

ORDINANCE – To Amend and Reordain Section 24-3 Titled “Definitions,” Section 24-12 Titled “Conditional uses permitted by special exception,” Section 24-13 Titled “Accessory uses permitted,” Section 24-13.01 Titled “Development standards and conditions for permitted uses,” Section 24-13.2 Titled “Accessory uses permitted,” Section 24-13.3 Titled “Conditional uses permitted,” Section 24-28 Titled “Principal uses permitted,” Section 24-39 Titled “Accessory uses permitted,” Section 24-94 Titled “Table of regulations,” Section 24-96 Titled “Off-street parking requirements,” and Section 24-121 Titled “Conditional zoning or zone approval” of the Code of the County of Henrico to Allow and Regulate Short-Term Rentals of Real Estate in Certain Residential Districts

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF HENRICO COUNTY,
VIRGINIA:

1. That Section 24-3 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-3. Definitions.

For the purpose of interpreting and construing this chapter, certain words and terms used herein shall have the following meanings, unless the context requires otherwise.

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~~Boardinghouse, or lodginghouse.~~ A building other than a hotel, motel, ~~or tourist home,~~ **bed and breakfast home, or short-term rental,** where meals or lodging are provided for compensation for three or more, but not exceeding nine, **residents** ~~guests not transients.~~

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Family. A person living alone or any number of persons living together as a single housekeeping unit including domestic servants, caregivers, foster children and adults, and supervisory personnel in a group care facility. The term “family” shall not include **the members of** a ~~fraternity, sorority,~~ **social** club; **the residents of a** convalescent or nursing home, ~~institution~~ **retirement home, assisted living, or memory care facility;** ~~or a group of persons occupying a hotel, motel, tourist home,~~ **the residents of a** boardinghouse or lodginghouse; or similar uses **the guests of a hotel, motel, or bed and breakfast home; or short-term renters.**

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Guesthouse. An accessory building without cooking facilities, intended for intermittent occupancy by one or more guests, and for which a certificate of occupancy has been issued.

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Resident. Any person who lives in a dwelling unit or portion thereof on a long-term or permanent basis, as distinguished from a guest or short-term renter.

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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.

Short-term rental, hosted stay. A short-term rental during which the homeowner is present in the dwelling.

Short-term rental, unhosted stay. A short-term rental during which the homeowner is not present in the dwelling.

Short-term renter. Any person permitted to occupy a short-term rental for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy, and any companions or guests of such person.

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2. That Section 24-12 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-12. Conditional uses permitted by special exception.

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(h) Subject to sec. 24-13.01(b):

(1) Short-term rental, hosted stays, meeting any of the following conditions:

a. located in a guesthouse;

b. located on a lot with less than 80 feet of frontage on a public street;

c. occupied by more than six short-term renters at any time; or

d. exceeding a total of 60 days in any calendar year.

(2) Short-term rental, unhosted stays.

3. That Section 24-13 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-13. Accessory uses permitted.

Accessory uses customarily incidental to a permitted principal or conditional use on the same lot therewith, including among others:

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(d) Customary incidental home occupations, such as handicraft, dressmaking, millinery, laundering, preserving or home cooking, including occasional personal service of beauty culture offered in a limited way by appointment and not to the general public, and the home office of a member of a recognized or licensed profession, such as attorney-at-law, physician, dentist, musician or artist; provided that such occupations shall be conducted solely by resident occupants in their place of abode and provided that not more than the equivalent area of one quarter of one floor shall be used for such purpose; provided further, that such occupation shall not require external or internal alterations, or the use of machinery or equipment not customary for purely domestic household purposes and provided no stock-in-trade shall be kept or product sold, except such as are made on the premises, provided further, that there shall be no group instruction, assembly or activity or no-display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling. Nothing herein contained shall be construed to prohibit the installation and use of two hair drying units. However, a home occupation shall not be interpreted to include beauty parlors, barber shops, convalescent or nursing homes, ~~tourist homes~~ or massage or similar establishments offering services to the general public.

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(m) Short-term rental, hosted stays, subject to sec. 24-13.01(b), meeting all of the following requirements:

(1) located within the principal dwelling;

(2) located on a lot with 80 feet or more of frontage on a public street;

(3) occupied by no more than six short-term renters at any time; and

(4) limited to a total of no more than 60 days in any calendar year.

4. That Section 24-13.01 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-13.01. Development standards and conditions for permitted uses.

(a) Refuse containers. Refuse containers shall be completely screened from view by means of an opaque fence or wall. Such containers shall be serviced only between the hours of 6:00 a.m. and 12:00 midnight.

(b) Short-term rental. The following requirements apply to short-term rentals:

(1) *Principal residence and ownership required. Only a dwelling that is occupied by the property owner for at least 185 days per year may be offered for short-term rental. Prior to offering any property as a short-term rental, the property owner must certify, on a form provided by the director of planning, that the*

property owner occupies the property for at least 185 days per year. For purposes of this section, ownership includes, among other forms, a dwelling (i) held by a person alone or in conjunction with his spouse as tenant or tenants for life or joint lives, (ii) held in a revocable inter vivos trust over which a person or a person and his spouse hold the power of revocation, or (iii) held in an irrevocable trust under which a person alone or in conjunction with his spouse possesses a life estate or an estate for joint lives or enjoys a continuing right of use or support. However, ownership does not include a dwelling held under a leasehold or term of years.

(2) Resolution of issues and complaints. During short-term rental, hosted stays, the property owner must respond to and resolve issues and complaints that arise in connection with the stay at any time. For short term-rental, unhosted stays, prior to offering the property as a short-term rental, the property owner must provide, on a form provided by the director of planning, the name and contact information of an adult who will be available at all times when the property is occupied as a short-term rental. The designated adult must respond in person at the property within 30 minutes whenever necessary to resolve issues and complaints arising in connection with the short-term rental.

