



## **PLANNING COMMISSION**

AGENDA for October 12<sup>th</sup> 2021

AGENDA

### **REGULAR MEETING**

**Call to Order by Chairman and Roll Call**

**Public Comment**

**Review and Adoption of Minutes**

Minutes of September 14<sup>th</sup> meeting

**Report of Secretary**

**New Business**

None

**Old Business**

- 1) Discuss Residential Transient Occupancy Zoning text amendment

**Adjournment**

**Members and Term Expirations**

Dennis Hawes, Chairman, *7/31/2024*

Mike Ohleger, Vice-Chairman, *6/30/2022*

Justin Wiseman, *8/31/2025*

Marolyn Cash, *6/30/2024*

Lucy Ferrebee, *9/30/2023*

Melvin Henson, City Council Representative,  
*9/30/2023*

Kristie Gibbons, *12/31/2024*

Timothy Petrie, *12/31/2024*

Jason Tyree, Ex Officio member

**Staff**

Tom Roberts, Director of Community & Economic Development

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**Meetings**

Members of the Buena Vista Planning Commission meet in Council Chambers, 2039 Sycamore Avenue, at 7:00 p.m. on the 2<sup>nd</sup> Tuesday of each month, unless otherwise announced. Meetings may be held and business conducted without a quorum, but no votes may be taken unless a quorum is present. A majority of members constitutes a quorum. A motion passes with a majority vote; a tie constitutes defeat of the motion.



## PLANNING COMMISSION

MINUTES of September 14<sup>th</sup> 2021

Members of the Buena Vista Planning Commission met in Council Chambers at 7:00 PM on Tuesday, September 14<sup>th</sup>, 2021.

### **Members Present:**

Dennis Hawes, Chairman  
Michael Ohleger, Vice-Chairman  
Marolyn Cash  
Lucy Ferrebee  
Kristie Gibbons  
Melvin Henson, City Council Representative

### **Members Absent:**

Jason Tyree, Ex Officio member  
Timothy Petrie  
Justin Wiseman

### **Staff Present:**

Tom Roberts, Director of Community & Economic Development

Meeting is called into order and roll was called.

### **Minutes**

Mr. Ohleger moved to adopt the minutes of June 8<sup>th</sup> 2021 as presented. Mr. Henson seconded, and all voted yes.

### **Elections**

Mr. Hawes noted that the Commission is supposed to conduct elections of officers annually. He invited a motion to do so. Mr. Ohleger motioned to nominate Mr. Hawes as chair and Mrs. Gibbons seconded. Then Mr. Henson nominated Mr. Ohleger for Vice-Chair and Mrs. Cash seconded. Each nomination was voted on separately, and all approved each.

### **Secretary's Report**

Mr. Roberts updated the Commission on several items.

The Advancement Foundation has closed on the former Mundet-Hermetite Plant at 245 W 21<sup>st</sup> St and is moving forward with plans for their innovation center/business incubator.

Edward Jones will be opening soon at 227 W 21<sup>st</sup> St on the other side of the RR tracks.

Staff is working on the pre-contract phase for the \$1m CDBG grant for downtown, including the program design for the façade improvement program.

On 9/11 the City held an event at Glen Maury Park in conjunction with Mark Cline's erection of the shipping containers to represent the twin towers.

## **New Business**

### *Certificate of Appropriateness for Picnic Pavilion, Parkway Apartments, 407 E 29th St*

There was brief discussion of the proposed pavilion. Commission members commented that the pavilion was attractive and so were the renovated apartments. The concrete pad is already there. Mr. Ohleger motioned to approve as presented, Mrs. Cash seconded, and all voted yes.

### *Short Term Rental Zoning Text Amendment*

Mr. Hawes launched discussion by asking who would enforce the new rules. Mr. Roberts responded that it would be a joint effort between him and the Commissioner's office. The Commissioner's office would be interested in whether there was a business that lacked a license, and he would be concerned with location, occupancy, or maintenance issues. Mr. Roberts will have to check various online platforms periodically to monitor who has listed properties.

