

1 **Ordinance To Amend And Re-enact Chapter 9 Of The Zoning Ordinance Of The City Of**
2 **Hampton, Virginia Entitled “Overlay Districts” By Adding Article VIII Entitled “O-STR –**
3 **Short-term Rental Overlay” To Add A New Overlay District Which Regulates the Density**
4 **and Separation of Short-term Rentals**

5
6 **WHEREAS**, the public necessity, convenience, general welfare and good zoning practice so
7 require;

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9 **BE IT ORDAINED** by the Council of the City of Hampton, Virginia that Chapter 9 of the Zoning
10 Ordinance of the City of Hampton, Virginia, be amended and re-enacted as follows:

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12 **Chapter 9 – OVERLAY DISTRICTS**

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15 **ARTICLE VII. – O-HP DISTRICT – HISTORIC PRESERVATION OVERLAY**

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18 **Secs. 9-68 - 9-70. – Reserved.**

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20 **ARTICLE VIII. – O-STR DISTRICT – SHORT-TERM RENTAL OVERLAY**

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22 **Sec. 9-71. – Intent.**

23 *(1) The purpose of this article is to ensure the dispersion of short-term rentals throughout*
24 *the city in a manner that suitably balances the economic development activity and*
25 *entrepreneurial spirit of the use while maintaining the character of neighborhoods in a*
26 *manner that creates a harmonious community. In order to achieve this balance, the*
27 *Short-term Rental Overlay (O-STR) District establishes the maximum allowed number of*
28 *short-term rentals as well as separation requirements within designated STR Zones. The*
29 *boundaries of the STR Zones are derived from master plan area boundaries as well as*
30 *major corridors and physical separators, such as waterways, drainageways, highways,*
31 *and significant roads. The maximum density and minimum separation requirements are*
32 *applied within each STR Zone so as to mitigate the impact of short-term rentals on an*
33 *appropriate scale.*

34 *(2) This article shall have an effective date of July 1, 2024.*

35 **Sec. 9-72. – Severability.**

36 *(1) If any section, subsection, sentence, clause, or phrase of this article is for any reason*
37 *held to be invalid, unconstitutional, or otherwise unlawful, such decision shall not affect*
38 *the validity of the remaining portions of this article.*

39 **Sec. 9-73. – Establishment of boundaries.**

- (1) The Short-term Rental Overlay (O-STR) District shall be composed of fifty-one (51) subdistricts, referred to periodically as “STR Zones,” each having a unique identifying name.
- (2) The boundaries of such subdistricts are shown on the Short-term Rental Overlay District map, which shall be incorporated into the City’s official zoning map.
- (3) The regulations of this article shall apply in addition to the regulations of the underlying zoning district. In cases where the regulations stated herein conflict with those of the underlying zoning district, this article shall supersede the underlying zoning district.

Sec. 9-74. –General standards and application.

- (1) All of the additional standards on use contained within Sec. 3-3(29) must be met in addition to the requirements contained within this Overlay District in order to operate a short-term rental.
- (2) Grace-period short-term rentals as referenced by Sec. 3-3(29)(f), shall be exempt from the density and separation standards of Sec. 9-75 if they receive the required approval prior to December 31, 2024. However, grace-period short-term rentals shall still count towards the density and separation standards of Sec. 9-75.
- (3) The distance a short-term rental must be from another short-term rental as required within Sec. 9-75 shall be measured beginning from the property boundaries extending outwards in all directions. Where any portion of a property is within that distance, that property shall be prohibited from operating as a short-term rental except as otherwise noted within Sec. 9-74(3)(a), Sec. 9-74(2), and Sec. 9-74(5).
- (a) Two (2), but no more than two (2), short-term rentals may abut on the side so long as the second short-term rental is complying with the required separation of any non-abutting short-term rental. In such case, separation from the two (2) abutting short-term rentals as required by Sec. 9-75 shall be measured extending outwards from the combined exterior property boundaries.
- (4) Separation between short-term rentals as required by Sec. 9-75 shall only apply between short-term rentals located within the same individual STR Zone.
- (5) Short-term rentals which operate within a building which contains multiple dwelling units on a single property shall not be subject to and shall not establish separation requirements as indicated by Sec. 9-75.

Sec. 9-75. – Density and Separation Standards for Short-term Rentals.

- (1) The standards contained within Table 9-75.1 shall apply.

