



City of Virginia Beach

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VIRGINIA BEACH, VA 23456-9001

September 11, 2020

The Honorable Robert M. Dyer, Mayor
Members of City Council

**Subject: Short Term Rental (STR) Regulation Changes Proposed by
Vice Mayor Wood and Councilman Jones**

Dear Mayor and Council Members:

Please see the attached presentation regarding proposed STR regulation changes, scheduled for the September 15 Council meeting agenda. Should you have any questions or comments please contact me at 385-4242 or Bobby Tajan at 385-5802.

Sincerely,

Patrick A. Duhaney
City Manager

PAD/RJT/pas

Attachment

c: Robert J. Tajan, Director, Planning & Community Development

PROPOSED SHORT TERM RENTAL REGULATION CHANGES

City Council Briefing

September 15, 2020

Robert Tajan, AICP CFM – Planning Director

General overview of changes

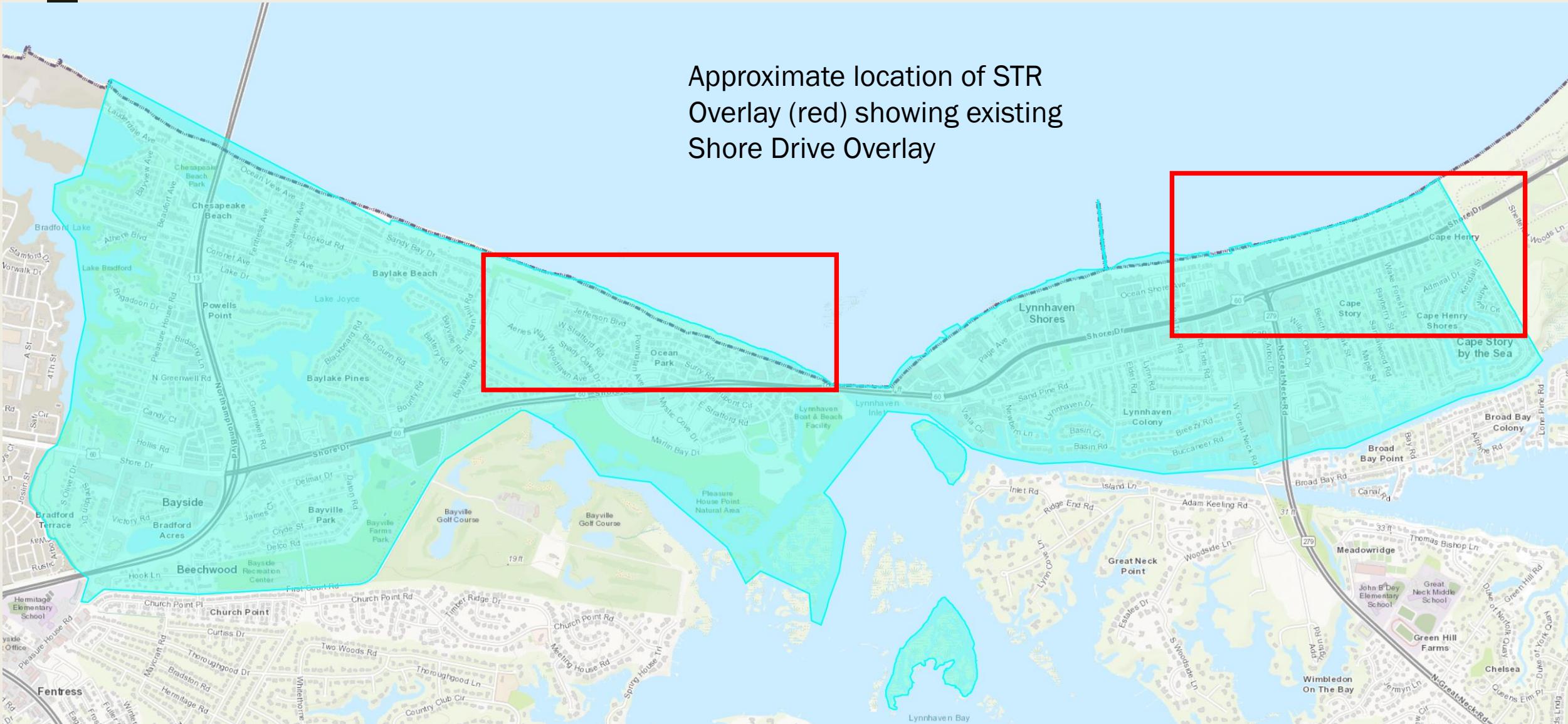
- Allow STRs, by-right, in certain specific locations of the City if they meet criteria
- No Conditional Use Permits – STRs cannot operate elsewhere in the City
- Regulations for Sandbridge are not changed
- Regulations for other areas where STRs are permitted reflect current City Council imposed conditions on STRs with modification on number of rentals and required response by property owner or representative

“Allow STRs, by-right, in certain specific locations of the City if they meet criteria”

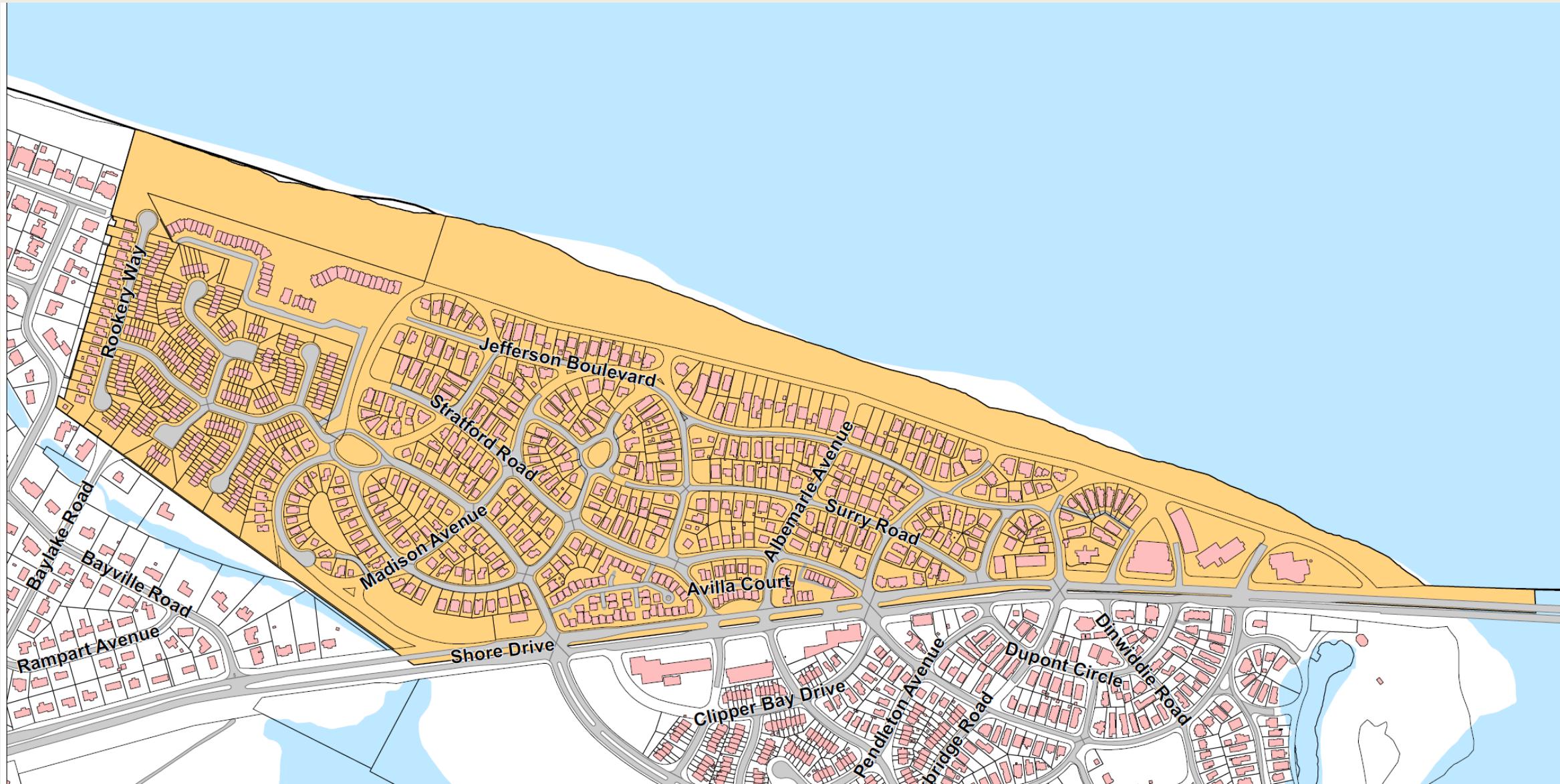
- Rezone specific areas to Short Term Rental Overlay Districts
 - *West Shore Drive*
 - *East Shore Drive*
 - *North End*
 - *Oceanfront Resort*
- If properties are located in one of these overlays and can meet the criteria of the Zoning Ordinance, the STR is permitted as a matter of right
- Permit to operate issued by Zoning

