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2 **PLANNING COMMISSION VERSION**
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4 AN ORDINANCE TO AMEND SECTIONS 111, 401, 501,
5 601, 901, 1110, 1125, 1521 AND 2203 OF THE CITY
6 ZONING ORDINANCE AND SECTION 5.2 OF THE
7 OCEANFRONT RESORT DISTRICT FORM-BASED CODE
8 AND ADD SECTIONS 209.6 AND 241.2 OF THE CITY
9 ZONING ORDINANCE PERTAINING TO THE DEFINITION,
10 REQUIREMENTS AND USE OF HOMESHARING AND
11 SHORT TERM RENTAL
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13 Sections Amended: City Zoning Ordinance Sections 111,
14 401, 501, 601, 901, 1110, 1125 and 1521 and Oceanfront
15 Resort District Form-Based Code Section 5.2
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17 Sections Added: City Zoning Ordinance Sections 209.6 and
18 241.2
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20 WHEREAS, the public necessity, convenience, general welfare and good zoning
21 practice so require;
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23 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VIRGINIA
24 BEACH, VIRGINIA:
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26 That Sections 111, 401, 501, 601, 901, 1110, 1125 and 1521 of the City Zoning
27 Ordinance and Section 5.2 of the Oceanfront Resort District Form-Based Code are
28 hereby amended and reordained, and Sections 209.6 and 241.2 of the City Zoning
29 Ordinance is hereby added and ordained, to read as follows:
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31 **ARTICLE 1. GENERAL PROVISIONS**
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35 **Sec. 111. Definitions.**
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39 Home sharing. A dwelling in which a room or rooms are offered for rental for
40 compensation for a period of less than thirty (30) consecutive days by an owner who
41 utilizes the dwelling as his principal residence and occupies the dwelling during any
42 such rental.
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44 Principal residence. Principal residence shall be the location where a person
45 lives fifty (50) percent or more of the time.

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Short term rental. A dwelling in which a room or rooms or the entire dwelling are rented for less than thirty (30) consecutive days for monetary compensation.

ARTICLE 2. GENERAL REQUIREMENTS AND PROCEDURES APPLICABLE TO ALL DISTRICTS

A. REGULATIONS RELATING TO LOTS, YARDS, HEIGHTS, OFF-STREET PARKING, OFF-STREET LOADING, AND CERTAIN USES

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Sec. 209.6. Home sharing.

To the extent permitted by state law, each dwelling offered as a home share shall maintain registration with the Commissioner of Revenue’s office and pay all applicable taxes. Adjudicated violations of three (3) applicable local, state or federal laws or regulations in one calendar year may result in the revocation of said registration.

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C. CONDITIONAL USES AND STRUCTURES

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Sec. 241.2 Short term rental.

- 1. All parking must be provided on the property in which the short term rental is located and there shall be one parking space for every bedroom. Stacked parking shall be allowed;
- 2. No noise shall be created in excess of what is normally expected in a residential neighborhood;
- 3. No additional traffic shall be created in excess of what is normally expected in a residential neighborhood;
- 4. No events with more than fifty (50) people present, shall be held absent a special events permit. Events with more than fifty (50) people are limited to no more than three (3) events in a calendar year. No more than one hundred (100) people shall be present at any event held on the property;

- 89 5. A telephone number or other information for an emergency contact shall be
90 provided;
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- 92 6. No signage shall be on site, except that each short term rental is allowed
93 one (1), one-foot by one-foot sign, posted on the building, that identifies the
94 short term rental;
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- 96 7. To the extent permitted by state law, each short term rental must maintain
97 registration with the Commissioner of Revenue's office and pay all
98 applicable taxes. Adjudicated violations of three (3) applicable local, state
99 or federal laws or regulations in one calendar year may result in the
100 revocation of said registration;
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- 102 8. There shall be posted in a conspicuous place within the dwelling the
103 complete text of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-
104 27 and 31-28 (solid waste collection), 12-5 (fires on the beach) and 12-43.2
105 (fireworks);
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- 107 9. All refuse shall be placed in automated refuse receptacles, where provided,
108 and comply with the requirements of City Code Sections 31-26, 31-27 and
109 31-28;
110
- 111 10. There shall be no more than two (2) rental contracts during any consecutive
112 seven (7) day period;
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- 114 11. The owner shall provide proof of liability insurance for the dwelling used as
115 a short term rental;
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- 117 12. The maximum number of persons on the property after 11:00 p.m. and
118 before 7:00 a.m. shall be three (3) individuals per bedroom plus two (2)
119 additional persons;
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- 121 13. All emergency exits in the structure shall be clearly marked; and
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- 123 14. The City may inspect the property at any reasonable time, after notice, to
124 verify compliance with the provisions listed above.
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126 **ARTICLE 4. - AGRICULTURAL DISTRICTS**

