

TOWN OF AMHERST PLANNING COMMISSION
Wednesday, January 4, 2023
AGENDA

1. **Call to Order** – *Mrs. Driskill*
2. **Determination of Quorum**
3. **Citizen Comment-** *This time is provided for citizens to bring concerns or comments to the Commission that are not scheduled for a public hearing. This is not meant to be a discussion or an exchange, but rather, an opportunity for citizens to have their concerns be heard.*
4. **Approval of December 7, 2022 meeting minutes** – *Chair- The minutes of the December 7, 2022, meeting are attached.*
5. **Discussion: Zoning Ordinance Amendment-** *This amendment would allow short term rental as a Special Use Permit in certain residential districts.*
6. **Discussion: Wynn Short Term Rental Request (117 Pine Street)-** *Tyler and Emily Wynn are requesting action from the Planning Commission to allow Short Term Rental of their single family home at 117 Pine Street. Under the current Ordinance, the request would require a rezoning to business and then an additional Special Use Permit for Short Term Rental. The applicants have proffered that no other use would be made of their commercial zoning.*
 - a. *. Rezoning of 117 Pine Street to B-1*
 - b. *Special Use Permit for short term rental*
7. **Set Public Hearing: Inoperable Vehicles-** *The Town has received complaints about inoperable vehicles. Resolution to this issue is contained in both the Town Code and the Zoning Ordinance. A draft Ordinance amendment is attached for your consideration.*
8. **For February Public Hearing: Short Term Rental for 123 Lee Street** – *The Town has received an application for the use of 123 Lee Street as a short term rental (Air B&B). This will require both a rezoning and a Special Use Permit. The application is included in the packet, and staff recommends setting a public hearing for next month for both actions.*
9. **Concerns of Commissioners**
10. **Adjournment**

**Town of Amherst Planning Commission
Minutes
December 7, 2022**

A meeting of the Town of Amherst Planning Commission was called to order by Chairperson June Driskill on December 7, 2022, at 7:00 P.M. in the Council Chambers of Town Hall at 174 S. Main Street.

It was noted that a quorum was present as indicated below:

P	June Driskill	P	Janice N. Wheaton
P	William Jones	P	John Vandervelde
P	Anne Webster Day	P	Nathaniel Holden Chase
A	Clifford Hart		

Town Manager Sara McGuffin, and Clerk of Council Vicki K. Hunt in her capacity as Secretary, were also present.

The Chair opened the floor for citizen comments.

There being no one present to speak no comments were made.

Mr. Vandervelde made a motion that was seconded by Mr. Jones to approve the minutes of the November 2, 2022, meeting.

There being no discussion, the motion carried 5-0-1 according to the following:

June Driskill	Aye	Anne Webster Day	Aye
Janice Wheaton	Abstain	John Vandervelde	Aye
William Jones	Aye	Nathaniel Holden Chase	Aye
Clifford Hart	Absent		

Town Manager McGuffin gave a report on a possible amendment to the Town’s Zoning Ordinance, Table of Uses, Short Term Rental Property, to allow short term rentals in certain residential districts with a Special Use Permit. “Short-term rental” means the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy (Town Code §24-2; Code of Virginia §15.2-983). Unlike a bed and breakfast, short term rentals are not occupied by the owner during rental periods. Staff requests the Commission determine whether to amend the Table of Uses for short term rentals to either a permitted use or a special use in residential districts R-1 and R-2 with a recommendation to Town Council.

The Chair opened a duly advertised public hearing at 7:06 p.m. on whether to amend to the Town’s Zoning Ordinance, Table of Uses, Short Term Rental Property, to allow short term rentals in certain residential districts.

There being no one present who wished to speak on the matter, the public hearing was closed at 7:06 PM.

Mr. Jones made a motion that was seconded by Ms. Wheaton to defer the matter to the matter for further discussion and consideration.

After discussion, the motion failed 3-3 according to the following:

June Driskill	Aye		Anne Webster Day	Nay
Janice Wheaton	Aye		John Vandervelde	Nay
William Jones	Aye		Nathaniel Holden Chase	Nay
Clifford Hart	Absent			

Ms. Day made a motion that was seconded by Mr. Chase to make a recommendation to Town Council to amend the Town's Zoning Ordinance, Table of Uses, Short Term Rental Property, for short term rentals as a special use permit in residential districts R-1 and R-2.

After discussion, the motion failed 3-3 according to the following:

June Driskill	Nay		Anne Webster Day	Aye
Janice Wheaton	Nay		John Vandervelde	Aye
William Jones	Nay		Nathaniel Holden Chase	Aye
Clifford Hart	Absent			

Town Manager McGuffin gave a report on an application submitted by Timothy and Emily Wynn to rezone 117 Pine Street (Tax Map 96A414 3940) from R-2 to B-1, with conditions, to allow a short term rental business on the property. The rezoning request is intended for the purpose of having a short term rental property with rezoning from R-2 to B-1 for the time period in which they own the property only.

Ms. Wynn was present to answer questions.

The Chair opened a duly advertised public hearing at 7:32 p.m. on whether to rezone 117 Pine Street (Tax Map 96A414 3940) from R-2 to B-1, with conditions.

There being no one present who wished to speak on the matter, the public hearing was closed at 7:37 PM.

Mr. Jones made a motion that was seconded by Ms. Wheaton to defer the matter to the January 2023 meeting for further discussion and consideration.

After discussion, the motion carried 5-1 according to the following:

June Driskill	Aye		Anne Webster Day	Aye
Janice Wheaton	Aye		John Vandervelde	Aye
William Jones	Aye		Nathaniel Holden Chase	Nay
Clifford Hart	Absent			

Town Manager McGuffin gave a report on an application submitted by Timothy and Emily Wynn for a special use permit to allow short term rental on property described as 117 Pine Street (Tax Map 96A414 3940).

The Chair opened a duly advertised public hearing at 7:46 p.m. on an application for a special use permit to allow short term rental on property described as 117 Pine Street (Tax Map 96A414 3940).

There being no one present who wished to speak on the matter, the public hearing was closed at 7:46 PM.

After discussion, Mr. Vandervelde made a motion that was seconded by Ms. Wheaton to defer the matter to the January 2023 meeting of the Planning Commission for further discussion and consideration.

After discussion, the motion carried 6-0 according to the following:

June Driskill	Aye		Anne Webster Day	Aye
Janice Wheaton	Aye		John Vandervelde	Aye
William Jones	Aye		Nathaniel Holden Chase	Aye
Clifford Hart	Absent			

Mr. Vandervelde made a motion that was seconded by Ms. Wheaton to defer the matter of consideration of an amendment of the Town’s Zoning Ordinance, Table of Uses, Short Term Rental Property, for short term rentals as a special use permit in residential districts R-1 and R-2 to the January 2023 meeting of the Planning Commission for further discussion and consideration.

The motion carried 6-0 according to the following:

June Driskill	Aye		Anne Webster Day	Aye
Janice Wheaton	Aye		John Vandervelde	Aye
William Jones	Aye		Nathaniel Holden Chase	Aye
Clifford Hart	Absent			

Town Manager McGuffin gave a report on an application for rezoning 123 Lee Street to B-1 for short term rental and on a special use permit to allow short term rental (Air B&B). Staff recommended setting public hearings on the matters.

Mr. Jones made a motion that was seconded by Mr. Vandervelde to set public hearings at the February 2023 meeting of the Planning Commission on an application to rezone 123 Lee Street to B-1 for short term rental, and on a special use permit to allow short term rental (Air B&B), as recommended by staff.

After discussion, the motion carried 6-0 according to the following:

June Driskill	Aye		Anne Webster Day	Aye
Janice Wheaton	Aye		John Vandervelde	Aye
William Jones	Aye		Nathaniel Holden Chase	Aye
Clifford Hart	Absent			

There being no further business, on motion of Ms. Wheaton which was seconded by Mr. Jones and carried 6-0, the meeting adjourned at 7:49 PM, according to the following:

June Driskill	Aye		Anne Webster Day	Aye
Janice Wheaton	Aye		John Vandervelde	Aye
William Jones	Aye		Nathaniel Holden Chase	Aye
Clifford Hart	Absent			

June Driskill, Chairperson

Attest: _____

Sec. 24-235. Table of uses.

Table 24-235. Table of Uses

A-1	R-1	R-2	T-1	R-3	R-4	B-1	CBD	B-2	M-1	Description of Use
<i>Accessory and Agricultural Uses</i>										
P	P	P	P	P	P	P	P	P	P	Accessory buildings and uses as provided in section 24-472
P	P	P	P	P	P	P	P	P	P	Agricultural activities, including the raising of crops and animals, provided that agricultural use shall not be objectionable by reason of odor, dust, noise, pollution, erosion or drainage
							P	P	P	Antenna and equipment buildings associated with existing wireless telecommunication facilities as provided in article XI of this chapter
									S	Cemeteries
S	S	S	P	S	S	P	P	P		Church accessory uses involving 2,000 SF or more of building area, including childcare centers, indoor recreation or fellowship halls, and schools
P	P	P	P	P	P	P	P	P	P	Confined livestock facilities as provided in section 24-478
								S	S	Helipads on public property or collocated with a nonprofit health care facility
P	S	S	S	S	S	P	P	P		Home occupation in an accessory building to the main dwelling unit as provided in section 24-474
P	P	P	P	P	P	P	P	P		Home occupations within a dwelling unit as provided in section 24-474
P	P	P	P	P	P	P	P	P	P	Public utilities: poles, lines, transformers, pipes, meters, and/or other facilities necessary for the provision and maintenance of public utilities, provided that electric service lines from the street property line to any residence or other permitted use shall be underground, provided that only one line of poles will be allowed on any street
P	P	P	P	P	P	P	P	P	P	Signs as provided in article IX of this chapter

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S	S	S	S	S	S	P	P	P	P	Temporary uses, including, but not limited to, sale of Christmas trees, tents for revivals, carnivals, but such use not permitted for a period to exceed four months in any calendar year
<i>Residential Uses</i>										
S	S	P	P	P	P					Apartments in an existing single-family dwelling
P	S	S	P	S	S	P	P	P		Bed and breakfast lodging, provided that the owner and family must occupy the residence and own the business, the single-family dwelling appearance be maintained, and adequate off-street parking is provided to the rear of the front setback of the dwelling
P	P	P	P	P	P	P	P	P		Churches, manses, parish houses and adjacent cemeteries
P	P	P	P	P	P	P	P	P		Garages, private
P					S					Individual manufactured or modular homes 19 feet or greater in width placed on continuous masonry foundations
					S					Manufactured home parks, as provided in article X of this chapter
				P		P	P	P		Multifamily dwellings with an aggregate of three or more units as specified in section 24-475
S	S	S	S	S	S	S	S	S		Planned unit developments, as provided in article VI of this section
						S	S	S		Short-term rental
P	P	P	P	P	P	P	P	P		Single-family dwellings, except for mobile homes and manufactured homes
						P	P	P		Single-family, two-family and multifamily dwellings within a building that contains a business
			P	P		P	P	P		Townhouses, as provided in section 24-477, and condominiums
		P								Townhouses, as provided in section 24-477, with no more than four townhouses within any one development
P		P	P	P	P	P	P	P		Two-family dwelling units and semi-detached dwellings
<i>Commercial Uses</i>										

							S	S		Adult oriented entertainment that may include alcohol or gambling, such as pool halls, dance halls, or electronic skills games halls
							P	P		Agricultural, farm and lawn machinery display, sales and services, provided that all inoperable machinery must not be visible from any public right of way
			P				P	P		Antique and gift shops
									S	Arenas, auditoriums or stadiums
							P	P	P	Automobile laundry or car wash, provided that a paved area shall be located on the same lot for the storage of vehicles awaiting entrance to the washing process
							P	P	P	Automobile, motor home, travel trailer, and mobile home sales (new and used) which need not be enclosed, but any mechanical or body repair must be conducted entirely within a structure which shall not have any opening, other than a stationary window, within 100 feet of a residential district and provided further that all vehicles on a used car sales lot must be in operating condition at all times
							S	S		Automotive repair garage, mechanical and body, provided all operations are conducted in a building which shall not have any opening other than a stationary window within 100 feet of a residential district and which shall not store or otherwise maintain any parts or waste material outside such building
							P	P		Automobile service stations as provided in section 24-473
							P	P		Bakeries employing not more than ten persons other than clerks and vehicle drivers
							S	P	P	Banks and savings and loan institutions
							S	S		Building materials dealer
							P	P		Building materials dealer, not including handling of bulk materials such as sand and gravel
							P	P		Catering establishments

	S	S	P	S	S	P	P	P		Childcare centers
			P			P	P	P		Clinics and medical offices
							P	P		Convenience stores; in the event that gasoline or fuel is sold together with any other uses allowed in this district there must be compliance with this chapter
						S	P	P		Drug stores and other establishment for the filling of prescriptions and sale of pharmaceutical and similar supplies
						P	P	P	P	Emergency services
			S			P	P	P		Family oriented indoor recreation with no alcohol or gambling, including bowling alleys, roller skating, ice skating, game, pinball or other electronic game centers
			S			S	P	P		Farmers markets
							S	S	P	Feed and seed stores
			P			P	P	P		Funeral homes
							P	P		Furniture stores
							S	S	P	Garages, private and public
						S	P	P		Grocery stores
							P	P		Hardware stores
P										Kennels
									P	Laboratories, pharmaceutical or medical
							P	P		Machinery sales and services
							P	P		Motels, motor hotels and motor inns
						P	P	P		Newsstands
S										Nonmotorized bicycle (motorcross) racing facilities
S			S			S		S		Outdoor entertainment such as golf driving ranges or other sports related entertainment
									S	Outdoor theaters, provided the face of the screen is not visible from any arterial or collector streets located within 2,000 feet of such screen
							S	S		Pest exterminating businesses
							P	P		Printing plants and newspaper offices

