

1 AN ORDINANCE TO AMEND CHAPTER 4 OF THE CITY CODE
2 BY ADDING NEW SECTIONS 4-85 THROUGH 4-90, DEFINING
3 EVENT FACILITIES AND SETTING FORTH REGULATIONS
4 PERTAINING TO THE SAME
5

6 City Code Sections Added: City Code Sections 4-85, 4-86, 4-87 4-
7 88, 4-89 and 4-90
8

9 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VIRGINIA
10 BEACH, VIRGINIA:
11

12 That Chapter 4 of the City Code is hereby amended and reordained by the
13 addition of City Code Sections 4-85, 4-86, 4-87 4-88 4-89 and 4-90 defining event
14 facilities and setting forth regulations pertaining to the same, to read as follows:
15

16 **CHAPTER 4. AMUSEMENTS**
17

18
19

20 **ARTICLE IV. EVENT FUNCTIONS.**
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22 **Sec. 4-85. Intent.**
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24 The intent of this article is to regulate the rental of houses in residential
25 neighborhoods for the purpose of holding large events such as weddings, receptions
26 and similar activities so as to protect such neighborhoods from the adverse impacts of
27 such events. The provisions of this article allow limited rentals of homes for purposes of
28 having large events in residential neighborhoods, while preserving the predominately
29 residential character of the neighborhood. It is not the purpose or intent of this article to
30 prohibit or require permits for family gatherings and similar activities that are ordinarily
31 and customarily carried on in residential neighborhoods.
32

33 **COMMENT**
34

35 The section sets forth the intent of the ordinance in regulating certain events held in houses
36 in residential areas.
37

38 **Sec 4-86. Findings.**
39

40 The City Council finds that:
41

42 (a) Dwellings in residential areas that are primarily used, maintained, or
43 advertised as locations that may be rented on a short-term basis for functions and
44 special events such as weddings, retreats, meetings and other gatherings of invited

45 guests who are not using the structure for habitable purposes, are often the cause of
46 excessive noise, illegal or improper parking, traffic violations, congestion and litter, and
47 can interfere with the quiet enjoyment of the residential neighborhood in which they
48 occur. The rental of property for such purposes is a commercial use and, unless
49 restricted, is incompatible with surrounding homes.

50
51 (b) There is a need to balance residential and commercial interests where the
52 two types of activity are carried on in close proximity to each other and where
53 commercial activities unreasonably disturb the tranquility and harmony of the residential
54 neighborhoods in which such activities take place. Accordingly, in residential areas, the
55 City has allowed commercial activities, such as home occupations, only on a limited
56 basis and with sufficient safeguards to protect against excessive commercial activity in
57 residential neighborhoods and the attendant adverse impacts of such activity. Where
58 commercial activity occurs in residential neighborhoods, the health, safety and welfare
59 of residents must be protected by minimizing noise, unruly conduct, unlawful parking,
60 litter, and other adverse effects of the use of residential structures for commercial uses.

61
62 COMMENT

63
64 The section sets forth the City Council's findings regarding the use of homes as rented sites
65 for certain types of gathering that constitute commercial uses.

66
67 **Sec. 4-87. Definitions.**

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69 As used in this article, the following definitions apply:

70
71 *Duplex.* A freestanding building having a permanent foundation, containing two
72 (2) dwelling units, entirely surrounded by a yard and located in a predominantly
73 residential area.

74
75 *Dwelling, single-family.* A freestanding building having a permanent foundation,
76 containing one (1) dwelling unit, entirely surrounded by a yard and located in a
77 predominantly residential area. Mobile homes, travel trailers, housing mounted on self-
78 propelled or drawn vehicles, tents or other forms of temporary or portable housing are
79 not included within this definition.

80
81 *Dwelling unit.* A room or rooms connected together, constituting an independent
82 housekeeping unit and including permanent provisions for living, sleeping, eating,
83 cooking and sanitation.

85 Event Function. An assembly of persons at a single-family dwelling or duplex for
86 a wedding, reception, retreat, meeting or other similar gathering of invited guests, where
87 the total number of attendees at any time exceeds fifty (50) people and the property on
88 which the event function is held is designed, maintained, advertised or held out as a
89 destination for gatherings of invited guests.

90
91 Assemblies or gatherings that constitute special events as provided in section 4-
92 1(a)(3) shall not be included in this definition.

93
94 COMMENT

95
96 The section sets forth the definition of "event function" and the terms that are used in
97 defining that term.

98
99 **Sec. 4-88. Requirements; violations.**

100 (a) No person or entity shall hold, organize or sponsor any event function
101 unless a permit therefor has been granted pursuant to the provisions of this article.

102 (b) Any person who violates any of the provisions of this article shall, upon
103 conviction thereof, be guilty of a misdemeanor punishable by a fine of not less than two
104 hundred fifty dollars (\$250.00) nor more than one thousand dollars (\$1,000.00);
105 provided, however, that any person found to be in violation of any provision of the
106 Virginia Statewide Fire Prevention Code, as may be modified or amended in Article III of
107 Chapter 12 of the City Code, or of the Virginia Uniform Statewide Building Code,
108 including the model codes and provisions thereof incorporated by reference therein,
109 shall be subject to the penalties prescribed therein, respectively.

110 (c) In addition to and not in lieu of any other penalty, any violation of this
111 Article may be enjoined by a court of competent jurisdiction upon application by the City.

112
113 COMMENT

114
115 The section sets forth the basic requirement that a permit be issued prior to the staging of
116 any event function, and also prescribes the penalties for violations of the ordinance.

