



**HAMPTON** VA  
COMMUNITY DEVELOPMENT

# Zoning Ordinance Amendments: Homestay Rentals and Short-term Rental Separation

City Council  
August 14, 2024



# Amendments

## Zoning Ordinance Amendments

#24-0276 and #24-0277 define and establish “Homestay rental” as a new use with additional standards permitted with a zoning administrator permit in certain zoning districts, and

## Zoning Ordinance Amendment

#24-0313 reduces the required separation between short-term rentals from 500’ to 300’

# Direction from Council

- During the recent process related to short-term rentals, City Council identified that homestay rentals should be treated separately from short-term rentals (STRs)
- City Council also requested an amendment to the STR separation requirement

# Direction from Council

- These amendments:
  - Establish homestay rentals separate from STRs, defining and adding conditions for how a homestay rental can operate
  - Propose a 300' separation between STRs instead of the adopted 500' separation requirement



# What is a Homestay Rental?

- Not a short-term rental
  - Not subject to the density and separation requirements of short-term rentals
- Resident-occupied homes with one bedroom offered for rent to transient guests
  - Transient means stays of 30 days or less
- Allowed within single-family homes, and duplexes and townhouses where each unit is on its own fee-simple lot

# What is a Homestay Rental?

- Chapter 2 proposed definition:

“Homestay rental. The provision of a room within a **resident-occupied single-family dwelling unit** that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes to transient residents in exchange for a charge for occupancy. For purposes of this definition, **room may consist of a single bedroom**, bathroom, closet(s), and a sitting area for the exclusive use of the transient lodger, but may not include cooking facilities separate from the primary cooking facilities serving the single-family dwelling. For purposes of this definition, single-family dwelling unit shall mean a detached single-family dwelling, a duplex dwelling unit where each duplex dwelling unit is on a separate fee-simple lot, or a townhouse dwelling unit where each townhouse dwelling unit is on a separate fee-simple lot.”

# Where is a Homestay Rental Permitted?

- Staff is proposing all districts which permit single-family homes, duplexes, or townhouses on fee-simple lots
  - 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

# How is a Homestay Rental Permitted?

- Proposed amendment requires issuance of a zoning administrator permit (“ZAP”) with additional standards
- Standards to operate mimic those for short-term rentals, except
  - The long-term resident must reside in the home and be present overnight during all stays



# How is a Homestay Rental Permitted?

Proposed additional standards include:

- Operator must live within the residence as their primary residency and be residing there during all stays
- Operator maintains and provides proof of residency within 1 day of request by Zoning Administrator
- Floor plan reviewed, approved, and posted with a City- provided factsheet within the 1 bedroom permitted to be used for stays
- Capacity limited based upon actual bedroom size; capacity also limited for the whole house based upon all bedrooms
- Parking required based upon ordinance, and must be provided on improved surface when within the street frontage yard
- No signage related to the homestay rental permitted
- No events
- Operator designated as responsible local person, required to provide contact information for City website, respond within 1 hour of City call, be on-site at all times between 10 PM and 7 AM when stays are occurring, and maintain a ledger

