



PROPOSED SHORT TERM RENTAL ORDINANCE OVERLAY DISTRICTS

QUESTIONS ASKED BY INTERESTED PARTIES

A majority of the questions were provided to staff during the January 7, 2021 virtual Q&A workshop (questions 14-85)

	Question	Response
1	What if my property is in one of the overlay districts?	Short Term Rentals are permitted provided the property adheres to the new requirements of the Short Term Rental Ordinance.
2	What if my property is not in one of the overlay districts?	Short Term Rentals are not permitted outside of the overlay districts.
3	What if I was previously granted a conditional use permit for a Short Term Rental but my property is not in one of the overlay districts?	The proposed ordinance change would allow the continuation of all City Council granted Short Term Rental conditional use permits; however, they would expire 5-years after their approval and would not be eligible for renewal.
4	How does the proposed ordinance affect Short Term Rental properties meeting the requirements of grandfathering?	Grandfathered Short Term Rentals must continue to meet the requirements of Section 241.2 of the Zoning Ordinance as currently written; however, two additional criteria are proposed. <ol style="list-style-type: none"> 1. <i>Additional life safety requirements and inspections.</i> 2. <i>Structure inspection requirements and occupancy limits for balconies and decking.</i>

5	How do I know if my Short Term Rental is grandfathered?	<p>The present definition of grandfathered property, as written in Section 241.2 of the Zoning Ordinance is as follows:</p> <p><i>“Any short term rental that has registered and paid transient occupancy taxes to the Commissioner of the Revenue prior to July 1, 2018 shall be considered grandfathered and shall not be required to obtain a conditional use permit but must meet the conditions of Section 241.2.”</i></p> <p>If you feel your STR meets this definition, please visit www.vbgov.com/STR to submit the appropriate paperwork proving your Short Term Rental’s grandfathered status to the Zoning Office.</p>
6	How do I register a complaint relating to a Short Term Rental?	Please call 311 or the Zoning Office at (757) 385-8074.
7	When are the proposed ordinance changes expected to be adopted?	<p>Planning Commission is expected to hear the proposed ordinance revision at a public hearing on February 10th, 2021.</p> <p>City Council is expected to hear the proposed ordinance revision in March, 2021 (the exact date in March will not be known until after the February Planning Commission hearing takes place).</p> <p><i>Please note: These dates are subject to change.</i></p>

8	If City Council grants my Short Term Rental conditional use permit request before the proposed ordinance revisions are adopted, will I still be able to use the property as a Short Term Rental?	Yes; however, if the property is located outside one of the overlay districts, the conditional use permit would expire after five years and would not be eligible for renewal (see question #3).
9	If I am eligible to operate a Short Term Rental on a property located within an overlay district, how many times can I rent the home per week?	The proposed ordinance revision would allow the Short Term Rental to be rented 52 times per year.
10	Is there a minimum stay requirement?	The proposed ordinance revision does not mandate the number of days associated with each stay. Instead, the proposal limits the number of rentals to 52 times a year.
11	If I register my Short Term Rental with the Commissioner of the Revenue, can I begin renting without also registering with the Planning Department?	No. Property owners can register a proposed Short Term Rental with the Commissioner of the Revenue at any time; however, no Short Term Rental use can be conducted from the home until proper registration with the Planning Department is completed. Under the proposed ordinance revision, only those property registrations located with an overlay district, or those who are determined to be grandfathered, will be approved by the Planning Department, and only if they meet all the requirements of the ordinance.

12	If there is an emergency or a noise problem associated with a Short Term Rental, how long does the owner have to address the issue?	The proposed ordinance revision stipulates that “the owner or agent must be capable of physically responding to the site of the STR within 30-minutes at all times while the property is rented.”
13	My Short Term Rental is outside of the Sandbridge community and falls in an overlay district. Once properly registered with the Planning Department, can I rent out my Short Term Rental for special events?	No. The proposed ordinance revision prohibits Short Term Rentals from obtaining Special Event Permits. Furthermore, the revision proposal also states that no events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two) on the property where the Short Term Rental is located.
14	I am grandfathered in since I've been paying lodging and transient tax since 2017. I am not 30 minutes from the property. Am I exempt from this new regulation if passed?	Grandfathered Short Term Rentals will still need to meet the requirements of the new ordinance. Therefore, if the ordinance is approved, a person will need to be identified that can physically be at the property within 30 minutes.
15	How many people were on the December 18th presentation?	There were 48 persons registered for the December 18 th presentation.
16	What is the effective date of these changes?	The effective date would be the date City Council approves the proposed ordinances. The proposed ordinances will tentatively be heard in March; however, this is subject to change.
17	Croatan is concerned with the grandfathering provision. Are there any provisions to vacate grandfathering if STR is not used for a specific period of time (say - 24 months)?	There are no current provisions, nor proposed provisions, to invalidate or void grandfathered STRs.

