Zoning Ordinance Table of Contents

Ch. 1	General Provisions
Ch. 2	Definitions
Ch. 3	Uses Permitted
Ch. 4	One- and Two-Family Residential Districts (R Districts)
Ch. 5	Multifamily Residential Districts (MD and R-M Districts)
Ch. 6	Commercial Districts (C Districts)
Ch. 7	Manufacturing Districts (M Districts)
Ch. 8	Special Districts (LFA, RT, BB, HRC, DT, and PO Districts)
Ch. 9	Overlay Districts (O Districts)
Ch. 10	Signs
Ch. 11	Parking
Ch. 12	Nonconformities
Ch. 13	Board of Zoning Appeals
Ch. 14	Reviews by the Planning Commission and City Council

CHAPTER 1 – GENERAL PROVISIONS

ARTICLE 1. – ADMINISTRATION AND ENFORCEMENT OF ORDINANCE

Sec. 1-01. Recodification of Zoning Ordinance.

The February 1, 1960 Zoning Ordinance, as Amended, is hereby recodified as set forth herein and as authorized by Virginia Code § 15.2-1433 with an effective date of June 1, 2015.

Sec. 1-1. Districts and boundaries.

For the purpose of this ordinance, the City of Hampton, Virginia, is hereby divided into classes of districts as hereinafter set forth in subsequent chapters.

Sec. 1-2. Zoning maps.

The location of boundaries of the particular districts, except the Flood Zone District as set forth in chapter 9, article 4 of the zoning ordinance, shall be as shown on a map entitled, "Zoning District Map, Hampton, Virginia, 1960, as amended," which map is a reference map to be used in conjunction with this ordinance. The said map is a composite of a series of maps, including the noise overlay map depicting the boundaries of the Noise Contour District as set forth in chapter 22, article III of the city code and in chapter 9, article 1 of the zoning ordinance, maps depicting the aircraft accident potential zones, and maps showing a more detailed location of boundaries between districts, said series of maps being entitled, "Zoning District Sectional Maps, 1960, as amended," which aforementioned maps are hereby declared to be a part of this ordinance. The location and boundaries of the various floodplain districts located within the Flood Zone District shall be as shown on a map entitled, "Flood Insurance Rate Map," which map and any amendments thereto as adopted by city council is hereby declared to be a part of this ordinance and shall be used in conjunction with the "Zoning District Sectional Maps" to determine floodplain or flood-prone areas as defined in chapter 9, article 4 of this ordinance. The noise overlay map, the aircraft accident potential zones map, and the original "Zoning District Sectional Maps" and "Flood Insurance Rate Map" shall be filed in the office of the zoning administrator for more detailed reference.

Where uncertainty exists as to the boundaries of any of the aforesaid districts as shown on said maps, the following rules shall apply:

(1) With the exception of the flood zones, the Chesapeake Bay Preservation District, the Noise Contour District and the aircraft accident potential zones, the district boundary lines are intended to follow street, lot, or property lines, unless such district boundary lines are fixed by dimensions as shown on the "Zoning District Sectional Maps, 1960, as amended."

(2) Where such boundaries are so indicated that they approximately follow the lot lines, and are not more than ten (10) feet distant therefrom, such lot lines shall be construed to be such boundaries, unless specifically shown otherwise.

Sec. 1-3. Annexed territory.

Any territory annexed to the City of Hampton, Virginia, shall be considered as being in the R-13 District until such time as the city council has adopted the zoning district for such territory, in accordance with the requirements of this ordinance.

Sec. 1-4. Use of term "designee."

Wherever the term director of the department of community development, director of the department of planning, zoning administrator, building code official, director of code compliance, director of the department of public works, director of the department of economic development or director of the department of parks and recreation is used in the zoning ordinance including all chapters thereto, the term shall include their respective authorized designee or designees as applicable.

Sec. 1-5. Land not zoned.

Any area, other than that dedicated for public streets or alleys, shown on the zoning district map or zoning district sectional maps as not being classified in any district, for all intents and purposes of this ordinance, shall be classified as being in the R-13 District. This regulation shall include all sub-marginal land, water areas, and federally-owned and state-owned land.

Sec. 1-6. - Duties of zoning administrator.

(1) 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 12, Nonconformities, herein and section 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.

(2) 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.

(3) 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.

(4) 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.

(5) 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. 1-7. - Review process for building permits.

Prior to the issuance of a building or zoning permit, an application therefor shall be submitted to the zoning administrator for review. Unless waived by the zoning administrator, all such applications shall include:

(1) 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

(2) A scaled two-dimensional plan or drawing of the intended development that accurately depicts:

- (a) The lot/parcel boundaries;
- (b) The location, shape and dimensions of all proposed property improvements in relation to all existing on-site property improvements;
- (c) All adjacent and on-site easements, right-of-way, waterbodies/waterways and resource protection area features;
- (d) The existing and intended use of each building or part of a building;
- (e) The number of families the building is designed to accommodate;
- (f) The location and the number of off-street parking and off-street loading spaces; and
- (g) 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. 1-8. – Site plan exception.

A site plan that has been approved in accordance with chapter 35.1 of the city code may be accepted by the zoning administrator in lieu of compliance with section 1-7(a) and (b).

Sec. 1-9. - Copy of plan.

One (1) copy of the approved application materials shall be returned to the applicant upon issuance of the building or zoning permit.

Sec. 1-10. - 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. 1-11. - 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 ten dollars ($10.00) nor more than one thousand dollars ($1,000.00) 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 two thousand dollars ($2,000.00). Failure to abate the violation within the specified time period shall be punishable by a fine of up to five thousand dollars ($5,000.00), 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 up to seven thousand five hundred dollars ($7,500.00). 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. 1-12. - 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. 1-13. - 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. 1-14. - 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.

ARTICLE 2. – REGULATIONS APPLICABLE TO MANY OR ALL ZONING DISTRICTS

Sec. 1-15. Prohibitions.

Except as hereinafter otherwise provided:

(1) No building shall be erected and no existing building shall be moved, altered, added to, or enlarged, nor shall any land or building be used, designed, or intended to be used, for any purpose or in any manner other than is intended among uses hereinafter listed as permitted in the district in which such building or land is located.

(2) No building shall be erected, reconstructed, or structurally altered to exceed in height the limit hereinafter designated for the district in which such building is located.

(3) No building shall be erected, nor shall any open space surrounding any building be encroached upon or reduced in any manner except in conformity to the yard, lot area, and building location regulations hereinafter designated for the district in which such building or open space is located.

(4) No yard or other open space provided about any building for the purpose of complying with the provisions of this ordinance shall be considered as providing a yard or open space for any other building, and no yard or other open space on one lot shall be considered as providing a yard or open space for a building on any other lot.

Sec. 1-16. Application of height limitations.

The height limitations of this ordinance, except as provided in the Langley Flight Approach (LFA) Districts, shall not apply to any penthouse or roof structure for the use of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, nor shall it apply to spires and belfries in religious facilities, cupolas, domes, monuments, water towers, fire and parapet walls, skylights, steeples, flag poles, chimneys, smoke stacks, poles and utility towers, silos, or similar structures which may be erected above the height limit, provided that no penthouse or roof structure, or any space above the height limit shall be allowed for the purpose of providing additional floor space. The foregoing provisions shall not be interpreted to permit a fire or parapet wall to extend more than four (4) feet above the roof.

Sec. 1-17. Vision clearance of corner lots.

On any corner lot there shall be no planting, structure, fences, shrubbery, or obstruction from vision more than three (3) feet higher than the curb level, within twenty (20) feet of the intersection of any two (2) curb lines.

Sec. 1-18. Fence and wall regulations.

(1) In any R, MD, or RT district, a fence, screen, or wall, or a hedge or thick growth of shrubs or trees may be located and maintained in required yards provided that the height of any such permitted feature not exceed six (6) feet in side or rear yards, and four (4) feet in front yards, or such lesser height as may be prescribed by law. This provision shall not be interpreted to prohibit the erection of an open-

mesh type fence enclosing any school or playground site, or landscape features such as trees, shrubs, flowers, or plants, provided they do not produce a hedge effect contrary to the provisions of this section. The use of electrified fences is prohibited except as set forth in section 24-40 of the Hampton City Code.

(2) In the BB-1, BB-2, BB-3, BB-4 and BB-5 districts, the following shall apply:

(a) In a front yard, the minimum height shall be twenty-four (24) inches and the maximum height shall be forty-two (42) inches. Pillars, posts, and gateways may be taller. The height of walls, fences, and hedges may be required to be shorter by other sections of city code for the purposes of increased visibility and safety, such as at street intersections, in such cases, the safety provisions take precedent.

(b) In a rear or side yard, the minimum height shall be thirty-six (36) inches and the maximum height shall be six (6) feet.

(c) In a rear yard on single-family lots adjacent to a rear alley, the minimum setback is five (5) feet.

(d) Permitted material and design shall be the following:

(i) Wood: picket fences with corner posts

(ii) Wrought iron: vertical, five-eighths-inch minimum dimension, four-inch to six-inch spacing

(iii) Brick

(iv) Stone

(3) A fence, screen, wall, hedge, or thick growth of shrubs or trees may be located in any zoning district on vacant property owned by the City of Hampton or a political subdivision of the commonwealth.

Sec. 1-19. Corner lots resubdivided.

Corner lots that are hereafter resubdivided shall conform to the front yard requirements on the street which they originally fronted, in addition to the front yard requirements on the street which they face after resubdivision.

Sec. 1-20. Semi-detached dwellings and side yards.

For the purpose of side yard regulations, semi-detached dwellings shall be considered as one (1) building occupying one (1) lot.

Sec. 1-21. Irregular front yard lines in residential districts.

(1) Where a uniform front yard line between two (2) intersecting streets does not exist, then the required front yard line shall be established by projecting a line between the two (2) nearest buildings on each side of the proposed building, and the proposed building shall not project beyond said line; provided, however, that the nearest existing building shall be situated on lots located not further than one hundred fifty (150) feet from the proposed building line.

(2) Where a lot is of such shape and size that its established building setback line forms an arc, then the minimum lot width may be measured along the chord of such arc and the building may be located at the setback point represented by the chord. Building setback lines greater than thirty (30) feet may be established, provided that the minimum lot width is maintained at the building setback line and all other requirements of the zoning ordinance are complied with. No building shall be located closer to the street than the established building setback line unless the required minimum lot width is maintained.

Sec. 1-22. Location of building line.

On lots for which the comprehensive plan proposes a wider right-of-way for an abutting street than currently exists, the following modifications to the building line location shall apply:

(1) Where a yard or setback requirement exists, that requirement shall be measured from the proposed right-of-way line.

(2) Where there is no yard or setback requirement, the building line shall not be located nearer to the existing lot line than the proposed right-of-way line.

Sec. 1-23. Projections allowed in yards.

(1) Cornices, eaves, belt course, sills, canopies, or other similar architectural features (not including bay windows or vertical projections) may extend or project into a required side yard not more than eighteen (18) inches for each five (5) feet of width of such side yard, but not over three (3) feet in any case, nor nearer than three (3) feet to any side lot line, and may extend or project into a required front or rear yard not more than thirty-six (36) inches. Chimneys may project into a required front, side, or rear yard not more than eighteen (18) inches, provided the width of any side yard is not reduced to less than three (3) feet on one (1) side and eight (8) feet on the other.

(2) Exterior stairways, when approved, shall be located at the rear of all buildings or structures, unless lawfully required to be located otherwise for use as a fire escape.

(3) Any enclosed porch, including screen porches, shall be considered as part of the main building.

(4) Terraces, platforms, or landing places which do not extend above the level of the first floor of the building may extend or project into any front, side, rear yard or court-not more than eight (8) feet, provided they do not encroach to within three (3) feet of the side lot line.

(5) An unenclosed porch with a roof may project into the required front yard a maximum of eight (8) feet but shall be no closer than ten (10) feet to the front property line.

(6) On one-family residential, duplex, and fee simple townhouse lots, mechanical equipment, including but not limited to heating, ventilating, and air conditioning equipment and generators, may encroach into the side and rear yard, but shall

not encroach more than eight (8) feet and shall be no closer than three (3) feet to the property line. No such encroachment may occur in a yard adjacent to a public street.

Sec. 1-24. Accessory buildings or structures.

(1) Accessory buildings or structures shall be permitted as described in each zoning district, except for those districts listed in subsections 1-24(2) and 1-24(3) below.

(2) In any One- or Two-Family Residential ('R') District, the R-M District, the LFA-5 District, and on any fee-simple lot in the MD-4 District, accessory buildings or structures shall be permitted in accordance with all height and setback requirements for primary structures within the zoning district where constructed except as described below:

(a) When located in the rear yard.

(i) Standard height and setback regulations:
Accessory buildings or structures may be located as near as five (5) feet from the rear lot line and as near as three (3) feet to the side lot line provided such building or structure does not exceed one and one-half (1½) stories and sixteen (16) feet in height.

(ii) Increased height and setback regulations.
Accessory buildings or structures may be constructed to a height of twenty-five (25) feet provided they are not nearer than fifteen (15) feet to any side or rear lot line and not nearer than fifteen (15) feet to the primary structure. In no case shall they have any exterior stairways.

(b) When located on a corner lot.
No accessory building on a corner lot shall be erected nearer to the street than the requirements herein contained for side yards of corner lots, except an accessory building or structure erected on a corner lot which abuts any interior lot on the side street, then the setback requirements shall not be less than the front yard requirements of the main buildings on the interior lots.

(3) In any One- or Two-Family Residential ('R') District, the R-M District, the LFA-5 District, and on any fee-simple lot in any MD-1, MD-2, MD-3, or MD-4 District, accessory buildings or structures shall not occupy more than twenty (20) percent of the rear yard area.

Sec. 1-25. Lighting of parking and other areas and signs.

When provided, lighting of parking areas or business, residential, or manufacturing or storage areas or structures, and of signs, billboards or poster panels, shall be so designed and arranged as to reflect all light away from all public ways or streets.

Sec. 1-26. Substandard lots.

A substandard lot may be developed for residential use provided that it complies with all current development criteria as set forth in the zoning ordinance, city code, and all other applicable laws.

Sec. 1-27. Through lots and waterfront lots.

In any One- or Two-Family Residential ('R') District, the R-M District, or any Multifamily Residential ('MD') District, through lots or waterfront lots shall have a building setback on each street or waterfront as required for front yards. This shall not be interpreted to restrict the location of private piers, or docks on the waterfront side of such a lot.

Sec. 1-28. Garage and yard sales.

Garage and yard sales shall be permitted as follows:

(1) Individual permits:
  (a) The permit must be secured from the zoning administrator or his designee and accompanied by a non-refundable fee of five dollars ($5.00);
  (b) No more than three (3) garage or yard sales shall be permitted during a calendar year at any one (1) location. If, however, the property owner and/or lessee of all the residents at that location change during the calendar year, the new residents may have three (3) garage or yard sales during the remainder of the calendar year;
  (c) The garage/yard sale shall be limited to a period not to exceed three (3) consecutive days;
  (d) The permit shall be conspicuously displayed upon the premises during the time of the sale; and
  (e) The permit may be issued to single-family, duplex, and townhouse dwelling residential structures regardless of the underlying zoning of the location.

(2) Community permits:
  (a) The permit must be secured from the zoning administrator or his designee accompanied by a non-refundable fee of twenty dollars ($20.00) to cover processing and enforcement and a complete list of participants' names, addresses and signatures which shall be submitted to the zoning administrator's office or his designee;
  (b) No more than three (3) garage or yard sales shall be permitted during a calendar year;
  (c) The garage/yard sale shall be limited to a period not to exceed three (3) consecutive days;
  (d) The permit shall be conspicuously displayed upon the premises during the time of the sale; and

(e) The permit shall be issued only to a neighborhood group/association defined as a group of residents or property owners who advocate or organize activities within a neighborhood which may have elected leaders and voluntary dues.

Religious facilities are exempt from the provisions of this section.

Sec. 1-29. Renewable energy production systems.

(1) Purpose. The purpose of this section is to establish standards and procedures by which the installation and operation of "renewable energy production systems" shall be regulated within the City of Hampton, in order to promote the safe, effective and efficient use of such systems. Unless otherwise defined in this section specific terms shall be defined as set forth in chapter 2 of the zoning ordinance.

(2) Applicability.

(a) The regulation set forth in this section shall govern the installation and siting of renewable energy production systems used to generate electricity for onsite consumption. Renewable energy production systems may be connected to the utility grid pursuant to Code of Virginia § 56-594 governing Virginia net metering laws.

(b) Renewable energy production systems shall comply with the regulations set forth in Virginia Administrative Code §§ 20VAC5-315-10 through 20VAC5-315-80. The systems may serve as an independent source of energy or serve in a hybrid system, using complementary systems such as a small wind energy conversion system and solar energy producing system.

(c) Renewable energy production systems shall not exceed a rated capacity of 20 kW for residential use and 25 kW for commercial use.

(3) Application for "small wind energy conversion systems" ("SWECS").

(a) One SWECS per lot shall be permitted in all zoning districts, as an accessory structure, subject to issuance of a use permit, except in the Langley Flight Approach (LFA) Districts where they shall be prohibited.

(b) In addition to what is required by section 1-7 of the zoning ordinance, the following shall be provided by the applicant for review and approval by the community development department:

(i) Survey of the property showing the proposed location of the SWECS on the property and all applicable setbacks.

(ii) Scaled elevation drawings of the proposed system showing the total height of the structure, including the tower plus the length of the rotor blade at its vertical location, colors and specifications.

(iii) Certification from a licensed professional engineer or certified installer that the support structure of the system will have the structural integrity to carry the weight and wind loads of the small wind energy system.

(iv) The proposed type of wind energy system to be constructed, including the manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated generated capacity, dimensions, rotor diameter, and a description of ancillary functions.

(c) The applicant must provide evidence in writing that the provider of electric utility service to the site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator, unless the applicant intends, and so states on the application, that the system will not be connected to the electricity grid.

(4) Standards for SWECS. All SWECS must comply with the following requirements.

(a) Height.

(i) Under no circumstances shall a freestanding SWECS exceed seventy (70) feet in height.

(ii) Building mounted SWECS shall be limited to a height of ten (10) feet above the height of the building. Building height shall be determined as defined in chapter 2 of the zoning ordinance.

(b) Setbacks.

(i) The minimum setback for a SWECS from a property line, public right-of-way, or public overhead utility line must be a distance which is at least equal to the total height of the SWECS. Placement in the front yard is prohibited.

(ii) Properties within the Chesapeake Bay Preservation District are subject to article 2 of chapter 9 of the zoning ordinance.

(c) Signs/safety.

(i) Other than safety and warning signs, no signage, flags, streamers, or decorative items shall be attached or affixed to any component of the system except the nacelle, which may have lettering that exhibits the manufacturer's identification.

(ii) Lighting is prohibited unless required by the Federal Aviation Administration ("FAA").

(iii) SWECS shall be equipped with both a manual and automatic braking device capable of stopping the system in high winds or must be designed so that the rotational speed of the rotor blade does not exceed the design limits of the rotor.

(iv) To prevent unauthorized access, each tower mounted SWECS shall not be climbable up to twelve (12) feet above ground.

(d) Noise. When in operation SWECS shall not exceed sixty (60) dB(A).

(e) Color. Unless otherwise required by the FAA, all portions of a wind energy system shall be of nonreflective white, black, galvanized steel, aluminum or other matte-finish color designed to blend with the surrounding environment; provided, however, that blades may be painted black to facilitate deicing.

(f) Maintenance. SWECS must be kept and maintained in good repair and condition at all times and shall not pose a potential safety hazard.

(g) Inspection. The city shall have the right upon approving SWECS to inspect the premises on which the wind energy system is located at all reasonable times with permission of the property owner.

(5) Application for solar energy equipment.

