



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.

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)

SORT	ADDRESSED in 4-18-2022 Draft Text?	Section (for sorting only)	CHAPTER 7 -- PROCEDURES - 4-18-2022 Draft Text REVIEW
PRIORITY SHARED INPUT ITEMS			
	No	7.03.B.4.d	7.03.B.4.d. ZONING PERMIT. Initiation. Applications must include d. Certificate from the Health Department. 2022 Round 3 Input: The REVERSE should be also required, that permits/approvals to the Health Department MUST include the zoning permit information. Zoning permit information must not be "optional" or "not applicable" to obtain HD approval.
	No	7.03.D.2c.	7.03.D.2c. ZONING PERMIT. Approval Criteria. It's great that temporary special events must "not create significant adverse impacts on properties or improvements in the surrounding area," to "include, but are not limited to: 1. Traffic, 2. Environmental, 3. Visual, glare, 4. Noise, or 5 Odors." 2022 Round 3 Input: Why is this requirement not applied EQUALLY to ALL USE EVENTS that may have potential adverse impacts on existing adjoining properties and surrounding area for multiple days, weeks, months throughout the year?
	No	7.03.D.2c.	7.03.D.2. ZONING PERMIT. Approval Criteria. 2022 Round 3 Input: Production or bonafide agricultural farms/uses who wish to host educational events should have criteria similar/consistent to BnB regulations for an annual fee and inspection for x-number of annual events for x-number of patrons based on acreage and on-site parking availability. This should include the ability to have catered food or mobile food vendors. Example is 3.06.03.01-1 table for private parties for BnB's
	No	7.13.B.4	7.13.B.4 ENFORCEMENT. General Provisions. States, "whenever a violation occurs, or is alleged to have occurred, any person may file a WRITTEN COMPLAINT with the Zoning Administrator." As this has been a known issue and source of misunderstanding for many years, the form and type of "written complaint" should be defined, such as to state, "in the form of a letter, email, submitted compliant via Loudoun Express Request (LEx)."

No	7.09.08.A	<p>7.09.08. HISTORIC OVERLAY DISTRICT ADDITIONAL REQUIREMENTS.</p> <p>What is the definition of "HISTORIC"? The word is used throughout the ZOR text without definition. There is a definition of "Historic Setting." Has Staff worked internally or with the Heritage Commission to define? Proposed text from multiple advisory groups:</p> <p>Definition of "Historic"</p> <p>1. From 36 CFR 60.4 (criteria for evaluation for National Reg of Historic Places)</p> <p>The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects and possess integrity of location, design, setting, materials, workmanship, feeling, and association and</p> <p>a) that are associated with events that have made a significant contribution to the broad patterns of our history; or</p> <p>b) that are associated with the lives of persons significant in our pasts; or</p> <p>c) that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or</p> <p>d) that have yielded, or may be likely to yield, information important in prehistory or history.</p> <p>2. Short version of the above</p> <p>The quality of significance in Loudoun County history, architecture, archeology, engineering or culture. May be present in districts, sites(including view sheds), buildings, structures and objects. May be associated with events, lives, or periods, or may yield information about the past. first is taken from CFR as the definition of what is allowed for NHR items</p>
ADDITIONL ROUND 3 INPUT ITEMS		
No	7.01	7.01. GENERAL PROCESS ADMINISTRATION. When will text be available for review?
No	7.03.A.3	7.03.A.3 ZONING PERMIT. Applicability. Zoning Permits are required prior to 3. Commencement of any use or change in use . . . "a. Except for agricultural uses as provided in the definition of Agriculture." Should use "Agriculture, Bona fide" or exclude high-intensity uses that draw the public or circumvent coordination/communication with Health Department (e.g., well permits).
No	7.03.A.5	7.03.A.5 ZONING PERMIT. Applicability. Zoning Permits are required prior to development within Floodplain Overlay District. Can LOD and MDOD be include?
No	7.03.B.4.a	7.03.B.4.a.and b. ZONING PERMIT. Initiation. States "applications must include an approved Site Plan or a plot plan ." Is that the same as a "sketch plan?" If not, then what are the zoning permit requirements with sketch plans? b. Does a "description of the activity to be conducted regarding waste products, external effects, or other conditions which are regulated herein" INCLUDE the use, external effects or other conditions for industrial wells or other activity separately applied for to the Health Department?
No	7.03.B.4.d	7.03.B.4.d. ZONING PERMIT. Initiation. Applications must include d. Certificate from the Health Department. 2022 Round 3 Input: The REVERSE should be also required, that permits/approvals to the Health Department MUST include the zoning permit information. Zoning permit information must not be "optional" or "not applicable" to obtain HD approval.
No	7.03.B.4.g	7.03.B.4.g and h. Zoning Permit. Good changes
No	7.03.B.7	7.03.B.7 ZONING PERMIT. "County may allow concurrent review and approval of applications for multiple temporary uses or events on the same property" What are the intended types of "applications for multiple temporary uses or events?" (annual B&B event approvals? Banquet event? Other/what else?)
No	7.03.C.3.b	7.03.C.3.b ZONING PERMIT. Review & Decision. Temporary Uses. It's great this section allows the Zoning Administrator to impose reasonable conditions necessary to "ensure operation and maintenance of temporary special events mitigate potential adverse impacts on existing uses on adjoining properties and surrounding area and protect the public health, safety and general welfare." 2022 Round 3 Input: Why is this requirement not applied EQUALLY to ALL USES that may have potential adverse impacts on existing adjoining properties and surrounding area for multiple days, weeks, months throughout the year?

