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2 **PLANNING COMMISSION VERSION**
3 **ALTERNATIVE 3**
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5 AN ORDINANCE TO AMEND SECTIONS 111, 401, 501,
6 601, 901, 1110, 1125, 1521 AND 2203 OF THE CITY
7 ZONING ORDINANCE AND SECTION 5.2 OF THE
8 OCEANFRONT RESORT DISTRICT FORM-BASED CODE
9 AND ADD SECTIONS 209.6 AND 241.2 OF THE CITY
10 ZONING ORDINANCE PERTAINING TO THE DEFINITION,
11 REQUIREMENTS AND USE OF HOMESHARING AND
12 SHORT TERM RENTAL
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14 Sections Amended: City Zoning Ordinance Sections 111,
15 401, 501, 601, 901, 1110, 1125 and 1521 and Oceanfront
16 Resort District Form-Based Code Section 5.2
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18 Sections Added: City Zoning Ordinance Sections 209.6 and
19 241.2
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21 WHEREAS, the public necessity, convenience, general welfare and good zoning
22 practice so require;
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24 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VIRGINIA
25 BEACH, VIRGINIA:
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27 That Sections 111, 401, 501, 601, 901, 1110, 1125 and 1521 of the City Zoning
28 Ordinance and Section 5.2 of the Oceanfront Resort District Form-Based Code are
29 hereby amended and reordained, and Sections 209.6 and 241.2 of the City Zoning
30 Ordinance is hereby added and ordained, to read as follows:
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32 **ARTICLE 1. GENERAL PROVISIONS**
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36 **Sec. 111. Definitions.**
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40 Home sharing. A dwelling in which a room or rooms are offered for rental for
41 compensation for a period of less than thirty (30) consecutive days by an owner who
42 utilizes the dwelling as his principal residence and occupies the dwelling during any
43 such rental.
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45 Principal residence. Principal residence shall be the location where a person
46 lives fifty (50) percent or more of the time.

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

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52 **ARTICLE 2. GENERAL REQUIREMENTS AND PROCEDURES APPLICABLE TO**
53 **ALL DISTRICTS**

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

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60 **Sec. 209.6. Home sharing.**

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62 To the extent permitted by state law, each dwelling offered as a home share shall
63 maintain registration with the Commissioner of Revenue's office and pay all applicable
64 taxes. Adjudicated violations of three (3) applicable local, state or federal laws or
65 regulations in two consecutive calendar years may result in the revocation of said
66 registration.

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70 **C. CONDITIONAL USES AND STRUCTURES**

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74 **Sec. 241.2 Short term rental.**

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76 1. A parking plan illustrating how one parking space for every bedroom shall
77 be provided. Such plan shall be reviewed and approved by the Zoning
78 Administrator or his designee, if appropriate to the zoning district and the
79 adjacent neighborhood;

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81 2. No noise shall be created in excess of what is normally expected in a
82 residential neighborhood;

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84 3. No additional traffic shall be created in excess of what is normally expected
85 in a residential neighborhood;

- 87 4. No events with more than fifty (50) people present, shall be held absent a
88 special events permit. Events with more than fifty (50) people are limited to
89 no more than three (3) events in a calendar year. No more than one
90 hundred (100) people shall be present at any event held on the property;
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- 92 5. A telephone number or other information for an emergency contact shall be
93 provided;
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- 95 6. No signage shall be on site, except that each short term rental is allowed
96 one (1), one-foot by one-foot sign, posted on the building, that identifies the
97 short term rental. Architectural signs naming the structure are exempted
98 from this requirement;
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- 100 7. To the extent permitted by state law, each short term rental must maintain
101 registration with the Commissioner of Revenue's office and pay all
102 applicable taxes. Adjudicated violations of three (3) applicable local, state
103 or federal laws or regulations in two consecutive calendar years may result
104 in the revocation of said registration;
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- 106 8. There shall be posted in a conspicuous place within the dwelling a summary
107 provided by the Zoning Administrator of City Code Sections 23-69 through
108 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on
109 the beach) and 12-43.2 (fireworks);
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- 111 9. All refuse shall be placed in automated refuse receptacles, where provided,
112 and comply with the requirements of City Code Sections 31-26, 31-27 and
113 31-28;
114
- 115 10. There shall be no more than two (2) rental contracts during any consecutive
116 seven (7) day period;
117
- 118 11. The owner shall provide proof of liability insurance applicable to the rental
119 activity of at least five-hundred thousand dollars (\$500,000.00);
120
- 121 12. The maximum number of persons on the property after 11:00 p.m. and
122 before 7:00 a.m. shall be three (3) individuals per bedroom plus two (2)
123 additional persons; and
124
- 125 13. The City may inspect the property at any reasonable time, after 24 hours'
126 notice to the contact person and the owner, to verify compliance with the
127 provisions listed above.
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129 **ARTICLE 4. - AGRICULTURAL DISTRICTS**

