



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)	HAMILTON STATION NEIGHBORS
			PRIORITY SHARED INPUT ITEMS
NO		3.04.01, 3.05.01	<p>3.04 TEMPORARY USES/EVENTS and 3.05.01 USE-SPECIFIC STANDARDS PURPOSE AND APPLICABILITY 2022 Round 3 Input: Event management regulations need to be consistent throughout the zoning ordinance, primarily for high-intensity uses to ensure compliance with 2019 Comp Plan Policy 3.1.</p> <p>2022 Round 3 Input: ZOC reviewed draft language in 3Q2021 addressing Event management at high-intensity uses, which was later deleted by the former DPZ Director. This text should be reinserted, reviewed and considered by Staff, Planning Commission and BOS.</p> <p>https://loudouncoalition.org/wp-content/uploads/2022/06/2021_09-15-Draft-Text-Deletions.pdf</p>
NO		3.05.01	<p>3.05.01. USE-SPECIFIC STANDARDS PURPOSE AND APPLICABILITY. There are inconsistencies within use tables that need to be corrected. Uses and use-specific standards within Agricultural Rural North (former AR-1) and Agricultural Rural South (former AR-2) districts need to be more clearly defined as to not create loopholes and zoning enforcement issues.</p> <p>2022 Round 3 Input: Provide standardized use-specific standards, temporary use regulations for events, and performance standards requirements for similar or equivalent intensity uses. Standardization should include, but not limited to, noise, lighting, "traffic capacity, safe and adequate road access, number of employees, site design standards (e.g., land disturbance, buffering, use intensity, siting, and architectural features), and public health, safety, and welfare." (2019 GP Policy 3)</p> <p>Recommendation implements 2019 Comp Plan Policy 3, Strategy 3.1. Actions A, Strategy 3.2 Action A,</p>
NO		3.05.01	<p>3.05.01. USE-SPECIFIC STANDARDS PURPOSE AND APPLICABILITY. A "tier" or "levels" system based on intensity of the use should be considered, consideration should be given for properties with more than one primary use.</p> <p>2022 Round 3 Input: Establish "tier" or "levels" system based on intensity of the use to be consistent and equitable with the application of "tiers" or "levels" for other existing Uses (e.g., B&B, Rural Resorts, Campgrounds, Farm Based tourism, Ag Support Uses, etc.).</p> <p>Recommendation implements 2019 Comp Plan Policy 3, Strategy 3.1, Action B</p>

NO	3.05.01.A	<p>3.05.01.A. USE-SPECIFIC STANDARDS PURPOSE AND APPLICABILITY. The ordinance provides no mechanism to consider or evaluate properties with more than one primary use in terms of scale (location, total acreage), and intensity impacts.</p> <p>2022 Round 3 Input: Provide standards to evaluate and address multiple principle uses on a parcel to ensure compatible scale, use, intensity, character, and environmental protections, including, but not limited to, acres calculation, scale, intensity, hours of operation, parking calculations, quantity of events and attendees, setbacks, buffering, road access, noise, etc.</p> <p>Recommendation implements 2019 Comp Plan Policy 3, Strategy 3.1. Action B</p>
NO New Text Pending Review	3.05.04.17	<p>3.05.04.17 MOBILE VENDORS: Food trucks should be temporary and not permanent. Many high-intensity uses use them as permanent structures that detract from the site and do not comply with health department regulations for stationary restaurants .</p> <p>Other considerations: Connection to water hook up, Backflow protection, Disposal to private septic field or alt septic. Standard noise provisions should apply since some of these food trucks are noisy and if parked close to a neighboring property can be a problem.</p>
NO	3.05.08.04	<p>3.05.08.04. BREWERY, LIMITED. REGULATIONS for parking. VaABC license regulations permit "licensed areas" to serve, that includes both indoor and outdoor square feet. Calculation for parking requirements, traffic trips, event patrons should be based on the full (indoor and outdoor) square footage. It is inconsistent to not have the same type of health, safety and welfare regulations.</p> <p>2022 Round 3 Input: Attendance. Capacity for parking should be considered for outdoor (licensed) space and vehicular traffic to comply with Road access standards (5.09.01) A site visit should be required for all new establishments.</p>
NO	3.05.08.04.B	<p>3.05.08.04. BREWERY, LIMITED. B. Location.</p> <p>2022 Round 3 Input: To be CONSISTENT with the Code of VA regulation, the zoning requirement for "at least 10 acres, owned or leased by the licensed limited brewery," should be revised to state "EXCLUSIVE OF CURTILAGE" (defined as area acres for residential household and adjacent outbuildings). The Code of VA provision enables the ONLY permit approval criteria being in AR-1 or AR-2 agricultural zoned land, not on a "farm." The definition of "farm" would enable criteria to include proper location evaluation within AR-1/AR-2, not the entire district as a whole.</p>
NO	3.05.08.04.B	<p>3.05.08.04.B BREWERY LIMITED: B. Location. Through case studies and seven years of Use history, this use should be classified as "High" intensity. The scale and intensity of 250 people attending an event at a brewery on 10 acres is far different than 250 people attending an event on 25 acres. A large problem exists where big events are taking place on small acreage.</p> <p>Staff Response: Staff will take a scale level chart under consideration</p> <p>2022 Round 3 Input: To be CONSISTENT with other High intensity uses, the county must apply a Scale Level chart in that provides parking, yard standards, event, road access hours of operation standards based on acreage.</p>

