

1 **Ordinance To Amend And Re-Enact The Zoning Ordinance Of The City Of Hampton,**
2 **Virginia by Amending Chapter 3 Entitled, “Uses Permitted” To Modify The Use “Short-term**
3 **Rental” To Be Permitted With A Zoning Administrator Permit If Certain Additional**
4 **Standards Are Met, Add Additional Standards On The Operation Of The Use “Short-term**
5 **Rental”, Reflect The Combination Of The “Bed and breakfast 1” And “Bed and Breakfast**
6 **2” Uses, And Add Additional Standards For The “Multifamily Dwelling” Use**
7

8 **WHEREAS**, the public necessity, convenience, general welfare and good zoning practice so
9 require;

10
11 **BE IT ORDAINED** by the Council of the City of Hampton, Virginia that Chapter 3 of the Zoning
12 Ordinance of the City of Hampton, Virginia, be amended and re-enacted as follows:

13
14 **Chapter 3 - USES PERMITTED**

15
16 ...

17
18 **Sec. 3-2. - Table of uses permitted.**

19
20 (a) Table of Uses Permitted in Standard Zoning Districts.

21
22 *[See attached use table for changes.]*

23
24 (b) Table of Uses Permitted in Special Zoning Districts.

25
26 *[See attached use table for changes.]*

27
28 ...

29
30 **Sec. 3-3. – Additional standards on uses.**

31
32 ...

33
34 (29) 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,
35 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-
36 3, PH-1, PH-2, PH-3, FM-1, FM-2, and FM-3 zoning districts are subject to obtaining a Use
37 Permit by city council and shall comply with the following additional standards:

38
39 *(a) Notwithstanding the foregoing, a short-term rental may be approved by obtaining a*
40 *zoning administrator permit if the following additional standards are met:*

41 *(i) The short-term rental shall not offer for lodging more than five (5) bedrooms, and*
42 *shall not allow more than ten (10) overnight lodgers;*

43 *(ii) The short-term rental shall not include any events as defined within Chapter 2 of*
44 *the zoning ordinance; and*

45 *(iii) The short-term rental shall provide for all of the required parking entirely on-site*
46 *on an improved surface without use of any parking credit as otherwise permitted*
47 *within Chapter 11 of the zoning ordinance.*

48 *(b) In order for a zoning administrator permit to be approved, the short-term rental must*
49 *comply with the following additional standards at the time of application and throughout*
50 *operation:*

- 51 (i) A floor plan of all levels of the dwelling to be used for the short-term rental shall
52 be posted in a conspicuous location within the dwelling and be visible at all times
53 to transient guests and lodgers. The floor plan shall be reviewed for approval
54 prior to operation, and shall depict the exit plan, location(s) of rentable bedrooms,
55 fire extinguishers, smoke detectors, carbon monoxide detectors, and any other
56 life safety or operational details as may reasonably be required by the Zoning
57 Administrator. Any alteration or renovation that modifies the floor plan shall
58 comply with all provisions of this Sec. 3-3(29) and shall be subject to review and
59 approval by the Zoning Administrator and the Building Official or their designees;
60 (ii) In addition to the floor plan referenced in Sec. 3-3(29)(b)(i), the document titled
61 "Short-term Rental Fact Sheet", as provided by the City and completed by the
62 operator, shall be posted in the same conspicuous location as the floor plan
63 within the dwelling and be visible at all times to overnight lodgers and guests. In
64 the event that the document is amended or modified by the City, City staff will
65 provide an updated copy to the property owner(s), operator, and responsible
66 local person who shall replace the previous version;
67 (iii) The number of bedrooms offered for overnight lodging and the number of
68 overnight lodgers shall not exceed that which is indicated on the approved floor
69 plan; however, in no case shall a short-term rental offer for lodging more than five
70 (5) bedrooms and shall not allow more than ten (10) overnight lodgers.
71 (iv) The maximum number of overnight lodgers shall be based upon Sec. 404.4.1 of
72 the Virginia Property Maintenance Code (VPMC), as amended, and will be
73 reviewed and approved prior to operation. The maximum number shall be
74 indicated on the approved floor plan per Sec. 3-3(29)(b)(i), and the "Short-term
75 Rental Fact Sheet" per Sec. 3-3(29)(b)(ii);
76 (v) The maximum number of people on the property between the hours of 10:00 PM
77 and 7:00 AM shall not exceed that authorized by the approved floor plan for
78 overnight lodging. The maximum number of people on the property between the
79 hours of 7:00 AM and 10:00 PM shall not exceed twice the number authorized by
80 the approved floor plan for overnight lodging;
81 (vi) Sufficient parking shall be provided at all times to meet the minimum required
82 parking for all uses at the property pursuant to Sec. 11-2 of the zoning ordinance.
83 All parking within the street frontage yard shall be on an improved surface, as
84 defined in Chapter 2 of the zoning ordinance;
85 (vii) Exterior signage in conjunction with a short-term rental shall be prohibited at all
86 times;
87 (viii) The short-term rental shall not include any events as defined within Chapter 2 of
88 the zoning ordinance;
89 (ix) The operator of the short-term rental must provide the name and contact
90 information of a responsible local person. The responsible local person shall:
91 (a) Be responsible for addressing complaints related to the use of the
92 property as a short-term rental, including but not limited to, noise,
93 capacity, suspected criminal activity on the property, unpermitted parking,
94 events, and other similar violations, as soon as reasonably practicable;
95 (b) Reside in the Commonwealth of Virginia;
96 (c) Respond to any call from the City of Hampton regarding any notification
97 of an issue related to the operation of the short-term rental within one (1)
98 hour of the notification by the City;
99 (d) Be considered a responsible party under Sec. 1-11 of the zoning
100 ordinance, shall accept service of any notices of violation and

