). Kudos.
5.04.C.1	5.04.C.1 OPEN SPACE STANDARDS. Recreation. These definitions are different from previous definitions. Have other sections been updated to reflect these changes? While the added language could be helpful in defining these uses, there is still room for ambiguity. For example, would hiking along a boardwalk be a passive recreation use? While hiking is a passive recreation use, a guided nature walk would be a group activity that would require "equipment designed specifically for the activity" - with the equipment being the boardwalk. It seems that more clarity may be needed to avoid confusion. Also, how do these definitions, and uses listed, conform to the LPAT Framework Plan (in relation to defining the terms, but also allowing particular uses)?
5.04.C.3	5.04.C.3 OPEN SPACE STANDARDS. Natural, Environmental, and Heritage. In addition to contiguous forests, shouldn't wildlife travel corridors, and native plant and pollinator habitat also be included to comply with 2019 GP policies (especially NHR 6.2, but also FTV 4 and NEHR 1)? Shouldn't this also include language to protect viewsheds the County's scenic rivers (2019 GP HASR 5.2.O)?
5.04.C.3.a	5.04.C.3.a OPEN SPACE STANDARDS. Natural, Environmental, and Heritage. How will man-made landscapes that have "gained importance" be defined? Shouldn't wildlife and/or habitat evaluations be used as criteria (to be evaluated by ecologists and biologists)? This would help define "exemplary natural communities, habitats, and ecosystems" mentioned in the 2019 GP NHR 6.2. At the least, shouldn't wetlands mitigation projects be included? Shouldn't this also include species of greatest concern from the Virginia Wildlife Action Plan?
5.04.D.1	5.04 D.1. OPEN SPACE CATEGORIES. COMMON. Given the stated purpose of the open space standards, why are sewer facilities considered common open space and calculated as open space in development?
5.04.D.2	5.04.D.2. OPEN SPACE Categories/Public. While the categories apply to all Open Space, this one only applies to HOAs and "comparable" which rules out the public lands owned by the county and comparable governmental entities. Can this definition be expanded to include all public open space?
5.04.D.3	5.04.D.3. OPEN SPACE Categories/Private. Is there a requirement for signage designating the area as private to be considered such? Can there be?

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5.04.D.3	5.04.D.3. OPEN SPACE CATEGORIES. PRIVATE. Why is privately owned land to which access is prohibited considered open space?
5.04.E.1	5.04.E.1 OPEN SPACE STANDARDS. Are wetlands mitigation projects defined as a "water feature"? Shouldn't wetlands be explicitly added? Shouldn't wildlife travel corridors and native vegetation for pollinators also be included in contiguous habitats to protect against habitat fragmentation (and not just trees)?
5.04.E.2	5.04.E.2 OPEN SPACE. PRIORITIES AND BONUS CREDIT. Indicates various "bonus credit" will be applied for various types of open space (e.g., prime ag soils, forest, trails, historic resources, etc.) Please provide an example calculation to show how the "bonus credit" is applied. How will the "bonus credit" be applied for ZOAM-2020-0002 calculation with open space for cluster subdivisions? [OR does 5.04.F.13 override all bonus credit for clustering?]
5.04.E.2	5.04.E.2 OPEN SPACE STANDARDS. As noted, shouldn't native vegetation for pollinators be included? Also, in regards to bullet "e", the LPAT Framework Plan includes more than just pedestrian or bicycle trail considerations, shouldn't linear parks and wildlife corridors also be included as part of the LPAT Framework Plan considerations?
5.04.F	5.04.F OPEN SPACE STANDARDS. General Open Space Design Standards. Aside from one reference to RSCR, why are there no standards pertaining to wildlife travel corridors, native vegetation, or ecological services that open space should provide (to comply with the 2019 GP)? Why is the only consideration for landscaping (bullet 2.b) for "enjoyment and shade"? Shouldn't landscaping be required to incorporate ecological value (ie native plants)?
5.04.F.1.b 5.04.H.4.d.6. e	5.04.F.1.b. OPEN SPACE Standards & Type-Specific Open Space Design Standards/Outdoor Gathering Space. Amenities on parcels greater than [TBD] must include restrooms at regular intervals or those must be in close proximity and open to the public. PRCS and NOVA Parks, including the W&OD Trail, already are providing this necessary amenity. Have PRCS and NOVA Parks been asked to determine the appropriate interval?
