

QUESTIONS FROM THE BOARD AT JUNE 13 WORK SESSION ON TRANSIENT LODGING IN HOMES

QUESTION	STAFF COMMENTS	STAFF RECOMMENDATION
<p>The current regulations allow up five (5) guest rooms to be used for transient lodging in all single-family detached homes occupied by a permanent resident in both the Rural Areas zoning district and all residential zoning districts. Should the number of allowable guest rooms be reduced in either the Rural Areas zoning district or the residential zoning districts?</p>	<p>In residential zoning districts, most hosts rent less than 5 rooms. The vast majority of homestays with up to 5 guest rooms are in the Rural Area. The bigger issue in residential zoning districts seems to be with potential impacts from whole house rentals (up to 5 guest rooms rented with no permanent resident present).</p> <p>Staff notes the concerns of the Planning Commission that operators of homestays might want to completely pave their front yard to provide sufficient parking for up to 5 guest rooms. If the number of guest rooms was reduced in the residential zoning districts, the potential for overpaving would be significantly reduced.</p>	<p>Staff does not recommend a change to the number of guest rooms allowed in either the residential or Rural Areas zoning districts. However, if the Board wishes to prevent problems with parking or overpaving in the residential zoning districts, staff supports reducing the number of bedrooms allowed rather than adding restrictions on the amount of pavement allowed in a front yard.*</p>
<p>Should whole house rental (no permanent resident residing in the house at the time) be allowed in residential zoning districts under any circumstance?</p>	<p>When it asked the Planning Commission to study this issue, the Board initially thought that periodic whole house rental for any homestay might be appropriate. Staff and the Commission tried to develop limitations that could allow for periodic whole house rental in residential zoning districts without creating negative impacts on neighborhoods. However, concerns about negative impacts led Commission to conclude that whole house rentals should not be allowed in residential zoning districts under any circumstance.</p>	<p>While staff believes that periodic whole house rentals could be beneficial for tourism and neighborhoods if limited to a small number of times per year, it supports the Commission's recommendation to prohibit whole house rentals in residential zoning districts, which includes Village Residential.</p>
<p>Should whole house rental (no permanent resident residing on the property) be allowed in the Rural Areas zoning district under any circumstance?</p>	<p>There is currently an allowance for whole house rental in the Rural Areas zoning district if a property owner has 2 houses on a single property, has sufficient development rights, and if there is a permanent resident manager in one of the houses or on-site. The question at hand is whether the permanent resident manager could leave periodically, making up to 10 rooms available without a host on-site. The Commission concluded that, with restrictions, whole house rental in the Rural Areas zoning district could work.</p>	<p>Staff supports the Commission's recommendation to limit whole house rentals in the Rural Areas Zoning district to no more than 45 days per year and no more than 7 days in a single month.</p>

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<p>At present, the permanent resident host may be either the homeowner or a renter. Should the use be restricted to just homeowners in residential zoning districts?</p>	<p>Staff understands the desire of some neighborhoods to require that only homeowners be allowed to rent their home for transient lodging. Staff recognizes that owner occupants are sometimes more responsible for their home than renters. This concept has been carried through to accessory apartments, which are only allowed in single-family detached buildings, and they must be owner-occupied.</p> <p>Staff would be more supportive of this requirement if the Planning Commission had recommended periodic whole house rentals in residential zoning districts. However, given the fact that a home must be someone's primary residence for at least half the year, there is an expectation that a renter would want to provide inviting guest rooms, especially if they had live there most of the time..</p>	<p>Staff recommends that the ordinance be changed to state that a home must be used as a primary residence for at least 180 days per year. While staff does not believe it essential that only owner-occupants operate homestays, it could enforce such a requirement.*</p> <p>If the Board does not see the need for a change to the regulations regarding owner occupancy, it may wish to consider, as suggested by a Board member, that owner permission to conduct a homestay be verified. Typically, this verification would include the owner's signature on the application or a letter from the owner giving a renter permission. Staff cautions that the level of verification could become unwieldy if an applicant has to provide deeds with owners' names and signatures to verify validity of the owner's signature.</p>
<p>Should a homestay use be restricted to just homeowners in the Rural Areas zoning district?</p>	<p>Staff understands the need for operators of transient lodging in homes in the Rural Areas zoning district to be responsible stewards of their properties and sensitive to their neighbors. However, given the fact that a home must be someone's primary residence and whole house rentals are recommended with fairly tight restrictions, there may be little gained with this restriction.</p>	<p>Same comments as above.</p>
<p>Should townhouses be available for transient lodging in residential zoning districts?</p>	<p>The Planning Commission agreed among themselves that townhouse bedrooms should be available for homestays. Their primary concern was whether sufficient parking would be available. Staff assured the Commission that sufficient</p>	<p>Staff supports the Planning Commission's recommendations.</p>