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128 (a) *Principal and conditional uses.* The following chart lists those uses permitted
129 within the AG-1 and AG-2 Agricultural Districts. Those uses and structures in the
130 respective agricultural districts shall be permitted as either principal uses indicated by a
131 "P" or as conditional uses indicated by a "C." Uses and structures indicated by an "X"

132 shall be prohibited in the respective districts. No uses or structures other than as
 133 specified shall be permitted.
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Use	AG-1	AG-2
.... <u>Home sharing meeting the requirements of section 209.6</u>	<u>P</u>	<u>P</u>
.... <u>Short term rental meeting the requirements of section 241.2</u>	<u>P</u>	<u>P</u>
....		

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 136 (b) *Accessory uses and structures.* Uses and structures which are customarily
 137 accessory and clearly incidental and subordinate to principal uses and structures,
 138 including but not limited to, an accessory activity operated for profit in a residential
 139 dwelling unit where (i) there is no change in the outside appearance of the building or
 140 premises or any visible or audible evidence detectable from outside the building lot,
 141 either permanently or intermittently, of the conduct of such business except for one (1)
 142 nonilluminated sign not more than one (1) square foot in area mounted flat against the
 143 residence; (ii) no traffic is generated, including traffic by commercial delivery vehicles,
 144 by such activity in greater volumes than would normally be expected in the
 145 neighborhood, and any need for parking generated by the conduct of such activity is
 146 met off the street and other than in a required front yard; (iii) the activity is conducted on
 147 the premises which is the bona fide residence of the principal practitioner, and no
 148 person other than members of the immediate family occupying such dwelling units is
 149 employed in the activity; (iv) such activity is conducted only in the principal structure on
 150 the lot; (v) there are no sales to the general public of products or merchandise from the
 151 home, except for agricultural products, or agricultural-related products, incidental to an
 152 agricultural operation on which the dwelling unit is located; and (vi) the activity is
 153 specifically designed or conducted to permit no more than one (1) patron, customer, or
 154 pupil to be present on the premises at any one time. Notwithstanding the provisions of
 155 clauses (ii) and (vi) hereof, ministers, marriage commissioners and other persons
 156 authorized by law to perform the rites of marriage may permit a maximum of eight (8)
 157 persons on the premises at any one time in connection with the performance of such
 158 rites, provided that all other requirements of subdivision (b)(2) are met. The following
 159 are specifically prohibited as accessory activities: Convalescent or nursing homes,
 160 tourist homes, massage or tattoo parlors, body piercing establishments, radio or
 161 television repair shops, auto repair shops, or similar establishments. Rental of rooms in
 162 a dwelling or the entire dwelling thirty (30) consecutive days or more is an accessory
 163 use to the dwelling.
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167 **ARTICLE 5. RESIDENTIAL DISTRICTS.**

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171 **Sec. 501. Use regulations.**

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173 (a) *Principal and conditional uses.* The following chart lists those uses permitted
174 within the R-40 through R-2.5 Residential Districts. Those uses and structures in the
175 respective residential districts shall be permitted as either principal uses indicated by a
176 "P" or as conditional uses indicated by a "C." Uses and structures indicated by an "X"
177 shall be prohibited in the respective districts. No uses or structures other than as
178 specified shall be permitted.
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Uses	Residential Districts									
	R-40	R-30	R-20	R-15	R-10	R-7.5	R-5D	R-5R	R-5S	R-2.5
. . . .										
<u>Home sharing meeting the requirements of section 209.6</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Short term rental meeting the requirements of section 241.2</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
. . . .										

