



**PUBLIC HEARING**

**TOWN COUNCIL**

**TOWN OF ONANCOCK, VA**

**February 28, 2022 7:00PM**

**15 North Street, Onancock, VA 23417**

The Town Council for the Town of Onancock, VA will conduct a public hearing on Monday, February 28, 2022, at 7:00 p.m. in the Council Chambers at Onancock Town Hall at 15 North Street. The purpose of this hearing is to solicit public comment regarding the suggested changes to town ordinance 38-77, Special Exemptions (which includes the Homestay and Short-Term Rental ordinance). Copies of the proposed ordinance are available in the Town Hall during normal business and online at <https://www.onancock.com/tc/page/town-council-meeting-66>.

Questions or comments may be directed to Matt Spuck, Town Manager, at 757-787-3363, or via email at [Matt.Spuck@Onancock.com](mailto:Matt.Spuck@Onancock.com).

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Advertise on the following date: February 11, 2022

Authorized by: Matt Spuck, Town Manager, Town of Onancock

Bill to: Town of Onancock, VA  
15 North Street, Onancock, VA 23417

# PROPOSED ORDINANCE

## 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 of 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," and "STR." Examples of these include but are not limited to AirBnB, VRBO, or any other online or private travel agent or agency.
  - a. Every short-term rental must obtain and maintain a Special Use Permit from the Town of Onancock. Special Use Permits for STR expire 3 years from the date of issuance and must be reconsidered by Town Council following the application process in place at the time of the renewal request.
  - b. Every Homestay is required to submit Transient Occupancy Tax (TOT) as per Chapter 16, Article IV herein. If any Homestay is idle for twelve consecutive months or does not submit TOT as defined, the Special Use Permit is automatically rescinded, and the owner must reapply using the process in place at the time of the reapplication.
  - c. The current owner must apply for the Special Use Permit. In the situation of a property sale contingent on securing the Special Use Permit (SUP), both the current owner and the purchaser may jointly apply
  - d. The owner shall only be permitted one homestay in the town. Any ownership by an LLC, a partnership or a corporation must disclose all individuals included in the ownership of the purchasing entities. No individual may own any portion of more than one homestay in Onancock.
  - e. The applicant must provide local contact information for a responsible party, if the owner is not the responsible party, the owner must identify 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.
  - f. There must be a minimum of two-hundred linear feet (measured from the water meter for the property or the center of the street frontage, depending on the location of the meter) and 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.
  - g. The number of overnight guests will be determined by the zoning administrator in consultation with the homeowner. Properties will allow no more than 2 guests per bedroom and no more than 4 persons for each full bathroom. Nuclear families with children under the age of 18 are not

# PROPOSED ORDINANCE

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limited to the number of guests allowed. The property must provide off-street parking for one vehicle for every four guests.

- h. The owner of the property must annually provide the Town of Onancock 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 per occurrence and \$2,000,000 in aggregate.
- i. The homestay shall comply with all applicable town, county, state and federal statutes, regulations, and ordinances.
- j. The town reserves the right to inspect the residence based on complaints to verify that the homestay is being operated in accordance with the regulations set forth within this section.
- k. The special use permit will be revoked by the zoning administrator if three or more substantiated complaints are received by the town in a calendar year, or failure to maintain compliance with any of the regulations set forth herein.

(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))

# CURRENT ORDINANCE SHOWING EDITS

## 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 of 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 ~~actually~~ 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 the purpose of~~For this subsection, the term "homestay" means a home occupation in which an individual owns a dwelling ~~and also~~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," and "STR." Examples of these include but are not limited to AirBnB, VRBO, or any other online or private travel agent or agency.
  - a. Every short-term rental must obtain and maintain a Special Use Permit from the Town of Onancock. Special Use Permits for STR expire 3 years from the date of issuance and must be reconsidered by Town Council following the application process in place at the time of the renewal request.
  - b. Every Homestay is required to submit Transient Occupancy Tax (TOT) as per Chapter 16, Article IV herein. If any Homestay is idle for twelve consecutive months or does not submit TOT as defined, the Special Use Permit is automatically rescinded, and the owner must reapply using the process in place at the time of the reapplication.
  - c. The current owner must apply for the Special Use Permit. In the situation of a property sale contingent on securing the Special Use Permit (SUP), both the current owner and the purchaser may jointly apply. An owner of a homestay residence must apply for a business license and is subject to the transient occupancy tax.
  - bd. The owner shall only be permitted one homestay in the town. Any ownership by an LLC, a partnership or a corporation must disclose all individuals included in the ownership of the purchasing entities. No individual may own any portion of more than one homestay in Onancock.
  - ee. The applicant must provide local contact information for a responsible party, if the owner is not the responsible party, the owner must identify 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.
  - f. There must be a minimum of two hundred linear feet (measured from the water meter for the property or the center of the street frontage, depending on the location of the meter) and 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.
  - g. (REMOVED 90 DAY LIMITATION)

## CURRENT ORDINANCE SHOWING EDITS

- dgh. The number of overnight guests will be determined by the zoning administrator in consultation with the homeowner. Properties will allow no more than 2 guests per bedroom and no more than 4 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, based on the number of bedrooms, size of the house and size of the lot subject to approval of the town council.
- i. The owner of the property must annually provide the Town of Onancock 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 per occurrence and \$2,000,000 in aggregate.
- ej. The homestay shall comply with all applicable town, county, state and federal statutes, regulations and ordinances.
- fk. The town reserves the right to inspect the residence based on complaints to verify that the homestay is being operated in accordance with the regulations set forth within this section.
- gl. The special use permit ~~may will~~ be revoked by the zoning administrator in the event that three or more substantiated complaints are received by the town in a calendar year, or failure to maintain compliance with any of the regulations set forth ~~in this subsection (3) herein.~~

(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))

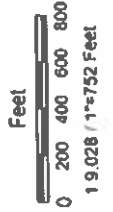
# Accomack County, Virginia

**Legend**  
Parcels

SHADED PARCELS  
SHOW CURRENT  
PERMITTED HOMESTEAD  
PROPERTIES.

SCALE BELOW SHOWS  
DISTANCE.

Map Printed from AccoMap  
<https://parcelviewer.geodecisions.com/Accomack>



**Title:** West

**Date:** 1/11/2022

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Accomack County is not responsible for its accuracy or how current it may be.