



AUGUST 2022 TEXT REVIEW -- ZOAM-2020-0001-Zoning Ordinance Rewrite

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.

-- 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.)

Priority 1=High 2=Med 3=Low	ADDRESSED AUGUST 2022 Draft Text?	August 2022 Section Reference	ADDRESSED in 4-18-2022 Draft Text?	Former 4-18-22 Section	CHAPTER 7 -- DEVELOPMENT STANDARDS FORMER SECTIONS 5.01, 5.02, 5.04, 5.08, 5.09, 5.11, 5.12, 5.13 Site Dev, trees, landscaping/buffering, light/noise, transportation, utilities, HOAs
PRIORITY SHARED INPUT ITEMS					
1	No	7.01 (removed)	NO	5.01.03	5.01.03. SITE DEVELOPMENT, USES ON LOTS. MULTIPLE USES. 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. 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. Recommendation implements 2019 Comp Plan Policy 3, Strategy 3.1. Action B 2022 Round 3 Input: Where two or more primary uses are located on one parcel the required parcel size should be evaluated to be the sum of all minimum lot sizes (similar to parking) rather than the current requirement that the acreage meet only the size requirement for the largest use. Alternatively, if more than one primary use is applied for, the application should be reviewed via a site plan/visit with consideration given to intensity of use (volume of patrons, parking, traffic, noise, lighting, etc.) to confirm acreage for multiple uses
1	No	7.05.02	No	5.08.05	5.08.05. PERFORMANCE STANDARDS. LIGHTING. Where are the zoning regulations to comply with Dark Sky requirements as outlined in the 2019 Comprehensive Plans? Staff Response: As noted in previous comments regarding dark sky, references in GP are acknowledged and additional evaluation of the referenced material is needed to determine if revisions are appropriate 2022 Round 3 Input: Dark Sky regulations to comply with 2019 Comp Plan must be addressed and included.
1	No	7.05.02	No	5.08.05	5.08.05.A.4 PERFORMANCE STANDARDS. LIGHT AND GLARE How do guidelines for permitted Public facilities align with General Policy Dark Sky Ordinances? 5.08.05 PERFORMANCE STANDARDS. LIGHT AND GLARE. How do the 5.08.05 Light and Glare regulations adhere to the Dark Sky Ordinance in general? Staff Response: Aware of references in GP to dark sky guidelines. Additional research is needed before an answer can be provided. Standards to address the issue can be considered
1	No	7.05.02	No	5.08.05.	5.08.05. PERFORMANCE STANDARDS. LIGHT & GLARE. Do the light and glare standards apply to seasonal commercial lighting? Do the light and glare standards apply to all vineyards, wineries, breweries? If not why not? STAFF RESPONSE TO ZOC: Interpreted questions of "seasonal" as "religious." However, actual use is tied to charity events, not religious celebration. 2022 Round 3 Input: Original request still stands.
1	No	7.05.02	No	5.08.05.D	5.08.05.D PERFORMANCE STANDARDS. LIGHT & GLARE: 2022 Round 3 Input: Add language to address seasonal lighting at commercial establishments such as: "Seasonal lighting is permissible from Thanksgiving to January 15 at commercial businesses except between the hours of 10:00 PM to 6:00 AM. All outdoor lighting displays must be contained within 150 feet of any commercial building."

1	No	7.05.02	No	5.08.05	5.08.05 PERFORMANCE STANDARDS. LIGHT AND GLARE. Once the revised ZO is completed and approved, the County should develop "cheat sheet" graphics detailing Loudoun's lighting ordinance for residential and non-residential areas/districts. These graphics will provide an easy-to-follow guides with the rules for Loudoun citizens and businesses to follow, thus ensuring compliance with the regulations from the start. Samples of those developed and used by Fairfax County can be found here: https://loudouncoalition.org/wp-content/uploads/2022/01/FAIRFAX-Res-Non-Res-Lighting-Zoning-Regs.pdf Staff Response: Comments and suggestions acknowledged. Graphics are being considered for inclusion in many sections of the Ordinance for clarity and ease of application
1	NO	7.05.02. Cannot be confirmed until Use Stds review	NO	5.08.05.D	5.08.05.D PERFORMANCE STANDARDS. LIGHT & GLARE Standards for Specific Uses states, "The following light and glare standards apply to specific uses in this section when they are expressly referenced in the standards for the specific use in Chapter 3." This does not apply the light and glare standards listed consistently across ALL uses, and therefore provide inconsistent protections to adjacent properties and area residents. If this ONLY applies to those use WITH Use-Specific Standards in Ch. 3 then high-intensity uses with complaints for light and glare from activities and events will not be covered. It also inconsistently applies regulations for exterior lighting hours to be extinguished between 10pm and 6am. Staff Response: If this comment recommends applying what currently applies only to specific "5-600" uses to all uses as a general performance standard, we acknowledge the recommendation and will take this shift under consideration 2022 Round 3 Input: No reference is made for "lighting" in November/December not religious or religion oriented that has received complaints for large displays on mountainside properties visible for long distances. This should not have "religious exemption" applied. These standards are inconsistent and have known impacts to Dark Sky and conflict with the 2019 comp plan.
1	No	7.05.02. Separate ZOAM	No	5.08.05	5.08.05. PERFORMANCE STANDARDS. LIGHTING. Where are the zoning regulations to comply with Dark Sky requirements as outlined in the 2019 Comprehensive Plans? Staff Response: As noted in previous comments regarding dark sky, references in GP are acknowledged and additional evaluation of the referenced material is needed to determine if revisions are appropriate 2022 Round 3 Input: Dark Sky regulations to comply with 2019 Comp Plan must be addressed and included.
1	No	7.05.02. Separate ZOAM	No	5.08.05.A	5.08.05 PERFORMANCE STANDARDS. LIGHT AND GLARE A. GENERAL REQUIREMENTS. Recommend that Staff consider the use of defined Zones that each District in the County be assigned. Lighting Zones are recommended by the Dark Sky Association. Implementing lighting zones will allow different amounts of light in areas with different nighttime characteristics. Zones can be defined based on ambient light levels, population density, and other community considerations. For example, the downtown Sterling area would require different standards for outdoor lighting than would a residential zone in Purcellville/Hillsboro areas. The Model lighting Ordinance ("MLO") developed by the International Dark-Sky Association ("IDA") and the Illuminating Engineering Society ("IES") provides examples of lighting zones that could be adopted/modified by Loudoun and delineated in the revised ZO. Each standard for specific use defined in Chapter 3 could then reference the applicable zone as defined in section 5.08.05. Copy of the MLO available here: https://loudouncoalition.org/wp-content/uploads/2022/01/MLO_FINAL_June2011.pdf Staff Response: Comments and suggestions acknowledged and will be considered
1	No	7.05.03. Cannot be confirmed until Use Stds review	NO	5.08.04.F	5.08.04.F PERFORMANCE STANDARDS. NOISE. Standards for Specific Uses states, "The following noise standards apply to specific uses in this section when they are expressly referenced in the standards for the specific use in Chapter 3." This does not apply the NOISE standards listed consistently across ALL uses, and therefore provide inconsistent protections to adjacent properties and area residents (Single family residential use within 250 feet). If this ONLY applies to those use WITH Use-Specific Standards in Ch. 3 then HIGH-INTENSITY USES that have been a primary cause of complaints for noise from outdoor music and events will not be covered. It also inconsistently applies regulations for outdoor music hours not permitted after 11pm. (e.g., applies to B&B weddings and event centers but not breweries/wineries). Because these standards are inconsistent and have known, (documented impacts via LEX complaints, emails and letters over many years), how and when will this be reviewed and rectified? STAFF RESPONSE: "We can consider applying this provision generally if appropriate." 2022 ROUND 3 INPUT: APPLY PROVISION GENERALLY TO ALL HIGH-INTENSITY USES FOR COMPLIANCE AND CONSISTENCY.

