

REQUESTED BY VICE-MAYOR WOOD AND COUNCILMEMBER TOWER

1 AN ORDINANCE TO AMEND SECTION 102
2 OF THE CITY ZONING ORDINANCE
3 ESTABLISHING SHORT TERM RENTAL
4 OVERLAY DISTRICTS – NORTH END AND
5 OCEANFRONT RESORT

6
7 Section Amended: § 102 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 102 of the City Zoning Ordinance is hereby amended and
17 reordained to read as follows:

18
19 **Sec. 102. - Establishment of districts and official zoning maps.**

20
21

22
23 (a1) There are hereby established the following overlay districts:

- 24
25 (1) Shore Drive Corridor Overlay District ("SD");
26
27 (2) North End Overlay District ("NE");
28
29 (3) Old Beach Overlay District ("OB");
30
31 (4) Historic Kempsville Area Overlay District ("HK");
32
33 (5) Workforce Housing Overlay District ("WF"); and
34
35 (6) Short Term Rental Overlay District ("STR").

- 36
37 a. North End ("STR-NE")
38 b. Oceanfront Resort ("STR-OR")
39

40 Such districts shall be designated on the official zoning map by an appropriate notation
41 following the designation of the underlying zoning district. As an illustration, property in
42 the Shore Drive Corridor Overlay District and in the B-4 Mixed Use District shall be
43 designated on the official zoning map as having the classification "B-4(SD)."
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Adopted by the Council of the City of Virginia Beach, Virginia, on the _____ day
of _____, 2021.

APPROVED AS TO CONTENT:

APPROVED AS TO LEGAL SUFFICIENCY:

Planning Department

City Attorney's Office

CA15136
R-7
June 3, 2021

**REQUESTED BY VICE-MAYOR WOOD AND
COUNCILMEMBER TOWER**

1 AN ORDINANCE TO AMEND THE OFFICIAL
2 ZONING MAP BY THE DESIGNATION AND
3 INCORPORATION OF PROPERTY INTO
4 SHORT TERM RENTAL OVERLAY
5 DISTRICTS—NORTH END; AND OR
6 DISTRICT
7

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

10
11 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
12 VIRGINIA BEACH, VIRGINIA:

13
14 That the official zoning map of the City of Virginia Beach be, and hereby is,
15 amended by the designation and incorporation of the areas described below:

- 16
17 1) That property located in the North End Overlay and depicted as such on the
18 Official City Zoning Map, except for that area located west of the intersection
19 of Holly Road and 58th Street; south to 45th Street as shown by the attached
20 map labeled “Short Term Rental Overlay—North End;”
21
22 2) That property located in the City of Virginia Beach, zoned as Oceanfront Resort
23 District depicted as such on the Official City Zoning Map as shown on the
24 attached map labeled “Short Term Rental Overlay—OR District;

Adopted by the Council of the City of Virginia Beach, Virginia, on the _____ day
of _____, 2021.

APPROVED AS TO CONTENT:

APPROVED AS TO LEGAL SUFFICIENCY:

Planning Department

City Attorney’s Office

CA15117
R-9
June 3, 2021

1 **REQUESTED BY VICE-MAYOR WOOD AND**
2 **COUNCILMEMBER TOWER**

3
4 AN ORDINANCE TO AMEND SECTION 241.2 OF
5 THE CITY ZONING ORDINANCE, PERTAINING TO
6 SHORT TERM RENTALS AND ESTABLISHING
7 ADDITIONAL SAFETY REQUIREMENTS
8

9 Section Amended: City Zoning Ordinance Section
10 241.2

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

14
15 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
16 VIRGINIA BEACH, VIRGINIA:

17
18 **Sec. 241.2. - Short term rental.**

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

22
23 (1) Any property utilized as a short term rental shall provide adequate off street parking
24 for its guests. A minimum of one parking space per bedroom is required. If such parking
25 cannot be provided on-site, the owner must submit a parking plan indicating how the
26 parking requirement will be met. Such plan shall be reviewed and approved by the
27 zoning administrator. Stacking of vehicles shall be allowed and no on-street parking
28 shall be part of the plan;