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(a) *Principal and conditional uses.* The following chart lists those uses permitted within the AG-1 and AG-2 Agricultural Districts. Those uses and structures in the respective agricultural districts shall be permitted as either principal uses indicated by a "P" or as conditional uses indicated by a "C." Uses and structures indicated by an "X" shall be prohibited in the respective districts. No uses or structures other than as specified shall be permitted.

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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(b) *Accessory uses and structures.* Uses and structures which are customarily accessory and clearly incidental and subordinate to principal uses and structures, including but not limited to, an accessory activity operated for profit in a residential dwelling unit where (i) there is no change in the outside appearance of the building or premises or any visible or audible evidence detectable from outside the building lot, either permanently or intermittently, of the conduct of such business except for one (1) nonilluminated sign not more than one (1) square foot in area mounted flat against the residence; (ii) no traffic is generated, including traffic by commercial delivery vehicles, by such activity in greater volumes than would normally be expected in the neighborhood, and any need for parking generated by the conduct of such activity is met off the street and other than in a required front yard; (iii) the activity is conducted on the premises which is the bona fide residence of the principal practitioner, and no person other than members of the immediate family occupying such dwelling units is employed in the activity; (iv) such activity is conducted only in the principal structure on the lot; (v) there are no sales to the general public of products or merchandise from the home, except for agricultural products, or agricultural-related products, incidental to an agricultural operation on which the dwelling unit is located; and (vi) the activity is specifically designed or conducted to permit no more than one (1) patron, customer, or pupil to be present on the premises at any one time. Notwithstanding the provisions of clauses (ii) and (vi) hereof, ministers, marriage commissioners and other persons authorized by law to perform the rites of marriage may permit a maximum of eight (8) persons on the premises at any one time in connection with the performance of such rites, provided that all other requirements of subdivision (b)(2) are met. The following are specifically prohibited as accessory activities: Convalescent or nursing homes,

163 tourist homes, massage or tattoo parlors, body piercing establishments, radio or
 164 television repair shops, auto repair shops, or similar establishments. Rental of rooms in
 165 a dwelling or the entire dwelling thirty (30) consecutive days or more is an accessory
 166 use to the dwelling.

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 170 **ARTICLE 5. RESIDENTIAL DISTRICTS.**

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 174 **Sec. 501. Use regulations.**

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 176 (a) *Principal and conditional uses.* The following chart lists those uses permitted
 177 within the R-40 through R-2.5 Residential Districts. Those uses and structures in the
 178 respective residential districts shall be permitted as either principal uses indicated by a
 179 "P" or as conditional uses indicated by a "C." Uses and structures indicated by an "X"
 180 shall be prohibited in the respective districts. No uses or structures other than as
 181 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>
. . . .										

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

191 the principal structure. Such accessory uses and structures include but are not limited
192 to:

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

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199 **ARTICLE 6. - APARTMENT DISTRICTS**

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203 **Sec. 601. - Use regulations.**

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

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

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

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

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223 **ARTICLE 9. - BUSINESS DISTRICTS**

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Sec. 901. - Use regulations.

(a) *Principal and conditional uses.* The following chart lists those uses permitted within the B-1 through B-4K Business Districts. Those uses and structures in the respective business districts shall be permitted as either principal uses indicated by a "P" or as conditional uses indicated by a "C." Uses and structures indicated by an "X" shall be prohibited in the respective districts. No uses or structures other than as specified shall be permitted.

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

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

B. - PD-H2 PLANNED UNIT DEVELOPMENT DISTRICT

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Sec. 1110. - Land use regulation.

