

## Short Term Rental Workshop

January 28, 2021

Ordinances referred to Planning Commission by City Council on October 21, 2021:

1. Create three Short Term Rental overlay districts:
  - a. East Shore Drive
  - b. North End
  - c. Oceanfront Resort
2. Amend the official zoning map to include the overlay districts
3. Establish conditions for each overlay district
4. Amend the requirements for Short Term Rentals in each zoning district (use tables)
5. Establish transition rules

EXISTING REGULATIONS WITH NO PROPOSED CHANGES			
<u>ITEM</u>	<u>EXISTING ORDINANCE</u>	<u>REFERRED ORDINANCE REVISIONS</u>	<u>Direction per PC on 1/28/2021 meeting (no changes to Sandbridge STRs unless noted)</u>
Definition of <b>Home Sharing</b>	<ul style="list-style-type: none"> <li>▪ Permitted Use.</li> <li>▪ Must pay taxes and register with Commissioner of Revenue (COR), not Zoning Office.</li> <li>▪ Must be operator's principal residence; operator must be present during rental period.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Same as existing ordinance</li> </ul>	<ul style="list-style-type: none"> <li>▪ No change</li> </ul>



DEPARTMENT OF PLANNING

<p><b>Sign posted on home</b></p>	<ul style="list-style-type: none"> <li>▪ One sign permitted, not to exceed 4 square feet in size.</li> <li>▪ Sign must be attached to home.</li> <li>▪ Architectural signs naming the home are exempt.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Same as existing ordinance</li> </ul>	<ul style="list-style-type: none"> <li>▪ Require posting of contact phone number of operator/ representative visible from the street (Including Sandbridge)</li> </ul>
<p><b>Registration and taxes</b></p>	<ul style="list-style-type: none"> <li>▪ Must be maintain with the COR and all applicable taxes paid.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Same as existing ordinance</li> </ul>	<ul style="list-style-type: none"> <li>▪ Per Council Direction, create Zoning permit/ license required to be renewed yearly with user fee each year. (Including Sandbridge)</li> <li>▪ Submittal for permit/license would require a summary of rental dates per year to show compliance with requirements.</li> </ul>
<p><b>Summary of City Code Sections:</b> [fires on beach, fireworks, trash disposal, noise, and the parking plan]</p>	<ul style="list-style-type: none"> <li>▪ Summary of code section must be posted in home.</li> <li>▪ Summary provided by the Zoning Administrator.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Same as existing ordinance</li> </ul>	<ul style="list-style-type: none"> <li>▪ No change</li> </ul>
<p><b>Trash</b></p>	<ul style="list-style-type: none"> <li>▪ Trash must be kept in automated refuse receptacles.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Same as existing ordinance</li> </ul>	<ul style="list-style-type: none"> <li>▪ No change</li> </ul>
<p><b>Insurance Requirement</b></p>	<ul style="list-style-type: none"> <li>▪ \$1,000,000 liability insurance required.</li> <li>▪ Proof of insurance must be provided and kept with the Zoning Office.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Same as existing ordinance</li> </ul>	<ul style="list-style-type: none"> <li>▪ No change</li> </ul>
<p><b>Noise</b></p>	<ul style="list-style-type: none"> <li>▪ No outdoor amplified sound after 10 p.m. or before 10 a.m.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Same as existing ordinance</li> </ul>	<ul style="list-style-type: none"> <li>▪ No change</li> </ul>