5.04.F.5	5.04.F.5 OPEN SPACE STANDARDS. Why is a credit for meeting minimum open space requirements given for meeting other requirements of the zoning code?
5.04.H.1-5	5.04.H OPEN SPACE STANDARDS. Type specific open space standards. Why don't these type specific standards include mentions of contiguous habitat, wildlife travel corridors, native plant vegetation, etc. to achieve 2019 GP NEHR policies? At the least, shouldn't Section 3 "Passive Recreation Use" have these ecological considerations? The standard to "contain a variety of natural features" is extremely weak language considering that passive recreation uses are typically intended to connect people with nature.
5.04.H.1.d	5.04.H.1.d OPEN SPACE DESIGN STANDARDS. Why must open space be centrally located? How is centrally located measured? 5.04.H.2.a OPEN SPACE. Commercial or Employment Districts. Why must open space be centrally located? How is centrally located measured? 5.04.H.3.a. OPEN SPACE. Passive Recreation Space. Why must open space be centrally located? How is centrally located measured?
5.04.H.1.g	5.04.H.1.g OPEN SPACE Design Standards. Is there a parameter somewhere for "well-drained?"
5.04.H.4.d.5. c	5.04.H.4.d.5.c. OPEN SPACE. Add to end "or sidewalk." Emphasis should be on all acceptable accessibility.

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5.04.H.5	5.04.H.5. OPEN SPACE. Type-Specific Open Space Design Standards/Pedestrian and Bicycle Network. Glad to see inclusion of the LPAT Plan in the ZO. This reinforces the County's commitment! Kudos.
5.04.H.5	5.04.H.5. OPEN SPACE PEDESTRIAN & BICYCLE NETWORK. Why isn't a pedestrian and bicycle network, or similar amenity, required in the Rural Policy Area?
5.04.H.6	5.04.H.6 OPEN SPACE Design Standards. Trails. Why does this section not include or reference equestrian trail requirements?
5.04.H.6	5.04.H OPEN SPACE STANDARDS. Type specific open space standards. Trails. Why doesn't this section include any considerations for the linear parks portions of the Linear Parks and Trails plan? Why doesn't this section include any of the LPAT design elements related to wildlife corridors, native vegetation, and environmental protection?
5.04.H.6.c	5.04.H OPEN SPACE STANDARDS. Type specific open space standards. Trails. Could this language be clarified? It appears that if land is not dedicated to the county, or it is not included within the boundary of the parcel owned by an HOA or individual, then the path must be provided by an easement. Is that correct? If so, would that preclude land within an HOA from providing a path via an easement?
5.04.I	5.04.I OPEN SPACE STANDARDS. Uses in Open Space. Why are botanical gardens or nature study areas permitted on HOA land, but not the other land types mentioned? Shouldn't they also be allowed on private parcels?
5.04.I.1.	5.04.I.1., 3 & 4. USES IN OPEN SPACE. The list of uses permitted in open space under private ownership and HOA ownership include agriculture. However, as discussed with Uses and Use-specific standards, some uses categorized as "Agricultural uses" are significantly more "high-intensity" than others. Blanket permitted use on open space for some uses should be consistent with the Use and Use-specific standards requests to evaluate based on HIGH-INTENSITY USE impacts (traffic, noise, lighting, etc.). How will high-intensity uses be addressed?
5.04.I.1.	5.04.I.1., 3 & 4. USES IN OPEN SPACE. How will Uses in open space be applied for ZOAM-2020-0002, specifically, will the restrictions and standards only apply to "open space lots" or will PFLs (prime farmland lots) and RELs (Rural Economy Lots) have similar or the same requirements?
5.04.J	5.04.J OPEN SPACE STANDARDS. Comprehensive Open Space Plan. Shouldn't these plans also include linear parks? This section raises another question, are linear parks defined within the new Zoning Ordinance, as defined by the Linear Parks and Trails Plan? As mentioned previously, only design standards including trails, and not linear parks, of the Linear Parks and Trails plan have been included in this section of the zoning ordinance.
5.04.K.3	5.04.K.3 OPEN SPACE STANDARDS. Maintenance and Management of Open Space. These requirements do not seem to reflect the flexibility to manage and maintain pollinator meadow habitat. Given that most habitats in Loudoun County would grow into a forest if given the chance, shouldn't flexibility be given to actively manage for pollinator meadow habitat? This may result in native trees being taken down in order to maintain it as a meadow. In order to enforce this, there may need to be further definitions within the zoning ordinance or FSM on what defines a pollinator meadow (to be included in CDPs), so more standards in regards to native vegetation requirements may need to be created, but this would help implement priorities regarding native vegetation in the 2019 GP.
