



# Albemarle County

## Legislation Details (With Text)

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**Type:** Resolution      **Status:** Consent Agenda  
**File created:** 9/13/2021      **In control:** Board of Supervisors  
**On agenda:** 10/6/2021      **Final action:**  
**Title:** ZTA202100004 Resolution of Intent for Proposed Zoning Text Amendment to Homestay Zoning Regulations.  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. Att.A - Proposed Resolution of Intent

Date	Ver.	Action By	Action	Result
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**AGENDA DATE:** 10/6/2021

**TITLE:**

ZTA202100004 Resolution of Intent for Proposed Zoning Text Amendment to Homestay Zoning Regulations

**SUBJECT/PROPOSAL/REQUEST:** Adopt a Resolution of Intent to initiate a focused zoning text amendment to amend the County's homestay regulations, including required setbacks, options for owner-occupancy waiver, and other minor technical updates.

**ITEM TYPE:** Consent Action Item

**STAFF CONTACT(S):** Richardson, Walker, Kamptner, Herrick, Filardo, Svoboda, Ragsdale

**PRESENTER (S):** Rebecca Ragsdale

**LEGAL REVIEW:** Yes

**REVIEWED BY:** Jeffrey B. Richardson

**BACKGROUND:** A "homestay" provides lodging and rooms to guests for less than 30 days and is accessory to a single-family dwelling. Homestays are also known as "short term rentals," "Airbnb," "VRBO," or "transient lodging," and were previously known in the Albemarle County Zoning Ordinance as "Bed and Breakfasts" or "Accessory Tourist Lodging." Study of the County's "homestay" regulations led to a series of amendments to the County's taxation, health and safety, fire protection, and zoning regulations in August 2019. The Board reviewed the County's homestay compliance program and experience with the new regulations at its August 18, 2021 meeting, at which the Board directed that several amendments to the zoning regulations for homestays are needed.

**STRATEGIC PLAN:** Quality Government Operations - Ensure County government's capacity to provide high quality service that achieves community priorities.

**DISCUSSION:** The purpose of this proposed zoning text amendment (ZTA) is to amend Albemarle County Code § 18-5.1.48 to address the following:

- a) Provide structural/organizational updates, including re-ordering and re-grouping how the zoning regulations are listed and updating for clarity any terms that are not consistent throughout § 18-5.1.48.
- b) Replace the required 125' setback applicable to homestay structures and parking in the Rural Areas (RA) district, with primary structure setbacks of 75' Front, 35' Rear, and 25' Side.
- c) Add buffer/screening requirements consistent with special exception setback approvals.
- d) Allow owners of parcels greater than five acres to request a waiver of the owner occupancy requirement, to instead allow a tenant resident/manager. Currently, only parcels less than five acres or those zoned residential may seek such a special exception.

If the Board adopts the Resolution of Intent, staff would prepare a draft ordinance, schedule a work session and public hearing with the Planning Commission in November or December, and a Board public hearing in February 2022. Because these would be focused amendments, and the County has already received a great deal of input directly from affected stakeholders, no additional public engagement would be planned beyond general communications and public hearings.

**BUDGET IMPACT:** There is no anticipated budget impact with this zoning text amendment. Staff believes these amendments would save staff time by reducing the number of special exceptions and providing additional clarity in zoning regulations.

**RECOMMENDATION:** Staff recommends that the Board adopt the attached Resolution of Intent (Attachment A).

**ATTACHMENTS:**

A - Resolution of Intent