

TOWN of BOWLING GREEN
SHORT-TERM RENTALS & ACCESSORY DWELLING UNITS ORDINANCE

**Resolution to adopt an amendment to the Town zoning ordinance establishing standards
for the regulation of short-term rentals and accessory dwelling units**

WHEREAS, Section 15.2-2286 of the Code of Virginia, as amended, provides that the local zoning ordinance may include, among other things, reasonable regulations and provisions for the amendment of regulations or district maps from time to time; and

WHEREAS, Section 15.2-983 of the Code of Virginia, as amended, provides localities express authority to create a registry requirement for short-term rentals and acknowledges local authority to regulate the short-term rental of property through general land use and zoning authority; and

WHEREAS, in accordance with Section 15.2-2286 of the Code of Virginia, whenever the public necessity, convenience, general welfare, or good zoning practice requires, the governing body may by ordinance amend, supplement, or change the regulations, district boundaries, or classifications of property. Any such amendment may be initiated by the governing body; and

WHEREAS, after a duly noticed public hearing, the Planning Commission unanimously recommended the proposed ordinance for adoption by the Town Council at the October 17, 2024, meeting of the Commission; and

WHEREAS, at its regular meeting on November 7, 2024, Council conducted a duly noticed public hearing on the proposed ordinance as required by state law and Town Code.

**NOW THEREFORE, BE IT ORDAINED BY THE BOWLING GREEN TOWN
COUNCIL:**

That the Town Council hereby declares it to be of public necessity, convenience, general welfare and good zoning practices of the Town to adopt this amendment of Chapter 3, Article I,

of the Zoning Ordinance of the Town Code, establishing standards to regulate short-term rentals and accessory dwelling units as follows:

ORDINANCE OF THE TOWN OF BOWLING GREEN, VIRGINIA, REGULATING SHORT-TERM RENTALS & ACCESSORY DWELLING UNITS

Chapter 3: Land Use and Buildings, Article 1 Zoning Ordinance, Division 15 Special Provisions, Section 3-185 Short-Term Rentals

Section 3-185 Short-Term Rentals

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 January 1st through December 31st. 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. Notwithstanding other Town code provisions to the contrary, STRs shall be permitted to be operated in existing, legal, residential dwelling units and accessory dwelling units in any zoning district that permits such dwelling units subject to the provisions of this section. No recreational vehicles, buses, tents, trailers, or alternative dwellings such as shipping containers and similar structures shall be used in connection with the operation of a short-term rental.

2. No person shall operate a short-term rental without having first 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, if any. The operator shall notify the Town in writing within 10 days of any change in the STR ownership, operator or operator designee during the annual permit period.
 - b. An approved permit from the Virginia Department of Health if the STR is to be served by a septic system and not connected to a public or centralized sewer system.
 - c. An owner's affidavit authorizing the permit applicant to operate a STR if the permit applicant is not the property owner.
4. The STR permit shall be valid from January 1st to the following December 31st of each year and shall be renewed annually by January 1st of each year. An applicant must pay the permit fee annually, which shall be \$50 from the effective date of this ordinance, which is subject to change in accordance with the schedule of fees for zoning permits as adopted annually by Town Council.
5. The operator shall maintain a record of all rentals, which shall 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. Signs to identify the STR shall be permitted to be one (1) of the minor signs permitted on the property.
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 applicable penalties as set forth in this section and as otherwise provided in this Article.
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 shall have an approved address number placed on the dwelling or in another position plainly legible and visible from the street fronting the property. Structures obscured from street view or located off of an access road in excess of one hundred (100) feet in length shall also post the designated address adjacent to the roadway.

11. Use regulations.

a. The operator shall not permit occupancy of a short-term rental for a period of less than overnight.

b. The principal guest of a short-term rental unit shall be at least 18 years of age.

c. 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. Operators shall include with each rental agreement provided to guests shall include a written notification to the tenants of the requirements of this ordinance occupancy, use and gatherings. Operators shall also include a hard-copy of these requirements in a visible location in the STR unit.

13. The Town may suspend or revoke a STR Permit 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 occurring 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 section 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 Article.

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

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

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

Chapter 3: Land Use and Buildings, Article 1 Zoning Ordinance, Division 15 Special Provisions, Section 3-186- Accessory Dwelling Units

Within Districts that permit single family dwelling units as a principal use, accessory dwelling units shall be added as a permitted use.

Accessory Dwelling Unit Regulations:

- (a) An accessory dwelling unit is allowed only as accessory to a single-family detached dwelling.
- (b) Only one accessory dwelling is permitted per parcel.
- (c) Such structures shall comply with all dimensional standards that apply to the principal building.
- (d) An accessory dwelling unit shall not be subdivided or otherwise segregated in ownership from the principal single-family dwelling unit.
- (e) A manufactured home, alternative dwelling, or recreational vehicle, travel trailer, camper, or similar vehicle shall not be used as an accessory dwelling unit.

(f) An accessory dwelling shall obtain all proper permits and comply with all applicable requirements of the Virginia Department of Health, the Virginia Uniform Statewide Building Code, and local ordinances.

(g) An accessory dwelling unit that is contained within a single-family dwelling may not equal the existing finished square footage of the principal dwelling, such as a basement, attic, or additional level, unless approval is sought to permit a second dwelling unit (duplex).

(h) The floor area of a detached accessory dwelling unit shall be a minimum of 600 square feet in finished floor area and shall not exceed a maximum of fifty percent (50%) of the existing gross square footage of the principal dwelling. A detached accessory dwelling unit shall have an exterior appearance consistent with the principal dwelling.

Chapter 3: Land Use and Buildings, Article 1 Zoning Ordinance, Division 3-I-2, Section 3-104: Definitions

The definition of “Dwelling Unit, Accessory” shall be added as follows:

“Dwelling Unit, Accessory” means a dwelling that exists as part of a principal dwelling, or on the same lot as a principal dwelling, and is subordinate in size to the principal dwelling.

The definition of “Building, Accessory” shall be amended to provide as follows:

"Building, Accessory" means a subordinate structure customarily incidental to and located on the same lot occupied by the main structure. No such accessory building, except as permitted as an Accessory Dwelling Unit, shall be used for living quarters.

The definition of “Dwelling, Alternative” shall be added as follows:

“Alternative dwelling” means a structure or combination of structures, considered temporary or permanent, such as tents or yurts, intermodal shipping containers, or tiny houses which are dwelling units that contain less than 600 square feet in floor area, and similar structures intended to be located on a lot or premises for temporary (or permanent) residential occupancy. Alternative dwelling does not include motorhomes, travel trailers or other recreational vehicles.

This Ordinance was approved this ____ day of _____, 2024, by the Town Council of the Town of Bowling Green, Virginia.

By: _____

Hon. Mark Gaines, Mayor

Attest:

Clerk to the Council