



## Short-Term Rentals Phase 2: Meeting 1

STR Stakeholder Group  
December 7, 2023



## Welcome

- **PHASE 2: STR Stakeholder Group**
- **December 2023 – January 2024**
  - 6-7 week process, 5-7 sessions
- **Focus Group Format**
  - Will be given background and context
  - Specific set of guidance requested
  - Diverse & broad perspectives
  - No decisions being made here

## Phase 2: Topics to Cover

- **Density**
- **Separation**
- **Suitable areas for STRs**
- **Types of STRs**
- **Permit process**

## Agenda

- **Introductions & Commitments**
- **Background**
  - Legal parameters
  - What is a Short-term rental (STR)?
  - History of STRs
  - Facts about STRs
  - STR-related Policies
- **Phase 2: Engagement Goals & Topics**
- **Upcoming Meetings**

## Introductions

- **Interview your partner**
  - *Something about Hampton that you love?*
  - *A hidden/unique talent?*
  - *Something in your life that you are looking forward to?*

## Participant Commitments

### Your Role

- Be present & prepared
- Bring diverse perspectives
- Share examples & experiences
- Be respectful & actively listen
- Seek to understand
- Seek common ground
- Be aware of others & time
- 
- 

### Staff Role

- Provide background & context
- Ask & answer key questions
- Provide an efficient & inclusive process
- Capture & transcribe input
- Incorporate input, as possible
- Provide staff recommendations to Planning Commission & City Council
- 
-

# Background

*Definition & History*

## Legal Context

- **State law has preserved local zoning authority to regulate STRs**
  - General Assembly is expected to act next session on bills that may restrict local regulatory authority
- **Legal principles about governance**

## What is a Short-term Rental?

- State and local code:  
*Lodging provided for 30 days or less,  
that is not hotels nor bed & breakfasts*
- Commonly referred to as “AirBnBs” or “STRs”, frequently advertised on online platforms such as AirBnB and VRBO
- Requires a business license to operate in Hampton

## History of STRs: Part 1

- **Prior to December 2013:**
  - Zoning Ordinance did not address
- **December 2013:** Zoning Interpretation
  - STRs are permitted by-right as an accessory use to single family dwellings
  - If the primary use is STR rentals, then it is a bed & breakfast, which required a Use Permit
- **November 2019:** Zoning Interpretation
  - The STR location must be the primary residence of the applicant (Primary residence = where applicant lives 6+ months of a year)
  - Thus, only 1 STR is permitted per person within the City

## History of STRs: Part 2

- **Fall 2022: Phase 1 Stakeholder Engagement**
  - Potential state legislation prohibiting local control of STRs
  - Convened stakeholders to discuss Phase 1 of STR regulations
- **December 2022: Zoning Ordinance Amendment**
  - STRs are permitted only with an approved Use Permit (UP) in certain districts
  - Previous interpretations voided & previously legally-operating STRs provided a 2-year grace-period
- **Spring 2023: Phase 1 STR Stakeholder Engagement**
  - Continued to help refine set of recommended conditions for STRs being approved via UP process
- **August 2023: Phase 1 Implementation Pause**
  - City Council paused consideration of Use Permits to understand policy implications of STRs
- **December 2023: Phase 2 STR Stakeholder Engagement**
  - Staff convened Phase 2 Stakeholders to explore concerns about density and location of STRs and a by-right process

## Adopted Districts

- Requires a Use Permit in all listed districts
- Allowed only in districts that allowed STRs from prior interpretation
  - One and Two Family Residential (R-LL, R-43, R-R, R-33, R-22, R-15, R-13, R-11, R-9, R-8, and R-4),
  - Multifamily (MD-1, MD-2, MD-3, MD-4, and R-M),
  - Commercial (C-1 and C-2),
  - Langley Flight Approach Limited Residential (LFA-5),
  - Residential Transition (RT-1),
  - Buckroe Bayfront (BB-1, BB-2, and BB-3),
  - Downtown (DT-1, DT-2, and DT-3),
  - Phoebus (PH-1, PH-2, and PH-3), and
  - Fort Monroe (FM-1, FM-2, and FM-3)

## Phase 1 Stakeholder Composition

- **Susan Gaston** – Consultant/Virginia Peninsula Association of Realtors
- **Joyce Blair** – B&B Owner/Operator (Magnolia House)
- **Lynn Howard** – owner of multiple STR's in various cities
- **Greg Garrett** – STR owner and realtor
- **Kathy Rogers** – Neighborhood Commissioner
- **Kevin Steele** – Neighborhood Commissioner, rental property owner
- **Elizabeth Parker** – Element Hotel (replacement for D. Reyes)
- **Michael Harris** – Board of Zoning Appeals member, citizen of Hampton, rental property owner

## Background

*Regulation Facts &  
Experiences*

## Facts about STRs

Other regulations to keep in mind:

- **Building Code Regulations**
  - When STRs are occupied by more than 10 people or use more than 5 rooms, additional building code requirements apply
  - E.g., Fire alarm systems, sprinklers, and fire extinguishers
- **Commissioner of the Revenue Regulations**
  - Business license and lodging taxes are required

