

STAFF EVALUATION

Case No.: Use Permit No. 23-00003

Planning Commission Date: May 18, 2023

City Council Date: May 24, 2023

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| Prepared By: | Davis Pemberton | 728-2040 |
| Reviewed By: | Mike Hayes, Planning and Zoning Division Manager | 728-5244 |
| Reviewed By: | Bonnie Brown, Deputy City Attorney | |

General Information

Applicant & Property Owners RNFV1 LLC.

Site Location 230 N Fifth St [LRSN: 12006999]



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

Description of Proposal The applicant is proposing a short-term rental at 230 N Fifth St. The property is \pm 0.18 acres and features a four (4) bedroom, two and a half (2.5) bathroom residence that is approximately 2,253 square feet and was constructed in 2015.

Existing Land Use One-Family Residential

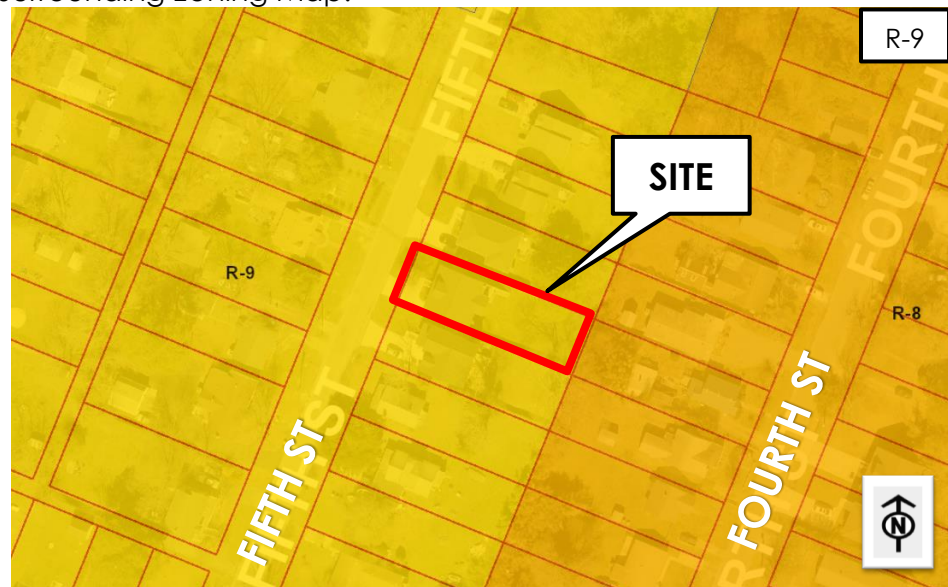
Applicable Regulations As of December 14, 2022, City Council amended the Zoning Ordinance use table and additional standards for short-term rentals. This amendment created a definition and additional standards for short-term rentals. Short-term rentals in the R-LL, R-43, R-R, R-33, R-22, R-15, R-13, 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, 88-1, 88-2, 88-3, 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.

Surrounding Land Use and Zoning

North: One-Family Residential (R-9) District, single-family residence
South: One-Family Residential (R-9) District, single-family residence
East: One-Family Residential (R-8) District, single-family residence
West: One-Family Residential (R-9) District, single-family residence

Surrounding Zoning Map:



Public Policy

Hampton Community Plan

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

Listed below are policies related to this request:

LU-CD Policy 4: Evaluate land use proposals from a regional, city-wide, and neighborhood perspective.

