



DEPARTMENT OF PLANNING

## SHORT TERM RENTAL

### CITY COUNCIL REFERRAL AND PLANNING COMMISSION RECOMMENDATION

Prepared by: Robert J. Tajan, Director

Additional column added based on City Council Discussion on [May 25, 2021](#) noting direction given to staff.

Ordinances referred to Planning Commission by City Council on October 21, 2021.

Ordinances considered by the Planning Commission on March 11, 2021. (PC Action in RED)

Item 2a: Create three Short Term Rental overlay districts: **Motion to approve as amended (shown on pages 2-4), 7 to 0.**

East Shore Drive  
North End  
Oceanfront Resort

Item 2b: Amend the official zoning map to include the overlay districts: **Motion to approve, 7 to 0.**

Item 2c: Establish conditions for each overlay district: **Motion to approve, 7-0.**

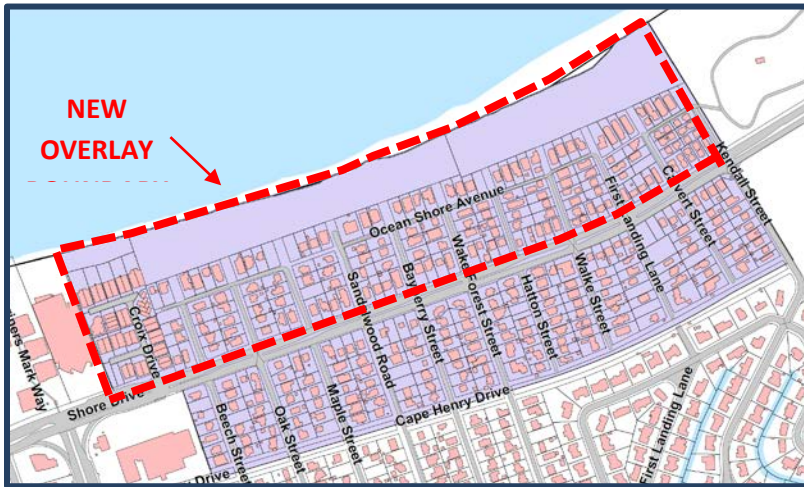
Item 2d: Amend the requirements for Short Term Rentals in each zoning district (use tables): **Motion to approve, 6-1.**

Item 2e: Establish transition rules: **Motion to approve, 7-0.**

Item 2f: Additional Safety Requirements: **Motion to approve, 7-0**

PROPOSED EAST SHORE DRIVE STR OVERLAY DISTRICT

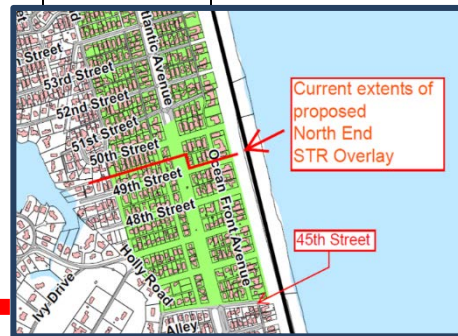
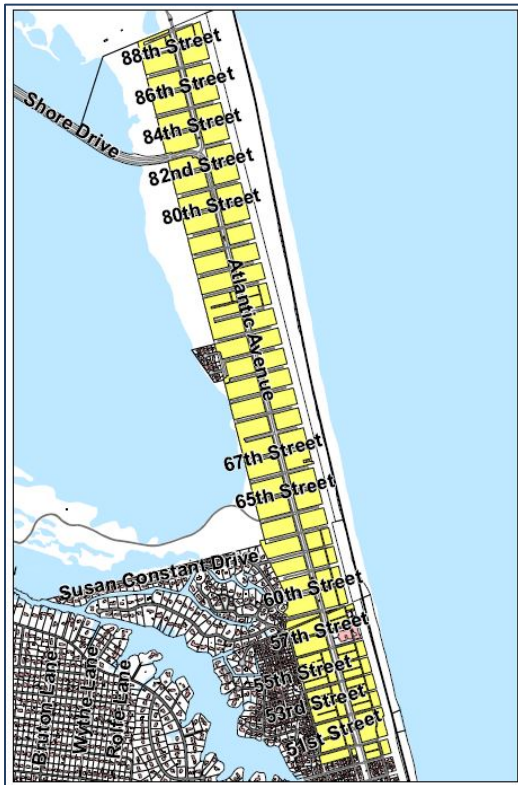
ITEMS 2A & 2B