Table 9-75.1: Density and Separation Standards by STR Zone		
STR Zone name	Maximum number of permits for short-term rentals	Minimum separation between short-term rentals
Back River 1	13	500 feet
Back River 2	16	500 feet

<i>Back River 3</i>	<i>7</i>	<i>500 feet</i>
<i>Back River 4</i>	<i>16</i>	<i>500 feet</i>
<i>Buckroe 1</i>	<i>9</i>	<i>500 feet</i>
<i>Buckroe 2</i>	<i>16</i>	<i>500 feet</i>
<i>Coliseum Central 1</i>	<i>36</i>	<i>500 feet</i>
<i>Coliseum Central 2</i>	<i>11</i>	<i>500 feet</i>
<i>Coliseum Central 3</i>	<i>16</i>	<i>500 feet</i>
<i>Coliseum Central 4</i>	<i>1</i>	<i>500 feet</i>
<i>Downtown 1</i>	<i>5</i>	<i>500 feet</i>
<i>Downtown 2</i>	<i>8</i>	<i>500 feet</i>
<i>Downtown 3</i>	<i>4</i>	<i>500 feet</i>
<i>Downtown 4</i>	<i>8</i>	<i>500 feet</i>
<i>Fort Monroe</i>	<i>3</i>	<i>500 feet</i>
<i>Fox Hill 1</i>	<i>10</i>	<i>500 feet</i>
<i>Fox Hill 2</i>	<i>9</i>	<i>500 feet</i>
<i>Fox Hill 3</i>	<i>11</i>	<i>500 feet</i>
<i>Fox Hill 4</i>	<i>13</i>	<i>500 feet</i>
<i>Hampton River 1</i>	<i>11</i>	<i>500 feet</i>
<i>Hampton River 2</i>	<i>4</i>	<i>500 feet</i>
<i>Hampton River 3</i>	<i>7</i>	<i>500 feet</i>
<i>Hampton River 4</i>	<i>6</i>	<i>500 feet</i>
<i>Hampton River 5</i>	<i>3</i>	<i>500 feet</i>
<i>Hampton River 6</i>	<i>13</i>	<i>500 feet</i>
<i>Long Creek 1</i>	<i>23</i>	<i>500 feet</i>
<i>Long Creek 2</i>	<i>13</i>	<i>500 feet</i>

<i>Long Creek 3</i>	<i>16</i>	<i>500 feet</i>
<i>Neil Armstrong 1</i>	<i>11</i>	<i>500 feet</i>
<i>Neil Armstrong 2</i>	<i>22</i>	<i>500 feet</i>
<i>Neil Armstrong 3</i>	<i>4</i>	<i>500 feet</i>
<i>Neil Armstrong 4</i>	<i>13</i>	<i>500 feet</i>
<i>Neil Armstrong 5</i>	<i>4</i>	<i>500 feet</i>
<i>Newmarket Creek 1</i>	<i>7</i>	<i>500 feet</i>
<i>Newmarket Creek 2</i>	<i>10</i>	<i>500 feet</i>
<i>Newmarket Creek 3</i>	<i>13</i>	<i>500 feet</i>
<i>Newmarket Creek 4</i>	<i>10</i>	<i>500 feet</i>
<i>Newmarket Creek 5</i>	<i>20</i>	<i>500 feet</i>
<i>Newmarket Creek 6</i>	<i>8</i>	<i>500 feet</i>
<i>Northampton 1</i>	<i>11</i>	<i>500 feet</i>
<i>Northampton 2</i>	<i>32</i>	<i>500 feet</i>
<i>Northampton 3</i>	<i>19</i>	<i>500 feet</i>
<i>Northampton 4</i>	<i>19</i>	<i>500 feet</i>
<i>Northampton 5</i>	<i>10</i>	<i>500 feet</i>
<i>Phoebus 1</i>	<i>6</i>	<i>500 feet</i>
<i>Phoebus 2</i>	<i>12</i>	<i>500 feet</i>
<i>Phoebus 3</i>	<i>8</i>	<i>500 feet</i>
<i>Wythe 1</i>	<i>16</i>	<i>500 feet</i>
<i>Wythe 2</i>	<i>18</i>	<i>500 feet</i>
<i>Wythe 3</i>	<i>11</i>	<i>500 feet</i>
<i>Wythe 4</i>	<i>15</i>	<i>500 feet</i>

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Secs. 9-76 – 9-80. – Reserved.

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