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July 18, 2022

Joe Kroboth, Assistant County Administrator
Loudoun County Planning and Zoning
PO Box 7000
Leesburg, VA 20177-7000

Dear Mr. Kroboth:

The *Loudoun Historic Village Alliance* is grateful for the time and dedication county staff have given to updating the County's Zoning Ordinance; this will give much needed direction to the 2019 Comprehensive Plan. We have supported your efforts as you have codified the new Plan to better protect the beautiful spaces that are Loudoun County.

Our focus has been the rural historic villages that help make Loudoun a special place to live and visit. We recognize that change and growth are inevitable, but we do not want that to jeopardize our unique historic places. The villages tell us where we came from and form the basis of many important communities we all enjoy. You heard us and updated one area of concern: to strengthen the Village Conservation Overlay District language that will help to protect our villages.

The Adaptive Reuse Standards (Chapter 5: Development Standards, Section 10) will greatly benefit efforts to preserve these villages and other historic sites by expanding the use of existing historic structures. These older structures have struggled to meet current zoning standards for various uses. Adaptive Reuse will change that and help keep older structures in use which will benefit everyone: the property owner, the community, the building itself, and the environment.

A selection of some of the updates we recommend:

- **Purpose:**
Bullet 5 Add a statement about standards that must be met when a property is renovated; "meet Secretary of the Interior Standards for Rehabilitation or apply for a CAPP through HDRC."
- **Eligibility:**
5.10 B To be eligible.... structure must *be one of the following*: so it is clear that structure does not need to meet all 3 criteria.
5.10 B.1 add e. *Designated a historic property by the Loudoun County Heritage Commission*
5.10 B. 3 *The structure is greater than 50 years old.* **Delete the rest**
5.10 B. 3 Delete a. through c. Adaptive Reuse is meant to promote reuse of old structures. It cannot be cumbersome or expensive for property owners to do so. We need to encourage reuse.

- **Standards and Requirements.**

C we support protecting the site but suggest adding that “owner must comply with the following design standards unless an alternate design is recommended by the HDRC upon submission of an application following COA application standards. If the property is located outside an HCC overlay district, then HDRC shall be guided by the Secretary of Interior Standards when making their recommendation”

- **Table 5.10-1 Uses Permitted as Adaptive Reuse**

2nd box on right: see new live/work definition

A single building or space within a single building (e.g. studio, loft or 1 bedroom) used jointly for commercial/office and residential purposes where the residential use of the space is **occupied by the person(s) operating the commercial/office use.**

Delete: Secondary or accessory to the primary use as a place of work.

4th box on right: Delete kennel indoor

Add at end: **Kennel, indoor may be permitted by special exception if the building to be used was originally constructed for agricultural use (e.g., barn).**

- **Table 5.10-2 Adaptive Reuse Incentives**

All the incentives are very good and will also help protect Loudoun’s old structures.

We also look forward to supporting county efforts to help each village design a Small Area Plan to enhance and preserve the unique character of each one. While our villages have a lot in common, they still very much have their own sense of place.

Again, LHVA appreciates all the hard work that went into this draft and the recognition that preservation of Loudoun’s resources is important to all of us.

