



City of Hampton

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

Council Approved Minutes - Final City Council Special Session

Mayor Donnie R. Tuck
Vice Mayor Jimmy Gray
Councilmember Chris L. Bowman
Councilmember Steven L. Brown
Councilmember Hope L. Harper
Councilmember Billy Hobbs
Councilmember Martha Mugler

STAFF: Mary Bunting, City Manager
Cheran Cordell Ivery, City Attorney
Katherine K. Glass, CMC, Clerk of Council

Thursday, March 16, 2023

3:30 PM

Northampton
Community Center,
1435 Todds Lane,
Hampton, VA

Joint Meeting with the Hampton Planning Commission

CALL TO ORDER

DONNIE R. TUCK PRESIDED

READING OF THE CALL FOR THE SPECIAL MEETING

The purpose of this meeting is for members of City Staff to brief members of the City Council and Planning Commission regarding potential regulatory approaches for "short term rentals."

AGENDA

1. [23-0097](#) Briefing and Discussion of Short-Term Rentals

Attachments: [Presentation](#)

Mayor Tuck called the meeting to order at 3:30 p.m. All members of the City Council were present at roll call with the exception of Councilman Bowman and Councilman Hobbs. Councilman Bowman entered the room following roll call.

Mayor Tuck asked the Clerk to read the call for the special meeting.

Ms. Glass stated that the purpose of this meeting is for members of City staff to brief members of the City Council and Planning Commission regarding potential regulatory approaches for "short-term rentals (STR)."

The Mayor reminded those assembled that table-top microphones are being used and will pick up side conversations so he asked that those be limited.

The Planning Commission Clerk called roll. All members of the Planning Commission were present except for Commissioner Michael Harper.

City Manager, Mary Bunting, thanked the Council and Planning Commission for coming together for today's joint session. She explained that the City adopted a short-term rental ordinance that required use permits for those entities not already accepted. Those entities were given up to two years to get their use permits, and the City has begun receiving applications for the use permit. Part of the process is to provide a set of conditions. Those conditions are important to protect surrounding property owners and to make sure that the guidance for how to operate is clear. Today's meeting will allow feedback on the proposed language recommended by staff and make sure the expectations of both the Council and Planning Commission are being met concerning those conditions. There are a lot of conditions being presented, some are straightforward conditions found in every use permit, and others are unique to this situation. She encouraged the Council and Planning Commission to spend time discussing the conditions where there is no clarity or agreement. In attendance was Mr. Ed Reed, with Two Capitols, who represents the City in Richmond to give an update on the conversation in Richmond about short-term rentals. Ms. Bunting also shared plans to reconvene the short-term stakeholder group to address how the City can do some of these use permits administratively similar to how live entertainment and outdoor dining are handled. The focus of today's meeting is to get the Council and Planning Commission's guidance on the use permit conditions so that the pending applications can be advanced.

Ms. Bunting introduced Mr. Terry O'Neill, Director of Community Development, to facilitate today's presentation and speakers.

Mr. O'Neill affirmed that there will be a lot of material presented, most of which is pretty straightforward. He expressed his hope that everyone will be comfortable with the direction they are going and noted that some of them will generate discussion. He shared that short-term rentals are one of the hottest topics not only in this region but around the country. Many communities are struggling with how to allow this emerging use while protecting the interest of neighborhoods and others in the community. Some communities have adopted ordinances, some are in the stage of trying to find the right direction, and others are sitting on the sidelines waiting to see what happens.

Mr. O'Neill shared that today's presentation will begin with some background and history. The end of the presentation will focus on the Council and Planning Commission's input on several sections that focus on particular questions or issues. As staff presents their recommendations, there will be multiple options to choose from. He shared that, for new Council members, this topic has been presented to Council several times in the past. The guidance Council provided to staff is to try to find a middle ground in terms of the City's regulatory approach. Council has stated in the past that they want to allow short-term rentals but does not want to over-regulate them.

Mr. O'Neill shared that a short-term rental stakeholder group was convened and met every other week until the holidays came and the General Assembly began. The group is tentatively scheduled to reconvene on April 19th.

