

Zoning Ordinance Rewrite - Key Change Matrix
August 05, 2022

Topic	Existing Regulations	Proposed Regulations	Reason for Change	Public Comment Theme	Zoning Ordinance Committee Recommendation	Staff Recommendation
Chapter 7: Development Standards						
Variation of Residential Lot Sizes (Section 7.01.02.A.1)	Variation of residential lot sizes is currently required in the Agricultural Rural-1 (AR-1), Joint Land Management Area-1 (JLMA-1), Joint Land Management Area-2 (JLMA-2), Joint Land Management Area-3 (JLMA-3), and Planned Development – Countryside Village (PD-CV) Zoning Districts, and the Village Conservation Overlay District (VCOD).	The regulation requires projects containing 10 or more residential lots to include a mixture of lot sizes and dimensions. No more than 60% of all single-family detached, and no more than 60% of all single-family attached duplex, triplex, and quadruplex building lots, are permitted to be similar in total lot area. "Similar" lot area in the districts with densities between 4 and 16 dwelling units per acre is defined as within 500 square feet of each other; and 1000 square feet of each other in the TR-10, TR-3, TR-1, JLMA-1, JLMA-2, and JLMA-3. The draft new text provides one location in the Zoning Ordinance for these requirements instead of being scattered across zoning district regulations. This is for consistent application to the applicable zoning district. Associated with the required variation of residential lot sizes is the corresponding elimination of minimum lot sizes.	Housing Policy 1. Increase the amount and diversity of housing that is available in terms of unit type, size, and price and promote innovative designs throughout Loudoun County that are desirable and attainable to all income levels. Action 1.1.B. Amend zoning regulations to accommodate more innovative and flexible density, building height, lot size, lot line, parking, setback, and design standards through the implementation of a planned unit development (PUD) ordinance. Action 1.1.D. Develop zoning regulations and design standards that facilitate innovative, lower cost, compact residential and mixed-use development that emphasizes the physical form and the character of the built environment and seamlessly integrates uses. Action 1.2.A. Amend zoning regulations to expand the number of districts where manufactured housing, accessory units, and alternative housing types are allowed (e.g., small lot, zero lot-line, micro-units, maximum unit sizes, and innovative housing types). Housing Policy 3. Ensure County residents are able to access housing they can afford. Action 3.1.C. Develop zoning regulations and design standards that remove barriers and incentivize the development of housing affordable to households at or below 100 percent Area Median Income (AMI) in all residential and mixed-use development.	Variation of residential lot sizes is too prescriptive; this could increase the cost of housing.	The Committee expressed general support of the concept of variation of residential lot sizes for SFD and SFA duplex, triplex, and quadruplex lots as proposed. Evaluate whether the variation requirement should apply to duplex, triplex, quadruplex. ZOC does not find that the variation needs to be dispersed and has concerns that too many requirements would complicate the application and negatively impact the goal of providing more affordable housing. Evaluate the parameters for similar lot size to determine whether they will create enough of a variation, as 500 square feet may be too small.	Staff has updated the standards since the April 2022 draft and ZOC recommendations. Lot sizes, regardless of use, are to be varied in residential subdivisions. Additionally, dispersion has been reworked to give design priority to smaller lots along parks and open space. These standards are not new—though the districts they would be applicable to are—and accompany the corresponding elimination of minimum residential lot sizes in the related zoning districts.
Buffers, Setbacks, and Yards (7.01.03)	N/A	New regulations to clarify the differences between buffers, setbacks, and yards. Clarify that only largest measurement is required, and that any modification would be applicable to all.	Opportunities and Challenges – To reduce confusion when multiple regulations have the same outcome. Eliminates the need for multiple modifications for the same purpose.	Concern that proposed text regarding buffers, yards, and setbacks was confusing.	The ZOC did not provide a specific recommendation, and staff addressed ZOC comments through the ZOC process.	Staff has updated the text based on the public comments. Staff is open to additional changes to clarify buffers, setbacks, and yards.
Tree Planting, Replacement & Preservation (7.03) Landscaping, Buffers, and Screening (7.04/07)	N/A	Invasive species may not be used as existing vegetation proposed to meet the requirements and must be removed from the area of existing vegetation. Removal of invasive species from the area must be maintained for a minimum of 4 years after establishment of the buffer.	Precluding the use of invasive plant species from being used as existing vegetation to meet requirements is consistent with themes in public comment and ZOC findings.	All invasive species on a site should be removed during the development process and the site should be maintained permanently to be free of the invasive species.	Revise landscaping regulations to require exclusion of invasive, non-native species. (15-2-1)	Staff has added this specific requirement and can further regulate the degree of and duration for removal of invasive species. The Facilities Standards Manual precludes the use of concentrated stands of invasive plant species as identified on the Virginia Department of Conservation and Recreation, Virginia Invasive Plant Species List towards landscaping, buffer and screening requirements. Revisions to Tree Conservation or regulation of plant species must be accomplished as part of a revision to the Facilities Standards Manual.

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Tree Planting, Replacement & Preservation (7.03) Landscaping, Buffers, and Screening (7.04/07)	A minimum of 50% of the plants required for pollinator habitat in the Gateway Corridor buffer requirement of Section 5-1403(E) shall consist of native species as specified in the Facilities Standards Manual. (R93ZO Section 5-1403(E)(2)(b))	General Landscaping Provisions now require that a minimum of 50% of any provided plant units must consist of native species. Plant species permitted in Table 3-Trees and Shrubs in Section 7.305 of the FSM were last revised January 1, 2020 as part of ZOAM-2017-0005 and DOAM-2018-0001 to permit various native, and nonnative plant species.	A minimum native vegetation planting requirement applicable to all provided landscaping is consistent with public comment and Forest, Trees, and Vegetation policy 4.2.A, "Prioritize the planting of native vegetation, specifically along those corridors that provide connections to other natural, environmental, and heritage resources"	There should be a minimum required percentage of native planting components to fulfill planting requirements. Comments called for requiring up to 100% of provided plantings to be native plant species.	ZOC made no specific findings related to native planting requirements. ZOC findings did include a recommendation to revise landscaping requirements to allow an alternative to turf grass in median plantings, while not conflicting with Virginia Department of Transportation (VDOT) requirements. (16-0-2).	New regulations were added to require a minimum of 50% of native plant units to address the public comment theme. Plantings alternative to turf grass are not precluded by zoning regulations.
Transitions Section (7.01.06)	N/A	New development is required to transition to existing development through the use of open space, reduced building heights, and land use (such as no multifamily adjacent to single-family detached). Additional standards apply based on UPA, SPA, or TPA Zoning Districts.	2019 General Plan – The transition regulations of Section 7.01.06 implement 2019 GP place type transition standards and Suburban Policy Area Design Guidelines to provide quality spatial or physical transitions between uses. As noted in page 2-11, each place type provides "... how design elements, variations in land use, and changes in density can be applied to ease transitions among different place types and uses, ideally minimizing the need for intrusive screening or other structural mitigation measures."	Transition standards are too prescriptive.	The full ZOC made no specific recommendations regarding Transitions. The ZOC Development Standards Subcommittee discussed 1) concerns for absolute requirements without flexibility to address variety of unknown future situations and 2) concern for adjacent development dictating requirements across property lines.	The draft transition regulations are more prescriptive than the current absence of transition standards. A primary function of zoning is to reduce land use conflicts between adjacent properties. New development has the potential to be the source of such conflict. These standards were developed to minimize those problems. Staff is open to suggestions to be effective with less prescriptive measures. Staff is concerned with the application of these standards where an adjoining property is underdeveloped and is open to measures to allow for appropriate protections. Determining what is likely to redevelop, however, is particularly problematic from a zoning perspective. Staff will update the draft transition standards to clarify that existing development includes approved plans.

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Light and Glare (7.05.02)	Light must not cause illumination above 0.25 footcandles above background light at boundary. Public facilities, except schools which have specific standards, must not exceed 10 footcandles and use cut-off and fully shielded light fixtures that are aimed downward. Special Exception for any deviation. (R93ZO Section 5-1504)	<p>Enhanced light and glare requirements including applicability, exemptions for certain street lighting, alternate regulations for lighting at recreational and athletic fields, specific standards for certain uses, lighting approved by Special Exception, lighting fixtures, maximum illumination, and measuring illumination levels.</p> <p>Establishes new regulations for light direction, submission of a photometric plan, height limit, color temperature, and automatic switching and turning off.</p> <p>Provides exemptions for certain residential lighting, seasonal or holiday lighting, lighting for public monuments or statuary, lighting for theatrical, television, performance areas, and construction sites, underwater lighting for swimming pools and other water features, emergency lighting, and motion sensing lights.</p>	<p>1. 2019 General Plan – Strategy 7.3: Prevent light pollution.</p> <p>Action 7.3.A: Update lighting standards to achieve the following:</p> <ul style="list-style-type: none"> i. Promote the use of lighting for convenience and safety while minimizing light pollution; ii. Promote a glare-free environment through proper lighting performance standards to improve visibility and enhance public safety; iii. Promote appropriate lighting standards to conserve energy; iv. Develop appropriate lighting standards to prohibit unnecessary and intrusive light trespass that detracts from the beauty and view of the night sky; and v. Promote the International Dark-Sky Association’s Dark Sky standards to prevent light pollution <p>2. Modernization – Dark Sky standards and updated terms are used to more properly regulate potential light and glare impacts.</p>	Add dark sky standards. Strengthen lighting and glare standards to minimize impacts upon neighboring properties. Limit exemptions to lighting standards to bonafide agriculture. Temporary seasonal or holiday lighting should be defined as from Thanksgiving to January 15, 6AM to 10PM. Hold public and private facilities such as athletic fields to the same light and glare standards.	<p>Lighting is a technical subject where industry expertise should be consulted. (17-0-1)</p> <p>“Color temperature” standards should be added to the existing lighting standards. (12-5-1)</p> <p>Lighting standards should be removed from the draft Zoning Ordinance and placed in the Facilities Standards Manual (FSM). (11-5-2)</p>	Staff has extensively rewritten the light and glare standards since the April 2022 draft public comments and ZOC recommendations were received. Staff is reviewing the agricultural exemption and is open to limiting temporary seasonal or holiday lighting. Staff is open to Dark Sky light zone regulations but recommends additional public outreach before proceeding. There are additional standards that could be adopted, but are more technical—perhaps more appropriate in the FSM—or are not based in 2019 GP policy. Staff agrees with ZOC that lighting and glare could be a subject of a future Zoning Ordinance Amendment or Development Ordinance Amendment if appropriate.
Parking Ratios (7.06.02)	§ 5-1102	Establishes new minimum and maximum parking ratios by use organized by Zoning District category.	CTP, 5-4.8 Parking Requirements. The County will study appropriate rates of parking to ensure that sufficient parking is provided while not providing an overabundance of parking that can detract from the quality of a development.	<p>Enforcement of both parking minimums and maximums places undue limitations on applicants and could result in developments with not enough parking.</p> <p>Attached and multifamily residential areas are already under-parked and parking maximums would exacerbate this problem.</p>	<p>Reduce parking regulations to avoid over-regulation. (15-0-3)</p> <p>Eliminate parking maximums within the RPA, except for large events. Develop parking maximums for large events.</p> <p>Eliminate parking maximums for all residential uses. Include the ability to modify parking requirements within the legislative processes resulting in an approved parking plan. (18-0-0)</p>	Staff recommends further discussion with the Commission regarding all parking ratios during a work session. Parking maximums have been removed from Rural Policy Area (RPA) Zoning Districts. Parking requirements can be adjusted by the Zoning Administrator (up to a 35 percent reduction of minimum requirements and increase of maximum requirements) or by Special Exception. Staff seeks additional Commission input but anticipates making changes to the draft text to address comments, to include possibly removing residential parking maximums in some or all zoning districts. The parking regulations have been designed to be appropriate for the uses and zoning districts based on their location in the County’s 2019 GP policy areas.