Shore Drive Overlay District

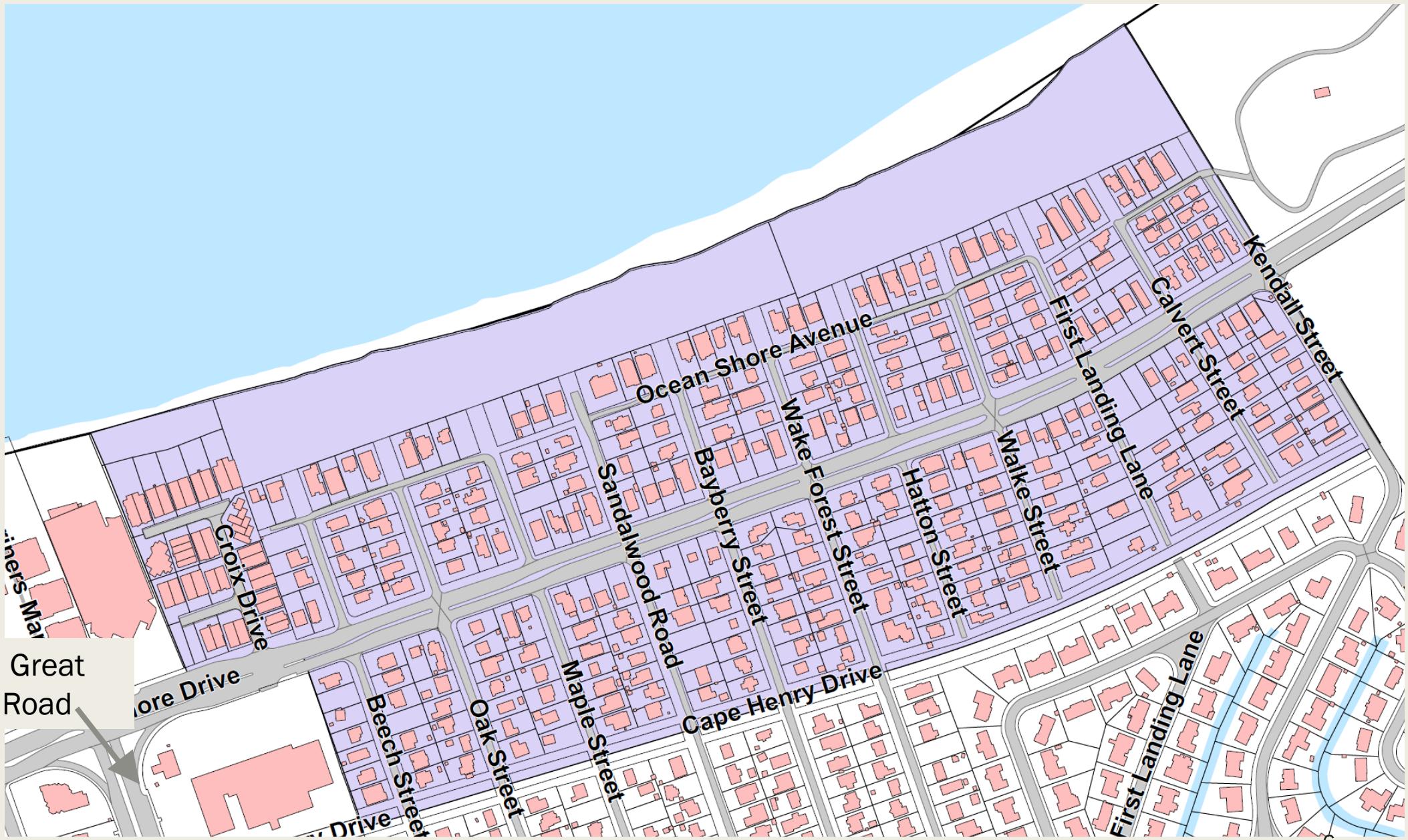
Approximate location of STR
Overlay (red) showing existing
Shore Drive Overlay



STR Overlay – West Shore Drive



STR Overlay – East Shore Drive



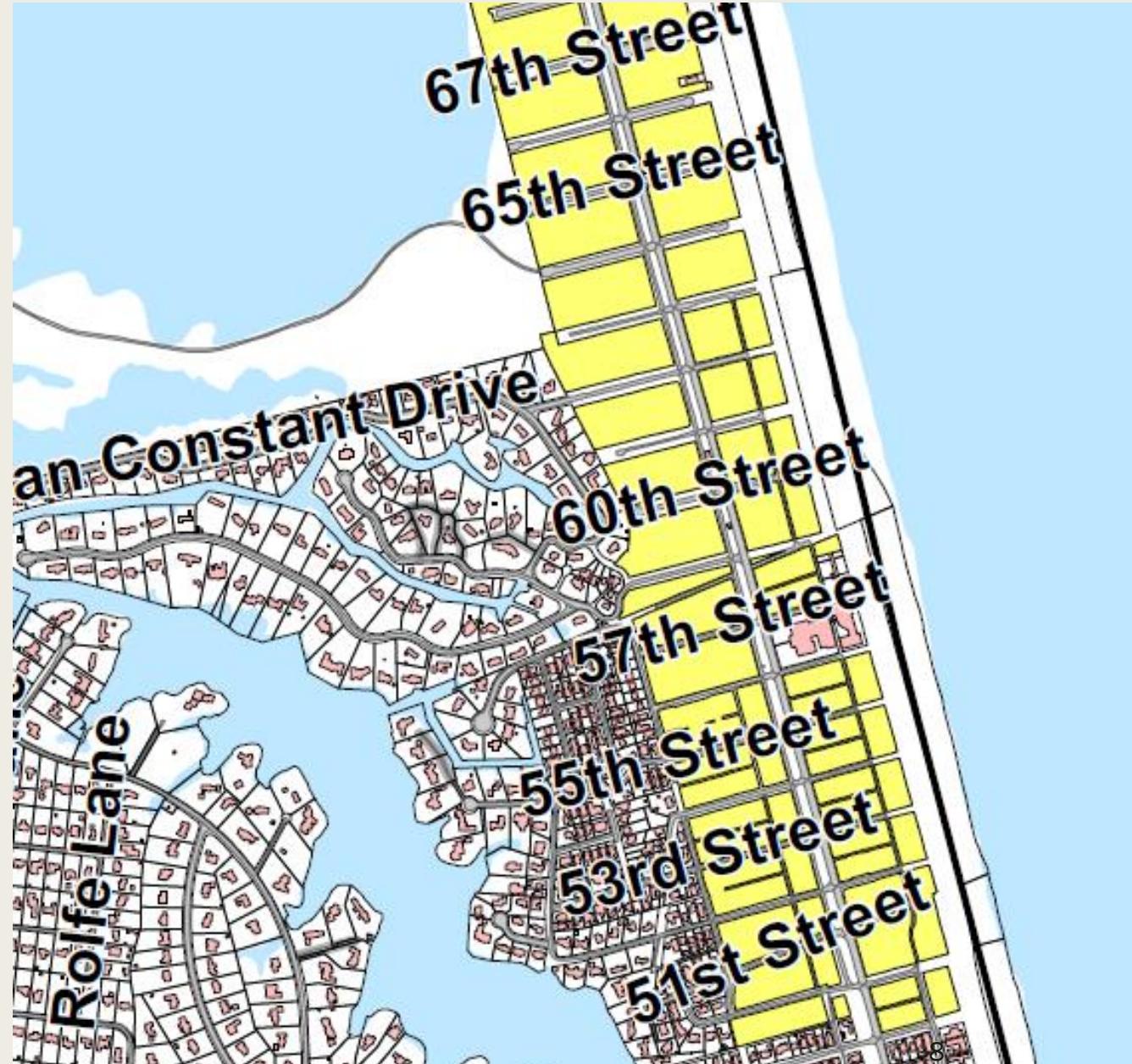
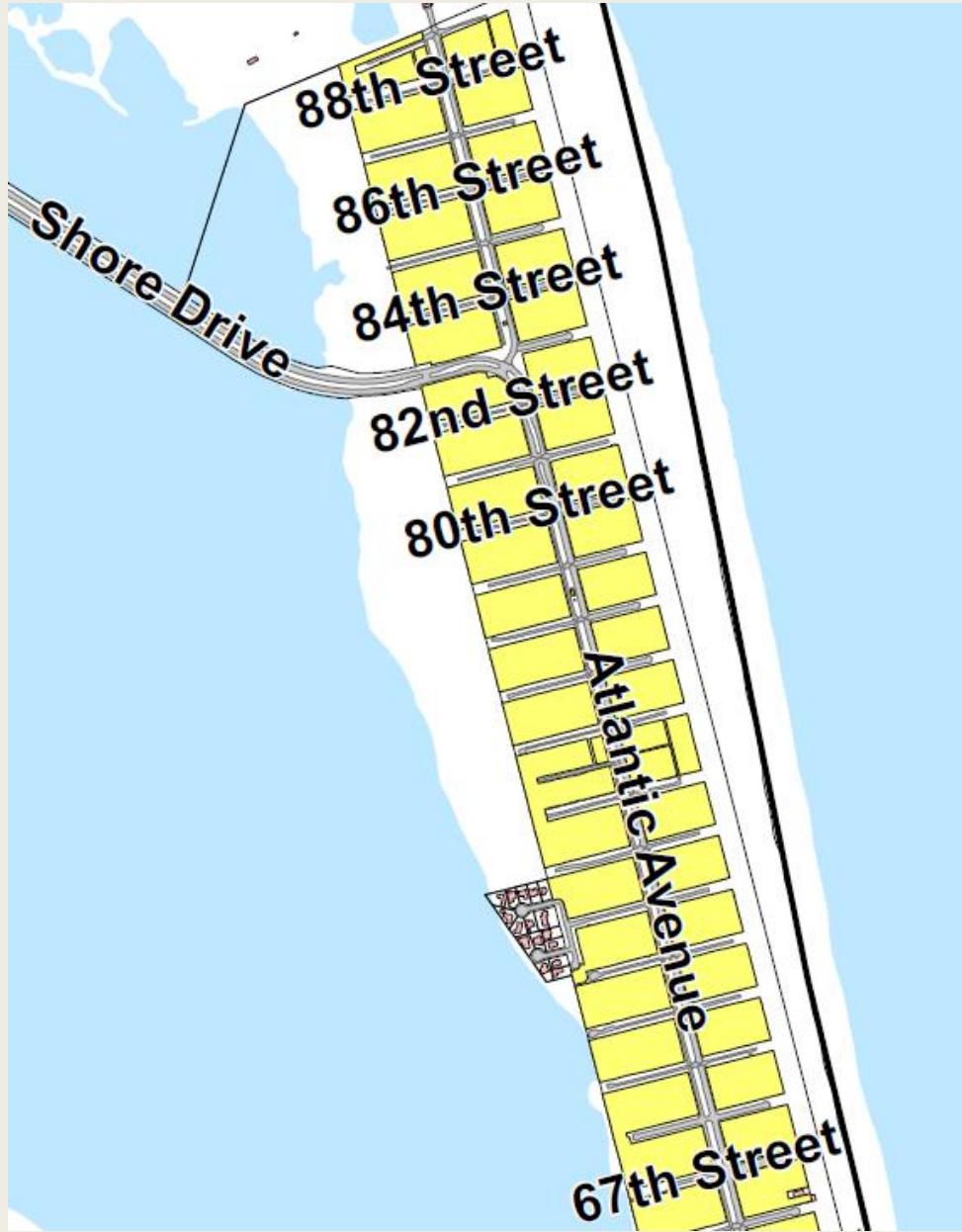
North End Overlay District



