

The Town of Washington

January 22, 2023
Planning Commission Meeting
Draft Agenda
7:00 p.m.

CALL TO ORDER

APPROVAL OF THE AGENDA

MINUTES

Approval of October 28, 2023 meetings minutes

OLD BUSINESS

a) Review of work-walk session, planning observations

NEW BUSINESS

a) Election of Planning Commission Officers

1. Secretary
2. Vice Chair
3. Chair

b) Discussion of administrative tasks – zoning map and ordinance

c) Discussion of zoning district categories

d) Review and recommendation to Town Council for Short Term Lodging (STL)

PUBLIC FORUM

ADJOURNMENT

Note:

The next Planning Commission meeting will be held February 26, 2024 at 7:00 p.m. in Town Hall. The cut-off date for the February 26, 2024 meeting is February 12, 2024.

**Town of Washington
Planning Commission
Minutes of the Meeting on January 22, 2024**

Present: Caroline Anstey (Chair), Jeanne Kauffmann (Vice Chair), Constance Bruce (Secretary), Drew Beard and David Pennington, and Zoning Administrator Steve Gyurisin.

Meeting called to order, 7:00pm, by Chair Anstey.

Approval of Agenda: Motion by Drew Beard, seconded by Jeanne Kauffmann. All voted in favor.

Approval of the Minutes of October 28, 2023 meeting: Motion by Constance Bruce, seconded by Drew Beard. All voted in favor.

New Business

a) *Election of Planning Commission Officers*

- a) Chair - Motion to elect Caroline Anstey moved by Drew Beard, seconded by Jeanne Kauffman. All voted in favor
- b) Vice Chair - Motion to elect Jeanne Kauffman, moved by Constance Bruce, seconded by Drew Beard. All voted in favor.
- c) Secretary - Motion to elect Constance Bruce, moved by Jeanne Kauffmann, seconded by Drew Beard. All voted in favor.
- d) Caroline Anstey calls vote for “three positions stay as is”; All voted aye.

b) *Discussion of administrative tasks - zoning map and ordinance*
and

c) *Discussion of zoning district categories*

Steve Gyurisin proposes that the PC commissioners first address setting the PC meeting dates for 2024. Gyurisin explained that the application cut off dates need to be 2 weeks prior to the meeting date, giving an appropriate amount of time for Town Clerk to organize agenda and meeting materials package, and to give the meeting notification to the newspaper.

Motion: to approve the 2024 schedule of meetings of the Planning Commission of the Town of Washington, Va Meetings, amended to set the May meeting on Tuesday, May 28th at 7pm. The motion was moved by Jeanne Kauffmann, and seconded by Caroline Anstey. All voted in favor.

Steve Gyurisin advised the group that he provides PC meeting schedule to applicants for SUPs and zoning variances. Having the PC meeting schedule helps applicants know when to deliver their materials to Town Clerk for processing along with advising applicants about application fees.

Chair Caroline Anstey invites Steve Gyurisin to begin the discussion of zoning map and ordinance which she notes includes review of the “work-walk session” in October 2023. Steve Gyurisin proposes that the PC group consider the town as a whole but with specific focus on 4 primary areas, identified for commission during the “work-walk session”. The areas are Avon Hall, Leggett Lane, Rush River and the county government center that abuts Avon Hall. Gyurisin also advises the group about the Packing Shed area, much of the building is unused and suggesting any new use will require a lot of thought. Town Council is presently addressing issues with Packing Shed. Gyurisin noted that the area around the HP Woods office building with its nicely fixed up parking in rear and front, could be a PC model. He also pointed to the area behind Patty O’s, which as activity grows needs attention with a view to protect the surrounding homes and the business itself. Lastly, Gyurisin suggested the Critzer Construction on other side of Gay St, needs to be recognized.

Over next few months, tasks for commission should include looking at the Zoning Map to dovetail with the Zoning Ordinance to make sure that the ordinances that have been recently adopted are included in the official copy of the Zoning Ordinance.