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Bicycle Parking (7.06.03)	N/A	<p>Establishes new minimum number of bicycle parking spaces specified for uses in the UPA and SPA Zoning Districts to encourage bicycle parking at non-residential and attached / multifamily residential properties.</p> <p>Establishes regulations for bicycle racks, long-term bicycle parking, and short-term bicycle parking.</p>	<p>CTP, Amenities and Natural Features. Provision of bicycle parking for multifamily residential, commercial, and insitutional uses, as well as at transit centers, park-and-ride lots, and other public facilities will help encourage bicycle trips. These should be located in the vicinity of primary building entrances to provide safety and convenience for cyclists.</p> <p>CTP, Bicycle Parking. Permanently and individually installed bicycle racks provide an opportunity for bus passengers arriving by bicycle to securely park their bike during the length of their bus trip. Groups of bicycle racks may be covered and secured in lockers or a shelter with gated access to provide an additional benefit to long-term bicycle parkers by protecting bicycles and related gear from weather or theft.</p> <p>CTP, Bicycle Amenities. An important part of a comprehensive bicycle network, stationary amenities such as bicycle parking are necessary components of a complete system. Similar to a road network without traffic signals or adequate parking, a good bicycle network requires quality bicycle parking, including bike racks and bike storage that are provided with a high level of access to major destinations.</p> <p>CTP, 3-1.33 Bicycle Parking. Secure bicycle parking (bike racks) for at least four bicycles shall be provided at average intervals of once every 660 feet within commercial districts and once every 1,320 feet within residential districts. Bicycle parking shall be provided in public parks and near primary entrances to public facilities.</p> <p>CTP, 3-1.34 On-Site Bicycle Facilities. Secure bicycle rooms are encouraged within high-density residential and commercial buildings proposed within the UPA to encourage bicycling among residents and employees.</p>	Public comment indicated a need to further discuss and work on the bicycle parking ratios.	The ZOC made no specific recommendations for bicycle parking. When the chapter was discussed during a ZOC meeting, there was discussion regarding whether bicycle requirements are necessary.	Staff recommends the Commission discuss whether bicycle parking requirements are necessary during a Work Session.
Electric Vehicle Parking (7.06.04)	N/A	<p>Establishes new requirements for electric vehicle charging stations in parking lots associated with new or expanded development in the UPA and SPA Zoning Districts.</p> <p>Developments of at least 10,000 square feet consisting of a new building or a new off-street parking facility or where the parking capacity of an existing site increases by more than 50% are subject to the requirements.</p> <p>The minimum number of electric vehicle charging stations are calculated as a percentage of the required parking spaces</p>	<p>2-3.18 Park-and-Ride Amenities. At a minimum, park-and-ride lots will include adequate lighting and waste receptacles. Lots will also include amenities such as seating, bicycle parking, indoor waiting areas, retail amenities, restrooms, recreational trails, and informational kiosks. Installation of electric vehicle charging stations is encouraged where possible.</p> <p>CTP, 7-1.4 Electric Vehicle Charging Stations. The County encourages the use and installation of electric vehicle charging stations at County owned facilities and County park and ride lots. Electric vehicle charging stations are encouraged to be installed at private parking lots.</p>	Electric vehicle charging station requirements cause concern because the vehicles are a new phenomenon with an uncertain future and could place a burden on applicants.	The ZOC made no specific recommendations for electric vehicle parking or charging stations. When the chapter was discussed during a ZOC meeting, there was discussion that the ratios seemed arbitrary and need further discussion.	Staff agrees the ratios need further vetting and discussion with the Commission in work session. Requirements for electronic vehicle parking and infrastructure are supported by 2019 CTP policy. The draft requirements are limited compared to anticipated future needs. They are only required for specific uses in Suburban Policy Area (SPA) and Urban Policy Area (UPA) Zoning Districts for new development of at least 10,000 square feet (sf), when a new building or a new off-street parking facility is developed or the parking capacity of an existing building, site, or parking facility is increased by more than 50%. The specific uses are listed in Table 7.06.04-1 and include multifamily dwellings, hotel/motel, personal services and retail, educational uses, and other uses.

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Motorcycle/ Scooter Parking (7.06.05)	N/A	Establishes new 2% minimum and 8% maximum requirement, as a percentage of required parking spaces, for motorcycle and scooter parking in developments with more than 50 parking spaces in the UPA and SPA Zoning Districts.	Modernization and best practices	Motorcycle/Scooter parking requirements are unnecessary. Rather than require it, use it as an incentive to reduce parking.	The ZOC made no specific recommendations for motorcycle/scooter parking. During discussion on this section, the ZOC questioned the need for this section.	Staff recommends the Commission discuss motorcycle/scooter parking requirements during a Work Session. The proposed motorcycle/scooter parking would satisfy required parking, not be in addition to vehicle parking requirements. It would also reduce asphalt and space requirements for parking areas. Even though three to four percent of registered vehicles in America are motorcycles, only 1 space in every 50 parking spaces is required for motorcycles or scooters.
Car-Share Parking (7.06.06)	N/A	Establishes new 1-space minimum and 5-space maximum requirement, based on the number of parking spaces, for car-share parking in developments with more than 50 parking spaces in the UPA and SPA Zoning Districts.	CTP, 3-1.59 Car Share and Bike Share. The County will study the creation of a bike share system and encourage car sharing services to locate in the Urban Policy Areas in order to allow residents and workers to access local and regional services without the need for a private automobile. The County will request that development applicants provide opportunities for car share and bike share within their developments. CTP, 3-2.26 Shared Mobility. The County shall encourage private provision of car sharing and bicycle sharing in public and private commercial and residential areas to decrease the demand for private vehicle ownership and parking.	Participants suggested car-share parking should not be a requirement but should be an incentive to reduce required parking.	The ZOC made no specific recommendations on car-share parking. During discussion, ZOC questioned the need for this section and discussed if car-share parking should be an incentive for less required parking.	Staff recommends discussing the public and ZOC's ideas further during a Commission work session
Parking Adjustments (7.06.08)	§ 5-1101(B) Application to Addition or Change in Use § 5-1102(F) Adjustments to Parking Requirements	Establishes Zoning Administrator authority to administratively approve an increase in maximum parking spaces allowed or up to a 35% reduction of minimum required parking spaces. Establishes new parameters for when Special Exception approval is required for parking adjustments. Establishes new parameters for parking adjustment types, calculations, and requirements.	CTP, 3-1.58 Minimum Parking Reductions. Reductions to parking requirements will be evaluated by standards of the County's Zoning Ordinance and policy. The policy component of this review will be based upon the trip reductions described above as well as any information provided by the Applicant as justification for the reduction. CTP, 3-1.60 Carpools and Vanpools. The County will work with employers in the Urban Policy Areas to encourage workers to commute by carpool and vanpool, and to incentivize those who do not drive alone. CTP, 3-2.25 Parking Reductions. The County will consider existing and proposed TDM programs as a factor when evaluating requests for modifications and reductions to parking requirements. These TDM factors will be evaluated based on demonstration of likely reductions to trip and parking generation rates commensurate with the demonstrated reduced forecasted demand for parking. CTP, 5-4.3 Parking Reductions. Proposals for reductions in minimum parking requirements for residential and commercial uses shall be supported when existing, substantial, and reasonable peak, off-peak, and weekend local and regional travel alternatives can be demonstrated as accessible from the site when the parking reduction is proposed.	Parking adjustments should be a simple, administrative process.	Recommendations addressed.	Text revised to allow the Zoning Administrator authority to administratively approve an increase in maximum parking spaces allowed or up to a 35% reduction of minimum required parking spaces. Text revised to allow parking adjustments by Special Exception or as part of applications requiring Board of Supervisors approval.
Loading (7.06.09)	Table 5-1102	Replaces specific loading ratios for specific uses with loading ratios based on square footages for most uses generally.	N/A	Prohibiting a loading space between the front building line and the lot line does not consider front loading, drive-ins, drive-throughs, or loading for office buildings.	ZOC made no formal recommendation on loading provisions and no discussion of note.	Staff recommends no change to the draft text.

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Parking Location and Design (7.06.10)	N/A	Establishes specific design criteria for off-street parking areas associated with compact, walkable, and urban development.	CTP, 3-1.3 Off-Street Parking Areas. Parking lots should be oriented to the rear of buildings to ensure safe and convenient access to Boulevards and Avenues for pedestrians and cyclists in order that conflicts with vehicle drive aisles are reasonably minimized.	Too prescriptive (i.e., where parking can be located, design of parking structures, pickup/delivery zones).	ZOC made no formal recommendation on this section. However, ZOC generally found the draft zoning ordinance to be too prescriptive and not tested against actual projects.	Staff recommends vetting this section with the Commission during a future work session.
Village Parking (7.06.12)	N/A	Establishes new minimum and maximum parking ratios specified by land use within the Village Conservation Overlay District (VCOD).	CTP, 5-4.8 Parking Requirements. The County will study appropriate rates of parking to ensure that sufficient parking is provided while not providing an overabundance of parking that can detract from the quality of a development.	Remove parking standards in villages until small area plans are completed.	Remove parking standards in villages until small area plans are completed (9-6-3).	Staff will bring this to the Commission for discussion during a work session. Specific standards were developed for parking within the VCOD. The standards are also applicable in areas designated by the 2019 GP as Legacy Village Cores. Staff is open to revisiting the standards upon adoption of small area plans.
Specific Residential Design Type Parking (7.06.13)	Table 5-1102	Adds new parking maximums for attached and multifamily residential uses.	1.1.B. Amend zoning regulations to accommodate more innovative and flexible density, building height, lot size, lot line, parking, setback, and design standards through the implementation of a planned unit development (PUD) ordinance. 1.2.B. Require fewer parking spaces in new developments located proximate to public transit that achieve a continuum of housing types and prices.	Attached and multifamily residential areas are already under-parked and parking maximums would exacerbate this problem.	Eliminate parking maximums for all residential uses.	The parking regulations have been designed to be appropriate for the uses and zoning districts based on their location in the County's 2019 GP policy areas.
Pedestrian and Bicycle Network (7.07.03)	N/A	Adds new requirement for pedestrian and bicycle facilities in all Zoning Districts except RPA zoning districts.	QD Policy 4, Strategy 4.1. Development must ensure pedestrian and bicyclist connectivity and safety in areas appropriate for multi-modal activity while pursuing high-quality design to include establishing easements and right of ways. IR Policy 1, Strategy 1.3, Action F. Facilitate the provision of community amenities, such as pedestrian/bicycle facilities, sidewalks, traffic calming, street lighting, bus stops, cultural centers, and community gathering places. UPA Policy 1, Strategy 1.3. Support a high level of pedestrian connectivity including connected street grid patterns with sidewalks, short block lengths, and connected trails and pathways providing connections to surrounding neighborhoods. SPA Policy 2, Strategy 2.1, Action G. Provide pedestrian and bicycle connectivity to surrounding networks and transit nodes within employment areas. CTP Countywide Bicycle and Pedestrian Policies	There are too many types of facilities and width options.	N/A	The widths are consistent with the 2019 CTP. Staff will continue to look for opportunities to eliminate redundancy between the FSM and this section of the Zoning Ordinance.
Leesburg JLMA water and sewer (7.08.D)		Incorporate 2019 GP standards for water and sewer in the Leesburg JLMA. Loudoun Water is first provided by Loudoun Water if agreeable, then Town of Leesburg utilities.	Towns and Joint Land Management Areas – Municipal Water and Sewer Strategy 2.1: Due to the proximity of central system water and wastewater systems to the Leesburg JLMA, and in order to avoid out-of-town utility rates for County residents and businesses, the central system shall be the presumed utility service provider in the Leesburg JLMA for new service put in place after adoption of the Loudoun County 2019 Comprehensive Plan. If the property owner is not able to come to an agreement with the central system provider or the central system provider declines or is unable to provide utility service to the Leesburg JLMA or any portion thereof, utility service may be provided by the municipal system.	Update the requirements to acknowledge Loudoun Water provides water and sewer in the Leesburg JLMA.	N/A	Staff has updated the draft new regulations to reflect 2019 GP change to authorize Loudoun Water service in the Leesburg JLMA.

