

CITY OF CHARLOTTESVILLE
"A World Class City"

Department of Neighborhood Development Services

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February 18, 2015

**TO: Charlottesville Planning Commission, Neighborhood Associations &
News Media**

Please Take Notice

A Work Session of the Charlottesville Planning Commission will be held on **Tuesday February 24, 2015 at 5:00 p.m. in the NDS Conference Room in City Hall (610 East Market Street).**

AGENDA

1. Transient Lodging
2. Unified Development Review Code
3. Public Comment

cc: City Council
Maurice Jones
Aubrey Watts
Jim Tolbert
Planners
Melissa Thackston, Kathy McHugh
Craig Brown, Lisa Robertson



**CITY OF CHARLOTTESVILLE
NEIGHBORHOOD DEVELOPMENT SERVICES
MEMO**

To: City of Charlottesville Planning Commission
From: Matthew Alfele, City Planner
CC: Missy Creasy, AICP
Date: February 18, 2015
Re: Transient Lodging Facilities Zoning Text Amendment Discussion

Background

July 21, 2014 – City Council initiated a study of Zoning Ordinance Provisions for Short Term Rentals (Transient Lodging Facilities)

December 9, 2014 – Planning Commission considered a study on Transient Lodging Facilities and a Zoning Text Amendment. After consideration, the Planning Commission referred the matter to City Council for additional study.

January 20, 2015 – The Transient Lodging Facilities Planning Commission Report was presented to City Council. No action was taken as a request for a resolution for a Zoning Text Amendment would be requested at a later date.

February 17, 2015 – City Council passed a resolution for Initiation of a Zoning Text Amendment for Transient Lodging Facilities. (As City Council minutes may not be available at the time of this work session, a synopsis from this meeting is provided.)

Benefits of a Proposed Zoning Text Amendment Allowing Transient Lodging Facilities

- Citizens currently engaging in this practice would be regulated and brought to light.
- With proper regulations, low to middle-income home owners would have access to a new revenue stream.
- TLF would offer visitors and tourists a new way to experience Charlottesville.
- Currently lost City revenue, from lodging tax, would be easier to collect.

Possible Drawbacks of a Proposed Zoning Text Amendment Allowing Transient Lodging Facilities

- Unforeseen changes to the character and integrity of Charlottesville neighborhoods.
- Unintended loss of affordable homes and long term rental units.
- An increase in ancillary problems such as noise, parking, and trash.
- The possible loss of community in neighborhoods by having a continues turnover of new and unknown people.

Questions for Discussion

1. Should Transient Lodging Facilities be allowed in the City?
2. At what point do TLF stop being residential dwellings and become commercial entities?
3. How would a ZTA governing TLF be enforced given current City resources?
4. Which tool would be most effective for regulating TLF, Provisional Use Permits or Special Use Permits?
5. Are the problems we are seeing from TLF coming from the frequency of use or number of occupant?

Attachments

- Minutes from City Council's January 20, 2015 meeting
- Planning Commission Study sent to City Council dated December 30, 2014
- Discussion Draft Ordinance
- Synopsis from City Council's February 17, 2015 meeting

Minutes from January 20, 2015 City Council

REPORT: TRANSIENT LODGING FACILITIES

Mr. Tolbert presented to Council on the history of NDS's work on transient lodging facilities and asked Council for direction.

Ms. Szakos said we need to balance the flexibility of allowing this kind of use. If it is too profitable and not regulated, it can cause neighborhood erosion and may deplete rental housing stock. She said we may want light regulation for single transient lodging facility owners, and then become more stringent for those running more than one facility.

Mr. Huja said he wants to ensure some regulation but keep the process simple and uncomplicated for users. We need to establish a local authority that users can report to, and we need to be sure we are collecting taxes.

Ms. Galvin said she does not feel comfortable supporting a resolution when we do not have answers to many questions, including those that the Planning Commission has posed.

Ms. Smith said neighborhood notification is important and would go a long way to make this palatable. The neighbors should know who to contact if there are issues. She said some models levy very heavy fines by the management companies for not taking care of the property during the rental period. Limiting the number of people according to zoning is also a big issue.

Ms. Galvin said she does not feel informed enough to edit the resolution as proposed.

Ms. Szakos said we are not informed enough to say what kind of a study we want

conducted. She asked Mr. Tolbert if he had enough information to draft a resolution that is more in line with what Council wants to study. Council supported moving forward with a resolution for study

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To: City of Charlottesville City Council

From: Matt Alfele, City Planner, Neighborhood Development Services
Read Brodhead, Zoning Administrator, Neighborhood Development Services

Date : December 30, 2014

Title: Report of the Planning Commission Discussing Possible **Zoning Text Amendment Tourist (Temporary) Lodging Offered Within Residential Dwellings**

Background:

Attached is a copy of a Resolution enacted by City Council in July 2014, asking the Planning Commission to study and make recommendations as to whether the City’s zoning regulations should be amended to allow the use of residential dwelling units, or portions thereof, as temporary lodging for tourists or other temporary stays. One of the implications of such uses is that they are subject to a City tax called the “transient occupancy tax.” Therefore, for purposes of this report, and for any city code amendments, we refer to the uses as “transient lodging”.

Transient Lodging, such as the accommodations offered through website clearinghouses such as “Airbnb” and “HomeAway,” are popping up in localities all over the country. This model of travel/ temporary lodging is creating more options for travelers and new moneymaking opportunities for individuals and small businesses, but has potential to be disruptive to some neighborhoods— particularly low-density residential neighborhoods. Many localities are under-prepared for such a rapid growth in the number of Transient Lodging within their communities. As of the date of this study, three (3) of the most popular short term rental websites; Stay Charlottesville, Airbnb, and HomeAway listed a combined (318) available units in the Charlottesville area. The shared economy is developing rapidly and an ordinance is needed to balance the needs of neighborhoods and foster economic innovation. The City of Charlottesville is not alone in facing this changing landscape as other cities grapple with keeping their regulations relevant to new concepts.

To date, the Zoning Administrator has received complaints about (4) different properties at which this type of lodging is currently being offered. The main complaints stem from noise, safety and excessive vehicles utilizing already limited on-street parking. Two properties located on University Circle were cited for exceeding the maximum occupancy of three (3) unrelated persons, but it was difficult to document and prove that there was in fact a violation, and the City Attorney’s office has

advised that “residential occupancy” is not the correct standard to be applied to this type of use (under our current zoning regulations, this use falls within the definition of a “Hotel”¹ which is prohibited entirely within residential zoning districts of the City). There is also a concern that the neighborhood dynamic will greatly change if Transient Lodging Facilities are permitted in residential zoning districts.

It is estimated that 100-150 property owners are currently operating Transient Lodging Facilities in the City and we are only aware of (4) properties which are causing problems in neighborhoods. A strong revocation clause, the requirement that a business license be obtained and an annual permit with a fee are all steps that staff believes are necessary to prevent abuses and ensure responsible operations of this type of use in the City.

