

1 AN ORDINANCE TO AMEND SECTION 104  
2 OF THE CITY ZONING ORDINANCE TO  
3 ALLOW CIVIL PENALTIES FOR THE  
4 VIOLATION OF SECTION 241.2  
5 PERTAINING TO SHORT TERM RENTALS  
6

7 Section Amended: § 104 of the City Zoning  
8 Ordinance  
9

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

12  
13 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VIRGINIA  
14 BEACH, VIRGINIA:  
15

16 That Section 104 of the City Zoning Ordinance is hereby amended and  
17 reordained to read as follows:  
18

19 **Sec. 104. - Violations and penalties.**  
20

- 21 (a) Except as provided in subsection (b), any person who violates any of the  
22 provisions of this ordinance shall, upon conviction thereof, be guilty of a  
23 misdemeanor punishable by a fine of not more than one thousand dollars  
24 (\$1,000.00). If the violation is uncorrected at the time of the conviction, the court  
25 shall order the violator to abate or remedy the violation in compliance with this  
26 ordinance, within a time period established by the court. Failure to remove or  
27 abate a violation within the specified time period shall constitute a separate  
28 misdemeanor offense punishable by a fine of not more than one thousand dollars  
29 (\$1,000.00); and any such failure during a succeeding ten-day period shall  
30 constitute a separate misdemeanor offense punishable by a fine of not more than  
31 one thousand five hundred dollars (\$1,500.00); and any such failure during any  
32 succeeding ten-day period shall constitute a separate misdemeanor offense for  
33 each ten-day period punishable by a fine of not more than two thousand dollars  
34 (\$2,000.00).  
35
- 36 (b) Any person who violates any provision of Part B of Article 2, section 241.2, or  
37 section 1903, regarding only short term rentals, of the City Zoning Ordinance  
38 hereof shall be assessed a civil penalty in the amount of two hundred dollars  
39 (\$200.00) for the initial summons and not more than five hundred dollars  
40 (\$500.00) for each additional summons. The assessment of a civil penalty shall  
41 not preclude the institution of a civil action by the zoning administrator pursuant to  
42 section 103(a) of this ordinance, but no such violation shall, unless it results in  
43 injury to any person, be prosecuted as a criminal misdemeanor, provided however  
44 that when such civil penalties total five thousand dollars (\$5,000.00) or more, the  
45 violation may be prosecuted as a criminal misdemeanor.  
46

47 . . . .

48  
49 Adopted by the Council of the City of Virginia Beach, Virginia, on the \_\_\_\_\_ day  
50 of \_\_\_\_\_, 2020.

APPROVED AS TO CONTENT:

APPROVED AS TO LEGAL SUFFICIENCY:

\_\_\_\_\_  
Planning Department

\_\_\_\_\_  
City Attorney's Office

CA15059  
R-2  
May 8, 2020

DRAFT

1 AN ORDINANCE TO AMEND SECTION 1903  
2 OF THE CITY ZONING ORDINANCE  
3 ALLOWING CERTAIN SHORT TERM  
4 RENTALS AS PERMITTED USES IN THE  
5 OLD BEACH OVERLAY DISTRICT  
6

7 Section Amended: § 1903 of the City Zoning  
8 Ordinance  
9

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

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

16 That Section 1903 of the City Zoning Ordinance is hereby amended and  
17 reordained to read as follows:  
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19 **Sec. 1903. - Use regulations.**  
20

21 (a) *Principal uses and structures.* Subject to general requirements and to the  
22 regulations of the underlying zoning districts, all uses and structures permitted as  
23 principal uses in the underlying zoning districts shall be permitted as principal  
24 uses within the Old Beach Overlay District. In addition, the following use shall be  
25 permitted within the Old Beach Overlay District, although not allowed as a  
26 principal use in the underlying zoning district:  
27

28 (1) Single-family dwellings.  
29

30 (2) Ancillary single-family dwellings, located on the same lot as a separate  
31 single-family, in the R-5D Residential Duplex District, any Apartment District,  
32 and any Resort Tourist District, subject to the requirements of sections  
33 1904(b) and 1905, and provided further that a single lot with a single-family  
34 dwelling and an ancillary single-family dwelling shall not be subdivided to  
35 create a separate lot for each dwelling.  
36

37 (3) Short term rentals meeting the following criteria: (i) the owner of the property  
38 must declare and use the property used as a short term rental as their  
39 principal residence; and (ii) must meet all the conditions required in section  
40 241.2 of the City Zoning Ordinance.  
41

42 . . . .  
43

44 Adopted by the Council of the City of Virginia Beach, Virginia, on the \_\_\_\_\_ day  
45 of \_\_\_\_\_, 2020.

APPROVED AS TO CONTENT:

