

1 **REQUESTED BY VICE-MAYOR JONES**

2
3
4 AN ORDINANCE TO AMEND SECTIONS 102, 111, 401,
5 501, 506, 601, 901, 1110, 1125, 1521 AND 2203 OF THE
6 CITY 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 HOME SHARING AND
11 SHORT TERM RENTALS

12
13 Sections Amended: City Zoning Ordinance Sections 102,
14 111, 401, 501, 506, 601, 901, 1110, 1125, 1521, and 2203
15 and Oceanfront Resort District Form-Based Code Section
16 5.2

17
18 Sections Added: City Zoning Ordinance Sections 209.6 and
19 241.2

20
21 WHEREAS, the public necessity, convenience, general welfare and good zoning
22 practice so require;

23
24 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VIRGINIA
25 BEACH, VIRGINIA:

26
27 That Sections 102, 111, 401, 501, 506, 601, 901, 1110, 1125, 1521, and 2203 of
28 the City Zoning Ordinance and Section 5.2 of the Oceanfront Resort District Form-
29 Based Code are hereby amended and reordained, and Sections 209.6 and 241.2 of the
30 City Zoning Ordinance are hereby added and ordained, to read as follows:

31
32 **ARTICLE 1. GENERAL PROVISIONS**

33
34

35
36 **Sec. 102. Establishment of districts and official zoning maps.**

37
38 (a) In order to carry out the purposes and provisions of this ordinance, the
39 following districts are hereby established:

40
41

42
43 (a1) There are hereby established the ~~Shore Drive Corridor Overlay District.~~
44 following overlay districts:

45

- (1) Shore Drive Corridor Overlay District ("SD");
- (2) North End Overlay District ("NE");
- (3) Old Beach Overlay District ("OB");
- (4) Historic Kempsville Area Overlay District ("HK");
- (5) Workforce Housing Overlay District ("WF"); and
- (6) Short Term Rental Overlay District ("STR").

Such districts shall be designated on the official zoning map by the an appropriate notation "~~(SD)~~" following the designation of the underlying zoning district. As an illustration, property in the Shore Drive Corridor Overlay District and in the B-4 Mixed Use District shall be designated on the official zoning map as having the classification "B-4(~~SD~~)."

~~(a2) There is hereby established the North End Overlay District. Such district shall be designated on the official zoning map by the notation "(NE)" following the designation of the underlying zoning district. As an illustration, property lying within the North End Overlay District and the R-5R Residential Resort District shall be designated on the official zoning map as having the classification "R-5R(NE)."~~

~~(a3) There is hereby established the Old Beach Overlay District. Such district shall be designated on the official zoning map by the notation "(OB)" following the designation of the underlying zoning district. As an illustration, property in the Old Beach Overlay District and in the R-5D Residential Duplex District shall be designated on the official zoning map as having the classification "R-5D(OB)."~~

~~(a4) There is hereby established the Historic Kempsville Area Overlay District. Such district shall be designated on the official zoning map by the notation "(HK)" following the designation of the underlying zoning district. As an illustration, property in the Historic Kempsville Area Overlay District and in the B-2 Community Business District shall be designated on the official zoning map as having the classification "B-2(HK)."~~

~~(a5) There is hereby established the Workforce Housing Overlay District. Such district shall be designated on the official zoning map by the notation "(WF)" following the designation of the underlying zoning district. As an illustration, property in the B-4 Mixed Use District and in the Workforce Housing Overlay District shall be designated on the official zoning map as having the classification "B-4(WF)." The Workforce Housing Overlay District shall be limited to property located within those areas of the city designated in section 2103 of this ordinance that has been rezoned to incorporate the Workforce Housing Overlay District as an overlay to the underlying zoning classification of the property.~~

92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134

....

Sec. 111. Definitions.

....

Home sharing. A dwelling in which a room or rooms are offered for rental for compensation for a period of less than thirty (30) consecutive days by an owner who utilizes the dwelling as his principal residence and occupies the dwelling during any such rental period.

....

