

STAFF EVALUATION

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Case No.: Zoning Ordinance Amendment, ZOA24-0174
Planning Commission Date: May 16, 2024 **City Council Date:** June 12, 2024

General Information

Description of Proposal The amendment proposes to combine the two current definitions for bed and breakfast into one definition and add a clarification on how the use operates.

Relevant Existing Zoning Definitions *Bed and breakfast 1. A building or portion thereof containing not more than nine (9) sleeping rooms, in which room and board are offered to transient residents.*

Bed and Breakfast 2. A building or portion thereof containing not more than nine (9) sleeping rooms, in which room and board are offered to transient residents, and in which events may be held.

Current Regulations Chapter 3 – Uses Permitted

Sec. 3-2. – Table of uses permitted.

The “Table of uses permitted” indicates that “bed and breakfast 1” and “bed and breakfast 2” requires approval of a Use Permit 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, R-M, C-1, C-2, C-3, 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 districts. Both uses are permitted by right in the FM-4 district.

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Analysis

The amendment proposes to combine the two current definitions for bed and breakfast into one definition, and add a clarification on how the use operates.

Currently, the zoning ordinance defines two separate bed and breakfast uses, which are “bed and breakfast 1” and “bed and breakfast 2”. The only difference between the two uses is that a “bed and breakfast 2” may operate with events. Both uses are permitted in the same zoning districts, and both require approval of a Use Permit in order to operate within those districts. This amendment would combine both definitions into a singular “bed and breakfast” use which may or may not have events, and also establish that bed and breakfasts operate with on-site management and are open to the general public during established business hours. Any concerns with how an individual bed and breakfast operates, including related to hosting events, can be addressed through conditions during the Use Permit process.

This item is being brought forward in conjunction with Zoning Ordinance Amendments No. 24-0173, No. 24-0175, No. 24-0176, and No. 24-0177 which will together establish new restrictions on how and where short-term rentals can operate within the City, and will clarify other similar uses.

In December 2022, the City adopted a zoning ordinance amendment which required all short-term rentals to obtain a Use Permit in order to operate within the City. A Use Permit requires two public hearings in order to be approved. If adopted, this set of amendments would allow short-term rentals which meet criteria related to size, events, and parking to be permitted via a zoning administrator permit rather than a Use Permit, thereby streamlining the approval process. The amendments also set density maximums within proposed short-term rental zones, require a minimum separation between short-term rentals, establish required operating conditions for those short-term rentals who meet all of the requirements obtain a zoning administrator permit, and further distinguish uses which are not meant to be regulated as short-term rentals.

In preparing these amendments, staff worked with a group of stakeholders representing various neighborhoods within the City, short-term rental operators, realtors, a bed and breakfast operator, and others. In crafting the proposal, staff sought to balance protection of neighborhoods and community cohesion with the economic, tourism, and recreational benefits short-term rentals can provide the City. Staff has presented these proposed amendments to the group of stakeholders, as well as numerous interested organizations within the City of Hampton.

Staff recommends approval of ZOA 24-0174.