<u>OVERLAY DISTRICT</u>	<u>CITY COUNCIL REFERRAL</u>	<u>PLANNING COMMISSION RECOMMENDATION</u>	<u>City Council Direction</u>
East Shore Drive STR	<ul style="list-style-type: none"> <li>▪ North – Chesapeake Bay</li> <li>▪ South – Cape Henry Bike Trail</li> <li>▪ East – First Landing State Park</li> <li>▪ West – west side of Cape Henry neighborhood and west side of The Landings Condominiums</li> </ul>	<ul style="list-style-type: none"> <li>▪ North – Chesapeake Bay</li> <li>▪ South – <u>Shore Drive</u></li> <li>▪ East – First Landing State Park</li> <li>▪ West – <del>west side of Cape Henry neighborhood and</del> west side of The Landings Condominiums</li> <li>▪ <u>STR by CUP</u></li> <li>▪ <u>Density cap of 11.5% of dwelling units</u></li> <li>▪ <u>One rental contract per week</u></li> </ul>	<ul style="list-style-type: none"> <li>▪ <u>Eliminate East Shore Drive Overlay from proposal</u></li> </ul>

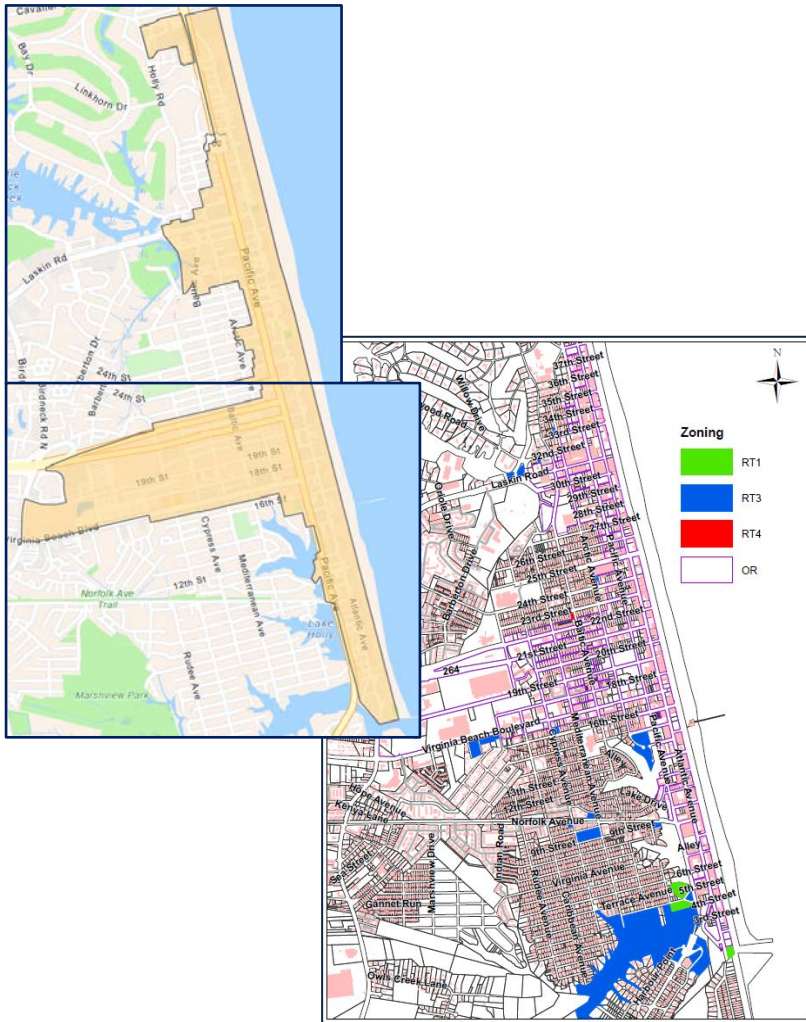
PROPOSED NORTH END STR OVERLAY

ITEMS 2A & 2B



<u>OVERLAY DISTRICT</u>	<u>CITY COUNCIL REFERRAL</u>	<u>PLANNING COMMISSION RECOMMENDATION</u>	<u>City Council Direction</u>
North End	<ul style="list-style-type: none"> <li>North Boundary: Fort Story</li> <li>Southern Boundary: 49 ½ Street</li> <li>East Boundary: Atlantic Ocean</li> <li>West Boundary: First Landing State Park and Holly Road</li> </ul>	<ul style="list-style-type: none"> <li>Same boundaries for North End portion.               <ul style="list-style-type: none"> <li><u>STR by CUP</u></li> <li><u>Add "The Hollies" (45<sup>th</sup> Street to 49<sup>th</sup> Street)</u></li> <li><u>Density cap of 10.6% of dwelling units</u></li> <li><u>One rental contract per week</u></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li><u>Only include initially referred North End Boundary (do not include "The Hollies")</u></li> <li><u>STR by CUP</u></li> <li><u>Density cap of 10.6% which equals 255 STRS in overlay</u></li> <li><u>One rental contract per week</u></li> </ul>

