

PROPOSED SHORT TERM RENTAL REGULATION CHANGES

Short Term Rental Workshop
December 18, 2020

Bobby Tajan – Planning Department Director
Kevin Kemp – Zoning Administrator
Will Miller – Zoning Inspector
Summer Peebles – Zoning Inspector

Please provide comments to:

Short Term Rental Email: STR@vbgov.com

Information can be found at:
www.vbgov.com/str

General Overview of Changes

- Allow Short Term Rental in specific areas of the City without the need for a Conditional Use Permit if they meet certain criteria.
- Short Term Overlay Districts will be established (an overlay is a bounded area, sort of like the boundaries of a neighborhood)
- Short Term Rental use not in a specific overlay would be prohibited.
- Regulations for Sandbridge are not affected by the proposed ordinance change.

PROPOSED OVERLAY DISTRICTS

Criteria for Short Term Rental Overlay Districts

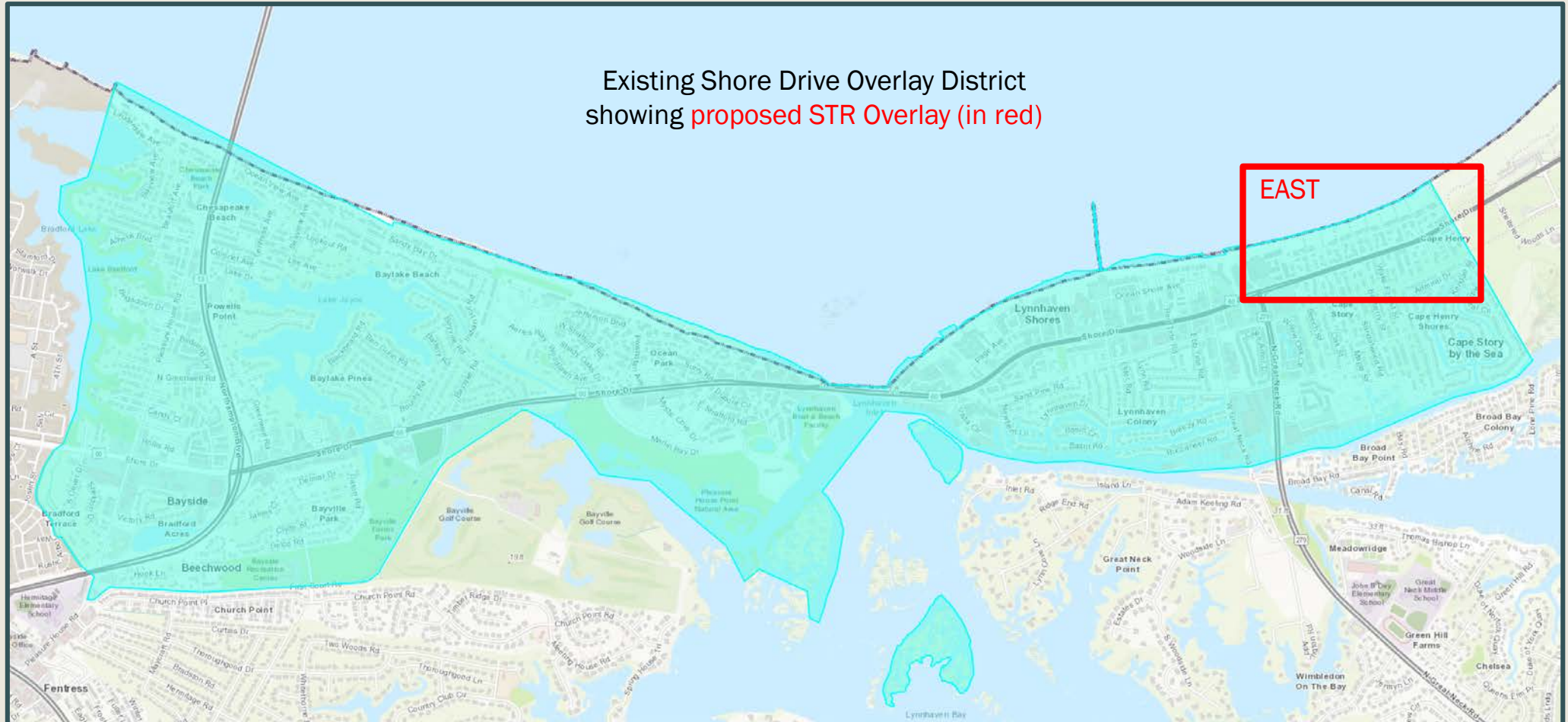
- Specific areas of the city will be included in the creation of Short Term Rental Overlay Districts.

