



Short Term Rental Regulations Guide for Property Owners

Revised 6/15/2022

Overview

Short-term rental accommodations, facilitated by online booking platforms, have become one of the most common places people stay when they travel. They provide flexible, unique accommodations to visitors to Buena Vista while making it easier for homeowners to start a part-time bed and breakfast-type business. Like any hospitality business, it is important to have basic regulations to ensure the health and safety of guests, limit potential negative impacts on neighboring properties, and collect taxes in a fair and consistent way. Tax revenue from lodging businesses directly supports our regional tourism organization and funds marketing and promotion of our area.

Definitions

Below are definitions in Buena Vista's zoning code for key terms. Note that these may differ from plain-English use of these terms, or use of these terms by any particular online platform such as Airbnb or Vrbo.

Short-term rental (STR) means a dwelling, or portion of a dwelling, used or advertised for transient occupancy 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 the person who is owner and operator of the Residential Transient Occupancy premises.

Transient means for a period of 30 days or less in the context of a guest accommodation unit, or means a guest 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, or where the permanent resident of the dwelling is not present during the guest stay.

Note: Bed & Breakfasts are different from Short-term rentals because Bed & Breakfasts serve prepared food, and therefore are regulated by the Virginia Department of Health. Alternate City regulations apply to them as well.

How to Register a Short Term Rental

All short-term rental hosts must register their units with the City prior to making available to booking.

- 1) Review regulations to ensure proposed unit meets them. See more detail below.
- 2) Submit application and \$50 fee to the Department of Community Development via the [Online Permit Portal](#).
- 3) Building Official coordinates and conducts rental inspections for basic health and safety building code related requirements.
- 4) Staff approve STR unit.
- 5) Obtain paperwork for lodging tax remission from Finance Department.
- 6) List unit and begin hosting!

Specific Regulations

STRs are permitted in any dwelling unit in the City.

| Use Type | STR Type A | STR Type B |
|-------------------------------------|---|---|
| Duration | Less than 30 days | Less than 30 days |
| Host present? | Yes | Yes or No |
| Occupancy | 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? | Yes or No | Yes or No |
| Meals provided? | No | No |
| Parking Requirements | 2 spaces for dwelling + 1 for STR | 2 spaces, or per CUP |

Additional Requirements to be Aware of

Note: this summary does not include all requirements but is intended to highlight certain items. Hosts are responsible to read and comply with all applicable regulations.

- Please note the occupancy limits listed in the table above and ensure that your marketing and booking policies conform. Occupancy of Type B STRs will be provided following the rental inspection, which will confirm the configuration and size of bedrooms.
- Registered STRs may only be used for lodging. Parties, events, weddings, etc. are NOT permitted at an STR unless the host obtains a Conditional Use Permit approved by the Planning Commission and City Council.
- A registration log book of guests must be maintained for at least one year (the preceding 12 months at any given point). This log may be electronic or provided by a booking platform.
- No meals or prepared food may be served to guests.

- An STR's registration may be revoked if there are three or more substantiated nuisance complaints about the property; failure to collect and remit lodging tax; failure of Type A STR hosts to maintain residency; or violation of any other provision of the zoning or nuisance code

Taxation

Hosts are required to collect and remit the City's 6% lodging tax. Some online platforms may collect and remit this automatically on behalf of the host (such as Vrbo), however, others do not (such as AirBnb). If the platform does not collect and remit lodging tax, hosts are responsible for monthly remittance of lodging tax using forms provided by the Finance Department [here](#). Please note that STR hosts are also responsible for collecting and remitting Virginia state sales tax, but most online platforms automatically collect and remit this.

Contacts

STR Registration, Enforcement, and General Questions:

Tom Roberts, Director of Community & Economic Development
(540) 261-8607 | troberts@bvcity.org

Rental Inspections, Property Maintenance Questions:

Alan McMahan, Building Official
(540) 261-8635 | inspector@bvcity.org

Taxation

Charles Clemmer, Director Finance
(540) 261-8602 | cclemmer@bvcity.org



Section 714 Residential Transient Occupancy

Final

2/15/2022

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. In this section, acronyms used shall have the following meanings:

RTO shall mean Residential Transient Occupancy

STR shall mean Short-Term Rental

CUP shall mean Conditional Use Permit

VDH shall mean Virginia Department of Health

| Use Type | Bed & Breakfast | Bed & Breakfast | STR Type A | STR Type B |
|------------------------------|--------------------|--------------------|---|---|
| Subtype | Homestay | Inn (CUP required) | | |
| Duration | Less than 30 days | Less than 30 days | Less than 30 days | Less than 30 days |
| Host present? | Yes | Yes | Yes | Yes or 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 |

| | | | | |
|-----------------------------|------------------------|------------------------|-----------------------------------|----------------------|
| 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 host shall comply with all registration, filing and taxation requirements with applicable City departments prior to offering guest accommodations.