			P			P	P	P		Professional office buildings
							P	P		Radio and TV offices and studios
							P	P		Restaurants, craft breweries, craft distilleries
							P	P		Retail automotive parts stores
									P	Retail and wholesale greenhouses and nurseries
						S	P	P		Retail nurseries with greenhouses
			P			P	P	P		Retail service stores such as bakeries, barber shops, beauty parlors, shoe shops, self-service laundries, and establishments for receiving and distributing articles for laundering, drying and dry cleaning
									P	Sale of products produced on the premises
							P	P		Satellite dish antenna sales and service establishments
							S	S		Self-service mini-storage and warehouse facilities
							P	P		Shopping centers as provided in section 24-476
							P	P		Theaters, indoor
			S			S	P	P		Time-shares
							S	S		Veterinary hospitals and clinics
			S				P	P		Videotape sales and rental establishments
						P	P	P		Wearing apparel stores
							S	S	S	Wireless telecommunication facilities as provided in article XI of this chapter
<i>Institutional Uses</i>										
						P	P	P		Clubs and lodges, fraternal, civic and patriotic
						S	P	P		Community centers
							S	S		Childcare centers
						S	P	P	P	Government office buildings, including buildings occupied any local, regional, state or federal agency including courthouses
			P	P		P	P	P		Hospitals and nursing homes
							S	S	S	Jails
			P			P	P	P		Public and private schools and accompanying dormitories and facilities

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			P			P	P	P		Public libraries
P	P	P	P	P	P	P	P	P		Public parks and playgrounds provided recreational facilities shall not be less than 250 feet from any residential lot line
S										School support facilities
					P	P	P	P		Social, civic, patriotic and recreational clubs, lodges and fraternal orders
			P			P	P	P		U.S. post offices
<i>Industrial Uses</i>										
							P	P		Carpentry and cabinet making shops
							P	P		Cold storage plants and frozen food lockers not including lard rendering and abattoirs
							S	S	S	Contractor facilities and storage yards and establishments for installation and servicing products with outside storage of materials and machinery
							P	P	P	Contractor facilities not involving outside storage of materials and machinery
							P	P		Dry cleaning plants
									P	Frozen food processors, lockers and ice manufacturing
							S	S	P	Light manufacturing, processing or packaging of products (including machine shops without punch presses) provided all operations are conducted in a building which shall not have any opening other than a stationary window within 100 feet of a residential, agricultural or conservation district; shall not store or otherwise maintain any parts or waste material outside such building; and shall not create conditions of smoke, fumes, noise, odor or dust detrimental to health, safety or general welfare of the community; and shall be permanently screened from adjoining residential lots and districts by a wall, fence, evergreen hedge and/or other suitable enclosure of a minimum height of seven feet at the original elevation of the property line

									P	Manufacturing, processing, fabricating, assembling, distributing or packaging of products, including, but not limited to, business equipment, die-cut paperboard and cardboard; glass products made of purchased glass; electrical lighting and wiring equipment; dairy products; baked and confectioners' goods; fruit and vegetable processing, canning and storage; electronic components; professional, scientific, engineering; laboratory, or research instruments; electronic computing instruments; iron and steel, musical instruments; toys; rubber and metal stamps; photographic equipment; drugs; fire extinguisher; sporting and athletic goods, lithographic and printing processes; radio and television receiving sets; appliances; watches; clocks; and optical goods
									P	Moving and storage establishments
						S	S	S	P	Oil and gas exploration, extraction and production, provided the provisions of all applicable state laws and state rules are adhered to
P										Packing and distribution plants for horticultural products, provided such plants are incidental to agricultural operation of the property on which such plants are located
									P	Printing establishments
									S	Processing and sale of milk and milk products, both wholesale or retail
							S	S	S	Radio and TV transmission towers (provided the tower is so located that its minimum distance from any lot line shall equal the maximum height of the tower above ground level)
							S	S	S	Radio and TV transmitters
							S	S		Shopping centers as provided in section 24-476
							S	S	P	Sign manufacturing
									P	Soft drink and bottling plants

							S	S	P	Tire recapping, provided all operations are conducted in a building which shall not have any opening other than a stationary window within 100 feet of a residential district and which shall not store or otherwise maintain any parts or waste material outside such building
									P	Transportation terminals and facilities
									S	Truck stops
							S	S	P	Warehousing operations
							S	S	S	Welding, blacksmith, or machine shops, excluding punch presses
							S	S	P	Wholesale and jobbing establishments
									S	Yards for storage and/or sale of coal, petroleum products, or flammable gases
							S	S	S	Yards for storage and/or sale of lumber, building materials, or contracting equipment
										Uses listed in section 24-265

(Zoning Ord. 2003, table 7.1)



STAFF REPORT
REZONING and SPECIAL USE PERMIT
Tyler and Emily Wynn
Planning Commission Public Hearing

General Information:

Processing schedule: The Planning Commission set this for a public hearing for their December meeting. Both items were advertised for public hearings on December 7th. . Adjacent notice has been provided by certified mail and the property has been posted, per the Code.

Application Information:

Owner and Applicant: Tyler and Emily Wynn
Requested Action: Conditional Rezoning to B-1
Special Use Permit for short term rental
Location: 117 Pine Street
Tax Map Numbers: 96 A 414 39,40
Existing Zoning: R-2
Proposed Zoning: B-2
Existing land uses: Single family residential
Comp. plan area: Residential

Summary of Request and Background Information:

The current Zoning Ordinance for the Town only allows short term rentals (defined as less than 30 day occupancy, not on the same property as the owner's residence) in commercial areas, with a Special Use Permit.

Tyler and Emily Wynn purchased this property in order to have a residence near their parents and utilize the short term rental to pay the costs of the home. There have been no complaints about this use. It is currently being used for short term rental, and was found on a check by the Town Treasurer on a short term rental site.

The Planning Commission requested that staff advertise for three public hearings.

Change the Zoning Ordinance: The first public hearing will be to determine a Planning Commission recommendation on whether the Zoning Ordinance should be changed to allow short term rentals in certain residential districts with a Special Use Permit. This would mirror the Town's current stance on bed and breakfasts (which are owner occupied). If this were to be recommended for approval by the Commission, the Wynn's application could be changed to just seek the Special Use Permit, rather than the rezoning.

Rezoning: The Wynns are requesting rezoning of their property from R-2 to B-1, with conditions, in order to allow them to conduct their short term rental business on their property. They have proffered out all other uses in the B-1 district to clarify that their only intent is to have the short term rental. They have further proffered that they are not seeking a permanent rezoning that goes with the property, but a rezoning for the time period in which they own the property.

Special Use Permit: The Zoning Ordinance requires a Special Use Permit for short term rentals in business districts. So, once the rezoning is complete, the Wynns would also require a Special Use Permit to be able to conduct this business in the district. As with any other Special Use Permit, the Town may impose conditions related to the use upon the applicant.

Public Notice

The proposal was advertised for public hearing for two consecutive weeks, as required by State Code, and adjacent property owners received a public notice by certified mail, also as required by Code. The property had a sign placed on it for notice as well.

Consistency with the Comprehensive Plan and Zoning Ordinance:

The rezoning is not consistent with the Comprehensive Plan. However, short term rentals can be compatible with other single family residential uses, if appropriately managed. The decision as to whether this should be allowed is a political one- localities in Virginia has answered this question with every possible choice- some allowing STRs by right, and some prohibiting them outright, but most allowing some level of STRs with conditions.

Citizen Comment:

There has been no citizen comment received about this proposal.

Conclusion:

This is the first application that the Town received for an STR in a residential neighborhood. However, there has already been a second application made. There will be additional ones in the future. Ultimately, the Town needs to determine if STRs should be allowed in residential areas, and if so, under what circumstances.

September 15, 2022

Dear Town of Amherst,

My name is Emily Wynn. My husband (Tyler) and I are the owners of 117 Pine Street.

On a personal note we purchased 117 as our second home to enjoy on the weekends and holidays while visiting my parents who live right next door. Owning this home gives us space for all the grandkids to be together and have as much grandparent time as possible! My dream is for my kids and their cousins to have the same memories I have of spending summers and holidays in Amherst visiting my Popa, aunts, uncles, and cousins.

We have been operating as an Airbnb rental for the past several months and we are here to work with the town to do what is asked of us in order to continue our operation as a short term rental. Here are some things I'd like you to consider when making your decision.

We have a surprising variety of guests that rent our home. I talk with each of them personally to understand what brings them to town. These guests have included:

- People that grew up in Amherst and are coming back to town to visit family
- Parents coming to visit their kids who attend/graduate Sweet Briar or Liberty
- Families moving to Amherst who experience closing delays on their new home and didn't have anywhere to stay last minute
- Remote Sweet Briar employees and their families that come to town for work functions
- Special needs families (our home is a single floor and open concept) who attend a special occupational therapy clinic in Lynchburg run by VA Tech
- Mother/daughter groups looking for a relaxing weekend getaway
- Remote workers who stay for a getaway to explore our beautiful little town and surrounding attractions

To help do my part in bringing revenue to the town and promoting/supporting the wonderful small business growth that Amherst has seen in the past few years I provide a Guidebook at the home that directs our guests to all of our favorite local spots such as Ladle and Blade, Filling Station, Camp Trapezium, What a Blessing Bakery, Brier Patch, Hill House, and many more! There are so many gems here that we love to share!

We take so much pride in our little vintage bungalow and have put a lot of sweat equity and love into restoring this home back to it's 1940's charm. Even though we rent it out on Airbnb to help cover some of the expenses of owning it we have strict rules and standards for ourselves as well as the guests who stay there. We do this to ensure we only add value to the Pine Street neighborhood!

Proposed Proffered Conditions:

- Obtain a special use permit for short term rental use only
- Obtain B1 zoning status for short term rental use only. We have no interest in any of the other zoning capabilities.
- Obtain B1 zoning status for our use only, and set to expire if ownership of our property ever changes

Our short term rental standards and current conditions of operations include:

- No parties or gatherings
- Strict no loud noise/music policy after 10pm

- We ensure the home (interior and exterior) and yard are well maintained
- Strict 6 person max (including children)

Additional things to consider:

- All Pine St and some N Main St neighbors have been provided with my personal cell phone and email to contact me if they ever have any questions or concerns
- Operating as an Airbnb allows us to provide income to 2 local Amherst families who provide us with handyman/contractor and cleaning services
- My parents (Bob and Susan Parks) live right next door full-time (sharing the drive way) and keep a constant eye on the home to make sure all standards of operations are being adhered to
- I personally screen every guest to confirm reviews from previous Airbnb host to ensure they are guests that abide by the house rules and leave the property in good/clean condition

Our guests have left us nothing but raving reviews (I've provided a few below for your reference) about how wonderful of a location our home is, how clean and well maintained it is (inside and out), and how they are so happy to have spent time in such a wonderful little town enjoying the local small businesses.

As hosts its important to us for our guests to have positive experiences, but it's even more important that our full-time neighbors have only positive experiences being our neighbor!

I appreciate everyone's time today and look forward to working with everyone through this process. We adore Amherst and would love nothing more than to continue to share our home with others!

If there's any additional questions or anything I can clarify please reach out to me at 757-617-4435 or em.k.parks@gmail.com

Sincerely,



Emily (Parks) Wynn

Guest Reviews:

Overall rating ★ ★ ★ ★ ★

Perfect place perfect host great location!!!

Overall rating

★ ★ ★ ★ ★

Public review

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We loved our stay in Blueridge Bungalow - such a cute little house in a quaint town. We've stayed in many airbnbs across the country and have never found one so well-stocked with condiments, beverages, toiletries and cleaning supplies. The neighborhood was very quiet and had easy access to the places we wanted to visit. Our only regret was that we ran out of time to visit Camp Trapezium. We will have to go there on our next visit to Amherst, when we hope to stay at Blueridge Bungalow again.

Overall rating ★ ★ ★ ★ ★

Blue Ridge Bungalow is a gem. For anyone visiting the area, it's convenient, well appointed, comfortable, clean, and has a great deal of charm!

Overall rating

★ ★ ★ ★ ★

Public review

[View reply](#) ↗

WOW. We stayed at Emily's place for almost 2 weeks and it was above our expectations in every way. I was traveling with my 3 teenaged daughters and our dog, and we felt completely safe and fell in love with the immediate area. Amherst is so lovely and has everything you need, plus the dog had all the space he wanted in the yard. The kitchen and bathrooms were well stocked with many thoughtful extra touches that were appreciated. The furnishings and beds (and bedding) are high quality, clean, and comfortable. Keyless entry was a snap and Emily was ultra available and responsive to any questions we had. The neighbors nearby were friendly, but not intrusive. Can't recommend enough- we'll be back if we get the opportunity to visit again. Thanks. Emily!!

Overall rating

★ ★ ★ ★ ★

Public review

One of the best airbnb experiences here! Excellent communication, cozy and cute home aesthetic, and an absolutely great location. We had a great staycation here with the help of a multitude of wineries, cider spots, and hikes like Mount Pleasant. Definitely recommend!

Overall rating

★ ★ ★ ★ ★

Public review

We really enjoyed our stay in Amherst! This place is clean and comfortable, and is stocked with plenty of basics in the kitchen and bathroom. Perfect size for two couples and a baby (with a high chair, pack and play, and toys available if you need them!). Centrally located to hiking, wineries, and breweries, and made for a great weekend away.

Overall rating



Public review

[View reply](#) >

I almost don't want to write this review because I want to keep this secret. The communication was great, the location was perfectly situated to SBC's campus. The house is beautifully miserably decorated and 1940s-charming at the same time. The welcome book is the best I've ever seen — clear and very informative. Don't stay here though because I want it for myself.



APPLICATION FOR SPECIAL USE PERMIT
 TOWN OF AMHERST
 POST OFFICE BOX 280
 AMHERST, VIRGINIA 24521
 (804) 946-7885

DATE 9/26/22

APPLICANT ADDRESS Timothy + Emily Wynn OWNER ADDRESS Timothy + Emily Wynn
953 N Haven Cir ADDRESS same
 CITY Chesapeake VA 23322 CITY same
 TELEPHONE NO. 757-617-4435 TELEPHONE NO. same

REPRESENTATIVE Self ADDRESS N/A
 CITY N/A TELEPHONE NO. N/A

LOCATION OF REQUEST 117 Pine St Amherst VA 24521
 TAX MAP NO. 96A414 39-40 LOT AREA 6,174 sq ft EXISTING ZONING R2
 PROPOSED SPECIAL USE short term rental use

STATEMENT BY APPLICANT
 We request B1 zoning for short term rental use only, set to expire with any change of ownership. As hosts its important for our guests to have positive experiences, but its even more important that our neighbors have only positive experiences as our neighbor

Applicants are reminded that §18.1-1002 of the Town Code requires signs describing the action requested under this application to be posted on the property.