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	off-street parking would be verified before any permits were approved.	
Should the number of rooms permitted with homestays in residential zoning districts be limited to 2 guest rooms for all dwelling unit types?	As indicated in the first question on page 1, staff does not see the need to change the existing ordinance to reduce the number of rooms allowed in residential zoning district. However, if the Board wished to reduce the number of allowable guest rooms from five (5) to two (2) and allow for up to two (2) guest rooms in townhouse units, consistency would exist among all unit types in residential zoning districts. This could help address parking concerns: if less parking is required, and then there would be less likelihood of paving over a yard to accommodate a homestay use.	Staff does not recommend a change to the number of guest rooms allowed in either the residential zoning districts. However, if the Board wishes to prevent problems with parking or overpaving in the residential zoning districts, staff supports reducing the number of bedrooms allowed rather than adding restrictions on the amount of pavement allowed in a front yard.*
<p>Will expanding tourist lodging opportunities in the Rural Areas zoning district incentivize transient lodging and prioritize it higher than agricultural/conservation use of properties?</p> <p>Would a 4-year waiting period for newly constructed homes to be used for a homestay reduce any incentives to build more homestays in the Rural Areas zoning district? What about limiting the use to existing houses?</p>	Staff believes that requiring a waiting period for newly constructed homes or limiting the use to just existing houses might not make a big difference. Very few requests for new buildings in the Rural Areas zoning district for transient lodging in homes have been made over the years. While limiting BnB use to existing structures would likely result in fewer BnBs in the Rural Areas zoning district it would not eliminate the opportunity for a property owner to build a second home on a Rural Areas zoned property if development rights were available and the property was subdividable. Requiring a 4-year waiting period may slow down any plans to build new houses for BnBs. More administrative work/staff time will be needed if either of these restrictions is adopted.	Staff does not believe that changing the requirement to restrict BnBs to either existing houses (or building) or initiating a waiting period will significantly change the current pattern. However, if the Board wishes to institute these changes, staff can enforce them.*
Can we make the homestay regulations (whatever they may be) the same for small lot subdivisions located in the designated Rural Area as in the	At present, there are 507 properties zoned Village Residential (VR) in the designated Rural Area. These VR properties are currently subject to the same regulations as the rest of the residential zoning districts.	Staff does not recommend changing the current regulations to further restrict homestays on properties of say < 5 acres zoned Rural Areas because staff is not aware of a current problem to be

