

Short-Term Rentals in York County

York County Board of Supervisors
March 5, 2024

Prop. SB 544

- *Notwithstanding any other provision of law, general or special, no local ordinance enacted after December 31, 2023, shall require that a special exception, special use, or conditional use permit be obtained for the use of a residential dwelling as a short-term rental where the dwelling unit is also legally occupied by the property owner as his primary residence.*
- Current Status: Passed House, awaiting Governor's decision

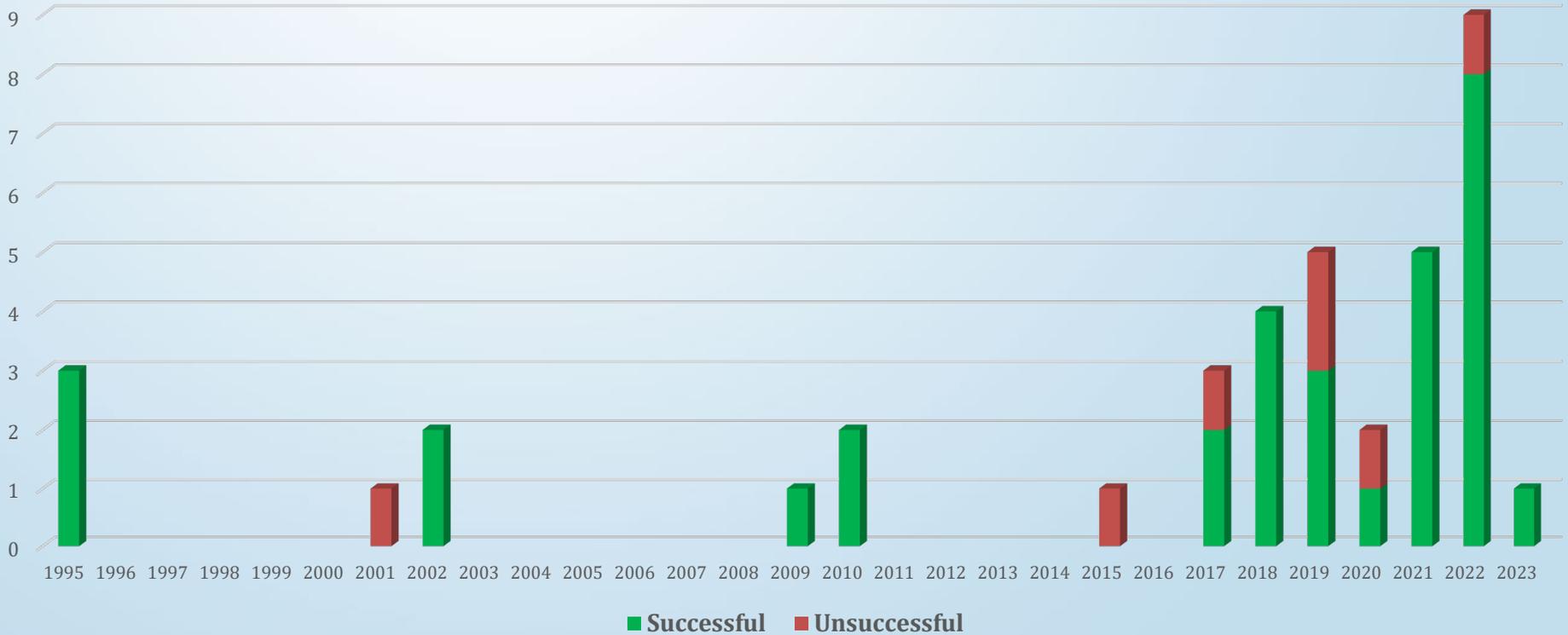
Short-Term Rental (STR)

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graph TD; A[Short-Term Rental (STR)] --- B[Tourist Home]; A --- C[Bed & Breakfast]
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Tourist
Home