<p>Criteria to be <b>Grandfathered</b></p>	<ul style="list-style-type: none"> <li>▪ Must be registered with the Commissioner of Revenue and pay TOT taxes prior to July 1, 2018.</li> <li>▪ Grandfathering runs with the land and is valid until STR use ceases to exist on property.</li> <li>▪ Revocation of grandfathering only if overall square footage of the structure is increased by 25% or 1,000 square feet (whichever is less).</li> </ul>	<ul style="list-style-type: none"> <li>▪ Staff proposed to administratively remove any grandfather status if the property not used as STR for a two year period.</li> <li>▪ This change was not included in referred amendment.</li> </ul>	<ul style="list-style-type: none"> <li>▪ No change</li> </ul>
<p>Use of <b>Accessory Structures</b> as STRs</p>	<ul style="list-style-type: none"> <li>▪ Accessory structures <u>shall not</u> be used as short term rentals.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Same as existing ordinance</li> </ul>	<ul style="list-style-type: none"> <li>▪ No change</li> </ul>
<p><b>Violations</b></p>	<ul style="list-style-type: none"> <li>▪ Violations are a civil penalty.</li> <li>▪ Fines/summons issued, \$200 for first violation, \$500 for each subsequent violation.</li> </ul>	<ul style="list-style-type: none"> <li>▪ This was included in the Old Beach Overlay proposal; however, was adopted by City Council.</li> </ul>	<ul style="list-style-type: none"> <li>▪ No change</li> </ul>

PROPOSED AMENDMENTS TO EXISTING REGULATIONS			
<u>ITEM</u>	<u>EXISTING ORDINANCE</u>	<u>REFERRED ORDINANCE REVISIONS</u>	<u>Direction per PC on 1/28/2021 meeting (no changes to Sandbridge STRs unless noted)</u>
Establish <b>Overlay Districts</b>	<ul style="list-style-type: none"> <li>No overly districts currently exist</li> </ul>	<ul style="list-style-type: none"> <li>Establish three overlay districts: East Shore Drive, North End, and Oceanfront Resort</li> </ul>	<p>Consensus</p> <ul style="list-style-type: none"> <li>Permit STRs in OR and RT zoning districts by-right</li> </ul> <p>Other PC discussion</p> <ul style="list-style-type: none"> <li>In proposed Shore Drive East and Proposed North End (Including the Hollies area) STR overlays require CUP with staff reviewing a maximum density requirement. STRs not permitted in areas outside of STR-Overlays, and no CUPs may be applied for.</li> <li>Area included in overlays as referred by City Council permitted by right with appropriate performance measures</li> </ul>
Requirement for a <b>Conditional Use Permit (CUP)</b>	<ul style="list-style-type: none"> <li>CUP required for any STR that is not 'grandfathered' or located in the Sandbridge SSD (State legislation).</li> </ul>	<ul style="list-style-type: none"> <li>CUPs will no longer be considered for STR use.</li> <li>STRs permitted only if located in a proposed overlay district.</li> </ul>	<ul style="list-style-type: none"> <li>Allow administrative approval and review every 5 years</li> <li>If violations are found to be detrimental to neighborhood,</li> </ul>



	<ul style="list-style-type: none"> <li>Must meet standards of section 241.2.</li> <li>Must pay taxes and register with COR.</li> </ul>		brought to CC for revocation by Planning Director
<b>Parking Requirement</b>	<ul style="list-style-type: none"> <li>Required: One space per bedroom.</li> <li>If minimum cannot be met, parking plan needs to be approved by the Zoning Administrator.</li> <li>No street parking may be used.</li> </ul>	<ul style="list-style-type: none"> <li>One off-street per bedroom required.</li> <li>Space within garage (meeting dimensional criteria) may count for only one parking space.</li> <li>Any spaces added on-site shall be pervious material.</li> <li>No street parking may be used.</li> </ul>	<ul style="list-style-type: none"> <li>No change in parking requirement</li> <li>Allow all parking that is available and meets dimension requirements to count towards parking including spaces inside garages</li> <li>Parking added shall not be impervious</li> </ul>
<b>Inclusion in the Residential Parking Permit Program (RPPP)</b>	<ul style="list-style-type: none"> <li>Not included in the existing ordinance, <i>[included as a condition on all applicable properties.]</i></li> </ul>	<ul style="list-style-type: none"> <li>While STR is in use, dwelling limited to 2 residential passes only.</li> <li>Guest and temporary passes shall not be permitted.</li> </ul>	<ul style="list-style-type: none"> <li>Move forward as proposed</li> </ul>
<b>Special Events</b>	<ul style="list-style-type: none"> <li>Special event permit required for gathering with more than 50 people. (Permit through Resort Management Office)</li> <li>No event may exceed than 100 persons.</li> <li>3 events allowed per year.</li> </ul>	<ul style="list-style-type: none"> <li>No events associated with STR with more persons than maximum occupancy.</li> <li>STR may not request a Special Event Permit.</li> </ul>	<ul style="list-style-type: none"> <li>Move forward as proposed</li> </ul>