Warmly,

Madeline Skinner
Chair, LHVA

Cc: Forest Hayes
Tim Hemstreet
Charles Yudd
Judy Birkitt
Board of Supervisors



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)	LOUDOUN HISTORIC VILLAGE ALLIANCE (LHVA) -- 4-18-2022 Draft Text REVIEW												
PRIORITY SHARED INPUT ITEMS															
	NO	3.02.02-3	<p>Table 3.02.02-3. Use Table A variety of high intensity commercial uses are authorized with Minor Special Exceptions or Special Exceptions in the ARS Policy Area. Certain of these uses may be incompatible with the purposes of the Village Conservation Overlay Districts (VCODs) and the Historic Overlay Districts (HODs), when implemented within those Districts or within 1000 feet of the boundary of VCODs or HODs. Such commercial uses include, but are not limited to:</p> <table border="0" style="width: 100%;"> <tr> <td>Rural Retreat Center</td> <td>Death Care Business</td> <td>Retail, General</td> </tr> <tr> <td>Commercial Winery</td> <td>Farm Machinery Business</td> <td>Public Safety Facility</td> </tr> <tr> <td>Country Inn</td> <td>Civic Buildings</td> <td>Sawmill</td> </tr> <tr> <td>Banquet/Event Facility</td> <td>Schools</td> <td>Slaughterhouse</td> </tr> </table> <p>RECOMMENDATION</p> <ul style="list-style-type: none"> The procedures for obtaining a Special Exception or Minor Special Exception have not yet been made public and available for comment. They should not be enacted without adequate opportunity for public review and comment. The procedures for obtaining a Special Exception or Minor Special Exception within 1,000 feet of a VCOD or HOD should include an application for review by the Historic District Review Committee (HDRC) to determine whether the application for the Special Exception or Minor Special Exception would be consistent with policies establishing VCODs and HODs. The HDRC review process should provide for public notice and a hearing. During its review the HDRC may consider mitigations offered by the applicant. Following its review, the HDRC shall transmit its recommendation to the BOS for their consideration and the HDRC recommendation shall be entitled to great weight. 	Rural Retreat Center	Death Care Business	Retail, General	Commercial Winery	Farm Machinery Business	Public Safety Facility	Country Inn	Civic Buildings	Sawmill	Banquet/Event Facility	Schools	Slaughterhouse
Rural Retreat Center	Death Care Business	Retail, General													
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Country Inn	Civic Buildings	Sawmill													
Banquet/Event Facility	Schools	Slaughterhouse													
	NO	4.06	<p>4.06 VCOD. OVERALL. Each village is unique so will benefit from each having Small Area Plan (Community Plan) as recommended by 2019 Comprehensive Plan. Support from the county will be necessary to accomplish this. (Comp Plan, Rural Historic Villages, Section 1.1.B)</p> <p>When can we expect to start work on Small Area Plans for villages? What county department will provide support to villages so these Small Area Plans may be completed effectively? How do they become law?</p>												

NO	4.06	<p>4.06 VCOD. OVERALL. VILLAGE CONSERVATION OVERLAY DISTRICT (VCOD). It is understood that VCOD has been separated from the other ZOR Overlay Districts in review, and will have separate consideration during the development of Village Small Area Plans. However, to avoid an overall delay in mitigating current issues there are changes being recommended BEFORE or IN PARALLEL WITH Village Small Area Plan development. They include but are not limited the following that should be INCLUDED in current review PRIOR to Village Small Area Plans as they apply to Villages (to get the discussions started):</p>
NO	4.06	<p>4.06 VCOD. OVERALL. Underlying zoning must be flexible to allow adaptive reuse of historic properties. At the same time, there can be no damage to historic fabric (Sec Standards of Rehab used). Recommend new zoning districts be created for historic villages. Density needs to be unique to each village per their Small Area Plan: e.g., there are small lots in Waterford but larger ones in St Louis. also, RC zoning density will not work in all villages</p>
NO	4.06	<p>4.06 VCOD. OVERALL. If current parcels on well and septic, will water studies be required to ensure availability of these resources after new development complete?</p>
NO	4.06	<p>4.06 VCOD. OVERALL. Villages concerned about impact on village fabric with approval of Short Term Rentals and impact on availability Affordable Housing. Can STRR be EXCLUDED from Rural Historic Villages, primarily STRR-Commercial Whole House?</p>
NO	4.06.0	<p>4.06. VCOD. PURPOSE. District Boundaries. Need to add VCOD overlay to other villages: Morrisonville, Unison, Willisville. Delete Ashburn. Change Aldie Mt to Bowmantown. How would new ones be added in the future? Would a CPAM be required for each village to be added or can several villages be added under same CPAM?</p>
NO	4.07.00	<p>4.07 Village Conservation Overlay District. "Purpose" The County must take action to prevent the loss of historic and cultural resources in historic crossroads communities pending County review of applications for Rural Historic Village status. Proposed amendments set forth below acknowledge the difficulties created by the COVID-19 pandemic and the multi-year backlog of action items assigned to the Department of Planning and Zoning. RECOMMENDATION Add the following new bullet point after the fifth bullet point in the Purpose statement: <ul style="list-style-type: none"> Protect the character, culture and identity of the historic crossroads communities of Airmont, Bloomfield, Howardsville, Morrisonville, Unison and Willisville pending formal designation of their status as Rural Historic Villages as discussed in the General Plan. </p>
NO	4.07.A	<p>4.07.a. "A. Applicability. The Village Conservation Overlay District (VCOD) is established as an overlay district, meaning that it is a district overlaid upon other districts. Land within the VCOD may be used as permitted in the underlying district, subject to the VCOD Development Standards of this district." RECOMMENDATION Addition of the following language is included to assure that Rural Historic Village Small Area Plans developed with resident input, as promised by County staff and leaders, are created, and given official weight through the County Zoning Ordinance. "Such standards shall be further refined in the Small Area Plan developed for each such Rural Historic Village in consultation with residents."</p>
NO	4.07.B	<p>4.07.B. District Boundaries. "The VCOD boundaries are as established on the adopted zoning map and affect the following villages set forth below." RECOMMENDATION The following language is recommended to assure the preservation of historic and cultural resources in historic crossroads villages until the County completes the review of the status or historic crossroads villages as promised in the General Plan. Insert before the period following "set forth below": "except that the historic crossroads villages noted in the General Plan and noted in Section 4.07.C. shall be treated as Rural Historic Villages pending completion of County review of their status"</p>
NO	4.07.C	<p>4.07.C C. Expansion of VCOD Boundaries. "Expansion of the VCOD is only permitted in areas designated as the Rural Historic Village Place Type in the General Plan." RECOMMENDATION: The following language is recommended to assure the preservation of historic and cultural resources in historic crossroads villages until the County completes the review of the status or historic crossroads villages as promised in the General Plan. "Notwithstanding the foregoing, until County personnel and the Board of Supervisors have determined that designation of the historic crossroads communities of Airmont, Bloomfield, Howardsville, Morrisonville, Unison and Willisville as Rural Historic Villages is not warranted, new projects in such villages shall be subject to the VCOD development standards and Rural Historic Villages Design Guidelines established in the General Plan."</p>