Years ago, anticipating the trend, the City amended its zoning ordinance to allow for a category of use called “bed and breakfast (homestay)”. The Homestay B&B must be owner occupied and managed, and have no more than 3 guest rooms. More and more frequently, however, owners of residential dwelling units, including single-family residential dwellings (SFDs), wish to offer their entire dwelling unit for hire as a “vacation” type rental—typically for a weekend, or possibly for a week at a time—without being required to live within the premises themselves, and often with the lodging being managed by third parties. (Internet companies like “Airbnb” and “HomeAway” offer the convenience of managing the rental and fee-payment process, but may not typically offer property management or oversight)

Discussion:

In researching the impact Transient Lodging Facilities are having on communities staff examined municipalities in Virginia and similar cities in other states. Staff’s findings revealed that although Transient Lodging is prevalent in locations such as Virginia Beach and Williamsburg, the scale and regulatory measures in these places are not appropriate to the unique dynamics of Charlottesville. Cities such as Austin Texas and Madison Wisconsin more closely mirror the challenges Charlottesville faces and offered guidance on crafting this ordinance.

The Planning Commission considered a study on Transient Lodging Facilities and amending the City’s zoning text to allow Transient Lodging Facilities through Provisional Use Permits at their regular meeting on December 9, 2014. After reviewing materials and input by the public the Commission expressed concerns about the impact of Transient Lodging Facilities on the community. The Commission discussed the following issues:

- How would any regulations be enforced?
- Impact of homes being bought and built for the sole purposes of running Transient Lodging Facilities.
- Neighborhood integrity.
- Would regulation work more effectively through Provisional Use Permits or Special Use Permits?
- Do we have enough research to make a decision?

1 Zoning Ordinance Sec. 34-1200 defines “hotel/ motel” as a building or portion thereof ...containing [or] providing guest rooms used, rented or hired out to be occupied for sleeping purposes on a transient basis (i.e., by the day or week).....

- How would the size of Transient Lodging Facilities effect any decision on regulation (homes with one or two bedrooms compared to homes with ten bedrooms)?
- How are Transient Lodging Facilities affecting housing stock in the City of Charlottesville?
- Taxation issues.
- Where in the City of Charlottesville are Transient Lodging Facilities trending and are they affecting home prices over time?

The commission’s comments are included as part of the report requested by Council. As the Planning Commission decided not to initiate the ZTA, the report is coming to Council for review and Council has the opportunity to initiate the ZTA as well as provide any input on the materials provided.

The Planning Commission took the following action:

“Ms. Keller moved to recommend forwarding a study on Transient Lodging Facilities to City Council.”

Ms. Green seconded the motion. The Commission voted 7-0 to recommend forwarding a study on Transient Lodging Facilities to City Council.

Citizen Engagement:

In addition to looking at other cities, staff participated in (4) outreach meetings to receive feedback from the public. On September 5, 2014 staff met with citizens that run Transient Lodging Facilities; on October 14, 2014 staff met with additional citizens that run Transient Lodging Facilities and the Charlottesville Albemarle Convention and Visitor Bureau; and on October 24, 2014 staff met with members of the hotel industry. Out of all those meetings the main feedback staff received focused on creating a level playing field for all parties, a safe environment for guests, and a way for Transient Lodging Facilities to become compliant. Staff also participated in a meeting on November 12, 2014 with residences of University Circle. Concerns were voiced that allowing Transient Lodging Facilities would alter the character of their neighborhood. They believe that the neighborhoods abutting the university are constantly striving for balance and by allowing Transient Lodging Facilities it would create an unwelcome stressor.

The Planning Commission, at its meeting on December 9, 2014, discussed this matter and received feedback from the public. Many members of the public expressed concern about and opposition to amending the zoning text to allow Transient Lodging Facilities. Many other members of the public stated support for allowing Transient Lodging Facilities through a zoning text amendment. The comments in opposition cited the impacts to neighborhood stability, effect on housing stock, and an increase in noise, trash, and parking problems. Comments in support highlighted creating more lodging options, a desire to operate Transient Lodging Facilities legally, and balancing the community’s needs with property owner’s rights.

Alignment with City Council’s Vision and Priority Areas:

These proposed changes are in conformity with the Comprehensive Plan and City Council’s Vision:
Chapter One, Land Use

Goal 1.1: When considering changes to land use regulations, respect nearby residential areas. *Transient Lodging Facilities are mainly in single family homes and need to be regulated in a way that respects the neighborhoods they are in.*

Goal 2.2: Encourage small businesses that enhance existing neighborhoods and employment centers. *Transient Lodging Facilities are small businesses that generate secondary income for home owners.*

Goal 5.5: Revise the Future Land Use Map so that it represents the desired vision for the City's future. Pay special attention to increasing the supply of affordable housing, increasing employment opportunities for all citizens, and encourage the development of mixed income neighborhoods throughout the City. *Transient Lodging Facilities can have an effect on housing stocks and income levels in neighborhoods throughout the City.*

Goal 5.8: Be aware of and learn from applicable experiences, policies, procedures, ordinances and plans of other municipalities in Virginia and the United States. *Municipalities in Virginia and the United States have adopted regulations and ordinances pertaining to Transient Lodging Facilities.*

Chapter Three, Economic Sustainability

Goal 3.6: Align zoning ordinances to facilitate economic activity in new areas of commercial opportunity identified in the updated future land use map. *Transient Lodging Facilities represents a new and growing form of economic diversity in the City.*

Goal 3.7: Work to ensure that newly aligned City ordinances and regulations balance the need to promote development opportunities and competing interests. *Transient Lodging Facilities will not go away and needs to be addressed to the satisfaction of all.*

Budgetary Impact:

The ZTA will permit the owners of properties greater flexibility in renting out their dwelling units for periods shorter than (30) days. The City would receive increased tax revenue from the Transient Occupancy Tax.

Recommendation:

Consider report provided by the Planning Commission and offer discussion on whether or not to initiate a specific ZTA.