Mr. O'Neill recognized Ms. Kathy Rogers and Mr. Greg Garrett who were present and are part of the stakeholder group. He expressed appreciation to them for volunteering their time and expertise to help with this process. Much of the content presented today was a byproduct of the stakeholder group conversations. He stated that there will be a follow-up on phase two to try to diverge the process so many of the standard short-term rental applications will go through an administrative permitting process and not have to come through Council and Planning Commission. There may be some special situations that will come to Council and Planning Commission and that will be sorted out through guidance from both.

Mr. O'Neill introduced Mr. Ed Reed, General Assembly Lobbyist with Two Capitols Consulting firm, to present an overview of where the General Assembly is on the issue. Mr. Reed shared that SB 1391 from Senator Lewis and HB 2271 from Delegate Marshall were closed during this session. As they were introduced, the legislation would have allowed for a property that was managed by a Virginia realtor to not have to comply with certain provisions of local ordinances. Both bills were unsuccessful however, they were sent to the Virginia Housing Commission for further study or review. It is anticipated that they will be reviewed over the summer and fall and it is usually the consensus of the Housing Commission to submit recommendations to the General Assembly in the fall. There is also likely to be a work group created as part of the study. The Housing Commission's first meeting is scheduled for April 12th and we will hopefully have some idea of how they plan to move forward with this issue. He noted that the legislation had two sponsors, one in the House and one in the Senate. Committee leadership as well as the sponsors advised localities that the recommendations coming out of the Housing Commission likely would not be the status quo that exists today. He noted that, as they were doing some of the advocacy at the session in Richmond, they heard that Hampton's approach to this was more of a collaborative approach that other localities were

interested in using as a model.

Mr. O'Neill introduced Ms. Bonnie Brown, Deputy City Attorney, and Interim Community Development Director, to present the background and history. Before December, short-term rentals were regulated through a couple of important zoning ordinances, and before 2014, they were not addressed at all. Airbnb was brand new and other platforms like VRBO made the interpretation that, they were permitted by right, as an accessory use to a single-family dwelling. However, if the primary use is short-term rentals, then it is considered a bed and breakfast. In November 2019, the City enhanced that interpretation and provided that the short-term rental location has to be the primary residence of the applicant, defined as the place where you live for six or more months a year. As a result of the work done by the stakeholder group, zoning amendments were presented in December 2022. These amendments allowed for some regulations to be in place before the General Assembly session took place and officially added short-term rentals as a defined use in the zoning ordinance that requires a use permit. Short-term rentals in Hampton are permitted with a use permit in residential districts, multi-family districts, and special districts where single-family and townhouses are permitted. Ms. Brown displayed a list of districts where short-term rentals are not permitted. She stated that those that operated legally prior to 2023 have a two-year grace period. Also noted is that the building code provides that when a dwelling is occupied by more than 10 lodgers using more than five bedrooms, then it becomes a lodging house that has additional requirements such as fire alarms, sprinkler systems, fire extinguishers, etc. The Virginia Department of Health generally does not regulate short-term rentals unless they are offering food service or meals, which in Hampton would be considered a bed and breakfast.

Ms. Brown shared that the City's zoning authority to regulate short-term rentals exists and is preserved by the State, however, it is expected that there may be bills restricting the City's authority in the future. State law also allows the City to have a registry, which would permit them to require annual registration of short-term rentals. Failure to comply with the registration could result in a fine and the property would not be able to be offered as a short-term rental.

Ms. Brown shared a comparison of the short-term rental regulations from several other localities in the area. Virginia Beach adopted its requirements in 2019. They have an annual registration, require a sign to be placed in front of every short-term rental identifying it as such, and require contact information to be provided. They also require inspections related to balconies, and have some restrictions on parking in addition to use permits in some districts. She noted that Hampton staff is monitoring a pending lawsuit in Virginia Beach that was filed in 2021 by a group of realtors who sued the City saying it exceeded its authority in requiring some of these conditions.

Norfolk adopted their short-term rental regulations in 2021. They also required annual registration. Their requirement to have security cameras and decibel meters within common spaces was identified at the General Assembly as problematic overreaches. Additional conditions include trash collection, parking, liability insurance, and use permits in certain circumstances.

