



# City of Hampton, Virginia

## Ordinance - Zoning Text

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

File Number: 15-0254

Enactment Number: -

**Ordinance To Amend And Re-Enact Article 2 Of Chapter 5 Entitled "MD-1 District – Townhouse Multifamily," Article 3 Of Chapter 5 Entitled "MD-2 District – Multifamily Residential," Article 4 Of Chapter 5 Entitled "MD-3 – Multifamily Residential," Article 2 Of Chapter 6 Entitled "C-2 District – Limited Commercial," Article 1 Of Chapter 8 Entitled "Langley Flight Approach Districts," Article 3 Of Chapter 8 Entitled "Buckroe Bayfront Districts," Article 2 Of Chapter 9 Entitled "O-CBP – Chesapeake Bay Preservation Overlay," Article 4 Of Chapter 9 Entitled "O-FZ – Flood Zone Overlay," Article 1 Of Chapter 14 Entitled "Use Permits," And Article 2 Of Chapter 14 Entitled "Rezoning, Conditional Zoning, And Zoning Ordinance Amendments" Of The Zoning Ordinance Of The City Of Hampton, Virginia Pertaining To The Correction Of Erroneous Citations Resulting From The Recodification Of The Zoning Ordinance Approved On March 25, 2015 And Enacted On June 1, 2015.**

**Ordinance To Amend And Re-Enact Article 2 Of Chapter 5 Entitled "MD-1 District – Townhouse Multifamily," Article 3 Of Chapter 5 Entitled "MD-2 District – Multifamily Residential," Article 4 Of Chapter 5 Entitled "MD-3 – Multifamily Residential," Article 2 Of Chapter 6 Entitled "C-2 District – Limited Commercial," Article 1 Of Chapter 8 Entitled "Langley Flight Approach Districts," Article 3 Of Chapter 8 Entitled "Buckroe Bayfront Districts," Article 2 Of Chapter 9 Entitled "O-CBP – Chesapeake Bay Preservation Overlay," Article 4 Of Chapter 9 Entitled "O-FZ – Flood Zone Overlay," Article 1 Of Chapter 14 Entitled "Use Permits," And Article 2 Of Chapter 14 Entitled "Rezoning, Conditional Zoning, And Zoning Ordinance Amendments" Of The Zoning Ordinance Of The City Of Hampton, Virginia Pertaining To The Correction Of Erroneous Citations Resulting From The Recodification Of The Zoning Ordinance Approved On March 25, 2015 And Enacted On June 1, 2015.**

**Whereas**, the public necessity, convenience, general welfare and good zoning practice so require;

**BE IT ORDAINED** by the City Council of the City of Hampton, Virginia, that Articles 2, 3, and 4 of Chapter 5; Article 2 of Chapter 6; Articles 1 and 3 of Chapter 8; Articles 2 and 4 of Chapter 9; and Articles 1 and 2 of Chapter 14 of the Zoning Ordinance of the City of Hampton, Virginia be amended to read as follows:

### **CHAPTER 1 – GENERAL PROVISIONS**

...

## **CHAPTER 5 – MULTIFAMILY RESIDENTIAL DISTRICTS**

...

### **ARTICLE 2 – MD-1 DISTRICT – TOWNHOUSE MULTIFAMILY RESIDENTIAL**

#### **Sec. 5-11. Uses permitted.**

...

#### **Sec. 5-17. Building setback regulations.**

(1) Residential uses.

(a) Setbacks from project property lines.

...

- (ii) Side yard. All structures shall be set back from the side project property lines, with one (1) side yard equal to ten (10) percent, and the other equal to fifteen (15) percent, of the lot width as measured at the front setback line. Except for the provisions of subsection 5-13(1) above, the total of the two (2) side yards shall not be required to exceed forty (40) feet. Parking within this side yard shall be prohibited.

...

(b) Setbacks from fee-simple lot lines.

