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2 **PLANNING COMMISSION VERSION**  
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4 AN ORDINANCE TO AMEND SECTIONS 111, 401, 501,  
5 601, 901, 1110, 1125, 1521 AND 2203 OF THE CITY  
6 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 HOMESHARING AND  
11 SHORT TERM RENTAL  
12

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

17 Sections Added: City Zoning Ordinance Sections 209.6 and  
18 241.2  
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20 WHEREAS, the public necessity, convenience, general welfare and good zoning  
21 practice so require;  
22

23 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VIRGINIA  
24 BEACH, VIRGINIA:  
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26 That Sections 111, 401, 501, 601, 901, 1110, 1125 and 1521 of the City Zoning  
27 Ordinance and Section 5.2 of the Oceanfront Resort District Form-Based Code are  
28 hereby amended and reordained, and Sections 209.6 and 241.2 of the City Zoning  
29 Ordinance is hereby added and ordained, to read as follows:  
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31 **ARTICLE 1. GENERAL PROVISIONS**  
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35 **Sec. 111. Definitions.**  
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39 Home sharing. A dwelling in which a room or rooms are offered for rental for  
40 compensation for a period of less than thirty (30) consecutive days by an owner who  
41 utilizes the dwelling as his principal residence and occupies the dwelling during any  
42 such rental.  
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44 Principal residence. Principal residence shall be the location where a person  
45 lives fifty (50) percent or more of the time.

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Short term rental. A dwelling in which a room or rooms or the entire dwelling are rented for less than thirty (30) consecutive days for monetary compensation.

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

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

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**Sec. 209.6. Home sharing.**

To the extent permitted by state law, each dwelling offered as a home share shall maintain registration with the Commissioner of Revenue’s office and pay all applicable taxes. Adjudicated violations of three (3) applicable local, state or federal laws or regulations in two consecutive calendar years may result in the revocation of said registration.

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**C. CONDITIONAL USES AND STRUCTURES**

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**Sec. 241.2 Short term rental.**

1. A parking plan illustrating how one parking space for every bedroom shall be provided. Such plan shall be reviewed and approved by the Zoning Administrator or his designee, if appropriate to the zoning district and the adjacent neighborhood;
2. No noise shall be created in excess of what is normally expected in a residential neighborhood;
3. No additional traffic shall be created in excess of what is normally expected in a residential neighborhood;
4. 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

88 no more than three (3) events in a calendar year. No more than one  
89 hundred (100) people shall be present at any event held on the property;

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91 5. A telephone number or other information for an emergency contact shall be  
92 provided;

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94 6. No signage shall be on site, except that each short term rental is allowed  
95 one (1), one-foot by one-foot sign, posted on the building, that identifies the  
96 short term rental;

97  
98 7. To the extent permitted by state law, each short term rental must maintain  
99 registration with the Commissioner of Revenue's office and pay all  
100 applicable taxes. Adjudicated violations of three (3) applicable local, state  
101 or federal laws or regulations in two consecutive calendar years may result  
102 in the revocation of said registration;

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104 8. There shall be posted in a conspicuous place within the dwelling a summary  
105 provided by the Zoning Administrator of City Code Sections 23-69 through  
106 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on  
107 the beach) and 12-43.2 (fireworks);

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109 9. All refuse shall be placed in automated refuse receptacles, where provided,  
110 and comply with the requirements of City Code Sections 31-26, 31-27 and  
111 31-28;

112  
113 10. There shall be no more than two (2) rental contracts during any consecutive  
114 seven (7) day period;

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116 11. The owner shall provide proof of liability insurance applicable to the rental  
117 activity of at least one million dollars (\$1,000,000.00);

118  
119 12. The maximum number of persons on the property after 11:00 p.m. and  
120 before 7:00 a.m. shall be three (3) individuals per bedroom plus two (2)  
121 additional persons;

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123 13. All emergency exits in the structure shall be clearly marked; and

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125 14. The City may inspect the property at any reasonable time, after 24 hours'  
126 notice to the contact person and the owner, to verify compliance with the  
127 provisions listed above.

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129 **ARTICLE 4. - AGRICULTURAL DISTRICTS**

131 (a) *Principal and conditional uses.* The following chart lists those uses permitted  
 132 within the AG-1 and AG-2 Agricultural Districts. Those uses and structures in the  
 133 respective agricultural districts shall be permitted as either principal uses indicated by a  
 134 "P" or as conditional uses indicated by a "C." Uses and structures indicated by an "X"  
 135 shall be prohibited in the respective districts. No uses or structures other than as  
 136 specified shall be permitted.  
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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 meeting the requirements of section 241.2</u>	<u>P</u>	<u>P</u>
....		

