

MMS ITEM NOTES

ZONING ORDINANCE ARTICLES 3 THROUGH 9 COMMENTS

Date: July 13, 2023

Critical (10)			Editorial High (29)
Substantial (35)			Editorial Medium (19)
Administrative (10)			Editorial Low (58)

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	Martha Response	Agreed Upon Action	Action Date
38	Nedim	3/12/2023	Article 4	02/28/2023	128-130	4.1	Provide and evaluate the development plans for all of the PDH areas to sustain in Town. Purpose of the district. Given that PDH in Town is fully built out in areas to sustain with residential and no secondary uses, what is the purpose of continue PDH?	PDH is mentioned in two places in the Comp Plan - In a table the Planning Commission has deemed erroneous and in need of amendment on p.43. In the definition of "Zoning District" on p.128. No aspirational areas of Town have PDH designation.	Substantial	High	MARTHA RECOMMENDS PDH STAY AS IS. MARTHA TO RESEARCH PDH AGREEMENTS.	I haven't changed my position on this.		
68	Nan Forbes	03/12/2023	Articles 4-9	02/21/2023	160	6.3 STRUCTURES BUILT ON MORE THAN ONE LOT	A single structure/building or group of structures/buildings constructed on a site consisting of more than one lot must conform with the required setbacks of each individual lot. In that instance where a proposed structure/building would be located on more than one lot, <u>either a plat of vacation or boundary line adjustment plat</u> shall be submitted for signature and recordation which locates the structure/building on a single lot in compliance with these zoning regulations prior to issuance of a zoning permit. <b>Can this be expanded to resolve out "small lot" concerns?</b>	N/A	Editorial	High	MARTHA TO RESEARCH.	I believe that the current regulations are most of what the town can impose on existing non-conforming lots. I do not believe that the Town can require that property owners consolidate those lots absent an action that would increase the extent of the nonconformity. For Example, if a property owner wanted to pub an addition over one of those interior lot lines, they would have to get rid of that line. Also, I've required a consolidation in the past when the owners wanted to put a shed on a separate parcel from the main house. You could double check this with the attorneys.		

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69	Nan Forbes	03/12/2023	Articles 4-9	02/21/2023	162	6.8.1 Off-street Parking Requirements	3) Number of spaces. The determination of the <u>number of off-street parking spaces</u> provided for a specific use shall be provided by the owner, developer or operator of the specific use to the zoning administrator for approval. The burden shall be on the applicant to justify the number of spaces being requested and to show that the parking area and spaces meet the <u>above standards set forth in section 6.8.1. See 6.8.5 - standards should include the size of parking spaces and distances between rows to avoid the parking problems seen in the Harris Teeter parking lot.</u>	N/A	Substantial	Low	NAN TO CLARIFY. MARTHA TO RESEARCH.	the current parking regulations specify minimum space and aisle sizes. I'm not sure if the current regulatons are the same as the ones in place when the HT shopping center was built, but probably so. The Town's standard 9' x 18' space is the typical size required by all jurisdictions I've worked with over the years.		
70	Nan Forbes	03/12/2023	Articles 4-9	02/21/2023	164	6.8.5 Off-street Parking and Drive Aisle Standards	2) Parking aisle and driveway widths MINIMUM AISLE WIDTHS ADJACENT TO PARKING <b>Are these greater in size than the Harris Teeter shopping center? We cannot recreate those problems.</b>	N/A	Substantial	Low	NAN TO CLARIFY. MARTHA TO RESEARCH.	Ditto last comment		
74	Nan Forbes	03/12/2023	Articles 4-9	02/21/2023	170	6.12 SIGNS	(1) Loudoun County has led the State in sign ordinances to protect the beauty of the State. Tourist dollars are invaluable to the local economy. We need the strongest possible ordinances to preserve our local heritage. (2) What can be done to deal with political signs - size, location length of time they are out? (3) What about real estate signs on State rights of way?	N/A	Editorial	High	THERE IS FEDERAL LAW - SAME RULE FOR POLITICAL AS FOR TEMPORARY SIGNS. MARTHA TO RESEARCH. SIGN ORDINANCE NEEDS TO BE CONSIDERED - LATER?	Under current case law, political signs must be treated the same as all other temporary signs and non-commercial speech must be protected. Localities have been amending their sign regulations to comply. For example, Leesburg exempts all temporary non-commercial signs from a sign permit requirement as long as they don't exceed 32 sq ft and are not erected for more than 90 days. They can't be erected more than once per year.		
112	Nan Forbes	03/12/2023	Articles 4-9	02/21/2023	204	6.26.7 Noise Standard	2) Maximum sound levels (dBA). <b>I can hear ball games and loud speakers at Loudoun Valley H.S. in my home on West Main Street with my windows closed. Do these standards address this sort of problem?</b>	N/A	Substantial	Low	MARTHA TO RESEARCH. THERE MAY BE ANOTHER PART IN THE TOWN CODE. IT SHOULD BE REFERENCED FROM HERE OR INCORPORATED.	There are noise regulations in Chapter 34, Section 34-1 of the Town Code.		
118	Nan Forbes	03/12/2023	Articles 4-9	02/21/2023	209	7.4 NONCONFORMING LOTS	1) Nonconforming lots a) If a residential lot... b) If a non-residential lot... <b>Do these require BZA variance approval?</b>	N/A	Substantial	Low	Do these require BZA variance approval? NO, THEY DO NOT. MARTHA WILL CHECK THIS. WOULD HAVE TO GO TO ZONING ADMINISTRATOR.	AS noted, no they do not require BZA appoval. If someone wants to erect a structure on a nonconforming lot they still need a zoning permit from the Town, so the ZA would review these.		

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122	Nan Forbes	03/12/2023	Articles 4-9	02/21/2023	216	8.3 VARIANCES	"Notwithstanding the above, the zoning administrator may grant an administrative variance to any yard requirement (minimum setback requirements) of up to one foot or ten percent of the minimum requirement whichever is greater upon a finding that the above criteria for a variance are met." <b>A finding by the zoning administrator? Why is this paragraph a good thing?</b>	N/A	Substantial	Low	<b>MARTHA WILL CHECK THIS ONE. REMOVE UNLESS REQUIRED BY STATE CODE.</b>	This is an optional provision permitted by the State zoning enabling legislation and added a number of years ago. It is a relief valve included in many zoning ordinances to permit some flexibility for minor variances.		

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