



ZOAM-2018-0001-Short Term Residential Rentals / Commercial Whole House Rentals

Comment ID	Section	ZOAM-2018-0001-STR Rentals / Commercial Whole House COMMENTS TO DRAFT TEXT	Staff Response/Notes
	5-669 & 5-670	5-669 & 5-670 COMMENTS IN COMMON	
M. Walsh-Copeland	5-669 & 5-670 In Common	5-669 & 5-670. There has been "confusion" in multiple discussion meetings regarding the purpose of this ZOAM. We need to agree that the purpose is to BALANCE the <u>Business</u> opportunities for this Use with the protections needed for <u>Environmental/Agricultural</u> goals, and provide performance standards to protect the health, safety and welfare of current <u>Residents and patrons</u> .	
M. Walsh-Copeland	5-669 & 5-670 In Common	5-669(B), 5-670(B)(1) RESIDENCY REQUIREMENT - MANAGEMENT. The goals/intent of allowing STRR and CWH Rentals are to offer a "product portfolio" of lodging options designed to be less restrictive than B&B's. However, these business opportunities should not inadvertently (or purposely) conflict with the ADU ZOAM approved in June, 2020 or directly cannibalize current B&B operations. If the requirement for B&B's and for ADU accessory dwelling is for "owners or certified tenants" to occupy dwellings as their primary residence, then NOT requiring this for STRR/CWH would make this least-restrictive option easily become the primary lodging choice of applicants, thereby impacting (cannibalizing) both B&B's and accessory ADU's. How can this be avoided and ensure a progressively appropriate "playing field" for lodging businesses?	
M. Walsh-Copeland	5-669 & 5-670 In Common	5-669 & 5-670. COMPLIANCE WITH 2019 COMPREHENSIVE PLAN. An overall observation is that the proposed draft does not take into consideration the LOCATION issues to comply with Ch. 2, Action 3.2.A: compatibility with the surrounding neighborhoods.	

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M. Walsh-Copeland	5-669 & 5-670 In Common	<p>5-669 STRR in HOAs and CONDO ASSOCIATIONS. Short term rentals / partial home rentals are generally <u>not allowed</u> uses within the HOA's Bylaws/covenants declaration (see County Code Subchapter 1470.06 OTHER PROVISIONS; PRIVATE COVENANTS); Chapter 1470 does not supersede these agreements.</p> <p>How will the County validate and enforce these provisions at registration and/or prior to issuance of a permit?</p> <p>Can language be included that clarifies issuance of a permit does not invalidate, modify or diminish any restrictive covenant – an example of language can be found in Section 4102.7.N of the Fairfax County Zoning Ordinance.</p>	
M. Walsh-Copeland	5-669 & 5-670	<p>How will the Intensity of multiple uses on the same parcel be evaluated, approved, monitored, enforced? How will quantity of acre requirements be determined?</p>	
M. Walsh-Copeland	5-699 & 5-670	<p>LOUDOUN HISTORIC VILLAGE ALLIANCE:</p> <ul style="list-style-type: none"> -- Where does the maximum of 180 days come? Appears to be high for a dense community, i.e. a rural historic village. -- What will the penalties be for violation(s)? i.e. 3 or more zoning complaints, failure to respond to guest complaint, etc... -- How will the fabric of our rural historic villages be preserved? -- Negative impact to the availability of affordable housing. -- How will the playing field be leveled with B&B's such as transient occupancy tax and fees, business licenses, inspections, etc... -- Concern that the number of properties with short term rentals could dominate the rural historic villages. -- Concern that rural historic villages' properties will transition to commercial/absent owners. 	

