

Residential Transient Occupancy

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

September
Public Input Meetings



Meeting Agenda

Welcome and Agenda Review--Elaine Echols/Rebecca Ragsdale, Community Development (CDD)

Presentation on Background, Current Regulations, and Possible Future Changes

- a. Allow whole house rentals (including in neighborhoods)
- b. Allow apartment units, condos, and townhouses to have transient lodging/Homestays

Questions and Answers

General discussion

Dot Exercise/Comment Sheet – please use for detailed comments

Adjournment

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.

Current Zoning Regulations

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

What you can do

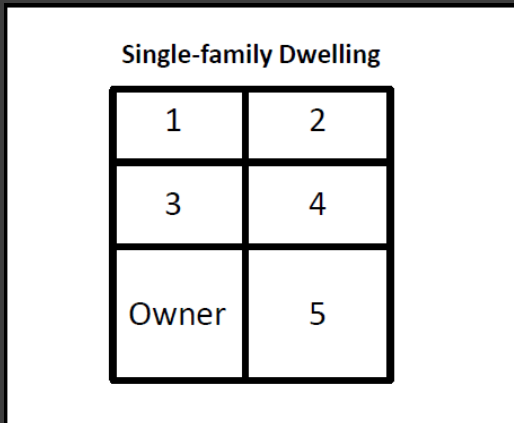
- Rent up to 5 rooms inside a single family detached (SFD) structure
- In DA, owner/tenant must reside in SFD
- In RA, rental may be in accessory structures or SFD; owner or manager must reside on parcel, you may also have a second BNB

What you can't do

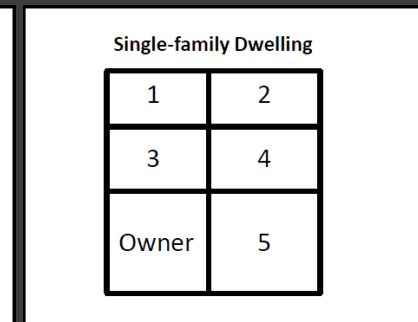
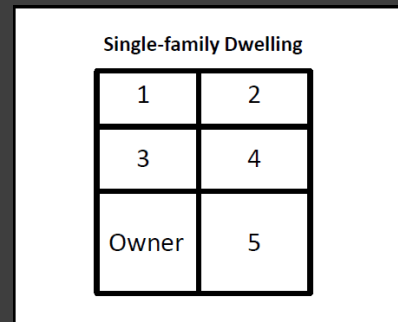
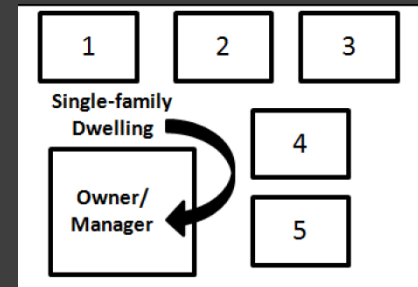
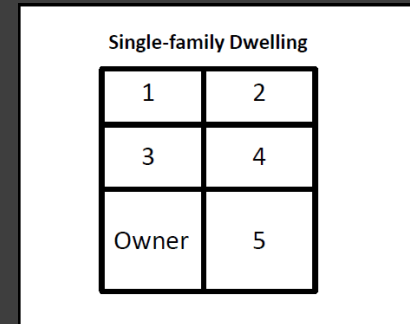
- Rent without owner or manager present “whole house rental”
- Rent rooms in a townhouse or apartment unit
- Rent a detached structure in the DA
- Have weddings or other special events w/o SP in RA

Current Zoning Regulations

Accessory Tourist Lodging (Development Area)



Bed and Breakfast (Rural Area)