These areas are as follows:

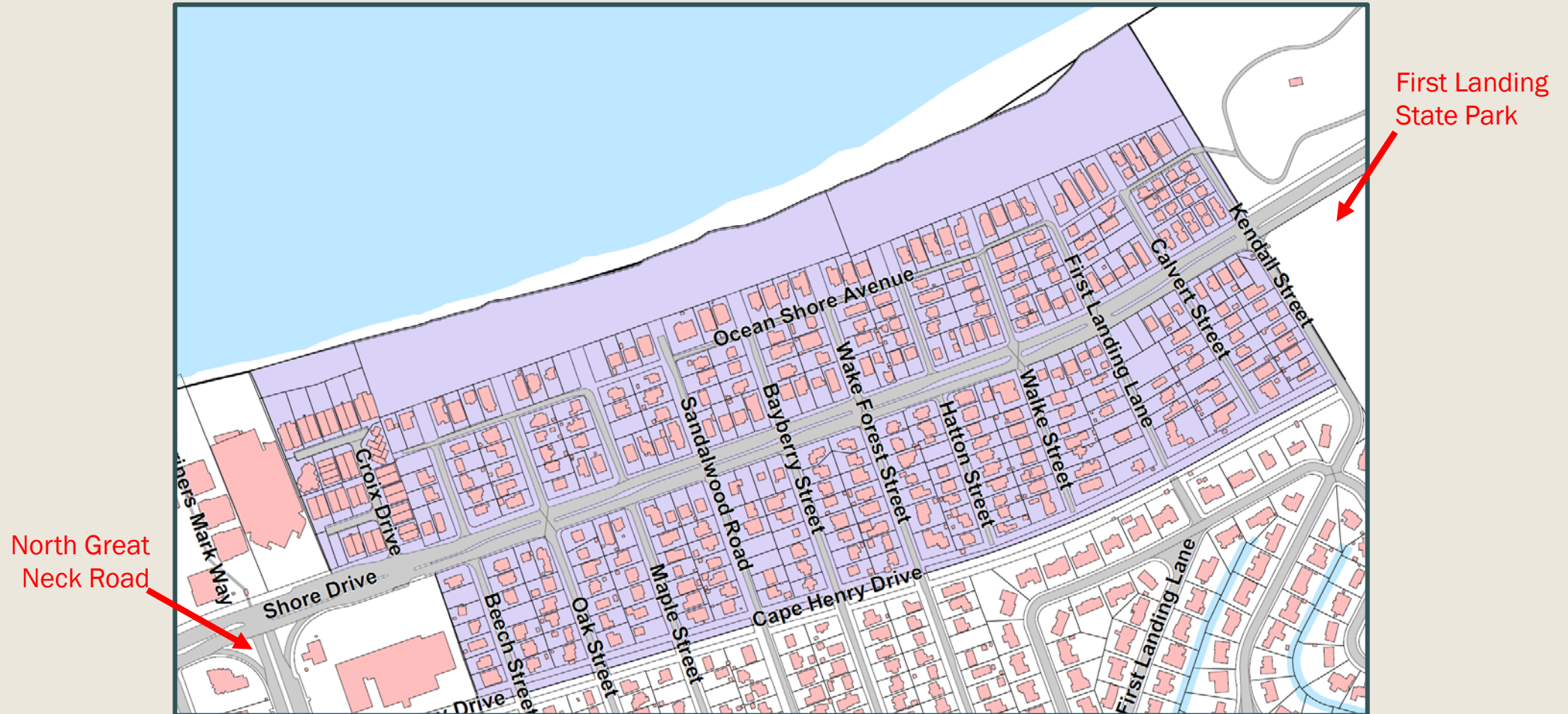
1. *East Shore Drive (small portion of Cape Story by the Sea)*
2. *North End*
3. *Oceanfront Resort (all property assigned to the OR zoning district)*