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Water and Sewer (7.08)	No specific regulations exist by 2019 Policy Area, except districts generally located in the RPA do not permit public water and sewer except.	Clarify water and sewer standards for zoning districts based on the 2019 GP by Policy Areas—Rural, Transition, Suburban, and Urban—and Joint Land Management Area (JLMA). Public water and sewer is required in Transition Policy Area Zoning Districts and central water and sewer is required in Suburban and Urban Policy Area Zoning Districts. Explicitly provide for central or communal water and sewer to be provided in Water or Sewer Service Districts or municipal water and sewer when agreed upon by the County, municipal provider, and Health Department.	<u>Transition Policy Area</u> Action 1.1.C: Require new development to connect to Loudoun Water’s central water and wastewater systems and encourage existing development to connect. <u>Sewer and Water</u> Fiscal Policy 4: Work with Loudoun Water and the Health Department to ensure timely provision of central, community, or on-site sewer and water in accordance with the land use policies of this Plan. The County will encourage water and wastewater service to be provided in the most efficient and effective manner possible and promote the use of the best utility system in accordance with the policies of this Plan. Action 4.4.D: Require new development in the Urban, Suburban, and Transition Policy Areas to connect to Loudoun Water’s central water supply and wastewater treatment systems. <u>Rural Policy Area – On site and Community Systems</u> Action 4.5.A: Prohibit extension of central water and wastewater service into the Rural Policy Area, except to address a public health threat to an existing rural community or to serve public facilities on contiguous parcels immediately adjacent to the western boundary of the Transition Policy Area.	Provide an exemption to central water and sewer requirement in SPA and UPA Zoning Districts for temporary uses if they’re a specified distance from sewer and water lines. Update to acknowledge Loudoun Water provides water and sewer in the Leesburg JLMA.	N/A	The draft text does not yet incorporate Loudoun Water comments. Staff will work with Loudoun Water to resolve issues and make recommendations for the Commission’s consideration at a future work session. Staff is concerned with the term temporary use. Staff is concerned with uses that begin as temporary but remain once permitted. Central water and sewer are a basic characteristic of SPA and UPA Zoning Districts. Staff has updated the draft new regulations to reflect the 2019 GP change to authorize Loudoun Water service in the Leesburg JLMA.
Owners Associations (7.09)	Owners Associations have varying requirements for common areas in the AR-1, AR-2, PD-H, PD-CV, PD-TREC, PD-TRC, PD-RV, PD-AAAR, PD-MUB, and Transition (TR) Zoning Districts and the Rural Hamlets development option in the A-3 and A-10 Zoning Districts.	Require Owners Associations (e.g., Homeowners Association, Property Owner Association) for all new development with common facilities, except when private roads with maintenance agreements are the only common area. Any storm drainage or stormwater maintenance facilities or areas are expressly included.	Consistency Audit – Owners Associations were inconsistently required. Proposed regulations provide standards requirements for universal applicability based on predefined criteria.	There were two key themes raised regarding Owners Associations: 1) Regulations were cumbersome and not needed; and 2) Owners Associations should be barred from prohibiting on-site food production.	N/A	Staff has updated the draft requirements to eliminate those items not essential to the zoning purpose for the regulations. Staff cannot limit the powers and abilities of Owners Associations through the Zoning Ordinance. The draft Owners Associations regulations have been reduced from the April 2022 draft. They are limited to pertain only to those necessary to maintain approved common areas. The draft reporting requirement has been removed.
Chapter 8: Signs						
Freestanding Signs - Electronic Ground Signs (8.04)	Currently electronic signs are only allowed with legislative approval of a Sign Development Plan.	Proposed regulations allow electronic ground signs in Commercial, Employment/ Industrial, Urban/Mixed Use districts. A maximum of 40% of a ground sign or up to 30 square feet percent of sign area, whichever is greater, is permitted.	Improves efficiencies in the development approval process by replacing standards with SIDP approval.	N/A	ZOC did not make a finding/recommendation specific to electronic signs. However, ZOC discussion included the benefits of having electronic signs to accomodate changing tenants.	Staff recommends the consultant who prepared the sign ordinance attend a work session to ensure the Commission and public fully understand the draft text related to electronic signs, so the Commission can make an informed recommendation to the Board on this topic.

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Freestanding Signs - Gound Signs in AR-1, AR-2 A-10 (8.04)	Currently farms get 2 signs up to 40 sf, restaurants get 3 up to 60 sf, so this roughly corresponds to the current allowance in rural areas.	AR-1, AR-2, A-10 allows 1-2 signs & 20 individual-60 sf cumulative depending on parcel size.	Extensively revised sign categories to be content-neutral and in character with the Place Types in the General Plan. Sign categories are based on a sign's physical characteristics rather than the sign's message or user.	Public themes regarding signs in western Loudoun are contradictory. Some participants urge against too many signs, excessively large signs, or illuminated signs. Other participants request more and larger signs. Some inquired about the possibility of separating sign categories in the Rural Policy Area to residential and nonresidential.	ZOC made no formal recommendations regarding signage. Discussion of the chapter mirrored public themes.	Staff recommends the consultant who prepared the sign ordinance attend a work session to further discuss signs and the potential of separating sign categories in western Loudoun.
Freestanding Signs - Ground Signs (Table 8.04-1)	Currently, A-3, JLMA-1, JLMA-2, JLMA-20, JLMA-3, R-1, R-2, R-3, R-4, R-8, R-16, R-24, TR-1, TR-10, TR-3, TR-2, and RC districts typically allow 2 signs (3 for restaurants in JLMA-2/3, and 3 for wayside stands). A few signs (based on use) can get up to 60-120 sf with a sign bonus.	Two is a more typical number and is used in the draft. An allotment of 15 sf with 20 sf cumulative is more typical of signs allowed in residential areas (example: places of worship are currently allowed 20 sf cumulative with 15 sf for ground signs with a bonus multiplier).	Extensively revised sign categories to be content-neutral and in character with the Place Types in the General Plan. Sign categories are based on a sign's physical characteristics rather than the sign's message or user.	Participants expressed the need for a separate category to address subdivision entrance signs.	The ZOC did not provide a specific recommendation. The consultant addressed many ZOC comments related to signs throughout the ZOC process.	Staff recommends the consultant who prepared the sign ordinance attend a work session to ensure the Commission and public fully understand the draft sign ordinance, so the Commission can make an informed recommendation to the Board on this topic.
Freestanding Signs - Ground Signs (Table 8.04-1)	RC, PD-CC: currently, most uses get 1-3 signs (some, such as auto dealers and service stations, get 6 signs). 45 sf is a typical individual allowance (a few uses get 60-80 sf).	The draft regulations allow 4 signs, which is generally a slight increase. 120 sf is the highest cumulative allowance (for Restaurant - (Freestanding Building > 4000 SF floor area)) and is used here.	Extensively revised sign categories to be content-neutral and in character with the Place Types in the General Plan. Sign categories are based on a sign's physical characteristics rather than the sign's message or user.	N/A	The ZOC did not provide a specific recommendation. The consultant addressed many ZOC comments related to signs.	
Freestanding Signs - Ground Signs (Table 8.04-1)	PD-OP, PD-IP, PD-RDP, PD-GI, MR-HI, PD-TREC: freestanding sign allowances are generally 3-6 total signs. Area currently ranges from 60 sf to 120 sf with bonus.	The draft allows 3 total signs. 60 sf is allowed in the draft with 100 sf cumulative, which roughly corresponds to the current allowance, but also allows up to 40% of sign area as digital without an SIDP.	Extensively revised sign categories to be content-neutral and in character with the Place Types in the General Plan. Sign categories are based on a sign's physical characteristics rather than the sign's message or user.	N/A	The ZOC did not provide a specific recommendation. The consultant addressed many ZOC comments related to signs.	
Freestanding Signs - Ground Signs (Table 8.04-1)	PD-RV, PD-MUB, PD-TC, PD-CC, PD-TRC: Typical number of signs allowed is 1-2. Currently, the average individual sign area allowed is 23.4 sf, ranging from 10-15 to 60-75 sf and the highest cumulative total is 120 sf.	The draft allows 2 signs, which is at the high end of the current allowance, and 60 sf individual and 100 sf total sign area which exceeds the typical range and is slightly lower than the highest allowance.	Extensively revised sign categories to be content-neutral and in character with the Place Types in the General Plan. Sign categories are based on a sign's physical characteristics rather than the sign's message or user.	Participants support basing the amount of ground signage on the size of the parcel or street frontage.	The ZOC did not provide a specific recommendation. The consultant addressed many ZOC comments related to signs.	

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Freestanding Signs - Pole Signs (Table 8.04-2)	AR-1, AR-2, A-10: maximum individual sign area currently ranges from 2 to 50 sf, averaging 13.5 sf, and aggregate sign area ranging from 2-120 sf (average 28 sf).	The draft allows 20-45 individual sf, and cumulative 60 sf. This allows close to the high end of the individual sign allowance, and over twice the average cumulative sign area.	Extensively revised sign categories to be content-neutral and in character with the Place Types in the General Plan. Sign categories are based on a sign's physical characteristics rather than the sign's message or user.	N/A	The ZOC did not provide a specific recommendation. The consultant addressed many ZOC comments related to signs.	Staff recommends the consultant who prepared the sign ordinance attend a work session to ensure the Commission and public fully understand the draft sign ordinance, so the Commission can make an informed recommendation to the Board on this topic.
Freestanding Signs - Pole Signs (Table 8.04-2)	A-3, JLMA-1, JLMA-2, JLMA-20, JLMA-3, R-1, R-2, R-3, R-4, R-8, R-16, -R-24, TR-1, TR-10, TR-3, TR-2, A-3, CR: maximum individual sign area currently ranges from 2-4 to 60-75 sf, averaging 23 sf, and aggregate sign area ranges from 2-120 sf (average 23 sf).	The draft allows 10 individual sf, and cumulative 20 sf. The draft allows slightly below the current average cumulative sign area for these districts.	Extensively revised sign categories to be content-neutral and in character with the Place Types in the General Plan. Sign categories are based on a sign's physical characteristics rather than the sign's message or user.	N/A	The ZOC did not provide a specific recommendation. The consultant addressed many ZOC comments related to signs.	
Freestanding Signs - Pole Signs (Table 8.04-2)	RC, PD-CC: maximum individual sign area currently ranges from 2-4 to 60-75 sf, averaging 22 sf, and aggregate sign area ranges from 2-4 to 120 sf (average 34 sf).	The draft allows 20 individual sf, and cumulative 120 sf. This is slightly below the average individual allowance and above the average cumulative allowance.	Extensively revised sign categories to be content-neutral and in character with the Place Types in the General Plan. Sign categories are based on a sign's physical characteristics rather than the sign's message or user.	N/A	The ZOC did not provide a specific recommendation. The consultant addressed many ZOC comments related to signs.	
Freestanding Signs - Pole Signs (Table 8.04-2)	PD-OP, PD-IP, PD-RDP, PD-GI, MR-HI, PD-TREC: maximum individual sign area currently ranges from 2-10 to 60-75 sf, averaging 28 sf, and aggregate sign area ranges from 6-10 to 120 sf (average 47 sf).	The draft allows 30 individual sf, and cumulative 100 sf. This exceeds both the individual and cumulative sign allowance.	Extensively revised sign categories to be content-neutral and in character with the Place Types in the General Plan. Sign categories are based on a sign's physical characteristics rather than the sign's message or user.	N/A	The ZOC did not provide a specific recommendation. The consultant addressed many ZOC comments related to signs.	
Freestanding Signs - Pole Signs (Table 8.04-2)	Allowed in all PD-RV, PD-TC, PD MUB, PD-CC, PD-TRC, RC, PD-OP, PD-IP, PD-RDP, PD-GI, MR-HI, PD-TREC districts, with same area and height. PD-RV, PD-CC, PD-MUB, PD-TC, PD-TRC: maximum individual sign area currently ranges from 2-10 to 60-75 sf, averaging 23.4 sf, and aggregate sign area ranges from 2-10 to 120 sf (average 32.4 sf).	The draft allows 20 individual sf, and cumulative 120 sf. This is slightly below the average individual sign allowance and substantially above the average cumulative sign allowance (equaling the highest allowance).	Extensively revised sign categories to be content-neutral and in character with the Place Types in the General Plan. Sign categories are based on a sign's physical characteristics rather than the sign's message or user.	N/A	The ZOC did not provide a specific recommendation. The consultant addressed many ZOC comments related to signs.	
Freestanding Signs - Sidewalk Signs (Table 8.04-3)	Allowed in all PD-RV, PD-TC, PD MUB, PD-CC, PD-TRC, RC, PD-OP, PD-IP, PD-RDP, PD-GI, MR-HI, PD-TREC districts.	Same area and height applies, and the number replaces building entry for tenant.	Extensively revised sign categories to be content-neutral and in character with the Place Types in the General Plan. Sign categories are based on a sign's physical characteristics rather than the sign's message or user.	N/A	The ZOC did not provide a specific recommendation. The consultant addressed many ZOC comments related to signs.	

