



## Agenda Item V. B.

**Meeting Date:** October 3, 2017

**Department:** Planning/Zoning

**Topic:** **Short-Term Tourist Rentals of a Dwelling**

**Board Action:** The Board is being asked to consider an amendment to an ordinance. This is a first reading.

**Attachment:** Ordinance 2017-0006

**Summary:** The Amherst County Zoning Ordinance allows short-term tourist rental of dwellings in multiple zoning districts with a special exception permit. A short-term tourist rental of a dwelling is defined as *"the rental for compensation of a dwelling for periods of less than thirty (30) consecutive days."* This use also must meet Section 916, which regulates how a dwelling can operate.

Recently, a property owner in a large subdivision found out that they were prohibited from operating a short-term tourist rental of a dwelling due to Section 916 (9), which states: *"There shall be no short-term tourist rental of any dwelling upon property located within a platted subdivision, unless a recorded declaration recorded in the land records of the county expressly permits such a use, or in the absence of a recorded declaration, the owners of all lots, tracts, and parcels in the subdivision unanimously agree to such a use."* Short-term tourist rentals are becoming increasingly common nationally, statewide and locally. Amherst County regulates all short term tourist rentals of a dwelling through the special exception process. This language is excessively broad and prohibits the use in virtually any parcel that has been subdivided to any degree at any point in time. Consequently, the overly broad language of the ordinance prohibits any short term rentals beyond the special exceptions already granted. Short-term tourist rentals can promote increased tourism activity and provide income revenue for property owners and should be made easier to approve.

On September 21, 2017 the Planning Commission recommended adopting Ordinance 2017-0006.

**Recommended Motion:** That the Board direct staff to advertise Ordinance 2017-0006 for a public hearing on October 17, 2017.



**Amherst County Board of Supervisors  
County Ordinance No. 2017-0006**

**AN ORDINANCE, NO. 2017-0006**

Amending § 916 of Appendix A to the Code of the County of Amherst to eliminate the regulations that limit the use of a short-term tourist rental of a dwelling in a platted subdivision.

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Approved as to form and legality by the County Attorney

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**PUBLIC HEARING: Planning Commission, September 21, 2017**  
**PUBLIC HEARING: Board of Supervisors, October 17, 2017**

**THE COUNTY OF AMHERST HEREBY ORDAINS:**

**§ 1. That Section 916 of Appendix A to the Code of the County of Amherst be and hereby is amended, as follows:**

**916. - Short-term tourist rental of dwellings.**

The following regulations shall apply to all short-term rentals of residential dwelling units:

1. Site Plan. Before a building and zoning permit shall be issued for any dwelling to be rented to transients for any period less than thirty (30) consecutive days, a site plan of the proposed development shall be approved by the planning commission or the zoning administrator, whichever is applicable, in conformance with Section 1003 and Article XI herein. In addition to the requirements thereof, site plans pursuant to this section shall include a maintenance schedule proposed by the developer or property owner, and shall incorporate low impact development techniques, such as those about which information is available from the Virginia Department of Environmental Quality.
2. There shall be no change in the outside appearance of the dwelling or premises, or other visible evidence of the conduct of such short-term rentals.
3. The maximum number of occupants in the dwelling unit for overnight accommodation shall be calculated as two (2) adults per bedroom. An adult, for the purpose of this regulation, is any person over the age of sixteen (16). The number of bedrooms shall be determined by reference to health department permits specifying the number of bedrooms or the certificate of occupancy issued by the Amherst County Department of Building Inspections. Private septic systems shall be pumped out or inspected once every three (3) years.

4. All vehicles of tenants shall be parked in driveways or parking areas designed and built to be parking areas. In the case of multi-family dwellings, all vehicles must be parked in spaces specifically reserved for the dwelling unit being rented. No vehicles shall be parked in, along, or on the sides of roads at any time.
5. All boats and trailers of tenants shall be parked on the lot on which the dwelling unit is located. In the case of multi-family dwellings, boats and trailers must be parked in areas specifically reserved for the dwelling unit being rented. No boats or trailers shall be parked in, along, or on the sides of the roads at any time.
6. There shall be a working, two-pound minimum, ABC rated, fire extinguisher located in a visible and readily accessible area (i.e., kitchen or hallway) within each dwelling unit. Working smoke detectors shall be installed in each bedroom of the dwelling unit as well as one (1) on each floor (including the basement) outside of any bedrooms.
7. Property boundaries, or limitations within the property's boundaries where transients are allowed, must be clearly marked at all times.
8. Notice of the application for special exception, and the hearing thereon, shall be conspicuously posted on the property, in the same manner and for the same duration as though the property were the subject of an application for variance, rezoning, or conditional zoning.
- ~~9. There shall be no short term tourist rental of any dwelling upon property located within a platted subdivision, unless a recorded declaration recorded in the land records of the county expressly permits such a use, or in the absence of a recorded declaration, the owners of all lots, tracts, and parcels in the subdivision unanimously agree to such a use.~~

**§ 2. That this ordinance shall be in force and effect upon adoption.**

Adopted this 17<sup>th</sup> day of October, 2017.

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Claudia D. Tucker, Chair  
Amherst County Board of Supervisors

**ATTEST:**

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Dean C. Rodgers, Clerk  
Amherst County Board of Supervisors

**Ayes** \_\_\_\_\_

**Nays** \_\_\_\_\_

**Abstentions** \_\_\_\_\_