

ORDINANCE-3816

AN ORDINANCE TO AMEND SECTION 241.2  
OF THE CITY ZONING ORDINANCE  
PERTAINING TO SHORT TERM RENTALS

Section Amended: § 241.2

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

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

That Section 241.2 of the City Zoning Ordinance is hereby amended and reordained to read as follows:

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

Short term rentals 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; For grandfathered short term rental properties, no additional parking spaces shall be required if the parking available on the property meets the parking requirements that were applicable to the residential dwelling at the time of its initial construction, provided that all grandfathered properties must have at least one off-street parking space. A parking plan detailing how at least one off-street parking space will be accommodated must be provided and approved by the zoning administrator;
- (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;

- 47 (4) No signage, except architectural signs naming the structure or other signs as  
48 permitted by Sec. 211, shall be permitted on-site, except that each short term  
49 rental shall have one (1), four-square-foot sign, posted on the building, or other  
50 permanent structure or location approved by the zoning administrator, that  
51 identifies the property as a short term rental and provides the telephone  
52 number for the Short term Rental Hotline in text large enough to be read from  
53 the public street. The sign required by this section shall include the owner or  
54 property manager's contact information ~~Architectural signs naming the~~  
55 ~~structure are excluded;~~  
56
- 57 (5) To the extent permitted by state law, each short term rental must maintain  
58 registration with the commissioner of revenue's office and pay all applicable  
59 taxes;  
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- 61 (6) There shall be posted in a conspicuous place within the dwelling a summary  
62 provided by the zoning administrator of City Code sections 23-69 through 23-  
63 71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the  
64 beach), 12-43.2 (fireworks), and a copy of any approved parking plan;  
65
- 66 (7) All refuse shall be placed in automated refuse receptacles, where provided,  
67 and comply with the requirements of City Code sections 31-26, 31-27 and 31-  
68 28;  
69
- 70 (8) A short term rental shall have no more than two (2) rental contracts during any  
71 consecutive seven-day period;  
72
- 73 (9) The owner or operator shall provide proof of liability insurance applicable to the  
74 rental activity at registration and renewal of at least one million dollars  
75 (\$1,000,000.00) underwritten by insurers acceptable to the city;  
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- 77 (10) There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00  
78 a.m.;  
79
- 80 (11) The maximum number of persons on the property after 11:00 p.m. and before  
81 7:00 a.m. ("overnight lodgers") shall be three (3) individuals per bedroom;  
82
- 83 (12) Any short term rental that has registered and paid transient occupancy taxes to  
84 the commissioner of the revenue prior to July 1, 2018 shall be considered  
85 grandfathered and shall not be required to obtain a conditional use permit, but  
86 must meet the conditions of this section. Any expansion of the footprint of the  
87 dwelling housing the short term rental that expands the overall square footage  
88 by more than twenty-five (25) percent or one thousand (1,000) square feet,  
89 whichever is less, shall have its grandfathered status revoked and must  
90 immediately come into compliance with the zoning ordinance to continue such  
91 use. Grandfathered status shall run with the land. However, any grandfathered  
92 short term rental that continuously remains vacant, or not used as a short term  
93 rental, for a period of two (2) years or more, starting from the date of adoption  
94 of this ordinance, shall lose its "grandfathered" designation;  
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(12.1) Any short term rental that received a conditional use permit between November 1, 2019 and September 7, 2021 and that is located within a zoning district where short term rentals are not a permitted or conditional use, shall be considered grandfathered and shall be permitted to continue subject to the conditions of subsections 241.2(1) through (15) and (17) as modified by the terms of the conditional use permit;

(13) The property owner or their representative shall provide to the city planning department permission for zoning inspectors to inspect the short term rental property at any time or times during the permitting process annually. Such inspection shall include: 1) at least one fire extinguisher has been installed inside the unit, in plain sight, and where it is located, 2) all smoke alarms and carbon monoxide detectors are installed in accordance with the building code in affect at the time of construction and interconnected. Units constructed prior to interconnection requirements must have a minimum of one (1) smoke alarm installed on every floor of the structure and in the areas adjacent to all sleeping rooms and when activated, be audible in all sleeping rooms, ~~and~~ 3) all smoke alarms and carbon monoxide detectors have been inspected within the last twelve (12) months, and are in good working order; and 4) a document showing the required parking approved by the zoning administrator posted in the unit;

~~Properties managed by short term rental management companies certified by the department of planning shall only be required to be inspected every three (3) years. The inspection for compliance with the requirements above shall be performed by the short term rental management company and be documented on a form prescribed by the planning department and shall be provided during the yearly permitting process;~~

A property inspection is required when an operator first applies for a short term rental permit and a subsequent inspection shall occur every five years. In years when an inspection is not required, the property owner or their representative shall submit an attestation to the Department of Planning and Community Development confirming that the short term rental is in compliance with the requirements set forth in this section. If the planning department has good cause to believe that a safety violation exists on the property, it shall conduct an inspection prior to renewing the permit.

Properties may be inspected annually for compliance with the requirements above by certified short term rental management companies or certified home inspectors. The compliance inspection shall be documented on a form prescribed by the planning department and shall be provided during the yearly permit process;

(14) Accessory structures shall not be used or occupied as short term rentals;

(15) In addition to other remedies available for violations of the city zoning ordinance, upon the occurrence of a violation of the provisions of this section; a violation of any local, state or federal law or regulation; a violation of a condition

145 imposed in a conditional use permit; or if the conditions for grandfathered status  
146 are no longer satisfied, the city council may revoke the conditional use permit or  
147 grandfathered status of a property after notice and hearing as provided in Code  
148 of Virginia § 15.2-2204; provided, however, that written notice as prescribed  
149 therein shall be given at least fifteen (15) days prior to the hearing;  
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151 (16) All conditional use permits issued for short term rentals shall expire five (5)  
152 years from the date of adoption. The renewal process of the conditional use  
153 permit will be administrative and performed by the planning department;  
154 however, the planning department shall notify the city council in writing prior to  
155 the renewal of any conditional use permit for a STR, where the STR has been  
156 the subject of neighborhood complaints, violations of its conditions or violations  
157 of any building, housing, zoning, fire or other similar codes; and  
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159 (17) A structural safety inspection report shall be provided to the city every three (3)  
160 years indicating all exterior stairways, decks, porches and balconies with a  
161 finished height more than 30 inches above ground level have been inspected  
162 by either a licensed design professional, or a licensed and insured Class A, B,  
163 or C contractor qualified to perform such inspection, and are safe for use. The  
164 report must confirm the structure has been built to the applicable residential  
165 building code standards and are free of observable damage that would render  
166 the structure unsafe for use. However, said report shall not be required for an  
167 initial period of five (5) years for new construction inspected at the time of  
168 completion by the City's Permits and Inspections Division. indicate the  
169 ~~maximum number of occupants permitted on each level of these structures and~~  
170 ~~placards indicating the maximum number of occupants of all exterior stairways,~~  
171 ~~decks, porches and balconies must be posted on each level of these~~  
172 ~~structures.~~

Adopted by the Council of the City of Virginia Beach, Virginia, on the 12<sup>th</sup> day of  
August, 2025.