Motion, the Zoning Administrator should come back to the commission with a list of map issues and a list of those ordinances that need to be updated. Motion moved by Caroline Anstey and seconded by Jeanne Kauffmann. All voted in favor.

d) Review and recommendation to Town Council for Short Term Lodging (STL)

Chair Caroline Anstey welcomes Mayor and citizens attending the meeting.

Chair Caroline Anstey outlines the agenda item, noting the zoning ordinance for the Town of Washington, Virginia presently limits B&B’s to five (5) rooms; and proposes PC look more broadly at our short-term lodging limits.

Question: should we contemplate revising our ordinance from 5 rooms (maximum 10 people) to match the Virginia state code of 9 rooms with the potential of 18 people. Caroline Anstey advises the group that the mayor has asked PC to look at short-term logging as a whole. In conjunction, the Rappahannock County government is having discussions of whether there should be limits on short-term lodging; they are considering placing a requirement of the number of years before which a new property owner can host short-term renters.

The group referred to Steve Gyurisin’s documents regarding STLs in the town: Inventory of Short Term Lodging and STL Town of Washington Summary (attached below).

Past PC commissions and Town Councils decided on 5 rooms limit for B&Bs with the desire to maintain housing stock for private residences, thereby boosting business while maintaining town incorporation. The Planning Commissions and Town Council have been focused on the dual aims of boosting business, but not at expense of citizens’ residences. The question is should we change the ordinance to open short-term rental properties to expand to 9 room or should we deal with ordinance/issue on a case by case basis, SUP?

PC commissioner Jeanne Kauffmann queried Steve Gyurisin about the requirement of site management at B&Bs. Kauffman also asked whether he was leaning toward re-zoning vs SUP? Steve Gyurisin advised he was inclined toward rezoning to 'village mixed use' because any B&B expansion of rooms brings the B&B closer to being a small inn and changing the rules for an individual B&B (with a SUP) affects the rules for other B&Bs. Rezoning involves the input of neighbors and if they don't want 'village mixed use' zoning change, they will have an opportunity to voice their objections to rezoning at official town meetings; SUP applications depends on the B&B operation.

Chair Caroline Anstey shared that the White Moose is already zoned 'village mixed use' and does not require a manager or owner living on the premises. Steve Gyurisin directed the group to focus on ordinance change versus SUP and actual changes happening at B&Bs. Are B&B's expanding within their present buildings?

The Inn in Little Washington has expanded rooms within its own footprint, thereby avoiding any impingement on the housing stock for residents in the village.

The PC group asked where does the town have more control?" In response, Steve Gyurisin advised that we need to look at zoning for appropriate protection of neighbors and businesses. Rezoning brings more out upfront regarding what business owner can do.

Chair Caroline Anstey acknowledged the productive discussion and comments from the Mayor. She had prepared motions which she shared. The motions were discussed, proposed and voted upon.

Motion 1. This Planning Commission recommends to the Town Council that a policy be adopted that encourages business and economic development but not at the expense of existing residential housing stock. For example, conversion of an existing residential home to a non-residential use. Motion by Constance Bruce, seconded by Caroline Anstey. All voted in favor.

Motion 2. The Planning Commission recommends to Town Council that the current B&B Ordinance as adopted was carefully thought out with regard to the number of rooms and guests per room in relation to the Town and surrounding residents and that no change is needed to the current Ordinance at this time. Motion by Jeanne Kauffmann, seconded by Constance Bruce. Vote 3 Aye; 1 No; 1 Abstaining

Motion 3. The Planning Commission recommends to the Town Council that existing B&B properties that have evolved into more than a SUP 5-room limited property should apply individually for a SUP. Such property application can then be evaluated on it's own merits based on the application and the particular proposal. Motion by Jeanne Kauffmann, seconded by Constance Bruce. Vote 4 Ayes, 1 Abstaining.

