



Request

An Ordinance to amend Sections 102, 111, 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 and add Sections 209.6 and 241.2 of the City Zoning Ordinance pertaining to the definition, requirements and use of home sharing and short term rentals.

Summary of Request

At the City Council hearing on September 18, 2018, City Council referred this Ordinance to the Planning Commission to be considered at the November Planning Commission meeting. Following numerous workshops, Council drafted this Ordinance which defines, identifies requirements and identifies the use of home sharing and short term rentals. A "Short Term Rental Overlay District," is also added to the Ordinance for future considerations.

Home sharing, defined "a dwelling in which a room or rooms are offered for rental for compensation for a period of less than thirty (30) consecutive days by an owner who utilizes the dwelling as his principal residence and occupies the dwelling during any such rental period," is a permitted use in all districts that permit dwelling units. The sole requirement is that the property must be registered with the Commissioner of the Revenue.

Short term rental, defined as "a dwelling that does not meet the definition of home sharing in which a room or rooms, or the entire dwelling are rented for less than thirty (30) consecutive days for compensation," is a conditional use in all districts that allow for dwelling units, with the exception of Sandbridge Special Service District (SSD), in which it is a permitted use. All short term rental properties, including those located in the Sandbridge SSD, must meet the requirements of Section 241.2, summarized below.

1. Parking - a minimum of one space per bedroom is required. If unable to provide required parking on-site, a parking plan shall be reviewed by the Zoning Administrator. Stacking of vehicles is permitted. No on-street parking shall be part of the parking plan.
2. Special Events - a special event permit is required for a gathering of more than 50 people, with no event exceeding 100 people. A property may have no more than three events in a calendar year.
3. Contact - owner or operator must provide the name and phone number of a responsible person who is available to contact and address conditions occurring at the short term rental within 30 minutes. Physical response to the site is not required.
4. Signage - each short term rental is permitted four square feet of signage. Architectural signs naming the home are not included.
5. Registration - short term rentals must maintain registration with the Commissioner of Revenue and pay all applicable taxes.
6. Code posting - summaries of the following codes must be posted in a conspicuous place: 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach, 12-43.2 (fireworks), and a copy of the parking plan.

7. Trash - all trash in automated refuse receptacles. Comply with City Code (31-26, 31-27 and 31-28).
8. Contracts - short term rental shall have no more than one rental contract during a seven day period.
9. Insurance - owner or operator shall provide proof of liability insurance of at least one million dollars (\$1,000,000).
10. Noise - no outdoor amplified sound between 10 p.m. and 10 a.m.
11. Occupancy - maximum number of persons on property between 11 p.m. and 7 a.m. is two individuals per bedroom plus four additional persons.
12. Guest Log - owner or operator must maintain a guest log including name, address and telephone number of all Overnight Lodgers. Must be made available to any City employee enforcing the Zoning Ordinance or other applicable City Codes.
13. Grandfathering - any short term rental registered and paid the transient occupancy tax prior to July 1, 2018 does not need a conditional use permit. Properties are still required to meet conditions of Section 241.2. Any improvement or expansion that expands overall footprint by 25% or 1,000 square feet, whichever is less, will revoke grandfather status and must obtain a conditional use permit.
14. Safety - smoke detectors (which may be wireless), a fire extinguisher and, where natural gas or propane is present, carbon monoxide detectors must be installed and kept in working order.
15. Accessory Structures - no accessory structures shall be used as short term rentals.
16. Penalty - violations of conditions of a use permit or grandfather status, City Council may revoke the use permit or grandfather status, provide proper notice and procedures are followed.
17. Duration - All conditional use permits are valid for two years. Renewal of the use permit is done administratively by the Planning Department. Planning shall notify City Council, in writing, prior to any administrative renewal.

On November 29, 2018, Planning Commission held a workshop to discuss the ordinance given to them by City Council to consider.

Recommendation

Staff recommends approval of this Ordinance. Short Term Rentals have been a long-standing practice in Virginia Beach, yet the Zoning Ordinance currently does not address the use. Given changes in the rental industry, particularly on-line rental platforms, it is necessary for the short term rental use to be considered. This Ordinance will amend the Zoning Ordinance to provide requirements for short term rentals, as well as identify where they are a permitted use and where they are a conditional use. This Ordinance also creates a "Short Term Rental Overlay District" should any communities or neighborhoods wish to make them a permitted use in the future. It is Staff's opinion that this Ordinance allows for the short term rental use with reasonable regulations that will protect the quality of life of our City's stable residential areas.