(a) Solar energy equipment shall be a permitted use in all zoning districts.

(b) For free standing solar energy equipment, a survey of the property showing the location of the structure on the property and all applicable setbacks will be required.

(6) Standards for solar energy equipment.

(a) Height.

(i) Solar panels may be located on any roof, irrespective of its relationship to the underlying district height limit, up to five (5) feet above the roof surface to adequately access solar energy.

(ii) Free standing solar energy equipment shall be limited to a height of sixteen (16) feet.

(b) Setbacks. Free standing solar energy equipment shall have a minimum rear yard and side yard setback of fifteen (15) feet. Placement in the front yard is prohibited.

(7) Nuisance conditions prohibited.

(a) All SWECS and solar energy equipment must be maintained in good working order by the property owner.

(b) Dilapidated or deteriorated SWECS and solar energy systems will be deemed nuisance structures.

Sec. 1-30. General green area requirements.

(1) In development of property other than that zoned R-LL, RT-1, MD-1, MD-2, MD-3, MD-4, PO-1, PO-2, DT-1, DT-2, DT-3, HRC-1, HRC-2, HRC-3, BB-1, BB-2, BB-3, BB-4, BB-5, O-CBP and O-CC, and all one-family, two-family and duplex dwellings, a minimum of 10% of the land area of the lot shall be designated as green area for trees, shrubs and turf.

(2) The following criteria shall be met:

(a) No accessory uses or structures except utilities and stormwater management facilities shall be located in a green area.

(b) In any parking area, including drive aisles and drive-throughs regardless of size, a minimum 10 foot green area shall be provided immediately adjacent to any existing or future public right-of-way.

(c) In any parking area containing 30 or more spaces, seven (7) percent of the interior of the parking area shall be reserved and maintained as green area. Each green area within the parking area shall be no less than eight (8) feet wide and contain at least 150 contiguous square feet of green area. This required green area may constitute no more than 33% of the

green area required within the parking area as well as counting toward the total green area requirement.

(3) Development sites less than two (2) acres shall comply with the following:

(a) On sites which front upon only one (1) public street, a minimum of 75% of the required green shall be located within the front yard.

(b) On sites which front upon two (2) public streets or proposed rights-of-way, a minimum of 75% of the required green area shall be distributed within the yard areas adjacent to the existing or proposed public rights-of-way; no such area shall contain less than 30% of the requirement, and no less than 20% of the required green area shall be located in each yard fronting upon existing or proposed public rights-of-way.

(4) Development sites of two (2) or more acres shall comply with the following:

(a) On sites which front upon only one (1) public street, a minimum of 50% of the required green area shall be located within the front yard.

(b) On sites which front upon two (2) public streets or proposed rights-of-way, a minimum of 50% of the required green area and landscaping shall be distributed within the yard areas adjacent to existing or proposed public rights-of-way; no such area shall contain less than 20% of the requirement, and no less than 10% of the required green area shall be located in each yard fronting upon existing or proposed public rights-of-way.

(5) Green areas located within any building shall not be credited toward meeting the total green area requirement.

(6) Green areas interior to the perimeter of any structure that may serve as a courtyard may be credited toward meeting the total green area requirement.

(7) Areas designated as green areas upon the approved site plan, or subdivision plat that are utilized for storage or the display of products shall be considered in violation of the city zoning ordinance.

(8) Landscaping within green areas shall comply with the "City of Hampton Landscape Guidelines" or as otherwise proffered or conditioned pursuant to applicable provisions of the city zoning ordinance.

Sec. 1-31. Major recreational equipment, parking and storage requirements.

The parking or storage of major recreational equipment including, but not limited to, travel trailers, utility trailers, pickup campers or coaches, motorized dwellings, tent trailers, boats and boat trailers, amphibious houseboats, or similar equipment normally used for recreational purposes shall be permitted as an accessory use in all residential districts, subject, however, to the following regulations and requirements.

(1) Such major recreational equipment shall not exceed twenty-eight (28) feet in length, eight (8) feet in width, and ten (10) feet in height, exclusive of masts, antennas, ventstacks, windshields, or other accessories.

(2) Such major recreational equipment shall not be used for living, sleeping, housekeeping, or business purposes, nor shall such major recreational equipment be connected to any utility service, except for temporary periods solely for replenishing supplies, or for the servicing or repair of equipment.

(3) Such major recreational equipment shall not be parked or stored in a manner which infringes upon the setback requirements for accessory buildings in the residential district in which the lot is located.

(4) Such major recreational equipment shall not be parked or stored in the front yard in any residential district, except that:

(a) Such major recreational equipment may be parked in such front yard for a period not to exceed forty-eight (48) hours, for the sole purpose of loading or unloading;

(b) In the event such major recreational equipment cannot physically be placed within an enclosed garage, or cannot physically be placed in the side or rear yard of a residence without encroaching upon the lands of another, without violating the setback requirements for accessory buildings in the residential district, or without damage to structures or trees, then one (1) such major recreational equipment, or a combination thereof designed to be used and operated as one (1) unit, may be parked or stored on an improved driveway at a point furthermost from the public street right-of-way, not resulting in physical damage to structures or trees;

(c) A camper or coach, when loaded upon and entirely supported by, or when structurally a part of, a pickup truck or motor vehicle not exceeding the rated weight of three-fourths (¾) ton which is in operative condition, shall be deemed a part of the motor vehicle and not major recreational equipment, so long as such camper or coach is entirely supported by, or remains structurally a part of, such pickup truck or motor vehicle.

Nothing contained in this section shall be construed to prohibit commercial trailers from loading and unloading in a residential district, or to prohibit the temporary use of a trailer, on site, by a contractor, while construction is in progress.

Sec. 1-32. Commercial vehicle parking in residential districts.

(1) The parking of commercial vehicles on a lot or any adjacent street in any residential district is prohibited, except under the following provisions:

(a) One (1) commercial vehicle, not exceeding a height of six (6) feet, four (4) inches, nor a measurement, from the center of the front axle to the center of the rear axle of that vehicle or any attached equipment, of eleven (11) feet, six (6) inches, may be parked on a residential lot or adjacent street, provided said lot is occupied by the person responsible for operating the vehicle.

(b) One (1) commercial vehicle, not exceeding a height of six (6) feet, four (4) inches, with a measurement, from the center of the front axle to the center of the rear axle of that vehicle or any attached equipment, between

eleven (11) feet, six (6) inches and fifteen (15) feet, seven (7) inches, may be parked on a residential lot, provided it is kept in a garage or behind the rearmost portion of the building on the lot, and further provided said lot is occupied by the person responsible for operating the vehicle.

(c) In no case shall a commercial vehicle with a height exceeding six (6) feet, four (4) inches or a measurement, from the center of the front axle to the center of the rear axle of that vehicle or any attached equipment, exceeding fifteen (15) feet, seven (7) inches be permitted to park in any residential property or adjacent street.

(d) In no case shall more than one (1) commercial vehicle be parked on any residential lot or adjacent street, except that one (1) specifically exempted commercial vehicle may also be parked on the same lot or adjacent street.

(2) The parking of school buses and buses belonging to religious facilities shall be permitted on any property under the control of the school or religious facility owning the bus, regardless of the zoning of such property.

(3) The parking of commercial vehicles, except for specifically exempted vehicles, in multi-family developments shall require the permission of the management and/or homeowners' association, and shall not occur in parking spaces required by chapter 11 of this ordinance. Such parking shall be limited to those vehicles permitted in subsection (1)(a) above.

Sec. 1-33. Conversion chart for changes to names of certain zoning districts

Former name	New name enacted June 1, 2015
MD-T	MD-1
M-4A	LFA-1
M-4B	LFA-2
M-5A	LFA-3
M-5B	LFA-4
M-5C	LFA-5
M-5D	LFA-6
SPI-BBD-SFR	BB-1
SPI-BBD-MR	BB-2
SPI-BBD-OMU	BB-3
SPI-BBD-RMU	BB-4
SPI-BBD-S	BB-5
SPI-HRC	HRC-1
SPI-HRCNC	HRC-2
SPI-HRCW	HRC-3
SPI-OHB	DT-1
SPI-OHW	DT-2
SPI-OHR	DT-3
SPI-PL	PO-1
SPI-B	PO-2
SPI-AA	O-AICUZ

SPI-CBPD	O-CBP
SPI-CC	O-CC
SPI-FZD	O-FZ
SPI-IH	O-IH
SPI-MVC	O-MVC
SPI-PD	O-HP

CHAPTER 2 – DEFINITIONS

Sec. 2-1. Rules of construction.

For the purpose of this ordinance certain terms and words are herein defined as follows:

(1) Words in the present tense include the future;
(2) Words in the singular number include the plural number and words in the plural number include the singular number;
(3) The words "shall" and "should" are mandatory and not discretionary; the word "may" is discretionary;
(4) The word "lot" includes the word "plot";
(5) The word "land" includes the words "marsh" and "water";
(6) The word "person" shall be held to mean an individual, a firm, a trust, a partnership, a corporation or association;
(7) Masculine words include the feminine;
(8) In instances where a specific individual is given authority or responsibility, that authority or responsibility may fall to his designee; and
(9) Definitions in this chapter apply to the entire ordinance unless stated otherwise herein.

Sec. 2-2. Definitions.

Abutting. Sharing one (1) or more common boundaries or points; contiguous.

Accessory building or structure. A subordinate building or structure, clearly incidental, related to, and customarily associated with, the principal building or structure, and located on the same lot as the principal structure. Where any part of the accessory building or structure is attached to the principal building or structure, such accessory building or structure shall be counted as part of the principal building or structure. This term includes temporary family health care structures as provided in VA. Code § 15.2-2292.1.

Accessory dwelling. A second dwelling unit on a residential lot that has a primary dwelling unit.

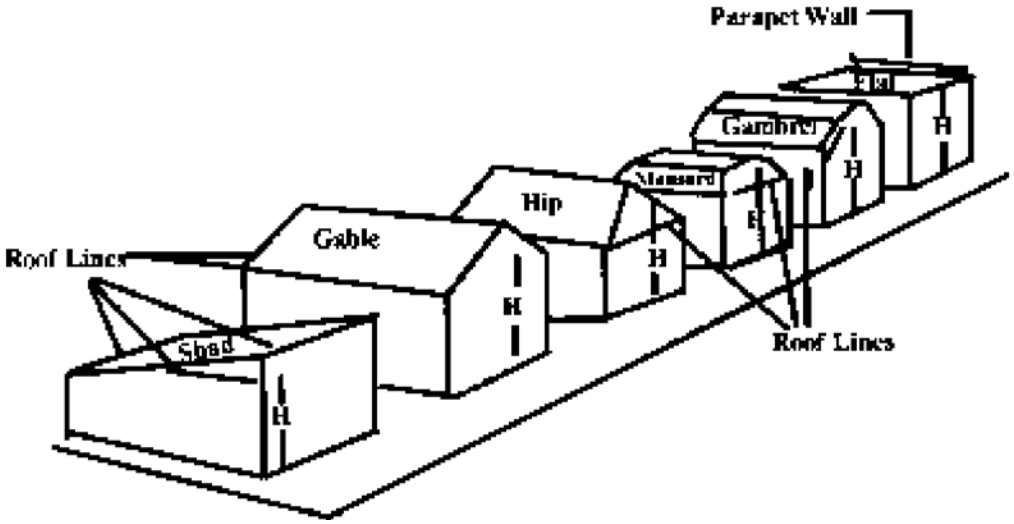
Accessory use. A subordinate use, clearly incidental, related to, and customarily associated with the principal use of land, and located on the same lot as the principal use. This term includes temporary family health care use as provided in section 15.2-2292.1 of the Code of Virginia.

Active recreation area. That portion of the green area provided in townhouse, multiple dwelling, or mixed-use developments that is intended to, and can support physical recreation activities or facilities.

Adjacent. Sharing a common boundary or separated by a right-of-way or water body.

Adult establishment. Any establishment providing entertainment products or services, such as, but not limited to books and films, and which is only open to persons eighteen (18) years of age or older, and whose products or services are harmful to juveniles. For the purposes of this ordinance, "harmful to juveniles" and its defining terms shall be as defined in title 18.2, chapter 8, article 6 of the Code of Virginia, 1950, as amended.
Alley. Public or private minor way used primarily for vehicular access to the rear or side of properties otherwise abutting a street.
Alteration. Any act or process that changes one (1) or more of the interior or exterior architectural features of a structure.
Alternative parking plan. A proposal by an applicant to comply with the intent of chapter 11 of the zoning ordinance, through some means other than strict compliance with the standards of that section.
Amusement center. Any establishment whose principal source of income is derived from access to coin-operated amusement machines.
Arterial street. Public rights-of-way used primarily for fast or high volume traffic; for efficient, safe and direct connection to, and separation of, neighborhoods; for circulation to destinations outside the residential area.
Balcony. A platform projecting from the wall of an upper story, supported by brackets, columns or cantilevered out, with or without a roof, and enclosed by a railing or balustrade, with an entrance from the building.
Bed and breakfast. A building or portion thereof containing not more than nine (9) sleeping rooms, in which room and board or room are offered to transient residents.
Best management practices (BMPs). Schedules of activities, prohibitions of practices, including both structural and nonstructural practices, maintenance procedures, and other management practices to prevent or reduce the pollution of surface waters and groundwater systems from the impacts of land-disturbing activities.
Big box retail. A business established and engaged primarily in retail activities and located in a standalone building of fifty thousand (50,000) square foot in size or larger, where the primary user occupies at least ninety (90) percent of that square footage.
Boarding house. A building or premises, or portion thereof, where lodging and meals are offered for compensation to five (5) or more nontransient residents.
Boathouse. An accessory structure constructed either wholly or partially over a body of water and designed exclusively for the storage and/or the covering of recreational watercraft.
Body piercing establishment. An establishment where the act of penetrating skin to make a hole, mark, scar, generally permanent in nature is conducted, except that the use of a mechanized, pre-sterilized piercing system that penetrates the outer perimeter or lobe of the ear, or both, is not body piercing.
Boundary line adjustment. The process where the location of a zoning district boundary, or other demarcation is shifted on the official zoning district map by the zoning administrator.

Brewery/distillery. A facility for the production and packaging of alcoholic beverages for distribution, retail, or wholesale, on- or off-premises, with production capacity of more than 15,000 barrels per year for breweries or 20,000 gallons per year for distilleries.
Buffer area. An area of natural or established vegetation managed to protect other components of a resource protection area and state waters from significant degradation due to land disturbances.
Buildable acreage. That portion of the total acreage of a lot or property (specifically excluding tidal wetlands and the area of existing ponds, lakes, rivers, streams or other impounded water bodies) that can adequately support physical improvements, used to determine the maximum number of dwelling units in townhouse, multiple dwelling and mixed-used developments.
Building. A structure having a roof supported by column or walls for the shelter, support or enclosure of persons, animals, or movable personal property. When separated by fire walls from the ground up without openings, each portion of such building shall be deemed a separate building.
Building addition. Any walled and roofed expansion to the perimeter of a building, either horizontally or vertically, connected by a common wall.
Building elevation. The external faces of a building; also referred to as a façade.
Building front. The wall of a building most nearly parallel with and adjacent to the front property line.
Building height. The vertical distance, measured from the final surveyed grade at the time of building permit issuance to (a) the highest point of the roof surface, if a flat roof; (b) to the deck line of a mansard roof; and (c) to the mean height level between eaves and ridge for a gable, hip, or gambrel roof, as diagrammed below. If built on a terrace, the allowable building height may be increased by the height of the terrace, but this increase shall not exceed five (5) feet. For principal structures subject to the provisions of Chapter 9, Article 4, the vertical distance shall be measured from the design flood elevation.



Business center/shopping center.

A collection of two (2) or more buildings connected to each other by means of common walls;

A single building containing two (2) or more separate establishments or business spaces;

Two (2) or more establishments sharing parking;

Two (2) or more establishments under the same management or association for the purpose of enforcing reciprocal agreements controlling management or parking; or

Two (2) or more establishments all structurally designed in an integrated fashion around or along the sides of a promenade, walkway, concourse or courtyard.

Carnival. An itinerant group of persons and equipment primarily in the business of furnishing entertainment, in the combined form of gaming devices, side shows, and riding devices, operated independent of any local facility, commercial establishment, or non-profit organization.

Chesapeake Bay Review Committee. The decision making body responsible for hearing requests for relief to the O-CBP regulations and deciding O-CBP boundary disputes; composed of the director of the department of community development, the zoning administrator, the director of public works, the building official, and the chair of the wetlands board or his designee.

Clearing. Any activity that removes the vegetative ground cover, including but not limited to the removal of root mat or topsoil.

Coin-operated amusement machine. Any machine, activated by insertion of a coin or token, providing active or passive recreation, amusement, or entertainment, access to which is not legally restricted on the basis of age; except that this term shall not include jukeboxes, vending machines or coin-operated pool tables in a pool hall.

Coliseum Central Design Review Committee (CCDRC). A committee composed of three (3) city representatives chosen by the director of the department of community development and three (3) community representatives (with one (1) alternate) chosen by the Coliseum Central Business Improvement District Board, or its successor; the community representatives do not have to be members of the board.

Collector street. Right-of-way carrying traffic from minor collector streets and residential streets to the major system of arterial streets.

Commercial building-mounted antenna. Any structure affixed to a building that supports broadcast or receiving equipment of any frequency or electromagnetic wave, or any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves, for use by any commercial (for profit) enterprise. For the purpose of this ordinance, antenna used to support two-way radio communication between a main commercial user and vehicles used in the operation of that use and antenna used to support public utility equipment are not considered commercial building-mounted antenna.

Commercial communication tower. Any structure erected on a lot or attached to another structure that supports broadcast or receiving equipment of any frequency or electromagnetic wave, or any system of wires, poles, rods, reflecting discs or similar devices used for the transmission or reception of electromagnetic waves, for use by any commercial enterprise.

Commercial garage. Any structure owned and operated by a private entity, but open to the public, where vehicles are parked for a fee. This shall not be interpreted to apply to garages built and used solely in conjunction with hotels.

Commercial parking lot. Any parcel owned and operated by a private entity, but open to the public, where vehicles are parked for a fee.

Commercial vehicle.

Any vehicle used in the conduct of a business or government function with such identification thereon;

Any vehicle registered as a commercial or government vehicle, such as step vans, tow trucks, pickup trucks, etc., but not including automobiles, station wagons, and buses used for the transportation of students (public and private schools); or

Any vehicle, regardless of use, identification or registration, with a registered gross weight of twelve thousand (12,000) pounds or more.

Communication tower height. The distance measured from the highest point of any tower to the ground directly beneath that highest point; except, that if a noncommercial tower is attached to a building, the height shall be measured to the floor of the first floor level of the building, or if a noncommercial tower is attached to the roof of a building, the height shall be measured from the roof to the highest point of the tower.

Community garden. The cultivation of fruits, flowers, vegetables, and/or ornamental plants by more than one (1) person for non-commercial purposes.

Comprehensive plan. A document and all related materials embodying a coordinated plan that has been prepared by the planning commission and adopted by the city council for the physical development of the city, or any master plans, being portions of the comprehensive plan, prepared for the physical development of the city that designate, among other things, plans and programs to encourage the most appropriate use of land, lessen congestion throughout the city, and safeguard and promote the interests of public health, welfare and safety.

Conceptual plan. A sketch, drawing or other representation of a plan for development that carries no vested rights or obligations on any party.

Conditional use. A use that requires special, unusual, or extraordinary but reasonable limitations tailored to the use on a specific site in order to mitigate adverse impacts to public health, safety and welfare on surrounding properties and protect the public interest and integrity of the comprehensive plan.

Contiguous. Sharing one (1) or more common boundaries or points; abutting.

Continuing care retirement community. A development that may include any combination of independent residential units, assisted living units, and nursing home rooms, for residents fifty-five (55) or older or disabled individuals.