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Development Area (residential zoning districts)?	<p>For small lot subdivisions in the Rural Areas zoning district, there is a self-regulating aspect: A small lot subdivision lot less than 4 acres would not have the ability to add a second BnB to its property. However, this same parcel could have guest rooms in accessory structures.</p> <p>To distinguish between small lot RA subdivisions and larger parcels, the County could set a minimum property size or and/or yard requirement for expanded homestay opportunities. For example, parcels of less than 5 acres or parcels where buildings used for guest rooms are greater than 75 feet from the nearest property line could have the same requirements as residentially zoned properties.</p> <p>The Board would need to first decide whether it wants to restrict small lot subdivisions (or lots of <5 acres for example) to the same regulations as residentially zoned properties. If the answer is no, then the Board would need to decide if it wants to prevent whole house rentals (if the ordinance is amended to allow whole house rentals) on lots <5 acres.</p>	<p>rectified. To apply current residential district regulations on small lots in the RA zoning district would require adoption of a new resolution of intent.*</p> <p>If the Board wishes to expand opportunities for whole house rentals in the RA, it could restrict that provision to parcels > 5 acres.</p>
Should whole house rentals where property is never used as a permanent residence for anyone be allowed to engage in whole house rentals?	<p>Throughout the public input process, staff has heard from property owners who would like to turn into homestays second homes in which they reside for part of the year; inherited properties they occasionally use; or inherited properties in which there are no permanent residents. While staff sympathizes with the desire to keep properties in their family while gaining income, this use in Albemarle County has always been accessory to a primary residential use. It is difficult to justify allowing whole house rentals only for certain groups of people rather than true characteristics of the land. It is not legal to regulate based</p>	<p>Staff does not recommend whole house rentals where the property is never used as a permanent residence. Staff does not recommend a separate standard for inherited properties due to expected complexities in developing standards and enforcing them.</p>

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	<p>on ownership. To date, the permanent residence requirement has been in place to help prevent investors from buying up existing houses in the RA to use for Air BnB businesses. The County has some control if the whole house rental is restricted to a limited number of times per year and otherwise there is a permanent resident.</p>	
<p>Why change the name of BnB (term specific to the Rural Area zoning district) to homestay?</p>	<p>The current ordinance has two use categories for transient lodging in homes: accessory tourist lodging for residential zoning districts and BnB for the Rural Areas zoning district. The bed and breakfast term and regulations were added to the ordinance in 2012. Prior to 2012, the accessory tourist lodging use category and regulations were the same for both the RA and DA.</p> <p>Because transient lodging in homes, whether it is called accessory tourist lodging or BnB follows the same permitting process, is euphemistically referred to as BnB (whether breakfast is served or not) in both the Development Areas and Rural Area, and to prevent further confusion concerning terms, staff suggested that all transient lodging in homes be called homestays.</p>	<p>Staff believes that updating the ordinance to use only one term, homestay, keeps things simple and consistent as some board members have expressed is important.</p> <p>There are no land use impacts or benefits to having two different use categories.</p>
<p>Why do we allow on-street parking to count towards required parking for homestays?</p>	<p>Because of lack of clarity in the zoning ordinance, on-street parking has been allowed to count towards required parking for homestays. The Planning Commission recommended that all parking for homestays be provided off-street. Although the Canterbury Hills Neighborhood Association asserted that the proposed ordinance changes do not require off-street parking, in fact the Planning Commission's recommended ordinance revisions include such a requirement.</p>	<p>Staff supports the Planning Commission's recommendation to change the zoning regulations to require off-street parking for all homestays.</p>
<p>Why not prohibit homestays from being able to pave over their entire front yard for parking,</p>	<p>Staff has concerns about regulating front yard pavement coverage for homestays in the Development Areas for these reasons:</p>	<p>Due to the time needed to create pavement coverage standards to cover all residential lot configurations and the</p>

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<p>especially in the Development Areas and residential zoning districts.</p>	<ul style="list-style-type: none"> • Lot sizes vary greatly in the Development Areas. Creating a formula for front yard lot coverage could be challenging because in addition to the wide variety of lot sizes, different zoning district have different front yard requirements. • Most lots have driveways in the front yard, but there are no standards for driveway width. One could reasonably expand a driveway for a residential use only to find that this expansion could not be used for a homestay. • The amount of pavement that covers a front yard is currently not regulated. There are any number of reasons why a resident might want to pave a large portion of their front yard including a large family with many cars or a home occupation. • If the Board is concerned about paved over front yards, the issue should be looked at comprehensively and not for this specific use. 	<p>many other uses that could prompt an owner to pave most if not all of a front yard, staff does not recommend that the Board enact pavement coverage standards for this use. If the Board desires front yard pavement coverage standards for all uses in the residential districts, staff requests that this action be prioritized on the staff's work program.</p>

*Requires new resolution of intent because the original resolution adopted was to expand (not further restrict) opportunities for transient lodging in homes.