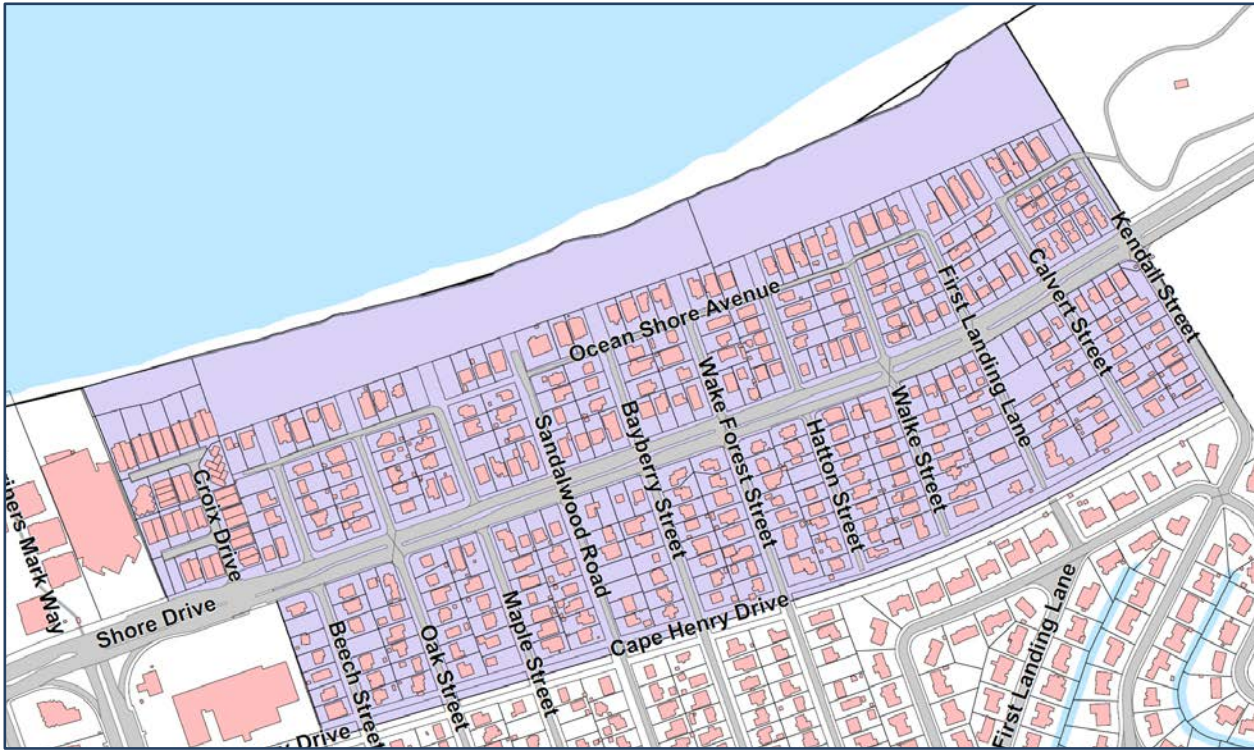
<p><b>Identification of a Responsible Party</b></p>	<ul style="list-style-type: none"> <li>▪ Provide name and telephone number of contact person.</li> <li>▪ Contact person must be available to address problem within 30 minutes.</li> <li>▪ Not required to physically go to STR.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Provide name and telephone number of responsible person available to be contacted and address problem within 30 minutes.</li> <li>▪ Responsible party must be able to <u>physically respond</u> to site within 30 minutes.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Name and Contact information/number or responsible person must be posted on property and legible from right of way</li> <li>▪ Responsible party must respond to complaints within 30 minutes</li> <li>▪ Responsible party must also be able to physically respond within 1 hour to complaints</li> </ul>
<p><b>Number of Rental Contracts</b></p>	<ul style="list-style-type: none"> <li>▪ No more than 2 contracts permitted within 7 consecutive days.</li> <li>▪ <i>[Conditional that has been used as per City Council Guidance: No more than one rental contract per seven day period.]</i></li> </ul>	<ul style="list-style-type: none"> <li>▪ No more than 52 rental contracts during a calendar year.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Within the RT and OR zoning districts – 2 rentals per 7-day period</li> <li>▪ All other STR overlays – 1 rental per 7-day period.</li> </ul>

