



ZOAM-2020-0001-Zoning Ordinance Rewrite -- Round 3 Input

REVIEWER INSTRUCTIONS:

Below are comments submitted to County DPZ/ZOR Staff as public input during Zoning Ordinance Committee review by organizations and citizens, being shared for your public input review.

Comments/questions not addressed can be submitted during Round 3 Public Input through July 18, 2022.

-- Be aware that all comments will become part of the public record after submission via enCodePlus. Please be mindful to use language in an appropriate and professional manner.

-- **Please continue to use the draft text SECTION NUMBER REFERENCE** at the START of each comment, followed by ALL CAPS short heading (see sample on the template)

SORT	ADDRESSED in 4-18-2022 Draft Text?	Section (for sorting only)	CHAPTER 5 -- DEVELOPMENT STANDARDS ADAPTIVE REUSE
			PRIORITY SHARED INPUT ITEMS
	NO	5.10.0	5.10. ADAPTIVE REUSE STANDARDS - PURPOSE BULLETS #5 -- "Encourage preservation of historic structures through appropriate renovation, <i>such as the Secretary of Interior Standards and/or ruling by HDRC (see Section C Standards and Requirements).</i> "
	NO	5.10.0	5.10. ADAPTIVE REUSE STANDARDS - PURPOSE BULLETS #7 -- Add " Encourage sustainability " before the statement, " <i>prolong building lifespans, encourage reuse of existing resources, generate activity, and facilitate market alternatives rather than demolition of existing, structurally sound historic structures, especially if they are vacant or in underutilized areas, especially by allowing use that may not otherwise be allowed.</i> "
	NO	5.10. B	5.10.B. ADAPTIVE REUSE ELIGIBILITY. Broaden the scope of eligibility with the intention of allowing more older buildings to qualify, so as to encourage adaptive reuse of the built environment by keeping the process simple. We recommended streamlining the rezoning process to make the process more user-friendly and financially affordable by removing requirements such as market analysis, structural engineers, and verification of obsolescence. Adaptive reuse should not be expensive and burdensome.
	NO	5.10. B	5.10.B. ADAPTIVE REUSE ELIGIBILITY. The list of eligibility reasons indicates "OR" in B.1.c. which is easily missed in review. Recommend stating: "To be eligible for adaptive reuse, a structure must be one of the following:" Clarify "at least one" or "one or more" Needs to be clear that structure must only meet one of the 3 criteria.
	NO	5.10.B.1.e.	5.10.B.1. ADAPTIVE REUSE ELIGIBILITY. Add e. Designatd a Loudoun County Heritage Site by the Heritage Commission
	NO	5.10.B.1,2 & 3	5.10.B. ADAPTIVE REUSE ELIGIBILITY. Begin each numbered criteria using similar context language <ol style="list-style-type: none"> 1. Identified as historically significant 2. Located in a village Conservation Overlay District 3. Greater than 50 years old. Delete the rest of #3 (a. 1-5, b.1, and c.1-3) through to C. Standards. Why would we discourage Adaptive Reuse by having these expensive and burdensome requirements? Reuse of an old structure should be encouraged and applauded.