As (OWNER) (CONTRACT PURCHASER WITH OWNER'S WRITTEN CONSENT, ATTACHED) (OWNER'S AGENT) of the property listed above, I/we hereby petition the Amherst Town Council to rezone the above described property.

[Signature] 9/26/22
 Signature of Applicant Date

PLANNING COMMISSION PUBLIC HEARING _____
 _____ Time _____ Date _____
 PLANNING COMMISSION ACTION

 Zoning Administrator Date

TOWN COUNCIL PUBLIC HEARING _____
 _____ Time _____ Date _____
 TOWN COUNCIL ACTION

 Clerk of Council Date

Adjacent Property Owner Information for

Special Use Permit Application - Rezoning Application - Conditional Zoning Application - Variance Application - Appeal Application

§ 15.2-2204 of the Code of Virginia requires that a notice of pending action to be mailed to the owners, their agent or the occupant, of all abutting property and property immediately across the street or road from the property affected, including those parcels which lie outside the Town; and, if any portion of the affected property is within a planned unit development, then to such incorporated property owner's associations within the planned unit development that have members owning property located within 2,000 feet of the affected property. The purpose of this form is to assist the applicant to collect the needed information from the Amherst County Commissioner of the Revenue's office.

Tax Map #	Physical Address	Owner's Name	Owner's Mailing Address
96A414 3,5,6	193 N Main St	Turner	193 N Main St.
96A414 2	179 N Main St.	Glover	179 N Main St.
96A414 41-44	125 Pine St	Cash	125 pine st.
96A414 47-49	129 pine st	Byrant	129 pine st.
96A414 50-52	139 Pine St	Rose	139 Pine St.
96A414 53-55	151 Pine st.	Hwang	151 Pine St
96A414 11-14	136 Pine st	Taylor	136 pine st
96A414 15-18	144 Pine st	Wright	144 Pine St.
96A414 19-22	152 pine st	Fore	152 pine st.
96A414 56-58	157 pine st	McKellan	157 pine st
96A414 63-72	172 pine st	Higgins	172 pine st.

Applicants should use as many forms as are needed to provide the needed information.

Note: Applicants are reminded that §18.1-1002 of the Town Code requires signs describing pending action by the Planning Commission, Town Council or Board of Zoning Appeals to be posted when approval of a site plan, subdivision, special use permit, rezoning, conditional zoning, variance, or appeal is requested.



DATE 9/26/22

APPLICATION FOR REZONING
TOWN OF AMHERST
POST OFFICE BOX 280
AMHERST, VIRGINIA 24521
(804) 946-7885

APPLICANT	<u>Timothy + Emily Wynn</u>	OWNER	<u>Timothy + Emily Wynn</u>
ADDRESS	<u>953 N Haven Cir</u>	ADDRESS	<u>same</u>
CITY	<u>Chesapeake VA 23322</u>	CITY	<u>same</u>
TELEPHONE NO.	<u>757-617-4435</u>	TELEPHONE NO.	<u>same</u>

REPRESENTATIVE self ADDRESS N/A
 CITY N/A TELEPHONE NO. N/A

LOCATION OF REQUEST 117 Pine St Amherst VA 24521
 TAX MAP NO. 96A414 39-40 LOT AREA 6,174 Ft.
 EXISTING ZONING R2 PROPOSED ZONING B1 (short term rental use) only

STATEMENT BY APPLICANT
 We request B1 zoning for short-term rental use only, set to expire with any change of ownership. As hosts its important for our guests to have positive experiences, but its even more important that our full-time neighbors have only positive experiences as our neighbor!
 Applicants are reminded that §18.1-1002 of the Town Code requires signs describing the action requested under this application to be posted on the property.

As (OWNER) (CONTRACT PURCHASER WITH OWNER'S WRITTEN CONSENT, ATTACHED) (OWNER'S AGENT) of the property listed above, I/we hereby petition the Amherst Town Council to rezone the above described property.

[Signature] 9/26/22
 Signature of Applicant Date

PLANNING COMMISSION PUBLIC HEARING _____
 Time Date
 PLANNING COMMISSION ACTION _____

 Zoning Administrator Date

TOWN COUNCIL PUBLIC HEARING _____
 Time Date
 TOWN COUNCIL ACTION _____

 Clerk of Council Date

Adjacent Property Owner Information for

Special Use Permit Application - Rezoning Application - Conditional Zoning Application - Variance Application - Appeal Application

§ 15.2-2204 of the Code of Virginia requires that a notice of pending action to be mailed to the owners, their agent or the occupant, of all abutting property and property immediately across the street or road from the property affected, including those parcels which lie outside the Town; and, if any portion of the affected property is within a planned unit development, then to such incorporated property owner's associations within the planned unit development that have members owning property located within 2,000 feet of the affected property. The purpose of this form is to assist the applicant to collect the needed information from the Amherst County Commissioner of the Revenue's office.

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96A414 56-58	157 Pine St	McLellan	157 Pine st.
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Applicants should use as many forms as are needed to provide the needed information.

Note: Applicants are reminded that §18.1-1002 of the Town Code requires signs describing pending action by the Planning Commission, Town Council or Board of Zoning Appeals to be posted when approval of a site plan, subdivision, special use permit, rezoning, conditional zoning, variance, or appeal is requested.

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Short Term Rental Zoning May Be Strictly Regulated or Not

Last Updated: November 21, 2021

When it comes to short term rental zoning, communities have to decide on a policy that fits their history and ideals. This issue is especially likely to arise where tourists or a seasonal population are interested in temporary rentals of single-family residences, without the owner being on the premises.



With the rise of the sharing economy, online businesses such as Airbnb have made renting out a home, or just a room or two, an easy option for homeowners, even in areas not considered especially touristy. So this problem is increasing in frequency and potential for controversy.

Of course it is not a new issue where seasonal tourism is high, but the question has become newly relevant for many towns and cities that have never been seen a demand for short term rentals before now. This applies to areas that are near tourist attractions in large cities, but which have never thought of themselves as tourist destinations until now. What we have to say on this page applies to these sharing services as well.

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Often the question is handled through the zoning ordinance, but sometimes a stand-alone ordinance may be enacted governing the conditions under which such a land use is permitted. We think it best to handle any regulation of short-term rentals within the zoning ordinance.

Commonly the short term rental zoning provisions define short term as less than 30 days. The same concept may be called transient rentals, or short term transient rentals. A few examples of a seasonal zoning regulation have been found as well, in which different regulations apply if the rental is for more than 30 days but less than 180 or so.

If the zoning ordinance is where short term rentals are regulated, the ordinance of course will spell out which zoning districts allow such a use. Sometimes ordinances require a special use permit, which usually leads to the same level of public hearings and action by the governing body equivalent to the process required for a rezoning.

We think the best provision would be to require a conditional use permit in any residential zoning district, which allows the city, township, or county to address concerns about extra vehicles, hours, noise, trash removal, frequency of turnover, and more. Then if the local government thinks that its comprehensive plan requires strict adherence to a single family model in some districts, conditions such as a minimum number of nights' stay for each tenant, a maximum number of nights of rental each year, and the presence of the owner-occupant on premises can be required.

Standards For Short Term Rental Zoning

In any event, the zoning ordinance is likely to set forth standards for short term rental zoning. Topics regulated might include:

- Posting or availability at the town hall of one or even two **local** contact persons who will be responsible for handling any problems that arise with the property. We think this is the most important regulation, and one that should be strictly enforced.
- Requirements for providing off-street parking. Unless the unit in question is very well served by public transportation, this is a must. Typically the requirement could be met by extra driveway space, but if even homeowners park on the street, be quite careful to include a sufficient regulation.
- Noise and nuisance provisions, or reference to other ordinances addressing such situations.
- Requirements that garbage collection be maintained, and limiting the hours before and after collection when the garbage receptacles can be in front of the home. Think through whether you want to tolerate a situation such as visitors leaving on Monday morning and wheeling a garbage can to the street, even though garbage collection does not occur until Thursday.
- Minimal required spacing between short term rentals. A particular interval of feet may be used to assure that an entire block does not turn into a short term rental district.
- Reinforcement of the idea that normal occupancy limits (number of persons who may live in the home) for a particular zoning district also apply to short term rental tenants.
- Proof of code compliance, fire safety measures, adequate water and sewer service, or other utilities or infrastructure that may be of particular concern.
- Requirements for notifying neighbors, or even for their agreement.
- Limitations on the turnover. Renting to six different tenants within a month probably won't be allowed in many places. There may be a minimum stay, perhaps of a week.
- Limitations on particular areas of the town or city where short term rental either is not allowed at all or is not restricted. Such statements within a zoning ordinance would amount to

establishing an overlay district pertaining just to the subject of transient rentals.

- Imposition of a special use permit or conditional use permit requirement, allowing for scrutiny of the particular facts of a site before allowing such a use. Alternatively, you might provide for a city staff review based on specific criteria.
- A complaint structure through which close neighbors can report problems and issues to the city, or possibly even a mediation structure for disputes.
- A revocation procedure for a rental that proves to be a detriment to the neighborhood.

If the rental of homes for a short time is not covered in the zoning ordinance, or the town or city does not have a zoning ordinance, a separate law sometimes is enacted. Probably it would deal with the same types of limitations and requirements described above, as considered appropriate and necessary by the local government.

If your town is targeting regulations toward Airbnb and its competitors, you may want to discuss a requirement that the building is owner-occupied. This prevents the situation of an off-premises owner who may be conscientious but not aware of tiny problems that might arise each night. Yet it also allows homeowners with plenty of space and parking capability to be able to earn some extra income in a manner relatively harmless to the neighborhood.

A number of European cities, led by Paris, have adopted a registration process for the short term rentals, since prior to the licensing requirement they largely had been avoiding paying taxes required of hotels and other formalized lodging. Additional pushback in European cities has come from those who claim that the short term rentals of rooms and apartments have become so lucrative that there is a loss of rental housing stock available for the local population. From some reports we have read, there is merit in this claim. We encourage you to think about the potential for loss of affordable housing for your own residents if short-term rentals become a significant factor in your community.

Resort cities and towns in the U.S. face a similar problem in that out-of-town visitors are willing to pay a premium for rooms that once were re... ave nowhere to live. Each city

to provide housing for the seasonal workers who make the tourism industry possible.

Trends In Brief Rentals

We expect that the 2020-2021 COVID-19 pandemic has softened the appeal of short-term rentals, but any lasting impact will depend on how the public perceives the safety of staying in a residence other than a hotel and even on how quickly leisure travel recovers over a period of many months or years. This factor may give municipalities who have not yet addressed the issue some additional time to consider an appropriate response, but we think that at some point the popularity of this element of the sharing economy will continue on its overall upward trend.

In the case of both short term rental zoning and free-standing transient rental regulations, many communities that are aware of the connections between **tourism and economic development** have a tendency to begin with minimal regulation and to add requirements on the basis of particular problems that arise. If the town becomes divided over the issue, however, of course the regulations are likely to be more strict and more creative.

Still other towns choose to ignore the issue that some residents or property owners rent out homes for a very short term, considering this practice to be the prerogative of the property owner. Be aware that there will be resistance if you try to limit property owners' flexibility. As an example, see our exchange with a site visitor about being **forced to stop renting through Airbnb**.

We see the opposite tendency in towns that do not consider themselves to be tourism oriented. Often they are very suspicious of allowing people to rent out rooms in their residence for a few days, thinking that it undermines the sanctity of single-family residential neighborhoods. They have a good point actually.

Some municipalities have asked planning or code enforcement staff members to monitor the big short-term rental websites to find any properties offered for stays in their jurisdiction. If you have had the opportunity to talk to a site visitor, you may have heard that they do not allow this land use, it

should be relatively easy to find property owners who are in violation, as they have to advertise to be known.

We advise you to think this through before it becomes a big issue though. There may be some zoning districts and even some particular lot configurations where any potential disruption would be minimal, but where the economic benefits to property owners could be real.

Particularly in an unattractive real estate market, allowing short term rental zoning is probably not a bad idea, as long as the percentage of the housing stock devoted to this use is small. From the community perspective, short term rental use is probably preferable to a house going into foreclosure.

Some apartments run themselves, in a sort of absentee **bed and breakfast** situation. However, we recommend that it is best to require a meaningful stay if there is no on-premise owner or manager. Our advice would be to require a stay of at least three days but preferably five to seven.

This allows the neighbors to monitor the situation better. If new people can come in every night, neighbors will tend to shrug their shoulders about anything strange they see. But each community will need to evaluate its own situation to determine how to address home sharing.

Check Out These Pages Relevant To The Short Term Rental Debate



**Tourism and
Economic
Development**



**Zoning for Bed
and Breakfast**



**Condo
Conversion
Zoning**



**Zoning
Regulations**

Community Development > Zoning > Short-Term Rental Zoning

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Short-Term Rental Regulations:

A GUIDE FOR LOCAL GOVERNMENTS



CENTER FOR CITY SOLUTIONS

About the National League of Cities

The National League of Cities (NLC) is the voice of America's cities, towns and villages, representing more than 200 million people. NLC works to strengthen local leadership, influence federal policy and drive innovative solutions.

NLC's Center for City Solutions provides research and analysis on key topics and trends important to cities, creative solutions to improve the quality of life in communities, inspiration and ideas for local officials to use in tackling tough issues, and opportunities for city leaders to connect with peers, share experiences and learn about innovative approaches in cities.

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INTERACTIVE

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Foreword

IN RECENT YEARS, short-term rentals have increased in cities, towns and villages across the United States. As a result of this growth, local leaders have had to grapple with competing benefits and challenges – in particular, how to ensure a healthy stock of affordable housing and how to support local tourism and economic development opportunities. One of the top priorities for city leaders today is to ensure that residents and visitors to their communities have access to safe, affordable lodging.