Approximate location of STR Overlay (red) showing existing North End Overlay

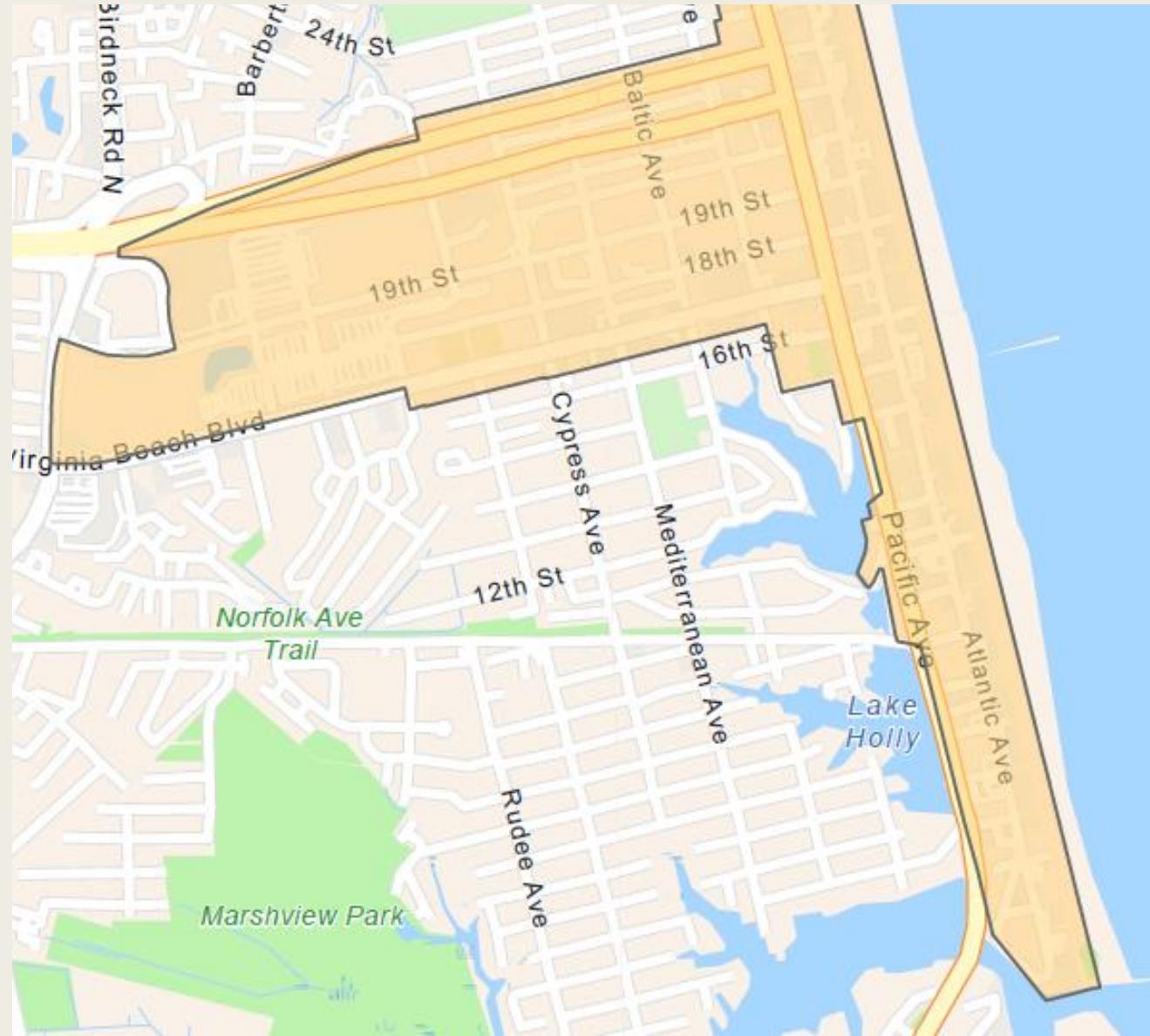


STR Overlay – North End



STR Overlay District Oceanfront Resort

OR Zoning District = STR Overlay



“No Conditional Use Permits – STRs cannot operate elsewhere in the City”

- STR will not be permitted outside of Overlay Districts
- Allows for pre-existing defined areas that can obtain 60% of owners to agree to request a rezoning to add an STR Overlay for a specific area
 - *City Council may consider additional Overlays without this requirement*
- Does not affect properties located in Sandbridge SSD (Code of VA and Zoning)
- Existing Conditional Use Permits expire in 5 years
 - *Those outside of overlays will not be permitted to operate when STR expires*
 - *Those located within overlays will be required to operate within the new rules at time of expiration*
 - *Owner may “give up” their Conditional Use Permit to operate under rules in place*

“Regulations for Sandbridge are not changed”

- Properties located within Sandbridge SSD are permitted to operate STR if they meet current criteria as set forth in Section 241.2 of the Zoning Ordinance
- No changes proposed to Section 241.2 of the Zoning Ordinance at this time

“Regulations for other areas where STRs are permitted reflect current City Council imposed conditions on STRs with modification on number of rentals and required response by property owner or representative”

- New section added specifically for STR Overlay Districts which details additional regulations
- Parking
 - *Parking created to meet requirements in Overlays are required to be impervious*
 - *One parking space may be counted for the garage that meets the minimum parking space dimension*
 - *Parking in driveway that is located in right of way is permitted to count so long as it does not block vehicular or pedestrian traffic*

“Regulations for other areas where STRs are permitted reflect current City Council imposed conditions on STRs with modification on number of rentals and required response by property owner or representative”

- Maximum number of persons on the property between 11 p.m. and 7 a.m. limited to a calculation of 2 per bedroom
 - *Number does not include minors under the age of 16 not to exceed a total of 3 per bedroom*
- No events with guests that are above the number allowed guests per night as calculated at 2 per bedroom
- If located within the Residential Parking Permit Program no temporary or guest passes are permitted
- Number of rentals limited to 52 per year
- Owner or representative must be able to physically respond to the property within 30 minutes

Proposed timeline

- September 15 - City Council Briefing
- October 6 – City Council Vote on referral
- October 14 – Planning Commission Briefing
- November 4 – Planning Commission Public Hearing
- November 17 – City Council Public Comment
- December 1 – City Council Public Hearing/Vote



Additional Slides for information and as needed.