## Facts about STRs

- **Historically, enforcement has been challenging**
  - Was difficult to prove existence of STR
    - STR platforms do not give a precise address
  - Difficult to prove the residency violation
    - Relying on neighbor testimony, which requires them to keep records and come to court
- **Currently, operating on a complaint basis**
  - Violation issued if STR found to be operating after any complaint is received
  - Staff will not recommend approval of any STR found to be operating after a violation has been issued



## Facts about STRs

- **How Other Localities Are Regulating STRs**
  - Virginia Beach, Norfolk, and Newport News all have specific regulations for how STRs are permitted
  - Williamsburg only permits owner-occupied, single-room, highly limited STRs via a special exception request
- **Some Common Themes**
  - Distinction between "homestays" and "vacation rentals"
    - Homestay – owner remains on-site and rooms are rented
    - Vacation rental – entire home is rented out to guests
  - Regulations vary by geographic area
  - Some use permit and some by-right
  - Various conditions placed on use

## Guidance & Policy Considerations

## Guidance Considerations

- Zoning regulations should be:
  - Enforceable
  - Efficient
  - Consistent and fair
  - Equitable
  - Serves the public interest

## Policy Considerations

- Housing
- Economic
- Equity
- Compatibility
- Nuisances

## PROCESS OUTCOMES & NEXT STEPS

### Phase 2: Process Outcomes

- Staff must provide feedback to City Council on **February 14<sup>th</sup>**
- Stakeholder meetings must conclude by **January 26<sup>th</sup>** at the very latest

## Phase 2: Topics to Cover

- **Density**
- **Separation**
- **Suitable areas for STRs**
- **Types of STRs**
- **Permit process**

## Proposed Schedule

- **Tuesday evenings**  
4:30 pm to 6:00 pm?
  - **December 12, 2023**
  - **December 19, 2023**
  - ~~December 26, 2023~~
  - ~~January 2, 2024~~
  - **January 9, 2024**
  - **January 16, 2024**
  - **January 23, 2024**
  - **January 30, 2024** (only if needed)
- **Thursday evenings**  
4:30 pm to 6:00 pm?
  - ~~December 14, 2023~~
  - ~~December 21, 2023~~
  - ~~December 28, 2023~~
  - **January 4, 2024**
  - **January 11, 2024**
  - ~~January 18, 2024~~
  - **January 25, 2024**

## FOIA information

- Public Records Under FOIA
  - Public Record = “all writings and recordings . . . however stored, and regardless of physical form or characteristics, prepared or owned by, or in the possession of a public body or its officers, employees, or agents in the transaction of public business.”
  - Copies of public records must be provided to members of the public and press if requested (with limited exceptions)
  - Writings and recordings associated with this stakeholder effort likely qualify as public records

## “HOMEWORK”

- What are examples of other communities that accommodate STRs “well”?
- How do you think the number of STRs impacts a neighborhood?
- What may be 2 key impacts (both +/-) of short term rentals in concentrated areas?

**NEXT MEETING: DENSITY & SEPARATION**



## Short-Term Rentals Phase 2: Meeting 2

STR Stakeholder Group  
December 12, 2023



## Welcome

- Staff follow-ups
  - Phase 1 conditions
  - Complaint data
- Process note

## Topics to Cover

- **Density** ◀.....
- **Separation** ◀.....
- **Suitable areas for STRs**
- **Types of STRs**
- **Permit process**

## Reintroductions

- **HOMEWORK:**
  - *What are examples of other communities that accommodate STRs “well”?*
  - *How do you think the number of STRs impacts a neighborhood?*
  - *What may be 2 key impacts (both +/-) of short term rentals in concentrated areas?*

# Agenda

- **Guidance & Policy considerations**
- **Density**
  - Overview
  - Block Level
  - Multifamily/Other
  - Cap Management
- **Separation**
- **Next Meeting**

## Guidance & Policy Considerations



## Guidance Considerations

- Zoning regulations should be:
  - Enforceable
  - Efficient
  - Consistent and fair
  - Equitable
  - Serves the public interest

## Policy Considerations

- **Housing Supply**
  - Housing demand in Virginia is growing
  - Long-term rental properties across Hampton Roads are at 90%+ capacity
    - Rents have increased in double digit %s in the last 5 years
  - Speculative investors may purchase properties for the purpose of full-time STR use and limit the market

## Policy Considerations

- **Economic impacts**
  - STRs may supplement the City's hotel stock
  - STRs generate lodging taxes
  - STRs may incentivize owners' improvement of their properties

## Policy Considerations

- **Equity**
  - Core goal is to arrive at a policy which does not disproportionately impact communities which are predominantly:
    - Communities of color
    - Lower housing values
    - Lower incomes
  - Cognizant of historic disinvestment or underfunded public support

## Policy Considerations

- **Compatibility questions**

- May impact neighborhood social fabric and relationships
- STRs are a different land use than a single family home – may affect experience of residents with many STRs in a neighborhood
- Properties can be rented for long-term rentals (30+ days) without approval

## Policy Considerations

- **Nuisance issues**

- These are addressed by use permit conditions, but could be disruptive
  - Noise, parking, responsible local parties, etc.
- Enforcement process does take time

## **DENSITY: OVERVIEW**

### **Density: Key Areas to Explore**

- A. Block Level**
- B. Multifamily, Commercial,  
Mobile Home Parks**
- C. Cap Management**