Mrs. Cash asked if there would be any inspections of properties. Mr. Roberts responded that yes, the City could easily require that any STR go through the existing rental inspection program for long-term rentals. There was discussion of how the rental inspection program works and how it is reactive at this point, and wondering if there is a way to partner more with SVU to monitor student rentals. Mr. Roberts confirmed that if a property is found out of compliance, then the owner has to fix the problems or the tenants would have to move out, or the City could compel the owner to make the repairs. Several members of the Commission have concerns about the condition of rental housing, as well as condition of some STRs. This is something that should be monitored and inspected. Mrs. Cash suggested a specific frequency of inspection, and Mr. Roberts replied that for that we should consider what items we are inspecting, as some items won't change over time and others will.

Mr. Ohleger raised the question of what constitutes a transient rental. Mr. Roberts replied that per Virginia code, transient is 30 days.

Mr. Roberts then reviewed the table in the staff report of owner present vs. owner not present categories. The latter is already a feature of the zoning code called a "tourist home." He then went over the distinction between people who own second or third houses and rent them out, and people who rent out their entire permanent residence occasionally while they stay somewhere else.

Mr. Roberts noted that the purpose of this regulation is to get ahead of any problems. In the last five years there have been no complaints about STRs.

Mr. Hawes asked about occupancy restrictions. Mr. Roberts responded that this will be an important item to address. The proposed policy would require a conditional use permit for more than the zoning definition of "family." The pitfall to avoid is having a party or event house.

Mr. Hawes also pointed out that provision of adequate parking should be part of the regulations. Also, he suggested that any on-site signage be small.

Mr. Roberts asked if there were any parts of the City where STRs should be prohibited. The Commission responded that no, they couldn't think of any reason to restrict locations of them.

**Adjournment 7:57 PM**

Approved: \_\_\_\_\_





## **PLANNING COMMISSION Staff Report**

Zoning Text Amendment  
Transient Occupancy Regulations  
10/5/2021

### **Synopsis**

Consolidate regulations of all transient occupancy uses, including modern short-term rentals.

### **Analysis**

#### **Framework**

To define STRs, we have to distinguish how they are different from other similar uses, such as bed & breakfasts or boarding houses or hotels. The included tables show current regulations and the proposed changes. To draft this new section, I created the term “residential transient occupancy” as a category that includes both bed and breakfast establishments and short term rentals.

Transient occupancy, per code of Virginia, is 30 days or less. Residential occupancy is more than 30 days. I propose keeping the existing use types of Bed & Breakfast Homestay and Inn, and adding Type A and Type B Short Term Rentals. Many localities use this division of Type A and B to distinguish whether it is a room rental or a whole-dwelling unit rental.

The key difference between Bed & Breakfasts (both homestays and inns) and STRs is that Bed & Breakfasts may serve meals, and are typically permitted by the Virginia Department of Health. In contrast, STRs may not serve meals, are not permitted or inspected by VDH, and are subject to registration requirements per Code of Virginia.

#### **Key Requirements in New Text**

- All Residential Transient Occupancy (RTO) uses must obtain a business license and remit lodging tax
- Occupancy for Type A STRs (room rentals where owner is present) may be the residents of the unit plus a “family” as the zoning code defines it
- Occupancy for a Type B STR (whole-house rental where owner is not present) may be the building code occupancy of all the bedrooms in the unit. The building code formula is basically 70 sq ft for the first occupant + 50 sq ft for each additional occupant, so a 150 sq ft bedroom may have two occupants.
- Off-street parking requirements for all uses
- Events, parties, weddings, etc. would only be permitted at an RTO with a Conditional Use Permit.
- All RTOs must go through the Rental Inspection Program and are subject to the terms of that program.

