**ORDINANCE NO. 18-18( )**

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE II, BASIC REGULATIONS, AND ARTICLE III, DISTRICT REGULATIONS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 18, Zoning, Article I, General Provisions, Article II, Basic Regulations, and Article III, District Regulations, are hereby amended and reordained as follows:

**By Amending and Renaming:**

Sec. 5.1.48 Bed and Breakfast

**By Amending:**

Sec. 3.1 Definitions
Sec. 4.12.6 Minimum Number of Required Parking Spaces for Scheduled Uses
Sec. 5.1.17 Tourist Lodging
Sec. 5.1.48 Bed and Breakfast
Sec. 10.2.1 By Right
Sec. 12.2.1 By Right
Sec. 13.2.1 By Right
Sec. 14.2.1 By Right
Sec. 15.2.1 By Right
Sec. 16.2.1 By Right
Sec. 17.2.1 By Right
Sec. 18.2.1 By Right
Sec. 19.3.1 By Right
Sec. 20.3.1 By Right
Sec. 20A.6 Permitted Uses

## CHAPTER 18. ZONING

## ARTICLE I. GENERAL PROVISIONS

### 3.1 DEFINITIONS

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~~*Tourist lodging:* A use composed of transient lodging provided within a single family dwelling having not more than five (5) guest rooms, where the single family dwelling is actually used as such and the guest rooms are secondary to the single family use, whether or not the guest rooms are used in conjunction with other portions of the dwelling. (Amended 6-6-12)~~

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~~*Bed and breakfast:* A use composed of transient lodging provided within a single family dwelling and/or one or more structures that are accessory to the single family dwelling, having not more than five (5) guest rooms in the aggregate, and which also may include rooms for dining and for meetings for use by transient lodging guests of the bed and breakfast provided that the dining and meeting rooms are accessory to the bed and breakfast use. (Added 6-6-12)~~

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*Homestay:* "Homestay" means a residential use providing transient lodging and rooms for dining and meetings for use by homestay guests provided that the dining and meeting rooms are accessory to the homestay use. A homestay use may offer no more than five guest rooms for lodging.

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## ARTICLE II. BASIC REGULATIONS

### 4.12.6 MINIMUM NUMBER OF REQUIRED PARKING SPACES FOR SCHEDULED USES

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~~*Bed and breakfast*~~ *Homestay*: One off-street ~~(1)~~ space per guest room in addition to the parking required for the dwelling unit ~~a single family dwelling~~. (Added 6-6-12)

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~~*Tourist lodging*: One (1) space per guest room in addition to the parking required for a single family dwelling. (Amended 2-5-03, 6-6-12)~~

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### 5.1.48 ~~BED AND BREAKFAST~~ HOMESTAYS

Each ~~bed and breakfast~~ homestay shall be subject to the following:

a. *Residency*. The owner of the parcel or a manager of the ~~bed and breakfast~~ homestay shall reside on the parcel for a minimum of 180 days in a calendar year.

~~b. *Number of bed and breakfast homestay uses*. Any parcel may have up to two (2) bed and breakfast homestay uses.~~

~~c. *Required development rights, density and limitation*. Each single family dwelling to which a bed and breakfast homestay use is accessory shall comply with the following: (i) on any parcel less than twenty one (21) acres in size, the single family dwelling shall be authorized by a development right as provided in section County Code §18 10.3; (ii) on any parcel, regardless of size, the single family dwelling shall comply with the permitted density; and (iii) no single family dwelling shall have more than one bed and breakfast homestay use accessory to it.~~

~~d. *Minimum yards*. Any accessory structure used for a bed and breakfast homestay use shall comply either with the applicable minimum yard requirements for a primary structure or a lesser yard approved by the zoning administrator that is not less than the minimum yard required for an accessory structure that would otherwise be applicable, if the zoning administrator finds that: (i) the distance between the accessory structure and the closest primary structure on the closest abutting parcel is greater than the applicable minimum yard requirement for a primary structure; and (ii) written consent has been provided by the owner of the abutting lot consenting to the alternative minimum yard. The minimum yard for any parking area shall be twenty five (25) feet.~~

b. *Notice*. The owner of a parcel conducting a homestay use shall provide the owner or manager's name, telephone number, and emergency contact information to abutting property owners on an annual basis. The owner shall retain a copy of such notice and provide a copy to the Zoning Administrator within five business days upon request.

~~e~~c. *Parking*. In addition to the parking required for a single family dwelling, the number of off-street parking spaces required by ~~section~~ County Code §18-4.12.6 shall be provided.

~~f~~d. *Information and sketch plan to be submitted with request for zoning clearance*. The owner of the parcel or a manager of the ~~bed and breakfast~~ homestay shall submit the following to the zoning administrator with each request for a zoning clearance under section 31.5:

1. *Information*. Information pertaining to the following: (i) the proposed use; (ii) the maximum number of guest rooms; (iii) the provision of on-site parking; and (iv) the location, height and lumens of outdoor lighting.