Hotel and motel. A building or group of attached or detached buildings containing dwelling or lodging units in which fifty (50) percent or more of the units are lodging units, and for which compensation is exchanged for short-term occupancy of the dwelling or lodging units. A hotel shall include a lobby, clerk's desk or counter and facilities for registration and keeping of records relating to hotel guests. ~~This term also includes motels.~~

....

Principal residence. Principal residence shall be the location where a person lives fifty (50) percent or more of the time. A person shall not have more than one (1) principal residence.

....

Short term rental. A dwelling that does not meet the definition of home sharing in which a room or rooms, or the entire dwelling are rented for less than thirty (30) consecutive days for 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

....

Sec. 209.6. Home sharing.

135 To the extent permitted by state law, each dwelling offered as a home share
136 must maintain registration with the Commissioner of Revenue's office and pay all
137 applicable taxes.

138
139 **C. CONDITIONAL USES AND STRUCTURES**

140
141

142
143 **Sec. 241.2 Short term rental.**

- 144
- 145 1. A parking plan illustrating how one (1) parking space for every bedroom
146 shall be provided. Such plan shall be reviewed and approved by the Zoning
147 Administrator or his designee, if appropriate to the zoning district and the
148 adjacent neighborhood;
 - 149
 - 150 2. No events with more than fifty (50) people present, shall be held absent a
151 special events permit. Events with more than fifty (50) people are limited to
152 no more than three (3) events in a calendar year. No more than one
153 hundred (100) people shall be present at any event held on the property;
 - 154
 - 155 3. The owner or the owner's agent must be identified, a telephone number
156 given and they must be able to be present on the site within thirty (30)
157 minutes of being contacted at all times during the rental period;
 - 158
 - 159 4. No signage shall be on site, except that each short term rental is allowed
160 one (1), one-foot by one-foot sign, posted on the building, that identifies the
161 short term rental. Architectural signs naming the structure are excluded
162 from this limitation;
 - 163
 - 164 5. To the extent permitted by state law, each short term rental must maintain
165 registration with the Commissioner of Revenue's office and pay all
166 applicable taxes.
 - 167
 - 168 6. There shall be posted in a conspicuous place within the dwelling a summary
169 provided by the Zoning Administrator of City Code Sections 23-69 through
170 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on
171 the beach) and 12-43.2 (fireworks);
 - 172
 - 173 7. All refuse shall be placed in automated refuse receptacles, where provided,
174 and comply with the requirements of City Code Sections 31-26, 31-27 and
175 31-28;

176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200

201
202
203
204
205
206
207
208

- 8. There shall be no more than one (1) rental contract during any consecutive seven (7) day period;
- 9. The owner shall provide proof of liability insurance applicable to the rental activity of at least one million dollars (\$1,000,000.00) underwritten by insurers acceptable to the city;
- 10. There shall be no outdoor amplified sound after 10 PM or before 10 AM; and
- 11. The maximum number of persons on the property after 11:00 PM and before 7:00 AM shall be three (3) individuals per bedroom plus two (2) additional persons.

ARTICLE 4. - AGRICULTURAL DISTRICTS

(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</u>	<u>C</u>	<u>C</u>
<u>Short term rental within the STR Overlay District</u>	<u>P</u>	<u>P</u>
....		

(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

209 residence; (ii) no traffic is generated, including traffic by commercial delivery vehicles,
 210 by such activity in greater volumes than would normally be expected in the
 211 neighborhood, and any need for parking generated by the conduct of such activity is
 212 met off the street and other than in a required front yard; (iii) the activity is conducted on
 213 the premises which is the bona fide residence of the principal practitioner, and no
 214 person other than members of the immediate family occupying such dwelling units is
 215 employed in the activity; (iv) such activity is conducted only in the principal structure on
 216 the lot; (v) there are no sales to the general public of products or merchandise from the
 217 home, except for agricultural products, or agricultural-related products, incidental to an
 218 agricultural operation on which the dwelling unit is located; and (vi) the activity is
 219 specifically designed or conducted to permit no more than one (1) patron, customer, or
 220 pupil to be present on the premises at any one time. Notwithstanding the provisions of
 221 clauses (ii) and (vi) hereof, ministers, marriage commissioners and other persons
 222 authorized by law to perform the rites of marriage may permit a maximum of eight (8)
 223 persons on the premises at any one time in connection with the performance of such
 224 rites, provided that all other requirements of subdivision (b)(2) are met. The following
 225 are specifically prohibited as accessory activities: Convalescent or nursing homes,
 226 tourist homes, massage or tattoo parlors, body piercing establishments, radio or
 227 television repair shops, auto repair shops, or similar establishments. Rental of rooms in
 228 a dwelling or the entire dwelling thirty (30) consecutive days or more is an accessory
 229 use to the dwelling.