Control measure. Any best management practice or stormwater facility, or other method used to minimize the discharge of pollutants to state waters.

Copy. Any letter, symbol, or combination of these, located on the face of a sign that can be seen from the street or right-of-way.

Corner lot. A lot abutting on two (2) or more streets at their intersection.

Dance hall. Any place open to the general public, where dancing is permitted, to which an admission fee is charged, or for which compensation in any manner is received either directly or indirectly by cover charge or otherwise, or where refreshment or food or any form of merchandise are sold before, during, or after dancing; provided, however, that a restaurant licensed under section 4.1-210 of the Code of Virginia, to serve food and beverages and having a dance floor with an area not exceeding ten (10) percent of the total floor area of the establishment, shall not be considered a dance hall. Private clubs are excluded from this definition provided attendance at a dance is limited to bona fide members of such club and bona fide guests of such members; however, if tickets to dances held by or at a private club are sold or given to the general public, then the club shall be classified as a dance hall.

Day care. Any facility receiving children or adults for care limited to less than twenty-four (24) hours per day per client. Three (3) categories shall be established based on the number of children or adult clients, exclusive of any children or adults living in a residence:

Day Care 1 (DC1)—No more than five (5) clients in an occupied, detached, one-family dwelling;

Day Care 2 (DC2)—Six (6) to nine (9) clients in an occupied, detached, one-family residence; and

Day Care 3 (DC3)—Ten (10) or more clients in an occupied, detached, one-family residence or the care of any number of clients in any place other than an occupied, detached, one-family residence.

Demountable prefabricated building. A building erected in panel sections that can be dismantled and re-erected in sections.

Demolition. Any act or process that destroys, in whole or in part, structures or objects.

Design guidelines.

For the purposes of O-HP, the set of appropriate activities, adopted by the preservation district review board, that will preserve the historic and architectural character of the property within the boundaries of the O-HP; or

For all other purposes, a set of discretionary statements that guide development to achieve a desired level of quality for the physical environment, whether developed for a specific zoning district or as part of a specific zoning action.

Detention facility. Any governmental facility which houses persons who have been arrested, charged or convicted of a crime, including but not limited to jails and juvenile detention facilities, but not including prisons or correctional facilities operated by state or federal government.

Development. Any man-made change to improved or unimproved real estate including, but not limited to, structures, utilities, mining, dredging, filling, grading, paving, excavation or drilling operation, or any land disturbance and the resulting landform associated with the construction of residential, commercial, industrial, institutional, recreation, transportation, or utility facilities or structures or the clearing of land for non-agricultural or non-silvicultural purposes.

Dormitory. A structure devoted to housing of regularly enrolled students of a college or university that contains lodging units or sleeping rooms and may contain a common kitchen and dining facility for the occupants, operated by an agent of the affiliated college or university.

Downtown. The area including the Central Business District and adjacent residential areas composing the DT Districts.

Duplex unit. One (1) of the two (2) dwelling units contained in a duplex dwelling.

Duplex dwelling. A type of multi-family structure containing two (2) dwelling units attached by a common vertical fire-resistant wall, with each unit on a separate fee-simple lot.

Dwelling. A building or portion thereof designated or used exclusively for residential purposes.

Dwelling area. The gross heated floor area of a dwelling unit, exclusive of any hallways between units.

Dwelling unit. A single unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, cooking, eating and sanitation.

Encroachment. Any improvement that intrudes into a required setback, buffer area, or protected open space.

Environmental site assessment. A physical survey of the site or parcel that is prepared and certified as complete and accurate by a licensed professional engineer, land surveyor, architect or landscape architect licensed to do business in the state of Virginia; drawn at a scale of not less than 100 feet to the inch on a print not greater than 24 inches by 36 inches to clearly delineate with labels the components of the RPA, RMA, IDA and buffer area on and adjacent to the development site and the geographic extent and classification of all wetland areas on and contiguous to the site or parcel; and shall specifically include the boundaries of the following RPA features: (i) tidal wetlands, verified by field survey; (ii) non-tidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow; (iii) tidal shores; and (iv) a buffer area as set forth in chapter 9, article 2 of the city zoning ordinance. The geographic extent and classification of wetland areas shall be the result of a recent physical survey,

and in the case of non-tidal wetlands, a field delineation that is consistent with the procedures specified in the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands, 1987, as amended".

Extended stay hotel. A facility offering lodging accommodations to the general public for compensation having ten (10) or more sleeping rooms all containing kitchen facilities, a lobby, clerk's desk or counter for guest registers and records, and which may also include additional accessory services such as meeting or restaurant space. For the purpose of this definition, "kitchen facilities" shall include a sink separate from the bathroom sink, a range or cooktop, and a refrigerator.

Façade. The outside face of a building; building elevation.

Façade zone. A fixed width along the property line abutting a right-of-way within which a portion of the building façade must be located.

Family.

An individual living alone in a dwelling unit; or

Any of the following groups of persons living together and sharing living areas in a single dwelling unit:

Two (2) or more persons related by blood, marriage, adoption or approved foster care;

A group of not more than four (4) persons (including servants) who need not be related by blood, marriage, adoption or approved foster care;

Day Care 1;

Group Home 1; or

A group of not more than two (2) adults who need not be related by blood or marriage, and the children of each of the two (2) adults.

Fee-simple lot. A lot created within the project property lines of a townhouse or multiple dwelling development, or manufactured/mobile home subdivision for individual ownership, or any lot of record.

Flag lot. A lot connected to a public right-of-way by a narrow strip of land (the "flagpole" or "panhandle") that does not meet the required minimum frontage standards.

Flammable liquids. Any liquid having a flash point below two hundred (200) degrees F and having a vapor pressure not exceeding forty (40) pounds per square inch (absolute). (Further data on flammable liquids can be found in the Fire Prevention Ordinance Code.)

Flea market. An area for the open air retail sales of new and/or used merchandise, where space is provided to individual vendors.

Front yard. A yard extending across the full width of the lot and lying between the nearest building line and the front lot line or proposed right-of-way line.

Garage or yard sale. The on-site sale of tangible personal property belonging to the owner or occupant of such property.

Gas station. Any structure, premises, enclosure, equipment, or space used for the dispensing or sale of any gasoline or oils, or other type fuels for motor vehicles.

Green design. An integrated framework of design, construction and operational practices that encompassed the environmental, economic and social impacts of buildings; green building practices recognize the interdependence of the natural and built environments and seek to minimize the use of energy, water and other natural resources and provide a healthy, productive indoor environment.

Gross density. The allowable number of dwelling units per gross acre of land proposed for development.

Group home. A residential facility in which individuals with mental illness, intellectual disability, or developmental disabilities reside, with one or more resident or nonresident staff persons, as residential occupancy by a single family licensed by the Virginia Department of Behavioral Health and Developmental Services. For the purposes of this subsection, mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in the Virginia Code, as amended.

This term also includes a residential facility in which aged, infirm or disabled persons reside, with one or more resident counselors or other staff persons, as residential occupancy by a single family licensed by the Virginia Department of Social Services. Two categories shall be established based on the number of residents and exclusive of resident counselors:

Group Home 1 (GH1) – No more than eight (8) residents;

Group Home 2 (GH2) – Nine (9) or more residents.

Halfway house.

Any residential facility for individuals suffering from drug or alcohol abuse while they are undergoing rehabilitative treatment; such treatment shall not include detoxification; or

Any residential facility, operated or used by the Virginia Department of Corrections or the Federal Bureau of Prisons for the temporary care of adults on probation or parole.

Heliport. Landing and take-off facility for a helicopter that may have fueling facilities.

Home occupation. Any occupation or activity which is clearly incidental and secondary to use of the premises as a dwelling and which is carried on wholly or in part within a main building or accessory building by a member of the family who resides on the premises. The term expressly excludes (i) auto repair or service operations for vehicles other than the owner/occupant's personal vehicle(s); (ii) motor vehicle display for purposes of sale or lease other than the owner/occupant's personal vehicle; (iii) animal boarding facilities; (iv) machine shop/metal working; and (v) body piercing and/or tattooing operations.

Homeowners' association. A private non-profit association organized by the developer of a development in which individual owners share common interest in open space and/or facilities and are in charge of preserving, managing and maintaining the common property, and enforces improvements or other certain covenants and restrictions; also known as a property owners' association.

Hotel. A facility offering transient lodging accommodations to the general public for compensation and having ten (10) or more sleeping rooms, that may also have additional accessory services, such as meeting rooms, restaurants, and recreational activities. For the purpose of this definition, the term “transient” shall mean occupancy for periods of not more than 30 days unless permitted by Chapter 16.1 of the City Code.
Housekeeping unit. A dwelling unit organized as a single entity in which residents share common kitchen facilities and have access to all parts of the dwelling unit.
Impervious surface. A surface compacted or covered with a layer of material so that is it highly resistant to infiltration by water. It includes semi-pervious surfaces such as compacted clay, as well as most conventionally surfaced streets, roads, sidewalks, parking lots, and other similar surfaces. Other surfaces such as gravel, dirt or a mixture of materials that are regularly used for vehicle access, parking or storage shall also be considered impervious, if there is inadequate vegetative cover to affect the rate of stormwater infiltration.
Infill lot. Platted vacant lots as of January 12, 2000, in residential zoning districts.
Intensely developed area (IDA). A portion of the O-CBP District, delineated within the resource protection area on the Chesapeake Bay Preservation District map, where development is concentrated and little of the natural environment remains.
Interconnected wind energy system. A wind energy system which is electrically connected to the local electrical power utility system and can provide power to the local electrical power utility system.
Interior lot. A lot other than a corner lot.
Juvenile residence. A residential facility for juveniles which houses five (5) or more residents, but which does not include orphanages, shelters, detention facilities, group homes or halfway houses, as defined in this ordinance.
Kennel. The breeding, training, renting, selling and/or boarding of more than two (2) dogs or two (2) cats over the age of four (4) months.
Learning/tutoring center. A commercial establishment offering educational counseling and tutoring for a fee.
Live entertainment. Any artistic, musical or theatrical performance, including but not limited to, karaoke, open-microphone, live vocal or instrumental music, recorded music with a disc jockey (DJ), play, stand-up comedy, dance act, magic, poetry reading, reenactment, cabaret, or any combination thereof, performed by one (1) or more persons, whether or not they are compensated for the performance, in a privately owned premises that is open to the public, whether or not admission is charged.
Live/work dwelling. A type of mixed-use building where the first floor is used for nonresidential activity and the upper floor(s) are used for residential activity, and the two (2) uses have separate entrances; the resident of the upper floor need not be the operator of the nonresidential use below.
Loading space. An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of vehicles while loading or

unloading merchandise or material that has access to a street, alley, or other appropriate means of ingress and egress.

Lot. A parcel of land recorded in a deed or on a plat of record, and fronting on and having access to a public right-of-way, unless otherwise allowed by this ordinance; a lot may include parts of, or be a combination of abutting lots; for the purposes of townhouse and multiple dwelling development, the lot shall be that land enclosed by the project property lines, as defined herein.

Lot depth. The mean distance between front and rear lot lines, reduced by any adopted right-of-way line in the comprehensive plan overlapping the front or rear of the lot.

Lot width. The distance between the side lot lines, measured at right angles to the depth at a point midway between the front and rear lot lines, as reduced by any adopted right-of-way line in the comprehensive plan overlapping a part of the lot. In the case of irregularly shaped lots, the distance between the side lot lines shall be measured at the front setback line.

Manufactured home. A structure subject to federal regulation, that is transportable in one (1) or more sections; is eight (8) body feet or more in width and forty (40) body feet or more in length in the traveling mode, or is three hundred twenty (320) or more square feet when erected on site; is built with a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air conditioning and electrical systems contained in the structure.

Manufactured home park. A development where all manufactured/mobile home sites and any common area are under the ownership of one (1) entity and the lots are rented to individuals for the siting of manufactured/mobile homes. The ownership of the individual units within the development shall not affect this designation.

Manufactured home subdivision. A development where all manufactured/mobile home sites are fee-simple lots, all dwelling units are attached to permanent foundations, and any common area within the development is under the ownership of a homeowners' association. All manufactured/mobile homes within the subdivision shall be under the ownership of the person or entity owning the lot on which the unit is located.

Maximum extent practicable. A situation where no feasible or practical alternative exists, as determined by the city official responsible for administering the permit approval, and all possible efforts to comply with the standards or regulation or minimize potential harmful or adverse impacts have been undertaken by an applicant; economic considerations may be taken into account but shall not be the overriding factor.

Micro-brewery/distillery/winery. A facility for the production and packaging of alcoholic beverages for distribution, retail, or wholesale, on- or off-premises, with production capacity of not more than 15,000 barrels per year for micro-breweries or 20,000 gallons per year for micro-distilleries and micro-wineries.

Mid-block. The interior of a block not abutting a right-of-way.

Minor collector street. Right-of-way carrying traffic from residential streets to collector streets; may include the principal entrance streets for major circulation within a residential development.
Mixed-use structure. Any structure containing uses from two (2) different use groups.
Multi-family dwelling. A dwelling containing two (2) or more dwelling units.
Nacelle. The structure which houses all of the generating components, gearbox, drive train and other mechanical components of a wind energy system.
Net density. The allowable number of dwelling units per buildable acre of land proposed for development.
New development. For purposes of the O-CC District only, any physical improvement to land that, at the time of site plan submission, contains no structures, or any physical improvement to land that, at the time of site plan submission, contains structures that will be removed or destroyed by the proposed development to the point that exceeds seventy-five (75) percent of the current replacement value.
Noncommercial communication tower. Any structure erected on a lot or attached to another structure that supports broadcast or receiving equipment of any frequency or electromagnetic wave, or any system of wires, poles, rods, reflecting discs or similar devices used for the transmission or reception of electromagnetic waves for governmental or private/nonprofit use, to include amateur radio operations licensed by the Federal Communications Commission.
Nonconforming lot. A lot that does not comply with the dimensional standards that apply in the zoning district where the lot is located, but was permissible under previous provisions of this ordinance or predates this ordinance.
Nonconforming structure. A structure or portion of a structure that does not conform to the regulations and restrictions prescribed for the district where the structure is located, but was permissible under previous provisions of this ordinance or predates this ordinance.
Nonconforming use. A use that does not conform to the regulations and restrictions prescribed for the district where the use is located, but was permissible under previous provisions of this ordinance or predates this ordinance.
Nonpoint source pollution. Pollution consisting of sediment, nutrients, and organic and toxic substances from diffuse sources, such as runoff from agricultural and urban land development and uses.
Nontidal wetlands. Those wetlands other than tidal wetlands that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the U.S. Environmental Protection Agency and the Army Corps of Engineers, pursuant to enforcement of section 404 of the Federal Clean Water Act.
Nursing home. Any facility or any identifiable component of any facility licensed by the state board of health in which the primary function is the continuous provision of nursing

services and health-related services for the treatment and inpatient care of four (4) or more nonrelated individuals, including facilities known by varying nomenclature or designation such as convalescent homes, skilled nursing facilities or skilled care facilities, intermediate care facilities, extended care facilities, assisted living and nursing or nursing care facilities.

Official zoning district map. A composite map incorporating a series of smaller sectional and specific maps that designate the location, boundaries and extent of the various zoning districts and properties subject to conditions established in this ordinance; the official zoning district map is located and maintained in the office of the zoning administrator.

One-family dwelling. A structure on a single lot designed as a residence for one (1) family, as defined herein.

Open space. A parcel of land or an area of water or combination thereof, designated and limited within a development site as being intended for the recreational use (passive and active) and enjoyment of the residents. Open space shall not include streets, alleys, off-street parking or loading areas, or other facilities dedicated as either private or public right-of-way.

Outdoor material storage. The open air stockpiling of any materials, for use on- or off-site, or for sale, to include, but not be limited to, sand, gravel, pipe, concrete block, the trailers from tractor trailers and/or freight containers (portable, weather-resistant receptacle designed for and used in multi-modal shipment of goods, wares, or merchandise, including receptacles originally designed for the transport of goods but not currently used for such purposes); but not to include equipment or vehicle storage.

Owner. The person vested with the fee ownership or legal title of property; or the owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, or lessee having a lease of at least thirty (30) years.

Parking lot. Any premises, or space, except such as are defined as a commercial garage, used to park vehicles in compliance with all applicable parking provisions of this ordinance.

Parking space. Space provided for vehicular parking outside the dedicated right-of-way.

Pedestrian level. The area eight (8) feet to fifteen (15) feet high, measured from the base of the building, along a right-of-way.

Physical recreational amenity. Those structures or facilities used primarily for recreation, such as, but not limited to, clubhouses, pools, tennis courts, tot lots and play equipment.

Plan of development. For the purposes of the O-CBP District, process for site plan, subdivision plan, or construction plan review to ensure compliance with O-CBP prior to any clearing or grading of a site or the issuance of a building permit.

Plat. A document, prepared by a registered surveyor or engineer that delineates property lines and shows monuments and other landmarks for the purposes of identifying property.
Porch. Any gallery, veranda, terrace, piazza, portico or similar projection from the main wall of the building covered by a roof and having no side enclosures other than screens or rails.
Portable storage container. A portable, weather-resistant receptacle with storage capacity in excess of one hundred fifty (150) cubic feet, designed and used for the storage or shipment of household goods, wares, building materials or merchandise.
Portico. A roofed space at the entrance to a building, whether protruding from or receding into the building.
Primary access. That entry point into a building articulated in such a way as to appear to be the main entrance/front door; in multi-family buildings, this entrance is used to access a central hallway or foyer from which individual units are accessed.
Principal structure. The structure containing the principal use of the lot on which it is situated.
Principal use. The main or primary use of a building or lot.
Private club or lodge (includes fraternal or trade organizations). Buildings and facilities owned or operated by a corporation, association, person or persons for social, service, educational, or recreational purposes of the members and their guests.
Private garage. A detached accessory structure used to park vehicles of occupants of the premises, except that one (1) space may be used for the vehicle of persons not residents of the premises.
Private street. A street or right-of-way built and maintained by a private person that may or may not be open to use by the general public.
Proffer. A statement submitted by an applicant listing the proposed proffers or conditions associated with an amendment to the official zoning district map.
Project property line. The boundaries of an entire multi-family, townhouse, or mixed-use development.
Promotional events. Any open air event with the primary purpose of promoting and advertising a commercial establishment or group of establishments or functioning as a fund raising event for a non-profit organization including, but not limited to, small mechanized or animal rides, displays, exhibits, sporting events, give-aways, contests, or any similar events or combinations thereof.
Public street. Any dedicated and accepted right-of-way, fifty (50) feet or more in width, or any right-of-way of lesser width that have been dedicated and accepted prior to the adoption of this ordinance.
Rear yard. A yard extending across the full width of the lot and lying between the nearest line of the building and the rear lot line or proposed right-of-way line.
Recreational vehicle. A travel trailer, camper, coach, motorized dwelling, pickup camper, coach, converted bus, tent trailer or similar device used as a portable residential

dwelling, boat, and amphibious houseboat, and any utility trailer used for transporting any of the above named vehicles, whether occupied by such vehicle or not.

Redevelopment.

The process of developing land that has been previously developed;

For the purposes of the O-CBP District, the process of redevelopment shall result in the same or a lesser amount of impervious surface.

Religious facilities. Places of religious worship such as churches, synagogues, mosques, temples, fellowship halls, etc., or similar places and their appurtenant uses.

Residential streets. Rights-of-way used primarily for access to the abutting residential properties and designed to discourage their use by through traffic.

Resource management area (RMA). That component of the O-CBP District that is not classified as the resource protection area. The RMA is comprised of land that is contiguous to the variable width buffer for a distance of one hundred (100) feet in the landward direction.