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	5-669	SHORT TERM RENTAL -- ACCESSORY USE	
M. Walsh-Copeland	5-669(B)(1)	5-669(B)(1) RESIDENCY REQUIREMENT. How will enforcement be done for the requirement that "The Operator shall reside on the parcel . . . for a minimum of 185 days per calendar year"?	
M. Walsh-Copeland	5-669(B)(1)	5-669(B)(1) RESIDENCY REQUIREMENT. Add Management contact information.	
M. Walsh-Copeland	5-669(B)(5)	5-669(B)(5). PRIVATE PARTIES &/or SPECIAL EVENTS. Private parties should not be allowed. If this is the goal for the property, then the owner should apply for a B&B commercial use.	
M. Walsh-Copeland	5-669(D)	Before a permit is issued, require written approval of an HOA and/or common interest community association, if applicable, with an associated affidavit certifying that such a use is permitted in that common interest community.	
M. Walsh-Copeland	5-669(D)(1)	5-669(D)(1) PERMIT REQUIRED. INSPECTIONS. Who does the actual inspection to confirm compliance with the Zoning Permit? Have these been done for all B&B types and if so, how often (once per permit or annually?) In general, this Use should not be a means to establish a rental lodging facility that has LESS protections for health, safety and welfare than B&B's ADD INSPECTIONS: For the health, safety and welfare of owners and lodging patrons, agree with Chief Fire Marshal Hale: STRR and CWH must be considered a "change in use" requiring a "Rental Inspection" as outlined for B&B per Code of VA Sec. 36-105.1:1 (https://vacode.org/2016/36/6/1/36-105.1:1/). Inspection to include: For proprietor occupied, five guest rooms: interconnected smoke alarms, a fire extinguisher at the kitchen, fire safety and evacuation plans that are supplied to guest, and fire department access to the structure. Allow for routine (annual) inspections of the structure to ensure compliance with building code it was built under, and current fire code, ensure exit doors still function, have not been blocked, stairs have not been altered outside of the code, decks are not dilapidated, flammable liquids are being stored appropriately, windows have not been sealed shut, etc.	
M. Walsh-Copeland	5-669(D)(5)	5-669(D)(5) PERMIT REQUIRED. Regarding Zoning Permit must indicate which dwelling(s) on the parcel as "single family detached dwelling, accessory dwelling or other permitted dwelling," what is an "other permitted dwelling?" Could this include cottages or cabins? Can a parcel have more than 1 permitted primary dwelling for this use?	
M. Walsh-Copeland	5-669(D)(6)	5-669(D)(6). Is the point to not allow a property to be BOTH an STRR and B&B at the same time? If so, then that should be made clear to avoid owner first applying for less restrictive STRR with ultimate plans to become a B&B.	
M. Walsh-Copeland	5-669(F)	5-669(F) PARKING REQUIREMENTS. How was it determined that one-off-street parking space would be sufficient? What if the STRR has 4 or 5 bedrooms (max 10 guests at 2/room)? How would this be enforced? No on-street parking should be allowed. Parking in VILLAGES, may need further discussion and separate requirements.	

