

1 **Proposed Short Term Rental (STR) Regulations**  
2 **and Related Zoning Ordinance Amendments**  
3

4 **NOTE:** Blue, underlined text is text to be added to the City Code. Red, stricken text is text to be  
5 removed from the City Code.  
6

7 **Section 10-3-13. – Penalties.**

8 **Amend Section 10-3-13 as shown:**  
9

10 Unless otherwise specified, ~~Any~~ any person, firm, or corporation found in violation of any provision  
11 of this chapter, upon conviction shall be guilty of a class 1 misdemeanor.  
12

13 **Section 10-3-24. Definitions.**

14 **Add and amend the following definitions as shown:**

15 *Bed and breakfast facilities:* See “short term rental.” ~~A single family dwelling (including~~  
16 ~~the principal residence and related buildings), occupied by the owner or proprietor, in~~  
17 ~~which accommodations limited to ten (10) or less guest rooms are rented for periods not~~  
18 ~~exceeding ten (10) consecutive days per guest.~~  
19

20 *Home occupation:* Any occupation or activity which is clearly incidental to the use of the  
21 premises for dwelling purposes and which is carried on wholly within a main building or  
22 accessory building, other than business gardens as defined, by a member of a family or  
23 other legal occupant residing on the premises, in connection with which there is no  
24 advertising on the premises, and no other display or storage or variation from the  
25 residential character of the premises, and in connection with which no person outside the  
26 family or other legal occupant is employed and no equipment which is deemed to be in  
27 conflict with the intent of this definition. A home occupation shall not include beauty  
28 parlors, barber shops or doctors' offices for the treatment of patients. The foregoing  
29 notwithstanding, providing professional counseling services by appointment only for not  
30 more than ten (10) clients per week, and giving music lessons shall constitute home  
31 occupations.  
32

33 *Short term rental:* A dwelling, where a room or space within the principal building or  
34 any related accessory building is suitable or intended for occupancy for dwelling,  
35 sleeping, or lodging purposes and is offered in exchange for a charge for the occupancy.  
36 A short term rental shall neither contract with guests for longer than fourteen (14)  
37 consecutive days nor, in any way, circumvent the non-transient occupancy restrictions of  
38 the zoning district in which the use is located. Short term rentals include but are not  
39 limited to bed and breakfast facilities, hostels, and other similar services and operations.  
40

41 **Section 10-3-25. Off-Street Parking Regulations**

42 **Add subsection (27) as shown:**

43 (27) Short term rentals shall provide one parking space for each guest room or  
44 accommodation space, or as may be more or less restrictive as conditioned by a  
45 special use permit.  
46

47 **Section 10-3-34. Uses Permitted Only By Special Use Permit. (R-1)**

48 Amend subsection (7) as shown.

- 49 (7) ~~Bed and breakfast facilities in which (a) food service shall be limited to breakfast~~  
50 ~~and light fare for room guests only and (b) having space available on premises for~~  
51 ~~one parking space for each guest room.~~ Short term rentals as defined, and as  
52 further regulated by Article DD.

53  
54 **Section 10-3-40. Uses Permitted Only By Special Use Permit. (R-2)**

55 Amend subsection (8) as shown:

- 56 (8) ~~Bed and breakfast facilities in which (a) food service shall be limited to breakfast~~  
57 ~~and light fare for room guests only and (b) having space available on premises for~~  
58 ~~one parking space for each guest room.~~ Short term rentals as defined, and as  
59 further regulated by Article DD.

60  
61 **Section 10-3-46. Uses Permitted Only By Special use Permit. (R-3 Multiple)**

62 Amend subsection (2) as shown.

- 63 (2) ~~Bed and breakfast facilities in which (a) food service shall be limited to breakfast~~  
64 ~~and light fare for room guests only and (b) having space available on premises for~~  
65 ~~one parking space for each guest room.~~ Short term rentals as defined, and as  
66 further regulated by Article DD.

67  
68 **Section 10-3-48.4. Uses Permitted Only By Special Use Permit. (R-3 Medium)**

69 Amend subsection (2) as shown:

- 70 (2) ~~Bed and breakfast facilities in which (a) food service shall be limited to breakfast~~  
71 ~~and light fare for room guests only and (b) having space available on premises for~~  
72 ~~one parking space for each guest room.~~ Short term rentals as defined, and as  
73 further regulated by Article DD.

