

Proposed Amendments to Harrisonburg City Zoning Ordinance related to Short Term Rental and Homestay properties

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

Section 10-3-13. – Penalties.

Amend Section 10-3-13 as shown:

(1) Any person, firm, or corporation found in violation of any provision of this chapter, upon conviction shall be guilty of a class 1 misdemeanor, unless designated as a civil penalty under subsection (2).

(2) Civil penalties.

- a. A violation of the following provisions of the Zoning Ordinance shall be punishable by a civil penalty of \$100.00 for a first offense, \$200.00 for a second offense, and \$500.00 for each subsequent offense arising from the same set of operative facts:
 - i. Operating a short-term rental in violation of Section 10-3-205.
- b. Each day during which any violation punishable by a civil penalty is found to have existed shall constitute a separate offense; however, in no event shall any such violation arising from the same set of operative facts be charged more frequently than once in any ten-day period, nor shall a series of violations arising from the same set of operative facts result in civil penalties exceeding a total of \$5,000.00.
- c. The designation of a particular violation of this chapter as subject to civil penalties shall be in lieu of criminal sanctions under subsection (1), provided, however, that when such civil penalties total \$5,000.00, the violation may be prosecuted as a criminal misdemeanor.

Section 10-3-24. Definitions.

Add and amend the following definitions as shown:

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

Homestay: In a single-family detached, duplex, or townhouse dwelling unit, the provision of a bedroom or accommodation space within the principal building that is suitable or intended for transient occupancy for dwelling, sleeping, or lodging purposes and is offered in exchange for a charge for the occupancy, and where the operator is present during the lodging period.

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43 Short term rental: The provision of a dwelling unit, a bedroom or accommodation space
44 within the dwelling unit, or any accessory building that is suitable or intended for
45 transient occupancy for dwelling, sleeping, or lodging purposes and is offered in
46 exchange for a charge for the occupancy.
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48 **Section 10-3-25. Off-Street Parking Regulations**

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

50 (28) Short term rentals shall provide one parking space for each bedroom or
51 accommodation space, or as may be more or less restrictive as conditioned by a
52 special use permit. There are no minimum off-street parking requirements for
53 homestays.
54

55 **Section 10-3-33. Uses Permitted by Right. (R-1)**

56 **Add subsection (9) as shown:**

57 (9) Homestays, as further regulated by Article DD.
58

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

60 **Amend subsection (7) as shown.**

61 (7) ~~Bed and breakfast facilities in which (a) food service shall be limited to breakfast~~
62 ~~and light fare for room guests only and (b) having space available on premises for~~
63 ~~one parking space for each guest room.~~ Short term rentals, as further regulated by
64 Article DD.
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66 **Section 10-3-39. Uses Permitted by Right. (R-2)**

67 **Add subsection (5) as shown:**

68 (5) Homestays, as further regulated by Article DD.
69

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

71 **Amend subsection (8) as shown:**

72 (8) ~~Bed and breakfast facilities in which (a) food service shall be limited to breakfast~~
73 ~~and light fare for room guests only and (b) having space available on premises for~~
74 ~~one parking space for each guest room.~~ Short term rentals, as further regulated by
75 Article DD.
76

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

78 **Amend subsection (2) as shown.**

79 (2) ~~Bed and breakfast facilities in which (a) food service shall be limited to breakfast~~
80 ~~and light fare for room guests only and (b) having space available on premises for~~
81 ~~one parking space for each guest room.~~ Short term rentals, as further regulated by
82 Article DD.
83

84 **Section 10-3-48.3. Uses Permitted by Right. (R-3 Medium)**

85 **Add subsection (19) as shown:**

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86 (19) Homestays, as further regulated by Article DD.

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

89 **Amend subsection (2) as shown:**

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

94

95 **Section 10-3-51. Uses Permitted by Right. (R-4)**

96 **Add subsection (11) as shown:**

97 (11) Homestays, as further regulated by Article DD.

98

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

100 **Add subsection (8) as shown:**

101 (8) Short term rentals, as further regulated by Article DD.

102

103 **Section 10-3-53.3. Uses Permitted by Right. (R-5)**

104 **Add subsection (13) as shown:**

105 (13) Homestays, as further regulated by Article DD.

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

108 **Add subsection (9) as shown:**

109 (9) Short term rentals, as further regulated by Article DD.

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111 **Section 10-3-56.3. Uses Permitted by Right. (R-6)**

112 **Add subsection (p) as shown:**

113 (p) Homestays, as further regulated by Article DD.

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

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

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

121

122 **Section 10-3-57.3. Uses Permitted by Right. (R-7)**

123 **Add subsection (r) as shown:**

124 (r) Homestays, as further regulated by Article DD.

