



Legislation Text

File #: 24-0277, **Version:** 1

Ordinance to Amend and Re-Enact the Zoning Ordinance of the City of Hampton, Virginia by Amending Chapter 3, Section 3-2 Entitled "Table of Uses Permitted" and Section 3-3 Entitled "Additional Standards on Uses" to Add the Use "Homestay Rental" as Permitted with Approval of a Zoning Administrator Permit if Additional Standards are Met 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 Neighborhood Commercial (C-1), the Limited Commercial (C-2), the Langley Flight Approach Limited Residential (LFA-5), the Residential Transition (RT-1), the Buckroe Bayfront Single Family Residential (BB-1), the Buckroe Bayfront Mixed Residential (BB-2), the Buckroe Bayfront Optional Mixed Use (BB-3), the Downtown (DT-1, DT-2, and DT-3), the Phoebus (PH-1, PH-2, and PH-3), and the Fort Monroe Inner Fort (FM-1), the Fort Monroe Historic Village (FM-2), and the Fort Monroe North Gate (FM-3) Zoning Districts

Background Statement:

During the recent process to establish regulations related to short-term rentals, City Council identified a need to address homestay rentals separately from short-term rentals. This amendment, in conjunction with Zoning Ordinance Amendment No. 24-0276, creates a new definition of "homestay rental" and establishes where and how the use may be permitted.

The proposed definition of "homestay rental" requires that the resident of a single-family dwelling unit live at the home, and allow only one bedroom to be used for transient lodging. The definition provides clarification that a single-family dwelling unit is intended to include detached single-family homes, as well as duplexes which are on separate fee-simple lots, and townhouses where each dwelling unit is on a separate fee-simple lot.

Homestay rentals are proposed to be permitted in the zoning districts which otherwise permit single-family dwellings, duplexes, and townhouses on fee-simple lots. In those zoning districts, approval of a zoning administrator permit with additional conditions is required to operate a homestay rental.

The proposed conditions on the use are similar to those developed for a short-term rental. They include standards such as requirement of a floor plan showing the rentable bedroom and an escape route in case of emergency, the maximum capacity permitted, parking required on an improved surface, prohibition of events and exterior signage, operating in compliance with all laws and these conditions, and maintaining a ledger for who stays and when.

Additionally, the operator must use the property as their primary residence, must reside at the property during all stays, and must be present on-site at all times when an overnight homestay rental is occurring.

Staff believes these proposed conditions will ensure that the use operates under close supervision by the operator who will have a clear interest in maintaining order and preventing issues from arising. For this reason, this limited type of resident-occupied lodging is proposed as distinct from the short-

term rental use.

Recommendations:

Staff Recommendation:

Approve with an effective date of September 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 3 of the Zoning Ordinance of the City of Hampton, Virginia, be amended and re-enacted as follows:

Chapter 3 - USES PERMITTED

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Sec. 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.]

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Sec. 3-3. - Additional standards on uses.

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(56) Homestay 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 zoning administrator permit and shall comply with the following additional standards at the time of application and throughout operation:

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

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

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

(d) A floor plan of all levels of the dwelling to be used for the homestay rental shall be

posted in a conspicuous location within the bedroom used as part of the homestay rental and be visible at all times to overnight lodgers. The floor plan shall be reviewed for approval prior to operation, and shall depict the exit plan, location of the rentable bedroom, maximum overnight capacity, fire extinguishers, smoke detectors, carbon monoxide detectors, and any other life safety or operational details as may reasonably be required by the Zoning Administrator. Any alteration or renovation that modifies the floor plan shall comply with all provisions of this Sec. 3-3(56) and shall be subject to review and approval by the Zoning Administrator and the Building Official or their designees;

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

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

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

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

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

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

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

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

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

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

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

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

(m) The homestay rental shall maintain compliance with all applicable federal, state, and local laws, including but not limited to, the provisions of the zoning ordinance and City Code relating to noise, setbacks, and building code requirements;

(n) The homestay rental shall obtain and maintain all applicable licenses prior to operating the homestay rental use, including but not limited to, obtaining a business license with the Commissioner of Revenue;

(o) The operator of the homestay rental shall keep records of all rentals showing the date (s) rented, the name of the primary person(s) who booked the reservation, the number of overnight lodgers featured in the reservation, and all listings associated with the homestay rental. This list shall be available to the Zoning Administrator or their designee upon request within one (1) day;

(p) Prior to operation of a homestay rental, the operator shall schedule an inspection and provide the City consent to inspect the dwelling to ascertain compliance with all applicable standards and codes;

(q) The homestay rental shall not be advertised to operate in a manner that contradicts the standards and conditions of the zoning ordinance; and

(r) The homestay rental operator shall comply with all reasonable requests by the City for information to verify compliance with the conditions of this Sec. 3-3(56).

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