

COUNTY OF YORK

MEMORANDUM

DATE: March 8, 2024

TO: York County Board of Supervisors

FROM: Mark L. Bellamy, Jr., County Administrator



SUBJECT: Short Term Rental Proposed Ordinance - BOS Meeting 6/30/23

At your Board meeting on Tuesday, March 5, I was asked to provide you with proposed Ordinance 23-8. This was considered and tabled by the Board on June 20, 2023. The additional verbiage is shown in blue throughout the document.

Please let me know if you have any additional questions regarding this matter.

Schott/3326

Attachment:

- Proposed Ordinance 23-8

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Ordinance

At a regular meeting of the York County Board of Supervisors held in York Hall, Yorktown, Virginia, on the ____ day of _____, 2023:

Present

Vote

Thomas G. Shepperd, Jr., Chairman
G. Stephen Roane, Jr., Vice Chairman
Walter C. Zaremba
Sheila S. Noll
W. Chad Green

On motion of _____, which carried ____, the following ordinance was adopted:

AN ORDINANCE TO AMEND SECTION 24.1-409, STANDARDS FOR BOARDING HOUSES, TOURIST HOME AND BED AND BREAKFAST ESTABLISHMENTS, OF THE YORK COUNTY ZONING ORDINANCE

WHEREAS, pursuant to Section 24.1-113(a)(2) of the York County Zoning Ordinance, amendments to the Zoning Ordinance may be initiated by the York County Planning Commission whenever the public necessity, convenience, general welfare, or good zoning practice so requires; and

WHEREAS, the Planning Commission has determined that in accordance with good zoning practice, it is necessary to amend portions of the Zoning Ordinance relative tourist homes and bed-and-breakfast inns;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors that Application No. ZT-194-22 be, and it is hereby, approved to amend Section 24.1-409 of the York County Zoning Ordinance to read and provide as follows:

Sec. 24.1-409. Standards for boarding houses and short-term rental homes (tourist home and bed and breakfast establishments).

- (a) When located in single-family residential zoning districts, boarding houses and short-term rental homes (tourist homes and bed and breakfast establishments)

shall have the appearance of a single-family detached residence and normal residential accessory structures.

- (b) Signage for properties occupied by short-term rental homes (STRs) shall be permitted in accordance with section 24.1-703(b)(2).
- (c) Any parking demand generated by the conduct of such use shall be accommodated off the street in a suitably located and surfaced space.
- (d) When a bed and breakfast establishment is located in a residential zoning district, the owner of the property or the provider shall live on the premises or in an adjacent premises ~~and shall be the operator/provider of the bed and breakfast accommodations and services.~~
- (e) The owner/~~proprietor~~ of a tourist home shall reside either in the home or in an adjacent premises. Alternatively, in approving a Special Use Permit for a tourist home, the Board may waive this requirement in consideration of the proximity of the owner/proprietor's residence to the tourist home, proposed measures for monitoring guests' behavior, and the character of the surrounding area. ~~or~~ In such cases, the owner shall designate a responsible party, who may be the applicant, and who shall be available to promptly respond to and resolve problems or complaints that arise while rentals are taking place. The owner shall be responsible for providing the Sheriff's Office with the responsible party's contact information, including name, address, phone number, and email address.
- (f) The owner/operator shall maintain a guest log that includes the names, addresses, and rental dates of all transient guests occupying the STR on a rental basis.
- (g) There shall be no limit on the number of rental nights per calendar year unless otherwise specified by the Board in its approval of a Special Use Permit for such use.
- (hf) The owner/~~proprietor~~ of a short-term rental home shall be responsible for obtaining all applicable permits and/or approvals required in accordance with regulations of the Virginia Uniform Statewide Building Code and the Department of Fire and Life Safety prior to use of a structure as a short-term rental home.
- (ig) The board shall specify the maximum number of persons who may be accommodated in the proposed use. Such determination shall be based on a consideration of the density and character of the vicinity in which located and of the size and characteristics of the proposed site.
- (jh) The following emergency/life safety requirements shall apply to the operation of a short-term rental home:

- (1) An Emergency Action Plan identifying exit routes, fire extinguisher locations, and other life safety procedures shall be submitted to and approved by the Fire Marshal and posted conspicuously for guests' review.
- (2) One or more fire extinguishers with a minimum rating of 2A10BC shall be installed. The location(s) shall be determined by the fire code official.
- (3) The establishment shall be maintained in accordance with the State and Local Fire Prevention Code and the Virginia Residential Code and shall have a fire inspection conducted by the Department of Fire and Life Safety prior to the commencement of the short-term rental home and annually thereafter.
- ~~(4)~~ All smoke detectors shall be interconnected and installed in accordance with the 2012 Virginia Residential Code, Section R314, or as it may from time to time be amended.
- ~~(4)~~(5) Any exterior cooking appliances used by guests shall have a fuel source of either propane or natural gas. The use of charcoal shall be prohibited. Any outside fire pits must be lit, supervised, and extinguished by the property owners.
- (ki) The owner/~~proprietor~~ shall obtain a York County business license, establish a County transient occupancy tax account, and file with the Virginia Department of Taxation for a Virginia State Sales Tax account.
- (lj) In addition to the submittal requirements set forth in section 24.1-115(a) of this chapter, any special use permit application for a short-term rental home shall be accompanied by the following items which, in addition to the standards set forth in section 24.1-115(b)(3) of this chapter, shall be considered by the planning commission and board of supervisors in their evaluation of the appropriateness of the proposed short-term rental home:
 - (1) A detailed narrative description of the project specifying the proposed operating procedures; provisions for monitoring of guests' behavior; the maximum number of occupants (both children and adults); the minimum and maximum length of stay, if any; the number of bedrooms to be rented; and provisions for accommodating off-street parking. The narrative description shall also specify if individual rooms within the house will be rented or if the property will be offered as a whole house rental.
 - (2) A floor plan of the structure clearly delineating all of the rooms in the house and specifically identifying those rooms and areas that will be available to renters.