	<p style="text-align: center;">NO</p>	<p style="text-align: center;">3.05.08.04.M</p>	<p>3.05.08.04. BREWERY, LIMITED. MISSING REGULATIONS. As indicated in 2017-2018 case studies and review of other county ordinances, Loudoun County CAN add regulations for the health, safety and welfare of the public. VIRGINIA COUNTIES COMPARISON REPORT* summarizes regulations other counties have approved and implemented for:</p> <p>1) Minimum crop acre production, 2) Maximum attendees for Events and Special Events, 3) Yard standards for front yard, side yard, rear yard, 4) Landscaping, buffering, screening, 5) Road Access and heavy equipment, 6) Exterior lighting, including Dark Sky requirements for lighting on ridge lines/slopes in MDOD (seasonal or otherwise), 7) Noise, 8) Hours of Operation</p> <p>*VIRGINIA COUNTIES COMPARISON REPORT - 2021 UPDATE https://loudouncoalition.org/wp-content/uploads/2020/04/ZOR-2021-Virginia-Counties-Ordinance-Comparison.pdf</p> <p>Staff Response: "Noted"</p> <p>2022 ROUND 3 INPUT: Other Virginia counties have established the above basic regulations. For zoning ordinance consistency, all high-intensity uses should be required to have basic regulations for acres, hours of operation, yard standards, setback, buffering, road access and event.</p> <p>1) The basic concept behind "levels" or "tiers" has been raised and discussed at REDC ZOR Adhoc and ZOC. Some level of regulations are needed to address the issues encountered over the past 5-10 years due to the absence of regulations.</p> <p>2) County Staff and Zoning Enforcement have agreed that the absence of regulations on the front end provide no approval or denial criteria during permit review, resulting in the inability to ensure proper location for a use required to be "on a farm in the Commonwealth on land zoned agricultural."</p> <p>3) The Code of VA provision enables the ONLY permit approval criteria being in AR-1 or AR-2 agricultural zoned land, not on a "farm." The definition of "farm" would enable criteria to include proper location evaluation within AR-1/AR-2, not the entire district as a whole.</p> <p>4) the absence of regulations also provides no means or mechanism for Zoning Enforcement to evaluate and enforce basic protections in line with other ag uses. Without a written regulation providing the benchmark criteria (i.e., levels, tiers, setbacks, parking, lighting, noise, buffering, etc.) Zoning Enforcement has nothing it can enforce to confirm or cancel a complaint.</p> <p>5) OTHER VIRGINIA COUNTIES have implemented some additional regulations for events at farm wineries -- including but not limited to Albemarle, Clarke, Warren, Fauquier, Goochland, Prince William, Greene -- have applied zoning regulations for Farm Wineries and Distilleries in addition to Limited Breweries. See Virginia Counties Comparison Matrix</p> <p>https://loudouncoalition.org/wp-content/uploads/2020/04/ZOR-2021-Virginia-Counties-Ordinance-Comparison.pdf</p>
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	NO	3.05.08.06	<p>3.05.08.06 VIRGINIA FARM WINERY -- USE-SPECIFIC STANDARDS Required. Although this Use did not have Performance Standards outlined in the current zoning ordinance when added as a use circa 2005, based on information over 15+ years shows omission of use specific standards in the new Zoning Ordinance Rewrite is INCONSISTENT to protect the health, safety and welfare of the public. Originally, farm wineries were just tasting rooms for their product. Since ~2015 several have become event locations promoting weddings and concerts.</p> <p>Therefore, similar to other operations, regulations at a minimum should include: Intensity/character, Site size, Location, Size of use, Events by right, Special Events, Location dimension standards, Landscaping/buffering/screening, Parking, Road access, Lighting and Noise that are comparable to other uses of similar scale and intensity. Additional evidence of the need for use-specific standards can be sent upon request to James David and/or ZORewrite@loudoun.gov.</p> <p>Staff Response: Noted. Staff will consider additional use-specific standards.</p> <p>2022 Round 3 Input: Basic use-specific standards with three or four "Levels" or "tiers" for various size operations in line with other rural uses should be established for farm wineries. This would accommodate small to large operations while managing impacts.</p> <p>1) The basic concept behind "levels" or "tiers" has been raised and discussed at REDC ZOR Adhoc and ZOC. Some level of regulations are needed to address the issues encountered over the past 5-10 years due to the absence of regulations.</p> <p>2) County Staff and Zoning Enforcement have agreed that the <u>absence of regulations</u> on the front end provide no approval or denial criteria during permit review, resulting in the inability to ensure proper location for a use required to be "on a farm in the Commonwealth on land zoned agricultural."</p> <p>3) The Code of VA provision enables the ONLY permit approval criteria being in AR-1 or AR-2 agricultural zoned land, not on a "farm." The definition of "farm" would enable criteria to include proper location evaluation within AR-1/AR-2, not the entire district as a whole.</p> <p>4) the <u>absence of regulations</u> also provides no means or mechanism for Zoning Enforcement to evaluate and enforce basic protections in line with other ag uses. Without a written regulation providing the benchmark criteria (i.e., levels, tiers, setbacks, parking, lighting, noise, buffering, etc.) Zoning Enforcement has nothing it can enforce to confirm or cancel a complaint.</p> <p>5) OTHER VIRGINIA COUNTIES have implemented some additional regulations for events at farm wineries -- including but not limited to Albemarle, Clarke, Warren, Fauquier, Goochland, Prince William, Greene -- have applied zoning regulations for Farm Wineries and Distilleries in addition to Limited Breweries. See Virginia Counties Comparison Matrix https://loudouncoalition.org/wp-content/uploads/2020/04/ZOR-2021-Virginia-Counties-Ordinance-Comparison.pdf</p>