117
118 **Sec. 4-89. Permits; permit requirements.**

119 (a) An application for a permit required by this article shall be made to the city
120 manager or his designee, accompanied by a nonrefundable processing fee in the
121 amount of Two Hundred Dollars (\$200.00). The application shall be submitted not less

122 than sixty (60) days prior to the date of the proposed event function. The application
123 shall contain the following information, utilizing a form provided by the city manager:
124

125 (1) A description of the proposed event function, including the
126 anticipated number of attendees, whether the proposed event
127 function is to be held outdoors or indoors or both, and whether
128 amplified music is to be provided;
129

130 (2) The date, beginning and ending times, and location of the proposed
131 event function;
132

133 (3) Specific provisions for litter control, traffic control, and parking;
134

135 (4) Copies of the notices provided to adjacent property owners and
136 owners of property required by subsection (c);
137

138 (5) The name, address and telephone number of an individual who
139 shall be responsible for ensuring compliance with the provisions of
140 this article and the conditions of the permit;
141

142 (6) A certificate of compliance from the building official stating that the
143 property on which the proposed event function is to be held meets
144 all applicable requirements of the Virginia Uniform Statewide
145 Building Code, including the model codes and provisions thereof
146 incorporated by reference therein, which certificate shall have been
147 issued no more than twelve (12) months prior to the date of the
148 proposed event function; and
149

150 (7) Such additional information as the city manager or his designee
151 may reasonably require in order to determine whether the proposed
152 event function meets the requirements of this article.
153

154 (b) A completed application shall be processed and either granted or denied
155 within thirty (30) days of receipt of a completed application meeting the requirements of
156 subsection (a). Such decision shall be in writing and set forth the conditions of the
157 permit, if granted, or the reasons for denial. The decision shall be provided to the
158 applicant at the address stated in the application. Any application that is incomplete
159 shall be returned by the city manager or his designee to the applicant within five (5)
160 working days with a statement of the deficiencies in the application.
161

162 (c) The applicant shall notify the owner or owners of all properties any portion
163 of which is located within five hundred (500) feet of the nearest portion of the property
164 on which the event function is to be held of the application for a permit to hold an event
165 function. Such notice shall state, at a minimum:

- 166
- 167 (1) The date and beginning and ending times of the proposed event;
- 168
- 169 (2) The anticipated number of attendees;
- 170
- 171 (3) The name, address and telephone number of the city office to
172 which the application has been made;
- 173
- 174 (4) That comments can be filed with the city office referenced above
175 within fifteen (15) days of the date of the application and that office
176 shall provide notice of the decision to grant or deny the application
177 to anyone who comments on the application; and
- 178
- 179 (5) The name and telephone number of the responsible party required
180 by subsection (a)(5).

181

182 (d) The permit shall be granted if the following conditions are met:

183

- 184 (1) Adequate parking, other than on public streets, will be provided by
185 shuttle services, on-site parking or public parking lots, such that
186 parked vehicles will not unreasonably interfere with the normal use
187 of such streets and emergency vehicles, waste collection vehicles,
188 school buses and other vehicles used in the performance of public
189 functions will not be impeded;
- 190
- 191 (2) The proposed activity does not present a safety or health risk to
192 attendees or to persons residing in the neighborhood, including, but
193 not limited to the use of, fireworks, bonfires, lanterns that are set
194 aloft or discharging of firearms;
- 195
- 196 (3) The proposed activity is compatible with the surrounding area or
197 neighborhood, in consideration of anticipated noise, traffic, crowd
198 capacity, vehicular parking and other identifiable factors; and
- 199
- 200 (4) The applicant has provided proof of liability insurance underwritten
201 by insurers acceptable to the city, indemnifying the city, its officers,

employees and agents, against any, suits, claims and losses which may arise in connection with the proposed activity. Such coverage shall be in amounts consistent with a standard schedule approved by the city manager, based upon risks associated with each type of event, in consideration of anticipated attendance;

(e) The city manager or his designee may impose, as conditions to granting a permit, such further requirements and restrictions as will reasonably protect the public health, safety, welfare, peace and order. Such conditions may include, but are not limited to:

(1) The payment of a reasonable fee for the use or allocation of city property, equipment and personnel not exceeding the actual costs incurred by the city in connection with the proposed activity; and the posting of a performance bond or other surety securing payment of such fee;

(2) The provision of adequate crowd and traffic control, security, fire protection, food handling, waste and refuse disposal, and noise restrictions;

(3) The duration, location and number of any portable storage containers; and

(4) The requirement to provide security personnel, registered by the Department of Criminal Justice Services, on-site during the permitted event function. Such security personnel shall not be the responsible party required by Section 4-89(a)(5).

(f) In the event a permit application is denied, the applicant shall have the right to a hearing before the city manager or his designee.

COMMENT

The section sets forth provisions regarding permit applications, processing procedures, a notice requirement, the conditions under which permits must be granted and the conditions of approval that may be attached to a permit, and provides for an appeal.

Sec. 4-90. Other requirements.

242 (a) No more than two (2) event functions within a period of twelve (12)
243 consecutive months shall be held at any property, and no portion of any event function
244 shall take place outdoors between 10:00 p.m. and 10:00 a.m.

245
246 (b) The number of attendees at any time during the permitted event function
247 shall not exceed one hundred (100) persons.

248
249 (c) The individual responsible for ensuring compliance with the provisions of
250 this article and the conditions of the permit, as required by Section 4-89(a)(5), shall be
251 present at all times during an event function.

252
253 COMMENT

254
255 The section sets forth additional requirements pertaining to event functions, including a
256 maximum number of events in one year, the times during which event functions may take place, the
257 maximum number of attendees and the presence of the persons responsible for compliance.

258
259 Adopted by the City Council of the City of Virginia Beach, Virginia on the _____
260 day of _____, 20____.

261
262 CA-13413

263 June 13, 2016

264 R-9