Resource protection area (RPA). That component of the O-CBP District comprised of lands adjacent to water bodies with perennial flow that have an intrinsic water quality value due to the ecological and biological processes they perform or that are sensitive to impacts which may result in significant degradation to the quality of state waters. Resource protection areas include tidal wetlands; non-tidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow; tidal shores; and, a variable width buffer area not less than one hundred (100) feet in width. The variable width buffer area shall be located adjacent to and landward of the components listed above and along both sides of any water body with perennial flow. The buffer area shall be designated as the landward component of the RPA notwithstanding the presence of permitted uses, encroachments, and permitted vegetation clearing in compliance with O-CBP.

Right-of-way. Every way, lane, road, street, and boulevard and every way or place in the city open as a matter of right to public foot or vehicular travel, regardless of ownership.

Rooming house. A building or premises where lodging is offered for compensation to five (5) or more nontransient residents.

Rotors. In a wind energy system, it is the blade and hub assembly of a wind generator.

Rummage sale. Sale of tangible personal property conducted by a corporation, trust, religious organization, association, community chest, fund, or foundation organized and operated for religious, charitable, scientific, literary, community, or educational purposes.

Salvage or wrecking. The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Satellite earth stations (or dish antennas). An accessory structure comprised of the combination of (1) antenna or dish antenna whose purpose is to send and/or receive communication or other signals from orbiting satellites and/or other extraterrestrial

sources; (2) a low noise amplifier which is situated at the focal point of the receiving component and whose purpose is to magnify and transfer signals; (3) a coaxial cable whose purpose is to carry the signals into the interior of the building.

Service station. Any structure, enclosure or premises used for the repairing and servicing of motor vehicles when outdoor vehicle storage is restricted to designated paved parking spaces and limited to sixty (60) days for vehicles not used in the operation of the station.

Setback. The prescribed distance between the edge of an improvement (structure, parking lot, etc.) and the respective property line (front, rear or side), creating a yard.

Shelter. Any facility providing temporary or emergency housing for individuals in need, including facilities for the homeless and/or victims of abuse or neglect.

Side yard. A yard extending from the front yard to the rear yard, or to the respective lot line if no such yard exists, and lying between the nearest line of the building and the side lot line or proposed right-of-way line.

Sign. Any structure, wall fixture, placard, or other object using graphics, symbols and/or written copy designed specifically for the purpose of providing information or identifying any establishment, product, goods or services. The following terms and their definitions apply to the sign regulations in this ordinance:

Abandoned nonconforming sign—A sign identifying or advertising a business for which the sign was erected where the business has not be [been] in operation for at least two (2) consecutive years.

Banner—A sign intended to be hung on a frame, possessing characters, letters, illustrations or ornamentals applied to plastic or fabric, excluding official flags and emblems of political, professional, religious, educational or corporate organizations.

Business center/shopping center sign—A freestanding or wall sign that serves to identify a business/shopping center.

Construction sign—A freestanding sign giving the name or names of the principal contractors, architects, lending institutions or other firms, and information related to the construction and marketing of the site.

Directory sign—A freestanding or wall sign designed to provide on-site direction to establishments within a shopping center/business center and containing copy not legible from any public right-of-way.

Discontinued sign—A sign identifying or advertising an establishment where the establishment has not operated for a period of at least ninety (90) consecutive days.

Establishment—For the purposes of signage only, any business, institutional, professional or religious entity which provides products or services, or any apartment, condominium, cluster home, townhouse for sale, or similar project. Only an entity which occupies a separate business space which is enclosed by walls and accessed and secured separately will be considered a single

establishment. Any apartment, condominium, cluster home, townhouse for sale or similar project under single management or association will be considered a single establishment unless located on non-contiguous lots, in which case each non-contiguous grouping will be considered a separate establishment for purposed [purposes] of this ordinance.

Exposure—Any face of a building and the lot area between that face and its corresponding property line.

Festoons—A string of ribbon, tinsel, small flags, pennants, pinwheels, or similar devices.

Freestanding sign—A sign that is permanently attached to the ground and not attached to or supported by a building; a sign attached to a surface such as a fence or a wall that is not a structural part of a building (except a roof-like structure); a freestanding sign shall not contain two (2) or more noncontinuous broken planes or geometric shapes, unless supported by a single column or surface.

Ground-mounted sign—A type of freestanding sign with a continuous vertical plane extending from the ground to the top of the sign.

Illegal sign—A sign that does not meet the requirements of this ordinance and has not received legal nonconforming status.

Menu board—A freestanding or wall sign designed as an outdoor means to communicate, in a manner not legible from any public right-of-way, offerings of food and beverages for drive-in and drive-thru service.

Mural—A painted scene or other type of graphic that does not contain any copy and does not provide information concerning the establishment or any product, good or service offered by the establishment.

Nonconforming sign—A sign that does not conform to the regulations and restrictions prescribed for the district where the sign is located, but was permissible under previous provisions of this ordinance or predates this ordinance.

Off premise advertising sign—A permanently attached, freestanding sign that directs the attention of the general public to a business, service or activity not conducted or a product not offered or sold upon the premises where the sign is located.

Permanently attached sign—A sign rigidly attached by bolting, welding, molding, nailing, concrete, or similar mechanisms to a support installed below the surface grade of the lot.

Political sign—A freestanding or wall sign providing information relating to a local, state or national election.

Public directory or information sign—Freestanding signs provided by the city or its assigns, located on public rights-of-way, intended to provide direction or information to major public facilities, events, and private establishments, and

signs identifying neighborhoods, single-family subdivisions, or townhouse, multi-family or mixed-use developments, located at the entrances to such developments.

Real estate sign—A freestanding or wall sign providing information concerning the rent, lease or sale of only the real estate upon which it is located, including the name of the realtor and listing agent and their contact information.

Sign area—The larger of that area bounded by the outer extremities of all letters, figures, characters, and delineation, or the outer extremities of the framework or background of the sign; the sign area for a freestanding sign shall be contained in a continuous, unbroken plane or geometric shape. The support for the sign background, whether it be columns, a pylon, a building, or part thereof, shall not be included in the sign area and shall not be used to provide information or identification. When two (2) sign faces are parallel, back to back, continuously enclosed, and not more than thirty-six (36) inches from each other, only one (1) face shall be included in the computation of the sign area; otherwise each sign face shall be included in the computation of sign area.

Sign face—Any side of a sign providing information or identification.

Sign height—The vertical distance measured from the surface grade of the lot to the highest point of the sign.

Wall sign—A sign attached to, erected, or painted on the outside wall of a structure, or which extends from a building wall.

Window sign—A sign that is attached to, or located behind a window that exceeds thirty-three (33) percent of the window area.

Silviculture. The bona fide production or harvesting of trees for sale.

Skateboard ramp. A recreational facility consisting of grid boxes, quarter pipes, half pipes, grind rails, fun boxes, fly boxes, decks or ramps used for skateboarding.

Small wind energy conversion system (SWECS). Any wind turbine or wind charger that converts wind energy into electricity, including rotors, generators, towers and associated control or conversion electronics that has a maximum power of at most twenty-five (25) Kw which will be used to reduce on-site consumption of utility power.

Solar energy equipment (solar panel). A panel designed to absorb and convert the sun's rays into usable forms of energy.

Stormwater. Precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include stormwater runoff, snow melt runoff, and surface runoff and drainage.

Structure. Anything constructed or erected, requiring location on or in the ground, or attached to something having location on the ground.

Substandard lot. A lot that does not meet the dimensional standards of the zoning district in which it is located, but met the requirements in effect at the time the lot was recorded.

Tattoo parlor. Any establishment placing designs, letters, scrolls, figures, symbols or any other mark upon or under the skin of any person with ink or other substance resulting in the permanent coloration of the skin, including permanent makeup or jewelry, by the aid of needles or any other instrument designed to touch or puncture skin, except when performed by a medical doctor, veterinarian, registered nurse or other medical professional licensed pursuant to title 54.1 of the Code of Virginia in the performance of professional duties. Such establishment may also perform body piercing.

Through lot. A lot having frontage on two (2) approximately parallel streets.

Tidal shore or shore. Land contiguous to a tidal body of water between the mean low water level and mean high water level.

Tidal wetlands. Vegetated land lying between and contiguous to mean low water and an elevation above mean low water equal to the factor of one and one-half (1½) times the mean tide range, or nonvegetated land lying contiguous to mean low water and between mean low water and mean high water.

Timeshare dwelling. Any dwelling unit that is owned by a group of owners, each having a limited share in the use of the unit (normally by week or month).

Total wind energy system height. The vertical distance measured from the ground at the base of a tower or pole mounted wind energy system mounting system tower to the uppermost vertical extension of any blade or to the maximum height reached by any part of the wind energy system. This definition shall not apply to a building mounted wind energy system.

Townhouse dwelling. A type of multi-family dwelling where each unit has its own front and rear exposure to the outside, no unit is located over another unit, and each unit is separated from any other unit by one (1) or more common vertical fire-resistant walls.

Tributary stream. Any perennial stream that is so depicted on the most recent U.S. Geological Survey seven and one-half (7½) minute topographic quadrangle map.

Tuck-under parking. Parking spaces provided on the ground level and accessed at the rear of a building with upper floors of the building creating cover.

Two-family dwelling. A type of multi-family structure on a single lot containing two (2) dwelling units, each of which is totally separated from the other by an unpierced wall extending from the ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell to both dwelling units.

Use. Any purpose for which a structure, lot, or other tract of land may be designed, arranged, intended, maintained, or occupied; or any activity, occupation, business or operation carried on or intended to be carried on in a structure or on a lot.

Use group. One (1) of the four (4) categories of similar or related uses permitted in the various zoning districts:

One-family, multi-family dwellings and community facilities;
Townhouse dwellings;
Commercial uses; and
Manufacturing uses.

Variance. A grant of relief from the terms of this ordinance by the board of zoning appeals of the City of Hampton, as allowed in chapter 13 herein.

Vehicle storage area. Any premises or space exposed to the weather used for the storage of towed, abandoned, or damaged vehicles for up to sixty (60) days.

Water area. Area of ponds, lakes, rivers, streams, or other impounded water bodies and associated marshlands and wetlands.

Water-dependent facility. A development of land that cannot exist outside of the resource protection area and must be located on the shoreline by reason of the nature of its operation, such as ports, the intake and outfall structure of power plants, water treatment plants, sewage treatment plants and storm sewers, marinas and other boat docking structures, not to include office, showrooms or other sales areas, beaches and other public water-oriented recreation areas, and fisheries and similar marine resources facilities.

Wind energy system setback. The distance from the base of the structure, tower, pole or building upon which the wind energy system is mounted to a public right-of-way, overhead public utility line or lot line, whichever is closest.

Wind energy system. Equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, turbine, vane, wire or other component used in the system.

Wind energy system, hybrid system. An energy system that uses more than one (1) technology to produce energy or work (for example, a wind-solar system).

Workforce development center. A facility for employment training or counseling.

Yard. An open space, other than a hard surface court, on the same lot with a building or group of buildings, that lies between the building or group of buildings and a lot line, and is unoccupied or unobstructed from the ground upward except for walls and fences as may be permitted by the zoning district where the lot is situated.

CHAPTER 3 - USES PERMITTED

Sec. 3-1. Uses permitted, in general.

The following table identifies uses that are permitted within each zoning district. If a use is not listed, it is not permitted within the district unless the zoning administrator interprets the use to be substantially similar to one of the uses listed. Uses may be permitted by-right (P), conditionally with a use permit (UP), by planning commission action (PC), by special exception (SX) or by zoning administrator action (ZA). Uses not permitted are blank. Uses which have additional standards are denoted by an asterisk (*) with reference to the specific section of the zoning ordinance which contains said standards.

Sec. 3-2. Table of uses permitted.

TABLE OF USES PERMITTED - CITY OF HAMPTON ZONING ORDINANCE

Permission Key: P = permitted by-right | UP = use permit | PC = planning commission action | SX = special exception | ZA = zoning administrator permit | blank = not permitted | * = see additional standards column for reference

USES	Standard Zoning Districts																						Special Zoning Districts																				*Additional standards on uses
	One- and Two-Family Residential											Multifamily Residential					Commercial			Manufacturing			Langley Flight Approach						Residential Transition	Buckroe Bayfront					Hampton Roads Center			Downtown			Parks		
	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	C-3	M-1	M-2	M-3	LFA-1	LFA-2	LFA-3	LFA-4	LFA-5	LFA-6	RT-1	BB-1	BB-2	BB-3	BB-4	BB-5	HRC-1	HRC-2	HRC-3	DT-1	DT-2	DT-3	PO-1	PO-2	
RESIDENTIAL - 1, 2 & MULTIFAMILY																																											
1-family detached dwelling	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*					P*											P		P*	P	P	P											Sec. 3-3(1)
2-family dwelling (on one lot)										P						P														P	P	P						P	P				
duplex dwelling (on two fee-simple lots)										P						P													P*	P	P	P						P	P				Sec. 3-3(2)
multifamily dwelling												UP	P	P	P	P	UP	P											P		P	P	P	P				P	P	P			
townhouse (on a fee-simple lot)												P	P	P	P	P	P	P											P									P	P	P			
manufactured home			P*																																								Sec. 3-3(3)
manufactured/mobile home park													UP*	UP*		UP*	UP*	UP*											UP*											UP*				Sec. 3-3(4)
manufactured/mobile home subdivision													UP*	UP*		UP*	UP*	UP*											UP*											UP*				Sec. 3-3(4)
upper-floor dwelling unit (one unit over commercial)																		UP*																				P*	P*				Sec. 3-3(5)
dwelling unit for resident caretaker/watchman																				P*	P*	P*	P*	P*		P*		P*									P*						Sec. 3-3(6)
home occupation	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*									P*		P*	P*	P*	P*	P*	P*				P*	P*	P*			Sec. 3-3(7)
GROUP LIVING																																											
boarding/rooming house																	P	P											P									P		P			
detention facility																	UP	UP	UP																								
group home 1	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P									P		P	P	P	P						P	P	P			
group home 2												UP*	UP*	UP*	UP*	UP*	UP	UP																									Sec. 3-3(8)
halfway house																	UP	UP	UP																								
juvenile residence	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*																									Sec. 3-3(8)
nursing home													UP	UP	UP		UP	UP	UP										UP									UP	UP	UP			
orphanage																UP*	UP*	UP*	UP*																								Sec. 3-3(9)
shelter	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*																								Sec. 3-3(9)
RETAIL SALES, SERVICES & OFFICE																																											
bank, with drive-through																	P	P	P	P	P			P		P		P	P			P	P	P		P	P	P	P				
bank, without drive-through																	P	P	P	P	P			P	P	P		P	P			P	P	P		P	P	P	P				
bank, accessory, without drive-through																																			P								
barber shop/beauty salon																	P	P	P		P			P					P			P	P	P		P		P	P				
bed & breakfast	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP		UP	UP	UP	UP										UP	UP	UP	UP						UP	UP	UP			
bicycle sales and repair																	P	P	P		P								P			P	P	P		P		P	P				
boat repair																					P	P	P	P															P				
boat sales																	P	P	P		P		P*	P					P			P	P	P		P		P	P				Sec. 3-3(45)
car wash, hand/auto detailing																	P	P	P		P	P	P	P					P														
car wash, self-service or automated																		P	P		P	P	P	P																			
catering service																		P	P		P	P														P							
clothing maker, custom																	P	P	P		P			P		P		P	P			P	P	P				P	P				
computer equipment repair																		P	P		P			P											P	P							
day care 1	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P								P		P	P	P	P						P	P	P			
day care 2	SX*	SX*	SX*	SX*	SX*	SX*	SX*	SX*	SX*	SX*	SX*	SX*	SX*	SX*	SX*	SX*	SX*	SX*	SX*										SX*									SX*	SX*	SX*			Sec. 3-3(10)
day care 3	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*																	UP*			UP*	UP*	UP*			Sec. 3-3(11)
day care 3, accessory																				UP*	UP*	UP*													UP*		UP*							Sec. 3-3(11)
dry cleaning, collection or pick-up station																	P	P	P		P			P		P		P	P			P	P	P				P	P				
dry cleaning, closed type using nonflammable liquid																	UP	P	P		P								UP									UP	UP				
dry cleaning																			P		P															P							
farm supplies/equipment sales and service																			P		P		P	P																			
funeral home/mortuary																		UP	UP		UP								UP														
gas station																	P	P	P		P		P	P												P		P	P				
hotel																		UP	UP													UP	UP	UP	UP	P		UP	UP				
hotel, extended stay																		UP	UP													UP	UP	UP	UP	UP		UP	UP				
laundromat																	P	P	P		P								P									P	P				
liquor store																	P	P	P		P					P		P	P			P	P	P		P		P	P				
loan office																	P	P	P		P								P									P	P				
massage parlor																	P	P	P		P								P									P	P				
motorcycle sales																		P*	P		P																						Sec. 3-3(40)
motorcycle service																		P*	P		P	P																						Sec. 3-3(41)
office, general																P	P	P	P	P	P	P		P	P	P		P	P			P	P	P	P	P	P	P	P				
office, government																P	P	P	P	P	P	P		P	P	P		P	P			P	P	P	P	P	P	P	P	P			
office, laboratory or research																				P*				P*	P*	P*		P*							P*	P*	P*							Sec. 3-3(44)
office, taxicab																	P	P	P		P	P	P	P					P									P	P				
outdoor dining 1																	ZA*	ZA*	ZA*		ZA*								ZA*			ZA*	ZA*	ZA*										Sec. 3-3(12)
outdoor dining 2																	UP*	UP*	UP*		UP*								UP*			UP*	UP*	UP*										Sec. 3-3(13)