# Analysis

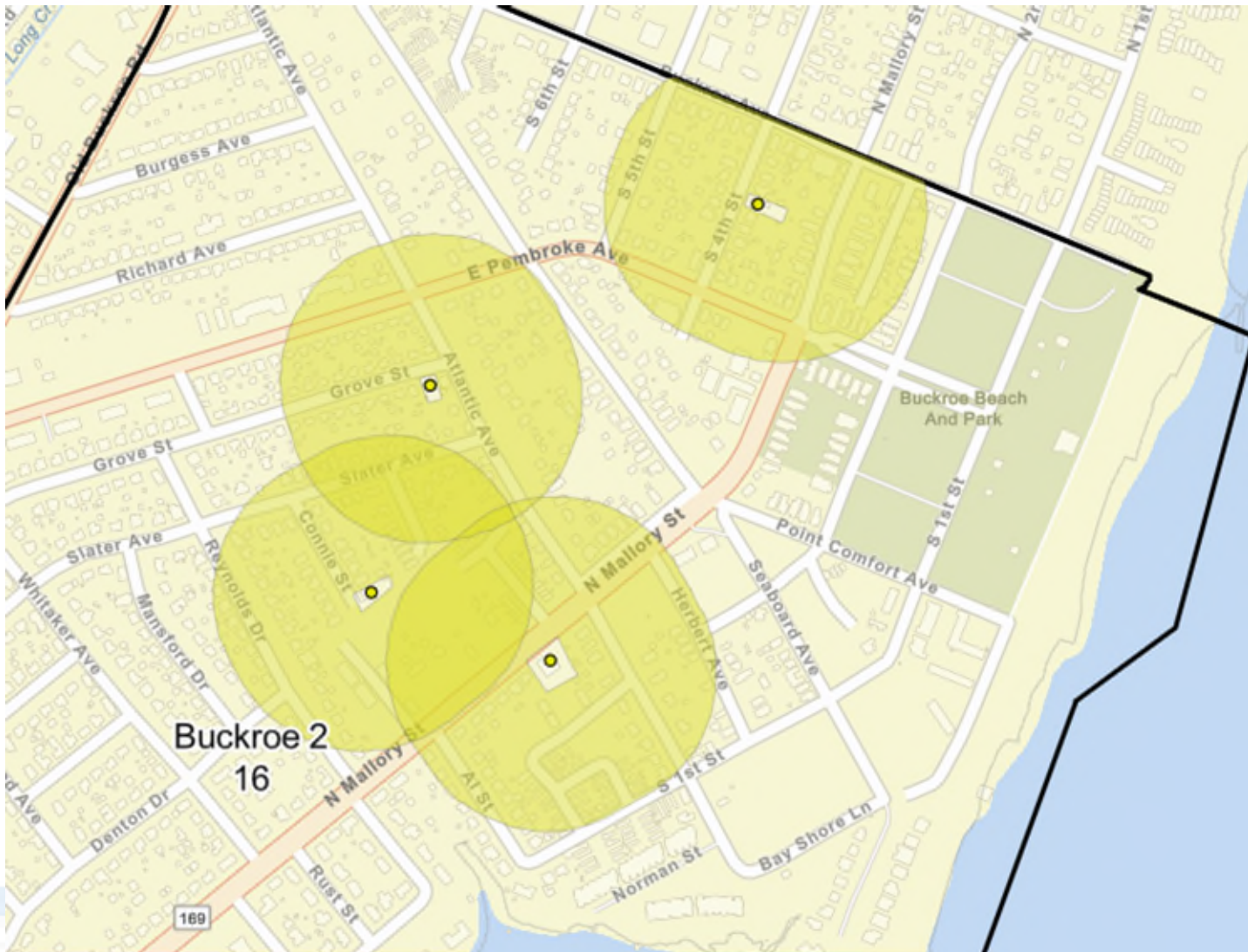
- This amendment allows consideration of homestay rentals separately from STRs
- If not approved, residents renting a single bedroom would be considered a short-term rental and be regulated under those standards

# Short-term Rental Change

- June 12 City Council adopted regulations effective September 1 which require STRs to be separated by 500 feet, with a few exceptions:
  - 2 STRs allowed to be side-by-side
  - Grace-period STRs allowed even if not meeting the separation, if permitted before December 31, 2024
  - STRs within multifamily buildings exempt from the separation requirement

