

COUNTY OF LANCASTER ZONING ORDINANCE

ARTICLE 29 - SHORT TERM RENTAL REGULATIONS

29-1-Purpose and Intent. Short-term rentals have become a widely accepted and popular choice among travelers and tourists, and provide supplemental income to property owners, however the commercial nature of the use has the potential to create detrimental impacts on neighborhoods including traffic, noise and other nuisances, as well as negatively affecting the availability and affordability of long-term residential rental property. The intent of this ordinance is to provide sufficient regulation of short-term rentals to address the residential character of the neighborhoods in which they are located and the interests of adjoining property owners and provide minimum measures for keeping transient visitors and the citizens of Lancaster County safe.

29-2- Definitions. See Article 1 – Definitions, for all definitions and word usage. Definitions specific to this ordinance are duplicated here for ease of reference and include:

Short-term rental – The provision of a dwelling, room or space that is suitable and intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a payment or a charge for the occupancy.

Short-term rental operator – The proprietor of any dwelling, lodging, or sleeping accommodations offered as a short-term rental, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, management agent or any other possessory capacity.

Short-term rental, hosted – An owner-occupied dwelling (legally occupied by the property owner as his primary residence), where a portion is used for sleeping or lodging for transient renters, which is rented for less than 30 consecutive days in exchange for a payment or charge. Operator must stay overnight on the premises during all rental periods. Occupancy for overnight guests shall be limited by the number of residents allowed by the Virginia Department of Health septic system permit, or Certificate of Occupancy for public sewer. The maximum number of rented nights shall not exceed 240 per calendar year.

Short-term rental, unhosted – A dwelling where a portion of or the entire dwelling is used for sleeping or lodging for transient renters, which is rented for less than 30 consecutive days in exchange for a payment or charge. Occupancy for overnight guests shall be limited by the number of residents or bedrooms allowed by the Virginia Department of Health septic system permit, or Certificate of Occupancy for public sewer. The maximum number of rented nights shall not exceed 240 per calendar year. Unhosted short-term rentals will require a Special Exception approved by the Board of Supervisors.

29-3-Short-term Rental General Regulations.

29-3-1. All short-term rentals, unless exempted under state code, shall maintain annual registration, including applicable fees, with the county on its Short-term rental registry through the Department of Planning and Land Use.

29-3-2. All short-term rentals shall pay the county's Transient Occupancy Tax through coordination with the Commissioner of Revenue's Office.

29-3-3. All short-term rentals shall have no more than two rental contracts during any consecutive seven-day period and shall be limited to operating in one structure per property.

29-3-4. All short-term rentals shall provide adequate off-street parking for its guests at a minimum of one parking space for each bedroom or other place equipped for guests to sleep made available for rental.

29-3-5. All short-term rental operators shall maintain a Commercial General Liability Insurance policy, specifically endorsed for Short Term Rentals, for a minimum limit of \$500,000, from a firm licensed to provide insurance in Virginia. A certificate of insurance shall be provided with the short-term rental registration or special exception application.

29-3-6. All short-term rental operators shall maintain a registry showing names and addresses of all transient visitors, all the dates rented and all of the short-term rental gross receipts. Said registry shall be retained for 4 years and must be made available, upon reasonable advance notice, to the Director of Planning and Land Use to verify that the short-term rental is being operated in accordance with the Lancaster County code.

29-3-7. All short-term rental operators shall post in a prominent place within the rental unit a summary of applicable county ordinances (to be provided by the Director of Planning and Land Use), a copy of the parking plan, trash and waste pickup schedules, if any, emergency telephone numbers and any additional rules for short-term rental tenants.

29-3-8. The short-term rental operator, his or her employee, or an authorized independent contractor shall be able to respond, by phone or in person, to any law enforcement or local government official or guest within 60 minutes in order to address any issues.

29-4-Short-term Rental Occupancy Regulations

29-4-1. Short-term rental occupancy for overnight guests shall be limited to a maximum of two persons per bedroom excluding their minor children. The number of bedrooms shall be determined by the Virginia Department of Health septic system permit, or Certificate of Occupancy for public sewer.