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(c) Within a PD-H1 District, all of the principal uses and structures permitted within an A-12 Apartment District other than hospitals and sanitariums, together with the following enumerated uses and structures, shall be permitted:

(1) Fraternity and sorority houses, student dormitories and student centers;

- 258
259 (2) Housing for seniors and disabled persons, with a conditional use permit;
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261 (3) Marinas;
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263 (4) Private clubs or social centers provided that clubs where conduct of commercial
264 affairs is a principal activity shall not be permitted; ~~and~~
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266 (5) Residential care for seniors, provided that no more than two (2) employees
267 including a bona fide resident of the dwelling shall be permitted;
268
269 (6) Home sharing meeting the requirements of section 209.6; and
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271 (7) Short term rental meeting the requirements of section 241.2.
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273 **Sec. 1125. - Allowed uses.**

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275 Within the PD-H2 District, only the following uses and structures shall be permitted:
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277 (a) *Principal uses and structures.*

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279 (1) Dwelling units of the types specified in the land use plan;
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281 (2) Public buildings, structures, and other public uses;
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283 (3) Recreational facilities of the type described in the plan;
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285 (4) Child care education centers, in connection with public or private
286 elementary schools or churches, provided that such uses shall not be
287 eligible for residential density credit;
288
289 (5) Day-care centers, provided that such uses shall not be eligible for
290 residential density credit;
291
292 (6) Public utilities installations and substations; provided offices or storage or
293 maintenance facilities shall not be permitted; and provided, further, that
294 utilities substations, other than individual transformers, shall be surrounded
295 by a wall, solid except for entrances and exits, or by a fence with a
296 screening hedge five (5) to six (6) feet in height; and provided also,
297 transformer vaults for underground utilities and like uses shall require only
298 a landscaped screening hedge, solid except for access opening;
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300 (7) Home sharing meeting the requirements of section 209.6; and
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302 (8) Short term rental meeting the requirements of section 241.2.
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304 (b) *Accessory uses.* Uses which are customarily accessory and clearly incidental and
 305 subordinate to the principal uses shall be allowed as accessory uses. Rental of rooms in
 306 a dwelling or the entire dwelling for thirty (30) consecutive days or more is an accessory
 307 use to the dwelling.

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 311 **C. RT-3 RESORT TOURIST DISTRICT**

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 315 **Sec. 1521. Use regulations.**

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 317 (a) The following chart lists those uses permitted within the RT-3 Resort Tourist District
 318 as either principal uses, as indicated by a "P" or as conditional uses, as indicated by a
 319 "C." Conditional uses shall be subject to the provisions of Part C of Article 2 (section
 320 220 et seq.). Except for single-family, duplex, semidetached and attached dwellings,
 321 buildings within the RT-3 District may include any principal or conditional uses in
 322 combination with any other principal or conditional use. No uses or structures other than
 323 those specified shall be permitted. All uses, whether principal or conditional, should to
 324 the greatest extent possible adhere to the provisions of the Special Area Design
 325 Guidelines (Urban Areas) set forth in the Reference Handbook of the Comprehensive
 326 Plan.

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

327
 328 (b) *Accessory uses and structures :* Uses and structures which are customarily
 329 accessory and clearly incidental and subordinate to the principal uses and structures;
 330 provided, however, that drive-through facilities shall not be permitted as an accessory
 331 use:

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

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

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343 **B. - DEVELOPMENT REGULATIONS**

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347 **Sec. 2203. - Use regulations.**

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349 (a) The following chart lists those uses permitted within the Central Business Core
350 District. Uses and structures shall be allowed either as principal uses, indicated by a
351 "P", or as conditional uses, indicated by a "C." Uses and structures indicated by an "X"
352 shall be prohibited, unless allowed by special exception for Alternative Compliance
353 pursuant to Section 2205. No uses or structures other than as specified herein or as
354 allowed pursuant to subsection (b) shall be permitted.

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Use	District CBC
. . . . <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>	<u>P</u>
. . . .	

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357 (b) If a proposed use is not expressly permitted pursuant to subsection (a), but is
358 similar to a listed use, the Zoning Administrator may categorize the proposed use as a
359 use permitted by this section, either as a principal or conditional use. In determining
360 whether a proposed use is similar to a listed use, the Zoning Administrator shall
361 consider (1) the actual or projected characteristics of the proposed use in comparison
362 to those of the most similar listed use; and (2) the categorization of the proposed use
363 in the Standard Land Use Coding Manual (First Edition January 1965).

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

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

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Sec. 5.2. Permitted Use Table.

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-13
February 15, 2018