(3) Limit on number of occupants. The occupancy of any property during a short-term rental may not exceed a number equal to twice the number of bedrooms in the dwelling.

(4) Limitation on additional uses. No property owner may offer as a short-term rental any property that is also used for a family day home, group home, assisted living facility, massage therapy, taxi or other carrier service, or noncommercial kennel. No property owner may offer, allow, or provide a short-term rental for any other commercial use not customarily incidental to a one-family dwelling, including, without limitation, commercial use for parties, banquets, weddings, receptions, meetings, filming, or advertising activities.

(5) Prohibition against double-booking. No property owner may rent any property pursuant to two or more booking transactions for the same dates, such that no two separately-booked groups of short-term renters may occupy the same property at the same time. For the purpose of this prohibition, a “booking transaction” is any transaction in which there is a charge to one or more short-term renters by a property owner in exchange for the occupancy of the property.

(6) Prohibition against renting to minors. No property owner may provide a short-term rental unless at least one of the short-term renters is 18 years of age or older.

(7) Hours of check-in and check-out. The property owner may not offer check-in or check-out services to short-term renters between the hours of 11:00 p.m. and 7:00 a.m.

(8) Provision of smoke detectors, etc. The property owner of any property offered for short-term rental must provide and maintain in good working order every smoke detector, carbon monoxide detector, and fire extinguisher required to be in the short-term rental by law. No property owner may obstruct any emergency egress required by law.

(9) Posting of information required. The property owner must conspicuously post the following information in any property offered for short-term rental:

a. **The property address.**

b. **The name and contact information of the property owner and, if applicable, the adult designated pursuant to subparagraph (2) of this subsection.**

c. **Detailed instructions for emergency shut-off of gas, electricity, and water, including the locations of gas and water valves and circuit breakers.**

d. **Recycling and trash collection schedules.**

e. **The Henrico County noise ordinance.**

(10) Limitation on pets. No property owner may allow more than three pets to be kept on the property of a short-term rental at any time.

(11) Record of rentals. The property owner must keep an accurate and complete record of each short-term rental for two years from the ending date of the rental and provide those records to the director of planning for inspection

upon his request. The record of each rental must show, at a minimum, the beginning and ending dates of each rental and the number of persons occupying the dwelling.

5. That Section 24-13.2 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-13.2. Accessory uses permitted.

(a) Accessory uses as permitted and as regulated in the R-4A district, **except short-term rentals,** and section 24-95 ~~of this chapter.~~

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6. That Section 24-13.3 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-13.3. Conditional uses permitted.

Any conditional uses as permitted and **as** regulated in the R-4A district, **except short-term rentals.**

7. That Section 24-28 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-28. Principal uses permitted.

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(c) ~~Roominghouses and b~~Boardinghouses.

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8. That Section 24-39 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-39. Accessory uses permitted.

(a) Accessory uses as permitted and as regulated in the R-3 district, except short-term rentals, and section 24-95.

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9. That Section 24-94 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-94. Table of regulations.

(See Section 24-95 for additional requirements, exceptions and modifications)

District and Use	Max. Height (ft.)	Min. Lot Area		Min. Lot Width (ft.)	Min. Front Yd. Depth (ft.)	Min. Side Yard		Min. Rear Yd. Depth (ft.)	Min. Finished Floor Area (sq. ft.)
		Total (sq. ft.)	Per Family (sq. ft.)			Least Yard (c) (ft.)	Sum of Yards (ft.)		
....									
R-5 Rooming, b <u>Boardinghouses</u>	40	7,500	7,500	60	45	8	20	35	900(o)
....									
R-6 Rooming, b <u>Boardinghouses</u>	40	7,500	7,500	60	45	8	20	35	900(o)
....									
B-1 Dwellings, roominghouses, boarding homes <u>boardinghouses</u>	Same as in R-5 District								
....									
B-2 Dwellings, roominghouses, boarding homes <u>boardinghouses</u>	Same as in R-6 District								
....									
B-3 Dwellings, roominghouses, boarding homes <u>boardinghouses</u>	Same as in R-6 District								
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10. That Section 24-96 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-96. Off-street parking requirements.

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(b) The number of parking spaces to be provided for each use shall be sufficient to provide for all persons residing on, employed on or patronizing the premises, and in no case shall it be less than as follows. In the case of any use not listed, the director of planning shall determine the required number of parking spaces based on standards published by the Institute of Transportation Engineers, documented parking studies of comparable uses, and good planning practices.

USE	NUMBER OF SPACES
• • • •	
(2) Motels, hotels, lodginghouses <u>boardinghouses</u>	1 per bedroom
• • • •	
(17) Bed and breakfast home, <u>short-term rental</u>	One parking space per guestroom in addition to the parking required for the principal residence <u>dwelling</u>

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11. That Section 24-121 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-121. Conditional zoning or zone approval.

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(j) *Exceptions to paragraph (i).* Where a parcel(s) of land meets the requirements of paragraph (i) above, the following uses may be permitted unless otherwise restricted by the documents filed:

(1) *Parcels zoned R-5 or R-5C.*

a. *Principal uses permitted.*

1. Any principal uses permitted and as regulated in section 24-28 and section 24-30.1.
2. ~~Tourist homes and m~~Motels, when located on a US numbered highway and not including any B or M district use, except as permitted in this subsection. In a motel having 100 or more guestrooms or suites, a dining room or restaurant and convention facilities may be included as an incidental accessory use, provided the restaurant is made an integral part of the main building.

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12. That this ordinance shall be in full force and effect on and after its passage as provided by law.