	NO	11.03 (former 3.03)	<p>11.03. DEFINITION OF "FARM." Staff proposed text, "Farm: An agricultural use of one or more parcels of land, whether abutting or not, having a minimum of 5 acres and operated under the same ownership or stewardship, used for the production, cultivation, growing, harvesting or processing of agricultural or horticultural products or for animal husbandry purposes. Also reference "Agriculture, Bona Fide."</p> <p>2022 Round 3 Input: The proposed definition does not clearly state the requirement for production on the 5 acres. Need to make sure "processing" in and of itself doesn't make a property a "farm." A farm can "process," but that singular action in the definition does not define a "farm." Example: A business only processing ingredients not grown on the parcel to process a beverage (e.g., wine, beer, spirits) is not a "farm."</p> <p>2022 Round 3 Input: "processing of agriculture" could lead to an existing high-intensity use being allowed on 5 acres instead of 10 acres. The definition of a farm is inadequate unless and until it includes some measure of intensity of use. It is not adequate to say 5 acres is a farm because crops are raised on the 5 acres. The definition must say how much of the 5 acres is used to grow crops.</p> <p>2022 Round 3 Input: Because agricultural processing is a separate use, there is no need to include "processing" in the definition of farm. Delete processing from the definition. That way processing could be permitted on a farm, but solely processing wouldn't MAKE a property farm.</p> <p>2022 Round 3 Input: "One or more parcels of land, abutting or not with a minimum of 5 acres" could create a loophole where a high intensity use could purchase small acreage conceivably distant from the high intensity use and place all ag on that small parcel while maximizing the high intensity use on all other nonabutting parcels</p>
		11.03	<p>3.05 USE--Specific Definitions -- MOVED TO CHAPTER 11</p>

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		3.05	3.05 USE-SPECIFIC STANDARDS
NO		3.05.08.04	<p>3.05.08.04. BREWERY, LIMITED. MISSING REGULATIONS.</p> <p>2022 Round 3 Input: Noise & Lighting –5.08.01.C. states, "Agricultural Operations. The standards contained in this Chapter do not apply to any lawful agricultural operation." Include a definition of "Agricultural Operations" in Chapter 11. This exception should not apply to the tasting room/tap room or other retail operations.</p> <p>Definition of "Agricultural Operations" should be CONSISTENT with description in Ch 4, MDOD 4.04: "Agricultural Operations. Agricultural, horticultural, or animal husbandry operations located in the MDOD that are covered by, and conducted in conformance with, a Conservation Farm Plan, that includes best management practices, approved by the Loudoun County Soil and Water Conservation District or the U.S. Natural Resources and Conservation Service, and a Nutrient Management Plan approved by the Loudoun County Soil and Water Conservation District. Structures associated with agricultural operations are subject to all regulations in Section 4.04."</p> <p>Only the bona fide agricultural operation portion of the business and property should be included in 5.08.01.C. as an exception to noise and lighting standards.</p> <p>In addition, the noise ordinance needs to be better defined for business uses in the rural area such as how loud the noise, where it is measured, by whom and when. This should also include better education for the public as well as opportunities for businesses to reduce unwarranted or nuisance complaints</p>

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NO	3.05.08.04	<p>3.05.08.04. BREWERY, LIMITED. MISSING REGULATIONS. VaABC license regulations permit "licensed areas" to serve, that includes both indoor and outdoor square feet. Calculation for parking requirements, traffic trips, event patrons should be based on the full (indoor and outdoor) square footage. It is inconsistent to not have the same type of health, safety and welfare regulations.</p> <p>2022 Round 3 Input: Attendance. Capacity for parking should be considered for outdoor (licensed) space and vehicular traffic to comply with Road access standards (5.09.01) A site visit should be required for all new establishments.</p>
NO	3.05.08.04.A	<p>3.06.08.04. BREWERY, LIMITED. A.4. Applicability.</p> <p>Although pleased to see the change from "requested" to "must" contact Fire/Rescue and Dept. of B&D, the requirement for only an "informational inspection" is insufficient to ensure the health, safety and welfare of owners and patrons. Specifically, what happens when an "informal" inspection identifies violations? What documentation/record of the inspection is retained? What requirement does the owner have to repair/comply with safety ordinances? What enforcement/recourse is there if the owner fails to make repairs and/or comply? As noted in numerous case studies and written complaints, facilities used have not had electrical, plumbing or fire code inspections. https://loudouncoalition.org/2020/04/rural-uses/</p> <p>Staff Response: "Noted"</p>
NO	3.06.08.04.A.4	<p>3.05.08.04.A.4 BREWERY, LIMITED. Will Staff consider requiring a "site plan" for sites to be reviewed by Fire, Rescue & Emergency Management, Traffic Division/VDOT, Health Dept, and Planning & Development, as each may have responsibility over components, such as vehicular access and lines of sight, First Responder access, septic, water, and impact on adjacent lots for the health, safety and welfare of residents and patrons?</p> <p>Staff Response: "Noted"</p>
NO	3.05.08.04.B	<p>3.05.08.04. BREWERY, LIMITED. B. Location.</p> <p>The definition of "farm" for this use is inadequate to define and enforce the proper siting of an agricultural use as intended by Section 3.2-300 of Code of VA.</p> <p>Specifically, that section refers to "BONA FIDE" (which translates to and is used in law to describe "good faith") "agricultural operation" or "production of agriculture." Numerous case studies, current operations and complaints have identified locations permitted as a "Brewery, Limited" that do not comply with the intent or "bona fide" production requirements and have no agricultural/production agriculture operation.</p> <p>As in other counties, Staff must add the regulation to stipulate 5 acres of active agricultural crops/production to be CONSISTENT with current LAND USE TAXATION requirements</p> <p>§ 3.2-300. Definitions.</p> <p>-- "Agricultural operation" means any operation devoted to the bona fide production of crops, or animals, or fowl including the production of fruits and vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral products; and the production and harvest of products from silviculture activity.</p> <p>-- "Production agriculture and silviculture" means the bona fide production or harvesting of agricultural or silvicultural products but shall not include the processing of agricultural or silvicultural products or the above ground application or storage of sewage sludge.</p> <p>Staff Response: Staff are considering the defined terms and appropriate scale of agricultural operations</p> <p>2022 Round 3 Input: In addition to defining "farm" the terms "agricultural operation" and "production agriculture" must also be included in the list of definitions, consistent with the Code of Virginia.</p>
