

# Minutes

City Planning Commission Work Session  
City Council Chambers, 2400 Washington Ave  
Wednesday, April 6, 2022, 2:00 PM

City of  
**NEWPORT NEWS**  
Virginia



## **MEMBERS PRESENT:**

Sharyn Fox, Chairperson; LaMonte Williams, Vice-Chairperson; Randie T. Dyess, Jr.; Timothy Grabowski; Phillip Jones; Willard G. Maxwell, Jr.; and Michael Taylor

## **MEMBERS ABSENT:**

Philip Shook and Katie Stodghill

## **OTHERS PRESENT:**

Flora D. Chioros, Assistant Director – Current Planning; Katie Chamberlain, Planning Coordinator; Saul Gleiser, Senior Planner; Carolyn Poissant, Senior Planner; Kenar Johnson, Planner I; Sharon Baum, Landscape Planner; Lynn Spratley, Senior Deputy City Attorney; and Nyoka Hall, Zoning Administrator  
**Guest:** Kia Potts, LifeNet Health

### **A. Call to Order**

Ms. Fox called the work session to order at 2:00 P.M.

### **B. Short-term Rentals**

Ms. Fox introduced the first item on the agenda: Short-term Rentals. Ms. Chioros gave a brief presentation of the history of proposed regulations for short-term rentals (copy attached to record minutes). She stated the regulations proposed are compromises between various stakeholder groups including the hospitality industry. She stated many surrounding municipalities regulate short-term rentals. Mr. Jones asked if there is a way the city can track short-term rentals. Ms. Chioros stated yes but it takes a lot of effort to see where they are and cite them. Ms. Spratley stated our zoning ordinance is clear that unless a use is permitted, it is not permitted. She stated if we went to court now, she believes there would not be a problem to cite them because they are not permitted at this time. Ms. Spratley stated that, however, there is a change to the state code being considered that will state that if you do not have regulations, short-term rentals will be allowed as a matter of right. Ms. Spratley stated some citizens have been applying for short-term rental licenses at the Commissioner of Revenue's office. Ms. Fox asked how many short-term rentals currently exist in the city. Ms. Hall stated there are a multitude of platforms where they are advertised so she does not have an exact number. Mr. Grabowski asked why a short-term rental has to be the property owner's primary residence. Ms. Chioros stated that this was a compromise with stakeholders and seen as a best practice to limit the number of units used in this manner within residential neighborhoods. She stated that most municipalities reviewed had this type of requirement. Ms. Chioros stated that without limits you could be creating a larger housing crises because you are taking housing off the market. She stated that without limits you would allow investors who may be from out of state to buy homes and turn them essentially into hotels in neighborhoods. Dr. Maxwell stated some investors are doing long-term rentals. Ms. Chioros stated long-term rentals are different in that those who rent long term generally seek to become part of the fabric of the community. The commission discussed various scenarios of short-term rental