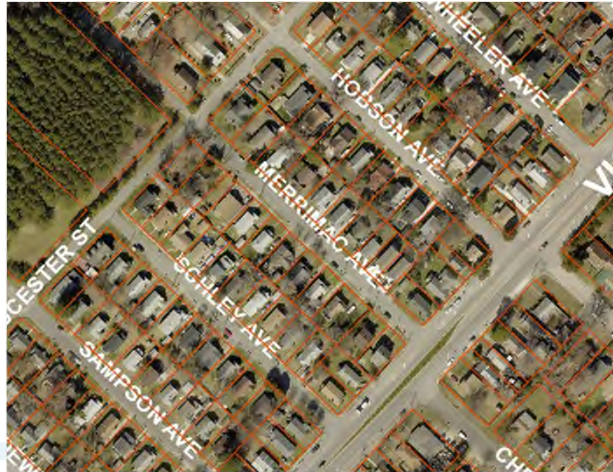
## Density

- **City-Wide**
- **Neighborhood/District-Wide**
- **Street Level**
  - Radius Buffer
  - Block Face 

**DENSITY: BLOCK LEVEL**

## Density: Block Level

- What is a block face and why use it?



## Density: Block Level

- More example streets





## Density: Block Level

- More example streets



## Density: Block Level

- **Scenario 1:** % of houses on the block, always at least 1/block side
- **Scenario 2:** % of houses on the block, only if there is minimum number of houses

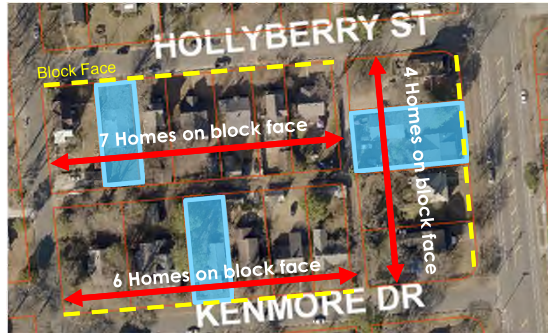
## Density: Block Level

### Conceptual example

#### Scenario 1:

Example using 10% maximum (1 STR for every 10 houses) per block face.

**Minimum of 1 STR is allowed per block face.**



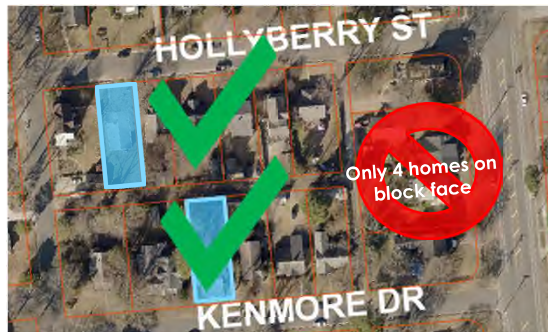
## Density: Block Level

### Conceptual example

#### Scenario 2:

Example still using 10% maximum.

**Minimum number of homes per block face is 5 to permit at least 1 STR.**





## Density: Multifamily/Other

- Multifamily, commercial, & mobile home parks
  - Whole complexes are considered
  - Only 9 STRs allowed before considered hotel use by definition
  - Limit to percentage of units allowed – be consistent with houses limit, with at least 1 STR allowed

## Map demo

- See map
  - Buckroe “test” area showing 10% with a 5 house minimum per block face as an example
  - (Link)

## Density: BLOCK LEVEL INPUT

- Should a minimum number of units be required to be able to obtain an STR on a small block?
- Does 10% seem like a reasonable number of units for STRs on a block? Why/why not?

## DENSITY: CAP MANAGEMENT

## Density: Cap Management

- Frequency of review for activity
  - Impacts on new investment
  - Ensure accurate information & tracking
  - Limit staff time (tax dollars) in oversight
- Staff anticipates:
  - A yearly review
  - Enforcement ongoing as violations occur

## Density: Cap Management

- Once there is an opening, staff will:
  - Maintain an optional interest list
  - Notify all eligible properties by mail and those on the list
  - First-come, first-served to fill

# SEPARATION

## Separation

- **Block-Level Separation Scenarios**

1. Allow adjacent STRs, but never with a “sandwiched” home between
2. STRs cannot be adjacent, not “sandwich” a home, or be across the street from another STR



## SEPARATION INPUT

- Should adjacent STRs be allowed?
- Should “sandwiching” a home with STRs be prohibited?
- Should STRs be allowed across the street from each other?