<p>Maximum <b>Occupancy</b> permitted</p>	<ul style="list-style-type: none"> <li>▪ Total occupancy of the home between the hours of 11 p.m. and 7 a.m. shall not exceed 3 persons per bedroom. (Example: 3 bedroom home = max occupancy of 9.)</li> <li>▪ <i>[Conditional that has been used as per City Council Guidance: Total occupancy not to exceed two persons per bedroom (Example: 3 bedroom home = max occupancy of 6.)]</i></li> </ul>	<ul style="list-style-type: none"> <li>▪ Total occupancy of the home between the hours of 11 p.m. and 7 a.m. shall not exceed <u>2</u> persons per bedroom.</li> <li>▪ Persons under the age of 16 shall not be included; however, in no case shall the total number of occupants exceed 3 per bedroom.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Move forward as proposed</li> </ul>
<p><b>Life Safety</b> requirements</p>	<ul style="list-style-type: none"> <li>▪ To the extent permissible under state law, interconnected smoke detectors and CO detectors (where applicable) required.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Owner/representative provide Zoning with signed affidavit (annually) stating the following: <ul style="list-style-type: none"> <li>▪ Fire extinguisher installed and location;</li> <li>▪ Smoke detectors and CO2 detectors in compliance with Building Code (if prior to interconnect req., min. of one per floor)</li> <li>▪ Smoke detectors and CO2 detectors inspected annually.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▪ Move forward as proposed, including Sandbridge</li> </ul>

<p><b>Deck Safety</b></p>	<ul style="list-style-type: none"> <li>▪ No regulations regarding deck safety are present in the existing ordinance</li> </ul>	<ul style="list-style-type: none"> <li>▪ Structural report must be submitted annually to the zoning office</li> <li>▪ Must indicate all exterior stairs, decks, porches and balconies are safe.</li> <li>▪ Inspection done by licensed engineer or construction professional.</li> <li>▪ Occupant load must be noted and put on a placard displayed at the property.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Structural report must be submitted every 5 years to the zoning office</li> <li>▪ Must indicate all exterior stairs, decks, porches and balconies are safe.</li> <li>▪ Inspection done by licensed design professional or licensed construction professional (Class A or B).</li> <li>▪ Occupant load must be noted and put on a placard displayed at the property.</li> </ul>
<p><b>Time limitations</b> for Conditional Use Permits</p>	<ul style="list-style-type: none"> <li>▪ CUP shall expire after 5 years.</li> <li>▪ CUP may be administratively renewed by the Planning Department.</li> <li>▪ Zoning will notify City Council in writing of any complaints related to STR use.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Same as existing ordinance.</li> <li>▪ CUP may not be renewed administratively by the Planning Department because no longer an approved use.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Move forward as proposed</li> </ul>
<p><b>Maximum Density</b></p>	<ul style="list-style-type: none"> <li>▪ Not addressed</li> </ul>	<ul style="list-style-type: none"> <li>▪ Not referred</li> </ul>	<ul style="list-style-type: none"> <li>▪ Discussed maximum density of STRs within a “neighborhood”</li> <li>▪ Staff asked to research what is permissible</li> </ul>