use. Ms. Fox asked if any short-term rentals have been reported to Codes Compliance. Ms. Hall stated yes, we get complaints regarding overcrowding, trash, noise, etc. She stated there have been complaints about gatherings and events. Ms. Hall stated with the residency requirement, you have a semblance of responsibility and oversight that you do not typically have if you do not have regulations. Mr. Grabowski stated you can have that with any dwelling. He stated he would like to see the data that shows there is more of a nuisance from short-term rentals than long-term rentals of private residences. Ms. Chioros stated we are trying to find some middle ground between those who do not want short-term rentals to be allowed at all and those who believe they should be allowed without any regulation. She stated we have been reviewing regulations since 2016 and the residency requirement has been a consistent request that the Regulations Committee felt was needed. Ms. Chioros stated many of the municipalities she reviewed have a residency requirement. Mr. Williams asked what is the difference between a short-term rental and a bed and breakfast. Ms. Chioros stated in our code, a bed and breakfast requires a conditional use permit; and is an owner-occupied house containing no more than six (6) sleeping rooms rented for daily periods with board for guests only and primarily for occupancy by tourists, as distinguished from the multiple-family dwellings and boarding houses. She stated a bed and breakfast requires parking on-site for each sleeping room. Mr. Williams asked why the city is not doing that for short-term rentals. Ms. Chioros stated that was discussed but the use is not the same as a bed and breakfast since it requires a conditional use permit. She stated short-term rentals may be someone that is renting out one room in their home, as long as it was their primary residence, short-term rentals would allow them to do so. Mr. Williams asked if there is any tax advantages between a bed and breakfast and a short-term rental. Ms. Chioros stated both require you to pay transient tax or lodging fees. Ms. Spratley stated that, in terms of transient occupancy tax, it is the same. She stated the short-term rental operator has to collect transient occupancy tax from the renter and submit it to the Commissioner of Revenue, as does a bed and breakfast entity. Mr. Jones asked if a short-term rental operator needs to apply for a business license. Ms. Hall stated yes, anything you do in the city where you are collecting money is a business. Mr. Jones asked if other localities require a business license. Ms. Chioros stated yes. Mr. Jones asked how will the short-term rental regulations be shared with potential short-term rental operators. Ms. Chioros stated once regulations are adopted a frequently asked questions document would be created and provided as well as other means of outreach. Ms. Fox asked how different are the regulations now than when they were remanded by City Council. Ms. Chioros stated when it was first brought forward, we did not have the building code or insurance stipulations. She stated trash was not addressed and we were only allowing them in single-family districts. Mr. Taylor stated the definition had to be cleaned up too. Ms. Chioros stated City Council's issue with the regulations were the concerns raised by the hospitality industry because they felt the regulations were not being restrictive enough. Mr. Taylor stated what has been presented today is what the Regulations Committee has approved to bring forward. Ms. Chioros stated the purpose of today's work session is to give the Planning Commission information since most members were not present when these regulations were previously presented. She stated they will still receive a full staff report with the entirety of the ordinances as part of their package. Mr. Williams asked if Planning Commission votes to approve short-term rentals, are we supplying enough information for City Council to make a determination and not remand it again. Ms. Chioros stated we believe we are. Ms. Spratley stated if nothing is done and

the Virginia Code is changed allowing the use, all of the existing short-term rentals may be grandfathered and not subject to any new regulations. Mr. Williams asked if there will be a registry of short-term rentals. Ms. Chioros stated they will have to obtain a certificate of zoning compliance. She asked the Planning Commission to keep in mind that these are proposed regulations that were developed over time. Ms. Fox stated we need to do something and we have hit upon, to the best of our ability, a good compromise.

**C. Adjourn**

There being no further business, the meeting adjourned at 3:08 P.M.



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Recording Secretary



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Executive Secretary

**City of Newport News  
Planning Commission  
Work Session  
April 6, 2022**

**Short-Term  
Rental Regulations**

**Why Regulate the Use**

- » Staff is aware that short-term rental use is occurring within the city.
- » The regulations allow staff the ability to monitor the use and potential nuisances that may occur with these rentals.
- » The regulations also allow the city to collect taxes from the use.

**Short-Term Rentals  
What we Heard**



Majority in favor of the use with regulations.

## Proposed Zoning Regulations

- Add a definition of short-term rental.
- Establish which zoning districts short-term rentals would be allowed.
- Establish criteria on how short-term rentals operate

## Where would Short-term rentals be allowed

Short-term rentals would be allowed  
in all zoning districts that permit dwelling units.

Single-Family and  
Multiple-Family  
Dwelling Units

Multiple-Family  
Developments

## Standards for Short-Term Rentals

- No more than 2 lodgers per bedroom with a maximum of 6 per dwelling unit
- Require one additional onsite parking space
- Concurrent rentals not allowed
- Use of short-term rental would not be allowed for gatherings or meetings

## Standards for Short-Term Rentals

- Fire and safety equipment and exit plan required
- Dwelling must meet all applicable Virginia and city building, health, solid waste and noise codes
- Must have a business license and pay transient occupancy taxes to the city
- Must maintain a guest log

### **Short-Term Rental Certificate of Zoning Compliance**

- Proof of Ownership
- Current on property taxes and all other fees or charges owed to the city in connection with the property
- Proof of liability insurance
- Floor plan
- Obtain an annual certificate of zoning compliance



### **What are other Municipalities doing**

- The use is allowed in many of the surrounding jurisdictions.
- The use is allowed either by right or through a conditional/special use permit process.
- Other Virginia municipalities are in the process of reviewing or changing their regulations for the use.



### **Questions?**