#### **Related Changes**

- *Boarding Houses* would continue to be permitted uses, but they would be limited to residential occupancy (long-term room rental) not transient. If a boarding house wished to offer rooms for less than 30 days, it would have to meet requirements for either a hotel or a STR (either Type A or B).
- *Tourist Homes* would be eliminated as a distinct use and replaced with Type B STRs. There are two reasons for this change. It clarifies that these establishments must register as STRs pursuant to Code of Virginia 58.1-3510.5. It also reduces confusion with Virginia Department of Health regulation of lodging establishments, because the term “tourist home” is included in the definition of “hotel” to which VDH licensure and inspection requirements apply.
- *Cabins/cottages* would be eliminated as a distinct use in the Recreation zone. Cabins/cottages are defined solely in the Recreation zone (bad practice anyway), and replacing them with Type B STRs will eliminate any confusion.

### **Next Steps**

Planning Commission discussion 10/12/2021

Planning Commission public hearing 11/9/2021

City Council public hearing 12/2/2021

Adoption 12/16/2021



**CURRENT**

<b>Type</b>	<b>Hotel (incl. motels)</b>	<b>Boarding House</b>	<b>Bed &amp; Breakfast</b>	<b>Bed &amp; Breakfast</b>	<b>Short Term Rental</b>	<b>Tourist Home</b>	<b>Residential Rental</b>
<b>Subtype</b>	n/a	n/a	Homestay	Inn	n/a	Owner Not Present (Whole-House)	Rooms or whole unit
<b>Biz License?</b>	Yes	No	Yes	Yes	Unregulated	Yes	No
<b>Where permitted</b>	Commercial & Mixed Use areas, by right	Mixed Use areas & R4, by right	All zones where residential uses allowed, by right	All zones where residential uses allowed, with CUP	Unregulated	Mixed Use & Institutional zones	All zones where residential uses allowed
<b>Duration</b>	"primarily less than one week..."	"Length of stay usually exceeds one week..." (Transient OR residential)	< 14 days	< 14 days	Unregulated	Transient OR Residential	Residential (more than 30 days)
<b>Owner present?</b>	No	Optional	Yes	Yes	Unregulated	No	Optional
<b>Occupancy</b>	No restrictions	3 to 10 persons	Up to 2 rooms for guests	3 to 5 rooms for guests	Unregulated	Up to 5 people	<i>Family</i> or requires a CUP
<b>Cooking facilities in rooms?</b>	Yes or No	No	No	No	Unregulated	Yes or No	Yes or No
<b>Meals provided?</b>	Yes or No	Yes or No	Yes	Yes	Unregulated	No	Yes or No
<b>Parking Requirements</b>	1 space per bedroom + 1 space per 2 employees	1 space per bedroom	None	None	Unregulated	None	2 spaces for house

**PROPOSED**

<b>Type</b>	<b>Hotel (incl. motels)</b>	<b>Boarding House</b>	<b>Bed &amp; Breakfast</b>	<b>STR Type A</b>	<b>STR Type B</b>	<b>Residential Rental</b>
<b>Subtype</b>	n/a	n/a	Homestay and Inn	Room Rental	Whole-unit	Rooms or whole unit
<b>Licensure</b>	Biz + VDH	None	Biz + VDH	Biz + STR	Biz + STR	None
<b>Taxation</b>	Biz + Lodging	None	Biz + Lodging	Biz	Biz	None
<b>Where permitted</b>	Commercial & Mixed Use areas	Mixed Use areas	All zones where residential uses allowed	All zones where residential uses allowed	All zones where residential uses allowed	All zones where residential uses allowed
<b>Duration</b>	Transient	Residential	Transient	Transient	Transient	Residential
<b>Owner present?</b>	Optional	Optional	Yes	Yes	No	Optional
<b>Occupancy</b>			Up to 2 rooms by right, 3-5 rooms with CUP	Residents + <i>family</i> by right, or per CUP	Building code occupancy of bedrooms, or per CUP	<i>Family</i> or requires a CUP
<b>Cooking facilities in rooms?</b>	Yes or No	No	No	Yes or No	Yes or No	Yes or No
<b>Meals provided?</b>	Yes or No	Yes or No	Yes	No (or trigger VDH)	No (or trigger VDH)	No
<b>Parking Requirements</b>	1 space per bedroom + 1 space per 2 employees	1 space per bedroom	1 space per guest room	2 spaces for dwelling + 1 for STR	2 spaces, or per CUP	2 spaces for dwelling