NO	3.05.08.04.B	<p>3.06.08.04. BREWERY, LIMITED. B. Location.</p> <p>2022 Round 3 Input: To be CONSISTENT with the Code of VA regulation, the zoning requirement for "at least 10 acres, owned or leased by the licensed limited brewery," should be revised to state "EXCLUSIVE OF CURTILAGE" (defined as area acres for residential household and adjacent outbuildings).</p>
NO	3.06.08.04.B	<p>3.05.08.04.B BREWERY, LIMITED. LOCATION. 10 acres as the definition of "farm" for Limited Breweries in ARS and ARN lands allows for potential development of these entities in environmentally sensitive lands, and neighborhoods. Special Events with amplified sound compound the problem for those lands.</p> <p>2022 Round 3 Input: The acreage required in ARS and ARN lands should be increased 20 or more acres to be consistent with current ARN, ARS Uses of similar high intensity OR should apply LEVELS or tiers for low to high intensity acres and applicable regulations to be CONSISTENT with similar intensity uses.</p>

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NO	3.05.08.04.B	<p>3.05.08.04 B. BREWERY, LIMITED. Add "A Limited Brewery is not allowed in the MDOD." [Consider in advance of Overlay District discussion.] Staff Response: Much of the properties the MDOD overlays are "Agricultural/Residential" districts. State code does not allow prohibiting the use in agricultural zoned areas 2022 Round 3 Input: Higher intensity/scale uses or operations with multiple uses should receive special exception review in MDOD zoned land or else not be permitted.</p>
NO	3.05.08.04.B	<p>3.05.08.04.B BREWERY LIMITED: B. Location. Through case studies and seven years of Use history, this use should be classified as "High" intensity. The scale and intensity of 250 people attending an event at a brewery on 10 acres is far different than 250 people attending an event on 25 acres. A large problem exists where big events are taking place on small acreage. Staff Response: Staff will take a scale level chart under consideration 2022 Round 3 Input: To be CONSISTENT with other High intensity uses, the county must apply a Scale Level chart in that provides parking, yard standards, event, road access hours of operation standards based on acreage.</p>
No	3.05.08.04.C	<p>3.05.08.04.C BREWERY, LIMITED. - C. Intensity/Character. Warren County applies the following hours of operation: Microbrewery (Limited Brewery) & Distillery : 9am to 5pm, Brewpub: 9am to 9pm, Winery: 9am to 10pm Staff Response: "Noted" 2022 Round 3 Input: HOURS OF OPERATION should added to be CONSISTENT with other uses of similar scale and intensity. Commercial Winery is 10am to 10pm. Submitted Recommendations for Hours of Operation. Weekdays: Monday through Thursday: 10:00 a.m until 9:00 p.m. Weekends Friday through Saturday: 10:00 a.m. until 11:00 p.m. Sunday & Holidays: 10:00 a.m. until 5:00 p.m. P.S. Loudoun County can restrict wine/beer sales between 12pm Saturday through 6am Monday. https://law.lis.virginia.gov/vacode/title4.1/chapter1/section4.1-129/</p>
NO	3.05.08.04.C.1	<p>3.05.08.04. BREWERY, LIMITED. C. Intensity/Character. 1. 50 feet set back from all lot lines for "outdoor tasting rooms or similar outdoor activities" adjacent to residentially zoned property is inadequate and inconsistent for uses of similar scale and intensity. Numerous cases of disturbance of patrons, children and dogs roaming and trespassing property is a disturbance of peace and quietude, safety, and property rights for adjacent residents. Staff Response: Noted. staff will further consider adequate setbacks 2022 Round 3 Input: Setbacks should be CONSISTENT for similar intensity uses. Outdoor tasting rooms should be consistent with 10 ac commercial winery of 125ft setback, not 50ft. Consider regulations currently approved/used in other Counties: Albemarle County: Structures -- Fr-75'; Side 25'; Rr: 35' Parking: Fr: 75'; Side: 125'; Rr: 125' Fauquier County: Structures 300' from all lot lines</p>
No	3.06.08.04.C.2	<p>3.06.08.04. BREWERY, LIMITED. C. Intensity/Character. Parking ratios in the Use Table Matrix for Limited Breweries is "1/1000 sf". There is no clarification whether square feet applies to the Brewery structure or the Brewery overall VaABC licensed area. Staff Response: "Noted" 2022 Round 3 Input: If not applied to licensed area, ratios will not address the (at times overflowing) parking situations in current Limited Brewery locations that have overflow parking, street parking where not permitted or safe, and parking on adjacent property front yards. A recommendation was made at the ZOC meeting in July for ZOR Staff to further review ACTUAL Limited Brewery parking to determine how to mitigate the safety, health, and welfare issues currently and when the new ordinance is applied. If Staff is unable to obtain a full and complete list of such cases and complaints via LEX, copies and photos can be sent to ZORewrite@loudoun.gov.</p>