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Attached Signs - Electronic Signs (8.05)	Electronic signs are currently only allowed by legislative approval of a Sign Development Plan.	Revised to allow electronic signs in certain districts with standards.	Improves efficiencies in the development approval process by replacing standards with SIDP approval.	Participants expressed opposition to any digital signage in western Loudoun. [None is proposed.]	The ZOC did not provide a specific recommendation. The consultant addressed many ZOC comments related to signs. ZOC discussion indicated support for electronic signs in some areas to allow for ease of changing names to correspond to changing tenants.	Staff recommends the consultant who prepared the sign ordinance attend a work session to ensure the Commission and public fully understand the draft sign ordinance, so the Commission can make an informed recommendation to the Board on this topic.
Attached Signs - Wall Signs (Table 8.05-1)	AR-1, AR-2, A-10: maximum individual sign area currently ranges from 2-4 to 60 sf, averaging 11.4 sf, and aggregate sign area ranging from 2-4 to 120 sf (average 24 sf). Two "farm signs" (which can apparently be attached or detached) are allowed, with a maximum of 20 sf individual and 40 sf aggregate.	The draft allows 10-20 individual sf, and cumulative 60 sf. This substantially exceeds both the average individual and cumulative allowances and, combined with the freestanding allowances, allow at least the same sign allowance for farms and other typical rural uses.	Extensively revised sign categories to be content-neutral and in character with the Place Types in the General Plan. Sign categories are based on a sign's physical characteristics rather than the sign's message or user.	N/A	The ZOC did not provide a specific recommendation. The consultant addressed many ZOC comments related to signs.	
Attached Signs - Wall Signs (Table 8.05-1)	A-3, JLMA-1, JLMA-2, JLMA-20, JLMA-3, JLMA-LN, R-1, R-2, R-3, R-4, R-8, R-16, R-24, TR-1, TR-10, TR-3, TR-2, AR-3, CR: currently, an average of 2 attached signs (wayside stands allow up to 6), is allowed, with some tied to facade or public entrances. Maximum individual sign area currently ranges from 2-4 to 60 sf, averaging 16 sf, and aggregate sign area ranges from 2-4 to 120 sf (average 24 sf).	The draft allows 2 wall signs per building, with 4 individual and cumulative sf generally and 10 individual sf and 20 cumulative sf for non-residential uses. This is slightly below the averages for rounding purposes.	Extensively revised sign categories to be content-neutral and in character with the Place Types in the General Plan. Sign categories are based on a sign's physical characteristics rather than the sign's message or user.	N/A	The ZOC did not provide a specific recommendation. The consultant addressed many ZOC comments related to signs.	
Attached Signs - Wall Signs (Table 8.05-1)	RC, PD-CC: currently, an average of 2 attached signs (auto dealers or service stations allow up to 6), is allowed, with some tied to facade or building entrances. Maximum individual sign area currently ranges from 2-4 to 200 sf, averaging 26 sf, and aggregate sign area ranges from 2-4 to 120 sf (average 32 sf) (not counting 200 sf individual sign area for tenant signs for Businesses in PD-CC(CC), PD-CC(SC), PD-CC(RC), PD-SA, PD-TC, PD-TREC, PD-TRC, and PD-MUB).	The draft allows 4 per building and 1 per building entry, with sign area tied to a percent of building facade area (1% individual up to 200 sf and 20% cumulative). This is an allowance corresponding to the high end for uses in the current Zoning Ordinance.	Extensively revised sign categories to be content-neutral and in character with the Place Types in the General Plan. Sign categories are based on a sign's physical characteristics rather than the sign's message or user.	N/A	The ZOC did not provide a specific recommendation. The consultant addressed many ZOC comments related to signs.	

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Attached Signs - Wall Signs (Table 8.05-1)	PD-OP, PD-IP, PD-RDP, PD-GI, MR-HI, PD-TREC: currently, an average of 2 attached signs (auto dealers or service stations allow up to 6), is allowed, with some tied to number of tenants or building entrances. Maximum individual sign area currently ranges from 2-10 to 200 sf, averaging 34 sf, and aggregate sign area ranges from 15-20 to 120 sf (average 46 sf) (not counting 200 sf individual sign area for tenant signs for Businesses in PD- CC(CC), PD-CC(SC), PD-CC(RC), PD-SA, PD-TC, PD-TREC, PD-TRC, and PD- MUB).	The draft allows 4 per building, with sign area tied to a percent of building facade area (0.5% individual up to 100 sf and 20% cumulative). This exceeds the typical allowance for both sign number and area.	Extensively revised sign categoris to be content-neutral and in character with the Place Types in the General Plan. Sign categories are based on a sign's phisical characteristics rather than the sign's message or user.	Participants support basing the amount of wall sign on the scale of the building facade.	The ZOC did not provide a specific recommendation. The consultant addressed many ZOC comments related to signs during the ZOC process.	
Attached Signs - Wall Signs (Table 8.05-1)	PD-RV, PD-TC, PD-MUB, PD-TRC: currently, an average of 2 attached signs is allowed (auto dealers or service stations allow up to 6), with some tied to number of tenants, facades or building entrances. Maximum individual sign area currently ranges from 4-10 to 200 sf, averaging 28 sf, and aggregate sign area ranges from 2-10 to 120 sf (average 31 sf) (not counting 200 sf individual sign area for tenant signs for Businesses in PD-CC(CC), PD-CC(SC), PD-CC(RC), PD-SA, PD-TC, PD-TREC, PD-TRC, and PD-MUB).	The draft allows 4 per building and 1 per building entry, which is double the current average allowance. Sign area is tied to a percent of building facade area (1% individual up to 200 sf and 20% cumulative), which substantially exceeds the average allowance and equals the largest sign allowance.	Extensively revised sign categoris to be content-neutral and in character with the Place Types in the General Plan. Sign categories are based on a sign's phisical characteristics rather than the sign's message or user.	Participants support basing the amount of wall sign on the scale of the building facade.	The ZOC did not provide a specific recommendation. The consultant addressed many ZOC comments related to signs.	Staff recommends the consultant who prepared the sign ordinance attend a work session to ensure the Commission and public fully understand the draft sign ordinance, so the Commission can make an informed recommendation to the Board on this topic.
Attached Signs - Window Signs (8.05)	For business display, up to 4 window signs (25% of window area up to 10 sf) are currently allowed in AR-1, AR-2, JLMA-2 and -3, PD-CV, PD-AAAR, PD-RV, R-4, R-8, R-16, R-24, PD-OP, PD-IP, PD-RDP, PD-MUB, PD-TC, PD-CC, PD-TREC, PD-TRC. Non-business allows 1.5 sf and 3 sf aggregate window sign area.	The draft allows 3 window signs (up to 1.5 sf each) in Neighborhood Zoning Districts, and 4 per building facade or tenant space (up to 25% of window or 10 sf) in Commercial and Employment/Industria Zoning Districts. "Tenant space" means a building space occupied by a tenant or owner, and that has a ground floor public entrance abutting a sidewalk. These roughly approximate the sign allowances for residential and non-residential contexts.	Extensively revised sign categoris to be content-neutral and in character with the Place Types in the General Plan. Sign categories are based on a sign's phisical characteristics rather than the sign's message or user.	Participants recommend further discussion and clarity regarding window signs.	The ZOC did not provide a specific recommendation. The consultant addressed many ZOC comments related to signs during the ZOC process.	

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Attached Signs - Murals (8.05)	The current Zoning Ordinance does not explicitly address murals. See discussion above for wall signs.	The draft expressly allows murals, subject to a sign permit, based on direction from the ZOC.	Currently, murals are treated the same as other attached wall signs. Regulations have been added to begin to address a need for standards that address murals specifically.	There were conflicting public comment themes related to murals. There are concerns that murals could cause blight, especially in rural areas. There are also concerns the cumulative allotment for wall signs may be too low if murals are included.	The ZOC did not provide a specific recommendation regarding murals. However, ZOC discussion included whether murals could be treated as public art, whether a sign permit for a mural is necessary, and whether an arts council could review murals.	Staff recommends the consultant who prepared the sign ordinance attend a work session to ensure the Commission and public fully understand the draft sign ordinance, so the Commission can make an informed recommendation to the Board on this topic.
Incidental Signs - Lamp Post Banners (8.06)	The current Zoning Ordinance does not allow banners or pennants (Section 5-1202(A)(5)). An exception is ornamental/ seasonal banners 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)).	Carries forward banner standards in all Commercial, Employment/ Industrial, and Urban/Mixed Use Zoning District Categories. Allows 1 banner, a maximum of 8 square feet in size, per lamp post.	Clarifies "banners" refers to "lamp post banners".	Participants expressed some confusion regarding incidental signs.	The ZOC did not provide a specific recommendation. The consultant addressed many ZOC comments related to signs.	Staff would like to briefly discuss with the Commission during a future work session the maximum allowed size of each banner and the maximum number of banners per lamp post.
Incidental Signs - De Minimis Signs (8.06)	De minimis signs (defined as those smaller than 1 square foot) are exempt from the sign permit requirement, and are allowed 1 sf and 2 sf total aggregate sign area.	Carries forward de minimis sign allowance.	This allows the communication of a wide variety of messages typically displayed in a variety of contexts with minimal regulatory oversight.	Participants expressed some confusion regarding incidental signs.	The ZOC did not provide a specific recommendation. The consultant addressed many ZOC comments related to signs.	Staff recommends no changes at this time.
Incidental Signs - Temporary Signs (8.06)	The sign regulations currently allow an unlimited number of temporary signs up to 32 square feet per sign and eight feet tall. However, these are defined to relate only to special events of no more than 48 hours. This would not include longer events, such as an election, or temporary signs of indefinite duration (such as signs that express an opinion or involve the sale of real estate).	Carries forward temporary sign number and area allowance, but expands their durational allowance to 120 calendar days within a 12 month period.	Extensively revised sign categories to be content-neutral and in character with the Place Types in the General Plan. Sign categories are based on a sign's physical characteristics rather than the sign's message or user.	Participants expressed confusion about temporary signs and the need for further discussion.	The ZOC did not provide a specific recommendation. The consultant addressed many ZOC comments related to signs.	Staff recommends further discussion with the Commission at a future work session regarding temporary signs.
Incidental Signs, Generally (8.06)	The Zoning Ordinance has specific allowances and limitations for warning signs, residential name signs, etc.	Creates a catch-all allowance for other incidental signs to replace current specific allowances for warning signs, residential name signs, etc.	This addresses a variety of incidental signs without regulating such signs by their message.	Participants found this sub-category confusing.	The ZOC did not provide a specific recommendation. The consultant addressed many ZOC comments related to signs.	Staff will continue to work with the consultant to clarify the different types of incidental signs and how the cumulative amount of incidental signage is calculated.

