

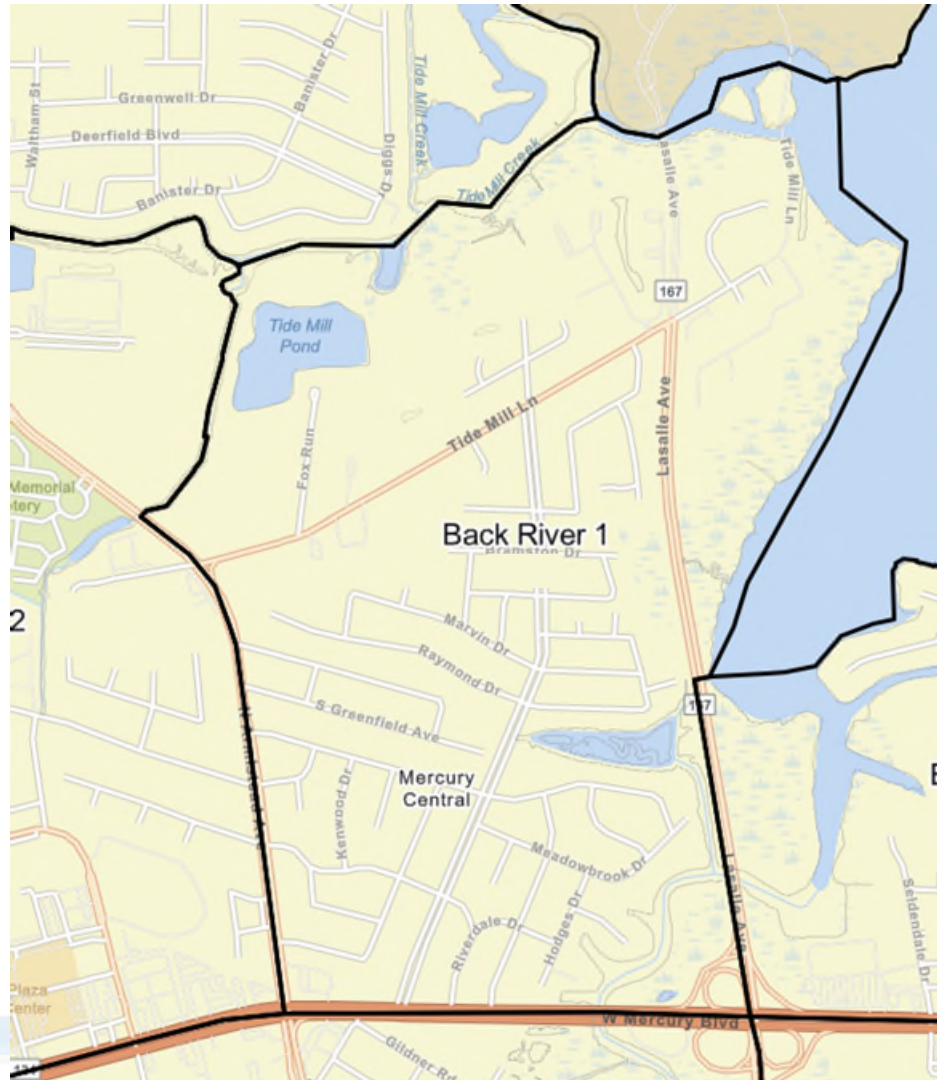


# Zoning Ordinance Amendments and Rezoning Cases for Short-term Rentals

City Council  
June 12, 2024

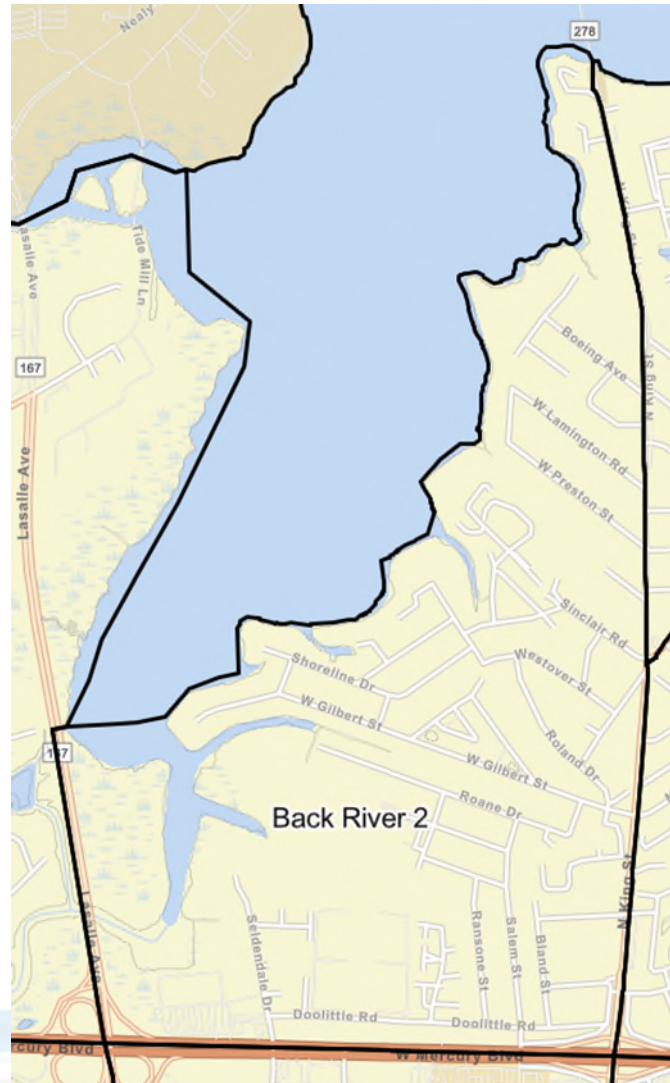


# RZ 24-0178 – Back River 1

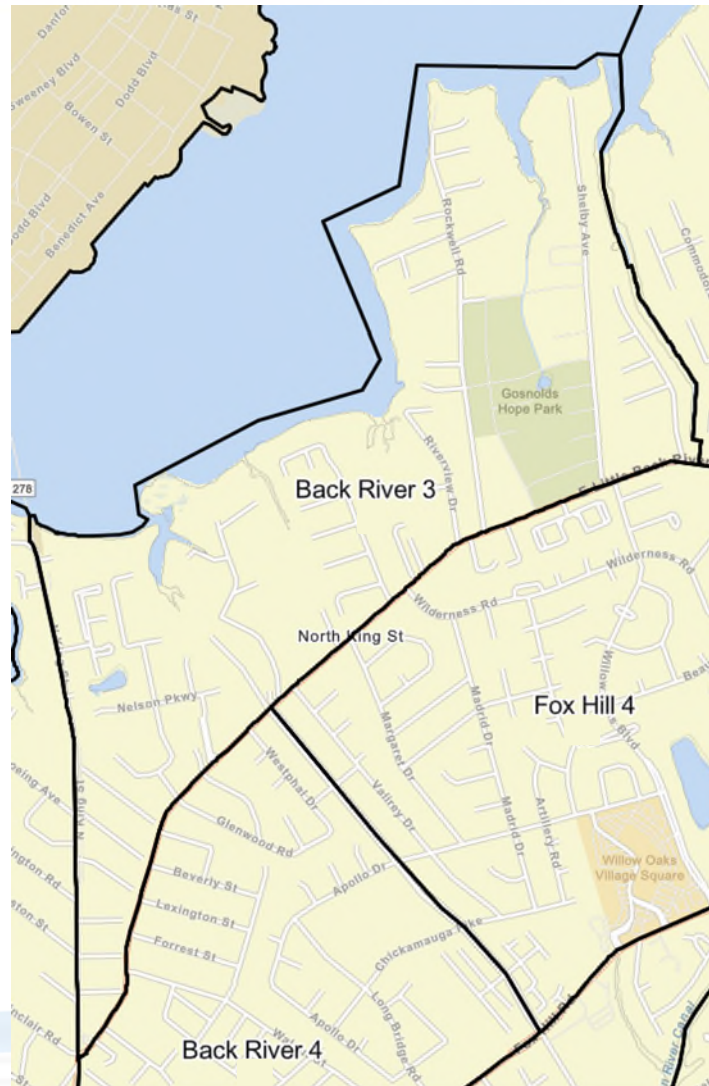




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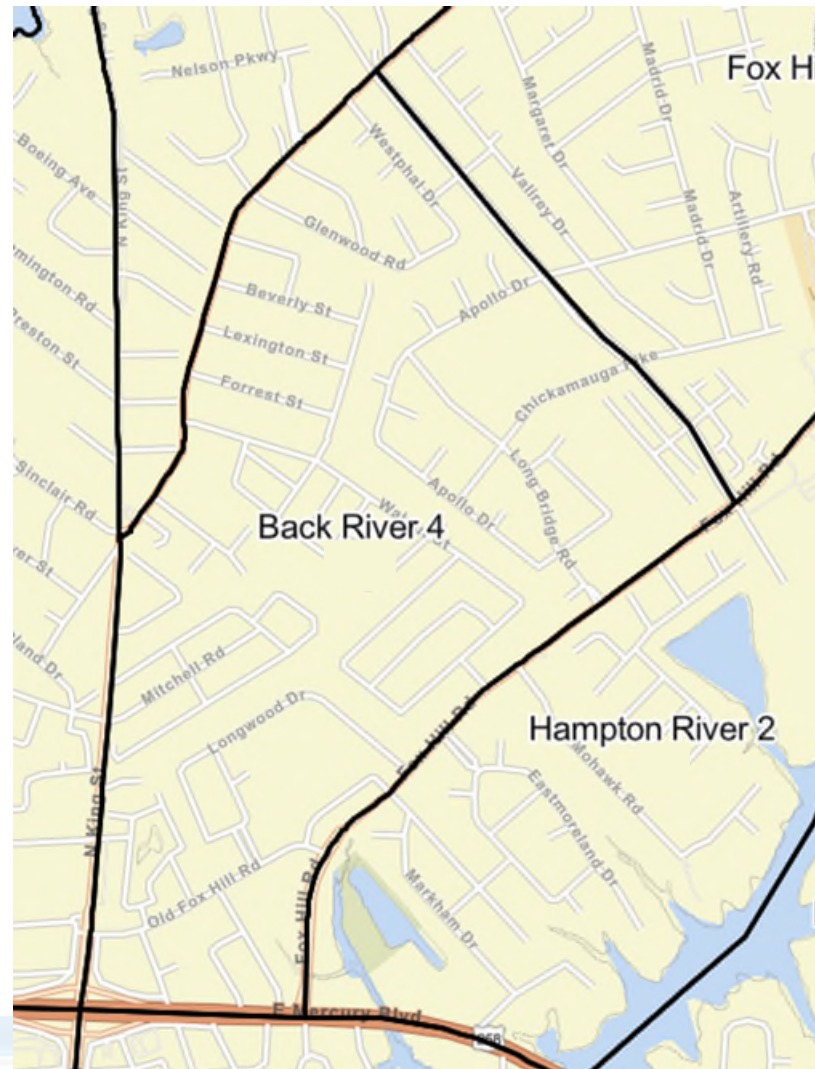


# RZ 24-0180 – Back River 3





# RZ 24-0181 – Back River 4

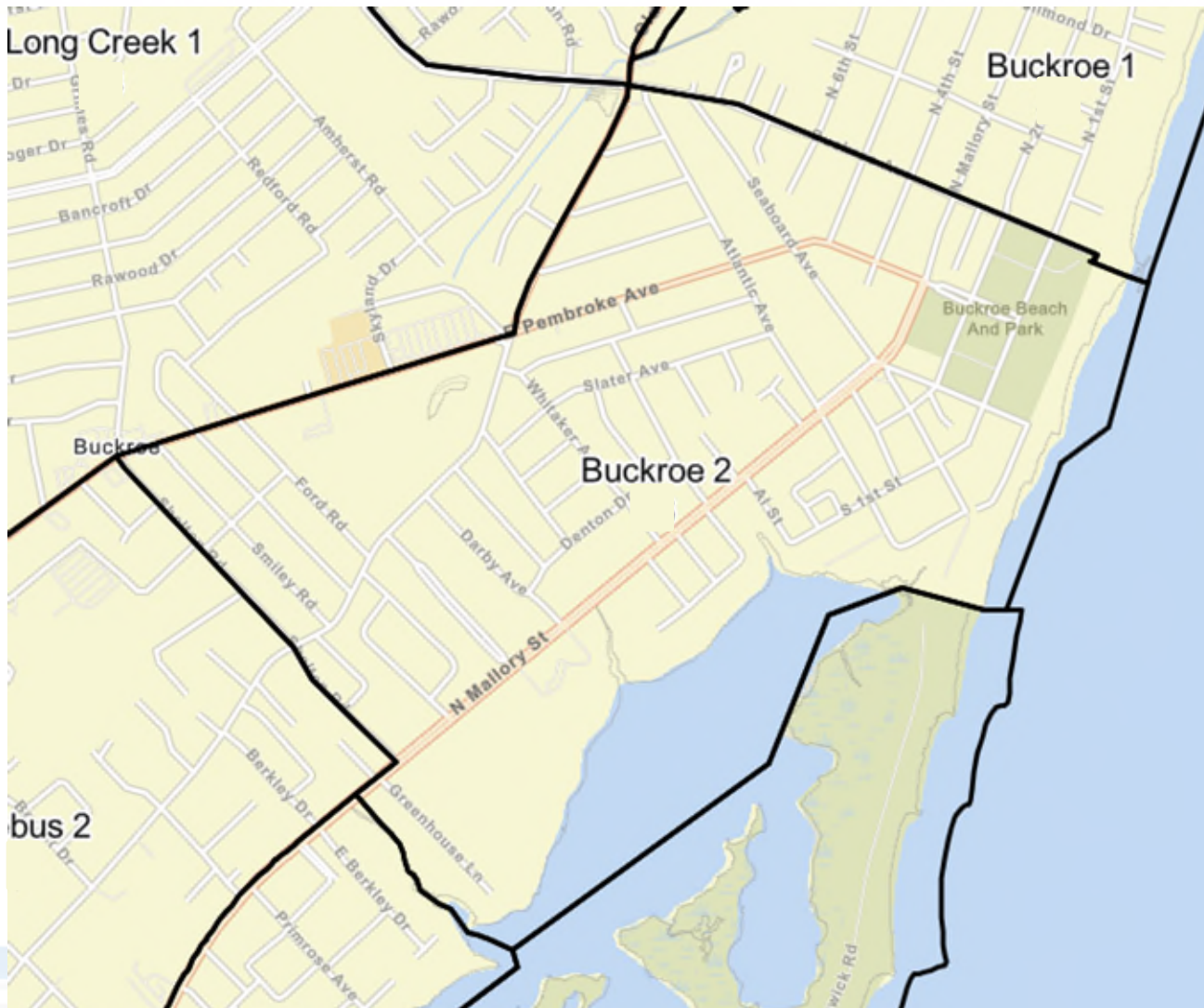


# RZ 24-0182 – Buckroe 1

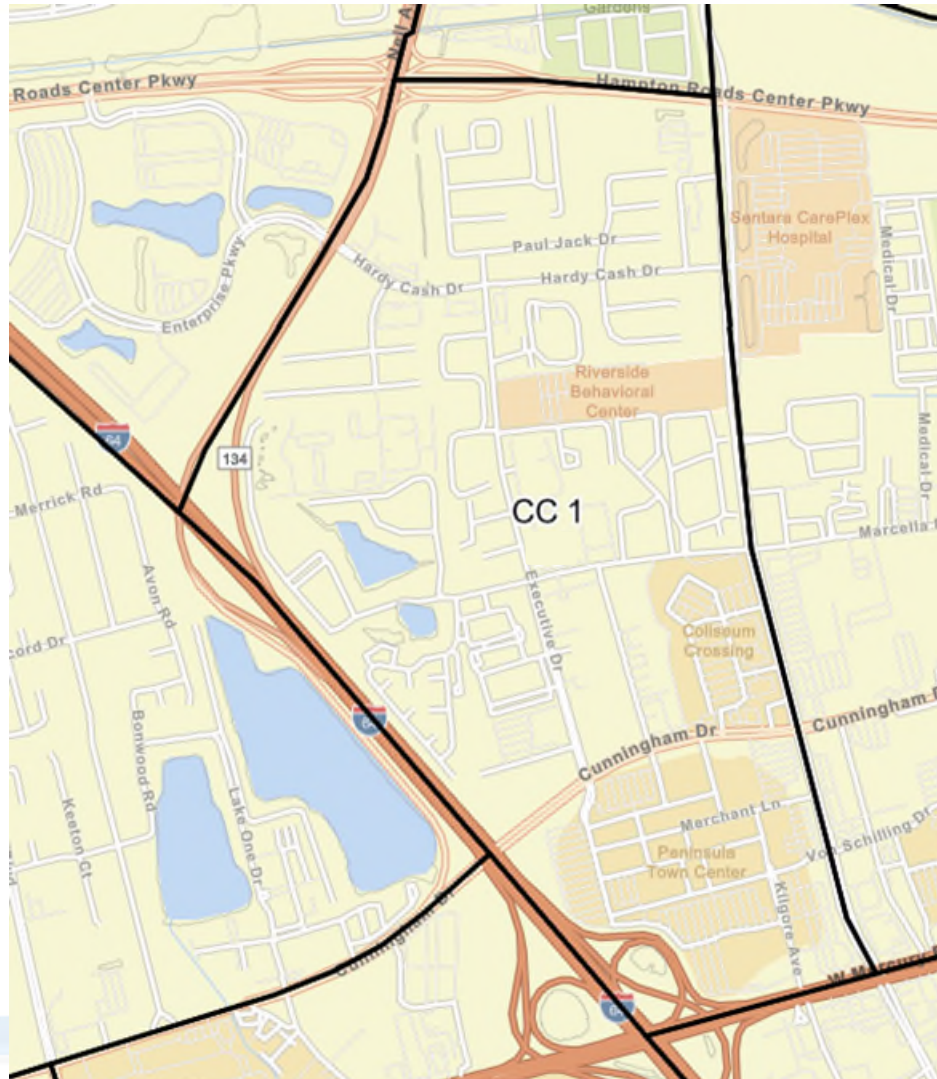




# RZ 24-0183 – Buckroe 2

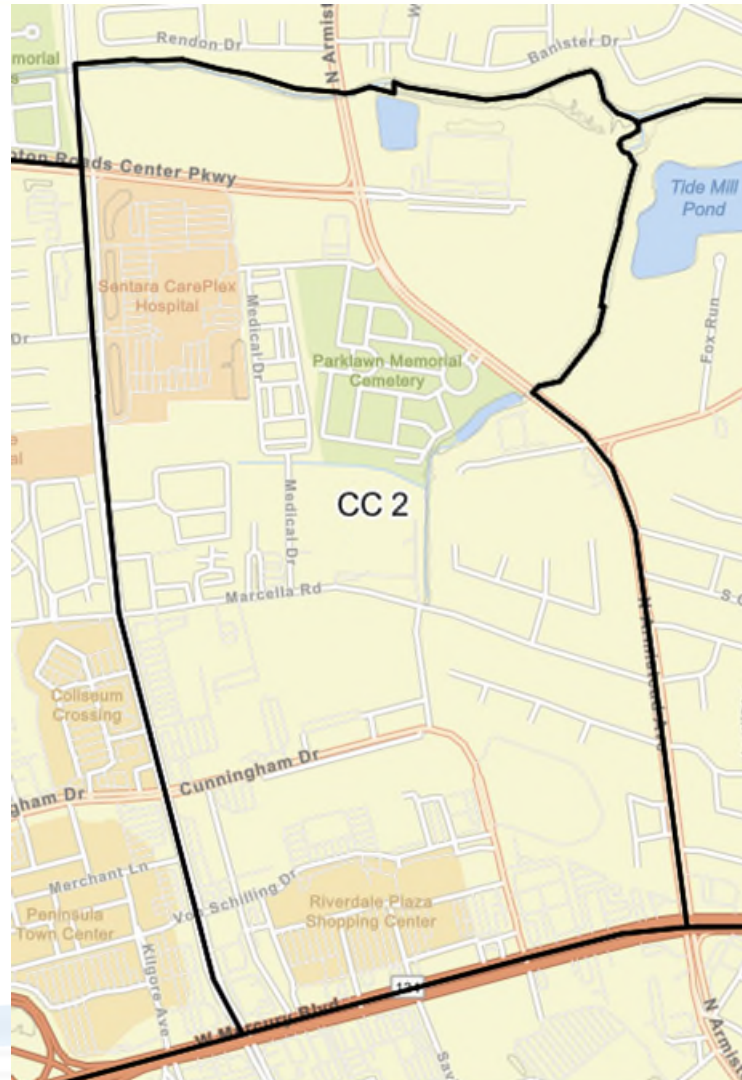


# RZ 24-0184 – Coliseum Central 1

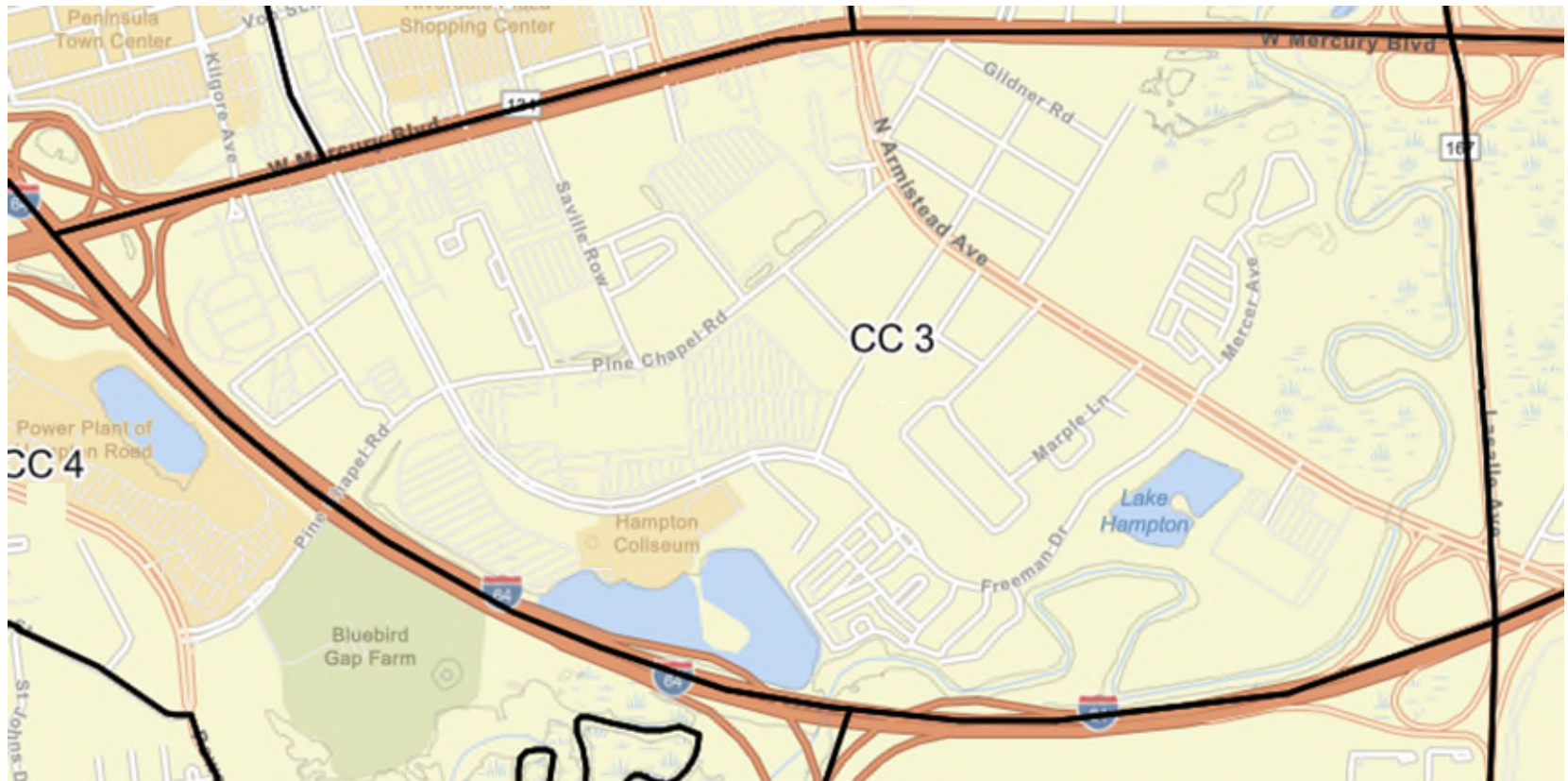




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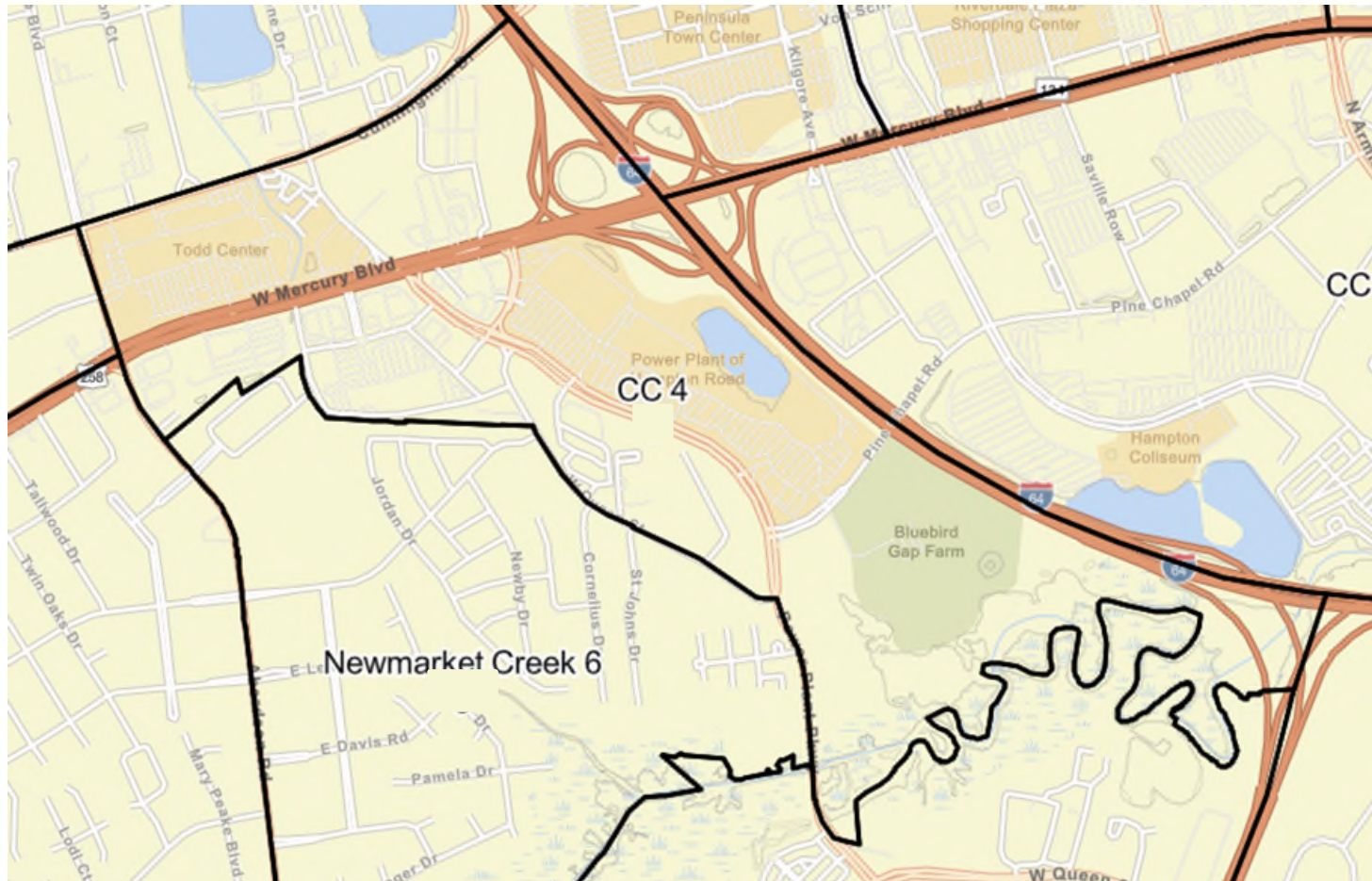