2	No	7.07.01	No	5.09.01.F	<p>5.09. TRANSPORTATION, ROAD ACCESS STANDARDS. F. USE SPECIFIC ROAD ACCESS STANDARDS. The volume of traffic on all roads is directly dependent on the quantity of residential and commercial properties accessing the road, as well as the volume of patrons to commercial entities. The re-written footnote for Table 5.09.01 Road Access Standards (former Table 5-654) no longer states that Vehicle trips Per Day are to be "calculated," which is good. However, it now states that Vehicle Trips per Day (VTD) must be "determined by traffic study if required or as estimated based on proposed use and most current edition of ITE Trip Generation Rate or an approved substitute.</p> <p>2022 Round 3 Input. Reiterating Questions:</p> <p>1. Traffic studies are common for large developments in SPA, TPA and possible large RPA. The primary issues causing complaints have been for commercial entities located on public unpaved roads or smaller paved roads. When in the process will the "traffic study" or equivalent be required in the permitting process? when evaluated? when is compliance confirmed? Or will it remain, as has been and problematic, only by complaint?</p> <p>2. Whose responsibility will it be to estimate the VTD "based on proposed use?"</p> <p>3. Whose responsibility is it to determine what is an "approved substitute?"</p> <p>4. Whose responsibility is it to enforce when a Special Exception Review is required?</p> <p>Traffic caused by HIGH-INTENSITY USES has been an issue for many years, with poorly collected information during permitting, county approvals of permits without verification, and lax enforcement for traffic levels that should have required special exception review.</p>
3	No	7.07.01	No (Referred to Ch. 10)	5.09.B	<p>5.09.B. VISIBILITY AT INTERSECTIONS. Standards. It is nice to know that "no impediment to visibility is to be placed, allowed to grow, erected, or maintained" but enforcement is terrible. How many intersections set signs and lines so far back or have landscaping obscuring the view that you can't see oncoming cross traffic? At times landscaping obscures the signed themselves too. How will County and VDOT enforcement be improved to ensure compliance?</p>
1	No	7.03		5.06.0	<p>5.06 TREE PLANTING, REPLACEMENT AND ENFORCEMENT. Why is there no mention of requiring tree plans to join with neighboring contiguous habitats to reduce habitat fragmentation and promote wildlife corridors?</p> <p>Staff Response: Will evaluate inclusion, as well as cross references to other requirements in the zoning ordinance that address connecting open space</p>
1	No	7.03		5.06.0	<p>5.06 TREE PLANTING, REPLACEMENT AND PRESERVATION. While the policy statement was updated to be consistent with 2019 GP Policy Chapter 3, FTV p. 3-7 and FTV Action 4.1.B., there are many other relevant and important policies as part of FTV Policy 4 including, but not limited to, 4.1.C "require the removal of invasive plant species during the development process" and 4.2.A "prioritize the planting of native vegetation, specifically along those corridors that provide connections to other natural, environmental, and heritage resources". Why was this, and other actions from FTV policy 4 omitted from the Zoning Ordinance? And, why are there not corollary ordinances related to removal of invasive species and planting native vegetation along corridors (which would reduce habitat fragmentation)?</p> <p>Staff Response: Will consult with County Urban Forester and determine best location/way to address removing invasive species and revise appropriately</p>
1	No	7.03		5.06.A.4	<p>5.06.A.4 TREE PLANTING, REPLACEMENT AND ENFORCEMENT. The current FSM Table 3 of Tree Conservation and Landscape Plan includes 45% non-native trees. Why does the Zoning Ordinance not include a 100% (or other minimum percentage) native trees and shrubs requirement? A minimum requirement is needed to prioritize native vegetation per the 2019 General Plan - FTV 4.2 Action A. (The Zoning Ordinance needs to be updated to initiate an update of the FSM. Otherwise circular logic of the ZO pointing to the FSM before the FSM standards have been updated to reflect the new ZO is circular and non-effective.) When will this review be done for ZOR/FSM updates?</p> <p>Staff Response: Will consult with County Urban Forester regarding appropriate percentage and location for requirement and revise accordingly.</p>
1	No	7.03		5.07.01.D	<p>5.07.01.D PURPOSE, APPLICABILITY AND EXCEPTIONS. The current Tree Conservation Plan within the FSM does not include minimum requirement of native vegetation. Strategy 6.2.C specifically states development "ensure" that it "incorporates existing native vegetation and plantings of native vegetation into the landscape design." Shouldn't this section include a requirement that it is existing native vegetation and supplemented by new native vegetation? (The word "native" is currently missing.)</p>
1	No	7.04		5.07.0	<p>"5.07 LANDSCAPING BUFFER YARDS, SCREENING AND LANDSCAPE PLANS. Except for 5.07.04 Cemetery, Burial Ground, and Grave Buffer, there are no mentions of invasive species removal. As per 2019 General Plan FTV Policy 4 Strategy 4.1.C, shouldn't language be included throughout Section 5.07 to ""require the removal of invasive plant species during the development process""?</p> <p>Staff Response: Will consult with County Urban Forester and determine best location/way to address removing invasive species and revise appropriately"</p>
1	No	7.04		5.07.0	<p>5.07. LANDSCAPING: D. 3 - Could this be strengthened by recommending using native species wherever possible?</p> <p>Staff response: Will consult with County Urban Forester and Community Planning Staff about requiring native species and include requirements accordingly.</p>
1	No	7.04		5.07.01	<p>5.07.01 PURPOSE, APPLICABILITY, AND EXCEPTIONS, Purpose: Shouldn't the County encourage the use of native plants in landscaping? Why is there no mention in this section of naturalistic plantings especially for government buildings and sites?</p>

