PUBLIC NOTICE
WILLIAMSBURG CITY COUNCIL

The Williamsburg City Council will hold public hearings on Thursday, January 10, 2019 at 2:00 P.M. in the Council Chambers of the Stryker Center, 412 North Boundary Street, to consider the following:

PCR#18-015: Amend the Zoning Ordinance by adding Section 21-605.2 and Section 21-605.3 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, so long as the owner meets certain conditions contained in the ordinance.

PCR#18-032: An ordinance to amend the Zoning Ordinance Article I. Section 21-2 by defining a food truck, adding food trucks in Article III. District Regulations as a permitted use in the LB-1, B-1, B-3*, ED* and ED-2 districts and one lot in the MS District in accordance with Section 21-622 and amending Article IV. Supplemental District Regulations Section 21-622 on food trucks.

Additional information is available at www.williamsburgva.gov/publicnotice or at the Planning Department (757) 220-6130, 401 Lafayette Street. Interested citizens are invited to attend this hearing and present their comments to Planning Commission.

If you are disabled and need accommodation in order to participate in the public hearings, please call the Planning Department at (757) 220-6130, (TTY) 220-6108, no later than 12:00 noon, Thursday, January 3, 2019.

Debi Burcham
Clerk of Council

CITY OF WILLIAMSBURG
MEMORANDUM

DATE: **December 20, 2018**

SUBJECT: **PCR#18-015**
Zoning Text Change adding Section 21-605.2 and Section 21-605.3 to allow 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

BACKGROUND

City Council at its April work session requested that Planning Commission review proposed 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, so long as the owner meets certain conditions contained in the ordinance.

Since that meeting, staff has drafted the attached ordinance based on City Council recommendations that the proposed ordinance be limited to owner occupied single-family detached dwellings, limited to one bedroom in the dwelling to transient visitors and limited the maximum time a single-family dwelling can be rented as a short-term rental to 45 days per year with a special exception from the Board of Zoning Appeals.

STATE REGULATORY HISTORY

SB416

In 2016, SB416 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. It permitted short-term rentals for 30 or fewer days and did not preclude consecutive rentals by the same person. The first 45 days of the rental use excluded BPOL and other taxes associated with the rental with all local taxation shifting to the Virginia Department of Taxation. It limited the locality in regulating the use and prohibits the Virginia Department of Taxation from providing documentation regarding the rental use. The legislation contained a reenactment requirement and the legislation was not reenacted.

SB1578

In 2017, SB1578 provided that the locality may regulate short-term rentals through its Zoning Ordinance, including whether to allow and if so where. It provided for the

creation of a short-term rental registry at the discretion of the locality. It also stated that hotels and beds and breakfast establishments permitted by a local ordinance did not need to comply with the registration requirement in addition to other local ordinances.

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

CITY REGULATIONS

Short-term rentals are currently permitted in the City as a hotel/motel, timeshare or 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 provided above, short-term rentals are not a permitted use in any of the City's residential zoning districts.

City Council has requested that Planning Commission review the proposed text changes to the Zoning Ordinance as a starting point for discussion on whether short-term rentals should be allowed in the City's residential districts.

PROPOSED ORDINANCE REFERRED BY CITY COUNCIL

Section 21-605.2. Rental of a room in single-family detached dwellings to visitors.

In Section 21-605.2 the proposed changes allow the rental of a room in a single-family detached dwelling to visitors in owner-occupied dwellings throughout residential districts with a special exception use approved by the Board of Zoning Appeals in accordance with Section 21-97(f) of the Zoning Ordinance subject to the following:

1. The definition of owner-occupied as defined in the Zoning Ordinance shall be met.
2. Have general liability insurance with coverage of not less than $500,000 in the name of the owner covering the rental of the property to visitors.
3. Provide a property management plan as outlined in the proposed ordinance.
4. Provide a recommendation from the HOA/POA to operate the short-term rental.
5. Provide a copy of a business license issued by the Williamsburg Commissioner of Revenue within 30 days after the approval of the special exception but prior to occupancy by the transient visitor.
6. No more than one room in the principal dwelling may be rented to transient visitors.
7. The furnishing of meals shall not be permitted.
8. No more than two transient visitors shall occupy a room at the same time excluding minor children of the transient occupants, unless reduced by the Uniform Statewide Building Code or other applicable laws and regulations.
9. One off-street parking space being provided and reserved for use by the occupants of the rental room.

10. Parking requirements as outlined in the proposed ordinance addressing space and driveway lot coverage and materials shall be met.
11. Applicable provisions of the Uniform Statewide Building Code and other applicable laws and regulations shall be met.
12. Property being used as a residential rental property may not be used as a short-term rental.
13. Only the property owner and his or her family as defined in Sec 21-2 may reside at the dwelling along with transient visitors.
14. A register must be kept of short-term rentals of the property as outlined in the proposed ordinance.
15. The same transient visitors may not occupy a short-term rental for a period of more than 30 days.
16. There shall be no visible evidence of the conduct of a short-term rental on the outside appearance of the property.
17. Event rentals are not permitted.
18. A smoke detector and carbon monoxide detector must be installed on each floor of the dwelling.
19. The owner shall give the City written consent to inspect the dwelling upon twenty-four hour notice to ascertain compliance with all the above performance standards.
20. Outdoor burning shall comply with Chapter 5 of the Williamsburg City Code.
21. Owner of the short-term rental shall ensure that transient visitors comply with City Ordinances to include noise and nuisance.
22. A copy of Chapter 12 of the City Code relative to noise must be provided at the short-term rental dwelling.

The ordinance states that it shall be unlawful to rent rooms to transient visitors except as allowed for in the proposed ordinance. It also allows an approved special exception to be revoked for failure to comply with a required condition or for multiple violations on more than three occasions of any state or local laws, ordinances or regulations related to the rental of bedrooms.

Section 21-605.3. Short-term rental of single-family detached dwellings to visitors.

In 21-605.3 the proposed changes allow the rental of an owner-occupied single-family detached dwelling for short periods of time to transient visitors while the owner-occupant is absent subject to the following:

1. The definition of owner-occupied as defined in the Zoning Ordinance shall be met.
2. The short-term rentals of single-family dwellings to transient visitors are allowed throughout residential districts but are limited to owner-occupied dwellings.

3. Allows a short-term rental in an owner-occupied single-family dwelling to be rented for 30 consecutive days or less in exchange for a charge for the occupancy.
4. Short-term rentals shall be permitted for not more than 45 days per calendar year and shall be contingent upon approval as a special exception use by the Board of Zoning Appeals in accordance with Section 21-97(f) of the Zoning Ordinance.
5. The furnishing of meals is not permitted.
6. No more than two transient visitors shall occupy a bedroom at the same time, excluding minor children of the transient occupants, unless otherwise reduced by the requirements of the Uniform Statewide Building Code and other applicable laws and regulations.
7. Off-street parking shall be provided and shall be allowed only in driveways and parking spaces on the lot.
8. Applicable provisions of the Uniform Statewide Building Code, and all other applicable laws and regulations, shall be met.
9. The permissible number of transient visitors occupying a single-family dwelling that qualifies for a special exception hereunder cannot exceed two times the number of bedrooms being rented to transient visitors, excluding minor children of the transient occupants.
10. No property being used as a residential rental property may also be used as a short-term residential rental.
11. The property owner must keep a register of short-term rental of the property.
12. Short-term rentals may not be occupied by the same transient visitors for a period of more than 30 days any calendar year.
13. There shall be no visible evidence of the short-term rental on the outside appearance of the property.
14. Event rentals are not permitted.
15. A smoke detector and carbon monoxide detector must be installed on each floor of the dwelling.
16. The owner shall give the City written consent to inspect the dwelling upon twenty-four hour notice to ascertain compliance with all the above performance standards.
17. Outdoor burning shall comply with Chapter 5 of the Williamsburg City Code.
18. Owner of the short-term rental shall ensure that transient visitors comply with City Ordinances to include noise and nuisance.
19. A copy of Chapter 12 of the City Code relative to noise must be provided at the short-term rental dwelling.

PLANNING COMMISSION MEETINGS

Short-term rentals have been discussed at three Planning Commission meetings since the June 20th regular meeting. Two work sessions on the topic have taken place since June, one on July 25th and another on October 24th. Planning Commission also heard public comment on the topic at their September 26th public forum. At the Planning Commission October work session, the Commission requested staff to draft an

ordinance to allow short-term rentals on the six major streets where room rental to visitors are currently allowed in the City for Commission consideration in December.

I am attaching the proposed Planning Commission draft ordinance and the proposed ordinance sent to Planning Commission from City Council in June.

PLANNING COMMISSION PROPOSED ORDINANCE

Section 21-605.2. Rental of a room in single-family detached dwellings to visitors.

In Section 21-605.2 the proposed changes allow the rental of a room in a single-family detached dwelling to visitors in owner-occupied dwellings on corridor streets as a business accessory use with a special exception use approved by the Board of Zoning Appeals in accordance with Section 21-97(f) of the Zoning Ordinance subject to the following:

1. The definition of owner-occupied as defined in the Zoning Ordinance shall be met.
2. Have general liability insurance with coverage of not less than $500,000 in the name of the owner covering the rental of the property to visitors.
3. Provide a property management plan as outlined in the proposed ordinance.
4. Provide a recommendation from the HOA/POA to operate the short-term rental.
5. Provide a copy of a business license issued by the Williamsburg Commissioner of Revenue within 30 days after the approval of the special exception but prior to occupancy by the transient visitor.
6. Rentals are limited to owner-occupied single-family detached dwellings.
7. Rentals must be located on a lot contiguous to the major streets or portions thereof listed below, and only if the dwelling's front door faces the major street:
   a. Capitol Landing Road from Lafayette Street to Queens Creek
   b. Henry Street between Lafayette Street and Mimosa Drive
   c. Jamestown Road
   d. Lafayette Street
   e. Page Street
   f. Richmond Road between Brooks Street and Virginia Avenue
8. No more than one room in the principal dwelling may be rented to transient visitors.
9. The furnishing of meals shall not be permitted.
10. No more than two transient visitors shall occupy a room at the same time excluding minor children of the transient occupants, unless reduced by the Uniform Statewide Building Code or other applicable laws and regulations.
11. One off-street parking space being provided and reserved for use by the occupants of the rental room.
12. Parking requirements as outlined in the proposed ordinance addressing space and driveway lot coverage and materials shall be met.

13. Applicable provisions of the Uniform Statewide Building Code and other applicable laws and regulations shall be met.
14. Property being used as a residential rental property may not be used as a short-term rental.
15. Only the property owner and his or her family as defined in Sec 21-2 may reside at the dwelling along with transient visitors.
16. A register must be kept of short-term rentals of the property as outlined in the proposed ordinance.
17. The same transient visitors may not occupy a short-term rental for a period of more than 30 days.
18. There shall be no visible evidence of the conduct of a short-term rental on the outside appearance of the property.
19. Event rentals are not permitted.
20. A fully functional smoke detector and carbon monoxide detector must be installed on each floor of the dwelling.
21. The owner shall give the City written consent to inspect the dwelling upon twenty-four hour notice to ascertain compliance with all the above performance standards.
22. Outdoor burning shall comply with Chapter 5 of the Williamsburg City Code.
23. Owner of the short-term rental shall ensure that transient visitors comply with City Ordinances to include noise and nuisance.
24. A copy of Chapter 12 of the City Code relative to noise must be provided at the short-term rental dwelling.

ANALYSIS

The proposed ordinance sent to Planning Commission from City Council basically allows short-term rentals in owner-occupied single-family dwellings throughout the City meeting certain conditions contained in the proposed ordinance with a special exception from the Board of Zoning Appeals. The short-term rental use would be allowed in all single-family neighborhoods in the City. If a request is located in a neighborhood that has a HOA/POA written confirmation is required that the use is permitted in that neighborhood.

The Planning Commission proposed ordinance allows short-term rentals on the six major streets where room rental to visitors are currently allowed. The six major streets are: Capitol Landing Road from Lafayette Street to Queens Creek, Henry Street between Lafayette Street and Mimosa Drive, Jamestown Road, Lafayette Street, Page Street and Richmond Road between Brooks Street and Virginia Avenue. An evaluation of these streets by staff reveals the following:

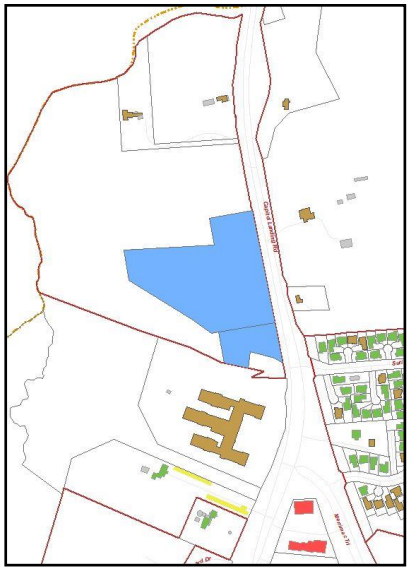
(a) Capitol Landing Road from Lafayette Street to Queens Creek

This section contains 26 single-family dwellings. Of these dwellings, currently there are nine owner occupied single-family dwellings, 16 rental single-family dwellings and one dwelling being used as a bed and breakfast. The Witten/Mahone properties at 1038, 1030 and 1018 Capitol Landing Road were rezoned in 2016 from RS-1 to LB-3 to allow up to ten rooms in the three dwellings to be rented to visitors.

Rental = blue

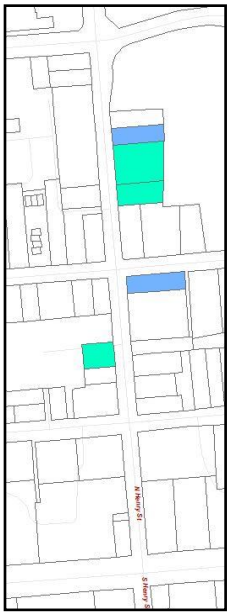
Owner = green

B&B = orange



(b) Henry Street between Lafayette Street and Mimosa Drive

This section contains ten single-family dwellings. Of these dwellings, currently there are four owner-occupied single-family dwellings, five rental single-family dwellings and one dwelling being used as a bed and breakfast.



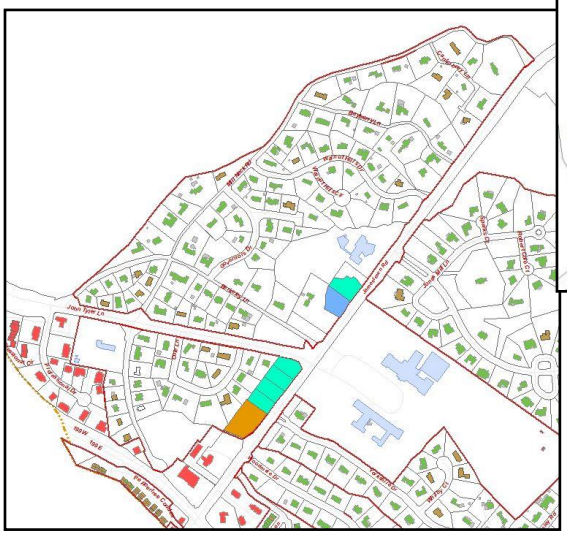
Rental = blue

Owner = green

B&B = orange

(c) Jamestown Road

Jamestown Road contains 29 single-family dwellings. Of these dwellings, currently there are 17 owner-occupied single-family dwellings, seven are rental single-family dwellings and five dwellings being used as bed and breakfasts.

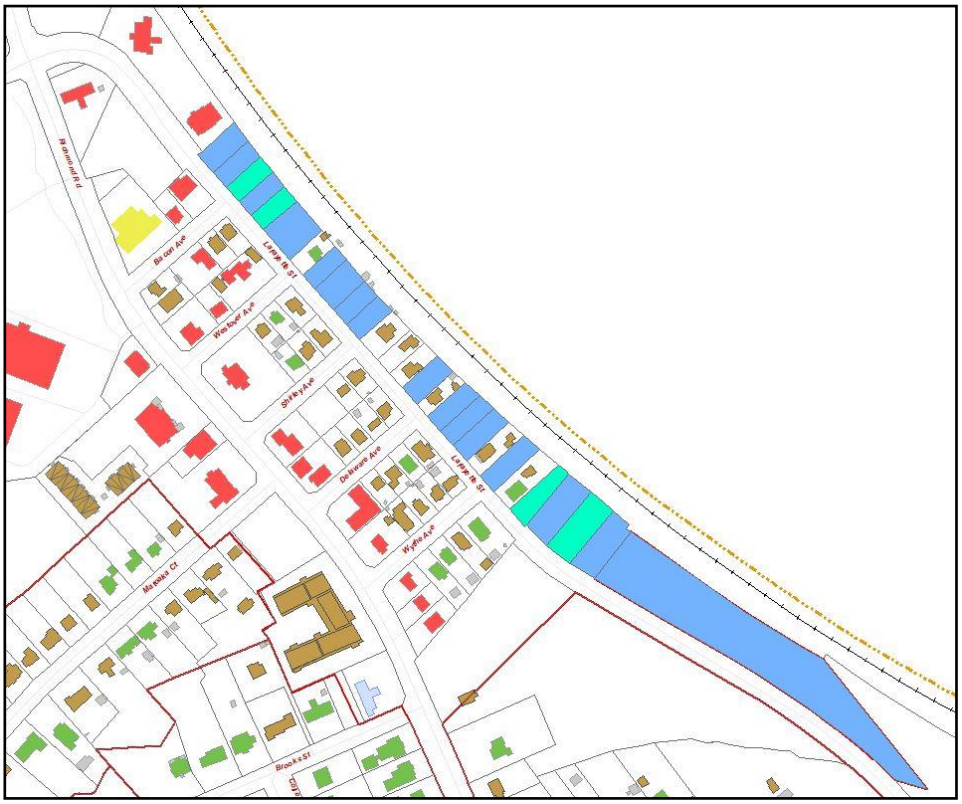


Rental = blue

Owner = green

B&B = orange

(d) Lafayette Street contains 21 single-family dwellings. Of these dwellings, currently four are owner-occupied single-family dwellings and 17 are rental single-family dwellings.



Rental = blue

Owner = green

(e) Page Street contains 11 single-family dwellings. Of these dwellings, currently ten are owner-occupied single-family dwellings and one is a rental single-family dwellings. Five of the owner-occupied units are located in Capitol Landing Green which may not allow short-term rentals in their covenants and restrictions.

(f) Richmond Road between Brooks Street and Virginia Avenue contains 22 single-family dwellings. Of these dwellings, currently there are 14 owner-occupied single-family dwellings, two are rental single-family dwellings and six dwellings being used as bed and breakfasts.

Rental = blue

Owner = green

B&B = orange

On the six major entrance corridors there are 58 owner-occupied single-family dwellings, 48 rental single-family dwellings and 13 bed and breakfast establishments.

STAFF RECOMMENDATION

Hold the public hearing and decide if either of the two proposed ordinances are acceptable based on the information that has been provided over the last six months and public input. For either option, the owner will need to pay BPOL tax and personal property tax for all items in the room they are renting at an assessment rate of 30% of original installed cost at 3.5% per the Commissioner of Revenue's Office.

PLANNING COMMISSION RECOMMENDATION

Planning Commission held a public hearing on December 19, 2018. No one spoke at the public hearing.

Planning Commission recommended to City Council by a vote of 6-1, approval of the proposed ordinance that allows short-term rentals on the six major streets that currently allows room rental to visitors. The six major streets are: Capitol Landing Road from Lafayette Street to Queens Creek, Henry Street between Lafayette Street and Mimosa Drive, Jamestown Road, Lafayette Street, Page Street and Richmond Road between Brooks Street and Virginia Avenue.

CITY COUNCIL PUBLIC HEARING

A City Council public hearing is scheduled for their regular meeting on January 10, 2019 in the Council Chambers of the Stryker Center at 2:00 p.m.

Carolyn A. Murphy

Carolyn A. Murphy, AICP
Planning and Codes Compliance Director

[R:PC/PCR/08-015MMO7]

ORDINANCE #18-

PROPOSED ORDINANCE #18-

AN ORDINANCE TO ADD SECTION 21-605.2 TO CHAPTER 21, ZONING, OF THE CODE OF THE CITY OF WILLIAMSBURG TO AUTHORIZE THE SHORT-TERM RENTAL OF BEDROOMS TO TRANSIENT VISITORS WITH A SPECIAL EXCEPTION (PCR#18-015)

WHEREAS, in 2017 the Virginia General Assembly enacted Section 15.2-983 of the Code of Virginia (1950), as amended, which affirms that localities are authorized to regulate short-term rentals within their jurisdictions; and

WHEREAS, short-term rental of accommodations in single-family and other dwellings has become a widely accepted and popular choice among travelers and tourists, and provides a supplemental income potential to property owners; and

WHEREAS, although popular, short-term rentals of real property have the potential to create detrimental impacts on single-family neighborhoods in the City, including traffic, noise and other nuisances, in addition to imposing economic pressure on single-family neighborhoods in the City which are already subject to significant impacts resulting from the City's high demand residential rental market, and examples of short-term rentals negatively affecting the availability and affordability of single-family residential dwellings as well as the peaceful enjoyment of neighborhoods in which large numbers of short-term rentals are located can be found across the country; and

WHEREAS, the City Council has for decades sought to balance the needs of owner-occupied single-family neighborhoods with commercial interests created by the unique circumstances of the City of Williamsburg, home to both a world-class institution of higher education and a world-class historic and cultural attraction; and

WHEREAS, City Council has long maintained policies which ensure that the City, and in particular its neighborhoods downtown, remain a place where families want to settle and have determined that these policies are critical to ensuring that Williamsburg remains a safe, thriving and vibrant City; and

WHEREAS, to that end, permitted uses have historically been carefully considered and deliberately conservative in order to avoid a critical convergence of adverse impacts on precarious neighborhoods; and

WHEREAS, City Council has determined that unregulated and unlimited use of property for short-term rentals has the potential to create such a critical convergence of adverse impacts; and

WHEREAS, City Council, however, recognizing the need to accommodate short-term rental demand in the City, desires to do so in a way that does not result in

reduced desirability of the City's single-family neighborhoods for resident families or induces the purchase and use of the City's single-family dwellings for commercial purposes; and

WHEREAS, City Council desires to allow for revenue generation for owner-occupied properties not currently permitted by the City's zoning ordinance, which may make owner-occupied single-family dwellings in the City more affordable by providing an additional supplemental revenue opportunity for those owner-occupants; and

WHEREAS, the City Council has determined that allowing the short-term rental of rooms to transient visitors on corridor streets as an accessory business use helps to accomplishes some of these goals and limits potential adverse impacts; and

WHEREAS, City Council has determined that permitting said use in specified areas of the City as a special exception, with reasonable on-going regulations, provides sufficient review and oversight to ensure that the development and operation of such an accessory business use is done in a manner that ensures both the welfare and safety of transient visitors, the neighborhoods in which the accessory use is located, and the interests of adjacent property owners.

NOW, THEREFORE BE IT ORDAINED that Sections 21-605.2 is hereby added to Chapter 21, Article IV of the Code of the City of Williamsburg, as follows:

CHAPTER 21

ARTICLE IV – SUPPLEMENTAL DISTRICT REGULATIONS

Section 21-605.2 – Rental of a room in single-family detached dwellings to visitors

(a) *Intent.* These regulations are established to allow the rental of a room to transient visitors in single-family detached dwellings only while at the same time preserving the residential character of the neighborhoods in which the dwellings are located. To these ends, room rentals to transient visitors are allowed on corridor streets as a business accessory use, with a special exception, but are limited to owner-occupied dwellings.

(b) *Rental of a room to transient visitors.* Room may consist of a bedroom, bathroom, closet(s), and a sitting area for the exclusive use of the transient visitors, but may not include cooking facilities separate from the primary cooking facilities serving the single-family dwelling. Rental of a room to transient visitors is permitted only in owner-occupied single-family dwellings but shall be contingent upon approval as a special exception use by the Board of Zoning Appeals in accordance with section 21-97(f), and subject to the following:

(c) *Owner-occupied single-family detached dwelling defined.*

(1) For the purpose of this section, a single-family detached dwelling shall be deemed "owner-occupied" only so long as it is regularly occupied by:

a. An adult individual who owns at least a 50 percent undivided fee simple interest in such dwelling and the lot upon which it is located and regularly occupies said dwelling as his or her principal place of residence; or

b. The stockholder(s) of at least 51 percent of the individual outstanding voting stock of a corporation, chartered in the Commonwealth of Virginia, or the member(s) of a limited liability company or limited partnership chartered in the Commonwealth of Virginia, who own the controlling interest therein, which corporation or limited liability company or limited partnership owns full fee simple title to the dwelling and the lot on which it is located, and which controlling stockholder(s)/member(s)/partners are related to one another as provided in the definition of family as provided in Section 21-2 and regularly occupy said dwelling as their principal place of residence along with their family.

c. The trustee or adult primary beneficiary of a trust, when the property is held as an asset of the trust and the trustee or adult primary beneficiary occupies the dwelling as his or her principal place of residence.

(2) Ownership shall be established as follows:

a. Record ownership of fee simple title shall be certified by an attorney-at-law duly licensed to practice in the Commonwealth of Virginia, and shall be based upon examination of the land records in the Clerk's Office for the Circuit Court of the City of Williamsburg and County of James City made not earlier than the day before delivery of the certification to the zoning administrator. Such certification shall be in form acceptable to the city attorney.

b. The identity of stockholders of a corporation and members of a limited liability company shall be established by affidavit of all stockholders or members in form satisfactory to the city attorney. Such affidavit shall state that said stockholders of the majority interest of the corporation, or the majority of the members of the limited liability company, regularly occupy the dwelling as their primary residence.

c. The identity of the trustee or primary beneficiary of a trust shall be established by providing a copy of the trust document accompanied by an affidavit of the trust identifying the current adult trust beneficiaries.

(3) On the first business day of each January following the issuance of the special exception, the ownership and occupancy of the dwelling and lot, if unchanged, shall be established as follows:

a. In the case of individual ownership, by affidavit of the owner or owners originally identified in the attorney's title certification furnished in connection with the permit application;

b. In the case of corporate ownership, the corporation's continued full fee simple ownership and the identity of the controlling stockholders shall be established by the affidavit of the president of the corporation and the continued occupancy of the dwelling and lot as the principal residence of the controlling stockholders shall be established by their affidavits; or

c. In the case of ownership by a limited liability company, the company's continued ownership of full fee simple ownership, the fact that the members previously identified as owning control of the limited liability company continue to do so and that said members continue to occupy the dwelling and lot as their primary residence shall be established by their affidavits.