<p>NO</p>	<p>3.05.08.04.D & E</p>	<p>3.05.08.04. BREWERY, LIMITED. D. Limited Brewery Events & Special Events. Would the addition of the "or similar activities" would encompass "Trivia Night"? If so, how would the included description for events evaluate the advertising of food truck and/or musicians in newspaper and social media postings on a weekly basis? What is the definition of "planned?" There is no business marketing difference for these activities, evidenced by newspaper postings. This indicate that 250 patrons any night/week would be permitted, regardless of the size of the parcel, facility or operation. This is INCONSISTENT with other Agricultural operations that Scale the quantity of patrons based on quantity of acres and/or size of structure. OTHER COUNTIES have addressed this in various ways: https://loudouncoalition.org/wp-content/uploads/2020/04/ZOR-2021-Virginia-Counties-Ordinance-Comparison.pdf ALBEMARLE COUNTY: Events (by-right) are permitted for Events, weddings, receptions etc. eligibility: Minimum 5 acres crops of fruits grains or other ag products planted on-site or adj. same owner in production (fermentation/bottling processes and on-site tasting room. BY RIGHT: not more than 200 in attendance at any time, subject to the following: ZONING CLEARANCE req'd if: Less than 21ac in size OR generates >50 vehicle trips/day, and <200 persons NOTICE: Written notice to adjacent lots for 1 or more events. Special Events: No kitchen service allowed for Special Events, portable toilets screened WARREN COUNTY: Usual and customary activities* for less than 100 persons in attendance at any organized event. Conditional use permit required for more than 100 persons. GOOCHLAND COUNTY: Weddings, receptions, reunions or similar on 50 acres or more must have: onsite fermentation; onsite tasting rm; minimum five (5) acres to agricultural products used in production of establishment's beverages. Max attendance calculated = (Parking x 4) - LESS occupancy of tasting room. Limit one event per week. Hours: End by 11pm Fri/Sat, by 10pm Sun thru Thurs. Event areas need 200' setback from all adj properties. Lighting must be dark sky compliant Special Event cannot occur more than eight (8) times per year PRINCE WILLIAM COUNTY: More than 150 people require temporary activity permit (Special event) CLARKE COUNTY: Classifies Special Event as a) Any assembly, attraction, ceremony, event, festival, gathering, circus, carnival, or show at which rides, games, competitions, attractions, music, dance, or other performing arts are engaged in by participants or provided as entertainment by professional or amateur performers or by prerecorded means, 1) Which involves the raising, charging, donating or re-couping of funds, 2) Which is held at any place other than on property owned by [Gov], or (2) In a permanent enclosed structure; 3) To which the public is invited or admitted;. . . and 5) Which occurs on a parcel of land of six or more acres (a parcel of land of six or more acres may include adjoining parcels with the same owner that have a total area of six or more acres). Event Hours: not permitted btw 12:00am to 7am Ticket admission to insure permit not exceeded Staff Response: "Noted" 2022 Round 3 Input: REINSTATE the text addressing Events at high-intensity uses, reviewed by ZOC Sept. 2021 and removed without notice by the former Director of Planning & Zoning. https://loudouncoalition.org/wp-content/uploads/2022/06/2021_09-15-Draft-Text-Deletions.pdf</p>
<p>No</p>	<p>3.05.08.04.D & E</p>	<p>3.05.08.04.D.2 & E.2 BREWERY, LIMITED. EVENT & SPECIAL EVENT PARKING. D.2. Events state all parking MUST be provided on site, whereas E.2. Special Events state all parking SHOULD be provided on site out of the public right-of-way. These requirements should be made consistent. Staff Response: "Noted" 2022 Round 3 Input: REINSTATE the text addressing Events at high-intensity uses, reviewed by ZOC Sept. 2021 and removed without notice by the former Director of Planning & Zoning. https://loudouncoalition.org/wp-content/uploads/2022/06/2021_09-15-Draft-Text-Deletions.pdf</p>
<p>No</p>	<p>3.05.08.04.E</p>	<p>3.05.08.04. BREWERY, LIMITED. E. Special Event. What is the intent (or justification) for the condition that "subsequent special event shall be at least 2,000 feet from the location of the previous event"? A "one size fits all" approach of "250 persons in attendance" is inconsistent with other Agricultural operations that SCALE the quantity of patrons based on quantity of acres and/or size of structure. Staff Response: "Noted" 2022 Round 3 Input: REINSTATE the text addressing Events at high-intensity uses, reviewed by ZOC Sept. 2021 and removed without notice by the former Director of Planning & Zoning. https://loudouncoalition.org/wp-content/uploads/2022/06/2021_09-15-Draft-Text-Deletions.pdf</p>

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NO	3.05.08.04.E	3.05.08.04. BREWERY, LIMITED. E. Special Event. Use of portable facilities should be only allowed during the specific timing of a special event, not permanent sanitary facilities, circumventing Health Department requirements for adequate septic.	<p>Staff Response: "Noted"</p> <p>2022 Round 3 Input: REINSTATE the text addressing Events at high-intensity uses, reviewed by ZOC Sept. 2021 and removed without notice by the former Director of Planning & Zoning. https://loudouncoalition.org/wp-content/uploads/2022/06/2021_09-15-Draft-Text-Deletions.pdf</p>
NO	3.05.08.04.E	3.05.08.04. BREWERY, LIMITED. E. Special Event. Review of current weekly newspaper and social media posts show the primary promotion is for current music performers and/or food trucks, not the agricultural product. Some are requiring ticket entrance. How does this make this use in compliance with Code of VA versus being an event venue?	<p>Staff Response: "Noted"</p> <p>2022 Round 3 Input: REINSTATE the text addressing Events at high-intensity uses, reviewed by ZOC Sept. 2021 and removed without notice by the former Director of Planning & Zoning. https://loudouncoalition.org/wp-content/uploads/2022/06/2021_09-15-Draft-Text-Deletions.pdf</p>
NO	3.05.08.04.F	3.05.08.04.F BREWERY, LIMITED. Prohibited Uses. These are in line with other countys.	<p>2022 Round 3 Input: REINSTATE the text addressing Events at high-intensity uses, reviewed by ZOC Sept. 2021 and removed without notice by the former Director of Planning & Zoning. https://loudouncoalition.org/wp-content/uploads/2022/06/2021_09-15-Draft-Text-Deletions.pdf</p> <p>Can additional prohibited accessory uses be added to include: Hot Air Balloon Rides; Carnival Inspired Games, (thinking shooting at targets for prizes), live auctions, and any use of firearms?</p>
