



On-line Home Sharing Economy Committee

Zoning Review

September 7, 2016

ZONING- GENERAL OVERVIEW

- Zoning regulates the use of property within the City.
 - Promotes the health, safety and general welfare of the people of the City.
- All property is designated into a Zoning District.
 - R-20 Residential, I-1 Industrial, PD-H1 Planned Unit Development, etc.
- Each of these Zoning Districts have principal and conditional uses.
 - **Principal uses** are allowed by right;
 - **Conditional uses** require a conditional use permit be approved by City Council- the conditions make the use compatible within the Zoning District;
 - **Accessory uses** are on the same lot as principal use and “Is clearly incidental to, and customarily found in connection with, such principal use.”

ZONING- GENERAL OVERVIEW

- If the use is not principle or conditional or accessory (not mentioned at all), then the use is not allowed.
- Section 102 (c) of the Zoning Ordinance;

“No use shall be allowed in any zoning district except those which may be allowed as principal uses, conditional uses, and accessory uses;. . .”

RENTAL OF DWELLING UNITS- GENERALLY

- The Zoning Ordinance is silent in regard to the rental of dwellings, and is silent as to what is a short-term rental and what is a long-term rental.
- This is not unusual, Zoning Ordinances cannot cover all situations that may arise; and the Zoning Administrator has the authority to interpret the Zoning Ordinance by state statute, to cover the areas that are not clear. (Virginia Code Section 15.2-2286)
- As we move forward, clarification of the regulations regarding the rental of dwellings would be beneficial to the public.

DAILY RENTALS

- Daily Rentals are rentals of less than 7 days.
- Only allowed for a hotel/motel, bed and breakfast, or a country inn.
 - None of which are principal uses in Residential Zoning Districts.
- Conclusion- daily rentals of any dwelling (whole house or rooms) are not allowed in Residential Zoning Districts.

DAILY RENTALS

- Country inn. A building in which not more than five (5) rooms are provided for lodging transients, for compensation, for daily or weekly terms, with or without board, in conjunction with which antiques may be sold at retail as an accessory use. No such rooms shall have an entrance or exit to the outside of the building, and no such room shall exceed three hundred (300) square feet in floor area.
- Bed and breakfast inn. A residential structure of historical significance in which not more than thirteen (13) rooms are provided for lodging transients, for compensation, on daily or weekly terms, with breakfast.

SHORT-TERM RENTALS

- Short-Term Rentals are rentals of 7 to 89 days.
- Primarily in certain locations such as: Sandbridge and Chesapeake Beach.
- Historically short-term rentals have been allowed in these locations.
- These short-term rentals are normally referred to as vacation homes and are rented on a weekly basis.

LONG-TERM RENTALS

- Long-Term Rentals are rentals of 90 days or more.
- Normally the rental of a whole home or room on a yearly basis.
- Historically, long-term rentals have been permitted.
- The people residing in the home are limited to meeting the definition of “family” in the Zoning Ordinance.

LONG-TERM RENTALS

- Family is “any of the following groups of persons, living together and sharing living areas in a dwelling unit:
 1. Two (2) or more persons related by blood, marriage, adoption, or approved foster care;
 2. A group of not more than four (4) persons (including servants) who need not be related by blood, marriage, adoption or approved foster care;. . .”

ACCESSORY USES

- Why is the **daily rental** of rooms/homes not an accessory use to the dwelling unit?
 - It is not completely clear in the Zoning Ordinance, as it does not define or give any guidance for any of these situations.
 - At this time it is not possible to say that daily rentals are “clearly incidental to, and customarily found” in connection with a dwelling.
 - The daily rental is a recent phenomenon, and the situation is evolving.

CONCLUSION

The recommended way to bring complete clarity to the situations we have discussed is to make it clear in the City Zoning Ordinance—with definitions and with regulations.