(4) If a change in fee simple ownership of the dwelling and lot has occurred since the last annual certification, then the current fee simple ownership shall again be established by certificate of a duly licensed attorney-at-law based upon examination of the land records in the Clerk's Office of the Circuit Court for the City of Williamsburg and the County of James City. In such case, the identity of controlling stockholders, in the case of a corporation or controlling members, in the case of limited liability company and the facts regarding occupancy shall be established by affidavits as provided in section 21-605.2(c)(2)above.

(d) Should ownership, control or occupancy of a dwelling for which a special exception has been issued at any time fail to meet the requirements of section 21-605.2(c), and if compliance has not been achieved within 60 days of the zoning administrator's notice of noncompliance, then the special exception shall become null and void.

(e) Prior to offering property for rental by transient visitors, the applicant shall provide to the zoning administrator:

(1) Evidence of ownership as provided in section 21-605.2(c).

(2) A copy of a general liability insurance policy in the name of the owner covering the rental of the property to visitors, with coverage of not less than $500,000. Such insurance coverage must remain in place at all times while any part of the property is being offered for short-term rental.

(3) A property management plan demonstrating how the short-term rental will be managed and how the impact on neighboring properties will be minimized shall be submitted to the Planning Department for review and approval as part of the permitting process. The plan shall include local points of contact available to respond immediately to complaints, clean up garbage, manage unruly tenants and utility issues, etc. The contact numbers shall be provided to City staff, public safety officials and, if

applicable, the HOA/POA of the subdivision. The plan must be provided as part of the rental contract.

(4) If the property is located within a subdivision governed by a homeowner's association/property owners association, the zoning administrator must receive written confirmation from the HOA/POA that the short-term rental is permitted pursuant to the subdivisions restrictive covenants. ~~a recommendation of approval or disapproval from the HOA/POA to operate the short-term rental.~~

(5) A copy of a business license issued by the Williamsburg Commissioner of the Revenue shall be provided to the zoning administrator not less than 30 days after the approval of the special exception but prior to occupancy by the transient visitor.

(f) The Board of Zoning Appeals shall determine if the property at issue meets the occupancy requirement, provides an adequate plan for managing the property, and shall determine if the property may be operated as a short-term rental consistent with the provisions of Sec. 21-97(f) and conditions contained herein.

(g) Special exceptions to operate a short-term rental shall be subject to the following conditions:

(1) Rentals are limited to owner-occupied single-family detached dwellings.

(2) Rentals must be located on a lot contiguous to the major streets or portions thereof listed below, and only if the dwelling's front door faces the major street:

a. Capitol Landing Road from Lafayette Street to Queens Creek
b. Henry Street between Lafayette Street and Mimosa Drive
c. Jamestown Road
d. Lafayette Street
e. Page Street
f. Richmond Road between Brooks Street and Virginia Avenue

(3) No more than one room in the principal dwelling may be rented to transient visitors, as defined in Sec. 21-605.2(b).

(4) The furnishing of meals is not permitted.

(4) No more than two transient visitors shall occupy a room at the same time, excluding minor children of the transient occupants, unless otherwise reduced by the requirements of the Uniform Statewide Building Code and all other applicable laws and regulations.

(5) The following parking requirements shall apply:

a. One-off-street parking space shall be provided (as required by Article V, Parking), and shall be reserved for use by the occupants of the rental room.
b. The Board of Zoning Appeals, when ruling on the special exception, shall consider the location of the off-street parking and its impact on adjoining residences and the adjacent street(s). When necessary to preserve the character of the surrounding neighborhood and streetscape, the board may prohibit the location of off-street parking in front yards and/or the street side yards for corner lots.
d. Parking spaces and driveways shall be constructed of gravel, compacted stone, concrete, asphalt, brick or paving stones.
e. Parking spaces and driveways (inclusive of spaces for the single-family detached dwelling and the proposed bedroom rental) shall not occupy more than 30 percent of a front or rear yard area, and shall not occupy more than 15 percent of the total lot area for lots having a lot area of 20,000 square feet or less; nor more than ten percent of the total lot area for lots having a lot area of more than 20,000 square feet. When applying for a special exception, existing parking spaces and driveways that are constructed of gravel, compacted stone, concrete, asphalt, brick or paving stones may be used to provide the required parking, even if they are not in compliance with these standards. All new parking spaces and driveways shall comply with these standards.
f. Parking shall be allowed only in driveways or parking spaces meeting these requirements, and shall be prohibited elsewhere on the lot.

(6) Applicable provisions of the Uniform Statewide Building Code, and all other applicable laws and regulations, shall be met.

(~~8~~ 7) No property being used as a residential rental property may also be used as a short-term rental. Only the property owner and his or her family, as defined in Sec. 21-2, may reside at the dwelling along with transient visitors.

(~~9~~ 8) Property owners utilizing their properties as a short-term rental must keep a register of short-term rentals of the property. Said register shall be subject to inspection upon request of the zoning administrator, and application for a permit to engage in short-term rentals shall contain a written consent for such inspection. The name and addresses of all transient visitors occupying the short term rental and the dates rented must be maintained in the register, whether or not that person is the person who paid the cost of the short-term rental or not. Said information must be maintained in said register for a period of two years.

(~~10~~ 9) Short-term rentals may not be occupied by the same transient visitors for a period of more than 30 days during any calendar year.

(~~11~~ 10) There shall be no visible evidence of the conduct of such short-term rentals on the outside appearance of the property.

(~~12~~ 11) Event rentals are not permitted.

(~~13~~ 12) A fully functional smoke detector and carbon monoxide detector must be installed on each floor of the dwelling.

(~~14~~ 13) The owner of a dwelling used for short-term rentals shall give the City written consent to inspect such dwelling upon a twenty-four hour notice to ascertain compliance with all the above performance standards.

(~~15~~ 14) All outdoor burning shall be in compliance with Chapter 5 of the Williamsburg City Code.

(~~16~~ 15) Owners of the short-term rental shall ensure that transient visitors comply with City ordinances, including but not limited to the City noise and nuisance ordinance. A copy of Chapter 12 of the City Code relative to noise must be provided at the short-term rental dwelling.

(h) It shall be unlawful to rent rooms to transient visitors in any dwelling except as provided herein.

(i) Except as otherwise herein provided, a special exception as granted hereunder may be revoked for failure to comply with a required condition contained herein or for multiple violations on more than three occasions of any state or local laws, ordinances or regulations related to the rental of bedrooms, consistent with Section 21-97(g).

EXCEPT, as here amended, the Williamsburg Code shall remain unchanged.

Adopted: _____

_____
Paul T. Freiling, Mayor

Attest: _____
Debi Burcham, City Council Clerk

[PC\PCR\2018\18-015 PROPOSED PC DRAFT ORDINANCE]

ORDINANCE #18-

PROPOSED ORDINANCE #18-

AN ORDINANCE TO ADD SECTION 21-605.2 AND SECTION 21-605.3 TO CHAPTER 21, ZONING, OF THE CODE OF THE CITY OF WILLIAMSBURG TO AUTHORIZE THE SHORT-TERM RENTAL OF BEDROOMS TO TRANSIENT VISITORS AND SHORT-TERM RENTALS WITHIN OWNER-OCCUPIED SINGLE-FAMILY DWELLINGS WITH A SPECIAL EXCEPTION (PCR#18-015)

WHEREAS, in 2017 the Virginia General Assembly enacted Section 15.2-983 of the Code of Virginia (1950), as amended, which restates that localities are authorized to regulate short-term rentals within their jurisdictions; and

WHEREAS, short-term rental of accommodations in single-family and other dwellings has become a widely accepted and popular choice among travelers and tourists, and provides a supplemental income potential to property owners; and

WHEREAS, although popular, short-term rentals of real property have the potential to create detrimental impacts on single-family neighborhoods in the City, including traffic, noise and other nuisances, in addition to imposing economic pressure on single-family neighborhoods in the City which are already subject to significant impacts resulting from the City's high demand residential rental market, and examples of short-term rentals negatively affecting the availability and affordability of single-family residential dwellings as well as the peaceful enjoyment of neighborhoods in which large numbers of short-term rentals are located can be found across the country; and

WHEREAS, the City Council has for decades sought to balance the needs of owner-occupied single-family neighborhoods with commercial interests created by the unique circumstances of the City of Williamsburg, home to both a world-class institution of higher education and a world-class historic and cultural attraction; and

WHEREAS, City Council has long maintained policies which ensure that the City, and in particular its neighborhoods downtown, remain a place where families want to settle and have determined that these policies are critical to ensuring that Williamsburg remains a safe, thriving and vibrant City; and

WHEREAS, to that end, permitted uses have historically been carefully considered and deliberately conservative in order to avoid a critical convergence of adverse impacts on precarious neighborhoods; and

WHEREAS, City Council has determined that unregulated and unlimited use of property for short-term rentals has the potential to create such a critical convergence of adverse impacts; and

WHEREAS, City Council, however, recognizing the need to accommodate short-term rental demand in the City, desires to do so in a way that does not result in reduced desirability of the City's single-family neighborhoods for resident families or induces the purchase and use of the City's single-family dwellings for commercial purposes, and

WHEREAS, City Council desires to allow for revenue generation for owner-occupied properties not currently permitted by the City's zoning ordinance, which may make owner-occupied single-family dwellings in the City more affordable by providing an additional supplemental revenue opportunity for those owner-occupants; and

WHEREAS, the City Council has determined that allowing both the short-term rental of rooms to transient visitors within owner-occupied single-family dwellings and the short-term rental of owner-occupied single-family dwellings for a limited period of time each year as an accessory business use accomplishes these goals and limits potential adverse impacts; and

WHEREAS, City Council has determined that permitting said use as a special exception, with reasonable on-going regulations, provides sufficient review and oversight to ensure that the development and operation of such an accessory business use is done in a manner that ensures both the welfare and safety of transient visitors, the neighborhoods in which the accessory use is located, and the interests of adjacent property owners.

NOW, THEREFORE BE IT ORDAINED that Sections 21-605.2 and 21-605.3 are hereby added to Chapter 21, Article IV of the Code of the City of Williamsburg, as follows:

CHAPTER 21

ARTICLE IV – SUPPLEMENTAL DISTRICT REGULATIONS

Section 21-605.2 – Rental of a room in single-family detached dwellings to visitors

(a) *Intent.* These regulations are established to allow the rental of a room to transient visitors in single-family detached dwellings only while at the same time preserving the residential character of the neighborhoods in which the dwellings are located. To these ends, room rentals to transient visitors are allowed throughout residential districts as a business accessory use, with a special exception, but are limited to owner-occupied dwellings.

(b) *Rental of a room to transient visitors.* Room may consist of a bedroom, bathroom, closet(s), and a sitting area for the exclusive use of the transient visitors, but may not include cooking facilities separate from the primary cooking facilities serving the single-family dwelling. Rental of a room to transient visitors is permitted only in owner-occupied single-family dwellings but shall be contingent upon approval as a special exception use by the Board of Zoning Appeals in accordance with section 21-97(f), and subject to the following:

(c) *Owner-occupied single-family detached dwelling defined.*

(1) For the purpose of this section, a single-family detached dwelling shall be deemed "owner-occupied" only so long as it is regularly occupied by:

a. An adult individual who owns at least a 50 percent undivided fee simple interest in such dwelling and the lot upon which it is located and regularly occupies said dwelling as his or her principal place of residence; or

b. The stockholder(s) of at least 51 percent of the individual outstanding voting stock of a corporation, chartered in the Commonwealth of Virginia, or the member(s) of a limited liability company or limited partnership chartered in the Commonwealth of Virginia, who own the controlling interest therein, which corporation or limited liability company or limited partnership owns full fee simple title to the dwelling and the lot on which it is located, and which controlling stockholder(s)/member(s)/partners are related to one another as provided in the definition of family as provided in Section 21-2 and regularly occupy said dwelling as their principal place of residence along with their family.

c. The trustee or adult primary beneficiary of a trust, when the property is held as an asset of the trust and the trustee or adult primary beneficiary occupies the dwelling as his or her principal place of residence.

(2) Ownership shall be established as follows:

a. Record ownership of fee simple title shall be certified by an attorney-at-law duly licensed to practice in the Commonwealth of Virginia, and shall be based upon examination of the land records in the Clerk's Office for the Circuit Court of the City of Williamsburg and County of James City made not earlier than the day before delivery of the certification to the zoning administrator. Such certification shall be in form acceptable to the city attorney.

b. The identity of stockholders of a corporation and members of a limited liability company shall be established by affidavit of all stockholders or members in form satisfactory to the city attorney. Such affidavit shall state that said stockholders of the majority interest of the corporation, or the majority of the members of the limited liability company, regularly occupy the dwelling as their primary residence.

c. The identity of the trustee or primary beneficiary of a trust shall be established by providing a copy of the trust document accompanied by an affidavit of the trust identifying the current adult trust beneficiaries.

(3) On the first business day of each January following the issuance of the special exception, the ownership and occupancy of the dwelling and lot, if unchanged, shall be established as follows:

a. In the case of individual ownership, by affidavit of the owner or owners originally identified in the attorney's title certification furnished in connection with the permit application;
b. In the case of corporate ownership, the corporation's continued full fee simple ownership and the identity of the controlling stockholders shall be established by the affidavit of the president of the corporation and the continued occupancy of the dwelling and lot as the principal residence of the controlling stockholders shall be established by their affidavits; or
c. In the case of ownership by a limited liability company, the company's continued ownership of full fee simple ownership, the fact that the members previously identified as owning control of the limited liability company continue to do so and that said members continue to occupy the dwelling and lot as their primary residence shall be established by their affidavits.

(4) If a change in fee simple ownership of the dwelling and lot has occurred since the last annual certification, then the current fee simple ownership shall again be established by certificate of a duly licensed attorney-at-law based upon examination of the land records in the Clerk's Office of the Circuit Court for the City of Williamsburg and the County of James City. In such case, the identity of controlling stockholders, in the case of a corporation or controlling members, in the case of limited liability company and the facts regarding occupancy shall be established by affidavits as provided in section 21-605.2(c)(2)above.

(d) Should ownership, control or occupancy of a dwelling for which a special exception has been issued at any time fail to meet the requirements of section 21-605.2(c), and if compliance has not been achieved within 60 days of the zoning administrator's notice of noncompliance, then the special exception shall become null and void.

(e) Prior to offering property for rental by transient visitors, the applicant shall provide to the zoning administrator:

(1) Evidence of ownership as provided in section 21-605.2(c).

(2) A copy of a general liability insurance policy in the name of the owner covering the rental of the property to visitors, with coverage of not less than $500,000. Such insurance coverage must remain in place at all times while any part of the property is being offered for short-term rental.

(3) A property management plan demonstrating how the short-term rental will be managed and how the impact on neighboring properties will be minimized shall be submitted to the Planning Department for review and approval as part of the permitting process. The plan shall include local points of contact available to respond immediately to complaints, clean up garbage, manage unruly tenants and utility issues, etc. The contact numbers shall be provided to City staff, public safety officials and, if applicable, the HOA/POA of the subdivision. The plan must be provided as part of the rental contract.

(4) If the property is located within a subdivision governed by a homeowner's association/property owners association, the zoning administrator must receive written confirmation from the HOA/POA that the short-term rental is permitted pursuant to the subdivisions restrictive covenants. ~~a recommendation of approval or disapproval from the HOA/POA to operate the short-term rental.~~

(5) A copy of a business license issued by the Williamsburg Commissioner of the Revenue shall be provided to the zoning administrator not less than 30 days after the approval of the special exception but prior to occupancy by the transient visitor.

(f) The Board of Zoning Appeals shall determine if the property at issue meets the occupancy requirement, provides an adequate plan for managing the property, and shall determine if the property may be operated as a short-term rental consistent with the provisions of Sec. 21-97(f) and conditions contained herein.

(g) Special exceptions to operate a short-term rental shall be subject to the following conditions:

(1) Rentals are limited to owner-occupied single-family detached dwellings.

(2) No more than one room in the principal dwelling may be rented to transient visitors, as defined in Sec. 21-605.2(b).

(3) The furnishing of meals is not permitted.

(4) No more than two transient visitors shall occupy a room at the same time, excluding minor children of the transient occupants, unless otherwise

reduced by the requirements of the Uniform Statewide Building Code and all other applicable laws and regulations.

(5) The following parking requirements shall apply:

a. One-off-street parking space shall be provided (as required by Article V, Parking), and shall be reserved for use by the occupants of the rental room.

b. The Board of Zoning Appeals, when ruling on the special exception, shall consider the location of the off-street parking and its impact on adjoining residences and the adjacent street(s). When necessary to preserve the character of the surrounding neighborhood and streetscape, the board may prohibit the location of off-street parking in front yards and/or the street side yards for corner lots.

d. Parking spaces and driveways shall be constructed of gravel, compacted stone, concrete, asphalt, brick or paving stones.

e. Parking spaces and driveways (inclusive of spaces for the single-family detached dwelling and the proposed bedroom rental) shall not occupy more than 30 percent of a front or rear yard area, and shall not occupy more than 15 percent of the total lot area for lots having a lot area of 20,000 square feet or less; nor more than ten percent of the total lot area for lots having a lot area of more than 20,000 square feet. When applying for a special exception, existing parking spaces and driveways that are constructed of gravel, compacted stone, concrete, asphalt, brick or paving stones may be used to provide the required parking, even if they are not in compliance with these standards. All new parking spaces and driveways shall comply with these standards.

f. Parking shall be allowed only in driveways or parking spaces meeting these requirements, and shall be prohibited elsewhere on the lot.

(6) Applicable provisions of the Uniform Statewide Building Code, and all other applicable laws and regulations, shall be met.

~~(7) The permissible number of transient visitors occupying a single-family dwelling that qualifies for a special exception hereunder cannot exceed two times the number of bedrooms being rented to transient visitors, excluding minor children of the transient occupants.~~ See (4) above.

(~~8~~ 7) No property being used as a residential rental property may also be used as a short-term rental. Only the property owner and his or her family, as defined in Sec. 21-2, may reside at the dwelling along with transient visitors.

(~~9~~ 8) Property owners utilizing their properties as a short-term rental must keep a register of short-term rentals of the property. Said register shall be subject to inspection upon request of the zoning administrator, and application for a

permit to engage in short-term rentals shall contain a written consent for such inspection. The name and addresses of all transient visitors occupying the short term rental and the dates rented must be maintained in the register, whether or not that person is the person who paid the cost of the short-term rental or not. Said information must be maintained in said register for a period of two years.

(~~10~~ 9) Short-term rentals may not be occupied by the same transient visitors for a period of more than 30 days during any calendar year.

(~~11~~ 10) There shall be no visible evidence of the conduct of such short-term rentals on the outside appearance of the property.

(~~12~~ 11) Event rentals are not permitted.

(~~13~~ 12) A fully functional smoke detector and carbon monoxide detector must be installed on each floor of the dwelling.

(~~14~~ 13) The owner of a dwelling used for short-term rentals shall give the City written consent to inspect such dwelling upon a twenty-four hour notice to ascertain compliance with all the above performance standards.

(~~15~~ 14) All outdoor burning shall be in compliance with Chapter 5 of the Williamsburg City Code.

(~~16~~ 15) Owners of the short-term rental shall ensure that transient visitors comply with City ordinances, including but not limited to the City noise and nuisance ordinance. A copy of Chapter 12 of the City Code relative to noise must be provided at the short-term rental dwelling.

(h) It shall be unlawful to rent rooms to transient visitors in any dwelling except as provided herein.

(i) Except as otherwise herein provided, a special exception as granted hereunder may be revoked for failure to comply with a required condition contained herein or for multiple violations on more than three occasions of any state or local laws, ordinances or regulations related to the rental of bedrooms, consistent with Section 21-97(g).

Section 21-605.3 – Short-term rental of single-family detached dwellings to visitors.

(a) *Intent.* These regulations are established to allow the rental of owner-occupied single-family detached dwellings for short periods of time to transient visitors while the owner-occupant is absent, while at the same time preserving the residential character of the neighborhoods in which the dwellings are located. To these ends, short-term rentals of single-family dwellings to transient visitors are allowed throughout residential districts as a business accessory use, with a special exception, but are limited to owner-occupied dwellings.

(b) *Short-term residential rental.* Short-term residential rental means the provision of an owner-occupied single-family dwelling in its entirety for lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy.

(c) *Limitation.* Short-term residential rentals shall be permitted for not more than 45 days per calendar year, and shall be contingent upon approval as a special exception use by the Board of Zoning Appeals in accordance with section 21-97(f), and subject to the following:

(d) Owner-occupied single-family detached dwelling defined.

(1) For the purpose of this section, a single-family detached dwelling shall be deemed "owner-occupied" only so long as it is regularly occupied by:
   a. An adult individual who owns at least a 50 percent undivided fee simple interest in such dwelling and the lot upon which it is located and regularly occupies said dwelling as his or her principal place of residence; or
   b. The stockholder(s) of at least 51 percent of the individual outstanding voting stock of a corporation, chartered in the Commonwealth of Virginia, or the member(s) of a limited liability company or limited partnership chartered in the Commonwealth of Virginia, who own the controlling interest therein, which corporation or limited liability company or limited partnership owns full fee simple title to the dwelling and the lot on which it is located, and which controlling stockholder(s)/member(s)/partners are related to one another as provided in the definition of family as provided in Section 21-2 and regularly occupy said dwelling as their principal place of residence along with their family.
   c. The trustee or adult primary beneficiary of a trust, when the property is held as an asset of the trust and the trustee or adult primary beneficiary occupies the dwelling as his or her principal place of residence.

(2) Ownership shall be established as follows:

a. Record ownership of fee simple title shall be certified by an attorney-at-law duly licensed to practice in the Commonwealth of Virginia, and shall be based upon examination of the land records in the Clerk's Office for the Circuit Court of the City of Williamsburg and County of James City made not earlier than the day before delivery of the certification to the zoning administrator. Such certification shall be in form acceptable to the city attorney.

b. The identity of stockholders of a corporation and members of a limited liability company shall be established by affidavit of all stockholders or members in form satisfactory to the city attorney. Such affidavit shall state that said stockholders of the majority interest of the corporation, or the majority of the members of the limited liability company, regularly occupy the dwelling as their primary residence.

c. The identity of the trustee or primary beneficiary of a trust shall be established by providing a copy of the trust document accompanied by an affidavit of the trust identifying the current adult trust beneficiaries.

(3) On the first business day of each January following the issuance of the special exception, the ownership and occupancy of the dwelling and lot, if unchanged, shall be established as follows:

a. In the case of individual ownership, by affidavit of the owner or owners originally identified in the attorney's title certification furnished in connection with the permit application;

b. In the case of corporate ownership, the corporation's continued full fee simple ownership and the identity of the controlling stockholders shall be established by the affidavit of the president of the corporation and the continued occupancy of the dwelling and lot as the principal residence of the controlling stockholders shall be established by their affidavits; or

c. In the case of ownership by a limited liability company, the company's continued ownership of full fee simple ownership, the fact that the members previously identified as owning control of the limited liability company continue to do so and that said members continue to occupy the dwelling and lot as their primary residence shall be established by their affidavits.

(4) If a change in fee simple ownership of the dwelling and lot has occurred since the last annual certification, then the current fee simple ownership shall again be established by certificate of a duly licensed attorney-at-law based upon examination of the land records in the Clerk's Office of the Circuit Court for the City of Williamsburg and the County of James City. In such case, the identity of controlling stockholders, in the case of a corporation or controlling members, in the case of limited liability company

and the facts regarding occupancy shall be established by affidavits as provided in section 21-605.3(d)(2)above.

(5) Should ownership, control or occupancy of a dwelling for which a special exception has been issued at any time fail to meet the requirements of this section 21-605.3(d), and if compliance has not been achieved within 60 days of the zoning administrator's notice of noncompliance, then the special exception shall become null and void.

(e) Prior to engaging in short-term residential rentals, the applicant shall provide to the zoning administrator:

(1) Evidence of ownership as provided hereinabove.

(2) A copy of a general liability insurance policy in the name of the owner covering the rental of the property to visitors, with coverage of not less than $500,000. Such insurance coverage must remain in place at all times while any part of the property is being offered for short-term rental.

(3) A property management plan demonstrating how the short-term rental will be managed and how the impact on neighboring properties will be minimized shall be submitted to the Planning Department for review and approval as part of the permitting process. The plan shall include local points of contract available to respond immediately to complaints, clean up garbage, manage unruly tenants and utility issues, etc. The contact numbers shall be provided to City staff, public safety officials and, if applicable, the HOA/POA of the subdivision.

(4) If the property is located within a subdivision governed by a homeowner's association/property owners association, the zoning administrator must receive a recommendation of approval or disapproval from the HOA/POA to operate the short-term rental.

(5) A copy of a business license issued by the Williamsburg Commissioner of the Revenue shall be provided to the Zoning Administrator not less than 30 days following the approval of the special exception but prior to rental to a transient visitor.

(f) The Board of Zoning Appeals shall determine if the property at issue meets the occupancy requirement, provides an adequate plan for managing the property, and shall determine if the property may be operated as a short-term residential rental consistent with the provisions of Sec. 21-97(f) and conditions contained herein.

(g) Special exceptions to operate a short-term residential rental shall be subject to the following conditions:

(1) Rentals are limited to owner-occupied single-family dwellings.

(2) The furnishing of meals is not permitted.

(3) No more than two transient visitors shall occupy a bedroom at the same time, excluding minor children of the transient occupants, unless otherwise reduced by the requirements of the Uniform Statewide Building Code and all other applicable laws and regulations.

(4) Off street parking shall be provided for use by the transient occupants, which parking shall be allowed only in driveways and parking spaces on the lot and shall be prohibited elsewhere on the lot.

(5) Applicable provisions of the Uniform Statewide Building Code, and all other applicable laws and regulations, shall be met.

(6) The permissible number of transient visitors occupying a single-family dwelling that qualifies for a special exception hereunder cannot exceed two times the number of bedrooms being rented to transient visitors, excluding minor children of the transient occupants.

(7) No property being used as a residential rental property may also be used as a short-term residential rental.

(8) Property owners utilizing their properties as a short-term residential rental must keep a register of short-term rentals of the property. Said register shall be subject to inspection upon request of the zoning administrator, and application for a permit to engage in short-term rentals shall contain a written consent for such inspection. The name and addresses of all transient visitors occupying the short-term rental and the dates rented must be maintained in the register, whether or not that person is the person who paid the cost of the short-term rental or not. Said information must be maintained in said register for a period of two years.

(9) Short-term residential rentals may not be occupied by the same transient visitors for a period of more than thirty days during any calendar year.

(10) There shall be no visible evidence of the conduct of such short-term rentals on the outside appearance of the property.

(11) Event rentals are not permitted.

(12) A fire extinguisher shall be provided and visible in all kitchen and cooking areas; a fully functional smoke detector and carbon monoxide detector must be installed on each floor of the dwelling.

(13) The owner of a dwelling used for short-term residential rental shall give the City written consent to inspect such dwelling upon a twenty-four hour notice to ascertain compliance with all the above performance standards.