NO	4.07.D	4.07.D D. VCOD Development Standards. Clarify that items 6, 7 and 10 only apply proposed new development. Adjust items 1-11 to allow development that is consistent with confirmed historic precedents for the site in question or for adjacent properties.
NO	4.08	4.08 Historic District Overlay. Certificate of Appropriateness-Administrative for Minor Actions (CAPA)... Recommend replacements be allowed if they are 1:1 if not then CAPP. Minor modifications to be reviewed with the HDRC Chair, who may require a CAPP in its reasonable determination, that is appropriate (Note: There are many "minor" details that are very important for preservation.)
NO	4.08.D	4.08.D. Certificate of Appropriateness (CAPP). The HDRC has the authority to issue CAPPs for the following purposes: 1. Erection, Reconstruction, Alteration, Moving, Restoration, or Demolition. No building or structure, including signs, is permitted to be erected, reconstructed, altered, moved, restored, or demolished within an HOD unless and until the HDRC has approved a CAPP, except as otherwise provided below. RECOMMENDATION Define "Structure" In the code it is anything that projects vertically past the ground plane, and therefore a modification of a fence would require HDRC approval - or include language stating that fences, mailboxes and house numbers are not included.
NO	4.08.F	4.08.F. Required Maintenance and Demolition by Neglect. The owner of any building or structure located within an HOD must... RECOMMENDATION Required Maintenance: <ul style="list-style-type: none"> Some degree of leniency must be provided for the presence of deteriorated elements on an historic building. For example, Waterford brick is often pressed mud and very soft -consequently it easily spalls. This doesn't affect overall structural stability, but the presence of such spalling could be justification by an overly zealous person that a structure needs to fall under the notice/cure process. Overzealous application of this section may also be problematic if an historic building purchaser takes on a deteriorated structure knowing it will take 10 years to affect all or most of its renovation. A path towards renovation should be protection against a claim of destruction by neglect.
NO	4.08.H	4.08.H. Right to Raze or Demolish. The owner of any historic landmark, building, or structure located within an HOD is, as a matter of right, entitled to raze or demolish such historic landmark, building, or structure provided that the following conditions are met. 1.The owner has submitted an application for a CAPP to raze or demolish such historic landmark, building, or structure in accordance with Section 7.12; RECOMMENDATION: Revise to read, "The owner has submitted and received approval of an application for a CAPP.."
NO	4.08.I	4.08.I. Hazardous Conditions. Nothing in Section 4.08 prevents razing or demolition without HDRC approval due to unsafe conditions that would endanger life or property as follows... Require a notice/cure provision before razing or demolition is possible. Cure period should be substantial if reasonable demonstration can be made that people are reasonably protected from unsafe conditions.
NO	5.10.0	5.10. ADAPTIVE REUSE STANDARDS - PURPOSE BULLETS #5 -- "Encourage preservation of historic structures through appropriate renovation, <i>such as the Secretary of Interior Standards and/or ruling by HDRC (see Section C Standards and Requirements).</i> "
NO	5.10.0	5.10. ADAPTIVE REUSE STANDARDS - PURPOSE BULLETS #7 -- Add "Encourage sustainability" before the statement, "prolong building lifespans, encourage reuse of existing resources, generate activity, and facilitate market alternatives rather than demolition of existing, structurally sound historic structures, especially if they are vacant or in underutilized areas, especially by allowing use that may not otherwise be allowed."
NO	5.10.00	5.10 Adaptive Reuse. Most references within this section say 5.09 but they should say 5.10. Section 5.09 is Transportation
NO	5.10-1	Table 5.10-1 Uses Permitted as Adaptive Reuse. Recommnded allowing additional density except in cases with an absentee landlord.