- (i) Front yard. All dwelling units shall be set back at least eight (8) feet from the front fee-simple lot line; however, if the front fee-simple lot line is the same as any project property line, the setbacks in subsection 5-17(1)(a) shall apply, in addition to the eight (8) feet required herein.
- (ii) Side yard. No side yard shall be required unless the side fee-simple lot line is the same as any project property line; in which case the setbacks in subsection 5-17(1)(a) shall apply.
- (iii) Rear yard. All dwelling units shall be set back at least twenty (20) feet from the rear fee-simple lot line; however, if the rear fee-simple lot line is the same as any project property line, the setbacks in subsection 5-17(1)(a) shall apply, in addition to the twenty (20) feet required herein.

...

#### **Sec. 5-18. Lot coverage and green area.**

- ...
- (4) A bonus of one (1) dwelling unit per acre will be granted under the provisions of subsection 5-18(3) above for each of the following facilities:
- ...

## **ARTICLE 3 – MD-2 DISTRICT – MULTIFAMILY RESIDENTIAL**

### **Sec. 5-21. Uses permitted.**

...

### **Sec. 5-27. Building setback regulations.**

- (1) Residential uses.
- (a) Setbacks from project property lines.
- ...
- (ii) Side yard. All structures shall be set back from the side project property lines, with one (1) side yard equal to ten (10) percent, and the other equal to fifteen (15) percent, of the lot width as measured at the front setback line. Except for the provisions of subsection 5-22(1) above, the total of the two (2) side yards shall not be required to exceed forty (40) feet. Parking within this side yard shall be prohibited.
- ...
- (b) Setbacks from fee-simple lot lines.
- (i) Front yard. All dwelling units shall be set back at least eight (8) feet from the front fee-simple lot line; however, if the front fee-simple lot line is the same as any project property line, the setbacks in subsection 5-27(1)(a) shall apply, in addition to the eight (8) feet required herein.
- (ii) Side yard. No side yard shall be required unless the side fee-simple lot line is the same as any project property line; in which case the setbacks in subsection 5-27(1)(a) shall apply.
- (iii) Rear yard. All dwelling units shall be set back at least twenty (20) feet from the rear fee-simple lot line; however, if the rear fee-simple lot line is the same as any project property line, the setbacks in subsection 5-27(1)(a) shall apply, in addition to the twenty (20) feet required herein.
- ...

### **Sec. 5-28. Lot coverage and green area.**

...

- (4) A bonus of one (1) dwelling unit per acre will be granted under the provisions of subsection 5-28(3) for each of the following facilities:

...

## **ARTICLE 4 – MD-3 DISTRICT – MULTIFAMILY RESIDENTIAL**

### **Sec. 5-31. Uses permitted.**

...

### **Sec. 5-37. Building setback regulations.**

- (1) Residential uses.
- (a) Setbacks from project property lines.
- ...
- (b) Setbacks from fee-simple lot lines.
- (i) Front yard. All dwelling units shall be set back at least eight (8) feet from the front fee-simple lot line; however, if the front fee-simple lot line is the same as any project property line, the setbacks in subsection 5-37(1)(a) shall apply, in addition to the eight (8) feet required herein.
- (ii) Side yard. No side yard shall be required unless the side fee-simple lot line is the same as any project property line; in which case the setbacks in subsection 5-37(1)(a) shall apply.
- (iii) Rear yard. All dwelling units shall be set back at least twenty (20) feet from the rear fee-simple lot line; however, if the rear fee-simple lot line is the same as any project property line, the setbacks in subsection 5-37(1)(a) shall apply, in addition to the twenty (20) feet required herein.

...

### **Sec. 5-38. Lot coverage and green area.**

- ...
- (4) A bonus of one (1) dwelling unit per acre will be granted under the provisions of subsection 5-38(3) for each of the following facilities:

...

## **CHAPTER 6 – COMMERCIAL DISTRICTS**

...

## **ARTICLE 2 – C-2 DISTRICT – LIMITED COMMERCIAL**

**Sec. 6-11. Uses permitted.**

...

**Sec. 6-13. Development standards for townhouses and multiple dwellings.**

...  
(6) Lot coverage and green area.

...  
(d) A bonus of one (1) dwelling unit per acre will be granted under the provisions of subsection 6-13(6)(c) for each of the following facilities:

...

**Sec. 6-15. Setback regulations for townhouses and multiple dwellings.**

(1) Setbacks from project property lines.

