

ZONECO PUBLIC REVIEW DRAFT-230601

Date: June 14, 2023

COMMISSIONER NEHAM COMMENTS

Critical			Editorial High
Substantial			Editorial Medium
Administrative			Editorial Low

Item	Reviewer Name	Comment Date (mm/dd/yyyy)	Document	Document Version Date (mm/dd/yyyy)	Page No.	Document Section	Reviewer Request	Comp Plan Reference	Change Type	Priority (High, Medium, Low)	Planning Commission Response	Action Date																																												
	Ed Neham, Ron Rise Sr.	06/02/2023	Public Review Draft-230601	05/31/2023	3 +	0 Table of Contents, and beyond	As Commissioner rise said, it would be very helpful to users of this ordinance to be able to transport among citations in the document by clicking their mouse or other device/means.		Editorial High																																															
	Ed Neham	06/03/2023	Public Review Draft-230601	05/31/2023	5	1.2 PURPOSE AND INTENT	<p>Because the comprehensive plan will certainly change during the life of this Zoning Ordinance, add this footnote: "They have been made with reasonable consideration, among other things, for the existing use and character of property, the comprehensive plan ¹"</p> <p>¹ All references to the comprehensive plan are to <u>PLAN PURCELLVILLE: 2030 Comprehensive Plan</u>, Adopted June 30, 2020."</p>		Editorial High																																															
	Ed Neham	06/03/2023	Public Review Draft-230601	05/31/2023	14	2.1 ESTABLISHMENT OF BASE DISTRICTS	The R-2 and R-3 districts have the same name; i.e., Single-Family Residential District. To avoid confusion, rename the R-2 district " Low Density Single-Family Residential District and the R-3 district " Medium Density Single-Family Residential District". Similarly, change the name of the R-T district to " Temporarily Classified Single-Family Residential District".		Editorial High																																															
	Ed Neham	06/05/2023	Public Review Draft-230601	05/31/2023	14	2.1 ESTABLISHMENT OF BASE DISTRICTS	Is it possible to harmonize the Comprehensive Plan Land Uses and the Zoning Ordinance Base Districts?		Substantial	<table><tr><th>COMPREHENSIVE PLAN LAND USES</th><th>ZONING ORDINANCE BASE DISTRICTS</th><th></th></tr><tr><td>• Agriculture Tourism Commercial</td><td>AC Agricultural Commercial District</td><td rowspan="2">← Break into CMS and CNS Districts</td></tr><tr><td>• Commercial Medium Scale</td><td>MC Mixed Commercial District</td></tr><tr><td>• Commercial Neighborhood Scale</td><td></td><td rowspan="2">← Combine into IB District</td></tr><tr><td>• Industrial Business</td><td>M-1 Limited Industrial District</td></tr><tr><td></td><td>CM-1 Local Service Industrial District</td><td rowspan="2">← Create POS District</td></tr><tr><td>• Institutional and Government</td><td>IP Institutional and Public Use District</td></tr><tr><td>• Mixed-Use Neighborhood Scale</td><td>C-4 Mixed-Use Neighborhood Scale District</td><td rowspan="2">← Can we resolve these?</td></tr><tr><td>• Parks and Open Space</td><td></td></tr><tr><td>• Professional Office</td><td>C-1 Professional Office District</td><td></td></tr><tr><td>• Multi-Family</td><td>R-15 Multi-Family Residential District</td><td></td></tr><tr><td>• Single-Family Detached Traditional</td><td>R-2 Single-Family Residential District</td><td></td></tr><tr><td>• Single-Family Detached Suburban</td><td>R-3 Single-Family Residential District</td><td></td></tr><tr><td>• Single-Family Attached</td><td>R-8 Single-Family Attached Residential</td><td></td></tr><tr><td></td><td>R-T Single-Family Residential District</td><td></td></tr><tr><td></td><td>X Transitional District</td><td></td></tr></table>			COMPREHENSIVE PLAN LAND USES	ZONING ORDINANCE BASE DISTRICTS		• Agriculture Tourism Commercial	AC Agricultural Commercial District	← Break into CMS and CNS Districts	• Commercial Medium Scale	MC Mixed Commercial District	• Commercial Neighborhood Scale		← Combine into IB District	• Industrial Business	M-1 Limited Industrial District		CM-1 Local Service Industrial District	← Create POS District	• Institutional and Government	IP Institutional and Public Use District	• Mixed-Use Neighborhood Scale	C-4 Mixed-Use Neighborhood Scale District	← Can we resolve these?	• Parks and Open Space		• Professional Office	C-1 Professional Office District		• Multi-Family	R-15 Multi-Family Residential District		• Single-Family Detached Traditional	R-2 Single-Family Residential District		• Single-Family Detached Suburban	R-3 Single-Family Residential District		• Single-Family Attached	R-8 Single-Family Attached Residential			R-T Single-Family Residential District			X Transitional District	
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	Ed Neham	06/03/2023	Public Review Draft-230601	05/31/2023	15	2.3.1 REVISIONS OF THE ZONING MAP	Change the annual zoning map revision date from March 31 to March 1.		Editorial Medium																																															

