

STAFF EVALUATION

Case No.: Use Permit No. 23-0222

Planning Commission Date: July 20, 2023

City Council Date: September 11, 2024

Prepared By: Davis Pemberton, Senior City Planner

728-2040

Reviewed By: Allison Jackura, Zoning Administrator

728-5233

Reviewed By: Jessica Kraus, Assistant City Attorney

General Information

Applicant & Property Owners Antionique & Twaitney Addison

Site Location 404 N Second St [LRSN: 12007147]



Requested Action Use permit to allow for a short-term rental

Description of Proposal The applicant is proposing a short-term rental at 404 N Second St. The property is \pm 0.1 acres and features a 1,200 square foot residence with three (3) bedrooms.

Existing Land Use One-Family Residential

Zoning Two Family Residential (R-8) District; and Flood Zone Overlay (O-FZ) District

Applicable Regulations As of December 14, 2022, City Council amended the Zoning Ordinance "Table of Uses Permitted" and additional standards for short-term rentals. This amendment created a definition and

additional standards for short-term rentals. 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.

On June 12, 2024 and August 14, 2024, City Council further amended the Zoning Ordinance to establish a new zoning overlay district which establishes restrictions on density and separation. For separation, the ordinance requires all short-term rentals to be at least 300 feet from any other short-term rental. There are three exceptions: (1) if the short-term rental is directly adjacent on the side to another, (2) if the short-term rental is operating out of building which contains multiple dwelling units on a single property, the separation does not apply, and (3) if the short-term rental is one which was operating legally prior to December 14, 2022, the short-term rental may be approved regardless of separation. Short-term rentals not meeting the density and separation requirements cannot be approved.

City Council established an administrative permitting process, where the short-term rental is eligible for a Zoning Administrator Permit if the short-term rental is (1) not hosting events, (2) is not renting more than five bedrooms or hosting more than 10 overnight lodgers, and (3) provides for all of the required parking spaces on an improved surface on the subject property. If the short-term rental does not meet these qualifications, and does meet the density and separation requirements, then the use requires approval of a Use Permit in order to be permitted.

*Surrounding Land
Use and Zoning*

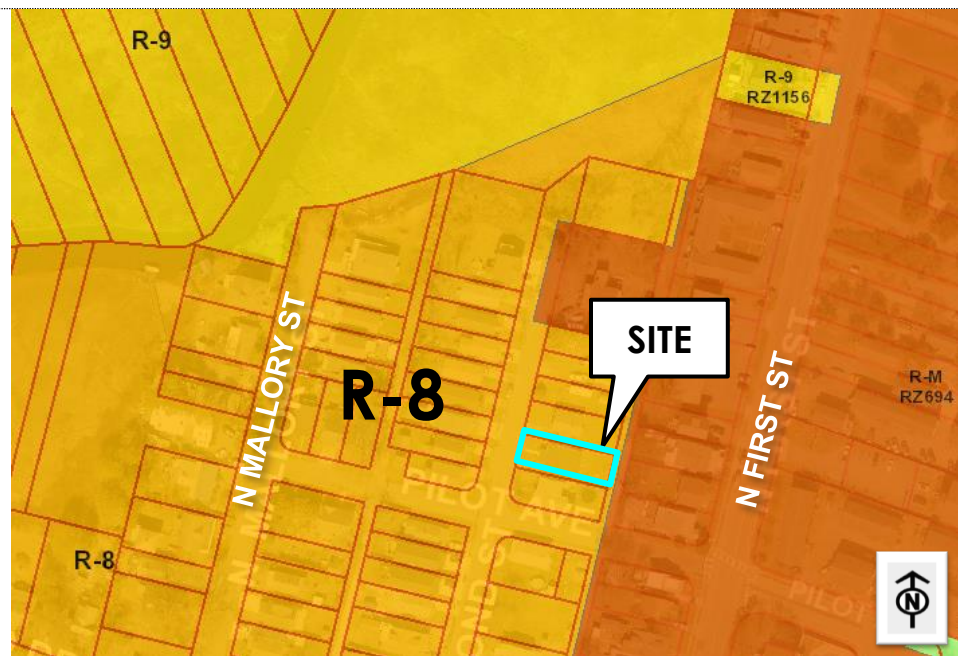
North: Two Family Residential (R-8), single-family residence

South: Two Family Residential (R-8) District, single-family residence

East: Multiple Residential (R-M), apartments

West: Two Family Residential (R-8) District, single-family residence

Surrounding Zoning Map:



Public Policy

Hampton Community Plan

The Hampton Community Plan (2006, as amended) recommends medium density residential for the subject property and adjacent properties.

Listed below are policies related to this request:

LU-CD Policy 7: Safeguard the integrity of existing residential neighborhoods.

LU-CD Policy 31: Encourage a mix of land uses that is appropriate for each district. Promote the efficient use of land and high-quality urban design.

ED Policy 4: Nurture small and start-up businesses.

ED Policy 6: Expand tourism, entertainment, and cultural opportunities within the city.

Future Land Use

The Hampton Community Plan (2006, as amended) designates this area as medium density residential.