(14) All outdoor burning shall be in compliance with Chapter 5 of the Williamsburg City Code.

(15) Owners of the short-term residential rental shall ensure that transient visitors comply with City ordinances, including but not limited to the City noise and nuisance ordinance. A copy of Chapter 12 of the City Code relative to noise must be provided at the short-term rental dwelling.

(h) It shall be unlawful to offer a dwelling for short-term residential rental except as provided herein.

(i) Except as otherwise herein provided, a special exception as granted hereunder may be revoked for failure to comply with a required condition contained herein or for multiple violations on more than three occasions of any state or local laws, ordinances or regulations related to the short-term rental, consistent with Section 21-97(g).

EXCEPT, as here amended, the Williamsburg Code shall remain unchanged.

Adopted: _____

_____
Paul T. Freiling, Mayor

Attest: _____
Debi Burcham, City Council Clerk

Carolyn Murphy

From: David Trichler <dtrichler@gmail.com>
Sent: Sunday, December 16, 2018 9:49 PM
To: Carolyn Murphy
Subject: STR Input

[**NOTICE:** This message originated outside of the City of Williamsburg mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Carolyn, thanks for the preparation that goes into the Planning packets. Williamsburg gets good digital marks for a reason, and it's much appreciated. As I will be unable to attend the meeting on Wednesday, I had 3 reflections I was hoping you might share.

1. It may be worthwhile for the Commission to revisit the intent of the short term rentals, as I can imagine competing tensions. If it is to preserve home-ownership in the neighborhoods - full stop, without outside or transient visitors - then a focus could on preventing all STRs and reducing student house rentals. As the most consistent concern I hear from my neighbors is that of student rentals, such a focus would seem to naturally be to revisit the 4 person rule. If the focus is, however, on affordability, then STRs is one useful tool to have in that discussion. But without agreement on what the overarching goal is, I can imagine it would be difficult to reconcile what could be competing viewpoints. The status quo, unfortunately, seems to be the worst case scenario: an outright or tacit support of houses converted into student rentals through such policy as the 4-person rule and the increase in companies specializing in buying previously owner occupied properties in residential neighborhoods, combined with little to no policy tools to help affordability for families to compete against the increase of prices buttressed by student rentals. In a sense, it feels as if the carrot is for student house rentals and those who operate them, rather than for families attempting to become owner occupied homeowners in the City. STRs are one tool to shift towards a better incentive (as could be in-law detached suites / carriage houses, which I understand is also - or soon to be - under discussion).

2. Narrowing in on the intent of STRs seems also useful to the question of location. If it is a question of just tourism, and not affordability, than the entry level corridors does make sense. However, if it is a question of affordability, limiting it to entry level corridors is sub-optimal, and frankly, a bit baffling if one looks at home prices along corridors such as Jamestown and Richmond Rd. Not only is the housing stock significantly reduced by such a geographical limit (particularly as so many of those homes are already student rentals), those homes on those main principal areas are historically already in the more expensive range, and thus, not the prime target for families attempting to purchase a home. While I am on record to think it is a missed opportunity not to consider whole home rentals (given observed tourism trends towards this sector), I think it is an even greater missed opportunity to not look at housing stock throughout the City, beyond the entry level corridors.

3. Lastly, a friendly reminder that in the City's recent survey on affordability and housing, in its most specific question citizens indicate high levels of support for STRs as an option for affordability, with 74% approving STRs in one fashion or another. 62% support the rental of at least 1 bedroom, and 51% support the rental of the entire house. Only 25% do not support SRTs (either 1 bedroom or entire house) in any form. It is perhaps interesting to note that more respondents support STRs (1 bedroom or entire house) than 4 person rentals (being supported by right), 74% to 55%, respectively.

To you and all the commission, thank you for your service, and Happy Holidays and Merry Christmas!

Dear Ms. Murphy:

My name is Courtney Hagge, and my husband is Landin Hagge. We moved to Williamsburg in 2013, intending only to stay until I completed law school. However, we couldn't bring ourselves to leave our "colonial wonderland" that is Williamsburg. Landin began medical school at Liberty University, and I accepted my first job as a prosecutor here in town. We hope to stay indefinitely and raise our children in this community we have grown to love more than anywhere else we have ever lived. There's nowhere else in the world like Williamsburg, and we want to do our part to make sure the awe-inspiring colonial heritage is preserved, while paving the way for more progressive ideas that will attract more and more people to the city center for generations to come. Thank you for taking the time to consider our concerns. We would appreciate it if you shared them at the city planning session this Wednesday. Unfortunately, we are unable to attend, as Landin is currently completing his clinical rotations, and I will be preparing for court that afternoon.

Our first suggestion is to change the time of these city planning meetings. Having them at 3:45 on a weekday limits the demographic of people who can attend, as a huge chunk of the City population is in school or working a full-time job. There is no "prime time" for such meetings, but at least having them outside of regular working hours would open up the possibility for many more Williamsburg residents to attend.

Our next concern is the affordability of shopping and dining in Colonial Williamsburg. The millennial generation is a huge untapped potential for downtown revenue. At only a block away from the undergraduate campus, Colonial Williamsburg should be a huge draw for the college students; however, the shopping and dining options are just too expensive and, frankly, mature. Aroma's is fairly priced, and we were happy to see Mellow Mushroom open last month; however, we need a wider variety of options for young people and families. College students and families would likely be drawn to more shops like the ones found in New Town. Holding more outdoor dances, concerts, karaoke, and fitness classes would also draw more of the younger generation to Colonial Williamsburg. Studio South recently hosted free yoga on the governor's lawn, and the Summer Concert Series has always been a big hit. Incorporating more of that year round would be great.

Along those same lines, we would love to see an increase in green space and walkability downtown. We hope that our future children will grow up very familiar with Colonial Williamsburg as an area to play, discover, and learn. We are excited about the plans to convert the parking lot behind Blue Talon into a green space with a splash pad. That would be fantastic for families in the summer months! But, in the spirit of preserving the "colonial atmosphere" and encouraging kids to get outdoors to play instead of being drawn to screens, Landin and I are very much opposed to adding the large advertising screen to the space. While it is important for Colonial Williamsburg to have opportunities to advertise, there are many other ways to do that without taking away from the natural beauty of a green space and place for children to play. Kids are exposed to enough big screens without another one imposing on one of the only spaces for them to play downtown. We would also like to advocate for preserving a few parking spots for handicapped patrons. As for remaining parking in downtown, we think it would be helpful to offer free parking for a few hours for those who make purchases in one of the area shops.

Finally, the only way that we will attract young people and families to put down roots in Williamsburg is if we make housing more affordable. This means more options for one bedroom or studio apartment living for students and young professionals, and thinking outside the box to allow options for families to

finance homeownership. For instance, homeowners can lower their monthly mortgage significantly when given the option to open their home to AirBNB guests a few times a month. As Landin and I hope to purchase a home in Williamsburg in the very near future, it is important to us that the City Code is friendly to renting rooms and homes on AirBNB.

Again, thank you very much for sharing our thoughts. We wish we could be there to advocate in person, but are grateful to those of you working hard to listen to everyone and work out a plan in the best interests of our community. We are looking forward to participating more in the future.

Sincerely,

Landin & Courtney Hagge

Carolyn Murphy

From: Jacob Sims <simsjd1@gmail.com>
Sent: Tuesday, November 13, 2018 1:06 PM
To: Carolyn Murphy
Subject: citizen perspective on Dec. 19 short-term rental vote

[**NOTICE:** This message originated outside of the City of Williamsburg mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Ms Murphy (and others on the Economic Development Authority),

Hope this message finds you well. I recently became aware of the short-term rental vote impacting the City of Williamsburg and wanted to raise my voice. Unfortunately, I will be out of town on December 19th (visiting relatives out of state), so am writing this message instead. If desired, I am happy to discuss my thoughts in greater depth at any point either in-person (through December 15th) or over the phone at your convenience.

By way of background, I am a professional faculty member at the College of William & Mary and have been a resident of the City of Williamsburg for 3.5 years. During this time, my wife have rented a townhouse close to the college, but plan to purchase a house within the next 2-3 months. We have grown to love the City of Williamsburg and are interested in making it our longer term home.

However, as we evaluate the desirability of real estate within the City limits vs. outside in James City County, the question of rental investment potential is a key concern. The ability to freely use our home as a short term rental will be a critically important part of our decision on where to ultimately make our purchase.

We are primarily looking at properties which have a separate living space on the property or the potential to construct one. Thus, while long-term rentals are certainly an option, the ability to rent a room, a basement or garage apartment on the property, or the whole house on a short term basis is preferable for our situation. We frequently have family come to stay with us -- making a long term rental situation less than optimal. Additionally, we travel frequently so the ability to rent our entire home periodically and for short durations via a secure platform is very appealing.

AirBnB, VRBO, HomeAway and others serve as valuable platforms for families interested in generating additional income with their properties. Living in a city or county which allows this type of financial vehicle is very important to us.

Over the last few months, I have been away from Williamsburg on extended business travel and have leveraged the use of AirBnB as a guest for 90+% of this trip. As a frequent traveler, I prefer these platforms to traditional hotels and am more likely to visit a community which freely allows their use. Additionally, every time I stay in an AirBnB, I am struck by the uniquely effective incentive structure put in place by the site. The AirBnB community encourages mutual responsibility for a positive experience much more so than bed and breakfasts or hotels.

In larger, more corporate, impersonal short-term housing arrangements, guests have almost complete anonymity and tend to behave as such – with a sense of entitlement, a lack of ownership, and often with little care for the property or the surrounding community. With AirBnB (and other similar sites), the equation is

more balanced for the entire community. Property owners carefully evaluate and leave reviews for their guests based on their behavior at the property and in the neighborhood. Guests who receive bad reviews find it much more difficult to rent on the site in the future. Moreover, hosts have more leverage to erect guidelines for appropriate behavior for their guests given the norms and expectations of their neighborhoods and community. The result is that AirBnB tends to attract the type of tourist who wants to experience a location from the viewpoint of its citizenry and thus, the type of tourist who is likely to add to (instead of detract from) the experience of living within that community.

In sum, AirBnB and sites like it offer a multi-faceted win-win for any community wise enough to adopt freely and without restrictions, providing:

1. a powerful financial incentive for potential home buyers, strengthening the private real estate market;
2. an exciting, cost competitive alternative to tourists seeking to a more community-based approach to travel; and
3. a review-based incentive structure motivating good behavior by tourists not present with traditional hotels and bed and breakfasts.

Thank you for your time and effort considering my perspective and for your work in service of our community. Again, if you would like to discuss my perspective further, please don't hesitate to reach out. I am also happy to provide references of other Williamsburg residents who feel similarly to me regarding this issue.

Kind regards,

Jacob Sims

Carolyn Murphy

From: David Trichler <dtrichler@gmail.com>
Sent: Wednesday, October 24, 2018 9:06 AM
To: Carolyn Murphy; Elaine S McBeth
Subject: Document Share Request
Attachments: Facts and Trendlines on STRs.pdf

[**NOTICE:** This message originated outside of the City of Williamsburg mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Carolyn, Elaine,

Due to another commitment I may not be able to attend this afternoon's meeting. Could I ask the favor to share the following summary document on STRs with the Commission? It is a distilled 2 page list of some figures from recent studies, accompanied with corresponding footnotes.

Facts and Trendlines Around the Short Term-Rental Debate

Contribution to Economic Diversification

- The sharing economy is estimated to grow from $14 billion in 2014 to $335 billion by 2025[1]
- In 2010, 8 percent of leisure travelers used STRs. By the end of 2016, that was projected to be over 33 percent[2]
- One in three US leisure travelers stayed in some form of private accommodations in 2015[3]
- Most leisure travelers are not millennials, but families and individuals with incomes of 75k and above[4]
- STRs guests stay 2.1x longer than typical visitors, spend 2.1x more than typical visitors, with 42% of spending in neighborhoods where they stay.[5] STRs encourage a relatively large percentage of guests to spend more nights in their destination. This finding demonstrates a noteworthy benefit that STRs brings to local tourism economies and many of their various stakeholders (attractions, restaurants, transportation providers, etc.).[6]
- Economically, STRs contributes more tourist dollars per guest than comparable hotel lodgings.[7] Much of this economic benefit is attributable to two factors: (1) STRs helps guests save money on lodging, allowing them to stay longer, spend more on other expenses, or both;[8] and (2) whereas hotels are often clustered in a particular district, the locations of STR listings are widely dispersed throughout cities, spreading the impact of STR guests' spending.[9]
- STRs can alleviate the strain on hotels during peak seasons and events.[10] STRs accommodations benefit localities that host large, seminal events (for example, festivals, concerts, and sporting events) to permit more visitors to spend time in the area of the event, leading to more expenditures on restaurants and shops, resulting in more taxes for local governments.[11]
- The extra income for hosts also injects revenue into local economies. These benefits further compound in localities that, unlike the biggest cities, rely on fewer, specialized events to bring in tourism revenues.[12]

Usage Trends

- Most STR guests rent an entire home, rather than staying together with a host. Most STR guests stay from two to four nights and stay with at least one other guest, most commonly a spouse/partner. This leads to a 26% increase of nights stayed in a location, vis-à-vis other stays.[13]

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[1] https://www.brookings.edu/research/the-current-and-future-state-of-the-sharing-economy/

[2] https://www2.deloitte.com/content/dam/Deloitte/us/Documents/consumer-business/us-cb-2017-travel-hospitality-industry-outlook.pdf

[3] https://www2.deloitte.com/content/dam/Deloitte/us/Documents/consumer-business/us-cb-2017-travel-hospitality-industry-outlook.pdf

[4] https://www.marketwatch.com/story/airbnb-travelers-have-an-average-income-over-75k-survey-finds-2015-11-16

[5] https://www.ftc.gov/system/files/documents/public_comments/2015/05/01740-96152.pdf

[6] https://www.dg-research.com/airbnb-study.html

[7] https://www.airbnb.
com/press/news/new-study-airbnb-generated-632-million-in-economic-activity-in-new-york
[https://perma.cc/9D5H-VEN2])).

[8] http://www.wsj.com/articles/SB10001424052748704684604575381390324767922

[9] https://www.bloomberg.com/news/articles/2016-10-20/airbnb-we-generate-4-5-billion-globally-for-local-restaurants

[10] 2016), https://www.nytimes.com/2016/07/24/travel/airbnb-hotels.html?_r=0

[11] http://money.usnews.com/investing/articles/2016-11-02/is-airbnb-a-threat-to-the-hotel-industry

[12] http://www.chicagotribune.com/business/ct-airbnb-chicago-cubs-world-series-1102-biz-20161101-story.html

[13] https://www.dg-research.com/airbnb-study.html

- Only a small proportion of STR guests are staying on their own (11%). Most commonly they are accompanied by just one other person (51%). Overall, 87% of guests are in parties of 4 or below.[14]
- After using a STR, they are 86% likely or very likely to use another STR in the next 12 months, compared to 53% likely or very likely to use a hotel.[15]

Contribution to Affordable Housing Affordable

- 52% of hosts are low to moderate income, 53% say hosting helps them stay in their home, 48% of host income is used to pay for regular household expenses like rent and groceries.[16]
- Median average annual income for short term rentals by owner occupied range between $2000 to $6000.[17]
- Mortgage lenders are now helping young families purchase homes if they have an explicit commitment to SRT for a portion of the year. Earlier this year Quicken Loans announced a new mortgage qualification options for families that are an AirBNB host.[18] Loftium will provide home buyers with up to $50,000 for a down payment as long as they are able to share income with Loftium over a certain time span. And Fannie Mae has approved a pilot program to allow income from SRTs to help homeowners qualify for a refinance.[19]

Limitations to Consider[20]

- Number of days in a year a place can be rented and/or rentals permitted during high traffic periods (e.g. holidays commencement, homecoming, music festivals). Anything above 60 days begins to shift the financial calculus away from owner occupied to a rental property.
- A requirement that the short-term rental remains a primary residence (owner occupied). This restriction helps to address number of days of use.
- Strict noise ordinances
- Requirement to pay city taxes
- Number of adults permitted to rent (vast majority of use cases is four adults, eg. Parents and grandparents, or less).
- Requiring a host contact person to be available in case of emergency or complaint.
- Utilize existing City guest parking restrictions limiting to no more than two cars on street (Note that renting single room is typically a net addition on parking, whereas whole of house typically has a net substitute on parking)
- If attempting to increase affordable housing is a desired by-product current special exception use and accompanying fee structure may unintentionally marginalize the low income / vulnerable population in a disproportionate fashion. Is there a financial threshold per household that can be waived? What process could achieve a similar outcome at higher inclusion?

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[14] https://www.dg-research.com/airbnb-study.html
[15] https://www.dg-research.com/airbnb-study.html
[16] https://www.ftc.gov/system/files/documents/public_comments/2015/05/01740-96152.pdf
[17] https://www.earnest.com/blog/sharing-economy-income-data/
[18] https://www.quickenloans.com/blog/airbnb-quicken-loans-partner-new-mortgage-qualification-option
[19] https://www.washingtonpost.com/news/where-we-live/wp/2018/03/01/lenders-now-consider-income-from-short-term-rentals-in-refinancing-applications/?utm_term=.bdd599e1cb03
[20] http://www.viewpointcloud.com/blog/local-government-resources/airbnb-regulation-guide/

Memo to: Williamsburg's City Council, Planning Commission and Carolyn Murphy
From: Jim Joseph
Date: October 5, 2018
Subject: Comprehensive Plan Thoughts

This memo is a suggested "punch list" to review, as you are working on the details of the Comprehensive Plan for the segments on rentals and affordable housing. Please give them some consideration.

As you know there are three components which the last Planning Commission's open forum showed are somewhat related.

The main components;

1. Student rental in homes located in residential areas.
2. Short term rentals as being promoted by the State to accommodate visitors.
3. Low income housing.

It became apparent that each issue, to a certain extent, could be competing for the same houses within the residential areas. Low income fits here since we are being asked to provide the opportunity for modest income residents to live in the city. It was brought out that a rental (legal or otherwise) yields more income than if the house was rented or sold to a single family.

I will not go into the lengthy details of the problems which exist with student rentals, and they would be carried over to the short term rentals. We all know what they are. Many of you know my bias based on the experience I went through while on the planning commission. Just to be clear, my bias is for the good of the neighborhoods.

The following is a list of points which I believe you should consider. This list is recognizing that student rentals exist, short term rentals will eventually find their way into our city, and affordable income is really a market oriented with the supply and demand being a driving force.

Student Rentals

Eliminate the four person rule for student rentals. It is not working and is difficult (almost impossible) to enforce. Grandfather those houses already assigned, but do not allow the rights to be transferred to subsequent owners. This is our problem, we made it and we should be able to fix it. At one meeting of the NCW a few years ago, someone asked Taylor Reveley what William and Mary is going to do about the problem with the four person rule. He said it is not the College's problem, it is the City's problem. He was right.

Among all the other items various groups have suggested for managing a house with students, we should require that an absentee landlord have one of the renters act as a house manager and is the lead in taking care of the details of living in a neighborhoods.

As you know in many situations in life when everyone is responsible, no one is responsible. So they should elect one who sees that everything is handled properly.

Since we are talking about a business license for the short term rentals, now is the time to do the same thing for student rentals. I understand that the State has something to do with this by saying we cannot forbid a rental in the residential area, but it should be pursued. A few years ago when I was studying the impact of student rentals on our neighborhoods, I asked our tax assessor about assessing a house used for student rentals. He said they assess that house higher than the others in the neighborhood because they produce an income. If this is still the case, this is viewed as a business entity in a residential area. I do not want to complicate this situation any more than it is, but we must recognize what is happening. Even an outside entity such as a real estate firm or parents whose students have long been gone keep these houses as business ventures.

Rentals; Students or Otherwise

Cap the number of rentals in all areas.
Do not allow two houses next to each other to be rentals
As with other planning commission activity, notify the neighbors at least two houses on each side of the house applying for a rental status application so they can comment. Even consider allowing the immediate houses on each side to veto.

Affordable Housing

There are plenty of ideas being submitted to provide affordable housing.
No matter what the avenues we choose, it will depend upon market condition if we want to keep the efforts in the open market arena.

I can not comment on this except for the fact, that if we manage the rentals properly, there could be opportunities for some of these houses to be positioned for renting or selling to a family who will treat it as their home in their neighborhood.

Williamsburg Economic Development Authority

MEMORANDUM

To: Elaine McBeth, Chair of the Williamsburg Planning Commission

From: Adam Steely, Chair of the Williamsburg Economic Development Authority

Re: Importance of GIOs for Downtown Economic Vibrancy and Comprehensive Plan Input

Date: September 20, 2018

Williamsburg's Economic Development Authority, recognizing the interdependency of the City's ongoing Downtown Vibrancy Study and the Planning Commission inputs to the Comprehensive Plan, formally supports the concept of higher density in Williamsburg's Downtown. Recognizing the delineation and autonomy of the respective boards, the EDA's recommendation is based and focused on the value of density as an important economic driver for the City. The EDA also offers its strong support for the development of additional green spaces in the Downtown area, as well as support for flexible programming and events, insomuch as they pertain to the Commission's consideration of such issue area through the GIO process.

1) Support for Higher Density to Support Economic Growth

The EDA believes that well designed and well-integrated higher density development will help Williamsburg create a vibrant, economically strong community, that will both support a high quality of life in a way that is fiscally and environmentally responsible.

By density we mean supporting new residential and commercial development at a density that is higher than what has been done previously. So, for example, permitting the City, Colonial Williamsburg, and private developers the option to build townhouses and apartments, rather than only single-family homes. The EDA is particularly motivated by the successes that many Downtown areas across the country have had with mixed-used developments and encourage the Planning Commission's review of such efforts.

The current mixture of building uses in the Williamsburg downtown area produces some activity during the day as people travel to and from work, but results in a quiet downtown after office hours. A higher volume of residential uses in the downtown, by adding options such as permitted uses townhomes, stacked townhomes, elevator flats and apartments, would increase the street life of the downtown and would bolster use of local shops and destinations. We would encourage the Commission to extend its "form based" density concept to such areas as those fronting on Scotland St, Prince George St, Francis St, Boundary St, and Henry Street to support density beyond that of the current eight

dwelling units per net acre, to include townhomes and mixed-use building where ground floor is commercial and upper floors are residential. As such, we would support the review and consideration of buildings for certain projects where one additional level is permitted.

Such a desired use case was frequently expressed by multiple stakeholders throughout the consultative interview process of the City's Downtown Vibrancy Study. In particular, a lack of density and a lack of residential choices were named as inhibitors to economic diversity and growth by survey respondents. Of the survey offerings for downtown needs, *new residential alternatives (including rental and condominium apartment units)* ***received the strongest support by respondents****, as the lack of housing is pricing many out of the market.*

Such an effort will help Williamsburg be more resilient to changing economic trends. Last year Williamsburg dropped from #9 to #10 on Virginia's top destinations to visit, and Colonial Williamsburg ticketed visitors continue to decrease, dropping another 50,000 visitors in the past year. An increase of full-time residents will hedge against, and in some areas, exceed those lost numbers, helping to prevent downtown Williamsburg from a "hollowing out" that has blighted other small towns in the country. Taking efforts now is vitally important to maintain and increase economic vibrancy in the coming decades. For this reason, the EDA believes that improving the density in the Downtown region is practical and desirable to support an economically vibrant Downtown in the upcoming years.

2) Another top ranked survey request: Green spaces

Currently, there are few areas in the downtown that feel conducive to a non-programmed experience (e.g. relaxing with a picnic lunch, throwing a Frisbee with your dog, playing with your children after work). Furthermore, there are few small open spaces or green spaces in-between the larger parks. These smaller areas of green or plazas are important to ensure the downtown area is cohesively connected and people have access to a variety of open space amenities.

Economic vibrancy is enhanced by having such spaces to encourage convening and lingering. The EDA thus offers its support for the review of a public park in the area in Stryker Center, Library, and the Community Center to better connect activity space that plays off of the energy created by the public library and the Triangle district. It also supports efforts by CW to better utilize the open field adjacent to the Art Museums of Colonial Williamsburg (as it has done for recent summer concerts) and CW's current consideration of repurposing other facilities, such as conversion of P3, for public spaces. Such investments in similar cities have been shown to lead to greater foot traffic, economic activity, and area vitality. One caveat is ensuring that with any changes to parking spaces, appropriate parking (e.g. handicapped space) is maintained for those who require greater accessibility.

3) Activity Nodes and Programming

The following issue of improving activation of economic nodes may or may not always intersect in all areas with Planning's remit, but when it does, we would ask for support of Commission in encouraging flexibility and creativity of increased programming in the Downtown area. In doing so, the feel of the Downtown area will provide a more vibrant experience for residents and visitors, increasing attendance and rates of return. We are particularly interested in improving the City's ability to support pop-up art, programming and food and beverage experiences that will draw residents and visitors to the Downtown area. These might include lighting, seasonal greenings, street decorations, kiosks, etc.

Thank you for your consideration of these importance points for the EDA, and we look forward to any questions you might have, as well as our broader discussion on the Economic Chapter of the GIO process this coming November.

Carolyn Murphy

From: Haulman, Clyde A <cahaul@wm.edu>
Sent: Tuesday, May 22, 2018 11:01 AM
To: Carolyn Murphy; Christina Shelton
Subject: Adding Neighborhood Determination to City Code Ch 21, Article IV

Hi Carolyn and Chris, Below is an idea for adding a mechanism for each neighborhood to determine whether to allow rental of a room in an owner-occupied, single-family detached dwelling or an entire owner-occupied, singe-family detached dwelling to transient visitors. I like many aspects of the proposed ordinance but believe leaving the final determination of whether to allow such rentals should be in the hands of those most affected and that means the residents of a particular neighborhood.

1. Implementation of Sections 21-605.2 and/or 21-605.3 would require approval by 51% of the owners of owner-occupied, single-family dwellings in any defined neighborhood. Any owner-occupied, single-family dwelling outside any defined neighborhood would be subject to Sections 21-605.2 and 21-605.3.
2. Neighborhoods defined: Neighborhood could be defined as areas that are contagious and internally connected. For example 1. Indian Springs; 2. Burns, Powell. Goodwin; 3. College Terrace, Brooks; 4. Virginia, Harrison, Nelson, Randolph; etc. The City has a list of neighborhoods that could be the basis of this, tighten up for purposes of this ordinance. The definition of neighborhoods should make sense for the purpose of the ordinance as well as make sense for those who live there.
3. Consider placing a limit on the number of approvals per neighborhood - say 10% or 15% of the owner-occupied, single-family dwellings. This would be similar to the limitation in the Bed-and-Breakfast ordinance.
4. The approval and implementation process could be initiated by any owner of a qualified dwelling, by a neighborhood organization (HOA, etc), or by the City.

I realize this may make a lot of work for City staff, but it does place determination in the hands of those affected rather than provide a blanket policy for the whole City.

