



ZOAM-2020-0001-Zoning Ordinance Rewrite -- Round 3 Input

REVIEWER INSTRUCTIONS:

Below are comments submitted to County DPZ/ZOR Staff as public input during Zoning Ordinance Committee review by organizations and citizens, being shared for your public input review.

Reviewers are requested to

- 1. COMPARE the original request and**
- 2. Indicate on the left column whether the 4/18/2022 draft text does or does not address the original request.**

Comments/questions not addressed can be submitted during Round 3 Public Input through July 18, 2022.

-- Be aware that all comments will become part of the public record after submission via enCodePlus. Please be mindful to use language in an appropriate and professional manner.

-- **Please continue to use the draft text SECTION NUMBER REFERENCE** at the START of each comment, followed by ALL CAPS short heading (see sample on the template)

-- You do NOT need to review or submit comments in any order; please focus on sections for your area of expertise first, then go back to review other areas. (Be sure to include the Section Number in each of your comments.)

SORT	ADDRESSED in 4-18-2022 Draft Text?	Section (for sorting only)	CHAPTER 2 -- ZONING DISTRICTS -- 4-18-2022 Draft Text REVIEW
	No	2.03.01.F.1.a	2.03.01.F. TRANSITION LARGE LOT NEIGHBORHOOD. Siting of Open Space. Is there a way to make it more clear in F that the open space "provided on lots in the subdivision" must be contiguous? Staff response: Requiring contiguous open space should be addressed in the open space development standards. Also, the 2019 GP policies do not indicate that require contiguous open space should be achieved through regulation
	No	2.03.02	2.03.02.I TRANSITION SMALL LOT NEIGHBORHOOD. Siting of Open Space. Is there a way to make it more clear in I. that the open space "provided on lots in the subdivision" must be contiguous? Staff response: Requiring contiguous open space should be addressed in the open space development standards. Also, the 2019 GP policies do not indicate that require contiguous open space should be achieved through regulation
	No	2.03.03.F.	2.03.03.F. TRANSITION COMPACT NEIGHBORHOOD. Siting of Open Space. Is there a way to make it more clear in F that the open space "provided on lots in the subdivision" must be contiguous? Staff response: Requiring contiguous open space should be addressed in the open space development standards. Also, the 2019 GP policies do not indicate that require contiguous open space should be achieved through regulation.
	NEW - 5/14/22	2.04.03 D	Garages should also be detached as in VCOD regs
	NEW - 5/14/22	2.04.03 VR	Bullet 6 Allow residential uses that are generally located in detached standalone two story buildings located close to street. Do not understand?
	NEW - 5/14/22	2.04.03 VR	Bullet 7 "....encourage developemnt served by public water and sewer..." why? How?