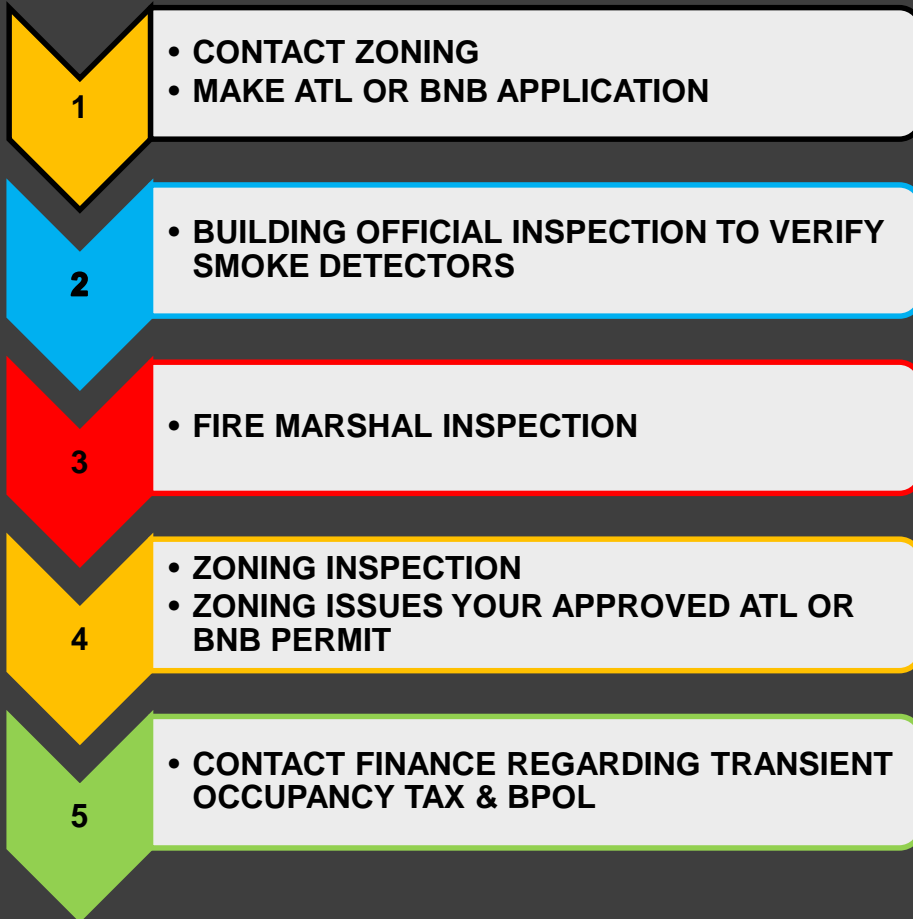
Current Zoning Regulations

In RA and DA:

Zoning Clearance \$108 fee

- Resident owner or manager
- Parking-2 parking spaces/house + 1/ guest room
- 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.

What we know about current compliance with Zoning

Of 120 residential transient lodging facilities found on-line in Albemarle County:

- 27% in the Development Areas and 73% in the Rural Areas
- Approximately 2/3 either meet or may be able to meet current regulations
- About 1/3 do not meet or could not meet current regulations

Zoning Text Amendment Process



- **Consider Changes:**
 - Allow periodic whole house rentals with limitations
 - Allow rentals in townhouses, apartments, and condos

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 requiring annual registration
- 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

Taxation-June 14, 2017

Amendments

- Amended the County Code §15-900 expand the imposition of the transient occupancy tax to all properly zoned businesses that offer transient lodging.
- Amended County Code §8-616 to include short-term rentals to the list of businesses subject to the business, professions, and occupations licensing (BPOL) tax requirements.

Questions



General Feedback:

1. What are some potential benefits for the County or hosts if the regulations are changed?
2. What concerns you about changing the regulations?
3. What else should the Planning Commission and Board of Supervisors know before making any changes to the regulations?
4. What problems have you experienced in trying to obtain a zoning permit or business license, if any and how can we improve?

