



Request

An Ordinance establishing transition rules for the review of Conditional Use Permits for properties 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

This proposed amendment addressed the applications for Short Term Rental that have been submitted for review to the Planning Department, but have not yet been considered by City Council. This amendment makes clear that the Ordinance, should it be adopted, is effective the moment it is adopted. Each application that is considered by City Council from that moment forward will have to abide by the rules that are in place at that time. The amendment also specifically states that no application will be unnecessarily delayed.

Recommendation

Staff recommends approval of this Ordinance amendment. This amendment clarifies the regulations to which a property will be considered under should the Ordinance be adopted. Although staff does not anticipate this amendment impacting many properties in the que, there is currently one application located in the Old Beach Overlay on the August and September Planning Commission agendas, it does make clear the rules that will be followed as the new regulations are implemented in the Old Beach Overlay.

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;
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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
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13 WHEREAS, the regulations pertaining to conditional use permits in the Old Beach
14 Overlay District differ significantly from those previously applicable; and
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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.
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29 BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF VIRGINIA
30 BEACH, VIRGINIA:
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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.
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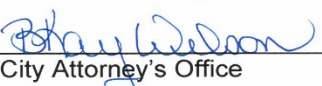
35 Adopted by the Council of the City of Virginia Beach, Virginia, on the ____ day
36 of _____, 2020.

APPROVED AS TO CONTENT:



Planning Department

APPROVED AS TO LEGAL SUFFICIENCY:



City Attorney's Office

CA15021/R-2/June 5, 2020