



# Albemarle County

## Legislation Details (With Text)

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**File created:** 6/20/2017      **In control:** Board of Supervisors  
**On agenda:** 7/5/2017      **Final action:**  
**Title:** Residential Transient Lodging Work Session  
**Sponsors:**  
**Indexes:**  
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**Attachments:** 1. Att A May 3 BOS W.S. Transient Lodging, 2. Att B Transient Lodging Localities Research, 3. Att C Number of Applications and Number of Guest Room by Application information, 4. Att D Public Process for Residential Transient Lodging Zoning Text Amendment

Date	Ver.	Action By	Action	Result
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**AGENDA DATE:** 7/5/2017

**TITLE:** Residential Transient Lodging Work Session

**SUBJECT/PROPOSAL/REQUEST:** Work session to discuss amending the Zoning Ordinance regulations for Residential Transient Lodging

**ITEM TYPE:** Regular Action Item

**STAFF CONTACT(S):** Walker, Graham, McCulley, Echols, Ragsdale

**PRESENTER (S):** Rebecca Ragsdale

**LEGAL REVIEW:** Not Required

**REVIEWED BY:** Douglas C. Walker

**BACKGROUND:** The Board held a work session on May 3, 2017 to discuss transient lodging issues related to taxation, zoning regulations, compliance issues, and a new state code provision that allows localities to establish a registry for short-term rentals. (Attachment A) A public hearing and Board action took place on June 14, 2017 to update the transient occupancy tax and BPOL sections of the County Code as they relate to short-term rentals. The purpose of this work session is to continue discussion on zoning issues. The Board is asked to provide direction on the scope of the zoning text amendment process by affirming the two recommended areas of focus.

### **STRATEGIC PLAN:**

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 Area Character: 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:** The May 3, 2017 report (Attachment A) includes information on current Zoning Ordinance allowances for residential transient lodging, referred to in the ordinance as Accessory Tourist Lodging (ATL) in the Development Areas and Bed and Breakfast (BNB) in the Rural Areas. With this report, staff is providing a current list of ATL and BNB applications that have been reviewed and approved in the County, including number of guest rooms.

Staff has researched a number of communities that have recently updated their regulations to allow home-based transient lodging to see if any common trends exist in the regulations (Attachment B). Staff found the following:

- Those that allow whole house rental require that the home be used as a residence and some require it be owner-occupied.
- Some communities regulate the number of guests while others, like Albemarle, regulate the number of rooms.
- Some communities limit ATLs to single family detached units. Communities that allow this use require an application, including verification of safety requirements and in some localities, proof of insurance.

Staff believes zoning changes to expand allowances for transient lodging should be balanced with the County's goals of protecting existing neighborhoods, ensuring affordable housing is available, and not commercializing the Rural Areas. Staff believes that the current Albemarle County goals for tourism are different than resort cities, such as beach communities. For this reason staff does not recommend the County consider whole house rentals ("vacation rentals"). The original purpose of ATLs was to supplement lodging for visitors to the City and County for events such as graduation and football games. It also allowed for homeowners to gain income from periodic rentals without changing the character of the area.

Staff believes that a limited expansion of opportunities for home-based transient lodging should be considered, and believes the scope of the zoning text amendment should be focused on two areas. The recommended areas of focus for the zoning text amendments are:

1. Expanding zoning regulations to include allowance of transient lodging in attached dwellings such as townhomes and condominiums.
2. Amendments to deal with periodic whole house/apartment rentals, since this activity appears to be very common in the County and across the country.

All other County zoning, building code, and fire marshal requirements would remain in place and these establishments would also be required to collect the Transit Occupancy Tax (TOT).

**PUBLIC INPUT PROCESS** Staff believes the public input process for considering these zoning changes should allow for broad stakeholder engagement and follow the public engagement model used for other recent text amendments. The recommended process is outlined in Attachment D.

**BUDGET IMPACT:** There is no anticipated need for additional staff or funding to complete this work. As staff time is fully allocated in the current year, this work potentially creates a very small delay in starting other new initiatives.

**RECOMMENDATION:**

Staff recommends the Board endorse the two focused topic areas for the transient lodging zoning text amendment process.

Once these parameters are set by the Board, staff will move forward with the public process as outlined in Attachment D.

**ATTACHMENTS:**

- A - Staff Report for May 3, 2017 Board Work Session
- B - Sample of Localities Transient Lodging regulations
- C - Summary of ATL and BNB applications approved and under review, including number of guest rooms
- D - Public Process for Residential Transient Lodging Zoning Text Amendment