

SHORT-TERM RENTALS

HISTORY

SB416 (2016):

- permitted the short-term rental of any residential unit as a matter of right, so long as the resident has utilized the property as his or her principal place of residence for 60 days
- permitted short term rentals for 30 or fewer days
- did not preclude consecutive rentals by the same person
- excluded BPOL/other taxes associated with the rental for the first 45 days of such rental use
- All collection of local taxation shifted to the Virginia Department of Taxation
- Limited local ability to regulate the use
- Prohibited VDT from providing documentation regarding the rental use
- Effectively insulated rental owners from reporting to locality

Legislation contained a reenactment requirement and was not reenacted.

HISTORY

SB1578(2017):

- provided that the locality may regulate short-term rentals through its zoning ordinance, including whether to allow and if so where
- provides for the creation of a short-term rental registry at the discretion of the locality
- provides that hotels/beds and breakfasts permitted by local ordinance do not need to comply with registration requirement in addition to other local ordinance

2018

No legislation impacting the City of Williamsburg was introduced in the 2018 General Assembly session, although there was a bill specific to Lexington and Virginia Beach (HB824).

SHORT-TERM RENTALS IN THE CITY

Short-term rentals that are currently permitted:

- 1. Hotels/motels**
- 2. Timeshares**
- 3. Bed and breakfast facilities**

There is no limitation in the City Code for any of the above facilities to utilize an on-line platform to book rentals.

Except as above, short-term rentals are not a permitted use in any of the City's residential zoning districts.

SHORT-TERM RENTALS IN THE CITY

PROS AND CONS

Pros:

1. Creates alternative accommodations for visitors to Williamsburg
2. Potential for additional tax revenue
3. Provide a legal mechanism to engage in activities heretofore illegally conducted
4. Provides potential income which could make a SFD more affordable with an accessory use

SHORT-TERM RENTALS IN THE CITY

PROS AND CONS

Cons:

1. Increased investment pressure on neighborhoods
2. Potential for increased noise/nuisance violations
3. Neighborhood parking challenges
4. Competition with existing commercial operations
5. Increased demands on staff resources
6. Physical creation of accessory apartments

SHORT-TERM RENTALS IN OTHER JURISDICTIONS

The short-term rental of rooms is handled by other jurisdictions in the following categories:

- *Short-Term Rental* – Counties of Botetourt, Franklin, Prince William, Warren
Cities of Falls Church, Roanoke, and Winchester
- *Homestay* – Counties Arlington, Loudon, Cities of Charlottesville, Roanoke
and Winchester, Town of Blacksburg
- *Bed & Breakfast* – Nearly all jurisdictions including York County
- *Tourist Home* – Fairly Common in most jurisdictions including James City
County and York County
- *Rooming House* – City of Alexandria
- *Boarding House* – Fairly common across Counties and Cities

SHORT-TERM RENTAL REGULATIONS IN OTHER JURISDICTIONS

- Limited to Residential and some Mixed Use Districts
- Rental occupancy limited to 30 days for homestays and short-term rentals
- Some jurisdictions allow by right in residential districts, some require a special use permit
- Additional off-street parking is required in most jurisdictions
- Where a property maintenance program is in place, inspections are required
- On-Site manager, some jurisdictions require owner occupancy
- Limits number of rooms rented and limits on the occupancy of rented rooms
- Some jurisdictions expressly prohibit signs pertaining to the renting of the house

SHORT-TERM RENTALS

City Council at its April work session requested Planning Commission to review changes to the Zoning Ordinance to allow the short-term rental of bedrooms to transient visitors and short-term rentals within owner-occupied single-family dwellings with a special exception from the Board of Zoning Appeals.

Staff has drafted the attached ordinance based on City Council recommendations that limit the use to owner-occupied single-family detached dwellings, one-bedroom and limits the maximum time the entire dwelling can be rented to 45 days per year.

SHORT-TERM RENTALS – ONE ROOM

Requires approval by the Board of Zoning Appeals as a special exception.

- Rentals limited to owner-occupied detached single-family dwellings with owner meeting the definition of owner-occupied.
- General liability insurance.
- Property management plan.
- Written HOA/POA confirmation that the use is permitted pursuant to the subdivisions restrictive covenants if located in a neighborhood with an association
- Copy of business license within 30 days of approval.
- Rental of one room in principal dwelling to not more than two individuals excluding minor children and meeting building code requirements.
- Furnishing of meals not permitted.
- One off-street parking space being reserved for the rental occupants with parking and driveways meeting ordinance requirements.

SHORT-TERM RENTALS – ONE ROOM

- Meeting Uniform Statewide Building Code and all other laws and regulations.
- Maintaining a guest registry.
- Event rentals are not permitted.
- Maximum stay is 30 days or less.
- Allowing inspections within 24 hour notice from City.
- Ensuring that safety and nuisance provisions of the City Code are complied with (noise, trash, outdoor burning etc).
- Provides for revoking based on conditions not being met or multiple violations

SHORT-TERM RENTALS – WHOLE HOUSE

Requires approval by the Board of Zoning Appeals as a special exception.

- Rentals limited to owner-occupied detached single-family dwellings with owner meeting the definition of owner-occupied.
- General liability insurance.
- Property management plan.
- Written HOA/POA confirmation that the use is permitted pursuant to the subdivisions restrictive covenants if located in a neighborhood with an association
- Copy of business license within 30 days of approval.
- Allow rental to 30 days or less with maximum of 45 days per calendar year.
- Furnishing of meals not permitted.
- Two transients per bedroom excluding minor children and meeting building code requirements.
- Off-street parking space being provided for the rental occupants with parking and driveways coverage meeting ordinance requirements.

SHORT-TERM RENTALS – WHOLE HOUSE

- Meeting Uniform Statewide Building Code and all other laws and regulations.
- Permissible number of transient visitors occupying the dwelling limited to two times the number of bedrooms rented excluding minor children.
- No residential rental property allowed for short-term rental.
- Smoke detector and carbon monoxide detector on each floor of dwelling.
- Maintaining a guest registry
- Event rentals are not permitted.
- Allowing inspections within 24 hour notice by the City.
- Ensuring that safety and nuisance provisions of the City Code are complied with (noise, trash, outdoor burning etc).
- Provides for revoking based on conditions not being met or multiple violations

SHORT TERM RENTALS

Residential Zoning Districts: (%rentals)

- **RS-1 includes:** The Woods (0%), Yorkshire (10%), Holly Hills (6%), Walnut Hills (15%), Richneck Heights (23%), The Coves (3%), Queen Mary's Port (100%), Richmond Hill (7%), portion of Rolfe Road (87%) and end of Burns Lane (26%).
- **RS-2 Includes:** Burns Lane portion (26%); Indian Springs (44%), portion Rolfe Road (87%), Cary/Griffin/Newport/Boundary (65%), Chandler Court (31%), Pollard Park (50%), Mimosa (77%), Colonial Extension (75%), Powhatan Park (53%), Forest Hill Area (36%), Highland Park (50%), Braxton Court (44%), West Williamsburg Heights (66%), College Terrace (12%), Matoaka Court (68%), Skipwith (39%), Piney Creek (6%), Savannah Green (8%) and Strawberry Plains (17%).
- **RS-3 Includes:** Wales (49%), West Williamsburg (80%), Capitol Heights (62%), Pinecrest (48%) & residential area along North Henry Street (50%).