NO	3.05.08.04.G	3.05.08.04.G BREWERY, LIMITED. Sketch Plan / Application Requirements. Statement indicates this section has been moved to a new heading, Application Requirements. Unless this relocated section for Sketch Plan includes the specific references required for Limited Breweries (i.e., tasting, storage, outdoor areas, 300' requirements from property line, etc.) then this section should REMAIN in Section 3.06.08.04.G to ensure all requirements are known and not omitted. Otherwise, a Site Plan should be required.	<p>Staff Response: "Noted"</p> <p>2022 Round 3 Input: It is important to set a greater minimum distance from the Limited Brewery property line, as experience has shown that amplified entertainment and voices carry long distances, well beyond 300 feet.</p> <p>A sketch plan or site plan should be denied approval if insufficient information is provided on an application indicating actual zoning use</p> <p>A zoning permit should be revoked if the Use after approval greatly exceeds the standards applied for after opening, based on inspection and volume of issues verified</p>
NO	3.05.08.04.G	3.05.08.04.G BREWERY, LIMITED. APPLICATION REQUIREMENTS. site plan, including a professional survey of the property boundaries, plats of adjacent or across-the-street lots and their existing uses (residence, school, church, etc), and any existing wells, septic fields, structures, and distances from property lines; placement and plans for any new structures, wells, septic fields, outdoor seating, outdoor lighting, driveways, access points	<p>Staff Response: "Noted"</p> <p>2022 Round 3 Input: To be CONSISTENT with other similar high-intensity uses, multiple levels or tiers should be established based on the acreage, quantity and planned zoning uses. Higher levels should require a site plan instead of a sketch plan to address the additional zoning requirements for larger, high-intensity operations.</p>
NO	3.05.08.04.M	3.05.08.04. BREWERY, LIMITED. MISSING REGULATIONS. County Zoning permits and approvals have been provided in advance of approval of Virginia Health Department, Virginia Office of Drinking Water (ODW), and Virginia Department of Agricultural Consumer Services (VDACS). RECOMMENDATIONS: -- All required water, sewer and environmental actions required by the Commonwealth of Virginia for the facility must be completed prior to the facility being approved for operation by the County. -- Conditional approval while waiting for completion of actions is not recommended, as in numerous cases State requirements were not completed until after complaints and notices of violation.	<p>2022 Round 3 Input: Regulations to review ALL VaABC license requests should be made part of Chapter 5 Development and Chapter 7 procedures to ensure consistent and proper evaluation in conjunction with zoning permit requests.</p>

NO	3.05.08.04.M	<p>3.05.08.04. BREWERY, LIMITED. MISSING REGULATIONS. As indicated in 2017-2018 case studies and review of other county ordinances, Loudoun County CAN add regulations for the health, safety and welfare of the public. VIRGINIA COUNTIES COMPARISON REPORT* summarizes regulations other counties have approved and implemented for:</p> <ol style="list-style-type: none"> 1) Minimum crop acre production, 2) Maximum attendees for Events and Special Events 3) Yard standards for front yard, side yard, rear yard. 4) Landscaping/buffering/screening, 5) Road Access and heavy equipment, 6) Exterior lighting, including Dark Sky requirements for lighting on ridge lines/slopes in MDOD (seasonal or otherwise). 7) NOISE. 8) Hours of Operation <p>*VIRGINIA COUNTIES COMPARISON REPORT - 2021 UPDATE https://loudouncoalition.org/wp-content/uploads/2020/04/ZOR-2021-Virginia-Counties-Ordinance-Comparison.pdf</p> <p>Staff Response: "Noted"</p> <p>2022 ROUND 3 INPUT: Other Virginia counties have established the above basic regulations. For zoning ordinance consistency, all high-intensity uses should be required to have basic regulations for acres, hours of operation, yard standards, setback, buffering, road access and event.</p>
NO	3.05.08.04.P	<p>3.05.08.04. BREWERY, LIMITED. MISSING REGULATIONS. County internal process for all VaABC opinion letters should require proactive response and request for status to Planning & Zoning. [Documenting request in Uses in advance of Procedures discussion]</p> <p>-- A response is required from County Attorney is required to indicate contact and status from Zoning (use permitted on parcel/location), Building & Development (if application indicates Ag Structure) and Health Department (if application indicates "tasting room," events or includes bathroom, kitchen requiring septic).</p> <p>-- County should be required to inform VaABC when applicant is in known violation of Code of Va § 4.1-225-2.a. The place occupied by the licensee: a. Does not conform to the requirements of the governing body of the county, city or town in which such establishment is located, with respect to sanitation, health, construction or equipment, or to any similar requirements established by the laws of the Commonwealth or by Board regulations.</p> <p>-- VaABC should be notified of County objection within the 30 day time limit if Zoning, B&D, HD issues or non-compliance are determined.</p> <p>-- No Waivers should be granted for non-compliance with State requirements (e.g., use of local well as water source prior to or without ODW certification of non-transient community waterworks).</p> <p>RECOMMENDATIONS: State Legislative</p> <p>-- VaABC application Posting and Publishing notice requirements are insufficient. Request State changes to VaABC application and process to require 1) written notification to adjacent property owners; 2) Publishing in local paper with known distribution to adjacent property owners (i.e., not publications known not to be available or delivered to adjacent property owners); 3) Posting requirements should be required on posts/stakes at two locations on the edge of the applicant property, clearly visible to all adjacent property owners (not "front door").</p> <p>Staff Response: While the county reviews VAABC opinion letters, as an informed entity, the county currently does not provide proactive enforcement. Implementation of VAABC laws is beyond the scope of the ZO</p> <p>2022 Round 3 Input: Regulations to review ALL VaABC license requests should be made part of Chapter 7 procedures to ensure consistent and proper evaluation in conjunction with zoning permit requests.</p>
