



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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To: Harrisonburg Planning Commission
From: Thanh Dang, Assistant Director of Community Development
RE: November 13, 2019 – Discussion of Short-Term Rentals
Date: Thursday, November 7, 2019

We will continue our discussion of short-term rentals under Other Matters at Planning Commission's November 13, 2019 Regular Meeting. The minutes from the October 29 work session along with a photo of the white board from the meeting is included within this agenda packet. The minutes will need your review and approval at the November 13 meeting.

As described in the October 29 work session minutes, Question #4: *Where can homestays and STRs be allowed to operate, and how many guests and accommodation spaces should be allowed?* remains unresolved, and we discussed giving the group more time to consider this question. On November 1, I sent an email to the group stating the following:

“I believe that the group was in agreement to allowing by right homestays in all zoning districts in which residential uses are allowed and to limit the number of guests to a maximum of 4 at a time.

I believe there was agreement to allow STRs with an approved SUP in all zoning districts in which residential uses are allowed, but that can continue to be explored. Unresolved is what the maximum number of guests in a STR (requires SUP approval) should be. Ideas discussed at the work session included:

1. To allow STRs with an approved SUP in all zoning districts in which residential uses are allowed, and to consider the maximum number of guests allowed at a time on a case-by-case basis.
2. ... to regulate the maximum number of guests allowed at a time based on the square footage of livable space within a dwelling. Livable space of single-family detached, townhomes, and duplex units on their own parcels can be found here in the Real Estate system: <https://www.harrisonburgva.gov/real-estate-info-system>. It should be acknowledged that if the livable space information is incorrect, owners can request the information be updated or appeal with the Real Estate Office. I am not sure yet how we would determine livable space for a duplex unit that shares a property with another duplex unit, or for apartments.

3. ... to regulate the maximum number of guests allowed at a time based on the number of bedrooms or accommodation spaces with a dwelling. A number of localities established a maximum of two adult guests per bedroom, and do not restrict the number of children allowed.
4. ... to regulate the maximum number of guests at a time based on the (long-term) occupancy regulations. In other words, if a family or up to four people are allowed for long-term occupancy, then a STR could be operated to allow the addition of a family or up to four people for STR. Please refer to Table 2 within the October 23 memorandum.
5. ... to regulate the maximum number of guests based on zoning districts. In other words, a maximum number of guests could be established for each zoning district. Zoning information including an interactive web map of the zoning districts can be found here: <https://www.harrisonburgva.gov/zoning>.
6. ... to regulate the maximum number of guests based on future land use (Land Use Guide of the Comprehensive Plan). In other words, a maximum number of guests could be established for each future land use designation. The Future Land Use Guide map and the Comprehensive Plan is available here: <https://www.harrisonburgva.gov/comprehensive-plan>.”

I had offered to compile responses from Commissioners for your review before the November 13 meeting. Two responses have been received.

From Commissioner Whitten:

“I would propose a limit on STR that mirrors the Homestay limit of 4. Two rooms seem adequate no matter the size of the property if this is home-based business. Also, I would like to see a limit of 120 days per year for STR. I would also propose that STR must not occur within 500 feet of an existing STR.”

From Commissioner Finks:

“I think for STR's we have to handle them on a case by case basis, none of the other possibilities discussed are one size fits all. I originally had liked the idea of square footage being the determining factor, but I think there are too many questions on how to implement that properly.

If we use any of the other ideas discussed will run into issues related to Bed and Breakfast applications.

It seems there is a sense from other commissioners that if we put a hard and fast number in writing it might dissuade so many people applying for STRs, I believe that allowing for by right homestays could do that all on its own.”

Staff continues to recommend that STRs by SUP should be allowed to operate in any zoning district in which residential uses are allowed, and that the maximum number of guests allowed at one time should be considered on a case by case basis. While staff believes that there should be the opportunity to determine on a case by case basis whether an operator should be required to maintain a STR property as their primary residence, at this time staff is comfortable supporting

Planning Commission's recommendation to require that a STR property shall be an operator's primary residence.

1) SHOULD THE CITY ALLOW HOMESTAYS/STRS?

Homestay
by right

STR SUP

2) WHO IS HOMESTAY/STR OPERATOR? WHAT ARE REQUIREMENTS, RESPONSIBILITIES, & EXPECTATIONS?

Homestay

• operator's primary residence

if operator not prop owner, the operator must be present

STR SUP

• operator's primary residence

• if operator not prop owner, the operator must be present

3) HOW MANY NIGHTS PER YEAR CAN HOMESTAYS & STRS OPERATE? HOW LONG CAN GUESTS STAY?

Homestay

• 90 nights/calendar yr

• lodging periods less than 30 nights

STR SUP

• no limit unless conditioned

• lodging periods less than 30 nights

4) WHERE CAN HOMESTAYS/STRS OPERATE? HOW MANY GUESTS & ACCOM. SPACES?

Homestay

• 4 guest max. all zoning districts in which use allowed

STR SUP

• guests case by case / open ended

OR
by district?
OR
by land use?

do we want to limit # of guests

(A) Review summaries of STR appls. occupancy & other regulations.

(B) Review definitions

(C) Discuss Questions 1-8, etc.

5) WHAT ARE PARKING REQUIREMENTS?

Homestay

• no requirement

STR SUP

• one space per Acc. space unless conditioned

7) Registry?

Homestay

yes
annual
\$25/yr.

STR SUP

yes
(would apply to existing STRs)
annual
\$25/yr.

6) "STR" vs "B&B" terms? Same?