



City of Hampton, Virginia

Ordinance - Zoning Text

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

File Number: 10-0252

Enactment Number: Z10-03

Ordinance to amend and re-enact chapter 25 of the Zoning Ordinance of the City of Hampton, Virginia entitled "Administration and Enforcement of Ordinance" and set fees for the issuance of zoning certification letters in the amount of \$25.00 for residential parcels and \$75.00 for all other parcels of land as authorized by Va. Code § 15.2-2286.A.6.

BE IT ORDAINED by the Council of the City of Hampton, Virginia that Chapter 25 of the Zoning Ordinance of the City of Hampton, Virginia, be amended and re-enacted as follows:

ADMINISTRATION AND ENFORCEMENT OF ORDINANCE

Sec. 25-1. Duties of Zoning Administrator

- (a) This ordinance shall be enforced by the zoning administrator, who shall have all necessary authority on behalf of the city council to administer and enforce the same, including the authority to make findings of fact, in connection with the administration, application and enforcement of the ordinance in specific cases, and in specific cases, with the concurrence of the city attorney conclusions of law regarding determinations of rights accruing under Chapter 21, Nonconforming Uses and Structures, herein and §15.2-2311(C) of the Code of Virginia, and further including the ordering in writing or remedying of any condition found in violation of any authority, and the bringing of legal action to insure compliance, including injunction, abatement, or other appropriate action or proceeding subject to appeal. Unless

agreed to by the requesting party, any decision or determination of zoning matters shall be made within ninety (90) days of such request.

- (b) The zoning administrator shall be responsible for determining whether applications for building permits as required by the building code are in accord with the requirements of the zoning ordinance, and no building permit shall be issued without verification that plans conform to the applicable zoning regulations.
- (c) The zoning administrator shall verify that the plans, specifications and intended use of a lot/parcel of land conform to the applicable zoning regulations before a permit for a land disturbing activity or construction is issued.
- (d) No person shall use or permit the use of any structure or premises or part thereof hereafter created, erected, changed, converted, enlarged, or moved, wholly or partly, in use or structure, until the zoning administrator has certified in writing that the use of the structure and /or premises and the placement, dimensions and physical attributes of the structure conform to all applicable zoning regulations.
- (e) Upon written request and the payment of a fee of twenty-five dollars (\$25.00) per residential parcel, the zoning administrator shall issue a zoning certification letter indicating the zoning designation of a particular residential parcel or parcels of land as shown on the official zoning map. All other zoning certification letters shall require a fee of seventy-five dollars (\$75.00) per parcel of land.

Sec. 25-2 Review Process for Building and Land Disturbing Permits

Prior to the issuance of a building or land disturbing permit, an application therefore shall be submitted to the zoning administrator for review in accordance with the provisions of section 25-1 (b) and (c). All such applications shall include

a site development plan consisting of the following: (a) a current physical property survey of the intended development site that is produced and sealed by a professional land surveyor licensed by the Commonwealth of Virginia; and

(b) a scaled two-dimensional plan view drawing which complies with the city's filing requirements, in duplicate of the intended development site that accurately depicts: (i) the lot/parcel boundaries; (ii) the location, shape and dimensions of all proposed property improvements in relation to all existing on-site property improvements; (iii) all adjacent and on-site easements, right-of-way, waterbodies/waterways and resource protection area features;(iv) the existing and intended use of each building or part of a building; (v) the number of families the building is designed to accommodate;(vi) the location and the number of off-street parking and off-street loading spaces; and(vii) such other information with regard to the lot/parcel and buildings/structures as may be necessary to determine and provide for the enforcement of the provisions of this ordinance.

Sec. 25-2.1 Submission of a current physical property survey may be waived by the zoning administrator.

Sec. 25-2.2 A preliminary site plan that is prepared and submitted to the city in accordance with chapter 9, article IV of the Hampton City Code or a land disturbing plan prepared and submitted to the city in accordance with chapter 13.1 of the Hampton City Code may be accepted by the zoning administrator in lieu of compliance with section 25-2 (a) and (b).

