

Article	Section/Figure	Comments and Suggestions
Article 1	Section 18-108	If an application is submitted prior to the enactment date but reviewed after the fact, does the old or new zoning ordinance apply? Virginia law likely has an answer for this, but consider stating it expressly in the body of the new zoning ordinance.
	Figure 2.3	"RY" and "ISY" are mislabelled and should be corrected.
Article 2	Section 18-207	Lot line definitions are confusing. "Corner side lot line" should be separately defined, and "rear lot line" should state that it does not include a corner side lot line.
	Section 18-208	Definition of "corner lot" is not readable for the average person. The explanation of angles needs to be much clearer.
	Section 18-215	There is no definition of "Architectural features, Major" or "Architectural features, Minor" in Article 9. These should be added. Also, The definitions of "deck" and "patio" are not sufficiently distinct and will overlap with each other in some instances. Is a brick outdoor area considered a "deck" if it rises one inch above grade? Similarly, "deck" and "porch" have very close definitions. Consider making sharper distinctions for these terms based on materials, height, and enclosures.
	Figure 2.12	The permitted encroachment of a front porch should go in the table itself, not merely the illustration.
	Section 18-220(C)	The link for Article 3 on this page does not work.
	Section 18-221	The link for Section 18-226 (Gateway South District) does not work.
	Section 18-222	The link that is supposed to send readers to the CP Performance Standards sends them to a blank page between Sections 5B and 6.
	Sections 18-222, 18-223, 18-224, and 18-226	Language regarding façade breaks is ambiguous when describing width and depth, such that the average person could not understand the requirement.
	Section 18-236(2)	The link to Section 15.2-2201 of the Code of Virginia does not work.
	Section 18-236(3)	The incentive bonuses described for the CS-O district are not fully articulated in the section referenced. Consider moving the language in Section 18-236(5) ahead of the design standards to promote clarity. The links to 18-225, 18-835.8, 18-236, and Article 8 are not functional.

Article	Section/Figure	Comments and Suggestions
	Section 18-236(4)	The links to 18-236 and Chapter 4 of the Town Code are not functional. Note: links are broken for most of Section 18-236; all should be addressed.
	Section 18-236(5)	This "bonus modification" subsection is the core operative language of the CS-O district that a developer will need to understand, but it is hidden at the end. Consider moving higher in the section, before the design guidelines, so that the average reader will better understand how the CS-O district's bonus incentives work.
	Section 18-237(3)	This entire subsection is duplicative of the language in Section 18-839(1)-(2). Consider removing the language in one of the two sections.
Article 3	Section 18-303	In addition to prohibiting specific uses with a dash, consider adding language that all uses not expressly listed are deemed prohibited. Several uses are defined in the glossary but not mentioned in the use table ; this section should make more clearly tht omission equals prohibition.
	Section 18-305	In the existing zoning code, Section 18-74 simply states that restaurants offering live enterainment will require a conditional use permit. But in this draft, "Dancing and Live Entertainment" has such a broad definition that this table effectively tells citizens where they are allowed to dance or listen to music. Consider emphasizing the for-profit nature of the use, as opposed to a recreational/hobby activity, or linking this definition specifically to bars and restaurants.
	Section 18-306	Most of links in Temporary Use Table do not work.
	Section 18-307	Link to Section 18-810 is broken.
	Section 18-312	Link to Section 18-322 is broken.
	Section 18-321	Link to Section 18-356 is broken.
	Section 18-323	Change link for stacking standards to appear as "Article 5A Section 18-532."
	Section 18-328	There is no definition of "companion animals." Can someone keep a dangerous animal, such as a lion or boa constrictor, as a companion? Consider defining this to include dogs, cats, fish, etc. and specifically excluding exotic or dangerous creatures.
	Section 18-335	Link to Section 18-224 is broken.
		Link to Section 10-21.1 of Town Code is broken and should read as "10-20.1."