230
 231

232
 233 **ARTICLE 5. RESIDENTIAL DISTRICTS.**

234
 235

236
 237 **Sec. 501. Use regulations.**

238
 239 (a) *Principal and conditional uses.* The following chart lists those uses permitted
 240 within the R-40 through R-2.5 Residential Districts. Those uses and structures in the
 241 respective residential districts shall be permitted as either principal uses indicated by a
 242 "P" or as conditional uses indicated by a "C." Uses and structures indicated by an "X"
 243 shall be prohibited in the respective districts. No uses or structures other than as
 244 specified shall be permitted.

Use	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</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Short term rental within the STR Overlay District</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>
....										

246

247 (b) *Accessory uses and structures.* Uses and structures which are customarily
 248 accessory and clearly incidental and subordinate to principal uses and structures and
 249 where such accessory structures do not exceed the height of the principal structure and,
 250 in all residential zoning districts, except for R-30 and R-40, do not exceed five hundred
 251 (500) square feet of floor area or twenty (20) percent of the floor area of the principal
 252 structure, whichever is greater. In the R-30 and R-40 residential zoning districts,
 253 accessory uses and structures shall not exceed thirty (30) percent of the floor area of
 254 the principal structure. Such accessory uses and structures include but are not limited
 255 to:

256

257
 258 (7) Rental of rooms in a dwelling or the entire dwelling thirty (30) consecutive
 259 days or more is an accessory use to the dwelling.

260
 261

262
 263 **Sec. 506.-North End Overlay District.**

264
 265
 266 (e) In the North End Overlay, all short term rentals as defined in section 111 of the
 267 City Zoning Ordinance shall be permitted uses and shall meet the requirements
 268 of section 241.2 of the City Zoning Ordinance.

269
 270
 271 **ARTICLE 6. - APARTMENT DISTRICTS**

272

273

274

275 **Sec. 601. - Use regulations.**

276

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

283

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

284

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

288

289

290

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

293

294

295

296 **ARTICLE 9. - BUSINESS DISTRICTS**

297

298

299

300 **Sec. 901. - Use regulations.**

301

302 (a) *Principal and conditional uses.* The following chart lists those uses permitted
303 within the B-1 through B-4K Business Districts. Those uses and structures in the
304 respective business districts shall be permitted as either principal uses indicated by a
305 "P" or as conditional uses indicated by a "C." Uses and structures indicated by an "X"

306 shall be prohibited in the respective districts. No uses or structures other than as
 307 specified shall be permitted.
 308

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>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>
....							
<u>Short term rental</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Short term rental within the STR Overlay District</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>
....							

309
 310 (b) *Accessory uses and structures.* Uses and structures which are customarily
 311 accessory and clearly incidental and subordinate to the principal uses and structures,
 312 including, but not limited to:

313
 314

315
 316 (2) Rental of rooms in a dwelling or the entire dwelling thirty (30) consecutive
 317 days or more is an accessory use to the dwelling.
 318

319 **ARTICLE 11. - PLANNED DEVELOPMENT DISTRICTS**

320
 321 **Sec. 1110. - Land use regulation.**

322
 323

324
 325 (c) Within a PD-H1 District, all of the principal uses and structures permitted within an
 326 A-12 Apartment District other than hospitals and sanitariums, together with the
 327 following enumerated uses and structures, shall be permitted:

- 328
 329 (1) Fraternity and sorority houses, student dormitories and student centers;
 330
 331 (2) Housing for seniors and disabled persons, with a conditional use permit;
 332
 333 (3) Marinas;
 334
 335 (4) Private clubs or social centers provided that clubs where conduct of commercial
 336 affairs is a principal activity shall not be permitted; and
 337