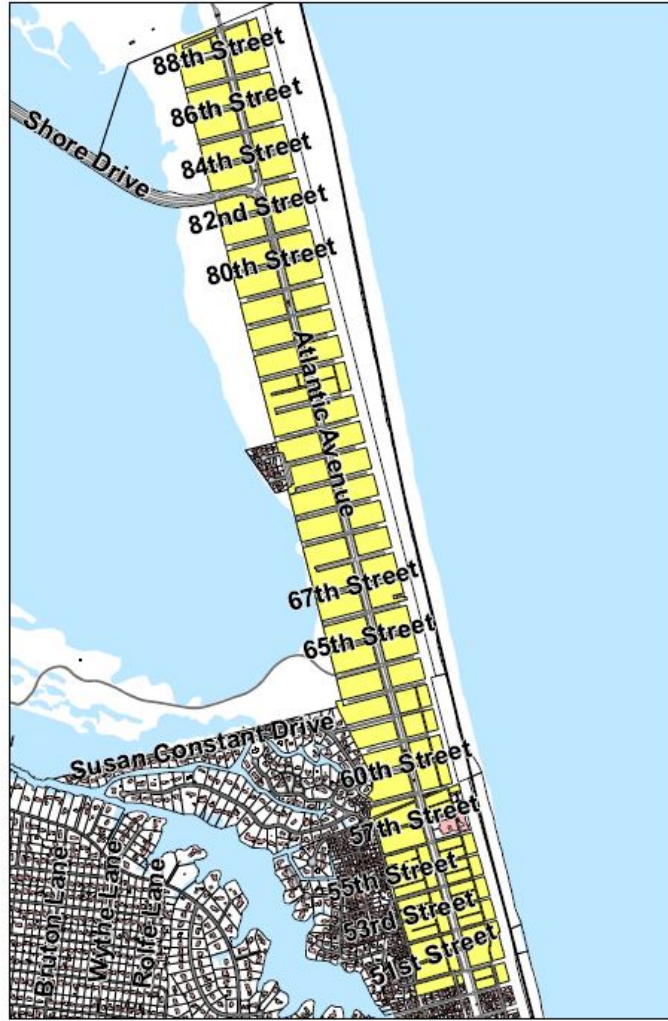


PROPOSED EAST SHORE DRIVE STR OVERLAY DISTRICT



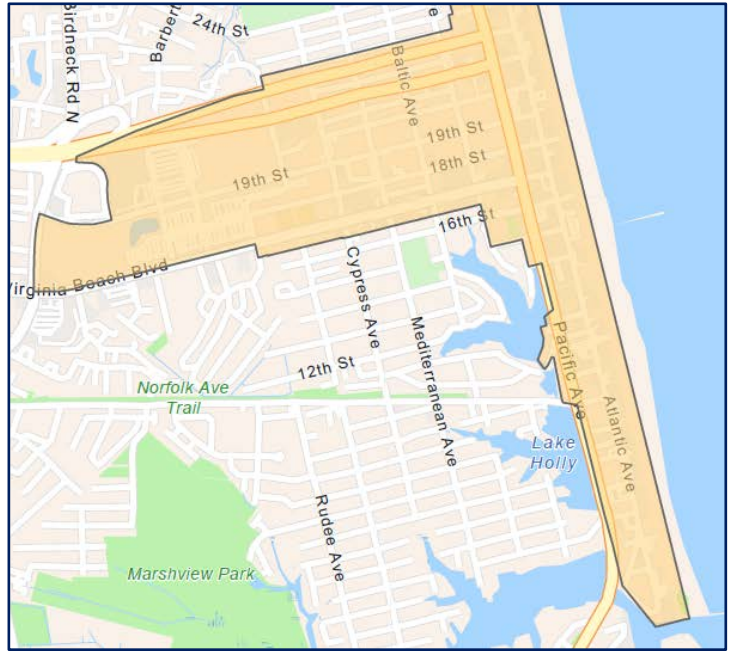
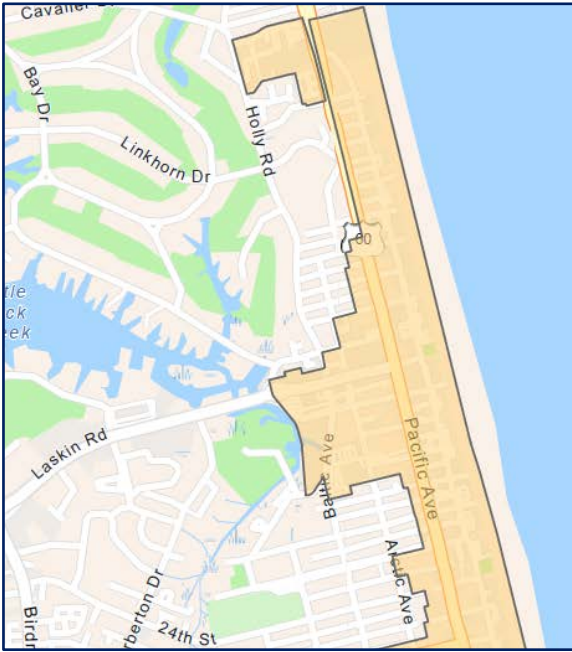
<u>OVERLAY DISTRICT</u>	<u>PROPOSED BOUNDARY</u>	<u>Direction per PC on 1/28/2021 meeting (no changes to Sandbridge STRs unless noted)</u>
East Shore Drive STR	<ul style="list-style-type: none"> <li>▪ North – Chesapeake Bay</li> <li>▪ South – Cape Henry Bike Trail</li> <li>▪ East – First Landing State Park</li> <li>▪ West – west side of Cape Henry neighborhood and west side 2817 Shore Drive</li> </ul>	<ul style="list-style-type: none"> <li>▪ Move forward with same area as referred by City Council</li> </ul>