5.04.K.3.f	5.04.K.3.f. OPEN SPACE. Add "Maintenance of any prepared surface, e.g., multi-use path or trail, or sidewalk." Any of these features present must be maintained too.
5.04.L.1.b	5.04.L.1.b OPEN SPACE. Ownership, Operation & Management. b states that membership in the HOA/corp/trust/etc. must be mandatory for all residential property owners. How will this apply to ZOAM-2020-0002 lots categorized as PFL and REL? Will they be considered "residential" and be required to be a member of the HOA or equivalent?

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5.04.N.2	5.04.N.2 OPEN SPACE. MODIFICATIONS. e. states, "permission to locate uses in open space must be governed by the zoning district within which the site, parcel or development is located." This indicates that it IS possible and feasible to assign different Uses permitted in Open Space by zoning district, correct?
5.07.02-1	5.07.02-1. LANDSCAPING, BUFFER YARDS, SCREENING. Road Corridor Buffer. TABLE. While perhaps laudable to acknowledge the W&OD Trail, it is not a Road Type and therefore inappropriate in this table.
5.08.01	5.08. PERFORMANCE STANDARDS. Direct quotation from citizen: Perusal of what Staff has for Lights shows they apparently didn't even read what was sent over in Rounds 1 & 2. Not much has changed from the existing regs -- right down to still leaving incorrect references to organizations. Why have we done all this work over the past two years with so little input being used?
5.08.01	5.08.01 PERFORMANCE STANDARDS. PURPOSE. Add the same bullet as 5.04 Open Space, 5.09 Adaptive Reuse, and 5.10 Homeowner's Association Standards: "Promote the public health, safety and welfare."
5.08.01	5.08.01 PURPOSE, APPLICABILITY, EXCEPTIONS AND ADMINISTRATION Have any penalties for violations been revised or increased from the R93Zoning Ordinance, or will they be identical when Chapter 7 is released for draft text review? If they are not revised, then what has all the focused input, case studies and complaints in LEx since 2020 been used for?
5.08.01.A	5.08.01.A. PERFORMANCE STANDARDS, APPLICABILITY. Confirm: the statement that, "1. All permitted and special exception uses, whether such uses are permitted as a principle use or an accessory use, must operate in conformance with the performance standards set forth in this Chapter" applies to ANY AND ALL uses listed in the Chapter 3 use tables, and not only those uses with additional specifications under Use-Specific Standards, correct?
5.08.01.C	5.08.01.C PERFORMANCE STANDARDS, APPLICABILITY. If the 5.08.01.A question is correct, then the requirement is inconsistent and directly contrary for 5.08.01.C, Agricultural Uses, as applied to high-intensity uses that are not bonafide agricultural operations, "lawful" or not. This is exactly why there is a need to further clarify agricultural operations, define a "farm," and not permit all uses to equally be exempted when they are know to have high-intensity impacts (traffic, noise, parking, etc.). When will this be included in draft text for review?
5.08.01.C	5.08.01.C. PERFORMANCE STANDARDS - AGRICULTURAL USES. Given the stated purpose of the Performance Standards to protect the community from dangerous, injurious or noxious activity and conditions, why are lawful agricultural operations given a blanket exemption? Why doesn't the community need protection from dangerous, injurious, or noxious activity that originates in an agricultural facility?
5.08.01.C	5.08.01.C: PERFORMANCE STANDARDS. This section states that the regulations contained in the Performance Standards area do not apply to Agricultural Uses. A sentence should be added to refer people to the section that does apply to Performance Standards in the rural area. This clause also seems to conflict or cause confusion with section 5.08.04.D where rural economy uses have a noise limit implied.

Section	COMMENTS TO DRAFT TEXT
5.08.01.d.1	5.08.01.d.1: PERFORMANCE STANDARDS. This section describes what data that is required for a zoning permit, i.e. in very general terms the data that the County needs in order to complete their review. However, at the end of the section a sentence says a plot plan "may" be required. By changing the 'may' to a 'shall' the county would assure receiving much of the basic data they need and avoid going back to ask for more. Also, by requiring a plot plan with verified data, many of the issues with a zoning permit could be avoided.