29
30 (2) No events with more than fifty (50) people present, shall be held absent a special
31 events permit. Events with more than fifty (50) people are limited to no more than three
32 (3) events in a calendar year. No more than one hundred (100) people shall be present
33 at any event held on the property;

34
35 (3) The owner or operator must provide the name and telephone number of a
36 responsible person, who may be the owner, operator or an agent of the owner or
37 operator, who is available to be contacted and to address conditions occurring at the
38 short term rental within thirty (30) minutes. Physical response to the site of the short
39 term rental is not required;

40
41 (4) No signage shall be on site, except that each short term rental shall have one (1),
42 four-square foot sign, posted on the building, or other permanent structure approved by
43 the zoning administrator, visible from the public street, that ~~which~~ identifies the property
44 as a short term rental and provides the telephone number for the responsible person in

45 text large enough to be read from the public street. Architectural signs naming the
46 structure are excluded; ~~from this limitation;~~

47
48 (5) To the extent permitted by state law, each short term rental must maintain
49 registration with the Commissioner of Revenue's office and pay all applicable taxes;

50
51 (6) There shall be posted in a conspicuous place within the dwelling a summary
52 provided by the zoning administrator of City Code sections 23-69 through 23-71 (noise),
53 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2
54 (fireworks), and a copy of any approved parking plan;

55
56 (7) All refuse shall be placed in automated refuse receptacles, where provided, and
57 comply with the requirements of City Code sections 31-26, 31-27 and 31-28;

58
59 (8) A short term rental shall have no more than two (2) rental contracts during any
60 consecutive seven (7) day period;

61
62 (9) The owner or operator shall provide proof of liability insurance applicable to the
63 rental activity at registration and renewal of at least one million dollars (\$1,000,000.00)
64 underwritten by insurers acceptable to the city;

65
66 (10) There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.;

67
68 (11) The maximum number of persons on the property after 11:00 p.m. and before 7:00
69 a.m. ("Overnight Lodgers") shall be three (3) individuals per bedroom;

70
71 (12) Any short term rental that has registered and paid transient occupancy taxes to the
72 Commissioner of the Revenue prior to July 1, 2018 shall be considered grandfathered
73 and shall not be required to obtain a conditional use permit, but must meet the
74 conditions of section 241.2. Any expansion of the footprint of the dwelling housing the
75 short term rental that expands the overall square footage by more than twenty-five (25)
76 percent or one thousand (1,000) square feet, whichever is less, shall have its
77 grandfathered status revoked and must immediately come into compliance with the
78 Zoning Ordinance ~~obtain a conditional use permit~~ to continue such use. Grandfathered
79 status shall run with the land. However, any grandfathered short term rental that
80 continuously remains vacant, or not used as a short term rental, for a period of two (2)
81 years or more shall lose its "grandfathered" designation;

82
83 (12.1) Any short term rental that received a conditional use permit between November
84 1, 2019 and June 15, 2021 and that is located within a zoning district where short term
85 rentals are not a permitted or conditional use, shall be considered grandfathered and
86 shall be permitted to continue subject to the conditions of section 241.2 (1) through (15)
87 and (17) as modified by the terms of the conditional use permit;

88
89 ~~(13) To the extent permissible under state law, interconnected smoke detectors (which~~
90 ~~may be wireless), a fire extinguisher and, where natural gas or propane is present,~~

91 ~~carbon monoxide detectors shall be installed in each short term rental; The property~~
92 ~~owner or their representative shall provide to the City Planning Department permission~~
93 ~~for zoning inspectors to inspect the short term rental property annually. Such inspection~~
94 ~~shall include: 1) at least one fire extinguisher has been installed inside the unit, in plain~~
95 ~~sight, and where it is located, 2) all smoke alarms and carbon monoxide detectors are~~
96 ~~installed in accordance with the building code in affect at the time of construction and~~
97 ~~interconnected. Units constructed prior to interconnection requirements must have a~~
98 ~~minimum of one smoke alarm installed on every floor of the structure and in the areas~~
99 ~~adjacent to all sleeping room and when activated, be audible in all sleeping rooms, and~~
100 ~~3) all smoke alarms and carbon monoxide detectors have been inspected within the last~~
101 ~~12 months, and are in good working order. The short term rental shall be subject to~~
102 ~~revocation by City Council (in 15 below) for failure to have an inspection and/or not~~
103 ~~passing the inspection;~~