## Next Meeting

### HOMEWORK

- Visualization exercise:
  - Walk a block in your neighborhood to see how many STRs you would be passing on your walk based on the density scenarios
  - Repeat in a different neighborhood



## Short-Term Rentals Phase 2: Meeting 3

STR Stakeholder Group  
December 19, 2023



## Welcome

- Defer discussion about density and separation until after New Year
- Legal briefing about possible regulations
- Introduce suitable areas and types of STRs

## Topics to Cover

- **Density**
- **Separation**
- **Suitable areas for STRs** ←.....
- **Types of STRs** ←.....
- **Permit process**

## Reintroductions

- **HOMEWORK**



# Agenda

- **Legal Guidance**
- **Guidance & Policy considerations**
- **Suitable areas for STRs**
- **Types of STRs**
- **Next Meeting**

## Legal Guidance

## Legal Principles

- Dillon's Rule
  - Local govt only has the authority to act if the power is expressly granted by the General Assembly (or necessarily implied from those)
  - If GA states how the local govt must exercise those powers, local govt can ONLY act in that way

## Land Use Tools

Use Permits	Zoning Administrator Permits
Run with the land	Administrative
Required for certain uses in certain zoning districts	Required for certain uses in certain zoning districts
Approved and revoked by City Council	Approved and revoked by Zoning Administrator
Conditions are applied by City Council on case-by-case basis	Conditions are set by zoning ordinance

## Use Permit Legal Authority

Factors City Council Can Consider in Evaluating Use Permits:

1. Conformity with the Comprehensive Plan
2. Character of the Neighborhood
3. Unaddressed Impacts to Nearby Properties
4. Concentration of Use (density and separation)
5. Public Opposition Articulating a Legitimate Land Use Concern

## Legal Authority Relevant to STR Density

- Generally, must be justified by a legislative purpose of zoning
  - “that residential areas be provided with healthy surroundings for family life” Va. Code § 15.2-2200
  - “to facilitate the creation of a convenient, attractive and harmonious community” Va. Code § 15.2-2283
  - “the encouragement of the most appropriate use of land throughout the locality.” Va. Code § 15.2-2284

## Standards for Review

The Zoning Ordinance also provides specific examples which the council may cite and consider during review of use permits, including consideration of:

- Compatibility with “the enjoyment, use, and orderly development and improvement of the properties in the immediate vicinity of the subject property.”
  - Safety
  - The impact of nuisances, including noise, glare or light
  - The preservation or damage to any topographic or physical, natural, scenic, archaeological, or historic feature
  - Days and hours of operation
  - The location and use of any anticipated accessory uses and structures
  - Landscaping, screening and buffering
  - Parking and loading spaces and areas

## Virginia Examples

- Separation
  - Norfolk → adult entertainment; tattoo parlors
- Character of Neighborhood
  - Albermarle County → denied UP for homestay based on character of neighborhood

## Defensible Reasons

- Reasonable Criteria
  - Conformity with comprehensive plan
  - Impacts on surrounding properties
  - Impact to character of the neighborhood

## Less Defensible Reasons

- Unreasonable Criteria
  - Favoring one business over another
  - Citizen opposition **alone**
    - However, policy questions raised by citizen opposition can be a basis for denial
  - Inconsistent decisions
    - “Similarly situated” properties only
    - Not similarly situated:
      - Downtown and Farmington
    - Similarly situated:
      - Farmington and Farmington

## Other Legal Considerations

- Neighborhood Covenants
  - Private agreement between neighbors
  - Not enforceable by the City
  - Not a land use consideration on which zoning decisions can be based

## Guiding Legal Considerations

- What is the specific problem we are trying to solve, and how does the chosen solution resolve that problem?
- Does the chosen solution provide for a logical manner of administration, so as to prevent arbitrarily treating similar properties differently?

## Guidance & Policy Considerations

### Guidance Considerations

- Zoning regulations should be:
  - Enforceable
  - Efficient
  - Consistent and fair
  - Equitable
  - Serves the public interest

## Policy Considerations

- Housing supply
- Economic impacts
- Equity
- Compatibility
- Nuisance

## Suitable Areas for STRs



## Suitable Areas

- Staff has heard a lot of concern about appropriate locations for STRs as a business

## Suitable Areas

- Potentially distinguishable areas of Hampton:
  - Urban development cores
  - Close to commercial areas
  - Close to recreational attractions
  - Waterfront properties
  - Historic districts
  - Housing venture areas

## Types of STRs

### Types of STRs in Areas

- Previous interpretation utilizing “primary residence” was challenging
  - Enforcement
  - Inefficient
  - Ineffective
  - Unclear to citizens

## Types of STRs in Areas

- “Part-time” STRs
  - Only certain number of days / year for stays
- Home-stay STRs

## Map demo

- See map
  - Statistical data layers
  - Urban cores
  - Water-front properties
  - Commercial-adjacent
  - Historic districts
  - Housing venture areas
  - (Link)

## Next Meeting

January 9, 2024  
4:30 pm – 6:00 pm

## HOMEWORK

- Happy Holidays!
- Where are STRs most and least compatible?
- Does the number of days an STR operates affect compatibility?



## Short-Term Rentals Phase 2: Meeting 4

STR Stakeholder Group  
January 9, 2024



## Welcome

- General Assembly update
- Schedule reminder
- Staff provided data

## Topics to Cover

- **Density** ◀.....
- **Separation** ◀.....
- **Suitable areas for STRs** ◀.....
- **Types of STRs** ◀.....
- **Permit process**

## Agenda

- **Guidance & Policy considerations**
- **Density**
- **Separation**
- **Suitable Areas**
- **Types of STRS**
- **Next Meeting**

## **Guidance & Policy Considerations**

### **Guidance Considerations**

- Zoning regulations should be:
  - Enforceable
  - Efficient
  - Consistent and fair
  - Equitable
  - Serving the public interest

## Policy Considerations

- Housing supply
- Economic impacts
- Equity
- Compatibility
- Nuisance

## Legal Principles

- Legal Principles
  - Dillon's Rule
  - Reasonable vs. unreasonable criteria when evaluating use permits
  - Neighborhood covenants  $\neq$  land use consideration for zoning purposes
- Guiding Legal Questions
  - What is the specific problem we are trying to solve, and how does the chosen solution resolve that problem?
  - Does the chosen solution provide for a logical manner of administration, so as to prevent arbitrarily treating similar properties differently?