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	NEW - 5/14/22	2.04.03.1	chart...villages differ re: density. Wait for SAP
	NEW - 5/14/22	2.04.04 VAR	3 acre zoning???? 3 acre lots on edge of villages? Where?
	NEW - 5/14/22	2.04.05	"Maintain area of open space....." Bravo! Buffers important to village survival
	NEW - 5/14/22	2.04.05 VC	"Allow residential and commercial uses located in detached standalone twostory buildings situated close to the street as well as vertically mixed buildings with office or residential use above first floor retail." Does 1st floor have to be retail? Does this conflict with max of floor dwelling units per acre? Like mixed use in one structure.
	NEW - 5/14/22	2.04.05-1 C	4 dwelling units /acre seems dense for some villages.
	NEW - 5/14/22	2.04.05-1 D b	must cars be parked vertical to property or horizontal?
	CHECK	2.02.02.1	2.02.02 Suburban Compact Neighborhood—SCN; J. SCN Alternative Location Criteria: SCN is supposed to be the place, within the SPA, where multi-family projects can be built and at densities sufficient to make significant contributions to the goal of 16,000 new attainable housing units. Therefore, how is it logical to significantly limit the possibility of using the SCN Place Type by imposing Location Criteria that are not supported by housing industry standards?
	CHECK	2.03.05-1	2.03.05-1. TRANSITION LIGHT INDUSTRIAL. As this district contains data centers, is 75' "adjacent to ag and residential districts or res uses" sufficient based on feedback from public input? Staff Response: The 75 foot yard is the same as the PD-IP zoning district requirement. In addition to this yard, when data centers are adjacent to certain zoning districts including residential uses, the buffer must be a Buffer Yard Type C with required plantings located on an earthen berm that has a minimum height of six (6) feet and shall not have a grade steeper than 2:1 (Section 5-664(E)(1) to become Section 3.06.06.02.F.1). Regardless, staff will evaluate additional yard requirements considering the location in the Transition Policy Area
	CHECK	2.04.01	2.04.01. AGRICULTURAL RURAL NORTH. Purpose. The following bullet points confirm the requirement to review uses and use-specific standards for consistency, compatibility and mitigation of impacts: -- Allow for a broad range of rural economy uses, including (agriculture, horticulture and animal husbandry), agriculture support and services associated with ongoing agricultural activities, and other uses that can be developed in ways consistent with the rural character of the ARN district through mitigation or other standards; -- Promote consistency between residential development and rural economy uses through lower density residential development or clustering of residential development; -- Ensure that the rural economy uses are compatible with any existing permitted residential development; How and when will review for consistency, compatibility and mitigation be performed? Staff Response: Staff are continuing to draft new sections and revisit old sections while reviewing for consistency, compatibility and mitigation. It is an iterative process REVIEW: Current "Purpose" statements: https://online.encodeplus.com/regs/loudouncounty-va-crosswalk/doc-viewer.aspx#secid-30

	CHECK	2.04.02	<p>2.04.02. AGRICULTURAL RURAL SOUTH. Purpose. The following bullet points confirm the requirement to review uses and use-specific standards for consistency, compatibility and mitigation of impacts:</p> <ul style="list-style-type: none"> -- Allow for a broad range of rural economy uses, including traditional and new agricultural uses (agriculture, horticulture and animal husbandry), agriculture support and basic services directly associated with ongoing agricultural activities, and other uses that can be developed in ways that are consistent with the rural character of the RS District through mitigation or other standards; -- Promote consistency between residential development and rural economy uses through lower density residential development or clustering of residential development; -- Ensure that the rural economy uses are compatible with any existing permitted residential development. <p>How and when will review for consistency, compatibility and mitigation be performed?</p> <p>Staff Response: Staff are continuing to draft new sections and revisit old sections while reviewing for consistency, compatibility and mitigation. It is an iterative process</p> <p>REVIEW: Current "Purpose" statements: https://online.encodeplus.com/regs/loudouncounty-va-crosswalk/doc-viewer.aspx#secid-31</p>
	Addressed (Staff Response)	2.02.02.2	<p>2.02.02 Suburban Compact Neighborhood—SCN; J. SCN Alternative Location Criteria. 2.: Why must SCN be within ½ mile of a mixed use development or along a transit corridor?</p> <p>The U.S. Department of Housing and Urban Development (HUD) has no such restriction on HUD supported housing? Virginia Housing has no such restriction for housing supported by Low-Income Housing Tax Credits (LIHTC). Transportation Policy of the Loudoun County Public School District states that middle school students can walk 1.0 miles and high school students can walk 1.25 miles before they are eligible to ride a school bus.</p> <p>Staff Response: One of the purposes of this section is "Ensure public and civic amenities are provided or located within walking distance of each development." Providing reasonable walking distances encourages and implements this objective</p>
	Addressed (Staff Response)	2.02.02.3	<p>2.02.02 Suburban Compact Neighborhood—SCN; J. SCN Alternative Location Criteria. 3.: Why must SCN be within ¼ of an existing or planned metro or bus line?</p> <p>The U.S. Department of Housing and Urban Development (HUD) has no such restriction on HUD supported housing? Virginia Housing has no such restriction for housing supported by Low-Income Housing Tax Credits (LIHTC). Transportation Policy of the Loudoun County Public School District states that middle school students can walk 1.0 miles and high school students can walk 1.25 miles before they are eligible to ride a school bus.</p>
	Addressed (Staff Response)	2.02.02.4	<p>2.02.02 Suburban Compact Neighborhood—SCN; J. SCN Alternative Location Criteria. 4.: Why must SCN be within ½ mile of employment options or neighborhood-serving retail and services?</p> <p>The U.S. Department of Housing and Urban Development (HUD) has no such restriction on HUD supported housing? Virginia Housing has no such restriction for housing supported by Low-Income Housing Tax Credits (LIHTC). Transportation Policy of the Loudoun County Public School District states that middle school students can walk 1.0 miles and high school students can walk 1.25 miles before they are eligible to ride a school bus.</p>
	Addressed (Staff Response)	2.02.02.5	<p>2.02.02 Suburban Compact Neighborhood—SCN; J. SCN Alternative Location Criteria. 5.: Why must SCN be within ½ mile of public facilities with existing or planned capacity to serve the proposed development?</p> <p>The U.S. Department of Housing and Urban Development (HUD) has no such restriction on HUD supported housing? Virginia Housing has no such restriction for housing supported by Low-Income Housing Tax Credits (LIHTC). Transportation Policy of the Loudoun County Public School District states that middle school students can walk 1.0 miles and high school students can walk 1.25 miles before they are eligible to ride a school bus.</p>