104
105 (14) Accessory structures shall not be used or occupied as short term rentals;

106
107 (15) In addition to other remedies available for violations of the city zoning ordinance,
108 upon the occurrence of a violation of the provisions of this section; a violation of any
109 local, state or federal law or regulation; a violation of a condition imposed in a
110 conditional use permit; or if the conditions for grandfathered status are no longer
111 satisfied, the city council may revoke the conditional use permit or grandfathered status
112 of a property after notice and hearing as provided in Code of Virginia § 15.2-2204;
113 provided, however, that written notice as prescribed therein shall be given at least
114 fifteen (15) days prior to the hearing.

115
116 (16) All conditional use permits issued for short term rentals shall expire five (5) years
117 from the date of adoption. The renewal process of the conditional use permit will be
118 administrative and performed by the planning department; however, the planning
119 department shall notify the city council in writing prior to the renewal of any conditional
120 use permit for a STR, where the STR has been the subject of neighborhood complaints,
121 violations of its conditions or violations of any building, housing, zoning, fire or other
122 similar codes; and

123
124 (17) A structural safety inspection report shall be provided to the city annually every five
125 (5) years indicating all exterior stairways, decks, porches and balconies have been
126 inspected by a licensed design professional, qualified to perform such inspection, and
127 are safe for use. The report must indicate the maximum number of occupants permitted
128 on each level of these structures and placards indicating the maximum number of
129 occupants of all exterior stairways, decks, porches and balconies must be posted on
130 each level of these structures;

131
132 (18) With the registration of all short term rentals, owners or their agents, shall present
133 to the Zoning Division a ledger with the number of rentals for the past year, when they
134 occurred and the number of occupants. No identifying information for the visitors is
135 required.

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Adopted by the City Council of the City of Virginia Beach, Virginia, on this ____ day of _____, 2021.

APPROVED AS TO CONTENT:

APPROVED AS TO LEGAL SUFFICIENCY:

Planning Department

City Attorney's Office

CA15175
R-9
June 4, 2021

**REQUESTED BY VICE-MAYOR WOOD AND
COUNCILMEMBER TOWER**

1 AN ORDINANCE TO AMEND SECTIONS 401, 501, 601,
2 901, 1110, 1125, 1501, 1521, 1531 AND 2203 OF THE CITY
3 ZONING ORDINANCE AND SECTION 5.2 OF THE
4 OCEANFRONT RESORT DISTRICT FORM-BASED CODE
5 PERTAINING TO THE REQUIREMENTS AND USE OF
6 SHORT TERM RENTALS AND OVERLAYS
7

8 Sections Amended: City Zoning Ordinance Sections 401,
9 501, 601, 901, 1110, 1125, 1501, 1521, 1531 and 2203 and
10 Oceanfront Resort District Form-Based Code Section 5.2
11

12 WHEREAS, the public necessity, convenience, general welfare and good zoning
13 practice so require;
14

15 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VIRGINIA
16 BEACH, VIRGINIA:
17

18 That Sections 401, 501, 601, 901, 1110, 1125, 1501, 1521, 1531 and 2203 of the
19 City Zoning Ordinance and Section 5.2 of the Oceanfront Resort District Form-Based
20 Code are hereby amended and reordained, to read as follows:
21

22 **ARTICLE 4. - AGRICULTURAL DISTRICTS**

23 **Sec. 401. Use regulations.**
24

25
26 (a) *Principal and conditional uses.* The following chart lists those uses permitted
27 within the AG-1 and AG-2 Agricultural Districts. Those uses and structures in the
28 respective agricultural districts shall be permitted as either principal uses indicated by a
29 "P" or as conditional uses indicated by a "C." Uses and structures indicated by an "X"
30 shall be prohibited in the respective districts. No uses or structures other than as
31 specified shall be permitted.
32

Use	AG-1	AG-2
. . . .		
Short term rental	C	C
Short term rental within the Sandbridge Special Service District,* <u>meeting all of the requirements of Section 241.2</u>	P	P

Short term rental within an STR Overlay District, <u>meeting all of the requirements of Section 241.2 and, where applicable, Section 2303</u>	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>
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ARTICLE 5. RESIDENTIAL DISTRICTS.