- Short Term Rental (STR) use would be permitted without the need for a Conditional Use Permit in all three overlay districts; however, the STR use SHALL meet all the requirements found in Section 241.2 of the City Zoning Ordinance (CZO). Furthermore, there would also be additional requirements found in a newly established Article 23 of the CZO. This article will be specific to STRs in the overlay districts.
- All STRs are required to obtain a permit to operate. This permit is issued by the Zoning Office.

East Shore Drive Overlay District



East Shore Drive Overlay District



North End Overlay District

Fort Story

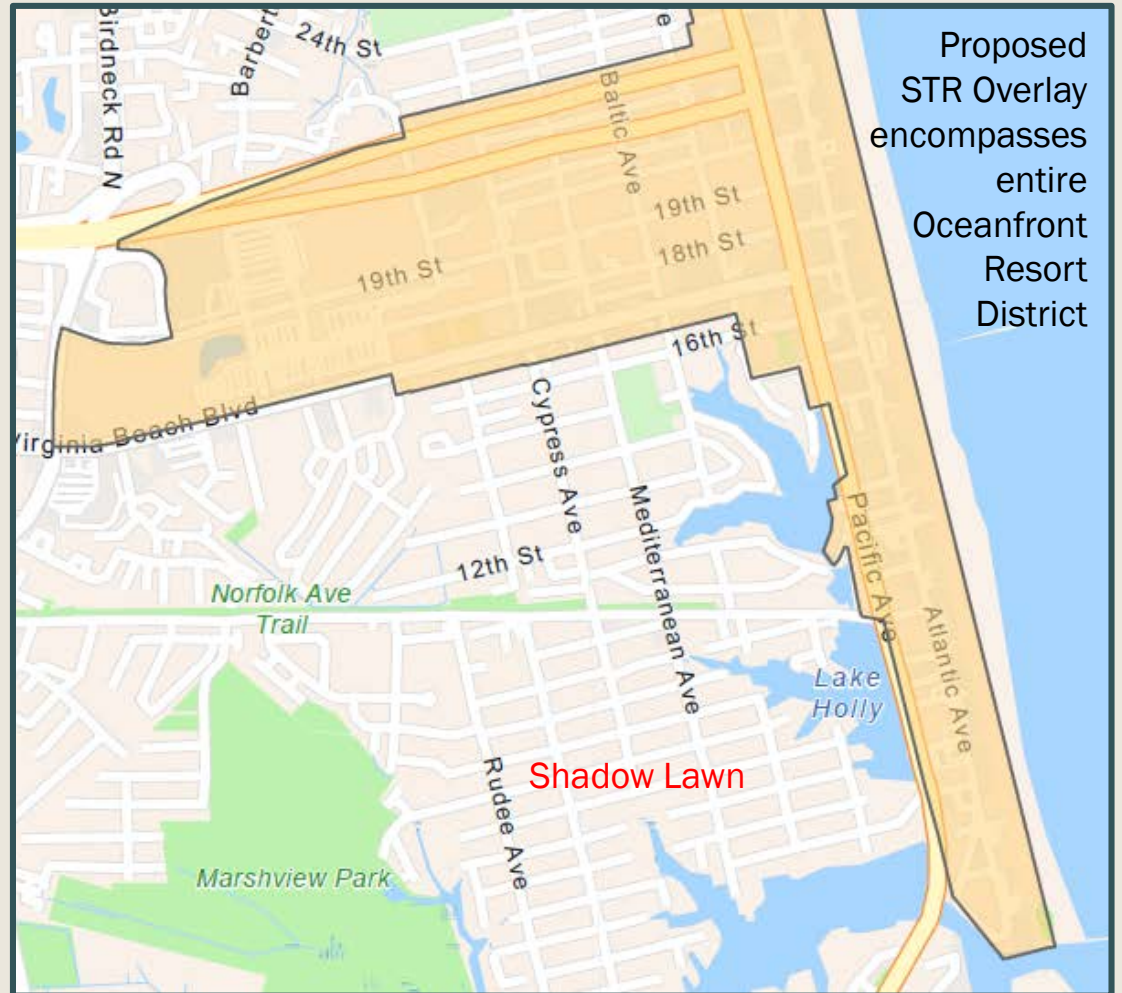
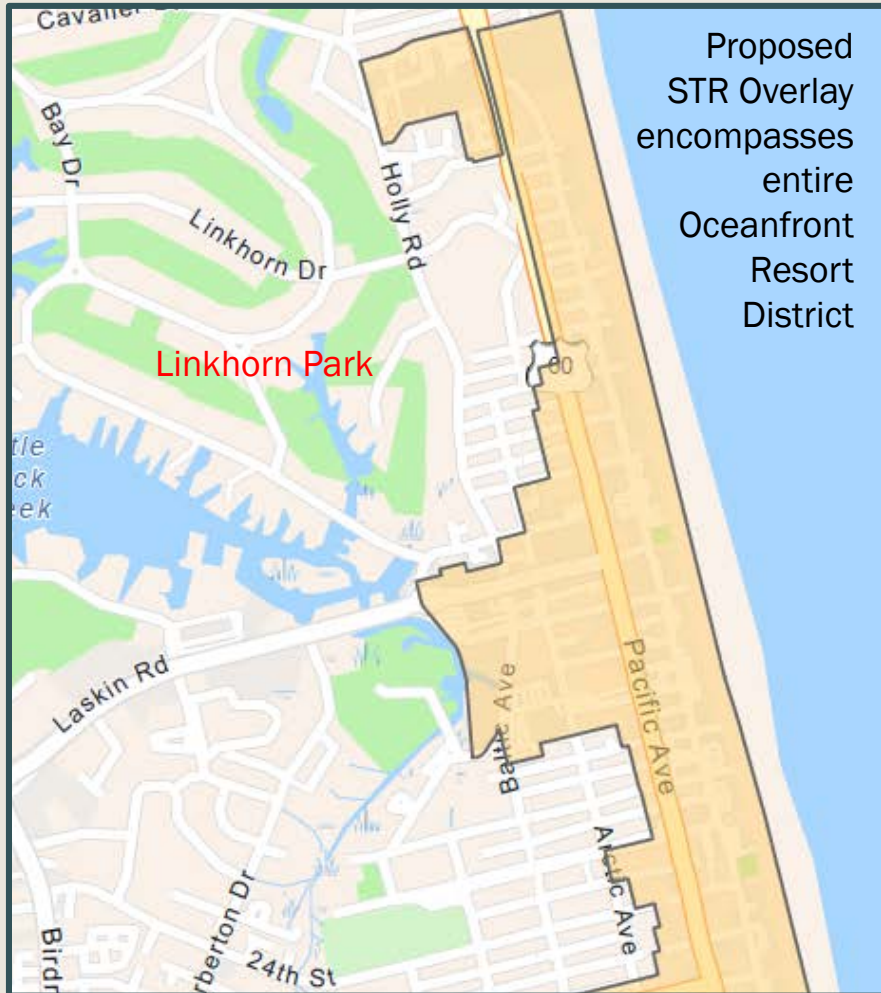