## Section 714 Residential Transient Occupancy

DRAFT text

10/5/2021

### Section 714. Residential Transient Occupancy

714.01 Purpose. The intent of this section is to regulate the operation of establishments which provide short-term accommodations. The objectives of this regulations are the following:

714.01-1 To ensure the health and safety of guests

714.01-2 To ensure adequate provision of infrastructure to guest accommodations, including utilities and vehicular access and parking

714.01-3 To encourage tourism and the visitor experience of Buena Vista

714.01-4 To maintain and enhance the quality and character of commercial and residential neighborhoods

### 714.02 Table of Residential Transient Occupancy Use Regulations

Type	Bed & Breakfast	Bed & Breakfast	STR Type A	STR Type B
Subtype	Homestay	Inn (CUP required)	Room Rental	Whole-unit
Licensure	Biz + VDH	Biz + VDH	Biz + STR	Biz + STR
Taxation	Biz + Lodging	Biz + Lodging	Biz + Lodging	Biz + Lodging
Duration	Less than 30 days	Less than 30 days	Less than 30 days	Less than 30 days
Owner present?	Yes	Yes	Yes	No
Occupancy	1 to 2 guest rooms	3 to 5 guest rooms	Residents plus <i>family</i> (as defined herein) by right, or per CUP	Building code occupancy of all bedrooms, or per CUP
Cooking facilities in rooms?	No	No	Yes or No	Yes or No
Meals provided?	Yes	Yes	No	No
Off-Street Parking Requirements	1 space per guest room	1 space per guest room	2 spaces for dwelling + 1 for STR	2 spaces, or per CUP

### 714.03 Residential Transient Occupancy uses Generally

714.03-1 *Registration.* The operator shall comply with all registration, filing and taxation requirements with applicable City departments prior to offering guest accommodations.

714.03-2 *Maximum duration of stay.* The maximum stay for a guest in a bed and breakfast establishment shall be thirty (30) days.

714.03-3 *Authorization to enter premises.* By submitting an application for a Residential Transient Occupancy use, an applicant authorizes the Administrator or designee to enter the subject property, upon reasonable advance written notice to the applicant, at least one time during the calendar year to verify that the homestay is being operated in accordance with the regulations set forth within this section.

714.03-4 *Building code compliance.* Prior to offering guest accommodation, all Residential Transient Occupancy units shall meet applicable building and property maintenance codes. Operators shall obtain a Rental Inspection Certificate, and are subject to the requirements and remedies of the Rental Inspection Program.

714.03-5 *Fire safety.* A fire extinguisher shall be provided and visible in all kitchen and cooking areas; smoke detectors shall be installed in all locations as identified in the Uniform Statewide Building Code; and a carbon monoxide detector must be installed on each floor in every dwelling.

714.03-6 *Integration into neighborhood.* Residential Transient Occupancy uses typically occur in single-family homes in existing neighborhoods. No alterations to the house to accommodate the transient occupancy use are permitted which would compromise the residential character of the property.

714.03-6 *Limitations of use.* Residential Transient Occupancy establishments are permitted solely to provide lodging and, if applicable, meals. Additional activities including receptions, parties and other events are not permitted unless specifically authorized by a conditional use permit. Authorization for additional activities will be based on the suitability of the house and property for hosting such events. Specific consideration will be given to the floor plan of the house, the proximity of the house to neighboring houses, the size of the lot, provisions to buffer the effects of such activities from adjacent property and the ability to provide parking for such events.

714.03-7 *Maximum duration of stay.* The maximum stay for a Residential Transient Occupancy unit is 30 days. Any dwelling unit offering guest accommodations for more than 30 consecutive days shall be considered a residential use and shall comply with all applicable zoning regulations, including occupancy restrictions.

714.03-8 *Multiple uses on single property.* Insofar as permitted by the underlying zoning district, a property or building may have multiple Residential Transient Occupancy uses.