1 AN ORDINANCE TO AMEND SECTIONS 102, 111, 401,
2 501, 601, 901, 1110, 1125, 1521 AND 2203 OF THE CITY
3 ZONING ORDINANCE AND SECTION 5.2 OF THE
4 OCEANFRONT RESORT DISTRICT FORM-BASED CODE
5 AND ADD SECTIONS 209.6 AND 241.2 OF THE CITY
6 ZONING ORDINANCE PERTAINING TO THE DEFINITION,
7 REQUIREMENTS AND USE OF HOME SHARING AND
8 SHORT TERM RENTALS
9

10 Sections Amended: City Zoning Ordinance Sections 102,
11 111, 401, 501, 601, 901, 1110, 1125, 1521, and 2203 and
12 Oceanfront Resort District Form-Based Code Section 5.2
13

14 Sections Added: City Zoning Ordinance Sections 209.6 and
15 241.2
16

17 WHEREAS, the public necessity, convenience, general welfare and good zoning
18 practice so require;
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20 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VIRGINIA
21 BEACH, VIRGINIA:
22

23 That Sections 102, 111, 401, 501, 601, 901, 1110, 1125, 1521, and 2203 of the
24 City Zoning Ordinance and Section 5.2 of the Oceanfront Resort District Form-Based
25 Code are hereby amended and reordained, and Sections 209.6 and 241.2 of the City
26 Zoning Ordinance are hereby added and ordained, to read as follows:
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28 **ARTICLE 1. GENERAL PROVISIONS**

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31 **Sec. 102. Establishment of districts and official zoning maps.**

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33 (a) In order to carry out the purposes and provisions of this ordinance, the
34 following districts are hereby established:
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38 (a1) There are hereby established the ~~Shore Drive Corridor Overlay District.~~
39 following overlay districts:
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41 (1) Shore Drive Corridor Overlay District ("SD");
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43 (2) North End Overlay District ("NE");
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45

- 46 (3) Old Beach Overlay District ("OB");
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 48 (4) Historic Kempsville Area Overlay District ("HK");
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 50 (5) Workforce Housing Overlay District ("WF"); and
 51
 52 (6) Short Term Rental Overlay District ("STR").
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54 Such districts shall be designated on the official zoning map by the an
 55 appropriate notation "(SD)" following the designation of the underlying zoning district. As
 56 an illustration, property in the Shore Drive Corridor Overlay District and in the B-4 Mixed
 57 Use District shall be designated on the official zoning map as having the classification
 58 "B-4(SD)."
 59

60 ~~(a2) There is hereby established the North End Overlay District. Such district~~
 61 ~~shall be designated on the official zoning map by the notation "(NE)" following the~~
 62 ~~designation of the underlying zoning district. As an illustration, property lying within the~~
 63 ~~North End Overlay District and the R-5R Residential Resort District shall be designated~~
 64 ~~on the official zoning map as having the classification "R-5R(NE)."~~
 65

66 ~~(a3) There is hereby established the Old Beach Overlay District. Such district~~
 67 ~~shall be designated on the official zoning map by the notation "(OB)" following the~~
 68 ~~designation of the underlying zoning district. As an illustration, property in the Old Beach~~
 69 ~~Overlay District and in the R-5D Residential Duplex District shall be designated on the~~
 70 ~~official zoning map as having the classification "R-5D(OB)."~~
 71

72 ~~(a4) There is hereby established the Historic Kempsville Area Overlay District.~~
 73 ~~Such district shall be designated on the official zoning map by the notation "(HK)"~~
 74 ~~following the designation of the underlying zoning district. As an illustration, property in~~
 75 ~~the Historic Kempsville Area Overlay District and in the B-2 Community Business~~
 76 ~~District shall be designated on the official zoning map as having the classification "B-~~
 77 ~~2(HK)."~~
 78

79 ~~(a5) There is hereby established the Workforce Housing Overlay District. Such~~
 80 ~~district shall be designated on the official zoning map by the notation "(WF)" following~~
 81 ~~the designation of the underlying zoning district. As an illustration, property in the B-4~~
 82 ~~Mixed Use District and in the Workforce Housing Overlay District shall be designated on~~
 83 ~~the official zoning map as having the classification "B-4(WF)."~~ The Workforce Housing
 84 Overlay District shall be limited to property located within those areas of the city
 85 designated in section 2103 of this ordinance that has been rezoned to incorporate the
 86 Workforce Housing Overlay District as an overlay to the underlying zoning classification
 87 of the property.
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90
 91 **Sec. 111. Definitions.**