	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	C-3	M-1	M-2	M-3	LFA-1	LFA-2	LFA-3	LFA-4	LFA-5	LFA-6	RT-1	BB-1	BB-2	BB-3	BB-4	BB-5	HRC-1	HRC-2	HRC-3	DT-1	DT-2	DT-3	PO-1	PO-2	
outdoor dining, downtown																																							ZA*	ZA*				Sec. 3-3(14)
pawn shop																		UP	UP		UP																							
print shop/private postal service, max. 500 sq. ft.																	P												P									P	P				
print shop/private postal service, max. 3000 sq. ft.																		P																										
print shop/private postal service, no max.																			P	P	P	P		P	P	P		P				P	P	P	P	P	P							
restaurant, including drive-through																	P	P	P	P	P			P					P			P	P	P		P	P	P	P					
restaurant, drive-in																		P	P		P			P								P	P	P		P								
restaurant, accessory, not to include drive-through																																			P								
retail sales, general[A]																	P	P	P		P			P		P		P	P			P	P	P		P		P	P				
rummage sale, temporary																	P*	P*	P*		P*								P*									P*	P*				Sec. 3-3(15)
second-hand store																		P*	P*		P*																						Sec. 3-3(16)
sign painting shop																		P	P		P		P	P																			
storage facility																			UP		UP	UP	P	P		P		P															
tattoo parlor																		UP	UP		UP																						
tire sales																		P*	P*		P*		P	P																			Sec. 3-3(17)
tire repair																		P*	P*		P*	P	P	P																			Sec. 3-3(17)
Turkish bath																	P	P	P		P								P									P	P				
upholstery shop																		P	P		P					P		P															
vehicle repair, heavy																			P		P	P	P	P																			
vehicle repair, light																	P	P	P		P	P	P	P												P		P	P				
vehicle sales, of new vehicles, to include sales of used vehicles as accessory to new sales																		P	P		P		P	P																			
vehicle sales, of used vehicles																			P		P		UP	UP																			
vehicle storage, including vehicle storage accessory to sales of new vehicles or gas station																		UP*																									Sec. 3-3(42)
vehicle storage, including vehicle storage accessory to heavy vehicle repair																			UP*		UP*	UP*	UP*	UP*																			Sec. 3-3(18)
vending stand, food																																										P	
INSTITUTIONAL																																											
college/university, public	P	P	P	P	P	P	P	P	P	P		P	P	P		P	P	P	P										P						P	P		P	P				
college/university, private	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP		UP	UP	UP		UP	UP	UP	UP										UP						P	P		UP	UP				
hospital			UP													UP	UP	UP	UP										UP									UP	UP				
library, public	P	P	P	P	P	P	P	P	P	P		P	P	P		P	P	P	P		P	P							P						P			P	P	P			
library, private	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP		UP	UP	UP		UP	UP	UP	UP		UP	UP							UP						P			UP	UP	UP			
medical/dental clinic																P	P	P	P	P	P	P		P		P		P	P			P	P	P	P	P	P	P	P				
museum, public	P	P	P	P	P	P	P	P	P	P		P	P	P		P	P	P	P		P	P							P						P			P	P	P			
museum, private	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP		UP	UP	UP		UP	UP	UP	UP		UP	UP							UP						P			UP	UP	UP			
post office																	P	P	P		P	P							P						P	P		P	P				
religious facility	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*										P*	P*	P*	P*	P*	P*				P*	P*	P*			Sec. 3-3(24)
religious facility, temporary tent revival			UP																P																								
sanitarium			UP													UP	UP	UP	UP										UP						P			UP	UP				
school, business																	P	P	P										P						P	P		P	P				
school, dance																	P	P	P										P						P			P	P				
school, horse riding	UP*	UP*	UP*	UP*	UP*	UP*																																					Sec. 3-3(19)
school, public or private	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP		UP	UP	UP		UP	UP	UP	UP	UP									UP						P	P		UP	UP	UP			
RECREATION & ASSEMBLY																																											
adult entertainment establishment																			P*		P*																						Sec. 3-3(20)
amusement center																		UP	P		P																						
amusement operations																			P		P																						
auditorium																		P	P		P															P		P	P				
billiard hall																		P	P		P											UP	UP	UP	P	P							
bowling alley																		P	P		P														P	P							
carnival																			UP		P																						
club/lodge, private or fraternal																UP	UP	UP	UP		UP	UP							UP									UP	UP				
community center	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP		UP	UP	UP	UP										UP									UP	UP	UP	P		
coin-operated amusement devices, accessory																	P*	P*	P*										P*									P*	P*				Sec. 3-3(21)
dance hall																			P																								
golf course/country club	P	P	P	P	P	P																			UP	UP		UP							P	P					P		
live entertainment 1, in conjunction with a restaurant																	ZA*	ZA*	ZA*										ZA*			ZA*	ZA*	ZA*				ZA*	ZA*				Sec. 3-3(22)
live entertainment 1, in conjunction with a micro-brewery/distillery/winery																				ZA*	ZA*	ZA*													ZA*	ZA*		ZA*	ZA*				Sec. 3-3(22)

	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	C-3	M-1	M-2	M-3	LFA-1	LFA-2	LFA-3	LFA-4	LFA-5	LFA-6	RT-1	BB-1	BB-2	BB-3	BB-4	BB-5	HRC-1	HRC-2	HRC-3	DT-1	DT-2	DT-3	PO-1	PO-2	
live entertainment 2, in conjunction with a restaurant																	UP*	UP*	UP*										UP*			UP*	UP*	UP*				UP*	UP*				Sec. 3-3(23)
live entertainment 2, in conjunction with a micro-brewery/distillery/winery																				UP*	UP*	UP*													UP*	UP*		UP*	UP*				Sec. 3-3(23)
park/playground, active	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP		UP	UP	UP	UP										UP						P	P		UP	UP	UP	P		
park, passive/open space	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP		UP	UP	UP	UP						UP	UP		UP	UP						P	P		UP	UP	UP	P	P	
recreation center																									P																P		
shooting range, indoor																			UP		UP	UP																					
shooting range, trap or skeet	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	Sec. 3-3(25)
skateboard ramp			SX*				SX*	SX*	SX*	SX*	SX*	SX*	SX*	SX*		SX*	SX*	SX*	P										SX*						P	P		SX*	SX*	SX*	P		Sec. 3-3(26)
skating rink, ice or roller																		P	P																P	P					P		
swimming pool, commercial																		P	P																P	P					P		
theater, indoor																	UP	P	P										P									P	P				
theater, outdoor																																				P							
AGRICULTURAL & ANIMAL-RELATED																																											
agriculture/farming			P*																				P	P																			Sec. 3-3(37)
animal boarding/stables			UP*																			P																					Sec. 3-3(19)
community garden	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	Sec. 3-3(46)
kennel			UP*																		P	P																					Sec. 3-3(38)
silviculture/plant nursery, no retail sales			P																	P			P	P					P*														Sec. 3-3(39)
silviculture/plant nursery, including retail sales	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	Sec. 3-3(27)
slaughterhouse/stockyard																						UP																					
taxidermist																			P		P																						
veterinarian office/hospital			UP*															UP*	UP*		P	P							UP*															Sec. 3-3(28)
accessory use/structure for keeping of recreational animals	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*					P*	P*	P*	P*										P*									P*	P*				Sec. 3-3(29)
INDUSTRIAL																																											
blacksmith																					P	P	P	P																			
blast furnace/boiler works																						P		UP	UP	UP		UP															
brewery/distillery/winery, micro																				P	P	P		UP	UP	UP		UP							P	P		P*	P*				Sec. 3-3(47)
brewery/distillery																						P		UP	UP	UP		UP							P	P							
cotton gin/oil mill																						P		UP	UP	UP		UP															
drop forge/power hammer																						UP		UP	UP	UP		UP															
elevator; coal, grain or flour																						P		UP	UP	UP		UP															
foundry																						P		UP	UP	UP		UP															
freezing plant for produce																					P	P	P	P																			
ice storage and distribution																			P*		P	P	P	P																			Sec. 3-3(43)
laundry and cleaning, commercial																					P	P	P	P																			
machine shop or light metal fabrication																				P	P	P	P	P													P						
manufacturing of arts and crafts																		P*	P*		P	P		UP	UP	UP		UP							P	P		UP	UP				Sec. 3-3(30)
manufacturing of boats/sail-making																					P	P	P	P												UP			P				
manufacturing/processing/treatment of baked goods, dairy products																			P		P	P		UP	UP	UP		UP							P	P							
manufacturing/processing/treatment of seafood																			P		P	P		UP	UP	UP		UP							P	P			P				
manufacturing/processing/treatment 1[B]																				P				UP	UP	UP		UP									P						
manufacturing/processing/treatment 2[C]																						UP		UP	UP	UP		UP															
manufacturing/processing/treatment 3[D]																						P		UP	UP	UP		UP															
manufacturing/processing/treatment 4[E]																					P	P		UP	UP	UP		UP							P	P							
manufacturing/processing/treatment 5[F]																					P	P		UP	UP	UP		UP															
mill, lumber or saw; including lumberyard																						P	P	UP	UP	UP		UP															
mixing plant, asphalt or concrete																					UP	P	UP	UP	UP	UP		UP															
motion picture studio																				P	P	P														UP	P						
rolling mill																						P		UP	UP	UP		UP															
smelting or tin, copper, iron, or zinc																						UP		UP	UP	UP		UP															
storage/distribution of flammable liquids																					P	P																					
storage of materials, indoor or outdoor, including equipment rental and contractor's storage																				P*	P*	P*	P*	P*												P*	P*							Sec. 3-3(31)
tannery																						UP		UP	UP	UP		UP															
trash or junk collection, storage, sorting or baling																						UP	UP	UP	UP	UP		UP															
yard, railroad freight classification																						P	P	P																			
yard, trucking terminal or draying																				P	P	P	P	P																			
warehouse/distribution center																				P	P	P	P	P	P	P		P							P	P	P							
wrecking; automobile, indoor																						P	UP																				
wrecking; automobile, outdoor																						P*	UP																				Sec. 3-3(32)

	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	C-3	M-1	M-2	M-3	LFA-1	LFA-2	LFA-3	LFA-4	LFA-5	LFA-6	RT-1	BB-1	BB-2	BB-3	BB-4	BB-5	HRC-1	HRC-2	HRC-3	DT-1	DT-2	DT-3	PO-1	PO-2	
UTILITIES & TRANSPORTATION																																											
boat tour/charter boat docking facility																																							P				
boathouse, pier, dock, ramp; commercial (public or private)	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	
bus terminal																																						P	P				
communication antenna, commercial building-mounted	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*							P*			UP*	UP*	UP*		P*	P*	P*	P*	P*			Sec. 3-3(33)
communication tower, commercial	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*		UP*	UP*	UP*	UP*	UP*	UP*	UP*							UP*						UP*	UP*	UP*	UP*	UP*	UP*	UP*		Sec. 3-3(34)
communication tower, noncommercial 75' max.	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P					P		P						P			P	P	P			
communication tower, noncommercial 75' to 125'	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP		UP	UP	UP	UP	UP	UP	UP					UP		UP						UP			UP	UP	UP			
heliport/helistop																				UP															UP	UP	UP						
marina, including boat sales, rental, storage and fuel	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	
parking garage, commercial																			P		P	P	P	P														P	P				
parking lot, commercial																	P	P	P		P	P	P	P					P														
parking lot, accessory to PO-2 uses																																										P	
parking lot, used as an extension of or in conjunction with adjacent C-zoned property under common ownership																P																											
pier, dock, seawall related to commercial or industrial water transport																					UP	UP																					
railroad track spur																				P																	P						
transit station																																				UP							
transmission center, government-operated																																			UP								
utility infrastructure/structure to house a government function	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P			P	P		P		P								P	P	P	P	P			
utility building/substation	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC		PC	PC	PC	PC	PC	P	P	PC	PC		PC		PC	PC							PC	PC	PC	PC	PC			
utility plant/power plant																					P	P																					
OTHER																																											
cemetery			UP																				UP	UP																			
excavation, filling, borrow pit operation, extraction, processing or removal of soil	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	UP*	Sec. 3-3(35)
off-premises advertising signs, existing																					P*	P*																					Sec. 10-4(11)
open-air version of any use permitted in HRC-2																																				UP							
promotional event																	ZA*	ZA*	ZA*		ZA*								ZA*									ZA*	ZA*				Sec. 3-3(36)
rescue mission																			P																								
wholesaler																			P	P	P	P	P	P		P		P									P						

[A] “Retail sales, general”: uses of the same general character as antique shop, appliance store, art shop, bakery (retail), boating supply store, book store, clothing store, confectionery, convenience store, dairy products store, delicatessen, department store, drapery store, drug store, dry cleaning (collection or pick-up station), florist, furniture and floor coverings store, grocery store (including produce, meat, or seafood markets), hardware store, interior decorating store, Internet café, jewelry store, newsstand, office supply/stationery store, pet shop, photography studio, shoe store and repair, or variety store.

[B] “Manufacturing/processing/treatment 1”: uses of the same general character as manufacturing/processing/treatment of aircraft and spacecraft (including component parts); medical, photographic and metering equipment; drafting, optical and musical instruments; watches and clocks; toys, novelties and games; electronic apparatus; light mechanical and electrical devices; machines (including component parts); meters; wire products; pumps; vending and office machines; appliances; electronic equipment (including parts such as coils, thermostats, heaters, generators but excluding heavy parts such as electrical power generation components); bolts, nuts, screws and rivets; firearms (excluding ammunitions and explosives); tools, dies, machinery and hardware; bakery and dairy products; fruit, vegetable, meat and poultry products (excluding slaughtering and bulk storage of animal feed or grain); pillows, quilts, clothing and textiles; or boxes, furniture and light wood products.

[C] “Manufacturing/processing/treatment 2”: uses of the same general character as manufacturing/processing/treatment of acetylene gas, acid, alcohol, ammonia, animals (dead), bituminous products, bleaching powder, bone distillation, chlorine, casein, cement, chemicals, explosives, fertilizer, gas, gelatin, gutta-percha, lacquer, lampblack, lime gypsum, linoleum, matches, offal, oil, oil cloth, paint, paper, paper pulp, plaster of Paris, plastics, potash, pyroxylin, rendering of fat, rubber, salt, shellac, size, soap, sodium compounds, shoe polish, tar products, turpentine, varnish, vegetable products, or wool.

[D] “Manufacturing/processing/treatment 3”: uses of the same general character as manufacturing/processing/treatment of animal feed, automobiles, bags, bottles, barrels, concrete, brick, tile, terra cotta, or petroleum products (excluding refinery).

[E] “Manufacturing/processing/treatment 4”: uses of the same general character as manufacturing/processing/treatment of appliances, electrical devices, light mechanical products, pottery, signs (including electric and neon), cosmetics, or pharmaceuticals.

[F] “Manufacturing/processing/treatment 5”: uses of the same general character as manufacturing/processing/treatment of batteries, metal products, grains, bone, horns, feathers, fur, leather, hair, canvas, cellophane, cloth, felt, paint, paper, plastic, yarn, cork, fiber, stone, tobacco, or wood.

Sec. 3-3. Additional standards on uses.

The following uses have additional standards:

(1) **One-family detached dwelling.**

(a) In the R-R, R-LL, R-43, R-33, R-22, R-15, R-13, R-11, R-9, R-8, R-4, and R-M districts, such dwellings may be altered to contain two (2) dwelling units, provided that each dwelling unit shall be occupied by only one (1) family; and provided further that one (1) of the two (2) occupant families shall include the owner or at least one (1) of the owners of the premises; and further provided, that such use entails none but minor interior alterations to the dwelling while retaining the exterior appearance of a single-family dwelling with a single outside entrance to both dwelling units.

(b) In the RT-1 district, such dwellings may be altered to contain two (2) dwelling units, provided that each dwelling unit shall be occupied by only one (1) family; and provided further that one (1) of the two (2) occupant families shall include the owner or at least one (1) of the owners of the premises; and further provided, that such use entails none but minor interior alterations to the dwelling while retaining the exterior appearance of a single-family dwelling with a single outside entrance to both dwelling units. Additionally, no one-family dwelling constructed after the property is zoned RT-1 shall have a driveway with direct access to an arterial street

(2) **Duplex dwelling.**

In the RT-1 district, duplex dwellings shall be in conformance with the requirements of the R-8 district, with two (2) modifications:

(a) Each duplex lot created after the property is zoned RT-1 District shall have a minimum frontage of 62½ feet; and

(b) No duplex dwelling constructed after the property is zoned RT-1 shall have a driveway with direct access to an arterial street.

(3) **Manufactured home.**

In the R-R district, manufactured homes shall be 19 or more feet in width and attached to a permanent foundation.

(4) **Manufactured/mobile home park or subdivision.**

In the MD-2, MD-3, R-M, C-1, C-2, RT-1, DT-1, DT-2, and DT-3 districts, the hereinafter stated regulations, minimum requirements and objective standards shall apply to all manufactured home parks and subdivisions permitted after October 24, 1990, and any changes or additions to manufactured home parks and subdivisions existing prior to October 24, 1990.

(a) Application requirements. In addition to a use permit, the following shall be included with the application:

(i) A site plan and a landscape plan as required herein for a manufactured home park.

(ii) A preliminary subdivision plat and a landscape plan as required herein for a manufactured home subdivision. Nothing in this section shall alter the requirements for the approval of site plans and/or subdivision plans, as provided in chapters 35 and 35.1 of the city code.

(b) Uses permitted. Only those manufactured homes constructed in accordance with regulations promulgated under the Federal Manufactured Housing Construction and Safety Standards Act or the Virginia Industrialized Building and Manufactured Home Safety Regulations, as amended, and bearing the appropriate seals and labels to certify compliance with such regulations shall be permitted under this article. Manufactured home park owners/operators and individual unit owners in subdivisions shall be responsible for the maintenance and upkeep of units in such parks or subdivisions.

(c) Area requirements; number of lots. All manufactured home parks and subdivisions shall be located on a minimum of five (5) acres, and shall be comprised of a minimum of 10 lots.

(d) Lot area requirements. All lots within a manufactured home park shall meet the following minimum standards:

(i) Lots for single-wide units shall contain at least 3,800 square feet and have at least 40 feet of street frontage.

(ii) Lots for double-wide units shall contain at least 5,225 square feet and have at least 55 feet of street frontage.

(ii) Lots that are contiguous to the required 50-foot buffer area, along either the side or rear lot line may reduce their lot area by the depth of the required setback times the length of that side or rear property line.

(iii) All fee-simple lots within a manufactured home subdivision shall meet the following minimum standards:

(aa) Lots for single-wide units shall contain at least 4,725 square feet and have at least 45 feet of street frontage.

(bb) Lots for double-wide units shall contain at least 6,300 square feet and have at least 60 feet of street frontage.

(cc) Lots that are contiguous to the required 50-foot buffer area, along either the side or rear lot line may reduce their lot area by the depth of the required setback times the length of that side or rear property line.

(e) Height regulations. All structures within the manufactured home park or subdivision shall comply with the height regulations of the district in which they are located.

(f) Dwelling area requirements. All manufactured homes placed in a park or subdivision shall have a minimum dwelling area of 320 square feet.

(g) Building setback requirements.

(i) Front setback.

(aa) Manufactured homes in parks shall be set back at least 15 feet from the front lot line.

(bb) Manufactured homes in subdivisions shall be set back at least 20 feet from the front fee-simple lot line.

(cc) All structures within manufactured home parks and subdivisions shall be set back at least 50 feet from the front project property line.

(ii) Side setback.

(aa) Manufactured homes in parks shall be set back at least 10 feet from one (1) side lot line and 15 feet from the other side lot line. The unit shall be sited such that the primary entrance opens onto the larger side yard.

(bb) Manufactured homes in subdivisions shall be set back at least 15 feet from the side fee-simple lot line.

(cc) If the lot area has been reduced under the provisions of section 3-3(4)(d) herein, no side setback is required abutting the buffer area.

(dd) All structures within manufactured home parks and subdivisions shall be set back at least 50 feet from the side project property lines.

(iii) Rear setback.

(aa) Manufactured homes in parks shall be set back at 10 feet from the rear lot line.

(bb) Manufactured homes in subdivisions shall be set back at least 15 feet from the rear fee-simple lot line.

(cc) If the lot area has been reduced under the provisions of section 3-3(4)(d) herein, no rear setback is required abutting the buffer area.

(dd) All structures within manufactured home parks and subdivisions shall be set back at least 50 feet from the rear project property line.

(h) Off-street parking. A minimum of two (2) off-street parking spaces shall be provided for each manufactured/mobile home in parks and subdivisions. At least one (1) space shall be provided on the lot housing the unit. The additional space may be provided in an off-street parking area, to be located within 150 feet of the unit it is to serve. All parking spaces shall meet the provisions of chapter 11 hereof.

(i) Landscaping. A landscape plan complying with the provisions of the “City of Hampton Landscape Guidelines” shall be submitted with the application for a use permit as delineating the following:

(i) Perimeter screening. All manufactured home parks and subdivisions shall provide a perimeter screen composed of landscaping or a combination of landscaping and fencing, the intent of which is to limit ingress and egress on the property, and

to provide some buffering from adjoining uses. The screen shall be at least six (6) feet in height, and shall be located on all project property lines that do not abut existing or proposed public rights-of-way; such screening shall be set back at least 10 feet from any existing or proposed public rights-of-way. The only openings permitted in such screening shall be for vehicular ingress and egress. Barbed wire and electric fences are expressly prohibited. Landscaping materials for the perimeter screen cannot be counted toward the green area requirements of section 3-3(4)(j) herein.

(ii) Green area requirements. All manufactured/mobile home parks and subdivisions with 20 or more lots shall be required to provide at least 300 square feet of green area per lot which shall be retained as common area. Such green area shall be in addition to the minimum lot area for dwelling units, and shall be aggregated in increments of at least 4,500 square feet. No more than 25% of this required area may be provided by water area. Such green area shall be landscaped in accordance with the provisions of the “City of Hampton Landscape Guidelines”. (c) Buffers. No structures, except fences as part of the perimeter screen, shall be permitted within 50 feet of the project property lines. Parking shall not be located closer than 20 feet from the project property lines. All green area and landscaping within this buffer, except for that required for the perimeter screen may be counted toward the green area requirement stated above.