2	No	7.04		5.07.01	5.07.01 PURPOSE, APPLICABILITY AND EXCEPTIONS. While "contribute to ecosystem benefits" is good language to include, it could be more specific. Why are more elements of NHR Policy 7 Strategies and actions related to 6.1 and 6.2 not included in this section?
1	No	7.04.03		5.07.03.A.7	5.07.03.A.7 BUFFER YARDS. General Provisions. Should this read "existing native vegetation and native trees" rather than just existing vegetation and trees? Staff response: Will confirm with County Urban Forester, but I believe the FSM limits the trees that can be used to count toward buffer requirements and does not include invasive species



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Priority 1=High 2=Med 3=Low	ADDRESSED AUGUST 2022 Draft Text?	August 2022 Section Reference	ADDRESSED in 4-18-2022 Draft Text?	Former 4-18-22 Section	CHAPTER 7 -- DEVELOPMENT STANDARDS PARKING (Former SECTION 5.05)
PRIORITY SHARED INPUT ITEMS					
1	NO	7.06	NO	5.05.01.C	<p>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.</p> <p>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</p> <p>2022 Round 3 Input: Parking ratios for "tasting use" should applied separately from the primary beverage use.</p>
1	NO	7.06		5.05.02-4	<p>5.05.03-4. RPA TABLE.</p> <p>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.</p>
1	NO	7.06	NO	5.05.02-5	<p>5.05.02-5. JLMA Table. AGRITAINMENT. For the ratio of 3/1000 sf is this only for the building or does it include the agritainment area? If the latter, then should be more in line with outdoor recreation of 8/1000 sf. that indicates by area vs. building.</p> <p>Staff Response: Good point. Acreage may be a more appropriate parameter to utilize. We welcome additional discussion on agritainment parking ratios.</p>
1	NO	7.06	NO	5.05.03-4	<p>5.05.02-4. RPA Table. WINERY, COMMERCIAL. This use is listed twice -- under Food & Beverage Sales with a minimum of 2/1000 sf and again under Agriculture with minimum of "2/winery" (seriously?). Was any consideration given to parking requirements for tasting rooms, event venues, and current, actual, parking at EXISTING commercial wineries? With the actual volume of patrons, and known overflow parking to inappropriate rural areas ratios may need to be more in line with Restaurant.</p> <p>Staff Response: We welcome the discussion on parking ratios for commercial wineries. Principal uses associated with wineries would be parked separately.</p> <p>2022 Round 3 Input: Parking requirements for high-intensity uses (e.g., commercial wineries, event centers, and breweries 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 breweries and wineries.</p>
3	Check	7.06	No	5.05.02-2, 5.05.02	<p>5.05.02-2 SPA Table. 5.05.02-3 TPA Table., 5.05.02-4 RPA Table. COUNTRY INN. Does the ratio apply to "cottages" and if so, will the quantity of bedrooms w/in a "cottage" count as .75 in RPA (vs. the .25 in SPA & TPA)?</p> <p>Staff Response: Further follow-up discussion is necessary on this question.</p>

