

Residential Transient Occupancy

(aka Accessory Tourist Lodging/Bed and Breakfasts/ "AirBnB"/Homestay/Short term rentals)

Work Session II
Board of Supervisors
July 5, 2017



Background & Policy

COMPREHENSIVE PLAN:

Strategy 5e: Study the nature and extent to which transient lodging is currently taking place and consider whether policy or regulatory changes should occur to accommodate this use. If such changes are determined to not be needed or appropriate, develop and implement a plan to bring errant operators of transient lodging into conformity with the County's regulations in a timely fashion.

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.

Purpose of Work Session

Does the Board want to consider these two focus areas of study for a zoning text amendment process?

1. Allow periodic whole house rentals (with limitations)
2. Allow rentals in townhouses, apartments, and condos

Current Zoning Regulations

Accessory Tourist Lodging (ATL) in DA and Bed & Breakfast (BNB) in the RA

What you can do

- Rent up to 5 rooms inside a single family detached (SFD) structure
- In DA, owner/tenant must reside in SFD
- In RA, rental may be in accessory structures or SFD; owner or manager must reside on parcel, you may also have a second BNB

What you can't do

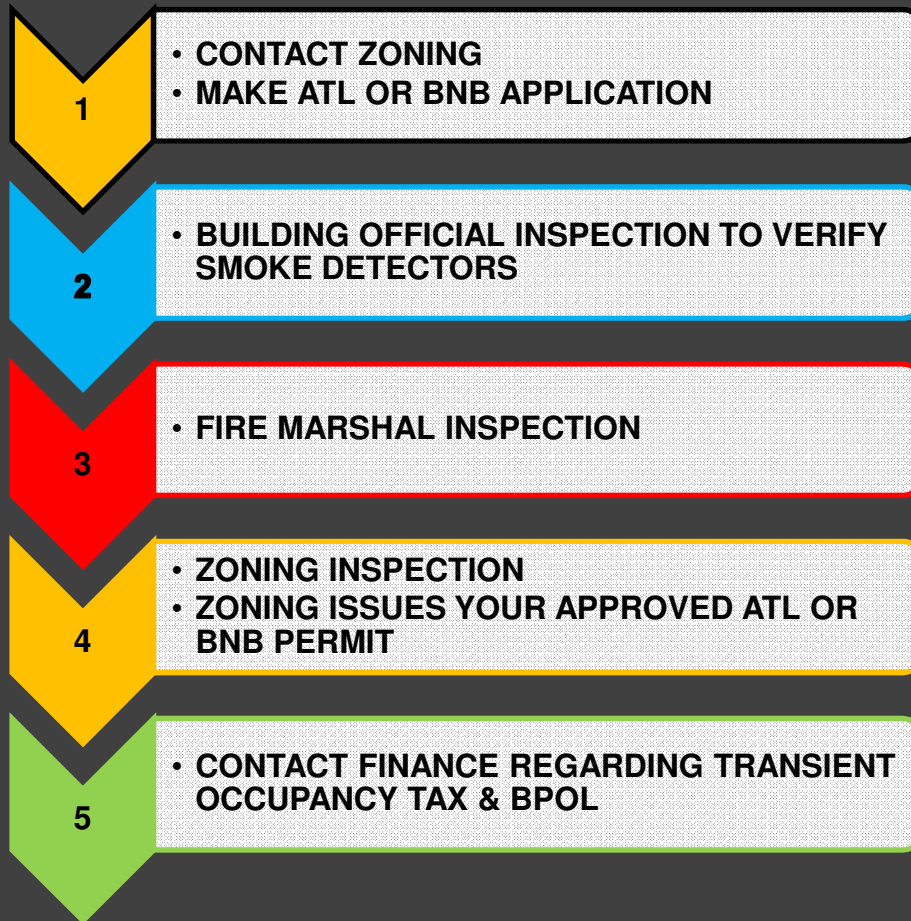
- Rent without owner or manager present “whole house rental”
- Rent rooms in a townhouse or apartment unit
- Rent a detached structure in the DA
- Have weddings or other special events w/o SP in RA

Current Zoning Regulations

In RA and DA:

- Resident owner or manager
- 2 parking spaces/house + 1/ guest room
- Zoning Clearance \$108 fee
- Building Inspection (Electrical Permit if smoke detectors need to be brought up to code)
- Other Agency Reviews:
 - Fire Marshal (\$50 fee)
 - Health Department (\$40 fee + application), if required
 - Finance

Review Steps



- CONTACT HEALTH DEPARTMENT
- MAKE HEALTH DEPARTMENT APPLICATION, IF NEEDED
- SATISFY HEALTH DEPARTMENT REQUIREMENTS
- SEND HD APPROVAL TO THE COUNTY OR FORWARD EMAIL FROM HD THAT NO PERMIT REQUIRED.

ATL and BNB Applications Received

Year	BNBs (or RA ATLS)	ATLS (DA)	Total
1985	1		1
1986	1		1
1987			0
1988			0
1989	1	2	3
1990			0
1991	2		2
1992	1		1
1993			0
1994	1		1
1995	4		4
1996			0
1997	1		1
1998	3		3
1999	1		1
2000	7		7
2001	2		2
2002	1		1
2003	1		1
2004	1		1
2005	1		1
2006	1		1
2007	3		3
2008			0
2009			0
2010	1		1
2011	2		2
2012	4	0	4
2013	3	0	3
2014	5	4	9
2015	8	1	9
2016	9	4	13
2017	15	7	22
Total	80	18	98

Number of Guest Rooms	Number of Applications Since 2012		
	BNBs (RA)	ATLS (DA)	Total
1	16	7	23
2	5	1	6
3	3	1	4
4	7	1	8
5	13	4	17

Localities Research

- 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 ATs 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.
- Fees range from no fee to \$100

What to Consider in Zoning Text Amendment Process

- **Nothing:** Current Regulations are fine
- **Consider Changes:**
 - Allow periodic whole house rentals with limitations
 - Require owner/full-time resident to live in the house at least 180 days/year
 - Limit of days per year allow owner/full-time resident to rent entire house up to 30 days/year for example
 - Allow rentals in townhouses, apartments, and condos
 - Allow rental of a single room if resident is present in unit during rental
 - Allow rental of multiple rooms if resident is present in unit during rental



Recommended Public Input Process

For Development Areas: In August, hold an “All Development Areas” meeting

- Presentation in Auditorium of COB downtown
- Group breakouts if needed– CAC members act as hosts
- Chair of CAC manages discussion; each group has a facilitator to help obtain input and answer questions

For Rural Area:

- Several Rural Area opportunities
- Presentation by staff
- Group breakouts if needed
- Staff manages discussion, facilitates input, and answers questions.

For Current Hosts and Hosting Groups:

- Presentation by staff
- Roundtable/Meeting with staff for input and Q&A

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Senate Bill 1278-Creation of a Registry for Short-term Rental of Property

Virginia Code § 4.1-100, § 15.2-983 effective July 1, 2018

- Localities may establish registry – can be an annual registry
- Registry has no relationship to local zoning authority
- Administrative in nature
- Locality can require name and address of each short-term rental operator
- Locality may charge a reasonable fee related to actual costs of establishing and maintaining registry
- As part of the ordinance to establish the registry, a locality may prohibit an operator from future rentals if there are multiple violations on more than 3 occasions
- Ordinance may include a penalty not to exceed \$500 per violation for an operator who doesn't register. Unless and until the operator pays the penalty and registers, they may not continue rental