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Sec. 501. Use regulations.

(a) *Principal and conditional uses.* The following chart lists those uses permitted within the R-40 through R-2.5 Residential Districts. Those uses and structures in the respective residential districts shall be permitted as either principal uses indicated by a "P" or as conditional uses indicated by a "C." Uses and structures indicated by an "X" shall be prohibited in the respective districts. No uses or structures other than as specified shall be permitted.

Use	R-40	R-30	R-20	R-15	R-10	R-7.5	R-5D	R-5R	R-5S	R-2.5
....										
Short term rental	<u>C</u> <u>X</u>	<u>C</u> <u>X</u>	<u>C</u> <u>X</u>	<u>C</u> <u>X</u>	<u>C</u> <u>X</u>	<u>C</u> <u>X</u>	<u>C</u> <u>X</u>	<u>C</u> <u>X</u>	<u>C</u> <u>X</u>	<u>C</u> <u>X</u>
Short term rental within the Sandbridge Special Service District,* <u>meeting all of the requirements of Section 241.2</u>	P	P	P	P	P	P	P	P	P	P
Short term rental within an STR Overlay District, <u>meeting all of the requirements of Section 241.2 and, where applicable, Section 2303</u>	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>
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ARTICLE 6. - APARTMENT DISTRICTS

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Sec. 601. - Use regulations.

(a) *Principal and conditional uses.* The following chart lists those uses permitted within the A-12 through A-36 Apartment Districts. Those uses and structures in the respective apartment districts shall be permitted as either principal uses indicated by a "P" or as conditional uses indicated by a "C." Uses and structures indicated by an "X" shall be prohibited in the respective districts. No uses or structures other than as specified shall be permitted.

Use	A-12	A-18	A-24	A-36
Short term rental	<u>C</u> <u>X</u>	<u>C</u> <u>X</u>	<u>C</u> <u>X</u>	<u>C</u> <u>X</u>
Short term rental within the Sandbridge Special Service District,* <u>meeting all of the requirements of Section 241.2</u>	P	P	P	P
Short term rental within an STR Overlay District, <u>meeting all of the requirements of Section 241.2 and, where applicable, Section 2303</u>	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>
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ARTICLE 9. - BUSINESS DISTRICTS

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Sec. 901. - Use regulations.

(a) *Principal and conditional uses.* The following chart lists those uses permitted within the B-1 through B-4K Business Districts. Those uses and structures in the respective business districts shall be permitted as either principal uses indicated by a "P" or as conditional uses indicated by a "C." Uses and structures indicated by an "X" shall be prohibited in the respective districts. No uses or structures other than as specified shall be permitted.

Use	B-1	B-1A	B-2	B-3	B-4	B-4C	B-4K
....							
Short term rental	X	X	X	X	<u>C</u> <u>X</u>	<u>C</u> <u>X</u>	<u>C</u> <u>X</u>

Short term rental within the Sandbridge Special Service District,* <u>meeting all of the requirements of Section 241.2</u>	P	P	P	P	P	P	P
Short term rental within an STR Overlay District, <u>meeting all of the requirements of Section 241.2 and, where applicable, Section 2303</u>	X	X	X	X	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>
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79 **ARTICLE 11. - PLANNED DEVELOPMENT DISTRICTS**

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81 **Sec. 1110. - Land use regulation.**

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85 (c) Within a PD-H1 District, all of the principal uses and structures permitted within an
 86 A-12 Apartment District other than hospitals and sanitariums, together with the
 87 following enumerated uses and structures, shall be permitted:

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(d) Within a PD-H1 District, the following uses shall be allowed as conditional uses:

- (1) Communication towers;
- (2) Family day-care homes;
- (3) Group homes;
- (4) Kennels, residential;
- (5) Religious uses;
- (6) Wind energy conversion systems, free standing and roof-mounted; and