2	NO	7.06	No	5.05.12	<p>5.05.12 VILLAGE PARKING. The Loudoun Historic Village Alliance (LHVA) would like to remind the county that the villages have survived just fine since the invention of the automobile. Bluemont Fair parks 600 -1000 cars daily, Philomont's VFD Pit BBQ parked 100 - 200 cars, Waterford Fair 3,000 cars daily, Lucketts events and Aldie Fair. The villages do not want any parking regulations. No parking minimums for non residential use in villages or off-street parking. Parking regulations would ruin our rural historic villages. For decades, businesses have come up with work arounds by working with their neighbors. We do not want staff to confuse towns with villages. WE OFFER VILLAGE TOURS IF NEEDED BY ANYONE. LHVA.</p> <p>Staff Response: Thank you for the comments. We will continue to refine the text to make parking regulations that fit the villages</p>
	CHECK	7.06	CHECK	5.05.08(I)	<p>5.05.08(I) AFFORDABLE HOUSING REDUCTIONS. There is very little available research that ties car ownership (and thus parking spaces) to levels of Area Median Income (AMI). This is not a reliable metric for tracking family size, number of drivers in the household, or car ownership. This approach is not recommended for calculating parking reductions.</p> <p>A better, and much simpler, approach is to set an average number of parking spaces per Dwelling Unit for the whole affordable building based on more relevant factors: actual measured parking usage in the area; walkability of the site; distance to MetroRail; and provision of a Transportation Demand Management Plan (TDM).</p> <p>The Institute of Traffic Engineers (ITE) Parking Generation Guidelines, based on 29 studies, specify 0.99 Parking Space per Dwelling Unit for Affordable Housing. A recent parking study of multi-family affordable housing properties, prepared by traffic engineers at Gorove Slade (available for review) provides parking ratios for eight (8) Northern Virginia affordable housing properties with parking ratios ranging, on average, from 0.71 parking spaces/DU to a high of 1.43 spaces/DU. This report also provides a useful chart comparing site Walk Score to Parking Ratio (spaces/Unit). These eight properties have a wide variety of unit types (1-BR, 2-BR, 3-BR) illustrating the difficulty of using this approach alone to set parking needs.</p> <p>The foollowing proposal is offered for discussion.</p> <p>Multi-family Affordable Housing properties should start at a base parking ratio of 1.5 parking spaces per Dwelling Unit (1.5/DU). (Note; this parking ratio was recently approved by the Loudoun Board of Supervisors for a MF Affordable project.)</p> <p>Based on Walk Score: for every score above 50, decrease the parking ratio by 0.1 spaces/DU. For every Walk Score above 75, decrease the parking ration by 0.2 spaces/DU.</p> <p>Based on Distance to MetroRail: less than 1 mile, decrease parking ration by 0.1 spaces/DU. For less than 1/2 mile, decrease by 0.2 spaces/DU. For less than 1/4 mile, decrease by 0.3 spaces/DU.</p> <p>Based on having a Transportation Demand Management Plan (TDM): reduce the parking ratio 0.1 spaces/DU if a TDM is provided.</p> <p>When combining all of the above strategies, the resulting parking ratio may not be less than 1.0 Parking spaces/DU.</p> <p>Further discussion, and research, are needed to determine what parking ratio reductions are reasonable in affordable housing properties other than multi-family configurations. This proposal would be unique to Section 5.05.09 (H) and would be excluded from added reductions allowed under sections 5.05.09 (I),(J),(K), and (L).</p> <p>Staff Response: Good points. Will consider these comments to further refine parking adjustments for affordable housing</p>
	CHECK	7.06	CHECK	5.05.10(E)1	<p>5.05.10(E) PARKING STRUCTURE DESIGN REQUIREMENTS 1.b. and 1.c. For above-grade parking structures it is clearly desirable to avoid "long expanses of blank walls." However, "windows" is not the only possible architectural design solution to address this problem. Further, "windows" over 50% of ground floor wall area (after exclusions) is a very expensive solution. The current County process, where developers proffer elevations during the rezoning process, has been working well. These two sections should be removed as being far too specific and generally too costly.</p> <p>Staff Response: We can further refine the text to allow flexibility in the types of design features to minimize the visual impacts</p>



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PRIORITY SHARED INPUT ITEMS					
1	NO	8.01	No	6.01	<p>6.01 APPLICATION OF SIGN REGULATIONS As indicated in the comments to the Consultant's report, there may be a significant inconsistency/conflict or fatal flaw in the proposed ZOR Sign Ordinance. The "Purpose" section includes -- "Ensure the compatibility of signs with land uses," -- "Protect property values by facilitating the harmony between residential and commercial uses" -- "Complement the character of the comprehensive plan policy areas" and -- "Preserve the residential character of residential neighborhoods." However, it has applied only one sign category to over 200,000 acres covering ARN, ARS, and A-10, all lumped as "rural."</p> <p>This lump "rural" categorization is conflicting and inconsistent with other policy areas/districts that identify sign regulations in the matrices differently for "residential" versus "commercial." This is where "residential" as a "use" creates a major problem, because applying only one set of regulations for all "rural" completely ignores/negates the fact that there are both residential and rural economy/business/commercial uses outside of the Suburban Commercial (SC), Rural Commercial (RC), and Village Commercial (VC) districts.</p> <p>Can Rural as a category be further broken down with two columns for all matrices? RURAL Rural Res Rural Econ/Comm/Bus ROUND 3 PUBLIC INPUT: Rural areas like other residential areas must be protected.</p>