Finally, consider placing a limitation in Section 21-605-2 similar to the 45 day limitation (part c) of section 21-605.3 - it could be 90 days or whatever make the most sense. I suggest this because the comings and goings of transient visitors may be very different from that of a long-term renter of a room in a dwelling and preserving the character of the neighborhood is an objective of this ordinance.

If you would like to discuss this, please let me know.Thanks again for all the good work you both do for our community, Clyde

COMPARISON OF B&B, ROOM RENTAL & DRAFTED SHORT-TERM RENTAL REGULATIONS

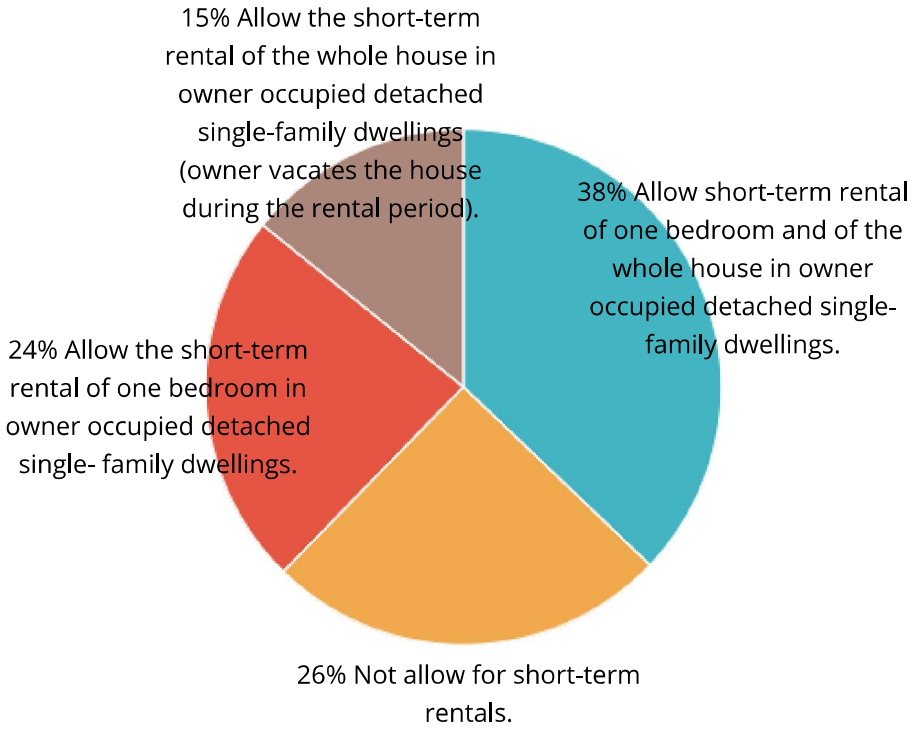
	SHORT TERM RENTAL - 1 ROOM	SHORT TERM RENTAL - WHOLE HOUSE	BED & BREAKFAST	ROOM RENTAL - 1 ROOM	ROOM RENTAL - 2 ROOMS
OWNERSHIP	OWNER-OCCUPIED DETACHED SINGLE-FAMILY	OWNER-OCCUPIED DETACHED SINGLE-FAMILY	OWNER-OCCUPIED OR WITH MANAGER IF OWNER RESIDES IN CITY	OWNER-OCCUPIED DETACHED SINGLE-FAMILY	OWNER-OCCUPIED DETACHED SINGLE-FAMILY
WHERE ALLOWED	DETACHED SINGLE-FAMILY DWELLINGS	DETACHED SINGLE-FAMILY DWELLINGS	% ON SPECIFIED ENTRANCE CORRIDORS	BY-RIGHT	SPECIAL EXCEPTION - BZA
APPROVAL REQUIRED	YES, SPECIAL EXCEPTION - BZA	YES, SPECIAL EXCEPTION - BZA	SPECIAL EXCEPTION - BZA (4 ROOMS) & SUP - CC (5 OR 6 ROOMS)	BY RIGHT	SPECIAL EXCEPTION - BZA
MEALS FURNISHED	NO	NO	YES, FOR GUESTS & UP TO TWO GUESTS OF THE GUESTS PER ROOM	YES	YES
NUMBER OF BEDROOMS	ONE	# OF BEDROOMS IN HOUSE	4 (LESS THAN ACRE LOT SIZE) & 6 (GREATER THAN AN ACRE LOT SIZE)	ONE	TWO TO NO MORE THAN TWO ROOMERS
SPECIAL EVENTS, WEDDINGS & RECEPTIONS	NO	NO	YES, MAXIMUM OF 50 PEOPLE AND OTHER LIMITATIONS PER ORDINANCE	N/A	N/A
NUMBER OF PARKING SPACES	ONE FOR THE BEDROOM RENTED	TWO	2 FOR THE ESTABLISHMENT & ONE FOR EACH BEDROOM RENTED	NO, TWO FOR THE OWNER REQUIRED	YES, ONE FOR EACH ROOMER OFF-STREET
PARKING LOT COVERAGE REQUIREMENTS	YES	YES, SAME AS OWNER	YES	NO, SAME FOR OWNER	YES
WHERE PARKING ALLOWED	DRIVEWAYS & PARKING SPACES MEETING ORDINANCE REQUIREMENTS	DRIVEWAYS & PARKING SPACES PER ORDINANCE	DRIVEWAYS & PARKING SPACES PER ORDINANCE	DRIVEWAY & PARKING SPACES PER ORDINANCE	DRIVEWAY & PARKING SPACES PER ORDINANCE
BUILDING CODE					
R5 SFR (MAX 10 QUESTS OR 5 ROOMS)	N/A	N/A	SMOKE DETECTORS, EGRESS, SPRINKLERS, ADA ETC	SMOKE DETECTORS & EGRESS	SMOKE DETECTORS & EGRESS
R1 (ALL OTHERS)	SMOKE DETECTORS & EGRESS	SMOKE DETECTORS & EGRESS	SMOKE DETECTORS & EGRESS	N/A	SMOKE DETECTORS, EGRESS, SPRINKLERS, ADA
MINOR SITE PLAN & FLOOR PLAN	NO	NO	YES	NO	YES
LOT COVERAGE FOR PARKING & DRIVEWAY	YES	YES	YES	NO, SAME FOR OWNER	YES
PARKING LOCATION & PARKING LANDSCAPING	YES, AS PART OF THE SPECIAL EXCEPTION APPROVAL	YES, AS PART OF THE SPECIAL EXCEPTION APPROVAL	YES AS PART OF APPROVAL	NO	YES
VIOLATION TO ADVERTISE MORE BEDROOMS THAN ALLOWED	YES	YES	YES	YES, ZONING VIOLATION	YES
RECORD KEEPING	YES	YES	YES (CITY FORM MUST BE SUBMITTED QUARTERLY)	NO	NO
EXPIRATION	NO	NO	YES, SE OR SUP EXPIRES 180 DAYS FROM DATE OF APPROVAL UNLESS C/O ISSUED	NO	DEPENDS ON CONDITIONS OF SE
BEDROOM NIGHTS	NO	YES, 45 DAYS PER YEAR	YES, SE OR SUP EXPIRES UNLESS 100 BEDROOM NIGHTS A YEAR ARE RENTED	NO	NO
REVOKATION	YES	YES	YES, SE OR SUP CAN BE REVOKED IF VIOLATIONS ARE FOUNDED PER ORDINANCE	NO PERMIT REQUIRED	YES
TRANSIENT VISITOR	YES	YES	YES	NO	NO
LIABILITY INSURANCE	YES	YES	NO	NO	NO
PROPERTY MANAGEMENT PLAN	YES	YES	NO	NO	NO
HOA/POA WRITTEN CONFIRMATION IF APPLICABLE	YES	YES	NO	NO	NO
BUSINESS LICENSE	YES	YES	YES	NO	NO
SMOKE DETECTOR & CARBON MONOXIDE DETECTOR	YES, FULLY FUNCTIONAL	YES, FULLY FUNCTIONAL	SMOKE DETECTORS	SMOKE DETECTORS	SMOKE DETECTORS
CITY INSPECTION	YES, WRITTEN CONSENT 24-HOUR NOTICE	YES, WRITTEN CONSENT 24-HOUR NOTICE	NO	NO	NO
RENTAL LIMITATION	YES, LESS THAN 30 DAYS	YES, LESS THAN 30 DAYS	YES, LESS THAN 30 DAYS	YES, GREATER THAN 30 DAYS	YES, GREATER THAN 30 DAYS
RENTAL PROPERTY	NO	NO	NO	YES	YES
FIRE EXTINGUISHER	NO	YES, IN KITCHEN & COOKING AREAS	NO	NO	NO

Comprehensive Plan - Housing Survey

Digital Public Input Results

VIEWS 1,037	PARTICIPANTS 545
RESPONSES 3,362	COMMENTS 0
SUBSCRIBERS 1	IMPRESSIONS 0

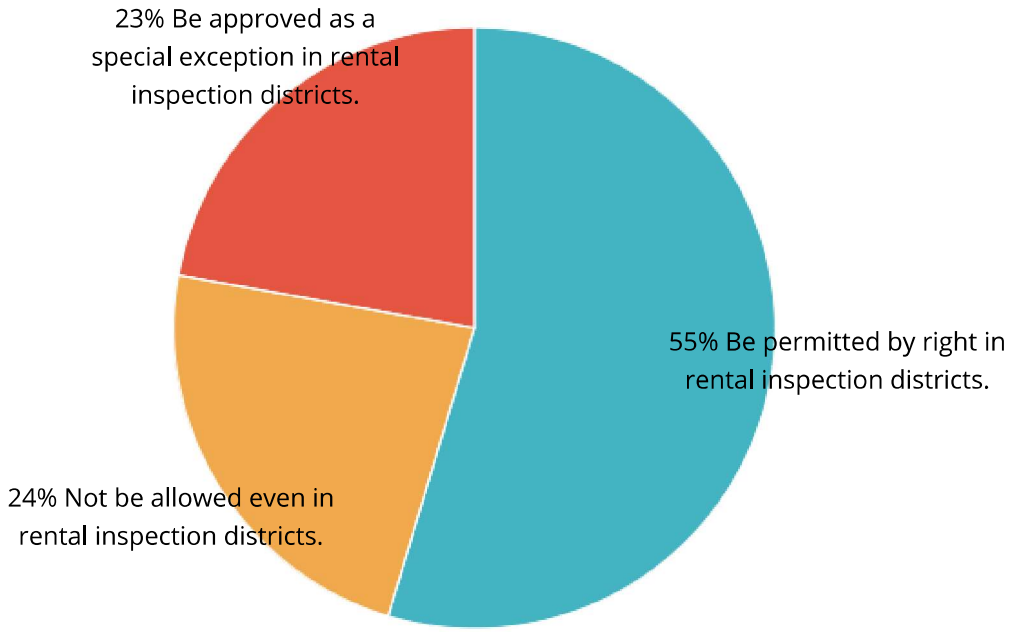
Short-term rentals like Airbnb and VRBO are currently being considered by the Planning Commission. Should the City:



37%	Allow short-term rental of one bedroom and of the whole house in owner occupied detached single-family dwellings.	196 ✔
25%	Not allow for short-term rentals.	133 ✔
23%	Allow the short-term rental of one bedroom in owner occupied detached single- family dwellings.	124 ✔
14%	Allow the short-term rental of the whole house in owner occupied detached single-family dwellings (owner vacates the house during the rental period).	75 ✔

528 respondents

Should Four Person Rentals:



55%	Be permitted by right in rental inspection districts.	283 ✔
23%	Not be allowed even in rental inspection districts.	120 ✔
22%	Be approved as a special exception in rental inspection districts.	115 ✔

518 respondents

Should additional density be allowed in: (check all that apply)

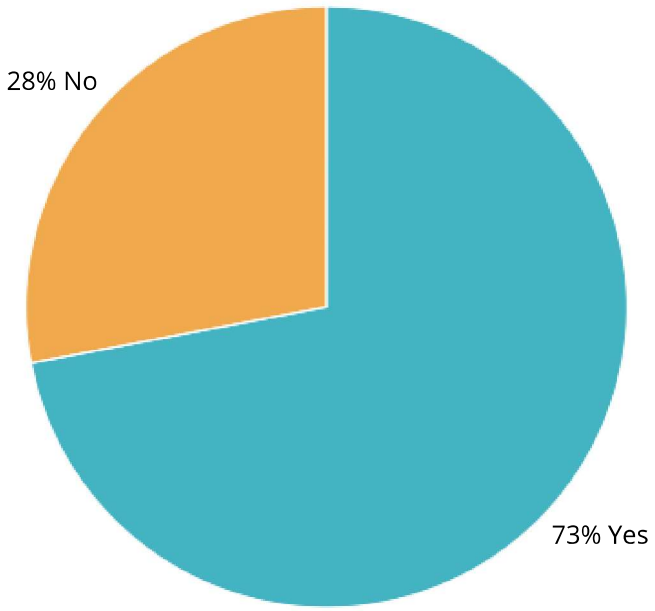
71% Midtown - The Midtown Planning Area is located at the intersection of two of the City's major entrance corridors, Richmond Road and Monticello Avenue. It is made up of five major components: the Arts and Cultural District centered on Richmond Road and Lafayette Street between Brooks Street and the Williamsburg Shopping Center; the Shopping Center Area that includes the Williamsburg and Monticello Shopping Centers; the Richmond Road Corridor between Monticello Avenue and Bypass Road; the Urban Residential Area along Mount Vernon Avenue and New Hope Road, and the College Area that is centered on William and Mary's School of Education. 312 ✔

61% Northeast Triangle - The Northeast Triangle Planning Area is a diverse area with concentrations of single-family detached dwellings, condominiums, apartments, townhouses, and commercial uses. It has been developing for over 300 years, and is centered on Capitol Landing Road (the historic connection between the colonial port on Queen's Creek and Colonial Williamsburg), and on Page Street and Second Street. 269 ✔

58% Downtown - The Downtown Planning Area has Merchant's Square at its center, and extends north across the CSX Railroad to the Governor's Inn, south to Mimosa Drive, and west along Richmond Road to Virginia Avenue. 256 ✔

438 respondents

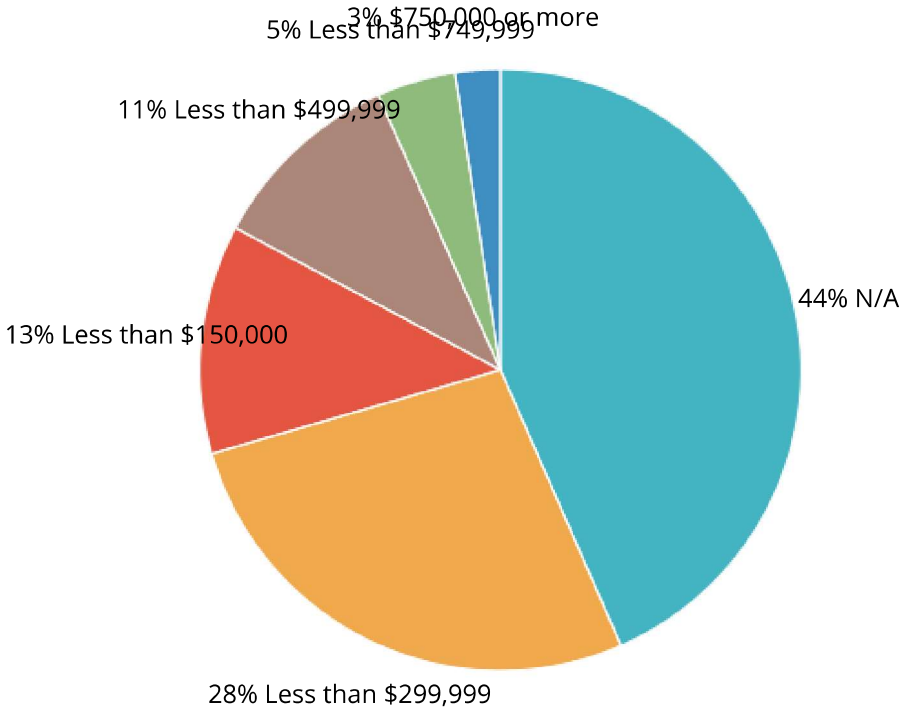
Do you think increased density should be allowed to improve affordability?



72%	Yes	350 ✔
28%	No	136 ✔

486 respondents

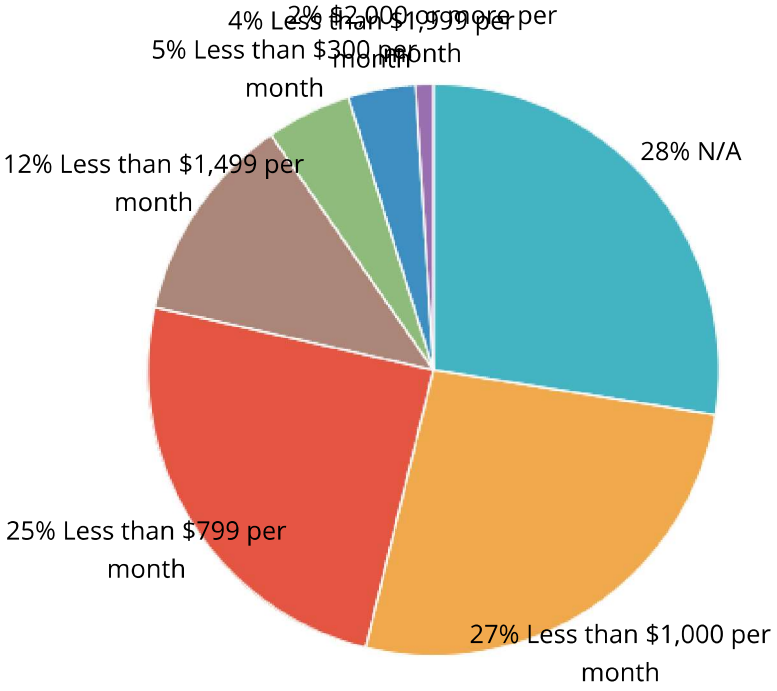
What price range would make home ownership affordable for you? If you are not interested in home ownership please check N/A.



43%	N/A	215 ✔
27%	Less than $299,999	134 ✔
12%	Less than $150,000	61 ✔
11%	Less than $499,999	52 ✔
4%	Less than $749,999	21 ✔
2%	$750,000 or more	12 ✔

495 respondents

What price range would make renting a two bedroom unit affordable for you? If you are not interested in renting please check N/A.



28%	N/A	137 ✔
26%	Less than $1,000 per month	131 ✔
25%	Less than $799 per month	123 ✔
12%	Less than $1,499 per month	59 ✔
5%	Less than $300 per month	24 ✔
4%	Less than $1,999 per month	19 ✔
1%	$2,000 or more per month	5 ✔

498 respondents

18102104D

HOUSE BILL NO. 824

Offered January 10, 2018

Prefiled January 9, 2018

A BILL to address local ordinances concerning the regulation of short-term rentals in the City of Lexington.

Patron-- Knight

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:

1. *§1. Notwithstanding any contrary provision of law, general or special, any ordinance in effect and any ordinance adopted by the governing body of the City of Lexington ("the City") shall comply with each of the following provisions:*

1. The provisions of this act apply to all short-term rentals, whether the City ordinance refers to such rentals as "45 Nights or Less Rentals" or by any other terms.

2. The provisions of this act shall be construed to prohibit, limit, or otherwise supersede any existing local authority of the City to regulate the short-term rental of property through its general land use and zoning authority or any other local authority through its charter or through any provision of Title 15.2 of the Code of Virginia.

3. The City shall not regulate rental of real property except for such rentals that are for a period of fewer than 30 consecutive days, in compliance with §15.2-983 of the Code of Virginia.

4. The City shall not require a business license for, nor require payment of license taxes by, any person engaged in the rental of real property, in compliance with subdivision C 7 of §58.1-3703 of the Code of Virginia. Any business license that was illegally required by any ordinance in effect regulating short-term rentals shall be null and void, and any license taxes illegally collected for short-term rentals subject to any ordinance in effect shall be refunded on or before September 30, 2018, to the taxpayer who paid such tax, with interest at the rate of five percent per annum.

5. The City shall refund tax payments to any taxpayer who was illegally required to pay transient occupancy taxes for rental of real property for more than 30 days as prohibited by §58.1-3825 of the Code of Virginia, to be refunded on or before September 30, 2018, with interest at the rate of five percent per annum.

6. The City may include in its ordinance a provision for a short-term rental registry only in compliance with §15.2-983 of the Code of Virginia, including exemptions as provided in subdivision B 2 of §15.2-983.

7. The City shall not limit in its ordinance the total number of nights per year permitted for short-term rentals.

8. The City shall not limit in its ordinance the total number of short-term rental properties in the City that can be owned by any one person or entity.

9. The City shall not regulate short-term rental properties differently in its ordinance on the basis of the number of bedrooms but may limit occupancy in a short-term rental on the basis of the number of bedrooms.

10. The City shall comply with the provisions of §15.2-2311 of the Code of Virginia with respect to any determinations by the zoning administrator or other administrative officials with respect to any alleged violations of the City's short-term rental ordinance.

11. The City shall not have any other provision in its ordinance that is inconsistent with, or not expressly authorized by, §15.2-983 of the Code of Virginia.

12. Any violations of this act by the City shall entitle a taxpayer who has been affected by the City's actions to recover a $250 penalty per violation, with each such action by the City being a separate violation.

2. That the City of Lexington shall amend and reenact its existing ordinance to come into compliance with this act on or before September 30, 2018.

WILLIAMSBURG PLANNING COMMISSION
MINUTES

Wednesday, June 20, 2018

The Planning Commission held its regular monthly meeting on Wednesday, June 20, 2018 at 3:30 p.m. in the Council Chamber in the Stryker Center, 412 N. Boundary Street, Williamsburg, Virginia.

CALL TO ORDER AND ROLL CALL

Chair Elaine McBeth called the meeting to order. Present in addition to Chair McBeth were Second Vice-Chair Andrew Edwards and Commissioners Justin Shawler, Greg Granger and James Boswell. Commissioner First Vice-Chair Jeffrey Klee and David Julien were absent. Also present were Planning & Codes Compliance Director Carolyn Murphy, City Attorney Christina Shelton and Principal Planner Erin Burke.

APPROVAL OF MINUTES

Commissioner Boswell moved that the minutes for the May 16, 2018 Regular Meeting, Special Meeting on May 23, 2018 and Work Session Meeting on May 23, 2018 be approved as submitted. Mr. Edwards seconded the motion which carried by a vote of 5-0.

Recorded vote on the motion:

Aye:	Granger, Shawler, McBeth, Edwards, Boswell
Nay:	None
Abstain:	None
Absent:	Klee, Julien

CONSENT AGENDA

Mr. Granger requested removal of SPR#18-007 for further discussion.

PUBLIC HEARINGS

PCR#18-015: Amend the Zoning Ordinance by adding Section 21-605.2 and Section 21-605.3 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, so long as the owner meets certain conditions in the ordinance.

Planning Director Murphy presented the staff report. She noted City Council at its April work session requested Planning Commission to review proposed 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, so long as the owner meets certain conditions contained in the ordinance.

Since that meeting, staff has drafted the attached ordinance based on City Council recommendations that the proposed ordinance be limited to owner occupied single-family detached dwellings, limited to one bedroom in the dwelling to transient visitors

and limited the maximum time a single-family dwelling can be rented as a short-term rental to 45 days per year with a special exception from the Board of Zoning Appeals.

Director Murphy reviewed State regulatory history starting with SB416 which in 2016 permitted the short-term rental of any residential units 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 rental for 30 or fewer days, did not preclude consecutive rentals to the same person, excluded BPOL and other taxes for 45 days, shifted collection of local taxes to Virginia Department of Taxation (VDT), limited local ability to regulate the use, prohibited VDT from providing documentation on the rental use and effectively insulating rental owners from reporting to the locality. This legislation contained a reenactment requirement and it was not reenacted.

In 2017, SB1578 provided that a locality may regulate short-term rentals through its zoning ordinance, including whether to allow and if so where, it provided for the creation of a short-term rental registry at the discretion of the locality and provided that hotels/beds and breakfast permitted by the locality did not have to comply with registration requirements.

In 2018 no legislation impacting the City of Williamsburg was introduced, although a bill was specific to Lexington and Virginia Beach.

Director Murphy noted currently short-term rentals are allowed in the City as hotels/motels, timeshares and bed and breakfast facilities with no limitation to utilize an on-line platform to book rentals. Short-term rentals are not permitted in the City except for those mentioned above.

Director Murphy reviewed the pros and cons for short-term rentals. She noted other jurisdictions handle short-term rentals in a variety of ways such as short-term rentals, homestay, bed & breakfast, tourist homes and rooming and boarding houses. Other jurisdictions limit the use to residential and mixed use districts, limit occupancy, some allow by right with others requiring a special use permit, requiring inspections, on-site manager, limits the number of rooms rented and prohibit signs on the rental.

Director Murphy reviewed the proposed ordinance noting a special exception from the Board of Zoning Appeals was required for one-room rental and whole house rentals so long as the criteria was met for each use. The rental of one room in an owner-occupied detached single-family dwelling may be allowed subject to liability insurance, property management plan, HOA/POA recommendation if located in a neighborhood with an association, business license, rental limits on occupancy in the room, meals not being permitted, one off-street parking space being provided to the rental, meeting building codes, maintaining a guest registry, limiting the stay to a maximum of 30 days, meeting safety and nuisance provisions of the City Code, allowing inspections after notice and provides for revoking the approval if conditions are not met or multiple violations occur.

Director Murphy reviewed whole house rentals noting the owner-occupied requirement, liability insurance, property management plan, HOA/POA recommendation, business license, meals not being furnished, off-street parking, building code requirements, bedroom occupancy limits, guest registry, inspections, safety and nuisance requirements and revoking as required for one-room rental. She noted some differences from one-room to whole house were a maximum rental of 30 days or less with a maximum of 45 days per calendar year, limits on dwelling occupancy based on bedrooms, no residential rental property being allowed for short-term rental, smoke and carbon monoxide detectors and event rentals not being permitted.

She concluded by noting the Commission can hold a work session, make changes to the proposed ordinance or decide if the use should be allowed in the City after holding a public hearing today. Once the Commission makes their recommendation, it will be forwarded to City Council for their review, consideration and action.

Chair McBeth opened the public hearing.

Clyde Haulman, 511 Newport Avenue noted there is a lot to like about this ordinance and complimented staff for putting together an ordinance that contains many components that provide safeguards to the City, neighborhoods and property owners. However, several additions could be made to help with the outcome for neighborhoods. He noted the City has a wide diversity of neighborhoods and that diversity has been one of the great strengths of our community and needs to be recognized. He expressed concerns with the one size fits all for the community and that it may not be the best approach for this situation.