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	Ed Neham	06/03/2023	Public Review Draft-230601	05/31/2023	15	2.4 INTERPRETATION OF ZONING MAP BOUNDARIES	Considering the unlikely case of an unzoned property in the middle of an industrial district, for example, is the best way of handling this? "e) If, because of error or omission in the zoning map, any property in the jurisdiction of this ordinance is not shown as being in a zoning district, such property shall be classified R-T single family residential district until changed by amendment."		Editorial Low			
	Ed Neham	06/02/2023	Public Review Draft-230601	05/31/2023	17	2.6 R-2 RESIDENTIAL SINGLE-FAMILY DISTRICT	Make this change : Figure 6: A figure showing some areas that may fall within the an R-2 Residential Single-Family District.		Editorial Low			
	Ed Neham	06/05/2023	Public Review Draft-230601	05/31/2023	17-59	2.6 - 2.16	The figures at the start of each of these sections would be better if shown at an oblique angle.		Editorial Medium			
	Ed Neham	06/03/2023	Public Review Draft-230601	05/31/2023	17-69	2.6.2 - 2.18.2 PERMITTED AND SPECIAL USES	Staff should lead the critical review of the district uses tables.		Substantial			
	Ed Neham	06/03/2023	Public Review Draft-230601	05/31/2023	18-70	2.6.3 - 2.18.3 DEVELOPMENT STANDARDS	Ensure that these standards in Article 2 comport with those in Article 3.		Editorial Medium			
	Ed Neham	06/03/2023	Public Review Draft-230601	05/31/2023	19	2.6.3 DEVELOPMENT STANDARDS, and similarly in other districts.	Are we subscribing to this in an R-2 district (and other districts too)?: "c) Additional height standards i. The height limit for dwellings may be increased up to 45 feet and up to three stories provided there are two side yards for each permitted use each of which is at least 15 feet plus one foot or more for each side yard for each additional foot of building height over 35 feet upon granting of a special exception by the board of zoning appeals under Article 14, Section 14.1: Board of Zoning Appeals."		Substantial			
	Ed Neham	06/03/2023	Public Review Draft-230601	05/31/2023	20-59	2.7 R-3 SINGLE-FAMILY RESIDENTIAL DISTRICT	Make this change in this figure and <u>similarly</u> in the figures in the rest of the base district sections: "Figure 7: A figure showing some areas that may fall within the R-3 Medium Density Residential Single-Family District."		Editorial Low			