101 *summonses upon request of the City, and shall be responsible for abating*
102 *any violation of these conditions; and*
103 *(e) In the event the responsible local person’s contact information needs to*
104 *be updated or changed, the responsible local person shall contact and*
105 *inform the Zoning Administrator, in writing, and shall also update the*
106 *“Short-term Rental Fact Sheet”, as required by Sec. 3-3(29)(b)(ii), to*
107 *include the appropriate contact information.*
108 *(x) The short-term rental shall maintain compliance with all applicable federal, state,*
109 *and local laws, including but not limited to, the provisions of the zoning ordinance*
110 *and City Code relating to noise, setbacks, and building code requirements;*
111 *(xi) The short-term rental shall obtain and maintain all applicable licenses prior to*
112 *operating the short-term rental use, including but not limited to, obtaining a*
113 *business license with the Commissioner of Revenue;*
114 *(xii) Upon the City implementing a short-term rental registry, the operator of the short-*
115 *term rental shall, within thirty (30) days of notice given by the City, register the*
116 *property and keep registration up-to-date;*
117 *(xiii) The operator of the short-term rental shall keep records of all rentals showing the*
118 *date(s) rented, the name of the primary person(s) who booked the reservation,*
119 *the number of overnight lodgers featured in the reservation, and all listings*
120 *associated with the short-term rental. This list shall be available to the Zoning*
121 *Administrator or their designee upon request within one (1) day;*
122 *(xiv) Prior to operation of a short-term rental, the operator of the short-term rental shall*
123 *schedule an inspection and provide the City consent to inspect the dwelling to*
124 *ascertain compliance with all applicable standards and codes;*
125 *(xv) In the second calendar year after receiving approval, and every two (2) years*
126 *thereafter, the City shall notify the responsible local person and short-term rental*
127 *operator that a re-inspection is required to verify the continuation of the short-*
128 *term rental use and compliance with all conditions. The short-term rental operator*
129 *shall schedule, pay for, and pass said inspection within the notice period as*
130 *prescribed by the City. Failure to do so will be a violation of this ordinance and*
131 *result in revocation of the zoning administrator permit;*
132 *(xvi) The short-term rental shall not be advertised to operate in a manner that*
133 *contradicts the standards and conditions of the zoning ordinance; and*
134 *(xvii) The short-term rental operator shall comply with all reasonable requests by the*
135 *City for information to verify compliance with the conditions of this Sec. 3-3(29).*
136 *(c) The following additional standards shall be met by all short-term rentals:*
137 *(i) The short-term rental shall comply with the provisions of the Short-term Rental*
138 *Overlay District in Chapter 9 of the zoning ordinance, as amended;*
139 *(ii) The short-term rental shall only be permitted in a dwelling unit which was*
140 *previously legally established for a use other than short-term rentals; and*
141 *(iii) Only one short-term rental zoning administrator permit or Use Permit shall be*
142 *issued for a property. Such short-term rental permit shall not exceed more than 9*
143 *bedrooms offered for overnight lodging on the property.*
144 *(d) Notwithstanding Sec. 1-10.1(7) of the zoning ordinance, a permittee aggrieved by the*
145 *decision of the Zoning Administrator to revoke their zoning administrator permit issued*
146 *under this Sec. 3-3(29) shall appeal that decision to City Council.*
147 *(e) Short-term rentals for which a complete Use Permit application, as determined by the*
148 *Zoning Administrator, was submitted prior to June 30, 2024 shall be approved as a*
149 *zoning administrator permit if the proposed operation complies with the requirements of*
150 *Sec. 3-3(29)(a) and all other provisions of the zoning ordinance. Use Permit applications*