### 714.04 Bed and Breakfast Homestay additional regulations

714.04-1 *Description.* A Bed and Breakfast Homestay is a single-family dwelling unit occupied by the owner which is used and regulated primarily as a private residence, but which provides up to five bedroom accommodations and meals to transients.

714.04-2 *Residency.* The operator of a Bed and Breakfast Homestay shall only be an owner who utilizes and resides at the dwelling as his or her primary residence. The operator may be required to submit acceptable proof to the Zoning Administrator that the dwelling is the operator's primary residence. Acceptable proof of permanent residence may include: applicant's driver's license, voter registration card, or United States passport showing the address of the property, or other document(s) which the Administrator determines provides proof of permanent residence by the operator.

714.04-3 *Licensure and taxation.* The operator shall hold a valid business license from the city and a permit from the Virginia Department of Health, and shall report all registrations to the Commissioner of Revenue for the collection of transient lodging tax.

714.04-4 *Registration book.* A registration log must be maintained for one year and be made available for review by the city upon request.

714.04-5 *Landscaping.* Landscaping, buffers and/or fences may be required as a permit condition in order to mitigate potentially negative impacts on adjoining properties and to maintain the appearance of the district.

714.04-6 *Cooking facilities.* Guestrooms in bed and breakfast establishments shall not have cooking facilities.

714.04-9 *Signage.* No on-premise signage advertising the Bed and breakfast homestay is permitted.

#### 714.05 Bed and Breakfast Inn additional regulations

714.04-1 *Description.* A Bed and Breakfast Inn is a single-family dwelling unit occupied by the owner which is used and regulated primarily as a private residence, but which provides more than two, but no more than five bedroom accommodations and meals to transients.

714.04-2 *Residency.* The operator of a Bed and Breakfast Inn shall only be an owner who utilizes and resides at the dwelling as his or her primary residence. The operator may be required to submit acceptable proof to the Zoning Administrator that the dwelling is the operator's primary residence. Acceptable proof of permanent residence may include: applicant's driver's license, voter registration card, or United States passport showing the address of the property, or other document(s) which the Administrator determines provides proof of permanent residence by the operator.

714.04-3 *Licensure and taxation.* The operator shall hold a valid business license from the city and a permit from the Virginia Department of Health, and shall report all registrations to the Commissioner of Revenue for the collection of transient lodging tax.

714.04-4 *Registration book.* A registration log must be maintained for one year and be made available for review by the city upon request.

714.04-5 *Landscaping*. Landscaping, buffers and/or fences may be required as a permit condition in order to mitigate potentially negative impacts on adjoining properties and to maintain the appearance of the district.

714.04-6 *Cooking facilities*. Guestrooms in bed and breakfast establishments shall not have cooking facilities.

#### 714.06 Type A Short Term Rental additional regulations

714.06-1 *Description*. A Type A Short Term Rental is a portion of a single-family dwelling unit where the host is the permanent resident of the dwelling, and the host is present during the short term rental.

714.06-2 *Residency*. The operator of a Type A Short Term Rental shall only be an owner who utilizes and resides at the dwelling as his or her primary residence. The operator may be required to submit acceptable proof to the Zoning Administrator that the dwelling is the operator's primary residence. Acceptable proof of permanent residence may include: applicant's driver's license, voter registration card, or United States passport showing the address of the property, or other document(s) which the Administrator determines provides proof of permanent residence by the operator.

714.06-3 *Licensure and taxation*. The operator shall hold a valid business license from the city and register with the Department of Community and Economic Development, and shall report all registrations to the City of Buena Vista for the collection of transient lodging tax.

714.06-4 *Registration book*. A registration log must be maintained for one year and be made available for review by the city upon request.

714.06-5 *Meals*. No food shall be prepared for or served to guests.

#### 714.07 Type B Short Term Rental additional regulation

714.07-1 *Description*. A Type B Short Term Rental is a single-family dwelling unit where the host is not the permanent resident of the dwelling.

714.07-2 *Licensure and taxation*. The operator shall hold a valid business license from the city and register with the Department of Community and Economic Development, and shall report all registrations to the City of Buena Vista for the collection of transient lodging tax.