He suggested two options that might be considered to strengthen the ordinance in protecting and preserving our existing neighborhoods. Option one is more complicated and starts with defining neighborhoods as being contagious and internally connected such as Burns Lane, Highland Park, Indian Springs etc. Once defined, neighborhoods could be looked at for implementation on Section 21-605.2 and 21-605.3 and would require approval by 51% of the owners of owner occupied single-family dwellings in any defined neighborhood. Consider placing limits on the number of approvals per neighborhood such as 10 or 15%. This is similar to the bed and breakfast limitations on entrance corridors. The implementation process could be initiated by any owner of a qualified dwelling, neighborhood organization or the City. He noted this is not a normal way of doing zoning but the process would allow those most affected to have a say in how it is applied to their neighborhood. Option two could be defined in our Architectural Review Board zoning districts by exempting these neighborhoods from the ordinance thereby protecting these neighborhoods. This process could be used because these neighborhoods are vulnerable and not only need protection architecturally but also from this use. He recommended the limitations for Section 21-605.2 be limited to 45 days per year similar to Section 21-605.3(c) because the comings and goings of a transient visitor may be different from those of a room rental in house thereby creating additional disruption to the neighborhood. These recommended tweaks to the ordinance will help with the diversity of neighborhoods and help protect and preserve our neighborhoods.

Debbie Keane, 718 Jamestown Road, owner of A Williamsburg White House Bed and Breakfast spoke on the request noting she moved to the area to raise her family about 18 years ago and wanted to open a bed and breakfast. Her family proceeded to find a home on one of the specified streets that allow the use and proceeded to convert a 100 year old house into a four room bed and breakfast. They had to meet stringent zoning, building, health and fire regulations which included a $30,000 fire stairway to allow for a second means of egress from the four rooms. She noted the requirement of fire rated doors, exit lighted signs in each of the guestrooms as well as their private living space. We had to install a sprinkler system in the basement as well as hard wired smoke detectors and fire extinguishers throughout the inn. Prior to opening we had to have approvals from the Department of Health, Fire Department as well as obtaining a business license. It was a requirement that the inn be owner-occupied and that one parking space per room along with two owner spaces being provided along with landscaping to shield the parking spaces. Six years after opening they approached City Council to increase the number of rooms to ten because they were doing quite well. This request was denied because ten rooms were too many rooms for residential area, keeping in mind a ten room inn exists down the road, located on a main entrance corridor, across the street from Mason School and surrounded by college students. After much discussion, they were permitted two additional rooms for a total of six rooms with a special use permit and meeting zoning requirements for parking, providing handicapped access, handicapped accessible room and handicapped ramp which went through the backyard as well as meeting Health Department guidelines. After 18 years the City is now considering short-term rentals. After reading the regulations, the City is considering one room in an owner-occupied dwelling and up to 45 days for every dwelling in the entire City. Now the entire small business community of B&B's as well as residential homes will suffer to prevent the same occurrence that happened in Lexington, Virginia. She stated her son goes to Lexington and is familiar with that situation. She finds it amazing, that the town fought tooth and nail to open a licensed, tax paying beautification award winning inn. Now 18 years after their struggle to build, grow and expand their business that the City has fought every step of the way. Now you are considering allowing anyone to rent their empty home to anyone without a visible owner on the premises. She is amazed that if you read the B&B regulations the first line states "these regulations are established to allow the operation of bed and breakfast establishments along the City's entrance corridors while preserving the residential character of the neighborhoods in which they are located. By limiting the location of bed and breakfast establishments only along specified entrance corridors, bringing increased traffic and congestion by nonresidents into residential districts is avoided. In addition, bed and breakfast establishments are limited to a minority of the houses on the specified streets in order to ensure that all of the corridors maintain their "residential character". Under the new ordinance she could rent her ten bedroom home up to 45 days a year. So every other weekend she could leave a key under her front doormat and have 20 adults and probably 20 kids pile into her home, stay for the weekend and leave the key under the doormat when they leave. This would make her live easier, she wouldn't have to cook breakfast every morning; she could take out her sprinkler system, tear down the fire stairway and make another room. She wouldn't

have to be there every day, be owner-occupied, and she could stop paying room tax and filing out a car report. All forty people can park on the street, party, cook outside until 11 p.m. each night. She stated these regulations are coming from the money making companies of Home Away, VBRO and Expedia companies. Air B&B has a huge lobbying that has pushed states to support short-term rentals and she finds that amazing. What will Air B&B do for the City? They will not increase your tax revenues; they do not collect taxes on their sites and it will be hard to track rentals in the City. Bringing short-term rentals in neighborhoods will bring their own issues stating the average monthly home rental will increase; affordable housing will be priced out of the market. Who wants to live in a single-family home that is surrounded by short-term rentals? It will affect the value of homes in the neighborhood. She stated California is looking at adding a question to real estate disclosures to include if there are any short-term rental properties surrounding the property for sale because it would affect the home's value and quality of life. She stated this topic needs so much more discussion. Who will control the noise when our Police Department is so short staffed that they can't respond to college rental parties? She requested that short-term rentals should meet the same requirements she had for her business to operate. She fears this will pass as fears of reprisals as those in Lexington. She asked for some balance, keep the rental out of neighborhoods, that they meet same requirements as B&B's, and to investigate existing B&B regulations to allow more flexibility to increase their revenue. Please provide a fair platform for B&B's to compete with short-term rentals. At this point the scale appears to be tipping the wrong way. How will the City look when existing B&B's close and change to short-term rentals. Is that what the City wants? Too many issues remain for this to be decided today and needs more discussion.

Melody Loftheim, 111 Adams Street spoke in opposition to the request. She bought her home on Adams Street three years ago because there was only one rental on the street. Home ownership makes a big difference in maintenance and responsibility of the property. She expressed concern with emergency responders knowing who lives in the dwelling. A lot of things will change with short-term rentals and she does not support short term rentals in neighborhoods.

Gladys Victor, 704 Powell Street lives on a street with 13 houses with two on the market and one ready to go on the market. They have formed an association to fight this issue. It is not needed or necessary. She is concerned with ARB district involvement when part of her neighborhood is in an ARB district and part is not. She does not support the request to allow short-term rentals with residents and neighbors not wanting these regulations.

David Trichler, 324 Indian Springs Road spoke in favor of the request because of the economic diversity and vibrancy. Trends for how we think the economic landscape will look in 5, 10 and 15 years and what that means for our City. The Brookings Institute took a look at the sharing economy with estimates of 14 billion in 2014 to 335 billion in 2025 and he wants the City to capture some of this revenue. In 2010, 8% of travelers used short-term rentals and by 2016 that number increased to more up to 30%. People are using these services whether we provide them or not. Most are individuals who are

not students and have incomes greater than $75,000. These individuals go to restaurants, Colonial Williamsburg, Busch Gardens and spend their money in a host of areas. What is the economic footprint and where are they traveling is a question. Where people stay is where they spend their money in that area. From an economic standpoint he supports the request to stay at the forefront. From long-term trends we could argue some dollars we don't want and they can stay in other areas nearby. How do we get better as a community on the issue of affordable housing? Some of the real downsize to short-term rentals in other communities is when they don't have restrictions and there is a free for all and where there is unlimited usage or when individuals buy second properties just for short-term rental. Some estimates indicate that when you have 60 days or more you can start to have a secondary income and you start to see a turnover of neighborhoods. There clearly has to be some constraints of owner-occupied and the number of days. Even 45 days may be too much with 25 or 30 days being more appropriate. Some limit to just festivals or major events when there is surge in attendees. The question of affordable housing for those who own and live in the dwelling is something he supports and would like to figure a way to tackle. He stated that he works for the College at a research lab and over the last five years they have hired 55-60 individuals who come from areas like New York and Washington and asked where you would like to live. They replied they would like to live in the City, but it is too expensive and they have to live in James City County. They note in other areas they have more flexibility and can rent out a room or two a couple days or year. He noted that in his neighborhood he would like more families, but due to the cost and not having flexibility, these individuals cannot afford to live in his neighborhood. He supports having younger families live in neighborhoods with the option to rent out their home a couple days of the year to afford their mortgage and that they have additional income to put back into their home. He stated economic trends are moving this way and we can support or not support these trends. These trends will continue and we can catch the additional revenue and give the homeowner more tools to reinvest and support their families. The possible threat is we may miss out on a great opportunity. We can have stronger enforcement in the ordinance but still allow more freedom to homeowner. He supports with conditions this use if we are smart thereby adding another tool for homeowners.

Clyde Haulman, 511 Newport Avenue requested clarification on what happens if the City does not pass an ordinance or if it passes a specific ordinance that prohibits short-term rental from the State. Secondly, the issue of affordable housing is what type of programs can be used to help with homeownership in these neighborhoods from assistance with down payments to renovation assistance. Lots of cities have done these types of programs. There may be a more direct way to help rather than allowing short-term rentals.

Ms. McBeth requested individuals to send their comments or requests to either her or Planning Director Murphy. She noted further discussion was needed on initiatives on neighborhoods and housing for the Comprehensive Plan update. She proposed a work session on this topic and encouraged Commission members to send their comments to staff to help with the discussion. Commission members agreed and Ms. McBeth motion

to postpone. It was seconded by Mr. Edwards which carried by a roll call vote of 5-0.

Recorded vote on the motion:

Aye:	Granger, Shawler, McBeth, Edwards, Boswell
Nay:	None
Abstain:	None
Absent:	Klee, Julien

WILLIAMSBURG PLANNING COMMISSION
MINUTES
COMPREHENSIVE PLAN UPDATE
WORK SESSION #6
NEIGHBORHOOD & HOUSING FORUM
Wednesday, October 24, 2018

A work session of the Williamsburg Planning Commission was held on Wednesday, October 24, 2018, at 4:00 p.m., in the Council Work Room #123, of the Stryker Center, 412 North Boundary Street.

ATTENDANCE AND CALL TO ORDER

Chair Elaine McBeth called the meeting to order. Present in addition to Ms. McBeth were First Vice-Chair Jeff Klee, Second Vice-Chair Andrew Edwards and Commissioners Greg Granger, Justin Shawler and Caleb Rogers. Also present were Planning & Codes Compliance Director Carolyn Murphy, Principal Planner Erin Burke and Planning Clerk Heather Moore.

WILLIAMSBURG HEALTH FOUNDATION PRESENTATION

Kyra Cook, *Director of Strategic Initiatives and Program Officer with Williamsburg Health Foundation,* **Carol Sale**, *CEO of Williamsburg Health Foundation*, is also in attendance. Ms. Cook stated the vision and goals of WHF and gave some background as to why they hired Bob Adams to conduct the following study: so that they can give all individuals in the community the opportunity to make healthy choices. She then introduced the presenter, **Bob Adams**, *Executive Director of Housing Virginia.* Mr. Adams presented a PowerPoint presentation on Connecting Housing and Health in the Williamsburg Region.

Slide Review is as follows:

1. Executive Review
   Three Key Aspects of Housing Influence Health
2. Demographics Drive Needs: The Greater Williamsburg Region
   Where we can make a difference
3. Strategies for Change
4. Introduction
   Contributors to Health and Well-Being
5. Social Determinants of Health
6. Regional Demographic & Socioeconomic Trends
7. Senior Population Living Alone
8. Household Income
9. Poverty Rate
10. The Housing & Health Connection
    Opportunities for Action
11. Physical Characteristics of the Home
12. Community Characteristics
    "Low Access" to Healthy Food
    Walkability in Williamsburg Region/Walkable Neighborhoods
13. Housing Affordability
    Measuring Affordable Rental Housing Support and Demand

Housing Cost Burden
14. Health Outcomes
    Life Expectancy
    Affordable Housing in Healthy Communities
    Affordable Housing/Life Expectancy
15. Strategies for Housing and Health
16. Examples of Best Practices
    AHIP Safe at Home Campaign
    Green & Healthy Homes Initiatives
17. Healthy Communities
18. Examples of Best Practices
    Healthy Corners Program
    Home-Delivered Groceries & Produce Pop-Ups
19. Affordable Housing
20. Examples of Best Practices
    Community Land Trusts
    HOME Move to Opportunity Program
21. References

Planning Commission Discussion
Commissioner Rogers asked for Homeless prevention recommendations. Mr. Adams informed the Board Virginia is the highest eviction state in the country, we have 5 of the top 10 cities, and eviction is one reason of homelessness. So eviction prevention, working with tenants and landlords to be able to detect early warning that the tenant is struggling and to develop a plan; long term or short term.

Commissioner Klee inquired on how to obtain a clearer picture of Williamsburg's subgroups: students, families and seniors. Mr. Adams suggested in regards to students and families to increase supply of rentals to drive rent prices down, and homes more affordable. In regards to seniors, Mr. Adams said that the city would need to look at living circumstances here in Williamsburg. See what the seniors want and need and how the city can provide that for them. An example: they may want to downsize but not live in an age restricted community.

Chair McBeth inquired on what programs would be available that the city is not taking advantage of. Mr. Adams stated that would be difficult to grow a voucher program at this time due to the federal government funding and not increasing vouchers. An option would be a tax credit program to increase rentals.

Commissioner Klee wanted to know if students were included in all slides and data showing housing cost burdens. Mr. Adams stated that they tried to pull out student data but would to verify it was on all slides and figures, and would follow up.

Commissioner Granger inquired on how to direct our different groups to the stock that they need. Mr. Adams stated that it is an imperfect process to find the right home for the individual or family need, a housing counselor would help in that regard. A program that provides renter counseling and home owner counseling and can match people with a more rational allocation of resources that are available.

Kyra Cook closed the presentation with commending the city on their rental inspection programs, walkability of the city and noted that the community has many programs to help families with their bills so that the family can put their money into their rent payments.

SHORT TERM RENTALS

Staff Presentation
Director Carolyn Murphy gave an overview of the short term rentals and directed the Commission to focus on drafting an ordinance and noted that Staff recommends taking out term "transient visitors" if approving short-term rentals. Information for review is as follows:

1. July 25, 2018 Minutes
2. September 26, 2018 Minutes
3. Comparison of B&B room rental and short-term rental
4. Draft Ordinance
5. HB 824 Short-Term Rentals
6. Housing Survey Results
7. June Presentation
8. July Presentation
9. Lexington Revised Ordinance
10. Recent Correspondence
11. Virginia Beach Ordinance

Planning Commission Discussion
Commission discussed a number of topics as follows:

- Changing the term "owner-occupied" to "host"
- Determining if owner should be on the premises at all times.
- How approval of rentals will effect and/or compromise neighborhoods
- How to enforce guidelines
- Limits on amount of times that a room/house can be rented.
- How rentals can help with income
- Costs and fees that are required (length or process)
- Zoning violations
- Benefits to the city with short-term rental approvals
- Oversupply of hotel rooms in area
- How approval would affect B&B.
- Regulations for B&B and short-term rentals

- Number of persons allowed per room/square footage, length of time visitor staying
- Housing prices rise if short-term approved
- What market/traveler does the short-term rental appeal to
- Building Codes; fire/sprinkler alarms; health inspector
- Legal Issues; Fair Housing
- City wide or only certain zones
- Review after a certain period of time
- Difference and similarities between AirBnB and B&B

Commission is looking at not allowing one room or whole house in neighborhoods. Just entrance corridors and possibly looking at B&B regulations to see if it covers one room owner occupied rentals; if not, write one for just the entrance corridors that exists currently; No percentages. Whole house rentals are not allowed because the ordinance for B&B must have on site management and whole house rentals will not have on site management or owner; good start considering a lack of data. House must be facing an entrance corridor street. Time review.

HOUSING AND NEIGHBORHOODS – CHAPTER 8

Chair McBeth moved Housing and Neighborhoods – Chapter 8 to the next meeting due to time constraints.

Director Murphy asked Commission if Staff could split housing and neighborhoods into two chapters. Chair McBeth approved the separating of the two.

OPEN FORUM

David Trichler, *324 Indian Springs*, feels that owner-occupied housing is a positive for the city. He feels that when things turn south for a community is when a home is rented with no limit or owner occupancy. Encourages the Council to look at day caps with one room rentals. He reiterated that there needs to be a way to bring young families into the neighborhoods and short-term rentals is one tool that can help with that. His example is that a 10-day rental will give a couple or family $25,000 to put towards their mortgage. He feels that student rentals are given priority in the marketplace. He asks that the commission consider allowing one room rentals to even the marketplace for couples and young families.

Susan Gaston, Legislative Consultant for the Williamsburg Area Association of Realtors, wanted to remind the Commission of Dr. Sara Stafford's study and presentation and to let the Commission know that she has recently, today, received new results of a public opinion poll on Housing Affordability and Housing Opportunity within the city and county. The study should be available for presentation in late November, early December and wanted to make it available to the Commission. Also wanted to let

the Commission know how seamless Accessory Use Units can be added in a community. Ms. Gaston offered her help in any way possible.

Chris Garies, *325 Burns Lane*, was encouraged by the tenure of the conversation and acknowledging all points of view that were brought forward. Knows that there are many players in the city that this decision will affect. Mr. Garies is not against students but feels that instead of pushing both the student rentals lever on high and short term rental lever on high to instead pull back on the student rentals and accelerate a short term rental so that they are level.

Chair McBeth closed the open forum.

The meeting was adjourned at 5:59:01 p.m.

Elaine McBeth, Chair
Williamsburg Planning Commission

WILLIAMSBURG PLANNING COMMISSION
MINUTES
COMPREHENSIVE PLAN WORK SESSION #3
Wednesday, July 25, 2018

A work session of the Williamsburg Planning Commission was held on Wednesday, May 23, 2018, at 4:00 p.m., in the Council Work Room #123, of the Stryker Center, 412 North Boundary Street, on Wednesday, May 23, 2018 at 4:00 p.m.

ATTENDANCE AND CALL TO ORDER
Chair Elaine McBeth called the meeting to order. Present in addition to Ms. McBeth were Second Vice-Chair Andrew Edwards and Commissioners David Julien, Justin Shawler, Greg Granger, and James Boswell. First Vice-Chair Jeff Klee arrived at 4:05. Also present were Planning & Codes Compliance Director Carolyn Murphy, City Attorney Christina Shelton and Principal Planner Erin Burke.

Ms. Murphy started with a review of the presentation that was shared with the Commission at their regular June meeting. She highlighted changes and clarifications that had been made in the draft ordinance in response to questions from the Commission and the public including:

1) A requirement for proof of approval from an HOA or POA to allow for the use;
2) Copy of a Business License within 30 days of approval.
3) The installation of functioning smoke and carbon monoxide detectors.

Mrs. Murphy also noted the Zoning, Land Use, ARB, and Neighborhood maps on display in the room.

Chair McBeth suggested the Commission start with a review of the questions that were received after the meeting and presentation in June. The first question was how the neighborhoods would be treated. Ms. Murphy and Ms. Shelton indicated an overlay district was a possible mechanism, instead of by Zoning District or by neighborhood.

Chair McBeth asked what would happen if the Commission did not recommend approval of this use. She asked if there was a mandate to allow this use. Mrs. Shelton reviewed the laws regarding this use starting in 2015 to the present. She stated the risk of not adopting some language, was that the General Assembly could come back and require that they be allowed. Chair McBeth asked if it was possible to complete the Comprehensive Plan update before adopting the ordinance. Mrs. Shelton stated there was the risk of the General Assembly taking action before that point.

Chair McBeth asked for clarification on this ordinance if it would help some property owners that are currently conducting this kind of business illegally, become compliant with the City's ordinances. Ms. Shelton stated that may be possible but it depends on if owners can comply with the ordinance. There was a brief discussion on the use that allows for roomers.

Mr. Klee asked staff to review the difference between the short-term rentals and Bed and Breakfasts, Roomers, and Long-Term Rentals. Ms. Murphy and Ms. Shelton reviewed the current ordinances and what the key differences were with regards to length of stay and the terms of stay.

Mr. Granger asked about the need to make a decision on this use now and asked if Ms. Shelton had any indications on what may come out of the General Assembly in the next term. Ms. Shelton said new bills could be state wide regulations, or they may be specific for some jurisdictions. Mr. Granger said he thinks it would be helpful to have copies of ordinances from other jurisdictions.

Chair McBeth asked if this use would be in competition with the Bed and Breakfasts already established in the City and asked for some additional information on those establishments. She inquired if it were possible to hold the Short-term rentals to the same standards as the Bed and Breakfast establishments. Ms. Murphy stated there are building code and accessibility regulations that apply to Bed and Breakfasts that wouldn't necessarily apply to someone renting their house or a room in their house.

Ms. Murphy reviewed the Neighborhood Map noting which areas allow for or currently have Bed and Breakfasts. Mr. Granger asked for clarification about the concern for Bed and Breakfasts versus the use of short-term rentals. Staff and Commission members discussed the difference in the uses.

The Commission Member discussed the concern about competition and the limited time period allowed for Short-term rentals. Mr. Shawler said it would be important to look at the number of days to allow Short-term rentals.

Mr. Julien stated he was concerned about competition and asked if staff had the numbers of how many short-term rentals we expected. Ms. Murphy said it was hard to know, and that numbers of short-term rentals may vary from place to place.

Mr. Klee said he was concerned about fairness with the application of the ordinance.

Mr. Shawler and Mr. Klee said it would be important to make sure the ordinance is clear in the distinction between the one room and whole house rentals. Mr. Boswell asked about the difference of the requirements for Bed and Breakfasts. There was a discussion about the building code requirements for Bed and Breakfast establishments versus Single Family Residential homes. Mrs. Murphy also discussed the collection of taxes for both uses.

Mr. Granger discussed the long-term implications of allowing this use in the City's neighborhoods.

Mr. Edwards said that the Commission will need to decide where to allow short-term rentals and how many to allow. Mr. Boswell agreed and said the Commission would need more details to make those decisions.

Mr. Klee said he was worried about limiting the number of days. He does not think it is fair to rely on neighbors to report problems with short-term rentals. He said it was not conducive to encouraging a neighborhood feel. A discussion of guest registry

requirements followed this comment. Mr\s. Murphy said that all short-term rentals, just like Bed and Breakfast Establishments would have to keep a guest registry and make it available for review upon request.

Mr. Klee suggested having a City wide cap on the number of short-term rentals that would be allowed, similar to the percentage cap on the Bed and Breakfast establishments. There was some discussion on the equity of capping short term rentals. Ms. Shelton indicated she would investigate the ability to cap rentals.

Chair McBeth opened the floor for comments from the public.

Debbie Keane, 718 Jamestown Road, does not see this proposed use as competition. She noted there is decreasing number of Bed and Breakfasts because owners are aging and selling the business and there aren't people interested in running the business. She also noted that the average of the guests she sees at her business is younger than in the past. Ms. Keane told the Commission Williamsburg has seen fewer visitors than in the past and this also contributes to the decrease in the number of overnight accommodations. Her main concern with this use was the idea of whole house rentals. She is not in favor of allowing whole houses to be rented at all. She questioned how the City was going to monitor taxes as she is familiar with the booking programs and it does not collect taxes. Ms. Shelton provided some clarification on the tax collection requirements of short-term rentals. Mrs. Keane concluded her comments by requesting the short-term rentals be limited to the corridors that allow Bed and Breakfast Establishments.

Gladys Victor, 704 Powell Street, requested the slides of the Pros and Cons of Short-Term Rentals be displayed for the public to see. She expressed concerns over the enforcement of the ordinance and not wanting to rely on neighbors to complain on neighbors. Ms. Baxter suggested the Commission hold off on making a decision and see what happens in the next General Assembly session.

David Kranbuehl, 201 Harrison Avenue, spoke about ordinance enforcement concerns. He referenced the enforcement of the current rental ordinances and expressed concern about how the short-term rental ordinance would be enforced. He noted the need for Downtown Vibrancy and said he understood the need to have more people downtown. He suggested both single room rentals and whole house rentals be limited to 30 days but said he would prefer there be no whole house rentals.

Mary Snyder, 102 Charles Dillard Lane, stated she lived next door to a recently cited AirBnB. The use has definitely increased traffic in their neighborhood. She stated a bus full of people stayed at the house over the Fourth of July holiday. Mrs. Snyder said the renters never stay more than a day or two, and her family and their neighbors never know who is at the house. She is worried about how the proposed ordinances will be enforced and does not think neighbors should have to monitor the rentals. She said she added up the amount of money this rental is charging and it is more than enough to pay

for a mortgage in that neighborhood. She feels like it is just intended to make money and not supplement income.

Chris Gareis, 325 Burns Lane, purchased his home in the City after living in the County for a long time. He and his wife chose to make their home in the City and have had to deal with student rentals on adjacent properties. He advised the Commission to proceed with caution when reviewing the new ordinance. Mr. Gareis stated he was not in favor of whole house rentals and thought 30 days for single room rentals would be enough. He said he was concerned about how this would affect home values and that it would be a deterrent to having families move into the city.

Ellen Knecht, local realtor, expressed support of both whole house and single house rentals. She stated she was both professionally and personally supportive of the proposed ordinance.

Melody Loftheim, 111 Adams Street, stated that she was concerned about protecting the community's character. Allowing this kind of use in her neighborhood would not be conducive to the small lots or smaller homes.

Chair McBeth asked for additional comments. There were none.

Mr. Klee stated that the Commission should not let this topic linger too long.

The Commission agreed they would like more information on some of the items discussed with staff and invited the public to email questions they may have to Chair McBeth.

Being no further business before the Planning Commission the meeting was adjourned at 6:10 p.m.

Elaine McBeth, Chair
Williamsburg Planning Commission

WILLIAMSBURG PLANNING COMMISSION
MINUTES
COMPREHENSIVE PLAN WORK SESSION #5
Wednesday, September 26, 2018

A work session of the Williamsburg Planning Commission was held on Wednesday, September 26, 2018, at 4:00 p.m., in the Council Chambers, of the Stryker Center, 412 North Boundary Street.

ATTENDANCE AND CALL TO ORDER

Chair Elaine McBeth called the meeting to order. Present in addition to Ms. McBeth were First Vice-Chair Jeffery Klee, Second Vice-Chair Andrew Edwards and Commissioners Caleb Rogers, Justin Shawler, Greg Granger and James Boswell. Also present were Planning & Codes Compliance Director Carolyn Murphy, Principle Planner Erin Burke and Planning Clerk Heather Moore.

Chair McBeth instructed the public that this work session is a listening forum and the Commission would not be speaking this evening. Mr. Henry Cobb was introduced as the facilitator for the evening.

Mr. Cobb informed the public that the work session has been divided into subjects on short-term rentals, rentals and affordability and each person will have three minutes to speak on each subject. After these topics have been discussed other topics may be brought before the Commission.

SHORT-TERM RENTAL DISCUSSION

Parks Wilson, *321 Scotland Street*, stated when he purchased his property twelve years ago there were nine residents until two years ago. His experience with rental properties on North Henry Street would suggest that any further rentals, new properties or existing properties would be ill advised due to experience with student behavior in these properties. The party atmosphere and bad language is not conducive to a family community. He also spoke against the Downtown Vibrancy proposal to develop the horse pasture on North Henry Street into housing, noting there were other areas in the City to develop more suitable housing, especially in the new Midtown area.

