

1   **REQUESTED BY VICE-MAYOR JONES**  
2  
3

4           AN ORDINANCE TO AMEND SECTIONS 102, 111, 401,  
5    501, 506, 601, 901, 1110, 1125, 1521 AND 2203 OF THE  
6    CITY ZONING ORDINANCE AND SECTION 5.2 OF THE  
7    OCEANFRONT RESORT DISTRICT FORM-BASED CODE  
8    AND ADD SECTIONS 209.6 AND 241.2 OF THE CITY  
9    ZONING ORDINANCE PERTAINING TO THE DEFINITION,  
10    REQUIREMENTS AND USE OF HOME SHARING AND  
11    SHORT TERM RENTALS  
12

13           Sections Amended: City Zoning Ordinance Sections 102,  
14    111, 401, 501, 506, 601, 901, 1110, 1125, 1521, and 2203  
15    and Oceanfront Resort District Form-Based Code Section  
16    5.2  
17

18           Sections Added: City Zoning Ordinance Sections 209.6 and  
19    241.2  
20

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

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

25           That Sections 102, 111, 401, 501, 506, 601, 901, 1110, 1125, 1521, and 2203 of  
26    the City Zoning Ordinance and Section 5.2 of the Oceanfront Resort District Form-  
27    Based Code are hereby amended and reordained, and Sections 209.6 and 241.2 of the  
28    City Zoning Ordinance are hereby added and ordained, to read as follows:

29           **ARTICLE 1. GENERAL PROVISIONS**  
30

31           ....  
32

33           **Sec. 102. Establishment of districts and official zoning maps.**  
34

35           (a) In order to carry out the purposes and provisions of this ordinance, the  
36    following districts are hereby established:  
37

38           ....  
39

40           (a1) There are hereby established the ~~Shore Drive Corridor Overlay District~~  
41    following overlay districts:  
42

43

- (1) Shore Drive Corridor Overlay District (“SD”);
- (2) North End Overlay District (“NE”);
- (3) Old Beach Overlay District (“OB”);
- (4) Historic Kemspeville Area Overlay District (“HK”);
- (5) Workforce Housing Overlay District (“WF”); and
- (6) Short Term Rental Overlay District (“STR”).

Such districts shall be designated on the official zoning map by the an appropriate notation "(SD)" following the designation of the underlying zoning district. As an illustration, property in the Shore Drive Corridor Overlay District and in the B-4 Mixed Use District shall be designated on the official zoning map as having the classification "B-4(SD)."

(a2) There is hereby established the North End Overlay District. Such district shall be designated on the official zoning map by the notation "(NE)" following the designation of the underlying zoning district. As an illustration, property lying within the North End Overlay District and the R-5R Residential Resort District shall be designated on the official zoning map as having the classification "R-5R(NE)."

(a3) There is hereby established the Old Beach Overlay District. Such district shall be designated on the official zoning map by the notation "(OB)" following the designation of the underlying zoning district. As an illustration, property in the Old Beach Overlay District and in the R-5D Residential Duplex District shall be designated on the official zoning map as having the classification "R-5D(OB)."

(a4) There is hereby established the Historic Kempsville Area Overlay District. Such district shall be designated on the official zoning map by the notation "(HK)" following the designation of the underlying zoning district. As an illustration, property in the Historic Kempsville Area Overlay District and in the B-2 Community Business District shall be designated on the official zoning map as having the classification "B-2(HK)."

(a5) There is hereby established the Workforce Housing Overlay District. Such district shall be designated on the official zoning map by the notation "(WF)" following the designation of the underlying zoning district. As an illustration, property in the B-4 Mixed Use District and in the Workforce Housing Overlay District shall be designated on the official zoning map as having the classification "B-4(WF)." The Workforce Housing Overlay District shall be limited to property located within those areas of the city designated in section 2103 of this ordinance that has been rezoned to incorporate the Workforce Housing Overlay District as an overlay to the underlying zoning classification of the property.