714.07-2 *Meals*. No food shall be prepared for or served to guests.

714.07-2 *Waste*. The dates and information for trash collection shall be posted prominently in the short term rental unit.

714.07-2 *Principal guest*. During each stay at the short term rental unit, a principal guest at least 18 years of age shall be designated as the contact person for City officials in the event of safety or behavioral issues at the unit. The host shall provide this information upon request to authorized City officials.

714.07-2 *Host contact*. The name and telephone number of the host or the host's designee shall be conspicuously posted within the short term rental unit. The host shall answer calls twenty-four (24) hours a day, seven (7) days a week for the duration of each short term rental to address any problems associated with the short term rental unit.

#### 714.08 Conditional Use Permit.

714.08-1 The following uses are permitted by Conditional Use Permit:

714.08-1.1 Bed and Breakfast Inns

714.08-1.2 Type A or Type B Short Term Rental with an occupancy greater than the maximum occupancy listed in the table in 714.02.

714.08-1.3 Uses accessory to a Residential Transient Occupancy, including but not limited to receptions, weddings, meetings, or concerts.

714.08-2 In reviewing an application for a conditional use permit, the Planning Commission and the governing body may consider the following factors for Residential Transient Occupancy uses:

714.08-2.1 On- and off-street parking available

714.08-2.2 Suitability of the buildings and grounds for the proposed use

714.08-2.3 Impact of vehicular and pedestrian traffic

714.08-2.4 Impact on visual and functional character of the neighborhood

714.08-2.5 Availability of similar establishments in the neighborhood and the area

#### 714.09 Enforcement

714.09-1. A registration may be suspended or cancelled for the following reasons: a. Failure to collect and/or remit the transient occupancy tax. b. Three (3) or more substantiated complaints (including, but not limited to, parking on grass, noise, excess trash) within a twelve-month period. c. The failure of any short term rental host to maintain his or her principal place of residence or domicile at the dwelling unit (as required in the residential zoning districts) used as a limited residential lodging.

714.09-2. Before any suspension or cancellation can be effective, the Zoning Administrator shall give written notice to the short term rental host. The notice of suspension or cancellation issued under the provisions of this chapter shall contain: a. A description of the violation(s) constituting the basis of the suspension or cancellation; b. If applicable, a statement of acts necessary to correct the violation; and c. A statement that if no written response by the host is received by the Planning Department within thirty (30) days from the date of the notice, the registration will be suspended or cancelled.

714.09-3. The notice shall be given to the host by delivering a copy of the notice in person. If the host cannot be found, such notice shall be sent to the address of record by: a. Certified mail or e-mail to the addresses in the registration form; and b. A copy of the notice shall be posted in a conspicuous place on the premises.

714.09-4. A copy of the notice will be provided to the Commissioner of Revenue to advise the registration may be revoked.

714.09-5. Any determination made by the Zoning Administrator may be appealed to the Board of Zoning Appeals.

714.09-6. Penalty. It shall be unlawful to operate a short term rental:

714.09-6.1. without obtaining a registration as required by this article,

714.09-6.2. after a registration has been suspended or cancelled, or

714.09-6.3. in violation of any other requirement of this article.

714.09-6.4. The penalty shall be a fine of five hundred dollars (\$500.00) per occurrence in accordance with Sec. 15.2-983 of the Code of Virginia for an operator required to register who offers for short-term rental a property that is not registered.

714.09-7 Phased Effective Date. For any Residential Transient Occupancy use which was not in operation at any point in 2021 and which begins operation on or after January 1 2022, this section shall apply immediately. For any Residential Transient Occupancy use which was in operation at any point in 2021 and which continues operation on or after January 1 2022, this section shall apply beginning March 1 2022.