74  
75 **Section 10-3-52. Uses Permitted Only By Special Use Permit. (R-4)**

76 Add subsection (8) as shown:

- 77 (8) Short term rentals as defined, and as further regulated by Article DD.

78  
79 **Section 10-3-55.4. Uses Permitted Only By Special Use Permit. (R-5)**

80 Add subsection (9) as shown:

- 81 (9) Short term rentals as defined, and as further regulated by Article DD.

82  
83 **Section 10-3-56.4. Uses Permitted Only By Special Use Permit. (R-6)**

84 Amend subsection (d) as shown:

- 85 (d) ~~Bed and breakfast facilities in which (a) food service shall be limited to breakfast~~  
86 ~~and light fare for room guests only and (b) having space available on premises for~~  
87 ~~one parking space for each guest room.~~ Short term rentals as defined, and as  
88 further regulated by Article DD.

89

90 **Section 10-3-57.4. Uses Permitted Only By Special Use Permit. (R-7)**

91 **Amend subsection (d) as shown:**

- 92 (d) ~~Bed and breakfast facilities in which (a) food service shall be limited to breakfast~~  
93 ~~and light fare for room guests only and (b) having space available on premises for~~  
94 ~~one parking space for each guest room.~~ Short term rentals as defined, and as  
95 further regulated by Article DD.

96  
97 **Section 10-3-58.4. Uses Permitted Only By Special Use Permit. (MX-U)**

98 **Amend subsection (4) as shown:**

- 99 (4) ~~Bed and breakfast facilities in which (a) food service shall be limited to breakfast~~  
100 ~~and light fare for room guests only and (b) having space available on premises for~~  
101 ~~one parking space for each guest room.~~ Short term rentals as defined, and as  
102 further regulated by Article DD.

103  
104 **Section 10-3-85. Uses Permitted Only By Special Use Permit (B-1)**

105 **Add (11) as shown below:**

- 106 (11) Short term rentals as defined, and as further regulated by Article DD.

107  
108 **Section 10-3-180. Uses permitted only by special use permit (U-R)**

109 **Amend subsection (6) as shown:**

- 110 (6) ~~Bed and breakfast facilities in which (a) food service shall be limited to~~  
111 ~~breakfast and light fare for room guests only and (b) having space available on~~  
112 ~~premises for one (1) parking space for each guest room.~~ Short term rentals as  
113 defined, and as further regulated by Article DD.

114  
115  
116 **Add Article DD as shown:**

117 Article DD. – Short Term Rentals

118 Sec. 10-3-204. – Purpose.

119 The regulations set forth in this article are to regulate short term rentals as defined in Section 10-  
120 3-24, Definitions. These regulations are to provide opportunities to allow property owners and  
121 occupants to rent dwellings to persons on a transient basis with minimal negative impact to the  
122 community.

123  
124  
125 Sec. 10-3-205. – General use regulations and requirements.

- 126 (1) Owners of short term rentals shall obtain a special use permit, which shall be the  
127 necessary documentation for registration to operate.  
128  
129 (2) Owners of short term rentals shall obtain an annual business license as required by the  
130 Harrisonburg City Code.  
131  
132 (3) Before operation, owners of short term rentals shall have an inspection of the property  
133 performed to ensure compliance with the current Virginia Maintenance Code, current  
134

135 Virginia Statewide Fire Prevention Code, and any other applicable regulations or  
136 conditions. After the first inspection is completed during the initial permitting process,  
137 the property owner or the operator of a short term rental shall schedule a yearly  
138 inspection, thereafter to occur between March 1<sup>st</sup> and March 31<sup>st</sup> or any later date  
139 previously approved by City staff, and shall be charged a fee of fifty dollars (\$50.00).

- 140  
141 (4) Any food service offered by short term rentals shall be limited to guests.  
142  
143 (5) Short term rentals shall not be marketed and used for events such as, but not limited to,  
144 weddings, receptions, or similar events, occasions, or happenings unless approved, and as  
145 may be conditioned, during the special use permit process.  
146  
147 (6) The dates for trash and recycling collection shall be posted prominently in short term  
148 rentals.  
149  
150 (7) The principal guest of short term rentals shall be at least 18 years of age.  
151  
152 (8) When applicable, short term rental operators prove the location of his or her primary  
153 residence by the address listed on his or her driver's license or state-issued identification.  
154