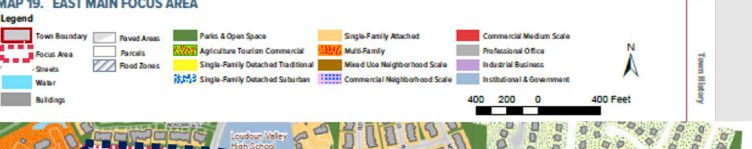
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	Ed Neham	06/03/2023	Public Review Draft-230601	05/31/2023	24	2.8.2 PERMITTED AND SPECIAL USES	TABLE A – TABLE OF USES: Given the increasing pressure to provide more affordable housing, should we permit lesser intensity uses in areas zoned for higher intensity uses, such as single-family attached, single-family detached, and duplex dwellings in an R-8 Single-Family Attached Residential district?		Substantial			
	Ed Neham	06/05/2023	Public Review Draft-230601	05/31/2023	28	2.9.2 PERMITTED AND SPECIAL USES	In TABLE A – TABLE OF USES, Dwelling, multiple-family should be marked as permitted.		Editorial High			
	Ed Neham	06/05/2023	Public Review Draft-230601	05/31/2023	31	2.10 C-1 PROFESSIONAL OFFICE DISTRICT	Figure 10 is a picture of the eastern portion of Hirst West which is proposed to change from Industrial Business to Commercial Neighborhood Scale with the a recommendation: "Development with small format professional office buildings with sufficient surface parking." NOTE: We do not have an actual example of a Professional Office District.		Editorial Low			
	Ed Neham	06/05/2023	Public Review Draft-230601	05/31/2023	31	2.10.2 PERMITTED AND SPECIAL USES	The following uses in TABLE A – TABLE OF USES may not be appropriate for a professional office setting: •Accessory buildings and uses; •Adult care center; •Brewery, winery of distillery; •Child care, commercial; •Contractor’s office and storage area; •Fuel pump, accessory; •Funeral home; •Hotel; •Nature preserve; •Parking lot, public; •Recreation facility, commercial indoor – less than or equal to 10,000 square feet; •Sign shop; •Veterinary clinic.		Editorial High			
	Ed Neham	06/07/2023	Public Review Draft-230601	05/31/2023	34	2.10.5 ADDITIONAL STANDARDS AND REQUIREMENTS FOR SPECIAL PERMIT USES	Here and throughout the document, reference is made to "the Town of Purcellville Design Guidelines ". This document, which falls under the Board of Architectural Review, is an important adjunct to the Zoning Ordinance and needs to be updated contemporaneously.		Substantial			


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	Ed Neham	06/05/2023	Public Review Draft-230601	05/31/2023	35	2.11.1 INTENT	This paragraph states: "This district comprises the Mixed-Use Neighborhood Scale , the Commercial Neighborhood Scale, and the Commercial Medium Scale land use types ..."; this could lead to confusion with the C-4 Mixed-Use Neighborhood Scale District. NOTE: See the comment for page 14: 2.1 ESTABLISHMENT OF BASE DISTRICTS.		Editorial High			
	Ed Neham	06/06/2023	Public Review Draft-230601	05/31/2023	41	2.12 C-4 MIXED-USE NEIGHBORHOOD SCALE DISTRICT	Per the comment for page 14: 2.1 ESTABLISHMENT OF BASE DISTRICTS, we may have separate CMS and CNS base districts.		Substantial			
	Ed Neham	06/05/2023	Public Review Draft-230601	05/31/2023	41	2.12.1 INTENT	This paragraph states: "This district comprises the Mixed-Use Neighborhood Scale and the Commercial Neighborhood Scale land use types ...", but it actually comprises the Mixed Use Neighborhood Scale and Institutional & Government land use types.		Editorial High			
	Ed Neham	06/09/2023	Public Review Draft-230601	05/31/2023	73	3.4 ADMINISTRATION OF OVERLAY DISTRICTS	Make this change: "... and the Architectural Control Review Overlay District ..." OR Change all occurrences in this document from Architectural Review Overlay to Architectural Control Overlay to be in conformity with Purcellville Code DIVISION 3. - ARCHITECTURAL CONTROL OVERLAY DISTRICTS.		Editorial Low			
	Ed Neham	06/05/2023	Public Review Draft-230601	05/31/2023	73	3.4 ADMINISTRATION OF OVERLAY DISTRICTS	Make this change : "For all developments within the AR Architectural Review Overlay District, the administering procedures of applications for the Board of Architectural Review may be found in ...".		Editorial Low			
	Ed Neham	06/06/2023	Public Review Draft-230601	05/31/2023	76-102	3: Overlay Districts	Use the Focus Area pictures in the Comprehensive Plan in place of those in this draft as they are easier to comprehend.		Editorial High			

