



# Albemarle County

## Legislation Details (With Text)

**File #:** 18-575      **Version:** 1      **Name:**  
**Type:** Zoning Text Amendment      **Status:** Work Session  
**File created:** 10/31/2018      **In control:** Board of Supervisors  
**On agenda:** 11/14/2018      **Final action:**  
**Title:** ZTA2017-01 Transient Lodging (aka Homestays).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Att. A PC Recommended Ordinance Changes, 2. Att. B Homestay Regulation Matrix, 3. Att. C Homestay Enforcement Memo

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

**AGENDA DATE:** 11/14/2018

**TITLE:**

ZTA2017-01 Transient Lodging (aka Homestays)

**SUBJECT/PROPOSAL/REQUEST:** Work session to discuss potential ordinance amendments for transient lodging

**ITEM TYPE:** Regular Action Item

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

**PRESENTER (S):** Bart Svoboda

**LEGAL REVIEW:** Yes

**REVIEWED BY:** Jeffrey B. Richardson

**BACKGROUND:** This zoning text amendment (ZTA) was initiated by the Board of Supervisors on May 3, 2017 to consider expanding opportunities for transient lodging, including whole house rental when the owner/manager is not present and rental in attached or multifamily dwelling units. Since it was initiated, work sessions have been held by the Board and Planning Commission (PC) regarding the scope and process for the ZTA. Additionally, a series of public input meetings have been held since September 2017 with both the PC and the Board. The PC voted at an April 24, 2018 public hearing to recommend approval of the attached ordinance amendment to the Board. In the latest work session on September 12, 2018, the Board discussed a variety of considerations for the ZTA. The Attachments provide a copy of proposed changes recommended by the PC (Attachment A), a summary matrix of proposed regulations from the Board's September 12th work session (Attachment B), and a copy of the May 25, 2018 Homestay Enforcement Memorandum (Attachment C).

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

**DISCUSSION:** The purpose of this work session is to receive direction from the Board in several areas. These include:

1. Finalize the potential regulations for property in two categories: a) Rural Areas zoned lots 5 acres or larger and b) Rural Areas zoned lots less than 5 acres, and Residentially zoned lots;
2. The next steps in the public process prior to public hearing with the PC; and
3. Enforcement strategies

**1. Potential Regulations** The Board has expressed concern that Rural Areas (RA) zoned neighborhoods may need to be treated similarly to Residential zoned parcels in terms of transient lodging regulations because of the potential for nuisance impacts (such as noise, lighting and the like). The suggested changes take into account the residential neighborhood development patterns for both rural and residential zoning districts. In the prior work session, the Board agreed that RA zoned lots of less than 5 acres in size would be subject to the same zoning regulations as the residential zoning districts. The Board also requested that an increased setback be added. Staff recommends a 125 foot setback apply to primary and accessory structures and parking areas for homestay uses. This setback is consistent with increased setbacks for other RA uses such as farm wineries, breweries, distilleries and agricultural operations. (See Attachment B.)

Special Exception Criteria: A special exception process is recommended to waive or modify certain homestay regulations in circumstances where there are no detrimental impacts to adjoining properties, or adjoining properties that are under the same ownership. This would be similar to the provision that already exists in the ordinance for setbacks. The following items may be varied by a special exception:

- Dwelling unit type. (Homestays permitted in a single-family detached dwelling only;
- No more than 2 guest rooms permitted in residential and smaller RA lots;
- 125 foot setback from any abutting lot not under the same ownership as the homestay for parking and primary or accessory uses and structures used in whole or in part to serve any permitted use at a homestay; and
- Use of an accessory structure. This would be when compliant with the density of the zoning district.

## **2. Review the next steps in public process prior to public hearing for ZTA**

Staff recommends the following process:

- Public input opportunity at a future PC work session to enable stakeholders to reengage in the process
- Public Hearing on draft ordinance at PC meeting
- Public Hearing on draft ordinance at BOS meeting

## **3. Discuss enforcement strategies/concerns and staffing/budget impacts**

Enforcement strategy can be considered in terms of a) the compliance gap of those existing homestays that do not currently have the proper zoning permit and b) long term or ongoing compliance once the gap is closed. Staff recommends that we proactively close the gap, working in a team with Finance and Fire/Rescue to assure that the existing homestays become compliant. As noted in Attachment C, we expect this to begin with public outreach and assistance to encourage voluntarily compliance. We project the need for additional resources to 1) locate properties involved in homestays and 2) obtain compliance. We recommend that ongoing compliance be responsive as with most other zoning enforcement. In the event the Board wishes for this compliance to also be proactive, it may be appropriate to discuss further both staffing needs and enforcement prioritization.

**BUDGET IMPACT:** The ordinance changes may result in budget impacts. The effort to bring operators into compliance may need additional staff resources, depending on the level of enforcement set by the Board. Staff has explored various enforcement options and resource needs.

## **RECOMMENDATION:**

Staff recommends that the Board provide direction on how it wishes to proceed with the ordinance amendment so staff can bring a revised proposed ordinance to the Board at a future meeting.

**ATTACHMENTS:**

Attachment A: PC Recommended Ordinance Changes

Attachment B: Homestay Regulation Matrix

Attachment C: Homestay Enforcement Memorandum