David Trichler, *324 Indian Springs*, spoke about long-term trends and stated short-term rental can be tied to affordable housing. Short-term rentals you can look at the shared economy which is growing, where one in three are leisure travelers with incomes above $75,000. Most people staying are four individuals, in their 20 and 30's who can afford and want a different type of rental. Rentals can give young families the ability to help with mortgage and housing costs. He was in favor of short-term rentals when it is owner-occupied housing and limits rental periods to not more than 60 days.

Chris Gareis, *325 Burns Lane,* spoke against rentals in neighborhoods stating we need to see the big picture as rentals fundamentally change a neighborhood. What is our vision and what are our policies for rentals in neighborhoods? We need to define our vision. The only way to have a viable neighborhood in the City is to have a homeowners association which can limit the number of rentals. The older neighborhoods in the downtown area of Williamsburg do not have homeowner associations. He moved into the City four years ago and in that time 10 houses have

been put on the market with five being owner-occupied and five being bought for rentals. This trend is very disturbing and begs how you define a neighborhood when with rentals in a neighborhood you don't know who lives next door to you year after year because the occupancy of the rental changes yearly. He expressed he was very concern with the additional burden we put on neighborhoods by opening up opportunities to rent in our neighborhoods. He does not support whole house rentals. However, a one room rental in an owner-occupied dwelling may be acceptable with limitations such as limiting the % allowed in a neighborhood and other thoughtful conditions as location.

Ed Lindsey, *207 Burns Lane,* representing The Burns Lane Residence Association and is speaking against short-term rentals because it is not advantageous to residents/neighbors and lowers property values. He stated his neighborhood (Burns Lane, Goodwin Street, Powell Street and part of Jamestown Road) contains about 50 houses ranging in age from 1774 to 2013. Mr. Lindsey stating they do nothing for the neighborhood and is not advantageous to neighbors. He also spoke against rentals due to the fact that multi-person rentals are not caring for property and lowering property values. When he moved into Burns Lane ten years ago it was a very quiet family oriented neighborhood with few rentals in the neighborhood. Most of the homes were owner-occupied and if properties were rented they were rented to families, rental prices were affordable and property values were slowly going up. Ten years later after the four person rule, owner-occupancy is going down, rentals to individuals and not families is going up and if this trend continues their beautiful neighborhood will go away. This regulation has had unintended consequences on their neighborhood and potentially other neighborhoods such as College Terrace in the City and the Commission has the opportunity to review this and make changes if necessary.

AFFORDABILITY DISCUSSION

David Trichler, *324 Indian Springs,* spoke in favor of mixed-use development for the Downtown Area to help with affordability. How do you attract young families in our neighborhoods? Density is a way to help alleviate this problem by allowing more mixed-use development downtown which can slow the growth rate, and raises the vibrancy of the City.

Chris Gareis, *325 Burns Lane,* spoke against mixed-use in neighborhoods. He does not want homes run as businesses in single-family neighborhoods. Affordable housing should be available but not at the detriment of our neighborhoods. We need to protect our residential neighborhoods and property values.

Ed Lindsey, *207 Burns Lane,* feels that affordability is unattainable due to the four-person renting allowance and rents on campus. Families, with two incomes, cannot compete with four separate students with separate incomes in our neighborhoods close to campus. He stated they use to have military families in their neighborhood but because of the four person rental, families cannot afford the rent that four person rentals

can get, thereby making houses close to campus affordable only to the four person rentals.

RENTALS

Molly Gareis, *325 Burns Lane*, spoke against rentals in neighborhoods due to the increasing numbers of unknown persons and student behaviors they have experienced over their four years living on Burns Lane.

Helen Walker, *416 Harriet Tubman Drive,* spoke about the apparent link in affordable housing and student rentals. The housing stock is priced out of reach as student rental numbers grow and thereby are not affordable to other individuals.

Mary Ann Brendel, *311 Burns Lane,* has lived in the City since 1962 and spoke out against student rentals and the four-person student housing policy, requests that these policies end, students do not take care of the property as an owner would. There is trash, uncut grass and other eyesores that student rentals bring into a neighborhood. The neighborhoods adjacent to campus on Jamestown Road and Richmond Road need to be protected and we need to protect the integrity of these neighborhoods. She recommends capping the four-person rentals in neighborhoods.

Stewart Goddin, *715 Goodwin Street*, felt City policy is inconsistent. Affordability in regards to City rentals keeps increasing as we allow more and more students to rent homes. He understood that Midtown was being developed to house more students thereby relieving pressure on single-family neighborhoods. He expressed concerns with businesses such as those in Tribe Square who can't survive when the students are gone for the summer. He felt long-term homeowners are needed to help existing businesses become viable.

FINAL COMMENTS

Parks Wilson, *321 Scotland Street*, commented that he feels William and Mary should take more responsibility in providing housing for their students on campus. Also, as a personal note, in his deed it states that he is not permitted to lease property to students.

Chris Gareis, *325 Burns Lane*, commented that he and others want the City policy to follow the City's vision and we need to prohibit more rentals in our downtown neighborhoods. If the vision is not to protect our downtown neighborhoods then it should be removed from our policies and documents.

Richard Lampert, *349 Scotland Street*, is against potential rezoning of the pasture block across the street from his home and any change from RS-3 to commercial for the homes along Henry Street and Scotland Street. He would like to see an expansion in the downtown area to include a grocer. Mr. Lampert is also in agreement with the City's decision to expand on the south side of Henry Street with the nightlife proposals. Mr. Lampert is against development of the horse pasture on North Henry Street into townhomes. His son and other middle schoolers whose bus stop enjoy the open space

and especially the horses in the pasture. He and his wife are school teachers and can afford to live downtown.

Susan Jennaro, *220 Suri Drive*, is against the convenience store/gas station in the newly zoned Culinary District. Mrs. Jennaro spoke in favor of developing Capitol Landing Road because it has been neglected and improvements need to be made such as removal of the overhead wires and construction of a neighborhood park. She is concerned with property values in this area and with improvements it can become a welcoming corridor into the City of Williamsburg.

Martha Hunsucker, *210 Nelson Avenue*, is in favor of the City of Williamsburg becoming a family-friendly community and welcoming family-friendly businesses. Concerned with the vision of the City do we want to be a big City like Richmond or we need to encourage families to move into our neighborhoods and encourage more family oriented businesses downtown.

Ed Chambers, *317 South Boundary Street*, is against the City of Williamsburg making rentals a higher priority than homes that families can afford. He asked if the City wanted more permanent residents in the future or to allow more rentals such as the four-person rule.

Natalie Bartol, Merrimac Trail, *employed in the City*, is for affordable housing for employees of businesses located in the City. She was frustrated that people who work in the City who cannot afford to live in or around the City. The City needs to provide better housing for workers.

Gary Shelly, *205 Indian Springs Road*, spoke as an advocate for students and student housing. He expressed concern that residents don't appreciate what we have with students. What they want is vibrancy, and vibrancy is youth. He ended by stating William and Mary provides more student housing than other colleges/institutions outside of the Military Academy in the State.

Being no further speakers before the Planning Commission, the work session was adjourned at 5:03 p.m.

Elaine McBeth, Chair
Williamsburg Planning Commission

CITY OF WILLIAMSBURG
MEMORANDUM

DATE: **December 20, 2018**

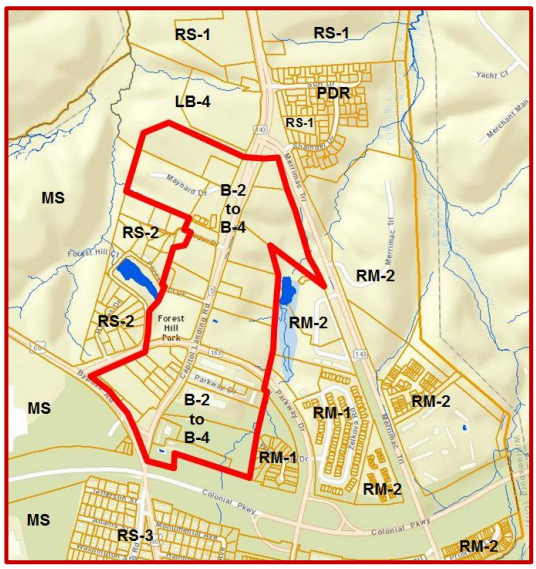
SUBJECT: **PCR #18-032**
Food Truck Regulations

BACKGROUND

In 2016, the City adopted its first food truck regulations (PCR#16-009) to allow food trucks in the B-4 Culinary Arts and Hospitality District. It allows food trucks as a permitted use if located on private property in the B-4 Culinary Arts and Hospitality District with certain conditions outlined in the adopted ordinance which is attached.

The adopted ordinance, requires the operator of a food truck to own and/or operate a properly licensed restaurant located in a LB-1, LB-2, LB-3, B-1, B-2, B-3, B-4, ED, ED-2, CW, MS or PDC zoning district, or be in partnership with the owner and/or operator of said restaurant. Some of the other major regulations for food trucks which are detailed in Sec. 21-622 are:

- Food trucks can operate only on developed and occupied property and only during the hours when the business establishment on the premises is operating.
- Food trucks, unless otherwise approved, must be removed from the site when the on-premises business closes for the day.
- Food trucks must be parked at least 100 feet from any residential dwelling.
- Food trucks cannot be parked in or operated from a public street right-of-way.



PROPOSED CHANGES

A food truck working group was formed in 2017 to establish a comprehensive food truck policy and evaluate the implementation of any proposed changes to the existing ordinance. The working group members contained Former Vice-Mayor, Scott Foster, EDA Chairman, Adam Steeley, CWF Representative, Mark Florimonte, Restaurant Representatives Brian Mahoney and Don Pratt, Food Truck Representatives Jon Wade and Tina Schadler-Phillips. City staff consisted of Andrew Trivette, Assistant City

Manager, Pat Dent Fire Chief, Michele Dewitt Economic Development Director, Lee Ann Hartman Public Information Officer and Carolyn Murphy Planning Director.

The group was formed to address a GIO to review existing food truck policies and procedures for potential revision to provide a simple and conducive police that enables food trucks and restaurants to meet the needs of the community while providing a competitive but fair entrepreneurial environment.

Currently food trucks are allowed only in the Culinary Arts and Hospitality District B-4 or with a special event permit issued by the City Manager's Office on City property. The food truck group invited two stakeholders to address the group concerning their observed needs for any new regulations. These two stakeholders were James Kennedy, a food truck operator (Foodatude) and Billy and Sharon Scruggs, restaurant owners (Retro's Good Eats).

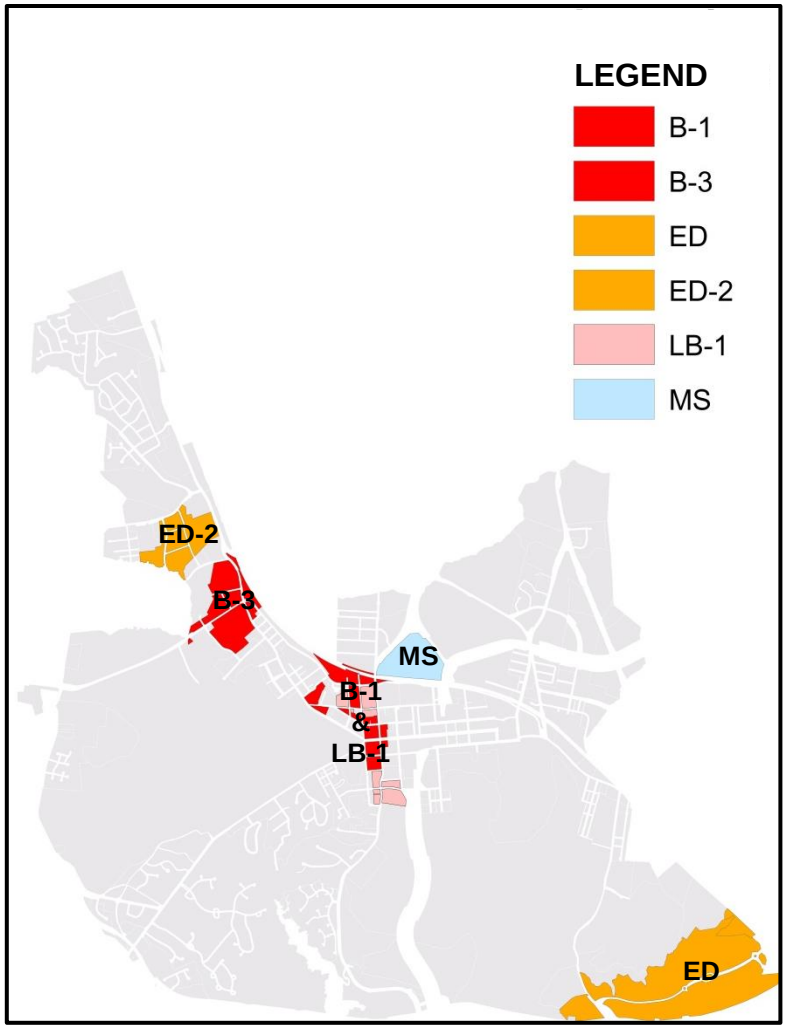
After three meetings the working group reached the following consensus on needed revisions:

1. The existing public property process is working but criteria for approval should be considered.
2. Expand permitted areas to include LB-1, B-1, B-3, ED-1 and ED-2.
3. Recommends a 100 foot restaurant buffer requirement for LB-1 and B-1 zoning districts. To be allowed in the buffer at least 75% of the existing restaurant owners must agree for the food truck to be located in the buffer.
4. Remove any residential buffer.
5. Allow food trucks in residential zoned areas of the City at up to two special events a year.
6. Require a fire department inspection prior to business license issuance and on each operation day.
7. Defining a food truck in the Zoning Ordinance.

Attached is a proposed ordinance addressing the above recommendations from the working group. The recommendation for a "permissive" restaurant buffer (provides for an allowance inside the buffer if a certain percentage of impacted restaurants consent) recommended by the working group is not included in the ordinance. The City Attorney has advised that allowing the restaurant owners to directly approve/disapprove encroachments into the buffer area is not permitted as recommended by the working group. Zoning is a legislative act which must be performed by council or in limited circumstances, as permitted by the Code of Virginia, by the Board of Zoning Appeals. Therefore, staff has written the ordinance without a "permissive" buffer recommendation. A general restaurant buffer from food truck operation is included.

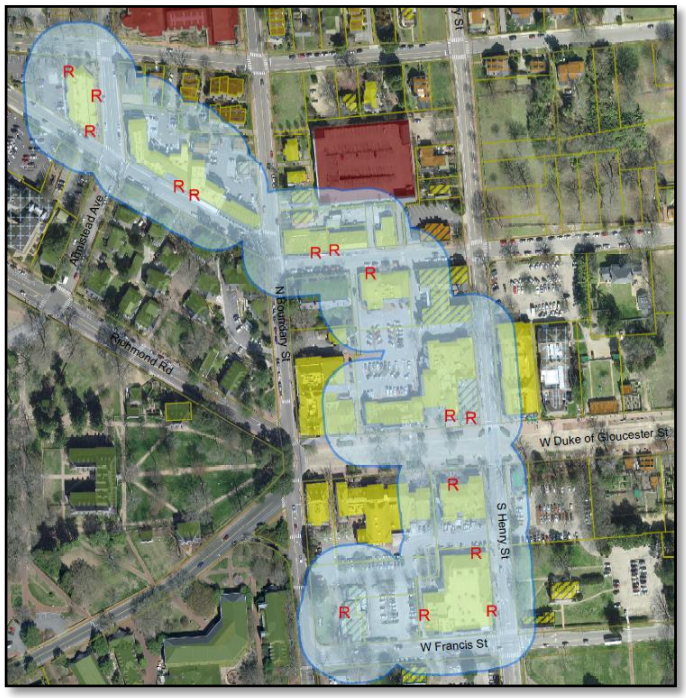
ANALYSIS

With the approval of special events at the Palace Farms site, staff has also included this property into the approval locations. This recommendation is only for the Palace Farms site and does not include other Museum Support MS locations in the City.

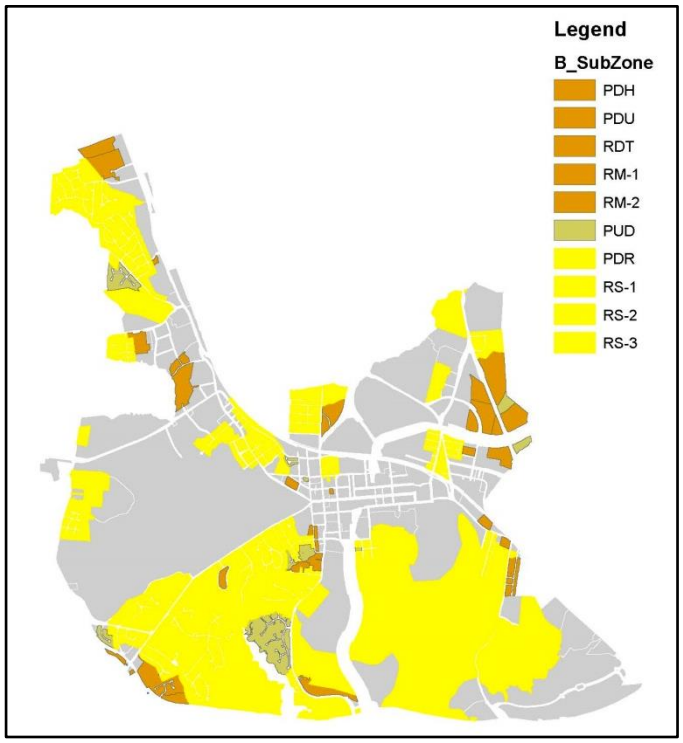


This map indicates the areas outside of residential zones recommended for food trucks which include the Downtown area, Midtown area, High Street, Riverside and the Palace Farms site. The proposed ordinance also allows food trucks in residential zones for up to two special events each year. It also defines a food truck, recommends a 100 foot restaurant buffer requirement for LB-1 and B-1 zoning districts, requires a fire department inspection prior to obtaining a business license and a fire department inspection each day of operation.

Outlined below is a map which indicates the areas outside of the 100 foot buffer Downtown. The buffer area will change as restaurants open and close in Downtown.



This map indicates the residential areas in the City.



The food truck working group was formed to review existing food truck policies and procedures for potential revisions to provide a simple and conductive policy that enables food trucks and restaurants to meet the needs of the community while providing a competitive but fair entrepreneurial environment.

Adding food trucks to these areas will enhance the economic vitality of the City as recommended in Goal 2 of the 2017-18 GIO's.

STAFF RECOMMENDATION

Approve the proposed food truck ordinance as recommended by the food truck working group and modified by staff.

PLANNING COMMISSION RECOMMENDATION

Planning Commission held a public hearing on December 19, 2018. No one spoke at the meeting. Planning Commission recommended to City Council by a vote of 7-0 approval of the proposed ordinance to expand food trucks in the City.

CITY COUNCIL PUBLIC HEARING

A City Council public hearing is scheduled for their regular meeting on January 10, 2019 in the Council Chambers of the Stryker Center at 2:00 p.m.

Carolyn A. Murphy

Carolyn A. Murphy, AICP
Planning and Codes Compliance Director

[PC\PCR\2016\18-032MMO4]

ORDINANCE #18-
PROPOSED ORDINANCE #18-

AN ORDINANCE TO AMEND THE FOLLOWING PROVISIONS OF THE WILLIAMSBURG CODE BY ADDING TO ARTICLE I. SECTION 21-2 DEFINITIONS, BY ADDING A DEFINITION FOR FOOD TRUCK; BY AMENDING ARTICLE III. DISTRICT REGULATIONS TO ALLOW FOOD TRUCKS IN THE LB-1, B-1, B-3, ED AND ED-2 ZONING DISTRICTS AND BY AMENDING ARTICLE IV. SUPPLEMENTAL DISTRICT REGULATIONS, SECTION 21-622, FOOD TRUCKS
(PCR #18-032)

These revisions to Chapter 21, Zoning, are intended to promote the health, safety and general welfare of the public, and to carry out the purpose and intent of Chapter 21 as stated in Sec. 21-1.

BE IT ORDAINED that the Williamsburg Code, Chapter 21, Zoning, Article I, Definitions, Article III. District Regulations and Article IV, Supplemental District Regulations are hereby amended by adding a food truck definition, allowing food trucks in the LB-1, B-1, B-3, ED and ED-2 Zoning Districts and amending Section 21-622, Food Trucks, to read as follows:

ARTICLE I. IN GENERAL

Sec. 21-2. Definitions.

Food truck means a large wheeled vehicle from which food is sold that typically contains cooking facilities where the food is prepared.

ARTICLE III. DISTRICT REGULATIONS

DIVISION 6.1 LIMITED BUSINESS DOWNTOWN DISTRICT LB-1

Sec. 21-247. Permitted uses.

The uses permitted in the limited business downtown district are as follows:

(2.1) Food trucks in accordance with Section 21-622.

DIVISION 8. DOWNTOWN BUSINESS DISTRICT B-1

Sec. 21-292. Permitted uses.

The uses permitted in the downtown business district B-1 are as follows:

(2.1) Food trucks in accordance with Section 21-622.

DIVISION 10. URBAN BUSINESS DISTRICT B-3*

Sec. 21-352. Permitted uses.

The uses permitted in the urban business district B-3 are as follows:

(6.3) Food trucks in accordance with Section 21-622.

DIVISION 10.1. ECONOMIC DEVELOPMENT DISTRICT ED*

Sec. 21-362. Permitted uses.

The uses permitted in the economic development district ED are as follows:

(7.3) Food trucks in accordance with Section 21-622.

DIVISION 10.2. Economic Development District ED-2

Sec. 21-372. Permitted uses.

(7.3) Food trucks in accordance with Section 21-622.

ARTICLE IV. SUPPLEMENTAL DISTRICT REGULATIONS

Sec. 21-622. Food Trucks

When not in conjunction with a special event regulated by Chapter 9, Article II. Special Events, the operation of food trucks when permitted by a specific zoning district shall be permitted by an administrative permit approved by the zoning administrator subject to the following provisions:

(a) The applicant shall provide the following to the zoning administrator:

(1) A copy of a valid Williamsburg business license. Such business license shall be posted in the vehicle at all times.

(2) A copy of a valid health permit from the Virginia Department of Health stating that the food truck meets all applicable standards. A valid health permit must be maintained for the duration of the permit.

(3) A copy of an approved inspection from the Williamsburg Fire Department stating that the food truck meets the requirements of the Virginia Statewide Fire Prevention Code and all applicable standards. The food truck must be re-inspected on an annual basis *and must be inspected each day of operation in the City.*

(4) Applicant shall provide a valid driver's license for each person who will drive the food truck.

(5) A $50.00 application fee.

(b) Applicant shall provide current registration for the food truck, proof of current motor vehicle inspection, and proof of valid motor vehicle insurance for the food truck.

(c) The administrative permit shall be issued for a period not to exceed one year but may be renewed upon written request by the operator.

(d) The following standards and conditions shall apply to all food truck operations:

(1) The operator must have written documentation of the consent of the owner(s) of the property or properties on which the food truck will be operated;

(2) Unless otherwise approved, food trucks shall operate only on developed and occupied property and only during the hours when the business establishment on the premises is open for business;

(3) The Zoning Administrator may approve food trucks remaining on-site for multi-day events or late closings on a case-by-case basis. Unless otherwise approved, food trucks shall be removed from any site when the on-premises establishment closes for the day. Prior to leaving the site, the food truck operator shall pick up, remove, and dispose of all trash or refuse within at least 25 feet of the vehicle that consists of materials originally dispensed from the vehicle, including any packages or containers or parts thereof used with or for dispensing the menu items sold from the vehicle.

(4) The volume of any background music played from the food truck shall be limited so as not to be plainly audible beyond the property boundaries of the site where the food truck is located, or at a distance of 100 feet from the food truck, whichever is less;

(5) Any lighting attached to the exterior of the food truck or used to illuminate the menu boards or the customer waiting areas adjacent to the food truck shall be provided with fixtures that do not produce light spill onto adjacent properties or into the night sky;

(6) Receptacles, either those already available on a site or temporary/portable ones provided by the food truck operator, shall be positioned conveniently for disposal of all trash, refuse, compost, and garbage generated by the use;

(7) Any greywater, fats, oils, grease, or hazardous liquids generated in the mobile food vending operation shall be contained within the food truck and transported off the property for proper disposal. No hazardous materials or liquids shall be released into any sewer, storm drain, ditch, drainage canal, creek, stream, river, lake or tidal water or on the ground, sidewalk, street, highway, or into the atmosphere;

~~(8) Food trucks shall be parked at least 100 feet from any residential dwelling;~~

In the LB-1 and B-1 zoning districts food trucks shall be located at least 100 feet from a restaurant.

(9) Food trucks shall not obstruct pedestrian or bicycle access or passage, impede traffic or parking lot circulation, or create safety or visibility problems for vehicles and pedestrians. Such vehicles may be parked in an existing parking lot provided that any required parking spaces are not obstructed and made unavailable;

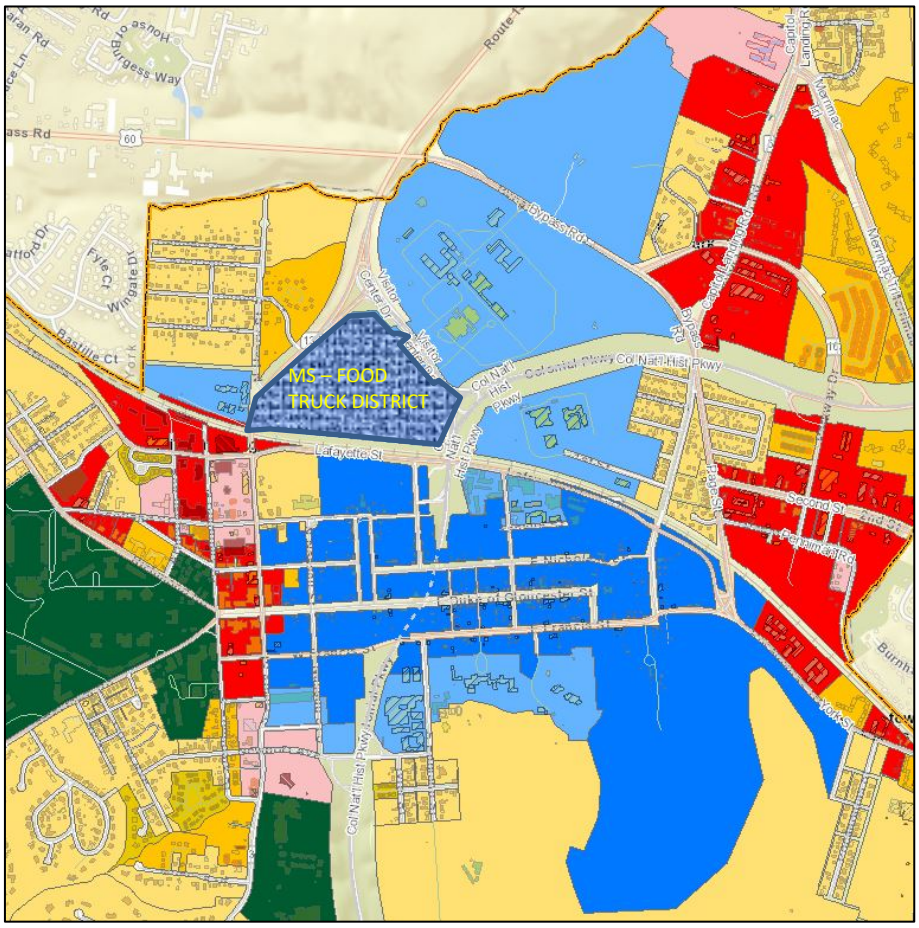
(10) Food trucks shall not be parked in or operated from a public street right-of-way;

(11) Not more than two A-frame signs may be used to display and advertise menu items and other information associated with the food truck operation. Such signs shall not exceed six square feet in area and four feet in height, shall be positioned within 30 feet of the food truck, and shall not be placed within a public street right-of-way. Signage that is permanently affixed to the food truck shall be permitted; however, the Zoning Administrator may approve flags, banners, or other decorative appurtenances, whether attached or detached on a case-by-case basis.