NO	5.10.C.1	5.10.C.1. ADAPTIVE REUSE STANDARDS AND REQUIREMENTS. It is agreed that the setting of a historic property warrants protection, but that can still be done with some flexibility. Many old properties do not have space available on side or rear areas for parking so front parking should be acceptable to maintain usefulness of a structure. Changes to primary front facade may be necessary to keep a property in use Allow more options when making changes as some historic buildings and sites don't lend themselves to traditional zoning set-backs or off-street parking spaces. Where there are questions, we recommend the Zoning Administrator consult with the HDRC.
NO	5.10.C	5.10.C.1. ADAPTIVE REUSE STANDARDS AND REQUIREMENTS. Add to first sentence - "as set forth... in Sections 5.10.C and 5.10.D below, and must comply with the following design standards unless an alternative design is recommended by the HDRC upon submission of an application following the COA application standards and process. If the property is not located in an HCC overlay district, the HDRC shall be guided by the Secretary of Interior standards in making its recommendations."
NO	Table 5.10-1	Table 5.10-1 Uses Permitted as Adaptive Reuse. Recommended allowing additional density except in cases with an absentee landlord.
NO	Table 5.10-1	Table 5.10-1 Uses Permitted as Adaptive Reuse. In the fifth line, Commercial Uses, recommend deleting Kennel indoor and adding "Kennel, indoor may be permitted by special exception if the building to be used was originally constructed for agricultural use (e.g., barn)." This changes would allow an indoor kennel in someone's old outbuilding...or that it be rented for such a use." To this section add: Allow Industrial/Production uses as follows: wood, metal and stone crafts. Allowing wood,metal, stone crafts would allow such uses, which is something often considered in an old barn/outbuilding.
NO	Table 5.10-2	Table 5.10 -2 Adaptive Reuse Incentives. LHVA supports these incentives.
	11.3	11.3 Definition of "Live/Work Dwelling" Revision: A single building or space within a single building (e.g. studio, loft or 1 bedroom) used jointly for commercial/office and residential purposes where the residential use of the space is occupied by the person(s) operating the commercial/office use secondary or accessory to the primary use as a place of work.
ADDITIONAL ROUND 3 INPUT ITEMS		
5.09 ADAPTIVE REUSE STANDARDS		
NO	5.09.01.a	5.09.01. ADAPTIVE REUSE STANDARDS. PURPOSE. 5th bullet - How does this relate to RHVs/VCOD and small area plans yet to be developed? Facilitate redevelopment in the priority areas identified on the Priority Commercial Redevelopment Areas Map and other qualifying projects pursuant to Section 5.0 x Redevelopment Standards. Staff Response: Priority Commercial Redevelopment Areas are designated in the 2019 GP. Redevelopment standards and regulations are to be developed by a consultant, so this is TBD, but generally villages and redevelopment areas are not coincident/the same thing
NO	5.09.01.a	5.09.01. ADAPTIVE REUSE STANDARDS. PURPOSE.. 8th bullet – Renovations per the Secretary of Interior Standards for Rehabilitation? Staff Response: Will consult with Historic Preservation Planner to determine appropriate language
NO	5.09.A.4	5.09.A.4. ADAPTIVE REUSE. APPLICABILITY. LHVA: How does this relate to RHVs/VCOD and small area plans yet to be developed? The building or structure is located in a Priority Commercial Redevelopment Area or qualifies as a redevelopment project pursuant to Section 5.0x. Staff Response: Priority Commercial Redevelopment Areas are designated in the 2019 GP. Redevelopment standards and regulations are to be developed by a consultant, so this is TBD, but generally villages and redevelopment areas are not coincident/the same thing
NO	5.09.C	5.09.C. ADAPTIVE REUSE STANDARDS. PERMITTED USES. Table 5.09-1. VCOD/Village Small Area Plan spec uses permitted by right with exceptions does not take into consideration the INTENSITY of other use types and impacts to comply with the purpose to "Maintain compatibility of the adaptively reused building or structure with a surrounding neighborhood, community, Place Type, village, or historic district." Staff Response: Will reconsider this provision. Received similar comments from Community Planning