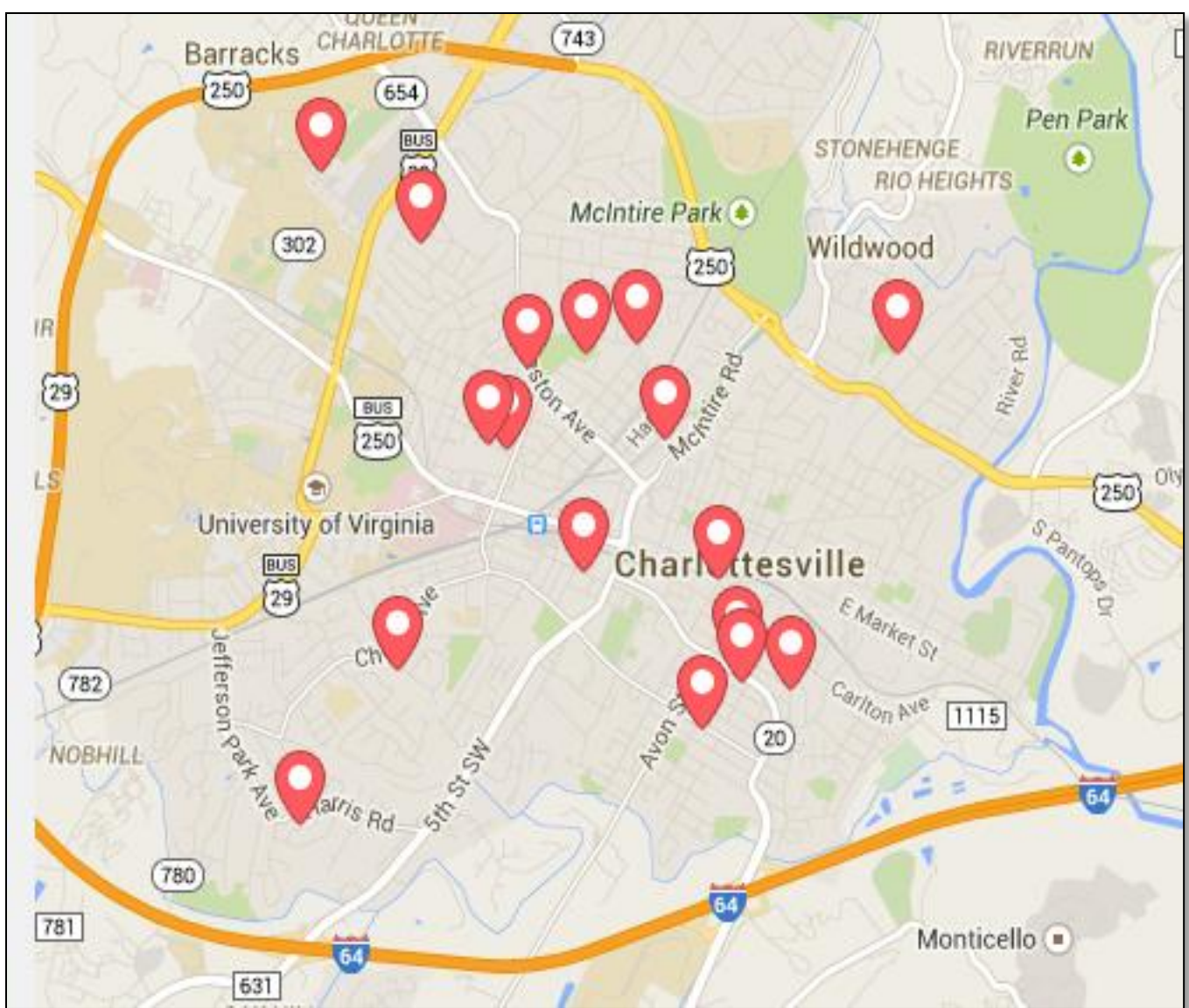
Alternatives:

1. Place this matter on an upcoming City Council agenda to vote on whether or not to initiate a specific ZTA.
2. Take this report under advisement and do nothing at this time.



Snapshot of
Transient
Lodging
Facilities

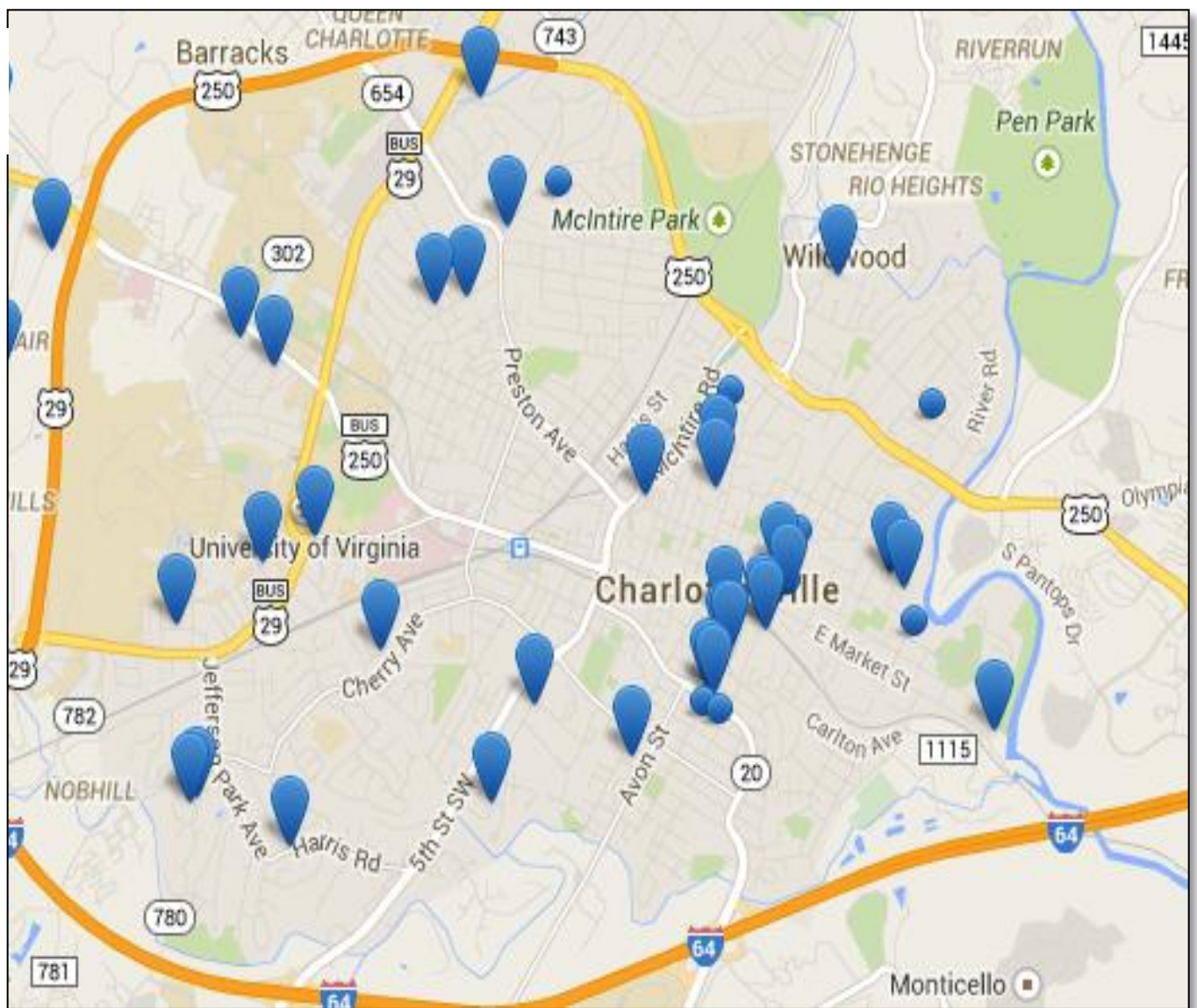
Prices range
from (\$20) a
night to
(\$2,000) a night