PROPOSED OCEANFRONT RESORT STR OVERLAY DISTRICT  
ITEMS 2A & 2B



<u>OVERLAY DISTRICT</u>	<u>CITY COUNCIL REFERRAL</u>	<u>PLANNING COMMISSION RECOMMENDATION</u>	<u>City Council Direction</u>
Ocean Front Resort (OR)	<ul style="list-style-type: none"> <li>All of the existing OR Oceanfront Resort District</li> </ul>	<ul style="list-style-type: none"> <li>All of the existing OR district</li> <li><b>STR by-right</b></li> <li><b>Add remaining properties zoned RT (Resort Tourist)</b></li> <li><b>Two rental contracts per week.</b></li> </ul>	<ul style="list-style-type: none"> <li><b>All of Existing OR District</b></li> <li><b>STR by-right</b></li> <li><b>Do not include RT zoned properties</b></li> <li><b>One rental contract per week</b></li> </ul>



ITEM 2C

<u>ITEM</u>	<u>EXISTING ORDINANCE</u>	<u>CITY COUNCIL REFERRED ORDINANCE</u>	<u>PLANNING COMMISSION RECOMMENDATION</u>	<u>City Council Direction</u>
Definition of <b>Home Sharing</b>	<ul style="list-style-type: none"> <li>▪ Permitted Use.</li> <li>▪ Must pay taxes and register with Commissioner of Revenue (COR), not Zoning Office.</li> <li>▪ Must be operator’s principal residence; operator must be present during rental period.</li> </ul>	<ul style="list-style-type: none"> <li>▪ No change from existing ordinance</li> </ul>	<ul style="list-style-type: none"> <li>▪ No change from CC referral</li> </ul>	<ul style="list-style-type: none"> <li>▪ No change</li> </ul>
<b>Sign posted on home</b>	<ul style="list-style-type: none"> <li>▪ One sign permitted, not to exceed 4 square feet in size.</li> <li>▪ Sign must be attached to home.</li> <li>▪ Architectural signs naming the home are exempt.</li> </ul>	<ul style="list-style-type: none"> <li>▪ No change from existing ordinance</li> </ul>	<ul style="list-style-type: none"> <li>▪ <u>Require a sign be posted with the contact phone number of operator/representative. Sign must be visible from the street (Including Sandbridge).</u></li> </ul>	<ul style="list-style-type: none"> <li>▪ <u>Agrees with PC recommendation</u></li> </ul>
<b>Registration and taxes</b>	<ul style="list-style-type: none"> <li>▪ Must be maintain with the COR and all applicable taxes paid.</li> </ul>	<ul style="list-style-type: none"> <li>▪ No change from existing ordinance</li> </ul>	<ul style="list-style-type: none"> <li>▪ No change from CC referral <i>(per CC direction, an annual permit/license will be created with fee to be collected by the Zoning Office)</i></li> </ul>	<ul style="list-style-type: none"> <li>▪ No change</li> </ul>