18	Notice—who got it? I live in Croatan and did not hear or see anything. I am losing a right that was there under the 2019 law so really, I should have gotten notice—no one in Croatan got notice.	The postcard regarding these virtual hearings were sent out only to the properties located in the proposed overlay districts that would be directly impacted, approximately 5,000 properties. Since the Croatan neighborhood is not located in a proposed overlay, a postcard was not mailed. Notice of these hearing was also posted on our website at www.vbgov.com/str .
19	I like the idea of 52 rentals per year, but how about no more than two rentals per week, so you don't get 52 daily rentals in the summer?	The way the current proposed ordinance is written, there is no limitation on the number of rental contracts per week, only per year. This comment will be shared.
20	If it will no longer be required to have a CUP if you are in a zone by right, will the people who have already applied for and received a permit be refunded the money for the cost of the permit?	No. The fee for the permit will not be refunded.
21	I have a house in the 100 block of 46th street, have owned the property for 17 years. I have at times rented several weeks in the summer and over the winter, none in the last few years.	Thank you for the comment. It will be passed along.
22	If you are in the overlay district already would anything be needed to do STR? Of course, following all other rules such as parking etc.	If you are located in a proposed overlay district and this ordinance is passed, then you are able to operate a Short Term Rental, so long as you meet the requirements of the Zoning Ordinance (Section 241.2)

23	<p>There were 45 Short Term Rental complaints in 2020 according to the Planning Dept. Most of the complaints were about Conditional Use Permits. Out of roughly 2000 STRs. Which all hosts are pro STR. How do you take the side of the complainers?</p>	<p>The zoning office received 45 formal Short Term Rental complaints in 2020. This does not include emails and calls received. The majority of the complaints were regarding Short Term Rental operations without first obtaining the required Conditional Use Permit. The zoning office investigates each complaint on an individual basis. Based on current legal enforcement allowances, our inspector pursues STR violations with the aim of achieving compliance in the most efficient and legal manner available.</p>
24	<p>Why were the Hollies excluded from the overlay district? As I understand this, I will not be able to rent this house in the future should I wish to.</p>	<p>The Hollies was not included in the original proposal drafted by City Council for consideration. There has been discussion regarding this area; however, it is not included in this proposed ordinance revision.</p>
25	<p>Has the Police Department been asked to provide input on the impact of the proposed change in terms of parking violation enforcement?</p>	<p>The aspects of the code relating to the number of required off-street parking spaces, and ensuring compliance with the approved parking plan, are enforced solely by the Zoning Division. As is already the case, any vehicle blocking a sidewalk or parked illegally on a city street is subject to a parking ticket issued by a member of the Parking Enforcement Division or a Police Officer. Since the provisions of the proposed ordinance do not change either of these facts, the Police Department was not contacted for comment.</p>
26	<p>I may have missed this. Why does the zoning for the Oceanfront go</p>	<p>The proposed overlay is the entire Oceanfront Resort (OR) District. This</p>

	deep past Atlantic and Pacific in the center of the Oceanfront?	area is included in that area. When created in 2012, this zoning district not only included the oceanfront, but also the gateways into the oceanfront.
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27	How many letters of support has the city received for STRs besides the roughly 2000 str owners?	Currently, the Planning Department has received 104 letters relating to the proposed STR code revision. Each letter is unique. In fact, sometimes the writer expresses support for some aspects of the proposed code revision while opposing others. Furthermore, many of the letters express no support or opposition at all. Instead, they simply note concerns relating to the proposal. As a result, there is no firm answer to the question.
28	Is the same 60% percentage of all residents in a neighborhood that is required to become an overlay for STR required to remove an existing neighborhood from the STR overlay?	No. A neighborhood that wishes to be removed from a proposed overlay should speak with their Council member. There is no designated percentage of owner approval regarding this request
29	Sorry just to clarify - homes that are outside of the proposed overlays couldn't rent short-term without a CUP, or couldn't rent short-term at all?	If adopted, homes not located in an overlay district could not rent their homes for Short Term Rentals. This use would be prohibited.
30	Does the STR amendment apply only to properties owned by individuals? Will there be different rules for REIT's or corporations?	Zoning regulations generally deal with the property, not specific owners. There is no distinction listed in the proposed amendments.
31	Will there be provisions in the ordinance for connected 2 unit condos where only one owner wishes to create an STR and the second owner does not wish to have an STR on the property. For example will all owners be required to agree to the STR?	If the property is located in an overlay district, then one unit could operate the Short Term Rental as a matter of right. Approval from the other condo owner would not be required by the City. Please note that the City does not regulate private Condominium agreements.