92  
93        ....  
94  
95 **Sec. 111. Definitions.**  
96  
97        ....  
98  
99        *Home sharing.* A dwelling in which a room or rooms are offered for rental for  
100 compensation for a period of less than thirty (30) consecutive days by an owner who  
101 utilizes the dwelling as his principal residence and occupies the dwelling during any  
102 such rental period.  
103  
104        ....  
105  
106        *Hotel and motel.* A building or group of attached or detached buildings containing  
107 dwelling or lodging units in which fifty (50) percent or more of the units are lodging units,  
108 and for which compensation is exchanged for short-term occupancy of the dwelling or  
109 lodging units. A hotel shall include a lobby, clerk's desk or counter and facilities for  
110 registration and keeping of records relating to hotel guests. This term also includes  
111 motels.  
112  
113        ....  
114  
115        *Principal residence.* Principal residence shall be the location where a person  
116 lives fifty (50) percent or more of the time. A person shall not have more than one (1)  
117 principal residence.  
118  
119        ....  
120  
121        *Short term rental.* A dwelling that does not meet the definition of home sharing in  
122 which a room or rooms, or the entire dwelling are rented for less than thirty (30)  
123 consecutive days for compensation.  
124  
**ARTICLE 2. GENERAL REQUIREMENTS AND PROCEDURES APPLICABLE TO**  
**ALL DISTRICTS**  
127  
128 **A. REGULATIONS RELATING TO LOTS, YARDS, HEIGHTS, OFF-STREET**  
**PARKING, OFF-STREET LOADING, AND CERTAIN USES**  
130  
131        ....  
132  
133 **Sec. 209.6. Home sharing.**  
134

135        To the extent permitted by state law, each dwelling offered as a home share  
136        must maintain registration with the Commissioner of Revenue's office and pay all  
137        applicable taxes.

138

139        **C.      CONDITIONAL USES AND STRUCTURES**

140

141        ....

142

143        **Sec. 241.2 Short term rental.**

144

- 145        1. A parking plan illustrating how one (1) parking space for every bedroom  
146        shall be provided. Such plan shall be reviewed and approved by the Zoning  
147        Administrator or his designee, if appropriate to the zoning district and the  
148        adjacent neighborhood;
- 150        2. No events with more than fifty (50) people present, shall be held absent a  
151        special events permit. Events with more than fifty (50) people are limited to  
152        no more than three (3) events in a calendar year. No more than one  
153        hundred (100) people shall be present at any event held on the property;
- 155        3. The owner or the owner's agent must be identified, a telephone number  
156        given and they must be able to be present on the site within thirty (30)  
157        minutes of being contacted at all times during the rental period;
- 159        4. No signage shall be on site, except that each short term rental is allowed  
160        one (1), one-foot by one-foot sign, posted on the building, that identifies the  
161        short term rental. Architectural signs naming the structure are excluded  
162        from this limitation;
- 164        5. To the extent permitted by state law, each short term rental must maintain  
165        registration with the Commissioner of Revenue's office and pay all  
166        applicable taxes.
- 168        6. There shall be posted in a conspicuous place within the dwelling a summary  
169        provided by the Zoning Administrator of City Code Sections 23-69 through  
170        23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on  
171        the beach) and 12-43.2 (fireworks);
- 173        7. All refuse shall be placed in automated refuse receptacles, where provided,  
174        and comply with the requirements of City Code Sections 31-26, 31-27 and  
175        31-28;

176

177 8. There shall be no more than one (1) rental contract during any consecutive  
 178 seven (7) day period;

179

180 9. The owner shall provide proof of liability insurance applicable to the rental  
 181 activity of at least one million dollars (\$1,000,000.00) underwritten by  
 182 insurers acceptable to the city;

183

184 10. There shall be no outdoor amplified sound after 10 PM or before 10 AM;  
 185 and

186

187 11. The maximum number of persons on the property after 11:00 PM and  
 188 before 7:00 AM shall be three (3) individuals per bedroom plus two (2)  
 189 additional persons.

190

191

## 192 ARTICLE 4. - AGRICULTURAL DISTRICTS

193

194 (a) *Principal and conditional uses.* The following chart lists those uses permitted  
 195 within the AG-1 and AG-2 Agricultural Districts. Those uses and structures in the  
 196 respective agricultural districts shall be permitted as either principal uses indicated by a  
 197 "P" or as conditional uses indicated by a "C." Uses and structures indicated by an "X"  
 198 shall be prohibited in the respective districts. No uses or structures other than as  
 199 specified shall be permitted.

200

Use	AG-1	AG-2
....		
<u>Home sharing meeting the requirements of section 209.6</u>	<u>P</u>	<u>P</u>
....		
<u>Short term rental</u>	<u>C</u>	<u>C</u>
<u>Short term rental within the STR Overlay District</u>	<u>P</u>	<u>P</u>
....		