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95 Home sharing. A dwelling in which a room or rooms are offered for rental for
96 compensation for a period of less than thirty (30) consecutive days by an owner who
97 utilizes the dwelling as his principal residence and occupies the dwelling during any
98 such rental period.
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100
101
102 Hotel and motel. A building or group of attached or detached buildings containing
103 dwelling or lodging units in which fifty (50) percent or more of the units are lodging units,
104 and for which compensation is exchanged for short-term occupancy of the dwelling or
105 lodging units. A hotel shall include a lobby, clerk's desk or counter and facilities for
106 registration and keeping of records relating to hotel guests. This term also includes
107 motels.
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111 Principal residence. Principal residence shall be the location where a person
112 lives fifty (50) percent or more of the time. A person shall not have more than one (1)
113 principal residence.
114

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117 Short term rental. A dwelling that does not meet the definition of home sharing in
118 which a room or rooms, or the entire dwelling are rented for less than thirty (30)
119 consecutive days for compensation.
120

121 **ARTICLE 2. GENERAL REQUIREMENTS AND PROCEDURES APPLICABLE TO**
122 **ALL DISTRICTS**
123

124 **A. REGULATIONS RELATING TO LOTS, YARDS, HEIGHTS, OFF-STREET**
125 **PARKING, OFF-STREET LOADING, AND CERTAIN USES**
126

127
128

129 **Sec. 209.6. Home sharing.**
130

131 To the extent permitted by state law, each dwelling offered as a home share
132 must maintain registration with the Commissioner of Revenue's office and pay all
133 applicable taxes.
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135 **C. CONDITIONAL USES AND STRUCTURES**
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Sec. 241.2 Short term rental.

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

1. Any property utilized as a short term rental shall provide adequate off street parking for its guests. A minimum of one parking space per bedroom is required. If such parking cannot be provided on-site, the owner must submit a parking plan indicating how the parking requirement will be met. Such plan shall be reviewed and approved by the Zoning Administrator. Stacking of vehicles shall be allowed and no on-street parking shall be part of the plan;
2. No events with more than fifty (50) people present, shall be held absent a special events permit. Events with more than fifty (50) people are limited to no more than three (3) events in a calendar year. No more than one hundred (100) people shall be present at any event held on the property;
3. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the short term rental within thirty (30) minutes. Physical response to the site of the short term rental is not required;
4. No signage shall be on site, except that each short term rental is allowed one (1), four (4) square foot sign, posted on the building which identifies the short term rental. Architectural signs naming the structure are excluded from this limitation;
5. To the extent permitted by state law, each short term rental must maintain registration with the Commissioner of Revenue's office and pay all applicable taxes;
6. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan;

- 178 7. All refuse shall be placed in automated refuse receptacles, where provided,
179 and comply with the requirements of City Code Sections 31-26, 31-27 and
180 31-28;
- 181 8. A short term rental shall have no more than one (1) rental contract during
182 any consecutive seven (7) day period;
- 183 9. The owner or operator shall provide proof of liability insurance applicable to
184 the rental activity at registration and renewal of at least one million dollars
185 (\$1,000,000.00) underwritten by insurers acceptable to the city;
- 186 10. There shall be no outdoor amplified sound after 10 PM or before 10 AM;
- 187 11. The maximum number of persons on the property after 11:00 PM and
188 before 7:00 AM ("Overnight Lodgers") shall be two (2) individuals per
189 bedroom plus four (4) additional persons;
- 190 12. The owner or operator must maintain a guest log including the name,
191 address and telephone number of all Overnight Lodgers. The guest log
192 must be made available upon request to any City employee or agent tasked
193 with enforcing the Zoning Ordinance or other applicable part of the City
194 Code;
- 195 13. Any short term rental that has registered and paid transient occupancy
196 taxes to the Commissioner of the Revenue prior to July 1, 2018 shall be
197 considered grandfathered and shall not be required to obtain a conditional
198 use permit, but must meet the conditions of section 241.2. Any expansion
199 of the footprint of the dwelling housing the short term rental that expands the
200 overall square footage by more than 25% or 1,000 square feet, whichever is
201 less, shall have its grandfathered status revoked and must immediately
202 obtain a conditional use permit to continue such use. Grandfathered status
203 shall run with the land.;
- 204 14. To the extent permissible under state law, interconnected smoke detectors
205 (which may be wireless), a fire extinguisher and, where natural gas or
206 propane is present, carbon monoxide detectors shall be installed in each
207 short term rental;
- 208 15. Accessory structures shall not be used or occupied as short term rentals;
- 209 16. In addition to other remedies available for violations of the City Zoning
210 Ordinance, upon the occurrence of a violation of the provisions of this
211 Ordinance, upon the occurrence of a violation of the provisions of this
212 Ordinance, upon the occurrence of a violation of the provisions of this
213 Ordinance, upon the occurrence of a violation of the provisions of this
214 Ordinance, upon the occurrence of a violation of the provisions of this
215 Ordinance, upon the occurrence of a violation of the provisions of this
216 Ordinance, upon the occurrence of a violation of the provisions of this
217 Ordinance, upon the occurrence of a violation of the provisions of this
218 Ordinance, upon the occurrence of a violation of the provisions of this
219 Ordinance, upon the occurrence of a violation of the provisions of this

