

Notice of Public Hearing of the Amherst County Planning Commission

The Amherst County Planning Commission will conduct a public hearing during its regular meeting on Thursday, September 21, 2017 at 7:00 P.M., or as soon thereafter as may be heard, in the Amherst County Administration Building, 153 Washington Street, Amherst, Virginia, 24521, to consider the following requests:

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.

The proposed ordinance is available for review Monday through Friday from 8:30 A.M. to 5:00 P.M. in the Office of the County Administrator at the above address.

Accommodations for disabled persons may be made with the Office of the County Administrator by calling 434-946-9400 at least five (5) days prior to the hearing date.

Jeremy S. Bryant
Director of Planning/Zoning



**Amherst County
Department of Planning and Zoning**

TO: Planning Commission
FROM: Jeremy S. Bryant, Director of Planning/Zoning
DATE: September 21, 2017
SUBJECT: Short-Term Tourist Rental of a Dwelling

The purpose of this memorandum is to brief the Amherst County Planning Commission on recent legislation from the Virginia General Assembly and to discuss the local regulations that govern the short-term tourist rental of a dwelling. It appears that the use of short-term rentals is on the rise across the State and within Amherst County.

The Amherst County Zoning Ordinance allows short-term tourist rental of dwellings in a number of 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 (see attached document).

Over the past couple of years, the Virginia General Assembly has taken up the topic regarding short-term rentals. New legislation authorizes a locality to adopt an ordinance requiring the registration of persons offering property for short-term rental. The bill authorizes localities to impose fees and penalties on those who do not register or who offer short-term rentals that have multiple violations of state or federal laws or ordinances. The bill expressly preserves existing local zoning authority to regulate short-term rentals, and makes it clear that it is not intended to affect any contracts, including any property associations' (such as home owners associations) agreements or covenants.

Recently, a property owner in a large subdivision found out that they were essentially 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.*" Staff would like to discuss whether or not this regulation should be relaxed in order to allow short-term rentals within a platted subdivision.

The Board of Supervisors requested that the County Attorney prepare the draft text into an ordinance. Attached is Ordinance 2017-0006 which removes Section 916 (9).

Attachment: Ordinance 2017-0006



**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.

Approved as to form and legality by the County Attorney

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 17th day of October, 2017.

 Claudia D. Tucker, Chair
 Amherst County Board of Supervisors

ATTEST:

 Dean C. Rodgers, Clerk
 Amherst County Board of Supervisors

Ayes _____ **Nays** _____ **Abstentions** _____