



## Legislation Text

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**File #:** 24-0173, **Version:** 2

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Ordinance to Amend and Re-Enact the Zoning Ordinance of The City of Hampton, Virginia by Amending Chapter 1, Article 1 Entitled "Administration and Enforcement of Ordinance" to Add a New Section Regarding Zoning Administrator Permits and Associated Fees

### **Background Statement:**

The amendment proposes to create a new section within Chapter 1 of the Zoning Ordinance which will establish the administration and application of zoning administrator permits.

Currently, the zoning ordinance requires certain uses, such as food truck hosts sites, and commercial day cares 1, to obtain a zoning administrator permit. The additional standards on those individual uses detail conditions to be met to obtain a zoning administrator permit, but there is not one central section of the ordinance governing zoning administrator permits. This proposed amendment would establish that section which will indicate the process for application, documentation, enforcement, and fees associated with the permit. The proposed fee is a \$200 application fee for all zoning administrator permits, and a \$50 inspection fee when such permit requires an inspection.

This item is being brought forward in conjunction with Zoning Ordinance Amendments No. 24-0174, 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.

### **Recommendations:**

Staff Recommendation:

Approve with an effective date of July 1, 2024

Planning Commission Recommendation:  
Approve with an effective date of July 1, 2024

**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 1, Article 1 of the Zoning Ordinance of the City of Hampton, Virginia, be amended and re-enacted as follows:

## **Chapter 1- GENERAL PROVISIONS**

### **ARTICLE I. - ADMINISTRATION AND ENFORCEMENT OF ORDINANCE**

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#### **Sec. 1-10.1. - Process for zoning administrator permits.**

(1) Any use which indicates a zoning administrator permit is required to be obtained per Chapter 3 of this ordinance shall be required to submit an application for such zoning administrator permit to be accompanied by the same documentation as is required for a zoning permit, and any additional documentation which the Zoning Administrator, in their discretion, determines to be necessary to evaluate the proposed use for conformance with the zoning ordinance.

(2) A nonrefundable fee of two hundred dollars (\$200.00) shall be submitted upon approval of an application but prior to scheduling an initial inspection, as required in Section 1-10.1(3).

(3) All zoning administrator permits shall require an initial inspection prior to issuance of the zoning administrator permit. Where a zoning administrator permit requires an inspection or re-inspection, the applicant or permittee shall first pay fifty dollars (\$50.00) as a nonrefundable inspection fee.

(4) Except as otherwise set forth in Chapter 12, no zoning administrator permit shall be issued for any use that fails to comply with the requirements of the zoning ordinance.

(5) Once issued, the zoning administrator permit and all accompanying plans and conditions shall be binding and shall govern the applicable activity, use, or development upon the subject property. The Zoning Administrator, or their authorized designee, shall have the authority to enforce compliance with the approved zoning administrator permit pursuant to Section 1-6 of the Zoning Ordinance.

(6) The Zoning Administrator, or their designee, shall have the ability to revoke the zoning administrator permit upon violation of any of the conditions contained within the approved zoning administrator permit.

(7) A permittee aggrieved by the decision of the Zoning Administrator may appeal the decision of the Zoning Administrator to the Board of Zoning Appeals in the manner set forth in Chapter 13 of the Zoning Ordinance.

(8) No zoning administrator permit shall be issued for a period of six (6) months from the date of revocation for a property where a zoning administrator permit of the same use was previously revoked.

(9) Nothing in this section shall supersede the requirements for a zoning administrator permit contained within Section 3-3 of this ordinance.

(10) This section shall have an effective date of September 1, 2024.

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