32	For parking does a bedroom include a joint use room such as a den where people sleep at night?	The Zoning Office relies on the City Assessor's Office records to verify the bedroom count for a dwelling unit.
33	Why was the Booty Hill section of 72nd street excluded from the overlay?	The Zoning Office is not aware of why this neighborhood was excluded.
34	How are you going to avoid a thin ribbon of asphalt with gravel parking spaces on both sides on all the numbered streets on the North End?	Each parking plan for Short Term Rentals will be evaluated on its own merit. The Zoning Office is aware of the challenges of parking in the North End neighborhood and it will be taken into account.
35	There are numerous accounts of "Party Houses" becoming a major problem for those living near Air BnB properties. Hotels have built in oversight of the properties - but Air BnB - not so much. What regulations will you put in place to avoid problems?	The regulations in place are listed in Section 241.2 of the Zoning Ordinance. Additionally, the City code has regulations regarding noise, trash, etc.. The Zoning Office is currently working to increase resources to better enforce the ordinance and track "problem" properties.
36	For parking does the garage have to actually have space i.e. not full of storage?	Yes. The garage will be required to have a minimum dimension of 9 feet wide by 18 deep. The garage will be required to be continuously available for parking so long as it is being used as a STR.

37	Can we put these changes off until we can meet in person like we are supposed to? With everything going on in the world this isn't fair to take something so important from a family that owns a str. It can be financial devastating.	The City Council referred the proposed ordinances to the Planning Commission in October. According to State Law, the Planning Commission has 100 days to get a recommendation to City Council, otherwise it moves forward as an approval, which means the Planning Commission will consider this item in February, and City Council in March. At this time, the City is doing the best it can, given limitations with COVID and the limited size of gatherings. We have used the virtual platform to try to reach as many people as possible and appreciate everyone's patience, as we are all dealing with this difficult time.
38	How does Grandfathered properties factor In? Many owners bought only because they could do STRs. It is unfair if Grandfathered owners are unable to meet certain new requirements (1 parking space per bedroom for example) and now run the risk of losing home.	As of November 19, 2019 (the effective date of the ordinance) all Grandfathered STR properties are required to meet the listed stipulations found in Section 241.2 of the City Zoning Ordinance.
39	Does this ordinance override our condo documents that state only 6 or 12 months for rentals?	The City is not involved and has no enforcement ability in private Condominium documents. This ordinance is separate from those documents.
40	If Councilman Wood wants to remove East Shore Drive from the ordinance, can Council remove it from the proposal at their next meeting or do they have to wait until the ordinance approval hearing?	If a councilperson wishes to request the removal of an overlay district from the proposed STR code revision, he or she may do so during the City Council public hearing.

41	The Planning Commission unanimously approved an overlay for Old Beach which included all properties with a Baltic Ave address and any properties east of Baltic Ave. Why is it not included in the proposed revisions?	This proposed ordinance is separate from the proposed overlay districts being discussed. Although previously discussed by Planning Commission, this proposal was indefinitely deferred. In order to bring this forward again, it would require additional public notice and reconsideration by Planning Commission and City Council.
42	What course of action do homeowners have for STR operators not abiding by the regulations to get their operating permit revoked?	The best way is to continue to report issues to the City's 311 system or to the zoning office (385-8074). These complaints and subsequent findings will be tracked.
43	Does all parking need to be off-street?	In certain circumstances, off-site parking solutions may be approved, such as leasing spaces off-site. Each alternate parking plan will be reviewed by the Zoning Administrator.
44	Does the no fee condo document override the ability to rent a unit?	The City is not involved with enforcement of any private condominium agreements.
45	There was discussion of 1 space for the 1st two bedrooms and 1 space per bedroom afterwards?	The proposed ordinance requires one parking space per bedroom. Thank you for the comment. It will be passed along.
46	Were any studies conducted to determine how many new units in the zone (ex: North End Zone) will become a summer weekly rental?	Evaluation of the number of Short Term Rental applications and existing Short Term Rental properties were used.
47	Does hotel owners or developers or any other special interest groups have any bearing on these overlays?	The Planning Department is not aware of any special interests that impact this proposal. This presentation only deals with the facts of what is proposed.