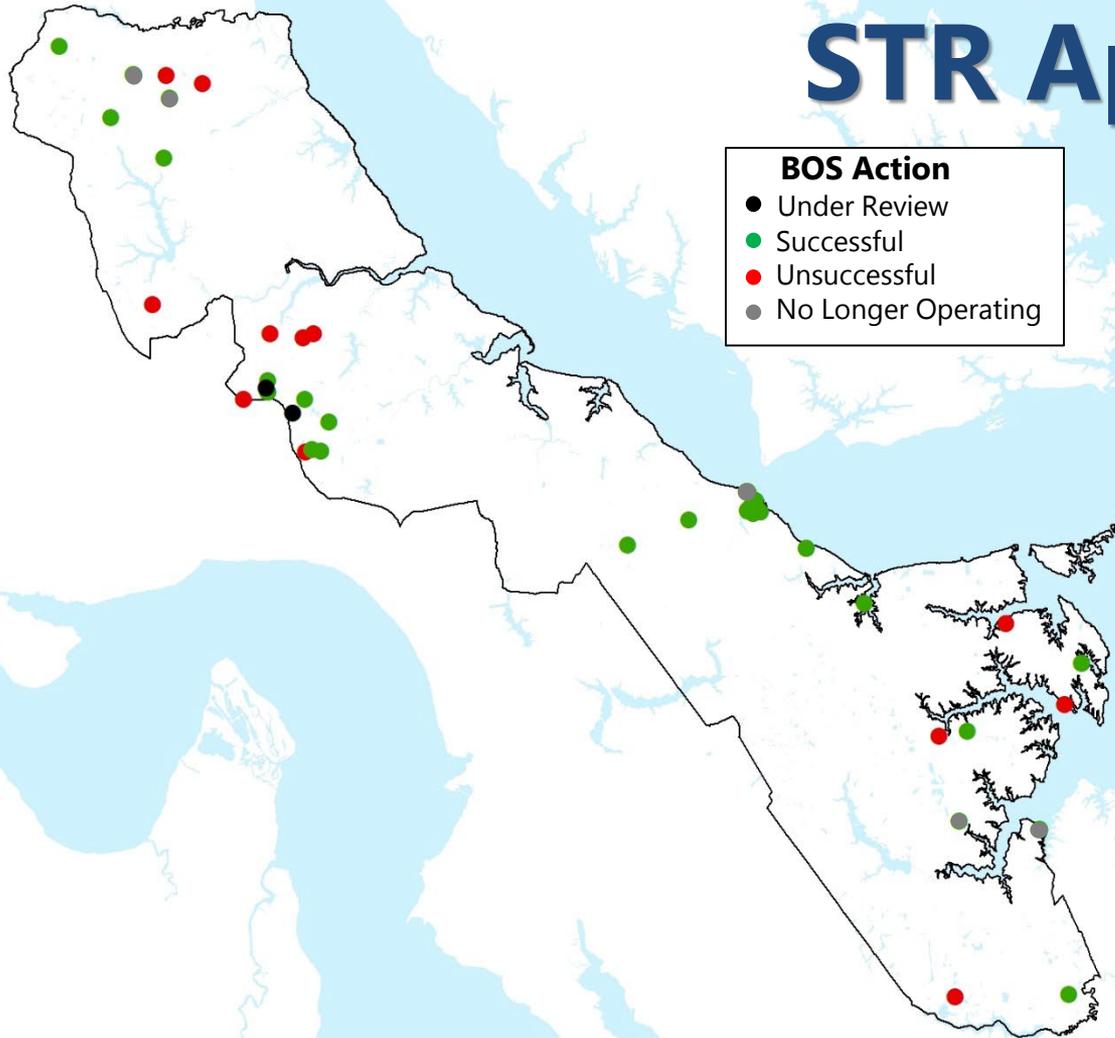
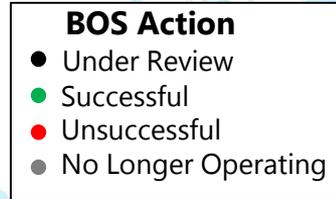
Bed &
Breakfast

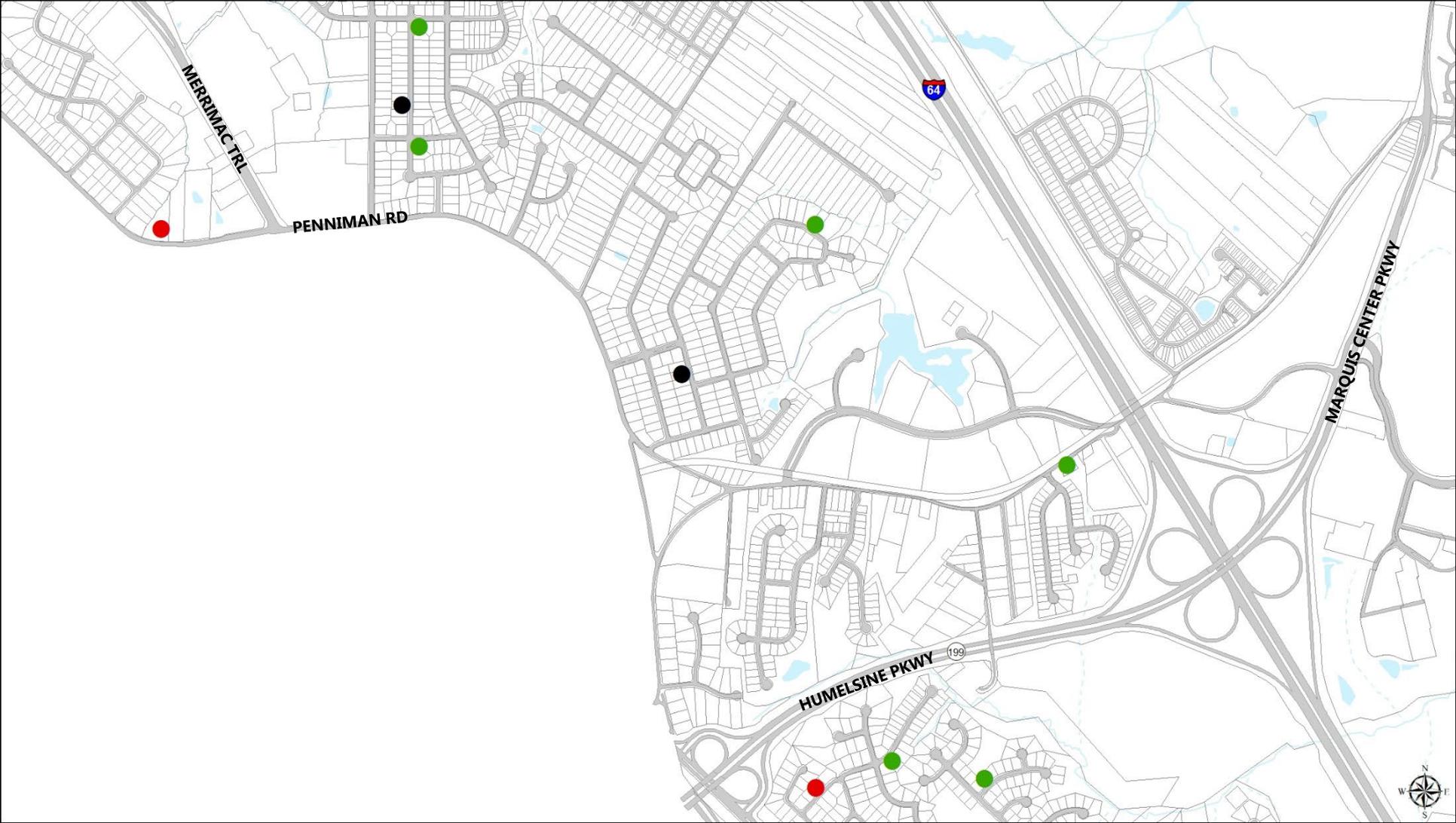
Applications for New Short-Term Rentals (STR)