## Density

- **City-Wide**
- **Neighborhood/District-Wide**
- **Street Level**
  - Radius Buffer
  - Block Face 

## Density

- Research on percent vacancy in neighborhoods
- Studies on rental prices after STRs

## Density

- **Other localities which have strict limitations on STRs due to housing and other policy concerns:**
  - New York City
  - San Francisco
  - Richmond
  - Louisa County
  - Williamsburg

## Density: Other localities

- **New Orleans:**
  - Uses lottery system
  - Requires short-term rental owner permit
    - Only 'natural persons' permitted
    - Only one per person
    - Valid one year, with permit fees
  - Only one per square-block, with special exception (UP) possible
  - Began this new process in June 2023
  - Has several lawsuits and is re-evaluating

## Density: Other localities

- **San Antonio:**

- Owner-occupied (“type 1”) is uncapped
- Not owner-occupied (“type 2”) has density limit
  - 12.5% of total dwellings (1-4 units) on a block face
  - Multifamily similarly limited, except only 1 where 5-7 units in building
- Block face described as “one side of the street between intersections”
- Special exception allowed for those exceeding limit

## Density: Other localities

- **Alamosa, CO:**

- Began considering a density cap in Sept. 2021. Adopted in Apr. 2022
- Sets STR zones, limited to 5% of total dwelling units in each zone
- Permits expire annually

## Density: Other localities

- **Kansas City**

- Requires 1000' of separation between each 'non-resident' STR
  - 'Non-resident' STRs require a Use Permit
  - Owner-occupied STRs are permitted administratively
- No more than one (1) parcel per street block is allowed to have an STR

## Density: Other localities

- **Buena Vista, CO**

- STRs owned/operated by non-residents or if the property is owned by an entity (trust, LLC, etc.) are allowed to license no more than 6% of total residential dwelling units
- STRs owned/operated by residents for a property that is not their primary residence are allowed to license no more than 3% of the total residential dwelling units
- STRs that are owner-occupied as a primary residence are not subject to a percentage cap

## Density: Other localities

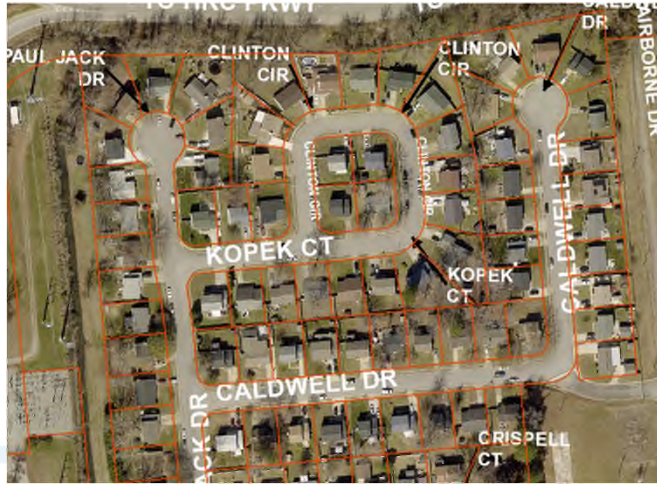
- **Danville:**
  - Tabled the proposal to limit STRs in the City to 150 (1% of total residential properties), current market is near that number

## Map demo

- See map
  - Statistical data layers
  - Urban cores
  - Water-front properties
  - Commercial-adjacent
  - Historic districts
  - Housing venture areas

## Density: Block Level

- Example streets



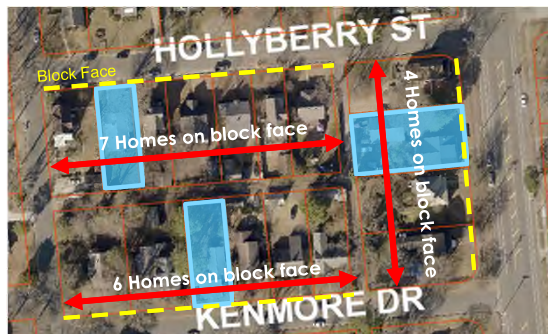
## Density: Block Level

### Conceptual example

#### Scenario 1:

Example using 10% maximum (1 STR for every 5 houses) per block face.

**Minimum of 1 STR is allowed per block face.**





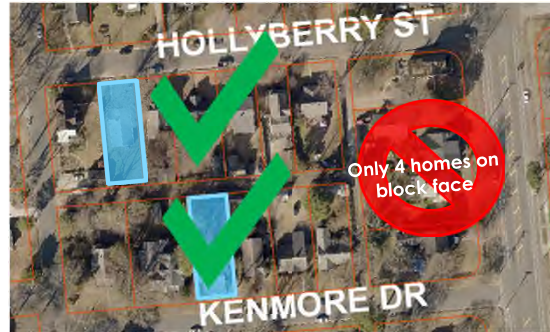
## Density: Block Level

### Conceptual example

#### Scenario 2:

Example still using 10% maximum.