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	Ed Neham	06/02/2023	Public Review Draft-230601	05/31/2023	75-107	3.5 DN Downtown North Overlay District, etc.	We wouldn't need the SPECIAL EXCEPTION/PERMIT column in these tables if what we'd like to have happen regarding the SUP and SE processes is contained in Article 14: Administration and Procedures.		Substantial			
	Ed Neham	06/02/2023	Public Review Draft-230601	05/31/2023	76-107	3.5 DN Downtown North Overlay District, etc.	These elements have not previously seen as CATEGORIES in LOT AND BULK STANDARDS tables in earlier drafts: <ul style="list-style-type: none"> • Roof Pitch • Ground Floor Transparency • Facade Articulation Their sources and values need to be checked.		Editorial Low			
	Ed Neham	06/07/2023	Public Review Draft-230601	05/31/2023	79	3.6 DSE Downtown Southeast Overlay District; 2) APPLICABILITY	Make this change : "For any standards not specified for the Downtown North Southeast Overlay District, the standards of the base district shall apply."		Editorial Low			
	Ed Neham	06/07/2023	Public Review Draft-230601	05/31/2023	80	3.6 DSE Downtown Southeast Overlay District; 4) LOT AND BULK STANDARDS	The illustration in this section shows a parking area that is much too large for this district. The desired by-right ISR is 50%. This diagram should be changed		Editorial High			
	Ed Neham	06/07/2023	Public Review Draft-230601	05/31/2023	83	3.7 DSW Downtown Southwest Overlay District	Change this to describe the Downtown Southwest District: "The Downtown Southeast Overlay District serves as a transition from residential areas to the east to core of downtown to the west."		Editorial High			
	Ed Neham	06/07/2023	Public Review Draft-230601	05/31/2023	88	3.8 EM East Main Overlay District; 1) INTENT	This statement doesn't seem to belong in a Zoning Ordinance; rather it belongs in the Comprehensive Plan which is where it came from: "Enhancing the green space and tree canopy along Main Street and Maple Avenue, as well as providing more open spaces within the redevelopment, should be a top priority."		Editorial Low			
	Ed Neham	06/02/2023	Public Review Draft-230601	05/31/2023	88	3.8 EM East Main Overlay District; 3) LAND USES PERMITTED	East Main Overlay District only mentions 2 of the 11 subareas; the LAND USES PERMITTED descriptions are surprisingly brief.	p.78 EAST MAIN	Critical			

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	Ed Neham	06/07/2023	Public Review Draft-230601	05/31/2023	88	3.8 EM East Main Overlay District; 4) LOT AND BULK STANDARDS	Figure 25: Diagram showing a plausible development within Subarea 1 of the EM Overlay District - is not that typical of this district. Should it be replaced, and if so, with what?		Editorial Low			
	Ed Neham	06/02/2023	Public Review Draft-230601	05/31/2023	112, 135, 275	3.12.7 DEFINITIONS; 4.6 OPEN SPACE; 15.14.2 VIOLATION AND PENALTIES	Don't use set dollar amounts in the ordinance. They are bound to be overtaken by inflationary changes.		Editorial Low			
	Ed Neham	06/07/2023	Public Review Draft-230601	05/31/2023	114, 117	3.12.12 GENERAL PROVISIONS 3.12.13 FACTORS TO BE CONSIDERED WHEN GRANTING VARIANCES	Consider moving these sections into Article 14: Administration and Procedures.		Editorial High			
	Ed Neham	06/02/2023	Public Review Draft-230601	05/31/2023	124	4.13.3 HC HISTORIC CORRIDOR OVERLAY DISTRICT	Consider bringing back a revised, slimmed-down version of the Historic Preservation Overlay Zone from 2022, emphasizing protection from demolition.		Substantial			
	Ed Neham	06/02/2023	Public Review Draft-230601	05/31/2023	129	3.13.5 ADMINISTRATION 3.13.6 APPEALS	Consider moving these sections into Article 14: Administration and Procedures.		Editorial High			
	Ed Neham	06/02/2023	Public Review Draft-230601	05/31/2023	136-158	5 Uses	Weren't we going to move the article on Uses further up in the document?		Editorial Medium			
	Ed Neham	06/02/2023	Public Review Draft-230601	05/31/2023	137	5.3 PERMITTED AND CONDITIONAL USES BY DISTRICT	Do we need both Special Use Permits and Special Exceptions? Are they/should the be distinguishable from each other; especially the way we've been talking about non-by-right processes?	See also: Neham, E., SPECIAL EXCEPTION, SPECIAL USE PERMIT SURVEY, May 19, 2021.	Substantial			
	Ed Neham	06/02/2023	Public Review Draft-230601	05/31/2023	171	7.10.4 BUFFERING MATRIX	Reposition TABLE B - BUFFERING MATRIX so that the entirety of the table appears on the same page because the presence of the column headers are essential for comprehension.		Editorial Low			