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<p><b>Summary of City Code Sections:</b> [fires on beach, fireworks, trash disposal, noise, and the parking plan]</p>	<ul style="list-style-type: none"> <li>▪ Summary of code section must be posted in home.</li> <li>▪ Summary provided by the Zoning Administrator.</li> </ul>	<ul style="list-style-type: none"> <li>▪ No change from existing ordinance</li> </ul>	<ul style="list-style-type: none"> <li>▪ No change from CC referral</li> </ul>	<ul style="list-style-type: none"> <li>▪ No change</li> </ul>
<p><b>Trash</b></p>	<ul style="list-style-type: none"> <li>▪ Trash must be kept in automated refuse receptacles.</li> </ul>	<ul style="list-style-type: none"> <li>▪ No change from existing ordinance</li> </ul>	<ul style="list-style-type: none"> <li>▪ No change from CC referral</li> </ul>	<ul style="list-style-type: none"> <li>▪ No change</li> </ul>
<p><b>Insurance Requirement</b></p>	<ul style="list-style-type: none"> <li>▪ \$1,000,000 liability insurance required.</li> <li>▪ Proof of insurance must be provided and kept with the Zoning Office.</li> </ul>	<ul style="list-style-type: none"> <li>▪ No change from existing ordinance</li> </ul>	<ul style="list-style-type: none"> <li>▪ No change from CC referral</li> </ul>	<ul style="list-style-type: none"> <li>▪ No change</li> </ul>
<p><b>Noise</b></p>	<ul style="list-style-type: none"> <li>▪ No outdoor amplified sound after 10 p.m. or before 10 a.m.</li> </ul>	<ul style="list-style-type: none"> <li>▪ No change from existing ordinance</li> </ul>	<ul style="list-style-type: none"> <li>▪ No change from CC referral</li> </ul>	<ul style="list-style-type: none"> <li>▪ No change</li> </ul>



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<p><b>Criteria to be Grandfathered</b></p>	<ul style="list-style-type: none"> <li>▪ Must be registered with the Commissioner of Revenue <u>and</u> pay TOT taxes prior to July 1, 2018.</li> <li>▪ Grandfathering runs with the land and is valid until STR use ceases to exist on property.</li> <li>▪ Revocation of grandfathering only if overall square footage of the structure is increased by 25% or 1,000 square feet (whichever is less).</li> </ul>	<ul style="list-style-type: none"> <li>▪ No change from existing ordinance</li> </ul> <p><i>(Staff proposed to administratively remove any grandfather status if the property not used as STR for a two year period. This was not included in referral)</i></p>	<ul style="list-style-type: none"> <li>▪ No change from CC referral</li> </ul>	<ul style="list-style-type: none"> <li>▪ <b><u>Add in administrative removal of grandfathered status if the property is not used as an STR for a two year period.</u></b></li> </ul>
<p><b>Use of Accessory Structures as STRs</b></p>	<ul style="list-style-type: none"> <li>▪ Accessory structures shall <u>not</u> be used as short term rentals.</li> </ul>	<ul style="list-style-type: none"> <li>▪ No change from existing ordinance</li> </ul>	<ul style="list-style-type: none"> <li>▪ No change from CC referral</li> </ul>	<ul style="list-style-type: none"> <li>▪ No change</li> </ul>
<p><b>Violations</b></p>	<ul style="list-style-type: none"> <li>▪ Violations are a civil penalty.</li> <li>▪ Fines/summons issued, \$200 for first violation, \$500 for each subsequent violation.</li> </ul>	<ul style="list-style-type: none"> <li>▪ No change from existing ordinance</li> </ul>	<ul style="list-style-type: none"> <li>▪ No change from CC referral</li> </ul>	<ul style="list-style-type: none"> <li>▪ No change</li> </ul>



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<p>Establish <b>Overlay Districts</b></p>	<ul style="list-style-type: none"> <li>No overly districts currently exist</li> </ul>	<ul style="list-style-type: none"> <li>Establish three overlay districts: East Shore Drive, North End, and Oceanfront Resort</li> </ul>	<ul style="list-style-type: none"> <li>East Shore Drive established <u>(southern boundary moved north to Shore Drive)</u></li> <li>North End established <u>(Includes “The Hollies”)</u></li> <li>Oceanfront Resort established <u>(Includes RT zoned properties.)</u></li> </ul>	<ul style="list-style-type: none"> <li><b><u>Remove East Shore Drive</u></b></li> <li><b><u>Establish North End Overlay as described above on maps.</u></b></li> <li><b><u>Include OR zoned properties in STR Overlay</u></b></li> <li><b><u>Do not include “The Hollies” and RT zoned properties</u></b></li> </ul>
<p>Requirement for a <b>Conditional Use Permit (CUP)</b></p>	<ul style="list-style-type: none"> <li>CUP required for any STR that is not ‘grandfathered’ or located in the Sandbridge SSD (State legislation).</li> <li>Must meet standards of section 241.2.</li> <li>Must pay taxes and register with COR.</li> </ul>	<ul style="list-style-type: none"> <li>CUPs will no longer be considered for STR use.</li> <li>STRs permitted only if located in a proposed overlay district.</li> </ul>	<ul style="list-style-type: none"> <li><u>CUP required for STRs located in the East Shore Drive and North End overlays.</u></li> <li><u>STRs permitted by-right in OR district.</u></li> <li><u>STRs prohibited (except ‘grandfathered’ and previously approved CUPs) everywhere else in the City.</u></li> <li><u>Administrative review and extension of existing CUPs once their 5 year expiration date is up. If violations, send to CC for revocation.</u></li> </ul>	<ul style="list-style-type: none"> <li><b><u>CUP required for STRs in North End STR overlay</u></b></li> <li><b><u>STRs permitted by-right in the OR district</u></b></li> <li><b><u>New STRs prohibited elsewhere in the City (except Sandbridge where permitted by state law)</u></b></li> <li><b><u>Administrative review and extension of existing CUPs once their 5 year expiration date is up. If violations, send to CC for revocation.</u></b></li> </ul>