# RZ 24-0186 – Coliseum Central 3

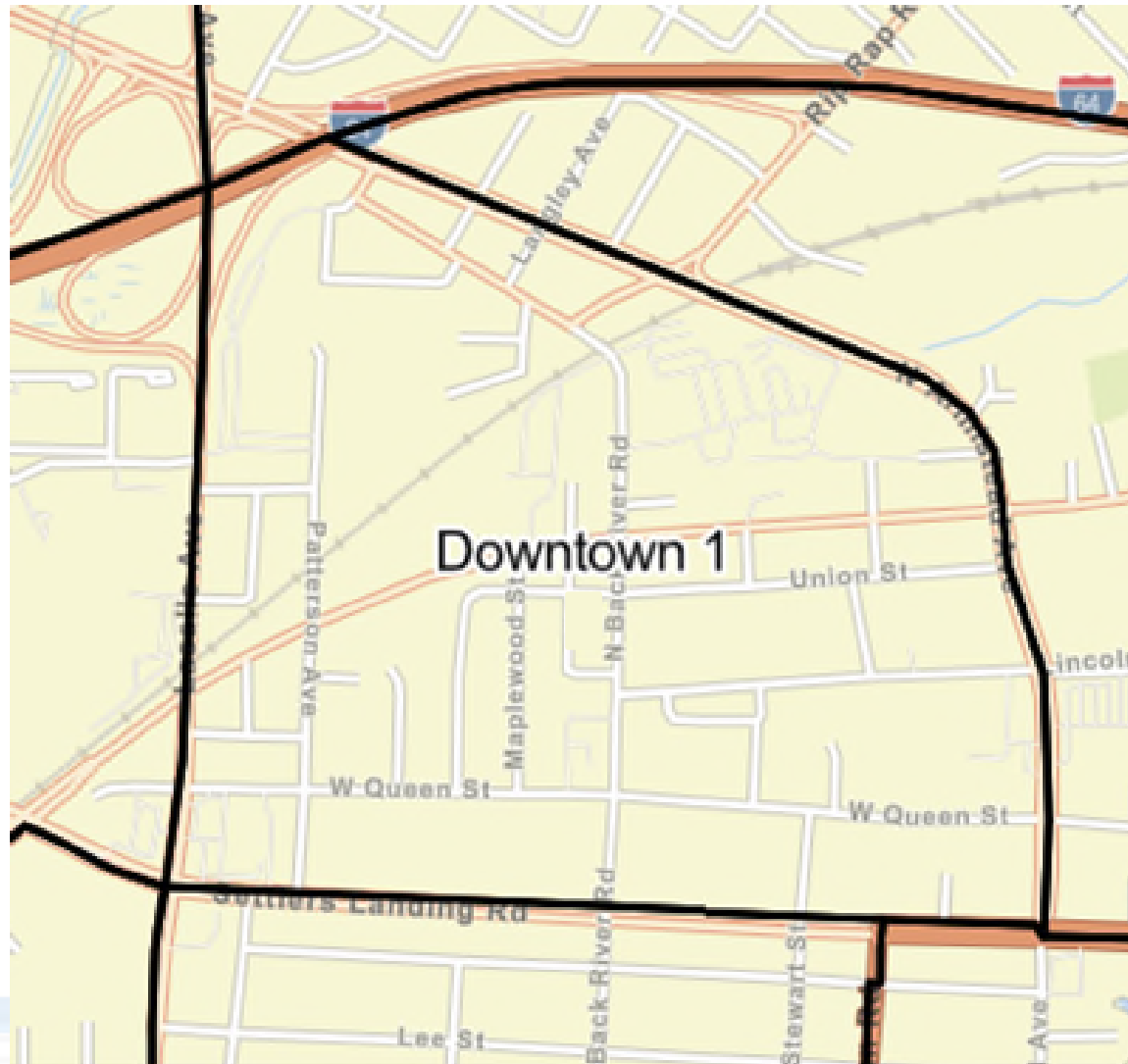




# RZ 24-0187 – Coliseum Central 4

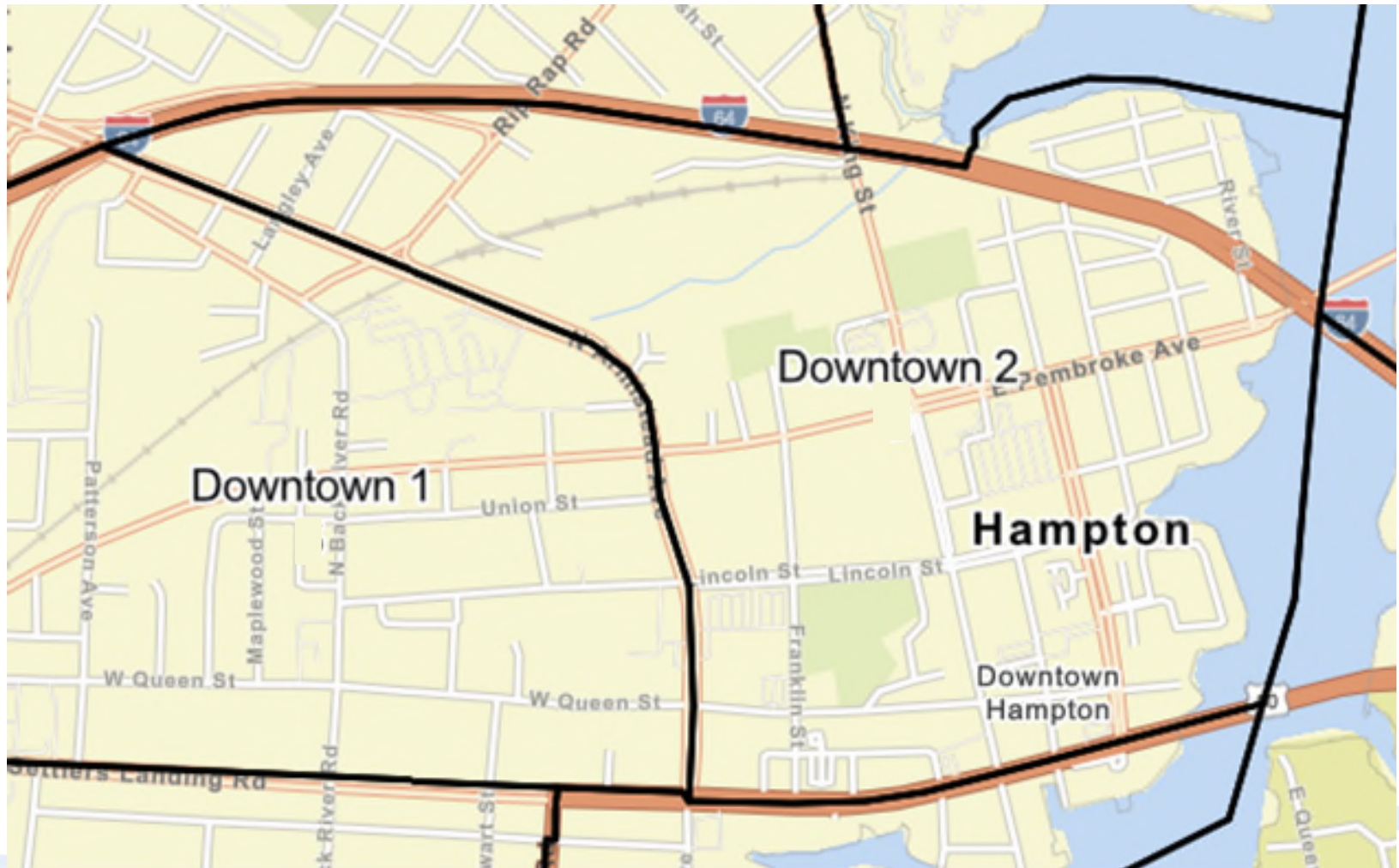


# RZ 24-0188 – Downtown 1





# RZ 24-0189 – Downtown 2



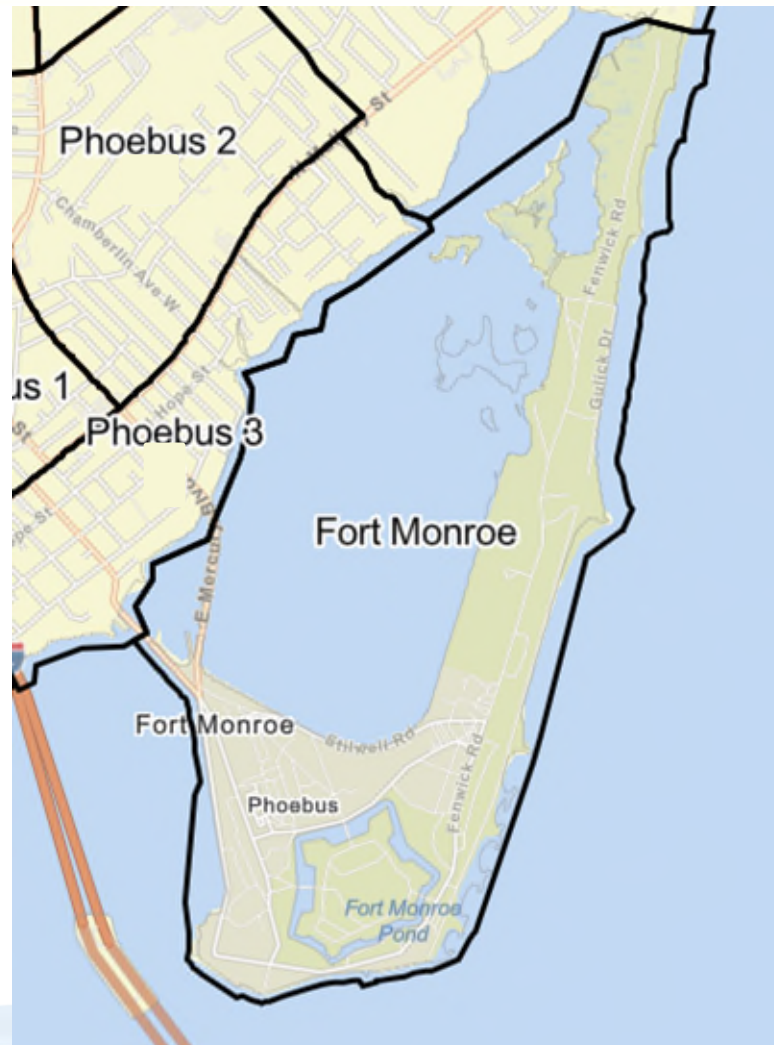
# RZ 24-0190 – Downtown 3





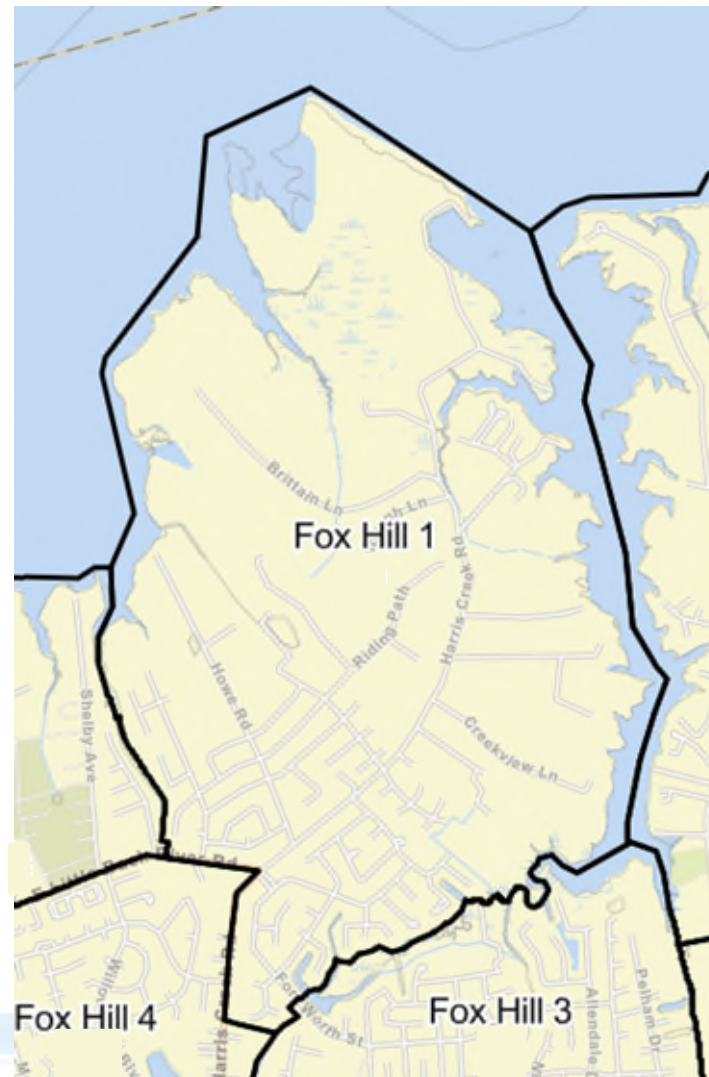
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# RZ 24-0192 – Fort Monroe

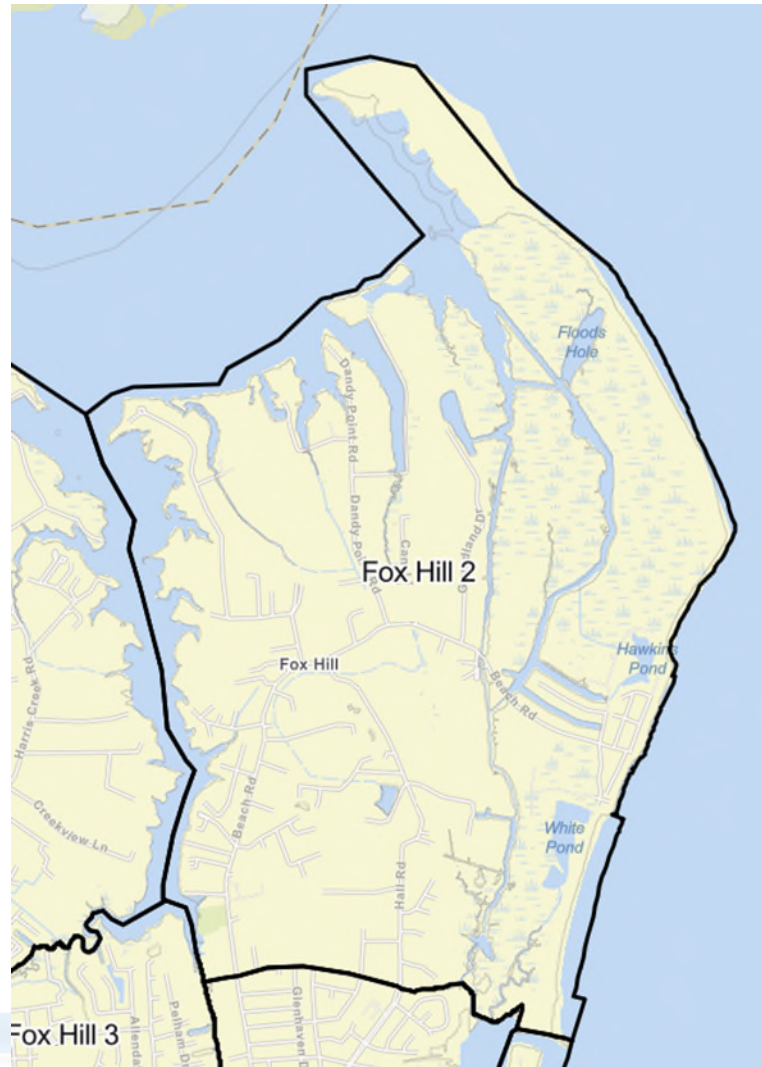




# RZ 24-0193 – Fox Hill 1



# RZ 24-0194 – Fox Hill 2

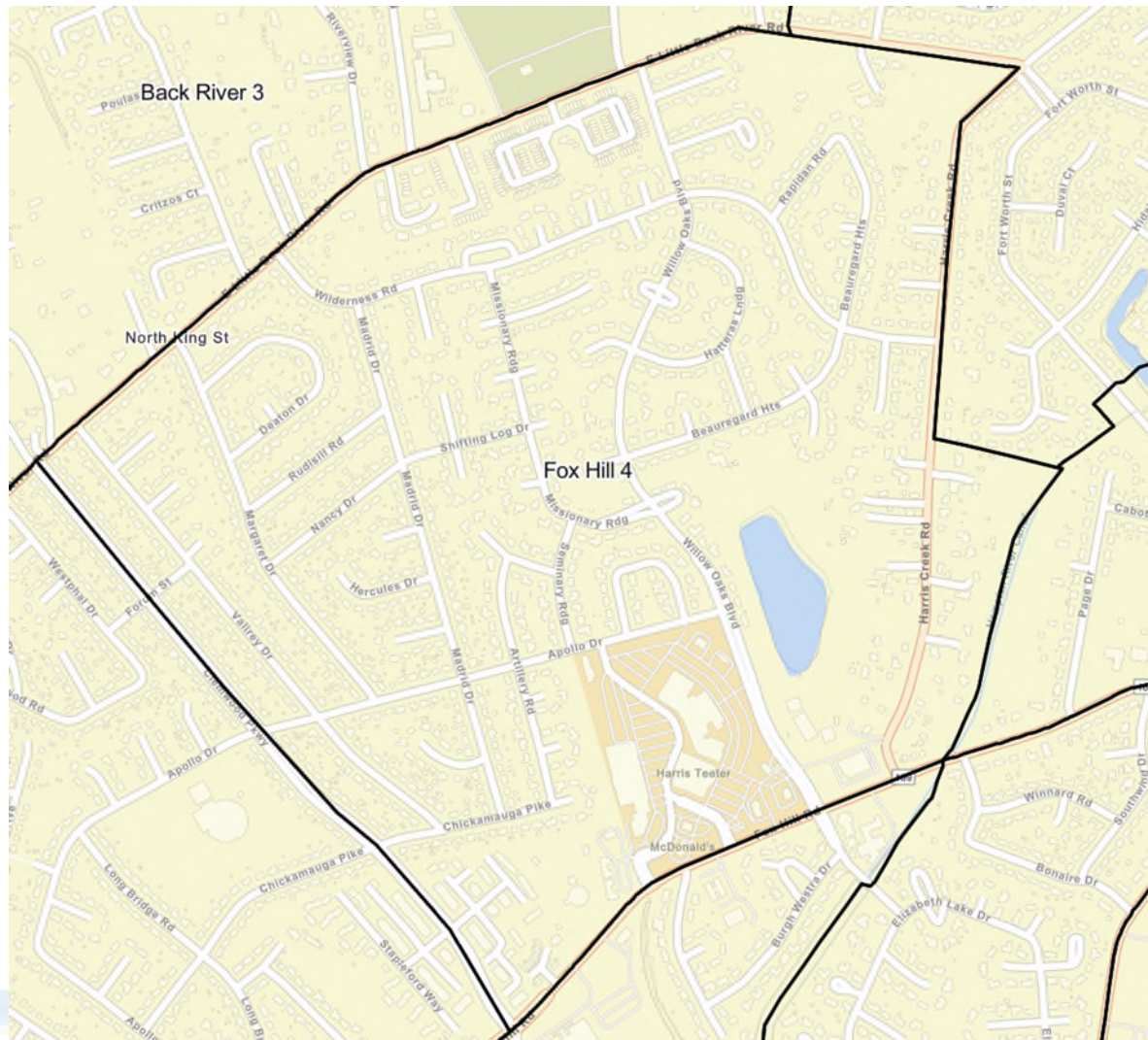




## A detailed map of the Fox Hill 3 neighborhood. The map shows a network of streets including Windjammer Dr, Fort Worth St, Duval Ct, Hidalgo Dr, Harris Creek Rd, Cabot Dr, Page Dr, Winnard Rd, Bonaire Dr, Southwind Dr, Lemaster Ave, Greenville Ct, Athens Ave, Stockton St, Houston Ave, Dallas Ct, Bascom St, New Bern Ave, Nottingham Dr, Kings View Ct, Fairfield Blvd, Duchesne Ct, Fort Worth St, Senora Dr, Zilber Ct, Sonora Dr, Pine Lake Ct, Allendale Dr, Essex Park Dr, Palham Dr, Reba Dr, Palham Dr, Stockton St, Baxier St, Nathan St, Dr Jassob, and Bonair Dr. Water bodies include Harris Creek, a large lake in the upper right, and several smaller ponds. Landmarks include Clark Cemetery in the upper right and a large body of water in the lower right. The neighborhood is bounded by a thick black line.