These competing priorities make passing regulations difficult, which is why it's not surprising that short-term rentals have become a common topic of discussion among our members at the National League of Cities (NLC). Members faced with these challenges often ask us: "What tools are available to assist me with regulating short-term rentals in my community?"

This persistent question led NLC to research short-term rental regulations in cities across the country and ultimately produce *Short-Term Rental Regulations: A Guide for Local Governments*. Based on an analysis of 60 short-term rental ordinances, this action guide lays out a detailed overview of best practices for cities to develop and pass short-term rental regulations in their communities.

While no two municipalities face the same opportunities and challenges when it comes to regulating short-term rentals, this research provides insight into how to chart a path forward successfully. This guide recommends local leaders create and enforce firm and fair regulations by focusing on clear policy objectives, centering racial equity as a critical component in their planning and actively engaging with relevant stakeholders throughout the process.

Short-term rentals can open a swath of opportunity for homeowners looking to make additional dollars, while also providing economic development opportunities in neighborhoods that may not generally see high levels of tourism. By bringing community and industry leaders together, local leaders can create policies that work for both – and maximize the potential value of short-term rentals for hosts, guests and neighbors alike, all while protecting the affordability of neighborhoods.

While short-term rentals are a prominent issue today, this challenge is not a new one for local leaders. There are often difficulties that come with maximizing economic growth while protecting community interests. Mayors, councilmembers and other local elected officials are well-equipped to help bring stakeholders together to understand and navigate potential trade-offs.

Local leaders have an incredibly important role to play in capitalizing on the benefits of short-term rentals and minimizing potential negative impacts. I hope this resource will help your community make decisions about short-term rentals that are best for your residents.



Clarence E. Anthony

CEO AND EXECUTIVE DIRECTOR
National League of Cities



Introduction

THE RAPID GROWTH of short-term rentals in cities, towns and villages across the U.S. has caused much controversy. From contentious City Hall meetings where residents advocate for more stringent or more relaxed regulations to lengthy and expensive legal battles between cities and short-term rental platforms, cities can get caught in the cross-hairs of a complicated policy issue. Short-term rentals present no shortage of challenges for local leaders, as they can affect housing availability and affordability, local tourism and economic development, neighborhood wellbeing, and health and safety. However, many cities have learned important lessons in navigating these complex issues and offer some best practices for others to learn from.

Regulation of short-term rentals has proven to be an important and effective tool in making short-term rentals work for all parts of the community. Regulations that define what short-term rentals are and have appropriate mechanisms in place should intervention be necessary have helped city leaders steer the conversation toward solutions and meeting community needs. The purpose of regulating short-term rentals is not to be overly punitive or to prohibit them, but to put safeguards and appropriate enforcement mechanisms in place for when problems arise.

This Action Guide will not settle debates about the specific impacts of short-term rentals on each community. Instead, it aims to equip local leaders with appropriate information and tools to adopt or amend ordinances that serve their community best: policies that are equitable; that protect municipal interests such as health and safety and housing affordability; that preserve the residential quality of neighborhoods; and that enable responsible and eligible residents to earn some additional income.

Defining Short-Term Rentals

What is a Short-Term Rental?

In general, short-term rental (STR) refers to an activity in which one party, the “host,” agrees to rent out all or part of a home to another party, the “guest,” on a temporary, time-limited basis. The precise legal definition of a short-term rental varies by community. Most short-term rental ordinances include details on the following types of provisions that define short-term rentals for a particular community:

LOCATION AND USE:

Where and how many short-term rentals are allowed

TIMING:

How long short-term rentals can be rented for

MANNER OF RENTAL:

Additional requirements for hosts and guests

What Can Communities Regulate?

Regulations vary, depending on the needs of the locality issuing them. In a community where vacant properties are a problem, regulations might focus on upkeep and oversight. In a community where housing stock is scarce, regulations might be put in place to limit the number of properties lost to residential rentals.

Generally, however, regulations include some combination of the following provisions:

PROVISIONS	DETAILS
LOCATION AND USE	<p>Geographic limits: Cities can decide to limit the availability of STRs in specific areas of cities, such as particular residential areas or neighborhoods with specific historic character.</p> <p>Commercial-residential distinctions: Cities can establish different rules for properties in residential and commercial areas to account for the different interests of communities in each of these areas.</p>
TIMING	<p>Primary residence requirements: Cities can require that the STR is occupied by the host for most of the year, and/or that the rental is in or part of the owner’s primary residence.</p> <p>Day limits: Cities can include provisions capping the number of days per year that hosts can rent their STR.</p>
MANNER OF RENTAL	<p>Registration and licensing: Cities can require hosts to register their properties with the city and can require rental platforms (e.g., Airbnb, Vrbo, etc.) to ensure that properties listed on their sites are properly registered.</p> <p>Taxes: Cities can require that hosts pay transient occupancy taxes, which are taxes on what guests pay for temporary lodging in the city and are usually collected and remitted by hotels, motels and similar businesses. Cities can also work with STR platforms and other third-party providers to minimize the burden of tax remittance.</p> <p>Occupancy limits: Cities can limit the number of guests per stay, usually by establishing a guests-per-bedroom or per-property cap.</p> <p>Health and safety regulations: Cities can require STRs to have fire safety equipment and carbon monoxide detectors; display emergency information for guests; adopt measures to maintain a sanitary residence; and adopt plans for emergencies, among other requirements.</p> <p>Noise and event regulations: Cities can restrict the use of STRs for large gatherings and events, and they may explicitly require that guests comply with existing noise, trash and parking ordinances.</p>

The Issue

Short-term rentals are not a new concept. Companies like Vrbo, HomeAway, Couchsurfing and Craigslist have offered consumers short-term rental options since the late 1990s without much controversy.¹ The meteoric growth of the short-term rental industry in the 2010s changed that. Companies like Airbnb, Vrbo, HomeAway and FlipKey grew in popularity while consumer appetite for more original, authentic and local experiences increased, driving demand higher.

As short-term rentals become more accessible to both hosts and users, use skyrocketed over a short period. But the meteoric success of short-term rental platforms has not been welcomed unreservedly. Common complaints are that short-term rentals can drive up local rents, limit the availability of long-term residential rentals, attract an influx of tourists and create excessive noise.²

Local leaders attempting to chart the pathway forward for short-term rentals in their communities must respond to many competing interests, making passing regulations and balancing those interests difficult. Some of these issues that must be considered include:

Housing

The research is divided on whether short-term rentals contribute to the housing crisis. Regardless of whether the exact impact on the housing market is measurable, it is undeniable that many cities in the U.S. face a housing crisis – due to a shortage of affordable housing, steady decline in federal investment in low-income housing, wage growth stagnation, etc. – and that short-term rentals may contribute to housing unaffordability and unavailability.

Tourism

Short-term rentals outside of the typical tourism areas in cities can be a boon to local economies, spreading dollars across the cities in ways that traditional lodging accommodations do not. On the other hand, cities with high tourism rates face a greater share of the negative impacts of short-term rentals in communities. In high-tourism communities, large numbers of whole home rentals can affect neighborhood cohesion, as they may stand empty for weeks at a time or experience high turnover in guests.

Preemption

Preemptive state laws can limit cities' ability to regulate short-term rentals. The impacts of preemptive laws can range from a complete inability to regulate, to restrictions on the kinds of regulations that can be imposed.

Public Health and Safety

Poorly regulated and unsupervised short-term rentals can threaten the safety of neighborhoods for residents and guests alike. Party houses have become a significant point of contention in some communities. Guests may ignore or be unaware of noise, trash and parking ordinances.

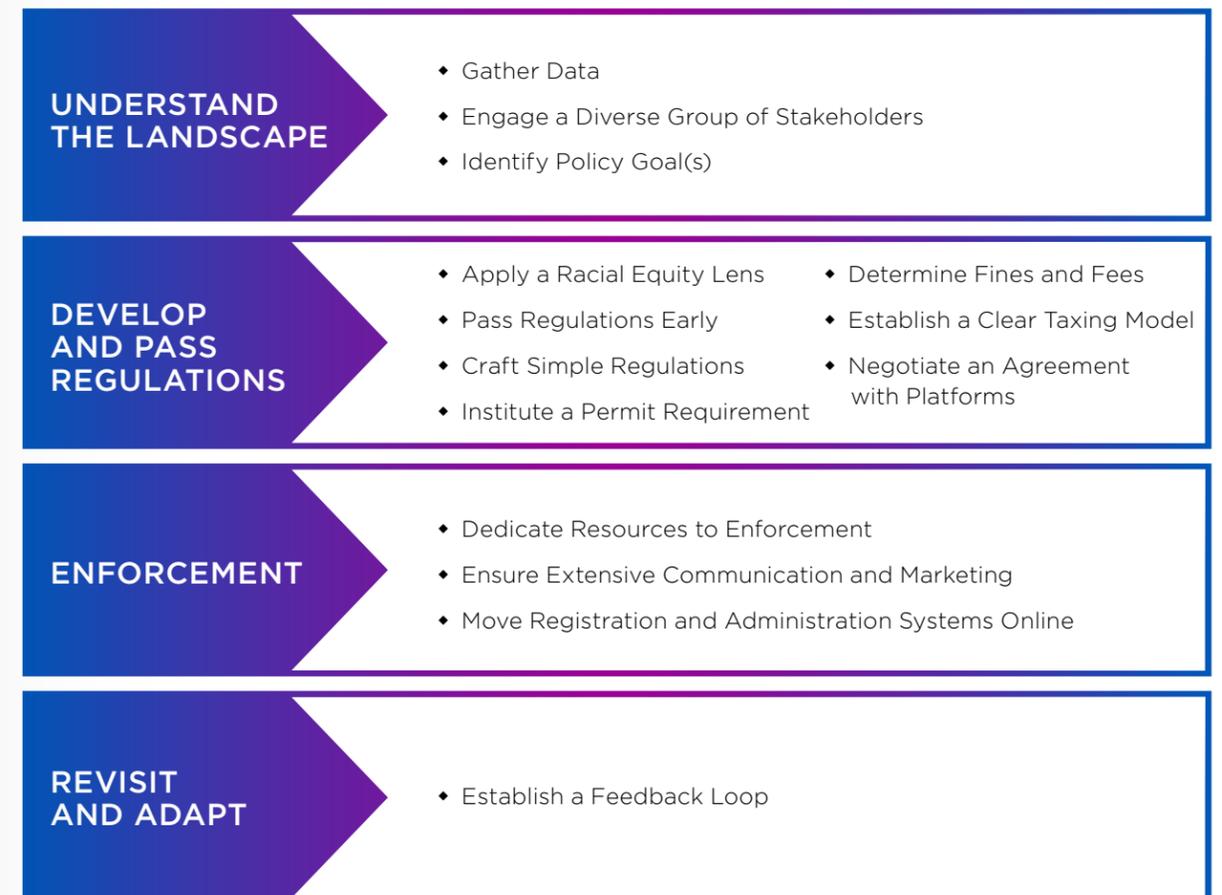
For myriad reasons – both within and outside of city control – cities may find it difficult to enforce the regulations they do have. Some ordinances are difficult for hosts and residents to understand and difficult for the city to enforce because they are overly complicated or poorly publicized. In other instances, cities may have no systematic way to identify hosts who are not in compliance or to keep track of what properties are being used for short-term rentals, and when. Understanding the most common barriers to effective regulation – unclear rules and lack of data – is key to making sound policy choices. Despite the limitations and challenges that city leaders face, local leaders can pass regulations that effectively balance competing interests, fit community needs, and most critically, are enforceable.

Recommendations: Short-Term Rental Regulations

This Action Guide will help local leaders break down the process of developing a short-term rental ordinance, provide relevant city examples and identify key tips. The following recommendations are a menu of policy principles and good practices that cities should explore when establishing or updating their regulations, based on research into short-term rental ordinances and policies across the country.

THE NATIONAL LEAGUE of Cities analyzed 60 short-term rental ordinances to inform this report across 30 indicators, including the legal definition of short-term rentals, regulations and enforcement. At least one city, town or village was selected in each state, with two cities, towns or villages selected for the top ten states by population (California, Texas, Florida, New York, Pennsylvania, Illinois, Ohio, Georgia, North Carolina and Michigan) to ensure that a diversity of local context was represented in the analysis.

The recommendation sections (Understand the Landscape, Develop and Pass Regulations, Enforcement, and Revisit and Adapt) are meant to build off each other and should therefore be executed in chronological order. They are detailed in the section below.



UNDERSTAND THE LANDSCAPE

Before passing regulations, understand the local short-term rental landscape. This should involve extensive information gathering and thorough engagement with relevant stakeholders. Be mindful of what issues are associated with short-term rentals in your community to determine the goals your policy should meet.

GATHER DATA

While anecdotes are powerful, they are not a proxy for actual data to estimate the number and location of short-term rentals operating in a community. In some cases, data may be available through third-party platforms such as Inside Airbnb or AirDNA. Knowing approximately how many units may be on the market is critical to understanding the scope of the issue.



KEY DATA POINTS INCLUDE:

- How many short-term rentals are operating in your community?
- What is the breakdown between hosted room rentals vs. whole home rentals?
- Where are short-term rentals operating in your community?
- What neighborhoods are most affected?
- What is the average daily price of short-term rentals vs. hotels?
- What is the occupancy rate of short-term rentals vs. hotels?
- How much revenue are short-term rental properties generating vs. hotels?

Additional data sources that can help supplement short-term rental-specific data to develop a comprehensive picture of the local landscape can include tourism, housing and complaint data. Connect with local tourism boards to gather information such as how much money visitors are spending, where visitors are spending their money, where they are staying, where they are spending their time and how long they are staying. Leverage data sources such as the American Community Survey to understand the breakdown in renter vs. homeownership

rates, vacancy rates and demographic information in different neighborhoods to contextualize short-term rentals in the broader housing landscape. Records of noise and nuisance complaints (e.g., through 311 calls or similar complaint or service request software) can also help cities understand where these complaints are filed and what they are.