5.08.01.D.1.	5.08.01.D.1. & 2 PERFORMANCE STANDARDS. ZONING PERMIT PROCEDURE. 1.b asked for "a description of the activity to be conducted regarding waste products, external effects or other conditions which are regulated." "External effects" required is too nebulous. There is sufficient history to now require more detailed information on the permit including, but not limited to, estimated traffic, parking totals, events, water usage, etc. and 2. indicates "all information and evidence submitted . . . must constitute a certification and an agreement on the part of the applicant . . . " How is veracity determined? There are numerous cases where the original permit description of use was falsified (flipped to another use after approval). What are the consequences for such a flip other than a response from Staff of, "Oops, let's help you fix that?"
5.08.01.E	5.08.01.E. PERFORMANCE STANDARDS. ENFORCEMENT. Violations: The explanation of how violations will be handled appeared to address the administration of violations appropriately. The action verb 'must' appears in most of the actions which assures some type of action will be taken. The section does not provide any indication of how violations are discovered, reported or recorded. Will that all be detailed in Chapter 7, and if so, when and how will comments be received in time for that chapter?
5.08.04	5.08.04 NOISE Should there be a section on waivers?
5.08.04-T1	5.08.04-1 PERFORMANCE STANDARDS. NOISE. TABLE Where do sound levels and time limits for stockpiles fall on this chart if thousands of truckloads are being used to create or partially dismantle a "personal recreational field" or other use such as a brewery or winery? Is it considered a rural economy use?
5.08.04.C.3	5.08.04 PERFORMANCE STANDARDS. NOISE. Methods of Measurement. 3. Who is the "operator," how are they contacted, and what are the response times for measurement by complaints?
5.08.04.E	5.08.04.E. PERFORMANCE STANDARDS. EXEMPTIONS. Why are sounds associated with power equipment given a blanket exemption? Why isn't there more specificity to the exemption with regard both to the type of power equipment in use and to the duration of the noise. It is not hard to imagine situations in which unusually loud equipment is used and/or power equipment is used for an unusually long period of time.
5.08.04.E	5.08.04 PERFORMANCE STANDARDS. NOISE. EXEMPTIONS. Shouldn't there also be a section that lists what sounds are prohibited and at what times they are prohibited? Should time limits be added to this section or should there be a reference to time limit information?

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5.08.04.F	<p>5.08.04.F PERFORMANCE STANDARDS. NOISE Standards for Specific Uses states, "The following noise standards apply to specific uses in this section when they are expressly referenced in the standards for the specific use in Chapter 3."</p> <p>This does not apply the noise standards listed consistently across ALL uses, and therefore provide inconsistent protections to adjacent properties and area residents (Single family residential use within 250 feet). If this ONLY applies to those use WITH Use-Specific Standards in Ch. 3 then HIGH-INTENSITY USES that have been a primary cause of complaints for noise from outdoor music and events will not be covered. It also inconsistently applies regulations for outdoor music hours not permitted after 11pm. (e.g., applies to B&B weddings and event centers but not breweries/wineries). Because these standards are inconsistent and have known, (documented impacts via LEx complaints, emails and letters over many years), how and when will this be reviewed and rectified?</p>
5.08.05	5.08.05. PERFORMANCE STANDARDS. LIGHTING. Where are the zoning regulations to comply with Dark Sky requirements as outlined in the 2019 Comprehensive Plans?
5.08.05	5.08.05.A.4 PERFORMANCE STANDARDS. LIGHT AND GLARE How do guidelines for permitted Public facilities align with General Policy Dark Sky Ordinances?
5.08.05	5.08.05 PERFORMANCE STANDARDS. LIGHT AND GLARE. How do the 5.08.05 Light and Glare regulations adhere to the Dark Sky Ordinance in general?
5.08.05	5.08.05. PERFORMANCE STANDARDS. LIGHTING: Throughout section 5.08.05 athletic facilities seem to receive exemptions from some of the regulations when these exemptions have been known to negatively impact area citizens. These issues are normally created by having an athletic facility too near residents property. The way this section reads, an athletic facility could be directly adjacent to a residence and this would lead to a real issue for a resident. Comments?
5.08.05.01a	5.08.05 PERFORMANCE STANDARDS. LIGHT AND GLARE Why isn't there a "PURPOSE" clause in this section similar to that in other places? Recommend the following be added: The purpose of this section is to establish outdoor lighting standards to reduce the impacts of glare, light trespass, and light pollution; to promote safety and security; and to encourage energy conservation.