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M. Walsh-Copeland	5-669	ROAD ACCESS. STRR 5-669 was silent on Road Access. The requirements should be made the same as B&B Homestay to be consistent and avoid applying for STRR as a less restrictive option.	
M. Walsh-Copeland	STRR-ATT-2	STRR SUMMARY TABLE. HOURS OF OPERATION. Why do STRR and Commercial Whole House NOT have the same Hours of Operation restrictions of "limited to 7am to midnight" as B&B requirements in 5-601 A, B and C? This creates inconsistent application of regulations for similar operations	
M. Walsh-Copeland	STRR-ATT-2	STRR SUMMARY TABLE. NOISE. Why do STRR and CWH only reference 5-1507 Noise standards (55dB for Residential and Rural Economy Uses) without stipulating the same Noise restrictions (no outdoor music permitted between 11pm and 10am, Fri. Sat and preceding a holiday and 10pm to 10am other days) as B&B requirements in 5-601 A, B and C? This creates inconsistent application of regulations for similar operations.	
M. Walsh-Copeland	STRR-Article 8	STRR-Article 8. Agree with B&D question: "If an entire house can be rented, how does that meet the definition of 'accessory?'"	
M. Walsh-Copeland	5-670	SHORT TERM RENTAL -- COMMERCIAL WHOLE HOUSE	
M. Walsh-Copeland	5-670	5-670. Agree with concerns from multiple groups and Community Planning: " <i>permanent conversion of entire homes into short-term rental facilities raises concerns related to housing availability . . . [and] preservation of affordable housing stock. . . housing for farm laborers . . . year-round tenant housing . . . permanent commercial uses could disincentivize</i> " longer term residential rentals. This is contrary to parallel efforts for the Unmet Housing Needs Strategic Plan.	
M. Walsh-Copeland	5-670(B)	5-670(B). INTENSITY AND CHARACTER. This use as drafted creates a Primary Use that will in many districts be more intense and contrary to the existing neighborhoods, making it contrary to the 2019 Comp Plan Policies and Actions. 5-670. ZONING DISTRICTS. Requests have been made to restrict CWH rentals in the following districts: AR-1, AR-2, A-10, A-3, RC, JLMA-20, TR-10, TR-3, PD-CV (permitted in "Village Core" and "Village Conservancy and Village Satellite Conservancy"), PD-RV (permitted in "Village Center – Residential Area" and "Village Center – Commercial and Workplace Areas")	

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M. Walsh-Copeland	5-670(B)	5-670(B) INTENSITY AND CHARACTER -- USE LIMITATION. The 5-670 draft is silent for Use Limitation for CWH rentals, thereby creating a less restrictive start-up to compete with B&B's. Multiple groups (including LCHCA) recommend a restriction of 60 to 90 days for non-resident owner whole house rentals. Use Limitation would also address concerns expressed about the 2017 exemption given to Real Estate Professionals from local STRR registration, and Real Estate Investment Trust (REIT) abuse of the STRR market in Loudoun high-tourism areas.	
M. Walsh-Copeland	5-670(B)(4)	5-670(B)(4) FOOD SERVICE NOT PERMITTED. Draft text mixes "shall not" contain restaurant facilities and "MAY NOT" provide food service. Should both say "shall not?"	
M. Walsh-Copeland	5-670(B)(5)	5-670(B)(5). PRIVATE PARTIES &/or SPECIAL EVENTS. Private parties should not be allowed. If this is the goal for the property, then the owner should apply for a B&B commercial use.	
M. Walsh-Copeland	5-670(D)(1)	5-670(D)(1) PERMIT REQUIRED. INSPECTIONS. Who does the actual inspection to confirm compliance with the Zoning Permit? Have these been done for all B&B types and if so, how often (once per permit or annually?) In general, this Use should not be a means to establish a rental lodging facility that has LESS protections for health, safety and welfare than B&B's ADD INSPECTIONS: For the health, safety and welfare of owners and lodging patrons, agree with Chief Fire Marshal Hale: STRR and CWH must be considered a "change in use" requiring a "Rental Inspection" as outlined for B&B per Code of VA Sec. 36-105.1:1 (https://vacode.org/2016/36/6/1/36-105.1:1/). Inspection to include: For proprietor occupied, five guest rooms: interconnected smoke alarms, a fire extinguisher at the kitchen, fire safety and evacuation plans that are supplied to guest, and fire department access to the structure. Allow for routine (annual) inspections of the structure to ensure compliance with building code it was built under, and current fire code, ensure exit doors still function, have not been blocked, stairs have not been altered outside of the code, decks are not dilapidated, flammable liquids are being stored appropriately, windows have not been sealed shut, etc.	
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M. Walsh-Copeland	5-670(F)	5-670(F) PARKING REQUIREMENTS. Are the Section 5-1102 B&B Homestay parking requirements of 2.5/dwelling unit, 1/guest room, and .33/permitted private party attendee ADDITIVE?	
M. Walsh-Copeland	5-670(H)	5-670(H) ROADS/ACCESS. What kind of documentation would be required to define private access easement permission?	