

Resolution of Hampton City Council Initiating Amendments to the Hampton City Zoning Ordinance Concerning Procedures for Revocation of Certain Zoning Administrator Permits and Appeal Thereof

WHEREAS, Hampton City Zoning Ordinance Section 3-3(29)(d) identifies the process by which the operator of a short-term rental (“STR”) may appeal the revocation of the Zoning Administrator Permit (“ZAP”) permitting such use; and

WHEREAS, a Zoning Ordinance amendment to provide that appeal of a ZAP for an STR be heard by the Board of Zoning Appeals will streamline the appeal procedure; and

WHEREAS, Zoning Ordinance Section 1-10.1(8) prohibits any ZAP from being issued for a period of six months on a property where a ZAP for the same use was revoked; and

WHEREAS, a Zoning Ordinance amendment providing that only the holder of a previously revoked ZAP is prohibited from seeking a new ZAP for the same use and at the same property as the revoked ZAP for one year after such revocation will encourage productive use of property in the City; and

WHEREAS, City Council has determined that initiation and consideration of a Zoning Ordinance amendment to update ZAP revocation and procedures is required by the public necessity, convenience, general welfare, and good zoning practice, as more particularly described above.

NOW, THEREFORE, BE IT RESOLVED BY HAMPTON CITY COUNCIL AS FOLLOWS:

1. The foregoing recitals are incorporated by reference herein.
2. Pursuant to Virginia Code 15.2-2286(A)(7), Hampton City Council formally initiates proposed amendments to the Hampton Zoning Ordinance, specifically amendments providing that the holders of a revoked ZAP for an STR may appeal the revocation to the Board of Zoning Appeals; and that the prior holder of a revoked ZAP is prohibited from seeking a new ZAP for the same use at the same property for one year after such revocation, along with other reasonably related amendments identified by the Director of Community Development or resulting from the Planning Commission and City Council public hearing processes.
3. The Community Development Department and other appropriate staff are directed to prepare draft text for the proposed amendment and to take all steps necessary and proper to present the amendment for public hearing before the Planning Commission and City Council, in accordance with applicable law.