NO	3.05.08.06	<p>3.05.08.06 WINERY, COMMERCIAL. Commercial wineries should not be permitted in MDODs.</p> <p>Staff Response: "Noted"</p> <p>2022 Round 3 Input: IF allowed in the MDODs, they must meet all the permit application, set back, buffering, lighting, Special Event regulations, and etc requirements as originally proposed (then deleted from draft text) for Brewery, Limited, for all of the same reasons. [Consider in advance of Overlay District discussion.]</p>

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NO	3.06.08.06.D.1	3.06.08.06.D.1	<p>3.06.08.06.D.1 COMMERCIAL WINERY. SITE SIZE. 10 acre minimum is insufficient if the location hold Events or Special events. Staff Response: "Noted" 2022 Round 3 Input: It is INCONSISTENT to NOT have regulations for Events permitted by Right and Special Events also defined for Commercial Wineries similar to banquet/event facilities and B&B's. Such regulations should be scaled to the size of the operation as is done for other agricultural/agritourism businesses. For consistency, commercial winery regulations for acres and other standards should be in tiers or levels if the location hold large and/or "special" events. Regulations should include the same parameters as originally proposed (then deleted by the former DPZ Director) as Limited Breweries for Events or Special Events that are CONSISTENT with regulations implemented by near and adjacent counties. If Events/Special Events are allowed, then 20 acre minimum is more consistent with other similar intensity uses.</p>
NO	3.05.08.07	3.05.08.07	<p>3.05.08.07 VIRGINIA FARM WINERY -- USE STANDARDS Required Staff Response: Noted. Staff will consider additional use-specific standards. 2022 Round 3 Input: Although this Use did not have Performance Standards outlined in the current zoning ordinance when added as a use circa 2005, based on information over 15+ years shows omission of use specific standards in the new Zoning Ordinance Rewrite is INCONSISTENT to protect the health, safety and welfare of the public. Originally, farm wineries were just tasting rooms for their product. Since ~2015 several have become event locations promoting weddings and concerts. Therefore, similar to other operations, regulations at a minimum should include: Intensity/character, Site size, Location, Size of use, Events by right, Special Events, Location dimension standards, Landscaping/buffering/screening, Parking, Road access, Lighting and Noise that are comparable to other uses of similar scale and intensity. Additional evidence of the need for use-specific standards can be sent upon request to James David and/or ZORewrite@loudoun.gov. OTHER VIRGINIA COUNTIES -- including but not limited to Albemarle, Clarke, Warren, Fauquier, Goochland, Prince William, Greene -- have applied zoning regulations for Farm Wineries and Distilleries in addition to Limited Breweries. See Virginia Counties Comparison Matrix https://loudouncoalition.org/wp-content/uploads/2020/04/ZOR-2021-Virginia-Counties-Ordinance-Comparison.pdf</p>
NO	3.05.08.04	3.05.08.04	<p>3.05.08.04. BREWERY, LIMITED. D. Limited Brewery Events. Referencing existing codes gives the County better oversight parameters, rather than using a # of attendees; it's difficult, if not impossible for anyone to document the numbers at any given time. If there is a way that a reliable figure could be used to limit the number of attendees/day? If not, then monitoring is an zoning enforcement impossibility, as enforcement is not available on the weekend except by appointment. 3.06.08.04.D.1 BREWERY, LIMITED, PERMITTED BY RIGHT. How will the County monitor the number of attendees for compliance? Staff Response: "Noted" 2022 Round 3 Input: In the MDODs, an Environmental Impact Review must be required if parking for more than 100 vehicles is proposed. Brewery, Limited in ARS and ARN on land zoned MDOD should be by Special Exception only, not by right. REINSTATE the text addressing Events at high-intensity uses, reviewed by ZOC Sept. 2021 and removed without notice by the former Director of Planning & Zoning. https://loudouncoalition.org/wp-content/uploads/2021/10/2021_09-15-ZOR-Draft-Text-Removed-Ltrs-Emails.pdf</p>
NO	3.05.08.04.A.2	3.05.08.04.A.2	<p>3.05.08.04.A.2 BREWERY, LIMITED. APPLICABILITY. State Code 4.1-206.1 Paragraph 4 states that limited Brewery licenses will be given to breweries "that manufacture no more than 15,000 barrels of beer per calendar year" but does not set a minimum amount of manufacture. Could a "brewery" produce one barrel of beer per year, source product from other brew manufacturers and function primarily as an Event/Music center? Fairfax County had Code of VA modified to add "Except for the limitation on land zoned "residential conservation," nothing in this definition shall otherwise limit or affect local zoning authority. Does this give Loudoun County a similar authority to set requirements for Limited Breweries in ARS and ARN and MDOD lands? Staff Response: Staff will further research</p>
NO	3.05.08.04.A.2	3.05.08.04.A.2	<p>3.05.08.04.A.2 BREWERY, LIMITED. APPLICABILITY. State Code 4.1-206.1 Manufacturer license, Effective July 1, 2021 speaks to Limited Distillers licenses, limited brewery licenses, winery licenses, farm winery licenses, and Beer importer licenses. How will/are Limited Breweries, and others now included, in operation BEFORE this date be governed now? and when the new code is implemented? Staff Response: Staff cannot speak to the implementation and enforcement of state code without further review from the County Attorneys Office</p>