29-4-2. The maximum number of people permitted to be on any short-term rental site, including overnight guests and invited visitors at other times, shall not exceed 20 persons at any time during the entire rental period. For unhosted short-term rentals, a different limit

may be established as a condition of approval by Special Exception of the Board of Supervisors, if an adequate management plan for larger gatherings is presented with a Special Exception application. For hosted short-term rentals, a different limit may be approved, on a case-by-case basis, if an adequate management plan for larger gatherings is submitted to the Director of Planning and Land Use for review at least 30 days prior to the proposed rental and gathering.

29-5-Short-term Rental Minimum Safety Regulations

29-5-1. The short-term rental operator is primarily responsible for visitors' safety under this ordinance and may have additional safety requirements under state and federal law.

29-5-2. One working smoke detector shall be installed and maintained for each bedroom as provided in conformance with the provisions of the Uniform Statewide Building Code. Smoke detectors shall be inspected and tested at least quarterly to ensure they are in good working order.

29-5-3. In short-term rentals equipped with propane, a working carbon monoxide (CO) detector shall be installed and maintained per the manufacturer's recommendations on each floor or level of the dwelling equipped for guests to sleep overnight.

29-5-4. At least one (1) working fire extinguisher shall be provided and maintained per the manufacturer recommendations in the short term rental. A fire extinguisher shall be located in or near the kitchen or any other area equipped for heating of food, and any other area which has any flame (including any wood-burning fireplace). At least quarterly, the short-term rental operator, his or her employee, or an authorized independent contractor shall inspect all fire extinguishers to ensure they are in good working order.

29-6 – Prohibited Activity at Short-term Rentals

29-6-1. No commercial uses. Commercial uses are strictly prohibited, unless specifically authorized as a condition of approval of the Special Exception by the Board of Supervisors for unhosted short-term rentals or as authorized on a case-by-case basis by the Director of Planning and Land Use for hosted short-term rentals as outlined in Section 29-4-2 regarding larger gathering limits.

29-6-2. No nuisances. No short-term rental operator or other person shall cause or allow a disturbance or nuisance that significantly affects the surrounding neighborhood.

29-6-3. No disruptive parties or events. No short-term rental operator or other person shall allow, cause or participate in any disruptive party or any other disruptive event at any short-term rental or any property adjacent thereto.

29-6-4. No inconsistent noise or activity. The noise and activity at a short-term rental shall be consistent with the typical level of noise and activity of the neighborhood in its vicinity.

29-6-5. Quiet hours. Quiet hours at a short-term rental shall be from 11 p.m. to 7 a.m. daily (9 a.m. on Sunday). During those hours, there shall be no loud talking, singing,

barking animals, amplified sound or other disturbing noise audible at the property line of the short-term rental.

29-6-6. No Trespass. It is expressly forbidden for guests or visitors at a short-term rental to trespass on the lands or property of another.

29-6-7. Portable or temporary shelters. No tents, travel trailers, recreational vehicles or similar portable or temporary shelters, including trailered boats, may be used as a short-term rental.

29-6-8. No “open invite” parties or events. No parties or events without a set list of guests are permitted. No parties or events advertised, on social media or otherwise, to the public or large groups of people are permitted.

29-7- Enforcement.

29-7-1. Enforcement of this article shall be as prescribed in Article 15, Enforcement, Lancaster County Zoning Ordinance, with all rights to appeal as required therein.

29-7-2. A short-term rental operator shall be prohibited from offering a specific property for short-term rental in the county upon violations on three or more occasions of applicable state and local laws, ordinances, and regulations, as they relate to the short-term rental.

29-7-3. In addition to other remedies available for violations of the county zoning ordinance, upon the occurrence of a violation of a condition imposed on a Special Exception permit, the Board of Supervisors may revoke the Special Exception permit after notice and hearing as required in the Code of Virginia Section 15.2-2204.

ADOPTED: July 25, 2024

Attest:



County Administrator