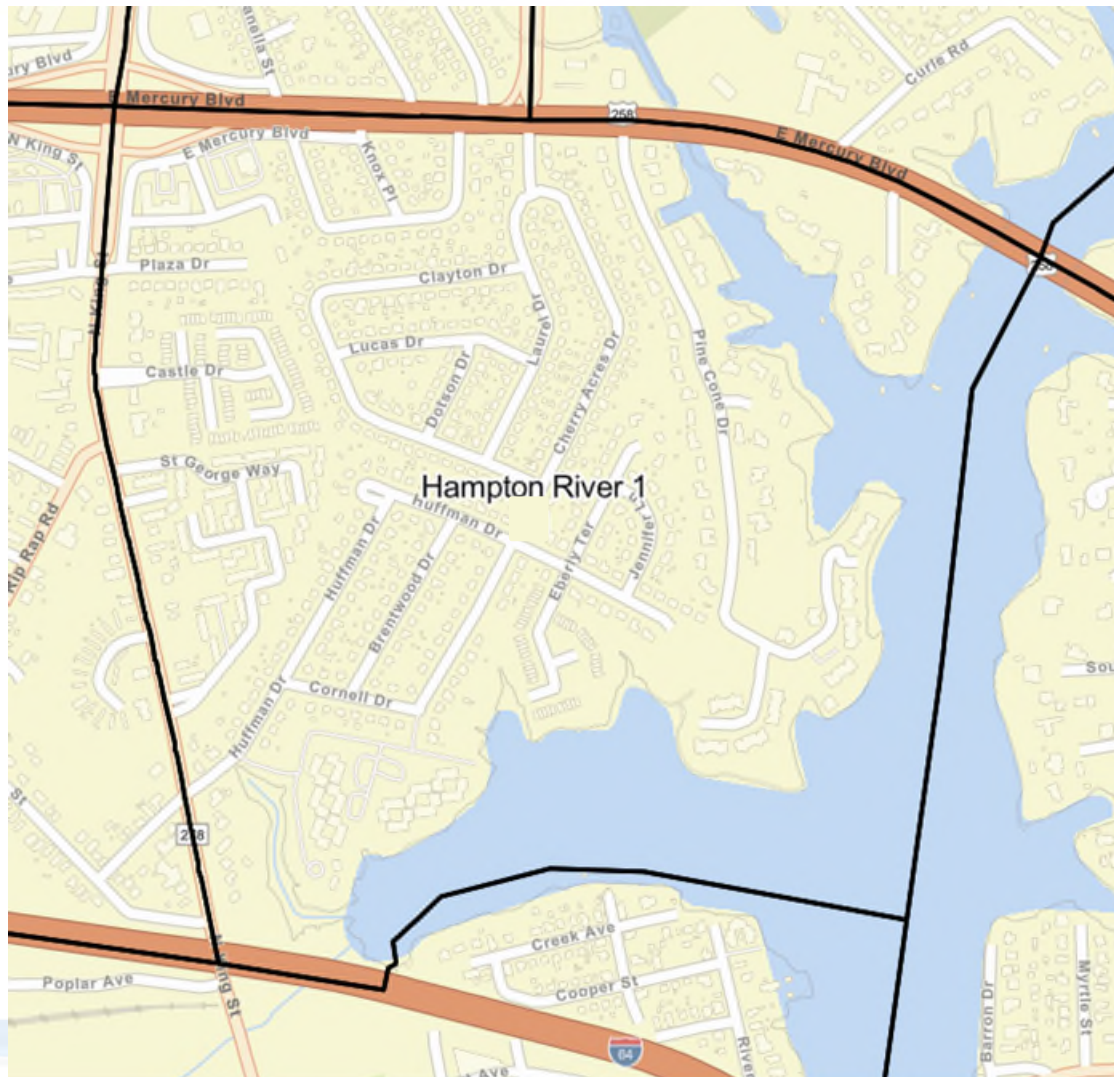


# RZ 24-0196 – Fox Hill 4

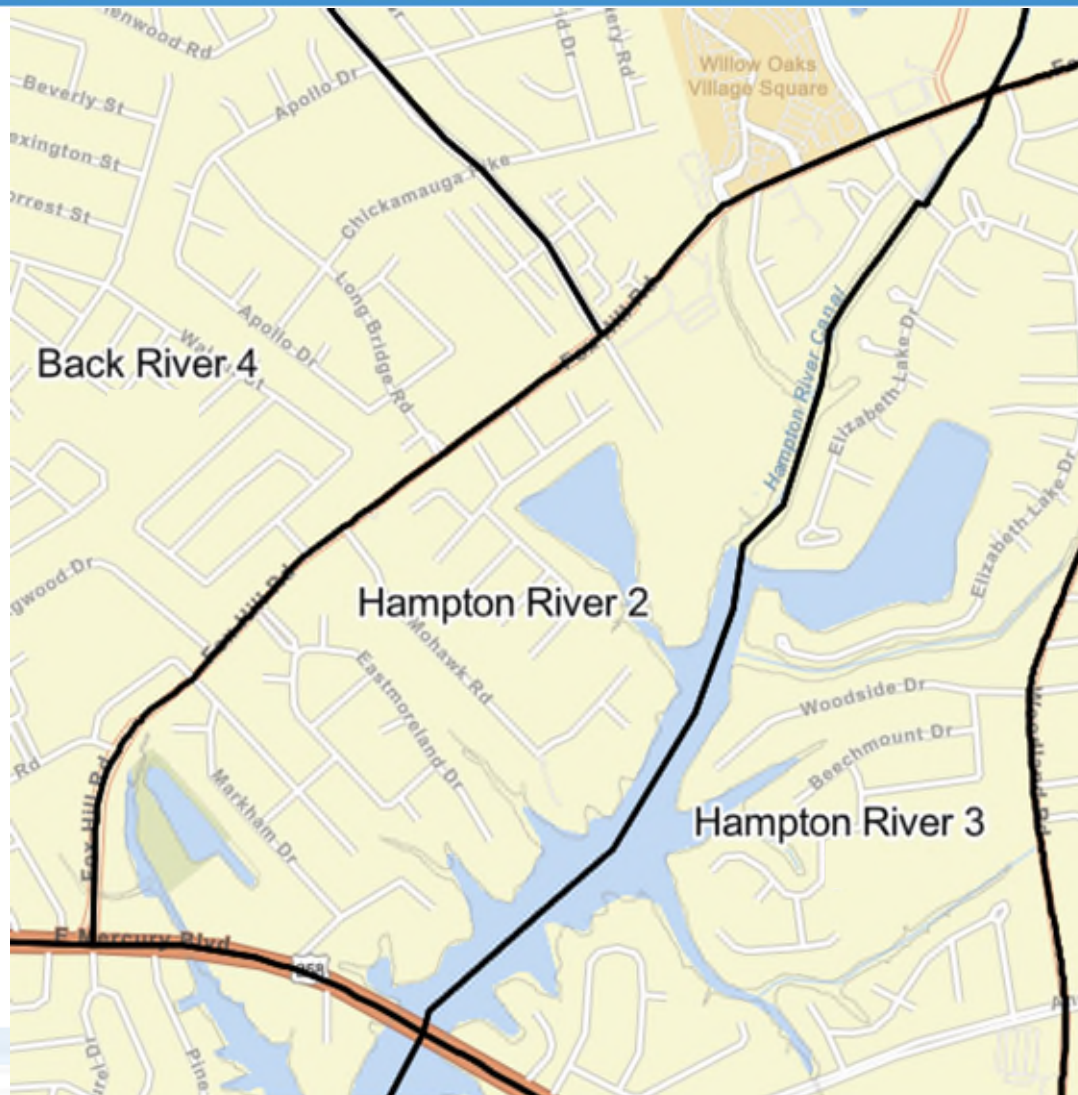




# RZ 24-0197 – Hampton River 1

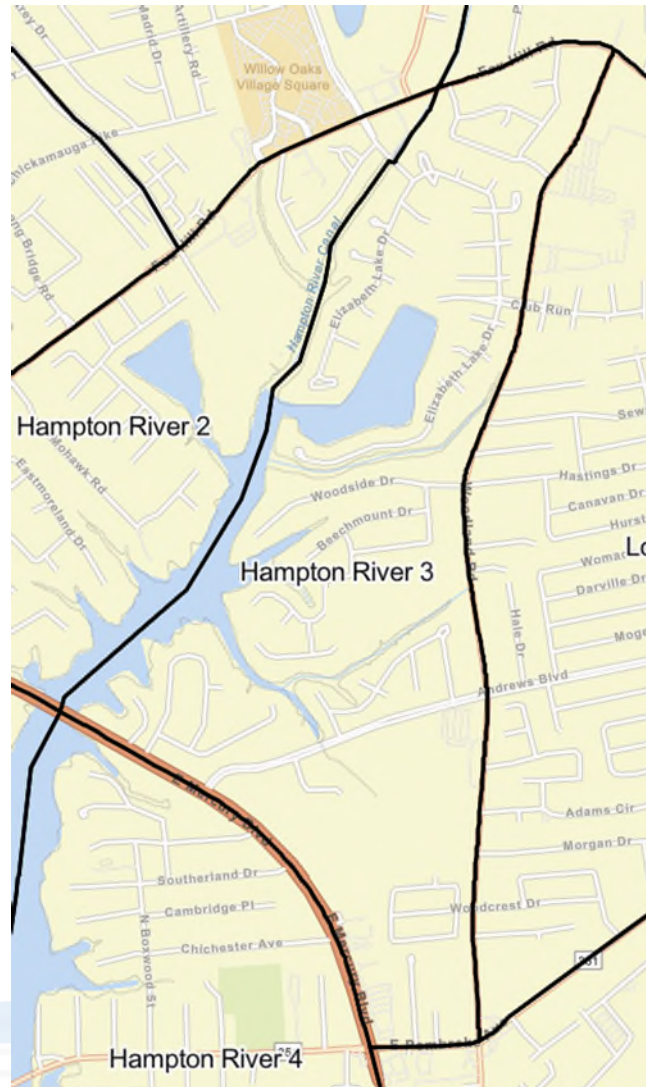


# RZ 24-0198 – Hampton River 2

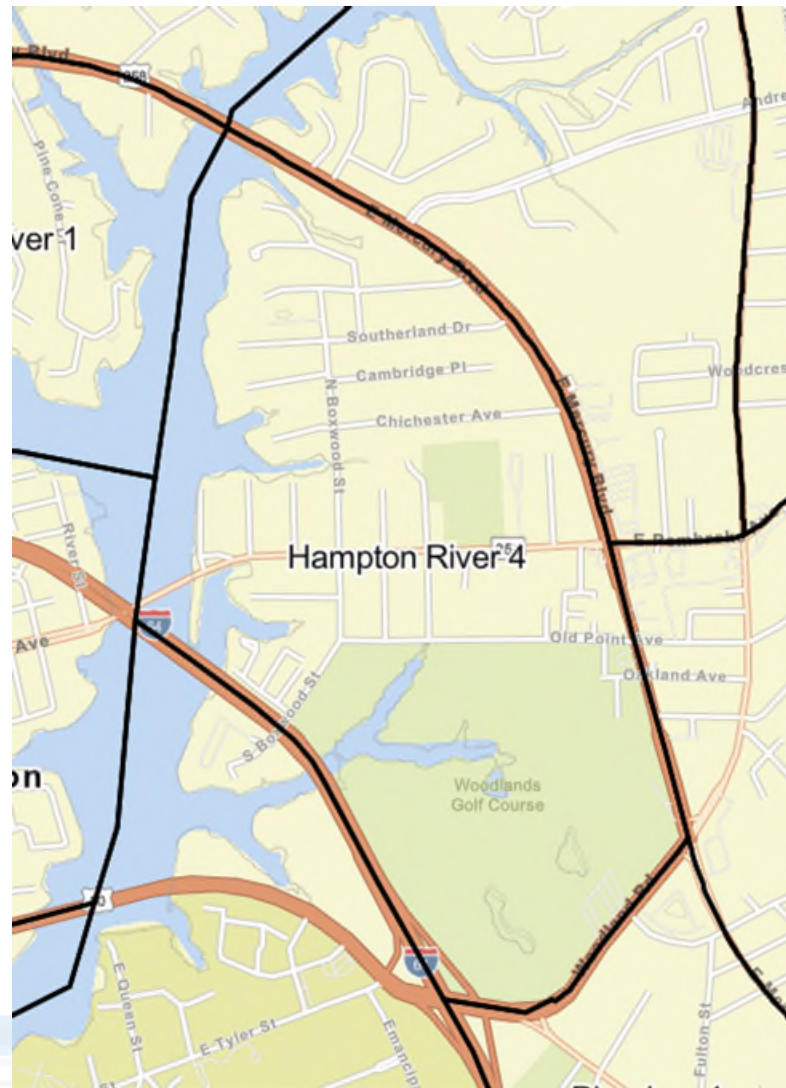




# RZ 24-0199 – Hampton River 3

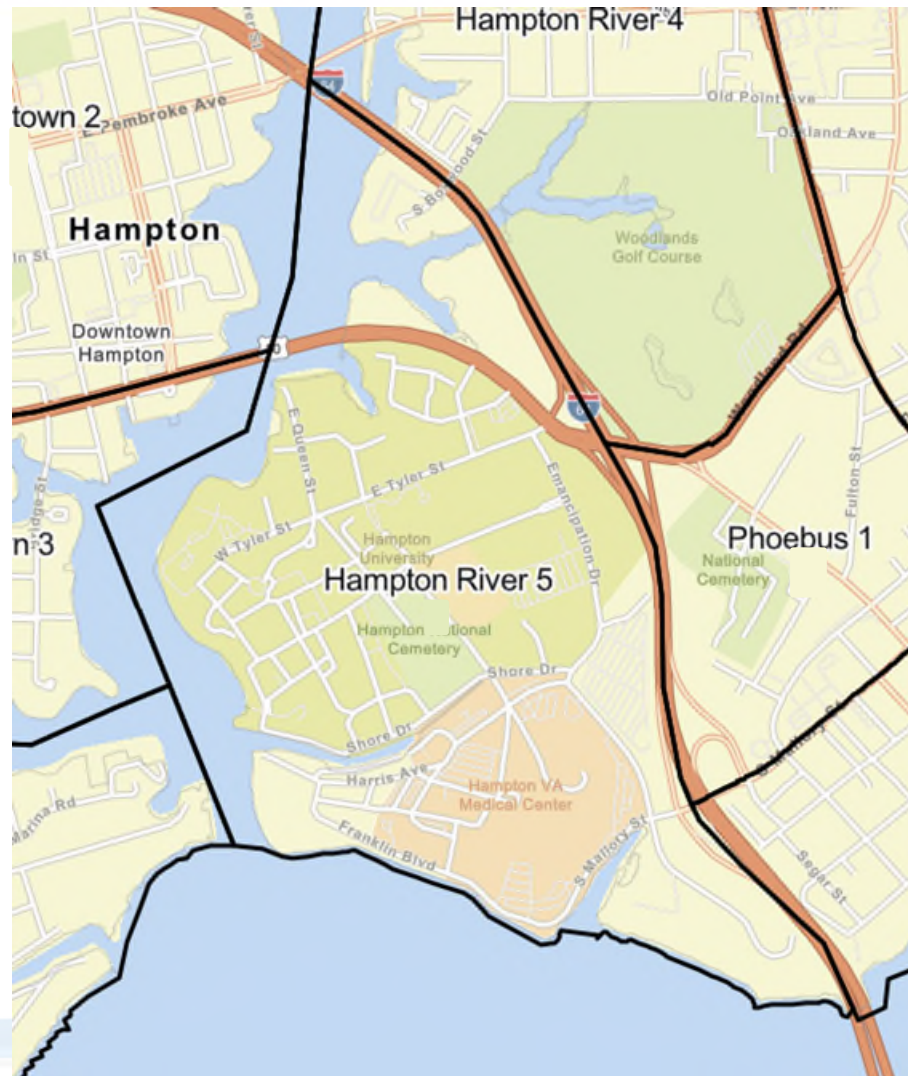


# RZ 24-0200 – Hampton River 4





# RZ 24-0201 – Hampton River 5

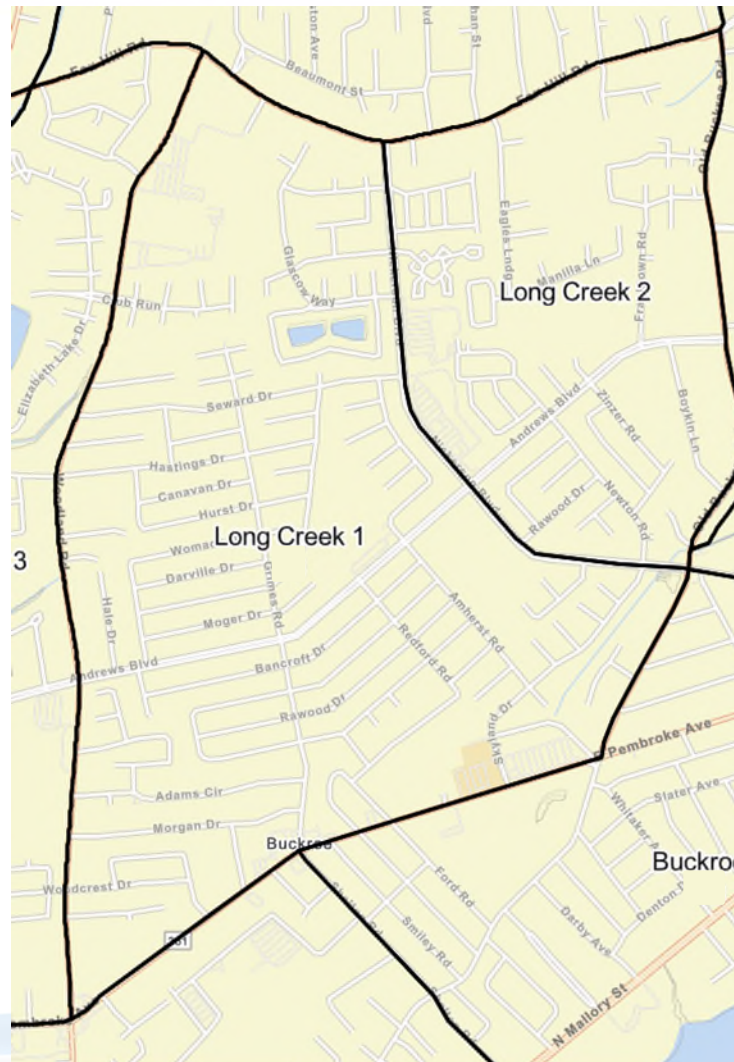


# RZ 24-0202 – Hampton River 6

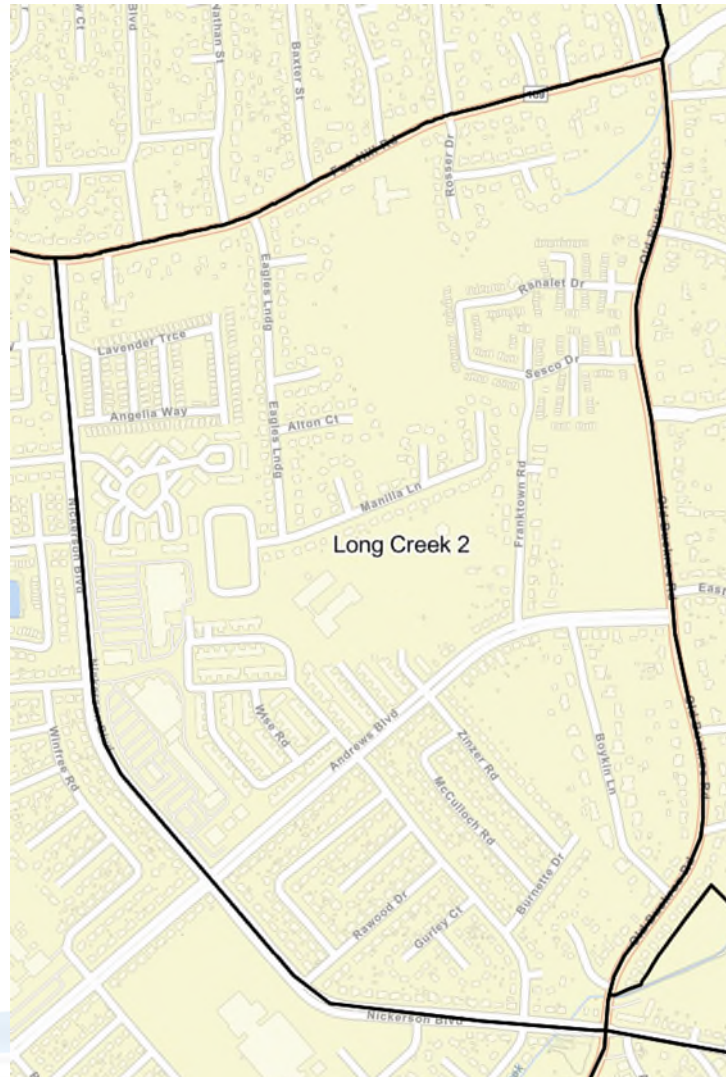




# RZ 24-0203 – Long Creek 1



# RZ 24-0204 – Long Creek 2

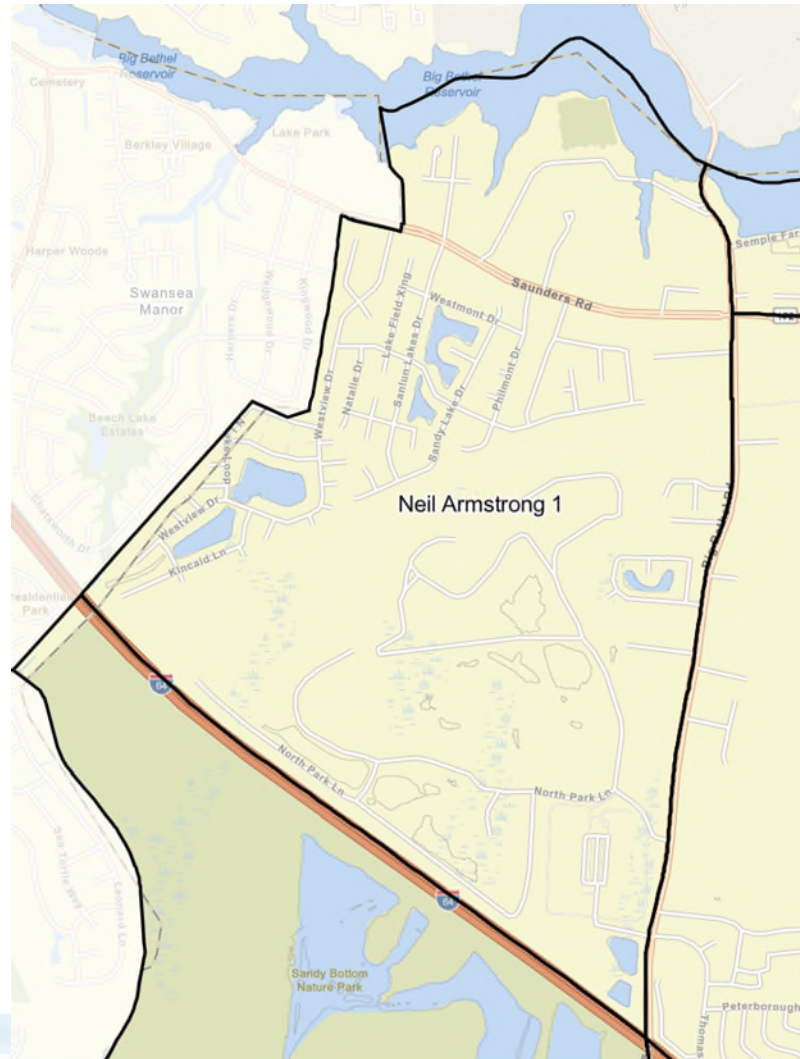




# RZ 24-0205 – Long Creek 3

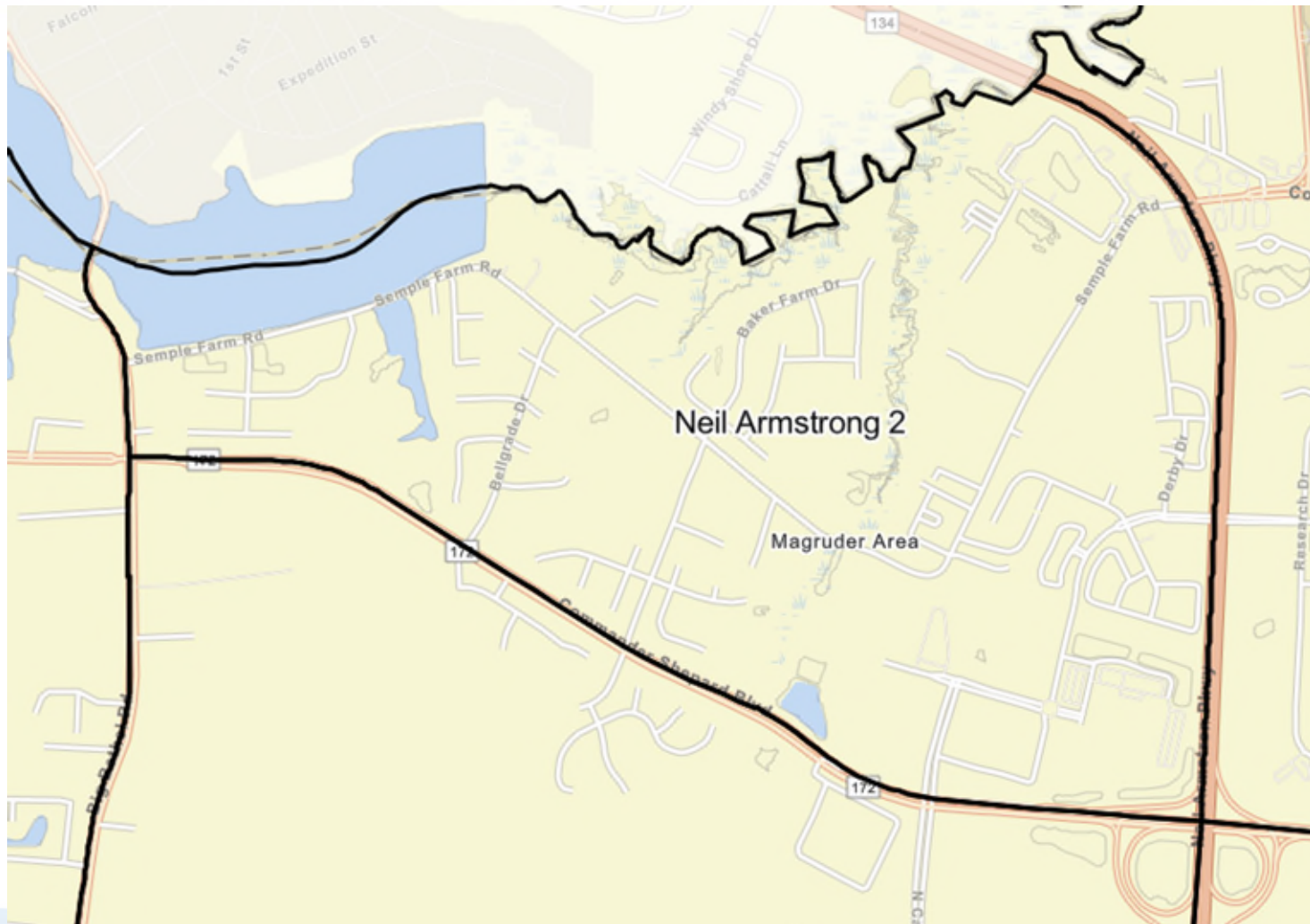


# RZ 24-0206 – Neil Armstrong 1

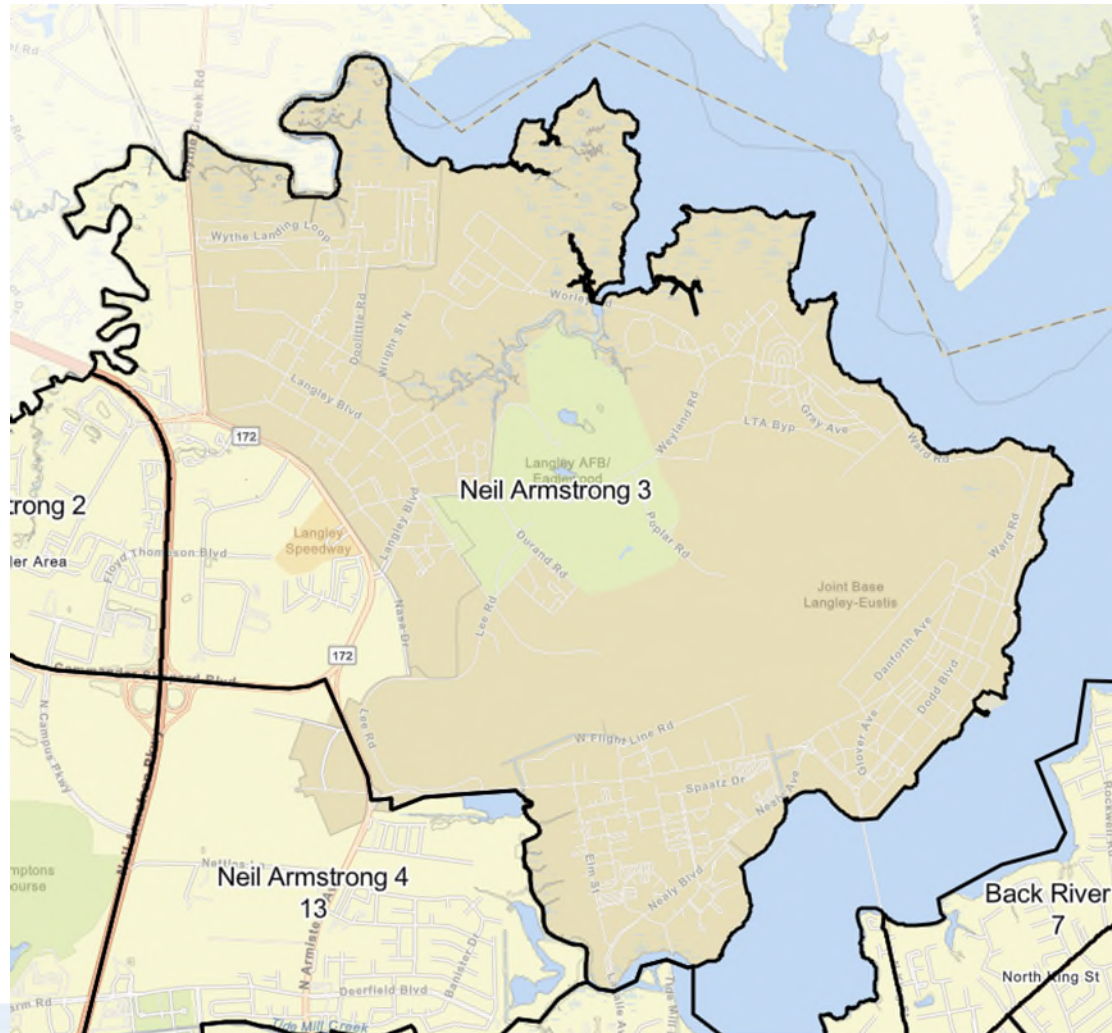