**An Ordinance to amend Section 104 to allow civil penalties
for the violation of Section 241.2 pertaining to
Short Term Rentals**

Staff recommends Approval

Planning Commission voted 9 to 0 to recommend Approval

Currently violation is a criminal penalty. Civil penalties allow for zoning inspectors to issue a fine for violations of regulations of 241.2 or operating without approval

- \$200 penalty for initial summons
- \$500 penalty for each additional summons

**An Ordinance to amend Section 241.2 pertaining to the
revocation of grandfather status and City Council findings for
Short Term Rental uses**

Staff recommends Approval

Planning Commission voted 4 to 4, results in recommendation of Denial

1. Grandfathered STRs that have ceased to operate for two or more years shall have their grandfather status revoked by the Planning Director.
 - Aligns with current regulations regarding nonconforming uses
2. Required Findings provide a basis for which staff, Planning Commission and City Council can evaluate and ultimately approve/deny an application.
 1. Density of STRs in immediate vicinity do not change the characteristics of the surrounding neighborhood.
 2. Parking is readily available. On-site parking is visually appealing and environmentally responsible. Off-site parking reasonable and practical.
 3. Increased occupancy of property is compatible with residential neighborhood to mitigate impacts of noise, trash, and other negative consequences.
 4. STRs are a needed resource in certain areas of the City, particularly those in close proximity to venues, districts and areas that generate high volume of visitors.
 - **PLANNING COMMISSION MOTIONED TO APROVE CHANGING GRANDFATHERED TIMEFRAME TO 5 YEARS AND TO ELIMINATE FINDINGS #1 AND #4, MOTION FAILED WITH 4 VOTES FOR, 4 AGAINST**
 - **PLANNING COMMISSION MOTIONED TO APPROVE CHANGING GRANDFATHERED TO 5 YEARS AND FINDINGS AS DRAFTED, MOTION FAILED WITH 4 VOTES FOR, 4 AGAINST**

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

Staff recommends Approval

Planning Commission voted 9 to 0 to recommend Approval as
amended

Old Beach Overlay District:

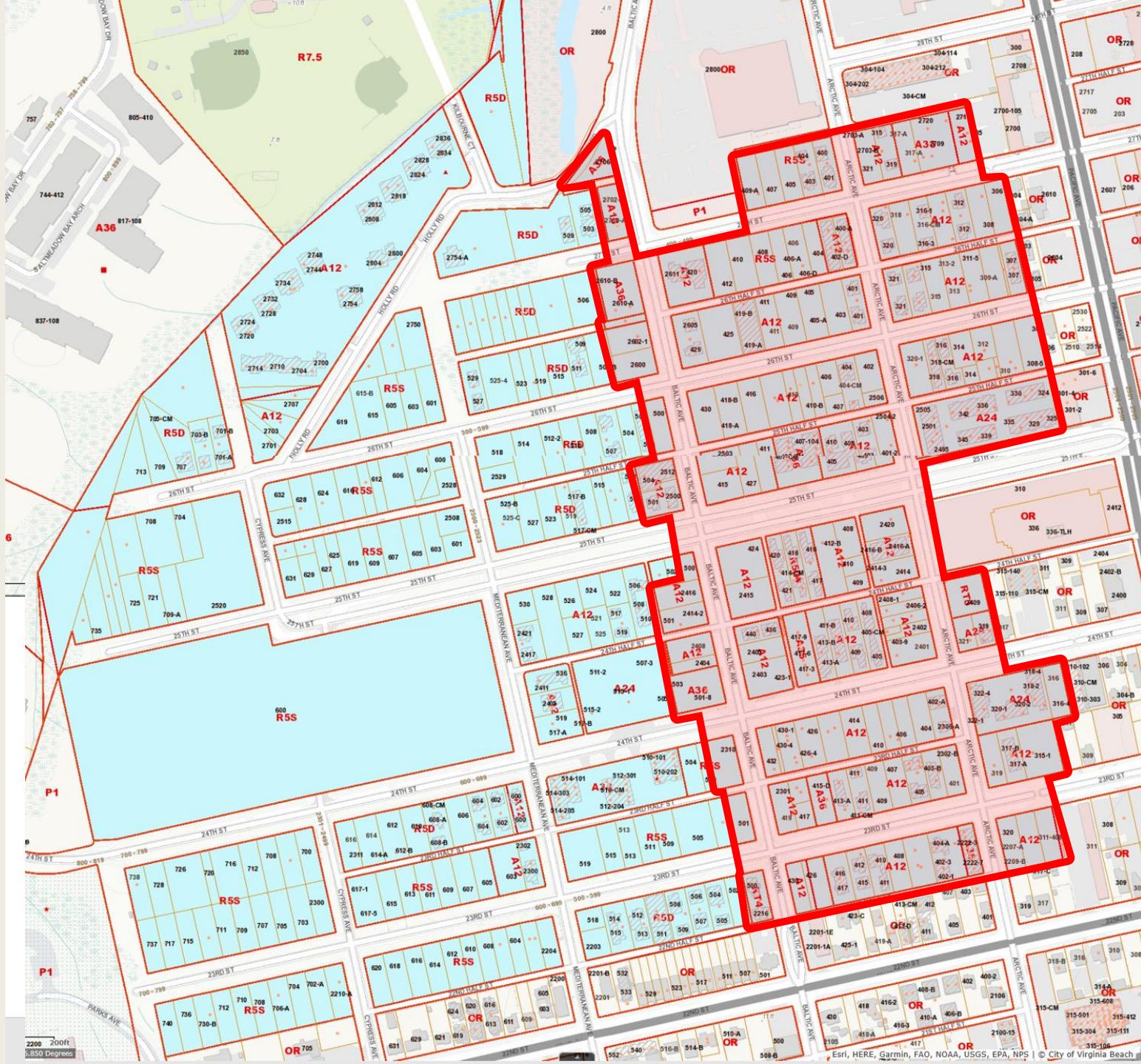
Allows STRs by-right provided:

1. All requirements of Section 241.2 are met
2. STR is principal residence and owned by the operator

If requirements not met, a CUP cannot be applied for

Allows for only one STR per property owner

PLANNING COMMISSION RECOMMENDED PROPERTIES EAST OF BALTIC AVENUE AND PROPERTIES WITH FRONTAGE ON BALTIC AVENUE ARE PERMITTED BY-RIGHT IF THEY MEET REQUIREMENTS OF 241.2, PROPERTIES WEST OF BALTIC AVENUE ARE PERMITTED BY RIGHT IF THEY MEET REQUIREMENTS OF 241.2 AND ARE THE PRIMARY RESIDENCE OF THE PROPERTY OWNER.



**An Ordinance to establish transitional rules for the review of
Conditional Use Permits for property in the
Old Beach Overlay District**

Staff recommends Approval

Planning Commission voted 8 to 0 to recommend Approval

Proposed Ordinance will be effective immediately upon approval by City Council

Any CUP applications that are submitted or under review prior to the date of referral of this Ordinance will be reviewed under the regulations at time of submittal

Any CUP application submitted after referral required to comply with regulations in place at time of City Council hearing

**Summary of Short Term Rental Ordinance Amendments Proposed By Vice Mayor
Wood and Councilmember Jones**

This package addressing short term rentals consists of 6 documents. Each of these documents are attached under numbered tabs, which are utilized for reference in this summary. A short description of each document follows:

1. A resolution referring five ordinances to the Planning Commission for its consideration and recommendation. (Tab 1)

This resolution requires the Planning Commission to make its recommendations regarding the proposed ordinances within 100 days of referral; however, it is expected that the Planning Commission will act in a shorter period of time.

2. An ordinance creating four new Short Term Rental Overlay Districts. (Tab 2)

The four new Overlay Districts are:

- a. West Shore Drive
- b. East Shore Drive
- c. North End, and
- d. Oceanfront Resort.

3. An ordinance amending the City Zoning Map to incorporate the boundaries of the newly created Short Term Rental Overlay Districts. (Tab 3)

A written description and maps of each new overlay district are found here.

4. An ordinance providing revised regulations for short term rentals within the newly created overlay districts. (Tab 4)

These regulations supplement or modify the existing regulations relating to Short Term Rentals, which are presently codified in Section 241.2 of the City Zoning Ordinance.

5. An ordinance amending the use tables to regarding Short Term Rentals. (Tab 5)

The use tables identify short term rentals as a permitted use subject to the revised regulations in the Short Term Rental Overlay Districts and prohibited elsewhere in the city, with the exception of Sandbridge, where they are by right per the prior action of the General Assembly.

6. An ordinance providing for transition rules for CUP applications received after the date of the referral of these items to the Planning Commission. (Tab 6)

Conditional use permit applications accepted by the planning department prior to the referral date of these ordinances would be processed and decided under existing law. Applications accepted after referral would be subject to the law applicable at the time the application was heard by City Council (i.e., these applicants run the risk their applications will be

denied because they do not get to City Council before the proposed amendments eliminating conditional use permits are approved).

General Description of the Changes Proposed

These amendments remove short term rentals from the conditional use permit process. Short term rentals will be permitted by right only in Sandbridge (per state law) and in Short Term Rental Overlay Districts. (See generally Tab 5.) Short term rentals will not be an allowed use elsewhere in the city unless they were grandfathered at the time of adoption of the initial Short Term Rental Ordinance or have previously obtained a conditional use permit.

The amendments initially create four Short Term Rental Overlay Districts (Tab 2, Section 102 (a1)(6)), but provide that other areas of the City may petition the City Council to create a new overlay if 60 percent of the owners within an existing community sign the petition. (Tab 4, Section 2301 (b)). As previously discussed, this 60 percent threshold is not required by state law and, in effect, is a measure for when staff would bring forward a resolution proposing consideration of a new overlay district. Notwithstanding this provision, a Councilmember could bring forward a resolution for the consideration of new overlay district whenever the Councilmember felt, based on sound zoning principles, that it was appropriate to do so. Any such proposal would be referred to the Planning Commission for recommendation and then ultimately decided by City Council.