48	How does the planning department foresee STR regulations affecting home values in Virginia Beach?	That is not within the scope of this discussion and the Planning Department has no opinion.
49	With regards to parking restrictions and the other criteria set forth in order to acquire a STR, how is the City going to enforce these regulations? Parking is already an issue in my neighborhood and is continually violated.	The Zoning Office is hiring additional staff to aide in enforcement. The Zoning Office has also procured the services of a third party that is able to locate and track rental activity for Short Term Rentals in the City.
50	So just licensed STRs will be charged an extra fee for enforcement? Or is this fee charged to all residents in the overlay even if they don't have a STR?	The annual fee will be assessed to Short Term Rental properties only. This fee is for the annual registration and subsequent inspections required.
51	Are there any benefits to the residents for this Overlay ordinance?	Thank you for the comment. The Planning Department has no comment but will pass this along.
52	What are the consequences of the 50 person daytime limit?	Thank you for the comment. The Planning Department has no comment but will pass this along.
53	Why do other communities get to opt in and the North End is put into a position where they have to opt out?	The North End was considered for this overlay by the Councilman. It is an established geographical area and an area of the City where Short Term Rentals have been a part of the neighborhood for some time.
54	North End resident's property values are being adversely affected by this policy. How or will these "Short Term Rental Fees" be distributed to LONG TERM residents?	The Short Term Rental fees collected will cover the costs to administer the Short Term Rental program (enforcement and regulation).

55	I have been operating a STR since 2015 at 16th street, am I grandfathered, or do I have to do something to continue my operation?	Please contact the Zoning Office at 385-8074 or email at STR@vbgov.com to find out what is required.
56	Kevin Kemp on Enforcement said "zoning can now issue fines... we're getting that up and running now." When does "now" really start happening? How many complaints does it take to get a STR violation translated into a "summons" (fine)?	The ordinance was amended to allow for Civil penalties for Short Term Rental violations. The Zoning Office is working with the City Attorney's office to ensure all processes and documentations are in place.
57	The planning commission recently approved the building of multiple residences on a single lot. How will STR work for lots with multiple residences?	If the proposed amendment is approved, then a residence located on a lot within the overlay would be permitted to operate a Short Term Rental. If it is not located in an overlay district, the use would be prohibited.
58	What would be the max percentage short term usage in any one overlay or block?	There is no maximum percentage of properties used as Short Term Rentals proposed with this ordinance amendment.
59	Are parking spaces impermeable or permeable? Different communications material says different things.	Any parking spaces that need to be added on-site to meet the minimum parking requirement for Short Term Rentals must be done with a permeable surface.
60	Why not heavily fine bad actors (house parties for example)?	We recently approved an ordinance that allows a fine of \$200 for a first offense and \$500 for each after.
61	The draft ordinance on your website says 50 daytime visitors without a special use permit. Has that been changed?	This has not been changed; however, the proposed ordinance does not permit any overnight gatherings of more people than the total occupancy permitted in the home (2 per bedroom).

62	Cape story by the sea civic association voted to deny STR for our district.... why has this denial by Cape Story AND Bayfront Advisory AND Shore Drive Community Coalition NOT BEEN SUPPORTED AND REMOVAL of THE EAST SHORE DRIVE OVERLAY as directed by the City?	The Planning Department cannot answer this question. We are passing along the proposed ordinance referred by City Council.
63	If a civic league requests revocation of an STR permit, will you revoke it?	Civic league involvement will be welcomed, and violations will be tracked, and appropriate action taken.
64	Can permits be revoked in the overlay districts?	Yes. If a property continually does not meet the requirements of the ordinance, their zoning registration may be revoked.
65	But how can a landlord know if tenants exceed that limit and how can the city hold the landlord liable if they are advertising correctly	Ultimately, the property owner is responsible for their property and abiding by all applicable laws and regulations.
66	Do more short-term rentals provide more tax revenue or other benefits for the city?	The Zoning Office does not track tax revenue. Please contact the Commissioner of Revenue Office for more information.

