

**COUNTY OF ALBEMARLE
PLANNING COMMISSION**

EXECUTIVE SUMMARY

AGENDA TITLE: ZTA 2017-01 Residential Tourist Lodging Public Hearing	AGENDA DATE: March 20, 2018
STAFF CONTACT(S): Rebecca Ragsdale, Elaine Echols	ATTACHMENTS: Yes

BACKGROUND: This zoning text amendment (ZTA) was initiated by the Board of Supervisors on [May 3, 2017](#). The Board also held a work session on the ZTA on [July 5, 2017](#) to define parameters for potential zoning changes. The Planning Commission received a briefing on this ZTA on May 23, 2017. A series of public meeting were held September 2017 to gather input on potential changes to allow more opportunities for residential transient lodging. The Planning Commission reviewed public input and discussed this topic in a series of three work sessions held on [October 24, 2017](#), [December 19, 2017](#), and [March 20, 2018](#). Topics included enforcement, neighbor impacts, parking, and protecting the Rural Areas from commercialization. After reviewing public input and further consideration of a number of questions and concerns from the work sessions, the Commission reached consensus on proposed changes that should be included in the ordinance recommended for public hearing.

Conformity with the Comprehensive Plan

The following strategy is stated in the Comprehensive Plan for both the Rural Areas (Chapter 7, Strategy 4c) and the Development Areas (Chapter 8, Strategy 5e):

Study the nature and extent to which transient lodging is currently taking place and consider whether policy or regulatory changes should occur to accommodate this use. If such changes are determined to not be needed or appropriate, develop and implement a plan to bring errant operators of transient lodging into conformity with the County's regulations in a timely fashion.

The Board of Supervisors directed the Planning Commission to consider regulatory changes to better accommodate this use.

Conformity with the Board of Supervisor's Strategic Plan

The County's Strategic Plan also sets out the following objectives relevant to the proposed ordinance changes:

Thriving Development Areas: Attract quality employment, commercial, and high density residential uses into development areas by providing services and infrastructure that encourage redevelopment and private investment while protecting the quality of neighborhoods.

Rural Areas: Preserve the character of rural life with thriving farms and forests, traditional crossroad communities, and protected scenic areas, historic sites, and biodiversity.

Economic Prosperity: Foster an environment that stimulates diversified job creation, capital investments, and tax revenues that support community goals.

DISCUSSION: At their March 20, 2018 work session, the Planning Commission directed staff to make the following recommended changes to the zoning ordinance for a public hearing in April and recommendation to the Board of Supervisors. The changes are summarized below and the full draft ordinance is provided as Attachment D.

1. Replace the terms and definitions for “tourist lodging” and “bed and breakfast” with “homestay.”
2. Replace the parking calculations for “tourist lodging” and “bed and breakfast” with “homestay” and specifying that parking must be off-street for any homestay use, including the Residential and the Rural Areas zoning district.
3. Allow rental of homestays in the RA zoning district (only) when the owner is not present (aka “whole house rental”) no more than 7 days in a given month but no more than 45 overnight stays per year.
4. Require that homestays who rent without the owner present maintain a log of the number of days rented each week and report monthly to the Zoning Administrator.
5. Require that homestays provide neighboring residents local contact emergency information.
6. Allow up to 2 guestrooms for homestays in townhouses and attached units with owner or manager present during rental.
7. Incorporate the Short Term Rental registry provisions of the Code of Virginia.

These proposed changes respond to the Board’s directive to expand opportunities for this use in a way that balances the goals of the strategic plan along with protecting neighborhoods.

Staff continues to work on strategies to address compliance. Initially, a proactive compliance effort will be needed to close the compliance gap. The effort would begin with publicizing information on the requirements for obtaining a zoning clearance and taxation requirements. Staff intends to host workshops(s), create interactive/video tools on regulations, and provide streamlined processes with on-line help.

Having a proactive process for compliance will also require further discussion with the Board of Supervisors, who sets the Community Development work program priorities and allocates funding. A proactive program would involve the need for more staff resources initially to obtain contact information for hosts, advise them of permit requirements, and to handle the increase in applications or enforcement efforts, if needed. Additional funding would also be needed should the County decide to seek the services of companies that specialize in locating properties advertised for lodging. Staff believes that after the initial compliance efforts, applications and complaints may level off. Staff will work to streamline application activities and coordination with the Finance Department to make compliance easier. Staff will also be seeking ways to contact Airbnb and other hosting platforms directly to work cooperatively on compliance issues. Airbnb has a page where information on a locality’s regulations can be listed.

After an extensive proactive effort to close the compliance gap, staff recommends enforcement take place on a complaint-basis.

BUDGET IMPACTS: There is potential for an increase in staff time devoted to compliance efforts, review of increasing numbers of zoning clearances for homestays, and maintaining a record of whole house rental reporting. The exact budget impacts are unknown at this time, but an estimate of costs for a proactive effort to close the compliance gap will be provided to the Board of Supervisors.

RECOMMENDATION: Staff recommends that the Commission act to recommend an ordinance to the Board of Supervisors for approval at their scheduled June 13, 2018 work session.

ATTACHMENTS:

- A. [October 24, 2017 minutes](#)
- B. [December 19, 2017 minutes](#)
- C. [March 20, 2018 minutes](#)
- D. [Proposed ordinance changes](#)