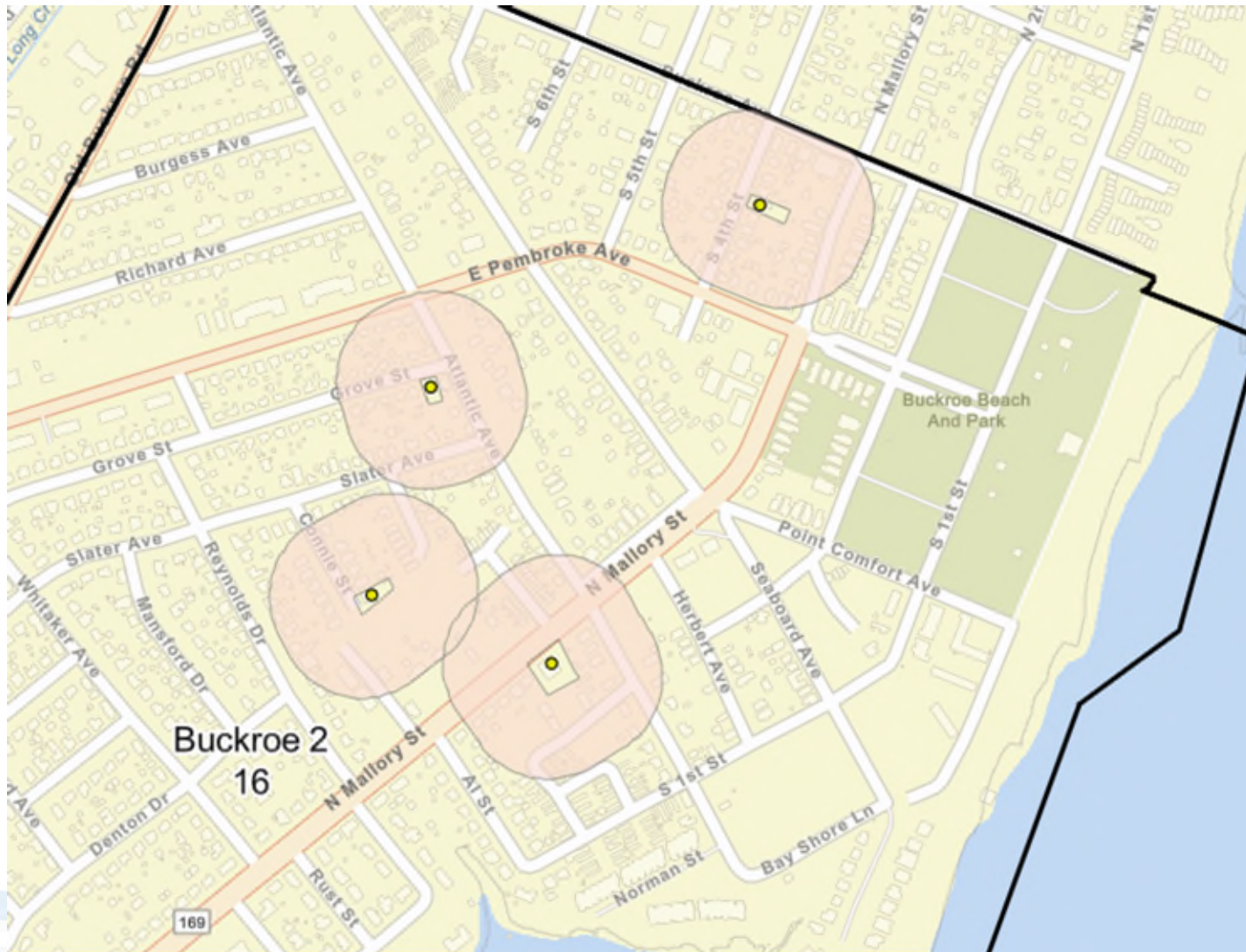


# Adopted Ordinance

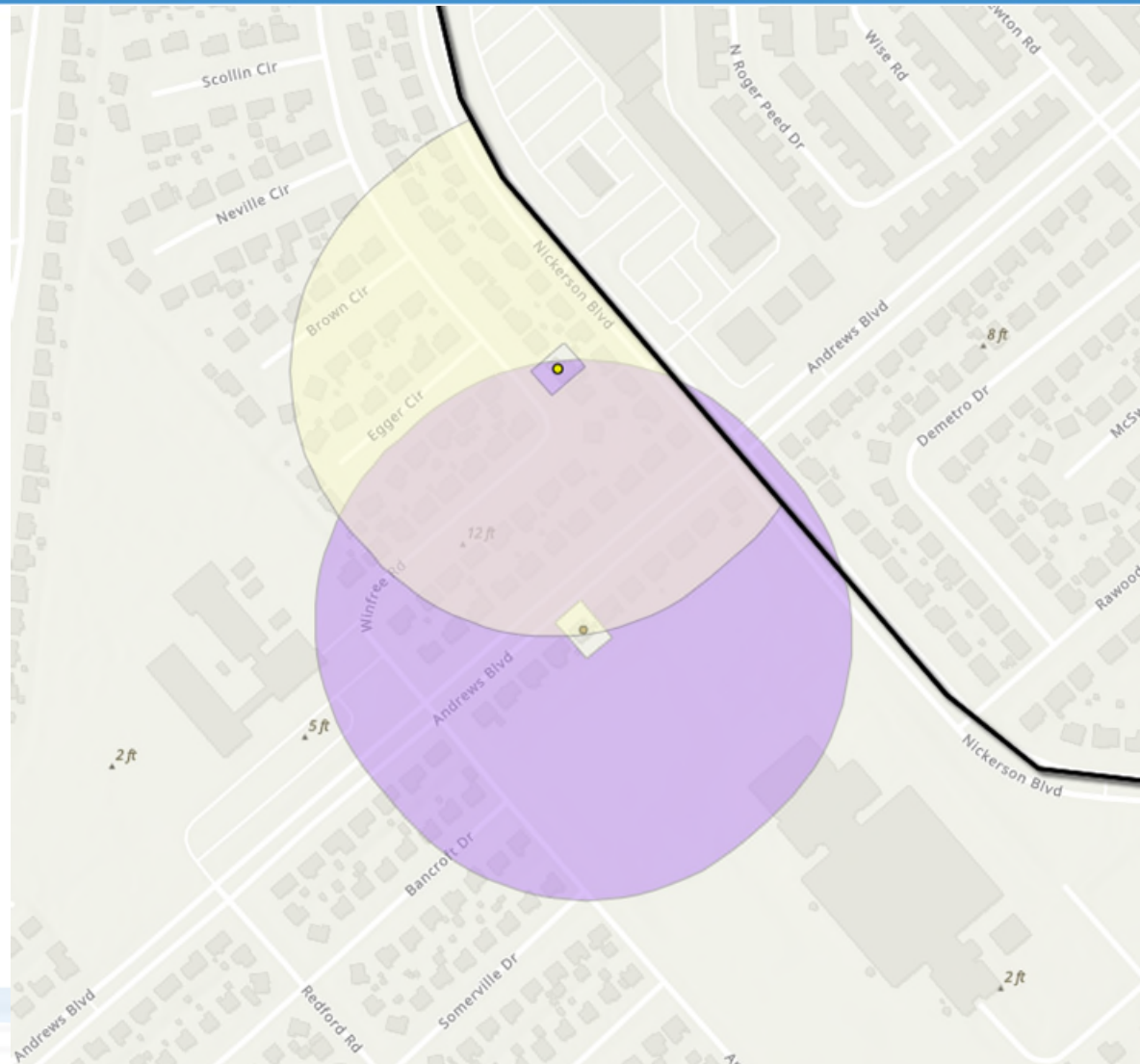




# Proposed Ordinance

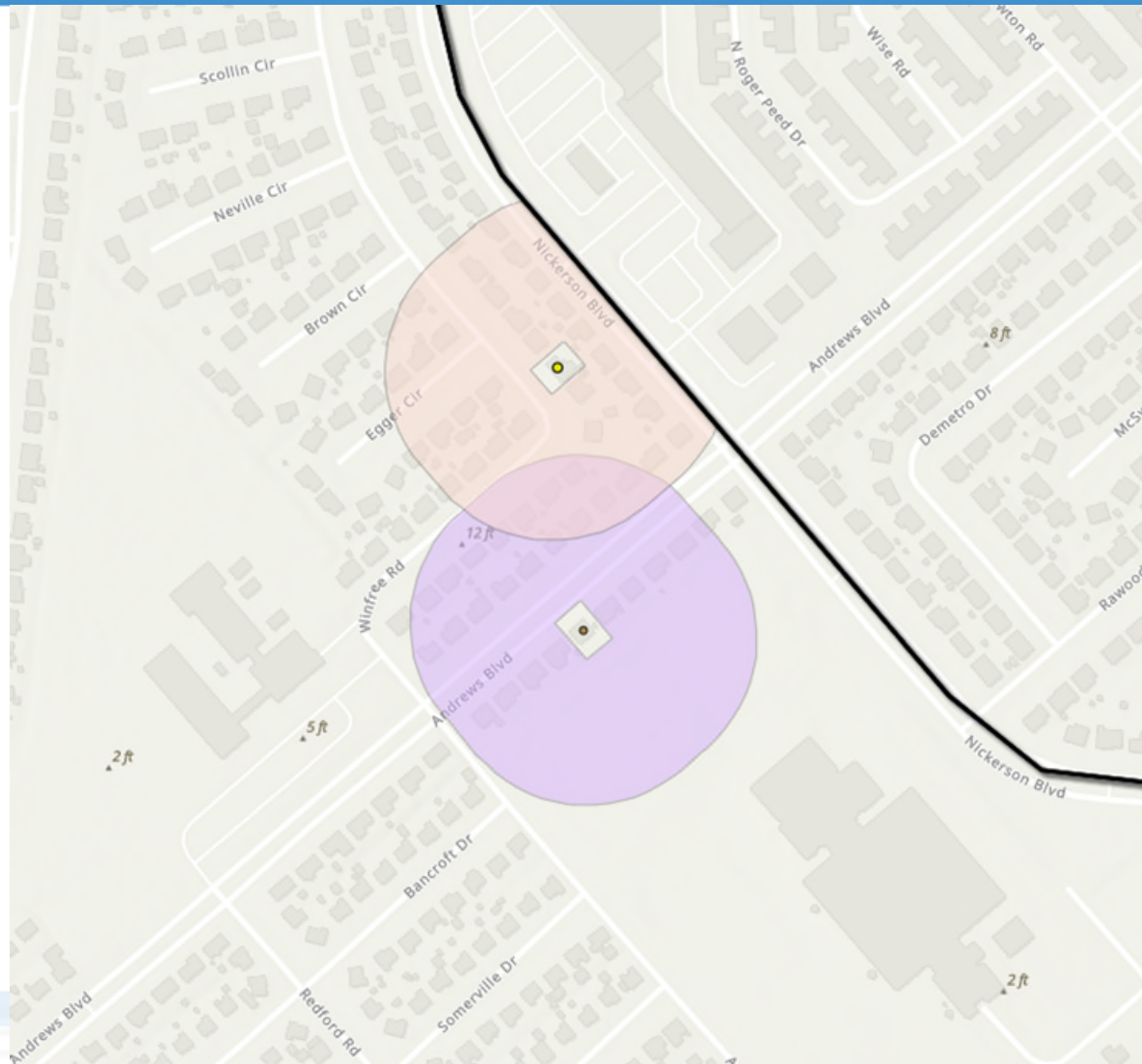