Land Use Plan:



Buckroe Master Plan

The property falls within the area governed by the Buckroe Master Plan (2005, as amended). The master plan recognizes Buckroe's distinguished past as an evolving vacation destination and aims to maintain its present identity as a family-oriented community. It sets forth guiding principles that call for low-scaled beach-oriented housing and supporting the unique coastal character of the architecture in Buckroe. Short-term rentals support these principles by maintaining the high-quality physical elements of the neighborhood and providing opportunities for visitors to experience and appreciate the coastal culture of the area.

Traffic/Parking

Staff does not anticipate that the requested use or operation would cause a significant or negative impact on traffic.

Community Meeting

A community meeting has not been scheduled at this time.

Analysis:

Use Permit Application No. 23-0222 is a request for a Use Permit to operate a short-term rental at 404 N Second St [LRSN: 12007147]. The property is zoned Two-Family Residential (R-8) District. R-8 allows for the desired use subject to an approved Use Permit, if the application does not meet established standards for a zoning administrator permit.

The applicants, Antonique Addison & Twaitney Addison, have owned the property since October 2022 and are requesting to operate a short-term rental in this 1,200 square foot single-family dwelling. The property is +/- 0.1 acres and features a residence with three

bedrooms and two bathrooms. The applicant intends to use the property for short-term rentals year-round, meaning it would not feature a primary resident. The property is also not being proposed as a host site for events.

The property is located within the Buckroe Master Plan (2005, as amended) area south of Brights Creek. The Plan recognizes Buckroe's distinguished past as an evolving vacation destination and aims to maintain its present identity as a family-oriented community. It sets forth guiding principles that call for low-scaled beach-oriented housing and supporting the unique coastal character of the architecture in Buckroe. Short-term rentals support these principles by maintaining the high-quality physical elements of the neighborhood and providing opportunities for visitors to experience and appreciate the coastal culture of the area.

The Hampton Community Plan (2006, as amended) calls for evaluating land use proposals from a regional, city-wide and neighborhood perspective. Land-use and economic development policies related to this land use application include safeguarding the integrity of existing residential neighborhoods, encouraging a mix of land uses that is appropriate and promoting the efficient use of land, and expanding tourism, entertainment, and cultural opportunities within the city.

At the August 9, 2023 City Council meeting, City Council deferred the short-term rental Use Permit applications on its agenda. This decision was made to allow sufficient time for the Council to receive legal guidance, explore various options to regulate density, and evaluate appropriate areas for short-term rentals within the City of Hampton. The deferral aimed to provide an opportunity for public engagement regarding the proposed path forward before any further action is taken on short-term rental use permits.

Since then, the Community Development Department (CDD) convened a group of community stakeholders to provide guidance on the second major phase of development of the City's STR regulations and practices. This group of convened stakeholders functioned as a "focus group" by providing feedback, guidance, and ideas on particular areas of the regulations that needed to be addressed. The scope of the areas that the group was asked to address included: STR density, separation, suitable areas, types of STRs, and the permitting process. The stakeholder group was comprised of nine members representing diverse perspectives, including those operating and managing STRs, a local Bed and Breakfast operator, and several local neighborhood leaders from a range of geographic areas.

Following the conclusion of these "focus group" meetings, staff formulated policy recommendations based on the feedback provided from community stakeholders and provided City Council a briefing on staff's recommendation at the City Council meeting February 14, 2024.

New regulations were adopted by City Council on June 12, 2024 and August 14, 2024, which, among other things, regulate the density and separation of short-term rentals (STRs) to ensure that they do not affect the character of neighborhoods. The new zoning district overlays, referred to as STR Zones, control the distribution and density of STRs across the city.

Based on the set of approved amendments, the proposed short-term rental is located in the "Buckroe 1" STR Zone. The proposed STR would not meet the required 300-foot separation requirement as it is located within 300 feet of a previously established STR at 2228 N Mallory St. Due to this proximity, this application for a Use Permit cannot be approved as the use does not comply with required additional standards contained within the Zoning Ordinance.



Due to the fact that the application does not meet the qualifications for a zoning administrator permit and that this case was previously deferred to the September 11, 2024 City Council meeting, this application requires City Council action to resolve. The application does not meet the requirements for consideration as a zoning administrator permit because the application features three bedrooms and one common area (living room) used as overnight sleeping areas which would require no less than two on-site parking spaces. The driveway on the property is in disrepair, and measures approximately 10 feet by 32.5 feet. Per Sec. 11-7 of Hampton's Zoning Ordinance, the minimum dimensional standard for a standard parking space shall be no less than 9 feet by 18 feet. Given this, the driveway is not capable of accommodating two vehicles, and additionally requires re-surfacing to meet the standards of an improved surface as

defined within the Zoning Ordinance. Due to this lack of sufficiently-sized improved surface for the required parking on the property, the short-term rental requires a Use Permit, rather than a zoning administrator permit.

In conclusion, the proposed short-term rental does not comply with Zoning Ordinance Sec. 9-75(1) and Sec. 3-3(29)(c)(i) related to minimum separation, and therefore cannot be approved.

Staff recommends DENIAL of item no. 23-0222.

In the event the item is approved, staff recommends approval of item no. 23-0222 with sixteen (16) recommended conditions.