STR Application Locations

(1995 - 2023)





MERRIMAC TRI

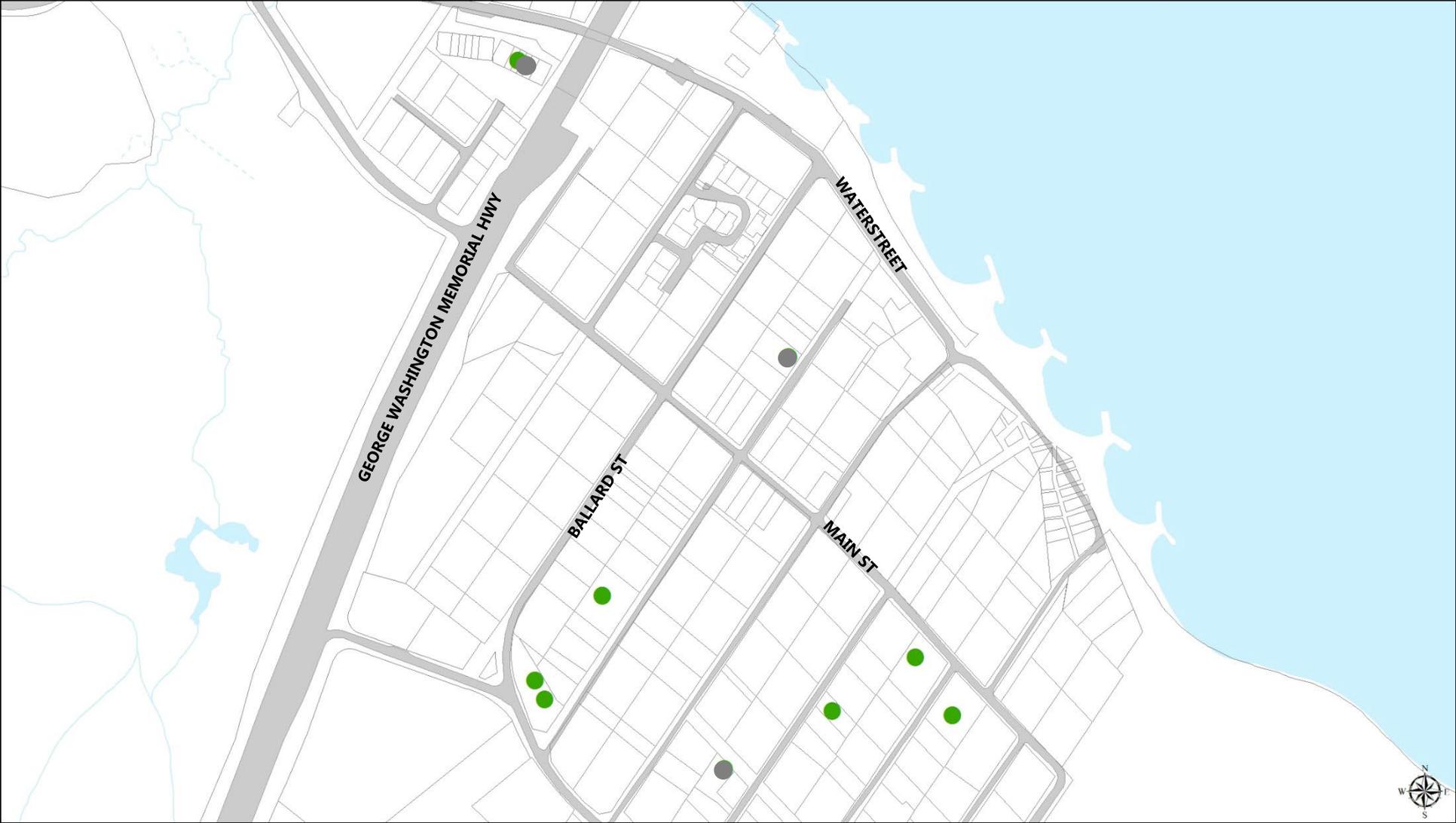
PENNIMAN RD

HUMELSINE PKWY 199

MARQUIS CENTER PKWY

64





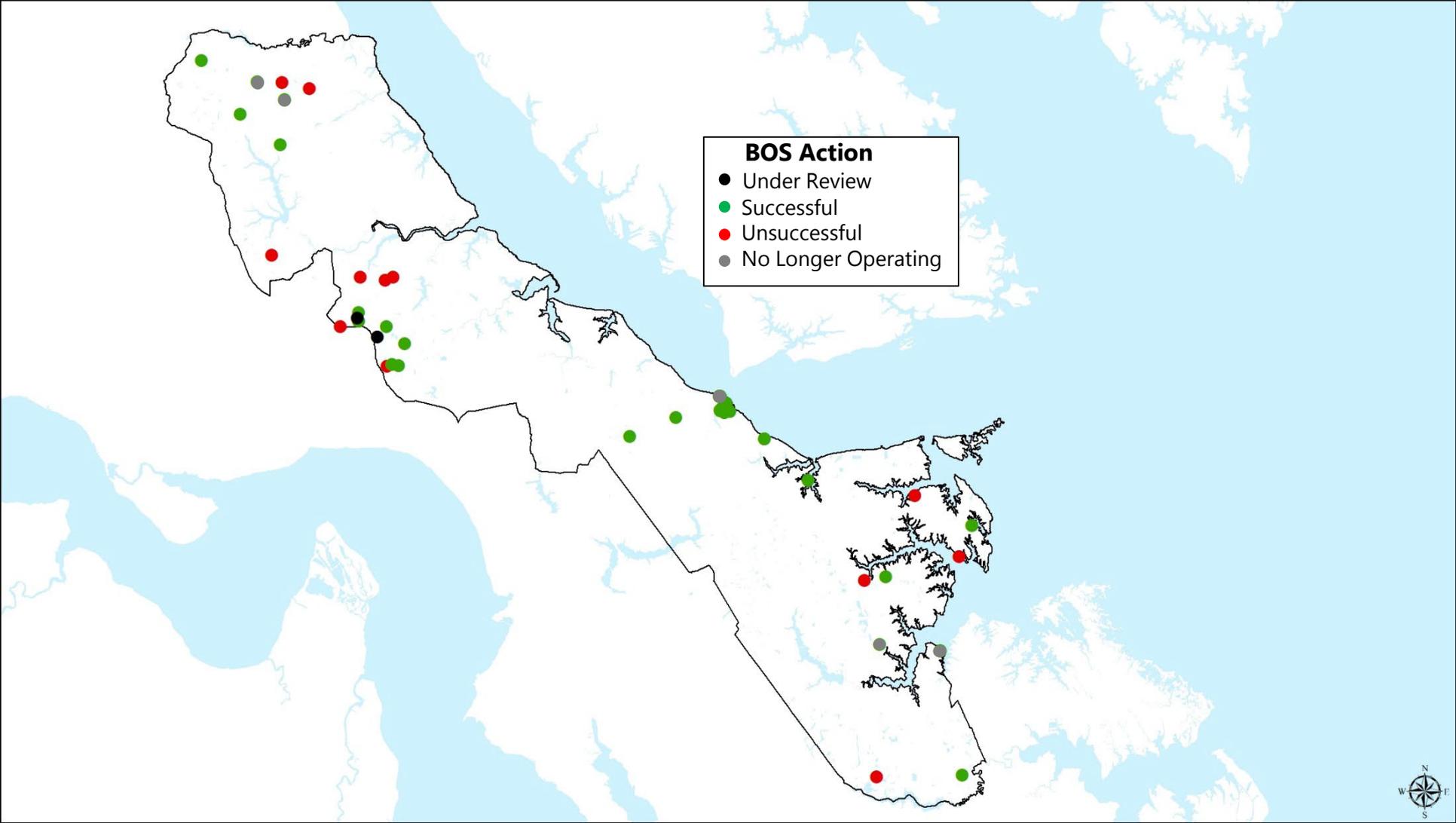
GEORGE WASHINGTON MEMORIAL HWY

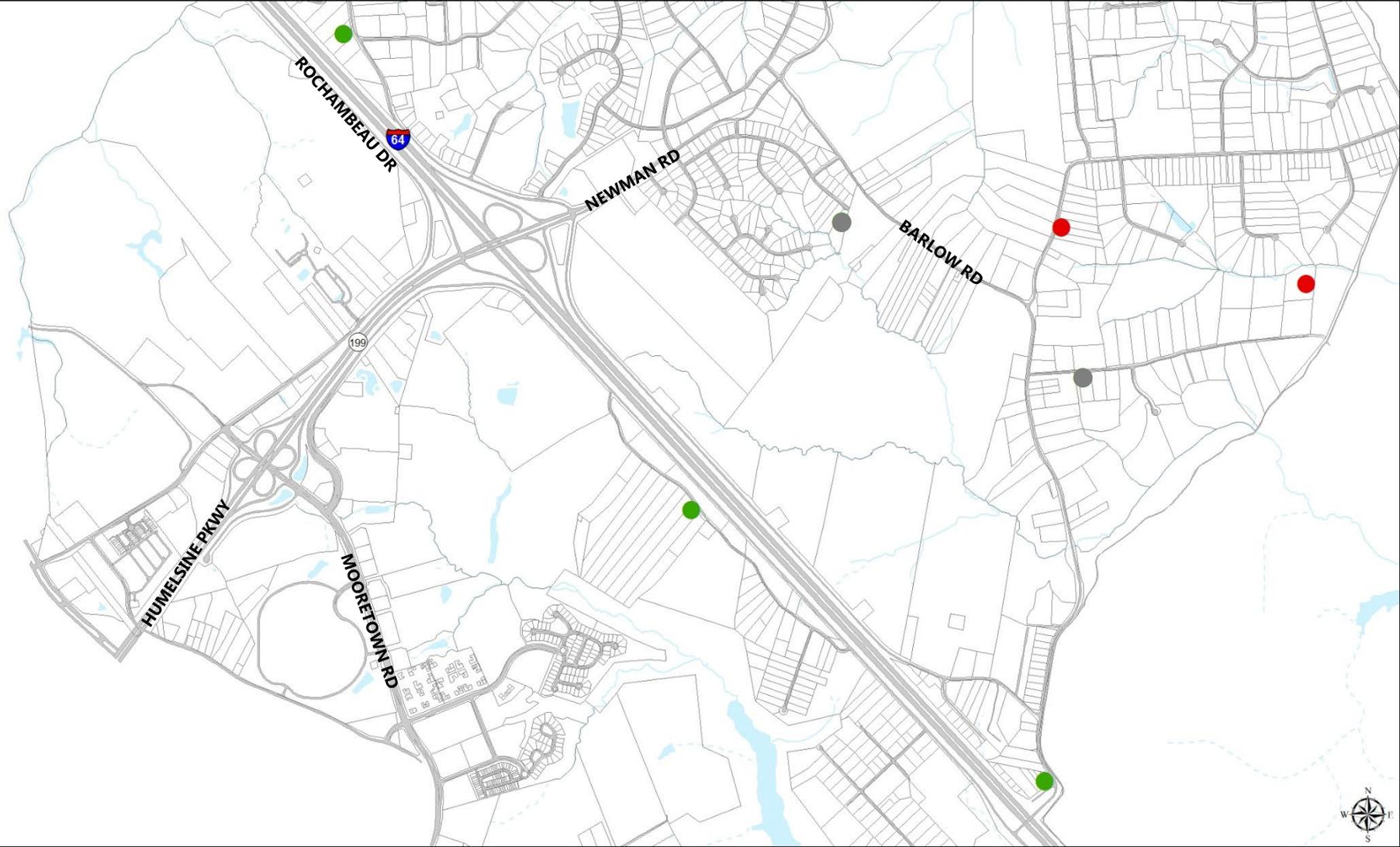
BALLARD ST

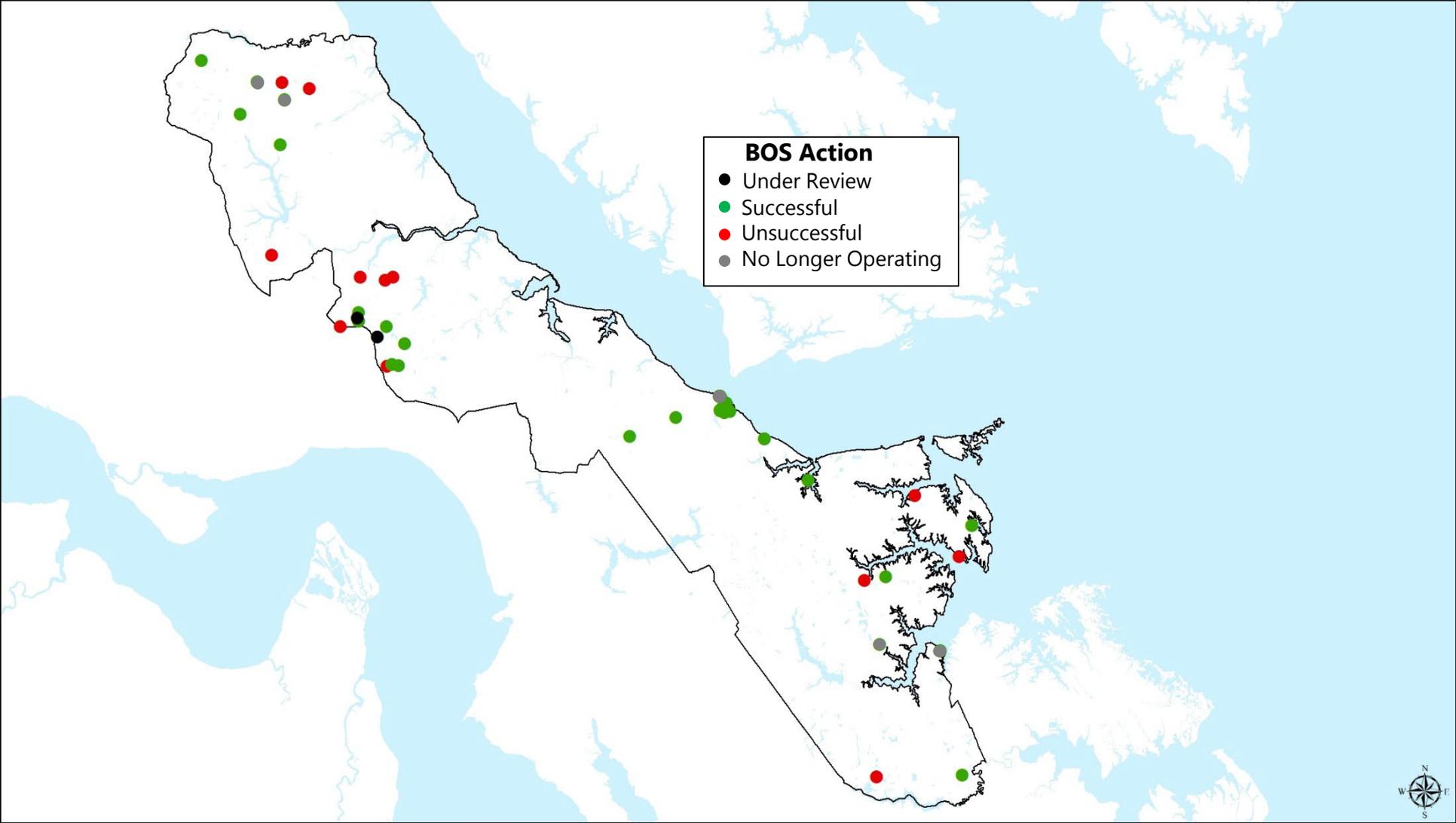
MAIN ST

WATER STREET