section; a violation of a condition imposed in a conditional use permit; or if the conditions for grandfathered status are no longer satisfied, the City Council may revoke the conditional use permit or grandfathered status of a property after notice and hearing as provided in Virginia Code Section 15.2-2204; provided, however, that written notice as prescribed therein shall be given at least fifteen (15) days prior to the hearing;

17. All conditional use permits issued for short term rentals shall expire two (2) years from the date of adoption. The renewal process of the conditional use permit will be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any conditional use permit for a STR, where the STR has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.

ARTICLE 4. - AGRICULTURAL DISTRICTS

(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
....		
<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 Sandbridge Special Service District*</u>	<u>P</u>	<u>P</u>
<u>Short term rental within a STR Overlay District</u>	<u>P</u>	<u>P</u>

*Sandbridge Special Service District defined in City Code Section 35.1-3.

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

253 residence; (ii) no traffic is generated, including traffic by commercial delivery vehicles,
 254 by such activity in greater volumes than would normally be expected in the
 255 neighborhood, and any need for parking generated by the conduct of such activity is
 256 met off the street and other than in a required front yard; (iii) the activity is conducted on
 257 the premises which is the bona fide residence of the principal practitioner, and no
 258 person other than members of the immediate family occupying such dwelling units is
 259 employed in the activity; (iv) such activity is conducted only in the principal structure on
 260 the lot; (v) there are no sales to the general public of products or merchandise from the
 261 home, except for agricultural products, or agricultural-related products, incidental to an
 262 agricultural operation on which the dwelling unit is located; and (vi) the activity is
 263 specifically designed or conducted to permit no more than one (1) patron, customer, or
 264 pupil to be present on the premises at any one time. Notwithstanding the provisions of
 265 clauses (ii) and (vi) hereof, ministers, marriage commissioners and other persons
 266 authorized by law to perform the rites of marriage may permit a maximum of eight (8)
 267 persons on the premises at any one time in connection with the performance of such
 268 rites, provided that all other requirements of subdivision (b)(2) are met. The following
 269 are specifically prohibited as accessory activities: Convalescent or nursing homes,
 270 tourist homes, massage or tattoo parlors, body piercing establishments, radio or
 271 television repair shops, auto repair shops, or similar establishments. Rental of rooms in
 272 a dwelling or the entire dwelling thirty (30) consecutive days or more is an accessory
 273 use to the dwelling.

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 275

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 277 **ARTICLE 5. RESIDENTIAL DISTRICTS.**

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280
 281 **Sec. 501. Use regulations.**

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

289

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>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
....										
<u>Short term rental</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Short term rental within the Sandbridge Special Service District*</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Short term rental within a STR Overlay District</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

*Sandbridge Special Service District defined in City Code Section 35.1-3.

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

....

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

....

ARTICLE 6. - APARTMENT DISTRICTS

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Sec. 601. - Use regulations.

(a) *Principal and conditional uses.* The following chart lists those uses permitted within the A-12 through A-36 Apartment Districts. Those uses and structures in the respective apartment districts shall be permitted as either principal uses indicated by a

"P" or as conditional uses indicated by a "C." Uses and structures indicated by an "X" shall be prohibited in the respective districts. No uses or structures other than as specified shall be permitted.

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

*Sandbridge Special Service District is defined in City Code Section 35.1-3.

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

....

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

....

ARTICLE 9. - BUSINESS DISTRICTS

....

Sec. 901. - Use regulations.

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

Use	B-1	B-1A	B-2	B-3	B-4	B-4C	B-4K
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....							
<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 Sandbridge Service District*</u>	P	P	P	P	P	P	P
<u>Short term rental within a STR Overlay District</u>	P	P	P	P	P	P	P

*Sandbridge Special Service District is defined in City Code Section 35.1-3.

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

....

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

ARTICLE 11. - PLANNED DEVELOPMENT DISTRICTS

Sec. 1110. - Land use regulation.

....