**Minimum number of homes per block face is 5 to permit at least 1 STR.**



## Separation

### • Block-Level Separation Scenarios

1. Allow adjacent STRs, but never with a “sandwiched” home between
2. STRs cannot be adjacent, not “sandwich” a home, or be across the street from another STR



## Suitable Areas



## Suitable Areas

- Staff has heard a lot of concern about appropriate locations for STRs as a business
- Legal considerations
- Equity considerations

## Suitable Areas

- Potentially distinguishable areas of Hampton:
  - Urban development cores
  - Close to commercial areas
  - Close to recreational attractions
  - Waterfront properties
  - Historic districts
  - Housing venture areas

## Types of STRs

### Types of STRs

- Certain types of STRs could be regulated differently based upon lesser impacts to the surrounding area
  - E.g., allow part-time or owner-occupied STRs City-wide and full-time STRs only in character areas
  - E.g., allow part-time or owner-occupied STRs to be exempt from density limits
- “Part-time” STRs
  - Only certain number of days / year for stays
- Owner-occupied STRs

# Discussion Time

Small Group

# Next Meeting

January 16, 2024  
4:30 pm – 6:00 pm



## Short-Term Rentals Phase 2: Meeting 5

STR Stakeholder Group  
January 16, 2024



## Welcome

- One more scheduled stakeholder meeting
- Staff follow-ups
- Goal of stakeholder group
- City Council briefing February 14

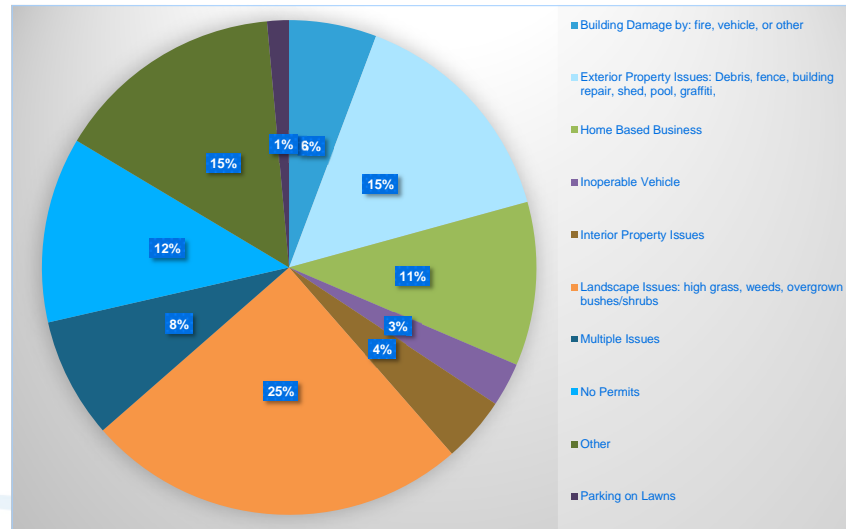
## Topics to Cover

- **Density**
- **Separation**
- **Suitable areas for STRs**
- **Types of STRs**
- **Administrative permit process**

## Complaint Data

- 327 STRs with known addresses
- 46% of STRs have complaints over last 10 years
- 15% of City-wide all homes and apartments have complaints over last 10 years
- Increase in complaints over last 10 years at known addresses

# Complaint Data



# Reminder

- Each regulation should solve a specific land-use concern
- The regulation should be “worth” the effort – gain enough to offset the burden, complexity, and use of limited resources

## Density

- How many houses minimum to allow a single STR per block face?
  - Responses ranged from 3 to 10
  - Some indicated not to do block face

## Density

- How many STRs maximum can there be on a block face?
  - Responses ranged from 5% to 10%
  - Some indicated not to do block face

## Density

- Utilize a percentage cap?
  - 100% of respondents said yes
  - No consensus on whole-city cap or only for certain areas cap
- Range of responses:
  - 1-5% city-wide
  - Opinion varies in overlap of suitable areas and density

## Separation

- How far apart should STRs be from each other when on the same block?
  - Many indicated not adjacent, not “sandwiching” a home, not directly or diagonally across the street
  - Some indicated not to do separation
  - Staff would like clarity whether the first diagonal is sufficient



## Separation

<i>Oak Street</i>				
		STR		

## Suitable Areas

- Should different areas have more or less STRs?
  - Many said yes to at least some variation
    - Most did not support difference close to commercial zones or waterfront properties
  - Several did not respond or indicated the same everywhere

## Types of STRs

- Should “part-time” STRs be regulated separately from “full-time” STRs?
  - Split of responses
  - If pursued, staff would like clarification on whether more or less should be allowed and where, rather than operational requirements

## Types of STRs

- Should “owner-occupied” STRs be regulated separately from “full-time” STRs?
  - Split of responses
  - If pursued, staff would like clarification on whether more or less should be allowed and where, rather than operational requirements

## Map demo

- See map
  - Statistical data layers
  - Urban cores
  - Water-front properties
  - Commercial-adjacent
  - Historic districts
  - Housing venture areas

