

STAFF EVALUATION

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Case No.: Zoning Ordinance Amendment, ZOA24-0277

Planning Commission Date: July 18, 2024

City Council Date: August 14, 2024

General Information

Description of Proposal The amendment proposes to establish a new use, "homestay rental", permitted via a zoning administrator permit if certain conditions are met.

Relevant Existing Zoning Definitions *Short-term rental. The provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes to transient residents in exchange for a charge for the occupancy. This term does not include hotel, bed and breakfast 1, or bed and breakfast 2, as defined within this ordinance.*

Regulations Currently in Effect Chapter 3 – Uses Permitted
Sec. 3-2. – Table of uses permitted.
The "Table of uses permitted" indicates that "short-term rental" requires approval of a Use Permit in the R-LL, R-43, R-R, R-33, R-22, R-15, R-13, R-11, R-9, R-8, R-4, MD-1, MD-2, MD-3, MD-4, R-M, C-1, C-2, LFA-5, RT-1, BB-1, BB-2, BB-3, DT-1, DT-2, DT-3, PH-1, PH-2, PH-3, FM-1, FM-2, and FM-3 zoning districts.

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Sec. 3-3. – Additional standards on uses.

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(29) Short-term rentals in the R-LL, R-43, R-R, R-33, R-22, R-15, R-13, R-11, R-9, R-8, R-4, MD-1, MD-2, MD-3, MD-4, R-M, C-1, C-2, LFA-5, RT-1, BB-1, BB-2, BB-3, DT-1, DT-2, DT-3, PH-1, PH-2, PH-3, FM-1, FM-2, and FM-3 zoning districts are subject to obtaining a use permit by city council and shall comply with the following additional standard:

(a) Short-term rentals for which a business license was issued and zoning compliance was confirmed pursuant to Sec. 18.1-12 of the City Code prior to December 14, 2022 may operate continuously in the same location until December 31, 2024 provided that the short-term rental maintains compliance with all applicable City Code and Zoning Ordinance provisions during that time. After December 31, 2024, the short-term rental must obtain approval of a use permit by city council in order to continue operation.

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Enacted Regulations Effective September 1, 2024 Chapter 3 – Uses Permitted
Sec. 3-2. – Table of uses permitted.

The "Table of uses permitted" indicates that "short-term rental" requires approval of a Zoning Administrator Permit or a Use Permit in the R-LL, R-43, R-R, R-33, R-22, R-15, R-13, R-11, R-9, R-8, R-4, MD-1, MD-2, MD-3, MD-4, R-M, C-1, C-2, LFA-5, RT-1, BB-1, BB-2, BB-3, DT-1, DT-2, DT-3, PH-1, PH-2, PH-3, FM-1, FM-2, and FM-3 zoning districts with additional standards on the use.

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Sec. 3-3. – Additional standards on uses.

...

(29) Short-term rentals in the R-LL, R-43, R-R, R-33, R-22, R-15, R-13, R-11, R-9, R-8, R-4, MD-1, MD-2, MD-3, MD-4, R-M, C-1, C-2, LFA-5, RT-1, BB-1, BB-2, BB-3, DT-1, DT-2, DT-3, PH-1, PH-2, PH-3, FM-1, FM-2, and FM-3 zoning districts are subject to obtaining a use permit by city council and shall comply with the following additional standard:

...

(c) The following additional standards shall be met by all short-term rentals:

(i) The short-term rental shall comply with the provisions of the Short-Term Rental Overlay District in Chapter 9 of the zoning ordinance, as amended;

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Chapter 9 – Overlay Districts

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Article VIII. – O-STR District – Short-term Rental Overlay

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

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

The "Table 9-75.1: Density and Separation Standards by STR Zone" lists each of 51 STR Zones, and indicates that all Zones have a required separation of 500 feet minimum between short-term rentals.

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Analysis

During the recent process to establish regulations related to short-term rentals, City Council identified a need to address homestay rentals separately from short-term rentals. This amendment, in conjunction with Zoning Ordinance Amendment No. 24-0276, creates a new definition of "homestay rental" and establishes where and how the use may be permitted.

The proposed definition of "homestay rental" requires that the resident of a single-family dwelling unit live at the home and allows only one single bedroom be used for transient

lodging. The definition provides clarification that a single-family dwelling unit is intended to include detached single-family homes, but also duplexes which are on separate fee-simple lots, and townhouses where each dwelling unit is on a separate fee-simple lot.

Homestay rentals are proposed to be permitted in the zoning districts which otherwise permit single-family dwellings, duplexes, and townhouses on fee-simple lots. In those zoning districts, approval of a zoning administrator permit with conditions is required to operate a homestay rental. If the operator fails to comply with the required conditions, enforcement action can be taken, up to and including revocation of the zoning administrator permit, which would then prohibit the operation of a homestay rental.

The proposed conditions on the use are similar to those developed for a short-term rental. They include standards such as requirement of a floor plan showing the rentable bedroom and an escape route in case of emergency, the maximum capacity permitted, parking required on an improved surface, prohibition of events and exterior signage, operating in compliance with all laws and these conditions, and maintaining a ledger for who stays and when.

Additionally, the operator must use the property as their primary residence, must reside at the property during all stays, and must be present on-site at all times when an overnight homestay rental is occurring.

Staff believes these proposed conditions will ensure that the use operates under close supervision by the resident who will have a clear interest in maintaining order and preventing issues from arising. For this reason, this limited type of resident-occupied lodging is proposed as distinct from the short-term rental use.

Staff recommends approval of ZOA 24-0277.