No	7.03.D.2c.	7.03.D.2c. ZONING PERMIT. Approval Criteria. It's great that temporary special events must "not create significant adverse impacts on properties or improvements in the surrounding area," to "include, but are not limited to: 1. Traffic, 2. Environmental, 3. Visual, glare, 4. Noise, or 5 Odors." 2022 Round 3 Input: Why is this requirement not applied EQUALLY to ALL USE EVENTS that may have potential adverse impacts on existing adjoining properties and surrounding area for multiple days, weeks, months throughout the year?
No	7.03.D.2c.	7.03.D.2. ZONING PERMIT. Approval Criteria. 2022 Round 3 Input: Production or bonafide agricultural farms/uses who wish to host educational events should have criteria similar/consistent to BnB regulations for an annual fee and inspection for x-number of annual events for x-number of patrons based on acreage and on-site parking availability. This should include the ability to have catered food or mobile food vendors. Example is 3.06.03.01-1 table for private parties for BnB's
No	7.04	7.04. SIGN PERMITS. When will text be available for review?
No	7.05.00	7.05. SITE PLAN. This section differs from current ZO 6-700 that includes Sketch Plan requirements. Are sketch plan regulations located elsewhere, or no longer applicable?
No	7.05.A.2.a	7.05 SITE PLAN. Applicability. Exempt. ["Do not require a site plan and are exempt from the requirements of this section."] Good addition to clarify ag uses exempt, however please CONFIRM this applies to all ag high-intensity uses that involve access by the public as a part of such use? Why would they not be listed in the same manner other uses are listed for clarity and consistency in regulation enforcement?
No	7.07.A.2	7.07.A.2 VARIANCE. Unauthorized Variance. Similar to FOD, can LOD and/or MDOD be also added to the list where "no variance can be approved which would result in increased issues in these overlay districts?
No	7.07.B.2	7.07.B.2. VARIANCE. Initiation. Because the section was rearranged from the current ZO, the first reference of the acronym "BZA" is not defined. And when will Section 7.01.E be available for review?
No	7.08.B	7.08.B COMMISSION PERMIT. Initiation and other areas. There are a number of references to "Director" in this section. To be more clear for ALL ZO readers the text should clarify "Director of _____" (B&D? P&Z? other?) -- unless the County will have only ONE Director in the future.
No	7.09.08	7.09.08. HISTORIC OVERLAY DISTRICTS -- ADDITIONAL REQUIREMENTS. Compare to current ZO 6-1800 1. Historic Site Districts 2. Historic & Cultural Conservation Districts 3. Historic Roadway & Historic Access Corridor Districts

No	7.09.08.A	<p>7.09.08. HISTORIC OVERLAY DISTRICT ADDITIONAL REQUIREMENTS. What is the definition of "HISTORIC"? The word is used throughout the ZOR text without definition. There is a definition of "Historic Setting." Has Staff worked internally or with the Heritage Commission to define? Proposed text from multiple advisory groups:</p> <p>Definition of "Historic" 1. From 36 CFR 60.4 (criteria for evaluation for National Reg of Historic Places) The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects and possess integrity of location, design, setting, materials, workmanship, feeling, and association and a) that are associated with events that have made a significant contribution to the broad patterns of our history; or b) that are associated with the lives of persons significant in our pasts; or c) that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or d) that have yielded, or may be likely to yield, information important in prehistory or history.</p> <p>2. Short version of the above The quality of significance in Loudoun County history, architecture, archeology, engineering or culture. May be present in districts, sites(including view sheds), buildings, structures and objects. May be associated with events, lives, or periods, or may yield information about the past. first is taken from CFR as the definition of what is allowed for NHR items</p>
No	7.10.01	7.10.01 SPECIAL EXCEPTION REVIEW. When will draft text be available for 7.10.01?
No	7.10.05A.5	7.10.05.A.5 SPECIAL EXCEPTION REVIEW. Stone Quarry. Submittal Requirements. 5.f. uses the acronym "BMP" without reference
No	7.10.07.A	7.10.07 SPECIAL EXCEPTION REVIEW. Temporary Special Events. A. Applicability indicates regulation is for temporary special events that the applicant expects to regularly during the life of the Special Exception use or Minor Special Exception use. Other than Banquet/Event Facility special exception permits, what other uses would this apply to?
No	7.11 & 7.12	When will Sections 7.11 and 7.12 be available for review?
No	7.13.B.4	7.13.B.4 ENFORCEMENT. General Provisions. States, "whenever a violation occurs, or is alleged to have occurred, any person may file a WRITTEN COMPLAINT with the Zoning Administrator." As this has been a known issue and source of misunderstanding for many years, the form and type of "written complaint" should be defined, such as to state, "in the form of a letter, email, submitted compliant via Loudoun Express Request (LEx)."
No	7.13.D.1.b	7.13.D.1.b. ENFORCEMENT. Civil Violations. Have there been no discussion/efforts to increase the fines and/or decrease the time between charges for violation more than once in any 10-day period? Or is this related to Code of VA?. Cost of violations as become a general "business expense" due to the limited dollars and frequency.
No	7.13.E	7.13.E ENFORCEMENT. of Performance Standards. [Current ZO 5-1500] The numbering and lettering for this section are incorrect. Starts with "8" and "d." instead of 7.13.E.1.a and b
No	7.14.F	7.14.F.3 APPEALS. F. Stay of Action. 3. Exceptions. b. Has the following regulation been discussed internally and reviewed by the Heritage Commission? "The decision of the Board to deny the right to raze of demolish a historic landmark, building, or structure is not stayed by filing a petition of appeal with the Loudoun Circuit Court."