ENGAGE A DIVERSE GROUP OF STAKEHOLDERS

Engage a network of stakeholders, including but not limited to tenants, landlords/homeowners, hotel and motel industry representatives, neighborhood organizations, housing advocates, tourism agencies and short-term rental platforms. This mix will look different for each city, but identifying relevant stakeholders will be key to understanding the challenges and opportunities each city faces.

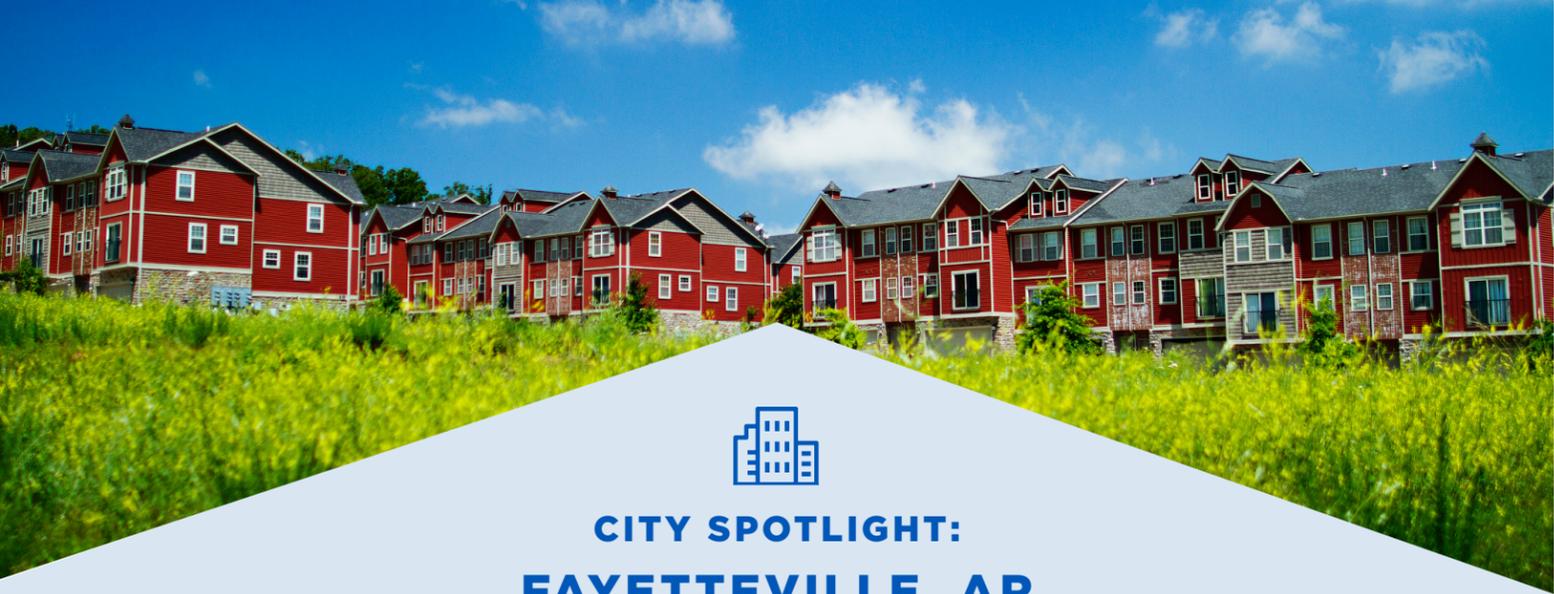
Hold virtual or in-person town hall meetings, drop in on various group meetings (e.g., landlord associations, property owner groups, neighborhood associations, etc.) and solicit comments from members of the public to gauge the perceptions of short-term rentals directly from community members. Cities can, for example, work with neighborhood associations to map areas especially strained by short-term rentals or tourism. Residents have the closest ear to the ground. City leaders should leverage this knowledge to their advantage.

Cities have a lot to gain by partnering with platforms, but the relationship-building process can be contentious at times. These relationships are more likely to be positive when cities come to the discussion table with a clear goal in mind and communicate it with the platforms.



POTENTIAL STAKEHOLDERS INCLUDE:

- | | | |
|--------------------------------------|---|---|
| Motel and lodge union or association | Restaurant associations | Platforms (e.g., Airbnb, Expedia, etc.) |
| Hotels or hotel union or association | City Council | Neighborhood associations |
| Realtor groups or associations | Local planning groups and organizations | Housing advocates |
| | Existing short-term rental operators | Tourism agencies |



CITY SPOTLIGHT: FAYETTEVILLE, AR

In 2018, the City of Fayetteville’s Sustainability Department worked with the University of Arkansas’ Public Policy Department to explore short-term rentals. The students leveraged data sources such as AirDNA to gather the following information:

- ◆ Active rentals
- ◆ Average booked properties
- ◆ Occupancy rate
- ◆ Average booking rate per night
- ◆ Average Airbnb private room price (Fayetteville)
- ◆ Average hotel room price (Fayetteville)
- ◆ Average Airbnb private room price (Downtown Fayetteville)
- ◆ Average hotel room price (Downtown Fayetteville)³

Based on this information, the students generated maps of short-term rental locations in the Fayetteville area, noting a large concentration of Airbnb rentals in the downtown area. This analysis was presented to city staff and elected officials in December 2018 to inform their discussion on short-term rentals in Fayetteville.



CITY SPOTLIGHT: SAN DIEGO, CA

While drafting its short-term rental ordinance, the City of San Diego engaged a wide variety of stakeholders including:

- ◆ Unite Here, a union for motel/lodges
- ◆ Neighborhood groups
- ◆ Hotel stakeholders, including the hotel/motel association
- ◆ Realtor groups and associations
- ◆ The restaurant association
- ◆ City Council
- ◆ Local planning boards and organizations
- ◆ Pre-existing STR operators
- ◆ Expedia Group and Airbnb

A staff member from the San Diego City Council conducted meetings with the stakeholders. The meeting format and length varied. The city representative sometimes met stakeholders individually or invited them to speak at public meetings. Those interested in engaging longer-term were invited to a permanent stakeholder group. The stakeholder group continues to provide input on short-term rental regulation implementation.

Compromise was eventually reached, most notably in the form of a memorandum of understanding (MOU) between Unite Here and Expedia Group. Through the MOU, these two major stakeholders with different perspectives agreed to partner to help regulate the short-term rental market. The MOU also laid the foundation for the regulations that the city would push forward when engaging with other stakeholder groups. Following this engagement process, the ordinance was presented to the public, Planning Commission, mayor and Coastal Commission. The city found that putting the time in to build relationships and establish trust between the municipality and short-term rental platforms was essential to the ordinance’s success. Further, going into the process with a clear goal, while being mindful of what compromises could be made, allowed the city to achieve buy-in from a diversity of stakeholders.

IDENTIFY POLICY GOAL(S)

Develop a clear and concise policy goal for the short-term rental ordinance, driven by the city's overarching goals and community input. Review strategic city plans (e.g., comprehensive housing plans, 5- and 10-year city visions, master plans) and identify top city priorities that may dovetail with priorities for short-term rentals. For example, a city may have a broader goal to advance housing affordability and may choose to focus on preserving the stock of affordable housing as a policy goal. Or a city may have the broader goal to attract more tourism and choose to focus its regulations on enabling short-term rentals with appropriate guardrails in place as the tourism industry continues to grow.

Cities should be intentional about setting a goal or priority before drafting regulations. Without a clear “end goal,” cities can pass regulations that may not align with community priorities, and do not have effective mechanisms to accomplish them. By deciding on a policy and community goal, cities can craft a simpler and more targeted ordinance.

Common goals, based on NLC's analysis of 60 cities, include:

- ◆ Prevent the loss of rental housing stock
- ◆ Support tourism in a balanced way
- ◆ Combat displacement
- ◆ Preserve the residential quality of neighborhoods
- ◆ Ensure health and safety for guests and residents
- ◆ Balance the needs and rights of property owners and neighbors
- ◆ Allow economic gain for residents
- ◆ Capture tax revenue
- ◆ Slow or prevent the overgrowth of STRs



KEY CONSIDERATION

Balance competing expectations. By their nature, short-term rentals can be a contentious issue, with strongly vested interests on all sides. Each stakeholder will have to make concessions from their vision of “ideal” regulations, so helping the community and STR platforms understand that compromise is needed is critical to setting realistic expectations. Having a clear policy goal will also help coalesce stakeholders around the city's broader vision and help justify policy choices.



CITY SPOTLIGHT: CHARLESTON, SC

The City of Charleston began regulating short-term rentals in 2012, when it adopted regulations that allowed commercially zoned properties to be rented as short-term rentals in the Cannonborough Elliotborough neighborhood. The goal of the regulation was to bring reinvestment into vacant, abandoned and distressed properties in the neighborhood. In subsequent years, the city saw an increase in the number of short-term rental units in Cannonborough Elliotborough and throughout Charleston. With a growing number of short-term rentals and an incoming mayor interested in revisiting short-term rental regulations, the policy moved to the forefront of Charleston's agenda again.

In 2016, the mayor and City Council began the process of updating short-term rental regulations by appointing a committee of local citizens to study and provide recommendations on short-term rentals. The committee included residents, representatives of the city's preservation and historical societies, and tourism interests. Over time, a consensus was built around the goal to preserve the historic nature of downtown Charleston and allow short-term rentals to contribute to the local tourism economy, but only in such a way that did not alter the character of the city and negatively affect residents' quality of life.

Based on this consensus, the city developed a category-based short-term rental permitting system that requires most short-term rentals to be owner-occupied, and details additional requirements for properties located in downtown Charleston or in properties listed with the National Register of Historic Places.

DEVELOP AND PASS REGULATIONS

As the short-term rental industry continues to mature, it has become clear that complex regulations are not only cumbersome for hosts and residents of the city but are also unenforceable. Policies with clear goals, fair implementation and mechanisms for enforcement will help everyone.

APPLY A RACIAL EQUITY LENS

One of the most commonly cited benefits of short-term rentals is that they allow hosts to generate extra income from existing assets. While this may be true, hosting is most commonly available to those who own a home. Homeownership is inseparable from race and inequality in America. According to the latest estimates from the U.S. Census Bureau, the homeownership gap between White and Black households was 30 percent in 2020.⁴ According to NLC's ordinance analysis, only 38 percent of cities surveyed specifically allowed tenants to host a short-term rental. Even then, cities that do explicitly state that tenants are allowed to host require them to acquire written consent from their landlords or have a rental contract that allows them to sublet their unit. Tenants face a high barrier to host even in the minority of cities that allow them to.

The ability of short-term rentals to democratize the tourism industry is overstated when a majority of Black, Indigenous and People of Color (BIPOC) do not have access to homeownership. Given the divide in homeownership in America, the direct economic benefit of short-term rentals may exacerbate existing inequality. There is also evidence that hosts may discriminate based on race and ethnicity. A 2017 study of Airbnb data found that "applications from guests with distinctively African-American names are 16 percent less likely to be accepted relative to identical guests with distinctively White names."⁵ Airbnb has since made moves to fight bias and discrimination, including changing when guest pictures are shown to a host in the booking process.⁶ The city of Columbus, OH, passed a discrimination clause in its ordinance stipulating that a host shall not decline a potential guest, impose different terms or conditions, or discourage or indicate a preference for or against a guest based on race, gender, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, familial status or military status.⁷

38%

of cities surveyed specifically allowed tenants to host a short-term rental.



KEY CONSIDERATION

Recognize the role that short-term rentals play in exacerbating housing unaffordability. Consider dedicating some portion of STR permit or tax revenue towards affordable housing funds or homeownership opportunities, or earmarking general fund dollars for similar programs. Boulder, CO stipulates in its ordinance that "after administration expenses are met, any additional funds shall be placed in the city's affordable housing fund."⁸

PASS REGULATIONS EARLY

The short-term rental industry is rapidly growing. **Given the complexity of the policy and regulatory space, be proactive and establish regulations before short-term rentals have a negative impact on the community.** Establishing regulations gives cities the power to intervene when necessary. It is much easier to limit the spread of short-term rentals before they have proliferated than it is to retroactively remove them from the market. Establishing regulations also becomes increasingly controversial as more stakeholders have a vested interest in seeing them maintained. Even cities that have not yet faced the negative impacts of short-term rentals should pass regulations to regulate the STR market before they proliferate.



KEY CONSIDERATION

A common hurdle that cities face is what to do with pre-existing short-term rentals once a new ordinance is passed. In 58 percent of the cities reviewed in the NLC ordinance analysis, cities required existing hosts to comply with regulations or apply for a permit or license. Cities must communicate early and clearly with existing hosts about their responsibilities under a newly passed or revised ordinance to give them time to meet new regulations.

CRAFT SIMPLE REGULATIONS

Craft simple ordinances that are clear about policy goals. This will better equip leaders to engage in conversation with platforms, residents, property owners and other stakeholders invested in the ordinance outcome. Below is a list of common goals found in the ordinance analysis, and key ordinance elements to achieve those goals.

