

Ordinance No. 107
AN ORDINANCE AMENDING CERTAIN PROVISIONS
OF THE TOWN CODE OF THE TOWN OF NEW MARKET, VIRGINIA
RELATING TO SHORT-TERM RENTALS

Whereas, the Town of New Market, Virginia (the “Town”) desires to amend the Town Code so that short-term rentals are subject to the Town’s Transient Occupancy Tax, and

Whereas the Town further desires to pass certain zoning regulations relating to short-term rentals.

Now, Therefore, the Town Council of the Town of New Market, Virginia, ordains as follows:

1. The definition of “Real Estate Services” in Section 22-2 of the Town Code is hereby amended to add¹ the term “Operators of Short-Term Rentals”, as follows:

Real estate services shall mean rendering a service for compensation as lessor, buyer, seller, agent or broker and providing a real estate service, unless the service is otherwise specifically provided for in this ordinance, and such services include, but are not limited to, the following:

- Appraisers of real estate
- Escrow agents, real estate
- Fiduciaries, real estate
- Lessors of real property
- Real estate agents, brokers and managers
- Real estate selling agents
- Rental agents for real estate
- *Short-term rentals*

2. Sections 54-191 and 54-197 of the Town Code are hereby amended as follows:

Sec. 54-191 Definitions

Hotel- means any public or private hotel, inn, apartment hotel, bed and breakfast, hostel, tourist home or house, motel, rooming house, *short-term rental* or other lodging place within the town offering.

¹ Additions to the Town Code are identified in this ordinance using italicized font, and text being removed from the Town Code is identified in font that is stricken-through.

Sec. 54-197- Exemptions

No tax shall be payable under this article on room or space rental paid to any hospital, medical clinic, convalescent home or home for the aged. ~~No tax shall be payable under this article on individually owned single family homes or condominium units which are rented through an agency which provides advertising, reservations, housekeeping, accounting, and/or check in services.~~

3. Chapter 70 of the Town Code is hereby amended as follows:

Article II. Definitions

Sec. 70-10 Specific Definitions

Home occupation- An accessory use of a dwelling for gainful employment involving the manufacture, provision, or sale of goods and/or services, ~~including but not limited to the short term rental of the dwelling.~~

~~Short-term rental- 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. Any use that falls within the definitions of Short-Term-Rental, Non-Owner-Occupied or Short-Term-Rental, Owner-Occupied.~~

Short Term-Rental, Non-Owner-Occupied: Any occupancy of a dwelling for a continuous period of less than thirty days, which does not meet the definition of "Short Term-Rental, Owner-Occupied."

Short Term-Rental, Owner-Occupied: Any occupancy of a dwelling for a continuous period of less than thirty days, where the owner of the dwelling during such period also resided on the same property.

Article IV. Low Density Residential, District R-1

Sec. 70-20 Permitted Uses

(q.) Short-Term Rental, Owner-Occupied

Article V. Medium Density Residential, District R-2

Sec. 70-30 Permitted Uses

(t.) Short-Term Rental, Owner-Occupied

Article VI. Medium Density Residential, Main Corridor, District R-2A

Sec. 70-40 Permitted Uses

Unless otherwise provided in Section 70-41 of this Article, the structures to be erected or land to be used in the R-2A Residential District shall be for one of the uses (and its permitted accessory uses) permitted by right in the R-2 Residential District, as provided in Section 70-30 of the chapter; provided that, with the exception of multi-family dwellings, only one main building and its accessory structures may be erected on any lot or parcel of land in this district. *In addition, Non-Owner-Occupied Short-Term Rentals shall be a permitted use in the R-2A Residential District.*