# RZ 24-0207 – Neil Armstrong 2

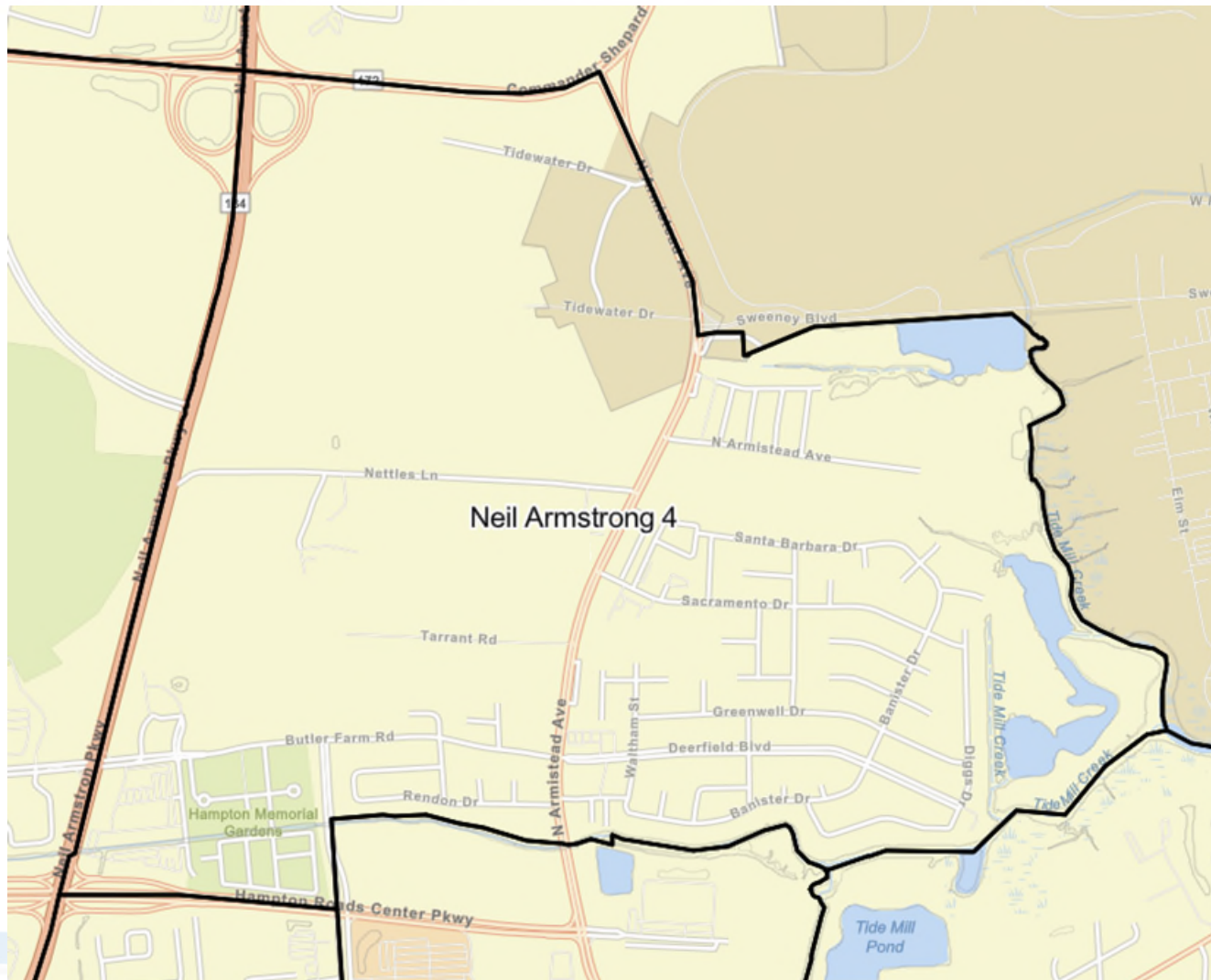


# RZ 24-0208 – Neil Armstrong 3

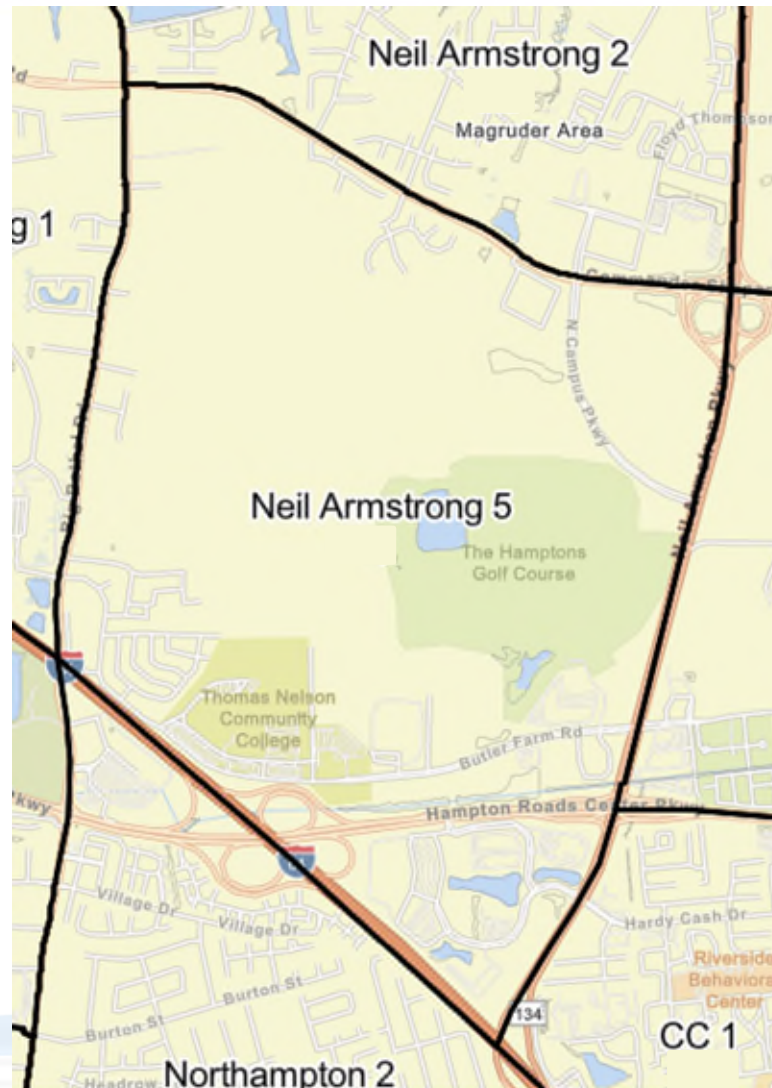




# RZ 24-0209 – Neil Armstrong 4

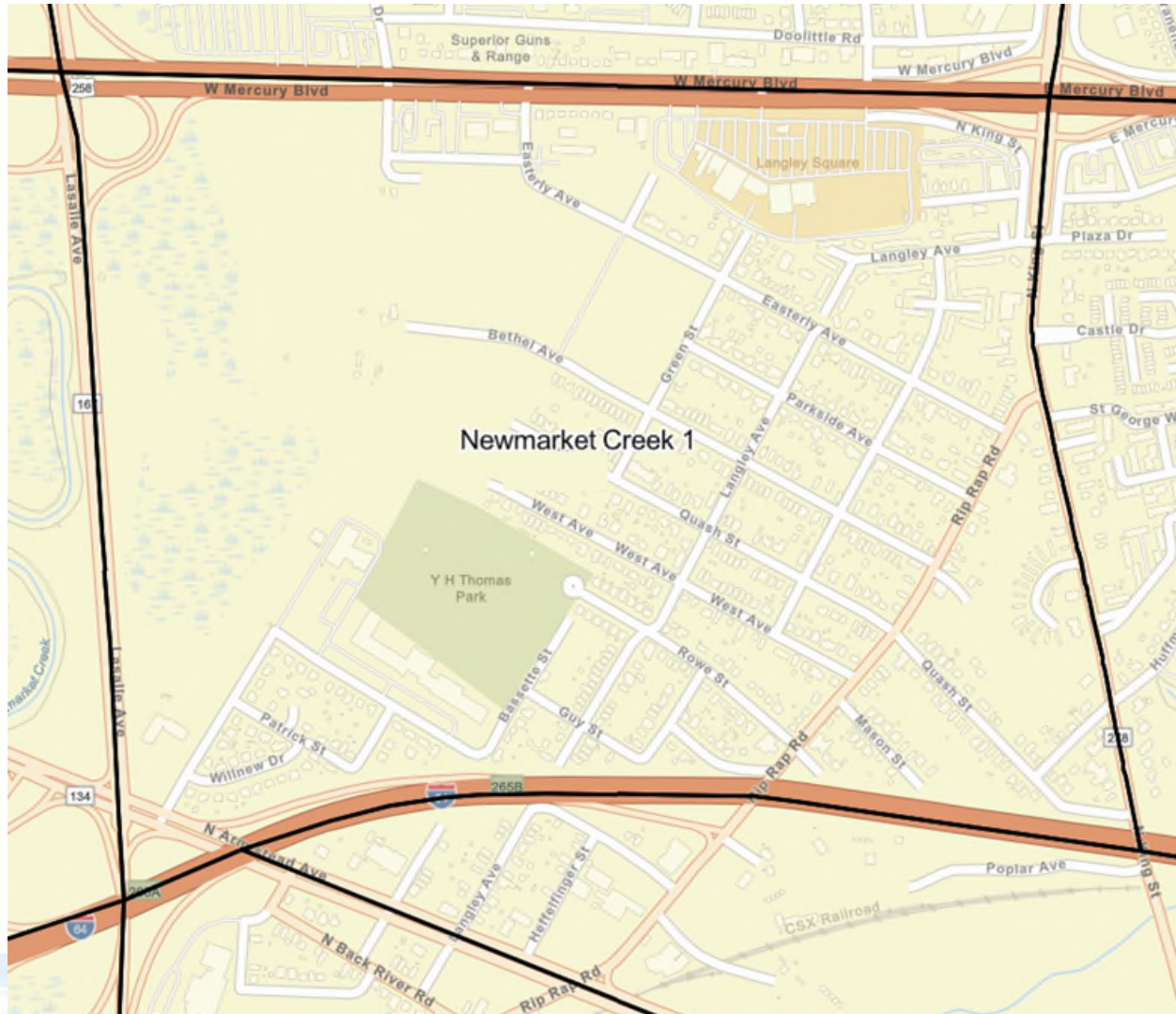


# RZ 24-0210 – Neil Armstrong 5

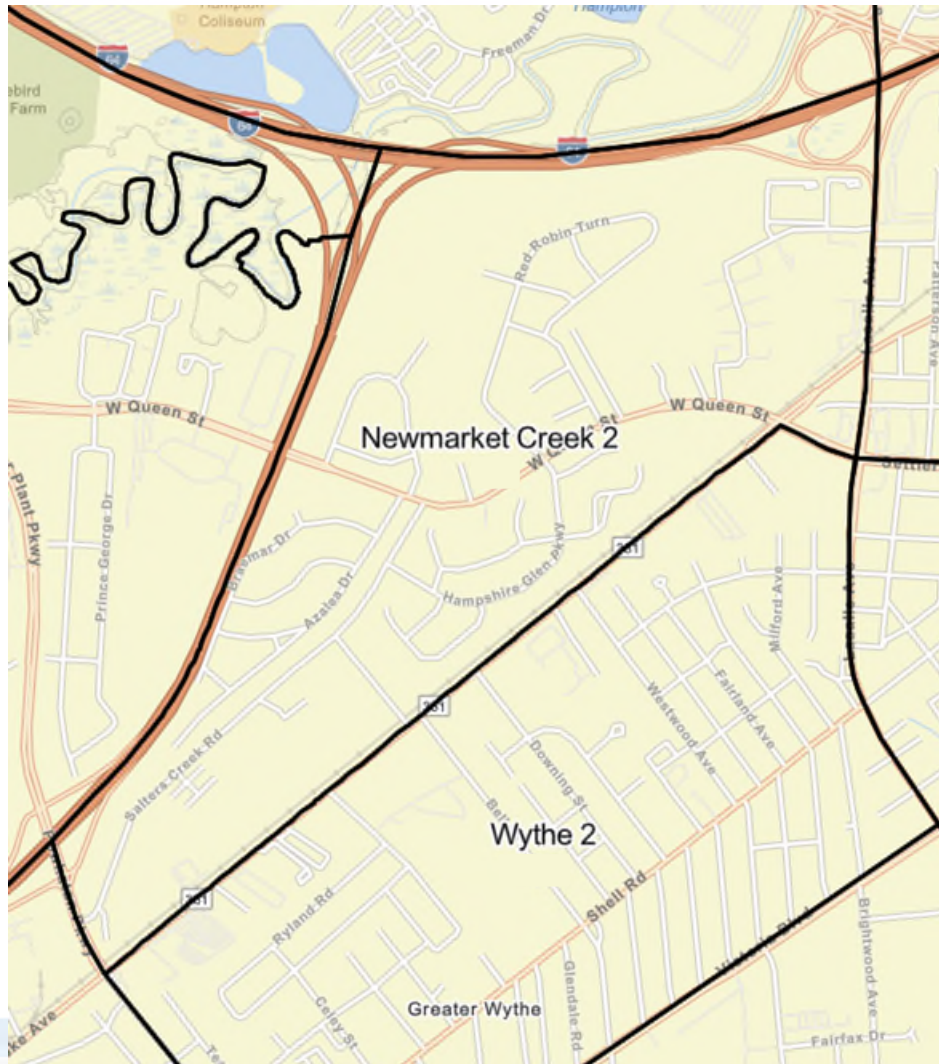




# RZ 24-0211 – Newmarket Creek 1



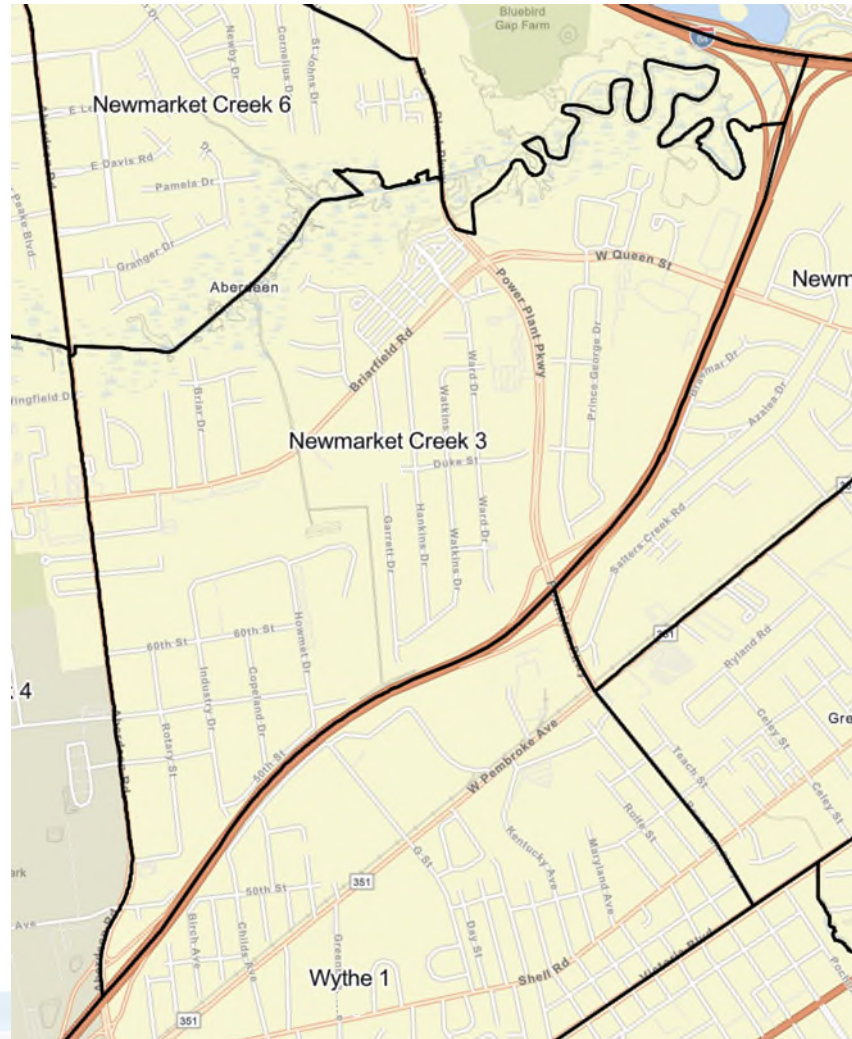
# RZ 24-0212 – Newmarket Creek 2



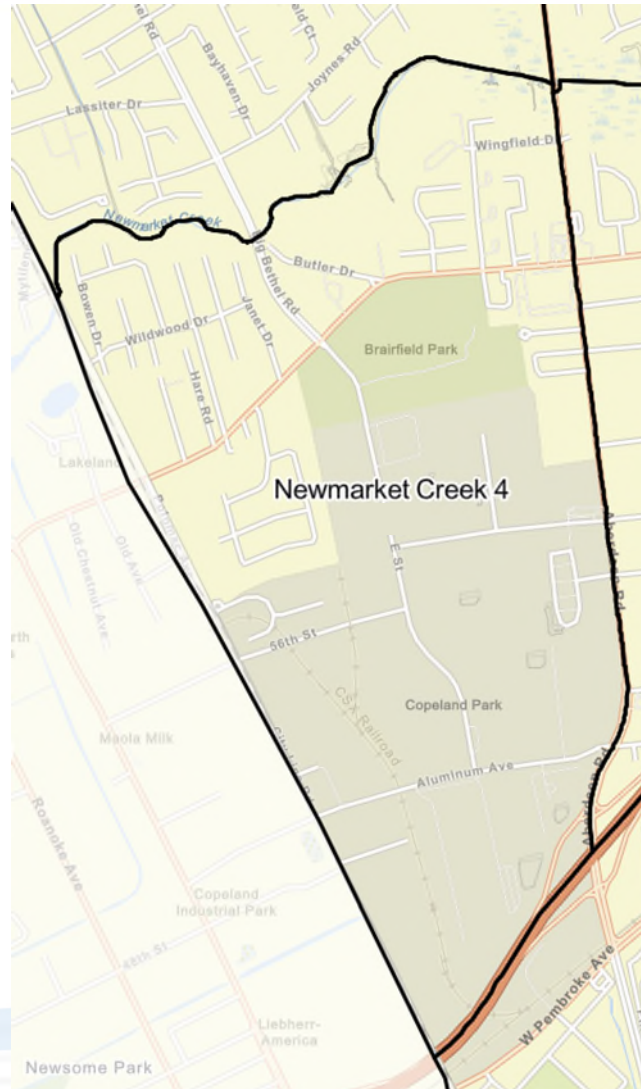


**RZ 24-0213 –**

# Newmarket Creek 3

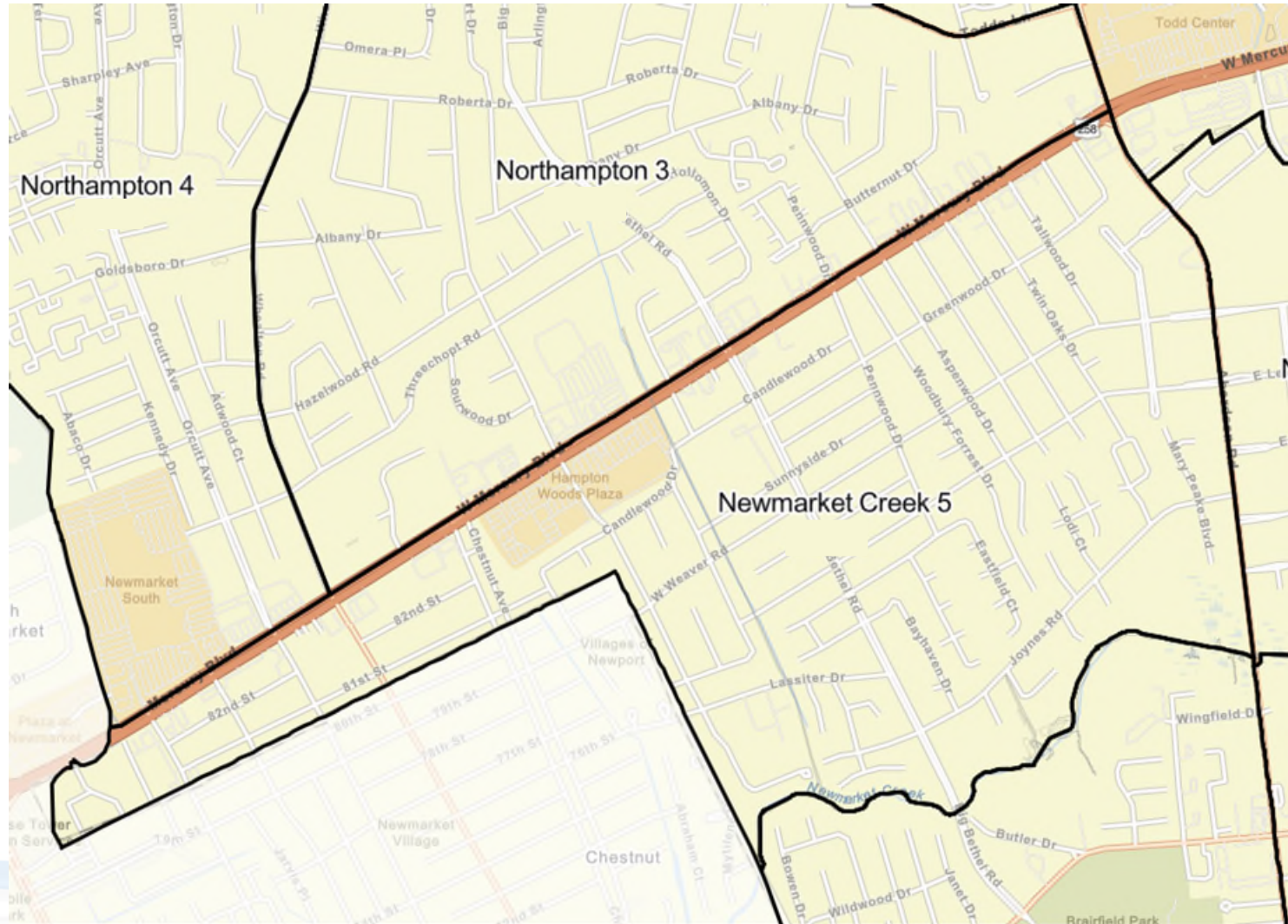


# RZ 24-0214 – Newmarket Creek 4

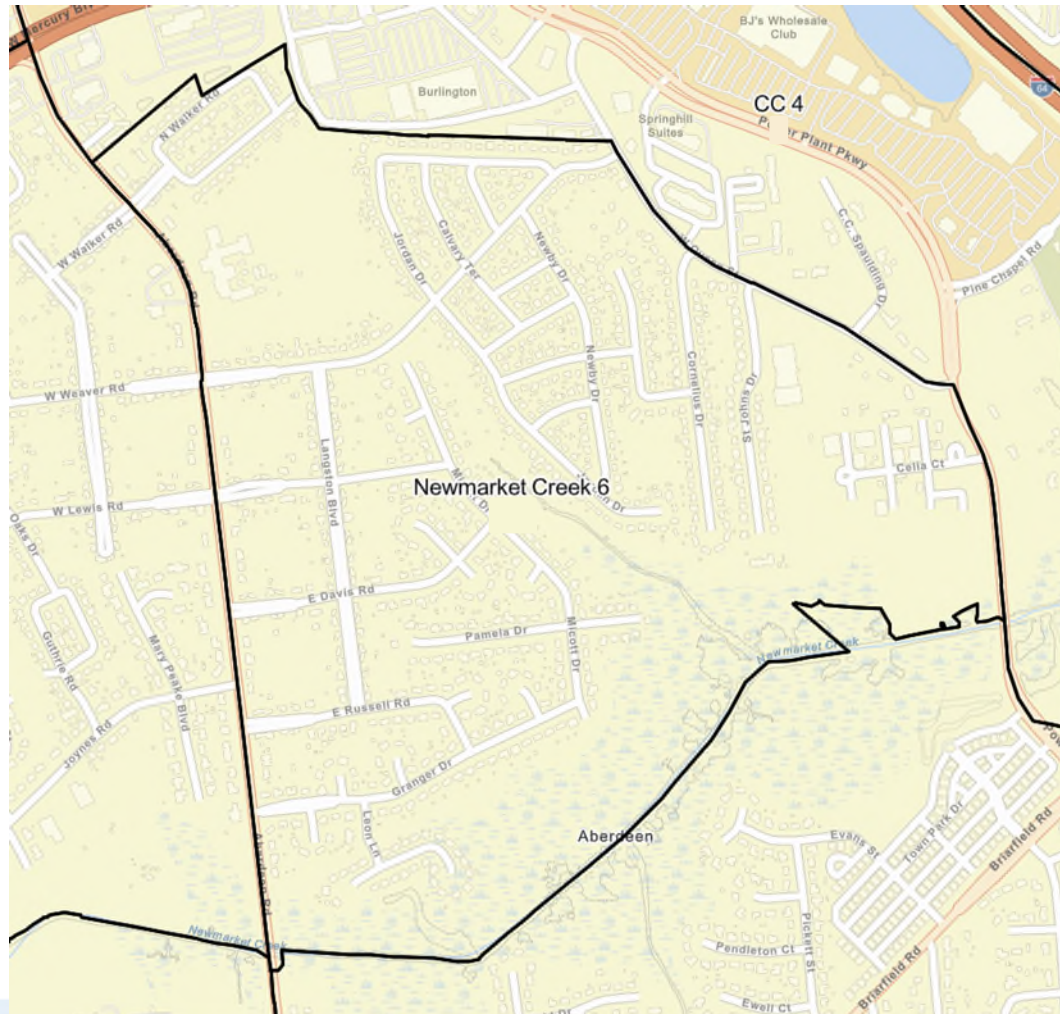




# RZ 24-0215 – Newmarket Creek 5

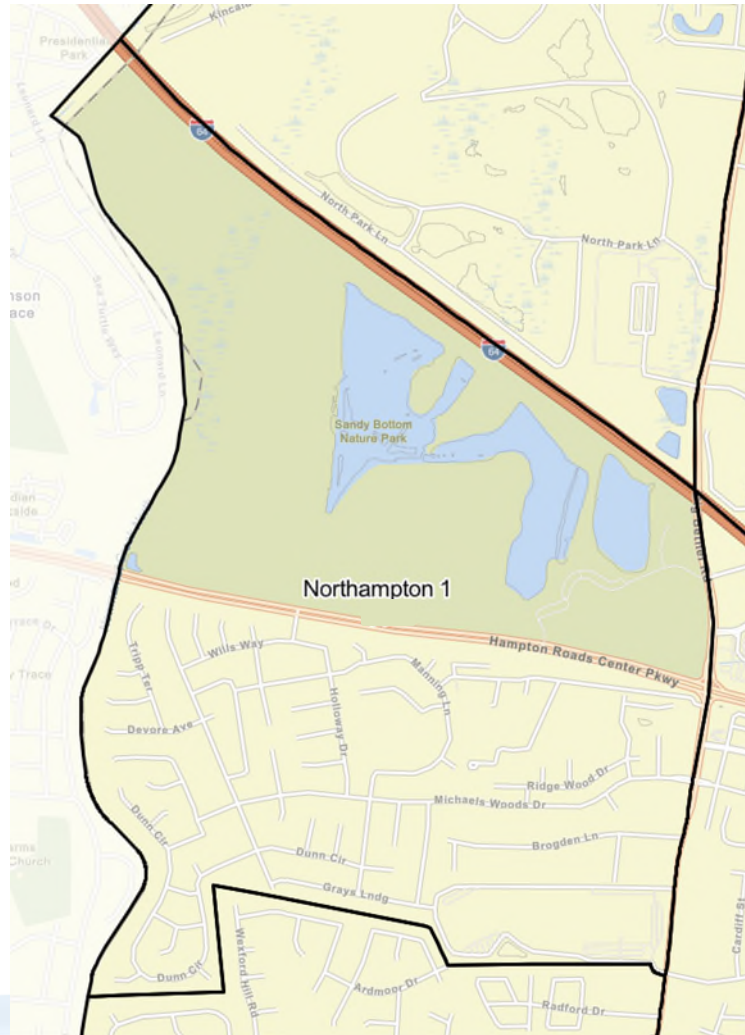


# Newmarket Creek 6

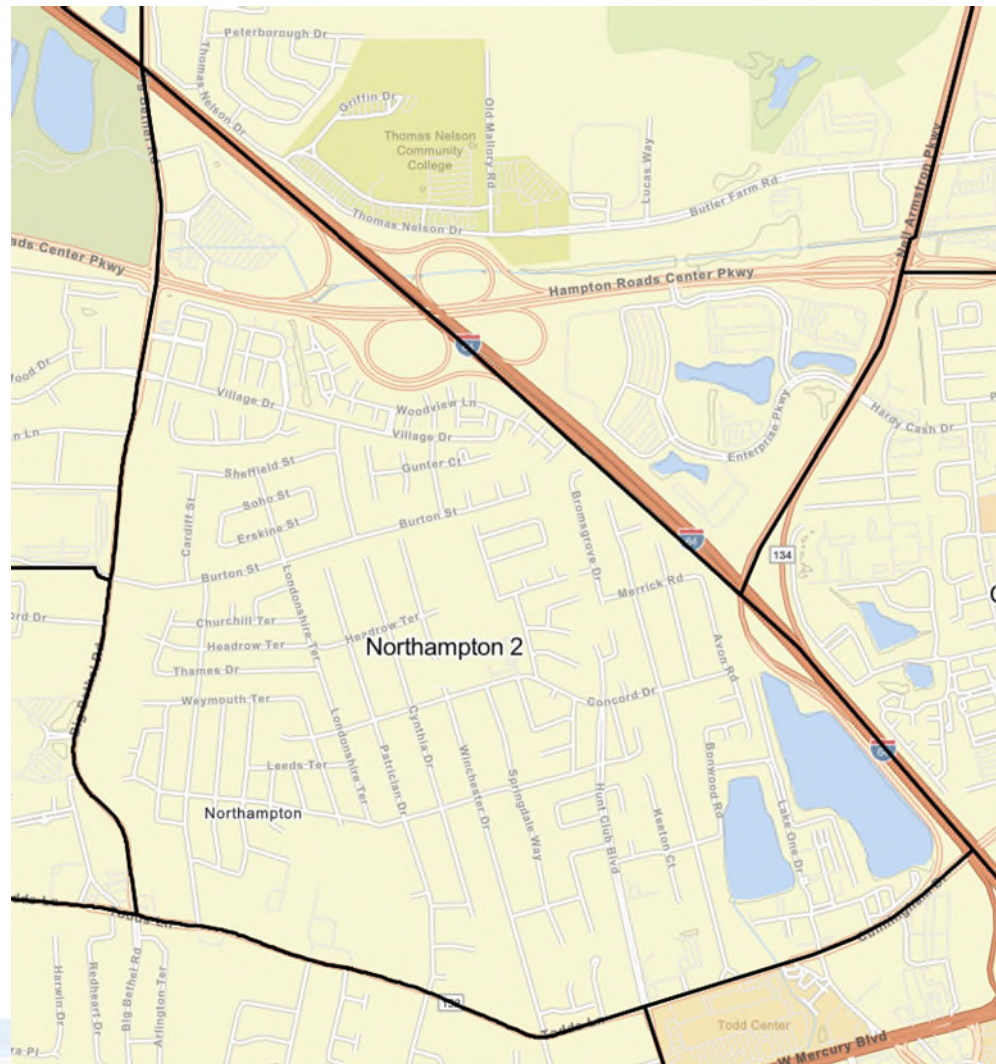