338 (5) Residential care for seniors, provided that no more than two (2) employees
339 including a bona fide resident of the dwelling shall be permitted; and
340

341 (6) Home sharing meeting the requirements of section 209.6.
342

343 (d) Within a PD-H1 District, the following uses shall be allowed as conditional uses:
344

345 (1) Communication towers;
346

347 (2) Family day-care homes;
348

349 (3) Group homes;
350

351 (4) Kennels, residential;
352

353 (5) Religious uses;
354

355 (6) Wind energy conversion systems, free standing and roof-mounted; ~~and~~
356

357 (7) Home-based wildlife rehabilitation facilities, provided that the principal
358 structure is a single-family dwelling and the lot is greater than two thousand
359 five hundred (2,500) square feet; and
360

361 (8) Short term rental.
362

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

364
365

367 **Sec. 1125. - Allowed uses.**

368
369 Within the PD-H2 District, only the following uses and structures shall be permitted:
370

371 (a) *Principal uses and structures.*
372

373 (1) Dwelling units of the types specified in the land use plan;
374

375 (2) Public buildings, structures, and other public uses;
376

377 (3) Recreational facilities of the type described in the plan;
378

379 (4) Child care education centers, in connection with public or private
380 elementary schools or churches, provided that such uses shall not be
381 eligible for residential density credit;
382

383 (5) Day-care centers, provided that such uses shall not be eligible for
384 residential density credit;

385
386 (6) Public utilities installations and substations; provided offices or storage or
387 maintenance facilities shall not be permitted; and provided, further, that
388 utilities substations, other than individual transformers, shall be surrounded
389 by a wall, solid except for entrances and exits, or by a fence with a
390 screening hedge five (5) to six (6) feet in height; and provided also,
391 transformer vaults for underground utilities and like uses shall require only
392 a landscaped screening hedge, solid except for access opening; and

393
394 (7) Home sharing meeting the requirements of section 209.6.

395
396
397 (b) *Accessory uses.* Uses which are customarily accessory and clearly incidental and
398 subordinate to the principal uses shall be allowed as accessory uses. Rental of rooms in
399 a dwelling or the entire dwelling thirty (30) consecutive days or more is an accessory
400 use to the dwelling.

401
402 (c) *Conditional uses.*

403
404 (1) Religious uses, provided that such use shall not be eligible for residential
405 density credit;

406
407 (2) Family day-care homes; foster homes and group homes, provided that such
408 uses shall not be eligible for residential density credit;

409
410 (3) Home occupations;:

411
412 (4) Housing for seniors and disabled persons; and

413
414 (5) Short term rental.

415
416

417
418 **C. RT-3 RESORT TOURIST DISTRICT**

419
420

421
422 **Sec. 1521. Use regulations.**

423
424 (a) The following chart lists those uses permitted within the RT-3 Resort Tourist District
425 as either principal uses, as indicated by a "P" or as conditional uses, as indicated by a
426 "C." Conditional uses shall be subject to the provisions of Part C of Article 2 (section
427 220 et seq.). Except for single-family, duplex, semidetached and attached dwellings,

428 buildings within the RT-3 District may include any principal or conditional uses in
 429 combination with any other principal or conditional use. No uses or structures other than
 430 those specified shall be permitted. All uses, whether principal or conditional, should to
 431 the greatest extent possible adhere to the provisions of the Special Area Design
 432 Guidelines (Urban Areas) set forth in the Reference Handbook of the Comprehensive
 433 Plan.