155 Sec. 10-3-206. – Suspension, cancellation, or revocation.

- 156 (1) A short term rental may be terminated for the following reasons:  
157 (a) Failure to obtain a business license as required by the Harrisonburg City  
158 Code.  
159  
160 (b) Failure to collect and/or remit the transient occupancy tax.  
161  
162 (c) Three or more substantiated complaints including, but not limited to, noise,  
163 trash, and violations of the Zoning Ordinance specifically associated with the  
164 short term rental within a twelve (12) month period.  
165  
166 (d) Failure to schedule a yearly inspection or failure to comply with regulations,  
167 conditions, or identified corrections resulting from the inspection, both which  
168 are required by Section 10-3-205 (3). When necessary, a specified time shall  
169 be given to meet requirements or to make corrections. If the corrections are  
170 not made within the allotted time, or if the responsible entity fails to have the  
171 property inspected by March 31<sup>st</sup> or any later date approved by City staff, the  
172 short term rental shall automatically expire and become null and void.  
173  
174 (e) When applicable, the failure of an operator to maintain the property as his or  
175 her principal residence.  
176  
177 (2) When suspension or cancellation is determined necessary, the operator shall be notified  
178 by delivering the notice in person or by certified mail. The suspension or cancellation  
179 shall be effective the date of receipt of the notice to the operator of the short term rental,  
180 except such operations that fail to schedule a yearly inspection or those not complying

181 with correction notices within the allotted time period shall expire automatically as  
182 specified in Section 10-3-206 (1) (d).

- 183  
184 (3) Short term rentals shall be further regulated by the expiration and revocation regulations  
185 for special use permits as specified within Section 10-3-130. When requirements of this  
186 section appear to be in conflict with Section 10-3-130, the more restrictive requirements  
187 shall apply.

188  
189 Sec. 10-3-207. – Penalties.

- 190 (1) It shall be unlawful to operate a short term rental without obtaining the legal permissions  
191 and/or registering the use as required by this article. Persons found operating short term  
192 rentals without legal permissions and/or registering the use, or found in violation of any  
193 regulation or requirement of this article or Section 10-3-130, after obtaining legal  
194 permissions and/or registering the use, shall be fined \$250.00 for the first offense and  
195 \$500.00 for each subsequent occurrence, within any time-period, thereafter payable to the  
196 Treasurer for the City of Harrisonburg.
- 197  
198 (2) Unless and until an operator of a short term rental pays the penalty and obtains the legal  
199 permissions and/or registers the use, the operator shall not continue to operate the use.  
200 Operators violating this requirement shall be penalized as specified within subsection (1)  
201 of this section and may be penalized as specified in subsection (3) of this section.
- 202  
203 (3) Upon three or more substantiated violation occasions of this article or Section 10-3-130,  
204 the City may pursue criminal charges as specified by the Zoning Ordinance Section 10-3-  
205 13.

206  
207  
208 **Proposed Amendments to Harrisonburg City Code Title 4 – Finance, Taxation,**  
209 **Procurement related to Short Term Rental properties**

210 **Sec. 4-2-76.1. - Definitions.**

211 For the purpose of this article, the following words and phrases shall have the meanings  
212 respectively ascribed to them by this section:

- 213 (1) *Commissioner of revenue:* The commissioner of revenue of the city or any of his duly  
214 authorized deputies or agents.
- 215 (2) *Hotel:* Any public or private hotel, inn, apartment hotel, hostelry, tourist home or  
216 house, motel, short term rental, or other lodging place within the city ~~offering lodging~~  
217 ~~for four (4) or more persons at any one time,~~ and the owner and operator thereof, who,  
218 for compensation, furnishes lodging to any transients as hereinafter defined.
- 219 (3) *Room or space rental:* The total charge made by any hotel or travel campground for  
220 lodging or space furnished any transient. If the charge made by such hotel or travel  
221 campground to transients includes any charge for services or accommodations in  
222 addition to that of lodging, and the use of space, then such portion of the total charge as  
223 represents only room and space rental shall be distinctly set out and billed to such  
224 transient by such hotel or travel campground as a separate item.

- 225 (4) *Transient*: Any natural person who, for any period of not more than thirty (30)  
226 consecutive days either at his own expense or at the expense of another, obtains lodging  
227 or the use of any space in any hotel or travel campground as ~~hereinabove~~-defined [in this](#)  
228 [section](#), for which lodging or use of space a charge is made.
- 229 (5) *Travel campground*: Any area or tract of land used to accommodate two (2) or more  
230 camping parties, including tents, travel trailers or other camping outfits.