# RZ 24-0217 – Northampton 1

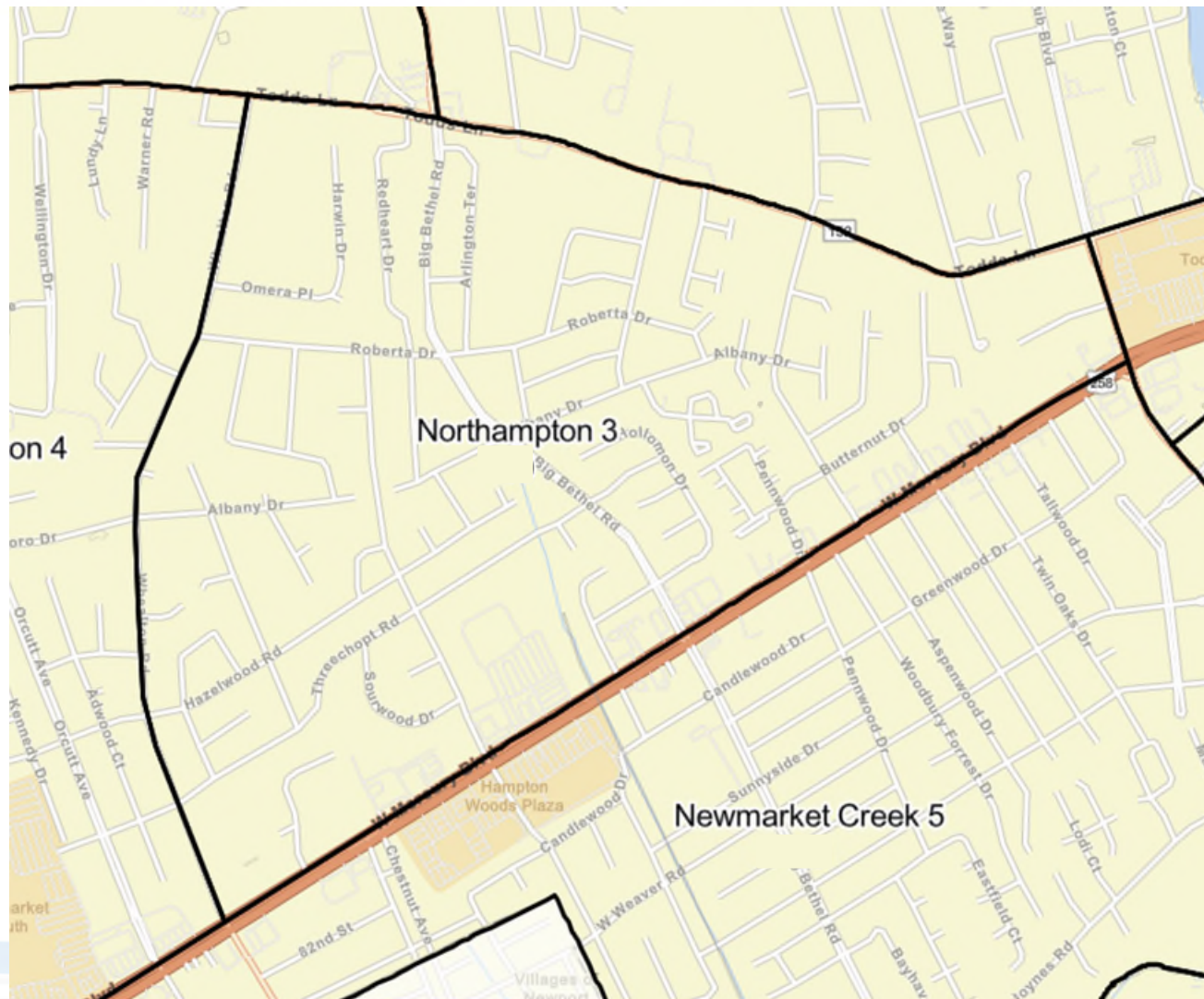


# RZ 24-0218 – Northampton 2

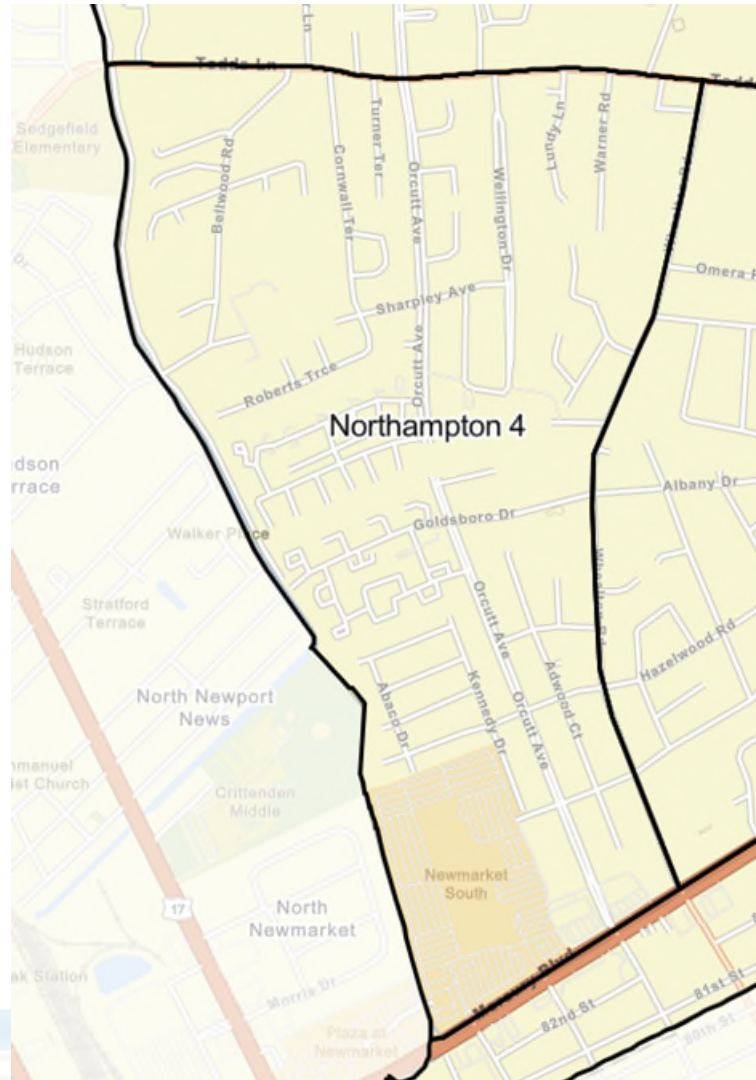




# RZ 24-0219 – Northampton 3



# RZ 24-0220 – Northampton 4





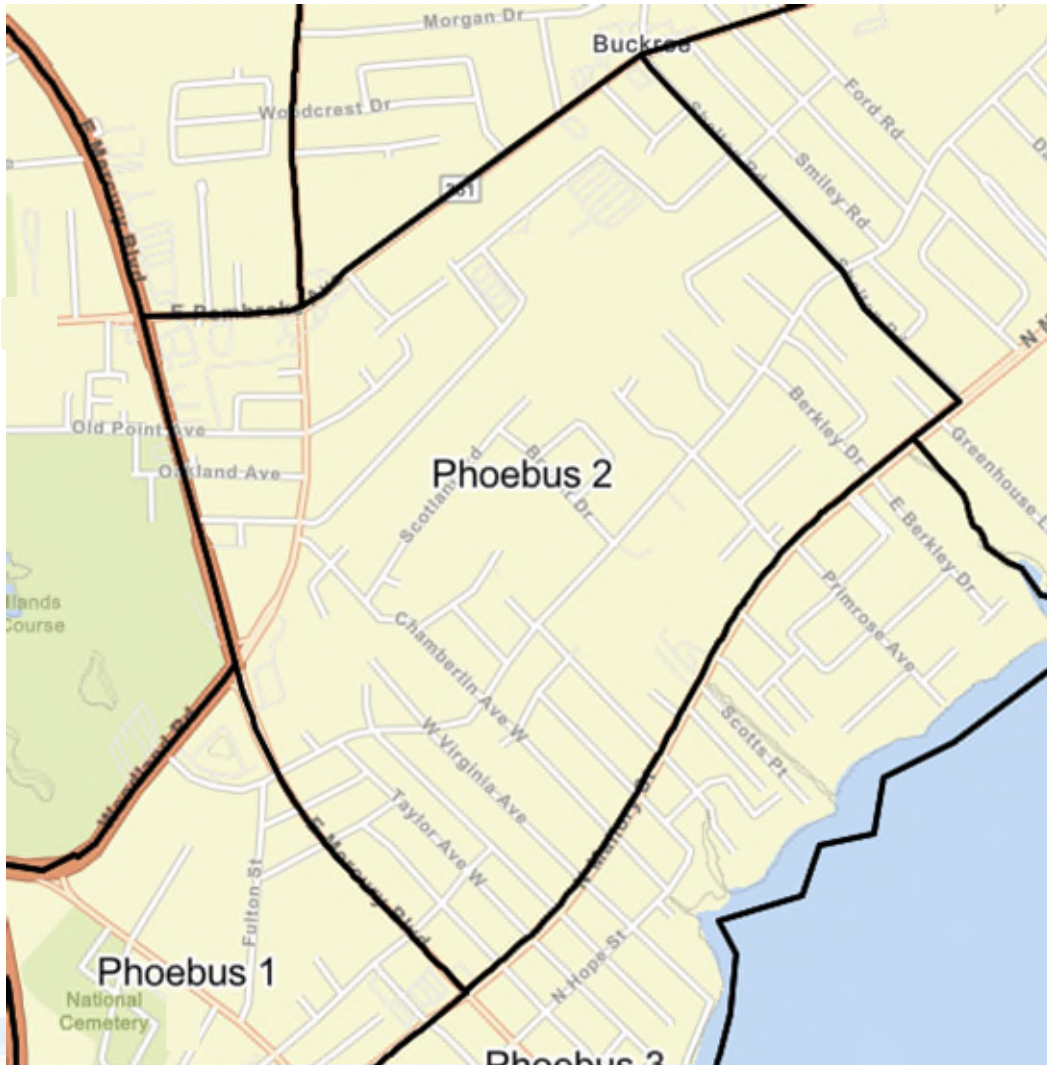
A detailed map of Northampton 5, showing a network of streets and local landmarks. The map is bounded by a thick black line. Key streets include Dunn Cir, Grays Lndg, Decaspire Dr, Brodden Ct, Radford Dr, Dane Ct, Maywood Dr, Sherry Dell Dr, David Dr, Topping Ln, Old Big Bethel Rd, Carr Dr, Lodge Ln, Warner Rd, Leavitt Ln, Farmington Blvd, Cheshire Ln, Dover Ln, Palisade Pl, Estate Dr, Edinboro Dr, Ambassador Dr, and Farmington Hill Rd. Landmarks include Bethel High School, Sedgefield Elementary, and two blue ponds. The text "Northampton 5" is centered on the map.