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

434
 435 (b) *Accessory uses and structures* : Uses and structures which are customarily
 436 accessory and clearly incidental and subordinate to the principal uses and structures;
 437 provided, however, that drive-through facilities shall not be permitted as an accessory
 438 use:

439
 440
 441

442 (2) Rental of rooms in a dwelling or the entire dwelling thirty (30)
 443 consecutive days or more is an accessory use to the dwelling.
 444

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

446
 447
 448

449 **B. - DEVELOPMENT REGULATIONS**

450
 451
 452

453 **Sec. 2203. - Use regulations.**

454
 455 (a) The following chart lists those uses permitted within the Central Business Core
 456 District. Uses and structures shall be allowed either as principal uses, indicated by a
 457 "P", or as conditional uses, indicated by a "C." Uses and structures indicated by an "X"
 458 shall be prohibited, unless allowed by special exception for Alternative Compliance
 459 pursuant to Section 2205. No uses or structures other than as specified herein or as
 460 allowed pursuant to subsection (b) shall be permitted.
 461

Use	District CBC
....	
<u>Home sharing meeting the requirements of section 209.6</u>	<u>P</u>
....	
<u>Short term rental</u>	<u>C</u>
....	

462

463 (b) If a proposed use is not expressly permitted pursuant to subsection (a), but is
 464 similar to a listed use, the Zoning Administrator may categorize the proposed use as a
 465 use permitted by this section, either as a principal or conditional use. In determining
 466 whether a proposed use is similar to a listed use, the Zoning Administrator shall
 467 consider (1) the actual or projected characteristics of the proposed use in comparison
 468 to those of the most similar listed use; and (2) the categorization of the proposed use
 469 in the Standard Land Use Coding Manual (First Edition January 1965). Rental of
 470 rooms in a dwelling or the entire dwelling thirty (30) consecutive days or more is an
 471 accessory use to the dwelling.

472

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

474

475

476

477 **Sec. 5.2. Permitted Use Table.**

478

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>	=	L	=	=	L	L	L	=	See Sec. 209.6
....									
<u>Short term rental meeting the requirements of section 241.2</u>	=	L	=	=	L	L	L	=	See Sec. 241.2
....									

479

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/March 29, 2018

REQUESTED BY VICE-MAYOR JONES

1 AN ORDINANCE TO ADD ARTICLE 23,
2 CONSISTING OF SECTIONS 2300 THROUGH 2303,
3 (SHORT TERM RENTAL OVERLAY DISTRICT) TO
4 THE CITY ZONING ORDINANCE ESTABLISHING
5 REGULATIONS AND REQUIREMENTS
6 PERTAINING TO SHORT TERM RENTALS
7

8 Sections Added: City Zoning Ordinance Sections
9 2300 - 2303
10

11 WHEREAS, the public necessity, convenience, general welfare and good zoning
12 practice so require;
13

14 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VIRGINIA
15 BEACH, VIRGINIA:
16

17 That Article 23 of the City Zoning Ordinance, consisting of Sections 2300 through
18 2303, is hereby added and ordained to read as follows:
19

20 **ARTICLE 23. SHORT TERM RENTAL OVERLAY DISTRICT**
21

22 **Sec. 2300. Findings; intent.**
23

24 The Virginia General Assembly has directed that short term rentals shall be
25 permitted as a principal use in the area defined as the Sandbridge Special Service
26 District. In addition, the City Council hereby finds that there are certain areas of the City
27 in which residential dwellings are, and historically have been, rented to vacationers or
28 others on a short term basis. In these areas, the City Council finds that such uses,
29 when appropriately regulated, may be carried on without adversely affecting the
30 adjacent residential neighborhoods. In other areas of the City, short term rentals are not
31 compatible with the residential use of the surrounding properties and are often the
32 cause of excessive noise, illegal or improper parking, traffic violations, congestion and
33 litter, thereby interfering with the quiet enjoyment of the residential neighborhood in
34 which they occur The provisions of this Article allow short term rentals, with appropriate
35 restrictions, only in those areas directed by the General Assembly and/or in such other
36 areas in which short term rentals may be carried on without adversely affecting the quiet
37 enjoyment of neighboring properties.
38

39 **Sec. 2301. District boundaries.**

40
41 (a) The Short Term Rental Overlay District boundaries shall be as designated
42 on the official zoning map of the city (STR).

43
44 (b) Other areas of the City zoned R-5R may petition the City Council for an
45 overlay to be created if the community is able to gather the signatures of sixty (60)
46 percent of the owners of the properties in the R-5R community.