Newport News adopted its short-term rental regulations in 2022. They have an annual registration requirement. Newport News also requires the applicant to live in the dwelling for 185 days per year. Ms. Brown noted that Hampton is monitoring some case law in other circuits indicating that that kind of restriction may not be legally acceptable.

Ms. Brown introduced Ms. Allison Jackura, Zoning Administrator, to continue the presentation. Ms. Jackura displayed a list of potential use permit conditions that were presented to the Council in November and December of last year. The stakeholder group had a consensus that the list addresses the concerns about the impact that short-term rentals might have in a neighborhood.

Ms. Jackura shared that the objective today was to flush out any concerns and write the specific language and identify exactly where we fall on these items. Each topic has three main sections: the staff recommendation; specific conditions other localities have related to the topic; and constraints or enforcement concerns that should be considered when trying to implement the conditions.

NOTIFICATIONS

Staff recommended that a responsible local person (RLP) must be designated to manage operations, complaints, and violations. They must be in the state so they can be served in case of a violation. Their contact information must be available and maintained on the City website. Issues must be addressed within a certain time, such as 30 minutes or one hour. She noted that the RLP would not have to physically respond in that time frame if the issue is something that can be managed by a phone call, or having someone else visit the site. If it cannot be rectified within the established time frame, they must have at least taken all the steps that are possible until a repair could be scheduled or some other need is met. She shared that Virginia Beach has a 30-minute response time, and Norfolk has a 20-minute response time.

Ms. Kim Mikel, Code Official and Property Maintenance & Zoning Enforcement Manager, addressed the enforcement of the RLP. She stated that there may be some difficulty holding them responsible for being non-responsive to the

complainant, however, for every complaint received by the City, staff would follow up personally with the RLP to ensure that they addressed the issue. If the City is unable to verify a complaint made by an overnight lodger, the lodger would have to be willing to come back to Hampton to testify in court if necessary.

Mr. O'Neill explained that there are three questions to be answered regarding notification. The first is, are Council and Planning Commission okay with requiring a responsible local person contact? The second is, should the RLP's contact information be generally available in case of an issue? The third question relates to an issue that staff has struggled with and that is, what is an appropriate response time?

A conversation followed regarding the need for the RLP to reside in the State, with Councilwoman Mugler questioning whether the RLP should be required to reside within a certain proximity.

Ms. Anne Ligon, Assistant City Attorney, stated that one of the reasons for having them in the state is so they can be served with a summons when needed because it is nearly impossible to get someone served who lives out of state.

Mr. O'Neill clarified that the RLP must live in Virginia and be able to respond in whatever timeframe is established.

Ms. Bunting stated that the RLP could be a property manager or realtor contracted by the owner, so the owner would not be required to live in the state.

Ms. Jackura explained that the staff is recommending that the RLP live in the state for service purposes and they would be the legally bound person to accept a violation.

In response to Councilman Bowman, Mr. O'Neill stated that the stakeholder group had considered the pros and cons of using distance versus a time limit. While distance is easier to measure, the real issue is time so if an RLP can respond promptly, then that would be the first line of defense rather than calling the City or police. Many issues can be resolved by a responsible owner and RLP.

In response to Vice Mayor Gray, Ms. Jackura explained that the language put in the condition is that the owner would have to designate who the RLP is, and the RLP would accept responsibility for managing and complying with the conditions of use. The RLP would also be the one who would appear in court.

In response to Councilman Brown, Ms. Jackura explained that they are referring to

things that are violations of the conditions, property maintenance violations of the City code, or things that are not legally supposed to be happening. In an instance where a pipe bursts and there is no longer a working bathroom, or there is something that cannot be fixed in the established time frame, the intended response would be to stop the water and take the appropriate next steps possible to rectify the problem within the established timeframe. Councilman Brown shared that, when he was on the Planning Commission, he recommended that whoever is designated as the house manager could be liable for any discrepancies or issues in the home to cut the response time. Ms. Jackura explained that the intent is that the responsible person must live in Virginia and respond within the amount of time determined, and that failure to do so could result in a violation being issued.