December 30, 2014
182 Rentals Available

Snapshot of
Transient
Lodging
Facilities

Prices range
from (\$200) a
night to
(\$1,650) a night

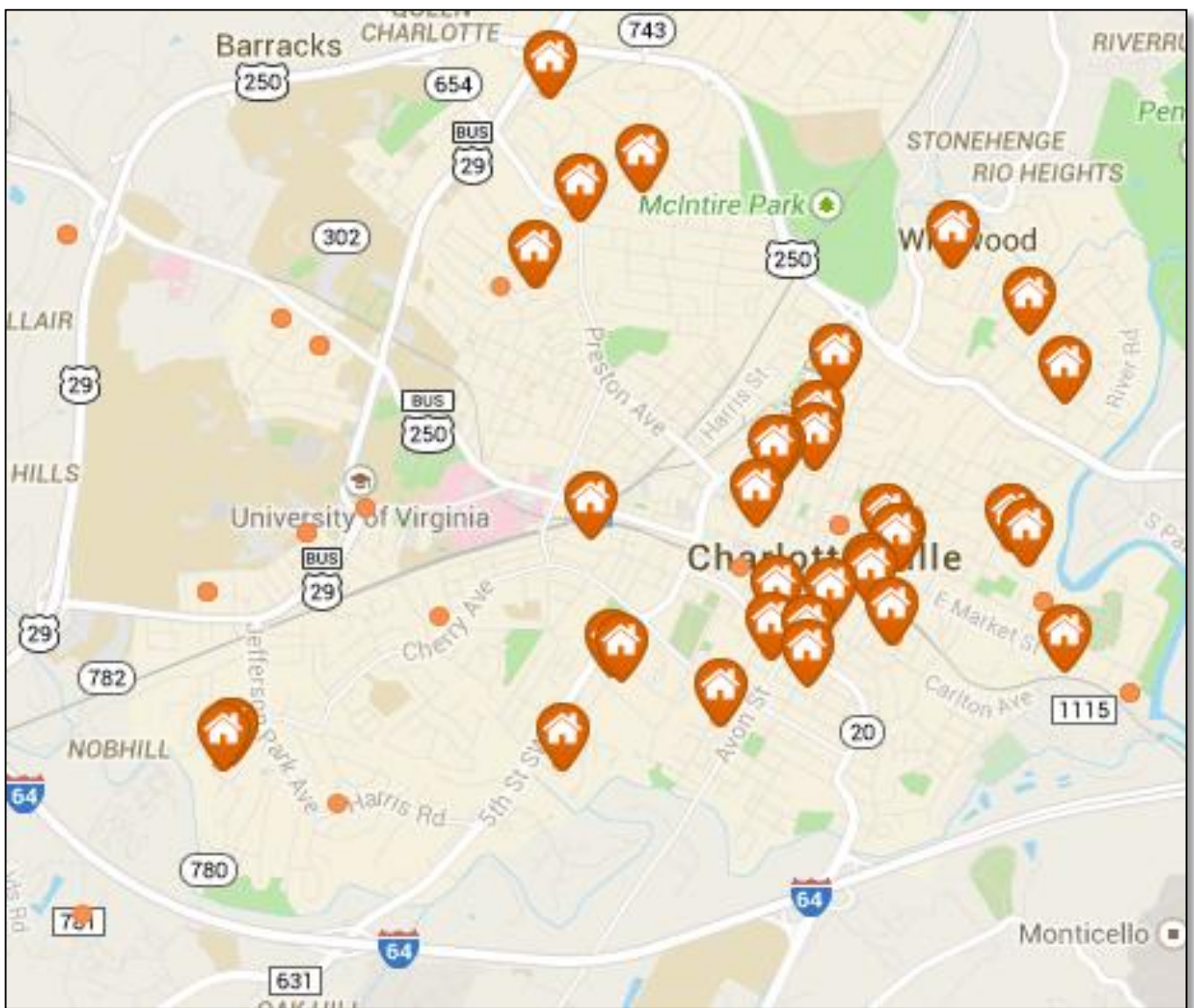


December 30, 2014
56 Rentals Available



Snapshot of
Transient
Lodging
Facilities

Prices range
from (\$80) a
night to
(\$1,150) a night



December 30, 2014
85 Rentals Available

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date: July 21, 2014

Action Required: Approval of Resolution

Staff Contacts: Jim Tolbert, Neighborhood Development Services

Presenter: Jim Tolbert, Neighborhood Development Services

Title: **Initiation of Study of Zoning Ordinance Provisions for Short Term Rentals**

Background: Section 34-41 of the City of Charlottesville Code of Ordinances provides that a change to zoning may be initiated by resolution of the City Council.

Discussion: There has been growing concern in our community, as well as others across the country, about short-term rentals in single-family neighborhoods. The most well-known operator is Air B&B, but there are others operating in Charlottesville and other communities. While we do not know for sure, we believe there are around 100 properties operating as short-term rentals in Charlottesville. Some of these operate as “homestay” businesses which are legal if done consistent with the code.

Homestay – A bed and breakfast homestay shall be permitted only where the character of such use is such that it is clearly subordinate and incidental to the principal residential use of a dwelling. In addition to the resident of the dwelling, not more than one (1) other person may be engaged in the activities of a bed and breakfast homestay and two (2) other persons in all other bed and breakfast categories. There must be one off-street parking space available for each staff person in addition to bed and breakfast off-street parking requirements.

The others present challenges in a number of ways. Some clearly rent to many more than the allowable three or four unrelated persons per unit and this constant

transient occupancy does impact neighborhood character. On the positive side the opportunity to rent rooms or an apartment in many cases provides needed income, making housing more affordable. This is clearly not a simple issue.

The other significant side to this issue is taxation. If short-term rentals are going to be allowed in any way we need to be concurrently addressing the appropriate way to collect tax revenue. This is a fairness issue for the hotels/motels and the legitimate bed and breakfast establishments. Many have raised concerns with Kurt Burkhart and the Convention and Visitors Bureau and with Todd Divers. Todd thinks that it is clear that the short-term rentals must pay taxes but until we have a clear enforcement path he is reluctant to pursue them in case they are not legal. He does not want to make them seem legal.

If Council desires to step back and take a look at this issue we suggest that they initiate study of the zoning questions and ask the Commissioner of Revenue to study the tax issues. This will give staff a chance to work with the short-term rental operators, the CACVB, the hotel/motel owners and our neighborhoods to review our codes to determine if there are changes we might want to consider to make sure that our regulations are the best that we can have.

Alignment with City Council Vision and Strategic Plan: There is no direct alignment with the City Council Vision or Strategic Plan. However, this effort is not in conflict with any vision or plan item.

Citizen Engagement: There have not yet been any citizen engagement efforts. There will be meetings with neighborhoods, short-term rental operators, local hotel/motel representatives and the CACVB and Office of Economic Development.

Budgetary Impact: The study will not impact the budget.

Recommendation Staff recommends approval of the resolution to initiate the zoning study.

Alternatives: The alternative is to not institute study of the ordinance and to continue to operate under existing codes.

Attachments: Resolution

RESOLUTION
REQUESTING THE PLANNING COMMISSION TO STUDY ZONING
ORDINANCE PROVISIONS REGULATING TEMPORARY LODGING
FACILITIES OFFERED WITHIN THE CITY’S SINGLE-FAMILY
DWELLINGS

WHEREAS, like other communities throughout the nation, the City is experiencing a proliferation of temporary lodging facilities offered by property owners to tourists and other guests, for compensation, within buildings designed and constructed as single-family residences or other dwelling units; and

WHEREAS, non-traditional lodging facilities, advertised as being available through sources such as “Airbnb.com”, “Craig’s list”, individual websites, or other media, have become a popular source of overnight accommodations desired by tourists and other visitors to Charlottesville, and an attractive way for property owners to realize income from their property; and

WHEREAS, the use or operation of residential dwelling units as lodging for tourists or other temporary stays, within neighborhoods zoned for low-intensity residential uses, can potentially create impacts not anticipated by the City’s current zoning regulations; and

WHEREAS, City Council has been requested to study whether or not its current zoning regulations should be amended to expressly allow these uses, in various forms, within the City’s residential neighborhoods, and, if so, what, if any, suitable regulations should be established for such uses;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville that the Planning Commission is hereby requested to study this issue and report its findings to the City Council within **150 days** from the date of this Resolution. At the option of the Planning Commission, its report may take the form of:

- (a) a motion initiating specific zoning ordinance text amendments recommended by the Commission, and/or

- (b) a report listing specific findings and recommendations, for Council’s decision as to whether any specific text amendments should be initiated.