201

202 (b) *Accessory uses and structures.* Uses and structures which are customarily  
 203 accessory and clearly incidental and subordinate to principal uses and structures,  
 204 including but not limited to, an accessory activity operated for profit in a residential  
 205 dwelling unit where (i) there is no change in the outside appearance of the building or  
 206 premises or any visible or audible evidence detectable from outside the building lot,  
 207 either permanently or intermittently, of the conduct of such business except for one (1)  
 208 nonilluminated sign not more than one (1) square foot in area mounted flat against the

209 residence; (ii) no traffic is generated, including traffic by commercial delivery vehicles,  
210 by such activity in greater volumes than would normally be expected in the  
211 neighborhood, and any need for parking generated by the conduct of such activity is  
212 met off the street and other than in a required front yard; (iii) the activity is conducted on  
213 the premises which is the bona fide residence of the principal practitioner, and no  
214 person other than members of the immediate family occupying such dwelling units is  
215 employed in the activity; (iv) such activity is conducted only in the principal structure on  
216 the lot; (v) there are no sales to the general public of products or merchandise from the  
217 home, except for agricultural products, or agricultural-related products, incidental to an  
218 agricultural operation on which the dwelling unit is located; and (vi) the activity is  
219 specifically designed or conducted to permit no more than one (1) patron, customer, or  
220 pupil to be present on the premises at any one time. Notwithstanding the provisions of  
221 clauses (ii) and (vi) hereof, ministers, marriage commissioners and other persons  
222 authorized by law to perform the rites of marriage may permit a maximum of eight (8)  
223 persons on the premises at any one time in connection with the performance of such  
224 rites, provided that all other requirements of subdivision (b)(2) are met. The following  
225 are specifically prohibited as accessory activities: Convalescent or nursing homes,  
226 tourist homes, massage or tattoo parlors, body piercing establishments, radio or  
227 television repair shops, auto repair shops, or similar establishments. Rental of rooms in  
228 a dwelling or the entire dwelling thirty (30) consecutive days or more is an accessory  
229 use to the dwelling.

230  
231 ....  
232

## 233 **ARTICLE 5. RESIDENTIAL DISTRICTS.**

234  
235 ....  
236

### 237 **Sec. 501. Use regulations.**

238  
239 (a) *Principal and conditional uses.* The following chart lists those uses permitted  
240 within the R-40 through R-2.5 Residential Districts. Those uses and structures in the  
241 respective residential districts shall be permitted as either principal uses indicated by a  
242 "P" or as conditional uses indicated by a "C." Uses and structures indicated by an "X"  
243 shall be prohibited in the respective districts. No uses or structures other than as  
244 specified shall be permitted.

245

Use	R-40	R-30	R-20	R-15	R-10	R-7.5	R-5D	R-5R	R-5S	R-2.5

....											
<u>Home sharing meeting the requirements of section 209.6</u>	P	P	P	P	P	P	P	P	P	P	P
....											
<u>Short term rental</u>	C	C	C	C	C	C	C	C	C	C	C
<u>Short term rental within the STR Overlay District</u>	P	P	P	P	P	P	P	P	P	P	P
....											

246

247 (b) *Accessory uses and structures.* Uses and structures which are customarily  
 248 accessory and clearly incidental and subordinate to principal uses and structures and  
 249 where such accessory structures do not exceed the height of the principal structure and,  
 250 in all residential zoning districts, except for R-30 and R-40, do not exceed five hundred  
 251 (500) square feet of floor area or twenty (20) percent of the floor area of the principal  
 252 structure, whichever is greater. In the R-30 and R-40 residential zoning districts,  
 253 accessory uses and structures shall not exceed thirty (30) percent of the floor area of  
 254 the principal structure. Such accessory uses and structures include but are not limited  
 255 to:

256       ....

257

258       (7) Rental of rooms in a dwelling or the entire dwelling thirty (30) consecutive  
 259 days or more is an accessory use to the dwelling.

260

261       ....

262

263 **Sec. 506.-North End Overlay District.**

264

265       ....

266       (e) In the North End Overlay, all short term rentals as defined in section 111 of the  
 267 City Zoning Ordinance shall be permitted uses and shall meet the requirements  
 268 of section 241.2 of the City Zoning Ordinance.