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

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

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

(3) Marinas;

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

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

(6) Home sharing meeting the requirements of section 209.6;

- 381
382 (7) Short term rentals within the Sandbridge Special Service District; and
383
384 (8) Short term rentals within a STR Overlay District.
385
386 (d) Within a PD-H1 District, the following uses shall be allowed as conditional uses:
387
388 (1) Communication towers;
389
390 (2) Family day-care homes;
391
392 (3) Group homes;
393
394 (4) Kennels, residential;
395
396 (5) Religious uses;
397
398 (6) Wind energy conversion systems, free standing and roof-mounted; ~~and~~
399
400 (7) Home-based wildlife rehabilitation facilities, provided that the principal
401 structure is a single-family dwelling and the lot is greater than two thousand
402 five hundred (2,500) square feet; and
403
404 (8) Short term rentals.
405
406 **B. - PD-H2 PLANNED UNIT DEVELOPMENT DISTRICT**
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408
409
410 **Sec. 1125. - Allowed uses.**
411
412 Within the PD-H2 District, only the following uses and structures shall be permitted:
413
414 (a) *Principal uses and structures.*
415
416 (1) Dwelling units of the types specified in the land use plan;
417
418 (2) Public buildings, structures, and other public uses;
419
420 (3) Recreational facilities of the type described in the plan;
421
422 (4) Child care education centers, in connection with public or private
423 elementary schools or churches, provided that such uses shall not be
424 eligible for residential density credit;
425

426 (5) Day-care centers, provided that such uses shall not be eligible for
427 residential density credit;
428
429 (6) Public utilities installations and substations; provided offices or storage or
430 maintenance facilities shall not be permitted; and provided, further, that
431 utilities substations, other than individual transformers, shall be surrounded
432 by a wall, solid except for entrances and exits, or by a fence with a
433 screening hedge five (5) to six (6) feet in height; and provided also,
434 transformer vaults for underground utilities and like uses shall require only
435 a landscaped screening hedge, solid except for access opening-;
436
437 (7) Home sharing meeting the requirements of section 209.6; and
438
439 (8) Short term rentals within the Sandbridge Special Service District; and
440
441 (9) Short term rentals within a STR Overlay District.
442
443
444 (b) *Accessory uses.* Uses which are customarily accessory and clearly incidental and
445 subordinate to the principal uses shall be allowed as accessory uses. Rental of rooms in
446 a dwelling or the entire dwelling thirty (30) consecutive days or more is an accessory
447 use to the dwelling.
448
449 (c) *Conditional uses.*
450
451 (1) Religious uses, provided that such use shall not be eligible for residential
452 density credit;
453
454 (2) Family day-care homes; foster homes and group homes, provided that such
455 uses shall not be eligible for residential density credit;
456
457 (3) Home occupations-;
458
459 (4) Housing for seniors and disabled persons-; and
460
461 (5) Short term rental.
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465 **C. RT-3 RESORT TOURIST DISTRICT**
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469 **Sec. 1521. Use regulations.**
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(a) The following chart lists those uses permitted within the RT-3 Resort Tourist District as either principal uses, as indicated by a "P" or as conditional uses, as indicated by a "C." Conditional uses shall be subject to the provisions of Part C of Article 2 (section 220 et seq.). Except for single-family, duplex, semidetached and attached dwellings, buildings within the RT-3 District may include any principal or conditional uses in combination with any other principal or conditional use. No uses or structures other than those specified shall be permitted. All uses, whether principal or conditional, should to the greatest extent possible adhere to the provisions of the Special Area Design Guidelines (Urban Areas) set forth in the Reference Handbook of the Comprehensive 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>
<u>Short term rental within a STR Overlay District</u>	<u>P</u>

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

....

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

ARTICLE 22. - CENTRAL BUSINESS CORE DISTRICT

....

B. - DEVELOPMENT REGULATIONS

....

Sec. 2203. - Use regulations.

(a) The following chart lists those uses permitted within the Central Business Core District. Uses and structures shall be allowed either as principal uses, indicated by a

"P", or as conditional uses, indicated by a "C." Uses and structures indicated by an "X" shall be prohibited, unless allowed by special exception for Alternative Compliance pursuant to Section 2205. No uses or structures other than as specified herein or as allowed pursuant to subsection (b) shall be permitted.

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

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

APPENDIX 1. - OCEANFRONT RESORT DISTRICT FORM-BASED CODE

Sec. 5.2. Permitted Use Table.

	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									
....									
<u>Home sharing meeting the requirements of section 209.6</u>	=	L	=	=	L	L	L	=	<u>See Sec. 209.6</u>
....									

Short term rental meeting the requirements of section 241.2	=	C	=	=	C	C	C	=	See Sec. 241.2
....									

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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:



Planning Department



City Attorney's Office

CA14500
R-20
September 7, 2018