Public Forum:

Drew Mitchell, Washington VA resident, made the suggestion that the 2 to 5 year ownership period before applying for permit to operate a short-term rental property is too big a gap and it

should be shortened to 3 to 5 years. He continued to explain that 2 years is not enough of a deterrent and would recommend 5 years but if there's a range, 3 to 5 years. Chair Caroline Anstey thanked Drew Mitchell and invited a motion.

Anstey thanked Drew Mitchell and invited a motion.

Motion 4. The Planning Commission recommends to the Town Council that ownership of B&Bs and AirBnB type STLs be carefully evaluated and considered for any new SUP application. An ownership period of 3-5 years is suggested before a property owner can apply for a SUP to operate a STL property for either a B&B or AirBnB type STL property. Motion by Constance Bruce, seconded by David Pennington. Vote 4 Aye, 1 Abstaining.

Chair Caroline Anstey adjourned the Planning Commission meeting at 8:26pm

Submitted by Constance Bruce

Attachments

INVENTORY OF SHORT TERM LODGING - TOWN OF WASHINGTON, VIRGINIA - 2024

	Keys	Rooms		Guests @ 2 per room
Town-Wide Room Count Inventory				
Comment: There are a total 7 operators providing different guest experiences in three different allowed zoning categories for short term stays. The categories as identified are: Inn (Hotel/Motel), Bed and Breakfast (B&B), Short Term Lodging (STL) (AirBnB, VRBO, etc)				
Short Term Lodging (AirBnB, VRBO, etc.) with SUP:				
Colonial House, Calvert and Gay St.- (VR) - 3 bedroom house	1	3		6
The Loft, Main St. Apartment above bank and hair salon - (VS) - 1 room	1	1		2
B&B with SUP:				
Foster Harris House, Main St. - (VR) - 5 rooms & limited restaurant use	5	5		10
Gay Street Inn, Gay St. (VR) - 5 rooms	5	5		10
Middleton Inn, Main St. - (RR) - 5 rooms	5	5		10
White Moose Inn, Main & Piedmont St.- (VMU) - 8 rooms in structures	8	8		16
Inn (hotel), B&B and Restaurant:				
The Inn at Little Washington, Main, Middle and Gay Streets				
The Inn - (VMU) - 12 rooms and restaurant	12	12		24
The Parsonage - (VMU) - Single house, 6 rooms	6	6		12
The Mayors House - (VMU) - Single house, 2 rooms	1	2		4
The Game Keepers Cottage - (VMU) - Single house, 1 room	1	1		2
The Clairborne - (VMR) - Single house, 2 rooms	1	2		4
The Carter House - (VMU) - Single house, 3 rooms	1	3		6
Summary by type:				
Short Term Lodging (STL)	2	4		8
B&B	23	23		46
Inn (Hotel/Motel):	22	26		52
Total	47	53		106
Future:				
Cooks Cottage - (VMU) - Single house under construction, 2 rooms	1	2		4
The Inn Expansion - (VMU) - Approved 10 room expansion under design	10	10		20
Total	11	12		24
Grand total current and future approved	58	65		130
Terms:				
Key - an individual lodging unit				
B&B - Bed and Breakfast				
STL - Short Term Lodging				
VMU - Village Mixed Use Zoning District				
RR - Rural Residential Zoning District				
VR - Village Residential Zoning District				

Short Term Lodging (STL) Town of Washington, Virginia

SUMMARY

BED & BREAKFAST (B&B)

Following is a summary form of the attached codes from both the town and state:

Town of Washington, Virginia Zoning Ordinance

Bed and Breakfast Establishments:

1. Use shall be **limited to occupancy by no more than five rooms for let.**
2. Virginia Dept. of Health approvals shall be obtained and maintained throughout use.
3. Such use shall have the **exterior appearance of a single-family dwelling.**
4. Adequate vehicular parking shall be provided.
5. Vehicular ingress and egress shall be reviewed and approved by the Virginia Department of Transportation.
6. **By a separate and distinct special use permit, a Bed and Breakfast establishment may serve meals to guests and non-guests**, but in no greater number for each meal seating than the number of permitted rooms times two, and only upon such additional conditions as may be required by the Town Council which may include, but are not limited to, the nature and extent of on-site management, additional parking requirements, ingress/egress requirements, periodic review or issuance only for a defined period, to then be reapplied for by the applicant, issuance restricted only to the current owner or applicant, limitation of hours of serving meals to guests and non-guests, requirements for a minimum number of guests before any meals may be served to non-guests, noise standards, and/or lighting standards. Additional conditions may also be imposed upon Bed and Breakfast establishments serving meals only to guests.

