

COUNTY OF ALBEMARLE

TRANSMITTAL TO BOARD OF SUPERVISORS

AGENDA TITLE: ZTA 2017-01 Homestay Zoning Ordinance Amendments	AGENDA DATE: August 7, 2019
PURPOSE OF PUBLIC HEARING: To consider the adoption of the proposed Homestays ZTA	STAFF CONTACT(S): Bart Svoboda, Rebecca Ragsdale, Amelia McCulley, Lea Brumfield, Lisa Green
SCHOOL DISTRICT: N/A	PRESENTER(S): Bart Svoboda

BACKGROUND: On [May 3, 2017](#), the Board of Supervisors prioritized the review of the homestay use (previously known as “transient lodging,” “bed and breakfasts,” and “accessory tourist lodging”) by adopting a Resolution of Intent and related updates to the County’s taxation and licensing regulations. Many unlicensed homestays are not permitted under the current Zoning Ordinance regulations because they involve whole house rental (rental when the owner/manager is not present). Some of the proposed changes to the Homestay regulations include permitting whole house rental on large rural parcels when the owner/manager is not present, clarifying parking requirements, restricting the use of accessory structures, and requiring owner occupancy for home stay uses. Work sessions were held by the Board and Planning Commission regarding the scope, process and proposed text for the zoning text amendment (ZTA).

After the Board’s public hearing on [June 19, 2019](#), the Board suggested consideration of the following changes during its review of the proposed ordinance:

1. Clarify that homestay parking is not eligible for parking alternatives listed in County Code § 18-4.12.8.
2. Provide that the homestay use of accessory structures constructed after August 7, 2019 be authorized only by special exception for RA properties of 5 acres or greater.
3. Require that all homestays be owner-occupied, except that the use of a manager that resides on the same parcel as the homestay be authorized by special exception.

DISCUSSION:

The revision related to parking is simply a clarification of what has been discussed as the applicable regulation throughout the ordinance amendment process. The use of accessory structures for a homestay use is only provided for large lot RA properties (of 5 acres or greater). The revised language supports the re-use of existing, rather than construction of new, accessory structures for a homestay use.

On June 19, there appeared to be consensus regarding the owner-occupancy requirement for residentially-zoned properties. As currently written, this requirement applies to all zoning districts with the provision of a special exception. The Board may choose to apply the requirement to: a) all districts; b) only the residential zoning districts; or c) the residential and small-lot RA districts since they are under the same proposed regulatory scheme.

Additional staffing needs have been identified to close the compliance gap and implement annual inspections. This impact has been addressed through a short-term budget funding request which was approved by the Board for FY 2020. A memorandum briefly describing the tools, resources, and implementation plan for enforcement is included as Attachment F.

RECOMMENDATION:

Staff recommends that the Board adopt the attached proposed ordinance (Attachment E).

ATTACHMENTS:

A: Planning Commission staff report for April 23, 2019 public hearing

- B: Planning Commission minutes from April 23, 2019
- C: Planning Commission Action Memo
- D: Proposed Ordinance with annotations
- E: Proposed Ordinance for adoption
- F: Enforcement Memorandum