5.08.05.01b	5.08.05 PERFORMANCE STANDARDS. LIGHT AND GLARE Why isn't there an "APPLICABILITY" clause in this section similar to that in other places? Recommend that language be added that all outdoor lighting installed after the date of effect of the revised ZO shall comply with the revised requirements, which would include, but is not limited to, new lighting, replacement lighting, or any other lighting whether attached to structures, poles, the earth, or any other location, including lighting installed by any third party.
5.08.05.	5.08.05. PERFORMANCE STANDARDS. LIGHT & GLARE. Do the light and glare standards apply to seasonal commercial lighting? Do the light and glare standards apply to all vineyards, wineries, breweries? If not why not?

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5.08.05	5.08.05 PERFORMANCE STANDARDS. LIGHT AND GLARE Recommend that Staff consider adding a clause that would address exceptions to the APPLICABILITY clause. The revised (March 2021) Fairfax County Ordinance, section 5109, provides examples of exceptions that Fairfax added to its ZO. Such exceptions used by Fairfax include, but are not limit to: lighting fixtures and standards required by the Federal Communications Commission, Federal Aviation Administration, Federal and State Occupational Safety and Health Administrations, or other federal, state, or county agencies, to include street lights within the public right-of-way. Routine lighting fixture maintenance, and Holiday lighting fixtures. section 5109 can be found here: https://online.encodeplus.com/regs/fairfaxcounty-va/doc-viewer.aspx?tocid=001.006.010#secid-255
5.08.05	5.08.05 PERFORMANCE STANDARDS. LIGHT AND GLARE Why isn't there a "DEFINITIONS" section here similar to that in other sections of the draft revised ZO? Recommend that Staff consider adding Definitions, as appropriate. The International Dark-Sky Association ("IDA") and the Illuminating Engineering Society ("IES") have jointly created a Model lighting Ordinance ("MLO") for local jurisdictions. This document contains numerous definitions that could be adopted and incorporated into the revised ZO. Copy of the MLO available here: https://loudouncoalition.org/wp-content/uploads/2022/01/MLO_FINAL_June2011.pdf
5.08.05	5.08.05 PERFORMANCE STANDARDS. LIGHT AND GLARE Reduce the enforcement aspect for zoning personnel by requiring that all applications for rezoning, building, electrical, sports illumination etc. be submitted with a lighting plan that addresses the revised standards that the County adopts with regard to lights, color temperature/glare. A photometric plan or a sports illumination plan (depending on the nature of the application) prepared by a lighting professional should be required.
5.08.05	5.08.05 PERFORMANCE STANDARDS. LIGHT AND GLARE. Once the revised ZO is completed and approved, the County should develop "cheat sheet" graphics detailing Loudoun's lighting ordinance for residential and non-residential areas/districts. These graphics will provide an easy-to-follow guides with the rules for Loudoun citizens and businesses to follow, thus ensuring compliance with the regulations from the start. Samples of those developed and used by Fairfax County can be found here: https://loudouncoalition.org/wp-content/uploads/2022/01/FAIRFAX-Res-Non-Res-Lighting-Zoning-Regs.pdf
5.08.05.A	5.08.05 PERFORMANCE STANDARDS. LIGHT AND GLARE A. GENERAL REQUIREMENTS. Recommend that Staff consider the use of defined Zones that each District in the County be assigned. Lighting Zones are recommended by the Dark Sky Association. Implementing lighting zones will allow different amounts of light in areas with different nighttime characteristics. Zones can be defined based on ambient light levels, population density, and other community considerations. For example, the downtown Sterling area would require different standards for outdoor lighting than would a residential zone in Purcellville/Hillsboro areas. The Model lighting Ordinance ("MLO") developed by the International Dark-Sky Association ("IDA") and the Illuminating Engineering Society ("IES") provides examples of lighting zones that could be adopted/modified by Loudoun and delineated in the revised ZO. Each standard for specific use defined in Chapter 3 could then reference the applicable zone as defined in section 5.08.05. Copy of the MLO available here: https://loudouncoalition.org/wp-content/uploads/2022/01/MLO_FINAL_June2011.pdf
5.08.05.B	5.08.05 PERFORMANCE STANDARDS. LIGHT AND GLARE. B. METHOD OF MEASUREMENT. There is a typo here (and in the 1993 ZO). The reference should be to the "INTERNATIONAL Commission on Illumination", not to the "INTERNAL" Commission on Illumination. Regardless, the standards set forth by the International Dark- Sky Association ("IDA") and the Illuminating Engineering Society ("IES") should be used here as they are now the two leading organizations helping jurisdictions establish outdoor lighting standards to reduce the impacts of glare, light trespass, and light pollution, while still promoting safety and security as well as encouraging energy conservation.