714.03-2 *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 transient occupancy use is being operated in accordance with the regulations set forth within this section.

714.03-3 *Building code compliance.* Prior to offering guest accommodation, all units with Residential Transient Occupancy uses shall meet applicable building and property maintenance codes. Property owners shall obtain a Rental Inspection Certificate, and are subject to the requirements and remedies of the Rental Inspection Program.

714.03-4 *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.

714.03-5 *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 transient guest is 30 days.

714.03-8 *Concurrent Residential Transient Occupancy uses.* Only one Residential Transient Occupancy use shall be permitted within a single dwelling unit at any given time, regardless of how rooms are advertised or booked.

714.03-9 *Occupancy.* When a dwelling unit contains a Residential Transient Occupancy use, the maximum occupancy permitted for that Residential Transient Occupancy use

shall govern the entire unit, and shall also include any residents of the unit who are not transient.

714.03-10 *Parking*. Hosts should provide off-street parking spaces if possible. No more than two on-street public parking spaces may count toward the required number of spaces.

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 host 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 host may be required to submit acceptable proof to the Zoning Administrator that the dwelling is the host'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 host.

714.04-3 *Licensure and taxation*. The host 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 City for the collection of transient lodging tax. Hosts may utilize a third party to report, collect, and remit some or all transient lodging tax in accordance with Code of Virginia and other applicable laws.

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.

714.05 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 host 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 host may be required to submit acceptable proof to the Zoning Administrator that the dwelling is the host'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 host.

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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 host 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 host may be required to submit acceptable proof to the Zoning Administrator that the dwelling is the host'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 host.

714.06-3 *Licensure and taxation.* The host shall register with the Department of Community and Economic Development pursuant to Code of Virginia 15.2-983, and shall report all registrations to the City of Buena Vista for the collection of transient lodging tax. Hosts may utilize a third party to report, collect, and remit some or all transient lodging tax in accordance with Code of Virginia and other applicable laws.

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, or where the permanent resident of the dwelling is not present during the guest stay.

714.07-2 *Licensure and taxation.* The host shall register with the Department of Community and Economic Development pursuant to Code of Virginia 15.2-983, and shall report all registrations to the City of Buena Vista for the collection of transient lodging

tax. Hosts may utilize a third party to report, collect, and remit some or all transient lodging tax in accordance with Code of Virginia and other applicable laws.

714.07-3 *Meals*. No food shall be prepared for or served to guests.

714.07-4 *Waste*. The dates and information for trash collection shall be posted prominently in the short term rental unit.

714.07-5 *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.

714.07-6 *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:

714.09-1.1 Failure to collect and/or remit the transient occupancy tax

714.09-1.2 Three (3) or more substantiated complaints (including, but not limited to, parking on grass, noise, excess trash) within a twelve-month period

714.09-1.3 The failure of any Type A Short Term Rental host to maintain his or her principal place of residence or domicile at the dwelling unit

714.09-1.4 The violation of any other provision of the zoning code, or of the Nuisance and Public Health and Safety Code found in Chapter 14 of the City code,

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

714.09-3. The notice shall be sent to the address of record by regular mail, and by e-mail or phone to the addresses in the registration form.

714.09-4. A copy of the notice will be provided to other relevant City departments 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 a host 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 March 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 June 1 2022.

Definitions

302.02-3: Boarding house means a building or part thereof, other than a hotel, motel, or restaurant, where meals and/or residential 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 registered or licensed as a Residential Transient Occupancy use pursuant to Section 714.

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 occupancy 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 the person who is owner and operator of the Residential Transient Occupancy premises.

Transient means for a period of 30 days or less in the context of a guest accommodation unit, or means a guest 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, or where the permanent resident of the dwelling is not present during the guest stay.