125

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

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

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128 (d) ~~Bed and breakfast facilities in which (a) food service shall be limited to breakfast~~
129 ~~and light fare for room guests only and (b) having space available on premises for~~
130 ~~one parking space for each guest room.~~ Short term rentals, as further regulated by
131 Article DD.
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134 **Section 10-3-58.3. Uses Permitted by Right. (MX-U)**

135 **Add subsection (21) as shown:**

136 (21) Homestays, as further regulated by Article DD.
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138 **Section 10-3-58.4. Uses Permitted Only By Special Use Permit. (MX-U)**

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

140 (4) ~~Bed and breakfast facilities in which (a) food service shall be limited to breakfast~~
141 ~~and light fare for room guests only and (b) having space available on premises for~~
142 ~~one parking space for each guest room.~~ Short term rentals, as further regulated by
143 Article DD.
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145 **Section 10-3-84. Uses Permitted by Right. (B-1)**

146 **Add subsection (14) as shown:**

147 (14) Homestays, as further regulated by Article DD.
148

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

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

151 (11) Short term rentals, as further regulated by Article DD.
152

153 **Section 10-3-179. Uses Permitted by Right. (U-R)**

154 **Add subsection (6) as shown:**

155 (6) Homestays, as further regulated by Article DD.
156

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

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

159 (6) ~~Bed and breakfast facilities in which (a) food service shall be limited to~~
160 ~~breakfast and light fare for room guests only and (b) having space available on~~
161 ~~premises for one (1) parking space for each guest room.~~ Short term rentals, as
162 further regulated by Article DD.
163

164 **Add Article DD as shown:**

165 Article DD. – Homestays and Short Term Rentals

166 Sec. 10-3-204. – Registration

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170 (1) Prior to operation, the operator of any homestay or short-term rental shall register the
171 property with the Zoning Administrator, unless exempt from registration pursuant to

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- 172 Section 15.2-983(B)(2) of the Code of Virginia, as amended. Registration shall be valid
173 January 1st (or from the date the registration first occurs) through December 31st of the
174 calendar year, and shall be renewed annually.
175 (2) Each registration shall be specific to the operator and property and is nontransferable.
176 (3) Registration shall be subject to evidence of compliance with the requirements of this
177 Chapter and payment of a \$50.00 fee to cover the costs of establishing and maintaining
178 the registry.
179 (4) Penalties. Any person, firm or corporation that operates a homestay or short-term rental
180 without first registering shall be subject to a civil penalty of \$100.00 for the first offense
181 and \$500.00 for each subsequent offense. Each contract for guest lodging created without
182 first registering shall constitute a separate offense. Unless and until an operator pays the
183 penalty and registers such property, the operator may not continue to offer such property
184 for rental.

185 Sec. 10-3-205. – General regulations.

- 186 (1) Lodging contracts shall be limited to a period of fewer than thirty (30) consecutive
187 nights.
188 (2) Any food service offered shall be limited to guests.
189 (3) Operators shall comply with the Uniform Statewide Building Code and Virginia
190 Statewide Fire Prevention Code.
191 (4) In addition to the regulations in subsections (1), (2), and (3), short term rentals shall
192 comply with the following:
193 (a) This operation shall have the dates for trash and recycling collection posted
194 prominently.
195 (b) This operation shall not be marketed and used for weddings, receptions, or events,
196 unless approved, and as may be conditioned during the special use permit process.
197 (5) In addition to the regulations in subsections (1), (2), and (3), homestays shall comply
198 with the following:
199 (a) Lodging contracts shall be limited to forty-five (45) nights per calendar year.
200 (b) The number of guests at one time shall be limited to six (6).
201 (c) This operation shall not be marketed or used for weddings, receptions, or other
202 events.
203 (d) Operators shall maintain the property as their primary residence, as indicated on a
204 state-issued license or identification card.
205 (e) Operators shall be present during the lodging period.
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**Proposed Amendments to Harrisonburg City Code Title 4 – Finance, Taxation,
Procurement related to Short Term Rental and Homestay properties**

Sec. 4-2-76.1. - Definitions.

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

- (1) *Commissioner of revenue*: The commissioner of revenue of the city or any of his duly authorized deputies or agents.
- (2) *Hotel*: Any public or private hotel, inn, apartment hotel, hostelry, tourist home or house, motel, homestay, short term rental, or other lodging place within the city ~~offering lodging for four (4) or more persons at any one time~~, and the owner and operator thereof, who, for compensation, furnishes lodging to any transients as hereinafter defined.
- (3) *Room or space rental*: The total charge made by any hotel or travel campground for lodging or space furnished any transient. If the charge made by such hotel or travel campground to transients includes any charge for services or accommodations in addition to that of lodging, and the use of space, then such portion of the total charge as represents only room and space rental shall be distinctly set out and billed to such transient by such hotel or travel campground as a separate item.
- (4) *Transient*: Any natural person who, for any period of not more than thirty (30) consecutive days either at his own expense or at the expense of another, obtains lodging or the use of any space in any hotel or travel campground as ~~hereinabove~~ defined in this section, for which lodging or use of space a charge is made.
- (5) *Travel campground*: Any area or tract of land used to accommodate two (2) or more camping parties, including tents, travel trailers or other camping outfits.