116
117 (7) Home-based wildlife rehabilitation facilities, provided that the principal
118 structure is a single-family dwelling and the lot is greater than two thousand
119 five hundred (2,500) square feet. ~~and~~

120
121 ~~(8) — Short term rental.~~

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123 **B. - PD-H2 PLANNED UNIT DEVELOPMENT DISTRICT**

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127 **Sec. 1125. - Allowed uses.**

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129 Within the PD-H2 District, only the following uses and structures shall be permitted:

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131 (a) *Principal uses and structures.*

- 132
133 (1) Dwelling units of the types specified in the land use plan;
134
135 (2) Public buildings, structures, and other public uses;
136
137 (3) Recreational facilities of the type described in the plan;
138
139 (4) Child care education centers, in connection with public or private
140 elementary schools or churches, provided that such uses shall not be
141 eligible for residential density credit;
142
143 (5) Day-care centers, provided that such uses shall not be eligible for
144 residential density credit;
145
146 (6) Public utilities installations and substations; provided offices or storage or
147 maintenance facilities shall not be permitted; and provided, further, that
148 utilities substations, other than individual transformers, shall be surrounded
149 by a wall, solid except for entrances and exits, or by a fence with a
150 screening hedge five (5) to six (6) feet in height; and provided also,
151 transformer vaults for underground utilities and like uses shall require only
152 a landscaped screening hedge, solid except for access opening; ~~and~~
153
154 (7) Home sharing meeting the requirements of section 209.6; ~~and~~

155
156 (c) *Conditional uses.*

- 157
158 (1) Religious uses, provided that such use shall not be eligible for residential
159 density credit;
160
161 (2) Family day-care homes; foster homes and group homes, provided that such
162 uses shall not be eligible for residential density credit;

- 163
 164 (3) Home occupations; ~~and~~
 165
 166 (4) Housing for seniors and disabled persons-; and
 167
 168 ~~(5) Short term rental;~~
 169
 170 (6) Short term rental within a STR Overlay District meeting all of the
 171 requirements of Section 241.2 and, where applicable, Section 2303.
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 175 **C. RT-1 RESORT TOURIST DISTRICT**

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 179 **Sec. 1501. Use regulations.**

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 181 (a) The following chart lists those uses permitted within the RT-1 Resort Tourist
 182 District as either principal uses, as indicated by a "P" or as conditional uses, as
 183 indicated by a "C." Conditional uses shall be subject to the provisions of Part C of
 184 Article 2 (section 220 et seq.). No uses or structures other than those specified
 185 shall be permitted. All uses, whether principal or conditional, should to the
 186 greatest extent possible adhere to the provisions of the Oceanfront Resort Area
 187 Design Guidelines.
 188

Use	RT-1
<u>Short term rental</u>	<u>X</u>
<u>Short term rental within an STR Overlay District, meeting all of the requirements of Section 241.2 and, where applicable, Section 2303</u>	<u>P</u>

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 192 **C. RT-3 RESORT TOURIST DISTRICT**

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 196 **Sec. 1521. Use regulations.**

198 (a) The following chart lists those uses permitted within the RT-3 Resort Tourist District
 199 as either principal uses, as indicated by a "P" or as conditional uses, as indicated by a
 200 "C." Conditional uses shall be subject to the provisions of Part C of Article 2 (section
 201 220 et seq.). Except for single-family, duplex, semidetached and attached dwellings,
 202 buildings within the RT-3 District may include any principal or conditional uses in
 203 combination with any other principal or conditional use. No uses or structures other than
 204 those specified shall be permitted. All uses, whether principal or conditional, should to
 205 the greatest extent possible adhere to the provisions of the Special Area Design
 206 Guidelines (Urban Areas) set forth in the Reference Handbook of the Comprehensive
 207 Plan.