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181 (b) *Accessory uses and structures.* Uses and structures which are customarily
182 accessory and clearly incidental and subordinate to principal uses and structures and
183 where such accessory structures do not exceed the height of the principal structure and,
184 in all residential zoning districts, except for R-30 and R-40, do not exceed five hundred
185 (500) square feet of floor area or twenty (20) percent of the floor area of the principal
186 structure, whichever is greater. In the R-30 and R-40 residential zoning districts,
187 accessory uses and structures shall not exceed thirty (30) percent of the floor area of
188 the principal structure. Such accessory uses and structures include but are not limited
189 to:

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192 (7) Rental of rooms in a dwelling or the entire dwelling thirty (30) consecutive
193 days or more is an accessory use to the dwelling.

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196 **ARTICLE 6. - APARTMENT DISTRICTS**

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200 **Sec. 601. - Use regulations.**

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202 (a) *Principal and conditional uses.* The following chart lists those uses permitted
203 within the A-12 through A-36 Apartment Districts. Those uses and structures in the
204 respective apartment districts shall be permitted as either principal uses indicated by a
205 "P" or as conditional uses indicated by a "C." Uses and structures indicated by an "X"
206 shall be prohibited in the respective districts. No uses or structures other than as
207 specified shall be permitted.

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Use	A-12	A-18	A-24	A-36
.....	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Home sharing meeting the requirements of section 209.6</u>				
<u>Short term rental meeting the requirements of section 241.2</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
.....				

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210 (b) *Accessory uses and structures.* Uses and structures which are customarily
211 accessory and clearly incidental and subordinate to principal uses and structures,
212 including but not limited to:

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216 (3) Rental of rooms in a dwelling or the entire dwelling for thirty (30)
217 consecutive days or more is an accessory use to the dwelling.

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220 **ARTICLE 9. - BUSINESS DISTRICTS**

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224 **Sec. 901. - Use regulations.**

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226 (a) *Principal and conditional uses.* The following chart lists those uses permitted
 227 within the B-1 through B-4K Business Districts. Those uses and structures in the
 228 respective business districts shall be permitted as either principal uses indicated by a
 229 "P" or as conditional uses indicated by a "C." Uses and structures indicated by an "X"
 230 shall be prohibited in the respective districts. No uses or structures other than as
 231 specified shall be permitted.
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Use	B-1	B-1A	B-2	B-3	B-4	B-4C	B-4K
.....							
<u>Home sharing meeting the requirements of section 209.6</u>	X	X	X	X	P	P	P
.....							
<u>Short term rental meeting the requirements of section 241.2</u>	X	X	X	X	P	P	P
.....							

233
 234 (b) *Accessory uses and structures.* Uses and structures which are customarily
 235 accessory and clearly incidental and subordinate to the principal uses and structures,
 236 including, but not limited to:

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- 239
 240 (2) Rental of rooms in a dwelling or the entire dwelling for thirty (30)
 241 consecutive days or more is an accessory use to the dwelling.

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 243 **B. - PD-H2 PLANNED UNIT DEVELOPMENT DISTRICT**

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 247 **Sec. 1125. - Allowed uses.**

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 249 Within the PD-H2 District, only the following uses and structures shall be permitted:

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 251 (a) *Principal uses and structures.*
- 252 (1) Dwelling units of the types specified in the land use plan;
 - 253 (2) Public buildings, structures, and other public uses;
 - 254 (3) Recreational facilities of the type described in the plan;

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- (4) Child care education centers, in connection with public or private elementary schools or churches, provided that such uses shall not be eligible for residential density credit;
- (5) Day-care centers, provided that such uses shall not be eligible for residential density credit;
- (6) Public utilities installations and substations; provided offices or storage or maintenance facilities shall not be permitted; and provided, further, that utilities substations, other than individual transformers, shall be surrounded by a wall, solid except for entrances and exits, or by a fence with a screening hedge five (5) to six (6) feet in height; and provided also, transformer vaults for underground utilities and like uses shall require only a landscaped screening hedge, solid except for access opening;
- (7) Home sharing meeting the requirements of section 209.6; and
- (8) Short term rental meeting the requirements of section 241.2.