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Historic Signs (8.07)	The Zoning Ordinance does not currently address signs that have historic significance (it does address historical markers that identify historical sites and buildings, but not historic signs on those buildings).	Allows for protection of historic signs through a historic designation process, and allows those signs to exceed the dimensional and design features for other signs. A property owner may apply to designate a sign as an Historic Landmark in the National Register of Historic Places, the Virginia Landmark Register, or the County Heritage Register. (Note: this is not content-based because the historic sign could display any message.)	A historic sign meets the 2019 GP definition for "Heritage Resources": "Those resources, both human and natural, created by activities from the past that remain to inform present and future societies of the past." (2019 GP Glossary-9). The following policies support the preservation of heritage resources through updates to the zoning ordinance: Chapter 3-14 NEHR Strategy 1.1 Support mechanisms to further the goals of conservation, preservation, restoration, recapture, and education to protect the health, safety, and welfare of Loudoun residents. Chapter 3-14 NEHR Action 1.1.C Adopt zoning regulations and development standards that implement a process identifying natural, environmental, and heritage resources worthy of preservation and developing around those resources as part of all land development. Chapter 3-15 NEHR 1.1.F Use a design process that conserves natural, environmental, and heritage resources and incorporates any such features into the site design; Use Value Assessment Program; AFDs; public-private partnerships; and other regulatory and incentive-based efforts (e.g., a potential TDR program) for the preservation, conservation, restoration, and management of the County's natural, environmental, and heritage resources. Explore and implement additional incentive-based approaches.	Participants expressed general support for protected historic signs and seeks additional clarification regarding what makes a sign "historic" and who (i.e., Zoning Administrator, HDRC) should determine whether a sign is historic.	ZOC discussion indicated general support.	Staff recommends no changes to the text at this time.
Illuminated & Digital Signs (8.08)	The current sign table addresses whether signs can have "backlighting" (i.e. lighting from the rear or interior of the sign). Digital signs require an SIDP.	The draft allows now allows for digital signs without an SIDP, continues to allow backlighting, and addresses other lighting features (such as halo lighting).	Improves efficiencies in the development approval process by replacing standards with SIDP approval.	Participants expressed concerns regarding light and glare associated with signs, especially in western Loudoun.	N/A	Staff recommends the consultant who prepared the sign ordinance attend a work session to ensure the Commission and public fully understand the draft text related to illuminated and digital signs, so the Commission can make an informed recommendation to the Board on this topic.
Sign Permits (8.09)	The sign regulations require sign permits issued by the Zoning Administrator, but exempt government signs/official notices, historical markers; danger, aviation, railroad, bridge, ferry transportation, red cross, and similar signs; no hunting, no fishing, or no trespassing signs; residential name signs; window or display (non-business) signs; and de minimis signs.	Carries forward sign permit requirement, but removes the exemptions, which are either content-based or moved elsewhere.	Exemptions were removed because they were content-based (based on a sign's message or user).	Participants express support for fewer signs requirement permits and a quicker less expensive process.	N/A	Staff recommends no changes to the text at this time.

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Chapter 10: Nonconformities and Adaptive Reuse						
Special Exception to Remove Nonconformity (10.01)	<p>The Commission and Board shall also consider 5 factors for whether the use or structure can be improved, including providing a landscaped buffer, landscaping off-street parking, other nonconforming accessory structures are brought into conformity; the degree of nonconformity is not expanded, and expansion could be limited to no greater than 50%.</p> <p>Upon approval the use or structure shall no longer be treated as nonconforming unless abandoned or discontinued for 1 year.</p> <p>(R93ZO 4-105)</p>	<p>Eliminated unique SPEX factors for consideration; to be the same as all other SPEX applications. Eliminated unique 1 year abandonment timeframe. To be treated the same as any other SPEX period of validity.</p>	<p>The regulations for nonconforming SPEX have been revised for three reasons:</p> <p>1) The SPEX Factors for Consideration have been updated and are more universally applicable (see Chapter 11 discussion below);</p> <p>2) The revisions will provide additional flexibility to the Board when reviewing such applications; and</p> <p>3) To have consistent effects of approval for all SPEXs.</p>	<p>Although public comments did not address the key changes to removing nonconformity, nonconforming uses, or nonconforming structures, public comments did express concern with how a new Zoning Ordinance would result in their business or structure becoming nonconforming.</p> <p>Staff notes that these concerns are addressed in Section 1.02:</p> <p>1) If projects have received approvals then they may proceed with development as they have vesting rights;</p> <p>2) Applications in process at the adoption of new Zoning Regulations must comply with the new Zoning Ordinance, unless granted "grandfathered" by the Board; and</p> <p>3) Legally established uses, structures, and lots that no longer comply with new regulations are addressed the same way they have been addressed in previous Zoning Ordinances, they become nonconforming subject to Chapter 10.</p>	<p>ZOC did not make comments relative to the key changes to nonconformities.</p> <p>ZOC made the following recommendations regarding Non-Conforming, Vesting, and Grandfathering:</p> <p>The draft zoning ordinance should clarify whether a remapped property that does not meet new zoning district criteria (i.e., design characteristics, setbacks, parcel size, etc.) becomes non-conforming. (16-0-2)</p> <p>The draft zoning ordinance should clarify how properties subject to proffered development under the "Revised 1993 Zoning Ordinance, as may be amended" will be handled. (16-0-2)</p> <p>Reasonable grandfathering should be implemented as a transition to the new ordinance. (15-1-1)</p> <p>Grandfathering should apply to existing rural businesses if acreage requirements for their use increase. (17-0-1)</p> <p>The new zoning ordinance should clarify how a pre-existing by-right use is impacted if it is no longer a use included in the Use Tables. (Is it grandfathered? If so, for how long?) (16-0-1-1)</p>	<p>Concerns relating to vested rights or grandfathering will be addressed with Section 1.02 Applicability of the Zoning Ordinance, to be presented at a future Planning Commission Public Hearing.</p> <p>Regarding other key concerns not addressed by key changes:</p> <p>1) Staff does not recommend lengthening the two-year limit to reestablishing nonconforming uses. The adaptive reuse regulations in Section 10.05 were developed specifically to protect historic resources. On a related note, staff will clarify the scope of nonconforming lots as they apply to development standards or lot features dependent on use.</p> <p>2) Nonconforming conversion condominiums are not currently addressed in the Zoning Ordinance. This regulation specifies how the County implements the Code of Virginia requirement to provide for condominium conversions that are nonconforming.</p> <p>3) There is no limit to reconstructions that would conform to existing requirements, such as FAR or setbacks. When structures could not be rebuilt, they must occupy the same footprint.</p>
Nonconforming Uses (10.02)	N/A (R93ZO 1-402)	Added regulation to clarify nonconforming uses are for principal uses not accessory uses.	The proposed regulation states the prevailing rule that a use must be substantial to obtain the protections of nonconforming status. It is to inform the public and staff that not every trivial, incidental, or accessory use receives protection.			
	N/A (R93ZO 1-402)	Added regulations for nonconforming conversion condominiums.	The R93ZO is missing provisions for the treatment of nonconforming conversion condominiums.			
Nonconforming Structures (10.03)	N/A (R93ZO 1-403)	Allow for required removal of signs abandoned for 2 years.	This provision is from the Code of Virginia § 15.2-2307 (G). It can allow for the removal of an eyesore abandoned sign that has no purpose and gives the Zoning Administrator another tool to use during enforcement.	<p>Other key concerns relate to:</p> <p>1) Support for extending the 2-year time limit for reestablishing nonconforming uses in historic buildings;</p> <p>2) New nonconforming Conversion Condominium requirements;</p>	<p>The new zoning ordinance should clarify what happens if a by-right parcel is partially developed and whether the last phase/building needs to comply with new district regulations. (16-0-1-1)</p>	

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Topic	Existing Regulations	Proposed Regulations	Reason for Change	Public Comment Theme	Zoning Ordinance Committee Recommendation	Staff Recommendation
Nonconforming Structures (10.03)	N/A (R93ZO 1-403)	Provide for the expansion of nonconforming historic structures.	This regulation is designed to protect the economic life of historic structures to aid in their preservation and continued use.	3) Limiting reconstruction of nonconforming structures to the same footprint; and 4) Clarifying nonconforming lots due to area requirements for uses or development standards.	Clarification of grandfathering, vested rights, and non-conforming uses is necessary during this process.	4) Staff is open to clarifying nonconformities due to lots size or development standards and the applicable regulations for each.
Adaptive Reuse - Eligibility	N/A	The Adaptive Reuse section is a wholly new set of regulations. Adaptive reuse as a tool to protect and utilize historically significant and locally important buildings is supported by policies in both the 2019 GP and the Heritage Preservation Plan. The intent is to allow the adaptive reuse of legally nonconforming structures worthy of protection due to their historic significance or importance in a community. Structures eligible for adaptive reuse include those identified as historically significant, located in a village, or greater than 50 years old and obsolete or economically nonviable. Eligible structures are allowed certain use and development standard privileges in return for and as means to their protection. The adaptive reuse standards are not intended to apply to every building in the County. Otherwise, any property would be allowed to change a use or redevelop without important legislative review or the requirement to meet zoning ordinance regulations. (10.05)	<p>redevelopment, infill development, and adaptive reuse projects will enhance quality of life and neighborhood character, fulfill community needs, and improve economic opportunities.</p> <p>Action C. Address redevelopment, infill development, adaptive reuse, and reinvestment as part of community plans. Pay particular attention to a community's historic assets and function in areas with under recognized historic resources or limited historic resources protections, such as the legacy village cores of Ashburn, Arcola, and Old Sterling (see Legacy Village Cores Map).</p> <p>Strategy 1.4. Facilitate redevelopment, infill development, and adaptive reuse projects through technical assistance, an improved regulatory framework, and streamlined review processes.</p> <p>IR Policy 2: Recognize adaptive reuse of existing unused or underutilized buildings as an opportunity to establish or reinforce a community's identity and sense of place.</p> <p>Strategy 2.1. Support adaptive reuse projects that provide cultural activities and community gathering places.</p> <p>Action A. Use the Heritage Preservation Plan to guide the adaptive reuse of historic resources.</p> <p>Strategy 2.2. Prioritize adaptive reuse of existing buildings with historic significance or importance to a community over demolition.</p>	Expand eligibility for adaptive reuse to include properties listed on the Loudoun County Historic Register and/or identified by the Loudoun County Heritage Commission.	ZOC did not make a finding/recommendation specific to this public comment theme. The Adaptive Reuse section addresses ZOC's overall findings and recommendations to further strengthen, incorporate, and incentivize sustainability in the draft Zoning Ordinance. The proposed adaptive reuse regulations are inherently sustainable since they increase the opportunities to reuse existing buildings instead of tearing them down and replacing them. ZOC Finding/Recommendation: The term "sustainability" should be strengthened, and the principals of sustainability be incorporated further throughout the draft Zoning Ordinance. (9-4-5)	Adding properties listed on the Loudoun County Historic Register or designated by the Heritage Commission is premature. The Heritage Preservation Plan supports establishment of a register of locally significant historic properties in Loudoun County; however, this historic register has not been established. Preservation Planning staff indicated that the Loudoun County Heritage Commission is working toward establishing a local register, which must be approved by the Board of Supervisors. The precise name of this register, procedures for designation, and any requirements for properties listed on the register would be established at that time. The appropriate time to include this register in the list of properties eligible for adaptive reuse would be consequent with or immediately after the Board establishes the historic register.