In response to Dr. Trina Coleman, Ms. Jackura stated that natural disasters are not something that has been discussed, however, if the structure is no longer safe, the normal requirements for disaster response and securing a structure would apply. Mr. O'Neill stated that there is a whole different set of procedures in place for these types of events. As an example, City Council often suspends certain requirements in the case of a natural disaster to allow people to expeditiously repair and deal with issues. The City has designated damage assessment teams that go out into the community at the first safe opportunity and declare whether structures are safe for habitation. Mr. O'Neill confirmed for Dr. Coleman that the City is not involved in the contract a property owner makes with a renter.

Chair Ruthann Kellum asked for clarification regarding different scenarios, for example, the renter calling about broken pipes versus a neighbor calling about a disturbance at the rental property. Mr. O'Neill responded that the City is only enforcing its regulations. He stated that issues like a broken toilet would be a matter between the renter and the RLP. Some issues will involve the police and others will involve Ms. Mikel's enforcement team.

Councilman Bowman proposed a one-hour response time because he does not feel most people would be able to respond within 30 minutes on a 24-hour per day, seven-day per week scenario including holidays.

Councilwoman Mugler stated that she thinks an hour is too long and while she would prefer 20 minutes, 30 minutes would be acceptable.

Vice Mayor Gray agreed with a one-hour response time and stated that he sees being local as being in the region, but there are some places in the region you could not get to Hampton from in 30 minutes.

Ms. Garrison also agreed with a one-hour response time. She stated that she thinks

the RLP should be regional and the response should be done by more than just a phone call.

In response to Dr. Coleman, Mr. O'Neill stated that the City wants to have one person to contact, however, that person may choose to have a backup.

Chair Kellum commented that, with all the possible scenarios that could occur, she is concerned about the burden placed on the property owners and does not understand the full need to do it with the timeframe and stipulations.

Commissioner and Assistant City Manager, Steve Bond, shared that as an owner of rental properties, he contracts with a property manager that takes phone calls and ensures a response within a certain amount of time. He stated that this approach makes a lot of sense if short-term rentals are allowed in neighborhoods so that, when things happen or neighbors have concerns, they have someone to reach out to. Mr. Bond stated that, if the response is made by phone, 30 minutes is reasonable. If it is an in-person response, then an hour is more reasonable.

Mayor Tuck said that because of the challenges presented by some scenarios, for example, responding physically to a building issue may be out of the jurisdiction of the Planning Commission, Council, and Codes. He stated that Council and the Planning Commission should be focused on responses to things like noise, parking, and gunfire, and not codes issues or civil issues. Mr. O'Neill stated that the City is trying to address the conditions that will be in the use permit for the property.

Vice Mayor Gray stated that his understanding was that, the response would be in person and not by phone for issues such as noise, parties, or parking and not physical issues with the home.

Mayor Tuck asked if everyone was clear on what is being defined as what the RLP is responding to. Mr. Bond stated that the response will depend on the scenario. For example, if there is a parking complaint, the RLP can call the renter and ask them to resolve it without needing a physical response. He explained that having the ability to respond within an hour makes sense because some situations may require a physical appearance, however, not every complaint will.

Councilman Brown stated that he thought he had a clear understanding of what has been proposed, however, it is not as clear as he would like to see. He mentioned that, to him, it sounds like there should be levels of what the proposal is requiring as a response. He believes the people who are going to rent these units are going to want clear, concise protocols and procedures that they must follow while they are in someone's rented living space.

In response to Mr. O'Neill, the group had no objection to having a contact requirement.

Ms. Jackura responded to Councilman Brown's comment about a tiered approach and stated that the recommendation is to have only one response time that is reasonable and allows for any issues to be fixed, or as fixed as possible within the limit set.

Mr. O'Neill stated that the intention is not to get a vote on each item and since there is no clear consensus, he asked Mayor Tuck and Chair Kellum if it would be possible to move on from this item with the notion that it seems like more than others think an hour is the time frame we should try.

In response to Mayor Tuck, Mr. O'Neill explained that just the violations of the permit are what is expected to be addressed. He shared that the stakeholders discussed that, because there are a lot of complaints that don't fall into a defined area, having a name and phone number posted somewhere allows a neighbor or tenant to call somebody to resolve that issue. Mayor Tuck requested that, when the stakeholder group reconvenes, staff help them to understand what the Council's and the City's abilities and restraints are concerning the response.