Addressed (Staff Response)	2.02.02.J	2.02.02.J SUBURBAN COMPACT NEIGHBORHOOD - SCN. SCN Alternative Location Criteria. What happens when a proposal meets 6 or 7 of the criteria, but not 8? Staff Response: The intent is that each criterion be met.
Addressed (Staff Response)	2.02.03.B	2.02.03.B SUBURBAN MIXED USE. District Subareas. For the UPA "inner core" and "outer core" were defined by distance (1/4 mi, and 1/2mi). Are there similar distances (vs. acres, setbacks) to describe "Mixed use Center Core" and "Mixed use Center Fringe?" Staff Response: No, because this is not necessarily a transit oriented development, so there would be nothing to base the radius on (no transit station). The fringe has be outside and adjacent to the core. The core has size limitations
Addressed (Staff Response)	2.02.04-1	2.02.04-1. SUBURBAN COMMERCIAL. Dimensional Standards. Why was the "adjacent to Residential Districts or Res uses" changed from PD-CC 100' yard down to 50' yard? Staff response: A general intent of the 2019 General Plan is to achieve more compact, walkable development pattern. Additionally, the smaller commercial development sizes and more pedestrian oriented development pattern is intended to be integrated into residential districts, rather than separated with large swaths of land. Transition standards to be provided in development standards will regulate the transition between commercial and residential uses to minimize impacts
Addressed (Staff Response)	2.02.05-1	2.02.05-1 SUBURBAN EMPLOYMENT. Dimensional Standards. Why was the "adjacent to Ag and Res districts or Res uses" changed from PD-IP 75' to 50'? Staff response: Suburban Employment consolidates PD-IP and PD-OP. The yard requirement for PD-OP is 50'. Since not all uses in the SE district would have the impact of the uses permitted in PD-IP, the lesser yard is applied. Staff will further evaluate an increased yard adjacent to residential districts for uses with greater impacts on residential uses, such as data centers and include this requirement in the Use-Specific standards as appropriate
Addressed (Staff Response)	2.02.06-1	2.02.06-1 SUBURBAN INDUSTRIAL Dimensional Standards. Generally, why was the yard standard "Adjacent to Roads" changed from 35' to 30'? Staff response: A yard adjacent to roads that includes a 25 foot parking setback and a 35 foot building setback is a typical requirement in PD districts. The 2019 GP does not support parking between a building and the road. To align with the Plan, staff eliminated the differentiation between the building and parking setbacks since it allows parking to be closer to the road than the associated building and made a general 30 foot yard along roads requirement. Note that this yard would not apply if a greater setback is required by the Road Corridor Setbacks in 5.07.02 (currently Table 5-1403(B))
Addressed (Staff Response)	2.03.01-1	2.03.01-1. TRANSITION LARGE LOT NEIGHBORHOOD. Dimensional Standards. Why were yard setbacks "adjacent to Roads" changed from 35'
Addressed (Staff Response)	2.04.03	2.04.03. RURAL COMMERCIAL. Legacy district, therefore only applies to current RC NOT located in an existing Village? Confirm no expansion
Addressed (Staff Response)	2.07.01	2.07.01. PLANNED DEVELOPMENT - HOUSING. G. Does the "SE Uses" stand for "Special Exception Uses?" If so, then the acronym should be spelled out. Generally, are there any significant changes from current zoning for this section? If so, can you highlight them? Staff response: SE = Suburban Employment, the term of art is established in 2.07.01.3.B. In general, revisions to PD-H are limited and include reformatting to new district format, updating district and other internal references, and revising shall to must or other mandatory language. Considering that not all revisions would be captured in track changes (e.g., reformatting and moving requirements to tables) and others would become overly complicated and difficult to follow, we did not track changes in Legacy Districts similar to other draft districts
Addressed (Staff Response)	2.07.02, 03,	In general, are there no changes for Legacy Districts? If not, can you highlight (red-line text) any changes?