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Adaptive Reuse - Eligibility	N/A	N/A	<p>Strategy 2.3. Revise County regulations to accommodate creative adaptive reuse designs.</p> <p>Action A. Review zoning regulations, design standards, and building code regulations to identify regulatory encumbrances to adaptive reuse projects.</p> <p>Action B. Develop zoning regulations and design standards that provide ample flexibility for adaptive reuse projects without compromising the health, safety, or welfare of users.</p> <p>Suburban Policy Area (SPA) Policy 2, Action A. Provide incentives for redevelopment, infill development, and adaptive reuse projects that will enhance quality of life and neighborhood character, fulfill community needs, and improve economic opportunities.</p> <p>Rural Historic Villages Strategy 1.2. Preserve the character of the villages and their historic structures and sites through the rehabilitation and adaptive reuse of existing buildings.</p> <p>Historic, Archaeologic, and Scenic Resources</p> <p>Action 5.1.M. Prioritize the adaptive reuse of historic structures that are of local, regional, or national significance as the primary method of preserving the County's diverse collection of historic architecture within the framework of sustainable development.</p>	Revise the Eligibility requirements of Section 10.05.B.3 to make adaptive reuse less financially burdensome.	ZOC did not make a finding/recommendation specific to this public comment theme.	The Eligibility requirements of Section 10.05.B.3 apply to structures that are greater than 50 years old that are obsolete or no longer economically viable, but do not meet the criteria of Section 10.05.B.1 (designated as historically significant) or Section 10.05.B.2 (located in a village). The eligibility requirements of Section 10.05.B.3 are intended to provide an option to properties that may fall outside of the first two criteria but are still worthy of protection through adaptive reuse. The adaptive reuse regulations are intended to be applied judiciously. Staff has retained most of the additional requirements for properties that are only greater than 50 years old. The Zoning Administrator MAY require the submission of additional studies or materials to demonstrate why the property should be eligible to use the Adaptive Reuse standards. Staff removed the requirement that nominations for listing in the Virginia Landmarks Register or the National Register of Historic Places be developed by a preservation professional as Virginia Dept of Historic Resources makes this determination.
Adaptive Reuse - Eligibility	N/A	N/A	<p>Action 5.1.N. Amend zoning regulations and development standards to ensure the viability of adaptive reuse, particularly in the County's villages where the ability to reuse historic structures is vital to the historic character and vitality of these communities. Heritage Preservation Plan, Chapter 10, Strategy 2. Adaptive Reuse (pg. 56-57)</p> <p>While it may not always be possible to preserve or promote the original use for which a historic structure was constructed, the County recognizes the value of the building itself as a historic resource and calls for its preservation through adaptive re-use.</p> <p>The proposed re-use should be consistent with and implement the land use policies for the area as defined in the County's Comprehensive Plan.</p> <p>The historic landscape associated with the structure should be protected to preserve the resource in its context.</p> <p>The proposed use should generally be compatible with the surrounding landscape and development patterns. For instance, any additional parking, lighting, or signage requirements necessitated by the re-use of the historic structure should be appropriately sized and/or shielded to minimize any adverse impacts on the character of the surrounding area. The County will amend its regulatory documents to ensure that the minimum parking, signage, lighting, and other design requirements do not adversely impact the historic character of an area.</p>			

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Adaptive Reuse - Review	N/A	N/A		<p>Allow the Historic District Review Committee (HDRC) to review applications for adaptive reuse when historically significant properties do not meet the Standards and Requirements of Section 10.05.C.1. When a property is located outside of a Historic Overlay District, where County-adopted guidelines apply, the Secretary of Interior Standards should be used to review applications.</p>	<p>ZOC did not make a finding/recommendation specific to this public comment theme.</p>	<p>Staff coordinated the approach to reviewing historically significant properties applying for adaptive reuse with the DPZ, Community Planning Historic Preservation Team. Historic Preservation staff also identified the need for historically significant properties to retain their historic designation when being adaptively reused but noted that appointed HDRC members are not required to have the professional qualifications to review proposals for conformance with the Secretary of Interior (SOI) Standards. Therefore, certain requirements, such as not allowing any new parking in the front of a building, are retained. Moreover, additional requirements based on the SOI Standards for Rehabilitation intended to protect the historic character, form, materials, and landscape features of historically significant properties have been incorporated into the requirements. Historic Preservation Team staff, who have the professional qualifications to review such applications, will review site plans for the adaptive reuse of historically significant structures.</p>
Adaptive Reuse - Uses	N/A	N/A		<p>Expand the list of uses allowed for a property that is adaptively reused to include kennels in agricultural buildings by special exception; wood, metal, and stone crafts; and a use that was present for at least 10% of the building's existence.</p>	<p>ZOC did not make a finding/recommendation specific to this public comment theme.</p>	<p>Staff evaluated the proposed uses and added the Industrial Production use, wood, metal, and stone crafts, provided that the use is in an agricultural or accessory building and the use does not exceed 7,500 square feet. Staff did not add the Indoor Kennel use, as this use is permitted by minor special exception in the AR-1 and AR-2, as well as by-right in TR-10, TR-3, and JLMA-3 zoning districts, which are the districts that primarily have agricultural buildings. Staff also did not incorporate the proposal to allow a use that was previously present in a building considering the wide variety of uses currently proposed to be allowed under adaptive reuse, as well as the complexities and uncertainties of allowing an unknown use based on the proposed criteria.</p>

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Adaptive Reuse - Non-Historic Buildings	N/A	N/A	N/A	N/A	Adaptive reuse of Non-Historic Structures is sought besides that of Historic Structures.	Staff did not include the ability to adaptively reuse non-historic buildings in this section. The intent of these regulations is to protect historic buildings due to their unique importance by expanding options to prolong the building's viability. Applying adaptive reuse regulations to non-historic buildings would allow any building to be used for a use not permitted in a district without considering the impacts of the use. Other options to reutilize non-historic buildings exist, namely rezoning to a different zoning district that would allow the use(s) desired, are available. For instance, if an applicant wants to reuse a non-historic building for residential uses in a zoning district that does not allow this use, the appropriate way to change this use is through a rezoning to a residential district. Nonetheless, staff anticipates the inclusion of redevelopment standards in the ZO Rewrite that would address the reuse of certain non-historic buildings for affordable housing upon meeting certain criteria.
Chapter 11: Procedures						
Board of Supervisors Pre-Review of legislative applications (11.01.D)	N/A	Establishes Pre-Review by the Board of Supervisors to receive initial comment and processing direction prior to formal application submission. Provides for waiver of pre-review, materials to submit, 10 business day staff review, discussion by Board at a public hearing, and the thresholds for accepted applications to return to Pre-Review.	Legislative Application Review Process – The Board adopted Resolution of Intent to Amend the Revised 1993 Loudoun County Zoning Ordinance December 4, 2018, to provide initial public hearing before the Board to provide direction to staff and the Commission.	Although Section 11.01 was not available for public comment, concern was expressed that Pre-Review would undermine staff and Commission evaluation of applications.	ZOC did not review this section.	Staff is open to suggested changes to improve these regulations.
Submission Requirements (11.01.F)	The Board of Supervisors shall adopt by resolution regulations enumerating those materials required to be included with each application...(R93ZO 6-403(A))	The Director of Planning and Zoning is responsible for determining minimum submission requirements and digital submission standards instead of requiring Board resolution. Specific submission requirements for right of entry, Disclosure of Real Parties in Interest, and for applications within LOD and MOD will still be codified.	Legislative Application Review Process – Provides flexibility to the Director to amend submittal requirements, including establishing digital submission standards.	Requests to permit electronic submissions in place physical media was submitted.	N/A	Staff has updated the submission regulations to give the Director authority to establish digital submission standards as an alternate to physical media.
Placard Notice (11.01.G)	Current regulations are silent on what happens when the placard is missing through no action by the applicant. (R93ZO 6-603(B))	Amends the placard notice requirements to allow applicants to maintain validity of notice when a placard is missing.	Legislation, Legislative Application Review Process – Placard notice is not required by the Code of Virginia. The proposed text encourages the applicant to maintain placard notice and remedy its potential absence to maintain better public awareness of applications.	Section 11.01 is now available for public review.	N/A	Staff is open to suggested changes to improve these regulations.

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Application Withdrawal (10.01.H)	Withdrawal of applications at public meetings are at the discretion of the Board or BZA, respectively. The Board may permit withdrawn applications to return in fewer than 12 months. (R93ZO 6-1206, 6-1306, 6-1610, 6-1705)	Allows for withdrawal of applications at public meetings where the item is being discussed. Withdrawal is at the applicant's discretion (see below for impact of withdrawal).	Legislative Application Review Process – Clarifies how applications are withdrawn and that the applicant may withdraw applications throughout the legislative review process, at their discretion. Matches current practice of applicants withdrawing applications at Board meetings.	Section 11.01 is now available for public review.	N/A	Staff is open to suggested changes to improve these regulations.
	N/A	Provides that withdrawn applications are deemed denied for administrative purposes. Limitations to denied applications would be applicable to withdrawn requests.	Legislative Application Review Process – Matches the practical effect of application withdrawal.	Section 11.01 is now available for public review.	N/A	Staff is open to suggested changes to improve these regulations.
Inactive Applications (10.01.I)	Applications received before and since September 3, 2013, have different tracks for being declared inactive. Generally ZMAPs for 3 years and SPEXs for 1 year. Latter applications have reduced public hearing notification requirement but all may only be dismissed by the Board at a public hearing unless withdrawn in writing by the applicant. (93ZO 6-405)	Provides for administrative withdrawal of inactive applications. Applications may be suspended by the applicant for up to three months and reactivated once. Applications are deemed inactive if neglected for six months. The Director must send a certified letter to the applicant giving notice of the application's inactive status and explaining the reactivation process. The current process is cumbersome and requires public hearing. Rezoning applications, for example, take three years of neglect before they are inactive an eligible for the Board to dismiss at a public hearing.	Legislative Application Review Process – Update will encourage applicants to be responsible for pursuing their applications. Reduces administrative work to maintain and then clear out applications that have not progressed for significant periods of time. Applications that have not been pursued for several years clog the work assignments of Land Use Review planners and as a result neither move forward nor are brought to a conclusion.	Section 11.01 is now available for public review.	N/A	Staff is open to suggested changes to improve these regulations.
Determinations (11.02)	Procedure for Determinations provided within the duties and powers of the Zoning Administrator. (R93ZO 6-401(C))	Determination procedure reformatted and placed in its own section.	Structure and Flow – Procedures are placed in Chapter 11.	There were no public comments on the draft Determinations regulations.	N/A	Staff recommends no change to the draft text.

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Administrative Waivers and Modifications (11.03)	New procedure.	Provide for Administrative Waivers and Modifications in conformance with Code of Virginia §15.2-2286(A)(4) of any physical requirement. There are very specific criteria for approval, public notice, a 21-calendar-day response period, and written decisions that must be provided to the applicant and anyone who provided comment.	Legislation, Streamlined Process – New procedure provides administrative powers to Zoning Administrator to waive or modify physical requirements under strict circumstances. Implements the Americans with Disabilities Act of 1990 (ADA) and state and federal fair housing laws to provide reasonable accommodations.	Section 11.03 is now available for public review.	N/A	Staff is open to suggested changes to improve these regulations.
	New regulation in conjunction with new procedure.	Errors in structure location not eligible for administrative approval are eligible instead for Special Exception for Errors in Location (SPEL) by the Board of Zoning Appeals (BZA).	6. Legislation, 7. Streamlined Process – See above.	Section 11.03 is now available for public review.	N/A	Staff is open to suggested changes to improve these regulations.
Zoning Permit (11.04)	Temporary Zoning Permit (including temporary special event) procedures are provided separately from Zoning Permit procedures. (R93ZO 5-500, 6-1000)	Consolidated various Zoning Permit regulations into 1 location.	4. Structure and Flow – Consolidates related processes.	There were several comments to elements that were not changed in the draft, such as requiring Health Department review of Zoning Permits, expanding the requirement prior to "development" in the Floodplain Overlay District (FOD) to include the LOD and MOD, and requiring that all Zoning Permits not create adverse impacts on surrounding properties. Other comments included altering the "agricultural uses as provided in the definition of Agriculture" to "bona fide agriculture" not to include high intensity uses that draw the public".	N/A	Of these suggestions, staff is considering revising the agricultural exemption to limit its scope and to provide clarity. Staff has not made substantive changes to existing requirements and does not recommend any of the other suggested changes. Zoning Permits must also comply with all applicable County, state, and federal laws. The FOD has a special definition of development. This definition is not contemplated for either the LOD or MOD. Zoning Permits in LOD or MOD have additional application requirements in Section 11.01.F.3.c-d to assess the potential impacts of the proposal.
				Participants questioned the rationale for allowing multiple temporary special events on the same property concurrently.	N/A	Current regulations do not limit the type or number of concurrent temporary special events on a property. Staff does not recommend limiting the number as this provides flexibility to organizers of temporary special events and the Zoning Administrator in enforcing the Zoning Ordinance

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Site Plan (11.06)	List of scenarios when Site Plan required. (R93ZO 6-701)	Revisions the requirements for Site Plan as a general requirement prior to developing land, establishing a use, changing from a single-family use, or amending an approved Site Plan and then listing applicable exemptions.	Legislation, Streamlined Process – Designed to better reflect when Site Plan is required, avoiding instances where a specific circumstance has not been accounted for.	Comments included adding an exemption for electric vehicle charging stations and all farm-based tourism use, such as wayside stands, from requiring a Site Plan.	N/A	Staff is considering the electric vehicle charging station exemption. Staff does not recommend exempting all farm-based tourism. Site Plan requirements to ensure code requirements is necessary when the general public will be accessing agricultural sites for business purposes, such as tourism. Site Plans are necessary when the public will be accessing agricultural locations to ensure zoning protections are included. Other agricultural uses are exempt because the public will not be accessing the site. Content requirements for Site Plan applications are regulated by the LSDO and FSM.
Sketch Plans	Sketch plans requirements. (R93ZO 6-703)	Eliminated Sketch Plan (Zoning Permit required).	Structure and Flow, 6egislation – Eliminates confusion that sketch plan was a form of Site Plan. Zoning Permit requirements meet what was provided in sketch plans.	Comment questioning whether sketch plans were no longer applicable.	N/A	Staff does not recommend maintaining sketch plans. Those uses that do not require Site Plan approval require Zoning Permit approval.
Variance (11.08.D)	No such variance shall be granted by the BZA unless it makes all of the following required findings: (A) The strict application of this Ordinance would produce undue hardship to the property owner. (B) Such hardship is not shared generally by other properties in the same zoning district and the same vicinity. (C) Such variance is not contrary to the public interest nor to the intended spirit and purpose of this Ordinance.	Variance approval will be granted if the evidence shows: 1. The property interest for which the Variance is being requested was acquired in good faith and any hardship was not created by the applicant for the Variance; 2. The granting of such Variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area; 3. The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Zoning Ordinance; 4. The granting of the Variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property;	Legislation – Variance approval criteria updated to reflect Code of Virginia § 15.2-2309(2).	There were no public comments on the draft Variance approval criteria.	N/A	Staff recommends no change to the draft text.