BED AND BREAKFAST: However designated, including among others, designation as a bed and breakfast, boarding house or tourist home, and being a place for overnight lodging of transient guests in **not more than five (5) rooms with no more than two (2) persons per room and where meals are served only to persons who are overnight guests.** If permitted by a separate special use permit, such meals may be served to overnight guests or other non-overnight guests, but in no greater number for each meal than the number of permitted rooms times two. "Meals" are limited to one seating and include only one breakfast, one lunch and one dinner per day. **"Transient guests" shall include, but not limited to, paying guests who stay overnight on any portion of the premises less than 60 days in any 365 day period.**

HOTEL: A building, other than a Bed and Breakfast, designed or occupied as the more or less temporary abiding place for individuals who are, for compensation, lodged with or without meals, and in which provision is not generally made for cooking in individual room or suites.

INN: Same definition as Hotel. Code of Virginia Definition

Short Term Lodging (STL) Town of Washington, Virginia

SHORT TERM LODGING

Town of Washington, Virginia Short Term Lodging

"Operator" means the proprietor of any dwelling, lodging, or sleeping accommodations offered as a Short-Term Rental, when in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other possessory capacity.

"Short-Term Rental" means the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge at all times for the occupancy for registrations to be required.

Town of Washington, Virginia Zoning Ordinance

SHORT-TERM RENTAL: Means the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge at all times for the occupancy for registrations to be required.

Town of Washington, Virginia Short Term Lodging (STL) Ordinance

USES BY SPECIAL PERMIT, Section 1-4-1 is hereby amended to add a new subsection k. as follows:

k. Short-Term Rental

Additional Standards:

1. Any applicable Virginia Department of Health Standards
2. Such use shall be a single-family dwelling.
3. Operator must have a parking plan that ensures parking for each structure.
4. Adequate and safe entry upon a public street shall be provided.
5. The Short-Term Rental must be offered by the owner, who is also on premises to manage at all times, when guests are present. No more than two guests per room at any time shall be permitted.
6. There shall be no more than one kitchen in the principal dwelling unit.
7. The use shall not include assembly uses, including, but not limited to, receptions, weddings, funerals or other events, involving persons other than the persons using the overnight lodging.
8. The Operator shall furnish to the Town Clerk current contact information updated as any changed circumstance shall require.
9. The Operator shall furnish to the Town Clerk, from time to time, current certification of good standing with and evidence of AirBnB or other reputable, person-to-person, short-term rental agency that indicates that the recipient is, at all times lodging is offered to others, in good standing

Short Term Lodging (STL) Town of Washington, Virginia

10. A sheet with emergency procedures and contacts that will be posted plainly at all times within the premises must be submitted to the Town Clerk at the time of initial registration or any re-registration.

11. As a condition of any Special Use Permit issued, the Operator shall timely report and pay all meals and lodging taxes to the Town.

12. If any portion or portions of this Ordinance are found to be unenforceable for any reason, the remaining portions of this Ordinance shall nevertheless remain in full force and effect and shall not be affected in any particular.

Code of Virginia

Title 35.1. Hotels, Restaurants, Summer Camps, and Campgrounds Chapter 1. General Provisions § 35.1-1. Definitions. As used in this title, unless the context requires a different meaning:

"Bed-and-breakfast operation" means a residential-type establishment that provides (i) [two or more rental accommodations for transient guests and food service to a maximum of 18 transient guests on any single day for five or more days in any calendar year](#) or (ii) [at least one rental accommodation for transient guests and food service to a maximum of 18 transient guests on any single day for 30 or more days in any calendar year](#).