NO	3.05.08.04.A.3	3.05.08.04.A.3 BREWERY, LIMITED. With the known issues documented in LEx and case studies over the past seven years, related to well/septic non-compliance, Health Dept. permit violations, lack of capacity for size of facility and events this Use Staff must consider requiring a "site plan" instead of "sketch plan" for the health, safety and welfare of the public Staff Response: "Noted"
No	3.05.08.06	3.05.08.06 COMMERCIAL WINERY and VIRGINIA FARM WINERY. PROPOSED LEGISLATIVE ACTION REQUEST. These should have the same requirements for public notice as Brewery, Limited, and is supported by State Code 4.1-230. Will public notice requirements be considered? Staff Response: Noted. staff will consider public notice requirement
5.05 PARKING		
NO	5.05.01.C	5.05.01.C. APPLICATION TO ADDITIONAL OR CHANGE IN USE. Will/does this requirement apply to "ag barns" converted or newly constructed to house high-intensity tourist venues for tasting rooms and events? The quantity of parking for high-intensity uses with tasting rooms is unreasonably low, thereby calling into question the Applicability for an addition or change in use for tasting room and other high-intensity tourist venues. Staff Response: We can change the parking rate for the tasting use. Any new use that greatly intensifies an existing use (i.e. additions, expansion, etc.), will have to meet the new minimums/maximums. Usually, the addition will have to provide more parking 2022 Round 3 Input: Parking ratios for "tasting use" should applied separately from the primary beverage use.
NO	5.05.02-4	5.05.03-4. RPA TABLE. 2022 Round 3 Input: Parking requirements for high-intensity uses (e.g., event centers, large wineries and breweries and those with events) should be calculated based on outdoor licensed area square feet. If only by indoor square feet, parking may likely be insufficient for licensed area / outdoor activities at high-intensity event and beverage manufacturing uses.
NO	5.05.02-4	5.05.02-4. RPA Table. BREWERY, LIMITED. How was a minimum of 2/1000 sf determined? Why are ratios LESS than Craft beverage manufacturing in JLMA of 4/1000 sf? Was any consideration given to parking requirements for tasting rooms, event venues, and current, actual, parking at EXISTING Limited Breweries, especially those that regularly hold events and large fundraisers? This will need to be evaluated again AFTER review of performance standards in Section 3.06. Staff Response: We welcome additional discussion on limited breweries versus craft beverage manufacturing. Individual parking studies were not conducted. 2022 Round 3 Input: Although the parking ratio was increased to 8/1000sqft, it still does not address parking requirements for high-intensity additional uses/events that should be calculated based on outdoor licensed area square feet. If only by indoor square feet, parking may likely be insufficient for licensed area / outdoor activities at breweries and wineries.
CHAPTER 7 - PROCEDURES, PERMITS & ENFORCEMENT		
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	7.03.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?

			CHAPTER 11 - DEFINITIONS
1	NO	5.08.01.C	<p>11.03. DEFINITION OF AGRICULTURAL OPERATIONS. 2022 Round 3 Input: This regulation now requires the definition of "Agricultural Operation" to be included in Chapter 11, Definitions, as one does not appear in Chapter 11. Such a definition must be compliant/compatible with Code of Virginia § 3.2-300. Definitions.</p> <p><i>-- "Agricultural operation" means any operation devoted to the bona fide production of crops, or animals, or fowl including the production of fruits and vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral products; and the production and harvest of products from silviculture activity."</i></p> <p>Definition of "Agricultural Operations" should also be CONSISTENT with description in Ch 4, MDOD 4.04: "Agricultural Operations. Agricultural, horticultural, or animal husbandry operations located in the MDOD that are covered by, and conducted in conformance with, a Conservation Farm Plan, that includes best management practices, approved by the Loudoun County Soil and Water Conservation District or the U.S. Natural Resources and Conservation Service, and a Nutrient Management Plan approved by the Loudoun County Soil and Water Conservation District. Structures associated with agricultural operations are subject to all regulations in Section 4.04."</p>
	NO	11.03	<p>11.03 DEFINITION OF PRODUCTION AGRICULTURE must be included in Definitions. Such a definition must be compliant/compatible with Code of Virginia § 3.2-300. Definitions: <i>"Production agriculture and silviculture" means the bona fide production or harvesting of agricultural or silvicultural products but shall not include the processing of agricultural or silvicultural products or the above ground application or storage of sewage sludge."</i></p>
		11.03	<p>11.03. DEFINITIONS REQUIRED FOR CLARIFICATION OF USES AND USE-SPECIFIC STANDARDS. "Farm," "agricultural operations," "tasting room/tap room," "agriculture products," "agricultural production" and "agricultural manufacturing." 2022 Round 3 Input: These terms are used in the draft text without clear definitions. Code of Virginia requires limited breweries (and farm wineries) to be "located on a farm in the Commonwealth on land zoning agricultural." Farm wineries are required to plant vines on the site of their primary establishment. This helps wineries to both reflect the agricultural attributes of the rural area and to create a natural buffer between their business and surrounding properties. Zoning should determine a similar ratio of the number of acres in on-site agriculture per acre of brewery to be utilized for agriculture production/manufacturing. Breweries will then be positioned to transition to growing products that can be directly used in the production of beer as VA Tech continues to determine agriculture products that can economically and sustainably grow in this region. This approach would also place breweries in better compliance with state code to have agricultural products produced on site that are used in the manufactured product.</p>