NO	5.10-1	<p>Table 5.10-1 Uses Permitted as Adaptive Reuse. In the fifth line, Commercial Uses, recommend deleting Kennel indoor and adding “Kennel, indoor may be permitted by special exception if the building to be used was originally constructed for agricultural use (e.g., barn).” This changes would allow an indoor kennel in someone’s old outbuilding...or that it be rented for such a use.” To this section add: Allow Industrial/Production uses as follows: wood, metal and stone crafts. Allowing wood,metal, stone crafts would allow such uses, which is something often considered in an old barn/outbuilding.</p>
NO	5.10-2	<p>Table 5.10 -2 Adaptive Reuse Incentives. LHVA supports these incentives.</p>
NO	5.10. B	<p>5.10.B. ADAPTIVE REUSE ELIGIBILITY. Broaden the scope of eligibility with the intention of allowing more older buildings to qualify, so as to encourage adaptive reuse of the built environment by keeping the process simple. We recommended streamlining the rezoning process to make the process more user-friendly and financially affordable by removing requirements such as market analysis, structural engineers, and verification of obsolescence. Adaptive reuse should not be expensive and burdensome.</p>
NO	5.10. B	<p>5.10.B. ADAPTIVE REUSE ELIGIBILITY. The list of eligibility reasons indicates "OR" in B.1.c. which is easily missed in review. Recommend stating: "To be eligible for adaptive reuse, a structure must be one of the following:" Clarify "at least one" or "one or more" Needs to be clear that structure must only meet one of the 3 criteria.</p>
NO	5.10.B Unison	<p>5.10.B. ADAPTIVE REUSE ELIGIBILITY. Eligibility. To be eligible for adaptive reuse, a structure must be: 1. Identified as historically significant by being: a. Designated as a National Historic Landmark; b. Listed or eligible for listing in the National Register of Historic Places or a contributing resource in a historic district listed or eligible for listing in the National Register of Historic Places; c. Listed or eligible for listing in the Virginia Landmarks Register or a contributing resource in a historic district listed or eligible for listing in the Virginia Landmarks Register; or d. [add “Loudoun County Historic Site, or as designated by the Heritage Commission”]</p>
NO	5.10.B.1,2 & 3 Waterford	<p>5.10.B. ADAPTIVE REUSE ELIGIBILITY. Begin each numbered criteria using similar context language 1. <i>Identified as</i> historically significant 2. <i>Located in</i> a village Conservation Overlay District 3. <i>Greater than</i> 50 years old. Delete the rest of #3 (a. 1-5, b.1, and c.1-3) through to C. Standards. Why would we discourage Adaptive Reuse by having these expensive and burdensome requirements? Reuse of an old structure should be encouraged and applauded.</p>
NO	5.10.B.1.e.	<p>5.10.B.1. ADAPTIVE REUSE ELIGIBILITY. Add e. <i>Designatd a Loudoun County Heritage Site by the Heritage Commission</i></p>
NO	5.10.C	<p>5.10.C.1. ADAPTIVE REUSE STANDARDS AND REQUIREMENTS. Add to first sentence - “as set forth... in Sections 5.10.C and 5.10.D below, and must comply with the following design standards unless an alternative design is recommended by the HDRC upon submission of an application following the COA application standards and process. If the property is not located in an HCC overlay district, the HDRC shall be guided by the Secretary of Interior standards in making its recommendations.”</p>
NO	5.10.C.1	<p>5.10.C.1. ADAPTIVE REUSE STANDARDS AND REQUIREMENTS. It is agreed that the setting of a historic property warrants protection, but that can still be done with some flexibility. Many old properties do not have space available on side or rear areas for parking so front parking should be acceptable to maintain usefulness of a structure. Changes to primary front facade may be necessary to keep a property in use Allow more options when making changes as some historic buildings and sites don’t lend themselves to traditional zoning set-backs or off-street parking spaces. Where there are questions, we recommend the Zoning Administrator consult with the HDRC.</p>
NO	5.10.E	<p>5.10.E. Adaptive Reuse Incentives. In addition to nonconforming lot or structure allowances pursuant to Chapter 9, projects that are eligible for adaptive reuse under 5.09.A are entitled to the incentives set forth in Table 5.09-2. Incentives with a plus mark (+) in the Existing Floor Area column apply to the existing floor area of the structure. Incentives with a plus mark (+) in New Floor Area column apply to the floor area that is added to a structure. Expand the various land use requirements to allow confirmed historic patterns. For example, if structures historically had zero front yard setbacks, then, continuing or reestablishing a zero front yard setback would be permissible.</p>