(b) *Accessory uses.* Uses which are customarily accessory and clearly incidental and subordinate to the principal uses shall be allowed as accessory uses. Rental of rooms in a dwelling or the entire dwelling for thirty (30) consecutive days or more is an accessory use to the dwelling.

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C. RT-3 RESORT TOURIST DISTRICT

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Sec. 1521. Use regulations.

(a) The following chart lists those uses permitted within the RT-3 Resort Tourist District as either principal uses, as indicated by a "P" or as conditional uses, as indicated by a "C." Conditional uses shall be subject to the provisions of Part C of Article 2 (section 220 et seq.). Except for single-family, duplex, semidetached and attached dwellings, buildings within the RT-3 District may include any principal or conditional uses in combination with any other principal or conditional use. No uses or structures other than those specified shall be permitted. All uses, whether principal or conditional, should to the greatest extent possible adhere to the provisions of the Special Area Design Guidelines (Urban Areas) set forth in the Reference Handbook of the Comprehensive Plan.

	Use		RT-3
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....	<u>P</u>
<u>Home sharing meeting the requirements of section 209.6</u>	
<u>Short term rentals meeting the requirements of section 241.2</u>	<u>P</u>
....	

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302 (b) *Accessory uses and structures* : Uses and structures which are customarily
303 accessory and clearly incidental and subordinate to the principal uses and structures;
304 provided, however, that drive-through facilities shall not be permitted as an accessory
305 use:

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309 (2) Rental of rooms in a dwelling or the entire dwelling for thirty (30)
310 consecutive days or more is an accessory use to the dwelling.

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313 **ARTICLE 22. - CENTRAL BUSINESS CORE DISTRICT**

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317 **B. - DEVELOPMENT REGULATIONS**

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321 **Sec. 2203. - Use regulations.**

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323 (a) The following chart lists those uses permitted within the Central Business Core
324 District. Uses and structures shall be allowed either as principal uses, indicated by a
325 "P", or as conditional uses, indicated by a "C." Uses and structures indicated by an "X"
326 shall be prohibited, unless allowed by special exception for Alternative Compliance
327 pursuant to Section 2205. No uses or structures other than as specified herein or as
328 allowed pursuant to subsection (b) shall be permitted.
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Use	District CBC
....	<u>P</u>
<u>Home sharing meeting the requirements of section 209.6</u>	
....	<u>P</u>

<u>Short term rental meeting the requirements of section 241.2</u>	
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331 (b) If a proposed use is not expressly permitted pursuant to subsection (a), but is
332 similar to a listed use, the Zoning Administrator may categorize the proposed use as a
333 use permitted by this section, either as a principal or conditional use. In determining
334 whether a proposed use is similar to a listed use, the Zoning Administrator shall
335 consider (1) the actual or projected characteristics of the proposed use in comparison
336 to those of the most similar listed use; and (2) the categorization of the proposed use
337 in the Standard Land Use Coding Manual (First Edition January 1965).

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339 (b.1) Rental of rooms in a dwelling or the entire dwelling for thirty (30) consecutive
340 days or more is an accessory use to the dwelling.

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342 **APPENDIX 1. - OCEANFRONT RESORT DISTRICT FORM-BASED CODE**

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346 **Sec. 5.2. Permitted Use Table.**

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USE	MIXED-USE BUILDING		COMMERCIAL BUILDING	APARTMENT BUILDING	ROW HOUSE		DETACHED HOUSE	CIVIC BUILDING	Use Standard /Notes
	Ground Floor	Upper Floors	Ground Floor	All Floors	Ground Floor	Upper Floors	All Floors	All Floors	
LODGING									
....									
<u>Home sharing meeting the requirements of section 209.6</u>	--	⌋	--	⌋	⌋	⌋	⌋	--	<u>See Sec. 209.6</u>
<u>Short term rental meeting the requirements of section 241.2</u>	--	⌋	--	--	⌋	⌋	⌋	--	<u>See Sec. 241.2</u>
....									

Adopted by the Council of the City of Virginia Beach, Virginia, on the _____ day of _____, 2018.

APPROVED AS TO CONTENT:

APPROVED AS TO LEGAL SUFFICIENCY:

Planning Department

City Attorney's Office

CA14135
R-11
February 6, 2018

DRAFT