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5.08.05.A	5.08.05.A. PERFORMANCE STANDARDS. LIGHT AND GLARE, GENERAL STANDARDS. Shouldn't there be required neighborhood meetings when lights are being proposed in any residential use especially in the rural sections of the county?
5.08.05.C	5.08.05.C PERFORMANCE STANDARDS. SPECIAL EXCEPTION REVIEW FOR LIGHTING THAT DOES NOT COMPLY WITH STANDARDS. Should add: "Neighborhood meetings are required."
5.08.05.D	5.08.05.D PERFORMANCE STANDARDS. LIGHT & GLARE Standards for Specific Uses states, "The following light and glare standards apply to specific uses in this section when they are expressly referenced in the standards for the specific use in Chapter 3." This does not apply the light and glare standards listed consistently across ALL uses, and therefore provide inconsistent protections to adjacent properties and area residents. If this ONLY applies to those use WITH Use-Specific Standards in Ch. 3 then high-intensity uses with complaints for light and glare from activities and events will not be covered. It also inconsistently applies regulations for exterior lighting hours to be extinguished between 10pm and 6am. No reference is made for "holiday lighting" that has received complaints for large displays on mountainside properties visible for long distances. Because these standards are inconsistent and have known impacts, how and when will this be reviewed and rectified?
5.08.05.D	5.08.05.D PERFORMANCE STANDARDS. LIGHT & GLARE: Add language to address seasonal lighting at commercial establishments such as: "Seasonal lighting is permissible from Thanksgiving to January 15 at commercial businesses except between the hours of 10:00 PM to 6:00 AM. All outdoor lighting displays must be contained within 150 feet of any commercial building."
5.08.05	5.08.05.D.2 PERFORMANCE STANDARDS. LIGHT AND GLARE How do standards apply to event facilities located in ARN considered as "Ag Use" ? There are known locations / buildings in rural neighborhoods whose lights remain on all night long. They are not illuminating a sign or for "safety." They illuminate the building itself. Some buildings are highly viewable from over a mile away. The rules read that this is not permissible, is that correct?
5.08.05	5.08.05.A.4 PERFORMANCE STANDARDS. LIGHT AND GLARE How can a resident determine if the lumens or foot candles allowed by public facility athletic fields are in accordance with standards? For example, if a resident can see the Tuscarora HS lights from over 6 miles away how can a resident generally determine compliance before submitting a complaint?
5.08.05	5.08.05 PERFORMANCE STANDARDS. LIGHT AND GLARE How does a citizen go about the process for determining and then rectifying an out of compliance light or glare infraction?
5.09.01.a	5.09.01. ADAPTIVE REUSE STANDARDS. PURPOSE. 2nd bullet – What is a Legacy Village Cores?
5.09.01.a	5.09.01. ADAPTIVE REUSE STANDARDS. PURPOSE. 5th bullet - How does this relate to RHVs/VCOD and small area plans yet to be developed? Facilitate redevelopment in the priority areas identified on the Priority Commercial Redevelopment Areas Map and other qualifying projects pursuant to Section 5.0x Redevelopment Standards.
5.09.01.a	5.09.01. ADAPTIVE REUSE STANDARDS. PURPOSE. 6th bullet - Generate activity within vacant buildings and underutilized areas. What are the specifics of "generate activity" and "underutilized areas"?

Section	COMMENTS TO DRAFT TEXT
5.09.01.a	5.09.01. ADAPTIVE REUSE STANDARDS. PURPOSE. 7th bullet - How does this relate to RHVs/VCOD and small area plans yet to be developed? Increase and improve the variety and affordability of housing stock in locations consistent with the General Plan and where permitted.
5.09.01.a	5.09.01. ADAPTIVE REUSE STANDARDS. PURPOSE.. 8th bullet – Renovations per the Secretary of Interior Standards for Rehabilitation?