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<p><b>Parking Requirement</b></p>	<ul style="list-style-type: none"> <li>Required: One space per bedroom.</li> <li>If minimum cannot be met, parking plan needs to be approved by the Zoning Administrator.</li> <li>No street parking may be used.</li> </ul>	<ul style="list-style-type: none"> <li>One off-street per bedroom required.</li> <li>One space within garage (meeting dimensional criteria) may count.</li> <li>Any spaces added on-site shall be pervious material.</li> <li>No street parking may be used.</li> </ul>	<ul style="list-style-type: none"> <li>One off-street per bedroom required.</li> <li><del>One All space within garage (meeting dimensional criteria) may count.</del></li> <li><del>Any spaces added on-site shall not be impervious shall be pervious material.</del></li> <li>No street parking may be used.</li> </ul>	<ul style="list-style-type: none"> <li><u>Agree with PC recommendation</u></li> <li><u>Address parking for “Condo-Hotels”</u></li> </ul>
<p><b>Inclusion in the Residential Parking Permit Program (RPPP)</b></p>	<ul style="list-style-type: none"> <li>Not included in the existing ordinance, <i>[included as a condition on all applicable properties.]</i></li> </ul>	<ul style="list-style-type: none"> <li>While STR is in use, dwelling limited to 2 residential passes only.</li> <li>Guest and temporary passes shall not be permitted.</li> </ul>	<ul style="list-style-type: none"> <li>No change from CC referral</li> </ul>	<ul style="list-style-type: none"> <li>No change</li> </ul>
<p><b>Special Events</b></p>	<ul style="list-style-type: none"> <li>Special event permit required for gathering with more than 50 people. (Permit through Resort Management Office)</li> <li>No event may exceed than 100 persons.</li> <li>3 events allowed per year.</li> </ul>	<ul style="list-style-type: none"> <li>No events associated with STR with more persons than maximum occupancy.</li> <li>STR may not request a Special Event Permit.</li> </ul>	<ul style="list-style-type: none"> <li>No change from CC referral</li> </ul>	<ul style="list-style-type: none"> <li>No change</li> </ul>



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<p>Identification of a <b>Responsible Party</b></p>	<ul style="list-style-type: none"> <li>▪ Provide name and telephone number of contact person.</li> <li>▪ Contact person must be available to address problem within 30 minutes.</li> <li>▪ Not required to physically go to STR.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Provide name and telephone number of responsible person available to be contacted and address problem within 30 minutes.</li> <li>▪ Responsible party must be able to <u>physically respond to site within 30 minutes.</u></li> </ul>	<ul style="list-style-type: none"> <li>▪ Provide name and telephone number of responsible person available to be contacted and address problem within 30 minutes.</li> <li>▪ Responsible party must be able to <u>physically respond to site within one hour.</u></li> </ul>	<ul style="list-style-type: none"> <li>▪ <u>Agree with PC recommendation</u></li> </ul>
<p><b>Number of Rental Contracts</b></p>	<ul style="list-style-type: none"> <li>▪ No more than 2 contracts permitted within 7 consecutive days. <i>[Conditional that has been used as per City Council Guidance: No more than one rental contract per seven day period.]</i></li> </ul>	<ul style="list-style-type: none"> <li>▪ No more than 52 rental contracts during a calendar year.</li> </ul>	<ul style="list-style-type: none"> <li>▪ <u>In the East Shore Drive and North End overlays, one rental contract per week.</u></li> <li>▪ <u>In the OR overlay, two rental contracts per week.</u></li> </ul>	<ul style="list-style-type: none"> <li>▪ <u>One rental contract per seven-day period in all Overlays (no change to Sandbridge)</u></li> <li>▪ <u>Require ledger to be provided showing number of rentals for past year, rental dates, and occupants. No identifying information is to be provided.</u></li> </ul>