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Appendix A

Additional Comments from Planning Commission

Comments from Commissioner Green and echoed by Commissioner Santoski:

- I too am very concerned with people purchasing property just for the purpose of using for short term rental. This is a concern for many reasons and these were discussed at the last planning commission meeting (loss of housing stock, possible loss of units that could be affordable, etc...). I also the number of units purchased and being used as just temporary housing would be larger than you think already.
- I think there are ways of regulating this use and I think other localities are working on regulations as well. As an example - we could add this use as an "accessory use to the primary residence". We could then limit the days (if that were desirable) and also that would mean that the owner would have to reside in the primary residence. Not at the same time but this would have to be the owner's primary residence. This way is also very enforceable which is always good to have when writing an ordinance.
- I do think if we create an ordinance that it should be applicable in all residential districts. It is much easier to track and enforce with an ordinance in place. Omitting certain districts will not keep people from renting out for short term they will just find another way to do it.
- I think this is a prime example of an ordinance that should be looked at in conjunction with the county. These places being rented and the businesses managing the temporary rentals do not see city county lines. The regulations being the same would also make it less confusing on the part of the public as a whole.

Comments from Commissioner Lahendro:

- In reviewing the maps, I am struck by how the entire city is experiencing Airbnb-type rentals. Cville is too small to think that targeting certain districts with transient lodging regulations will limit the problem.
- I'm most worried about absentee owners buying multiple properties for transient lodging, creating holes in our neighborhoods.
- This business is too new and fluid to think we can take the time to create a perfect set of regulations and enforcement. From my perspective, Airbnb-type rentals are increasing exponentially. I advocate doing the best we can now, knowing that refinements will be necessary as the city gets a handle on this issue.
- Link to BBC story on the detrimental impact transient lodging is having on Paris: <http://www.bbc.com/news/world-europe-30580295>

Appendix A

Additional Comments from Planning Commission

OBSERVATIONS OF PLANNING COMMISSIONER KELLER:

COMPARISONS WITH EXISTING B&B USES/ ISSUES

Smaller B&Bs(Homestays) ¹ are Allowed By-right in all Residential Districts

Transient Occupancy Facilities: Do **not** allow transient occupancy facilities in R-2 or R-3 zones as a way to protect housing affordability in the city—cite the Fry’s Spring rejected rezoning proposal—We have figures provided in report that this type of temporary use can bring in 3x as much to a property owner as a long-term residential lease to full-time tenants.

Transient Occupancy Facilities: Require owner residency of the transient occupancy facilities—residency does not mean the owner is present 24/7 but it does mean that it is a place where the owner is resident generally.

Transient Occupancy Facilities: Allow any homeowner to rent without a zoning permit for <14 days annually; leave enforcement to violators—neighbors will report as they do other nuisances; note that revenue is liable for city lodging tax

LARGER B&B FACILITIES

(B&BS² AND B&B INNS³) ARE NOT ALLOWED IN ANY R-1 AND R-2 DISTRICTS

Transient Occupancy Facilities: Do **not** allow transient occupancy facilities in R-2 or R-3 zones as a way to protect housing affordability in the city—cite the Fry’s Spring rejected rezoning proposal—We have figures provided in report that this type of temporary use can bring in 3x as much to a property owner as a long-term residential lease to full-time tenants.

¹ *Bed and breakfast (Homestay)* means a temporary lodging facility operated within a single family residence which is **OWNER OCCUPIED AND MANAGED**; having no more than **THREE (3) GUEST ROOMS**; and wherein food service shall be limited to breakfast and light fare for guests only.

² *Bed and breakfast ("B & B")* means a temporary lodging facility operated within a residential dwelling, which is **OWNER OCCUPIED AND MANAGED** or having a resident manager; having no more than eight (8) guest rooms; and wherein food service shall be limited to breakfast and light fare.

³ *Bed and breakfast (Inn)* means temporary lodging facility operated within a residential dwelling; **WHICH IS OWNER OCCUPIED AND MANAGED OR HAVING A RESIDENT MANAGER, HAVING NO MORE THAN (15) GUEST ROOMS**; and wherein food service may be provided.

Appendix A

Additional Comments from Planning Commission

Transient Occupancy Facilities: Require owner residency of the transient occupancy facilities—residency does not mean the owner is present 24/7 but it does mean that it is a place where the owner is resident generally

Transient Occupancy Facilities: Require an SUP for more than 3 bedrooms (assume this to be generally 6 people, 3 cars, the noise of 6 people plus their noise, etc.) which is the Homestay capped number for all residential categories; *Currently, the Bed and Breakfast can operate in R-3 zones and up with up-to-8 rooms; the Inn is capped at 15 rooms by SUP*

OTHER COMMENTS OF COMMISSIONER KELLER: ON POSSIBLE ZONING REGULATIONS FOR TRANSIENT OCCUPANCY FACILITIES

- Eliminate neighbor notification—how do you keep up with that when owners change, etc.—not required for home occupation, auxiliary dwelling units, etc.; let the business permit and zoning permit be the public acknowledgment
- If >4 calls for police service—Revocation of a zoning permit should be not just for service calls to the specific property but for the responsible property owner or manager to 4 calls for any one of their properties
- Cap the number of these uses in a **SINGLE OWNERSHIP** to 2 properties.
- Should this [regulation of transient occupancy facilities] address the number of employees as in the bed and breakfast categories?
- Is there a need to address deliveries and cleaning hours?
- Should this address meals served or delivered by an owner or manager?
- Should this address a minimum or maximum stay? Should it require a minimum # of 2 nights to distinguish this from hotels and the homestay?
- Should it restrict activities that can occur to overnight lodging?—ie so no gatherings/events such as weddings, parties, etc. of > 25 people—and possibly limit that to 4 a year for paying guests; notify city of the dates of these events

OTHER OBSERVATIONS OF COMMISSIONER KELLER

- There have been focus groups for bnb constituencies—what about for the hotel industry and what about for residents? We have at least 15 hotels in city limits to say nothing of in the urban ring of Albemarle County—if using the NDS figures, there are >323 facilities
- I still think that there is a missing category of hostel and without that, that there needs to be a requirement limiting people and not bedrooms.

DISCUSSION DRAFT ORDINANCE

January 21, 2015

City Code Sec. 34-1200 Definitions:

Add the following definition: “*Transient Lodging Facility*” refers to any dwelling unit offering guest rooms or other lodging rented out for continuous occupancy for fewer than 30 days, excluding any bed and breakfast.

City Code Sec. 34-420 (Residential Zoning Districts): allow “*Transient Lodging Facility*” in every residential zoning district (Provisional Use Permit)

City Code Sec. 34-480 (Commercial Zoning Districts): allow “*Transient Lodging Facility*” in the B-1, B-2, B-3 and IC zoning districts (Provisional Use Permit), but NOT in the Emmet Street Corridor (ES) district, because residential dwelling units are not allowed within ES.