(j) Streets. All street layouts in manufactured/mobile home parks and subdivisions shall be designed so as to ensure efficient vehicular flow, adequate access for emergency vehicles, and unobstructed access to public streets. Private streets shall be permitted within the park or subdivision, however, any public street within said development shall be constructed to the standards provided in section 35-74 of the city code. On-street parking shall be regulated according to the following pavement widths:

Pavement Width	On-Street Parking
22’	Not permitted
27’	One side of street
32’	Both sides of street

Manufactured home park and subdivision owners shall be responsible for enforcement of parking regulations on private streets.

(k) Signs. All signs placed upon the site shall meet the provisions of chapter 11 hereof.

(l) Dumpsters. Dumpsters shall not be placed within the buffer area required along any property line abutting an existing or proposed public right-of-way, or within twenty (20) feet of any project property line abutting a

residential district. Individual toters shall be kept behind the building setback lines except on collection days.

(m) Fences. On any manufactured home lot, a fence may be located and maintained along the lot line, provided that such fence shall not exceed four (4) feet in height along the front yard and six (6) feet in height along the rear and side yard lines. The use of electrified fences or barbed wire is expressly prohibited.

(n) Accessory structures.

(i) The following accessory structures are permitted:

(aa) Laundry facilities, to be located in common areas.

(bb) Patios, porches and decks.

(cc) Storage sheds.

(dd) Service buildings for the park, to include a rental/management office, to be located in common areas.

(ee) Recreational facilities for the exclusive use of the residents and their guests, to be located in common areas.

(ii) No accessory structures shall be permitted within the required five (5) foot buffer area. In the case of lots of reduced area under the provisions section 3-3(4)(d) herein, no accessory structures may be located in the contiguous buffer area.

(iii) Patios, porches, stoops and decks shall be permitted to encroach a maximum of 10 feet into the fifteen-foot side setback or the rear setback so long as they are not enclosed in any manner.

(iv) Stoops shall be permitted to encroach a maximum of four (4) feet into the ten-foot side setback, exclusive of handicapped ramps. The landing area for such stoop shall not exceed four (4) feet by four (4) feet.

(v) Sheds shall be permitted to encroach into the rear setback so long as they do not occupy more than 33% of the required yard. Sheds shall not be required to meet the rear or side yard setbacks.

(o) Maintenance, perpetuation of open space and guarantee of development in manufactured home subdivisions. A manufactured home subdivision may be accomplished as outlined in this section by providing for the retention of open space in common ownership of the individual owners through appropriate legal documents, with appropriate provision to assure continuous maintenance and the use of the common property for the purpose intended. The legal document or documents shall place unencumbered title to the common property in a form of common ownership representing the residents of the manufactured home subdivision (homeowners' association), shall place responsibility for the management and maintenance of all common property, shall set forth the restrictive covenants, and place responsibility for the enforcement thereof, and shall provide for the subjection of each lot to assessment of its proportionate share of maintenance costs of the common property. Such

legal documents shall be filed with the application for approval of a manufactured home subdivision and shall be approved as to form by the city attorney. Such legal documents shall be recorded and indexed as deeds are recorded prior to or in conjunction with the recordation of any subdivision plat.

(p) Sanitary sewer. All lots within any manufactured home park or subdivision shall be connected to the public sanitary sewer system or an approved private sewer system.

(q) Phasing of development. In the event that the manufactured home park or subdivision is to be developed in phases, each individual phase must, at a minimum, meet the open space and landscaping requirements for the number of lots created in that phase. It is the intent of this section to protect the integrity of the overall development by protecting the integrity of each phase.

(r) Waiver of requirements. Under the provisions of the use permit, the city reserves the right to waive any of the above requirements if the proposed park or subdivision meets the intent of the regulations using good design principles.

(5) **Upper-floor dwelling units.**

(a) In the C-2 district, upper-floor dwelling units, with an approved use permit may be located above permitted office, retail or commercial uses excluding certain uses listed below:

(i) Car wash, hand/auto detailing;
(ii) Car wash, self-service or automated;
(iii) Boarding/rooming houses;
(iv) Religious facilities;
(v) Commercial communications towers, not to exclude building mounted antennas with an approved use permit;
(vi) Detention facilities;
(vii) Gas stations;
(viii) Group homes;
(ix) Halfway houses;
(x) Light vehicle repair;
(xi) Motorcycle sales;
(xii) Motorcycle service;
(xiii) Orphanages;
(xiv) Skating rink, ice or roller;
(xv) Swimming pool, commercial;
(xvi) Tire sales;
(xvii) Tire repair;
(xviii) Turkish baths;
(xix) Vehicle storage, including vehicle storage accessory to heavy vehicle repair.

Residential uses may not be combined with any other use on the same floor.

Residential uses may not be located on pedestrian level and must have at least one separate exterior entrance.

No commercial, office, retail, or parking uses shall be located on any floor above a residential use.

Commercial building setbacks shall apply with all building code standards being met as necessary for such building separations.

(b) In the DT-1 and DT-2 districts, mixed-use structures may include two (2) or more of the following elements: residential, office, retail, commercial or parking with the following standards:

(i) Residential uses may not be combined with any other use on the same floor.

(ii) Residential uses may not be located on pedestrian level and must have at least one (1) separate exterior entrance.

(iii) No commercial, office, retail, or parking uses shall be located on any floor above a residential use.

(6) **Dwelling unit for resident caretaker/watchman.**

In the M-1, M-2, M-3, LFA-1, LFA-2, LFA-4, LFA-6, and HRC-3 districts, resident caretakers and watchmen must be employed on the premises.

(7) **Home occupation.**

In the R-R, R-LL, R-43, 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, BB-4, BB-5, DT-1, DT-2, and DT-3 districts, home occupations shall be permitted only as an accessory use and only where the character of such use is such that it is clearly subordinate and incidental to the principal residential use of a dwelling. Home occupations that have the following general characteristics are permitted:

(a) Only those persons who are bona fide residents of the premises may participate in the home occupation. There shall be no on site employment or use of labor from persons who are not bona fide residents of the dwelling.

(b) No mechanical or electrical equipment shall be employed within or on the premises other than machinery or equipment customarily found in a home; except that computer systems, fax machines and equipment customarily associated with home office equipment shall be permitted.

(c) No outside display of goods and no outside storage of any equipment or materials used in the home occupation shall be permitted.

(d) There shall be no audible noise, or any detectable vibration or odor from activities or equipment of the home occupation beyond the confines of the dwelling, or any accessory building, including transmittal through vertical or horizontal party walls.

(e) The storage of biohazardous waste, hazardous waste or materials not otherwise and customarily associated with home use is prohibited.

(f) The home occupation must be conducted entirely within the dwelling or an accessory structure, or both. Not more than two hundred (200) square feet of floor area of the dwelling shall be used in the conduct of the home occupation, including storage of stock-in-trade or supplies.

(g) All parking in connection with the home occupation (including, without limitation, parking of vehicles marked with advertising or signage for the home occupation) must be in driveway and garage areas on the premises, or in available on-street parking areas.

(h) Except for the sign authorized above, there shall be no evidence or indication visible from the exterior of the dwelling that the dwelling is being used in whole or in part for any purpose other than as a residential dwelling.

(8) **Group home 2** in the MD-1, MD-2, MD-3, MD-4, R-M, C-1 and C-2 districts, or;
Juvenile residence in the R-R, R-LL, R-43, 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 and C-2 districts.

(a) No facility shall be located within a three-quarter (¾) mile radius of any existing facility of the same type;

(9) **Orphanage** in the R-M, C-1, C-2 and C-3 districts, or;
Shelter in the R-R, R-LL, R-43, 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 and C-3 districts.

(a) No facility shall be located within a two (2) mile radius of any existing facility of the same type;

(10) **Day care 2** in the R-R, R-LL, R-43, R-33, R-22, R-15, R-13, R-11, R-9, R-8, R-4, and RT-1 districts.

(a) Unless it makes a factual determination that the proposed day care 2 would be incompatible with the quiet enjoyment of surrounding properties, the board of zoning appeals shall issue the requested special exception. It may impose conditions governing factors related to the operation of said home, such as, but not limited to:

(i) Hours of operation;

(ii) Location of play area and equipment;

(iii) Fencing of play area;

(iv) Limitations on signs;

(v) Record-keeping requirements and inspection by authorized personnel.

If the board denies an application for special exception, no further application for special exception pertaining to the same use on the same property will be accepted by the board for one (1) year following the date of denial.

Day care 2 in the MD-1, MD-2, MD-3, MD-4, R-M, C-1, C-2, C-3, DT-1, DT-2, and DT-3 districts.

(a) Shall be permitted only in detached single-family homes with non-conforming status

(b) Unless it makes a factual determination that the proposed day care 2 would be incompatible with the quiet enjoyment of surrounding properties, the board of zoning appeals shall issue the requested special exception. It may impose conditions governing factors related to the operation of said home, such as, but not limited to:

(i) Hours of operation;

(ii) Location of play area and equipment;

(iii) Fencing of play area;

(iv) Limitations on signs;

(v) Record-keeping requirements and inspection by authorized personnel.

If the board denies an application for special exception, no further application for special exception pertaining to the same use on the same property will be accepted by the board for one (1) year following the date of denial.

(11) **Day care 3** in the R-R, R-LL, R-43, 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, C-3, HRC-2, DT-1, DT-2, and DT-3 districts, or;

Day care 3, accessory in the M-1, M-2, M-3, HRC-1, and HRC-3 districts.

The evaluation of a request for use permit for a day care 3 or day care 3, accessory use shall include the traffic impact of the proposed use on the surrounding road network. Further provided that the use permit for a day care 3 shall automatically expire and become null and void if the property is not used for the permitted purpose for a continuous six-month period.

(12) **Outdoor dining 1** in the C-1, C-2, C-3, M-2, RT-1, BB-3, BB-4, and BB-5 districts.

(a) The proposed dining operation and location will not significantly interfere with the pedestrian traffic or otherwise constitute a health and safety risk;

(b) Tables, chairs and other furniture placed outdoors shall be readily available for use. Any furniture which is not readily accessible may not be stored outside, but must be stored within a wholly enclosed structure;

(c) Any sound or noise from amplified music shall not exceed a noise level measurement of 60 dBA upon the real property of another as determined by a sound level meter using the "A" weighting scale in accordance with the American National Standard Institute;

(d) Any encroachment of an outdoor dining area into a public right-of-way must be approved by the city council. The applicant must adhere to all terms and provisions specified in the agreement granted by the city council;

(e) The hours of operation of the outdoor dining area shall not extend beyond 8:00 a.m.—9:00 p.m. Sunday through Thursday and 8:00 a.m.—10:00 p.m. Friday and Saturday;

(f) All outdoor lighting shall be focused downward and inward in a way that prevents spillover onto adjacent properties;

(g) All outdoor dining shall be subject to the provisions of the Hampton Zoning Ordinance and Hampton City Code, to include, but not be limited to, parking, setbacks, and building code requirements;

(h) The outdoor dining permit shall be valid for 18 months from the date of approval by the zoning administrator. After 12 months of operation, prior to the expiration date, the outdoor dining permit will be scheduled for review by the zoning administrator to consider if the continuation of the outdoor dining permit would not be detrimental to the public health, safety and welfare and that to continue the activities under the outdoor dining permit would not cause public inconvenience, annoyance, disturbance or have an undue impact on the community or be incompatible with other uses of land in the zoning district. The review will be based, in part, upon a physical site review, hours and manner of operation, noise, light, neighborhood complaints, police service calls, and any violations of any federal, state or local law. If, after review, the zoning administrator determines that the outdoor dining permit would not be detrimental to the public health, safety and welfare and that to continue the activities under the outdoor dining permit would not cause public inconvenience, annoyance, disturbance or have an undue impact on the community or be incompatible with other uses of land in the zoning district, the zoning administrator may administratively extend the outdoor dining permit in five-year increments. Each such extension shall be subject to the same administrative review. If the zoning administrator determines that the outdoor dining permit would be detrimental to the public health, safety and welfare and that to continue the activities under the outdoor dining permit would cause public inconvenience, annoyance, disturbance or have an undue impact on the community or be incompatible with other uses of land in the zoning district, the zoning administrator will notify the permittee of a denial of the extension in writing in the same manner as required under chapter 25 of the zoning ordinance. 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 22 of the zoning ordinance. Nothing contained herein shall limit the rights of a permittee to seek a new outdoor dining permit; and

(i) The zoning administrator, or appointed designee, shall have the ability to revoke the outdoor dining permit upon violations of any of the above conditions.

(13) **Outdoor dining 2** in the C-1, C-2, C-3, M-2, RT-1, BB-3, BB-4, and BB-5 districts.

Outdoor dining 2 venues are defined as those requesting to operate beyond the conditions set forth under the provisions of outdoor dining 1 in the same zoning districts as described above and are subject to obtaining a use permit by city council. The city will evaluate each application on a site-by-site basis with regard

to the surrounding land use patterns and city council may impose more restrictive conditions when the proposal is adjacent to residential land uses. Conditions shall include, but are not limited to, the following:

(a) Submission of a site plan indicating the location and total area of the outdoor dining space;

(b) Hours of operation;

(c) Sound or noise;

(d) Term limitation on the use permit, administrative review, and extension or denial of use permit.

(14) **Outdoor dining, downtown** in the DT-1 and DT-2 districts.

(a) All outdoor dining areas shall conform to the provisions and guidelines of this section. No zoning certificate shall be issued to authorize the installation of an outdoor dining area without prior approval by the zoning administrator, after review by the director of planning and the city health department of the plans for such installation. Elements to be reviewed shall include: the type, number and placement of tables, chairs, and/or other dining furniture; the color, design and placement of canopies and awnings; the design and placement of planters, trash receptacles, bollards, fences, other street furnishings and landscaping; the type, amount and location of surface material to be applied and the corresponding loss of green space, if any, and the type and amount of landscaping to be installed to compensate for that loss; the limits of encroachment, if any, into public rights-of-way; the width of the unobstructed pedestrian thoroughfare adjacent to the outdoor dining area; and overall conformance with the recommendations of the downtown master plan.

(b) Any encroachment of an outdoor dining area into a public right-of-way must be approved by the city council. The applicant must adhere to all terms and provisions specified in the agreement granted by the city council.

(c) Any outdoor dining area shall be surfaced with bricks, wood decking, exposed aggregate, pavers or similar material effectively treated to facilitate maintenance and minimize dust. If required to meet the standards of the Chesapeake Bay Preservation District (O-CBP), other surfaces may be used. Surfaces shall be kept free of litter and shall be graded to prevent pooling of water. No vehicle parking shall be permitted on these surfaces. If green space is lost due to the application of surface material, then landscaping shall be required to mitigate that loss.

(d) Reserved.

(e) The outer edge of any outdoor dining area shall not reduce the adjacent pedestrian thoroughfare to less than four (4) feet.

(f) Tables, chairs and other furniture placed within the outdoor dining area shall be readily available for use. Any furniture which is not readily

accessible may not be stored within the outdoor dining area, but must be stored within a wholly enclosed structure.

(g) Where there are existing awnings or canopies on the street face block, the height, scale, and design of proposed awnings or canopies shall be compatible with them. Where none exist, proposed awnings or canopies shall be compatible with other design elements on the street face block.

(h) Signage on awnings and canopies is permissible and will count towards the maximum total signage allowed for the principal establishment.

(i) The hours of operation shall not extend beyond the normal operating hours of the principal establishment.

(15) **Rummage sale, temporary** in the C-1, C-2, C-3, M-2, RT-1, DT-1, and DT-2 districts.

Permitted only for a corporation, trust, religious organization, association, community chest, fund, or foundation organized and operated for religious, charitable, scientific, literary, community, or educational purpose.

(16) **Second-hand store** in the C-2, C-3, and M-2 districts.

Use shall be conducted wholly within an enclosed building.

(17) **Tire sales** in the C-2, C-3, and M-2 districts, or;

Tire repair in the C-2, C-3, and M-2 districts.

Use shall be conducted wholly within an enclosed building.

(18) **Vehicle storage, including vehicle storage accessory to heavy vehicle repair** in the C-3, M-2, M-3, LFA-1, and LFA-2 districts.

The following minimum conditions shall be met:

(a) All storage areas shall be enclosed by a six (6) foot opaque fence.

(b) There shall be a landscaped buffer of 15 feet between the fence and any existing or proposed right-of-way.

(c) There shall be a landscaped buffer of 20 feet between the fence and any adjacent residential district or the property line of any existing dwelling unit.

(d) There shall be a landscaped buffer of 15 feet between the fence and any adjacent commercial property.

(e) When any yard area of a vehicle storage area abuts the front yard(s) of one (1) or more residential lots, all required fencing and all storage areas shall be set back a distance equal to the largest front setback of the dwelling(s) on the adjacent parcel(s).

(19) **School, horse riding** in the R-R, R-LL, R-43, R-33, R-22, and R-15 districts, or;

Animal boarding/stables in the R-R district.

The following minimum conditions shall be met:

(a) No more than four (4) animals be kept, stabled, or pastured for each acre of land so used.

(b) An accessory building, structure, or use, to include a private stable for the keeping of, or the use of, horses, ponies, or similar animals customarily used for recreational purposes is permitted, provided:

(i) That such a stable or such use shall not be permitted on a lot containing less than one (1) acre; if two (2) or more such animals but not exceeding eight (8) are to be kept, a minimum lot area of two (2) acres shall be required; if more than eight (8) such animals are to be kept, a minimum lot area of three (3) acres shall be required; and

(ii) That no structure used as a private stable, manure pit, or bin shall be located nearer than sixty (60) feet to any adjacent lot line, except where such lot line abuts a water course at least sixty (60) feet in width.

(20) **Adult entertainment establishment** in the C-3 and M-2 districts.

Structures for such use shall not be located nearer than 1,000 feet to:

(a) Any school, religious facility, park, playground, or library property;

(b) Any other adult entertainment establishment;

(c) Any residentially zoned property which fronts on the same street or which contains any school, religious facility, park, playground, and library; otherwise, the minimum distance from such structures to a residential zone shall be three hundred (300) feet.

For the purposes of this paragraph, distances shall be measured on a straight line: (1) from the adult entertainment establishment to the nearest point of the property named in (a) or (c) above; or (2) between the establishment named in (b) above.

(21) **Coin-operated amusement devices, accessory** in the C-1, C-2, C-3, RT-1, DT-1, and DT-2 districts.

No more than six (6) coin-operated amusement machines shall be allowed as an accessory use at any business establishment.

(22) **Live entertainment 1, in conjunction with a restaurant use** in the C-1, C-2, C-3, RT-1, BB-3, BB-4, BB-5, DT-1, and DT-2 districts. or;

Live entertainment 1, in conjunction with a micro-brewery/distillery/winery use in the M-1, M-2, M-3, HRC-1, HRC-2, DT-1, and DT-2 districts.