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	Ed Neham	06/09/2023	Public Review Draft-230601	05/31/2023	245	14: Administration and Procedures	Consider this reorganization: <ul style="list-style-type: none">• Section 14._ ROLES AND RESPONSIBILITIES• Section 14._ BOARD OF ARCHITECTURAL REVIEW (BAR)• Section 14.1 BOARD OF ZONING APPEALS (BZA)• Section 14.5 SPECIAL USE PERMITS• Section 14.2 SPECIAL EXCEPTIONS• Section 14.3 VARIANCES• Section 14.4 AMENDMENT OF SPECIAL EXCEPTIONS OR VARIANCE• Section 14.8 LAPSE OF SPECIAL EXCEPTION OR VARIANCE• Section 14.6 COMMISSION PERMITS• Section 14.11 PERMITS• Section 14.7 PERFORMANCE BONDS• Section 14.9 APPEALS• Section 14.10 TEXT AND MAP AMENDMENTS• Section 14.12 PLANS• Section 14.13 PUBLIC NOTICES• Section 14.14 ENFORCEMENT AND PENALTIES		Substantial	Section 14._ ROLES AND RESPONSIBILITIES 14._.1 Board of Architectural Review (BAR) The Board of Architectural Review is a five-member body, appointed by the Town Council, that has expertise in and knowledge of architecture, architectural history, Town history, Town planning and landscape architecture. The Board of Architectural Review is responsible for helping to implement the Town's historic preservation and community design goals by reviewing and approving new construction and alterations of existing structures on non-residential properties within the Town, and it also must approve the demolition of any historic structures within the Historic Corridor Overlay District. 14._.2 Board of Zoning Appeals (BZA) The Board of Zoning Appeals is a five-member quasi-judicial board, appointed by the Town Council, that meets as cases arise to deliberate and make decisions on requests for variances from and special exceptions to the Town's zoning regulations, and on appeals of administrative determinations made by the Town. 14._.3 Planning Commission The Planning Commission is a seven-member body of Town residents, appointed by the Town Council, that advises the Council on matters relating to Town planning and development. The Commission develops and makes recommendations to Council regarding special use permits, rezonings and zoning text amendments, comprehensive plan amendments and other requests. The Planning Commission has the authority to approve or deny requests for the subdivision of land and development site plans. 14._.4 Planning and Zoning Department The Planning and Zoning Department protects and enhances the quality of the Town's natural and built environments through comprehensive planning for the Town's future and administration of the Town's development and zoning regulations. The Department is responsible for processing land development applications (such as site plans and subdivision plats), legislative development applications (such as rezonings, special use permits, and Comprehensive Plan amendments) and construction permits (such as zoning, sign and occupancy permits).		
	Ed Neham	06/09/2023	Public Review Draft-230601	05/31/2023	245	14: Administration and Procedures	Consider this initial draft of BAR write-up, drawn mostly from Town Code and based on the BZA write-up for inclusion.		Substantial	Section 14._ BOARD OF ARCHITECTURAL REVIEW Subsection 14._.1 COMPOSITION There shall be a Board of Architectural Review (BAR) which shall consist of five members, at least four of whom shall be residents of the Town, and who shall be representative of one of the following professions or interests: architecture; landscape architecture; urban or town planning; historic preservation; and citizen lay representative. The terms of office shall be four years with terms being staggered initially such that one member shall be appointed for a term of one year, a second member appointed for a term of two years, a third member appointed for a term of three years and the remaining two members appointed for terms of four years. A member shall continue to serve until reappointed or replaced. A member may be removed for just cause by the Town Council upon written charges. Any member of the BAR shall be disqualified to act upon a matter before the BAR with respect to property in which the member has an interest. Each member shall receive as compensation such amounts as may be or have been determined by resolution of the Town Council and shall be reimbursed for actual expenses incurred. Subsection 14._.2 ORGANIZATION The BAR shall elect a chair to preside at meetings, a vice-chair to act in his absence and a secretary who shall be responsible for keeping a written record of all BAR proceedings and all notices, petitions, records, pleadings and appeals pertinent thereto. The BAR shall have exclusive original jurisdiction to hear and decide all cases arising under this article, but shall have no power to modify or waive any requirement imposed by any other provision of this Ordinance. Subsection 14._.3 PROCEDURE The BAR shall hold a regular meeting at least once each month at a time which it shall fix by resolution or as necessary for the conduct of its business. Special meetings may be held at other times; provided, however, that all members of the BAR are notified at least 24 hours in advance of the time and place of the meeting. No application pending before the BAR shall be voted upon at any special meeting unless notice of intention to do so shall appear in a newspaper of general circulation, published in the county, at least seven days prior to such special meeting. Hearings to be recorded; exception. All public hearings of the BAR shall be recorded verbatim by shorthand or by mechanical or electrical recording equipment. All work sessions shall be summarized and are not required to be recorded verbatim. A quorum shall consist of three members of the BAR. If a quorum is not obtained at any regular meeting, a special meeting shall thereupon be scheduled within ten days thereafter. All meetings of the BAR shall be conducted by the chair, or in his absence, by the vice-chair. All members of the BAR shall be entitled to vote, and the decisions of the BAR shall be by majority vote of the membership of the BAR. All meetings of the BAR shall be open to the public, and all decisions shall be by record vote of the ayes and nays spread upon the proceedings.		
	Ed Neham	06/12/2023	Public Review Draft-230601	05/31/2023	247	NOTE	If the Board of Architectural Review is included in this Article, references to it and to the Board of Zoning Appeals need to be explicit (i.e., referring to a "board" will not be adequate).		Substantial			
	Ed Neham	06/12/2023	Public Review Draft-230601	05/31/2023	257	14.10.2 REPORT FROM PLANNING COMMISSION	Make this change : "Before taking any action on any proposed amendment, supplement, or change to the the boundaries of the districts or the regulations herein established , the town council shall submit the same to the planning commission for its recommendations and report."		Editorial Low			
	Ed Neham	06/12/2023	Public Review Draft-230601	05/31/2023	261	14.12.3 PROCEDURES FOR REVIEW AND APPROVAL OF ALL PDH DISTRICTS	Delete this subsection?		Editorial High			