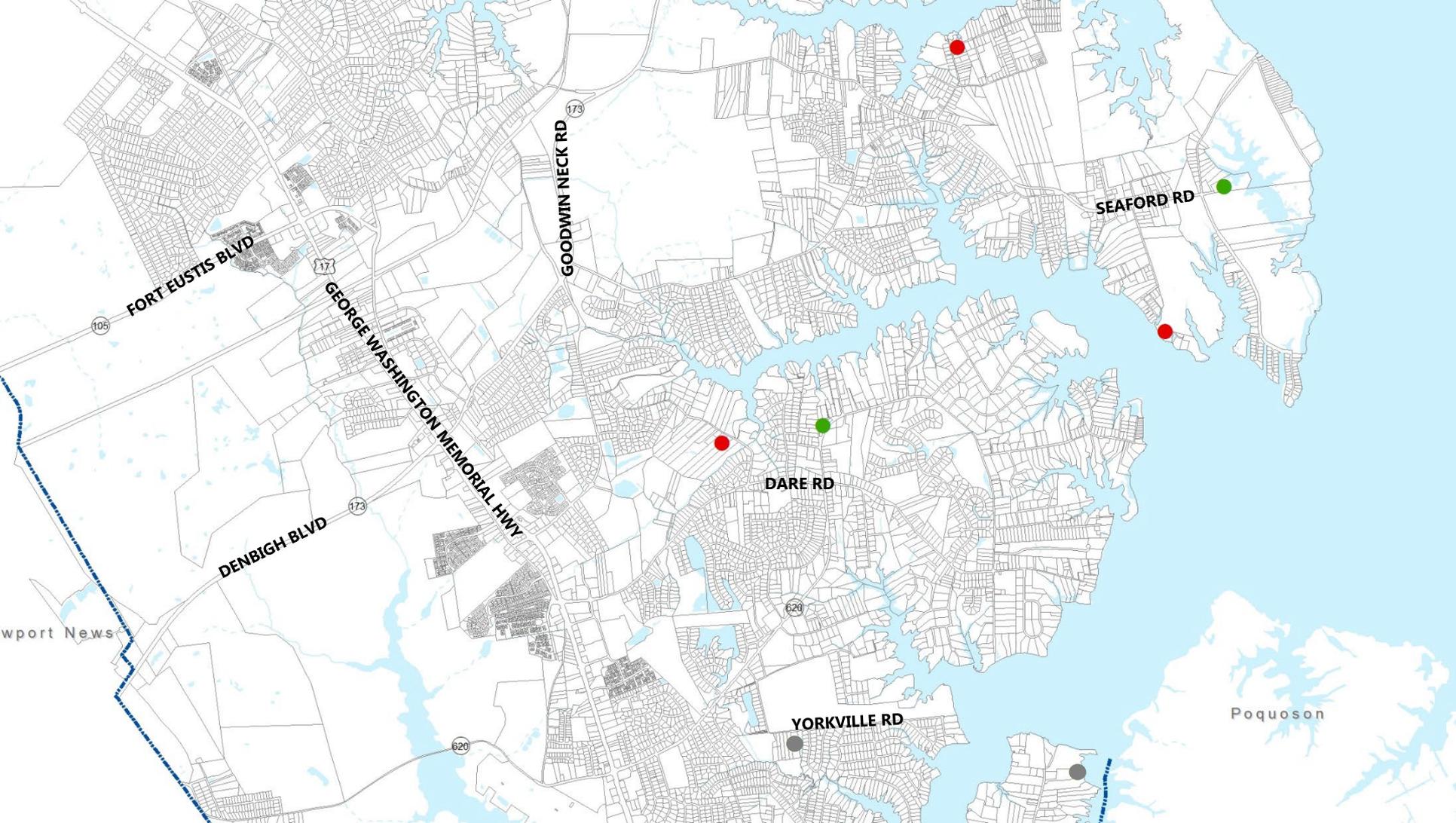




BOS Action

- Under Review
- Successful
- Unsuccessful
- No Longer Operating





FORT EUSTIS BLVD

GOODWIN NECK RD

SEAFORD RD

GEORGE WASHINGTON MEMORIAL HWY

DARE RD

DENBIGH BLVD

YORKVILLE RD

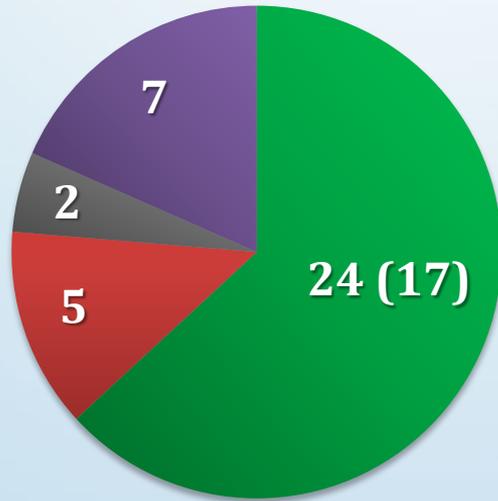
Port News

Poquoson

Breakdown of STR Applications