APPROVED AS TO LEGAL SUFFICIENCY:

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Planning Department

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City Attorney's Office

CA15060/R-3/June 1, 2020

DRAFT

1 AN ORDINANCE TO AMEND SECTION 241.2  
2 OF THE CITY ZONING ORDINANCE  
3 PERTAINING TO THE REVOCATION OF  
4 GRANDFATHER STATUS AND CITY  
5 COUNCIL FINDINGS  
6

7 Section Amended: § 241.2 of the City Zoning  
8 Ordinance  
9

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

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

16 That Section 241.2 of the City Zoning Ordinance is hereby amended and  
17 reordained to read as follows:  
18

19 **Sec. 241.2. - Short term rental.**  
20

21 (a) Short term rentals shall be subject to the following conditions unless  
22 specifically modified by action of the city council in granting a conditional use  
23 permit or creating a short term rental overlay district:  
24

25 . . . .

26  
27 (12) Any short term rental that has registered and paid transient occupancy  
28 taxes to the Commissioner of the Revenue prior to July 1, 2018 shall be  
29 considered grandfathered and shall not be required to obtain a conditional  
30 use permit, but must meet the conditions of section 241.2. Any expansion  
31 of the footprint of the dwelling housing the short term rental that expands  
32 the overall square footage by more than twenty-five (25) percent or one  
33 thousand (1,000) square feet, whichever is less, shall have its  
34 grandfathered status revoked and must immediately obtain a conditional  
35 use permit to continue such use. Any grandfathered short term rental that  
36 is vacant or not used as a short term rental for 24 consecutive months  
37 shall have its grandfathered status revoked by the Planning Director.  
38 Grandfathered status shall run with the land;  
39

40 . . . .

41  
42 (b) When approving conditional use permits for short term rentals City Council  
43 shall find that:  
44

45 (1) The density of short term rental uses in the immediate vicinity do not  
46 change the characteristics of the neighborhood; and

47 (2) Parking is readily available to accommodate short term rental use. On-  
48 site parking solutions are visually appealing and environmentally  
49 responsible. If an off-site parking plan is submitted the parking is  
50 reasonable and practical so as to be easily used by the guests of the  
51 short term rental.

52  
53 (3) The increased occupancy of short term rental use is compatible with the  
54 character of the residential neighborhood considering factors such as  
55 noise, trash and other negative consequences.

56  
57 (4) Short term rentals are a needed resource in certain areas of the City  
58 and it is located in close proximity to venues, districts or areas that  
59 generate a high volume of people or visitors.

60  
61  
62 Adopted by the Council of the City of Virginia Beach, Virginia, on the \_\_\_\_\_ day  
63 of \_\_\_\_\_, 2020.

APPROVED AS TO CONTENT:

APPROVED AS TO LEGAL SUFFICIENCY:

\_\_\_\_\_  
Planning Department

\_\_\_\_\_  
City Attorney's Office

CA15061  
R-5  
June 5, 2020

1 AN ORDINANCE ESTABLISHING TRANSITION RULES  
2 FOR THE REVIEW OF CONDITIONAL USE PERMITS FOR  
3 PROPERTY IN THE OLD BEACH OVERLAY DISTRICT  
4  
5

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

9 WHEREAS, the City Council has referred to Planning Commission revisions to the  
10 Old Beach Overlay that would affect the approval or denial of short term rentals in the  
11 overlay; and  
12

13 WHEREAS, the regulations pertaining to conditional use permits in the Old Beach  
14 Overlay District differ significantly from those previously applicable; and  
15

16 WHEREAS, it is the sense of the City Council that special transition rules should  
17 be adopted to govern conditional use permits for short term rentals in the Old Beach  
18 Overlay District that were not approved prior to the effective date of the Ordinance.  
19

20 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
21 VIRGINIA BEACH, VIRGINIA:  
22

23 Any application for a conditional use permit for a short term rental in the Old  
24 Beach Overlay accepted prior to the date of referral shall be processed based upon  
25 the law existing at the time of submission. Any application accepted after the date  
26 of referral shall be considered based upon the law applicable at the time of City  
27 Council consideration. No application shall be unnecessarily delayed.  
28

29 BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF VIRGINIA  
30 BEACH, VIRGINIA:  
31

32 That nothing in this ordinance shall be construed to affect any vested rights which  
33 existed as of the effective date of the Ordinance.  
34

35 Adopted by the Council of the City of Virginia Beach, Virginia, on the \_\_\_\_\_ day  
36 of \_\_\_\_\_, 2020.

APPROVED AS TO CONTENT:

APPROVED AS TO LEGAL SUFFICIENCY:

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Planning Department

\_\_\_\_\_  
City Attorney's Office