Zoning Ordinance Amendments
Homestays and Short-term Rentals

Amendments to:

- Section 10-3-24 – Definitions
- Section 10-3-25.1 – Off-street bicycle parking regulations
- To the title of Article DD
- Section 10-3-205 – General Regulations

That Section 10-3-24 is amended as shown:

~~*Bed and breakfast facilities:* See "short-term rental."~~

Homestay: In a single-family detached, duplex, or townhouse dwelling unit, the provision of ~~a~~the dwelling unit ~~guest room~~ or an accommodation space within the dwelling unit ~~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.

Short-term rental: The provision of a dwelling unit, an accessory building, or an accommodation space within either building ~~a guest room 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.

That Section 10-3-25.1 is amended as shown:

(3) *Bicycle parking space requirements by use:*

Use	Parking Requirement
Townhouses and multifamily dwellings	1 space/6 dwelling units or 4 spaces minimum, whichever is greater
Hotels, motels, and similar transient housing	4 spaces minimum (~~Bed and breakfast facilities~~ Homestays and short-term rentals have no minimum requirement)
Hospitals, nursing homes, and similar care facilities	1 space/20,000 square feet of gross floor area or 4 spaces minimum, whichever is greater
Houses of worship, theaters, auditoriums, stadiums, amphitheaters, and similar uses	0.5% of maximum occupant load or 4 spaces minimum, whichever is greater
Community centers, private clubs, museums, libraries, recreational and leisure-time activities, and similar uses	1 space/10,000 square feet of gross floor area or 4 spaces minimum, whichever is greater
Educational	1 space/20 vehicle spaces provided or 4 spaces minimum, whichever is greater
Child day care centers	4 spaces minimum
Business or professional offices and financial institutions	1 space/20,000 square feet of gross floor area or 4 spaces minimum, whichever is greater
General retail, restaurants, and personal service establishments	1 space/10,000 square feet of gross floor area or 4 spaces minimum, whichever is greater
Industrial uses, manufacturing, warehousing, auto service establishments, veterinarian offices, and animal hospitals and kennels	2 spaces minimum

That Article DD. is amended as shown:

Article DD. HOMESTAYS AND SHORT-TERM RENTALS

Sec. 10-3-205. General Regulations

(2) Operators shall maintain the ~~property~~ dwelling as their primary residence, as indicated on a state-issued license or identification card or other documentation deemed acceptable by the Zoning Administrator.

Question #2 was introduced: *Who is the STR operator and what are the requirements and responsibilities of the operator? What are the expectations of the operator?* Ms. Dang reviewed the memorandum stating that the term "operator" is defined by the Virginia Code and that staff recommended continuing to reference the Virginia Code definition, which would be further defined and regulated by the Harrisonburg ZO.

The group discussed whether STRs approved by SUP should require the operator to be present during the lodging period or not, and if the operator should be required to maintain the STR as their primary residence. Opinions were expressed that homestays are like home businesses and there was discussion of whether operators should be present during the lodging period or not. The group agreed that for homestays the dwelling should be the operator's primary residence. There were differing opinions expressed whether STRs are more like a commercial business and whether the operator should or should not be required to be present, and whether the STR should also be the operator's primary residence.

Concern was raised that people are going to claim a property as their primary residence, when it may not be. Staff responded that they would use a collection of evidence, including, but not limited to, utility bills, driver's license, tax returns, and/or voter registration cards, to determine a person's primary residence.