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 139 (b) *Accessory uses and structures.* Uses and structures which are customarily  
 140 accessory and clearly incidental and subordinate to principal uses and structures,  
 141 including but not limited to, an accessory activity operated for profit in a residential  
 142 dwelling unit where (i) there is no change in the outside appearance of the building or  
 143 premises or any visible or audible evidence detectable from outside the building lot,  
 144 either permanently or intermittently, of the conduct of such business except for one (1)  
 145 nonilluminated sign not more than one (1) square foot in area mounted flat against the  
 146 residence; (ii) no traffic is generated, including traffic by commercial delivery vehicles,  
 147 by such activity in greater volumes than would normally be expected in the  
 148 neighborhood, and any need for parking generated by the conduct of such activity is  
 149 met off the street and other than in a required front yard; (iii) the activity is conducted on  
 150 the premises which is the bona fide residence of the principal practitioner, and no  
 151 person other than members of the immediate family occupying such dwelling units is  
 152 employed in the activity; (iv) such activity is conducted only in the principal structure on  
 153 the lot; (v) there are no sales to the general public of products or merchandise from the  
 154 home, except for agricultural products, or agricultural-related products, incidental to an  
 155 agricultural operation on which the dwelling unit is located; and (vi) the activity is  
 156 specifically designed or conducted to permit no more than one (1) patron, customer, or  
 157 pupil to be present on the premises at any one time. Notwithstanding the provisions of  
 158 clauses (ii) and (vi) hereof, ministers, marriage commissioners and other persons  
 159 authorized by law to perform the rites of marriage may permit a maximum of eight (8)  
 160 persons on the premises at any one time in connection with the performance of such  
 161 rites, provided that all other requirements of subdivision (b)(2) are met. The following  
 162 are specifically prohibited as accessory activities: Convalescent or nursing homes,  
 163 tourist homes, massage or tattoo parlors, body piercing establishments, radio or

164 television repair shops, auto repair shops, or similar establishments. Rental of rooms in  
 165 a dwelling or the entire dwelling thirty (30) consecutive days or more is an accessory  
 166 use to the dwelling.

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 170 **ARTICLE 5. RESIDENTIAL DISTRICTS.**

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 174 **Sec. 501. Use regulations.**

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 176 (a) *Principal and conditional uses.* The following chart lists those uses permitted  
 177 within the R-40 through R-2.5 Residential Districts. Those uses and structures in the  
 178 respective residential districts shall be permitted as either principal uses indicated by a  
 179 "P" or as conditional uses indicated by a "C." Uses and structures indicated by an "X"  
 180 shall be prohibited in the respective districts. No uses or structures other than as  
 181 specified shall be permitted.  
 182

Uses	Residential Districts									
	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
<u>Short term rental meeting the requirements of section 241.2</u>	P	P	P	P	P	P	P	P	P	P
. . . .										

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

191 the principal structure. Such accessory uses and structures include but are not limited  
192 to:

193 . . . .

194  
195 (7) Rental of rooms in a dwelling or the entire dwelling thirty (30) consecutive  
196 days or more is an accessory use to the dwelling.

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199 **ARTICLE 6. - APARTMENT DISTRICTS**

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203 **Sec. 601. - Use regulations.**

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

211

Use	A-12	A-18	A-24	A-36
. . . .	P	P	P	P
<u>Home sharing meeting the requirements of section 209.6</u>	P	P	P	P
<u>Short term rental meeting the requirements of section 241.2</u>	P	P	P	P
. . . .				

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

216 . . . .

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

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223 **ARTICLE 9. - BUSINESS DISTRICTS**

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

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

Use	B-1	B-1A	B-2	B-3	B-4	B-4C	B-4K
....							
<u>Home sharing meeting the requirements of section 209.6</u>	X	X	X	X	P	P	P
....							
<u>Short term rental meeting the requirements of section 241.2</u>	X	X	X	X	P	P	P
....							