Use	RT-3
.....	
Short term rental	C X
Short term rental within an STR Overlay District, <u>meeting all of the requirements of Section 241.2 and, where applicable, Section 2303</u>	P

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 211 **C. RT-4 RESORT TOURIST DISTRICT**

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 214 **Sec. 1531. Use regulations.**

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 216 (a) *Principal uses and structure:*

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 219 (5) Short term rental within an STR Overlay District, meeting all of the
 220 requirements of Section 241.2 and, where applicable, Section 2303

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223 **ARTICLE 22. - CENTRAL BUSINESS CORE DISTRICT**

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 227 **B. - DEVELOPMENT REGULATIONS**

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 231 **Sec. 2203. - Use regulations.**

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(a) The following chart lists those uses permitted within the Central Business Core District. Uses and structures shall be allowed either as principal uses, indicated by a "P", or as conditional uses, indicated by a "C." Uses and structures indicated by an "X" shall be prohibited, unless allowed by special exception for Alternative Compliance pursuant to Section 2205. No uses or structures other than as specified herein or as allowed pursuant to subsection (b) shall be permitted.

Use	District CBC
Short term rental	C X
Short term rental within an STR Overlay District, <u>meeting all of the requirements of Section 241.2 and, where applicable, Section 2303</u>	P-C

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APPENDIX 1. - OCEANFRONT RESORT DISTRICT FORM-BASED CODE

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Sec. 5.2. Permitted Use Table.

USE	MIXED-USE BUILDING		COMMERCIAL BUILDING	APARTMENT BUILDING	ROW HOUSE		DETACHED HOUSE	CIVIC BUILDING	Use Standard /Notes
	Ground Floor	Upper Floors	Ground Floor	All Floors	Ground Floor	Upper Floors	All Floors	All Floors	
LODGING									
....									
Short term rental	--	C--	--	--	C--	C--	C--	--	See Sec. 241.2
<u>Short term rental within an STR overlay District meeting the requirements of section 241.2 and, where applicable, Section 2303</u>		P			P	P	P		<u>See Sec. 241.2 and 2303 (c).</u>
....									

Adopted by the Council of the City of Virginia Beach, Virginia, on the _____ day of _____, 2021.

APPROVED AS TO CONTENT:

APPROVED AS TO LEGAL SUFFICIENCY:

Planning Department

City Attorney's Office

CA15115
R-7
June 3, 2021

REQUESTED BY VICE-MAYOR WOOD, AND COUNCILMEMBERS TOWER AND WILSON

1 AN ORDINANCE TO ADD ARTICLE 23,
2 CONSISTING OF SECTIONS 2300 THROUGH 2303,
3 (SHORT TERM RENTAL OVERLAY DISTRICTS) TO
4 THE CITY ZONING ORDINANCE ESTABLISHING
5 REGULATIONS AND REQUIREMENTS
6 PERTAINING TO SHORT TERM RENTALS IN EACH
7 OVERLAY DISTRICT
8

9 Sections Added: City Zoning Ordinance Sections
10 2300 - 2303
11

12 WHEREAS, the public necessity, convenience, general welfare and good zoning
13 practice so require;
14

15 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VIRGINIA
16 BEACH, VIRGINIA:
17

18 That Article 23 of the City Zoning Ordinance, consisting of Sections 2300 through
19 2303, is hereby added and ordained to read as follows:
20

21 **ARTICLE 23. SHORT TERM RENTAL OVERLAY DISTRICTS**
22

23 **Sec. 2300. Findings; intent.**
24

25 The Virginia General Assembly has directed that short term rentals shall be
26 permitted as a principal use in the area defined as the Sandbridge Special Service
27 District. In addition, the City Council hereby finds that there are certain areas of the City
28 in which residential dwellings are, and historically have been, rented to vacationers or
29 others on a short term basis. In these areas, the City Council finds that such use, when
30 appropriately regulated, may be carried on without adversely affecting the adjacent
31 residential neighborhoods. In other areas of the City, short term rentals are not
32 compatible with the residential use of the surrounding properties and are often the
33 cause of excessive noise, illegal or improper parking, traffic violations, congestion and
34 litter, thereby interfering with the quiet enjoyment of the residential neighborhood in
35 which they occur The provisions of this Article allow short term rentals, with appropriate
36 restrictions, only in those areas directed by the General Assembly and/or in such other

37 areas in which short term rentals may be carried on without adversely affecting the quiet
38 enjoyment of neighboring properties.