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

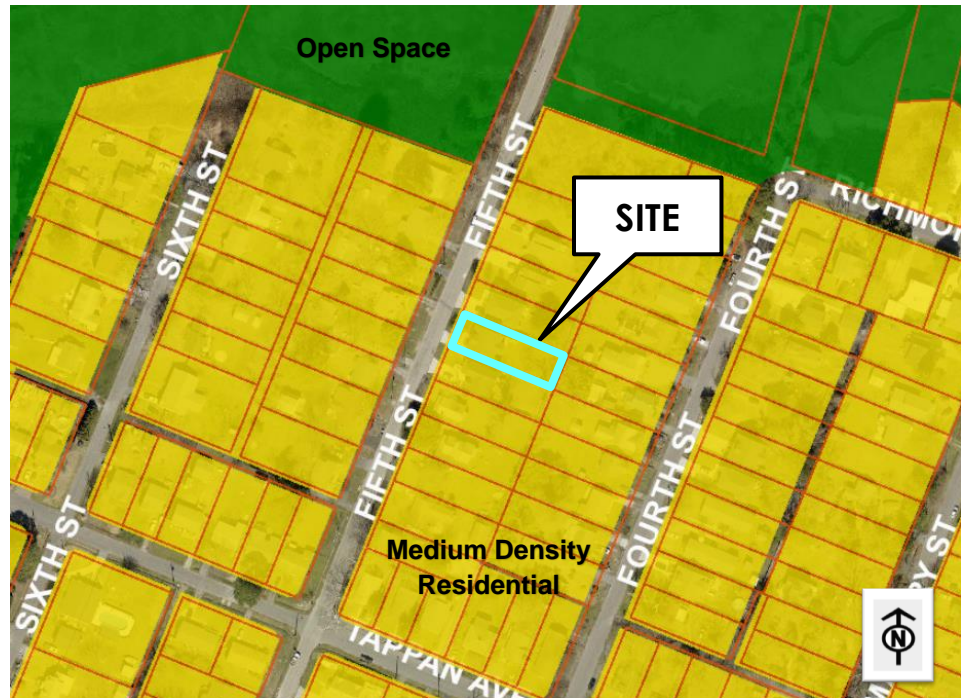
LU-CD Policy 31: Encourage a mix of land uses that is appropriate for each district. Promote the efficient use of land and high-quality urban design.

ED Policy 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 Plan does not specifically address this property or the proposed use but does recognize Buckroe's distinguished past as an evolving vacation destination and acknowledges that the visitor market is limited and seasonal due to the lack of transient accommodation (pg. 13). The Plan supports North First Street north of Buckroe Park as a primarily residential neighborhood and overall aims to maintain Buckroe as a distinctive, family-oriented community while preserving its unique and authentic character (pg. 2).

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. 23-00003 is a request for a Use Permit for a short-term rental. The subject property is located at 230 N Fifth Street [LRSN: 12006999] and is currently

zoned One-Family Residential (R-9) District which allows for the desired use subject to an approved Use Permit.

The applicant, RNFV1 LLC., is requesting to operate a short-term rental (STR) within a four (4) bedroom, ± 2,253 square foot single-family dwelling. This application does not propose any additions or modification to the existing home. The applicant intends to use the property for short-term rentals year-round, meaning it would not be a residence. The property is also not being proposed as a host site for events.

The property is located along N Fifth Street in the Buckroe Master Plan (2005, as amended) area with close proximity to Buckroe Beach. The Plan does not specifically address this property or the proposed use but does recognize Buckroe's distinguished past as an evolving vacation destination and acknowledges that the visitor market is limited and seasonal due to the lack of transient accommodation. The Plan supports North First Street north of Buckroe Park as a primarily residential neighborhood and overall aims to maintain Buckroe as a distinctive, family-oriented community while preserving its unique and authentic character. Short-term rentals support these principles by maintaining the high-quality physical elements of the neighborhood and providing accommodations to tourists and locals.

The Hampton Community Plan (2006, as amended) calls for evaluating land use proposals from a regional, city-wide and neighborhood perspective. Furthermore, land-use and economic development policies related to this land use application includes 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. These policies can become competing, so much thought is given to the conditions under which short term rentals can operate in support of the tourism industry and welcoming visitors while maintaining the character of Hampton's neighborhoods.

