

Section 36.422. — Short-term rental permitting and regulations

(a) The following definitions shall apply as used in this section:

(1) Booking transaction means any transaction in which there is a charge to a transient by a host for the occupancy of any dwelling, sleeping, or lodging accommodations.

(2) Guest or transient means a person who occupies a short-term rental unit.

(3) Host means the owner of a short-term rental unit, or lessee of the short-term rental unit with a lease agreement that is one year or greater in length.

(4) Host designee means a person assigned by the host to be available 24/7 to answer problems associated with the short-term rental.

(5) Short-term rental means a residential dwelling unit that is used or advertised for rent for transient occupancy in increments of fewer than 30 consecutive days. This use type does not include bed-and-breakfast establishments and does not apply to month-to-month extensions following completion of a year's lease.

(6) Residential dwelling unit means a residence where one or more persons maintain a household.

(b) Short-term rental (STR) Permit and other requirements.

(1) No host shall operate a short-term rental without having applied for and obtained a STR permit from the Zoning Administrator.

(2) The Zoning Administrator or their designee will report all STR permits issued to hosts to County Commissioner of the Revenue for business registration and collection of the business license fee.

(c) The STR Permit application form shall include the following information:

(1) The name, telephone number, address, and email address of the host.

(2) A reminder about the importance of having appropriate levels of insurance that covers the short-term rental, the host, and the guests with signature by the host acknowledging they understand and have appropriate insurance.

(3) A requirement to provide the septic tank capacity from the Virginia Department of Health if the short-term rental is not connected to a public sewer system. If not available, then the Commissioner of Revenue's property record shall determine the number of bedrooms

(d) The STR permit shall be valid January 1st (or from whatever date the registration first occurs) through December 31st of the calendar year and shall be renewed annually.

(e) A logbook shall be maintained for all rentals and be made available for review by the County upon request. The refusal to make available the logbook upon request shall be considered a violation of the STR Permit.

(f) No signage advertising a short-term rental shall be allowed.

(g) If more than two (2) substantiated complaints are received within a rolling twelve (12) month period, the STR permit may be cancelled by the zoning administrator.

(h) Any short-term rental in violation of zoning regulations, including operation without a STR permit, is subject to all relevant penalties as set forth by the County.

(i) The physical and aesthetic impact of required off-street parking shall not be detrimental to the existing character of the house and lot or to the surrounding neighborhood.

(j) Safety.

(1) Short-term rental shall meet Virginia Uniform Statewide Building Codes as it pertains to the building when it was either modified, remodeled or constructed. The County may inspect any short-term rental anytime for compliance with applicable building codes; and, at least once a year conduct a spot inspection regarding STR permit regulations.

(2) Site address. The short-term rental will have an approved E-911 address placed on the dwelling in a position that is plainly legible and visible from the street fronting the property. Structures obscured from street view or access roads in excess of one hundred and fifty (150) feet in length shall additionally post the E-911 address at the roadway entrance.

(k) Use regulations.

(1) No recreational vehicles, buses, or trailers shall be used in conjunction with the short-term rental use to increase the occupancy of the short-term rental.

(2) The host shall not permit occupancy of a short-term rental for a period of less than overnight.

(3) The name and telephone number of the host or the host's designee shall be conspicuously posted within the short-term rental. The host or the host designee shall answer calls 24 hours a day, seven days a week for the duration of each short-term rental to address any problems associated with the short-term rental unit.

(4) The principal guest of a short-term rental unit shall be at least 21 years of age.

(5) The maximum number of persons in a short-term rental unit is limited to the lesser of (i) two persons per bedroom. For the purpose of this Section, children ages 3 and under shall not be counted as a "person", or (ii) the number of persons or bedrooms as indicated on the Virginia Department of Health septic permit. For the purposes of this Section, a bedroom shall be defined by what is permitted by Virginia Uniform Statewide Building Code, which should also be reflected on the real property assessment records. Space used for eating, cooking, bathrooms, toilet rooms, closets, halls, storage or utility rooms and similar uses are not considered bedrooms. Space used or intended for general everyday use, and not sleeping, such as a living room, den, sitting room, attic, basement or similar space shall not be considered a bedroom.

(6) Creation of an event venue or gatherings fitting the definition of "Assembly, place of," shall comply with the permit requirements of "Assembly, place of," as outlined in this ordinance.

(l) STR Permit suspension or cancellation. For the purposes of this section, suspension shall mean the cease of short-term rental operations for the period of time set forth. Unless otherwise determined by the zoning administrator, the 1st violation shall be given a written warning. The second violation shall be for 90 consecutive days. A third violation in a rolling year shall result in a cancellation of the STR Permit for the balance of the current year and the following two (2) calendar years. Suspensions or cancellations shall begin 30 days after the date of the Notice of Suspension or Cancellation. During the suspension or cancellation, the County will not be held responsible for the loss of income resulting from suspension.

(1) A STR Permit may be suspended or cancelled for the following reasons:

a. Failure to comply with County ordinances, including the collection and/or remission of the transient occupancy tax or county business license fee.

b. Substantiated complaints (including, but not limited to, noise and excess trash) within a rolling twelve-month period can result in a suspension or cancellation as defined in (l).

c. Refusal to cooperate with the County in a complaint investigation; including allowing the Zoning Administrator or their designee to enter the dwelling unit upon reasonable advance notice.

(2) Before any suspension or cancellation can be effective, the Zoning Administrator shall give written notice to the short-term rental host. The notice of suspension or cancellation issued under the provisions of this Ordinance shall contain:

a. A description of the violation(s) constituting the basis of the suspension or cancellation;

b. If applicable, a statement of acts necessary to correct the violation; and

c. A statement that if no written response by the host is received by the Zoning Administrator within 30 days from the date of the notice, the STR permit will be suspended or cancelled immediately.

(3) The notice shall be given to the host by delivering a copy of the notice in person. If the host cannot be found, such notice shall be sent to the address of record by:

a. Certified mail or e-mail to the addresses in the zoning permit application; and

b. A copy of the notice shall be posted in a conspicuous place on the premises.

(4) A copy of the notice will be provided to the Commissioner of Revenue to advise that any registration and business license related to the short-term rental may be suspended or cancelled.

(5) Any determination made by the Zoning Administrator may be appealed to the board of zoning appeals in accordance with Article II Division 6 of this Ordinance.

(m) Penalty.

It shall be unlawful to operate a short-term rental:

(1) Without obtaining a STR permit as required by this Article;

(2) After a STR permit has been suspended or cancelled; or,

(3) In violation of any other requirement of this Article.

Civil penalties shall be assessed in accordance with Sec. 36.57

Rev. 4/4/23 with Planning Commission

BOS Adopted: 4/11/23 with recommended changes