# RZ 24-0222 – Phoebus 1

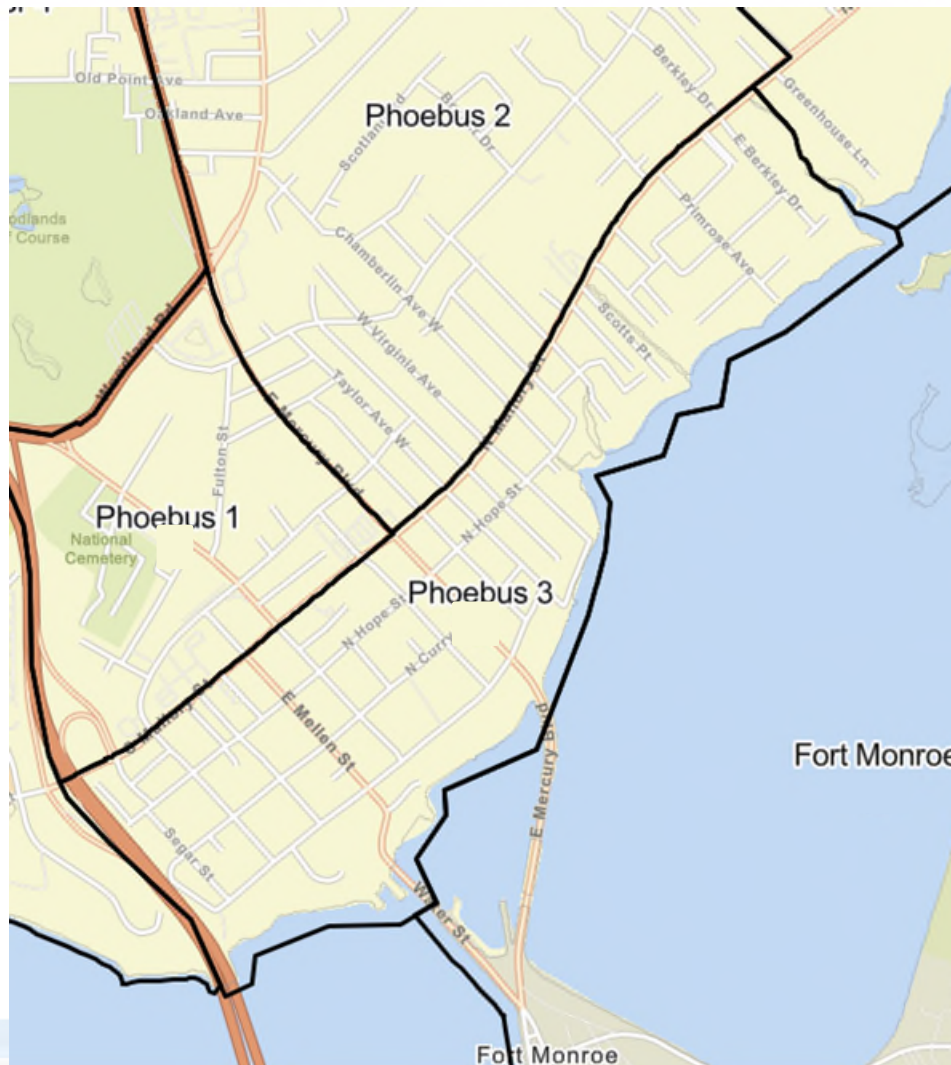




# RZ 24-0223 – Phoebe 2

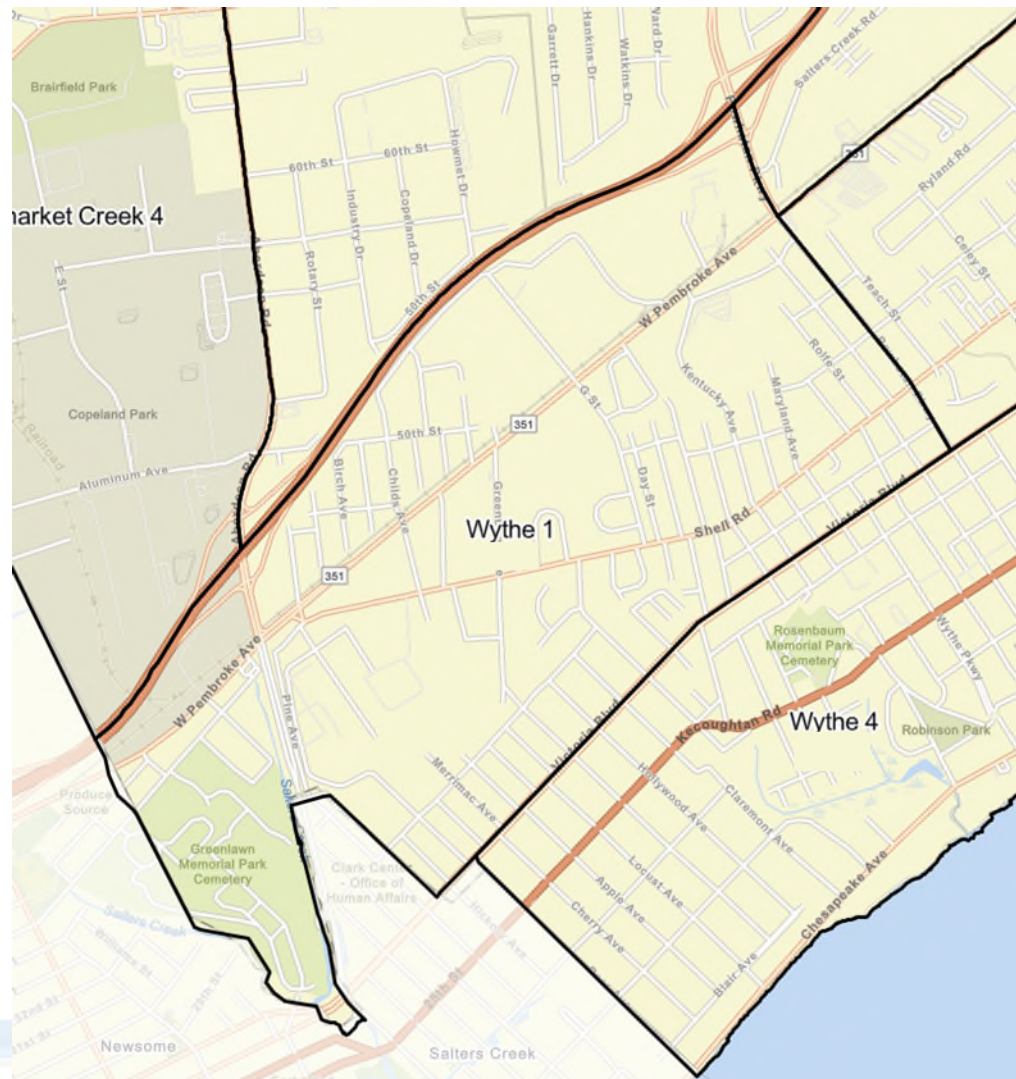


# RZ 24-0224 – Phoebus 3

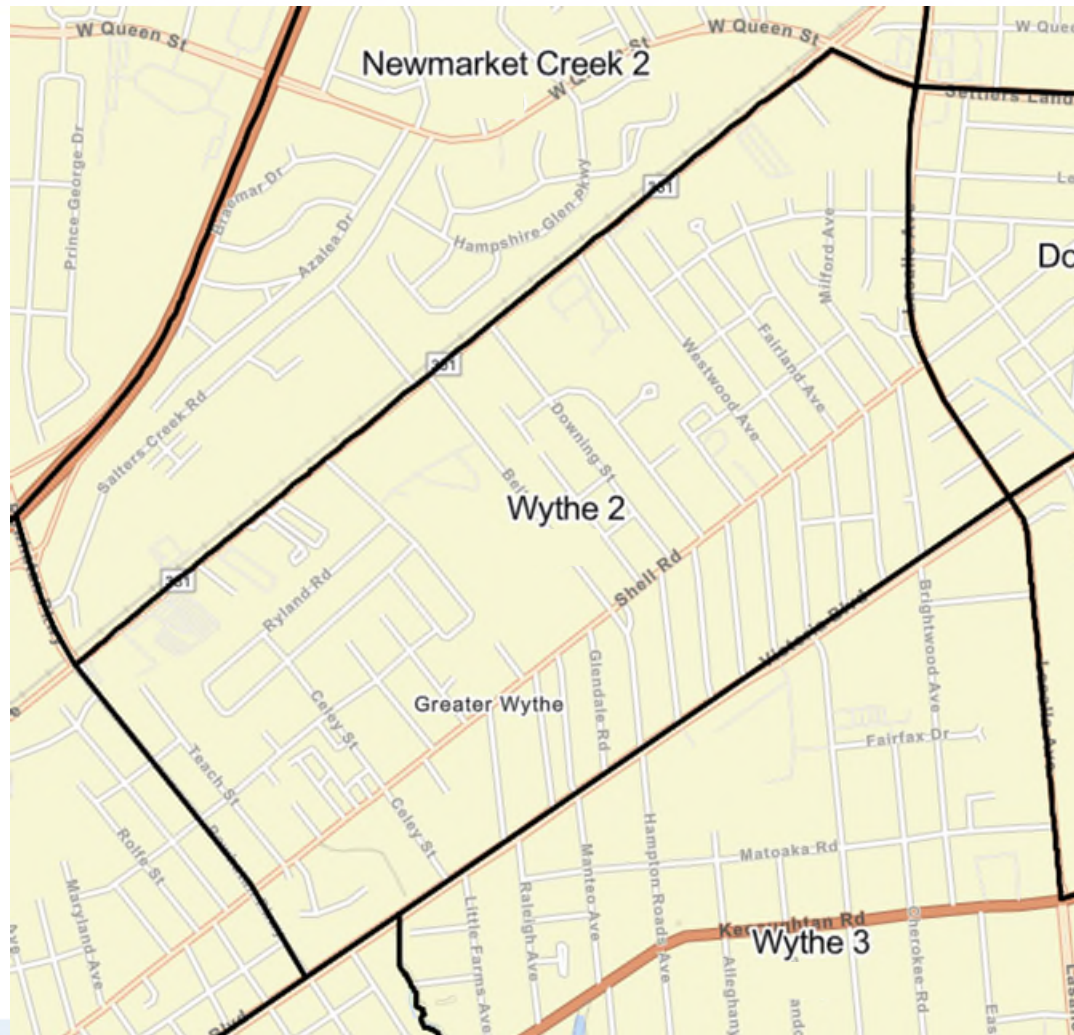




# RZ 24-0225 – Wythe 1



# RZ 24-0226 – Wythe 2

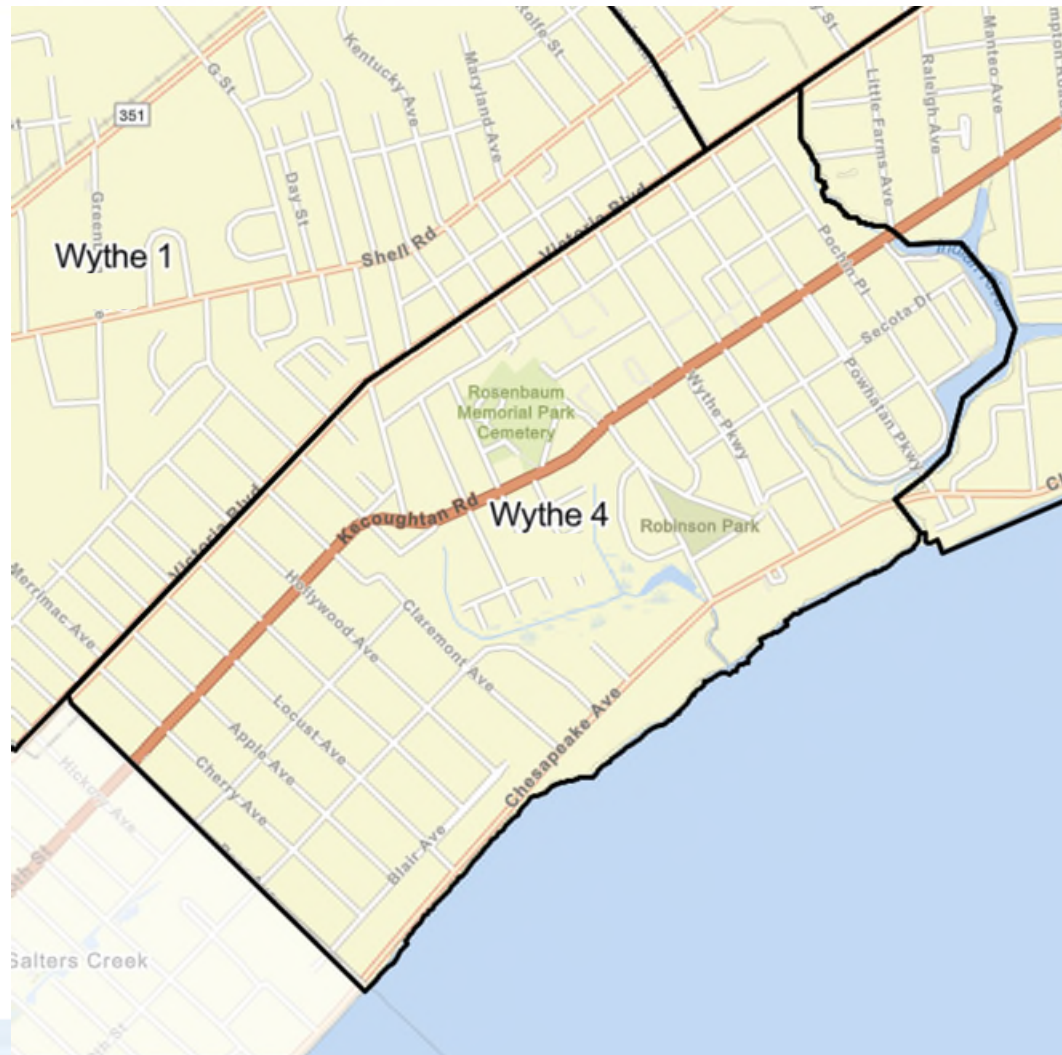




# RZ 24-0227 – Wythe 3



# RZ 24-0228 – Wythe 4





# Amendments

Amendments #24-0173 through #24-0177 together establish new restrictions on how and where short-term rentals can operate within the city and clarify other similar uses

# Rezoning

Rezoning #24-0178 through #24-0228  
each establish the boundaries of a  
subdistrict within the Short-Term Rental  
Overlay (O-STR) District



# What is a Short-term Rental?

- State and local code:  
***Lodging provided for 30 days or less,  
that is not a hotel or bed & breakfast***
- Commonly referred to as “AirBnBs” or “STRs”, frequently advertised on online platforms such as AirBnB and VRBO
- Currently requires a business license and Use Permit to operate in Hampton

# Why Regulate STRs?

- To ensure the dispersion of short-term rentals throughout the city in a manner that maintains the character of neighborhoods while suitably balancing the entrepreneurial spirit of the use



# History of STRs: Part 1

- **Prior to December 2013:**
  - Zoning Ordinance did not address
- **December 2013:** Zoning Interpretation
  - STRs are permitted by-right as an accessory use to single family dwellings
  - If the primary use is STR rentals, then it is a bed & breakfast, which required a Use Permit
- **November 2019:** Zoning Interpretation
  - The STR location must be the primary residence of the applicant (Primary residence = where applicant lives 6+ months of a year)
  - Thus, only 1 STR is permitted per person within the City

# History of STRs: Part 2

- **Fall 2022: Phase 1 Stakeholder Engagement**
  - Potential state legislation prohibiting local control of STRs
  - Convened stakeholders to discuss Phase 1 of STR regulations
- **December 2022: Zoning Ordinance Amendment**
  - STRs are permitted only with an approved Use Permit (UP) in certain districts
  - Previous interpretations voided & previously legally-operating STRs provided a 2-year grace-period
- **Spring 2023: Phase 1 STR Stakeholder Engagement**
  - Continued to help refine set of recommended conditions for STRs being approved via UP process
- **August 2023: STR Implementation Pause**
  - City Council paused consideration of Use Permits to understand policy implications of STRs
- **December 2023: Phase 2 STR Stakeholder Engagement**
  - Staff convened Phase 2 Stakeholders to explore concerns about density and location of STRs and a by-right process



# Phase 2 Stakeholder Composition

- **Joyce Blair** – B&B Owner/Operator (Magnolia House)
- **Lynn Howard** – STR owner and manager
- **Greg Garrett** – STR owner and realtor
- **Kevin Steele** – Downtown neighborhood representative, rental property owner
- **Glen Barron** – Buckroe neighborhood representative
- **Connie Vatsa** – Farmington neighborhood representative
- **Joe Griffith** – Phoebus neighborhood representative
- **Shawn Irving** – Merrimac Shores neighborhood representative
- **Jamie Chapman** – Grandview neighborhood representative

# Feedback from Council

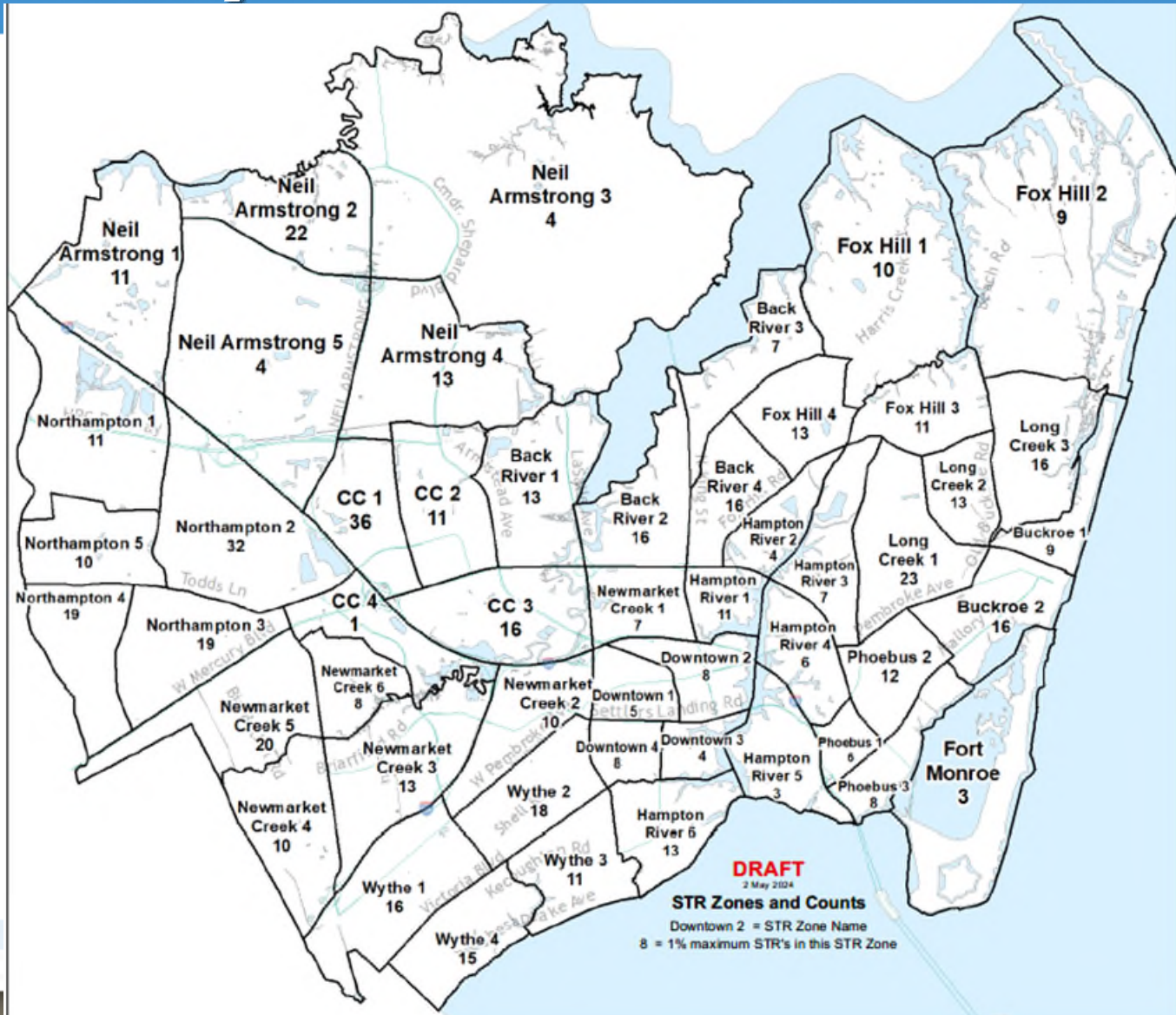
- **February 14, 2024: Staff Presentation of Phase 2 Results**
  - Briefing included staff recommendations to City Council on ordinance amendments for STRs
  - City Council asked for amendments which are more conservative than what was proposed
- Following slides describe the proposed amendments



# Proposed Ordinance: Density

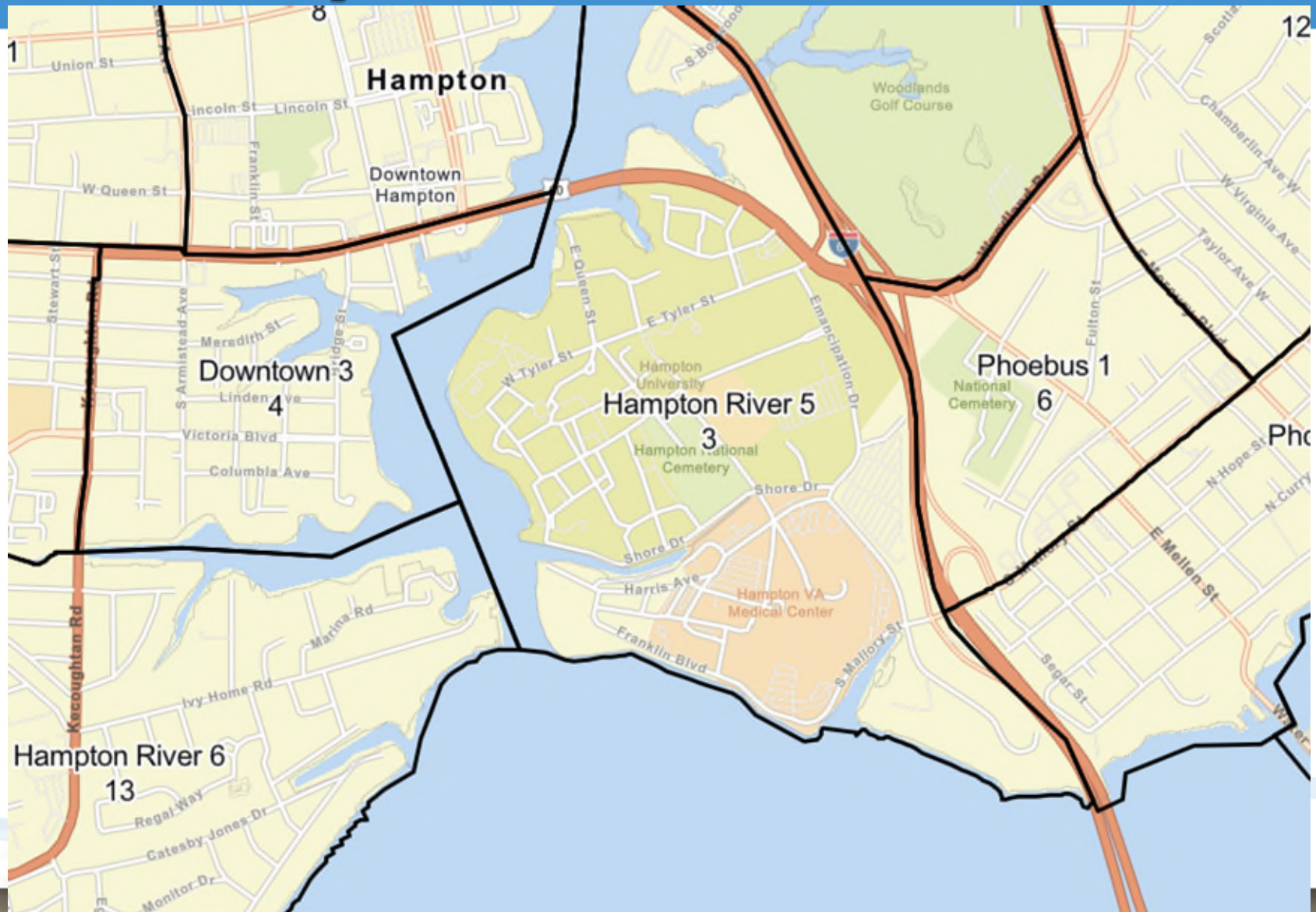
- Density:
  - Entire City will be divided into “STR Zones”
  - Each “STR Zone” will have a maximum number of permitted STRs per zone
  - Max number is 1% of total housing units in that zone

# Density Method: STR Zones





# Density Method: STR Zones

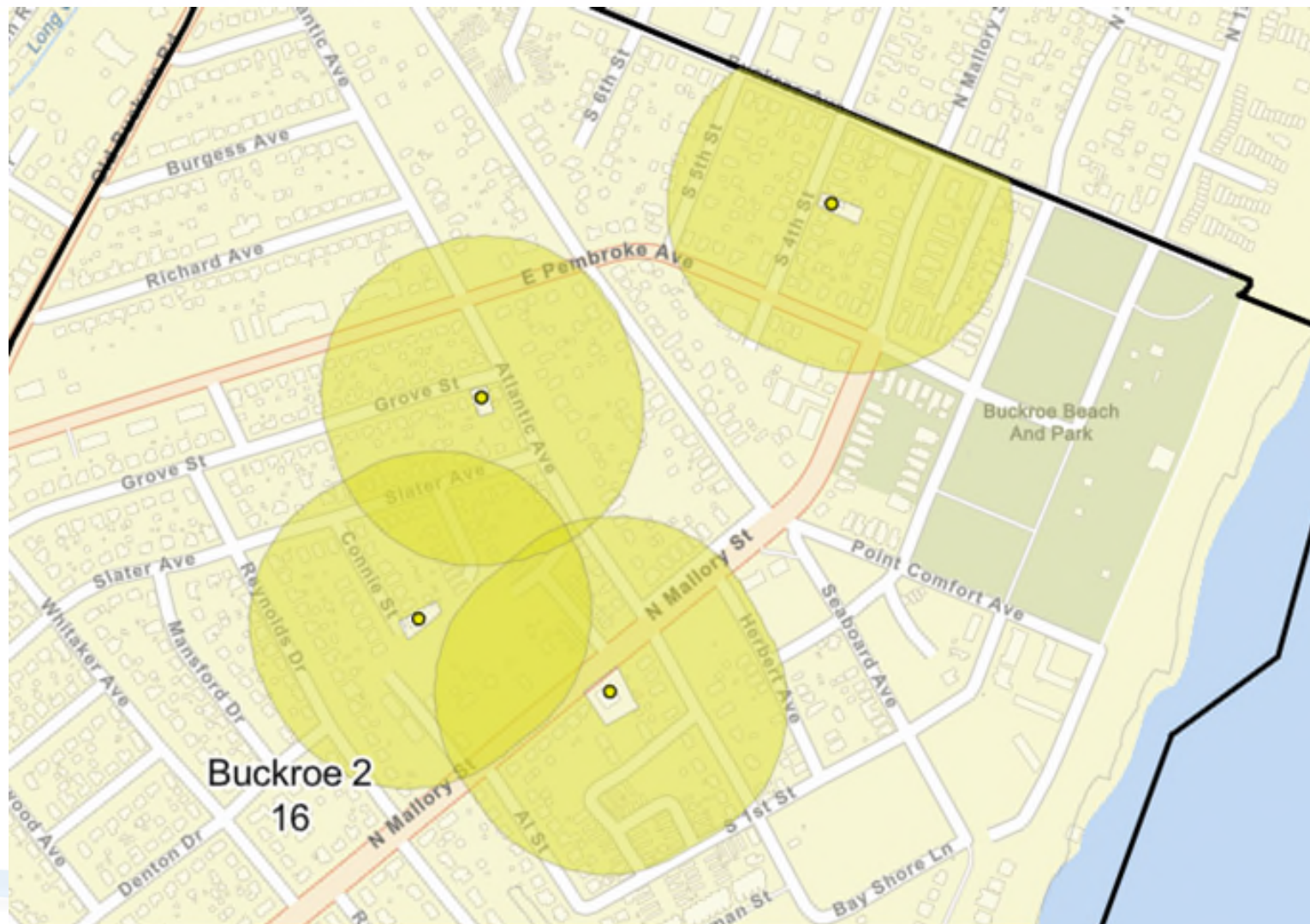


# Proposed Ordinance: Separation

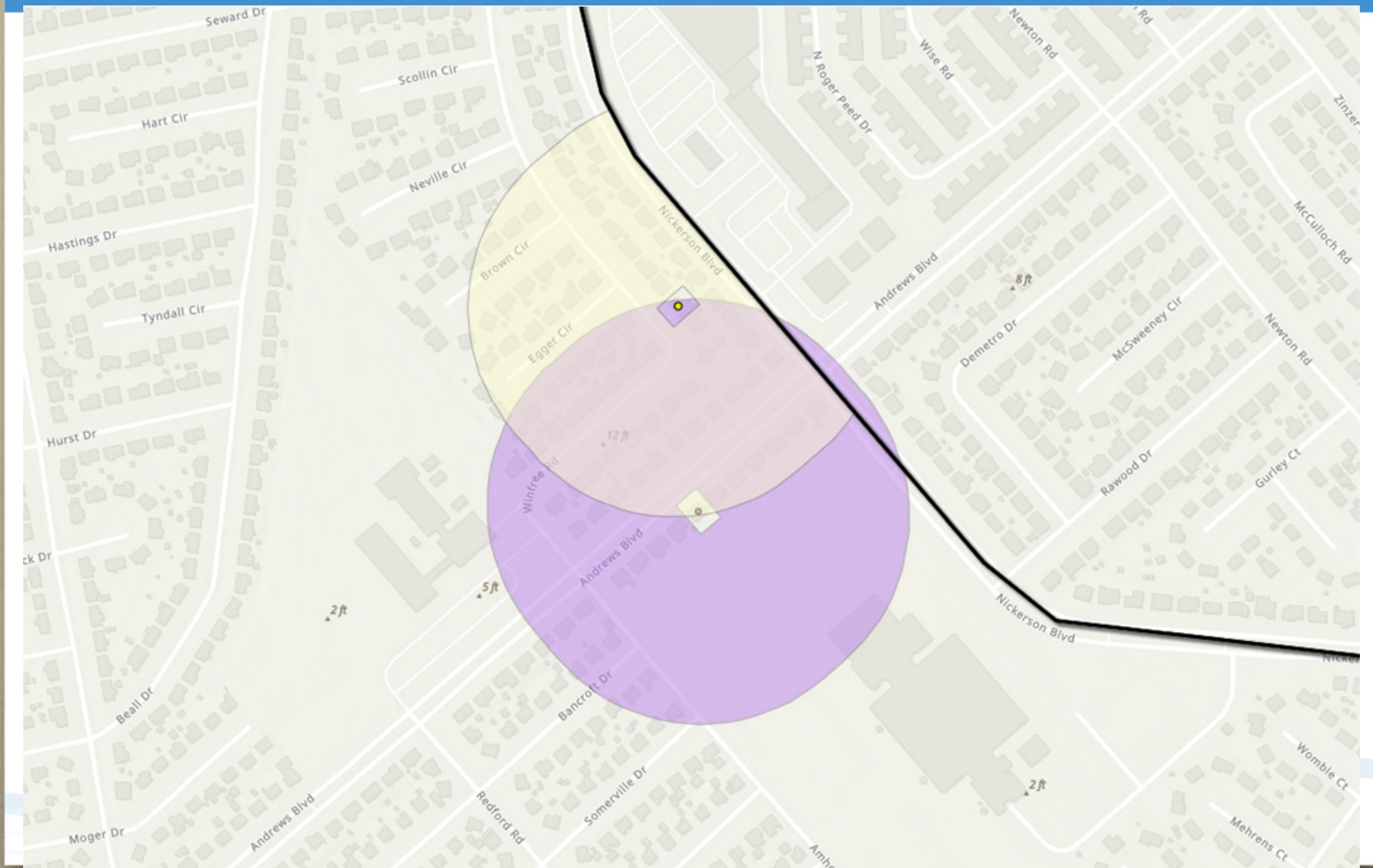
- Separation/clustering:
  - STRs shall not be closer than 500 feet to another STR
  - Exception to allow cluster of 2 STRs abutting each other on the side (not back or across street)
  - This will be measured from property boundaries