...  
(b) Side yard.  
One (1) side yard equal to ten (10) percent and the other equal to fifteen (15) percent of the lot width as measured at the front setback line. Except for the provisions of section 6-14(2)(a) above, the total of the two (2) side yards shall not be required to exceed forty (40) feet. Parking within this side yard shall be prohibited.

...  
(2) Setbacks from fee-simple lot lines.

...  
(c) Rear yard.  
The rear yard setback shall be a minimum of twenty (20) feet; however, if the rear fee-simple lot line is the same as any project property line, the setbacks in subsection 6-15(1)(c) shall apply, in addition to the twenty (20) feet required herein.

...

**CHAPTER 8 – SPECIAL DISTRICTS**

**ARTICLE 1 – LANGLEY FLIGHT APPROACH DISTRICTS**

...

**Sec. 8-7 LFA-6 District – Langley Flight Approach Limited Business II.**

...

- (3) Development standards.

...

- (d) Notwithstanding subsection 8-7(4)(a) below, structures shown on site plan No. 47-96, approved August 7, 1997, that fall within the LFA-6 boundary shall be limited to the square footage shown on the site plan; expansion of these buildings within the LFA-6 boundaries is not permitted unless the expansion is for storage only. Any approved expansion for storage shall not be construed to allow any increase of allowable sales or service area within the LFA-6 boundary.

...

### **ARTICLE 3. BUCKROE BAYFRONT DISTRICTS**

...

#### **Sec. 8-22. BB-1 District – Buckroe Bayfront Single Family Residential.**

...

- (3) Table of Lot Standards. The following table describes the requirements for each lot type permitted. Lot widths are an allowable range; lot depth, interior side setback, rear setback, and façade zone coverage are minimum dimensions; street side setback and front setback are required build-to lines; the façade zone is a fixed required width; building coverage is a maximum. Small variations to the dimensional requirements found in this table can be allowed as per subsection 8-21(9) above. Flag lots are not permitted.

...

#### **Sec. 8-23. BB-2 District – Buckroe Bayfront Mixed Residential.**

...

- (3) Table of Lot Standards. The following table describes the requirements for each lot type permitted. Lot widths are an allowable range; lot depth, interior side setback, rear setback, and façade zone coverage are minimum dimensions; street side setback and front setback are required build-to lines; the façade zone is a fixed required width; building coverage is a maximum. Small variations to the dimensional requirements found in this table can be allowed as per subsection 8-21(9) above. Flag lots are not permitted.

...

#### **Sec. 8-24. BB-3 District – Buckroe Bayfront Optional Mixed Use.**

- ...
- (3) Table of Lot Standards. The following table describes the requirements for each lot type permitted. Lot widths are an allowable range; lot depth, interior side setback, rear setback, and façade zone coverage are minimum dimensions; street side setback and front setback are required build-to lines; the façade zone is a fixed required width; building coverage is a maximum. Small variations to the dimensional requirements found in this table can be allowed as per subsection 8-21(9) above. Flag lots are not permitted.
- ...

**Sec. 8-25. BB-4 District – Buckroe Bayfront Required Mixed Use.**

- ...
- (3) Table of Lot Standards. The following table describes the requirements for each lot type permitted. Lot widths are an allowable range; lot depth, interior side setback, rear setback, and façade zone coverage are minimum dimensions; street side setback and front setback are required build-to lines; the façade zone is a fixed required width; building coverage is a maximum. Small variations to the dimensional requirements found in this table can be allowed as per subsection 8-21(9) above. Flag lots are not permitted.
- ...

**Sec. 8-26. BB-5 District – Buckroe Bayfront Special**

- ...
- (3) Table of Lot Standards. The following table describes the requirements for each lot type permitted. Lot widths are an allowable range; lot depth, interior side setback, rear setback, and façade zone coverage are minimum dimensions; street side setback and front setback are required build-to lines; the façade zone is a fixed required width; building coverage is a maximum. Small variations to the dimensional requirements found in this table can be allowed as per subsection 8-21(9) above. Flag lots are not permitted.
- ...

**CHAPTER 9 – OVERLAY DISTRICTS**

...

## **ARTICLE 2 – O-CBP DISTRICT – CHESAPEAKE BAY PRESERVATION OVERLAY**

...