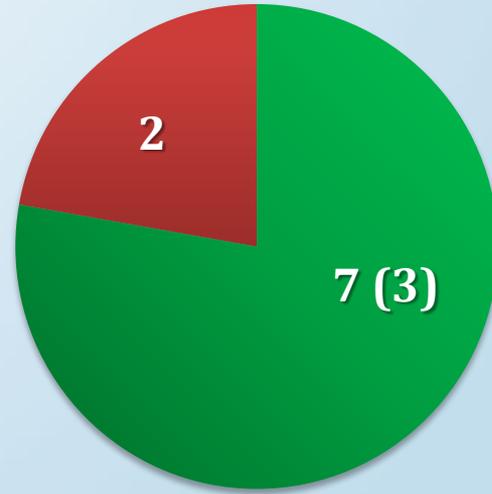
(1995 - 2023)

Tourist Homes



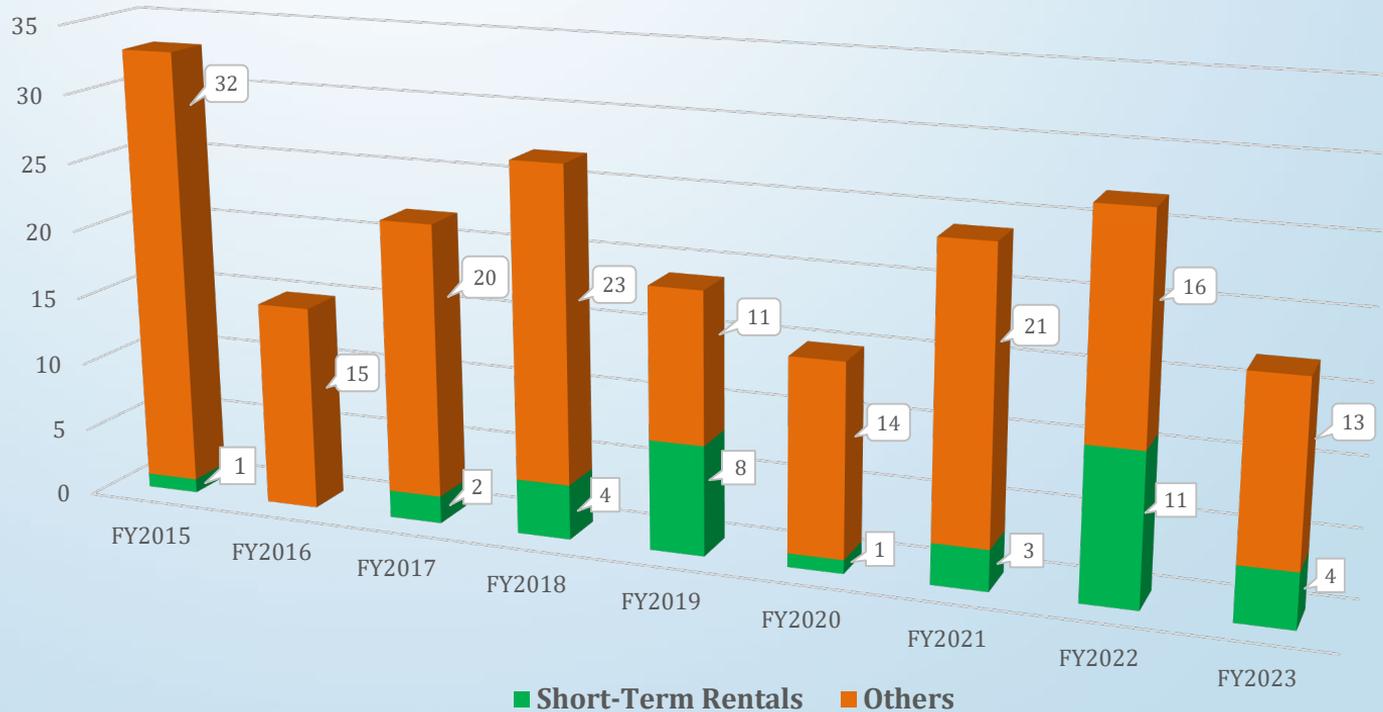
■ Approved ■ Denied ■ On Hold ■ Withdrawn

Bed & Breakfasts



■ Approved ■ Denied

Applications Submitted to the Planning Commission



Current Performance Standards

§24.1-409

- STRs are permitted as a matter of right in commercial zoning districts and require a Special Use Permit in residential districts
- STRs in residential districts must have the appearance of a single-family detached home
- For tourist homes, the owner/proprietor shall reside in the home/adjacent premises or designate a responsible party

- The maximum number of guests will be determined by the Board of Supervisors based on the density and character of the area and the size and characteristics of the proposed site
- When evaluating a Special Use Permit (SUP) application for an STR, the Commission and Board shall consider the adequacy and capacity of the adjacent roadway network to accommodate the proposed use without adversely affecting neighboring properties.

