
Sec. 38-77. Special exceptions.

The following uses shall be permitted in the Single-Family Residential District (R-1), subject to all the other requirements of this chapter, only upon the obtaining a Special Use Permit, as defined in Article XV of this chapter, from the town council:

- (1) Each dwelling unit shall be permitted not more than one apartment, which shall be contained within the dwelling unit itself. It shall be a condition of issuance of a special use permit that the owner of the dwelling within which the apartment is located reside within the dwelling itself.
- (2) *Bed and breakfast houses.* Each dwelling unit may be permitted not more than five guestrooms in which overnight accommodations may be offered to transients and operators must live on site.
- (3) *Homestay.* For this subsection, the term "homestay" means a home occupation in which an individual owns a dwelling and provides lodging in all or any portion thereof for temporary periods of times not to exceed three weeks. Other terms used for this type of business include "Short-term Rental," as defined by § 15.2-983 of the *Code of Virginia* (1950, as amended), and "STR." Examples of these include but are not limited to Air B&B, VRBO, or any other online or private travel agent or agency.

Definition: Owner: the individual, jointly with spouse, or jointly held, whether full or partial owner, or the holder of an interest in the entity that owns any property or portion thereof.

- a. Every short-term rental must obtain a business license and maintain compliance with its requirements.
- b. Every short-term rental must obtain a special use permit from the town. Special use permits for STRs expire three-years from the date of issuance. A renewal application may be submitted for consideration by town council following the application process in place at the time of the renewal request.
- c. Upon receipt of a special use permit, STR permittees shall register with the town's "Short-Term Rental Registry".
- d. Every homestay is required to submit transient occupancy tax (TOT) as per chapter 16, Article IV herein, and in compliance with state law.
- e. The current owner or, in the case of a property sale contingent on securing the special use permit, the prospective purchaser must apply for the special use permit. In the case of a contingent sale, the current owner and prospective purchaser may apply jointly.
- f. A local property owner (defined as an owner having permanent full-time residence within the corporate limits of the Town of Onancock, VA) may be permitted to operate one STR at a location that is not the property owner's principal residence which is owned by the resident. A non-resident property owner may not operate more than one STR, or any portion thereof, within the Town limits. Permit applicants must disclose the identity of all ownership interests in the proposed STR property.
- g. Every homestay must provide local contact information for a responsible party who will be available 24 hours a day, seven days a week, to respond to, and resolve issues and complaints that arise during a period in which the dwelling is being used for transient occupancy. This contact information will be made available to all adjoining property owners and to the Onancock Police Department.
- h. There must be a minimum of 200 linear feet (measured from the water meter for the property or the center of the street frontage, depending on the location of the meter), plus one tax parcel as defined by Accomack County, between properties allowed for use as homestay properties. This

includes all contiguous parcels in front, behind, and on both sides. Natural separations, such as the creek, automatically create an appropriate barrier between homestay structures.

- i. The number of overnight guests will be determined by the zoning administrator in consultation with the property owner. Properties will allow no more than two guests per bedroom and no more than four persons for each full bathroom. Nuclear families with children under the age of 18 are not limited to the number of guests allowed. The property must provide off-street parking for one vehicle for every four guests.
 - j. The owner of the property must annually provide the town with proof of insurance for property damage and liability in an amount no less than the full replacement value of the structure as it exists at the time of application and an amount of liability coverage no less than \$1,000,000.00 per occurrence and \$2,000,000.00 in aggregate
 - k. The homestay shall comply with all applicable town, county, state and federal statutes, regulations, and ordinances.
 - l. The town reserves the right to inspect the property based on complaints to verify that the homestay is being operated in accordance with the regulations set forth within this section.
 - m. The special use permit may be revoked by the zoning administrator for failure to comply with any of the terms and conditions set forth herein.
- (4) Enforcement. Violations of the terms or conditions of a special use permit issued hereunder shall be subject to enforcement pursuant to the provisions of this chapter.

(Code 1989, § 24-16; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997; Ord. of 7-27-1998; Ord. of 2-27-2017, § 24-16(c); Ord. of 2-28-2022(2); Ord. of XX-XX-2022)