Technical Review Comments by ZoneCo

Article	Section/Figure	Comments and Suggestions
	Section 18-336	Revise subsection 1, as it could be read to authorize the promulgation of other regulations not present in the text of the ordinance.
	Section 18-348	The links to 18-810 should be links to 18-823, while links to 18-820.6 should be links to 18-838 to reflect their actual positions in the document.
	Section 18-352	Change "Chapter 43.1" to "Chapter 43.2."
Article 4A	Section 18-402	The Town's legal counsel should review the sidewalk dedication requirement, as this presents a potential constitutional issue. See <i>Knight v. Metro Gov't of Nashville & Davidson Cty.</i> , 67 F.4th 816 (6th Cir. 2023).
	Section 18-403	Links are broken.
	Section 18-410	Sight triangles are 18-412, not 18-411.
	Division 6	Where are the standards for size, materials, and location of permanent signs? This Division merely prohibits certain sign types and provides standards for temporary signs; it omits substantive regulation of all other sign types. Is the intent to ban all signs not mentioned? If so, that needs to be expressly stated.
Article 4B	Section 18-452	See the above comment for Section 18-402.
	Section 18-458	The link to 18-212 sends readers to 18-210.
	Section 18-462	The Town's legal counsel should review the tree replacement requirements for potential constitutional issues. See <i>F.P. Dev., LLC v. Charter Twp. of Canton</i> , 16 F.4th 198 (6th Cir. 2021).
	Section 18-466	Sight triangles are located at 18-467, not 18-464.
	Section 18-485	Consider that placing utilities underground could interfere with planting and overall health of trees between the road and the sidewalk, unless utilities are placed directly underneath the road itself.
		Also, was this language intended to be brought forward? Staff comments to Section 18-172.1 of the existing ordinance stated that this language would be deleted, as the County has applicable regulations on this subject.

Technical Review Comments by ZoneCo

Article	Section/Figure	Comments and Suggestions
	Section 18-490	Heading conflicts with primary text for this section: is a Certificate of Appropriateness or Certificate of Approval required? Also, 18-807 is not the correct section reference for Certificate of Approval review procedure; and 18-564 is not the correct section reference for temporary signs.
	Section 18-493	There is a 1 at the end of "every sixty (60) days".
Article 5A	Section 18-502.	See the above comment for Section 18-402.
	Section 18-510	See the above comment for Section 18-462.
	Section 18-513	The sight triangle standard is at 18-514, not 18-511.
	Section 18-516	The link for Section 18-415 is broken.
	Section 18-521	In last line of subsection 2, change "test" to "tests."
	Section 18-537	See the above comment for Section 18-485.
		Consider updating the standards for satellite antennae, as the language from this section is several decades old. The technology has likely changed and this language is generally ambiguous. Among other things, subsection 1(A) allows for one antenna per building under fourteen feet, but subsection 2(A) allows for one roof-mounted antenna per building under four feet.
	Section 18-538	
	Section 18-540	"Ground Mounted Signs" is spelled incorrectly in the table.
	Section 18-541	The sight triangle standard is at 18-514, not 18-513.
		Heading conflicts with primary text for this section: is a Certificate of Appropriateness or Certificate of Approval required?
	Section 18-542	Temporary sign procedures are in 18-546, not 18-544.
		Definition of "non-commercial sign" is unclear. Also, the Town's legal counsel should review whether this might constitute an unconstitutional content-based distinction under <i>Reed v. Town of Gilbert</i> , 576 U.S. 155 (2015).
	Section 18-546	Also, there is a line shape hidden behind the text that should be removed.
	Section 18-552	See the above comment for Section 18-402.
	Section 18-559	See the above comment for Section 18-462.
	Section 18-562	Sight triangle standards are located at 18-563, not 18-561.

Technical Review Comments by ZoneCo

Article	Section/Figure	Comments and Suggestions
Article 5B	Section 18-565	Link to Section 18-415 is broken.
	Section 18-576.3	Move table below the text.
	Section 18-586	See the above comment for Section 18-485.
	Section 18-589	See the above comment for Section 18-540.
	Section 18-591.	See the above comment for Section 18-490.
	Section 18-595.	See the above comment for Section 18-546.
Article 6	Section 18-602	There is no definition of "lot modification" in Article 9.
	Section 18-613	There should be a space after "Town Council."
	Section 18-617	Pre-Application Meetings are defined in 18-832, not 18-138.
		The Town's counsel should review all of these required improvements for compliance with the Supreme Court's caselaw regarding exactions: <i>Nollan v. Cal. Coastal. Com.</i> , 483 U.S. 825 (1987); <i>Dolan v. City of Tigard</i> , 512 U.S. 374 (1994); and <i>Koontz v. St. Johns River Water Mgmt. Dist.</i> , 570 U.S. 595 (2013).
	Section 18-628	See also the above comment for Section 18-485.
	Section 18-628(13)	Links are broken.
	Section 18-632	The Chesapeake Bay Resource Protection Areas Overlay is in 18-238, not 18-226.
Article 7	N/a	No comments for Article 7.
	Section 18-816(1)	Link is broken.
	Section 18-818(5)	This appeals process is duplicative of the language in Section 18-839(7).
	Section 18-820(4).	What is the standard of review for a BZA appeal? The ordinance should state expressly what test is being applied.
	Section 18-821(2)	Consider updating the criteria in Section 4-15 for the issuance of Certificate of Approval, so as to be more specific about which standard applies for which application types.
	Section 18-828(2)(A)	Change 18-408 to 18-410.
	Section 18-828(2)(B)	Change 18-454 to 18-465.
	Section 18-828(2)(C)	Change 18-503 to 18-513.
	Section 18-828(2)(D)	Change 18-553 to 18-562.
	Section 18-829(1)	Change 18-314 to 18-327.

