



Request

An Ordinance to amend Section 241.2 of the City Zoning Ordinance pertaining to the revocation of Grandfather Status and City Council Findings.

This Ordinance is requested by Councilman Guy Tower, Beach District and was referred to the Planning Commission by City Council.

Summary of Request

The Short Term Rental Ordinance was adopted by City Council on January 15, 2019. When it was adopted, City Council realized that a large number of Short Term Rentals were operating in the City and paying the appropriate transient occupancy taxes with the Commissioner of Revenue's Office. As such, Council included in the adopted ordinance that any property that was registered and paying the appropriate taxes with the COR prior to July 1, 2018 would be Grandfathered. The grandfathered status would alleviate the property from the requirement to obtain a Conditional Use Permit to operate as a Short Term Rental. Note that this does not apply to properties located in the Sandbridge Special Service District, as State legislation alleviates the Conditional Use Permit requirement for those properties.

Currently, the grandfathered status of a property runs in perpetuity with the land. Grandfather status can only be removed if the Short Term Rental is increased by 1,000 square feet or by 25%, whichever is greater. This amendment would establish a twenty-four (24) month time period in which the grandfather status could be administratively removed by the Planning Director if the property was not used as a Short Term Rental during that period. This time period is consistent with the current ordinance regulation that states a nonconforming use loses its' nonconforming status if it is no operated as such for 24 months.

The second part of this proposed amendment adds a "findings" section into Section 241.2. This provides guidance for City Council, Planning Commission and staff to consider when reviewing Short Term Rental applications. The intent of this Section is to provide further guidance in review of Short Term Rental applications. The proposal includes four "findings" which are summarized below.

1. The density of Short Term Rentals in the immediate vicinity of the property should not change the characteristics of the neighborhood.
2. Parking should be readily available, and done in an aesthetically pleasing and environmentally friendly way. Alternative parking solutions should be reasonable as to be practically used by the renters of the Short Term Rental.
3. The potential increased occupancy of the Short Term Rental is compatible with the character of the residential neighborhood, particularly regarding additional noise, trash, and other possible nuisances.
4. Recognizing that Short Term Rentals are a needed resource in the City, particularly in close proximity to venues, districts and areas that generate a high volume of people and visitors.

Recommendation

Staff recommends approval of these Ordinance amendments. The first proposed amendment regarding grandfathering will allow City Council to have the opportunity to have input on Short Term Rentals that have not operated for more than two years. As these rentals have not operated, it is beneficial to be able to consider the impact they may have on the surrounding neighborhood if they are again used as a Short Term Rental. The “Findings” section will provide a basis to which Short Term Rental applications can be evaluated and approved or denied, and provide further clarity in the review process.

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:
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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
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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

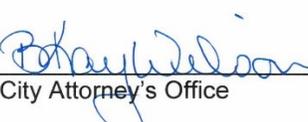
62 Adopted by the Council of the City of Virginia Beach, Virginia, on the _____ day
 63 of _____, 2020.

APPROVED AS TO CONTENT:

APPROVED AS TO LEGAL SUFFICIENCY:



 Planning Department



 City Attorney's Office

CA15061
 R-5
 June 5, 2020