Sec. 25-2.3 One (1) copy of the approved site development plan shall be returned to the applicant upon issuance of the building and /or land disturbing permit.

Sec. 25-3 Review Process for Zoning Permit Applications

Any structure or development exempted from obtaining building permits shall be required to obtain a zoning permit. All applications for such zoning

permits shall be accompanied by usable plat plans in duplicate, showing the actual shape and location on the lot of the building or buildings and accessory buildings existing, or to be erected or altered; the existing and intended use of each building or part of a building; such other information with regard to the lot as may be necessary to determine and provide for the enforcement of the provisions of this ordinance; and a nonrefundable application fee of fifteen dollars (\$15.00). One (1) copy of such plat plan shall be returned to the applicant upon issuance of the zoning permit .

No zoning permit shall be issued until any delinquent real estate taxes owed to the City of Hampton on the subject property have been paid, with the exception of applications sponsored by the City of Hampton.

Sec. 25-4 Misdemeanor, Penalty.

The owner or general agent of a building or premises where a violation of any provision of this ordinance has been committed or shall exist, the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist; the owner, general agent, lessee or tenant of any part of the building in which such violation has been committed or shall exist; or the general agent, architect, builder, contractor, or any other person who commits, takes part, or assists in any such violation, or who maintains any building or premises in which such violation shall exist, shall upon conviction thereof, be guilty of a misdemeanor, punishable by a fine of not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00). If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in compliance with the zoning ordinance, within a time period established by the court. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not less than \$10 nor more than \$1,000 and any such failure during any succeeding ten-day period shall constitute a separate misdemeanor offense for each ten-day period punishable by a fine of not less

than one hundred dollars (\$100.00) nor more than one thousand five hundred dollars (\$1,500.00). However, any conviction resulting from a violation of provisions regulating the number of unrelated persons in one-family residential dwellings shall be punishable by a fine of up to \$2,000. Failure to abate the violation within the specified time period shall be punishable by a fine of up to \$5,000, and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of up to \$7,500. However, no such fine shall accrue against an owner or managing agent of a one-family residential dwelling unit during the pendency of any legal action commenced by such owner or managing agent of such dwelling unit against a tenant to eliminate an overcrowding condition in accordance with chapter 13 or chapter 13.2 of title 55 of the Code of Virginia, as applicable. A conviction resulting from a violation of provisions regulating the number of unrelated persons in a one-family residential dwelling shall not be punishable by a jail term.

Sec. 25-5 Inspection Warrants, Other Actions to Prevent Violations.

The zoning administrator or his agent may present sworn testimony to a magistrate or court of competent jurisdiction and if such sworn testimony establishes probable cause that a zoning ordinance violation has occurred, request that the magistrate or court grant the zoning administrator or his agent an inspection warrant to enable the zoning administrator or his agent to enter the subject dwelling for the purpose of determining whether violations of the zoning ordinance exist. The zoning administrator or his agent shall make a reasonable effort to obtain consent from the owner or tenant of the subject dwelling prior to seeking the issuance of an inspection warrant.

The zoning administrator or any other official of the City of Hampton may institute in the name of the city any appropriate action or proceeding to prevent the unlawful erection, construction, reconstruction, alteration, repair, or conversion of use of any building or structure; or the unlawful use of land, to restrain, correct, or abate such violation, to prevent the occupancy of said

building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises.

Sec. 25- 6 Notification of Violations or Orders.

Any written notice of a zoning violation or a written order of the zoning administrator shall include (i) a statement informing the recipient that he may appeal the notice of a zoning violation or written order within thirty (30) days to the board of zoning appeals, (ii) the applicable appeal fee, (iii) and a reference to where additional information may be obtained regarding the filing of an appeal. Such written notice or order shall be final and unappealable if an appeal is not filed within thirty (30) days of the date of such written notice or order.

Sec. 25-7 Severability of Ordinance.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Adopted at the regular meeting of the City Council of the City of Hampton, Virginia held on June 9, 2010.

Signed by _____ **Date** _____
Molly Joseph Ward, Mayor

Attested by _____ **Date** _____
Katherine K. Glass, CMC
Clerk of the Council