### **Sec. 9-14. Regulations for development and redevelopment.**

- (1) Permitted uses include all uses permitted in the underlying zone.
- (2) Restrictions on permitted uses:
  - (a) General performance criteria for development and redevelopment within resource management areas, resource protection areas and intensely developed areas:
    - ...
      - (iii) Land development shall minimize impervious cover to promote infiltration of stormwater into the ground consistent with the proposed use or development.
      - ...
        - (bb) For nonresidential uses, the number of parking spaces shall not exceed 120% of the minimum required by chapter 11 of the zoning ordinance, and their size shall not exceed the minimum required by chapter 11 of the zoning ordinance.

...

## **ARTICLE 4 – O-FZ DISTRICT – FLOOD ZONE OVERLAY**

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### **Sec. 9-32. Definitions.**

For purposes of this article, the following definitions shall apply:

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Special flood hazard area. The land in the floodplain subject to a one (1) percent or greater chance of being flooded in any given year as determined in subsection 9-33(2) of this article.

...

### **Sec. 9-34. District provisions.**

- ...
  - (3) Specific standards.



In all special flood hazard areas where base flood elevations have been provided in the Flood Insurance Study or generated according to subsection 9-33(1)(a), the following provisions shall apply:

...

- (c) Buildings with enclosed spaces below the design flood elevation. Enclosed areas, of new construction or substantially improved structures, which are below the design flood protection elevation shall:

...

- (iii) In the Coastal High Hazard District, follow the standards for elevation outlined in subsection 9-33(8); and

...

- (d) Manufactured homes and recreational vehicles.

- (i) All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, in a new manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, must meet all the requirements for new construction, including the elevation and anchoring requirements in subsections 9-34(2)(b), 9-34(2)(c), and 9-34(3)(a).

...

- (iii) All recreational vehicles placed on sites must either:

...

- (cc) Meet all the requirements for manufactured homes in subsection 9-34(3)(d).

- (4) Standards for Approximated Floodplain District.

The following provisions shall apply within the approximated floodplain district:

- (a) When base flood elevation data or floodway data have not been provided, the zoning administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or any other source, in order to administer the provisions of section 9-20. When such base flood elevation data is utilized, the zoning administrator shall obtain:

...

- (ii) If the structure has been floodproofed in accordance with the requirements of subsection 9-34(3)(b) of this article, the elevation in relation to the mean sea level to which the structure has been floodproofed.

- (b) When the data is not available from any source as in subsection 9-34(4)(a), then the applicant for the proposed

use, development and/or activity shall determine this elevation. For development proposed in the approximate floodplain, the applicant must use technical methods that correctly reflect currently accepted technical concepts, such as point on boundary, high water marks, or hydrologic and hydraulic analyses. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough review by the zoning administrator. The zoning administrator reserves the right to require a hydrologic and hydraulic analyses for any development.

- ...  
(6) Standards for the Floodway District.  
The following provisions shall apply within the Floodway District:

- ...  
(c) If subsection 9-34(6)(a) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of section 9-34.

- ...  
(8) Standards for the Coastal High Hazard District.

- ...  
(b) A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of subsection 9-34(8)(a).

- ...  
(j) Recreational vehicles to be placed within Zones V1—V30, V, and VE on the city's Flood Insurance Rate Map on sites must meet the standards of subsection 9-34(3)(d) and subsection 9-34(8)(a) through 9-34(8)(i).

...

## **CHAPTER 14 – REVIEWS BY THE PLANNING COMMISSION AND CITY COUNCIL**

### **ARTICLE 1 – USE PERMITS**

...

#### **Sec. 14-4. - Procedure for application review.**

Upon submission and acceptance of a complete application for a use permit, the following review procedures shall apply:

- ...  
(3) Action by the city council.

...  
(b) After the public hearing, the city council may:

...  
(iii) Approve the use permit with conditions stated in the applicable zoning district, if any, and any additional conditions as deemed appropriate to protect the public interest in accordance with section 14-5 of this chapter and the standards set forth in section 14-6 of this chapter; or

...

## **ARTICLE 2 – REZONING, CONDITIONAL ZONING, AND ZONING ORDINANCE AMENDMENTS**

...