5.09.A.3.a	5.09.A ADAPTIVE REUSE. APPLICABILITY. LHVA does not see the need for #1, 2, & 5 If the property meets req 3 & 4, what purpose are 1, 2, & 5?
5.09.A.3.c	5.09.A.3.c. ADAPTIVE REUSE. APPLICABILITY. LHVA: Why is this costly requirement necessary, it only adds more of a deterrent to anyone attempting to save an historic property?
5.09.A.4	5.09.A.4. ADAPTIVE REUSE. APPLICABILITY. LHVA: How does this relate to RHVs/VCOD and small area plans yet to be developed? The building or structure is located in a Priority Commercial Redevelopment Area or qualifies as a redevelopment project pursuant to Section 5.0x.
5.09.B.1 & 2	5.09.B.1 & 2. ADAPTIVE REUSE. STANDARDS. LHVA: Historic properties usually can not meet parking standards. It's our understanding that Parking will be handled by Small Area Plans as each situation is unique in RHV, but what happens in the meantime?
5.09.C	5.09.C. ADAPTIVE REUSE STANDARDS. PERMITTED USES. Table 5.09-1. Lodging Uses -- how will constraints be implemented per ZOAM-2018-0001 (Short Term Residential Rentals/Commercial Whole House) for Adaptive Reuse?
5.09.C	5.09.C. ADAPTIVE REUSE STANDARDS. PERMITTED USES. Table 5.09-1 Commercial Uses -- Permitting all commercial uses except kennels, dry cleaning, convenience store and gas/automotive does not take into consideration the INTENSITY of other use types and impacts to comply with the purpose to "Maintain compatibility of the adaptively reused building or structure with a surrounding neighborhood, community, Place Type, village, or historic district."
5.09.C	5.09.C. ADAPTIVE REUSE STANDARDS. PERMITTED USES. Table 5.09-1. VCOD/Village Small Area Plan spec uses permitted by right with exceptions does not take into consideration the INTENSITY of other use types and impacts to comply with the purpose to "Maintain compatibility of the adaptively reused building or structure with a surrounding neighborhood, community, Place Type, village, or historic district."
5.09.C	5.09.C. ADAPTIVE REUSE STANDARDS. PERMITTED USES. Table 5.09-1. What does the acronym "HPO" stand for?
5.09.C.2	5.09-2. ADAPTIVE REUSE. DENSITY. LHVA asks, "Does this allow mixed use then? Retail and residential on same property not bound by underlying per acre zoning density?"
5.09.D.2	5.09-2. ADAPTIVE REUSE. PARKING STANDARDS: Can all parking standards be waived for Adaptive Reuse Projects? It is often impossible for historic properties/districts to meet parking standards because parking was not an issue when these properties were built on. Historic districts each deal with parking in way that works for them. Issue for Small Area Plans but what will be done in the meantime if Small Area Plans are years off for evaluation and implementation?
5.09.D.2.Table	5.09.2.Table. D. ADAPTIVE REUSE INCENTIVES. LHVA find this table confusing, asking, "How is this table interpreted and how can it be implemented? Hard to determine what the incentives are?"

Section	COMMENTS TO DRAFT TEXT
5.10.A.8	5.10.A.8 HOMEOWNER'S ASSOCIATION REQUIREMENTS. States that up to date contact information for the HOA must be provided to the County when approved or modified "whenever it changes," but within what timeframe?
5.10.C.2	5.10.C.2. HOA STANDARDS. HOA/Applicability. Word "space" missing after third word.
5.10.C.3	5.10.C.3 HOA APPLICABILITY. Typo? "The developer must <i>finally</i> determine and make known the choice of an HOA . . ."
5.10.C.4	5.10.C.4 HOA APPLICABILITY. "The <i>landowner</i> must submit documents for creation of the HOA . . ." This could be confused by resident landowner vs. developer landowner. Can the reference be made more clear?
5.10.D.3.a	5.10.D.3.a HOA ESTABLISHMENT. States that, "Membership in the HOA must be mandatory for all residential property owners, present or future . . ." However, the definition states "each lot and/or homeowner in a clustered or planned development is automatically a member." There is an inconsistency in the language using "lot," homeowner" and "residential property owner." Example: clusters are planned to have Prime Farmland Lots (PFLs) and Rural Economy Lots, both of which may or may not have a home or "residential" property owner. Would all still be required to be members in the HOA? If so, language should be made more consistent.