39 The North End STR Overlay is an area on the Atlantic Ocean that has seen a
40 proliferation of short term rentals for many years, and where rental of property during
41 the summer is a common experience that has not generated significant negative impact
42 to the community. Although the short term rental use is generally compatible within the
43 North End STR Overlay, the City Council finds that a continuing proliferation of the use
44 will fundamentally change the character of the community, negatively impact property
45 values and diminish the quality of life for year round residents. Therefore this use
46 should be limited within the North End STR Overlay to the percentage of short term
47 rentals currently existing as of November 2, 2020.

48 The OR STR Overlay is an area of the City that is more urbanized than other
49 areas. The area includes the Atlantic Ocean and the Virginia Beach Boardwalk.
50 Lodging accommodations and other commercial activity supporting the resort area and
51 tourism are prevalent in this area. Accordingly, short term rental density limitations are
52 unnecessary in this overlay.

53

54 **Sec. 2301. District boundaries.**

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56 (a) The Short Term Rental Overlay Districts boundaries shall be as
57 designated on the official zoning map of the city (STR).

58

59 (b) Other identified areas of the City may petition the City Council for an
60 overlay to be created if the identified community is able to gather the signatures of sixty
61 (60) percent of the owners of the properties in the community. Such communities shall
62 be pre-existing, and any new community boundaries may not be created for the purpose
63 of meeting the requirements of this section for creation of a short term rental overlay.

64

65 **Sec. 2302. Application of regulations.**

66

67 The designation of any property as lying within a Short Term Rental Overlay
68 District shall be in addition to, and not in lieu of, the underlying zoning district
69 classification of such property, such that any property situated in a Short Term Rental
70 Overlay District shall also lie within one or more of the zoning districts enumerated in
71 Section 102(a) of this ordinance. All such property shall be subject to the requirements
72 of this Article as well as to all other regulations applicable to it, and to the extent that
73 any provision of this Article conflicts with any other ordinance or regulation, the
74 provision of this Article shall control.

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76 **Sec. 2303. Use regulations.**

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(a) Subject to general requirements and to the regulations of the underlying zoning district, all uses and structures permitted as principal, conditional or accessory uses in the underlying zoning district in which they are located shall be so designated permitted within the Short Term Rental Overlay Districts.

(b) Short term rental overlay – North End and OR

a. Short term rentals in the OR STR Overlay District shall be a principal use, in the North End STR Overlay District they shall be a conditional use, if in compliance with the requirements of Section 241.2 as modified as follows:

- i. Add to condition (1): Parking spaces created to comply with this condition shall not add additional impervious area to the site. Area within a residential garage may be used for no more than one (1) required space provided the available area within the garage meets the dimensional requirements of this ordinance. used for required parking. Driveway area located within the city right of way may be utilized to meet the parking requirement provided there is no traffic impact and the location of the parking space does not block vehicular traffic or an existing sidewalk.
- ii. Add to condition (1): In the OR STR Overlay District there are certain condominium properties that have historically operated as short term lodging units and have not experienced any inconvenience to guests or the surrounding area without the required one (1) parking space per bedroom. Further, such properties are unable to provide the required parking on-site. For these condominium properties, the zoning administrator may, at his discretion, require one (1) parking space per dwelling unit similar to the requirement for lodging uses in the Oceanfront Resort District Form Bases Code (ORDFBC). Such properties must provide written evidence of their past use and the Zoning Administrator shall find that there is no public inconvenience with the current parking design.
- iii. Replacing condition (2): No events associated with the short term rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two (2)) on the property where the short term