(mk) In addition to the items set forth in Section 24.1-115(b)(3) of this chapter, the commission and board shall consider the following when evaluating any special use permit application for a short-term rental home; ~~the commission and board shall consider~~

(1) proposed provisions for monitoring the operation of the short-term rental home while rentals are taking place and promptly responding to incidents or complaints.

(2) the adequacy and capacity of the adjacent roadway network, including pavement widths, traffic volumes, and street ownership and maintenance arrangements as applicable, to accommodate the proposed use without adversely affecting neighboring properties.

(3) the number, percentage, and/or density of legally operating short-term rental homes within the same subdivision, neighborhood, or general area, and their proximity to the proposed short-term rental home, but only to the extent that those factors have a cumulative impact on the residential character of the surrounding area.

(n) Any special use permit or Yorktown Village Activity approval for the establishment of a tourist home shall become null and void upon the transfer of the ownership of the tourist home.

(eo) The owner/~~proprietor~~ of an authorized and operating bed & breakfast (B&B) establishment or tourist home may apply for a supplementary Special Use Permit authorization to host private weddings and receptions for a fee as a business venture. In order to be eligible to apply for such supplementary Special Use Permit, the B&B or tourist home shall have been in continuous operation for at least one (1) year prior to the date of the submission of the application. The following performance standards and conditions shall be observed unless specifically modified or waived by the Board of Supervisors at the time of approval:

(1) *Frequency of events:* No more than one (1) event per day, or two (2) events in any 7-day period, shall be allowed. A wedding ceremony and its associated reception shall be considered to be a single event.

(2) *Maximum number of guests:* The maximum number of guests shall be established as a condition of the Special Use Permit approval and shall be based on an assessment of the capacity and suitability of the site in consideration of the size of the property and facilities, the amount of parking available to accommodate guests, the capacity and condition of the highway network providing access to the site, the surrounding land uses and their proximity, and such other considerations as the Board of

Supervisors deems to be relevant to prevent adverse effects upon neighboring properties.

- (3) *Facilities:* Any building or temporary tents used to accommodate ceremonies or receptions shall comply with all applicable Building and Fire Code requirements including, but not limited to: access; materials and fire ratings; emergency lighting; exit lights; fire detection and suppression; etc. Any tent(s) shall be positioned on the property in accordance with all applicable setback requirements for principal structures or such greater setbacks as may be established as a condition of the Special Use Permit approval. Tents shall be dismantled within 48 hours of the conclusion of each event, unless the Special Use Permit shall allow a greater time.
- (4) *Duration of event:* Events shall be limited to the time period between 10:00 am and 10:00 pm. Set-up and take-down activities may take place no earlier than 8:00 am and no later than 11:00 pm.
- (5) *Lighting:* Exterior lighting shall be limited to fixtures and illumination intensities that will not produce illumination intensities exceeding 0.1 footcandles at any property line.
- (6) *Noise:* The activities on the subject property shall be conducted in complete accordance with all requirements of the York County Noise Ordinance set forth in Section 16-19 of the York County Code.
- (7) *Parking:* Except as specified below and as documented in the Special Use Permit approval, all parking demand associated with the event shall be accommodated on the site on a suitable all-weather surface. The minimum number of spaces shall be calculated at a ratio of one (1) parking space per every two (2) persons based on the maximum allowable occupancy/attendance limit plus one (1) space for every regular or contract employee associated with the reception facility.

The Special Use Permit may allow:

- a. the use of an abutting property owned or controlled by the applicant and from which event attendees can walk without obstruction to reach the reception site. For the purposes of this section, the term abutting shall be construed to include property located on the opposite side of a street right-of-way, provided that event attendees will be able to cross perpendicularly and safely and will not be required to walk along a road or road shoulder;
- b. the use of any available and conveniently located public parking spaces from which attendees can walk safely.

Any parking areas constructed or established specifically for support of the reception use shall be located a minimum of 25 feet from any abutting property not owned by the proprietor, unless with the consent of the owner of the abutting property, and shall be screened from view from those abutting properties and public rights-of-way by evergreen landscaping, unless the abutting property owner consents to waiver of the screening requirement. All applicable stormwater management standards and requirements associated with the installation of the required parking spaces shall be observed.

- (8) *Fire and Emergency Vehicle Access:* Driveway access to the site shall comply with all requirements as to weight capacity, base and surface material, width, configuration and alignment, and vertical and horizontal clearance as set forth in Section 24.1-261. Existing driveways shall be upgraded to meet these standards if they are deficient in any aspect.
- (9) *Sanitation:* Restrooms or toilet facilities shall be provided for event attendees based on the ratios/requirements set forth in the Virginia Uniform Statewide Building Code. Reception venues that would be dependent on the dwelling's on-site septic system will not be approved unless the applicant provides written authorization from the Health Department as to the adequacy of the system. In the event portable restroom or toilet facilities are proposed to be used, all shall be screened from view from adjacent public rights-of-way and abutting properties and all shall be serviced or removed within two working days of the conclusion of the event.
- (10) *Caterers / Vendors:* The proprietor shall ensure that any caterers or other vendors providing services for a reception are properly licensed and permitted, whether such caterer/vendor is hired by the proprietor or by the client contracting for the use of the facility. Likewise, the proprietor shall ensure that all applicable ABC permits have been obtained, either by the client or by the proprietor, and are kept valid.