Policy Levers to Pull to Achieve Common Policy Goals

POLICY GOAL	POLICY LEVERS
<p>PREVENT THE LOSS OF RENTAL HOUSING Prevent long-term rental properties from being converted to short-term rentals.</p>	<p>Adopt a permit requirement and institute a host residency requirement, which should prevent homeowners from renting properties solely as short-term rentals and prevent properties from being purchased for the sole purpose of operating as short-term rentals.</p>
<p>SLOW OR PREVENT THE OVERGROWTH OF STRS Prevent residential neighborhoods from being “overtaken” by guests to the detrimental of the neighborhood and residential feel of a neighborhood.</p>	<p>Adopt a permit requirement and set a specific quota (number or percentage) on the number of short-term rental permits that will be distributed in a particular geographic area (e.g., neighborhood, census tract, ZIP code, etc.).</p>
<p>COMBAT DISPLACEMENT The presence of short-term rentals can be particularly contentious in certain neighborhoods (e.g., neighborhoods that are experiencing displacement).</p>	<p>Adopt a permit requirement and set a quota on the number of short-term rentals that are allowed to operate in a specific zoning district or neighborhood, particularly areas of the city that are at risk of, or are currently experiencing displacement pressure. Beware that such quotas can limit existing low-income homeowners’ ability to earn revenues from their homes. Therefore, consider how to equitably distribute permits.</p> <p>Consider dedicating some revenue generated from permit fees or taxes to affordable housing or home-ownership programs. Explicitly restrict affordable housing units from being rented out as short-term rentals.</p>
<p>PRESERVE THE RESIDENTIAL QUALITY OF NEIGHBORHOODS Limit problem properties such as party houses or houses with complaints.</p>	<p>Adopt a permit requirement and include a limit to the number of people that can stay in a short-term rental. This limit can be tied to the number of bedrooms in a short-term rental, or a total cap on the number that can stay in any type of property. A common limit that cities institute is two adults per bedroom.</p> <p>Require that short-term rental hosts provide their guests with a “Good Neighbor Guide” that summarizes all ordinances that guests are required to comply with during their stay (e.g., noise, trash, parking, etc.).</p> <p>Set restrictions on the number or percentage of short-term rentals that are allowed to operate in a particular neighborhood (or other geographic areas, such as census tract, ZIP code, etc.).</p>
<p>BALANCE THE NEEDS AND RIGHTS OF PROPERTY OWNERS AND NEIGHBORS While lawful hosts have the right to rent their properties out, they should not infringe on the rights of neighbors. Enable hosts to rent out their homes while also ensuring that residents know where and how to file a complaint.</p>	<p>Adopt a permit requirement and establish a process for revoking permits from properties in violation, such as a “three strikes” rule. If three verified complaints are filed within a certain time, the city can revoke a host’s permit.</p> <p>Establish a 24/7 hotline that residents can phone to report non-emergencies without calling the local police department or law enforcement. Require short-term rental permit hosts to list a local contact who can be reached should an issue arise.⁹</p>

POLICY GOAL	POLICY LEVERS
<p>ENSURE HEALTH AND SAFETY OF GUESTS AND RESIDENTS Ensure the safety of guests and residents, including minimizing public safety risks and noise and trash complaints.</p>	<p>Adopt a permit requirement that requires each listing to include a local contact who can be reached at any time. Use this emergency contact if a complaint is filed. Stipulate that if the registered contact is not responsive, the host’s permit risks being terminated.</p> <p>Institute a permanent residency requirement. City leaders report that most complaints come from non-owner-occupied units. Hosts may be more invested in their property if they, too, call it home.</p> <p>Require that short-term rental hosts provide their guests with a “Good Neighbor Guide” that summarizes all ordinances that guests are required to comply with during their stay (e.g., noise, trash, parking, etc.).</p> <p>Require an inspection, or, if the city cannot carry out inspections, stipulate that the city has the right to inspect a property should sufficient suspicion arise that the property is not up to code.</p> <p>Institute a process for revoking permits from properties in violation, such as a “three strikes” rule. If three verified complaints are filed within a certain time, the city can revoke a host’s permit.</p>
<p>CAPTURING TAX REVENUE Ensure that revenue is being collected.</p>	<p>Adopt a permit requirement that will make it easier to identify whether hosts are complying and paying the appropriate taxes. Use permit and tax revenue to either hire additional staff or a third-party provider to help monitor compliance.</p> <p>Reach an agreement with platforms that requires them to automatically collect and remit taxes back to the city. Be wary of the transparency of the tax remittance process and ensure that the city’s enforcement powers are not stifled.</p>
<p>SUPPORT TOURISM IN A BALANCED WAY Tourism is a key component to many local economies and short-term rentals can play a role in facilitating tourism without impacting residents if done in a balanced way.</p>	<p>Adopt a permit requirement and set an annual permit reapplication. Make clear that applications can be denied if regulations change. Adopting a formal permit requirement will not deter hosts from participating, so long as the permitting process is not overly cumbersome. Ensure the permit fees are reasonable and tied to the cost of administering the permit program.</p>
<p>ALLOW FOR ECONOMIC GAIN FOR RESIDENTS Short-term rentals can support wealth building for community members, although city leaders must pay attention to who is eligible to host.</p>	<p>Adopt a permit requirement. The permit system should be simple and easy to navigate, particularly if the city is trying to encourage more permanent residents to host on a part-time basis. If the administrative burden is too high, few will be willing to put in the effort.</p>

INSTITUTE A PERMIT REQUIREMENT

Enforceable short-term rental ordinances require owners who want to host short-term rentals to acquire a permit before renting. In general, a permit requirement allows local governments to create and maintain a database of units and contact information for properties that are operating as short-term rentals. **The information provided in an application is key to enforcing the ordinance, allowing the city to have a point of contact to check in with when a property is not in compliance.**¹⁰ Without information on who is operating short-term rentals, cities are effectively rendered helpless in enforcing their regulations. Having an active database of short-term rentals in operation is key to moving from a reactive to a proactive approach to enforcement.

To ensure that hosts are acquiring permits, the city must have a mechanism to check to ensure compliance. Some cities, like San Francisco, have negotiated agreements with platforms that require the platform to put a permit number on the host listing.¹¹ In other cases, cities have hired third-party platforms to aid their enforcement efforts. The City of Nashville, TN, uses Granicus’s Host Compliance, a short-term rental compliance monitoring platform, to support enforcement efforts. According to Nashville officials, the Code Department was struggling to enforce its regulations when they were relying on a complaint-based process. The city was manually identifying STR addresses. With more than 60 active rental websites and private addresses and contact information, it proved to be too herculean an effort to maintain. Host Compliance’s online portal enables the city to identify illegal operators before there is a complaint, moving from reactive to proactive enforcement. Since implementing Host Compliance, Nashville has more than doubled its compliance rate to 91 percent.¹²



KEY CONSIDERATION

Without a clear and streamlined application or licensing process, applications may backlog. This leads to an unhappy and distrustful community and may encourage illegal rentals to operate while they are in the process of being considered for a permit. In some cases, operators will purposely and continuously file for permits and operate while under consideration.

Always tie the permit to the person, not the parcel. This will allow for natural attrition over time (e.g., someone sells their home, and the new owner must reapply for a short-term rental permit).

DETERMINE FINES AND FEES

Many cities adopt fine structures to incentivize compliance by short-term rental hosts. According to NLC’s analysis, fines range from \$200 a day to \$2,000 per violation, which may escalate each day. Beyond deciding the fine structure, cities must have adequate staff and resources to identify hosts who are not in compliance and communicate to hosts how to stay in compliance and avoid violations.

Fines should be proportionate to or more than the economic gains that potential violators can realize from breaking the rules, and should escalate for repeat violators, including the threat of revocation of a permit or license. Host Compliance offers the following fines and fees schedule for cities to consider:

Example Fine Schedule

	1 st violation	2 nd violation	3 rd violation	4 th violation
Fine for advertising a property for short-term rent (online or offline) without first having obtained a permit or complying with local listing requirements	\$200 per day	\$400 per day	\$650 per day	Upon the fourth or subsequent violation in any twenty-four month period, the local government may suspend or revoke any permit. The suspension or revocation can be appealed.
Fine for violating any other requirements of the local government’s short-term rental regulation	\$250 per day	\$500 per day	\$750 per day	

Notes:

- Any person found to be in violation of this regulation in a civil case brought by a law enforcement agency shall be ordered to reimburse the local government and other participating law enforcement agencies their full investigative costs, pay all back-owed taxes, and remit all illegally obtained short-term rental revenue proceeds to the local government.
- Any unpaid fine will be subject to interest from the date on which the fine became due and payable to the local government until the date of payment.
- The remedies provided for in this fine schedule are in addition to, and not in lieu of, all other legal remedies, criminal or civil, which may be pursued by the local government to address any violation or other public nuisance.

Source: Host Compliance



CITY SPOTLIGHT: LAKE PLACID, NY

The Village of Lake Placid collaborated with its justice court to define a short-term rental fine structure based on other successful cases. Lake Placid’s short-term rental fines range from \$350 to \$1,000 for the first violation plus the costs that the village has incurred for enforcement (e.g., staff time and attorney fees). Each week that the violation is not remedied constitutes a separate offense. The second violation that occurs within five years will incur a fine of between \$1,000 and \$3,000. Short-term rental violations can be appealed within 30 days to the joint Town of North Elba/ Village of Lake Placid Short-Term Rental Appeals Board by either the short-term rental property owner or the complainant.¹³ In most cases, hosts do not intentionally violate regulations, and disputes are often settled without the host incurring a fine.

ESTABLISH A CLEAR TAXING MODEL

Be mindful that there are multiple ways to capture revenue. In most cases, the owner/host is responsible for remitting taxes back to the city; however, several cities are trying to move the collection burden from hosts to the platforms. According to NLC’s analysis, 82 percent of surveyed cities require the host to remit taxes directly to the city, while just 5 percent require the platform to collect and remit taxes on their behalf.

82%
of cities require the host to remit taxes directly to the city, while 5 percent require the platform to collect and remit taxes of hosts behalf.

Cities like Annapolis, MD, and Charleston, SC, require platforms to remit taxes back to the city on behalf of hosts, automatically collecting tax revenue from a booking when it is made. While it may be easier for cities to require platforms to remit taxes, beware that there is some ongoing controversy around whether cities get back all the taxes they are owed. Several cities in South Carolina, including Charleston, are suing platforms, alleging that they are not remitting full taxes.¹⁴

In addition to the transient occupancy tax, some city councils may add an additional tax or surcharge on short-term rentals. For example, Chicago, IL, passed a 4 percent surcharge in 2016 and another 2 percent surcharge in 2018.¹⁵ The surcharge funds supportive homelessness services and enforcement of the ordinance.¹⁶



KEY CONSIDERATION

Be mindful of how difficult it may be for hosts to remit taxes to the city. If a host has to remit taxes directly, consider how to make that process as simple and streamlined as possible. This not only makes it easier for hosts but ensures that the city is capturing more of the tax revenue it is owed. Include clear and concise instructions on how to remit taxes on the city’s webpage and a user-friendly platform to make payments. Consider sending notifications to all short-term rental hosts about upcoming tax payments.

NEGOTIATE AN AGREEMENT WITH PLATFORMS

Cities have had varying success in building helpful agreements with platforms. Cities have a lot to gain by partnering with platforms; however, the relationship-building process can be contentious at times. These relationships are more likely to be positive when cities come to the discussion table with a clear goal in mind and communicate it with platforms. Cities may have the opportunity to negotiate agreements with platforms, such as voluntary collection agreements (VCAs) or memorandums of understanding (MOUs).

Voluntary Collection Agreements

A Voluntary Collection Agreement (VCA) typically involves a short-term rental platform agreeing to collect and remit transient occupancy taxes on behalf of its hosts. Agreements generally allow local governments to audit the platform, rather than the operator, but do not allow local governments to access information that could identify operators outside of the terms of the agreement.

Many short-term rental platforms have agreements with local governments. As of March 2019, Airbnb had more than 350 VCAs with state and local governments in the U.S.¹⁷ While VCAs allows local governments to receive a steady stream of transient occupancy taxes, officials in several states have expressed concerns that these agreements allow platforms to remit less to governments than they owe, a problem compounded by VCA provisions that hinder tax authorities' ability to audit platforms.¹⁸ See *the Appendix for more information on VCAs*.

Voluntary Collection Agreement (VCA):

A VCA typically involves a short-term rental platform agreeing to collect and remit transient occupancy taxes on behalf of its hosts.

Memorandum of Understanding

A memorandum of understanding (MOU) typically focuses on issues such as disclosing data, posting property registration numbers and removing illegal listings. Be aware that an MOU can include provisions that limit cities' enforcement power or create additional duties for cities. For example, in its draft MOU with the City of Denver, Airbnb included provisions that would have made the MOU confidential and require the city to resort to arbitration to resolve disputes. Together, these provisions would have limited transparency and hampered the city's ability to use the courts for its enforcement actions. Denver rejected the draft.¹⁹

MOUs may create additional duties for cities, such as when an MOU requires a platform to take down listings for unregistered properties but places the burden on cities to inform the platform about suspicious properties — a resource-intensive task. Cities may attempt to shift some of these burdens onto the platform. In one settlement with New York City, Airbnb agreed to automatically provide information for certain listings that met specific criteria.²⁰ In the City of Portland, OR's MOU with Airbnb, the two parties share duties: Airbnb is responsible for regularly reporting data about hosts and properties, and Portland is responsible for using the information it receives to verify that hosts have properly registered.²¹

Memorandum of Understanding (MOU):

A MOU typically focuses on issues such as disclosing data, posting property registration numbers and removing illegal listings.



KEY CONSIDERATION

Approach negotiated agreements well informed and with a clear policy goal in mind. Because VCAs and MOUs tend to be offered with standard language and provisions that benefit platforms and hinder city oversight efforts, cities should be prepared to analyze the agreements and decide whether and how to negotiate more favorable conditions.

ENFORCEMENT

The purpose of regulations should not just be to capture additional revenue but to minimize and mitigate the negative side effects associated with the uncontrolled growth of short-term rentals. Cities need to move away from reactive to proactive enforcement when possible. Effective enforcement is key to an ordinance's success. Without regulations that clearly define what a short-term rental is, a database of units being operated, and contact information for those units, cities are effectively rendered helpless in enforcing their regulations.

DEDICATE RESOURCES TO ENFORCEMENT

Dedicated resources, time, staff and money are necessary for successful enforcement. Short-term rental regulation enforcement can be revenue neutral or positive for municipalities when license, permit and tax revenue offsets costs.²² In some cases, cities can also leverage existing resources such as 311 service to take in short-term rental complaints.

Some examples of key enforcement components that require dedicated resources include:

- ◆ Hiring additional code enforcement officers to identify and flag repeat offenders
- ◆ Hiring a third-party platform to help with data collection and enforcement
- ◆ Hiring a web developer to create a “one-stop-shop” website for STR hosts and residents
- ◆ Hiring additional staff to set up and service a complaint hotline
- ◆ Instituting (re)inspections for violating properties



CITY SPOTLIGHT: COLUMBUS, OH

The most recent ordinance amendment in the City of Columbus allows the licensing department to deny, revoke or suspend a permit if there are three or more emergency calls made on a specific property in the previous 12 months (i.e., “three-call rule”). To help facilitate this system, the city’s technology department created an internal database that connects the 311 service with the city’s computer-aided dispatch software to allow enforcement to search the address on the map and know what type of emergency service was requested. City staff reference this database when an application is made or when a complaint about a property is filed. This allows the city to identify properties that have violated the ordinance or have passed the “three-call rule.”