1		8.04	No	6.04-1	<p>6.04-1 FREESTANDING SIGNS. Ground Signs, Rural</p> <p>Rural sign allowances are a huge increase over what is allowed now. For example, home occupations are allowed 2 sf and B&Bs, 4 sf in the current ordinance and would be allowed up to 45 sf in this proposal. Signs of 4 sf are easily seen on rural roads; there is no other human clutter to interfere with the view. One might think that signs of almost 7 ft by 7 ft would be appropriate for farms of 100 acres or more. However, these proposals would allow these large signs anywhere in the Rural areas.</p> <p>Categorizing all of ARN, ARS and A-10 as "rural" in the Rural areas is a misnomer. Although many areas are still generally rural, there are more and more smaller lots (many grandfathered A-3 and newer cluster lots) and many more coming. These are "suburban-like" type developments within the Rural districts.</p> <p>Would 45 sf signs be appropriate in these development areas? Would housing developments in the other Neighborhood/Residential/Suburban areas (UPA/SPA/TPA) want signs this big in neighbors yards? (No, they would not.) Many of these suburban incursions in the rural areas look like developments in Suburban districts, houses all along the roads and acreage out back. In addition, lighting of these signs would be allowed just as it will be in heavy use areas such as Commercial.</p> <p>If a residence on 25 acres, with neighbors on 3-5 acre lots closer to the road put up a 45 sf sign, would it impinge on the "rural" nature? Yes. In a similar manner, would such a sign for a rural business on 25 acres with neighbors on 3-5 acre lots also impinge on the rural character as described in the Purpose section? Also, yes.</p> <p>Are large signs needed or should they be allowed with the increased use of GPS and internet "tour maps" to locate Loudoun's great farm markets, wineries, breweries and such rather than the possibility of large signs? This points to the need for additional sign regulation review and categorization for "rural." Large signs in rural "residential" areas would add to the woes of many narrow dirt roads.</p> <p>Constituent comment: "Let's not throw out the baby with the bath water and clutter our rural areas so much that they become unattractive. That will hurt businesses as well as homeowners."</p>
		8.04	No	6.04-1	<p>6.04-1 FREESTANDING SIGNS. Ground Signs, Commercial</p> <p>Commercial signs total more square footage than currently allowed especially for some commercial entities.</p> <p>Constituent Comment: "It seems that because we now need everyone in one "pot" so to speak, we are changing the ordinance to allow for the biggest sign allowed now to be allowed for everyone. The entire character of the County would change from one where without knowing why, we feel more comfortable in Loudoun than in nearby Fairfax where signs assault the eye in Commercial areas. We breath a sign of relief when we get to Loudoun. Don't change that."</p>
		8.04	No	6.04-2 Rural Pole Signs	<p>6.04-1 FREESTANDING SIGNS. Pole Signs, Rural</p> <p>The section permits 45 sf (almost 7 sq feet) for all uses (with over 5 acres); the same as allowed in Commercial areas of the County. This drives up the rural clutter and interferes with the rural nature for the many, and rising, number of homeowners. Our rural areas would be greatly changed by these large signs. Lighting of these signs would be allowed just as it will be in heavy use areas such as Commercial.</p>
		8.04	No	6.04.1.	<p>6.04-1 and 6.04.2 Ground Signs and Pole Signs: The 45 sq ft sign area proposed for rural areas is the same size as signs in commercial areas. Do not clutter our rural areas with huge signs.</p>
		8.04	No	6.04.1.2	<p>6.04-1-2. Ground and Pole Signs: Currently, Home Occupations have a 2 sq ft limit on size for signs. Changes to allow up to 60 sq ft on lots over 5 acres are am immense change and will clutter our residential areas.</p>
		8.04	No		<p>6.04 FREESTANDING SIGNS. Can and will matrices for Ground Signs, Pole Signs and Sidewalk Signs differentiate the lump category of "Rural" and "Rural Res" and Rural Econ/comm/biz"?</p> <p>ROUND 3 PUBLIC INPUT: Large signs are not needed in the rural landscape since they are so easy to see. The area is predominantly residential and should be protected as such.</p>
		8.05	No	6.05-1 Wall Signs	<p>6.05 ATTACHED SIGNS, Wall Signs. Greatly appreciate having no animated signs which really distract drivers attention from the road.</p> <p>Larger signs are allowed in rural areas than in other residential areas. Residential areas in the rural areas are not protected.</p> <p>Will this inconsistency be reviewed and rectified by before the 90-day referral?</p>
		8.05	No		<p>6.05 ATTACHED SIGNS. Can and will matrices for Wall and Window signs differentiate the lump category of "Rural" and "Rural Res" and Rural Econ/comm/biz"?</p> <p>ROUND 3 PUBLIC INPUT: You cannot mix residential and commercial in any policy area</p>

2022-AUG Review CH.8-SIGN REGULATIONS (Former Ch.6)

		8.06	No	6.06-2 De Minimis Signs	<p>6.06-2 INCIDENTAL SIGNS. De Minimis Signs.</p> <p>-- The cumulative area for sf is 2 sf, with individual sign area max is 1sf, but the number allowed is blank. Shouldn't the number allowed by 2 to help folks understand the limit?</p> <p>-- Although the cumulative area is listed under Dimensions is 2 sf (line 4) under Design (line 7), digital signs are allowed "max percent of sign area or 30sf, whichever is greater" Surely this is either in error and digital signs are /should not be allowed as De Minimis Signs, or this inconsistency needs to be clarified?</p> <p>ROUND 3 PUBLIC INPUT: The use of digital signs in windows of residential districts, including rural districts will detract.</p>
		8.06	No	6.06-3 Temporary Signs	<p>6.06-3 INCIDENTAL SIGNS. Temporary Signs. How does this category make sense? The section allows for 32 sf signs anywhere in the County including town houses and other residential districts; these would be larger than some of those allowed in Commercial/Industrial areas. There is no limit to the number of signs and no cumulative area.</p> <p>Although the description at the top describes a limit of 120 days a year, what would prevent a second sign to be put up for 120 days, and the third, etc., meaning that multiple signs could be up all year?</p> <p>Temporary signs should not be allowed; signs should follow the other sections only. This is a remnant of the Board's problems with those who wanted to express their opinions in signs in an unlimited manner.</p> <p>The Consultant's Report (p. 14) states, "Courts have upheld reasonable restrictions on size, height, setback, spacing, and the color of signs as well as bans on temporary, overhanging, free-standing, rooftop, windblown, moving, flashing, and illuminated signs."</p> <p>Additional review, clarification and regulations should be applied to "temporary" signs. Will this be done before the 90-day ZOR public review?</p> <p>ROUND 3 PUBLIC INPUT: this section should be deleted.</p>
		8.06	No	6.06-4 Incidental Signs	<p>6.06-4 INCIDENTAL SIGNS. Residential (a.k.a. "neighborhood") areas are not allowed to use Incidental signs, while Rural areas, with many residences, are allowed up to 6. Although 6 are allowed at 2 sf each, the cumulative area is 32 sf which could be construed to mean 16 signs. Is this an error?</p> <p>Line #6 has no title.</p> <p>Constituent Comment: "Yards with many signs could detract from their neighbor's property values. Who would buy a home next to a neighbor using multiple signs?"</p> <p>How do Incidental signs differ from De Minimus signs? Can a homeowner or business use both? This would allow 6 Incidental signs plus 2 De Minimus signs plus unlimited temporary signs (for 120 days each).</p> <p>ROUND 3 PUBLIC INPUT: Allowed only in commercial and rural residential; rural areas must be treated as residential.</p>
		8.06		6.06- Incidental signs: Banners	<p>6.06-INCIDENTAL SIGNS. Banners. The Consultant reports indicates that, "Loudoun County does not generally allow balloons, banners, pennants, or inflated devices (Section 5-1202(A)(5)). An exception is ornamental/seasonal banners are allowed on lamp posts in PD-CC, PD-SA, PD-TC, PD-TREC, PD-TRC, and PD-MUB (Sign Matrix, Table 5-1204(D)(7)(h))."</p> <p>Why then, are banners now being allowed without similar type and location restrictions?</p>
		8.06	No	6.06-3 Temporary Signs	<p>6.06-3 Temporary Signs: this section must be deleted. Signs in all areas of the County—rural, suburban, commercial areas—and subdivisions, even town homes—would be affected. Zoning staff asked that we not publicize that fact that these signs are allowed. Ask yourself if you would want your neighbor to use this section. Please delete temporary signs 6.06-3!</p>
		8.06	No		<p>6.06 INCIDENTAL SIGNS. Can and will matrices for Banner Incidental Signs, Generally (E.) differentiate the lump category of "Rural" and "Rural Res" and Rural Econ/comm/biz"?</p> <p>ROUND 3 PUBLIC INPUT: You cannot mix residential and commercial in any policy area</p>
		8.08	No	6.04.1	<p>6.04-1 and 6.04 2 Lighting these large signs in the rural areas will change the whole atmosphere. Please do not allow lighting of signs.</p>
		8.08	No	6.08 Illuminated and Digital Signs	<p>6.08 ILLUMINATED AND DIGITAL SIGNS. Digital signs should not be allowed to change messages continuously; this is a dangerous type of sign because of their distractive nature. Many jurisdictions do prohibit them.</p> <p>Constituent Comment: "I recently saw a truck at the intersection of King and Market Streets with the whole side of the truck (mid-sized) a digital screen. Try not looking at it!"</p> <p>ROUND 3 PUBLIC INPUT: changes to allow 4 sec are not enough; message should not change to keep travelers watching to see what comes up next. Signs visible to road should not change at all or very infrequently.</p>
		8.09		6.10 Sign Measurements	<p>6.10 SIGN MEASUREMENTS. Currently the County allows additional material attached to the sign making it appear, sometimes, twice as big as that allowed. Because the County does not count it as part of the sign, we are seeing extra-large signs appear around the County. How will the regulations stop signs from adding additional material and "pretending" that it is not part of the sign?</p> <p>Not stated anywhere</p>