Comprehensive Plan

*“... Some nonresidential uses can be appropriate in residential areas depending on the character and intensity of both the use and the surrounding residential neighborhood. **In most cases, it is recommended that such uses be reviewed and approved by the Board of Supervisors on a case-by-case basis rather than allowed as a matter of right. Such a review ensures that affected neighbors will have an opportunity to make their positions known to the decision-makers while allowing those decision-makers to take into account the unique circumstances and site characteristics associated with each development proposal**(Emphasis added). Similarly, accessory uses of single-family detached homes that are of a commercial or quasi-commercial nature –such as home-based businesses (home occupations) or short-term rental of rooms in a home – are not inherently incompatible with residential uses but should require a special level of scrutiny to ensure that such activities will not alter the residential character of the surrounding neighborhood or interfere with nearby residents’ quality of life. Likewise, proposals to rent out entire homes on a short-term basis, commonly referred to as “whole house” short-term rentals, should be subjected to a higher level of scrutiny to prevent the problems that can arise when there is no on-site monitoring of guests’ behavior.”*

York County Comprehensive Plan-Charting The Course to 2040, Ch.11, p.251 (2023)

Other Local Regulations

Locality	Comp. Plan Guidelines?	By right?	SUP*/SE**	Performance Standards?
Williamsburg	No	Yes-single room	Yes-SE (all others)	Yes
Gloucester	No	Yes (STR in PUD)	Yes-SE (guest house)	No
James City	Yes	Yes	Yes	No***
Hampton	No	No	Yes	No***
Newport News	No	Yes	No	Yes
York County	Yes	Yes (Commercial)	Yes (Residential)	Yes

*Use permit approved by governing body (BOS/City Council)

**Special Exception approved by Board of Zoning Appeals

***Conditions of approval apply to SUPs

STR Discussions

- July 27, 2021 Planning Commission (PC) Work Session
- Aug 11, 2021 PC Meeting
- Dec 8, 2021 PC Meeting
- Dec 14, 2022 PC Recommendation of Approval
- June 20, 2023 BOS Public Hearing/Deferral

Topics Discussed

1. Use Permits expiring upon transfer of ownership
2. Residency requirements
3. Whole house rentals
4. Density caps
5. Neighborhood “opt-out”
6. Rental limits-rooms, number of days annually, guests
7. Liability insurance
8. Zoning enforcement-fees, renewal, licenses, etc.

Planning Commission Conclusions

- Regulations should provide clarity and guidance to both applicants and decision makers
- Maintain Special Use requirements for proposed STRs in residential districts—one size does not fit all
- Public hearings are critical to decision making
- Ensure compatibility with the intent of the zoning district where proposed

Previously Proposed Criteria

- STR approvals automatically expire when property ownership is transferred
- Specify that onsite residency is preferred but not required if the applicants can adequately demonstrate that they have satisfactory provisions in place to monitor guest behavior
- STR owners required to maintain a guest log book
- No set limit on the number of rental nights a year;

- The PC and BOS may consider the presence of other legally operating STRs within the same general area when evaluating STR applications.
- Remove language requiring the owner of a B&B to be the on-site operator/provider.
- Exterior cooking appliances used by guests must have a fuel source of either propane or natural gas and the use of charcoal is prohibited.

The BOS can establish limits they deem necessary when approving an STR application.

Reminder: Existing legally established STRs are grandfathered and not subject to any changes to the Zoning Ordinance.

Next Steps

- Cases on hold:
 - Theresa & Donald Newsom - May 10, 2023
 - Hope Durley - August 9, 2023
- Staff seeks direction from the Board

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graph TD; STR[Short-Term Rental (STR)] --- TH[Tourist Home]; STR --- BB[Bed & Breakfast];
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Tourist Home

An establishment, either in a private dwelling or in a structure accessory and subordinate to a private dwelling, in which temporary accommodations are provided to overnight transient guests for a fee.

Bed & Breakfast

A dwelling in which, for compensation, breakfast and overnight accommodations are provided for transient guests.



Current Performance Standards

§24.1-409

- STRs are permitted as a matter of right in the LB and GB zoning districts and require a Special Use Permit in residential districts

RC	RR	R33	R20	R13	R7	RMF	NB	LB	GB	WCI	EO	IL	IG
S	S	S	S	S		S		P	P				

JCC criteria in Comp Plan

- Rental of rooms and tourist home defined differently. Rental of one room is by right in some residential districts., and rental of multiple rooms and tourist homes are by right in mixed use district and residential planned community district.
- JCC's Comprehensive Plan recommends short-term rentals meet the following development standards:
 - Be located on lands designated Rural Lands, Neighborhood Commercial, Community Commercial, Mixed Use or Economic Opportunity;
 - Be located on the edge or corner of an existing platted subdivision, rather than internal to it;
 - Be located on a major road; and
 - Be operated in a manner such that the property owner will continue to live and reside on the property during the rental.

Gloucester-Ordinance Language

- Special Exception in districts: Guest House and B&B (meals and rooms, defined)
- Permitted in PUD-1; Lodging (hotels; motels; **short term** and long term rentals; etc.)

Williamsburg

- Special Exception; rental of rooms with owner occupancy, B&B
- By-right; Rental of single room to single occupant

Applications Submitted to the Planning Commission