A minimum of one (1) parking space per two (2) bedrooms is required for short-term rentals. An approved common space (e.g., living room, game room, family room) being offered as an overnight sleeping area shall count towards the minimum parking requirements. The current application features a driveway capable of accommodating two (2) passenger vehicles; therefore, the short-term rental (STR) cannot exceed a total of four (4) rentable bedrooms or overnight sleeping areas. While the current application features both a living room and game room, as reflected on the evacuation plan, neither space shall be offered as an overnight sleeping area as the STR would fail to meet the minimum parking requirements. All parking that is in conjunction with the STR and within the street frontage yard shall be on an improved surface, as defined by the City of Hampton's Zoning Ordinance.

Per section 404.4.1 of the Virginia Property Maintenance Code (VPMC), for residential dwelling units, each bedroom shall contain at least 70 square feet of floor area, and each

bedroom occupied by more than one person shall contain at least 50 square feet of floor area for each additional occupant. With this, the maximum occupancy shall be limited to no more than nine (9) overnight lodgers, which is reflected in the staff recommended conditions.

For events and gatherings in conjunction with a STR, it's important to consider the potential harmful impacts on adjacent properties and take into account several factors to minimize disturbances. Staff recommends that events, as defined in Hampton's Zoning Ordinance, in conjunction with a STR not be conducted without a special event permit. Additionally, for gatherings of individuals who are not overnight lodgers of a STR, the maximum number of people on property between the hours of 7:00 AM and 10:00 PM shall not exceed double (2x) the capacity limit of overnight lodgers as determined by the Building Official. In this instance, up to eighteen (18) people are permitted to be on the property between the hours of 7:00 AM and 10:00 PM. Only authorized overnight lodgers not exceeding the approved capacity limit are allowed on the property between the hours of 10:00 PM and 7:00 AM, which align with the City of Hampton's noise ordinance.

The "Short-Term Rental Fact Sheet" provided in the package, which features information pertaining to the Responsible Local Person (RLP); events and gatherings; capacity limitations; Hampton's noise ordinance; parking on lawn restrictions; and trash & recycling collection, shall be posted in a conspicuous location inside of the dwelling and visible at all times to overnight lodgers and their guests. Additionally, staff recommends that the approved floor plan(s) be posted alongside the fact sheet.

Further, staff is recommending that a ledger be maintained showing the date(s) the STR is rented, the name of the primary person(s) who booked the reservation, the number of overnight lodgers featured in the reservation, and the overnight sleeping area(s) used throughout the duration of their booking. This is a requirement for current hotels/motels and bed and breakfast establishments. The RLP shall maintain these records and shall be made available to the Zoning Administrator and the Property Maintenance Division Manager within one (1) day upon request.

In the event a STR is approved, prior to operation, the operator shall schedule an inspection through Hampton's 311 Citizen Contact Center. There shall be no STR activity prior to this inspection. Additionally, upon a change of ownership of the property, or an approved modification to the floor plan made to the dwelling, a new inspection shall be scheduled by the operator to ascertain compliance with all applicable standards and codes.

Based on the analysis, staff recommends **APPROVAL** of the Use Permit Application No. 23-00003 with fifteen (15) recommended conditions based upon the proposed use's operational and land use characteristics. A few key conditions are highlighted below:

- Overnight lodging capacity shall be limited to no more than nine (9)
- All parking in the street frontage yard shall be on an improved surface

- Additional posted information such as the approved conditions, floor plan, and the Short-Term Rental Fact Sheet shall be posted inside the dwelling
- A Responsible Local Person (RLP) shall be available to contact and address conditions occurring at the STR
- A ledger shall be maintained and made available upon request
- Events shall not be conducted without a special event permit
- Gatherings and the number of people permitted property has limitations
- Inspections shall occur prior to operation of the short-term rental
- All advertising of the STR shall be consistent with all approved conditions
- Compliance with Hampton City Code