Modified Conditions for Short Term Rental Uses in Overlay Districts

New short term rentals within overlay districts will be required to meet the existing use requirements found in Section 241.2 of the City Zoning Ordinance, with some modifications and additions, which are found in Tab 4, Section 2303(b). The new or amended conditions are generally consistent with conditions City Council has recently been imposing on properties receiving conditional use permits or that Council has discussed when considering applications for such permits. The new or modified conditions include:

- A. The number of contracts has been changed from 2 per week to 52 per calendar year.
- B. The number of persons permitted overnight has been changed from 3 per bedroom to 2 per bedroom. Children under the age of 16 are not included in the count, except that the total number of persons permitted overnight in the house, notwithstanding the age restriction, will still be equal to 3 persons per bedroom.
- C. No events associated with the short term rental will be permitted on the property with more than the maximum number of persons permitted to stay overnight. No special events permits may be issued.
- D. Parking requirements are clarified:
 - i. A residential garage may be used to accommodate only one of the required parking spaces.
 - ii. Driveway space within the right of way may be used to satisfy the parking requirement provided it does not interfere with traffic and does not block an existing sidewalk.
 - iii. Additional spaces may not be created on site using impervious materials.
- E. The owner of his agent must be able to physically respond to the property within 30 minutes.

F. No property within the RPP may utilize guest or temporary passes for the short term rental use.

(Tab 4, Section 2303 (b)).

These new or modified conditions do not apply to grandfathered short term rentals or to short term rentals in Sandbridge. (Tab 4, Section 2303(c)). Those properties will continue to be governed by the conditions adopted in the initial Short Term Rental Ordinance, which are set out in Section 241.2 of the City Zoning Ordinance. Likewise, properties with existing conditional use permits will be governed by the conditions in Section 241.2 and their permit. A property within a Short Term Rental Overlay District could surrender their conditional use permit and then be governed by the regulations in place. This may happen for properties that are treated more favorably under the new regulations (e.g., where a property would be entitled to 52 contracts per year versus 1 per week). Once a conditional use permit expires, that property would be subject to the general rules set forth in the ordinance, i.e., they would be permitted by right in a Short Term Rental Overlay District subject to the use restrictions in Section 241.2 and 2303(b) or they would not be permitted if not within a Short Term Rental Overlay District.

TAB 1

A resolution referring five ordinances to the Planning Commission for its consideration and recommendation

REQUESTED BY VICE-MAYOR WOOD AND COUNCILMEMBER JONES

1 A RESOLUTION REFERRING TO THE PLANNING
2 COMMISSION ORDINANCES TO AMEND THE CITY ZONING
3 ORDINANCE PERTAINING TO SHORT TERM RENTALS: TO
4 AMEND SECTION 102 OF THE CITY ZONING ORDINANCE
5 ESTABLISHING SHORT TERM RENTAL OVERLAY
6 DISTRICTS—WEST SHORE DRIVE, EAST SHORE DRIVE
7 NORTH END AND OCEANFRONT RESORT; TO ADD
8 ARTICLE 23, CONSISTING OF SECTIONS 2300 TO 2303,
9 (SHORT TERM RENTAL OVERLAY DISTRICTS) TO THE
10 CITY ZONING ORDINANCE ESTABLISHING REGULATIONS
11 AND REQUIREMENTS PERTAINING TO SHORT TERM
12 RENTALS IN EACH OVERLAY DISTRICT; TO AMEND THE
13 OFFICIAL ZONING MAP BY THE DESIGNATION AND
14 INCORPORATION OF PROPERTY INTO SHORT TERM
15 RENTAL OVERLAY DISTRICTS—WEST SHORE DRIVE,
16 EAST SHORE DRIVE, NORTH END AND OR DISTRICT; TO
17 AMEND SECTIONS 401, 501, 601, 901, 1110, 1125, 1521 AND
18 2203 OF THE CITY ZONING ORDINANCE AND SECTION 5.2
19 OF THE OCEANFRONT RESORT DISTRICT FORM-BASED
20 CODE PERTAINING TO THE REQUIREMENTS AND USE OF
21 SHORT TERM RENTALS AND OVERLAYS; ESTABLISHING
22 TRANSITIONS RULES FOR THE REVIEW OF CONDITIONAL
23 USE PERMITS FOR SHORT TERM RENTALS IN THE SHORT
24 TERM RENTAL OVERLAYS

25
26 WHEREAS, the public necessity, convenience, general welfare and good zoning
27 practice so require;

28
29 WHEREAS, concern has been expressed that the density of short term rentals is
30 increasing too rapidly and that the number of short term rentals will make the city appear
31 vacant during the off season; and

32
33 WHEREAS, the five (5) ordinances are to amend the City Zoning Ordinance to 1)
34 create four short term rental overlay districts, 2) to establish the conditions for each overlay
35 district, 3) to amend the official zoning map with the four overlays, 4) to amend the
36 requirements for short term rentals in each zoning district, and, 5) provide transition rules for

37 short term rental conditional use permit applications; and

38

39 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF VIRGINIA BEACH,
40 VIRGINIA:

41

42 There are hereby referred to the Planning Commission, for its consideration and
43 recommendation the five (5) ordinances attached hereto.

44

45 BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF VIRGINIA
46 BEACH, VIRGINIA:

47

48 That the Planning Commission be, and hereby is, directed in accordance with Virginia
49 Code Section 15.2-2229 to transmit to the City Council its recommendations concerning the
50 aforesaid amendments no later than one hundred (100) days after the date of the adoption
51 of this Resolution.

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

APPROVED AS TO LEGAL SUFFICIENCY:

City Attorney's Office

CA15135

R-6

September 11, 2020

TAB 2

An ordinance creating four new Short Term Rental Overlay Districts

REQUESTED BY VICE-MAYOR WOOD AND COUNCILMEMBER JONES

AN ORDINANCE TO AMEND SECTION 102
OF THE CITY ZONING ORDINANCE
ESTABLISHING SHORT TERM RENTAL
OVERLAY DISTRICTS - WEST SHORE
DRIVE, EAST SHORE DRIVE, NORTH END
AND OCEANFRONT RESORT

Section Amended: § 102 of the City Zoning Ordinance

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

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

That Section 102 of the City Zoning Ordinance is hereby amended and reordained to read as follows:

Sec. 102. - Establishment of districts and official zoning maps.

2 3 4 5

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

(1) Shore Drive Corridor Overlay District ("SD"):

(2) North End Overlay District ("NE"):

(3) Old Beach Overlay District ("OB"):

(4) Historic Kempsville Area Overlay District ("HK"):

(5) Workforce Housing Overlay District ("WE"); and

(6) Short Term Rental Overlay District ("STR")

a. West Shore Drive ("STR-W")

b. East Shore Drive ("STR-E")

c. North End ("STR-NE")

d. Oceanfront Resort ("STR-OR")

43 Such districts shall be designated on the official zoning map by an appropriate notation
44 following the designation of the underlying zoning district. As an illustration, property in

45 the Shore Drive Corridor Overlay District and in the B-4 Mixed Use District shall be
46 designated on the official zoning map as having the classification "B-4(SD)."

47
48 . . .
49

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

APPROVED AS TO CONTENT:

APPROVED AS TO LEGAL SUFFICIENCY:

Planning Department

CA15136
R-2
August 3, 2020

City Attorney's Office

TAB 3

An ordinance amending the City Zoning Map to incorporate the boundaries of the newly created Short Term Rental Overlay Districts

REQUESTED BY VICE-MAYOR WOOD AND COUNCILMEMBER JONES

AN ORDINANCE TO AMEND THE OFFICIAL
ZONING MAP BY THE DESIGNATION AND
INCORPORATION OF PROPERTY INTO
SHORT TERM RENTAL OVERLAY
DISTRICTS—WEST SHORE DRIVE; EAST
SHORE DRIVE, NORTH END; AND OR
DISTRICT

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

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

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

- 1) That property located in the Shore Drive Overlay District on the west side of the Lesner Bridge and bounded as follows: Starting at the western terminus of the Lesner Bridge heading west along Shore Drive to the North Eastern property line of the property known as 3336 Baylake Road, heading Northwest along the property lines to Indian Hill Road, heading North along the rear property lines of properties fronting on Rookery Way to the Chesapeake Bay, heading East to the Lesner Bridge, as depicted by the attached map labeled "Short Term Rental Overlay-West Shore Drive;" **[Technical revisions pending, substance will be the same]**
- 2) That property located in the Shore Drive Overlay District on the east side of the Lesner Bridge and bounded as follows: from the centerline of Cape Henry Drive and its continuation north along the eastern property line of the property addressed 2817 Shore Drive (GPIN: 15904016980000), to the centerline of Shore Drive, west along the centerline of Shore Drive, then its continuation north along eastern property line of the property addressed 2800 Shore Drive (GPIN: 15903180160000) to the Chesapeake Bay; then its continuation east along the Chesapeake Bay to the western property line of First Landing State Park; then its continuation south along the western property line of First Landing State Park; then its continuation east along the centerline Cape Henry Drive and depicted by the attached map labeled, "Short Term Rental Overlay-East Shore Drive." **[Technical revisions pending, substance will be the same]**