EVENTS

Ms. Jackura shared that the definition of "event" that is in the zoning ordinance is: "Any announced gathering of people, including but not limited to weddings, reunions, receptions, and birthday parties." She explained that not every announced gathering is captured in the definition. For example, if a renter invites ten friends over for a dinner party, is that considered an event? Or even if they invite two friends over for a dinner party, is that an event?

Ms. Jackura presented three different recommendations for the Council and Planning Commission to consider with the intent that they choose one of the options. The first option prohibits all gatherings and only allows overnight lodgers at the capacity level specified for that rental. The second option allows events only during the day with a limited number of guests and is otherwise restricted to overnight lodgers at the specified capacity level. The third option would allow events at any time of the day with a limited number of attendees. Staff recommends that, for options two and three, there be limitations on the indoor/outdoor nature of events, parking, hours that events would be permitted, and the total number of guests allowed. Should someone want to use an STR for a full wedding, additional conditions may be required.

Ms. Jackura shared that Richmond has chosen to allow only overnight lodgers, while Virginia Beach has chosen overnight lodgers only from 11 p.m. to 7 a.m., and events with up to 50 people at other times. She stated that the staff felt that 50 people may be a little more than we would want to start with.

Ms. Mikel explained that the first line of response relating to events would be the RLP. If no response is received, the next call would be made to HPD (Hampton Police Department) or Codes, whoever would be appropriate for the situation. The City would then follow the normal enforcement process.

Mr. O'Neill recapped the three options provided and asked for any thoughts or discussion.

Ms. Brooks expressed concern over enforcement, as her first instinct would be to call the police and not search out an RLP.

Ms. Garrison commented that she would not rent an STR for a wedding with 50 people.

Councilwoman Mugler prefers option one.

Dr. Coleman prefers option two, only with a lower number capacity.

Mr. Bond indicated he is leaning towards option three with a capacity limit and that, choosing option one or two, would set the City up for a lot of enforcement actions.

Councilman Bowman prefers option three but with a time constraint of 10:00 p.m. to 7:00 a.m.

Councilwoman Harper prefers option three.

Vice Mayor Gray prefers option three but with a time constraint.

Chair Kellum prefers option three. She asked, however, if the City is requesting that those who operate an STR put this information in their contracts with their renters. Mr. O'Neill shared that one of the things that will be presented later is that the City plans to require that the rules and conditions are posted on the premises. He also clarified for Chair Kellum that, one of the reasons for having a local RLP, is because they are the ones who should be complying with trash and other details regularly.

Mayor Tuck referenced a report he received from a gentleman on Beach Road

regarding the one-night rental of an Airbnb for a party that resulted in a shooting. He feels that there should be limits on the number of people allowed and also hours that are compatible with the City's normal noise hours.

Ms. Bunting shared that Airbnb now prohibits parties and considers them a violation of their contract. She suggested, as mentioned by Dr. Coleman and Mr. Bond, option three with a capacity limit.

Mr. O'Neill indicated that, since the consensus appears to be for option three with some limitations, staff will work on those based on today's feedback.

CAPACITY

Ms. Jackura shared that staff used the Building Code Classification for a lodging house as a basis for determining capacity limits. The recommendation is no more than five bedrooms and 10 people. However, if the house only has three bedrooms that is what it would be limited to. This means that, if they were to add an addition or convert something in the house to a bedroom to allow more occupancy, the City would need to evaluate it to make sure it is a legal bedroom and all appropriate permits are obtained. Staff is seeking guidance on whether or not a larger house, for example, one with six bedrooms, would be permitted if site-appropriate and all other building code improvements are met. Staff does not recommend limiting the number of rentals in a week to allow a reasonable business model while still protecting the neighborhood.

Ms. Jackura shared that Virginia Beach limits capacity to three people per bedroom and limits frequency to two rental contracts in seven days. Newport News limits two people per bedroom, with a maximum of six people. Norfolk limits capacity to two people per bedroom with a maximum of 10 people and five bedrooms. Richmond limits capacity to two adults per bedroom with a maximum of five bedrooms. She stated that the staff does not think it reasonable and does not recommend a condition about the number of people per bedroom.