PROPOSED NORTH END STR OVERLAY



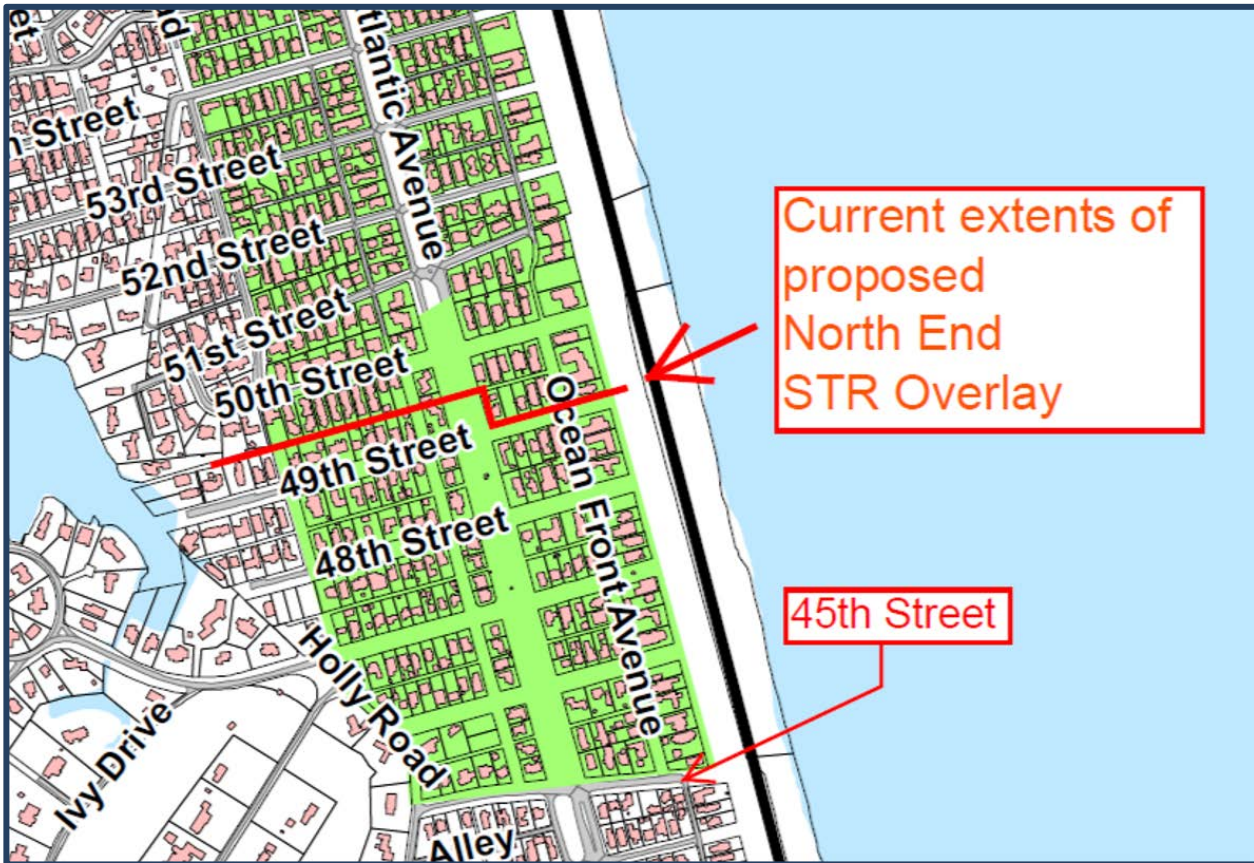
<u>OVERLAY DISTRICT</u>	<u>PROPOSED BOUNDARY</u>	<u>Direction per PC on 1/28/2021 meeting (no changes to Sandbridge STRs unless noted)</u>
North End STR	<ul style="list-style-type: none"> <li>▪ North – Fort Story</li> <li>▪ South – 49 ½ Street</li> <li>▪ East – Atlantic Ocean</li> <li>▪ West – Holly Road</li> </ul>	<ul style="list-style-type: none"> <li>▪ Include area known as “The Hollies” bounded by Holly Road, 49<sup>th</sup> Street and 45<sup>th</sup> street into North End STR Overlay</li> </ul>