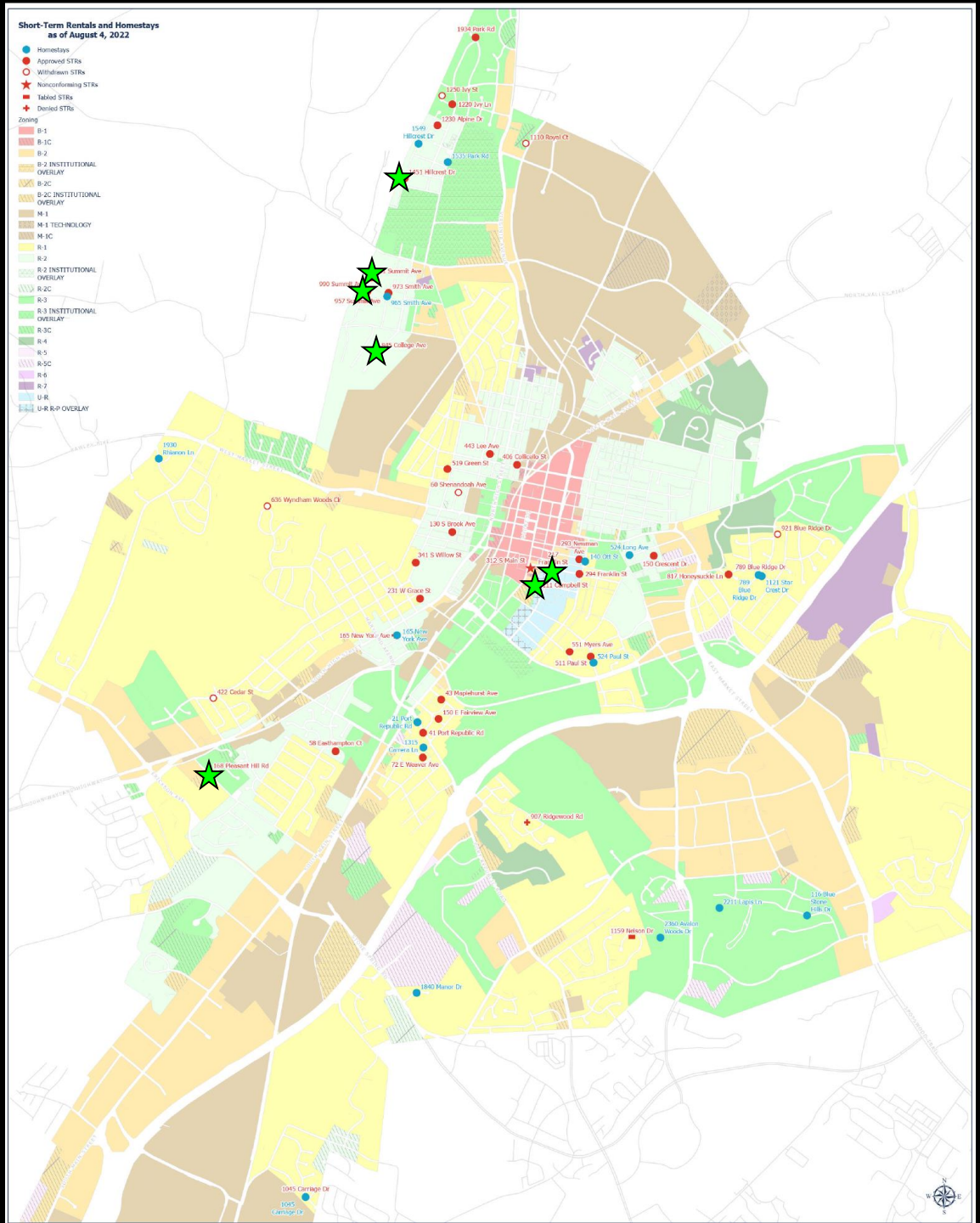
Commissioners agreed that both by right homestays and STR SUPs should require that the dwelling be the operator's primary residence and that if the operator is not the property owner, then the operator must be present during the lodging period.

Short-Term Rentals and Homestays as of August 4, 2022

- Homestays
- Approved STRs
- Withdrawn STRs
- Nonconforming STRs
- Tabled STRs
- Denied STRs

Zoning

- B-1
- B-1C
- B-2
- B-2 INSTITUTIONAL OVERLAY
- B-2C
- B-2C INSTITUTIONAL OVERLAY
- M-1
- M-1 TECHNOLOGY
- M-1C
- R-1
- R-2
- R-2 INSTITUTIONAL OVERLAY
- R-2C
- R-3
- R-3 INSTITUTIONAL OVERLAY
- R-3C
- R-4
- R-5
- R-5C
- R-6
- R-7
- U-R
- U-R R-P OVERLAY



Recommendation

Staff and Planning Commission (7-0) recommends approving the Zoning Ordinance amendments.