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Variance (11.08.D)	(D) The granting of such variance will not be substantial detriment to adjacent property nor change the character of the zoning district in which the property is located. (E) Such variance would result in substantial justice being done. (F) The condition or situation of the property which gives rise to the need for such variance is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this Ordinance. (R93ZO 6-1605)	5. The relief or remedy sought by the Variance application is not available through a Special Exception, Minor Special Exception, or Zoning Modification at the time of filing of the Variance application; and 6. Such Variance is not contrary to the purpose of the Zoning Ordinance.	Legislation – Variance approval criteria updated to reflect Code of Virginia § 15.2-2309(2).	There were no public comments on the draft Variance approval criteria.	N/A	Staff recommends no change to the draft text.
Commission Permit (11.09)	Four categories with specified examples are listed (R93ZO 6-1101).	Clarify when a Commission Permit is required or exempt.	Legislation – Updates are to further implement Code of Virginia § 15.2-2223.	There were no public comments on the draft Commission Permit regulations.	ZOC did not review this section.	Staff recommends no change to the draft text.
	The Planning Commission shall hold a public hearing on the matter...(R93ZO 6-1103(B))	The Planning Commission will discuss the proposed Commission Permit...[and] either approve or deny the Commission Permit.	Legislative Application Review Process – Removes public hearing not required by Code of Virginia to provide flexibility to the Commission, staff, and applicants in meeting Commission Permit timelines.	There were no public comments on the draft Commission Permit regulations.	ZOC did not review this section.	Staff recommends no change to the draft text.
	N/A	Require Pre-Review for Commission Permits, except for telecommunications facilities.	Legislative Application Review Process – Update provided in coordination with new Pre-Review process. Excludes telecommunications facilities to avoid potential conflicts with state and federal application processing timelines.	There were no public comments on the draft Commission Permit regulations.	ZOC did not review this section.	Staff recommends no change to the draft text.
	Within sixty (60) days after the Planning Commission has acted or failed to act, the Board of Supervisors may overrule the action of the Planning Commission by a vote of a majority of the membership thereof. (R93ZO 6-1104)	Within 60 calendar days after the Planning Commission has acted or failed to act, the Board of Supervisors will review the decision.	8. Legislative Application Review Process – Matches current practice of Board review of all Commission Permit decisions by the Commission.	There were no public comments on the draft Commission Permit regulations.	ZOC did not review this section.	Staff recommends no change to the draft text.
Zoning Modification (11.12)	N/A	Require Pre-Review for Zoning Modifications.	Legislative Application Review Process – Update provided in coordination with new Pre-Review process.	Section 11.12 is now available for public review.	ZOC did not review this section.	Staff is open to suggested changes to improve these regulations.
	No such modification shall be approved unless the Board of Supervisors finds that such modification to the regulations will achieve an innovative design, improve upon the existing regulations, or otherwise exceed the public purpose of the existing regulation. (R93ZO 6-1217)	To approve a Zoning Modification, the proposal must further a specific policy, strategy, or action of the Comprehensive Plan, and: 1. Achieve an innovative design; 2. Improve upon the existing regulations; or 3. Otherwise exceed the public purpose of the existing regulation.	Staff recommends limiting Zoning Modifications to meet specific provisions of the General Plan.	Section 11.12 is now available for public review.	ZOC did not review this section.	Staff is open to suggested changes to improve these regulations.

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Zoning Map Amendment (11.10.01)	Either a zoning map or text amendment may be proposed by resolution of the Board of Supervisors or Planning Commission. In the case of a zoning map amendment, an application may be filed by a person who... (R93ZO 6-1202)	A Zoning Map Amendment may be initiated by any of the following actions: a. The Board of Supervisors adopts a resolution; b. The Planning Commission adopts a motion; or c. The owner or, with the owner's consent, ...	Legislation – To match language used in Code of Virginia § 15.2-2286(A)(7).	Section 11.10.01 is now available for public review.	ZOC did not review this section.	Staff is open to suggested changes to improve these regulations.
	N/A	Require Pre-Review for Zoning Map Amendment applications.	Legislative Application Review Process – The Board adopted Resolution of Intent to Amend the Revised 1993 Loudoun County Zoning Ordinance December 4, 2018, to provide initial public hearing before the Board to provide direction to staff and the Commission.	Section 11.10.01 is now available for public review.	ZOC did not review this section.	Staff is open to suggested changes to improve these regulations.
	2 referral process, 45-days then 30-days with additional 10 days before due to applicant. (R93ZO 6-1204, Table 1)	20-business day staff review. Then applicant re-submits. Staff will repeat this review for each resubmittal until either the applicant requests, or the Director forwards the application for a Planning Commission public hearing.	Legislative Application Review Process – Revised process at discretion of staff and applicant to continue reviews before public hearings.	Section 11.10.01 is now available for public review.	ZOC did not review this section.	Staff is open to suggested changes to improve these regulations.
	New. Work Sessions are not mentioned in the R93ZO.	The Planning Commission may refer the proposal to 1 work session to further consider the proposal and to give the applicant an opportunity to further revise the application in response to comments from staff and the Planning Commission. 1. Additional work sessions are permitted with the concurrence of the applicant to toll the review period.	Legislative Application Review Process – Revised process at discretion of Commission and applicant to continue reviews after public hearings, but to avoid 100-day Code of Virginia time limits.	Section 11.10.01 is now available for public review.	ZOC did not review this section.	Staff is open to suggested changes to improve these regulations.
	Six issues for consideration relating to: 1. Appropriateness based on the Comprehensive Plan; 2. Character of property and surrounding properties; 3. Adequacy of public utilities and infrastructure; 4. Requirements for public services; 5. Impact to the environment; and 6. Protection from impounding structure (dam) failure. (R93ZO 6-1210(E))	Factors for Consideration relate directly to the General Plan and Countywide Transportation Plan, namely: 1. Consistency with the General Plan (2019 GP Chapter 2); 2. Land use compatibility, including impacts to the surrounding area (2019 GP Chapter 2); 3. Impacts to natural, environmental, and heritage resources (2019 GP Chapter 3); 4. Impacts to housing (2019 GP Chapter 4); 5. Economic development (2019 GP Chapter 5); 6. Impacts to public services, utilities, and infrastructure (2019 GP Chapter 6); and 7. Consistency with the Countywide Transportation Plan (2019 CTP).	1. 2019 General Plan, 8. Legislative Application Review Process – To more fully incorporate the Comprehensive Plan in land use decisions.	Section 11.10.01 is now available for public review.	ZOC did not review this section.	Staff is open to suggested changes to improve these regulations.

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Zoning Ordinance Amendment (11.10.02)	Either a zoning map or text amendment may be proposed by resolution of the Board of Supervisors or Planning Commission... (R93ZO 6-1202)	A Zoning Ordinance Amendment may be initiated by any of the following actions: 1. The Board of Supervisors adopts a resolution; 2. The Planning Commission adopts a motion; or 3. A landowner files a petition for a resolution of intent to amend the text of the Zoning Ordinance, to be acted upon by the Board of Supervisors. The Board will either adopt such resolution, initiating the requested Zoning Ordinance Amendment, or deny such petition.	Legislation – To match language used in Code of Virginia § 15.2-2286(A)(7).	Section 11.10.02 is now available for public review.	N/A	Staff is open to suggested changes to improve these regulations.
	If the request is for an amendment of the text of this Ordinance, the Planning Commission shall consider the following matters: (1) Whether the proposed text amendment is consistent with the Comprehensive Plan. (2) Whether the proposed text amendment is consistent with the intent and purpose of this Ordinance. (R93ZO 6-1210(D))	List of 13 ZOAM Factors for Consideration provided in Code of Virginia § 15.2-2283.	Legislation – Revised to match language used in Code of Virginia § 15.2-2283.	Section 11.10.02 is now available for public review.	N/A	Staff is open to suggested changes to improve these regulations.
Conceptual Development Plan (11.10.04)	New (R93ZO 6-1215)	Require substantial conformance to approved CDPs.	Substantial conformance is required for proffers, which should include CDPs but do not always. This draft regulation would avoid that scenario.	There were no public comments on draft CDP regulations.	N/A	Staff recommends no change to the draft text.
	New (R93ZO 6-1216)	Permit administrative change by the Zoning Administrator to CDPs in order to: 1) update setbacks, height, and bulk restrictions to conform to current zoning district regulations unless specified in the proffers; and 2) allow accessory structures into setbacks or buffers between residential developments no longer required by the Zoning Ordinance.	7. Streamlined Process, 8. Legislative Application Review Process – Increase scope of administrative approvals to reduce impacts to staff, Commission, and Board review of minor ZCPAs.	There were no public comments on draft CDP regulations.	N/A	Staff recommends no change to the draft text.
Zoning Concept Plan Amendment (11.10.05)	N/A	Require Pre-Review for Zoning Concept Plan Amendment applications.	8. Legislative Application Review Process – The Board adopted Resolution of Intent to Amend the Revised 1993 Loudoun County Zoning Ordinance December 4, 2018, to provide initial public hearing before the Board to provide direction to staff and the Commission.	Section 11.10.05 is now available for public review.	ZOC did not review this section.	Staff is open to suggested changes to improve these regulations.
Special Exception (11.11.01)	Two referral process of 30+10 days and 30+5 days for review; no mention of additional referrals. The Board to hold a public hearing within 120 days of acceptance. (R93ZO 6-1305, 6-1308)	20-business day staff review. Then applicant resubmits. Staff will repeat this review for each resubmittal until either the applicant requests, or the Director forwards the application for a Planning Commission public hearing. No expressed time limit.	8. Legislative Application Review Process – Revised SPEX process to match ZMAP process for consistency of legislative reviews by the Commission and Board. Code of Virginia time limits apply.	Section 11.11.01 is now available for public review.	ZOC did not review this section.	Staff is open to suggested changes to improve these regulations.