2022-AUG Review CH.8-SIGN REGULATIONS (Former Ch.6)

		8.09	No		6.09 SIGN PERMITS AND ADMINISTRATION. C. Sign Development Plan (SIDP) What is an example for 4.c. "The plan must demonstrate compatibility with, and be subordinate to, the structures and land uses referenced by the sign"? Now listed as 3.c
		8.10.0	No	6.04.1	6.04-1 and 6.04-2 The height limits on Ground and Pole signs would produce signs of this size: Ground signs limited to 4" high would be 11.2 ft long and 4" high; Pole signs limited to 5" high would be 9 ft long and 4 ft high. These dimensions seem more like banners. Are these the intended dimensions?
		8.10.0	No	6.04.1	6.04 1 & 2 There is no cumulative total for lots of less than five acres leading us to believe they could have a total of 20 sq ft of ground and and 20 sq ft of pole signs plus 10 sq ft each for wall and mural signs. Lots over 5 acres are limited to 60 sq ft for pole and ground signs in the proposal, so little difference: 40 sq ft or 60 sq ft. We believe these signs would degrade our countryside and especially villages where homes are close together.
		8.10.0	No	6.04.1	6.04 1 & 2 Many lots in the rural area are made up of developments with 3 acres or more. House are close together, especially in cluster developments. Homeowners agreements could protect them where present; we don't believe residents in these areas would want 40 sq ft of signs plus wall and mural signs in their neighbor's yards.
			No	1.01	1.01: The Title, Purpose and Intent of the zoning ordinance are spelled out in Chapter 1. The proposals for signs do not protect or facilitate an attractive, harmonious community. Nor do they preserve our agricultural and forestal lands. -- Protect the established character and the social and economic well-being of both private and public property. -- Facilitate the creation of a convenient, attractive, and harmonious community. -- Provide for the preservation of agricultural and forestal land and other lands for the protection of the natural environment.
			No	6.04.1	6.04-1 Ground Signs: Signs of 45 sq ft are way too large for rural residential areas....we just live here. Combined with other signs, we could have 60 sq ft of ground and pole signs plus numerous small signs and a 60 sq ft mural. This will be a blight on our rural areas. Homes and farms are the reason we have a rural area. Large signs are not needed. Signs are easy to see in the un-blighted rural areas.
			No	6.04.1	6.04-1 and 6.04.2 Ground Signs and Pole Signs: The wineries we have passed by which have signs meeting the current ordinance are full of people. Who comes out to the country to see what signs are up? Now, and more so in the future, folks use the Internet. Google Maps and other Loudoun internet sites show the wineries giving links to web-sites and information of directions, travel time, and hours of operation. Driving out, a voice warns you when you are approaching and tells you when to turn. This is the future, not signs which clutter our beautiful rural areas.
			No	6.04.1	6.04 1-6.06-2 The total number of signs allowed under this proposal will make a serious detrimental degradation of our rural areas. We believe the rural business will succeed only if the rural atmosphere is maintained. The sign sizes and numbers should be reduced.



AUGUST 2022 REVIEW -- ZOAM-2020-0001-Zoning Ordinance Rewrite

REVIEWER INSTRUCTIONS:

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Priority 1=High 2=Med 3=Low	ADDRESSED AUGUST 2022 Draft Text?	August 2022 Section Reference	ADDRESSED in 4-18-2022 Draft Text?	Former 4-18-22 Section	CHAPTER 10 -- DEVELOPMENT STANDARDS ADAPTIVE REUSE (Former Ch. 5.10)
PRIORITY SHARED INPUT ITEMS					
	No	10.05	NO	5.10.0	5.10. ADAPTIVE REUSE STANDARDS - PURPOSE BULLETS #7 -- Add " <i>Encourage sustainability</i> " before the statement, " <i>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.</i> "
	No	10.05	NO	5.10.B.1.e.	5.10.B.1. ADAPTIVE REUSE ELIGIBILITY. Add e. <i>Designatd a Loudoun County Heritage Site by the Heritage Commission</i>
	No	10.05	NO	5.10.C	5.10.C.1. ADAPTIVE REUSE STANDARDS AND REQUIREMENTS. Add to first sentance - "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."
	No	10.05	NO	5.09.A.4	5.09.A.4. ADAPTIVE REUSE. APPLICABILITY. LHVA: How does this relate to RHVs/VCOD and small area plans yet to be developed? The building or structure is located in a Priority Commercial Redevelopment Area or qualifies as a redevelopment project pursuant to Section 5.0x. Staff Response: Priority Commercial Redevelopment Areas are designated in the 2019 GP. Redevelopment standards and regulations are to be developed by a consultant, so this is TBD, but generally villages and redevelopment areas are not coincident/the same thing
	No	10.05	NO	5.09.C	5.09.C. ADAPTIVE REUSE STANDARDS. PERMITTED USES. Table 5.09-1. VCOD/Village Small Area Plan spec uses permitted by right with exceptions does not take into consideration the INTENSITY of other use types and impacts to comply with the purpose to "Maintain compatibility of the adaptively reused building or structure with a surrounding neighborhood, community, Place Type, village, or historic district." Staff Response: Will reconsider this provision. Received similar comments from Community Planning
	No	10.05	NO	5.09.D.2	5.09-2. ADAPTIVE REUSE. PARKING STANDARDS: Can all parking standards be waived for Adaptive Reuse Projects? It is often impossible for historic properties/districts to meet parking standards because parking was not an issue when these properties were built on. Historic districts each deal with parking in way that works for them. Issue for Small Area Plans but what will be done in the meantime if Small Area Plans are years off for evaluation and implementation? Staff Response: As currently drafted, if there is no parking there would be no requirement to provide parking since 0 would be less than any requirement. Will consider adding a provision that addresses a scenario where no parking exists, especially for certain locations, such as villages
	No	10.05	NO	5.10. B	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.
	No	10.05	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	10.05	NO	5.10.C.1	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.
	No	10.05	NO	Table 5.10-1	Table 5.10-1 Uses Permitted as Adaptive Reuse. Recommend allowing additional density except in cases with an absentee landlord.
	Addressed	10.05	NO	5.09.01.a	5.09.01. ADAPTIVE REUSE STANDARDS. PURPOSE.. 8th bullet – Renovations per the Secretary of Interior Standards for Rehabilitation? Staff Response: Will consult with Historic Preservation Planner to determine appropriate language
	Addressed	10.05	NO	5.10. B	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.
	Addressed	10.05	NO	5.10.B.1,2 & 3	5.10.B. ADAPTIVE REUSE ELIGIBILITY. Begin each numbered criteria using similar context language <ol style="list-style-type: none"> 1. Identified as historically significant 2. Located in a village Conservation Overlay District 3. Greater than 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.
	Addressed	10.05	NO	Table 5.10-1	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.
		10.05	NO	Table 5.10-2	Table 5.10 -2 Adaptive Reuse Incentives. LHVA supports these incentives.



AUGUST 2022 REVIEW -- ZOAM-2020-0001-Zoning Ordinance Rewrite

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Priority 1=High 2=Med 3=Low	ADDRESSED AUGUST 2022 Draft Text?	August 2022 Section Reference	ADDRESSED in 4-18-2022 Draft Text?	Former 4-18-22 Section	CHAPTER 11 -- PROCEDURES, PERMITS & ENFORCEMENT (Former Ch. 7)
PRIORITY SHARED INPUT ITEMS					
1	No	11.04	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).
1	No	11.04	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	11.04	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?
1	No	11.04	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?
1	No	11.04	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?
1	No	11.08	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?"
2	No	11.09	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.

2022-AUG Review CH.11-PROCEDURES & ENFORCEMENT (Former Ch.7)

2	No	11.10.08 & 11.13	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"</p> <p>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>
2	No	11.14	No	7.13.D.1.b	<p>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.</p>
3	No	11.15	No	7.14.F	<p>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."</p>
	Check	11.04. Review Uses Ch. when avail.	No	7.03.D.2c.	<p>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</p>
	Check	11.10.08	No	7.09.08	<p>7.09.08. HISTORIC OVERLAY DISTRICTS -- ADDITIONAL REQUIREMENTS. Compare to current ZO 6-1800</p> <ol style="list-style-type: none"> 1. Historic Site Districts 2. Historic & Cultural Conservation Districts 3. Historic Roadway & Historic Access Corridor Districts



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Priority 1=High 2=Med 3=Low	ADDRESSED AUGUST 2022 Draft Text?	August 2022 Section Reference	ADDRESSED in 4-18-2022 Draft Text?	Former 4-18-22 Section	CHAPTER 13 -- DEFINITIONS (Former Ch. 11)
					PRIORITY SHARED INPUT ITEMS
	Review	13.02			Interpretation of Map and District Boundaries. Review new text G. Map Interpretations and Boundary Determinations for MDOD, FOD, Steep Slopes, LOD, RSCR
	Review	13.03.A	NO	11.03	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>
	Review	13.03.A		11.03	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.
3	No	13.03.F	NO	11.03	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." 2022 Round 3 Input: ALTERNATE LANGUAGE: Farm: A parcel of land of at least five acres that is actively involved in 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 agricultural activity. At least 50% of the land parcel is devoted to these activities. If processing of crops is part of the activity, at least 50% of the crops used in the processing activity must be grown on the farm property.

