Legislation Details (With Text)

File #:	22-0323	**Version:** 1	**Name:**	Short-term rental Ch 3 ZOA22-00010	
Type:	Zoning Ordinance - Text		**Status:**	Passed	
File created:	11/7/2022		**In control:**	City Council Legislative Session	
On agenda:	12/14/2022		**Final action:**	12/14/2022	

Title: Ordinance to Amend and Re-Enact the Zoning Ordinance of the City of Hampton, Virginia by Amending Sections 3-2 Entitled, "Table of Uses Permitted" and Section 3-3 Entitled, "Additional Standards On Uses," to add "Short-Term Rental" as Permitted with a Use Permit Within the One And Two Family Residential (R-LL, R-43, R-R, R-33, R-22, R-15, R-13, R-11, R-9, R-8, And R-4), the Multifamily (MD-1, MD-2, MD-3, MD-4, And R-M), the Commercial (C-1 And C-2), the Langley Flight Approach Limited Residential (LFA-5), the Residential Transition (RT-1), the Buckroe Bayfront (BB-1, BB-2, And BB-3), the Downtown (DT-1, DT-2, And DT-3), the Phoebus (PH-1, PH-2, And PH-3), and the Fort Monroe (FM-1, FM-2, And FM-3) Zoning Districts with Additional Standards

Sponsors:

Indexes:

Code sections:

Attachments: 1. Clean_Standard Table of Uses Permitted, 2. Clean_Special Table of Uses Permitted, 3. Redline_Standard Table of Uses Permitted, 4. Redline_Special Table of Uses Permitted, 5. Redline Ordinance Language, 6. Staff report, 7. Presentation

Date	Ver.	Action By	Action	Result
12/14/2022	1	City Council Legislative Session	approved	Pass

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Background Statement:
This amendment, if approved, would update the permitted uses included within the "Table of Uses Permitted" to add the "short-term rental" use within 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, MD-4, R-M, C-1, C-2, LFA-5, 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 zoning districts with an additional standard and the approval of a Use Permit. The one additional standard provides for a 2-year grace period for those short term rental locations currently operating legally. Illegally operating short-term rentals and new ones proposed after this ordinance goes into effect, if adopted, would require the approval of a Use Permit prior to commencing operations.

The General Assembly is expected to consider legislation in the next session, and staff recommends clarifying how the City regulates short-term rentals before that time. There is a current Zoning Administrator interpretation which addresses the use, which is not clear to the general public or easy to enforce. This amendment would correct that and enable the City to clearly regulate short-term

rentals.

The zoning districts proposed include all districts which currently permit either single-family dwelling or townhouse on fee simple lots. This is proposed in order to capture all possible districts where the existing Zoning Administrator interpretation would have permitted short-term rentals to operate. The accompanying proposed amendment would add the definition of short-term rental to Chapter 2 of the Zoning Ordinance, and would modify the existing definitions of bed and breakfast 1 or 2 to clarify any potential overlap in terms.

During the Planning Commission meeting, 10 members of the public spoke in support of the amendments, with a handful indicating they support the amendment other than the requirement for obtaining a use permit. Those individuals would rather see an administrative process that staff manages. Planning Commissioners spoke about the workload involved with reviewing a large number of use permits and the potential for a future amendment to create an administrative process once appropriate conditions were settled upon.

Recommendations:
Staff Recommendation:
Approve

Planning Commission Recommendation:
Approve

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

BE IT ORDAINED by the City Council of the City of Hampton, Virginia that Sections 3-2 and 3-3 of Chapter 3 of the Zoning Ordinance of the City of Hampton, Virginia be amended to read as follows:

Section 3-2.   Table of uses permitted

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

[See attached use table for changes.]

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

[See attached use table for changes.]

…
Section 3-3. - Additional standards on uses
…
(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, 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-3, PH-1, PH-2, PH-3, FM-1, FM-2, and FM-3 zoning districts are subject to obtaining a use permit by city council and shall comply with the following additional standard:

(a) Short-term rentals for which a business license was issued and zoning compliance was confirmed pursuant to Sec. 18.1-12 of the City Code prior to December 14, 2022 may operate continuously in the same location until December 31, 2024 provided that the short-term rental maintains compliance with all applicable City Code and Zoning Ordinance provisions during that time. After December 31, 2024, the short-term rental must obtain approval of a use permit by

city council in order to continue operation.

…

[The attached Tables, entitled, "Table of Uses Permitted in Standard Zoning Districts" and "Table of Uses Permitted in Special Zoning Districts" is hereby declared to be a part of this ordinance as if fully set forth herein.]