(12) *Food trucks may operate in residential districts in the City, however, said operation is limited to not more than two times per calendar year at any specific residential property, and food trucks must meet the criteria contained in this section for operation in all residential districts.*

(13) *Food trucks are prohibited in the Colonial Williamsburg Historic Area CW, except as permitted with an event and located on city streets as permitted by special event permit issued by the city manager pursuant to Chapter 9, Article II of the Williamsburg City Code.*

(14) *Food trucks are permitted at 100 Visitor Center Drive in the Museum Support District MS as shown on the Museum Support food truck overlay map below. They are prohibited in other areas of the Museum Support District.*



(e) The zoning administrator may revoke the permit at any time for failure of the permit holder to comply with the requirements of this section and to correct such noncompliance within the timeframe specified in a notice of violation. Notice of revocation shall be made in writing to the permit holder. Any person aggrieved by such notice may appeal the revocation to the board of zoning appeals.

EXCEPT, as here amended, the Williamsburg Code shall remain unchanged.

Adopted: _____

_____
Paul T. Freiling, Mayor

Attest: _____
Debi Burcham, City Council Clerk

[PC\PCR\2018\18-032 ORDINANCE]

CITY OF WILLIAMSBURG
VIRGINIA'S COLONIAL CAPITAL

2018

FOOD TRUCK WORK GROUP REPORT

2017-2018 GIO - Goal 2, Economic Vitality

Establish a comprehensive food truck policy and evaluate the implementation of adopted ordinances during the biennium

FOOD TRUCK WORK GROUP MEETING SCHEDULE

01/INTRO

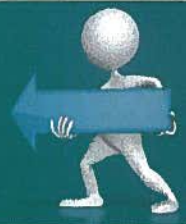
(1) Discuss the Scope of Work
(2) Review Existing Policy, Licensing, and Permitting
(3) Review Alternate Approaches
(4) Discuss Community Needs Not Met

02/DEFINE

(1) Review Past Meeting
(2) Hear from Stakeholders
(3) Consider Ordinance Principals
(4) Discuss Safety Inspection Process
(3) Review Implementation Plans

03/DRAFT

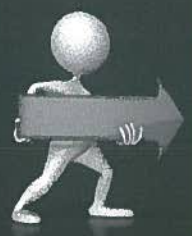
(1) Review Draft Ordinance Components
(2) Discuss Application Types
(3) Discuss Application Fee
(4) Review Final Recommendations
(5) Forward Draft to Planning Commission



FOOD TRUCK WORK GROUP MEMBERSHIP

ADVISORY BOARDS	Former Vice-Mayor – Scott Foster Chairman of the EDA – Adam Steely
STRATEGIC PARTNERS	Colonial Williamsburg Foundation- Mark Florimonte
RESTAURANT REPS	Williamsburg Area Restaurant Association – Brian Mahoney Restaurant Owner/Operator – Don Pratt
FOOD TRUCK REPS	Waypoint - Tina Schadler-Phillips Two Drummers - Jon Wade
CITY STAFF	Assistant City Manager Planning Director Fire Chief Economic Development Director Public Information Officer

FOOD TRUCK WORK GROUP



GIO IMPLEMENTATION

SCOPE DETAIL

Review existing food truck policies and procedures for potential revision to provide a simple and conducive policy that enables food trucks and restaurants to meet the needs of the community while providing a competitive but fair entrepreneurial environment.

FOOD TRUCK WORK GROUP SPECIAL EVENTS

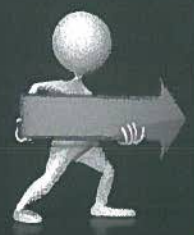
Unless excepted in section 9-38 below, no person or entity shall hold, organize, sponsor or participate in any short-term or long-term special event as defined hereinabove on public property within the city unless the required short-term special events permit ("short-term permit") or long-term special events license ("long-term license") has been issued and remains in force.

§9 ARTICLE II SPECIAL EVENTS

CITY CODE

Special events include, but are not limited to, parades, processions, marathons, bicycles races, and other activities or events involving the concerted movement of groups of people and/or machines over and across public rights-of-way; art shows, farmers markets, block parties, bazaars, exhibitions, concerts, animal rides or games of skill, informal live entertainment, theatrical performances, reenactments of events, exhibitions and similar activities or events.

FOOD TRUCK WORK GROUP ZONING ALLOWANCE



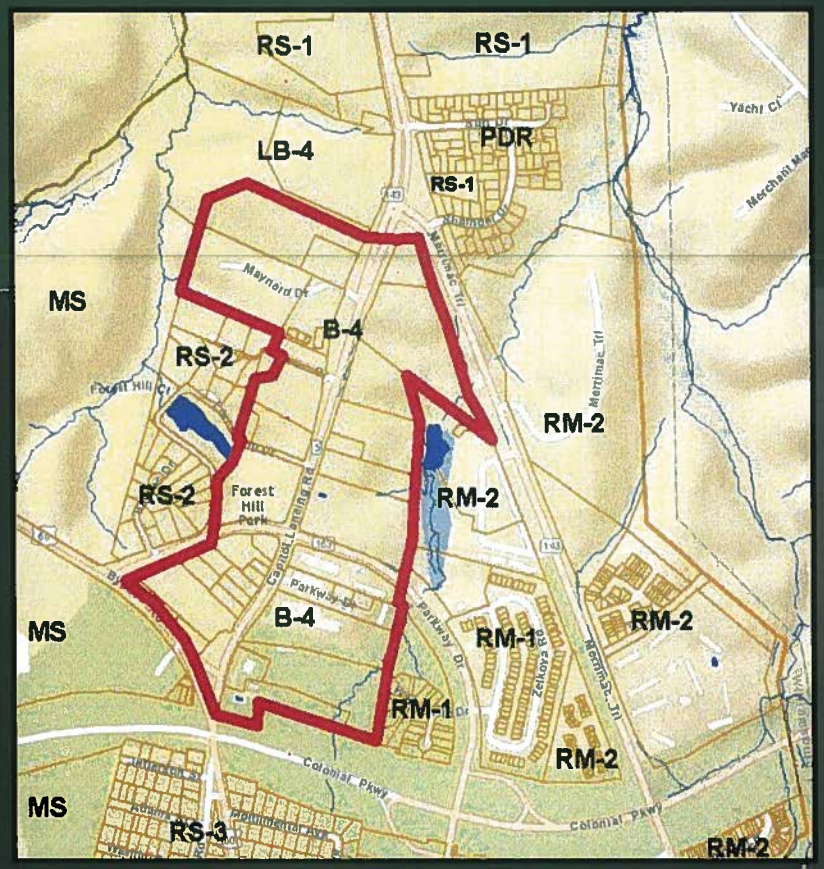
CITY CODE

§21-622 FOOD TRUCKS

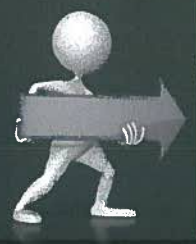
When not in conjunction with a special event regulated by Chapter 9, Article II. Special Events, the operation of food trucks when permitted by a specific zoning district shall be permitted by an administrative permit approved by the zoning administrator

FOOD TRUCK WORK GROUP ZONING ALLOWANCE

B4 DISTRICT ONLY



FOOD TRUCK WORK GROUP INSPECTIONS



SAFETY

COMMON HAZARDS

- improperly stored or maintained propane and compressed-gas cylinders
- high-voltage electrical hook-ups with an overabundance of extension cords
- hot fryer oil and open flame grills
- Exhaust
- improper storage of fuels
- generators

FOOD TRUCK WORK GROUP ALTERNATE APPROACHES

NATIONAL COMPARISONS

MIAMI

- Allowed on private non-residential
- Annual zoning permit required
- Must have BPOL, DOH, PD
- 80% of residents within 1000' must approve
- Operating hours restricted
- 20 ft buffer to residential

LOS ANGELES

- Permitted in City R-o-W
- Must follow parking regulations
- Sticker must be displayed
- Food handler on site
- Commissary is required with proper inspections and licenses
- BPOL, DOH, Wastewater required
- Grade system for operation (below 70% is failing)

PORTLAND

- Permitted in parking lots off street
- Annual permit required
- Base of operations is required with proper inspections and licenses
- BPOL, DOH is required
- 6am to 10pm
- 100' buffer for restaurant or market
- Food Cart Study on website

SAN ANTONIO

- Permitted anywhere
- Annual renewal with inspection
- Background check required for some vendors
- Commissary required
- 300' buffer for restaurants
- Hours limited by parking regulations
- DOH, BPOL, PD required

NASHVILLE

- 2012 Pilot Program: Allowed in certain areas of the City on-street, and private property
- Temporary permit required
- Must have BPOL, DOH, FD, Codes, Waste, Clerk
- 150' buffer from restaurants
- Commissary is required with proper inspections and licenses

FOOD TRUCK WORK GROUP ALTERNATE APPROACHES

VIRGINIA COMPARISONS

CHARLOTTESVILLE

- 2013 Update: Allowed on Private Property in all Non-Residential Districts
- Permit required: approves 10 separate locations
- Must have BPOL, DOH,
- No sales within 30 feet of restaurant during operating hours
- 100 ft buffer to residential

ARLINGTON

- Permitted on private property with zoning approval
- Licensed by the PD annually
- Treasurer issued mobile food license
- Base of operations is required with proper inspections and licenses
- BPOL, DOH, FD, required
- Pilot program in Rosslyn for dedicated on-street vending zone

FREDRICKSBURG

- Permitted in R-o-W if it is a parks and rec event or the farmer's market
- Private property is regulated like any other use, commercial zones only

ROANOKE

- Permitted on private property by zone (permit), on-street in any location, special events allowed (permit)
- Hours limited by parking regulations
- DOH, BPOL required

ALEXANDRIA

- 2016 Update: Allowed in certain areas of the City on- street, all private property, farmer's market, and parks
- Annual permit required, issued by City Manager
- Must have BPOL, DOH, FD
- Operating hours 7am - 8pm, 4 hour duration
- Allowed at special events

FOOD TRUCK WORK GROUP ALTERNATE APPROACHES

REGIONAL COMPARISONS

JAMES CITY COUNTY

- 2017 Update: Allowed in certain non-residential districts (permit)
- Not allowed in R-o-W
- Special event process provided
- Must have BPOL, DOH, FD

YORK COUNTY

- 2016 Update: Permitted in non-residential districts and mixed use (permit)
- Annual permitting process
- Non-vacant parcels only and while improvement is operating
- Residential buffer = 100 feet
- Must have BPOL, DOH

NEWPORT NEWS

- 2014 Update: Permitted in R-o-W in certain vendor districts assigned by the City Manager
- Specific spaces assigned in permit issuance
- Number of permits limited

NORFOLK

- Permitted in certain blocks for on-street parking
- Annual permitting process
- Downtown rodeo's 3rd Thursday
- DOH, BPOL , FD, parking permit required

VIRGINIA BEACH

- Allowed on private property with permit (6 month duration)
- Permit only available 1 time to each vendor
- Must have BPOL, DOH
- Allowed at special events

FOOD TRUCK WORK GROUP INSPECTIONS

STAKEHOLDER INPUT

JAMES KENNEDY

FoodaTude

Retro's GOOD EATS

BILLY AND SHARON SCRUGGS

FOOD TRUCK WORK GROUP PRIVATE PROPERTY

ZONING

Currently Allowed in Culinary Arts and Hospitality District

Which Zoning Districts should allow food trucks?

RESTAURANT BUFFER

Currently No Buffer is Required

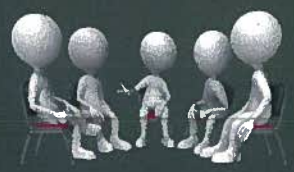
Should a buffer be applied and if so how much?

RESIDENTIAL BUFFER

Currently 100 Feet is Required

Should a buffer be applied and if so how much?

FOOD TRUCK WORK GROUP



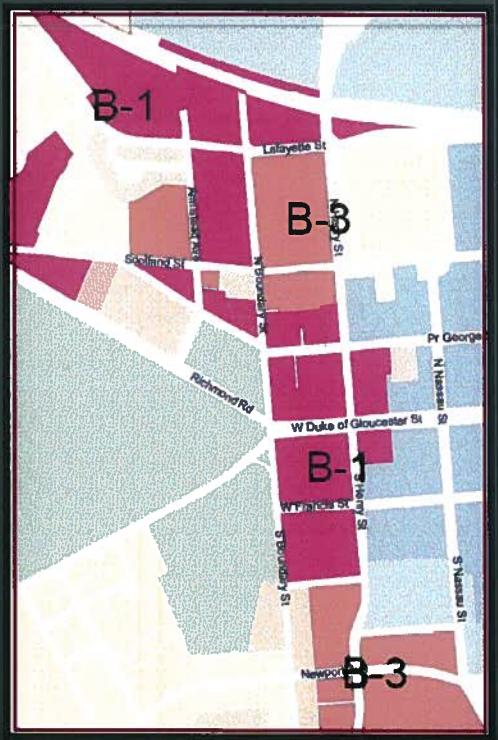
Food Truck Ordinance Revisions

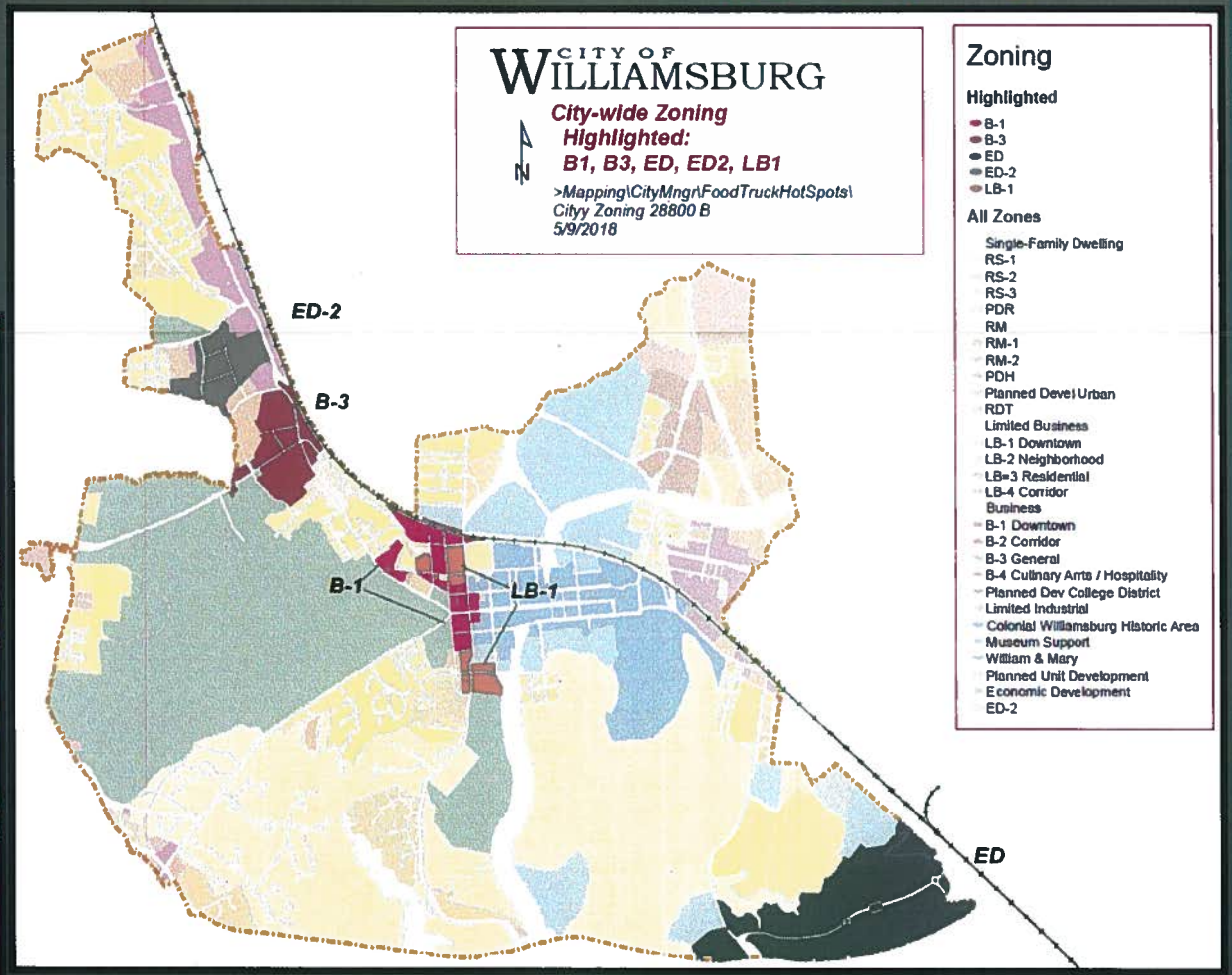
CONSENSUS POSITION

1. Existing public property process is working
2. Expand zoning allowance to include
   1. LB-1, B-1, B-3, ED-1, ED-2
3. Need restaurant Buffer (permissive)
4. Remove residential buffering
5. Allow private property special events (limited)
6. FD inspection required prior to business license issuance and on each operational day

FOOD TRUCK WORK GROUP ALTERNATE APPROACHES – ZONING CONTROLS

ZONING PROPOSAL





FOOD TRUCK WORK GROUP PRIVATE PROPERTY

RESTAURANT BUFFER

Currently No Buffer is Required

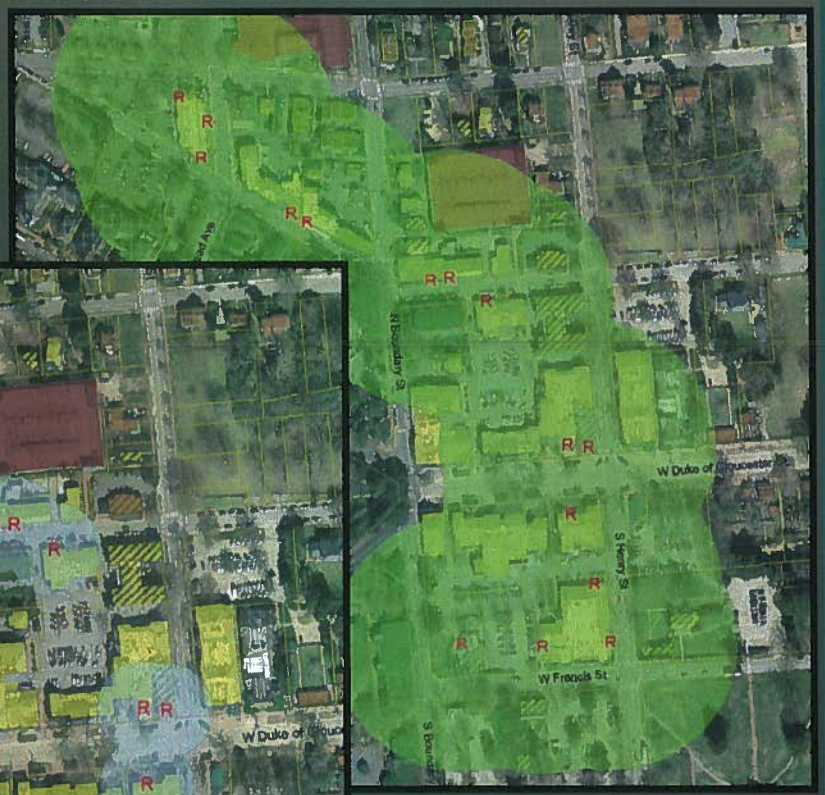
Should a buffer be applied and if so how much?

FOOD TRUCK WORK GROUP ALTERNATE APPROACHES – BUFFER CONTROLS

RESTURANT BUFFER SCENARIOS

500 FT

100 FT



300 FT

DOWNTOWN

FOOD TRUCK WORK GROUP ALTERNATE APPROACHES – ZONING CONTROLS

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RESTURANT BUFFERS

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RESTURANT BUFFERS

FOOD TRUCK WORK GROUP ALTERNATE APPROACHES – RESTURANT CONTROLS

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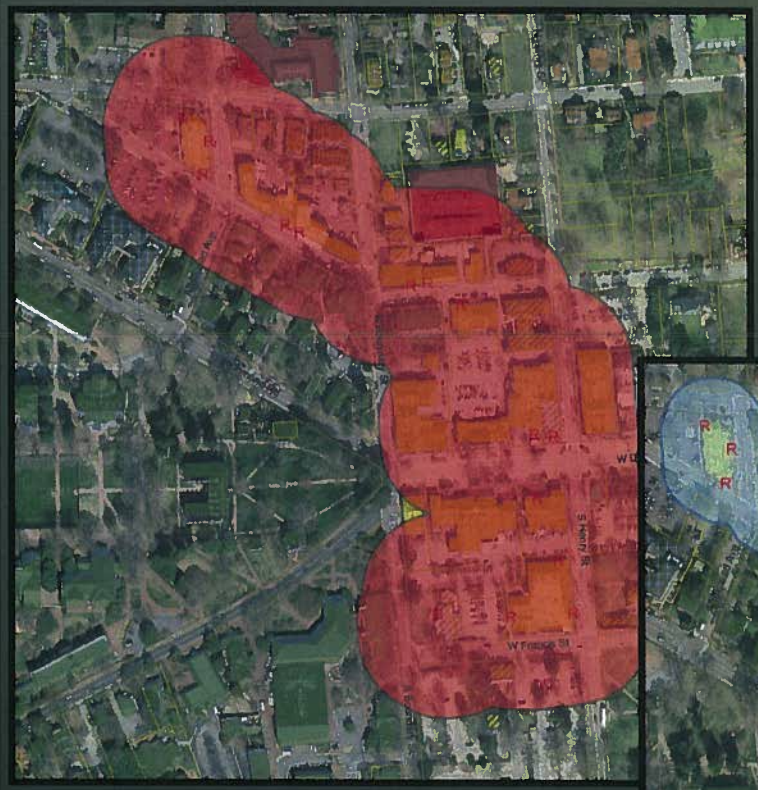
RESTURANT BUFFERS

FOOD TRUCK WORK GROUP ALTERNATE APPROACHES – BUFFER CONTROLS

RESTURANT BUFFER SCENARIOS



200 FT

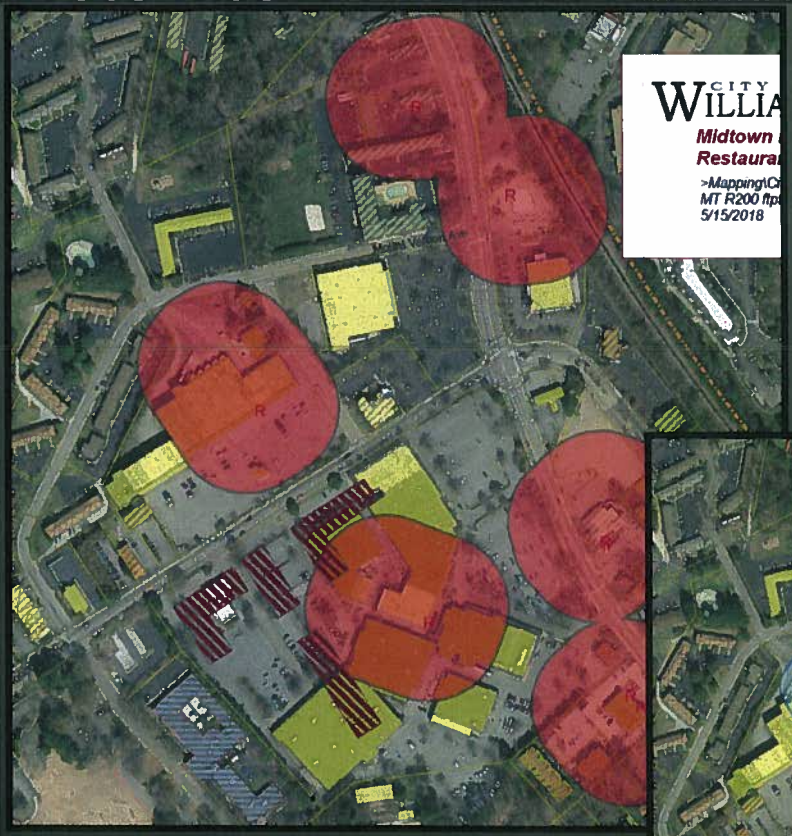
100 FT

150 FT

DOWNTOWN

FOOD TRUCK WORK GROUP ALTERNATE APPROACHES – BUFFER CONTROLS

RESTURANT BUFFER SCENARIOS



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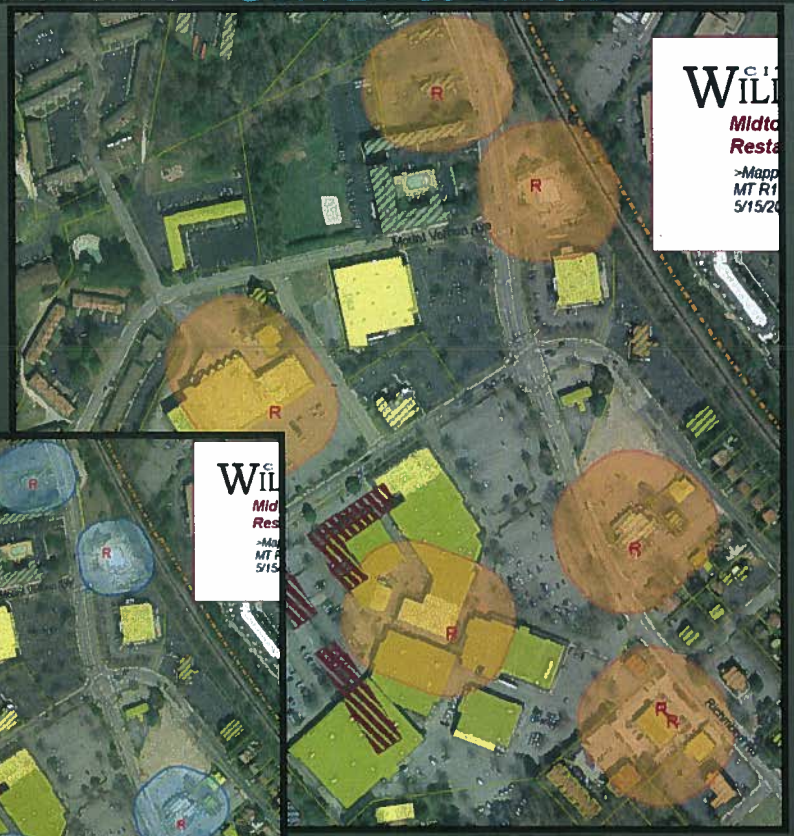
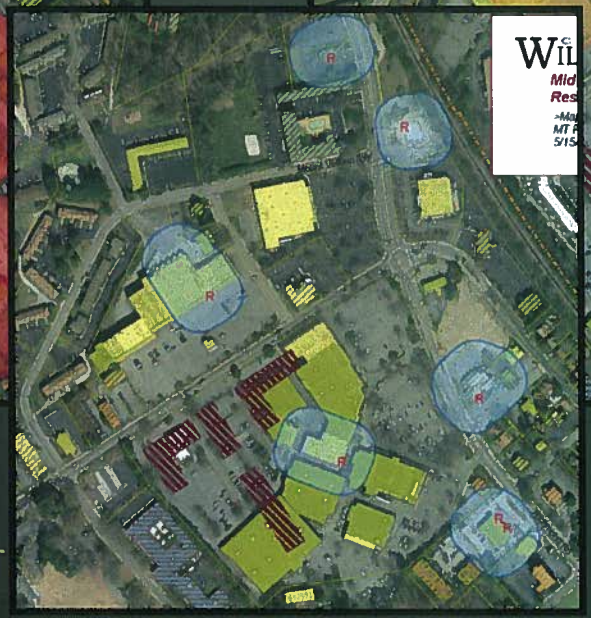