Article	Section/Figure	Comments and Suggestions
Article 8	Section 18-830(1)(A)	Change 18-321 to 18-335.
	Section 18-830(1)(B)	Change 18-321 to 18-335.
	Section 18-830(3)	Change 18-321 to 18-335.
	Section 18-831	"Sports Court" does not have a definition in Article 9. Is a permit required to paint basketball lines on an existing driveway? What about installing a basketball hoop, without painting any lines?
	Section 18-833	"Proffer amendment" should have a clear explanation of its function and purpose. Is this an actual amendment to the zoning ordinance itself? If so, how is it any different than a text amendment?
	Section 18-834(4)	Specify which property owners must sign a proffer--e.g., all those within the area to be rezoned. Also, should this only apply for map amendments, or for text amendments too?
		<p>"Minor site plan" and "major site plan" do not have clear definitions or requirements. Do the contents of a site plan change based on whether the minor or major process is followed? What details must be included in a site plan? (Compare with Section 18-252 of the existing ordinance.)</p> <p>Additionally, the relationship of the other types of site plans to the major/minor site plans is confusing. For example, AC-O and CS-O applications "must submit a Major Site Plan," suggesting that these applications are just particular varieties of major site plan; but, the review process is completely different, as Town Council makes the final decision instead of the Zoning Administrator.</p> <p>Also, change 18-223 to 18-235; change 18-224 to 18-236; change 18-221 to 18-227; change 18-213 to 18-232; and change 18-214 to 18-233.</p>
	Section 18-835(2)	
	Section 18-835(3)	Is BAR review required for site plans or not? This is problematically vague.
	Section 18-835(4)	When may the Zoning Administrator determine that a minor site plan becomes a major site plan? This is not specific as to what standard is being applied.
	Section 18-835(5)	The reference to required public improvements is incorrect. Change 18-610 to 18-623.

Technical Review Comments by ZoneCo

Article	Section/Figure	Comments and Suggestions
	Section 18-835(6)	The standard of review for modification of requirements applications is too vague; what is the test that an applicant needs to satisfy? How is this distinct from a variance?
	Section 18-835(7)	Change 18-223 to 18-235.
		Change 18-224 to 18-236; change 18-610 to 18-623.
	Section 18-835(8)	This sentence, "An estimate of the maximum number of employees contemplated and the number of shifts during which they would work," should have a period instead of a comma.
	Section 18-835(9)	The standard of review for Corporate Park District Plan applications contains typos and does not read smoothly.
	Section 18-835(10)	What is the standard of review for a Park Zone application? The ordinance should state expressly what test is being applied.
	Section 18-835(11)	What is the standard of review for an Infill Lot Plan application? The ordinance should state expressly what test is being applied.
		What is the standard of review for a Temporary Use Permit application? The ordinance should state expressly what test is being applied.
	Section 18-837	Temporary Use Permit links are not correct. 18-311 should be 18-319; 18-312 should be 18-325; 18-320 should be 18-334; 18-323 should be 18-338; 18-328 should be 18-344; and 18-127 should be 18-820.
	Section 18-839(3)	The standard of review for a Certificate of Appropriateness is ambiguous. Are all the factors given equal weight? Is any one factor dispositive or required? What is the overall test to which these factors weigh?
	Section 18-848(2)(B)	Twenty-one (21) days is written as "Twenty-pne (21) days."
	Section 18-854	This language regarding inoperative motor vehicles is the same as Section 18-153.1 of the existing ordinance. Is this language intended to be brought forward? The staff comments on the existing ordinance indicated that this language would be removed.

Article	Section/Figure	Comments and Suggestions
Article 9		<p>The term "adult business" includes "an establishment that limits its customers to persons over 18 years of age." This could include a bar; is that the intent?</p> <p>Link for "basement" does not work.</p> <p>Link for "building height" does not work.</p> <p>Link for "Chesapeake Bay Preservation Area" does not work.</p> <p>Link for "comprehensive plan" does not work.</p> <p>The Town's counsel should review the term "family or family equivalent" for compliance with state and federal law, as this term has been litigated extensively across the country.</p> <p>The definition of "office" is broad enough that a wide number of commercial uses would arguably fit under it; consider emphasizing the types of uses that may involve office space that are not considered an "office" use (e.g., healthcare/medical services).</p> <p>See the above comment for Section 18-215: "patio," "porch," and "deck" definitions require greater specificity to avoid overlap.</p> <p>The definition of "public" is circular and non-descriptive.</p>
	Section 18-902	The Town's counsel should review the definition of "sign" to determine if it is content-neutral.
	Section 18-903	Subsections 1-3 appear to be missing.