Existing North End Overlay District showing proposed STR Overlays (in red)



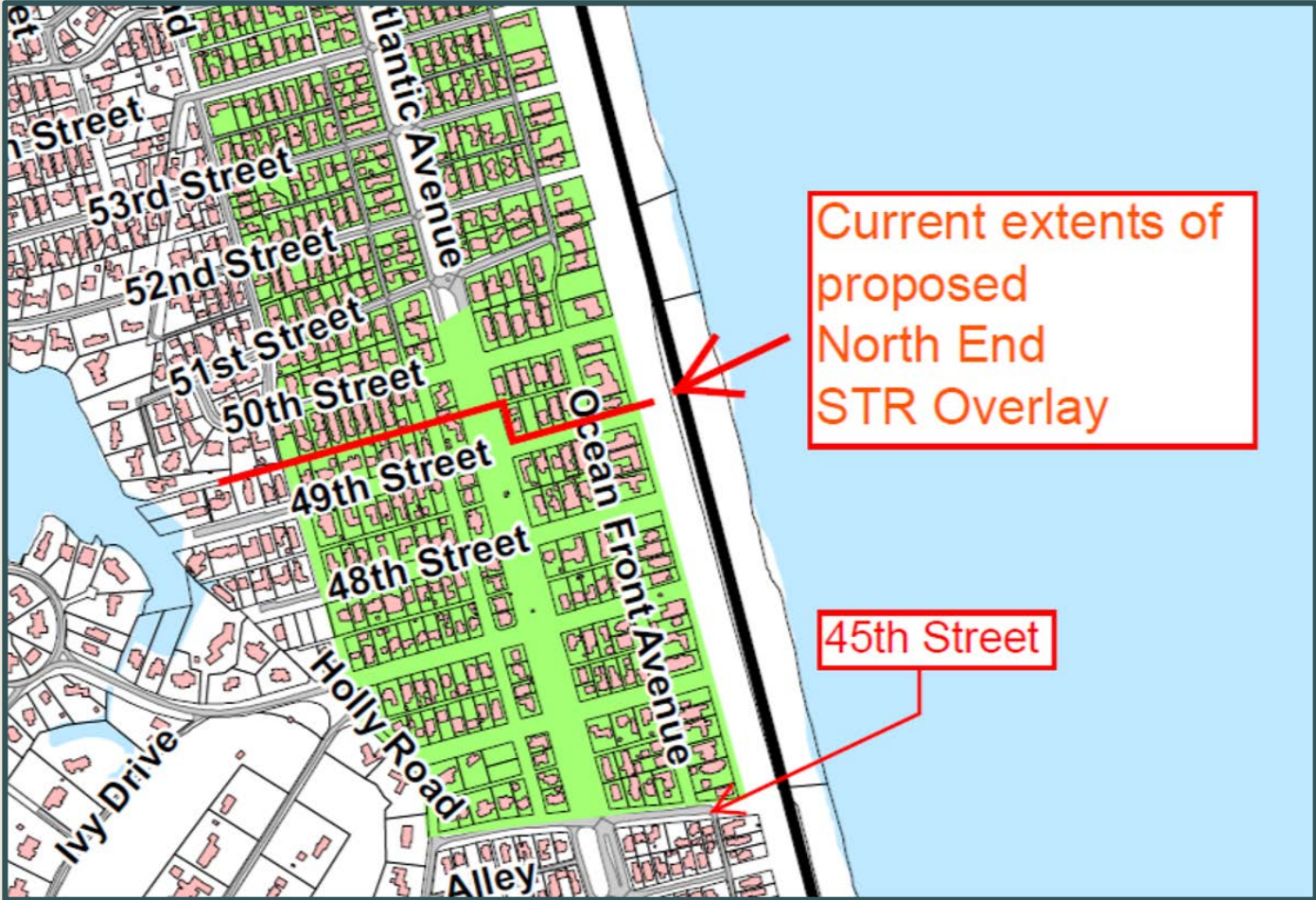
Existing North End Overlay District showing proposed STR Overlays (in red)