Ms. Mikel explained that complaints about capacity could be a challenge since the City does not have the authority to enter the property without explicit permission from either the owner or overnight lodger.

The consensus is to proceed as presented with limiting the capacity but there were some questions and concerns.

Ms. Jackura addressed Dr. Coleman's question about how properties with a guest house would be handled. She explained that this would not be an issue in a typical

single-family neighborhood, however, if it did come about, staff would seek guidance on how to handle the situation. She did note that if there are two completely separate structures, the building code would apply per structure. She indicated that there is also the option to apply the capacity limits to the entire property. Dr. Coleman stated that she understands that this may be the exception, but does not feel like property owners should be penalized for having extra space they cannot use.

Mr. O'Neill confirmed for Councilwoman Mugler that applications will be reviewed on a case-by-case basis and the parcel or site would be evaluated based on defined conditions.

Vice Mayor Gray stated that he does not think STRs should be restricted by bedroom. For example, his understanding is that a three-bedroom house would be permitted to accommodate six people, however, if the home has a sleeper sofa it could accommodate eight people.

Mr. O'Neill explained that, for processing purposes, the current batch of STR applications will have to have conditions that will be applied before all of the issues being raised can be vetted with the stakeholder group. This meeting was intended to come up with this set of conditions. Staff and the stakeholder group will continue to refine them and if any recommendations are different, Council will always have the opportunity to change things. It was noted that, for the initial batch of applications, if the final conditions are more liberal than what they were approved for, the applicant would qualify for the looser conditions. However, if the final conditions are more restrictive, the City would have to honor the original conditions.

Mr. Michael Hayes, Planning & Zoning Administration Manager, shared that five of the 16 applications received will be on the April Planning Commission agenda and are expected to be presented to Council at the second meeting in May. The remainder, along with any new applications that come in, will be addressed over the next few months.

Chair Kellum expressed concern that the City may be over-regulating to the point it becomes unreasonable. She also questioned whether the rental contract should state that if there is a violation that causes damage, the renter is responsible for the cost of repair; or, if there is a code violation, a penalty will be assessed to the renter. Mr. Hayes explained that the intent is to regulate in a way that protects our neighborhoods. He stated that it is not the upkeep and quality of the interior of the home that is the issue, but rather how this use fits with our neighborhoods. He stated that, when compared to long-term rentals of residential units, it is more restrictive in terms of how many people can stay than what is being proposed.

Mr. O'Neill explained that there are rental inspection districts where the City does inspections of rentals. He stated that the staff is trying to do what Council asked them to, which is to find a middle ground that balances all interests. He noted that, as a legislative body, Council has the authority to regulate a new use that is being permitted in a district, and this is a new use. The process is no different than any other new use.

Mr. Bond explained that, in trying to protect the character of a neighborhood, occupancy limits are reasonable. There are parking issues and other things that will eventually be discussed and all of the conditions must work together.

Vice Mayor Gray shared that, Mr. O'Neill started by laying out what is to be accomplished to allow STRs to thrive in the City. His understanding was that the steering committee was formed to work through all the questions and address the issues that have come up in today's discussion. He stated that he wished the steering group had had more time to work out these issues, before making the recommendations being presented today.

Mr. O'Neill explained that the General Assembly's actions have forced Council and the Planning Commission into putting something in place as soon as possible to begin processing the pending applications.

Ms. Brown shared that, discussions with the stakeholder group included the list of conditions that are included in today's meeting. The occupancy limits were defined as a maximum of five bedrooms and 10 occupants based on the limits of the lodging house classification contained in the building code.

Mr. O'Neill shared that, stakeholder group member Joyce Blair, owns and operates a bed and breakfast. She wanted to make sure there was no inherent advantage or disadvantage between a short-term rental and a bed and breakfast, so many of the restrictions are similar.

Councilwoman Mugler commented that the Planning Commission and Council have a responsibility for looking out for the citizens, neighborhoods, and communities. She asked for an explanation of "enforced by host compliance."

Ms. Jackura explained that other localities have already adopted the process which uses an AI-type (artificial intelligence) software that compiles all of the various listings and time stamps them. It allows tracking of what is being advertised and the ability to determine if the listing is in violation. If adopted, it would be another tool that the City can use to help manage STRs.