150 FT



100 FT

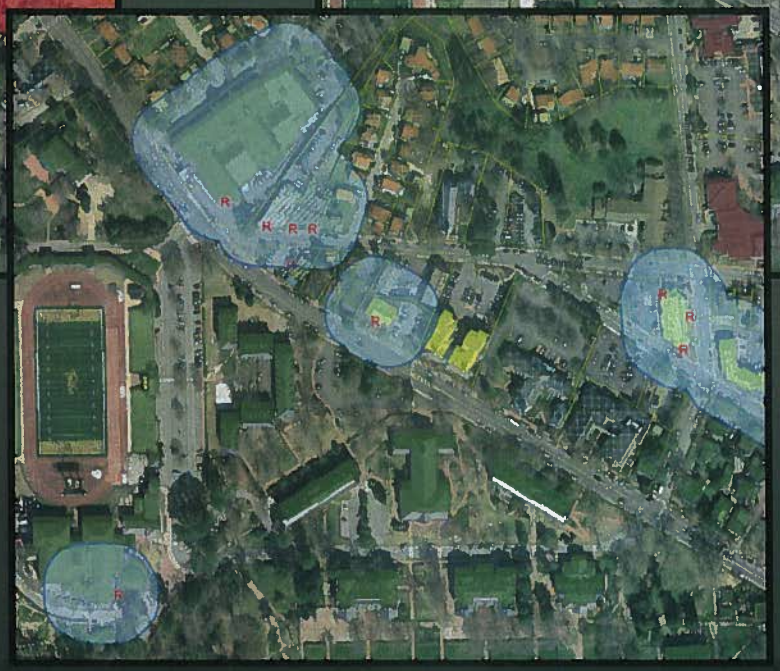
MIDTOWN

FOOD TRUCK WORK GROUP ALTERNATE APPROACHES – BUFFER CONTROLS

RESTURANT BUFFER SCENARIOS

200 FT

150 FT

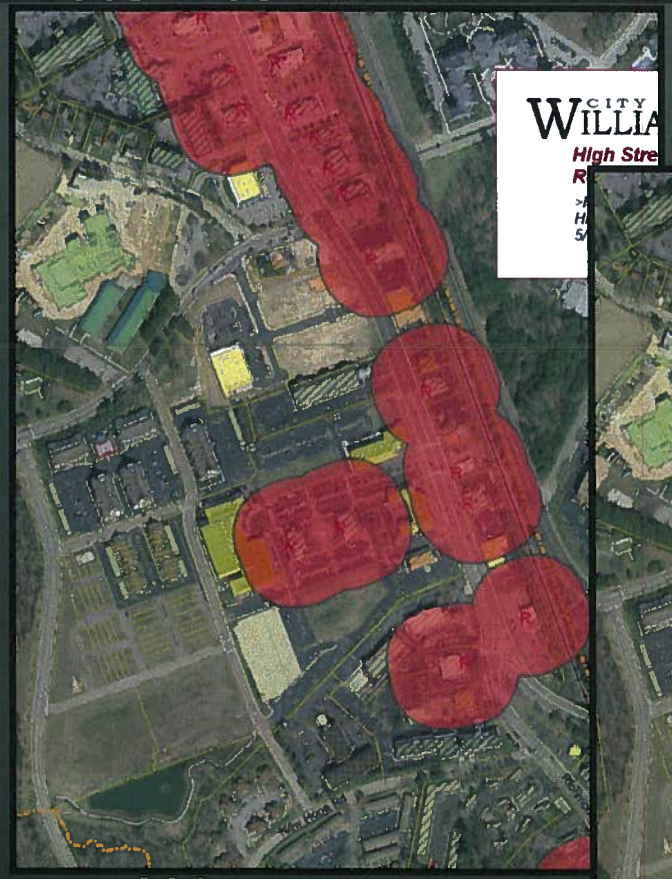


100 FT

ZABLE STADIUM

FOOD TRUCK WORK GROUP ALTERNATE APPROACHES – BUFFER CONTROLS

RESTURANT BUFFER SCENARIOS



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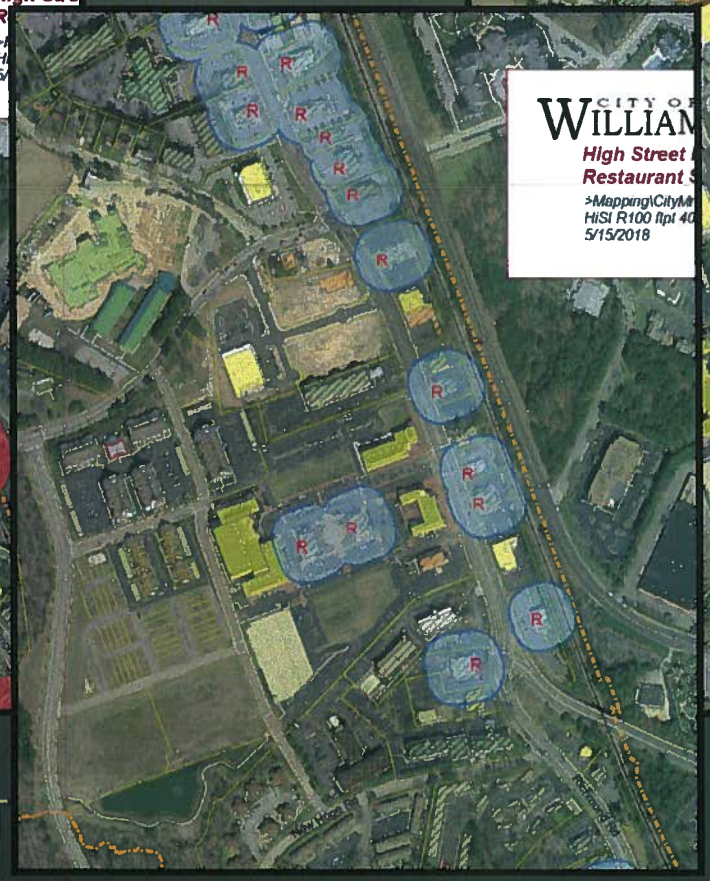


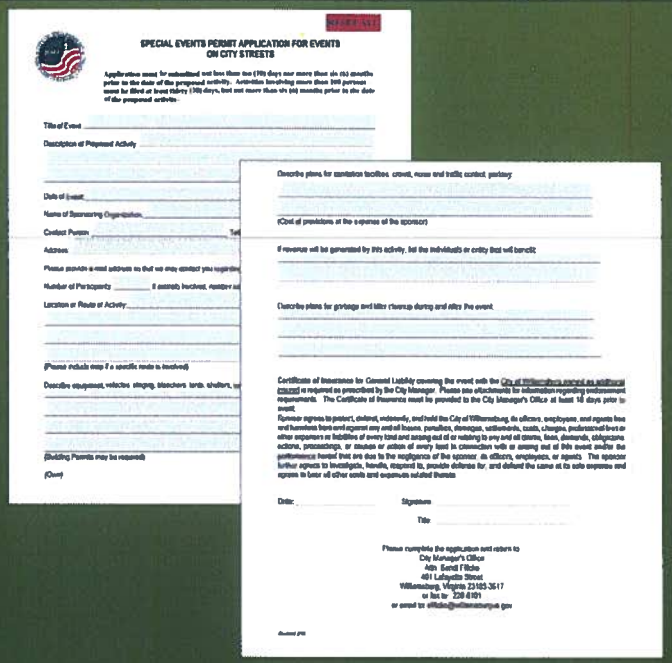
100 FT

150 FT

HIGH STREET

FOOD TRUCK WORK GROUP APPLICATION TYPES

PUBLIC PROPERTY
SPECIAL EVENT PERMIT



SPECIAL EVENTS PERMIT APPLICATION FOR EVENTS ON CITY STREETS

Applications must be submitted not less than ten (10) days nor more than six (6) months prior to the date of the proposed activity. Activities involving more than 300 persons must be filed at least thirty (30) days, but not more than six (6) months prior to the date of the proposed activity.

Title of Event

Description of Proposed Activity

Date of Event

Name of Sponsoring Organization

Contact Person

Address

Please provide a email address so that we may contact you regarding

Number of Participants

Location or Route of Activity

(Please include map if a specific route is involved)

Describe equipment, vehicles, staging, bleachers, tents, shelters, etc

(Building Permits may be required)

(Over)

Describe plans for sanitation facilities, crowd, noise and traffic control, parking

(Cost of provisions at the expense of the sponsor)

If revenue will be generated by this activity, list the individuals or entity that will benefit

Describe plans for garbage and litter cleanup during and after the event

Certificate of Insurance for General Liability covering the event with the City of Williamsburg named as additional insured is required as prescribed by the City Manager. Please see attachments for information regarding insurance requirements. The Certificate of Insurance must be provided to the City Manager's Office at least 10 days prior to event.

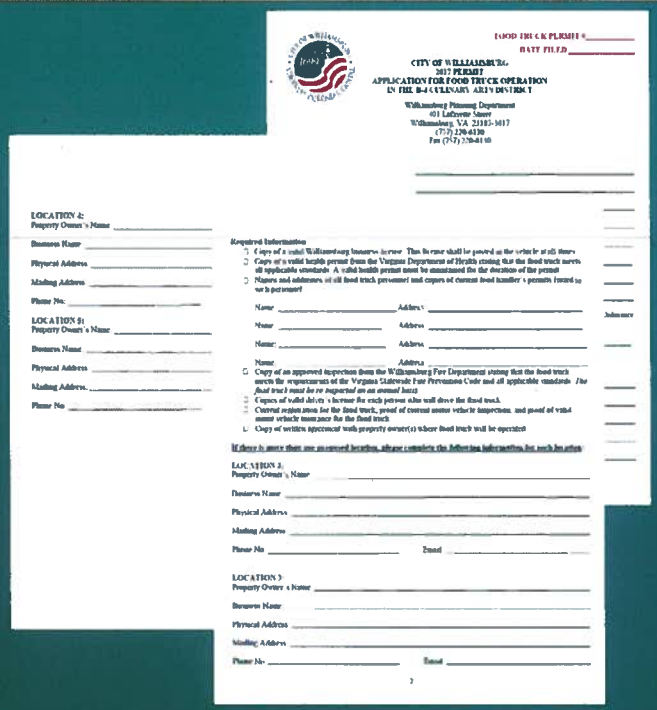
Sponsor agrees to protect, defend, indemnify, and hold the City of Williamsburg, its officers, employees, and agents free and harmless from and against any and all losses, penalties, damages, settlements, costs, charges, professional fees or other expenses or liabilities of every kind and arising out of or relating to any and all claims, loss, demands, obligations actions, proceedings, or causes or action of every kind in connection with or arising out of this event and/or the performance hereof that are due to the negligence of the sponsor, its officers, employees, or agents. The sponsor further agrees to investigate, handle, respond to, provide defense for, and defend the same at its sole expense and agrees to bear all other costs and expenses related thereto

Date: Signature

Title

Please complete the application and return to
City Manager's Office
4th Scroll Office
401 Lafayette Street
Williamsburg, Virginia 23185-3617
or fax to 220-6101
or email to office@williamsburgva.gov

PRIVATE PROPERTY
ZONING PERMIT



FOOD TRUCK PERMIT #
DATE FILED

CITY OF WILLIAMSBURG
2017 PERMIT
APPLICATION FOR FOOD TRUCK OPERATION
IN THE B-4 CULINARY ARTS DISTRICT

Williamsburg Planning Department
401 Lafayette Street
Williamsburg, VA 23185-3617
(757) 220-6130
Fax (757) 220-6110

LOCATION 2:
Property Owner's Name
Business Name
Physical Address
Mailing Address
Phone No.

LOCATION 3:
Property Owner's Name
Business Name
Physical Address
Mailing Address
Phone No.

Required Information

- Copy of a valid Williamsburg business license. This license shall be posted on the vehicle at all times
- Copy of a valid health permit from the Virginia Department of Health stating that the food truck meets all applicable standards. A valid health permit must be maintained for the duration of the permit
- Names and addresses of all food truck personnel and copies of current food handler's permits issued to us in personnel

Name Address
Name Address
Name Address
Name Address

- Copy of an approved inspection from the Williamsburg Fire Department stating that the food truck meets the requirements of the Virginia Statewide Fire Prevention Code and all applicable standards. *The food truck must be re-inspected on an annual basis*
- Copies of valid driver's license for each person who will drive the food truck.
- Current registration for the food truck, proof of current motor vehicle inspection, and proof of valid motor vehicle insurance for the food truck
- Copy of written agreement with property owner(s) where food truck will be operated

If there is more than one approved location, please complete the following information for each location

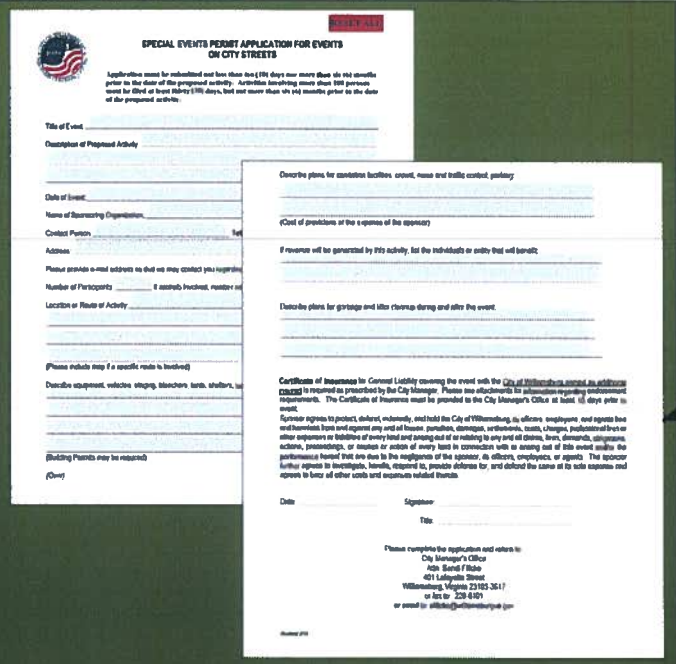
LOCATION 2:
Property Owner's Name
Business Name
Physical Address
Mailing Address
Phone No Email

LOCATION 3:
Property Owner's Name
Business Name
Physical Address
Mailing Address
Phone No Email

2

FOOD TRUCK WORK GROUP APPLICATION TYPES

PUBLIC PROPERTY SPECIAL EVENT PERMIT



SPECIAL EVENTS PERMIT APPLICATION FOR EVENTS ON CITY STREETS

SPECIAL EVENT PERMIT WORKFLOW

01 Submittal

The Application is submitted to the Executive Assistant to the City Manager

02 Review

Materials are emailed to reviewing Department Heads
PD, FD, PW, PLAN, CoR, & ED

03 Comment

The Executive Assistant works to resolve questions and assemble Department Requirements.

04 Approval

City Manager reviews and signs the permit

05 Issuance

The Executive Assistant issues the permit to the applicant.

FOOD TRUCK WORK GROUP APPLICATION TYPES

ZONING PERMIT WORKFLOW

01 Submittal

The Application is submitted to the Permit Technician in the P&CC Department

02 Review

Materials are reviewed by the Deputy Zoning Administrator and the FD.

03 Comment

The Deputy Zoning Administrator works to resolve questions and determine compliance.

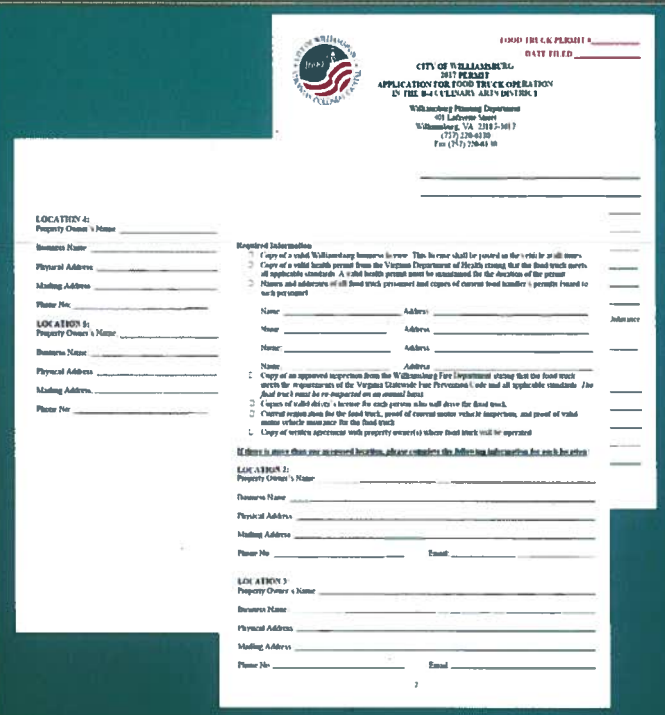
04 Approval

The Zoning Administrator reviews and signs the permit

05 Issuance

The Permit Technician issues the permit to the applicant.

PRIVATE PROPERTY ZONING PERMIT



FOOD TRUCK PERMIT #_____

DATE FILED _____

CITY OF WILLIAMSBURG
2017 PERMIT
APPLICATION FOR FOOD TRUCK OPERATION
IN THE B-4 CULINARY ARTS DISTRICT

Williamsburg Planning Department
401 Lafayette Street
Williamsburg, VA 23185-3017
(757) 220-6130
Fax (757) 220-6110

LOCATION 1:
Property Owner's Name _____
Business Name _____
Physical Address _____
Mailing Address _____
Phone No. _____

LOCATION 2:
Property Owner's Name _____
Business Name _____
Physical Address _____
Mailing Address _____
Phone No _____ Email _____

LOCATION 3:
Property Owner's Name _____
Business Name _____
Physical Address _____
Mailing Address _____
Phone No _____ Email _____

2

FOOD TRUCK WORK GROUP APPLICATION FEES

NATIONAL VIRGINIA REGIONAL COMPARISONS

MIAMI	Special Event = $50 Zoning = $250 Food Truck = Sq Ft
LOS ANGELES	Special Event = Service Zoning = $253 Food Truck = Free
PORTLAND	Special Event = $25 Zoning = $142 Food Truck = $525
SAN ANTONIO	Special Event = $30 Zoning = $500 Food Truck = $180
NASHVILLE	Special Event = $430 Zoning = $250 Food Truck = $55
CHARLOTTESVILLE	Special Event = $100 Zoning = $250 Food Truck = $125
ARLINGTON	Special Event = Service Zoning = $329 Food Truck = $30
FREDRICKSBURG	Special Event = Service Zoning = $30 Food Truck = $50
ROANOKE	Special Event = Service Zoning = $25 Food Truck = $75 & Sq Ft
ALEXANDRIA	Special Event = $50 Zoning = $185 Food Truck = $350
JAMES CITY COUNTY	Special Event = $50 Zoning = $20 Food Truck = $30
YORK COUNTY	Special Event = ? Zoning = $50 Food Truck = $30
NEWPORT NEWS	Special Event = $50 Zoning = $30 Food Truck = $50
NORFOLK	Special Event = $25-50 Zoning = $50 Food Truck = $350
VIRGINIA BEACH	Special Event = $50-150 Zoning = $300 Food Truck = $300

FOOD TRUCK WORK GROUP ZONING ALLOWANCE

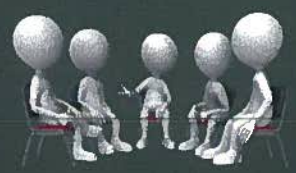
USE DEFINED

CITY CODE

a) No definition currently provided
b) Mobile Vendor includes a broad category of uses
c) Mobile Food Vendor – includes produce stands

a) Food Truck -a large wheeled vehicle from which food is sold that typically contains cooking facilities where the food is prepared

FOOD TRUCK WORK GROUP

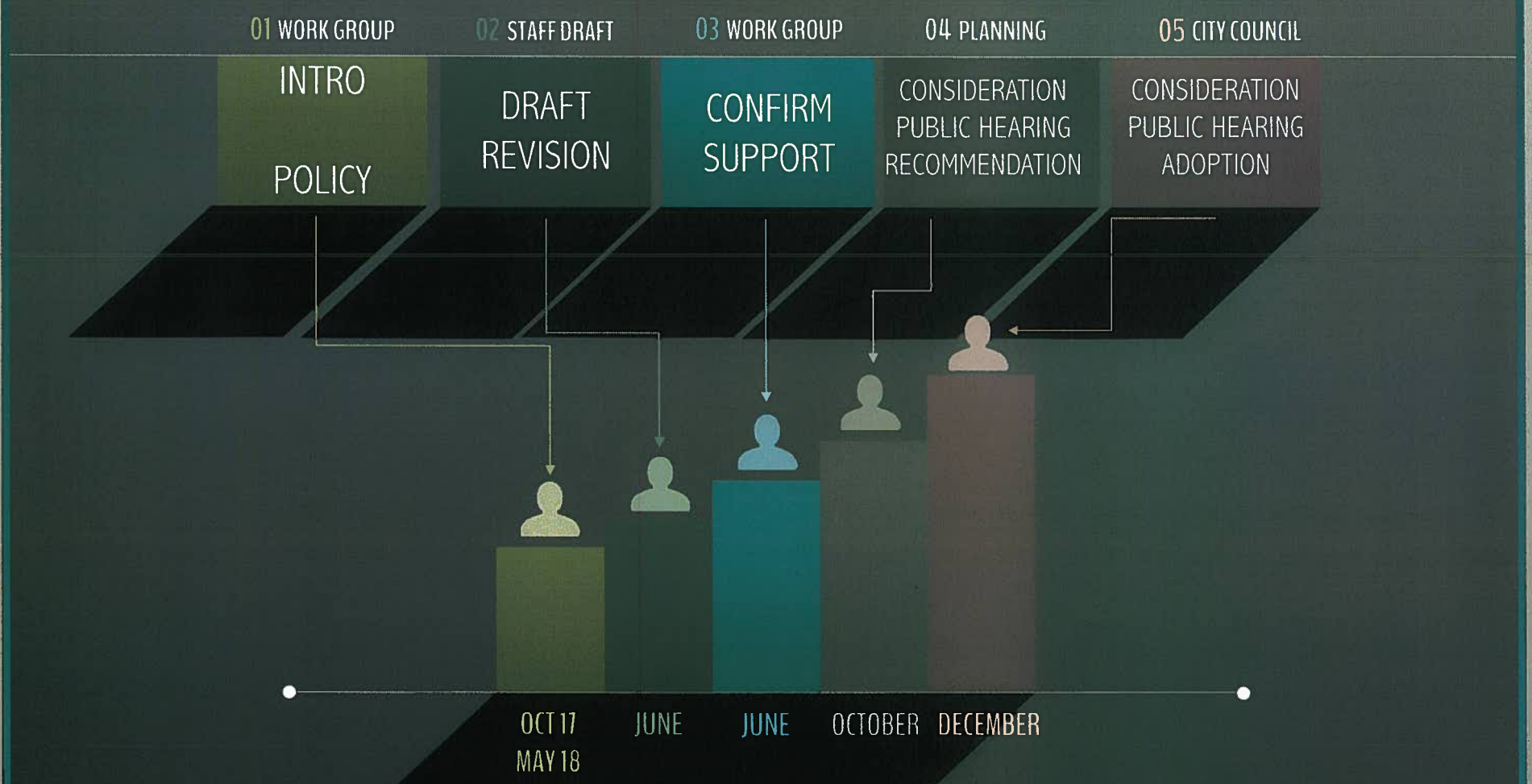


Food Truck Ordinance Revisions

GROUP RECOMENDATIONS

1. Existing public property special event process is working but need criteria for approval – attendance threshold
2. Expand zoning allowance to include
   1. LB-1, B-1, B-3, ED-1, ED-2
3. 100ft Restaurant Buffer Required in LB-1 and B-1 (permissive 75%)
4. Remove residential buffering
5. Allow private property food trucks using zoning process (limited)
6. FD inspection required prior to business license issuance and on each operational day
7. $50 Application Fee
8. Define food truck and trailer – not limited to motorize

FOOD TRUCK WORK GROUP IMPLEMENTATION PLAN



CITY OF WILLIAMSBURG
VIRGINIA'S COLONIAL CAPITAL

2018 FOOD TRUCK WORK GROUP REPORT

2017-2018 GIO - Goal 2, Economic Vitality

Establish a comprehensive food truck policy and evaluate the implementation of adopted ordinances during the biennium