## Discussion Time

Small Group

# Next Meeting

January 23, 2024  
4:30 pm – 6:00 pm



## Short-Term Rentals Phase 2: Meeting 6

STR Stakeholder Group  
January 23, 2024



## Welcome

- January 30<sup>th</sup> meeting
  - Review of stakeholder feedback
  - Invitation to 2/14/24 Council meeting
- General Assembly update
- New concept for feedback

## New Concept: STR Zones

- Map overview
- Legal criteria

## STR Zones Options

- Percentage cap variations between areas
  - E.g., 3% in master plan areas-- Coliseum Central, Downtown, Buckroe, and Phoebus– and 1% in all other STR Zones
  - E.g., 1% in all STR Zones, prohibited in historic districts and/or housing venture areas
    - Note! Could be regulated by Use Permit on a case-by-case basis – to be discussed on later slide

## STR Zones + Separation?

- Optional additional requirement: separation
  - E.g., within an STR Zone, zoning ordinance could prevent “sandwiching”
  - E.g., separation could also regulate STRs in close proximity – e.g., prohibit across the street, diagonally across the street
- Administrative implications:
  - Processing applications would be more complicated
    - Longer wait times for applicants
  - Less complicated than density block face regulation

## Feedback

- Do you have any concerns about the STR Zone approach?
- Is the STR Zone approach the preferred direction (vs. block face)?
- Within an STR Zone approach, should percentage caps vary by area?
- Is separation of STRs necessary within an STR Zone approach?

## Administrative Considerations

### Recap: Land Use Tools

Use Permits	Zoning Administrator Permits
Run with the land	Administrative
Required for certain uses in certain zoning districts	Required for certain uses in certain zoning districts
Approved and revoked by City Council	Approved and revoked by Zoning Administrator
Conditions are applied by City Council on case-by-case basis	Conditions are set by zoning ordinance



## Administrative Considerations

- **Option 1: Zoning Administrator Permits (ZAPs) for all STRs that meet standard conditions**
  - Use Permit for those that exceed standard conditions
  - Revocable by Zoning Administrator with appeal to City Council
- **Option 2: Use Permits for certain types of STR Zones**
  - Examples:
    - ZAPs for STRs in master plan STR Zones
    - Use Permits for STRs in residential STR Zones
    - Use Permits for STRs in historic district STR Zones

## Types of STRs

- Within an STR Zone approach, we could exempt certain types of STRs from a density cap:
  - “Part-time” (e.g., 90 days) vs. “full-time” STRs
  - “Owner-occupied” vs. “whole-house” STRs
- **Implications:**
  - Difficult to enforce
  - Uncertain benefits (likely limited)

## Survey

- We'll be sending you a final survey tomorrow
  - Please submit responses no later Sunday 1/28
  - Survey responses will be incorporated into staff briefing to City Council on 2/14

## Next Meeting

January 30, 2024  
4:30 pm – 6:00 pm



## Short-Term Rentals Phase 2: Meeting 7

STR Stakeholder Group  
January 30, 2024



## Welcome

- Last meeting of Phase 2
- Survey results and discussion
- February 14 City Council briefing

## Update on Complaint Data

Type	10-yr period	4-yr period	2-yr period* Active STRs
Suspected STRs	46%	26%	12%
All residential properties city-wide	15%	7%	4.2%

## Survey Results

- Density
- Separation
- Administration
- STR Type

# Density Method: STR Zones

**Statement 1:** Density of STRs within the city should be limited by using STR Zones similar to those shown in meeting 6.



8 out of 9 Stakeholders Agree

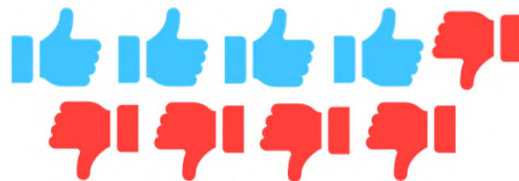
**Additional Feedback:**

- One response suggesting a need for smaller zones
- Two responses supporting only with separation
- One response supporting without any separation or block-face regulations
- \* Supports STR Zones but does not support additional separation

# Density Method: Block-face

**Statement 2:** Density of STRs within the city should be limited by using a block-face approach.

If you indicate agreement, please provide the minimum number of houses on a block to qualify for an STR, and the maximum rate (X# of STRs per Y# of houses) as a comment below.



4 out of 9 Stakeholders Agree

**Additional Feedback:**

- Four responses suggesting block-face is complicated to administer
- One response suggesting block-face max. is 2x the Zone cap
- One response suggesting the block-face max is 1 STR for every 10 properties

## Density Variation: Cores

**Statement 3:** STR Zones for the Master Plan core areas (Downtown, Phoebus, Buckroe, and Coliseum Central) should have a higher percentage of STRs than other STR Zones.

If you agree, please provide your recommended percentage for within those Master Plan Zones and the percentage outside of them as a comment below.



4 out of 9 Stakeholders Agree

**Additional Feedback:**

- One recommendation of 3-5% for the master plan areas, 2% for rest of the City
- One recommendation of 5% in Buckroe and Phoebus
- One recommendation of 3-4% in each master plan area
- Two recommendations of 3% across all STR zones
- One request to further collaborate with the Registered Neighborhood Organizations within master plan areas

## Density Variation: Historic Districts

**Statement 4:** There should be fewer STRs in historic districts.

If you agree, indicate the percentage (which can be 0) as a comment below.



