

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 Add The Use “Homestay**
3 **Rental” To Be Permitted With A Zoning Administrator Permit If Certain Additional**
4 **Standards Are Met**

5
6 **WHEREAS**, the public necessity, convenience, general welfare and good zoning practice so
7 require;

8
9 **BE IT ORDAINED** by the Council of the City of Hampton, Virginia that Chapter 3 of the Zoning
10 Ordinance of the City of Hampton, Virginia, be amended and re-enacted as follows:

11
12 **Chapter 3 - USES PERMITTED**

13
14 ...

15
16 **Sec. 3-2. - Table of uses permitted.**

17
18 (a) Table of Uses Permitted in Standard Zoning Districts.

19
20 *[See attached use table for changes.]*

21
22 (b) Table of Uses Permitted in Special Zoning Districts.

23
24 *[See attached use table for changes.]*

25
26 ...

27
28 **Sec. 3-3. – Additional standards on uses.**

29
30 ...

31
32 (56) ~~Reserved.~~ *Homestay rentals in the R-LL, R-43, R-R, R-33, R-22, R-15, R-13, R-11, R-9, R-*
33 *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,*
34 *DT-2, DT-3, PH-1, PH-2, PH-3, FM-1, FM-2, and FM-3 zoning districts are subject to*
35 *obtaining a zoning administrator permit and shall comply with the following additional*
36 *standards at the time of application and throughout operation:*

37 (a) *The homestay rental, as defined in Chapter 2 of the zoning ordinance, shall only*
38 *be allowed within a single-family dwelling unit which is used by the operator, a*
39 *long-term resident of the property, as their primary residence;*

40 (b) *The operator shall reside in the single-family dwelling unit during all stays by*
41 *overnight lodgers;*

42 (c) *The operator shall maintain proof of their permanent residency at the proposed*
43 *homestay rental. The operator shall provide proof of their permanent residency*
44 *upon initial application and future reasonable requests by the Zoning*
45 *Administrator within one (1) business day. Such proof may consist of a driver’s*
46 *license or voter registration card showing the address of the property, or other*
47 *documents which provide equivalent proof as determined by the Zoning*
48 *Administrator in consultation with the City Attorney.*

49 (d) *A floor plan of all levels of the dwelling to be used for the homestay rental shall*
50 *be posted in a conspicuous location within the bedroom used as part of the*
51 *homestay rental and be visible at all times to overnight lodgers. The floor plan*

52 shall be reviewed for approval prior to operation, and shall depict the exit plan,
53 location of the rentable bedroom, maximum overnight capacity, fire extinguishers,
54 smoke detectors, carbon monoxide detectors, and any other life safety or
55 operational details as may reasonably be required by the Zoning Administrator.
56 Any alteration or renovation that modifies the floor plan shall comply with all
57 provisions of this Sec. 3-3(56) and shall be subject to review and approval by the
58 Zoning Administrator and the Building Official or their designees;

59 (e) No more than one (1) bedroom shall be rented for overnight lodging, and the
60 number of overnight lodgers shall not exceed that which is indicated as suitable
61 within the rentable bedroom based upon methods set forth in Sec. 3-3(56)(f) and
62 as depicted on the approved floor plan;

63 (f) The maximum overnight capacity shall be based upon Sec. 404.4.1 of the
64 Virginia Property Maintenance Code (VPMC), as amended, and will be reviewed
65 and approved prior to operation;

66 (g) When the property is being used as a homestay rental, the maximum number of
67 people on the property between the hours of 10:00 PM and 7:00 AM shall not
68 exceed that authorized by the approved floor plan. The maximum number of
69 people on the property between the hours of 7:00 AM and 10:00 PM shall not
70 exceed twice the number authorized by the approved floor plan;

71 (h) In addition to the floor plan referenced in Sec. 3-3(56)(d), the document titled
72 "Homestay Rental Fact Sheet", as provided by the City and completed by the
73 operator, shall be posted in the same conspicuous location as the floor plan
74 within the bedroom and be visible at all times to overnight lodgers and guests. In
75 the event that the document is amended or modified by the City, City staff will
76 provide an updated copy to the operator who shall replace the previous version;

77 (i) Sufficient parking shall be provided at all times to meet the minimum required
78 parking for all uses at the property pursuant to Sec. 11-2 of the zoning ordinance.
79 All parking for the homestay rental shall be on-site on an improved surface, as
80 defined in Chapter 2 of the zoning ordinance;

81 (j) Exterior signage in conjunction with a homestay rental shall be prohibited at all
82 times;

83 (k) The homestay rental shall not include any events as defined within Chapter 2 of
84 the zoning ordinance;

85 (l) The operator shall be the responsible local person, and provide their contact
86 information. The responsible local person shall:

87 (i) Be responsible for addressing complaints related to the use of the
88 property as a homestay rental, including but not limited to, noise,
89 capacity, suspected criminal activity on the property, unpermitted parking,
90 events, and other similar violations, as soon as reasonably practicable;

91 (ii) Be on-site at all times between the hours of 10:00 PM and 7:00 AM when
92 overnight lodgers are present;

93 (iii) Respond to any call from the City of Hampton regarding any notification
94 of an issue related to the operation of the homestay rental within one (1)
95 hour of the notification by the City; and

96 (iv) In the event the responsible local person's contact information needs to
97 be updated or changed, the responsible local person shall contact and
98 inform the Zoning Administrator, in writing, and shall also update the
99 "Homestay Rental Fact Sheet", as required by Sec. 3-3(56)(h), to include
100 the appropriate contact information.

- 101 (m) *The homestay rental shall maintain compliance with all applicable federal, state,*
- 102 *and local laws, including but not limited to, the provisions of the zoning ordinance*
- 103 *and City Code relating to noise, setbacks, and building code requirements;*
- 104 (n) *The homestay rental shall obtain and maintain all applicable licenses prior to*
- 105 *operating the homestay rental use, including but not limited to, obtaining a*
- 106 *business license with the Commissioner of Revenue;*
- 107 (o) *The operator of the homestay rental shall keep records of all rentals showing the*
- 108 *date(s) rented, the name of the primary person(s) who booked the reservation,*
- 109 *the number of overnight lodgers featured in the reservation, and all listings*
- 110 *associated with the homestay rental. This list shall be available to the Zoning*
- 111 *Administrator or their designee upon request within one (1) day;*
- 112 (p) *Prior to operation of a homestay rental, the operator shall schedule an inspection*
- 113 *and provide the City consent to inspect the dwelling to ascertain compliance with*
- 114 *all applicable standards and codes;*
- 115 (q) *The homestay rental shall not be advertised to operate in a manner that*
- 116 *contradicts the standards and conditions of the zoning ordinance; and*
- 117 (r) *The homestay rental operator shall comply with all reasonable requests by the*
- 118 *City for information to verify compliance with the conditions of this Sec. 3-3(56).*
- 119 ...
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