# Adopted Ordinance

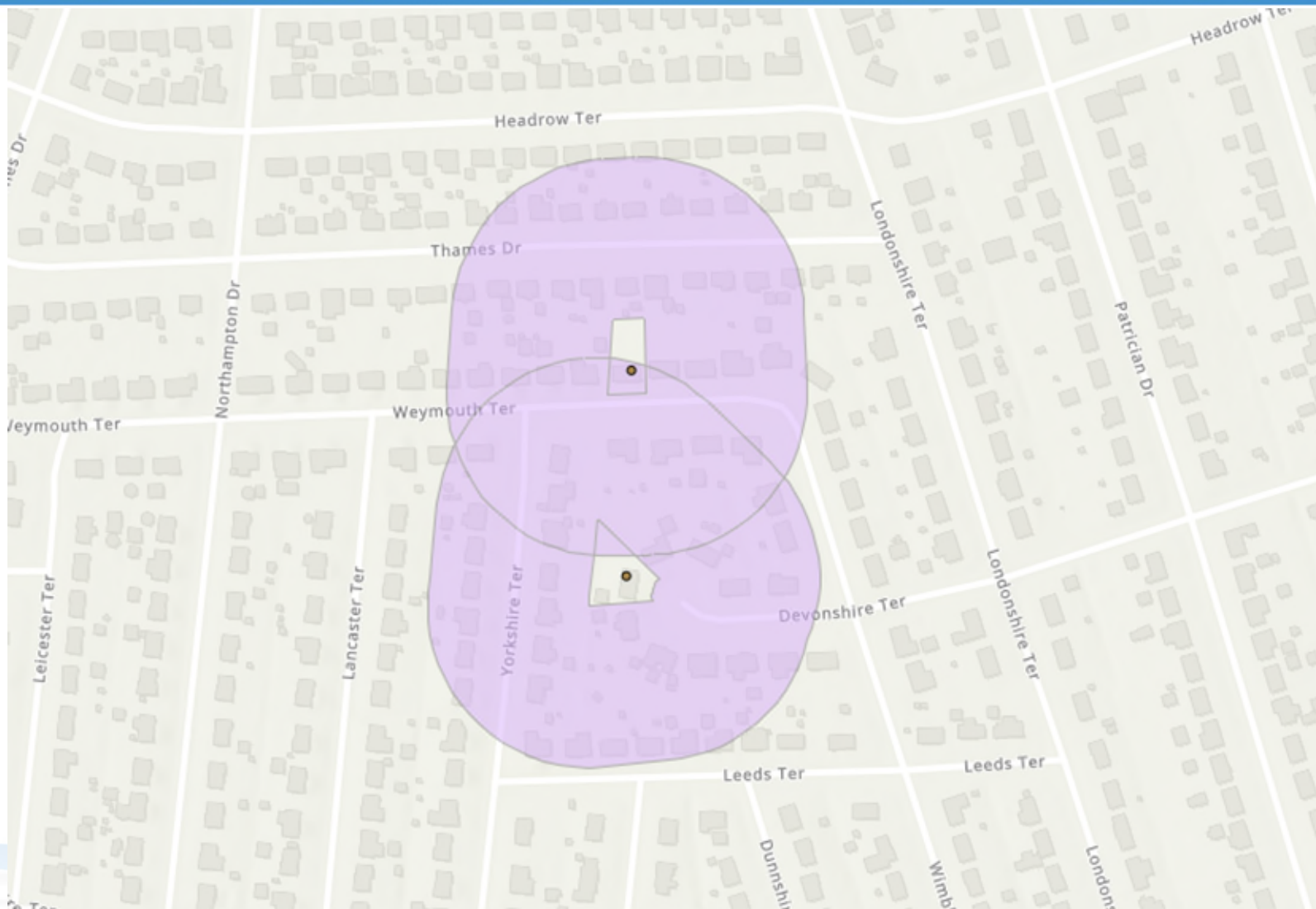




# Proposed Ordinance



# Proposed Ordinance





# Analysis

- This amendment allows consideration of the 300' separation for STRs
  - 300' used to establish local block for front setback
- If not approved, the 500' separation requirement is already adopted and will be in effect starting September 1

# Conclusion

- Public hearing
- Action
  - Staff and Planning Commission recommend **APPROVAL** of items  
No. 24-0276,  
No. 24-0277, and  
No. 24-0313