47
48 **Sec. 2302. Application of regulations.**

49
50 The designation of any property as lying within the Short Term Rental Overlay
51 District shall be in addition to, and not in lieu of, the underlying zoning district
52 classification of such property, such that any property situated in the Short Term Rental
53 Overlay District shall also lie within one or more of the zoning districts enumerated in
54 Section 102(a) of this ordinance. All such property shall be subject to the requirements
55 of this Article as well as to all other regulations applicable to it, and to the extent that
56 any provision of this Article conflicts with any other ordinance or regulation, the
57 provision of this Article shall control.

58
59 **Sec. 2303. Use regulations.**

60
61 (a) Subject to general requirements and to the regulations of the underlying
62 zoning district, all uses and structures permitted as principal, conditional or accessory
63 uses in the underlying zoning district in which they are located shall be permitted
64 within the Short Term Rental Overlay District.

65
66 (b) Short term rentals shall be a permitted use if they comply with the
67 following conditions:

68
69 1. A parking plan illustrating how one (1) parking space for every bedroom
70 shall be provided. Such plan shall be reviewed and approved by the Zoning
71 Administrator or his designee, if appropriate to the zoning district and the
72 adjacent neighborhood;

73
74 2. No events with more than fifty (50) people present, shall be held absent a
75 special events permit. Events with more than fifty (50) people are limited to
76 no more than three (3) events in a calendar year. No more than one
77 hundred (100) people shall be present at any event held on the property;

- 79 3. The owner or the owner's agent must be identified, a telephone number
80 given and they must be able to be present on the site within thirty (30)
81 minutes of being contacted at all times during the rental period;
82
- 83 4. No signage shall be on site, except that each short term rental is allowed
84 one (1), one-foot by one-foot sign, posted on the building, that identifies the
85 short term rental. Architectural signs naming the structure are excluded
86 from this limitation;
87
- 88 5. To the extent permitted by state law, each short term rental must maintain
89 registration with the Commissioner of Revenue's office and pay all
90 applicable taxes.
91
- 92 6. There shall be posted in a conspicuous place within the dwelling a summary
93 provided by the Zoning Administrator of City Code Sections 23-69 through
94 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on
95 the beach) and 12-43.2 (fireworks);
96
- 97 7. All refuse shall be placed in automated refuse receptacles, where provided,
98 and comply with the requirements of City Code Sections 31-26, 31-27 and
99 31-28;
100
- 101 8. There shall be no more than one (1) rental contract during any consecutive
102 seven (7) day period;
103
- 104 9. The owner shall provide proof of liability insurance applicable to the rental
105 activity of at least one million dollars (\$1,000,000.00) underwritten by
106 insurers acceptable to the city;
107
- 108 10. There shall be no outdoor amplified sound after 10 PM or before 10 AM;
109 and
110
- 111 11. The maximum number of persons on the property after 11:00 PM and
112 before 7:00 AM shall be three (3) individuals per bedroom plus two (2)
113 additional persons.
114

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

CA14136/R-6/March 27, 2018

1 **REQUESTED BY VICE-MAYOR JONES**

2
3 **AN ORDINANCE TO AMEND THE OFFICIAL**
4 **ZONING MAP BY THE DESIGNATION AND**
5 **INCORPORATION OF PROPERTY INTO THE**
6 **SHORT TERM RENTAL OVERLAY DISTRICT**
7

8 WHEREAS, the public necessity, convenience, general welfare and good zoning
9 practice so require;

10
11 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
12 VIRGINIA BEACH, VIRGINIA:

13
14 That the official zoning map of the City of Virginia Beach be, and hereby is,
15 amended by the designation and incorporation of the area described below:
16

17 That property located in Sandbridge and bounded on the north by the USN Fleet
18 Combat Training Center Atlantic; on the south by the Little Island Park; on the east by
19 the Atlantic Ocean; and on the west, north of Sandbridge Road, by the western
20 boundary of the subdivision known as "Sandbridge North Area," and south of
21 Sandbridge Road, by the property of the United States of America and the Back Bay
22 National Wildlife Refuge, as depicted on the map entitled "Sandbridge" dated June 17,
23 1994, prepared by the department of public works and recorded in Map Book 240, Pgs.
24 81—84 as the short term rental overlay district.

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

CA14137
R-4
March 27, 2018