2. *Sketch plan*. A sketch plan, which shall be a schematic drawing of the premises with notes in a form and of a scale approved by the zoning administrator depicting: (i) all structures that would be used for the homestay ~~bed and breakfast~~; (ii) the locations of all guest rooms; and (iii) how access, on-site parking, outdoor lighting, signage and minimum yards will be provided in compliance with this chapter.

~~g~~e. *Building code, fire and health approvals*. Before the zoning administrator approves a zoning clearance under section 31.5, the owner of the parcel or a manager of the homestay ~~bed and breakfast~~ shall obtain approval of the use from the building official, the fire official, and the Virginia Department of Health.

~~h~~f. *Uses prohibited*. Restaurants are prohibited as a use accessory to a homestay ~~bed and breakfast~~ use.

Each homestay located in Residential Zoning Districts and Planned Zoning Districts that allow residential uses shall be subject to the following:

a. *Dwelling types.* Home stay uses may only be conducted in a single-family dwelling, except that the owner or resident manager of a duplex, townhouse, or single family attached unit in a residentially zoned district or in a planned zoning district that allows residential uses may have up to two guest rooms for homestay in their unit. All other homestay uses may only be conducted in single family dwellings.

b. *Owner or resident manager occupancy.* The owner or resident managers of a parcel conducting a homestay use shall reside in the unit during the homestay use.

Each homestay located in the Rural Areas Zoning District shall be subject to the following:

a. *Number of homestay uses*. Any parcel may have up to two homestay uses.

b. *Accessory structures*. Homestay uses may be conducted in accessory structures.

c. *Required development rights, density and limitation*. Each single family dwelling to which a homestay use is accessory shall comply with the following: (i) on any parcel less 21 acres in size, the single family dwelling shall be authorized by a development right as provided in County Code § 18-10.3; (ii) on any parcel, regardless of size, the single family dwelling shall comply with the permitted density; and (iii) no single family dwelling shall have more than one homestay use accessory to it.

d. *Minimum yards*. Any accessory structure used for a homestay use shall comply either with the applicable minimum yard requirements for a primary structure or a lesser yard approved by the zoning administrator that is not less than the minimum yard required for an accessory structure that would otherwise be applicable, if the zoning administrator finds that: (i) the distance between the accessory structure and the closest primary structure on the closest abutting parcel is greater than the applicable minimum yard requirement for a primary structure; and (ii) written consent has been provided by the owner of the abutting lot consenting to the alternative minimum yard. The minimum yard for any parking area shall be 25 feet.

e. *Owner or resident manager occupancy.* The owner of a parcel conducting a homestay use or their resident manager may be absent during the rental period for up to seven days in any calendar month and up to 45 days in any calendar year. The owner shall maintain a log of all homestay uses including the date of each rental for which the owner is absent. This log shall provided within five business days to the Zoning Administrator upon request.

## ARTICLE III. DISTRICT REGULATIONS

**10.2.1 B~~y~~Y ~~right~~ RIGHT**

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14. ~~Bed and breakfast~~ Homestays (reference 5.1.48).

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**12.2.1 B~~y~~Y ~~right~~ RIGHT**

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10. ~~Tourist lodgings~~ Homestays (reference 5.1.~~17~~48).

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**13.2.1 BY RIGHT**

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10. ~~Tourist lodgings~~ Homestays (reference 5.1.~~17~~48).

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**14.2.1 BY RIGHT**

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10. ~~Tourist lodgings~~ Homestays (reference 5.1.~~17~~48).

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**15.2.1 BY RIGHT**

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12. ~~Tourist lodgings~~ Homestays (reference 5.1.~~17~~48).

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**16.2.1 BY RIGHT**

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8. ~~Tourist lodgings~~ Homestays (reference 5.1.~~17~~48).

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**17.2.1 BY RIGHT**

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8. ~~Tourist lodgings~~ Homestays (reference 5.1.~~17~~ 48).

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**18.2.1 BY RIGHT**

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8. ~~Tourist lodgings~~ Homestays (reference 5.1.~~17~~48).

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**19.3.1 BY RIGHT**

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14. Homestays (reference 5.1.48).

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**20.3.1 BY RIGHT**

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14. Homestays (reference 5.1.48).

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**20A.6 PERMITTED USES**

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13. Homestays (reference 5.1.48).

I, Claudette K. Borgersen, do hereby certify that the foregoing writing is a true, correct copy of an Ordinance duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of _____ to ____, as recorded below, at a regular meeting held on _____.

_____
Clerk, Board of County Supervisors

| | Aye | Nay |
|---|---|---|
| Mr. Dill | ____ | ____ |
| Mr. Gallaway | ____ | ____ |
| Ms. Mallek | ____ | ____ |
| Ms. McKeel | ____ | ____ |
| Ms. Palmer | ____ | ____ |
| Mr. Randolph | ____ | ____ |