Live entertainment 1 venues are defined as venues where capacity is limited to no more than 50 people and subject to a live entertainment permit granted by the zoning administrator with the following attached conditions:

(a) Live entertainment shall be conducted inside the building only;

(b) Performance space shall be no greater than 10% of the gross floor area. The applicant shall submit a floor plan indicating the location of the proposed performance space;

(c) The hours of operation for live entertainment shall be specified on the live entertainment permit application and shall not extend past 10:00 p.m. Sunday through Thursday and 11:59 p.m. Friday and Saturday;

(d) Any sound or noise from amplified music shall not exceed a noise level measurement of 60 dBA upon the real property of another as determined by a sound level meter using the "A" weighting scale in accordance with the American National Standard Institute;

(e) Each ingress/egress point in the building shall be monitored by an attendant during the hours of operation, and additional attendants may be required to monitor vehicle parking areas that serve the building and maintain and control patron behavior upon exit of the building into the parking areas;

(f) The live entertainment permit shall be valid for 18 months from the date of approval by the zoning administrator. After 12 months of operation, prior to the expiration date, the live entertainment permit will be scheduled for review by the zoning administrator to consider if the continuation of the live entertainment permit would not be detrimental to the public health, safety and welfare and that to continue the activities under the live entertainment permit would not cause public inconvenience, annoyance, disturbance or have an undue impact on the community or be incompatible with other uses of land in the zoning district. The review will be based, in part, upon a physical site review, traffic flow and control, access to and circulation within the property, off-street parking and loading, hours and manner of operation, noise, light, neighborhood complaints, police service calls, and any violations of any federal, state or local law. If, after review, the zoning administrator determines that the live entertainment permit would not be detrimental to the public health, safety and welfare and that to continue the activities under the live entertainment permit would not cause public inconvenience, annoyance, disturbance or have an undue impact on the community or be incompatible with other uses of land in the zoning district, the zoning administrator may administratively extend the live entertainment permit in five (5) year increments. Each such extension shall be subject to the same administrative review. If the zoning administrator determines that that the live entertainment permit would be detrimental to the public health, safety and welfare and that to continue the activities under the live entertainment permit would cause public inconvenience, annoyance, disturbance or have an undue impact on the community or be incompatible with other uses of land the zoning district, the zoning administrator will notify the permittee of a denial of the extension in writing in the same manner as required under chapter 1 of the zoning ordinance. 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. Nothing contained herein shall limit the rights of a permittee to seek a new live entertainment permit; and

(g) The zoning administrator, or appointed designee, shall have the ability to revoke the live entertainment permit upon violations of any of the above conditions.

(23) **Live entertainment 2, in conjunction with a restaurant use** in the C-1, C-2, C-3, RT-1, BB-3, BB-4, BB-5, DT-1, and DT-2 districts. or;

Live entertainment 2, in conjunction with a micro-brewery/distillery/winery use in the M-1, M-2, M-3, HRC-1, HRC-2, DT-1, and DT-2 districts.

Live entertainment 2 venues are defined as venues with a capacity greater than 50 people and subject to obtaining a use permit by city council. The city will evaluate each application on a site-by-site basis with regard to the surrounding land use patterns and city council may impose more restrictive conditions when the proposal is adjacent to residential land uses. Conditions shall include, but are not limited to, the following:

(a) Submission of a site plan indicating the location and total area of the live entertainment performance space;

(b) Hours of operation;

(c) Any sound or noise from amplified music;

(d) Staffing for ingress/egress points in the building and vehicle parking areas;

(e) Term limitation on the use permit, administrative review and extension or denial of use permit.

(24) **Religious facility** in the R-R, R-LL, R-43, 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, C-3, RT-1, BB-1, BB-2, BB-3, BB-4, BB-5, DT-1, DT-2, and DT-3 districts.

Religious facilities and accessory uses such as convents, Sunday schools, parish houses, and assembly rooms (excluding rescue mission or temporary revival), are permitted provided:

(a) For the above uses with a capacity within any single assembly area, of no more than five hundred (500) people, no vehicular access shall be permitted from any residential street unless required for emergency vehicular access.

(b) For the above uses with a capacity within any single assembly area of between five hundred one (501) and one thousand (1,000) people, no vehicular access shall be permitted from any residential or minor collector street unless required for emergency vehicular access.

(c) For the above uses with a capacity within any single assembly area in excess of one thousand (1,000) people, no vehicular access shall be permitted from any residential, minor collector, or collector street unless required for emergency vehicular access.

(d) Notwithstanding the provisions of chapter 12, Nonconformities, a religious facility may make additions to its physical plant, without regard to any street access requirements or limitations, provided:

(i) Any addition or construction of additional buildings which increases sanctuary seating above the limits which would otherwise be imposed by street access requirements, shall occur only on the property owned in accordance with section 57-12 of the Code of Virginia by the religious facility at the time of adoption of this ordinance;

(ii) All additions or construction of additional buildings shall comply with the setback requirements in effect at the time of submission of the site plan for the addition or construction; and

(iii) Any addition or construction of additional buildings which increases sanctuary seating shall be accompanied by additional parking spaces for the new seating provided at the ratio required at the time of submission of the site plan for such addition or construction.

(25) **Shooting range, trap or skeet** in all districts.

Trap shooting range shall be a minimum area of four (4) acres and with a minimum width of 200 feet. Skeet shooting range shall be a minimum area of nine (9) acres with a minimum width of 450 feet. Both are subject to securing a use permit and may be rescinded subject to such time limitations as may be prescribed at the time of the granting of the use permit.

(26) **Skateboard ramp** in the R-R, R-13, R-11, R-9, R-8, R-4, MD-1, MD-2, MD-3, R-M, C-1, C-2, RT-1, DT-1, DT-2, and DT-3 districts.

The board of zoning appeals shall apply the following standards before granting a special exception:

(a) Skateboard ramps shall only be permitted in rear yards;

(b) Skateboard ramps shall not be located closer than fifteen (15) feet to any rear or side property line;

(c) Skateboard ramps located on corner lots shall comply with the side yard setbacks for accessory buildings on corner lots as specified in chapter 1, section 1-24(1)(b).

The board of zoning appeals may impose conditions concerning the operation of skateboard ramps such as:

(d) Hours of operation;

(e) Landscaping;

(f) Such other conditions regarding the location, character, and other features of the proposed structure as it may deem necessary in the public interest.

Special exception granted under this section shall not be transferable. The board of zoning appeals has the right to revoke the special exception for failure to meet the conditions set forth in the special exception.

(27) **Silviculture/plant nursery, including retail sales** in all districts.

The following minimum conditions shall be met:

(a) The minimum lot size for such a use shall be two (2) acres;

(b) The owner and operator of the premises occupy a residence on site;

(c) The rental, repair, or sale of motorized equipment or tools other than hand tools shall be prohibited;

(d) The operations of such a use, including storage, but excluding outside plant production storage and sale shall be conducted within a completely enclosed structure;

(e) The sale or storage of liquid or dry chemicals unless same is pre-packaged by the manufacturer shall be prohibited;

(f) There may be only one (1) unlighted exterior sign in accordance with local zoning ordinances; and

(g) Off-street parking on site is provided in conformance with chapter 19 of the zoning ordinance.

(28) **Veterinarian office/hospital** in the R-R district.

All buildings and areas used for such purposes shall be located at least one hundred (100) feet from all side property lines.

Veterinarian office/hospital in the C-2, C-3, and RT-1 districts.

Use shall be conducted wholly within an enclosed building.

(29) **Accessory use/structure for keeping of recreational animals** in the R-R, R-LL, R-43, R-33, R-22, R-15, R-13, R-11, R-9, R-8, R-4, R-M, C-1, C-2, C-3, RT-1, DT-1, and DT-2 districts.

Accessory building, structure, or use, to include a private stable for the keeping of, or the use of, horses, ponies, or similar animals customarily used for recreational purposes are permitted provided:

(a) That such a stable or such use shall not be permitted on a lot containing less than one (1) acre; if two (2) or more such animals but not exceeding eight (8) are to be kept, a minimum lot area of two (2) acres shall be required; if more than eight (8) such animals are to be kept, a minimum lot area of three (3) acres shall be required; and

(b) That no structure used as a private stable, manure pit, or bin shall be located nearer than 60 feet to any adjacent lot line, except where such lot line abuts a water course at least 60 feet in width.

(30) **Manufacturing of arts and crafts** in the C-2 and C-3 districts is required to have a retail sales component as part of any such use.

(31) **Storage of materials, indoor or outdoor, including equipment rental and contractor's storage** in the M-1, M-2, M-3, LFA-1, LFA-2, HRC-2, and HRC-3 districts. Outdoor material storage areas shall be subject to the following setback, landscaping and stacking requirements:

(a) Storage areas shall be set back a minimum of 20 feet from any existing or proposed public rights-of-way, and 20 feet from any property line that abuts a residential, commercial, or special public interest district. Notwithstanding the provisions of chapter 12 hereof, any business utilizing outdoor material storage on December 14, 1988, shall be permitted to expand such storage area on property owned by said business on December 14, 1988, without conforming to the above setbacks, so long as the storage area does not violate the green area requirements of the city zoning ordinance. In the case where the expansion abuts a residential, commercial, or special public interest zone, a twenty-foot setback shall be required.

(b) Any fence enclosing a storage area shall not violate the required setback.

(c) Storage area setbacks shall be landscaped in accordance with the “City of Hampton Landscape Guidelines” kept on file in the department of community development, development services center. Notwithstanding the provisions of chapter 12 hereof, businesses utilizing outdoor material storage on December 14, 1988, shall be permitted to expand their storage area on property owned by said business on December 14, 1988, without conforming to the above landscaping requirements in accordance with the provisions of chapter 35.1 of the city code.

(d) The number of freight containers stacked vertically must be equaled or exceeded by the number of containers placed side-by- side, to a maximum of three (3) containers stacked vertically. Additionally, the stacked containers shall comply with the wind load requirements of the building code.

(e) Appropriate BMPs shall be employed as required by chapter 33.1 of the city code to prevent off-site release of stored materials.

(32) **Wrecking; automobile, outdoor** in the M-3 district.

Use shall be conducted wholly within an enclosed building.

(33) **Communication antenna, commercial building-mounted** in the R-R, R-LL, R-43, 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, C-3, M-1, M-2, M-3, RT-1, BB-3, BB-4, BB-5, HRC-2, HRC-3, DT-1, DT-2, and DT-3 districts.

The following minimum conditions shall be met:

(a) The building is not a single-family dwelling;

(b) The minimum height of the building shall be no less than 35 feet;

(c) The height of the antenna (including support structures) shall not exceed 22 feet above the highest point of the building;

(d) The antenna and support structures are painted so that they are compatible with the primary building structure, unless roof mounted; and

(e) Intermodulation testing is coordinated through the Hampton police division demonstrating that the proposed antenna operation is designed in a manner to eliminate interference with public safety communications. Such testing shall also be required from each subsequent operator prior to any building permits to add or modify antennas. Should any equipment associated with the antennas be found to interfere with public safety communications, the owner shall be responsible for the elimination of such interference.

(34) **Communication tower, commercial** in the R-R, R-LL, R-43, R-33, R-22, R-15, R-13, R-11, R-9, R-8, R-4, MD-1, MD-2, MD-3, R-M, C-1, C-2, C-3, M-1, M-2, M-3, RT-1, HRC-1, HRC-2, HRC-3, DT-1, DT-2, DT-3, and PO-1 districts.

The following minimum conditions shall be met:

(a) Use permit applications for commercial communication towers shall include the following:

(i) A site plan drawn to scale specifying the location of tower(s), guy anchors (if any), transmission building(s) and other accessory

uses, parking, access, landscaped areas (specifying size, spacing, and plant material proposed) fences, and identify adjacent property owners.

(ii) A report from a registered structural or civil engineer indicating tower height and design, structure, installation and total anticipated capacity of the structure (including number and types of antennas which could be accommodated). This data shall demonstrate that the proposed commercial communication tower conforms to all structural requirements of the Uniform Statewide Building Code and shall set out whether the commercial communication tower will meet the structural requirements of EIA-222 E "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures" published by the Electronic Industries Association, effective June 1, 1987 or current update.

(iii) A statement from a registered engineer that the NIER (nonionizing electromagnetic radiation) emitted therefrom does not result in a ground level exposure at any point outside such facility which exceeds the lowest applicable exposure standards established by any regulatory agency of the U.S. government or the American National Standards Institute.

(iv) Evidence of the lack of space on suitable existing commercial communication towers, buildings, or other structures to locate the proposed antenna and the lack of space on existing commercial communication tower sites to construct a tower for the proposed antenna within the service area shall be considered in the review of use permit applications for a new commercial communication tower.

(v) Intermodulation testing is coordinated through the Hampton police division demonstrating that the proposed antenna operation is designed in a manner to eliminate interference with public safety communications. Such testing shall also be required from each subsequent operator prior to any building permits to add or modify antennae. Should any equipment associated with the antennae be found to interfere with public safety communications, the owner shall be responsible for the elimination of such interference.

(b) The following locational criteria shall be considered in determining the appropriateness of sites for commercial communication towers:

(i) Whether the application represents a request for multiple use of a commercial communication tower or site, or use on a site contiguous to an existing commercial communication tower site.

(ii) Whether the application contains a report that other potential users of the site and the commercial communication tower have been contacted, and they have no current plans, to the best of their ability to determine, that could be fulfilled by joint use.

(iii) Whether the application shows how the commercial communication tower or site will be designed or laid out to accommodate future multiple users. Specific design features evaluated shall include but not be limited to height, wind loading, and coaxial cable capacity.

(iv) Whether the proposed commercial communication tower is to be located in an area where it would be unobtrusive and would not substantially detract from aesthetic or neighborhood character, due either to location, to the nature of surrounding uses, (such as industrial uses) or to lack of visibility caused by natural growth or other factors.

(c) Accessory facilities may not include offices, vehicle storage, or outdoor storage unless permitted by underlying zoning.

(d) Advertising and/or signage on tower structures is prohibited.

(e) The minimum setback requirements from the base of the commercial communication tower to any property line abutting a right-of-way of any planned or existing street, and all residential uses shall be at least 50 feet unless a greater setback is specified due to site specific characteristics. For property lines abutting nonresidential uses, the minimum setback requirements shall be at least 25 feet unless a greater setback is specified due to site specific characteristics. The minimum setback for guy towers shall be equal to 40% of tower height.

(f) Minimum site size shall be no less than 2,000 square feet.

(g) Commercial communication towers 200 feet in height or less shall have a galvanized finish or be painted silver. Regulations of the Federal Aviation Commission or Federal Communications Commission supersede this requirement if contradictory.

(h) Commercial communication towers shall be illuminated as required by the Federal Aviation Administration. However, if not required by the Federal Aviation Commission, no lighting shall be incorporated.

(i) Landscaping shall be required as set forth in the “City of Hampton Landscape Guidelines” on file with the department of community development, development services center.

(j) Additional conditions may be included contingent upon site specific characteristics for commercial communication towers other than those exempt under subsection (k) herein below.

(k) Commercial communication towers up to 150 feet in height sited on properties included in the inventory of appropriate sites for communication towers which is adopted by reference as a component of the 2006 community plan, as amended, are exempt from the use permit requirement provided all the above listed provisions, except for subsection (j), are satisfied and proposals to site said improvements are first reviewed by the planning commission, with its recommendation forwarded to the appropriate board or commission for further

consideration. Failure on the part of the planning commission to act on such proposals within 90 days of submission of a complete application shall be deemed to be an approval, unless the applicant agrees to an extension of time.

(35) **Excavation, filling, borrow pit operation, extraction, processing or removal of soil** in all districts.

Provided that nothing herein shall be construed to require the securing of a use permit for the following: swimming pool construction, construction of foundation, landscaping activities on a single lot or parcel, the stripping of sod for agricultural purposes, an approved subdivision plan, activities in connection with a planned unit development, or activities in connection with an approved site plan. The controlled activity shall be subject to the following and subject to securing a use permit. In addition:

(a) The minimum lot size for any use in this category shall be two (2) acres.

(b) The excavations shall be confined to areas distant at least 100 feet from all adjoining property lines and distant at least 200 feet from any dwelling, existing street, or proposed right-of-way and all property lines in a platted subdivision, except that the provisions of this paragraph may be varied when the excavation lies completely within the external boundaries of an approved subdivision and is designed as an integral part thereof; provided that this section shall not apply to borrow pits located wholly within the bed of a navigable stream.

(c) The areas for approved activities shall be delineated on a plat prepared by a certified land surveyor licensed to practice in the Commonwealth of Virginia.

(d) No trees or other existing growth shall be removed from the site except in the area to be excavated and in the right- of-way of haul roads, except that an area not to exceed 10,000 square feet may be cleared for operational offices, shops, and storage areas. In all cases, existing vegetation shall not be removed immediately prior to excavation in that particular area.

(e) Access shall not be from a minor residential street. All vehicular access from the premises on which such operations are conducted to any public roads shall be located to secure public safety, lessen congestion, and facilitate transportation, and shall be so maintained as to eliminate any nuisance from dust to neighboring properties. The city council may deny the application if it finds that excessive traffic congestion or street deterioration would result from the operation.

(f) All equipment used for the production or transportation of materials shall be located, constructed, maintained, and operated in such a manner as to eliminate, as far as practicable, noises, vibrations, or dust which are injurious to persons living in the vicinity. Additional equipment not directly involved with the activity shall not be stored or maintained on the premises.

(g) The slope of the banks of all excavations under this section shall be designed and maintained as follows: For the first 100 linear feet towards the center from the perimeter, the slope shall not be steeper than three (3) feet horizontal to one (1) foot vertical; for the second 100 linear feet, the slope shall not be steeper than two (2) feet horizontal to one (1) foot vertical; and for distances over 200 feet, the slope shall not be steeper than one (1) foot horizontal to one (1) foot vertical, unless soil or other conditions are such that a flatter slope is required to ensure adequate stability and safety.

(h) The slope of the banks of any fill under this sub - section shall not exceed one and one-half (1½) feet horizontal to one (1) foot vertical without the use of an approved retaining wall. A flatter slope than one and one-half (1½) to one (1) may be required if the conditions of the fill material or other conditions are such that a flatter slope is necessary to ensure adequate stability and safety. When filling is to be done adjacent to tidal marshes, an earthen dike or berm shall be established around the portion adjacent to the marsh. The top of the slope of the bank of the dike may not be closer than 15 feet to the saltbush line or other evidence of the upper limits of the marsh, and the slope of the bank on the marsh side shall not exceed three (3) feet horizontal to one (1) foot vertical. A vegetative cover shall be established upon the dike.

(i) A body of freestanding water will be permitted when the grades of slopes, depth of excavation, and run-off structures are approved as not creating a public nuisance or public health hazard. All woody vegetation and debris will be removed from all slopes prior to the pit being filled with water for a distance of 100 linear feet from the ultimate shore line.

(j) A specific plan of systematic operation and rehabilitation shall be submitted and approved which shall provide in all respects for the adequate safeguarding and protection of other nearby interests and the general public health, safety, convenience, prosperity, and welfare, and which shall include a plan and program showing, by contour maps and otherwise, how the land is to be restored to a safe, stable, usable, and generally attractive condition by regrading, draining, planting, or other suitable treatment to resist erosion and conform substantially with adjacent land characteristics.

(k) In the case of activities approved pursuant to this sub - section, a reduction in the size of the proposed project may be permitted provided that all other provisions of the section are met and provided that such reduction shall be approved by the director of community development.

(l) In consideration of applications under this sub-subsection, the council may vary, alter, or modify the specific provisions set forth herein in order to provide for more effective land use and development; giving due regard to the uniqueness and particular characteristics of the parcel of land involved.

(36) **Promotional event** in the C-1, C-2, C-3, M-2, RT-1, DT-1, and DT-2 districts. The following minimum conditions shall be met:

(a) That an operating permit be secured from the zoning administrator at a cost of $50.00 for each permit issued.

(b) That the event conform and comply with the guidelines following:

(i) All rides shall be inspected and approved by the city building official for safety and soundness.

(ii) All rides shall be surrounded with a restraining barrier to limit access to the rides.

(iii) All electrical wiring shall, to the greatest extent possible, be placed in areas generally not open to the public or protected from public contact.

(iv) All facilities for the preparation or dispensing of food shall be approved by the city health official.

(v) The sponsors or operators of the event shall provide security forces adequate to maintain order at the site.

(vi) The event, if held in a parking area, shall not occupy more than 10% of the total parking area.