ENSURE EXTENSIVE COMMUNICATION AND MARKETING

Transparent and clear communication and marketing are critical to the success of an ordinance. Clear communication will support the ordinance's success (e.g., hosts, guests and residents know what the rules and regulations are) and is key to preventing community backlash when an ordinance is established or revisited.

Consistent contact with landlord associations and property owner groups allows the city to convey to hosts how to remain in compliance. This may be an opportunity to develop relationships with trusted voices in key groups who can serve as a liaison with the broader community and as a spokesperson for good hosting etiquette.

Regular contact with residents means that cities can convey the best way to file nuisance and safety complaints should there be a violation at a short-term rental. This helps communities feel like they have a trusted partner in the city to ensure community safety.



KEY CONSIDERATION

Consider hiring or assigning specific city staff to be liaisons with the community. Doing so may help establish trust among hosts, residents and the city, making room for more constructive conversations should something go awry. In addition, developing relationships with specific community members (e.g., hosts or residents) can help broaden the city's reach into the community. For example, hosts who have good relationships with the city can promote good hosting etiquette in the community.

MOVE REGISTRATION AND ADMINISTRATION SYSTEMS ONLINE

To the extent possible, cities should limit the administrative burden on city staff and platform users. Moving registration or licensing systems online (while keeping the paper application option open) makes the process more seamless for hosts and less cumbersome for city staff who process those applications.

Beyond moving the registration or licensing system online, consider launching a centralized, accessible and easy-to-use webpage with all relevant short-term rental information. One common complaint that cities receive is that short-term rental regulations are difficult to understand. In most cases, it is not that the regulations themselves are too complex, but that regulations are not transparent and explained in an accessible way. Launching a webpage that is regularly updated keeps the community informed. According to a recent 2022 report and survey from Rent Responsibly and the College of Charleston, 49 percent of surveyed short-term rental hosts got information from government websites about local regulations that affect short-term rentals.²³ Furthermore, this webpage can serve as a resource for city staff who are not experts on short-term rentals but may be required to liaise with the public about them.





CITY SPOTLIGHT: HENDERSON, NV

The City of Henderson set up an easily navigable webpage with information on short-term rentals, including application materials and answers to frequently asked questions.²⁴ This webpage serves as a “one-stop-shop” for hosts, residents and staff. The short-term rental webpage has the second-highest number of hits on the Henderson website.

On the webpage hosts can:

- ◆ Find the most up-to-date short-term rental ordinance and state laws that apply to short-term rentals
- ◆ Register their short-term rental
 - Find city contact information to support them through the registration process
 - Find clear lists on how to apply and what documents are needed
 - Find application forms that are easy to download or file online
- ◆ Renew their short-term rental registration
- ◆ Pay their transient lodging tax and fees
 - Find tax forms that are easy to download

On the webpage residents can:

- ◆ Find relevant short-term rental regulations, including the city ordinance and state laws that apply to short-term rentals
- ◆ Locate the complaint phone hotline to report any illegal short-term rental or to file noise, trash, parking, occupancy or other nuisance complaints
- ◆ Access the complaint website to submit a complaint online

REVISIT AND ADAPT

The short-term rental market is consistently in flux, meaning regulations may have to change to meet the market and evolving community needs. Regularly revisit your ordinance to ensure that it still has the right balance of competing expectations and alignment with city goals.

ESTABLISH A FEEDBACK LOOP

Particularly when first passing an ordinance, be intentional about setting metrics of success that align with policy goals. These qualitative and quantitative policy goal-aligned metrics will determine how performance is evaluated. Setting a dedicated evaluation period following the passage of a short-term rental ordinance will allow for better evaluation and help generate ideas of how to improve an ordinance. Make sure the public and the hosts understand that the regulation may change at the end of the evaluation period.

Build in a recurring check-in with relevant stakeholders to determine whether the short-term rental ordinance is meeting the city’s originally stated goal, and if not, what needs to be adjusted. This is where the feedback loop is particularly important. Keep an open line of communication with relevant stakeholders (e.g., landlord associations, property owners, residents, housing advocates, community groups, hotels, tourism agencies, etc.) to better understand how the implementation of the ordinance is playing out.

In Fayetteville, AR, the city authorizes a 20-month sunset clause in its ordinance, allowing city leaders to conduct regular review and reauthorization of the ordinance.²⁵ Some adjustments have been made following these regular review periods, including increasing the occupancy tax rate to better fund the cost of enforcement, adjusting the cap on the number of short-term rentals allowed in the community and requiring a unit inspection.



KEY CONSIDERATION

If there is a recurring evaluation period for the ordinance, tell the community early on. Transparency is key to making sure hosts and residents know that regulations may change in the future. This may limit the potential backlash of changing regulations after passing them.



Conclusion

SHORT-TERM RENTALS ARE here to stay and, when regulated with care and the proper safeguards in place, can be integrated into the fabric of a community. STRs can enhance tourism, stimulate economic growth in targeted neighborhoods and give residents a way to supplement their income, but can also exacerbate racial inequity, put pressures on affordable housing and disrupt neighborhoods. With proper regulation, cities can enjoy the benefits of STRs and limit their negative impacts.

Regulating short-term rentals is not about limiting their potential, but about enacting the appropriate mechanisms to keep competing priorities and interests balanced. As cities consider regulations to address short-term rentals in their communities, it is important that they act promptly, remain focused on a clear policy objective, consider racial equity, actively engage with relevant stakeholders, develop and enforce clear regulations, and provide continuous review of ordinances. The resources found in this Action Guide can help our communities find the proper balance to effectively support and regulate this growing industry.

Appendix

Voluntary Collection Agreements (VCAs)

	COMMON PROVISIONS	THINGS TO WATCH OUT FOR
COLLECTION AND REMITTANCE	Platforms agree to collect transient occupancy taxes from guests and remit the amount collected to the government taxing authority.	Without this provision, the platform may refuse to collect the tax, arguing that hosts are responsible for collection. Even with the provision, some platforms have been accused of under delivering taxes remitted to cities.
REPORTING AGGREGATE INFORMATION	The platform agrees “reasonably to report aggregate information” related to its collection and remittance of transient occupancy taxes to the tax authority. Aggregate information includes the total amounts of receipts, exemptions, adjustments and so forth, but does <i>not</i> include individualized information for specific properties.	Aggregate information does not allow cities to gather individualized information on particular properties.
DETERMINING LIABILITY FOR TAXES	The platform agrees to be held legally responsible for failure to report, collect or remit the transient occupancy taxes, and the tax authority agrees not to hold individual hosts responsible for reporting, collecting or remitting taxes on their property.	
WAVIER OF LOOK-BACK	The tax authority agrees not to pursue any actions to recover unpaid taxes that had been due before the date the agreement went into effect.	If the city has not yet received payments from a large proportion of STRs, then waiving all claims on taxes owed before the VCA’s implementation will result in the city potentially forfeiting a significant amount of tax revenue. On the other hand, a city may not have the capacity to go after back taxes, and be mostly concerned with collection of future taxes, making waiver of past tax liability a lower priority.
NOTIFICATION TO HOSTS AND RENTERS	The platform agrees to notify hosts and renters that it will be collecting and remitting transient occupancy taxes for their transactions.	

	COMMON PROVISIONS	THINGS TO WATCH OUT FOR
AUDITING	The tax authority agrees to audit the platform on the basis of its tax returns and supporting documentation, rather than on audits of individual renters or hosts. Some VCAs also state that the tax authority cannot audit individual renters or hosts until it has finished auditing the platform and a tax issue remains unresolved. All transaction and tax data reviewed by a city tax authority must be anonymized. If the city suspects wrongdoing on the part of a specific host, it must first audit the anonymous data, then pick out suspicious transactions, and then finally obtain a subpoena to get identifiable data from the platform. The tax authority agrees to limit the number of times it will audit the platform (e.g., to only audit the platform once every two years, and to only audit transactions conducted over a 12-month stretch.)	This may limit the tax authority’s access to data and ability to audit individual hosts and affect city efforts to enforce home-sharing laws. Cities such as Culver City, CA, have negotiated alternative provisions ensuring that they can continue to audit individual hosts if they receive information about the property’s violations from another source. ²⁶ Anonymized data may mean that cities can only use <i>aggregate</i> information, which prevents cities from investigating individual cases of violation. For example, Snowmass, CO, states that it will audit “on an anonymous numbered account basis,” suggesting that disaggregation is not required. ²⁷ Cities can also suggest alternative kinds of privacy protection that allow for individualized reports, such as pseudonymizing information. VCAs typically provide that all information about hosts and guests will remain <i>anonymous</i> unless the city has completed an audit of the platform and served the platform with a subpoena or similar legal process. Cities may want to negotiate changes to this provision to allow them to ensure that properties are registered. For example, if cities have already passed ordinances requiring registration, their audits might request information about the registration number. Cities can negotiate limits on audit frequency to allow for more frequent and tailored enforcement efforts. For instance, the audit frequency in Pacific Grove, CA, is once every 36 months; although this period may still be too long for many cities to effectively audit home-sharing, it does indicate that VCAs’ time provisions can vary. ²⁸

Endnotes

- ¹ *The history of short-term rentals (n.d.)*. Keycafe Blog. <https://web.archive.org/web/20220310191702/https://blog.keycafe.com/the-history-of-short-term-rentals/>
- ² Barron, K., Kung, E., & Proserpio, D. (2020, March 4). The effects of home-sharing on house prices and rents: Evidence from Airbnb. *Marketing Science*, 40(1), 1 – 191. <http://dx.doi.org/10.2139/ssrn.3006832>
- ³ Resolution: 172-19 A Resolution to Request That City Staff Study and Develop an Ordinance to Regulate Short-Term Rentals in the City of Fayetteville (2019, July 16). Fayetteville City Code. <https://web.archive.org/web/20220310192617/https://www.fayetteville-ar.gov/DocumentCenter/View/19304/Short-Term-Rentals-Study-SIGNED-RES-172-19>
- ⁴ U.S. Census Bureau. (n.d.). *Quarterly homeownership rates by race and ethnicity of householder for the United States: 1994-2020*. <https://www.census.gov/housing/hvs/data/charts/fig08.pdf>
- ⁵ Edelman, B., Luca, M., & Svirsky D. (2017). Racial discrimination in the sharing economy: Evidence from a field experiment. *American Economic Journal: Applied Economics*, 9(2), 1–22. <https://doi.org/10.1257/app.20160213>
- ⁶ Airbnb. (2019, September 2019). *An update on Airbnb's work to fight discrimination*. <https://news.airbnb.com/an-update-on-airbnbs-work-to-fight-discrimination/>
- ⁷ Chapter 598 Hotel/Motel and Short-Term Rental Operations (2018, January 30). Columbus City Codes. https://library.municode.com/oh/columbus/codes/code_of_ordinances?nodeId=TIT5BURELICO_CH598HOMOSHRMREOP
- ⁸ Chapter 15 - Short-Term Rental Tax: Legislative Intent (2015, September 1). City of Boulder, Colorado Charter and Revised Code. https://library.municode.com/co/boulder/codes/municipal_code?nodeId=TIT3RETA_CH15SHRMRETA_3-15-6--3-15-12RE
- ⁹ Binzer, U. (n.d.). *A practical guide to effectively regulating short-term rentals on the local government level*. Host Compliance. <https://web.archive.org/web/20220317135940/https://www.cityofsantacruz.com/home/showpublisheddocument/57754/636177355568470000>
- ¹⁰ Binzer, U. (n.d.). *Home-sharing & short-term rentals regulations FAQs*. Granicus. <https://granicus.com/pdfs/Home-Sharing-Short-Term-Rentals-FAQ.pdf>
- ¹¹ *San Francisco's registration process: Frequently asked questions*. (n.d.). Airbnb. <https://www.airbnb.com/help/article/1849/san-franciscos-registration-process-frequently-asked-questions>
- ¹² *Nashville, Tennessee: How the codes department achieves 90%+ compliance with Host Compliance*. (n.d.). Granicus. <https://granicus.com/how-the-codes-department-achieves-90-compliance-with-host-compliance/>
- ¹³ A Local Law “Amending the Village of Lake Placid/Town of North Elba Land Use Code to Add Regulations Pertaining to Short-Term Rentals (2020). Village of Lake Placid/Town of North Elba Land Use Code. <http://www.northelba.org/files/TownLocalLawSubmissiontoNYSDOS.pdf>
- ¹⁴ Brown, A. (2021, July 1). SC cities sue Airbnb and other short-term rental companies for not paying local taxes. *The Post and Courier*. https://www.postandcourier.com/business/real_estate/sc-cities-sue-airbnb-and-other-short-term-rental-companies-for-not-paying-local-taxes/article_f44f0f60-9bb9-11eb-a4b5-636eb8976c0f.html
- ¹⁵ Amendment of Municipal Code Section 3-24-030 Regarding Surcharge Associated with Vacation Rentals and Shared Housing Units (2018, June 27). Municipal Code of Chicago. <https://www.civicfed.org/sites/default/files/o2018-4988.pdf>
- ¹⁶ Reuters, T. (2016, November 3). *Chicago passes short-term rental ordinance*. Hospitality Lawyer. <https://hospitalitylawyer.com/chicago-passes-short-term-rental-ordinance/>
- ¹⁷ Martineau, P. (2019, March 20). Inside Airbnb's 'guerrilla war' against local governments. *Wired*. <https://www.wired.com/story/inside-airbnbs-guerrilla-war-against-local-governments/>
- ¹⁸ Bucks, R. D. (2017, March). *Airbnb agreements with state and local tax agencies. A formula for undermining tax fairness, transparency and the rule of law*. https://www.ahla.com/sites/default/files/Airbnb_Tax_Agreement_Report_0.pdf
- ¹⁹ Swanson, C. (2020, February 14). Frustrated Denver officials reject deal with Airbnb. *The Denver Post*. <https://www.denverpost.com/2020/02/14/denver-airbnb-agreement>
- ²⁰ Martineau, P. (2019, May 24). Airbnb and New York City reach a truce on home-sharing data. *Wired*. <https://www.wired.com/story/airbnb-new-york-city-reach-truce-on-home-sharing-data/>
- ²¹ Templeton, A. (2019, September 4). *Portland reaches rental data sharing agreement with Airbnb*. Oregon Public Broadcasting. <https://www.opb.org/news/article/portland-airbnb-reaches-rental-data-sharing-agreement/>
- ²² Binzer, U. (n.d.). *Home-sharing & short-term rentals regulations FAQs*. Granicus. <https://granicus.com/pdfs/Home-Sharing-Short-Term-Rentals-FAQ.pdf>
- ²³ Rent Responsibly & College of Charleston. (2022, January). 2022 report state of the short-term rental community. <https://www.rentresponsibly.org/wp-content/uploads/2022/01/2022-State-of-the-STR-Community-Report-January-2022.pdf>
- ²⁴ City of Henderson, NV. (n.d.). *Short-term vacation rentals*. <https://www.cityofhenderson.com/government/departments/community-development-and-services/short-term-vacation-rentals>
- ²⁵ Short-Term Regulations (2021, April 20). Fayetteville City Code. <https://www.fayetteville-ar.gov/DocumentCenter/View/23281/Ordinance-6427-Short-Term-Rental>
- ²⁶ Voluntary Collection Agreement for City of Culver City, California, Transient Occupancy Tax (2018, September 25). https://www.culvercity.org/files/assets/public/documents/city-manager/short-term-rentals/vca-agreement-with-airbnb_1.pdf
- ²⁷ Voluntary Collection Agreement for Town of Snowmass Village Sales and Lodging Taxes (2016, November 30) <http://nwccog.org/wp-content/uploads/2018/07/AIRBNB-Voluntary-Collection-Agreement.pdf>
- ²⁸ Mayberry, C. (2017, October 19). Pacific Grove's new short-term rental policy includes agreement with Airbnb. *Monterey Herald*. <https://www.montereyherald.com/2017/10/19/pacific-groves-new-short-term-rental-policy-includes-agreement-with-airbnb/>