PROPOSED OCEANFRONT RESORT STR OVERLAY DISTRICT



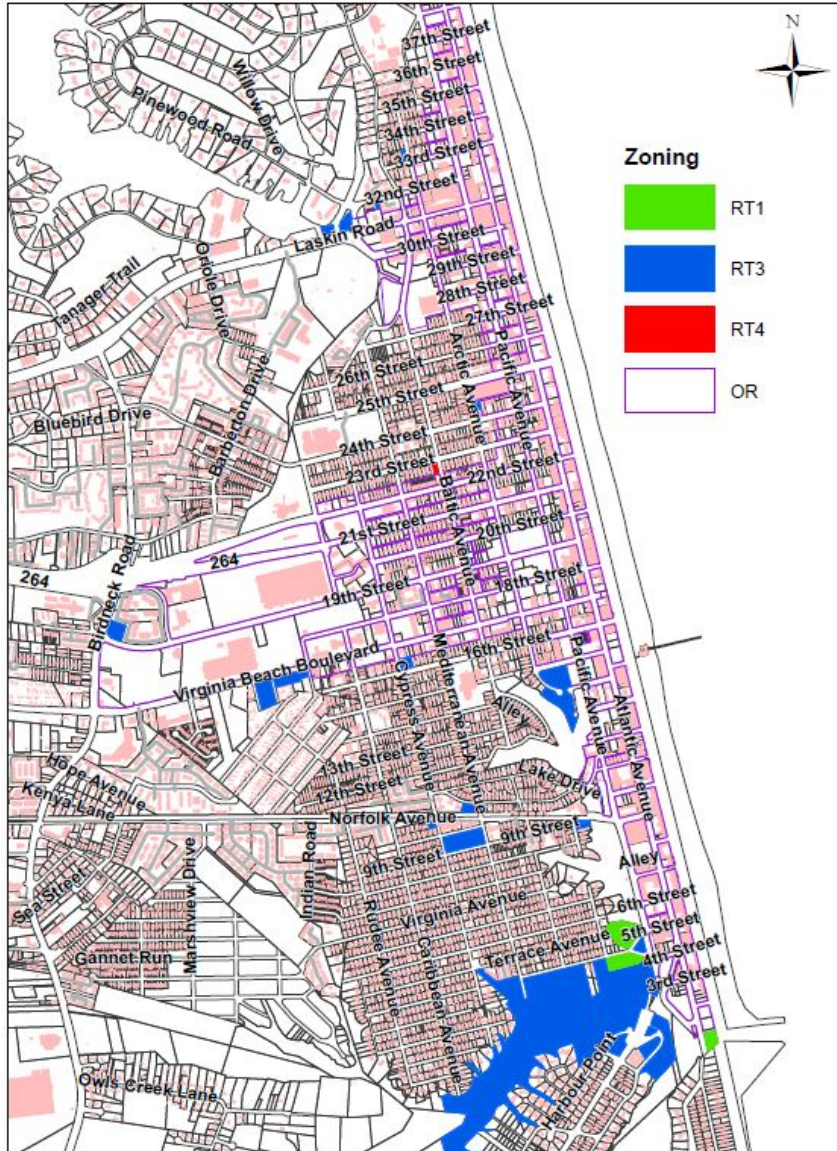
<u>OVERLAY DISTRICT</u>	<u>PROPOSED BOUNDARY</u>	<u>Direction per PC on 1/28/2021 meeting (no changes to Sandbridge STRs unless noted)</u>
Ocean Front Resort (OR) STR	<ul style="list-style-type: none"> <li>▪ All of existing OR District</li> </ul>	<ul style="list-style-type: none"> <li>▪ Move forward with same area as referred by City Council</li> </ul>

THE HOLLIES (CURRENTLY NOT INCLUDED IN AN STR OVERLAY DISTRICT)



<u>OVERLAY DISTRICT</u>	<u>PROPOSED BOUNDARY</u>	<u>Direction per PC on 1/28/2021 meeting (no changes to Sandbridge STRs unless noted)</u>
The Hollies not currently included in an overlay	<ul style="list-style-type: none"> <li>▪ North – 49 ½ Street</li> <li>▪ South – 45<sup>th</sup> Street</li> <li>▪ East – Atlantic Ocean</li> <li>▪ West – Holly Road</li> </ul>	<ul style="list-style-type: none"> <li>▪ Include with the North End STR Overlay district</li> </ul>

AREAS OF THE CITY CURRENTLY ZONED “RT” RESORT TOURIST



<u>OVERLAY DISTRICT</u>	<u>PROPOSED BOUNDARY</u>	<u>Direction per PC on 1/28/2021 meeting (no changes to Sandbridge STRs unless noted)</u>
RT Zoning Districts not currently included in a STR overlay	<ul style="list-style-type: none"> <li>▪ Scattered throughout the oceanfront neighborhoods</li> </ul>	<ul style="list-style-type: none"> <li>▪ Allow Short Term Rentals by-right in the RT zoning districts</li> </ul>