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	Ed Neham	06/12/2023	Public Review Draft-230601	05/31/2023	263	14.12.4 FINAL DEVELOPMENT PLAN APPROVAL	Delete this subsection, or only the PDH parts thereof?		Editorial High			
	Ed Neham	06/12/2023	Public Review Draft-230601	05/31/2023	265	14.12.5 SITE PLAN/SUBDIVISION PLAT PREPARATION AND PERMIT REQUIREMENTS	Delete this: "iii. The land area designated for commercial uses in the PDH district; or"		Editorial High			
	Ed Neham	06/12/2023	Public Review Draft-230601	05/31/2023	265	14.12.6 DEVELOPMENT PLANS, STANDARDS FOR ALL PDH DISTRICTS	Delete this subsection?		Editorial High			
	Ed Neham	06/12/2023	Public Review Draft-230601	05/31/2023	266	14.12.7 SUBMISSION REQUIREMENTS FOR PDH DISTRICTS	Delete this subsection?		Editorial High			
	Ed Neham	06/12/2023	Public Review Draft-230601	05/31/2023	277	14.14.3 CONFLICT OF INTEREST	Make this change : "No member of the town council, planning commission, board of architectural review or board of zoning appeals, shall ..."		Editorial High			
	Ed Neham	06/12/2023	Public Review Draft-230601	05/31/2023	278	14.14.4 DISCLOSURES OF REAL PARTIES IN INTEREST	Make this change: "8) Each member of the planning commission, town council, board of architectural review , and board of zoning appeals shall ..."		Editorial High			

Change Type

Critical: of such nature that would cause rejection of the entire document without change
Substantial: of such nature that combined with other concerns might cause rejection of the entire document without change
Editorial: agree with intent of what is said but believe wording is unclear, ambiguous, erroneous, or wrong tone
Administrative: comment on layout and/or organization and other issues concerning format
Comment: no change needed

Action

Adopted
Partially Adopted
Referred to Other Board / Commission for Action
Previously Adopted
Considered and Noted for Record