269

270

271 **ARTICLE 6. - APARTMENT DISTRICTS**

272

273 ....  
274  
275 **Sec. 601. - Use regulations.**  
276  
277 (a) *Principal and conditional uses.* The following chart lists those uses permitted  
278 within the A-12 through A-36 Apartment Districts. Those uses and structures in the  
279 respective apartment districts shall be permitted as either principal uses indicated by a  
280 "P" or as conditional uses indicated by a "C." Uses and structures indicated by an "X"  
281 shall be prohibited in the respective districts. No uses or structures other than as  
282 specified shall be permitted.  
283

Use	A-12	A-18	A-24	A-36
....				
<u>Home sharing meeting the requirements of section 209.6</u>	P	P	P	P
....				
<u>Short term rental</u>	C	C	C	C
<u>Short term rental within the STR Overlay District</u>	P	P	P	P
....				

284  
285 (b) *Accessory uses and structures.* Uses and structures which are customarily  
286 accessory and clearly incidental and subordinate to principal uses and structures,  
287 including but not limited to:

288  
289 ....  
290  
291 (3) Rental of rooms in a dwelling or the entire dwelling thirty (30) consecutive  
292 days or more is an accessory use to the dwelling.  
293  
294 ....  
295

## 296 **ARTICLE 9. - BUSINESS DISTRICTS**

297  
298 ....  
299

### 300 **Sec. 901. - Use regulations.**

301  
302 (a) *Principal and conditional uses.* The following chart lists those uses permitted  
303 within the B-1 through B-4K Business Districts. Those uses and structures in the  
304 respective business districts shall be permitted as either principal uses indicated by a  
305 "P" or as conditional uses indicated by a "C." Uses and structures indicated by an "X"

306 shall be prohibited in the respective districts. No uses or structures other than as  
307 specified shall be permitted.  
308

Use	B-1	B-1A	B-2	B-3	B-4	B-4C	B-4K
....							
<u>Home sharing meeting the requirements of section 209.6</u>	X	X	X	X	P	P	P
....							
<u>Short term rental</u>	X	X	X	X	C	C	C
<u>Short term rental within the STR Overlay District</u>	X	X	X	X	P	P	P
....							

309  
310 (b) *Accessory uses and structures.* Uses and structures which are customarily  
311 accessory and clearly incidental and subordinate to the principal uses and structures,  
312 including, but not limited to:

313

314 ....

315

316 (2) Rental of rooms in a dwelling or the entire dwelling thirty (30) consecutive  
317 days or more is an accessory use to the dwelling.

318

## 319 **ARTICLE 11. - PLANNED DEVELOPMENT DISTRICTS**

320

### 321 **Sec. 1110. - Land use regulation.**

322

323 ....

324

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

328

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

330

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

332

333 (3) Marinas;

334

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

337

338 (5) Residential care for seniors, provided that no more than two (2) employees  
339 including a bona fide resident of the dwelling shall be permitted; and  
340

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

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

345 (1) Communication towers;

347 (2) Family day-care homes;

349 (3) Group homes;

351 (4) Kennels, residential;

353 (5) Religious uses;

355 (6) Wind energy conversion systems, free standing and roof-mounted; and

357 (7) Home-based wildlife rehabilitation facilities, provided that the principal  
358 structure is a single-family dwelling and the lot is greater than two thousand  
359 five hundred (2,500) square feet; and

361 (8) Short term rental.

## 363 B. - PD-H2 PLANNED UNIT DEVELOPMENT DISTRICT

365 . . . .

### 367 Sec. 1125. - Allowed uses.

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

371 (a) *Principal uses and structures.*

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

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

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

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

- (5) Day-care centers, provided that such uses shall not be eligible for residential density credit;
- (6) Public utilities installations and substations; provided offices or storage or maintenance facilities shall not be permitted; and provided, further, that utilities substations, other than individual transformers, shall be surrounded by a wall, solid except for entrances and exits, or by a fence with a screening hedge five (5) to six (6) feet in height; and provided also, transformer vaults for underground utilities and like uses shall require only a landscaped screening hedge, solid except for access opening; and

(7) Home sharing meeting the requirements of section 209.6.

(b) **Accessory uses.** Uses which are customarily accessory and clearly incidental and subordinate to the principal uses shall be allowed as accessory uses. Rental of rooms in a dwelling or the entire dwelling thirty (30) consecutive days or more is an accessory use to the dwelling.

(c) *Conditional uses.*

- (1) Religious uses, provided that such use shall not be eligible for residential density credit;
- (2) Family day-care homes; foster homes and group homes, provided that such uses shall not be eligible for residential density credit;
- (3) Home occupations; and
- (4) Housing for seniors and disabled persons; and
- (5) Short term rental.