6 out of 7 Stakeholders Agree

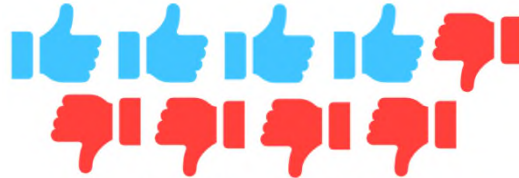
**Additional Feedback:**

- One recommendation is <1%, preferably 0%
- One recommendation is 0.5%
- One recommendation is 0%
- Historic districts may benefit from tourists and may further help preserve historic neighborhoods.

## Density Variation: Housing Venture

**Statement 5:** There should be fewer STRs in Housing Venture areas.

If you agree, indicate the percentage (which can be 0) as a comment below.



4 out of 7 Stakeholders Agree

**Additional Feedback:**

- One recommendation is 3-4%
- One recommendation is 1%
- One recommendation is prohibiting homes that utilize housing venture grants, but not the entire neighborhood
- One comment if the goal is of housing venture areas is to increase home ownership, STR properties may conflict with that goal
- One comment that any area where the City is trying to encourage renovations or remodeling, STRs may end up helping with this goal

## Separation

**Statement 6:** There should be a separation requirement for STRs.



6 out of 9 Stakeholders Agree

**Additional Feedback:**

- One response that additional separation may cause unnecessary complexity
- One response that clustering STRs allows for better compliance
- One recommendation is three homes, or 250 feet, whichever is greater

## Separation: None Adjacent

**Statement 7:** STRs should be separated by at least two houses on the same side of the street and not directly fronting another STR across the street, when located in residential areas.



3 out of 9 Stakeholders Agree  
3 out of 9 Stakeholders Disagree with Using Separation

**Additional Feedback:**

- One response that clustering of STRs is a good thing
- One response that two is not enough, otherwise it is agreeable
- One response that STRs are not detrimental to their neighbors

## Separation: Allow Adjacent

**Statement 8:** STRs may be directly adjacent to other STRs including across the street, but otherwise should be separated by at least two houses on the same side of the street when located in residential areas.



3 out of 9 Stakeholders Agree  
3 out of 9 Stakeholders Disagree with Using Separation

**Additional Feedback:**

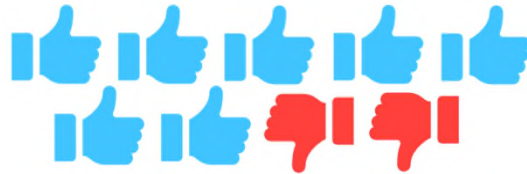
- One response acknowledging that some home owners may not want to be "sandwiched"
- One response that it seems reasonable if administered accurately



# Administration

**Statement 9:** All STRs should be approved administratively via the Zoning Administrator Permit (ZAP) when they meet the standard set of conditions.

STRs which propose to exceed those conditions (such as by hosting events, or having more than 10 overnight guests or 5 bedrooms for lodging) would require approval of a Use Permit (UP) with appropriate conditions.



7 out of 9 Stakeholders Support

**Additional Feedback:**

- One response that STRs should remain with City Council and public hearings

# Administration Alternative

**Statement 10:** STRs outside of the Master Plan STR Zones should require a UP, while those within the Master Plan STR Zones should require a ZAP.



4 out of 9 Stakeholders Agree

5 out of 9 Stakeholders Disagree with this Statement

**Additional Feedback:**

- Three responses that STRs should be administered consistently throughout the entire City
- Two requesting clarification and discussion on the topic
- One response that it depends on the perspective and character of a Master Plan area

## Administration Alternative: Historic Districts

**Statement 11:** STRs within historic districts should require a UP.



5 out of 9 Stakeholders Agree

**Additional Feedback:**

- One response that there is a high demand for STRs in historic districts and increased tourism could potentially help restore a district
- One response that requiring UPs in historic district allows a balance between tourism and safeguarding the historical integrity of the area
- One response that historic districts should be treated as all other STR zones

## Types of STRs: Part-time

**Statement 12:** "Part-time" STRs should be exempt from and not count towards any density or separation requirements that apply to "full-time" STRs.



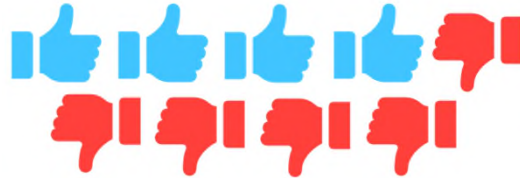
4 out of 9 Stakeholders Agree

**Additional Feedback:**

- One response is 180 days max for part-time
- One response is that it would be too difficult to enforce
- One response that it is still counted as an STR, therefore it should be calculated in the total density
- One response does not support the magnification of an unspecified number of part-time STRs

## Types of STRs: Owner-occupied

**Statement 13:** "Owner-occupied" STRs should be exempt from and not count towards any density or separation requirements that apply to "whole-house" STRs.



4 out of 9 Stakeholders Agree

**Additional Feedback:**

- One response does not support the magnification of an unspecified number of part-time STRs
- One response that it is still counted as an STR, therefore it should be calculated in the total density

**Thank you again!**