Oceanfront Resort Overlay District



The Hollies

(This area is NOT currently included within the proposed North End STR Overlay District)



REGULATIONS IN OVERLAY DISTRICTS

New Section added for Additional Regulations
within Short Term Rental Overlay Districts

Additional Regulations for Short Term Rental Overlay Districts

- Parking
 - *If additional parking area must be added to the STR property to meet minimum parking requirements, then it SHALL be created using a pervious material.*
 - *One garage space, meeting minimal parking space dimensions, may be counted towards the parking requirement.*
 - *Parking in the portion of the driveway located in the right-of-way is permitted, provided it does not block vehicular or pedestrian traffic.*
In other words, the parking space cannot block sidewalks and cannot obstruct the view of neighbors trying to exit their driveways.
- If property is located in the Residential Parking Permit Program (RPPP), no temporary or guest passes are permitted.

Additional Regulations for Short Term Rental Overlay Districts

- Maximum number of persons on the property between 11 p.m. and 7 a.m. would be limited to 2 persons per bedroom.
 - This number does not include minors under the age of 16; however, the total persons, including minors, may not exceed 3 per bedroom.

Example:

Bedroom 1 – Two adults and one child under 16 = ok

Bedroom 1 – Two adults, two children under 16 = Not ok

- No events permitted with guests above the number of allowed persons per night; as calculated at 2 per bedroom.
- The total number of rentals would be limited to 52 per calendar year.
- The STR owner or representative must physically respond to the property within 30 minutes if an issue or emergency arises.

Areas Outside of the Overlay Districts

- No Conditional Use Permits may be applied for and no new STR uses would be allowed.
- Short Term Rentals will not be permitted outside of Overlay Districts.
- Pre-existing neighborhoods with defined boundaries may request City Council to become a Short Term Rental Overlay District.
 - *60% of the neighborhood's property owners must agree to the request (City Council may consider additional Overlay Districts without this requirement)*
- Existing Conditional Use Permits expire in 5 years.
 - *Properties located outside of the STR Overlay Districts that possess an existing STR CUP that would not be permitted to operate when the CUP expires.*
 - *Properties located within an STR Overlay District would be required to operate under the new rules when the CUP expires.*
 - *Owner may choose to “give up” their CUP to operate under the new rules prior to its five-year expiration*
 - *No CUPs would be eligible for renewal.*

Regulations for Sandbridge remain unchanged with the exception of requirements for life safety equipment and deck/balcony inspections

- Properties located in the Sandbridge Special Service District (SSD) are permitted to operate Short Term Rentals
 - *Must meet current criteria as set forth in Section 241.2 of the Zoning Ordinance.*
- Two changes are proposed to Section 241.2 (*addressed on slides 17 and 18*)
 - *Safety equipment requirements*
 - *Deck inspection requirements*

An Ordinance establishing transition rules for the review of Conditional Use Permits for Short Term Rentals in the Short Term Rental Overlays

- Any conditional use permit for Short Term Rentals use accepted prior to the date of referral (**October 20th, 2020**) shall be processed based upon laws at the time of submission.
- Any conditional use permit for Short Term Rental use accepted after the date of referral shall be considered based upon the law applicable at the time of City Council consideration.
- No application shall be unnecessarily delayed.