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

### **Sec. 1521. Use regulations.**

424 (a) The following chart lists those uses permitted within the RT-3 Resort Tourist District  
425 as either principal uses, as indicated by a "P" or as conditional uses, as indicated by a  
426 "C." Conditional uses shall be subject to the provisions of Part C of Article 2 (section  
427 220 et seq.). Except for single-family, duplex, semidetached and attached dwellings,

428 buildings within the RT-3 District may include any principal or conditional uses in  
429 combination with any other principal or conditional use. No uses or structures other than  
430 those specified shall be permitted. All uses, whether principal or conditional, should to  
431 the greatest extent possible adhere to the provisions of the Special Area Design  
432 Guidelines (Urban Areas) set forth in the Reference Handbook of the Comprehensive  
433 Plan.

Use	RT-3
....	
<u>Home sharing meeting the requirements of section 209.6</u>	<u>P</u>
....	
<u>Short term rental</u>	<u>C</u>

434  
435 (b) *Accessory uses and structures* : Uses and structures which are customarily  
436 accessory and clearly incidental and subordinate to the principal uses and structures;  
437 provided, however, that drive-through facilities shall not be permitted as an accessory  
438 use:

439  
440 ....  
441

442 (2) Rental of rooms in a dwelling or the entire dwelling thirty (30)  
443 consecutive days or more is an accessory use to the dwelling.

## 444 445 **ARTICLE 22. - CENTRAL BUSINESS CORE DISTRICT**

446  
447 ....  
448

### 449 **B. - DEVELOPMENT REGULATIONS**

450  
451 ....  
452

#### 453 **Sec. 2203. - Use regulations.**

454  
455 (a) The following chart lists those uses permitted within the Central Business Core  
456 District. Uses and structures shall be allowed either as principal uses, indicated by a  
457 "P", or as conditional uses, indicated by a "C." Uses and structures indicated by an "X"  
458 shall be prohibited, unless allowed by special exception for Alternative Compliance  
459 pursuant to Section 2205. No uses or structures other than as specified herein or as  
460 allowed pursuant to subsection (b) shall be permitted.

461

Use	District CBC
....	
<u>Home sharing meeting the requirements of section 209.6</u>	<u>P</u>
....	
<u>Short term rental</u>	<u>C</u>
....	

462

463 (b) If a proposed use is not expressly permitted pursuant to subsection (a), but is  
 464 similar to a listed use, the Zoning Administrator may categorize the proposed use as a  
 465 use permitted by this section, either as a principal or conditional use. In determining  
 466 whether a proposed use is similar to a listed use, the Zoning Administrator shall  
 467 consider (1) the actual or projected characteristics of the proposed use in comparison  
 468 to those of the most similar listed use; and (2) the categorization of the proposed use  
 469 in the Standard Land Use Coding Manual (First Edition January 1965). Rental of  
 470 rooms in a dwelling or the entire dwelling thirty (30) consecutive days or more is an  
 471 accessory use to the dwelling.

472

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

474

475 ....

476

477 **Sec. 5.2. Permitted Use Table.**

478

	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
<b>LODGING</b>									
....									
<u>Home sharing meeting the requirements of section 209.6</u>	=	L	=	=	L	L	L	=	<u>See Sec. 209.6</u>
....									
<u>Short term rental meeting the requirements of section 241.2</u>	=	L	=	=	L	L	L	=	<u>See Sec. 241.2</u>
....									

479

Adopted by the Council of the City of Virginia Beach, Virginia, on the \_\_\_\_\_ day  
 of \_\_\_\_\_, 2018.

APPROVED AS TO CONTENT:

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Planning Department

CA14135/R-13/March 29, 2018

APPROVED AS TO LEGAL SUFFICIENCY:

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City Attorney's Office

1                   **REQUESTED BY VICE-MAYOR JONES**

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

8                   Sections Added: City Zoning Ordinance Sections  
9                   2300 - 2303

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

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

14                  That Article 23 of the City Zoning Ordinance, consisting of Sections 2300 through  
15                  2303, is hereby added and ordained to read as follows:

16                  **ARTICLE 23. SHORT TERM RENTAL OVERLAY DISTRICT**

17                  **Sec. 2300. Findings; intent.**

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

39 **Sec. 2301. District boundaries.**

40

41 (a) The Short Term Rental Overlay District boundaries shall be as designated  
42 on the official zoning map of the city (STR).