City Code Sec. 34-796 (Mixed Use Corridor Districts): allow “*Transient Lodging Facility*” in ALL of the zoning districts (Provisional Use Permit)

Add: New City Code Sec. 34-1176. Transient Lodging Facilities

(a) A transient lodging facility authorized by a provisional use permit shall be subject to the following regulations:

(1) No person other than a property owner shall be eligible for a provisional use permit authorizing the use of a dwelling unit as a transient lodging facility.

(2) A property owner who submits an application seeking a provisional use permit for a transient lodging facility shall provide the following:

(i) Evidence of a city business license, as may be required, and proof of payment of the transient occupancy taxes required by City Code 30-251 et seq.

(ii) The name, phone number, e-mail address and other contact information of a local person who will serve as the property manager. The property manager must have an office within the City of Charlottesville, or outside the City limits and within 10 miles of the property.

(iii) A written fire evacuation plan for the transient lodging facility, in a format suitable for posting at each exit from the facility, and a written certification that the fire evacuation plan will be and remain posted at each exit inside the transient lodging facility for the duration of the provisional use permit.

(iv) Evidence that all adjacent property owners have been given written notice by the applicant that the property will be utilized as a transient lodging facility.

(b) A provisional use permit authorizing a transient lodging facility will be valid for one (1) year from the date of issuance.

(c) A provisional use permit authorizing a transient lodging facility may be revoked by the zoning administrator:

(i) in the event that four (4) or more calls for police service are received by the city within any two (2) month period, or

(ii) for failure to maintain compliance with the requirements of paragraph (a) (2), above.

Following revocation of a provisional use permit for a transient lodging facility, no provisional use permit will subsequently be issued for the subject property for a period of one year (365 days).

Synopsis of City Council's February 17, 2015 meeting on Transient Lodging Facilities

During City Council's February 17, 2015 meeting a resolution was passed authorizing a ZTA regulating Transient Lodging Facilities. The following is information that City Council would like the Planning Commission to consider during the February 24th work session.

- Any home or dwelling unit acting as a TLF should be up to current building and fire code.
- Consideration needs to be given to condominiums and management of each unit. Condominiums have a management system for the whole complex, but not each unit. It needs to be clear that responsibility for managing a TLF is the responsibility of the unit owner and not the management entity.
- Consideration needs to be given to having any TLF regulation not be in conflict with HOA or other community association.
- Consideration needs to be given to the number of days a month a dwelling unit can be used as a TLF.
- Ensure that any ZTA is jointly developed and enforced with our adjacent county.
- Prevent an owner from continually and consecutively letting our rooms with each stay being less than 30 days. In that case, how is this different than a boarding house?
- Think about how TLF could reduce the stock of affordable housing in the city
- Could TLF reduce the number of owner occupied dwelling units in the city?
- Any change to the ZT needs to be in agreement with any other codes or ordinances in the City.
- Give consideration to scaling TLF and how it can be looked at in different levels. Portland Oregon's ordinance talks about this.
- Consideration needs to be given to multifamily housing.
- Think about stepping the regulations on TLF. Someone with one owner occupied home would be at one level of regulations and fees. The next home they did as a TLF would be notched up to the next level with more regulations and a higher fee, and so on.
- Consider providing a policy statement attached to any ZTA that would state the City is concerned with a loss in housing stock and to commence a study (2) years after a ZTA is adopted to see if TLF are having any detrimental effect on housing.
Review and analysis
- Consideration needs to be given to enforcement of any ZTA.
- How would TLF be different than a home business?

- Consideration needs to be given to the importance of owner occupied and the notification of adjoining or neighboring properties.

Comparison of Submission Requirements Within Subdivision Ordinance (Chapter 29) and Site Plan Ordinance (Chapter 34, Article VII)
As of February 2015

SUBDIVISION REGULATIONS	SITE PLAN REGULATIONS	COMMENTS/QUESTIONS
<p><i>Subdivision plat</i> means the schematic representation of land to be divided, and information in accordance with applicable statutes (and local ordinances) Va. Code § 15.2-2201</p>	<p><i>Site plan</i> means the proposal for a development, including all covenants, grants or easements and other conditions relating to use, location and bulk of buildings, density of development, common open space, public facilities and such other information as required by the subdivision [and zoning] ordinances. Va. Code 15.2-2201; 15.2-2286(A)(8)</p>	<p>Submission and approval of a <i>plan of development</i> is required prior to issuance of building permits, in order to assure compliance with zoning regulations, Va. Code 15.2-2286(A)(8)</p> <p><i>Development</i> means a tract of land developed or to be developed as a unit under single ownership or unified control, which is to be used for any business or industrial purpose or is to contain (3) or more residential dwelling units—Va. Code 15.2-2201</p>
<p>City Subdivision Ordinance Requirements for Subdivision Plat Contents</p>	<p>City Site Plan Ordinance Requirements for Site Plan Contents</p>	<p>Note: the mandatory and permissive provisions of Va. Code 15.2-2241 and 15.2-2242, and other state code requirements, apply to BOTH site plan and subdivision plats Per Va. Code 15.2-2246 and 15.2-2258</p>
<p>Size: Between 8 ½ x 11 and 18 x 24 OR 8 ½ x 14 City Code §29-110(a)(1)</p>	<p>No size specification; however, if revisions are made after submission “full size” revised copies are required.</p> <p>Also, for prelim plans reviewed by the PD, a “3-D” drawing or model of the site, showing massing in context, is required</p> <p>City Code §34-827(a)</p>	
	<p>FINAL SITE PLANS: one reduced copy is required, no larger than 11x17 inches</p> <p>Other copies: must be no larger than 36x42 inches City Code § 34-828(b) and (c)</p>	

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Details (Standardized Info Required for All Submissions)		
Va. Code 15.2-2241(A)(1) requires details which meet the standards adopted under the Va. Public Records Act (both subdivision plats and site plans).		
Minimum standards/procedures for land boundary surveying practice City Code §29-110(a)(2)		Ref. Va. Code 15.2-2241(A)(1)
Location of exterior boundary lines City Code §29-110(a)(25)	Boundary “dimensions” §34-827(d)(1)	
	Source of survey §34-827(d)(1)	
	Departing lot lines §34-827(d)(1)	
At least four control points on land, with one showing elevation and horizontal coordinates related to City’s GPS. City Code §29-110(a)(20)	One (1) datum reference for elevation (if a flood hazard area is involved, USGS vertical datum must be shown and correlated to plan topography) §34-827(d)(1)	
Location and material of permanent reference monuments City Code §29-110(a)(26)	Location and material of permanent reference monuments City Code §29-110(a)(26)	
Bearing and distance ties City Code §29-110(a)(27)	Bearing and distance ties City Code §29-110(a)(27)	
Identification of sections, blocks and lots City Code §29-110(a)(28)	Identification of sections, blocks and lots City Code §29-110(a)(28)	
Name & signature of preparer City Code §29-110(a)(3)	Same City Code §34-827(d)(1)	
FINAL SUBDIVISION PLAT: ordinance states only that the plat must contain the name and signature of the person who prepared the plat, who must be a certified professional engineer or land surveyor. §29-110(a)(3)	FINAL: Must be prepared and sealed, signed and dated by an architect, professional engineer, land surveyor or certified landscape architect licensed to practice within the Commonwealth of Virginia §34-828(a)	Note: every SUBDIVISION PLAT intended for recording (i.e., final plat) must be prepared by a certified professional engineer or land surveyor, who must endorse upon the plat a certificate signed by him setting