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<p><b>Maximum Occupancy permitted</b></p>	<ul style="list-style-type: none"> <li>Total occupancy of the home between the hours of 11 p.m. and 7 a.m. shall not exceed 3 persons per bedroom. (Example: 3 bedroom home = max occupancy of 9.)</li> <li><i>[Conditional that has been used as per City Council Guidance: Total occupancy not to exceed two persons per bedroom (Example: 3 bedroom home = max occupancy of 6.)]</i></li> </ul>	<ul style="list-style-type: none"> <li>Total occupancy of the home between the hours of 11 p.m. and 7 a.m. shall not exceed <u>two</u> persons per bedroom.</li> <li>Persons under the age of 16 shall not be included in calculation above; however, in no case shall the total number of persons exceed 3 per bedroom.</li> </ul>	<ul style="list-style-type: none"> <li>No change from CC referral</li> </ul>	<ul style="list-style-type: none"> <li>No change</li> </ul>
<p><b>Time limitations for Conditional Use Permits</b></p>	<ul style="list-style-type: none"> <li>CUP shall expire after 5 years.</li> <li>CUP may be administratively renewed by the Planning Department.</li> <li>Zoning will notify City Council in writing of any complaints related to STR use.</li> </ul>	<ul style="list-style-type: none"> <li>No change from existing ordinance</li> <li>CUP may not be renewed administratively by the Planning Department because STRs are no longer an approved use.</li> </ul>	<ul style="list-style-type: none"> <li><u>Allow administrative review and extension every 5 years</u></li> <li><u>If violations are found to be detrimental to neighborhood, bring to CC for revocation.</u></li> </ul>	<ul style="list-style-type: none"> <li><u>Agree with PC recommendation</u></li> </ul>
<p><b>Maximum Density</b></p>	<ul style="list-style-type: none"> <li>Not addressed in current ordinance</li> </ul>	<ul style="list-style-type: none"> <li>Not referred by CC</li> </ul>	<ul style="list-style-type: none"> <li><u>11.5% density cap in the East Shore Drive (% reflects existing number of STRs)</u></li> <li><u>10.6% density cap in the North End (% reflects existing number of STRs)</u></li> </ul>	<ul style="list-style-type: none"> <li><u>No Overlay in East Shore Drive</u></li> <li><u>10.6% density cap in the North End which equals 255 operating STRs (% reflects existing number of STRs both legal and illegal as of November 2, 2020)</u></li> </ul>



ITEM 2F

<u>ITEM</u>	<u>EXISTING ORDINANCE</u>	<u>CITY COUNCIL REFERRED ORDINANCE</u>	<u>PLANNING COMMISSION RECOMMENDATION</u>	
<b>Life Safety</b>	<ul style="list-style-type: none"> <li>To the extent permissible under state law, interconnected smoke detectors and CO detectors (where applicable) required.</li> </ul>	<ul style="list-style-type: none"> <li>No change from existing o Owner/representative provide Zoning with signed affidavit (annually) stating the following:               <ul style="list-style-type: none"> <li>Fire extinguisher installed and location;</li> <li>ordinance</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>No change from CC referral</li> </ul>	<ul style="list-style-type: none"> <li><b><u>No change but add requirement for on-site inspection prior to issuance of zoning permit.</u></b></li> </ul>
<b>Deck Safety</b>	<ul style="list-style-type: none"> <li>No regulations regarding deck safety are present in the existing ordinance</li> </ul>	<ul style="list-style-type: none"> <li>Structural report must be submitted annually to the zoning office</li> <li>Must indicate all exterior stairs, decks, porches and balconies are safe.</li> <li>Inspection done by licensed engineer or construction professional.</li> <li>Occupant load must be noted and put on a placard displayed at the property.</li> </ul>	<ul style="list-style-type: none"> <li><del>Structural report must be submitted annually</del> <b>submitted <u>annually every five years</u> to the zoning office</b></li> <li>Must indicate all exterior stairs, decks, porches and balconies are safe.</li> <li>Inspection done by <del>licensed engineer or construction professional</del> <b>registered design professional.</b></li> <li>Occupant load must be noted and put on a placard displayed at the property.</li> </ul>	<ul style="list-style-type: none"> <li><b><u>Agree with PC recommendation</u></b></li> </ul>