### **Sec. 14-22. - Application submission schedule and content.**

- ...
- (2) Once the application has been submitted, the planning director or his representative shall review the application with the applicant. Subject to the provisions of section 14-24(7) as applicable to conditional zoning applications, if the application is complete, the planning director shall schedule the application for public hearing with the planning commission. If the application is not subject to section 14-24 and the application is not complete, no later than thirty (30) days of receipt of the application not subject to section 14-24, the planning director shall return the application to the applicant with a statement of the reasons for the deficiency. Upon certification by the director that the application is complete and payment of required fees, the application shall be deemed received and shall be transmitted to the planning commission.
- (3) In addition to the requirements set forth in this section, if the application is for a conditional zoning and conditions are to be proffered, the applicant is responsible for supplying a voluntary proffer in accordance with the provisions outlined in section 14-24 herein. If no conditions are to be proffered, a written statement to that effect must be submitted and the application will be considered as a change of zoning classification. Submission of either the proffer or statement is required for the application to be advertised for public hearing.

...

### **Sec. 14-24. - Conditional zoning.**

...

(7)

Procedure for proffering.

- (a) The written proffers, together with the certificate of title described in subsection (5), and a check made payable to the clerk of the circuit court of the City of Hampton in an amount required by the clerk to cover recording fees shall be submitted to the planning director as part of the application for conditional zoning. In complying with the notice requirements of section 14-25 and 14-27 of this ordinance, the planning commission and the city council shall state whether conditions have been proffered, and such proffers shall be made available for public review by the planning director as part of the public documents in the case.

...

(g)

- The planning commission and the city council may reject any proffer for failure to submit it in a form acceptable to the city attorney. No proffer may be modified or added except in accordance with these provisions. After the effective date of this subsection, the city council shall attach no condition to or accept any proffer with a conditional rezoning except in accordance with this section. Nothing herein shall be deemed to supersede any provisions of sections 14-25 through 14-29 of this ordinance.

...

(10)

Amendment to accepted proffers.

- (a) Any landowner subject to conditions proffered pursuant to a conditional zoning under this chapter may apply for amendments or variations of such proffered conditions. Application for any such amendment or variation shall be subject to the same procedure as set forth in section 14-24, including payment of fees and recording costs. However, written notice of such application shall be provided in the manner prescribed by subsection H of section 15.2-2204 of the Code of Virginia to any landowner subject to such existing proffered conditions. The department of community development planning division staff shall prepare a staff report with recommendations on the proposed amendment or variation.

...

**Sec. 14-26. - Planning commission hearing; action following hearing.**

- (1) Withdrawal or deferral of consideration of any petition filed pursuant to this chapter may be requested by the applicant in writing at any time subject to the following:

...

- (b) If the request for deferral or withdrawal is made after publication of the notice of public hearing, such shall be granted with the consent of the planning commission; provided, however if the deferral is at the request of the applicant or due to the applicant's failure to properly follow applicable procedures, then the re-advertisement shall be at the applicant's expense as set forth in section 14-30. With the exception of conditional zoning petitions, a deferral under this subsection shall be granted for a period not to exceed the second regularly scheduled planning commission meeting after the date of the deferral.


...

**Sec. 14-29. - City council hearing; action following hearing.**


- ...
- (3) A reconsideration of conditions attached to approval of any amendment may be initiated by the filing of an application with the planning director in accordance with the procedures set forth in section 14-21. Upon receipt of such application, the planning director, depending on the magnitude of the proposed reconsideration, may send the application to the planning commission in accordance with the provisions set forth in this chapter or directly to the city council. Upon receipt of such application by the city council, it may refer the matter to the planning commission or may act upon it.
- (4) Nothing in this section shall be deemed to supersede the provisions of subsection 14-24(9) with regard to conditional zoning.

...

Adopted at the regular meeting of the City Council of the City of Hampton, Virginia held on August 12, 2015.

  
Signed by \_\_\_\_\_  
George E. Wallace, Mayor

**AUG 12 2015**  
Date \_\_\_\_\_

  
Attested by \_\_\_\_\_  
Katherine K. Glass, CMC  
Clerk of the Council

**AUG 12 2015**  
Date \_\_\_\_\_