67	Regarding Grandfathering, how is the dormancy determined (no Occupancy Taxes paid in a certain period or is there another measurement)? How long can a 'grandfathered' STR be dormant before it would have to re-apply?	Neither the proposed code revision, nor the current code, require the STR to be active after the established grandfathering date (July 1, 2018). So, if a home is grandfathered, such status will run with the land whether or not it is used as an STR after July 1, 2018. Please note that grandfather status may be revoked or lost - refer to Appendix A of the City Zoning Ordinance, Section 241.2 (12)(13) for details . That said, grandfathering must be established by submitting the correct paperwork to the Planning Department (www.vbgov.com/str) and each subsequent owner of the property must do the same.
68	Are there plans to include proper crosswalks in the Shore Drive East corridor given that the overlay extends to the Cape Henry Trail?	Great comment. This will be passed along to the Public Works Department for further clarification.
69	Currently many STR's advertise sleeps Ex: 12 bus lists beds that sleep 20. How would this be handled?	We monitor what occupancy the properties are being advertised for. If there is a problem, an inspector will conduct a site visit to verify.
70	Why don't you hold property owners that rent to long term tenants that have complaints and problems to the same regulations the short term rental owners are subjected to?	Long term tenants are subject to the same City Code regulations that all residents are subject to.

71	<p>Planning Commission has already UNANIMOUSLY approved an overlay for Old Beach with an address on Baltic Ave and east, so why is that not being included in the overlay?</p>	<p>This proposed ordinance is separate from the proposed overlay districts being discussed. Although previously discussed by Planning Commission, this proposal was indefinitely deferred by City Council. In order to bring this forward again, it would require additional public notice and reconsideration by Planning Commission and City Council.</p>
72	<p>Since most violations of parking, overoccupancy and the like will not occur weekdays between 9 and, will there be 24 hour zoning inspections of over use and other violations?</p>	<p>The Zoning Office is currently hiring additional inspectors. We will also be looking into other options to ensure we have inspectors available when Short Term Rental violations are most likely to occur.</p>
73	<p>Attorneys advise that personal liability insurance of \$1M will not suffice for a rental property. They advise that commercial insurance is necessary. Is city aware of this require? Does City Attorney concur?</p>	<p>This requirement is a minimum and more insurance coverage may be acquired should a property owner desire. The Zoning Office cannot speak for the City Attorney's opinion of this requirement.</p>
74	<p>Most screen porches are brick with brick foundation, on the ground, why are they being treated as a deck which is far different.</p>	<p>Documentation that these types of structures are safe should be simple. The Planning Department does not wish to over-burden people, and though safety is our biggest concern, we will be reasonable when dealing with the structural reports.</p>
75	<p>Our building is in Shadowlawn, within a block of Pacific Ave., how does the overlay around 18th go inland so far yet it is not equal across the oceanfront - the overlay?</p>	<p>The overlay district uses the already establish OR district. This encompasses the oceanfront, but also the gateways to the oceanfront area.</p>

76	Is home sharing considered STR? how is home sharing dealt with in the overlay districts?	Home Sharing is not considered a Short Term Rental and is permitted by right in all areas of the City.
77	What can't we see all the questions asked while we are on here so we can see which questions you guys are not answering?	Thank you for the comment. We understand the limitations of the virtual format. We responded to the questions in the order received, and have responded to the others on this document.
78	Does the owner of the STR have to be a resident of that overlay or Virginia Beach? How do you keep developers from buying up land and not being around to ensure there is not an adverse impact to the neighborhood and property values?	No. The owner does not need to reside in that STR overlay. The City has authority over the regulations of Short Term Rentals, but not property ownership.
79	Can the overlay daily use right be revoked for repeated violations?	Yes. Short Term Rental registrations may be revoked for properties that continually do not meet the requirements.
80	How many STRs are currently licensed and/or approved for the entire City? How many total potential properties exist in the City that could be STRs under the current rules?	Please email this request to STR@vbgov.com and we can assist you.
81	Why is Croatan not included? Why is 42nd street to 49th street not included?	This presentation dealt with the proposed ordinance and not why certain areas were and were not included. This was the ordinance that was referred to by City Council.
82	What if a grandfathered STR is not in the new overlay district?	The grandfathered STR may continue to operate as an STR.

83	The new proposal allows a total of 52 rentals, so does that mean an STR can be rented out 3 times per week for the 4 months of Summer resulting in about 58 rentals?	There is no limitation in the number of rental contracts per week. The property would be limited to 52 contract per year.
84	Can you please provide past and current STR requests for VB in the overlay areas? 5 year increments please.	Please email request to STR@vbgov.com .
85	Are STRs only allowed to rent 52 days total or 52 rental periods?	As the proposed ordinance is written, it is 52 rental contracts per year.