

OPTION #1

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

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 “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.~~

Short term rental: The provision of a dwelling unit, a bedroom or accommodation space within the dwelling unit, or any accessory 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.

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

Add subsection (28) as shown:

OPTION #1

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

76 (8) Short term rentals, as further regulated by Article DD.
77

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

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

80 (9) Short term rentals, as further regulated by Article DD.
81

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

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

OPTION #1

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

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

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

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

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

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

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

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

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

105 (11) Short term rentals, as further regulated by Article DD.
106

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

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

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

114 **Add Article DD as shown:**

115 Article DD. – Short Term Rentals
116

117 Sec. 10-3-204. – Registration
118

119
120 (1) Prior to operation, the operator of any short-term rental shall register the property with
121 the Zoning Administrator, unless exempt from registration pursuant to Section 15.2-
122 983(B)(2) of the Code of Virginia, as amended. Registration shall be valid January 1st (or
123 from the date the registration first occurs) through December 31st of the calendar year,
124 and shall be renewed annually.

125 (2) Each registration shall be specific to the operator and property and is nontransferable.

OPTION #1

- 126 (3) Registration shall be subject to evidence of compliance with the requirements of this
127 Chapter and payment of a \$50.00 fee to cover the costs of establishing and maintaining
128 the registry.
- 129 (4) Penalties. Any person, firm or corporation that operates a short-term rental without first
130 registering shall be subject to a civil penalty of \$100.00 for the first offense and \$500.00
131 for each subsequent offense. Each contract for guest lodging created without first
132 registering shall constitute a separate offense. Unless and until an operator pays the
133 penalty and registers such property, the operator may not continue to offer such property
134 for rental.

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

- 136 (1) Lodging contracts shall be limited to a period of fewer than 30 consecutive nights.
- 137 (2) Any food service offered shall be limited to guests.
- 138 (3) Short term rentals shall have the dates for trash and recycling collection posted
139 prominently.
- 140 (4) Short term rentals shall not be marketed and used for weddings, receptions, or events,
141 unless approved, and as may be conditioned during the special use permit process.
- 142 (5) Operators shall comply with the Uniform Statewide Building Code and Virginia
143 Statewide Fire Prevention Code.

144
145

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

146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170

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, [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.