## Definitions

~~302.01-1: Accessory use or building means a structure subordinate or incidental to the principal structure on a lot in square footage and primary use. Accessory structures and uses include detached garages, storage buildings, pool houses, swimming pools, storage bins and material storage areas. A use that is incidental and subordinate to that of the main building or use of land and that is located on the same lot and under the same ownership in all respects.~~

~~302.02-5 Building, accessory means a subordinate building located on the same lot as the main building, the use of which is incidental and accessory to that of the main building or use. No such accessory structure shall be used for housekeeping purposes as a dwelling unit.~~

~~302.02-3: Boarding house (rooming house) means a building or part thereof, other than a hotel, motel, or restaurant, where meals and/or lodging are provided for compensation for three to ten unrelated persons and where no cooking or dining facilities are provided in individual rooms. If the duration of stay of any guest is less than thirty (30) days, then the establishment must be licensed as a Short Term Rental pursuant to Section XXX. and in which the length of stay usually exceeds one week in duration. A lodging house is also included in this definition.~~

~~302.04-5: Dwelling means any building or portion thereof which is designed for or used for residential purposes, except hotels, boarding houses, lodging houses, tourist cabins, dormitories, and automobile trailers.~~

~~302.04-9 Dwelling unit. A room or group of rooms connected together containing cooking, bathroom and sleeping facilities constituting a separate, independent housekeeping unit, physically separated from any other dwelling unit in the same structure.~~

~~302.06-1 Family means a single housekeeping unit consisting of:~~

- ~~(1) An individual; or~~
- ~~(2) Two (2) or more persons related by blood, marriage, adoption, or guardianship; or~~
- ~~(3) Two (2) or more persons related by blood, marriage, adoption, or guardianship and not more than two (2) persons not related by blood, marriage, adoption, or guardianship; or~~
- ~~(4) A group of not more than four (4) persons not related by blood, marriage, adoption or guardianship.~~

Such housekeeping units are distinguished from persons occupying a boarding house, dormitory, hotel, or tourist home. Private household workers employed and housed on the premises may be considered as included in the family occupying said premises but shall not be counted toward occupancy thresholds.

~~302.08-4: Hotel means a building in which lodging, or board and lodging, are provided and offered to the public for compensation and in which cooking facilities may be provided or in which lodging facilities are provided primarily for travelers and in which the length of stay is primarily less than one week in duration. The term "hotel" includes the term "motel."~~

~~302.21.2: Tourist court, auto court, motel, hotel, cabin or motor lodge means building or buildings containing individual sleeping rooms, designed for, or used temporarily by,~~

~~automobile tourists or transients, with garage or parking space conveniently located to each unit. Cooking facilities may be provided for each unit.~~

~~302.21-3: Tourist home means a dwelling where only lodging is provided for compensation for up to five persons (in contrast to hotels and boarding houses) and open to transients.~~

~~613.03-2.1: Cabins/cottages. For definition purposes for this section: Cabins/cottages is a building or a group of buildings, whether detached or in connected units, designed primarily for transient travelers catering to the needs of the traveling public by furnishing sleeping accommodations with or without supplying food.~~

## NEW DEFINITIONS

*Bed and breakfast homestay* means a single-family dwelling unit occupied by the owner which is used and regulated primarily as a private residence, but which provides up to two bedroom accommodations and meals to transients.

*Bed and breakfast inn* means a single-family dwelling occupied by the owner which provides more than two, but no more than five bedroom accommodations and meals to transients.

*Bed and breakfast establishment* [means] a bed and breakfast homestay or inn.

*Short-term rental* means a dwelling, or portion of a dwelling, used or advertised for transient rental in increments of 30 or fewer consecutive days. This use type does not include bed and breakfast establishments and does not apply to month to month extensions following completion of a year's lease.

*Host* means

*Transient* means a for a period of 30 days or less in the context of guest accommodation, or means a person occupying such a unit.

*Residential Transient Occupancy* means a Bed and Breakfast Homestay, a Bed and Breakfast Inn, a Type A Short Term Rental, or a Type B Short Term Rental. The term does not include hotels.

*Type A Short Term Rental* means a short term rental where the host is the permanent resident of the dwelling, and the host is present during the short term rental.

*Type B Short Term Rental* means a short term rental where the host is not the permanent resident of the dwelling.