NO	5.09.D.2	5.09-2. ADAPTIVE REUSE. PARKING STANDARDS: Can all parking standards be waived for Adaptive Reuse Projects? It is often impossible for historic properties/districts to meet parking standards because parking was not an issue when these properties were built on. Historic districts each deal with parking in way that works for them. Issue for Small Area Plans but what will be done in the meantime if Small Area Plans are years off for evaluation and implementation? Staff Response: As currently drafted, if there is no parking there would be no requirement to provide parking since 0 would be less than any requirement. Will consider adding a provision that addresses a scenario where no parking exists, especially for certain locations, such as villages
Addressed	5.09.01.a	5.09.01. ADAPTIVE REUSE STANDARDS. PURPOSE. 2nd bullet – What is a Legacy Village Cores? Staff Response: Legacy Village Cores are designated in the 2019 GP. See Legacy Village Core, Map Number 2019-148 in Chapter 2.
Addressed	5.09.01.a	5.09.01. ADAPTIVE REUSE STANDARDS. PURPOSE. 6th bullet - Generate activity within vacant buildings and underutilized areas. What are the specifics of "generate activity" and "underutilized areas"? Staff Response: Language comes directly from the 2019 GP Infill and Redevelopment Chapter. It means that the purpose of Adaptive Reuse is to start using (activate) vacant and underutilized (not used to it's full potential) buildings
Addressed	5.09.01.a	5.09.01. ADAPTIVE REUSE STANDARDS. PURPOSE. 7th bullet - How does this relate to RHVs/VCOD and small area plans yet to be developed? Increase and improve the variety and affordability of housing stock in locations consistent with the General Plan and where permitted. Staff Response: It is possible that a building in a village could be adaptively reused to provide affordable housing. Any housing in a village would need to adequately served by public water and sewer and if there is not adequate service, then the residential use would not be feasible
Addressed	5.09.B.1 & 2	5.09.B.1 & 2. ADAPTIVE REUSE. STANDARDS. LHVA: Historic properties usually can not meet parking standards. It's our understanding that Parking will be handled by Small Area Plans as each situation is unique in RHV, but what happens in the meantime? Staff Response: See Table 5.09-2, Parking
Addressed	5.09.B.3.c	5.09.B.3.c. ADAPTIVE REUSE. APPLICABILITY. LHVA: Why is this costly requirement necessary, it only adds more of a deterrent to anyone attempting to save an historic property? Staff response: The documentation "may be required." Also, to ensure that not every single building qualifies to be an adaptive reuse project
Addressed	5.09.C	5.09.C. ADAPTIVE REUSE STANDARDS. PERMITTED USES. Table 5.09-1. Lodging Uses -- how will constraints be implemented per ZOAM-2018-0001 (Short Term Residential Rentals/Commercial Whole House) for Adaptive Reuse? Staff Response: f STRR, especially whole house, is classified as a Lodging use, which it likely will be, then it would be allowed. Additional use standards are being proposed.
Addressed	5.09.C	5.09.C. ADAPTIVE REUSE STANDARDS. PERMITTED USES. Table 5.09-1 Commercial Uses -- Permitting all commercial uses except kennels, dry cleaning, convenience store and gas/automotive does not take into consideration the INTENSITY of other use types and impacts to comply with the purpose to "Maintain compatibility of the adaptively reused building or structure with a surrounding neighborhood, community, Place Type, village, or historic district." Staff Response: Need to incorporate how things are approved, e.g. by special exception, which should address this comment. They will only be allowed to expand the footprint by 1/3, not add on to the front, will be limited by yard requirements except in the rear
Addressed	5.09.C.2	5.09-2. ADAPTIVE REUSE. DENSITY. LHVA asks, "Does this allow mixed use then? Retail and residential on same property not bound by underlying per acre zoning density?" Staff response: It is possible, but the uses would have to comply with those permitted in Table 5.09-2.
Addressed	5.09.C	5.09.C. ADAPTIVE REUSE STANDARDS. PERMITTED USES. Table 5.09-1. What does the acronym "HPO" stand for? Staff Response: Removed. Meant to be HOA
Addressed	5.09.D.2.Table	5.09.2.Table. D. ADAPTIVE REUSE INCENTIVES. LHVA find this table confusing, asking, "How is this table interpreted and how can it be implemented? Hard to determine what the incentives are?" Staff Response: 5.09 D provided directions on how to use the table. Will determine a better term than "incentives."
	5.09.B.3.a	5.09.B ADAPTIVE REUSE. APPLICABILITY. LHVA does not see the need for #1, 2, & 5 If the property meets req 3 & 4, what purpose are 1, 2, & 5? Staff Response: There is no 5.