	NO	13.03.H New def for "Historic Setting"		11.03	<p>11.03. 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) 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>
	No	13.03.L	No	3.02.03	3.02 GENERAL. "First pass executed to strip standards out of definitions." – Brewery, limited still contains regulation requirement of "10 acres."
	No	13.03.S	NO	3.03.00	STOCKPILING: SPEX designation in Rural North and Rural South is appropriate, and must include notice to adjacent property owners. After all the issues surrounding Gable Farm, the definition may need to be beefed up to be more clear what it does and does not include. Additional definitions needed for terms: "excessive fill", "fill", "dirt", "construction debris" and "commercial".
	Check	13.03 Review with Use Stds	No	3.01.00	USE INCONSISTENCIES. Bylaws indicate a key role for ZOC is to identify INCONSISTENCIES and address specific issues. An analysis of Rural Use INCONSISTENCIES was produced in 2017 that is still applicable and likely helpful in 2021. Although this first task is to review Use Tables, understanding where the "gaps" between Performance Standards exist may also assist in the assignments of Permitted, Modified or Special Exception. Matrix of RURAL USE Zoning/Performance Standards Inconsistencies can be found here: https://loudouncoalition.org/wp-content/uploads/2020/04/RuralZoningComparison-3-15-2017.pdf . Meetings can/will be scheduled with Staff to review questions and examples.
	Check	13.03.B Review with Uses/Use Standards	NO	3.03.00	BANQUET/EVENT FACILITY – Use is INCONSISTENT in designation and scale/size of use for residential areas throughout Policy Areas. -- Permitted: Rural Commercial, Village Commercial, UPA, SM(SPA Mixed use), SPA Employment -- Modified SPEX: RN, RS, RV, VAR, SAR, TLN-10, TLN-3-- SPEX: VR (Village Residential), Suburban Residential 1 (SR-1), JLMA-3 -- Definition also allows use as "ancillary component of other uses, such as, but not limited to . . . Rural Resorts . . . and similar uses." Actual expansion of event facilities has been to wineries and Limited Breweries, which are not "similar uses." ALL Agricultural and Residential locations: in TPA, JLMA and RPA should equally be SPEX to mitigate current loopholes, abuse and zoning enforcement issues. LCPCC Zoning Audit and case studies have shown these facilities produce major impacts in residential areas, therefore, Modified special exception is insufficient. At a minimum Use should be a full SPEX for applications that exceed XXX attendees (200?) Y times per year with enforcement if applications and actual use are shown to be exceeding performance standards. https://loudouncoalition.org/wp-content/uploads/2020/04/RuralZoningComparison-3-15-2017.pdf
	Check	13.03.B Review with Uses/Use Standards	NO	3.03.00	BED & BREAKFAST INN. Use protections are INCONSISTENT in policy areas/place types with proposed designations: -- TPA: Permitted in TLN-10, TLN-3, TLN-1, TSN, and Modified SPEX in JLMA-1, -2 & -3. -- RPA: Permitted in RN, RS, RC, RV, VC, VAR, but Modified SPEX in Village Residential (VR). Use requires separation, additional standards for "events" on site or Modified designation in all areas to be CONSISTENT. Applications for B&B Inn are being used to establish an Event Center "by-right" to circumvent Banquet Event Facility use requirements. Establishments are not being used as B&B, rather are primarily being used for events without regard to size requirements. See case study evidence: Barn at Willow Brook, Page 22: https://loudouncoalition.org/wp-content/uploads/2020/04/ATTACHMENT-RuralUses-Chronologies.pdf
	Check	13.03.M Confirm with Use Stds	NO	3.03.00	MOBILE VENDOR. (Definition & Use). Use is Permitted in 4 UPA Places, no TPA, JLMA or RPA Places. In reality, if these are "Food Trucks" they are currently used anywhere there is a Brewery, Distillery or Winery. Need to revise for CONSISTENCY throughout the County. This use must also be review and described to differentiate from a "Restaurant," as many "Mobile" food trucks are remaining permanently on-sites to get around the "Restaurant" requirements.

	Check	13.03.R Review w/ Use stds	NO	3.02.03	RURAL RESORTS. Performance standards for Country Inn and Rural Resorts are INCONSISTENT: Hours of operation, noise, water/wastewater, application requirements. This must be fixed during ZOR. https://loudouncoalition.org/wp-content/uploads/2020/04/RuralZoningComparison-3-15-2017.pdf
	Addressed	13.03.A (Reference to Code of VA in Ch.7)	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>
	Addressed	13.03.F	NO	11.03	<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>AUGUST REVISED DEFINITION: "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 or harvesting 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>
	Addressed	13.03.L	NO	3.03.00	<p>BREWERY, LIMITED -- ALL Agricultural/Residential locations: SAR, RN, RS: -- Definition stating "'farm shall be defined as one or more contiguous parcels of land . . . 10 acres owned or leased . . ." is insufficient to meet Code of Virginia parameters, and conflicts with definition used by other Virginia counties. -- Definition must be revised to define requirement to match Code of VA "on a FARM in the Commonwealth zoned agricultural." FARM definition should comply with USDA definition: "Any place from which \$1000 of agricultural products* were produced and sold during a given year." * Products defined as "crops or head of various livestock species." CROPS requirement does not include "manufacturing" of beverage(s). -- In the alternative, should apply same/similar requirements for Land Use and Ag District of 5 acres of crop minimum, as is done in other Virginia counties to avoid abuse of brewery/pub/bar in residential areas with no "farm" component as required by Code of VA. -- INCONSISTENT Definition with Craft Beverage Manufacturing stated requirement of "no more than 15,000 barrels of beer per calendar year licensed . . . Sec. 4.1-208 of Code of VA." Limited Brewery has the same requirement, but it is not listed in the Limited Brewery definition. -- IF change of definition is not tied to new/revised definition of "FARM," then Use should be consistent with Agricultural Processing with requirement that "At least 51% of the ag products used for processing, preparation &/or manufacturing shall be derived from the ag use." This would (finally) make brewery and winery use more consistent!</p>

	Addressed	13.03.F	NO	3.03.00	<p>FARM. (Definition). This term is used as the NAME and or in the Definition of many uses including but not limited to: Agriculture, Brewery Limited, Virginia Farm Winery, Farm market, Farm market (off-site production), Farm co-ops, Pet Farm, Guest farm or ranch, accessory farm building, Farm based tourism, demonstration farm, Farm distribution hub, Wayside stand (farm), cultural tourism.</p> <p>-- The lack of a clear definition of what a "FARM" really is or is not in Loudoun County has caused inconsistent determinations for uses, abuse from applicants, and confusion for residents throughout the county. With the ever-diminishing actual "farm" and "farmland" throughout the County, a definition must be determined if the Rural Policy Area and Rural Tourism are to be protected as stated in the 2019 Comprehensive Plan.</p>
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