42

43

44 3) That property located in the North End Overlay and depicted as such on the
45 Official City Zoning Map, except for that area located west of the intersection
46 of Holly Road and 58th Street; south to 49th Street as shown by the attached
47 map labeled "Short Term Rental Overlay—North End;"

48

49 4) That property located in the City of Virginia Beach, zoned as Oceanfront Resort
50 District and depicted as such on the Official City Zoning Map as shown on the
51 attached map labeled "Short Term Rental Overlay—OR District;

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

APPROVED AS TO CONTENT:

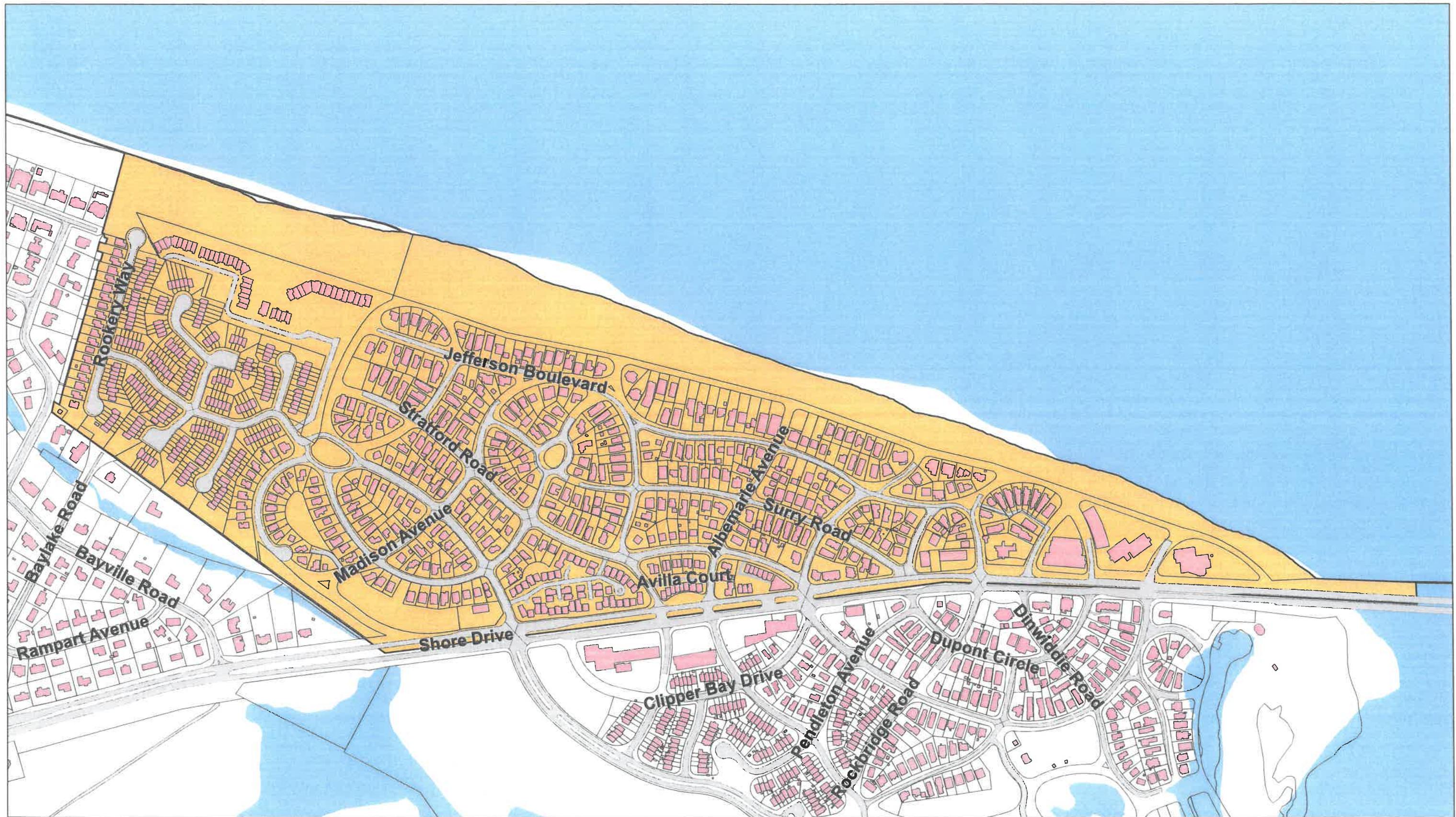
APPROVED AS TO LEGAL SUFFICIENCY:

Planning Department

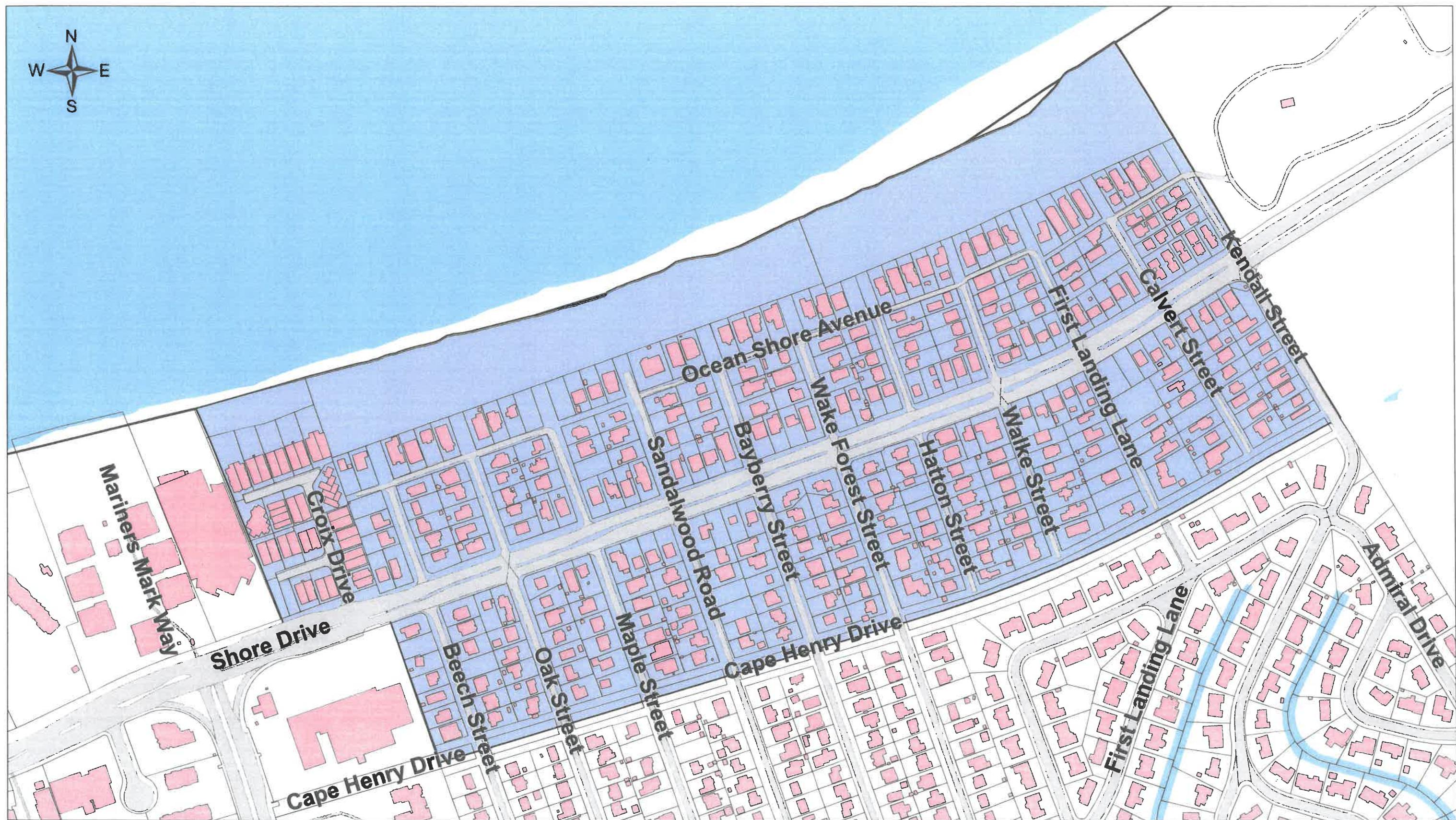
CA15117
R-2
September 4, 2020

City Attorney's Office

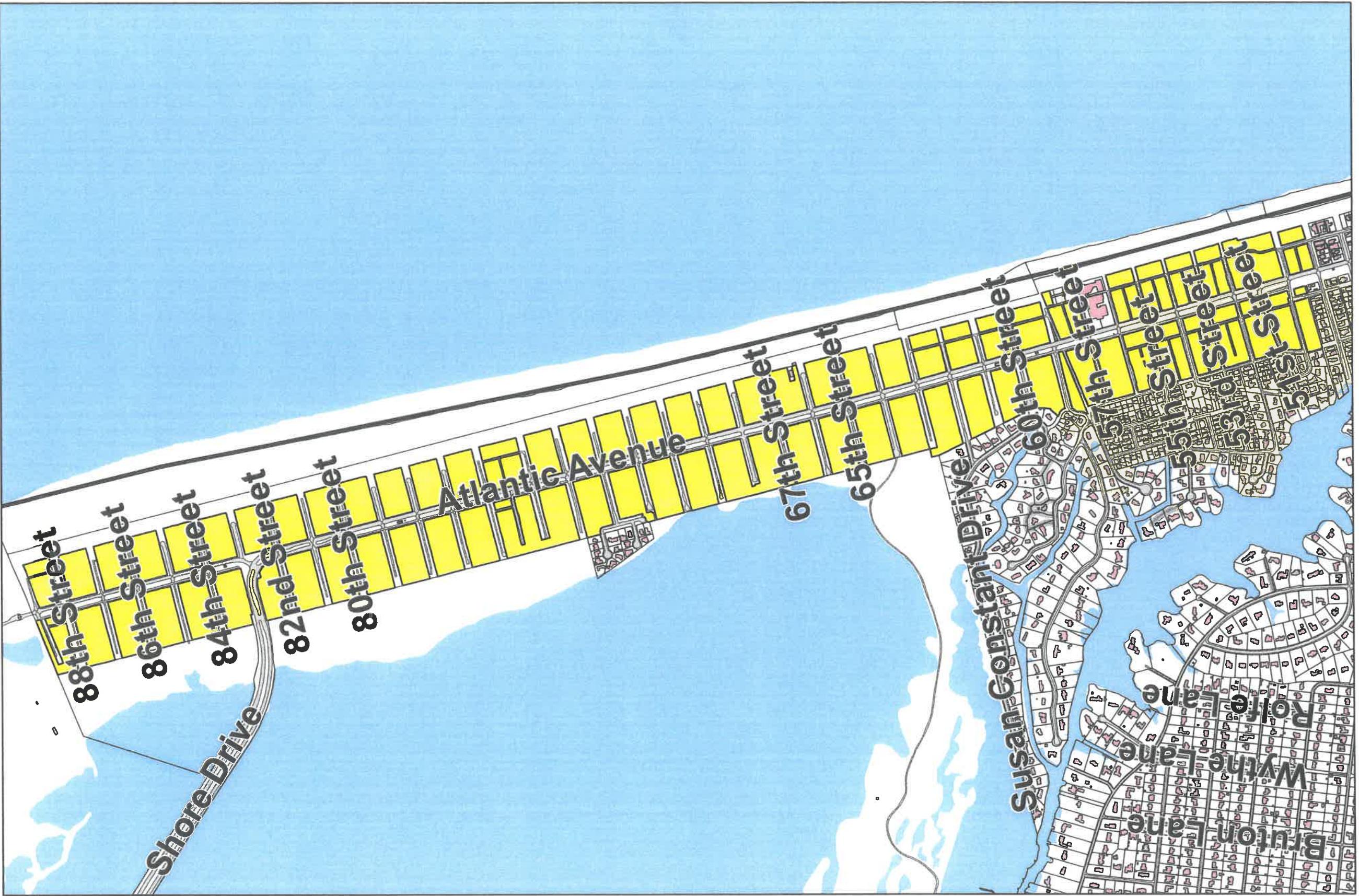
Short Term Rentals Overlay-West Shore Drive

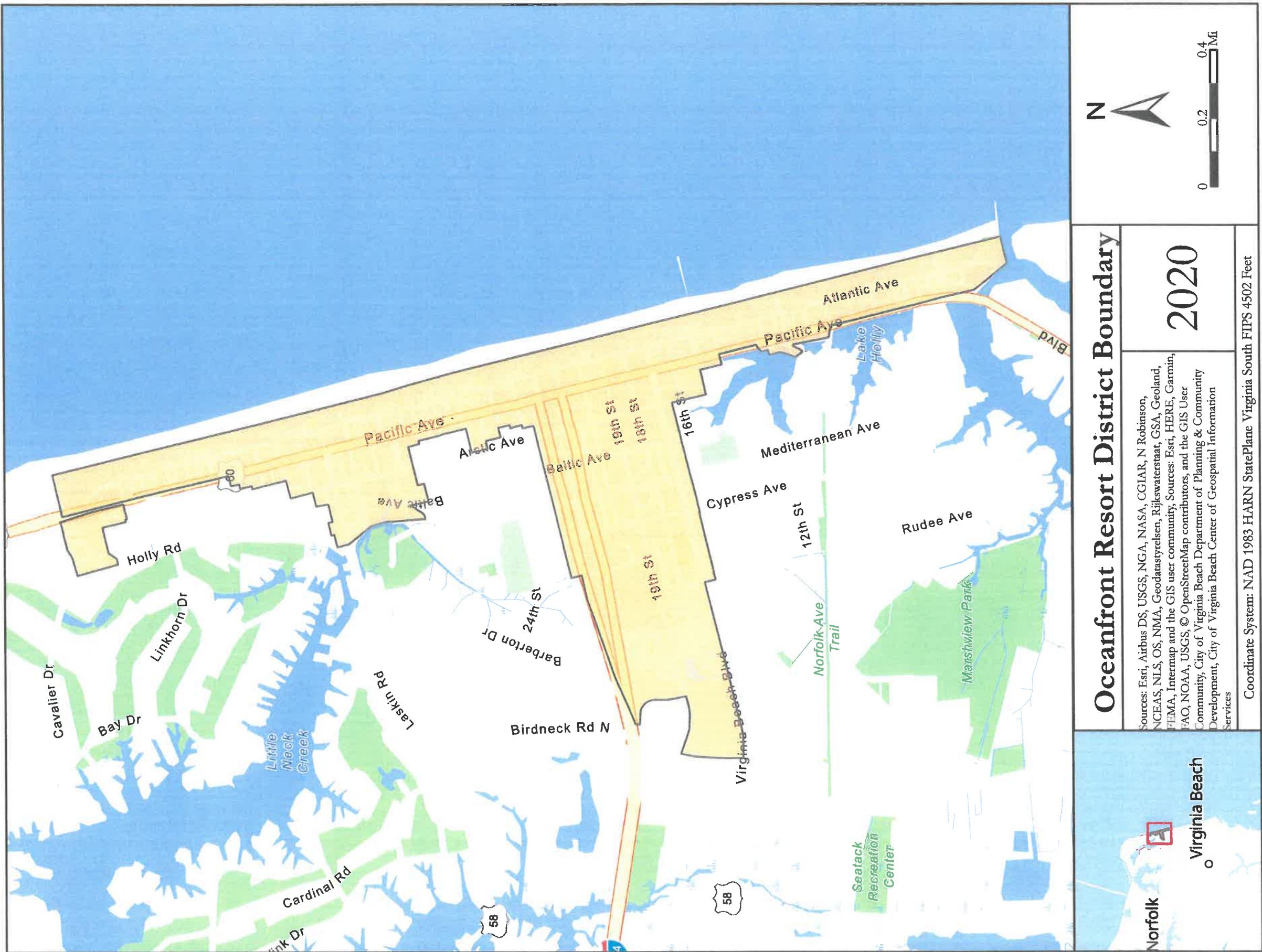


Short Term Rentals Overlay-East Shore Drive



Short Term Rentals Overlay—North End





TAB 4

An ordinance providing revised regulations for short term rentals with in the newly created overlay districts

REQUESTED BY VICE-MAYOR WOOD AND COUNCILMEMBER JONES

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

Sections Added: City Zoning Ordinance Sections
2300 - 2303

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

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

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

ARTICLE 23. SHORT TERM RENTAL OVERLAY DISTRICTS

Sec. 2300. Findings; intent.

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

39 The East Shore Drive and West Shore Drive Overlays are an area where multi-
40 family dwellings are common and are located very close to the Chesapeake Bay, where
41 rentals have been long established. Other areas of the Shore Drive Overlay contain
42 more single-family dwellings and are not as compatible with the activities of a short term
43 rental. The North End Overlay is also an area on the Atlantic Ocean that has seen a
44 proliferation of rentals for many years, and where rental of property during the summer
45 is a common experience, that does not increase the problems of strangers in a
46 neighborhood. The OR Overlay is in an area of the City that is more urbanized than
47 other areas. Commercial property and establishments are common, and there are few
48 neighborhoods that would be adversely impacted by short term rentals.

49

50 **Sec. 2301. District boundaries.**

51

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

54

55 (b) Other identified areas of the City may petition the City Council for an
56 overlay to be created if the identified community is able to gather the signatures of sixty
57 (60) percent of the owners of the properties in the community. Such communities shall
58 be pre-existing, and new community boundaries may not be created for the purpose of
59 meeting the requirements of this section for creation of a short term rental overlay.
60 Nothing in this section shall prohibit a member of the City Council from offering a
61 resolution proposing the creation of an overlay district.

62

63 **Sec. 2302. Application of regulations.**

64

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

73

74 **Sec. 2303. Use regulations.**

75

76 (a) Subject to general requirements and to the regulations of the underlying
77 zoning district, all uses and structures permitted as principal, conditional or accessory

78 uses in the underlying zoning district in which they are located shall be permitted
79 within the Short Term Rental Overlay Districts.