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Topic	Existing Regulations	Proposed Regulations	Reason for Change	Public Comment Theme	Zoning Ordinance Committee Recommendation	Staff Recommendation
Special Exception (11.11.01)	New.	Require Pre-Review for Zoning Concept Plan Amendment applications.	8. Legislative Application Review Process – The Board adopted Resolution of Intent to Amend the Revised 1993 Loudoun County Zoning Ordinance December 4, 2018, to provide initial public hearing before the Board to provide direction to staff and the Commission.	Section 11.11.01 is now available for public review.	ZOC did not review this section.	Staff is open to suggested changes to improve these regulations.
	New. Work Sessions are not mentioned in the R93ZO.	The Planning Commission may refer the proposal to 1 work session to further consider the proposal and to give the applicant an opportunity to further revise the application in response to comments from staff and the Planning Commission. 1. Additional work sessions are permitted with the concurrence of the applicant to toll the review period.	8. Legislative Application Review Process – Revised process at discretion of Commission and applicant to continue reviews after public hearings, but to avoid 100-day Code of Virginia time limits.	Section 11.11.01 is now available for public review.	ZOC did not review this section.	Staff is open to suggested changes to improve these regulations.
	Six issues for consideration relating to: 1. Consistency with the Comprehensive Plan; 2. Noise, light, odor, and emission impacts to surrounding properties; 3. Compatibility with neighboring uses; 4. Impact to the environment; and 5. Promote general welfare or convenience; and 6. Adequate service by public utilities, facilities, and services. (R93ZO 6-1309)	SPEX (and SPMI) Factors for Consideration relate directly to the General Plan and Countywide Transportation Plan, namely: 1. Consistency with the General Plan (2019 GP Chapter 2); 2. Land Use compatibility, including impacts to the surrounding area (2019 GP Chapter 2); 3. Impacts to natural, environmental, and heritage resources (2019 GP Chapter 3); 4. Impacts to public services, utilities, and infrastructure (2019 GP Chapter 6); and 5. Consistency with the Countywide Transportation Plan (2019 CTP).	1. 2019 General Plan, 8. Legislative Application Review Process – To more fully incorporate the Comprehensive Plan in land use decisions.	Section 11.11.01 is now available for public review.	ZOC did not review this section.	Staff is open to suggested changes to improve these regulations.
	A duly noticed public hearing on an application for a minor special exception shall be held by the Board of Supervisors and a decision made by it within ninety (90) calendar days of the date on which the application was accepted. (R93ZO 6-1308(A))	Same review process as SPEX (including Pre-Review) except no Commission review unless processed concurrently with other related applications or as directed by the Board during Pre-Review.	8. Legislative Application Review Process – Revised SPEX process to match ZMAP process for consistency of legislative reviews by the Commission and Board. Code of Virginia time limits apply.	Concern was expressed that Pre-Review would undermine staff and Commission evaluation of applications (see Section 11.01).	ZOC did not review this section.	Staff recommends no change to the draft text.
Sign Development Plan (11.11.03)	SIDP applications are review by the Commission for recommendation to the Board for decision.	Provide for SIDP requests to be decided by the BZA.	8. Legislative Review Process – Coupled with the reduced scope of SIDP applications in Chapter 8, staff recommends that these applications be sent to the BZA for review and decision.	Section 11.11.03 is now available for public review.	ZOC did not review this section.	Staff is open to suggested changes to improve these regulations.

Zoning Ordinance Rewrite - Key Change Matrix
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Topic	Existing Regulations	Proposed Regulations	Reason for Change	Public Comment Theme	Zoning Ordinance Committee Recommendation	Staff Recommendation
Light and Glare – Additional Requirements (11.11.09)	New submittal requirement. Lighting that does not meet the standards of Section 5-1504(A) may be permitted by special exception, pursuant to Section 6-1300, upon a finding that the proposed alternative lighting is appropriate. (R93ZO 5-1504(C))	Additional requirements for SPEX to exceed light and glare standards of Section 7.05.02 to include a photometrics plan and mitigations measures with supporting calculations at submittal and additional factors for consideration to include: 1. The proposal includes reasonable efforts to mitigate the effects of light on the environment and surrounding properties; 2. Lighting controls are used to appropriately reduce lighting at specific time periods; and 3. The proposed lighting will not create unwarranted glare, sky glow, or light trespass.	1. 2019 General Plan – Strategy 7.3: Prevent light pollution. Action 7.3.A: Update lighting standards to achieve the following: i. Promote the use of lighting for convenience and safety while minimizing light pollution; ii. Promote a glare-free environment through proper lighting performance standards to improve visibility and enhance public safety; iii. Promote appropriate lighting standards to conserve energy; iv. Develop appropriate lighting standards to prohibit unnecessary and intrusive light trespass that detracts from the beauty and view of the night sky; and v. Promote the International Dark-Sky Association’s Dark Sky standards to prevent light pollution.	Section 11.11.09 is now available for public review.	N/A	Staff is open to suggested changes to improve these regulations.
Nonconforming Conversion Condominium – Additional Requirements (11.11.10)	New.	The Board of Supervisors must grant approval if the applicant can demonstrate to the reasonable satisfaction of the Board of Supervisors that the nonconformities are not likely to be adversely affected by the proposed conversion.	Legislation – Nonconforming Conversion Condominiums have unique approval criteria provided in Code of Virginia § 55.1-1905(E).	Section 11.11.10 is now available for public review.	N/A	Staff is open to suggested changes to improve these regulations.
Enforcement (11.14)	Enforcement procedures for Performance Standards are provided separately from other enforcement procedures. (R93ZO 5-1510, 6-500)	Consolidates related enforcement procedures into 1 location.	Structure and Flow – Consolidates related processes.	Public comments included changes to existing enforcement procedures, including requests for proactive enforcement actions and penalties for willful misstatements on permits, require land violations be returned to pre-violation conditions, require active enforcement, increase penalties, and reduce times to cite between violations.	N/A	Changing to more proactive enforcement would require Board direction. Section 11.14 provides tools that the Zoning Administrator may take in conformance with Code of Virginia provisions and Board policy. Changing the text will reduce the Zoning Administrator’s flexibility in appropriately dealing with violators and potential violators. The Board is also able to change policy to require active enforcement should it desire to do so. Penalty amounts and time intervals between violations are in accordance with Code of Virginia and are already the most severe authorized.
Appeals (11.15)	Guides BZA for appeals of ...any order, requirement, decision or determination made by the Zoning Administrator in the administration or enforcement. (R93ZO 6-1701)	Directs to BZA, HDRC, or Board in reviewing appeals, as applicable. Table 11.15-1 clarifies what body (HDRC, BZA, or Board) reviews the appeal based on the original application or decision.	Legislation – Clarifies when appeals go to BZA, HDRC, Board, or Loudoun Circuit Court.	There were no public comments on the draft appeals regulations.	N/A	Staff recommends no change to the draft text.
Density Credit (11.16)	Separate requirement for road dedication in Highway Transportation Improvement District and all locations for public uses. (R93ZO 1-206(B), (C))	Consolidate as density credit process for public use, including public road right-of-way.	Structure and Flow – Consolidates similar processes.	Concern was raised about limits to what is eligible for density credit.	N/A	Density credit regulations was rewritten after public comments were received. Public use is defined in the Zoning Ordinance to include any area used and controlled exclusively for public purposes or essential for public purposes, this includes lands needed for public roads.

Zoning Ordinance Rewrite - Key Change Matrix
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Topic	Existing Regulations	Proposed Regulations	Reason for Change	Public Comment Theme	Zoning Ordinance Committee Recommendation	Staff Recommendation
Density Credit (11.16)	Requires Board approval of density credit by resolution. (R93ZO 1-206(B)(1)(c))	Updated as an administrative process. Can be approved as part of existing applications or, if not associated with any application, by the Director.	Streamlined Process – Does not directly affect the acquisition of land for public purposes; eliminates potential administrative delays to acquisition.	There were no public comments on the need for Board resolution for density credit approval.	N/A	Staff recommends no change to the draft text.
Chapter 12: Officials, Boards, and Commissions						
Zoning Administrator (12.01)	(R93ZO 6-401)	In no event is a written order, requirement, decision, or determination made by the Zoning Administrator subject to change, alteration, or reversal by any Zoning Administrator after 60 days have elapsed from the date of the written order, requirement, decision or determination where anyone has materially changed their position in good faith reliance on the action of the Zoning Administrator unless it is proven that such written order, requirement, decision, or determination was obtained through malfeasance of the Zoning Administrator or through fraud. The 60-day limitation period does not apply in any case where, with the concurrence of the County Attorney, change is required to correct clerical errors.	Legislation – This regulation was added to conform to Code of Virginia limits on decisions by the Zoning Administrator.	Concern with difference between 30-day appeal periods and new 60-day limit on decisions by the Zoning Administrator.	N/A	Appeal periods and limits on decisions by the Zoning Administrator are as provided in the Code of Virginia. The 60-day length of all actions by the Zoning Administrator provides greater protection to the general public. Staff does not recommend increasing the appeal period to 60 days.
Planning Commission (12.02)	Commission membership shall consist of not fewer than 5 nor more than 15 members. (R93ZO 6-103(A))	Text updated to represent current, 9-member composition of the Commission: 1 member for each election district and 1 at-large member.	Modernization – Updated to reflect current practice.	There were no public comments on the draft Planning Commission regulations.	N/A	Staff recommends no change to the draft text.
Board of Zoning Appeals (12.03)	N/A (R93ZO 6-200)	The County Administrator will receive, screen, and forward applicants to the Chief Judge of the Loudoun Circuit Court.	Legislation – By motion approved on May 20, 2015, the Board endorsed a new process for receiving, screening, and forwarding applicants to Loudoun Circuit Court.	There were no public comments on the County Administrator's role in BZA membership.	N/A	Staff recommends no change to the draft text.
	BZA shall consist of 5 members. (R93ZO 6-203(A))	BZA to consist of 7 members.	Legislation – By motion approved on September 6, 2005, the Board directed staff to enable the BZA to be a seven-member body. Two alternate BZA members were implemented.	There were no public comments on the draft size of the BZA.	N/A	Staff recommends no change to the draft text.
	N/A (R93ZO 6-200)	Allow for elected Town officials to serve.	Legislation – Reflects update to Code of Virginia § 15.2-2306(A)(3).	Concern was raised with allowing Town officials to serve on the BZA.	N/A	The draft text incorporates changes to the Code of Virginia. Staff recommends no change to the proposed text.
Historic District Review Committee	The HDRC shall be composed of a minimum of 5 voting members. (R93ZO 6-303(A))	Updated membership to be from 5 to 7 members.	Opportunities and Challenges – Provide a maximum number of members where none currently exists.	There were no public comments on the draft size of the HDRC.	N/A	Staff recommends no change to the draft text.

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Topic	Existing Regulations	Proposed Regulations	Reason for Change	Public Comment Theme	Zoning Ordinance Committee Recommendation	Staff Recommendation
Chapter 13: Definitions and Rules of Interpretation						
Definitions	N/A	Provide new and revised definitions for farm and relative terms. New definitions provided for Agricultural Structure; Agriculture, Bona Fide; Agriculture Supportive Business; Farm; and Farm Distribution Hub. Provide revised definitions for Agricultural Education or Research; Agriculture; Farm Based Tourism; Farm Market; and Feed and Farm Supply Center.	Clarify Regulation	Definitions currently not provided or need to be revised.	The ZOC subcommittee recommends clarity and specificity be provided to the proposed definitions for farm, agriculture, and other relative uses.	Staff recommends no change to the proposed text.
Definitions	N/A	Provide new definition for Communications Facility.	Clarify Regulation	N/A	The ZOC subcommittee recommends clarify in the difference between a monopole, telecommunication facility and communication facility. Each is defined and regulated differently, but differences are unclear.	Staff drafted a new definition for Communication Facility that in turn provides clarity to relative terms. Staff recommends no change to the proposed text.
Definitions	N/A	Provide new definitions for historic-related terms. New definitions provided for the following terms: Historic Setting; Natural Heritage Resources; Natural Historic Landmark; and Natural, Environmental, and Heritage Resources.	Clarify Regulation	Concern with lack of these terms being defined in ordinance.	N/A	Staff drafted new definitions for these terms and recognizes that additional revision may be necessary based upon CAO guidance.
Definitions	N/A	Provide new definitions for solar-related terms. New definitions provided for the following terms: Solar Energy Equipment, Facilities or Devices; Solar Facility; Commercial Solar Facility.	Clarify Regulation	N/A	The ZOC subcommittee is concerned with the specific use standards for commercial solar and in-turn the relative definitions. The ZOC subcommittee and ZOC in whole wants to see this use as a separate ZOAM following the ZOR.	Staff drafted new definitions for these terms which are related directly to the draft specific use standards. Staff is prepared to proceed at the direction of the PC.