5.11.01	5.11. VISIBILITY AT INTERSECTIONS. PURPOSE. Add the same bullet as Open Space and Homeowner's Association Standards: "Promote the public health, safety and welfare."
5.11.B	5.11.B. VISIBILITY AT INTERSECTIONS. Standards. It is nice to know that "no impediment to visibility is to be placed, allowed to grow, erected, or maintained" but enforcement is terrible. How many intersections set signs and lines so far back or have landscaping obscuring the view that you can't see oncoming cross traffic? At times landscaping obscures the signed themselves too. How will County and VDOT enforcement be improved to ensure compliance?
5.12.F	<p>5.12. ROAD ACCESS STANDARDS. F. USE SPECIFIC ROAD ACCESS STANDARDS. The volume of traffic on all roads is directly dependent on the quantity of residential and commercial properties accessing the road, as well as the volume of patrons to commercial entities. The re-written footnote for Table 5.12 Road Access Standards (former Table 5-654) no longer states that Vehicle trips Per Day are to be "calculated," which is good. However, it now states that Vehicle Trips per Day (VTD) must be "determined by traffic study if required or as estimated based on proposed use and most current edition of ITE Trip Generation Rate or an approved substitute. Questions:</p> <ol style="list-style-type: none"> 1. Traffic studies are common for large developments in SPA, TPA and possible large RPA. The primary issues causing complaints have been for commercial entities located on public unpaved roads or smaller paved roads. When in the process will the "traffic study" or equivalent be required in the permitting process? when evaluated? when is compliance confirmed? Or will it remain, as has been and problematic, only by complaint? 2. Whose responsibility will it be to estimate the VTD "based on proposed use?" 3. Whose responsibility is it to determine what is an "approved substitute?" 4. Whose responsibility is it to enforce when a Special Exception Review is required? <p>Traffic caused by HIGH-INTENSITY USES has been an issue for many years, with poorly collected information during permitting, county approvals of permits without verification, and lax enforcement for traffic levels that should have required special exception review.</p> <p>Why rewrite a Zoning Ordinance if the known issues will not be addressed and fixed?</p>

Section	COMMENTS TO DRAFT TEXT
5.14.A	<p>5.15. RURAL HAMLETS. Why is not more of this development option incorporated in ZOAM-2020-0002 when the goals in line with 2019 Comp Plan are as or more clearly stated with,</p> <p><i>"Such clustered development is intended to better harmonize rural development with surrounding agricultural activities recognizing that it is the County's primary goal to preserve and enhance farming and farmland in rural Loudoun by the most feasible, effective, and equitable methods available. This option is intended to conserve agricultural, forestal and open space land, historic and natural features at the time that such land realizes the development potential currently allowed in the agricultural zoning district. Such clustered development is intended to permit the compact grouping of homes located so as to blend with the existing landscape, such as the rise and fall of the topography, hedgerows and wooded areas, and to preserve to a greater extent the agricultural, forestal and visual character of the landscape ."</i></p>
5.14.D.	<p>5.14.D. RURAL HAMLETS. MINIMUM TRACT SIZE. The minimum tract size for this option in AR-1 (ARN) districts was/is 40 acres, and yet the minimum for ZOAM-2020-0002 for similar goals is 20 acres. Why is this minimum not applied to ARN if the County is truly valuing the preservation of western Loudoun for the enjoyment of all residents in the County?</p>
5.14.G	<p>5.14.G. RURAL HAMLET. Open Space Requirement. > 85% of its total land in open space is appropriate. Why is ZOAM-2020-0002 protecting less with only 70% open space?</p>
5.14.G	<p>5.14 RURAL HAMLETS. OPEN SPACE REQUIREMENTS. There's really only one point here -- why does a grandfathered development option provide GREATER protections (@ 85%) for the preservation of rural Loudoun than what is being proposed for new Zoning Ordinance Amendments - ZOAM-2020-0002 (@70%)?</p>
5.14.I.3	<p>5.14.I.3. RURAL HAMLET/HOA. Requiring the County alone to enforce permanent open space easements is not very encouraging given the County's past record of enforcement as documented by, for example, LCPCC. There needs to be a stricter mechanism involving stakeholder groups, including but not limited to representatives of LCPCC, PEC, Loudoun Wildlife Conservancy, and Virginia Outdoors Fund which are committed to open space preservation.</p>