



Legislation Text

File #: 22-0322, **Version:** 1

Ordinance to Amend and Re-Enact the Zoning Ordinance of the City Of Hampton, Virginia by Amending Chapter 2, Section 2-2 Entitled “Definitions” to Add a Definition of “Short-Term Rental” and Amend the Definitions for “Bed and Breakfast 1” and “Bed and Breakfast 2”

Background Statement:

This amendment would add a definition of short-term rental and amend the existing definitions for “bed and breakfast 1” and “bed and breakfast 2”. The General Assembly is expected to consider legislation in the next session, which may truncate localities’ ability to regulate short-term rentals as a land use, especially if a locality does not have regulations adopted prior to the possible State legislation taking affect. Given the circumstance, staff recommends clarifying how the City regulates short-term rentals prior to the State action.

Currently, short-term rentals in the City of Hampton are regulated by a Zoning Administrator interpretation, which treats short-term rentals as an accessory use to single family residential. Any operations that exceeds being accessory to a single-family residence is treated as a bed and breakfast.

The proposed definition change would narrow the definition for bed and breakfast to places providing room and board, while a new definition is proposed for short-term rental. The new definition would supersede the existing Zoning Administrator interpretation.

The proposed definition of short-term rental aligns in large part with the State code, with a minor deviation to utilize term “transient”, which is defined and used elsewhere in the City of Hampton’s Zoning Ordinance, and to clarify what operations do not qualify as a short-term rental. The definition would make clear that it is not to include hotel, another defined term in the ordinance, or bed and breakfasts. Short-term rentals which were only a portion of the home while the owner was also staying there, frequently referred to as “homestays”, and also whole home rentals, frequently referred to as “vacation homes”, would all be equally categorized as a short-term rental in this proposed definition. The accompanying proposed amendment would add the newly defined term to the “Table of Uses Permitted” for a set of districts with an approved Use Permit.

Staff met with a group of stakeholders on this topic over the course of a month and a half. A summary of the talking points and conclusions is included in this package.

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 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 Council of the City of Hampton, Virginia that Chapter 2 of the Zoning Ordinance of the City of Hampton, Virginia, be amended and re-enacted as follows:

Chapter 2- DEFINITIONS

.....
Sec. 2-2. - 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.
...

Short-term rental. The provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes to transient residents in exchange for a charge for the occupancy. This term does not include hotel, bed and breakfast 1, or bed and breakfast 2, as defined within this ordinance.
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