



Applicant **City of Virginia Beach**  
Public Hearing **August 12, 2020**  
**Allow certain Short Term Rentals as a permitted use in  
the Old Beach Overlay District**

Agenda Item

**20**

## Request

An Ordinance to amend Section 1903 of the City Zoning Ordinance allowing certain Short Term Rentals as permitted uses in the Old Beach Overlay District.

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

## Summary of Request

The Old Beach Overlay District, Section 1903 of the Zoning Ordinance, was established in December, 2005. The purpose of the District is to preserve and enhance the historic status of the Old Beach neighborhood as one of the first residential areas within the Ocean Front Resort area. The Ordinance is written to encourage compatible multi-family development and cottage-style single-family homes appropriate for this District. A number of different zoning districts permitting single-family, duplex and multi-family development exist within the boundaries of the Old Beach Overlay; however, the overall character of the neighborhood is residential.

The Old Beach Overlay District permits Short Term Rentals as a Conditional Use, unless grandfathered. Since the implementation of the Short Term Rental Ordinance on November 1, 2019, more than thirty applications have been considered by City Council in the Old Beach neighborhood. Combined with a substantial number of properties that are grandfathered, concerns have been raised that Short Term Rentals will have a negative impact on the neighborhood.

This amendment would allow Short Term Rentals as a permitted use only in the existing Old Beach Overlay District, provided two criteria are met. The two criteria are (1) the Short Term Rental must be the principal residence of the property owner, meaning that they must reside in the residence 183 days per year, and (2) the Short Term Rental must meet all the requirements of Section 241.2 of the Zoning Ordinance. If the property does not meet these criteria, it cannot operate as a Short Term Rental. A Conditional Use Permit cannot be applied for.

## Recommendation

Staff recommends approval of this Ordinance amendment. Permitting Short Term Rentals as a matter of right will alleviate the number of applications reviewed by staff and considered by Planning Commission and City Council, which have been burdensome since the implementation of the Short Term Rental Ordinance. By making the operation of the Short Term Rental contingent upon meeting the requirements of the Ordinance, as well as being the principal residence of the property owner and operator, staff is confident that this amendment would mitigate the negative impacts that residents of the neighborhood have brought to staff's attention and maintain the residential character of the Old Beach neighborhood. The operator will be more vested in the care of the property if it is their principal residence, rather than a property that is an investment property whose owner does not reside in the area.

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.**  
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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:  
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28 (1) Single-family dwellings.  
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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.  
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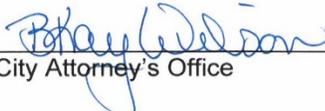
44 Adopted by the Council of the City of Virginia Beach, Virginia, on the \_\_\_\_\_ day  
45 of \_\_\_\_\_, 2020.

APPROVED AS TO CONTENT:

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

CA15060/R-3/June 1, 2020

APPROVED AS TO LEGAL SUFFICIENCY:

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