

**TOWN OF IRVINGTON
ORDINANCE AMENDMENT # 2022-10**

An Ordinance Amendment to Regulate Short Term Rentals

WHEREAS, Town Council regulates Short Term Rentals (“STRs”) in its zoning ordinance regulations; and

WHEREAS, Town Council wishes to amend its regulations for all STRs in the Town with a conditional use permit to include certain regulations applicable to grandfathered STRs under the STR ordinance adopted previously; and

WHEREAS, the legal authority for the proposed amendment is the Town Charter and §§ 15.2-2201, 15.2-2280, 15.2-2285 and 15.2-2286 of the Code of Virginia (1950), as amended.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, that the Town Council of the Town of Irvington, Virginia does hereby amend the Town Code and zoning ordinances as follows:

TITLE XV: LAND USAGE

Chapter 154. ZONING

....

SHORT TERM RENTALS

§ 154.180 Purpose and Intent.

....

- (D) In considering whether to grant or revoke a conditional use permit for a Short Term Rental, as with all zoning ordinance amendments, it is appropriate to consider anything reasonably related to the health, safety, welfare or good zoning practice. Without limiting the generality of the foregoing, it is specifically appropriate to consider the density of STRs in the area, and the reasonable objections of neighbors. “Neighbors” for the purposes of the foregoing sentence includes those whose properties are

within 300 feet of the property which is the subject of the conditional use permit or application therefor. Nothing herein is intended to limit the otherwise permissible scope of Council's legislative discretion.

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§ 154.186 Expiration of STR Conditional Use Permits.

A. A CUP granted under this ordinance shall expire upon the earlier to occur of the following:

1. The STR ceases active operation for more than ten months. "Active operation" during that period shall include a minimum of two rentals to unrelated guests, payment of STR transient occupancy taxes, and compliance with the safety and insurance regulations of Section 154.184 above.
2. The property on which the STR operates changes title ownership, beneficial interest, or effective control.
3. The STR ceases to be validly registered with the Town, or if exempted, the STR Operator fails to have a valid business license permit with the Town.
4. Town Council adopts an ordinance to revoke any STR conditional use permit due to a change in circumstances, including but not limited to violations of this ordinance or other applicable state or local laws.

B. This section shall apply in addition to any other applicable regulation, ordinance or law, including without limitation any condition adopted as part of the conditional use permit related to expiration of the permit such as a time limitation or expiration date.

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BE IT FURTHER ORDAINED AND ENACTED, that this ordinance shall take effect immediately.

ADOPTED:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:

Mayor, Town Council of Irvington, Virginia