



**TOWN OF BOWLING GREEN
PLANNING COMMISSION MEETING**

A G E N D A

**Thursday, September 19, 2024
6:00 PM**

PLEDGE OF ALLEGIANCE:

ROLL CALL AND DETERMINATION OF A QUORUM:

COMMISSION COMMENTS AND REPORTS:

PUBLIC COMMENT:

REPORT OF THE ZONING ADMINISTRATOR:

ANNUAL WORKPLAN UPDATE:

UNFINISHED BUSINESS:

1. Short-Term Rentals Ordinance

ADJOURNMENT:



Planning Commission Memorandum

TO: The Honorable Chair and Planning Commission of the Town of Bowling Green
FROM: J.C. LaRiviere, Director of Community Development & Partnerships
COPY: India Adams-Jacobs, Town Manager & Zoning Administrator
Jeff Gore, Town Attorney
SUBJECT: Discussion of Proposed Zoning Text Amendment for Short-Term Rentals
DATE: September 19th, 2024

SUMMARY:

At their June 4th work session meeting, the Town Council for the Town of Bowling Green voted to refer the drafting of an ordinance to regulate short-term rentals to the Planning Commission for addition to their annual work plan. The Planning Commission held their first discussion on the proposed ordinance at their August meeting. Staff are presenting a draft for the Commission's consideration, which is included in the agenda packet.

BACKGROUND:

Staff conducted comparative analysis of ordinances from other localities, analyzed state code, identified related areas of the Zoning Ordinance that may need to be modified, and presented the results of this work to the Commission at their August meeting. The Commission provided input on specific provisions for inclusion in the draft ordinance at their August meeting. Staff have included these recommendations in the draft ordinance along with additional provisions for the Commission's consideration.

FISCAL IMPACT:

At this time, staff cannot project a fiscal impact. However, the introduction of short-term rentals into the local economy may produce additional tax revenue for the Town.

RECOMMENDATION:

Town Staff recommend that the Commission discuss the draft ordinance and hold a public hearing at their October meeting.

Town of Bowling Green, Virginia - Short-Term Rental Permitting and Regulations

A. The following definitions shall apply as used in this section:

1. Booking transaction - Any transaction in which there is a charge to a transient by an operator for the occupancy of any dwelling, sleeping, or lodging accommodations.
2. Guest or transient - A person who occupies a short-term rental unit.
3. Operator- The proprietor of any dwelling, lodging, or sleeping accommodations offered as a short-term rental, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other possessory capacity (Virginia Code §15.2-983).
4. Operator designee- A person assigned by the operator to be available 24/7 to answer emergencies associated with the short-term rental. Such designee shall be local, meaning that the designee is able to travel to the short-term rental property in a one (1) hour time frame.
5. Short-term rental (STR) - The provision of a room or space not in a hotel, motel, or boarding/rooming house suitable for or intended for occupancy for dwelling, sleeping, or lodging purposes for a period of fewer than 30 consecutive days, in exchange for a charge of occupancy (Virginia Code §15.2-983).
6. Residential dwelling unit- A residence where one or more persons maintain a household.
7. Annual Short-term rental permit- Requires both the zoning permit and business license applications to be completed, issued, and on file with the Town of Bowling Green for the year May 1st through April 30th. Additionally, all associated fees have been paid in full to the town of Bowling Green.

B. Short-Term Rental (STR) Permit and Other Requirements.

1. Short-Term Rentals may be operated in existing, legal, residential dwelling units and accessory dwelling units in any zoning classification that permits such dwelling units subject to the provisions of this Ordinance.
2. No operator shall operate a short-term rental without having applied for and obtained a STR permit from the Zoning Administrator and a Business License from the Town Treasurer.
3. The STR Permit application form shall include the following information:
 - a. The name, telephone number, address, and email address of the operator and operator designee. The Town shall be notified with written notice by the operator within 10 days of any change in the STR ownership, operator or operator designee during the annual permit period.
 - b. A requirement to provide a septic tank capacity permit from the Virginia Department of Health if the short-term rental is not connected to a public or centralized sewer system.

- c. Written permission from the property owner where the permit applicant is not the property owner.
4. The STR permit shall be valid from May 1st to April 30th of each year and shall be renewed annually by May 1st of each year. An applicant must pay the permit fee annually, in accordance with the schedule of fees for zoning permits as adopted by Town Council.
5. A record shall be maintained for all rentals and be made available for review by the Town upon request. The refusal to maintain and make available the record upon request shall be considered a violation of the STR Permit. All rental records shall be maintained for one (1) year by the operator.
6. No signs shall be permitted to identify the STR.
7. Hosting gatherings (e.g., weddings, receptions, or other special gatherings) which would include a greater number of participants and guests than the permitted maximum occupancy of the STR is not permitted in the R-1, R-2 and R-3 Districts.
8. 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 this Ordinance.
9. Applicants for STR permits where subject property has a shared wall or driveway shall notify the adjacent resident(s).
10. Safety.
 - a. The short-term rental shall meet all applicable Virginia Uniform Statewide Building Codes for a rental unit and/or bedroom. The Town may inspect any short-term rental with 48-hour notice to the operator for compliance with applicable building codes.
 - b. Site address. The short-term rental will have an approved address number 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 (100) feet in length shall also post the designated address adjacent to the roadway.
11. Use regulations.
 - a. No recreational vehicles, buses, tents, trailers, or alternative dwelling structures such as tiny homes, shipping containers and similar structures shall be used in connection with the operation of a short-term rental.
 - b. The operator shall not permit occupancy of a short-term rental for a period of less than overnight.
 - c. The principal guest of a short-term rental unit shall be at least 21 years of age.

d. The maximum number of persons in a short-term rental unit is limited to the lesser of: (i) two persons per bedroom plus two additional people. For the purpose of this Section, children ages 3 and under shall not be counted as a separate individual for occupancy calculations; 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 the Virginia Uniform Statewide Building Code, which shall also be reflected on the real property assessment records.

12. Each rental agreement provided to guests shall include written notification to the guests of the requirements of this ordinance relative to parking, occupancy, use and gatherings.

13. A STR Permit may be suspended or revoked for the following reasons:

a. Failure to comply with Town ordinances, including the collection and/or remission of the transient occupancy, state sales and personal property taxes and Town Business License and STR permitting fees.

b. More than three violations within a rolling six-month period.

c. Refusal to cooperate with the Town in a compliance investigation; including allowing the Zoning Administrator or their designee to enter the dwelling unit upon a minimum 48-hours advance notice.

14. Before any suspension or cancellation can be effective, the Zoning Administrator or their designee shall give written notice to the short-term rental operator. 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 operator is received by the Zoning Administrator or their designee within 30 days from the date of the notice, the STR permit will be suspended or cancelled immediately.

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

a. Certified mail or e-mail to the addresses on the zoning permit; and,

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

16. A copy of the notice will be provided to the Town Treasurer to advise that any permit related to the short-term rental may be suspended or cancelled.

17. Any determination made by the Zoning Administrator may be appealed to the Board of Zoning Appeals in accordance with the provisions of this Ordinance.

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

- a. Without obtaining a STR permit as required by this Article, punishable by a \$500 civil penalty;
- b. After a STR permit has been suspended or cancelled; or,
- c. In violation of any other requirement of this Article.

19. Civil penalties shall be assessed in accordance with the Bowling Green Municipal Code/Zoning Ordinance, as applicable.

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