NO	9.B.2	<p>9.B.2 Discontinuation of Nonconforming Use. If a nonconforming use is discontinued or abandoned for a continuous period of more than 2 years, including any period of discontinuation or abandonment before the effective date of this Zoning Ordinance, then that use must not be renewed or reestablished. Any subsequent use of the lot or Structure must be in conformance with this Zoning Ordinance.</p> <p>RECOMMENDATION</p> <p>Strongly recommend that 2-year gap be adjusted as a percentage of the age of buildings > 50 years old. For example, if a 150-year-old building that had retail use for 147 years, but had a 3-year gap, the retail use should be allowed to continue. Maybe the gap can't exceed 25 years of the life of the building.</p>
NO	10.04.B.4	<p>10.04.B.4 Historic District Review Committee. B.4 Officers. PROVISION</p> <p>A chair, vicechair, and any other officers of the HDRC will be elected by majority vote of the entire membership.</p> <p>RECOMMENDATION: Add frequency of elections to be no less frequent than 2 years</p>
NO	10.04.C.2.	<p>10.4.C.2. Meetings. Quorum. RECOMMENDATION: Set forth the number of members required for a quorum.</p>
NO	10.04.C.3.b	<p>10.4.C.3.b. Voting RECOMMENDATION Suggest provision read:</p> <p>“Members must exempt themselves from voting on any action in which their financial interests or those of their immediate family are, or may reasonably be expected to be, directly involved and annually file a statement acknowledging the Conflict of Interest policy, agreeing to comply with the policy, and indicating that no such conflicts arose during the prior year.”</p>
NO	11.3	<p>11.3 Definition of "Live/Work Dwelling" Revision: A single building or space within a single building (e.g. studio, loft or 1 bedroom) used jointly for commercial/office and residential purposes where the residential use of the space is occupied by the person(s) operating the commercial/office use secondary or accessory to the primary use as a place of work.</p>
NO		<p>No mention in new Chapter 4.07 of how other villages might seek VCOD overlay if they want to.</p>
NO		<p>No mention of how water supply will be protected</p>