"Hotel" means any place offering to the public for compensation transitory lodging or sleeping accommodations, overnight or otherwise, including facilities known by varying nomenclatures or designations as hotels, motels, travel lodges, tourist homes, or hostels.

A. As used in this section:

"Operator" means the proprietor of any dwelling, lodging, or sleeping accommodations offered as a short-term rental, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other possessory capacity.

"Short-term rental" means the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy.

B. 1. Notwithstanding any other provision of law, general or special, any locality may, by ordinance, establish a short-term rental registry and require operators within the locality to register annually. The registration shall be ministerial in nature and shall require the operator to provide the complete name of the operator and the address of each property in the locality offered for short-term rental by the operator. A locality may charge a reasonable fee for such registration related to the actual costs of establishing and maintaining the registry.

2. No ordinance shall require a person to register pursuant to this section if such person is (i) licensed by the Real Estate Board or is a property owner who is represented by a

Short Term Lodging (STL) Town of Washington, Virginia

real estate licensee; (ii) registered pursuant to the Virginia Real Estate Time-Share Act (§ 55.1-2200 et seq.); (iii) licensed or registered with the Department of Health, related to the provision of room or space for lodging; or (iv) licensed or registered with the locality, related to the rental or management of real property, including licensed real estate professionals, hotels, motels, campgrounds, and bed and breakfast establishments.

C. 1. If a locality adopts a registry ordinance pursuant to this section, such ordinance may include a penalty not to exceed \$500 per violation for an operator required to register who offers for short-term rental a property that is not registered with the locality. Such ordinance may provide that unless and until an operator pays the penalty and registers such property, the operator may not continue to offer such property for short-term rental. Upon repeated violations of a registry ordinance as it relates to a specific property, an operator may be prohibited from registering and offering that property for short-term rental.

2. Such ordinance may further provide that an operator required to register may be prohibited from offering a specific property for short-term rental in the locality upon multiple violations on more than three occasions of applicable state and local laws, ordinances, and regulations, as they relate to the short-term rental.

D. Except as provided in this section, nothing herein shall be construed to prohibit, limit, or otherwise supersede existing local authority to regulate the short-term rental of property through general land use and zoning authority. Nothing in this section shall be construed to supersede or limit contracts or agreements between or among individuals or private entities related to the use of real property, including recorded declarations and covenants, the provisions of condominium instruments of a condominium created pursuant to the Virginia Condominium Act (§ 55.1-1900 et seq.), the declaration of a common interest community as defined in § 54.1-2345, the cooperative instruments of a cooperative created pursuant to the Virginia Real Estate Cooperative Act (§ 55.1-2100 et seq.), or any declaration of a property owners' association created pursuant to the Property Owners' Association Act (§ 55.1-1800 et seq.).

Short Term Lodging (STL) Town of Washington, Virginia

From Town of Washington, Virginia Zoning Ordinance:

ARTICLE 14 DEFINITIONS

The following definitions shall be applied to the Town Zoning Ordinance, Subdivision Ordinance, and Historic District Ordinance, except that where the Historic District Ordinance otherwise defines any terms, the definitions in the Historic District Ordinance shall have application.

BED AND BREAKFAST: However designated, including among others, designation as a bed and breakfast, boarding house or tourist home, and being a place for overnight lodging of transient guests in not more than five (5) rooms with no more than two (2) persons per room and where meals are served only to persons who are overnight guests. If permitted by a separate special use permit, such meals may be served to overnight guests or other non-overnight guests, but in no greater number for each meal than the number of permitted rooms times two. "Meals" are limited to one seating and include only one breakfast, one lunch and one dinner per day. "Transient guests" shall include, but not limited to, paying guests who stay overnight on any portion of the premises less than 60 days in any 365 day period.

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