# Proposed Ordinance



# Proposed Ordinance





# Proposed Ordinance

- As part of this new separation requirement, staff received guidance that it should not prohibit grace-period STRs
  - Grace-period STRs are those that legally operated prior to the implementation of the current UP requirement
- Therefore, grace-period STRs that are approved before Dec. 31, 2024 regardless of separation and density requirements

# Proposed Ordinance

- For apartments and other properties that have multiple dwellings within a building, the permit would apply to the entire property
- As long as no more than 9 bedrooms are used, they can be approved to be in different units

Apartments &  
Apartment-style  
condos

Duplexes and  
Townhomes on One  
(1) Lot





# Proposed Ordinance

- Each property containing a multifamily complex will count as 1 STR towards the density cap for their given Zone
- The 500 feet separation will not apply to these multifamily complexes

Apartments &  
Apartment-style  
condos



Duplexes and  
Townhomes on One  
(1) Lot



# Proposed Ordinance

- Staff received guidance that some apartment complexes maintain vacant apartment units to allow for guests of long-term residents of the complex
- Proposed clarification that allows these “amenity apartments” as part of the multifamily use rather than considered part of STRs
  - Limit to only those complexes with at least 50 units, and on-site management. No more than 10% of units can be these “amenities”



# Proposed Ordinance

- Staff received guidance that there needs to be greater clarification between bed & breakfasts (B&Bs) and STRs
- Proposed clarification is that a B&B must have on-site management and be open to public walk-ins during business hours

# Proposed Ordinance: Administration

- Administration:
  - All STRs must meet the adopted density and separation requirements. This cannot be deviated from.
    - Exceptions = Grace-period STRs (density and separation); Multifamily (separation only)
  - Enable administrative approval of STRs via a Zoning Administrator Permit (ZAP) when the STR:
    - Meets on-site parking standards, does not have events, and does not have more than 5 bedrooms or 10 overnight lodgers
  - Require Use Permit (UP) approval when not meeting indicated conditions



# Proposed Ordinance

- ZAP Conditions:
  - Required floor plan showing safety features, rentable bedrooms, etc. must be approved, and also posted within the STR along with a City-provided fact sheet for guests' knowledge
  - Capacity limited based upon code requirements, but cannot exceed 5 bedrooms or 10 overnight lodgers
  - Must assign a responsible local person (RLP) who will address issues, respond to City calls within an hour, and be responsible for any violations. Their contact information will be available on city website.
  - Sufficient parking must be provided on-site on permitted improved surface (e.g. concrete driveway)
  - No exterior signage permitted
  - Maintain record of dates rented, the name of the primary person booking, and number of lodgers
  - No events
  - Advertise only in compliance with code

# Proposed Ordinance

- ZAP Conditions (cont.):
  - \$200 permit fee, \$50 inspection fee
  - Initial inspection to begin operating
  - Re-inspection in second calendar year of operation and every 2 years after
  - Appeal of a revocation to City Council



# Enforcement Process

- All Zoning violations are enforced by:
  - Investigating a complaint
  - Sending a Notice of Violation (NOV) if warranted
  - 30 day period to correct or appeal
  - Re-inspection to confirm compliance
  - Criminal summons if not corrected
  - Court orders abatement and potentially fines (up to \$1000 for first violation)
  - If uncorrected, Court may fine the defendant \$1000, and find the defendant guilty of a separate violation every following 10 days uncorrected, with a fine up to \$1500

# Proposed Ordinance: Summary

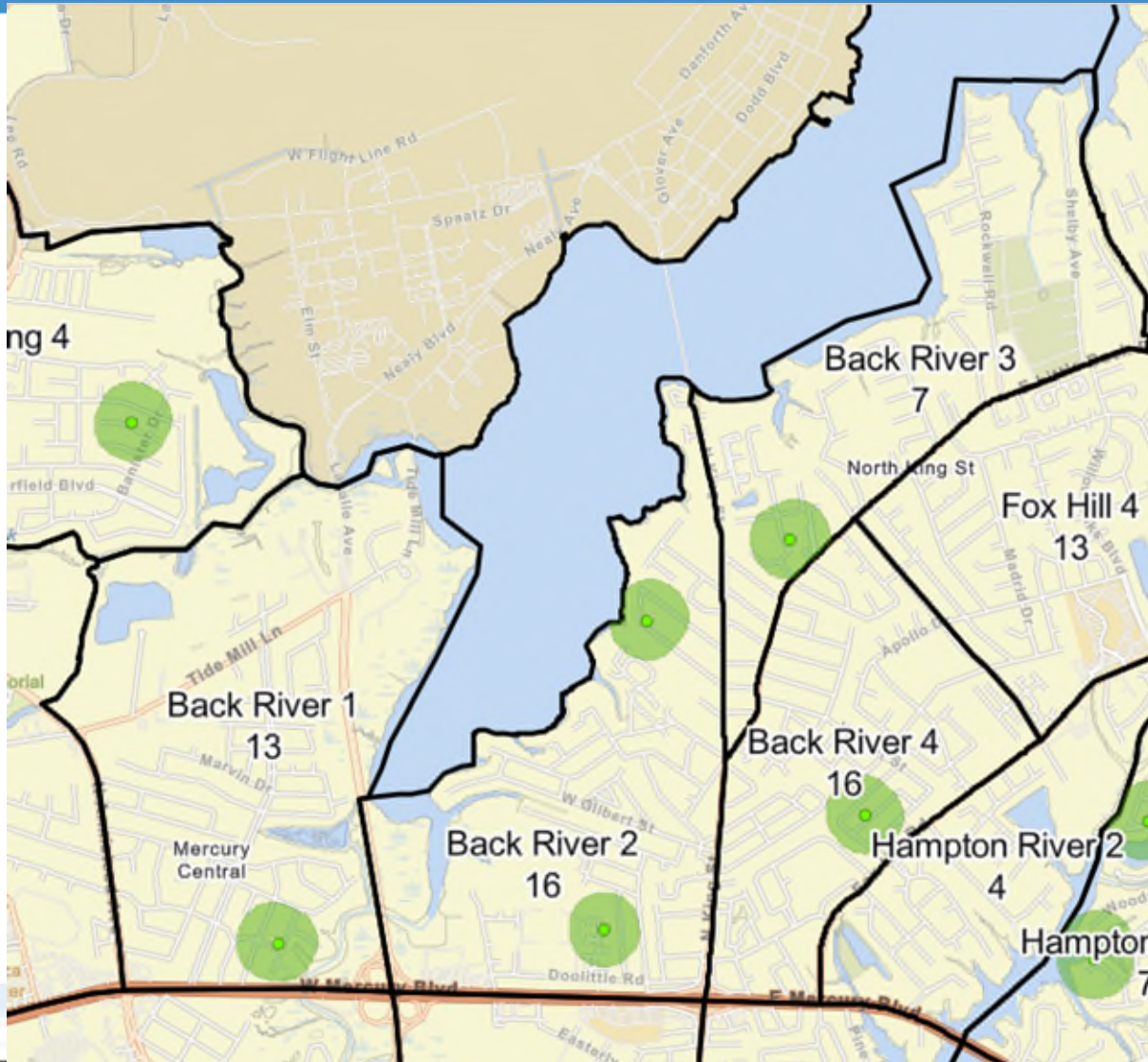
- **Density cap**
  - 1% in all STR zones
- **Separation/clustering**
  - 500 feet “crow flies”, cluster of no more than 2
  - Grace-period STRs able to be approved
- **Other uses**
  - Bed & Breakfast definition
  - Multifamily amenity apartments
- **Permit process**
  - ZAP unless exceeding select conditions
  - \$200 ZAP permit fee



# Rezoning

- A total of 51 STR Zones proposed
- Following slides show groups of proposed zones
  - First, a map showing the group of zones
  - Second, a table with max. STRs, current approved Use Permits, grace-period STRs, and complete pending applications

# Rezoning – Back River Zones

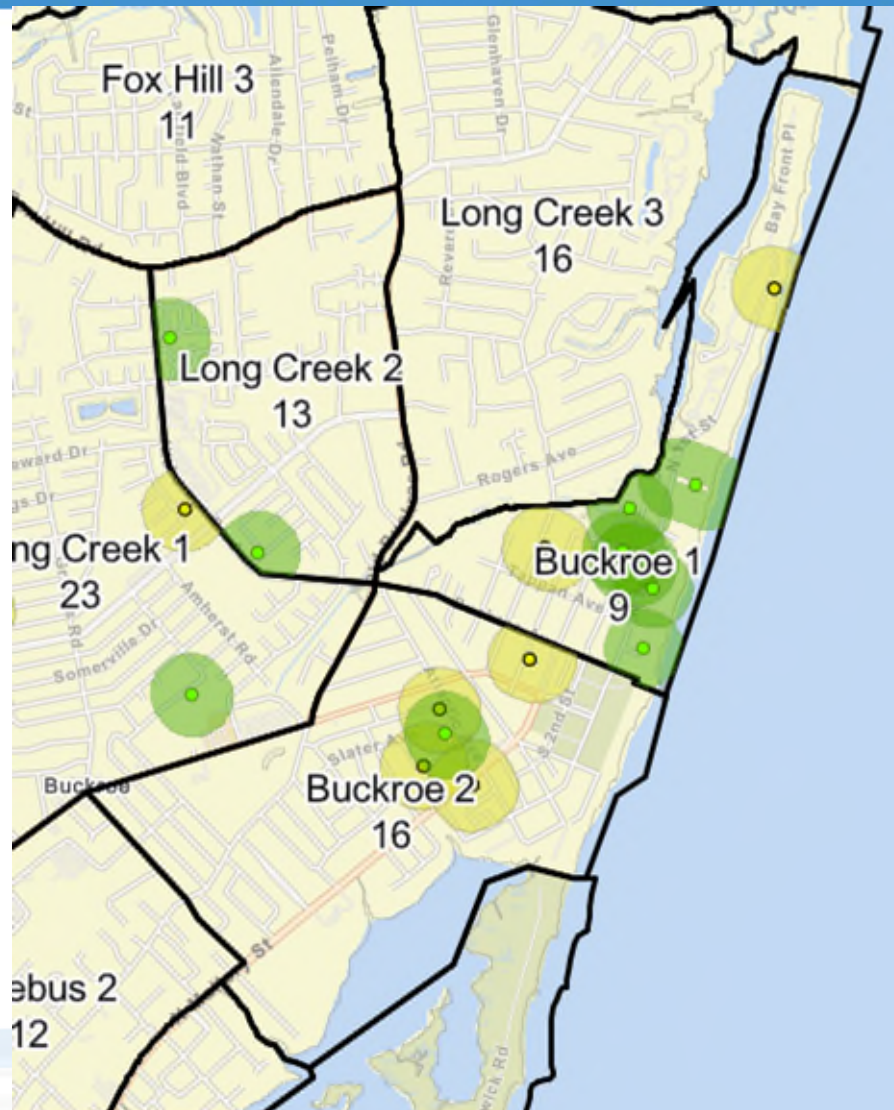




# Rezoning – Back River Zones

STR Zone	Rezoning Case #	Max. # of STRs	Approved UPs	Grace-period STRs	# of complete applications
Back River 1	24-0178	13	0	1	0
Back River 2	24-0179	16	0	2	1
Back River 3	24-0180	7	0	1	0
Back River 4	24-0181	16	0	1	0

# Rezoning – Buckroe Zones

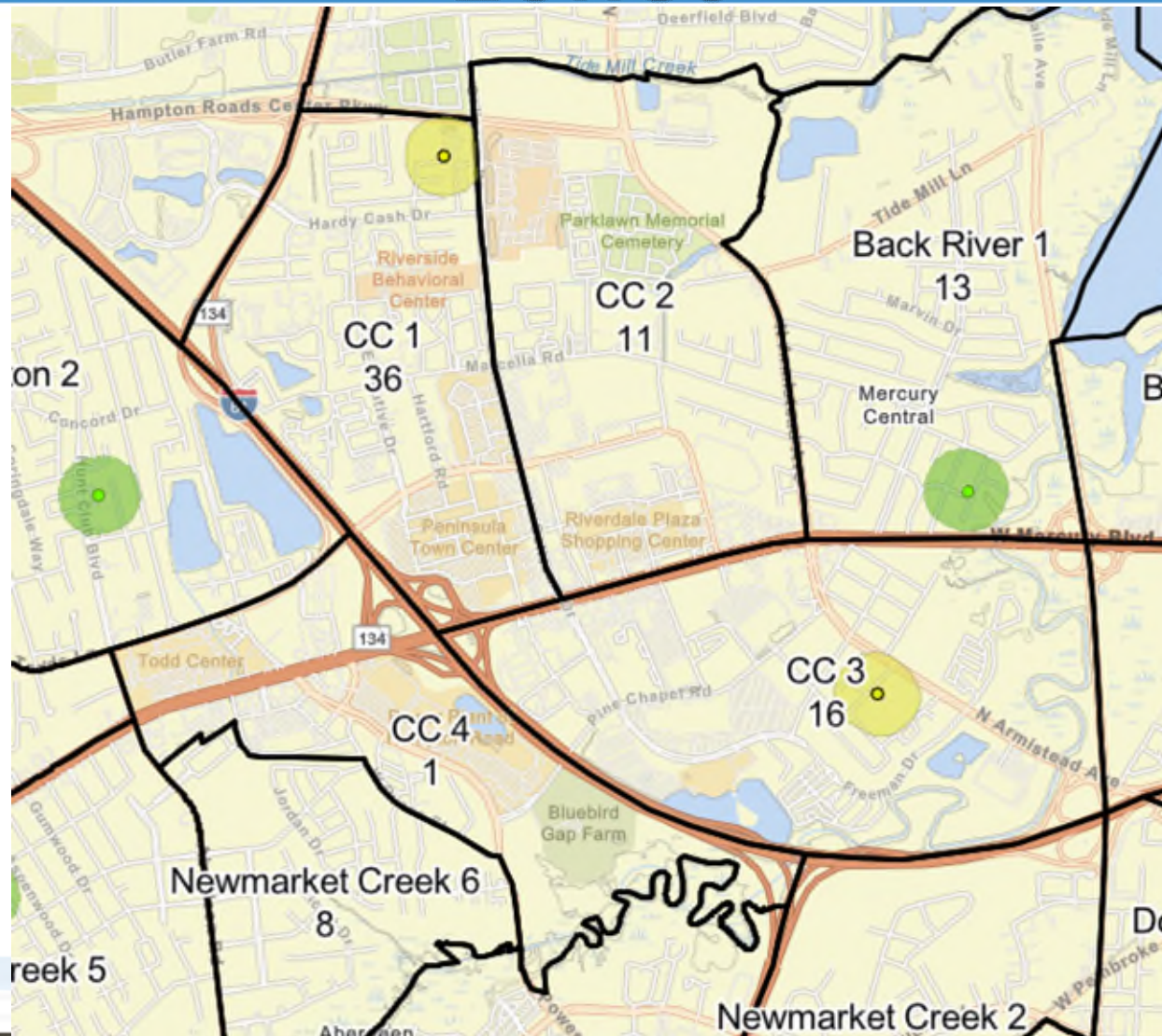




# Rezoning – Buckroe Zones

STR Zone	Rezoning Case #	Max. # of STRs	Approved UPs	Grace-period STRs	# of complete applications
Buckroe 1	24-0182	9	2	6	9
Buckroe 2	24-0183	16	4	1	20

# Rezoning – Coliseum Central Zones

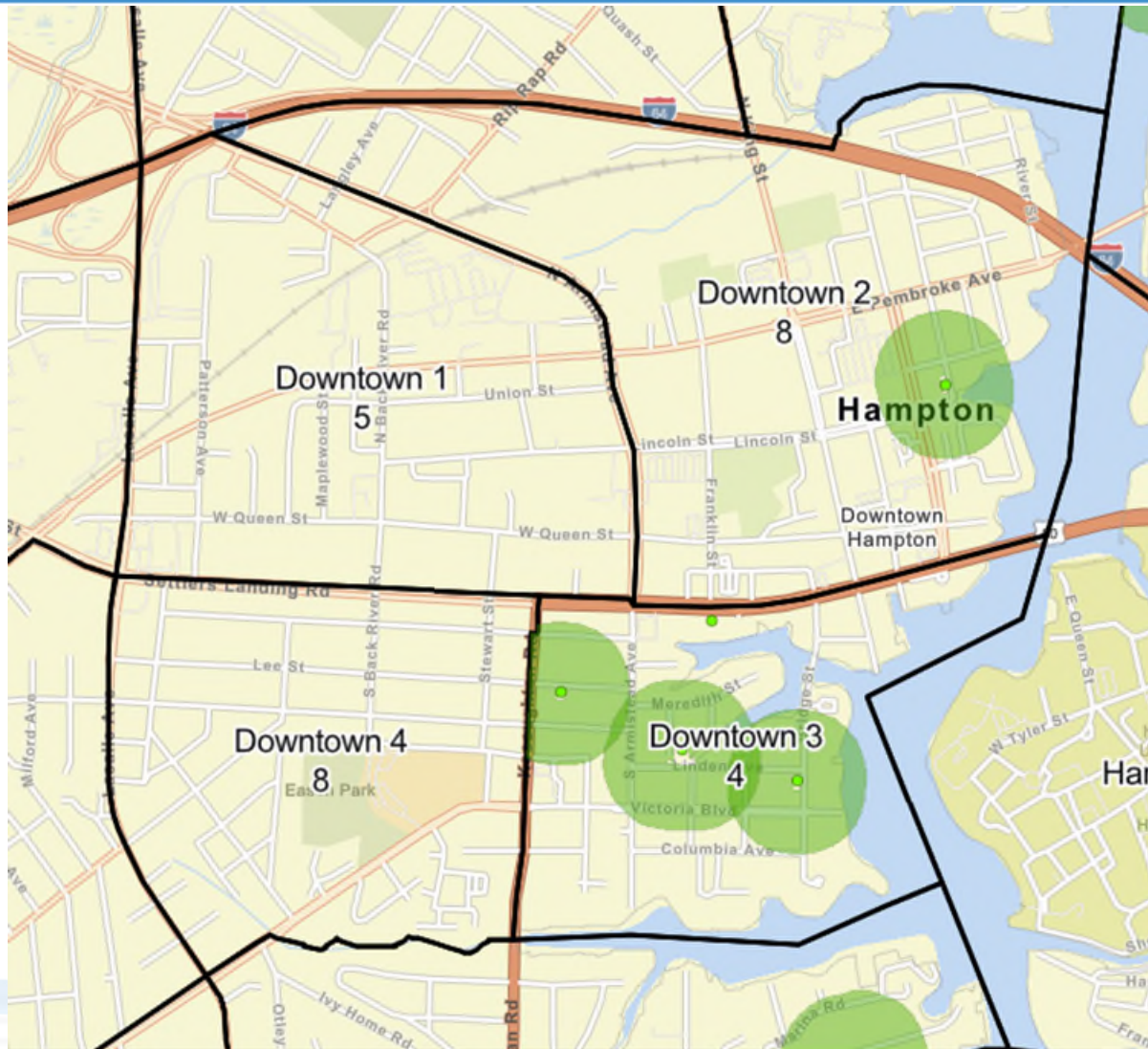




# Rezoning – Coliseum Central Zones

STR Zone	Rezoning Case #	Max. # of STRs	Approved UPs	Grace-period STRs	# of complete applications
Coliseum Central 1	24-0184	36	1	0	0
Coliseum Central 2	24-0185	11	0	0	0
Coliseum Central 3	24-0186	16	1	0	0
Coliseum Central 4	24-0187	1	0	0	0

# Rezoning – Downtown Zones

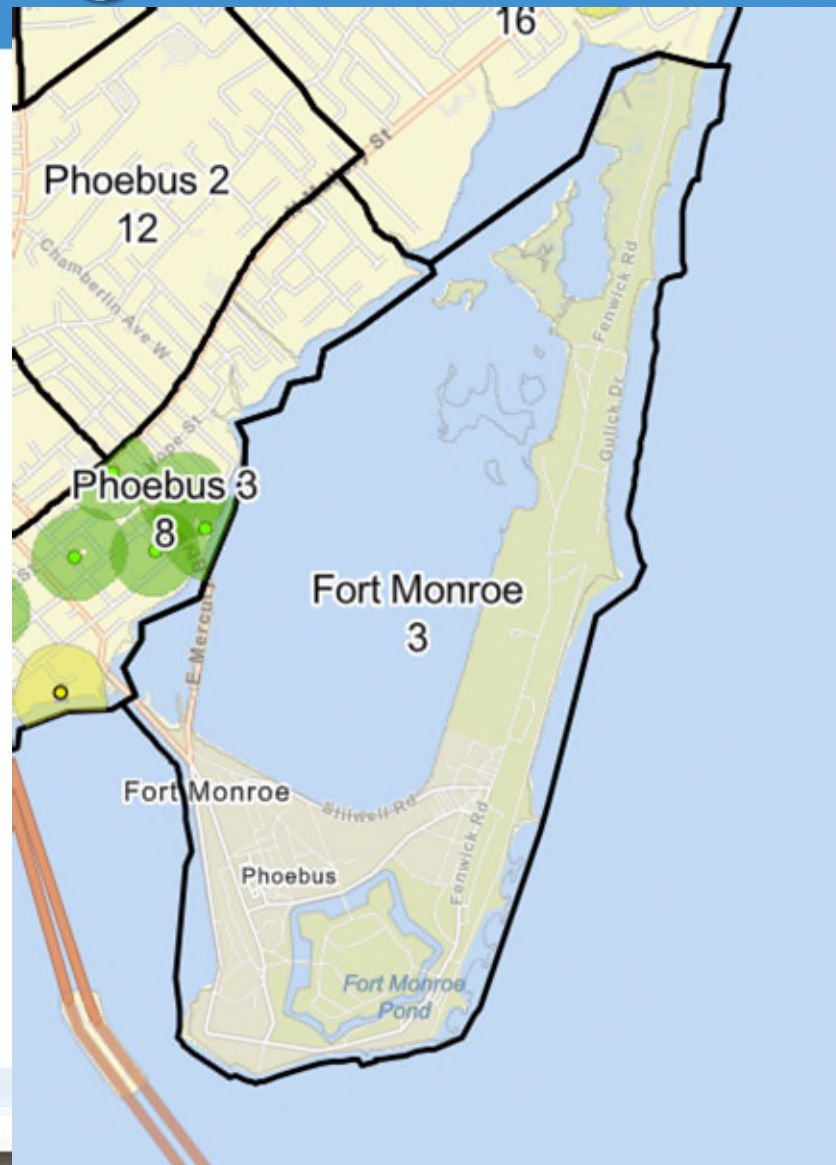




# Rezoning – Downtown Zones

STR Zone	Rezoning Case #	Max. # of STRs	Approved UPs	Grace-period STRs	# of complete applications
Downtown 1	24-0188	5	0	0	1
Downtown 2	24-0189	8	0	1	3
Downtown 3	24-0190	4	0	4	1
Downtown 4	24-0191	8	0	0	0

# Rezoning – Fort Monroe Zone

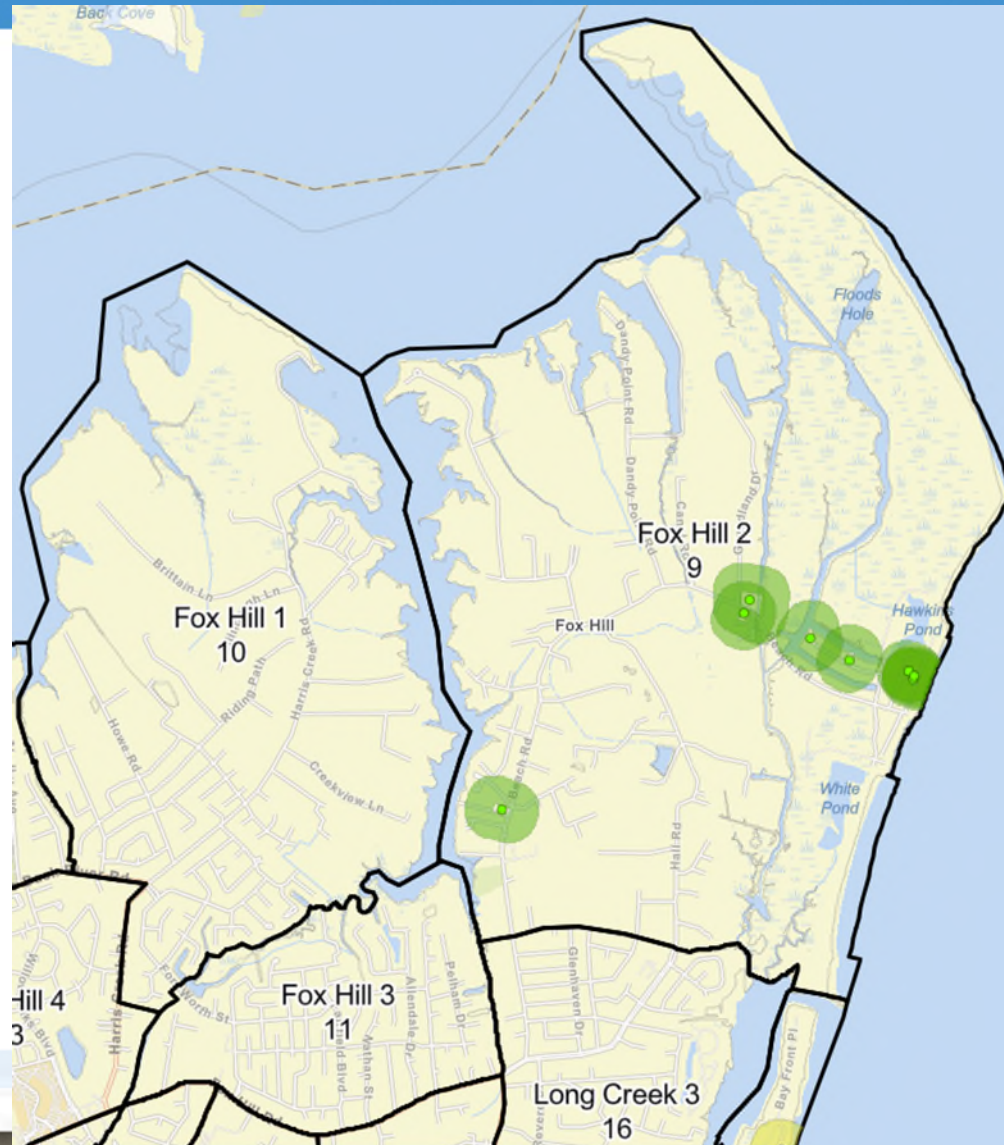




# Rezoning – Fort Monroe Zone

STR Zone	Rezoning Case #	Max. # of STRs	Approved UPs	Grace-period STRs	# of complete applications
Fort Monroe	24-0192	3	0	0	0