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(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:

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

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

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

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

(a) *Principal uses and structures.*

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

- 258 (2) Public buildings, structures, and other public uses;
- 259
- 260 (3) Recreational facilities of the type described in the plan;
- 261
- 262 (4) Child care education centers, in connection with public or private
- 263 elementary schools or churches, provided that such uses shall not be
- 264 eligible for residential density credit;
- 265
- 266 (5) Day-care centers, provided that such uses shall not be eligible for
- 267 residential density credit;
- 268
- 269 (6) Public utilities installations and substations; provided offices or storage or
- 270 maintenance facilities shall not be permitted; and provided, further, that
- 271 utilities substations, other than individual transformers, shall be surrounded
- 272 by a wall, solid except for entrances and exits, or by a fence with a
- 273 screening hedge five (5) to six (6) feet in height; and provided also,
- 274 transformer vaults for underground utilities and like uses shall require only
- 275 a landscaped screening hedge, solid except for access opening;
- 276
- 277 (7) Home sharing meeting the requirements of section 209.6; and
- 278
- 279 (8) Short term rental meeting the requirements of section 241.2.
- 280

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

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

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 292 **Sec. 1521. Use regulations.**

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 294 (a) The following chart lists those uses permitted within the RT-3 Resort Tourist District  
 295 as either principal uses, as indicated by a "P" or as conditional uses, as indicated by a  
 296 "C." Conditional uses shall be subject to the provisions of Part C of Article 2 (section  
 297 220 et seq.). Except for single-family, duplex, semidetached and attached dwellings,  
 298 buildings within the RT-3 District may include any principal or conditional uses in  
 299 combination with any other principal or conditional use. No uses or structures other than  
 300 those specified shall be permitted. All uses, whether principal or conditional, should to  
 301 the greatest extent possible adhere to the provisions of the Special Area Design



302 Guidelines (Urban Areas) set forth in the Reference Handbook of the Comprehensive  
 303 Plan.

Use	RT-3
..... <u>Home sharing meeting the requirements of section 209.6</u>	<u>P</u>
<u>Short term rentals meeting the requirements of section 241.2</u>	<u>P</u>
.....	

304  
 305 (b) *Accessory uses and structures* : Uses and structures which are customarily  
 306 accessory and clearly incidental and subordinate to the principal uses and structures;  
 307 provided, however, that drive-through facilities shall not be permitted as an accessory  
 308 use:

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 310 .....  
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 312 (2) Rental of rooms in a dwelling or the entire dwelling for thirty (30)  
 313 consecutive days or more is an accessory use to the dwelling.

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

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 320 **B. - DEVELOPMENT REGULATIONS**

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 324 **Sec. 2203. - Use regulations.**

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 326 (a) The following chart lists those uses permitted within the Central Business Core  
 327 District. Uses and structures shall be allowed either as principal uses, indicated by a  
 328 "P", or as conditional uses, indicated by a "C." Uses and structures indicated by an "X"  
 329 shall be prohibited, unless allowed by special exception for Alternative Compliance  
 330 pursuant to Section 2205. No uses or structures other than as specified herein or as  
 331 allowed pursuant to subsection (b) shall be permitted.  
 332

Use	District CBC
.....	<u>P</u>

<u>Home sharing meeting the requirements of section 209.6</u>	
....	
<u>Short term rental meeting the requirements of section 241.2</u>	<u>P</u>
....	

333  
334 (b) If a proposed use is not expressly permitted pursuant to subsection (a), but is  
335 similar to a listed use, the Zoning Administrator may categorize the proposed use as a  
336 use permitted by this section, either as a principal or conditional use. In determining  
337 whether a proposed use is similar to a listed use, the Zoning Administrator shall  
338 consider (1) the actual or projected characteristics of the proposed use in comparison  
339 to those of the most similar listed use; and (2) the categorization of the proposed use  
340 in the Standard Land Use Coding Manual (First Edition January 1965).

341  
342 (b.1) Rental of rooms in a dwelling or the entire dwelling for thirty (30) consecutive  
343 days or more is an accessory use to the dwelling.

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

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349 **Sec. 5.2. Permitted Use Table.**

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USE	MIXED-USE BUILDING		COMMERCIAL BUILDING	APARTMENT BUILDING	ROW HOUSE		DETACHED HOUSE	CIVIC BUILDING	Use Standard /Notes
	Ground Floor	Upper Floors	Ground Floor	All Floors	Ground Floor	Upper Floors	All Floors	All Floors	
<b>LODGING</b>									
....									
<u>Home sharing meeting the requirements of section 209.6</u>	--	L	--	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>
....									

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

CA14135  
R-11  
February 6, 2018

DRAFT