- 116 rental is located. This short term rental may not request or
117 obtain a Special Event Permit under City Code Section 4-1.
- 118 iv. Replacing condition (3): The owner or operator must provide
119 the name and telephone number of a responsible person, who
120 may be the owner, operator or agent, who is available to be
121 contacted and to address conditions occurring at the short term
122 rental within thirty (30) minutes and to be physically present at
123 the short term rental within one (1) hour. Physical response to
124 the site of the short term rental is not required.
- 125 v. ~~Replacing condition (4): No signage shall be on site, except~~
126 ~~that each short term rental shall have one (1), four-square foot~~
127 ~~sign, posted on the building which identifies the property as a~~
128 ~~short term rental and has the telephone number of the~~
129 ~~responsible party in text large enough to be read from the~~
130 ~~public street. Architectural signs naming the structure are~~
131 ~~excluded from this limitation.~~
- 132 vi. Replacing condition (8): A short term rental shall have no
133 more than fifty-two (52) rental contracts during a calendar year
134 than one (1) contract for every seven (7) consecutive days.
- 135 vii. Replacing condition (11): The maximum number of persons on
136 the property after 11:00 p.m. and before 7:00 a.m. (“Overnight
137 Lodgers”) shall be two (2) individuals per bedroom, which
138 number shall not include minors under the age of 16, provided
139 that in no event case may the total number of persons staying
140 overnight at the property exceed the number of approved
141 bedrooms multiplied by three (3).
- 142 viii. For properties located within the boundaries of the Residential
143 Parking Permit Program (RPPP), while the short term rental
144 use is active, parking passes issued for the subject dwelling
145 unit(s) through the Residential Parking Permit Program (RPPP)
146 shall be limited to two resident passes only. Guest and
147 temporary passes through the RPPP shall not be permitted.
- 148 ix. Density limitations for short term rentals in the North End STR
149 Overlay shall be a maximum of 10.6% of all dwelling units in
150 the overlay (255 STRs).
- 151
- 152 (c) The use regulations of this section shall not apply to short term
153 rentals within a Short Term Rental Overlay District that were
154 grandfathered at the time of adoption of the short term rental
155 ordinance, which properties shall be subject exclusively to the
156 provisions of section 241.2. The use regulations of this section
157 shall also not apply to short term rentals within a Short Term
158 Rental Overlay District that are operating under the provisions of

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a conditional use permit, which properties are governed by the provisions of section 241.2 and the conditions of the permit.

Adopted by the Council of the City of Virginia Beach, Virginia, on the _____ day of _____, 2021.

APPROVED AS TO CONTENT:

APPROVED AS TO LEGAL SUFFICIENCY:

Planning Department

City Attorney's Office

CA15116
R-13
June 14, 2021

REQUESTED BY VICE-MAYOR WOOD AND COUNCILMEMBER JONES

1 AN ORDINANCE ESTABLISHING TRANSITION RULES
2 FOR THE REVIEW OF CONDITIONAL USE PERMITS FOR
3 SHORT TERM RENTALS
4

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

8 WHEREAS, the City Council has referred to the Planning Commission ordinances
9 creating the West Shore Drive Short Term Rental Overlay, East Shore Drive Short Term
10 Rental Overlay, North End Short Term Rental Overlay and Oceanfront Resort Short Term
11 Rental Overlay and providing new regulations that would be applicable to a short term
12 rental use within those overlays; and
13

14 WHEREAS, the referred ordinances would allow the short term rental use only in
15 those areas mandated by the General Assembly and in Short Term Rental Overlays;
16

17 WHEREAS, the short term rental use would no longer be authorized through the
18 granting of a conditional use permit if the referred ordinances are adopted; and
19

20 WHEREAS, it is the sense of the City Council that special transition rules should
21 be adopted to govern applications for conditional use permits for short term rentals that
22 are filed but not approved prior to the referral date of the Ordinances.
23

24 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
25 VIRGINIA BEACH, VIRGINIA:
26

27 Any application for a conditional use permit for a short term rental accepted
28 prior to the date of referral shall be processed based upon the law existing at the
29 time of submission. Any application accepted after the date of referral shall be
30 considered based upon the law applicable at the time of City Council consideration.
31 No application shall be unnecessarily delayed.
32

33 BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF VIRGINIA
34 BEACH, VIRGINIA:
35

36 That nothing in this ordinance shall be construed to affect any vested rights which
37 existed as of the effective date of the Ordinance.
38

Adopted by the Council of the City of Virginia Beach, Virginia, on the _____ day
of _____, 2021.

APPROVED AS TO CONTENT:

APPROVED AS TO LEGAL SUFFICIENCY:

Planning Department

City Attorney's Office

CA15137
R-3
September 4, 2020