# Rezoning – Fox Hill Zones



# Rezoning – Fox Hill Zones

STR Zone	Rezoning Case #	Max. # of STRs	Approved UPs	Grace-period STRs	# of complete applications
Fox Hill 1	24-0193	10	0	0	0
Fox Hill 2	24-0194	9	0	8	4
Fox Hill 3	24-0195	11	0	0	0
Fox Hill 4	24-0196	13	0	0	1



The map displays the following census tracts and their populations:

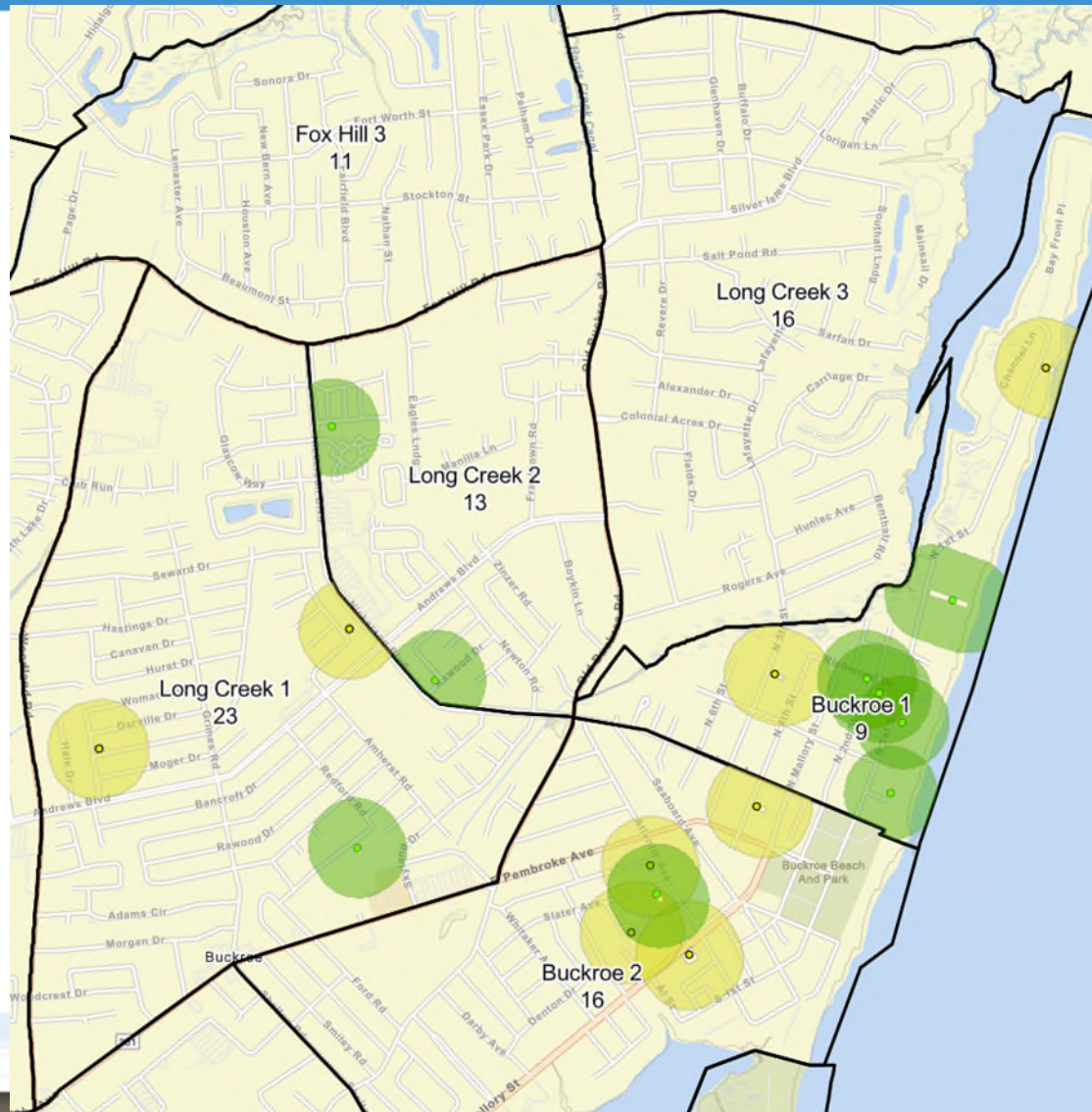
- Back River 2: 16
- Back River 4: 16
- Hampton River 2: 4
- Hampton River 3: 7
- Hampton River 1: 11
- Hampton River 4: 6
- Downtown 2: 8
- Downtown 1: 5
- Downtown 4: 8
- Downtown 3: 4
- Hampton River 5: 3
- Hampton River: 13
- Hampton VA Medical Center

# Rezoning – Hampton River Zones

STR Zone	Rezoning Case #	Max. # of STRs	Approved UPs	Grace-period STRs	# of complete applications
Hampton River 1	24-0197	11	0	0	0
Hampton River 2	24-0198	4	0	0	1
Hampton River 3	24-0199	7	0	2	0
Hampton River 4	24-0200	6	0	1	0
Hampton River 5	24-0201	3	0	0	0
Hampton River 6	24-0202	13	0	2	3



# Rezoning – Long Creek Zones





# Rezoning – Long Creek Zones

STR Zone	Rezoning Case #	Max. # of STRs	Approved UPs	Grace-period STRs	# of complete applications
Long Creek 1	24-0203	23	2	1	1
Long Creek 2	24-0204	13	0	2	0
Long Creek 3	24-0205	16	0	0	1

The map displays the following precincts and their associated numbers:

- Neil Armstrong 1 (11)
- Neil Armstrong 2 (22)
- Neil Armstrong 3 (4)
- Neil Armstrong 4 (13)
- Neil Armstrong 5 (4)
- Northampton 1 (11)
- Northampton 2 (11)
- Back River 1 (13)
- Back River 4 (16)
- Back River 7 (7)
- CC 1 (11)
- CC 2 (11)

Geographical features and infrastructure include:

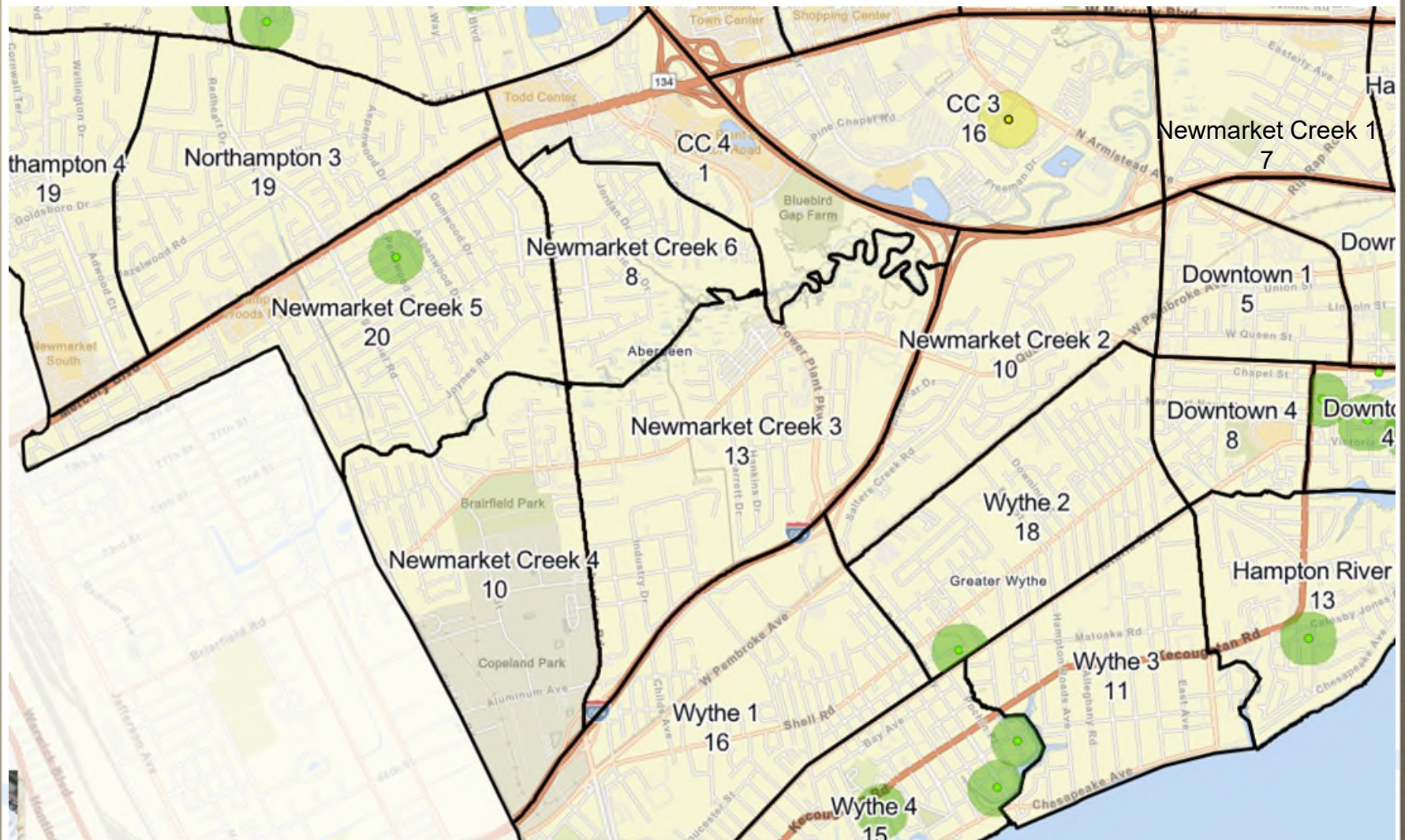
- Roads:** Hampton Hwy, 172, Northampton Ave, Village Dr, Burton St, Michael's Woods Dr, Sandy Bottom Nature Park.
- Landmarks:** Langley AFB - Bethel Manor Housing, Langley AFB/ Golf Club, Sandy Bottom Nature Park, The Hamptons Golf Course, Butler Farm Rd.
- Water Bodies:** Back River, Chesapeake Bay.

# Rezoning – Neil Armstrong Zones

STR Zone	Rezoning Case #	Max. # of STRs	Approved UPs	Grace-period STRs	# of complete applications
Neil Armstrong 1	24-0206	11	0	0	0
Neil Armstrong 2	24-0207	22	0	0	1
Neil Armstrong 3	24-0208	4	0	0	0
Neil Armstrong 4	24-0209	13	0	1	0
Neil Armstrong 5	24-0210	4	0	0	0



# Rezoning – Newmarket Creek Zones

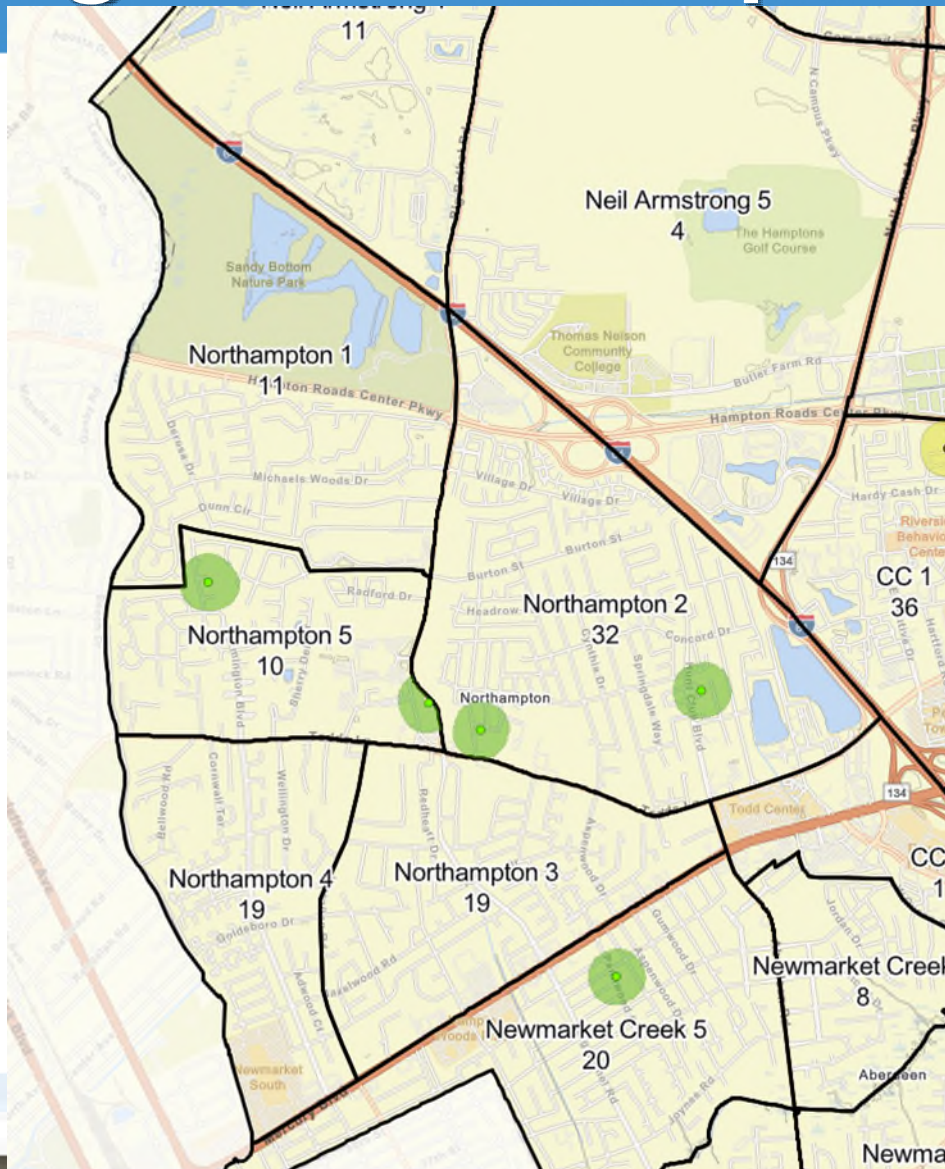


# Rezoning – Newmarket Creek Zones

STR Zone	Rezoning Case #	Max. # of STRs	Approved UPs	Grace-period STRs	# of complete applications
Newmarket Creek 1	24-0211	7	0	0	0
Newmarket Creek 2	24-0212	10	0	0	0
Newmarket Creek 3	24-0213	13	0	0	1
Newmarket Creek 4	24-0214	10	0	0	0
Newmarket Creek 5	24-0215	20	0	1	0
Newmarket Creek 6	24-0216	8	0	0	0



# Rezoning – Northampton Zones

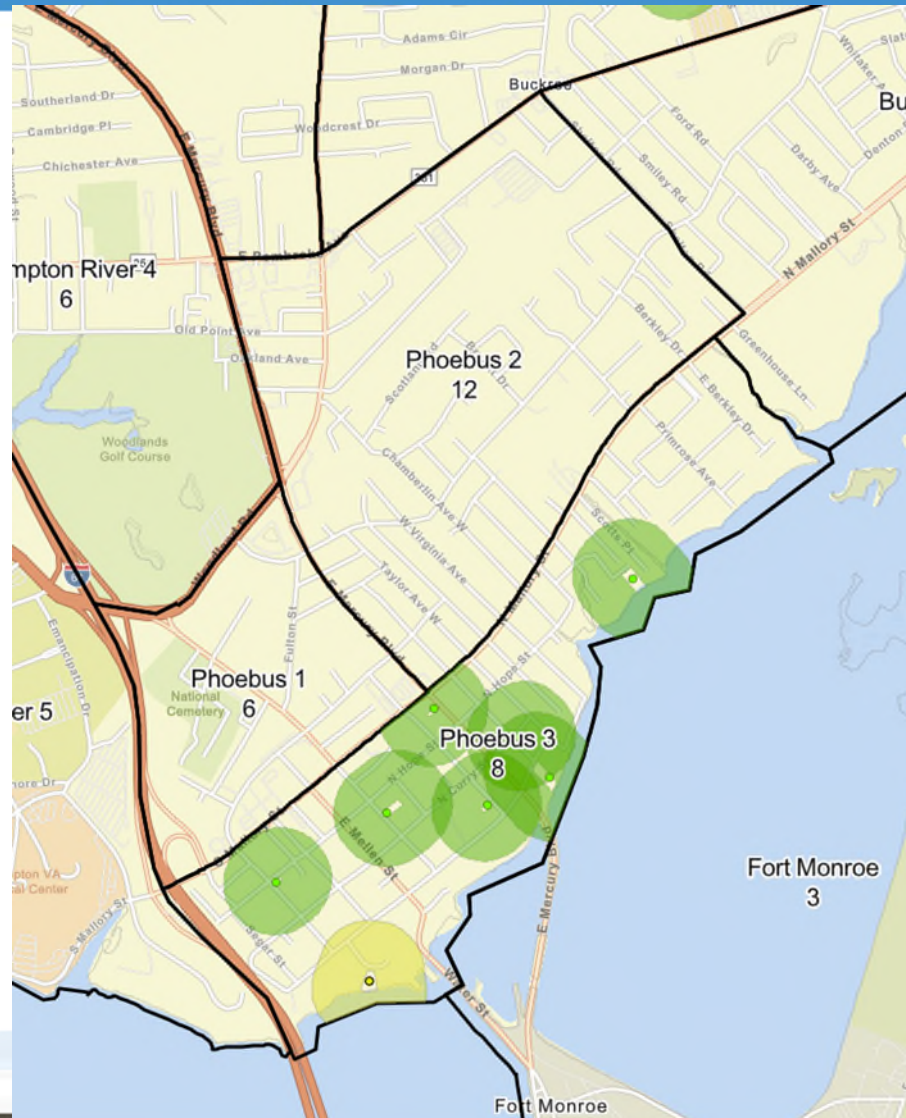




# Rezoning – Northampton Zones

STR Zone	Rezoning Case #	Max. # of STRs	Approved UPs	Grace-period STRs	# of complete applications
Northampton 1	24-0217	11	0	0	0
Northampton 2	24-0218	32	0	2	4
Northampton 3	24-0219	19	0	0	2
Northampton 4	24-0220	19	0	0	3
Northampton 5	24-0221	10	0	2	1

# Rezoning – Phoebe Zones

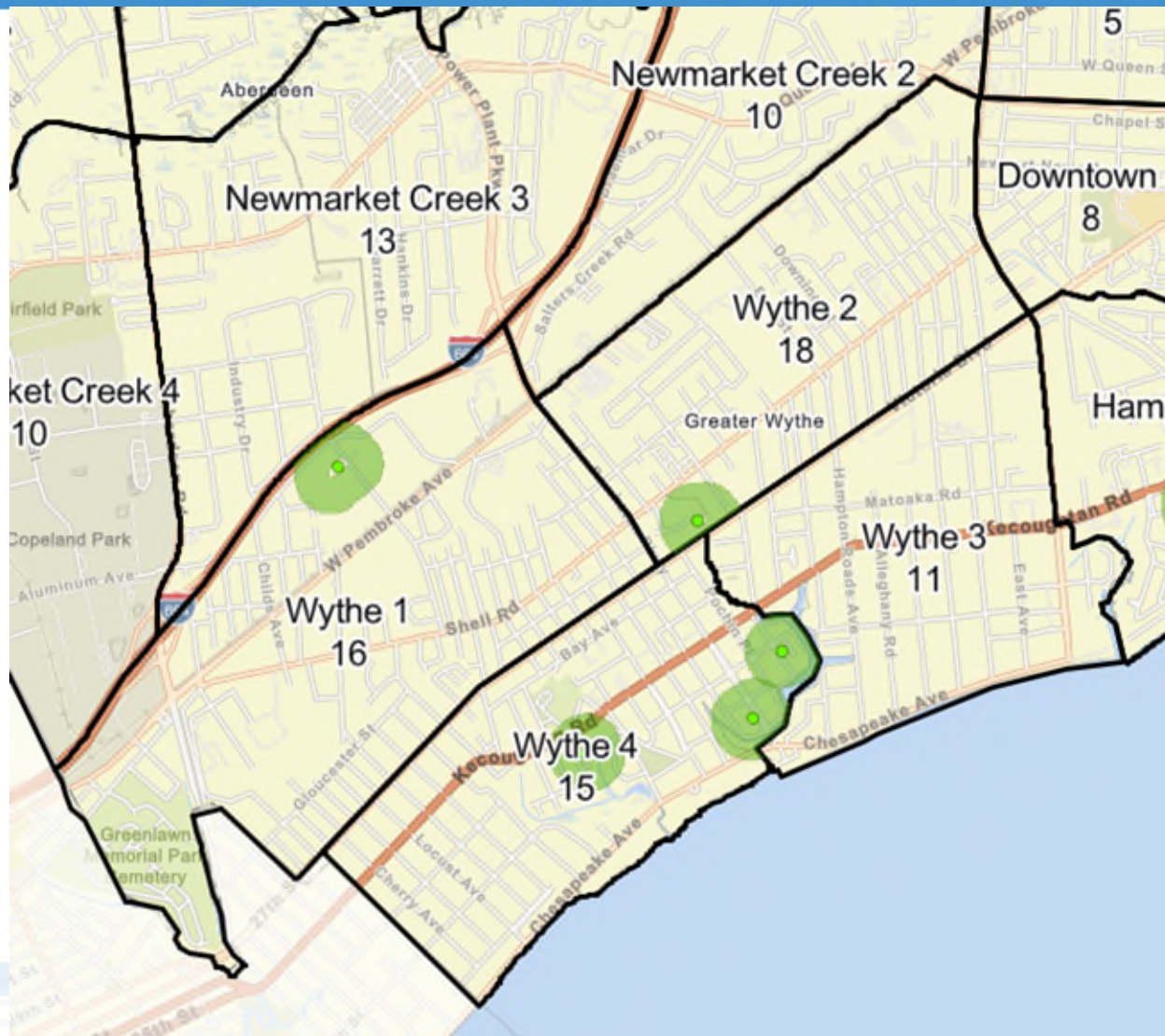


# Rezoning – Phoebus Zones

STR Zone	Rezoning Case #	Max. # of STRs	Approved UPs	Grace-period STRs	# of complete applications
Phoebus 1	24-0222	6	0	0	0
Phoebus 2	24-0223	12	0	0	1
Phoebus 3	24-0224	8	1	7	9



# Rezoning – Wythe Zones



# Rezoning – Wythe Zones

STR Zone	Rezoning Case #	Max. # of STRs	Approved UPs	Grace-period STRs	# of complete applications
Wythe 1	24-0225	16	0	1	0
Wythe 2	24-0226	18	0	1	1
Wythe 3	24-0227	11	0	0	1
Wythe 4	24-0228	15	0	3	3

# Notices and Resources

- Staff sent all required notices, which included a postcard to every property owner in the City
- Notice included link to website with the STR Zone map (<https://hampton.gov/strs>)
- Questions or concerns can be emailed to [ShortTermRentals@Hampton.gov](mailto:ShortTermRentals@Hampton.gov)



# Outreach and Feedback

- Staff briefed numerous groups, including:
  - STR stakeholders, Coliseum Central BID, Downtown Hampton Development Partnership, Buckroe Improvement League, Phoebus Partnership, Peninsula Realtors Association, Neighborhood Commission, Northampton Civic League, Rotary Club
- Staff has included all written feedback from the public received, which has been a mix of support and opposition to STRs
- Various HOA and condo associations have asked to be excluded
  - While the City cannot enforce private covenants and restrictions, the proposed regulations do not override these private restrictions. HOAs can still enforce their restrictions on STRs through private actions

# Planning Commission Input

- During the Planning Commission meeting, several Commissioners discussed exploring the possibility of increasing the density allowance in the Buckroe STR Zones and decreasing the separation required distance
- One Commissioner spoke against such consideration, indicating that Buckroe is also a residential neighborhood
- Ultimately, all amendments and rezonings received a recommendation for approval

# Planning Commission Input

- Based upon discussion of concerns following the Planning Commission, City Council members requested staff bring forward amendments to establish “homestay rentals” as a new use
  - Limited, owner-occupied, 1-bedroom transient lodging as a separate use from STRs
- Staff is preparing to present such an amendment for consideration to Planning Commission June 20



# Application to Pending Cases

- STR UP applications complete by June 30, 2024 are automatically converted to ZAP if eligible
- Applications moving forward will be approved on a first-come, first-served basis
- There will be an interest form for people to be emailed if an approved STR ceases to operate in their zone

# Next Steps

- If adopted, the effective date is July 1, 2024
  - Staff will mail letters to all suspected illegal STRs
  - Staff will mail letters to all grace-period STRs
- Staff will meet with the Courts prior to October 1, 2024
- Enforcement to begin October 1, 2024

# Conclusion

- Public hearing
- Action
  - Staff and Planning Commission recommend **APPROVAL** of items No. 24-0173 through No. 24-0228 with an effective date of July 1, 2024