ADDITIONAL MODIFICATIONS TO SECTION 241.2

Modification to Section 241.2 (13) Safety equipment

- Existing condition:
 - *To the extent permissible under State Law, provide interconnected smoke detectors, a fire extinguisher and carbon monoxide detectors (where natural gas or propane are present)*
- Modified Condition:
 - *Owner or representative must provide City Staff a with signed affidavit (annually) stating the following:*
 1. *At least one fire extinguisher has been installed and where it is located*
 2. *All smoke detectors and carbon monoxide detectors are installed in accordance with the applicable building code at the time of the home's construction (if constructed prior to interconnection requirements, a minimum one smoke detector per floor adjacent to the is sleeping rooms is required).*
 3. *All smoke alarms and carbon monoxide detectors have been inspected in the last 12 months and are in good working order.*

New Requirements Section 241.2 (17) Deck Safety

- This proposal was added to address concerns from two recent deck collapses in Sandbridge.
- A structural safety inspection report created by a licensed engineer or construction professional shall be provided to the City (annually).
 - *This report must include all exterior stairways, decks, porches and balconies to ensure they have been inspected and are safe for occupancy.*
 - *This report must include the occupant load - the number of occupants permitted on each level of these structures.*
 - *Placards clearly noting the occupant load of all exterior stairways, decks, porches and balconies shall be posted on each level of these structures.*



RECENTLY
APPROVED
AMENDMENT



An Ordinance to amend Section 104 to allow civil penalties for the violations of Section 241.2 pertaining to Short Term Rentals

- Staff recommended approval
- Planning Commission recommended approval (9 to 0 vote)
- Adopted by City Council September 15th, 2020
- Current violation is a civil penalty.
- Civil penalties allow for zoning inspectors to issue fines for violations to regulations or operating without approval.
 - \$200 *penalty for initial summons*
 - \$500 *penalty for each additional summons*

QUESTIONS?

1. What if my property is in an overlay district?

2. What if my property is not in an overlay district?

3. What if I was previously granted a Conditional Use Permit (CUP) for a Short Term Rental but my property is not in an overlay district?

4. How does the proposed ordinance affect STR properties meeting the requirements of grandfathering?

1. The property must adhere to the new requirements of the Short Term Rental Ordinance
2. Short Term Rentals are not be permitted outside of Overlay Districts.
3. Currently, the proposed ordinance change would allow the continuation of the City Council granted Short Term Rental CUP; however, the CUP would expire after 5-years and would not be eligible for renewal.
4. Grandfathered STRs must continue to meet Section 241.2 of the Zoning Ordinance as currently written; however, two additional criteria are proposed. They are as follows:
 - Additional life safety requirements and inspections*
 - Structure inspection requirements and occupancy limits for balconies and decking*

5. How do I know if my STR is grandfathered?

6. How do I register a complaint relating to an STR?

7. When are the Ordinance changes expected to be adopted?

5. The present definition of grandfathered property, as written in Section 241.2 of the City Zoning Ordinance is as follows:

“Any short term rental that has registered and paid transient occupancy taxes to the Commissioner of the Revenue prior to July 1, 2018 shall be considered grandfathered and shall not be required to obtain a conditional use permit but must meet the conditions of Section 241.2.”

If you feel your STR meets this definition, please visit www.vbgov.com/STR to submit the appropriate paperwork proving your STRs grandfather status.

6. Please call 311 or the Zoning Office at (757) 385-5074.

7. Planning Commission is expected to hear the proposed ordinance revision at a public hearing on February 10th, 2021.

City Council is expected to hear the proposed ordinance revision in March 2021 (the precise date in March will not be known until after the February Planning Commission hearing takes place).

Please note: These dates are subject to change.

Will Miller- Zoning Inspector III
wnmiller@vbgov.com
(757) 385-5066

Summer Peebles- Zoning Inspector I
sjpeeble@vbgov.com
(757) 385-5088

Kevin Hershberger-Zoning Supervisor
Short Term Rental Enforcement
khershbe@vbgov.com
(757) 385-5067

Short Term Rental Email: STR@vbgov.com

Information can be found at www.vbgov.com/str