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		forth the source of title of the owner(s)—Va. Code 15.2-2262
Date of drawing, including date of last revision City Code §29-110(a)(4)	Same City Code §34-827(d)(1)	
Number of sheets City Code §29-110(a) (4)	Same City Code §34-827(d)(1)	
North point City Code §29-110(a)(4)	Same City Code §34-827(d)(1)	
Signature Panels for secretary and chair of commission (if applicable) City Code §29-110(a)(4)	Signature panels specified only for FINAL SITE PLANS City Code § 34-828(a)(11)	
Scale City Code §29-110(a)(4)	Same City Code §34-827(d)(1)	
Name of subdivision City Code §29-110(a)(5)	Name of development §34-827(d)(1)	
Land owner's source of title City Code §29-110(a)(6)		
Place of record of last instrument in chain of title City Code §29-110(a)(6)		
Deed Book/Page or Instrument No. of any previously recorded applicable subdivision plat City Code §29-110(a)(6)	Subdivisions “and other landmarks” §34-827(d)(1)	
Names/addresses of each land owner of record City Code §29-110(a)(7)	Names of owner(s) and name(s) of developer(s) §34-827(d)(1)	
Names/addresses of any easement holders affecting land City Code §29-110(a)(7)		

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Statement that application is made with the free consent of all property owners City Code §29-110(a)(7)		Ref. Va. Code 15.2-2264—both subdivision plat and site plan submissions must document that the application is with the express consent of the owner.
Vicinity Map City Code §29-110(a)(8)	Vicinity “sketch” City Code §34-827(d)(1)	
	City and state §34-827(d)(1)	
Tax Map & Parcel Number of the property City Code §29-110(a)(23)	Same City Code §34-827(d)(1)	
Street Address of the property City Code §29-110(a)(23)		
Location of existing lots and their outlines City Code §29-110(a)(14)	Same City Code §34-827(d)(1)	
Location of departing lot lines of abutting lots City Code §29-110(a)(14)		
Number and approximate dimension of proposed lots City Code §29-110(a)(15)		
Location of any places of burial on land City Code §29-110(a)(19)		
Property’s zoning classification City Code §29-110(a)(22)	Same City Code §34-827(d)(1)	
	Present Use of each adjacent parcel--§34-827(d)(1)	
	Descriptions of all variances, proffers and bonus factors applicable to site--§34-827(d)(1)	

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FINAL SUBDIVISION PLATS: must contain all of the information required for preliminary plats. §29-111(b)	FINAL SITE PLANS: shall “reflect conditions of approval” of the preliminary site plan, and shall meet all state law requirements. §34-827(d)	
Details Necessary to Evaluate Adequacy of Drainage, Flood, Erosion Control, Other Public Purposes Va. Code 15.2-2241(A)(3): Subdivision and site plan regulations must include regulations with adequate provisions for drainage and flood control; adequate provisions related to the failure of impounding structures and impacts within dam break inundation zones; for light and air, and for identifying soil characteristics.		
Certificate of compliance with City’s Zoning, Water Protection and Subdivision Ordinances City Code §29-110(a)(16)		Note: self-certification of compliance with applicable requirements is fine, but application materials still need to contain details sufficient to allow the subdivision/ site plan Agent to reach its own conclusions as to whether requirements are met. A statement that “requirements of the Water Protection Ordinance will be met by this development” is not sufficient.
Limits, elevations and profiles and cross-sections for floodplains and floodway. City Code §29-110(a)(17)	100-year floodplain limits; limits of floodway areas; base flood elevation data City Code §34-827(d)(7)	
Statement that land lies within a drainage district (if applicable) City Code §29-110(a)(18)		Note: Identification of any applicable drainage district is required by state law for both subdivision plats and site plans. Ref. Va. Code §15.2-2258
	Location and size of drainage channels §34-827(d)(9)	
Stormwater management concept, prepared by a professional engineer or landscape architect §29-111(a)(2)	Stormwater management concept, prepared by a professional engineer or landscape architect §34-827(d)(9)	
FINAL SUBDIVISION PLAT: must include all information, details, calculations, construction plans and other documents or data required for a final SWM Plan And for a final E&S Plan §29-111(b)(1)	FINAL SITE PLAN: “detailed” stormwater management plans, and “construction drainage and grading plans” for ditches, pipes, channels, etc., including all information, details, calculations, construction plans and other documents required for a final SWM Plan and for a final E&S Plan §34-828(d)(6)	

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<p>Topographic map derived from aerial topographic surveys is required, showing boundary lines of land to be subdivided City Code §29-110(a)(36)</p>	<p>TOPOGRAPHIC SURVEY is required, showing: Existing topography, at 5-foot contours Proposed grading (2-foot contours, max) Spot elevations Offsite topography, within 50 feet outside the site Areas of critical slopes Natural streams Natural drainage areas Other topographic features §34-827(d)(4)</p> <p>Source of topography §34-827(d)(1)</p>	
<p>Identify slopes (i) >25%; (ii) horizontal run of > 20 feet; (iii) total area 6,000 SF; and (iv) within 200 feet of any waterway. City Code §29-110(a)(38)</p>	<p>Identify areas of slopes of greater than 25% City Code §34-827(d)(4)</p>	<p>Note: the S.O. directs applicants for subdivision plat approval to depict “critical slope” as defined in the Z.O. The Z.O. directs applicants for site plan approval to depict slopes of greater than 25%, which is different than the Z.O. definition of steep slope.</p>
	<p>Existing landscape features, including individual trees > 6-inch caliper §34-827(d)(5)</p>	
	<p>Name and location of all watercourses, waterways, wetlands and other bodies of water adjacent to or on the site §34-827(d)(6)</p>	
	<p>Landscape plan (if proposed site plan is subject to entrance corridor review)</p>	<p>Why doesn't the wording of the site plan ordinance require a landscape plan for developments outside of an EC?</p>
<p>Location of stream buffers City Code §29-110(a)(24)</p> <p>Mitigation plan, if applicable §29-111(a)(3)</p>		

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FINAL SUBDIVISION PLAT: requires detailed plans, computations and necessary supporting documents for physical improvements, including landscape plans §29-111(b)(1)	FINAL SITE PLAN: requires a “final landscape plan” §34-828(d)9)	
FINAL SUBDIVISION PLAT: requires detailed plans, computations and necessary supporting documents for physical improvements, including soil testing results. §29-111(b)(1)		
FINAL SUBDIVISION PLAT: requires submission of a Phase I environmental site assessment, and a written plan for remediation of any contamination or conditions noted in the assessment. (The city’s Agent MAY waive this for minor subdivisions) §29-111(b)(9)		
Details Necessary for Evaluation of How Developer will Achieve Coordination of Streets		
Va. Code 15.2-2241(A)(2) requires regulations to provide for the coordination of streets within and contiguous to the development with other existing or planned streets within the general area—as to location, widths, grades and drainage (including for the coordination of such streets with existing or planned streets in existing or future adjacent or contiguous to adjacent subdivisions)		
Location, width, grades and drainage of all existing streets and previously platted ROW’s City Code §29-110(a)(9)	Existing streets City Code §34-827(d)(8)	
	Vicinity “sketch” must show relationship of property to adjoining streets §34-827(d)(1)	
Location and dimensions of all easements for alleys, shared driveways and private streets City Code §29-110(a)(10)	Existing and proposed access easements, alley easements and other vehicular travelways City Code §34-827(d)(8)	
	Existing and proposed ingress to and egress from the property, showing distance to the centerline of the nearest existing street intersection §34-827(d)(12)	