	Addressed (Staff Response)	Packet p. 13	Packet P. 13 For general knowledge, why was the Final Development Plan (FDP) requirement removed? And Table format for Dimensional Standards is excellent Staff Response: FDP procedure removed based on internal review and comment. The FDP is very similar to a site plan. Considering amount of information typically required during the rezoning process/on a CDP, as well as the specificity of district regulations for the urban policy area districts, the detailed FDP is redundant but also adds complication to the development process since it is not an engineered plan
	Addressed	2.01.01-1	Table 2.01.01-1 UT/UM DISTRICT DIMENSIONAL STANDARDS: Is it necessary to specify Building Height Minimums? The Board of Supervisors has recognized that there may be a period of transition from today to the day of true high-rise buildings at Metro. Specifying buildings at 70' or higher requires concrete and steel construction, the highest cost construction there is. To allow for transition time and to allow for affordable housing during the transition time, would it be better to not specify building minimums, especially in the UT at this time?
	Addressed	2.01.01-2	Table 2.01.01-2. UM ADJUSTED BASE FLOOR AREA RATIO, Reference 1: It is not possible to comment on this line in the table until Section 8.01 is written and offered for review. Please hold open this table for comment until Section 8.01 is provided.
	Addressed	2.02.03	2.02.03 SUBURBAN MIXED USE. Purpose. Although the Purpose and objective list is helpful, they should not include highly subjective criteria that is more "opinion," such as: "An attractive environment in which to live, work and play" and "high-quality design and construction." The concepts are fine, but how would they be evaluated during review of an application? Staff Response: Deleted "live, work, play" purpose; retained high quality design, as this type of language has been in the ZO for many years. The purpose statement can be more subjective to show intent of regulations
	Addressed	2.02.03-2	Table 2.02.03-2. SUBURBAN MIXED USE. Adjusted Base Floor Area Ratio. Reference 1: It is not possible to comment on this line in the table until Section 8.01 is written and offered for review. Please hold open this table for comment until Section 8.01 is provided.
	Addressed	2.03.01	2.03.01 TRANSITION LARGE LOT. Purpose. Bullet #9 "Nieghborhood-3" misspelling.