80
81 (b) Short term rental overlay – West Shore Drive, East Shore Drive, North
82 End and OR

83 a. Short term rental shall be a principal use if it complies with the
84 requirements of Section 241.2 as modified as follows:

85

86 i. Add to condition (1): Parking spaces created to comply with
87 this condition shall not add additional impervious area to the
88 site. Area within a residential garage may be used for no more
89 than one (1) required space provided the available area within
90 the garage meets the dimensional requirements of this
91 ordinance. Driveway area located within the city right of way
92 may be utilized to meet the parking requirement provided there
93 is no traffic impact and the location of the parking space does
94 not block an existing sidewalk.

95 ii. Replacing condition (2): No events associated with the short
96 term rental shall be permitted with more than the allowed
97 number of people who may stay overnight (number of
98 bedrooms times two (2)) on the property where the short term
99 rental is located. This short term rental may not request or
100 obtain a Special Event Permit under City Code Section 4-1
101 (8a).

102 iii. Replacing Condition (3): The owner or operator must provide
103 the name and telephone number of a responsible person, who
104 may be the owner, operator or an agent of the owner or
105 operator, who is available to be contacted and to address
106 conditions occurring at the short term rental within thirty (30)
107 minutes. The owner or agent must be capable of physically
108 responding to the site of the short term rental within thirty (30)
109 minutes at all times while the property is rented.

110 iv. Replacing condition (8): A short term rental shall have no
111 more than fifty-two (52) rental contracts during a calendar year.

112 v. Replacing condition (11): The maximum number of persons on
113 the property after 11:00 p.m. and before 7:00 a.m. ("Overnight
114 Lodgers") shall be two (2) individuals per bedroom, which
115 number shall not include minors under the age of 16, provided
116 that in no event may the total number of persons staying

overnight at the property exceed the number of approved bedrooms multiplied by three (3).

vi. While the short term rental use is active, parking passes issued for the subject dwelling unit(s) through the Residential Parking Permit Program (RPPP) shall be limited to two resident passes only. Guest and temporary passes through the RPPP shall not be permitted.

(c) The use regulations of this section shall not apply to short term rentals within a Short Term Rental Overlay District that were grandfathered at the time of adoption of the short term rental ordinance, which properties shall be subject exclusively to the provisions of section 241.2. The use regulations of this section shall also not apply to short term rentals within a Short Term Rental Overlay District that are operating under the provisions of 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 _____, 2020.

APPROVED AS TO CONTENT:

APPROVED AS TO LEGAL SUFFICIENCY:

Planning Department

City Attorney's Office

CA15116

R-4

September 11, 2020

TAB 5

An ordinance amending the use tables regarding Short Term Rentals

REQUESTED BY VICE-MAYOR WOOD AND COUNCIL MEMBER JONES

AN ORDINANCE TO AMEND SECTIONS 401, 501, 601, 901, 1110, 1125, 1521 AND 2203 OF THE CITY ZONING ORDINANCE AND SECTION 5.2 OF THE OCEANFRONT RESORT DISTRICT FORM-BASED CODE PERTAINING TO THE REQUIREMENTS AND USE OF SHORT TERM RENTALS AND OVERLAYS

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

WHEREAS, the public necessity, convenience, general welfare and good zoning practice so require:

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

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

ARTICLE 4. - AGRICULTURAL DISTRICTS

Sec. 401. Use regulations.

(a) *Principal and conditional uses.* The following chart lists those uses permitted within the AG-1 and AG-2 Agricultural Districts. Those uses and structures in the respective agricultural 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	AG-1	AG-2
....		
Short term rental	<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
Short term rental within an STR Overlay District, <u>meeting all of the</u>	P	P

requirements of Section 241.2 and, where applicable, Section 2303

33

34 ARTICLE 5. RESIDENTIAL DISTRICTS.

35

36

37

38 Sec. 501. Use regulations.

39

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

46

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	C X									
Short term rental within the Sandbridge Special Service District,* <u>meeting all of the</u> <u>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</u> <u>Section 241.2 and, where applicable,</u> <u>Section 2303</u>	P	P	P	P	P	P	P	P	P	P
....										

47

48

49

50 ARTICLE 6. - APARTMENT DISTRICTS

51

52

53

54 **Sec. 601. - Use regulations.**

55

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

62

Use	A-12	A-18	A-24	A-36
Short term rental	C X	C X	C X	C X
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</u> <u>requirements of Section 241.2 and, where applicable, Section 2303</u>	P	P	P	P
....				

63

64

65 **ARTICLE 9. - BUSINESS DISTRICTS**

66

67

....

68

69 **Sec. 901. - Use regulations.**

70

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

77

Use	B-1	B-1A	B-2	B-3	B-4	B-4C	B-4K
....							
Short term rental	X X	X X	X X	X X	C X	C X	C X

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	P	P	P
....							

78

79 ARTICLE 11. - PLANNED DEVELOPMENT DISTRICTS

80

81 Sec. 1110. - Land use regulation.

82

83

84

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:

88

89 (1) Fraternity and sorority houses, student dormitories and student centers;

90

91 (2) Housing for seniors and disabled persons, with a conditional use permit;

92

93 (3) Marinas;

94

95 (4) Private clubs or social centers provided that clubs where conduct of commercial
96 affairs is a principal activity shall not be permitted; and

97

98 (5) Residential care for seniors, provided that no more than two (2) employees
99 including a bona fide resident of the dwelling shall be permitted; and

100

101 (6) Home sharing meeting the requirements of section 209.6.

102

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

104

105 (1) Communication towers;

106

107 (2) Family day-care homes;

108

109 (3) Group homes;

110

111 (4) Kennels, residential;

112

113 (5) Religious uses;

114

115 (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.

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

123 **Sec. 1125. - Allowed uses.**

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

125 **(a) Principal uses and structures.**

126 (1) Dwelling units of the types specified in the land use plan;

127 (2) Public buildings, structures, and other public uses;

128 (3) Recreational facilities of the type described in the plan;

129 (4) Child care education centers, in connection with public or private
130 elementary schools or churches, provided that such uses shall not be
131 eligible for residential density credit;

132 (5) Day-care centers, provided that such uses shall not be eligible for
133 residential density credit;

134 (6) Public utilities installations and substations; provided offices or storage or
135 maintenance facilities shall not be permitted; and provided, further, that
136 utilities substations, other than individual transformers, shall be surrounded
137 by a wall, solid except for entrances and exits, or by a fence with a
138 screening hedge five (5) to six (6) feet in height; and provided also,
139 transformer vaults for underground utilities and like uses shall require only
140 a landscaped screening hedge, solid except for access opening; and
141

142 (7) Home sharing meeting the requirements of section 209.6; and
143

144 (8) Short term rental within a STR Overlay District meeting all of the
145 requirements of Section 241.2 and, where applicable, Section 2303.

146 **(c) Conditional uses.**

147 (1) Religious uses, provided that such use shall not be eligible for residential
148 density credit;

163
164 (2) Family day-care homes; foster homes and group homes, provided that such
165 uses shall not be eligible for residential density credit;
166
167 (3) Home occupations; and
168
169 (4) Housing for seniors and disabled persons.; and
170
171 (5) ~~Short term rental.~~
172
173
174

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

176
177
178
179 **Sec. 1521. Use regulations.**

180
181 (a) The following chart lists those uses permitted within the RT-3 Resort Tourist District
182 as either principal uses, as indicated by a "P" or as conditional uses, as indicated by a
183 "C." Conditional uses shall be subject to the provisions of Part C of Article 2 (section
184 220 et seq.). Except for single-family, duplex, semidetached and attached dwellings,
185 buildings within the RT-3 District may include any principal or conditional uses in
186 combination with any other principal or conditional use. No uses or structures other than
187 those specified shall be permitted. All uses, whether principal or conditional, should to
188 the greatest extent possible adhere to the provisions of the Special Area Design
189 Guidelines (Urban Areas) set forth in the Reference Handbook of the Comprehensive
190 Plan.

Use	RT-3
....	
Short term rental	<u>C</u> <u>X</u>

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

191
192 **ARTICLE 22. - CENTRAL BUSINESS CORE DISTRICT**

193
194
195
196 **B. - DEVELOPMENT REGULATIONS**

197

198

199

200 **Sec. 2203. - Use regulations.**

201

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

208

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

209

210 **APPENDIX 1. - OCEANFRONT RESORT DISTRICT FORM-BASED CODE**

211

212

213

214

Sec. 5.2. Permitted Use Table.

215

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

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

APPROVED AS TO CONTENT:

Planning Department

CA15115
R-2
September 4, 2020

APPROVED AS TO LEGAL SUFFICIENCY:

City Attorney's Office

TAB 6

An ordinance providing for transition rules for CUP applications received after the date of the referral of these items to the Planning Commission

REQUESTED BY VICE-MAYOR WOOD AND COUNCILMEMBER JONES

AN ORDINANCE ESTABLISHING TRANSITION RULES
FOR THE REVIEW OF CONDITIONAL USE PERMITS FOR
SHORT TERM RENTALS IN THE SHORT TERM RENTAL
OVERLAYS

WHEREAS, the public necessity, convenience, general welfare and good zoning practice so require:

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

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

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

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

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

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

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

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

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

APPROVED AS TO CONTENT:

APPROVED AS TO LEGAL SUFFICIENCY:

Planning Department

CA15137
R-4
September 11, 2020

City Attorney's Office