PARKING

Ms. Jackura shared staff's recommendations on parking which include: any onsite parking would have to be on an improved surface at the same ratio as a bed and breakfast, which is one parking space for every two bedrooms; and garages be counted if the applicant is willing to let a renter use it. There is an exception that would allow parking on the grass if there is no on-street parking, however, she stated that, if the owner is proposing to operate this type of business, they should be able to provide an improved surface for required parking. The operation of an STR would not be permitted if on-site parking is not sufficient. She shared that, in regards to trying to rent rooms individually or having a secondary dwelling unit, the recommendation is to allow only one booking at a time. This would prohibit individual room rentals and different bookings per structure at the same time. Staff also does not recommend directly addressing the number of vehicles. Enforcing such a provision would be difficult because of the inability to determine which vehicles parked on the street belong to the rental. Parking requirements along with capacity requirements will help to address concerns as much as possible.

Ms. Jackura provided a comparison of parking requirements from other localities. Virginia Beach requires one space per bedroom. Norfolk varies based on the district rather than the use, requiring one space per one or two bedrooms, except in the Coastal area where they require 1.2 spaces per bedroom. In addition, Newport News and Richmond limit the rentals to one booking at a time.

Ms. Mikel shared that, it would be difficult to determine which vehicles parked on the street belong to the rental unit, however, on-street parking enforcement would follow the normal HPD process. If the City opts to require a specific number of off-street parking spaces, it can be easily enforced by driving by to see if the property has the minimum required spaces.

Mr. O'Neill summarized the recommended parking conditions. In response to Councilman Bowman, Mr. O'Neill stated that a variety of acceptable materials have been identified and defined, for use in constructing improved surfaces. When using materials such as oyster shells or crush-and-run, they must be contained by a border.

Mr. O'Neill confirmed that there was consensus in requiring parking only on an improved surface.

In response to Vice Mayor Gray, Ms. Jackura stated that, in a residential neighborhood, single-family homes on a standard lot are required to have two

off-street parking spaces, not contingent on the number of bedrooms. Sub-standard lots that do not meet the general base district size or width requirements, only require one parking space for residential use. The staff has also recommended that on-street parking cannot be used in place of any of the required parking spaces.

In response to Councilwoman Mugler, Mr. Hayes explained that the parking space condition is the required minimum, but more spaces are allowed. If all off-street parking spaces are being used, then on-street parking would be an option.

In response to Dr. Coleman, Mr. O'Neill stated that the staff is not assuming that everyone will be driving to Hampton. He explained that the numbers came from an analysis of national and statewide parking statistics as well as what other jurisdictions are doing.

Mr. Hayes stated that some good questions have been asked today, particularly about this item. Using the bed and breakfast parking requirement is a good starting place and very defensible. He noted that, if on-street parking is accommodated and there are complaints once the use permit is granted, the City would not be able to change it to something more restrictive.

Ms. Bunting agreed that STRs should not be treated differently than a bed and breakfast but that requirement may be too restrictive and need to be tweaked.

Vice Mayor Gray stated that, in the current situation with pending applications, it appears the best solution is to start with more restrictive conditions and relax them later if necessary.

Mr. O'Neill confirmed that the consensus is to start with the conditions as presented.

At Chair Kellum's request, Ms. Jackura explained that limiting to only one booking at a time means multiple, completely separate bookings would not be allowed on the same day.

Mayor Tuck commented that some things have not been worked out, and asked if these items had been presented to the stakeholder group. Mr. O'Neill stated that some topics were discussed in great detail, and others were only discussed at the surface level due to time constraints and the pending applications.

Mayor Tuck indicated that there was not enough time to finish the day's presentation and requested that the stakeholder group be reassembled to work on the unresolved and/or controversial items. The stakeholder group would then present their recommendations to the Planning Commission in April, and then to Council at the

second Council meeting in May, with the understanding that once it has gone through the Planning Commission, Council may defer as needed.

ADJOURNMENT

The meeting adjourned at 5:38 p.m.

Donnie R. Tuck
Mayor

Katherine K. Glass, CMC
Clerk of Council

Date approved by Council _____