151 *which have a pending public hearing date as of June 30, 2024 may request to be*
152 *considered as a zoning administrator permit if the proposed operation complies with the*
153 *requirements of Sec. 3-3(29)(a).*

154 (f) ~~(a)~~ Short-term rentals for which a business license was issued and zoning compliance
155 was confirmed pursuant to Sec. 18.1-12 of the City Code prior to December 14, 2022
156 may operate continuously in the same location until December 31, 2024 provided that
157 the short-term rental maintains compliance with all applicable City Code and Zoning
158 Ordinance provisions during that time. After December 31, 2024, the short-term rental
159 must obtain approval ~~of a use permit by city council~~ *as required by this section* in order
160 to continue operation.

161 (g) *Regulations governing the operation of all short-term rentals, including the requirement*
162 *for a Use Permit, were originally effective December 14, 2022. Sections 3-3(29)(a) – (e)*
163 *shall have an effective date of July 1, 2024.*

164
165 ...

166
167 (42) Multifamily dwelling in *MD-1*, MD-2, MD-3, MD-4, R-M, *C-1*, C-2, RT-1, *BB-2*, *BB-3*, *BB-*
168 *4*, *BB-5*, DT-1, DT-2, and DT-3, *PH-1*, *PH-2*, *PH-3*, *FM-2*, and *FM-3* districts shall
169 comply with the following:

170 (a) In the MD-2, MD-3, MD-4, R-M, C-2, RT-1 districts, the use permit requirement
171 shall not apply to buildings and structures used as multifamily dwellings if they
172 were legally established on October 13, 2021 or to those for which a significant
173 affirmative governmental act, as defined by section 15.2-2307 of the Code of
174 Virginia, as amended, has been obtained and remains in effect as of October 13,
175 2021, which allows development of the specific project, including but not limited
176 to, having obtained an approved site plan for the building or structure. Such
177 buildings and structures shall be grandfathered and considered permitted uses—
178 as opposed to legal nonconforming uses—as long as the multifamily use
179 continues and the buildings or structures remain in their then structural condition.
180 The requirements of this section shall apply, however, to any alterations of such
181 buildings or structures in a manner not approved prior to October 13, 2021, and
182 upon the cessation of the multifamily use for a period longer than two (2) years.

183 (b) In the DT-1, DT-2, and DT-3 districts, the following additional standards shall be
184 required. In the event of a mixed-use development proposal involving a
185 multifamily dwelling use, the requirements for multifamily dwellings shall
186 supersede any conflicting standards that apply more generally to the
187 development.

188 ...

189
190 (c) Multifamily dwellings which do not meet the by-right optional incentive standards
191 set forth under subsection (b) are subject to obtaining a use permit. When
192 considering a use permit, the city will follow the criteria for use permit review set
193 forth in chapter 14, as amended, in order to determine suitability of the
194 development for the proposed location.

195 (d) *In the MD-1, MD-2, MD-3, MD-4, R-M, C-1, C-2, RT-1, BB-2, BB-3, BB-4, BB-5,*
196 *DT-1, DT-2, DT-3, PH-1, PH-2, PH-3, FM-2, and FM-3 districts, multifamily*
197 *dwellings may utilize dwelling units for short-term lodging of guests of long-term*
198 *residents as an accessory to the multifamily dwelling use and not considered a*
199 *short-term rental primary use, provided that:*

200 (i) *The short-term lodging of guests of long-term residents is an amenity*
201 *dictated in the long-term resident's lease;*

202
203
204
205
206
207
208

...

- (ii) The multifamily dwelling complex must have at least fifty (50) units;*
- (iii) The multifamily dwelling complex must have on-site management; and*
- (iv) No more than ten (10) percent of dwelling units, rounded down, may be utilized for the short-term lodging of guests of long-term residents.*