43

44 (b) Other areas of the City zoned R-5R may petition the City Council for an  
45 overlay to be created if the community is able to gather the signatures of sixty (60)  
46 percent of the owners of the properties in the R-5R community.

47

48 **Sec. 2302. Application of regulations.**

49

50 The designation of any property as lying within the Short Term Rental Overlay  
51 District shall be in addition to, and not in lieu of, the underlying zoning district  
52 classification of such property, such that any property situated in the Short Term Rental  
53 Overlay District shall also lie within one or more of the zoning districts enumerated in  
54 Section 102(a) of this ordinance. All such property shall be subject to the requirements  
55 of this Article as well as to all other regulations applicable to it, and to the extent that  
56 any provision of this Article conflicts with any other ordinance or regulation, the  
57 provision of this Article shall control.

58

59 **Sec. 2303. Use regulations.**

60

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

65

66 (b) Short term rentals shall be a permitted use if they comply with the  
67 following conditions:

68

69 1. A parking plan illustrating how one (1) parking space for every bedroom  
70 shall be provided. Such plan shall be reviewed and approved by the Zoning  
71 Administrator or his designee, if appropriate to the zoning district and the  
72 adjacent neighborhood;

73

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

79           3. The owner or the owner's agent must be identified, a telephone number  
80           given and they must be able to be present on the site within thirty (30)  
81           minutes of being contacted at all times during the rental period;

82

83           4. No signage shall be on site, except that each short term rental is allowed  
84           one (1), one-foot by one-foot sign, posted on the building, that identifies the  
85           short term rental. Architectural signs naming the structure are excluded  
86           from this limitation;

87

88           5. To the extent permitted by state law, each short term rental must maintain  
89           registration with the Commissioner of Revenue's office and pay all  
90           applicable taxes.

91

92           6. There shall be posted in a conspicuous place within the dwelling a summary  
93           provided by the Zoning Administrator of City Code Sections 23-69 through  
94           23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on  
95           the beach) and 12-43.2 (fireworks);

96

97           7. All refuse shall be placed in automated refuse receptacles, where provided,  
98           and comply with the requirements of City Code Sections 31-26, 31-27 and  
99           31-28;

100

101           8. There shall be no more than one (1) rental contract during any consecutive  
102           seven (7) day period;

103

104           9. The owner shall provide proof of liability insurance applicable to the rental  
105           activity of at least one million dollars (\$1,000,000.00) underwritten by  
106           insurers acceptable to the city;

107

108           10. There shall be no outdoor amplified sound after 10 PM or before 10 AM;  
109           and

110

111           11. The maximum number of persons on the property after 11:00 PM and  
112           before 7:00 AM shall be three (3) individuals per bedroom plus two (2)  
113           additional persons.

114

Adopted by the Council of the City of Virginia Beach, Virginia, on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

APPROVED AS TO CONTENT:

APPROVED AS TO LEGAL SUFFICIENCY:

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Planning Department

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City Attorney's Office

CA14136/R-6/March 27, 2018

1   **REQUESTED BY VICE-MAYOR JONES**  
2

3                   **AN ORDINANCE TO AMEND THE OFFICIAL**  
4                   **ZONING MAP BY THE DESIGNATION AND**  
5                   **INCORPORATION OF PROPERTY INTO THE**  
6                   **SHORT TERM RENTAL OVERLAY 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 area described below:

16

17                That property located in Sandbridge and bounded on the north by the USN Fleet  
18                Combat Training Center Atlantic; on the south by the Little Island Park; on the east by  
19                the Atlantic Ocean; and on the west, north of Sandbridge Road, by the western  
20                boundary of the subdivision known as "Sandbridge North Area," and south of  
21                Sandbridge Road, by the property of the United States of America and the Back Bay  
22                National Wildlife Refuge, as depicted on the map entitled "Sandbridge" dated June 17,  
23                1994, prepared by the department of public works and recorded in Map Book 240, Pgs.  
24                81—84 as the short term rental overlay district.

Adopted by the Council of the City of Virginia Beach, Virginia, on the \_\_\_\_\_ day  
of \_\_\_\_\_, 2018.

APPROVED AS TO CONTENT:

APPROVED AS TO LEGAL SUFFICIENCY:

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Planning Department

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City Attorney's Office

CA14137  
R-4  
March 27, 2018