Dot Activity

WHOLE HOUSE RENTALS – RURAL AREA - No resident manager present on the premises	WHOLE HOUSE RENTALS – DEVELOPMENT AREA – No resident manager in house (optional)
<input type="checkbox"/> Should not be allowed at all	<input type="checkbox"/> Should not be allowed at all
<input type="checkbox"/> Should be allowed on a limited basis, such as 30, 60, or 90 days/year	<input type="checkbox"/> Should be allowed on a limited basis, such as 30, 60, or 90 days/year
<input type="checkbox"/> Should be allowed, but restricted to no more than half the year	<input type="checkbox"/> Should be allowed, but restricted to no more than half the year
<input type="checkbox"/> Should be allowed without restriction (vacation rentals)	<input type="checkbox"/> Should be allowed without restriction (vacation rentals)
<input type="checkbox"/>	<input type="checkbox"/>

ADDITIONAL RURAL AREA QUESTION - Optional

If a resident owns 2 rural area parcels that are adjacent to each other, should he/she be able to rent both properties as a single BnB (up to 10 rooms total) as if the lot lines were not present?

Yes

No

Dot Activity

APARTMENT UNITS/CONDOS – DEVELOPMENT AREA	TOWNHOUSE UNITS/ATTACHED UNITS – DEVELOPMENT AREA
____ should not be allowed for short term lodging	____ should not be allowed for short term lodging
____ should be allowed for short term lodging only if the resident/owner of the unit is present	____ should be allowed for short term lodging only if the resident/owner of the unit is present
____ should be allowed as a “whole unit” rental, but restricted to 30, 60, or 90 days per year	____ should be allowed as a “whole unit” rental, but restricted to 30, 60, or 90 days per year
____ should be allowed as a “whole unit” rental without limitations on the number of times per year	____ should be allowed as a “whole unit” rental without limitations on the number of times per year

Next Steps

Rural Area Opportunities:

White Hall Ruritan Club, Crozet
Monday, September 11, 2017 // 6:30 PM

Stony Point Elementary, Keswick
Tuesday, September 12, 2017 // 6:30 PM

Red Hill Elementary, North Garden
Thursday, September 14, 2017 // 6:30 PM

Development Area Opportunities:

Places29 – Hydraulic Community Advisory Committee
Monday, September 18, 2017 // 5:30 PM

Village of Rivanna Community Advisory Committee
Monday, September 18, 2017 // 7:15 PM

Crozet Community Advisory Committee
Wednesday, September 20, 2017 // 7:00 PM

Places29 – North Community Advisory Committee
Thursday, September 21, 2017 // 6:00 PM

5th & Avon Community Advisory Committee
Thursday, September 21, 2017 // 7:00 PM

Pantops Community Advisory Committee
Monday, September 25, 2017 // 6:15 PM

Places29 – Rio Community Advisory Committee
Thursday, September 28, 2017 // 6:00PM

Next Steps

October 24, 2017

Planning Commission
Work Session

November 2017

Planning Commission
Public Hearing

January 2018

Board of Supervisors
Work Session

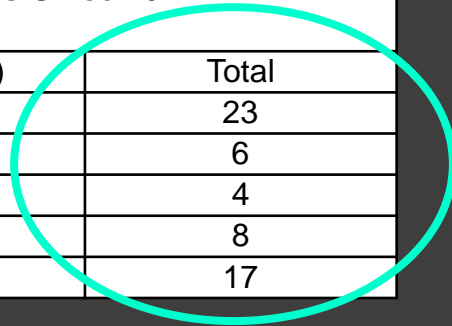
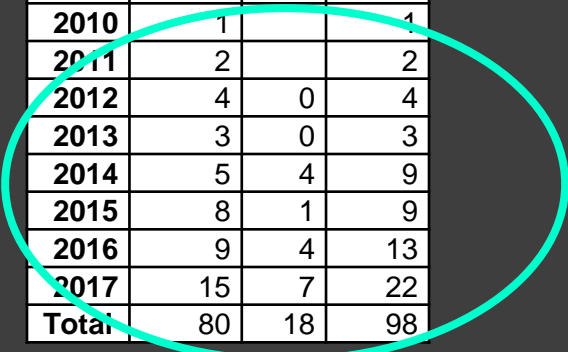
February 2018

Board of Supervisors
Public Hearing

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 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.
- Fees range from no fee to \$100