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Location, acreage, and current owner of all land to be dedicated for public use City Code §29-110(a)(11)	Same City Code §34-827(d)(14)	
FINAL SUBDIVISION PLAT: requires detailed computations and supporting documents for [street] improvements, including traffic studies. §29-111(b)(1)	Estimated traffic generation figures, when deemed appropriate by the Director of NDS due to intensity of development City Code 34-827(d)(16)	Language relative to traffic generation figures and traffic studies is slightly different than wording in the S&DM
Details Necessary to Determine Whether Improvement of Streets, Installation of Other Public Improvements Will Meet Ordinance and S&DM Requirements		
Va. Code 15.2-2241(A)(4): local ordinances SHALL include regulations addressing the extent to which, and the manner in which: (i) streets shall be graded, graveled or otherwise improved, and (ii) water and storm and sanitary sewer and other public utilities or other community facilities are to be installed		
Location and dimensions of existing and proposed public easements City Code §29-110(a)(12)	Proposed streets and rights-of-way, together with street names, highway route numbers, right-of-way lines and widths, centerline radii, and pavement widths §34-827(d)(8) Existing and proposed [public] drainage easements §34-827(d)(9) Location and size of existing water, sanitary and storm sewer facilities and easements, and conceptual layout for proposed water, sanitary sewer and public storm sewer facilities--§34-827(d)(10)	
Location of any proposed public use sites within boundaries of the land City Code §29-110(a)(21)	All areas intended to be dedicated or reserved for public use §34-827(d)(14)	
Names of each proposed street City Code §29-110(a)(31)	Names of each proposed street City Code §29-110(a)(31)	
Location of temporary turnaround City Code §29-110(a)(32)	Location of temporary turnaround City Code §29-110(a)(32)	

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Statement that private alleys, driveways, streets will be maintained by lot owners, not City. City Code §29-110(a)(33)	Statement that private alleys, driveways, streets will be maintained by lot owners, not City. City Code §29-110(a)(33)	
Location, acreage and current owner of all land to be reserved for common use in subdivision City Code §29-110(a)(11)	Square footage of recreation area(s) City Code §34-827(d)(2) Percent/acreage of open space City Code §34-827(d)(2)	
Terms and conditions of any public easements City Code §29-110(a)		
Location and dimensions of existing and proposed non-public easements City Code §29-110(a)(13) FINAL SUBDIVISION PLAT: construction plans for non-city-owned utilities, or other pipes, fixtures or systems proposed to be located within any public streets or alleys must be submitted for review by city engineer in consultation with director of public works.	Existing and proposed [private] drainage easements §34-827(d)(9) Location of other existing and proposed utilities and utility easements §34-827(d)(11)	Note: placing utility (private water or sewer; cable company facilities; electric company facilities; stormwater management facilities, etc.) within a public street right of way is an “encroachment” that requires advance approval of City Council. Va. Code 15.2-2009; 15.2-2100(B)
FINAL SUBDIVISION PLAT: must include perpetual maintenance agreements for improvements or facilities that will serve more than (1) lot, but that will not be City owned and maintained §29-111(b)(7)		Note: all buildings constructed on lots created as a result of recordation of a subdivision plat must be served by a PUBLIC water or sewer system, or by private wells and septic systems meeting health department requirements—reference S.O. §29-161(g). Engineering/ public works cannot approve/ authorize a private system contrary to these requirements
	FINAL SITE PLAN: proposed grading, at maximum 2-foot contours §34-828(d)(4)	

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FINAL SUBDIVISION PLAT: requires “detailed plans, computations and necessary supporting documents” for public sewer and water facilities, including sewer and water plans and computations. §29-111(b)(1) Also: construction plans for proposed public water and sewer facilities. § 29-111(b)(2)	FINAL SITE PLAN: “detailed plans” for proposed water and sanitary sewer facilities	
FINAL SUBDIVISION PLAT: Information, details, calculations, construction plans and other documents or data required for a SWM plan, and a final E&S plan		
FINAL SUBDIVISION PLAT: requires “infrastructure plans and computations in accordance with the S&DM, including traffic studies, “street plans and cross sections” City Code §29-111(b)(1) Also: construction plans for proposed streets are required §29-111(b)(2)	FINAL SITE PLAN: “typical street sections”; centerline curve data; curb radius; culverts; etc.	
FINAL SUBDIVISION PLAT: requires parking plans (detailed plans, computations and supporting documents) City Code §29-111(b)(1)	FINAL SITE PLAN: parking and loading areas: calculation/ tables showing specific number of spaces required, dimensions, type of surfacing	
Compliance With Subdivision and Zoning Regulations Relating to Lots and Development Standards		
	If phasing is planned, phase lines and proposed timing of development. § 34-827(d)(3)	
Total acreage and square footage of each lot City Code §29-110(a)(29)		

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References to building setback lines City Code §29-110(a)(37)	Minimum setback lines, yard and building separation requirements City Code §34-827(d)(1)	
FINAL SUBDIVISION PLAT: must depict the “building envelope” for each lot, in accordance with zoning district regulations §29-111(b)(5)		
Location, area and dimensions of at least one building site for each lot AND a written certification that “Each parcel created by this subdivision plat includes a building site that complies with the requirements of [City ordinances]--29-110(a)(16)		Note: the requirement to depict the availability of a “building site” (i.e., an area outside the zoning ordinance’s definition of critical slope), see Z.O. 34-1120(b)(3)-(5), is not mentioned as a required detail on a site plan.
	Proposed Uses: Written Schedules or Data showing proposed uses; maximum acreage(s) occupied by each use; maximum # DUs, by type; gross residential density; SF of recreational areas; % and acreage off open space; maximum SF for non-residential uses; maximum lot coverage; maximum height of all structures; schedule of parking (maximum required/ actual provided); maximum impervious cover on site; maximum paved parking/ circulation areas. §34-827(d)(2)	
FINAL SUBDIVISION PLAT must include a physical survey showing the location of all existing buildings within 50 feet of any proposed lot line or proposed street. §29-111(b)(4)	Existing and Proposed Improvements: must show location and dimensions for improvements, including: buildings (maximum footprint and height); structures (principal as well as accessory); walkways; fences; walls; trash containers; outdoor lighting; landscaped areas and open space; recreational areas and facilities; parking lots and other paved areas; loading and service areas; paving material types for walks, parking lots, and driveways.	
Intended ownership of all common areas City Code §29-110(a)(30)		

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Notation of restrictions imposed in conjunction with plat approval City Code §29-110(a)(34)		
	FINAL SITE PLAN: Signage plan required	
	FINAL SITE PLAN: specific schedules or notes are required “as necessary to demonstrate that the requirements of this chapter [zoning ordinance] are being satisfied”	
FINAL SUBDIVISION PLAT: applicant must submit with the final plat instruments assuring the reservation of land for purposes of meeting the affordable housing commitment of City Code 34-12, if affordable units are to be provided §29-111(b)(10)		