Article VII. High Density Residential, District R-3

Sec. 70-50 Permitted Uses

(w.) Short-Term Rental, Owner-Occupied

(x.) Short-Term Rental, Non-Owner-Occupied

Article VIII. General Business, District B-1

Sec. 70-60 Permitted Uses

(kk.) Short-Term Rental, Owner-Occupied

(ll.) Short-Term Rental, Non-Owner-Occupied

Article IX. Interstate Corridor Business, District B-2

Sec. 70-70 Permitted Uses

(q.) Short-Term Rental, Owner-Occupied

(r.) Short-Term Rental, Non-Owner-Occupied

Article X-A Transitional, District X

Sec. 70-87.2 Permitted Uses

(p.) Short-Term Rental, Owner-Occupied

(q.) Short-Term Rental, Non-Owner-Occupied

Article XIII- Planned Development

Sec. 70-122 Planned Residential Neighborhood (PRN) District Regulations

(c.) Permitted Uses

20. Short-Term Rental, Owner-Occupied

21. Short-Term Rental, Non-Owner-Occupied

Sec. 70-123 Planned Residential Mobile Home Park (PRMH) District Regulations

(c.) Permitted Uses

13. Short-Term Rental, Owner-Occupied

14. Short-Term Rental, Non-Owner-Occupied

Article XIV. Supplementary District Regulations

Sec. 70-143.1 Short-Term Rentals Use Requirements

The intent of this section is to permit and regulate the operation of short-term rentals, as defined, in appropriate locations throughout the Town in an effort to stimulate economic development and tourism. These supplemental regulations are in addition to requirements under the District Regulations as to whether a Short-Term Rental must be Owner-Occupied. The provisions herein relating to Short-Term rentals shall apply to any dwelling, or portion thereof, used as a Short-Term Rental. For the purposes of this chapter, short-term rentals shall not be considered a home occupation. Short-term rentals shall be allowed only in compliance with the following provisions:

(a.) The operator of a short-term rental must acquire an annual business license. Operators are required to obtain separate business licenses for each unit, property, or location. Failure to obtain a business license may result in revocation of the zoning permit to operate a short-term rental.

- 1. For Owner-Occupied Short-Term Rentals, proof of residency is required prior to the issuance of a business license, and shall be kept on file with the Town. Proof of residency may be established by the presentation of a valid Virginia Driver's License, valid Virginia Identification Card, or valid Voter Registration Card with a name and address matching the tax records of the proposed Owner-Occupied Short-Term Rental. If the property is owned by a business, additional documentation confirming principal ownership of said business may be required at the discretion of the Town Manager or designee.*

- (b.) The operator of a short-term rental shall designate a local property representative. The representative shall be available to respond within one hour to complaints regarding the condition, operation, or conduct of occupants of the short-term rental. The name, address, and telephone contact number of the property owner and the local property representative shall be kept on file with the Town.*
- (c.) Off-street parking shall be provided in accordance with Sec. 70-150 if this Article, unless a modification is granted by the Zoning Administrator in accordance with this Chapter.*
- (d.) No food shall be prepared for or served to guests, so as to distinguish short-term rentals from Bed and Breakfast establishments.*
- (e.) A fire extinguisher shall be provided and visible in all kitchen and cooking areas.*
- (f.) Smoke detectors and carbon monoxide detectors shall be installed in all locations as required by the Uniform Statewide Building Code.*
- (g.) Emergency information must be conspicuously posted inside the property, including contact information for the local property representative.*
- (h.) The operator shall provide an informational packet available to occupants. The information packet shall include, at a minimum, maximum occupancy, location of off-street parking, references to applicable noise and use restrictions, guidelines for trash storage and removal, evacuation routes in case of fire or emergency, and local property representative information.*

CERTIFICATE

The undersigned Mayor and Clerk of the Town Council of the Town of New Market, Virginia hereby certify that the foregoing constitutes a true and correct copy of the Ordinance Amending Certain Provisions of the Town Code of the Town of New Market, Virginia Relating to Short-Term Rentals adopted by the Town Council at a meeting held on January 21, 2020. A record of the roll-call vote by the Town Council is as follows:

<u>NAME</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Douglas Bradley, Mayor *				
Larry Bompiani				
Peggy Harkness				
Peter Hughes				
Tim Palmer				
Daryl Watkins				
Scott Wymer				

* Votes only in the event of a tie.

Date: January 21, 2020

ATTEST: _____
Clerk, Town Council of the
Town of New Market

Mayor, Town of New Market, Virginia