ARTICLE IV. - ABANDONED VEHICLES^[3]

Sec. 20-141. - Disposition of inoperable abandoned motor vehicles.

When in the opinion of the chief of police any motor vehicle, trailer, semitrailer, or part thereof which is inoperable and which by virtue of its condition cannot be feasibly restored to operable condition, such vehicle, trailer or semitrailer may be disposed of to a demolisher. The chief of police shall thereupon certify on behalf of the town to the division of motor vehicles that such motor vehicle, trailer or semitrailer has been found or abandoned on property located within the town and was determined before it was demolished that it was inoperable and could not be feasibly restored to operable condition. The chief of police shall further request reimbursement from the state for demolishing such inoperable vehicle.

(Code 2005, § 16-74)

Sec. 20-142. - Enforcement.

The chief of police is directed to enforce the provisions of Code of Virginia, title 46, ch. 12, art. 1 (Code of Virginia, § 46.2-1200 et seq.).

(Code 2005, § 16-75)

Sec. 20-143. - Inoperative motor vehicles on residential, commercial or agricultural property.

It shall be unlawful for any person, firm, or corporation to keep, except within a fully enclosed building or structure or otherwise shielded or screened from public view, ~~on any property zoned Restricted Residential (R-1), General Residential (R-2), Light Business (B-1), or General Business (B-2)~~, any motor vehicle, trailer or semitrailer, as such is defined in Code of Virginia, § 46.2-100 et seq., or its successor statute, which is inoperative. As used in this section, the term "inoperative motor vehicle" means any motor vehicle which is not in operating condition; or which, for a period of 60 days or longer, has been partially or totally disassembled by the removal of tires and wheels, the engine or other essential parts required for the operation of the vehicle, or on which there are displayed neither valid license plates nor a valid inspection decal. The provisions of this section shall not apply to any licensed business which, subsequent to June 26, 1970, is regularly engaged in business as an automobile dealer, salvage dealer or scrap processor. Any violation of this section shall be a Class 4 misdemeanor with a fine of not more than \$100.00 for each offense.

(Code 2005, § 16-76)

State Law reference— Penalty for ordinance violations, Code of Virginia, § 15.2-1429; punishments for Class 1—4 misdemeanors, Code of Virginia, § 18.2-11.

Sec. 20-144. - Removal of inoperative motor vehicles.

The owner of any property in any zoning district within the Town ~~zoned Restricted Residential (R-1), General Residential (R-2), Light Business (B-1), or General Business (B-2)~~ shall remove from its property any inoperative motor vehicles, trailers or semitrailers as defined in Code of Virginia, title 46.2 et seq., that are not kept within a fully enclosed building or structure. Any owner of property must remove any such vehicles, trailers or semitrailers within seven days after having received notice from the chief of police, the town manager or the town council. In the event that such vehicle, trailer or semitrailer is not removed within seven days of notice to remove the same, the town, through its agents or employees, may remove any such inoperative motor vehicle, trailer or semitrailer. In the event that the town removes any such inoperative motor vehicle, trailer or semitrailer after having given notice to remove the same, the town may sell, dispose, destroy or store such inoperative vehicle, trailer or semitrailer, as the town deems appropriate, after having given 15 days of advance notice to the owner. The cost of any such removal and disposal shall be chargeable to the owner of the vehicle and/or the owner of the premises upon which the inoperative vehicle, trailer or semitrailer was located, and may be collected when the taxes of the town are collected. The cost of removal and disposal as authorized by this section shall constitute a lien on the real estate from which the vehicle was removed and the lien shall continue until the payment of such costs have been made to the town.

(Code 2005, § 16-77)

24-xxx Inoperable vehicles.

24-xxx Keeping of inoperable vehicles.

(1) Definitions as used in this section:

- a. *Motor vehicle or vehicle* means any motor vehicle, trailer or semi-trailer, or any part thereof, as defined in Code of Virginia, § 46.2-100, as amended.
 - b. *Inoperable vehicle* means any vehicle:
 1. Which is not in operating condition; or
 2. Which for a period of 60 days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for operation of the vehicle; or
 3. On which there are displayed no valid state license plates; or
 4. On which there is displayed no valid state inspection decal; or
 5. This definition of "inoperable vehicle" shall not include a registered and licensed antique vehicle, classic vehicle, or prestige vehicle so long as the vehicle is in operating condition.
 - c. *Shielded or screened from view* means not visible by someone standing at ground level from outside of the property on which the subject vehicle is located by using one of the following methods:
 1. A form fitted, defect-free cover specifically designed and manufactured to completely shield the motor vehicle, trailer or semi-trailer from view;
 2. A hedge or dense evergreen landscape planting not less than six feet high and ten feet wide that is neat and well maintained; or
 3. An opaque masonry wall or treated wood fence of stockade, board and batten, panel or similar type design in good repair of not less than six feet high and ten feet wide.
- (2) The keeping by any person, firm or corporation, except within a fully enclosed building or structure or otherwise shielded or screened from view, of any inoperable motor vehicle on any property zoned for residential, commercial or agricultural purposes is detrimental to the public health, safety and welfare, and is hereby declared to constitute a public nuisance.
- (3) It shall be unlawful for any person, firm or corporation to keep on any property zoned for residential, commercial or agricultural purposes any vehicle which is inoperable, except as follows:
- a. On property less than two acres, one inoperable vehicle, including any portions thereof, may be kept provided they are shielded or screened from view; or

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- b. On property two acres and larger, two inoperable vehicles, including any portions thereof, may be kept provided they are shielded or screened from view; or
 - c. The inoperable vehicle is kept at a commercial business in compliance with the county's zoning regulations covering such business and/or a conditional use permit has been issued for the operation of such business; or
 - d. An inoperable vehicle being repaired at an automobile repair business may be kept at such property for no more than 60 continuous days; or
 - e. The inoperable vehicle is kept within a fully enclosed building or structure.
- (4) The provisions of this section shall not apply to any entity which was licensed and regularly engaged in business as an automobile dealer, salvage dealer or scrap processor, as of June 26, 1970.
- (5) The zoning administrator or his designee is hereby authorized to take any action necessary to ensure compliance with this Code section.

24-xxx Notice of violation. Property owner's, permit applicants, and/or establishment owners/managers, as applicable, and shall be notified in writing of violations of the provisions of this article. The zoning administrator or his designee shall, in the notice of violation, state the nature of the violation, the date that it was observed, and the remedy or remedies necessary to correct the violation. The zoning administrator or his designee may establish a reasonable time period for the correction of the violation. The procedure for any violations of this section will follow the procedures and penalties outlined in section 24-168 General Penalties for Zoning Violations.

Airbnb purpose

Shakhnoza <nozik25@list.ru>

Wed 11/9/2022 4:14 PM

To: Svetlozar Kanev <winery@rebecwinery.com>

Cover letter for Airbnb purpose.

I'm Shah Kanev. I'm taking Cancer treatments. I was looking for a job where I can have flexible time and more safety. Covid created a lot of fear and gave me a chance to take Airbnb classes. I found this job more suitable for me to manage my time with treatments to have enough resting time, to organize time for my family and work, have balance. I created a safe and enjoyable environment for everyone. My Airbnb has rules: No pets, no parties, limit on the amount of people, no noise past 9 pm.

Sent from my iPhone

Shah Kanev 

Sup for short term rental

Required contents for a full Special Use Permit Application:

- A completed application form, attached.
- A completed certificate of owner's representative, if appropriate.
- A signed cover letter outlining the background and clear justification for the proposed special use permit.
- Clear mapping showing the extent of the proposed changes to the property, including property lines, adjacent streets, buildings, etc.
- A site plan showing the proposed development of the property.
- Fees as required by Section 18.1-1009 of the Zoning and Subdivision Ordinance.

All documentation should be on reproducible 8½ X 11 paper.



DATE 10/26/22

APPLICATION FOR SPECIAL USE PERMIT
TOWN OF AMHERST
POST OFFICE BOX 280
AMHERST, VIRGINIA 24521
(804) 946-7885

APPLICANT	<u>Shakmoza Kanev</u>	OWNER	<u>Svetlozar Kanev</u>
ADDRESS	<u>204 Sunset Drive</u>	ADDRESS	<u>Shakmoza Kanev</u>
CITY	<u>Amherst, VA 24521</u>	CITY	<u>204 Sunset Drive</u>
TELEPHONE NO.	<u>434-907-2618</u>	TELEPHONE NO.	<u>Amherst, VA 24521</u>
			<u>434-907-1259</u>

REPRESENTATIVE Self ADDRESS _____
CITY _____ TELEPHONE NO. _____

LOCATION OF REQUEST 108 Lee Street, Amherst, VA 24521
TAX MAP NO. 96A416-5 LOT AREA 1/2 5 EXISTING ZONING _____
PROPOSED SPECIAL USE AirBnb, and short term rental

STATEMENT BY APPLICANT I would rezone our rental property on Lee Street to B-1 to allow me to conduct short term rental through AirBnb and other sites.

Applicants are reminded that §18.1-1002 of the Town Code requires signs describing the action requested under this application to be posted on the property.

As (OWNER) (CONTRACT PURCHASER WITH OWNER'S WRITTEN CONSENT, ATTACHED) (OWNER'S AGENT) of the property listed above, I/we hereby petition the Amherst Town Council to rezone the above described property.

[Signature] 10/26/2022
Signature of Applicant Date

PLANNING COMMISSION PUBLIC HEARING _____
Time Date

PLANNING COMMISSION ACTION _____

Zoning Administrator Date

TOWN COUNCIL PUBLIC HEARING _____
Time Date

TOWN COUNCIL ACTION _____

Clerk of Council Date

Rezone to B-1

Required contents for a full Rezoning Application:

- A completed application form, attached. \$300
- A completed certificate of owner's representative, if appropriate.
- A signed cover letter outlining the background and clear justification for the proposed changes.
- Clear mapping showing the extent of where the changes are proposed, including property lines, adjacent streets, buildings, etc.
- A site plan showing the proposed development of the property.
- Applications for conditional zoning should clearly indicate such and include clear supplemental information such as any proffers being made.
- Fees as required by Section 18.1-1009 of the Zoning and Subdivision Ordinance.

All documentation should be on reproducible 8½ X 11 paper.



DATE _____

APPLICATION FOR REZONING
TOWN OF AMHERST
POST OFFICE BOX 280
AMHERST, VIRGINIA 24521
(804) 946-7885

APPLICANT	<u>Shakhnoza Kaner</u>	OWNER	<u>Svetlozar Kaner</u>
ADDRESS	<u>Amherst VA 24521</u>	ADDRESS	<u>Shakhnoza Kaner</u>
CITY	<u>204 Sunset Drive</u>	CITY	<u>Amherst VA 24521</u>
TELEPHONE NO.	<u>434-907-26-18</u>	TELEPHONE NO.	<u>434-907-2618</u>

REPRESENTATIVE Self ADDRESS _____
 CITY Amherst VA TELEPHONE NO. _____

LOCATION OF REQUEST 123 Lee street, Amherst VA 24521
 TAX MAP NO. 96A 416-5 LOT AREA #5
 EXISTING ZONING . PROPOSED ZONING add B-1

STATEMENT BY APPLICANT I would rezone our rental property on 123 Lee street to add B-1 to allow me to conduct short term rental through AirBnb, Vrbo & other sites.

Applicants are reminded that §18.1-1002 of the Town Code requires signs describing the action requested under this application to be posted on the property.

As (OWNER) (CONTRACT PURCHASER WITH OWNER'S WRITTEN CONSENT, ATTACHED) (OWNER'S AGENT) of the property listed above, I/we hereby petition the Amherst Town Council to rezone the above described property.

[Signature] 11/02/21
 Signature of Applicant Date

PLANNING COMMISSION PUBLIC HEARING _____
 _____ Time _____ Date _____
 PLANNING COMMISSION ACTION

 Zoning Administrator Date

TOWN COUNCIL PUBLIC HEARING _____
 _____ Time _____ Date _____
 TOWN COUNCIL ACTION

 Clerk of Council Date