(vii) The sponsor or operator of the event shall provide proof of liability insurance in an amount predetermined by council.

(viii) The hours of operation shall be established at the time of application. However, no such event shall extend beyond the normal operating hour of the establishment being promoted.

(ix) The provisions of these regulations in no way exempts any such event from complying with all other state and local codes and ordinances.

(x) All animals in any event shall be inoculated as required and approved by the city health official.

(xi) Enclosures, buildings, shelters, and/or related equipment that may present a fire hazard shall be inspected and approved for use by the fire marshal.

(c) That any such event shall be limited to not more than 30 consecutive calendar days.

(d) That the zoning administrator shall not issue any operating permit if the proposed event would violate any provisions of the zoning ordinance or any other city codes or ordinances.

(37) **Agriculture/farming** in the R-R district shall be on a lot with a minimum of three (3) acres.

(38) **Kennel** in the R-R district shall have all buildings and areas used for such purposes located at least one hundred (100) feet from all side property lines.

(39) **Silviculture/plant nursery, no retail sales** in the RT-1 district shall be on a minimum of five (5) acres.

(40) **Motorcycle sales** in the C-2 district shall be within a wholly enclosed building.

(41) **Motorcycle service** in the C-2 district shall be within a wholly enclosed building.

(42) **Vehicle storage, including vehicle storage accessory to sales of new vehicles or gas station** in the C-2 district.

The following minimum conditions shall be met:

(a) All storage areas shall be enclosed by a six (6) foot opaque fence.

(b) There shall be a landscaped buffer of 15 feet between the fence and any existing or proposed right-of-way.

(c) There shall be a landscaped buffer of 20 feet between the fence and any adjacent residential district or the property line of any existing dwelling unit.

(d) There shall be a landscaped buffer of 15 feet between the fence and any adjacent commercial property.

(e) When any yard area of a vehicle storage area abuts the front yard(s) of one (1) or more residential lots, all required fencing and all storage areas shall be set back a distance equal to the largest front setback of the dwelling(s) on the adjacent parcel(s).

(43) **Ice storage and distribution** in the C-3 district shall have a maximum capacity of five (5) tons.

(44) **Laboratory or research office** in the M-1, LFA-2 LFA-3, LFA-4, LFA-6, HRC-1, HRC-2, and HRC-3 districts shall not permit the testing of explosives.

(45) **Boat sales** in the LFA-1 district shall be limited to 5000 square feet.

(46) **Community garden** in all districts shall be permitted only:

(a) As a primary use on city-owned vacant property, designated by city council, as set forth in the Community Garden Rules and Guidelines;

(b) As an accessory use on publicly-owned land; or

(c) As an accessory to a religious facility, educational, nonprofit, or charitable use.

(47) **Micro-brewery/distillery/winery** in the DT-1 and DT-2 districts shall include a retail component which is open to the general public.

CHAPTER 4 – ONE- AND TWO-FAMILY RESIDENTIAL DISTRICTS

ARTICLE 1 – R-LL DISTRICT – ONE FAMILY RESIDENTIAL

Sec. 4-1. Intent.

The purpose of the R-LL (Large Lot), One Family Residential District is to provide the opportunity for the development of quality housing products at the density envisioned by the Harris Creek Small Area Plan, adopted in February 2000. The development regulations in this chapter are designed to protect the existing rural nature of the area and encourage open space and aggregated green areas, thereby minimizing land disturbance and negative environmental impacts.

Sec. 4-2. Uses permitted.

Uses shall be permitted as set forth in chapter 3—Uses Permitted.

Sec. 4-3. Height.

Buildings shall be a maximum of thirty-five (35) feet in height; provided that the height limit for any building may be increased to not more than forty-five (45) feet when side yards of not less than twenty-five (25) feet each are provided.

Sec. 4-4. Lot area.

(1) All lots shall be a minimum of two and one-half (2½) acres with a minimum frontage of one hundred fifty (150) feet.

(2) In an effort to promote cluster development, the required lot area and public street frontage can be reduced by-right. The minimum two and one-half (2½) acre lot area may be reduced to one (1) acre for detached, single-family dwellings so long as the remaining one and one-half (1½) acres per unit are maintained as commonly held green space. In this circumstance, the required street frontage may be reduced to one hundred twenty (120) feet.

Sec. 4-5. Dwelling area

All dwellings shall contain a minimum of 2,250 square feet of heated living area; however, if a lot is created in an R-LL District through legal means other than city subdivision approval, any dwelling erected on such a lot shall have at least 1,620 square feet of heated living area.

Sec. 4-6. Building setback regulations

(1) Front yard.

The front yard setback shall be a minimum of thirty (30) feet; however, any lot of record existing prior to February 26, 2003 shall be required to have a front yard equal to the average front yard in the block on which it is located. Such yards shall never be less than twenty (20) feet in depth, and shall not be required to be more than sixty (60) feet in depth.

Religious facilities shall be set back at least thirty (30) feet from the front property line; parking within this setback shall be prohibited.

(2) Side yard.

The depth of the two (2) side yards on any lot shall total at least twenty-five (25) percent of the lot width, measured at the front setback line. No individual side yard shall be less than ten (10) percent of the lot width unless the total side yard depth is required to be twenty-five (25) feet or more. In that case, one (1) of the side yards may be reduced to ten (10) feet in depth, with the balance of the twenty-five (25) percent located in the remaining side yard. Any side yard along the side street of a corner lot shall not be less than fifteen (15) feet.

Lots having a width of forty (40) feet or less and of record prior to January 27, 1960 may have a side yard of not less than five (5) feet on each side.

Religious facilities shall provide side yards, the total of which shall be twenty-five (25) percent of the lot width, with a minimum individual side yard of thirty (30) feet. Parking within ten (10) feet of the property line shall be prohibited.

(3) Rear yard.

The rear yard setback shall be a minimum of twenty (20) feet, provided if the total lot depth exceeds seventy-five (75) feet, additional rear yard depth is required. The rear yard shall be increased by an amount equal to one-third (1/3) of the lot depth over seventy-five (75) feet, but in no case shall any rear yard be required to be more than thirty-five (35) feet in depth.

Religious facilities shall provide a rear yard of thirty (30) feet; parking within ten (10) feet of the property line shall be prohibited.

Secs. 4-7-4-10. Reserved.

ARTICLE 2 – R-43 DISTRICT – ONE FAMILY RESIDENTIAL

Sec. 4-11. Intent

The purpose of the R-43, One Family Residential District is to provide the opportunity for the development of quality housing products at the density envisioned by the Harris Creek Small Area Plan, adopted in February 2000. The development regulations in this chapter are designed to protect the existing rural nature of the area and encourage open space and aggregated green areas, thereby minimizing land disturbance and negative environmental impacts.

Sec. 4-12. Uses permitted

Uses shall be permitted as set forth in chapter 3—Uses Permitted.

Sec. 4-13. Height.

All buildings shall be a maximum of thirty-five (35) feet in height; provided that the height limit for any building may be increased to not more than forty-five (45) feet when side yards of not less than twenty-five (25) feet each are provided.

Sec. 4-14. Lot area.

(1) All lots shall be a minimum of one (1) acre with a minimum frontage of one hundred twenty (120) feet.

(2) In an effort to promote cluster development, the required lot area and public street frontage can be reduced by-right. The minimum one (1) acre lot area may be reduced to three-fourths (¾) acre for detached, single-family dwellings so long as the remaining one-quarter (¼) acre per unit are maintained as commonly held green space. In this circumstance, the required street frontage may be reduced to one hundred (100) feet.

Sec. 4-15. Dwelling area.

All dwellings shall contain a minimum of 2,250 square feet of heated living area; however, if a lot is created in an R-43 District through legal means other than city subdivision approval, any dwelling erected on such a lot shall have at least 1,620 square feet of heated living area.

Sec. 4-16. Building setback regulations.

(1) Front yard.

The front yard setback shall be a minimum of thirty (30) feet; however, any lot of record existing prior to February 26, 2003 shall be required to have a front yard equal to the average front yard in the block on which it is located. Such yards shall never be less than twenty (20) feet in depth, and shall not be required to be more than sixty (60) feet in depth.

Religious facilities shall be set back at least thirty (30) feet from the front property line; parking within this setback shall be prohibited.

(2) Side yard.

The depth of the two (2) side yards shall total at least twenty-five (25) percent of the lot width, measured at the front setback line. No individual side yard shall be less than ten (10) percent of the lot width unless the total side yard depth is required to be twenty-five (25) feet or more. In that case, one (1) of the side yards may be reduced to ten (10) feet in depth, with the balance of the twenty-five (25) percent located in the remaining side yard. Any side yard along the side street of a corner lot shall not be less than fifteen (15) feet.

Lots having a width of forty (40) feet or less and of record prior to January 27, 1960 may have a side yard of not less than five (5) feet on each side.

Religious facilities shall provide side yards, the total of which shall be twenty-five (25) percent of the lot width, with a minimum individual side yard of thirty (30) feet. Parking within ten (10) feet of the property line shall be prohibited.

(3) Rear yard.

The rear yard shall be a minimum of twenty (20) feet, provided if the total lot depth exceeds seventy-five (75) feet, additional rear yard depth is required. The rear yard shall be increased by an amount equal to one-third (1/3) of the lot depth over seventy-five (75) feet, but in no case shall any rear yard be required to be more than thirty-five (35) feet in depth.

Religious facilities shall provide a rear yard of thirty (30) feet; parking within ten (10) feet of the property line shall be prohibited.

Secs. 4-17-4-20. Reserved.

ARTICLE 3 – R-R DISTRICT – RURAL ONE FAMILY RESIDENTIAL

Sec. 4-21. Uses permitted.

Uses shall be permitted as set forth in chapter 3—Uses Permitted. Additionally, the following standards shall apply:

(1) An accessory building or structure or use, including a private pier, private garage, guest house, or servant quarters, is permitted provided:

(a) That no guest house shall be located on a lot having an area less than 12,000 square feet;

(b) That no servant quarters are located in any accessory building on a lot containing less than ten thousand (10,000) square feet; provided further, no accessory building shall be constructed on a lot until the construction of the main building has been actually commenced and no accessory building shall be used unless the main building is completed and in use.

(2) One (1) temporary open air stand is permitted provided that it does not exceed an area of two hundred (200) square feet, for the display and sale of products on the premises.

Sec. 4-22. Height.

All buildings shall be a maximum of thirty-five (35) feet in height; provided that the height limit for any building may be increased to not more than forty-five (45) feet when side yards of not less than twenty-five (25) feet each are provided.

Sec. 4-23. Lot area.

All lots shall be a minimum of 6,000 square feet in area with a minimum frontage of 60 feet.

Sec. 4-24. Dwelling area.

All dwellings shall contain a minimum of 800 square feet of floor area.

Sec. 4-25. Building setback regulations.

(1) Front yard.
The front yard setback shall be a minimum of thirty (30) feet; however, lots of record prior to the adoption of this ordinance shall have a front yard equal to the average front yard in the block, but in no case less than twenty (20) feet; however, no such front yard need be more than sixty (60) feet.
Religious facilities shall be set back at least thirty (30) feet from the front property line; parking within this setback shall be prohibited.

(2) Side yard.
The depth of the two (2) side yards shall total at least twenty-five (25) percent of the lot width, measured at the front setback line. No individual side yard shall be less than ten (10) percent of the lot width unless the total side yard depth is required to be twenty-five (25) feet or more. In that case, one (1) of the side yards may be reduced to ten (10) feet in depth, with the balance of the twenty-five (25) percent located in the remaining side yard. Any side yard along the side street of a corner lot shall not be less than fifteen (15) feet.
Lots having a width of forty (40) feet or less and of record prior to January 27, 1960 may have a side yard of not less than five (5) feet on each side.
Religious facilities shall provide side yards, the total of which shall be twenty-five (25) percent of the lot width, with a minimum individual side yard of thirty (30) feet. Parking within ten (10) feet of the property line shall be prohibited.

(3) Rear yard.
The rear yard setback shall be a minimum of twenty (20) feet, provided if the depth of the lot is greater than seventy-five (75) feet, the required depth of the rear yards shall be increased by an amount equal to one-third (1/3) of the excess depth over seventy-five (75) feet; however, no such rear yard need be more than thirty-five (35) feet.
Religious facilities shall provide a rear yard of thirty (30) feet; parking within ten (10) feet of the property line shall be prohibited.

Secs. 4-26-4-30. Reserved.

ARTICLE 4 – R-33 DISTRICT – ONE FAMILY RESIDENTIAL

Sec. 4-31. Intent.

The purpose of the R-33, One Family Residential District is to provide the opportunity for the development of quality housing products at a very low density that protects environmentally sensitive areas. The larger lot areas required in the R-33 District reduce the overall density of development, thereby reducing potential hazards and minimizing negative impacts in those areas where the infrastructure was not designed for moderate or high density development.

Sec. 4-32. Uses permitted.

Uses shall be permitted as set forth in chapter 3—Uses Permitted.

Sec. 4-33. Height.

All buildings shall be a maximum of thirty-five (35) feet in height; provided that the height limit for any building may be increased to not more than forty-five (45) feet when side yards of not less than twenty-five (25) feet each are provided.

Sec. 4-34. Lot area.

All lots shall be a minimum of 33,000 square feet with a minimum frontage of one hundred twenty (120) feet.

Sec. 4-35. Dwelling area.

All dwellings shall contain a minimum of 2,000 square feet of heated living area; however, if a lot is created in an R-33 District through legal means other than city subdivision approval, any dwelling erected on such a lot shall have at least 1,500 square feet of heated living area.

Sec. 4-36. Building setback regulations.

(1) Front yard.
The front yard setback shall be a minimum of thirty (30) feet; however, lots of record prior to the adoption of this ordinance shall have a front yard equal to the average front yard in the block, but in no case less than twenty (20) feet; however, not such front yard need be more than sixty (60) feet.
Religious facilities shall be set back at least thirty (30) feet from the front property line; parking within this setback shall be prohibited.

(2) Side yard.
The depth of the two (2) side yards shall total at least twenty-five (25) percent of the lot width, measured at the front setback line. No individual side yard shall be less than ten (10) percent of the lot width unless the total side yard depth is required to be twenty-five (25) feet or more. In that case, one (1) of the side yards may be reduced to ten (10) feet in depth, with the balance of the twenty-five (25) percent located in the remaining side yard. Any side yard along the side street of a corner lot shall not be less than fifteen (15) feet.
Lots having a width of forty (40) feet or less and of record prior to January 27, 1960 may have a side yard of not less than five (5) feet on each side.
Religious facilities shall provide side yards, the total of which shall be twenty-five (25) percent of the lot width, with a minimum individual side yard of thirty (30) feet. Parking within ten (10) feet of the property line shall be prohibited.

(3) Rear yard.

The rear yard setback shall be a minimum of twenty (20) feet, provided if the depth of the lot is greater than seventy-five (75) feet, the required depth of the rear yards shall be increased by an amount equal to one-third (1/3) of the excess depth over seventy-five (75) feet; however, no such rear yard need be more than thirty-five (35) feet.

Religious facilities shall provide a rear yard of thirty (30) feet; parking within ten (10) feet of the property line shall be prohibited.

Secs. 4-37-4-40. Reserved.

ARTICLE 5 – R-22 DISTRICT – ONE FAMILY RESIDENTIAL

Sec. 4-41. Intent.

The purpose of the R-22, One Family Residential District is to provide the opportunity for the development of quality housing products at a low density that protects environmentally sensitive areas. The larger lot areas required in the R-22 District reduce the overall density of development, thereby reducing potential hazards and minimizing negative impacts in those areas where the infrastructure was not designed for moderate or high density development.

Sec. 4-42. Uses permitted.

Uses shall be permitted as set forth in chapter 3—Uses Permitted.

Sec. 4-43. Height.

All buildings shall be a maximum of thirty-five (35) feet in height; provided that the height limit for any building may be increased to not more than forty-five (45) feet when side yards of not less than twenty-five (25) feet each are provided.

Sec. 4-44. Lot area.

All lots shall be a minimum of 22,000 square feet with a minimum frontage of one hundred ten (110) feet.

Sec. 4-45. Dwelling area.

All dwellings shall contain a minimum of 2,000 square feet of heated living area; however, if a lot is created in an R-22 District through legal means other than city subdivision approval, any dwelling erected on such a lot shall have at least fifteen hundred (1,500) square feet of heated living area.

Sec. 4-46. Building setback regulations.

(1) Front yard.

The front yard setback shall be a minimum of thirty (30) feet; however, lots of record prior to the adoption of this ordinance shall have a front yard equal to the average front yard in the block, but in no case less than twenty (20) feet; however, not such front yard need be more than sixty (60) feet.

Religious facilities shall be set back at least thirty (30) feet from the front property line; parking within this setback shall be prohibited.

(2) Side yard.

The depth of the two (2) side yards shall total at least twenty-five (25) percent of the lot width, measured at the front setback line. No individual side yard shall be less than ten (10) percent of the lot width unless the total side yard depth is required to be twenty-five (25) feet or more. In that case, one (1) of the side yards may be reduced to ten (10) feet in depth, with the balance of the twenty-five (25) percent located in the remaining side yard. Any side yard along the side street of a corner lot shall not be less than fifteen (15) feet.

Lots having a width of forty (40) feet or less and of record prior to January 27, 1960 may have a side yard of not less than five (5) feet on each side.

Religious facilities shall provide side yards, the total of which shall be twenty-five (25) percent of the lot width, with a minimum individual side yard of thirty (30) feet. Parking within ten (10) feet of the property line shall be prohibited.

(3) Rear yard.

The year yard setback shall be a minimum of twenty (20) feet, provided if the depth of the lot is greater than seventy-five (75) feet, the required depth of the rear yards shall be increased by an amount equal to one-third (1/3) of the excess depth over seventy-five (75) feet; however, no such rear yard need be more than thirty-five (35) feet.

Religious facilities shall provide a rear yard of thirty (30) feet; parking within ten (10) feet of the property line shall be prohibited.

Secs. 4-47-4-50. Reserved.

ARTICLE 6 – R-15 DISTRICT – ONE FAMILY RESIDENTIAL

Sec. 4-51. Uses permitted.

Uses shall be permitted as set forth in chapter 3—Uses Permitted.

Sec. 4-52. Height.

Buildings shall be a maximum of thirty-five (35) feet in height; provided that the height limit for any building may be increased to not more than forty-five (45) feet when side yards of not less than twenty-five (25) feet each are provided.

Sec. 4-53. Lot area.

All lots shall be a minimum of 15,000 square feet with a minimum frontage of ninety (90) feet.

Sec. 4-54. Dwelling area.

All dwellings shall contain a minimum of 2,000 square feet of heated living area; however, if a lot is created in an R-15 District through legal means other than city subdivision approval, any dwelling erected on such a lot shall have at least 1,500 square feet of heated living area.

Sec. 4-55. Building setback regulations.

(1) Front yard.
The front yard setback shall be a minimum of thirty (30) feet; however, lots of record prior to the adoption of this ordinance shall have a front yard equal to the average front yard in the block, but in no case less than twenty (20) feet; however, not such front yard need be more than sixty (60) feet.
Religious facilities shall be set back at least thirty (30) feet from the front property line; parking within this setback shall be prohibited.

(2) Side yard.
The depth of the two (2) side yards shall total at least twenty-five (25) percent of the lot width, measured at the front setback line. No individual side yard shall be less than ten (10) percent of the lot width unless the total side yard depth is required to be twenty-five (25) feet or more. In that case, one (1) of the side yards may be reduced to ten (10) feet in depth, with the balance of the twenty-five (25) percent located in the remaining side yard. Any side yard along the side street of a corner lot shall not be less than fifteen (15) feet.
Lots having a width of forty (40) feet or less and of record prior to January 27, 1960 may have a side yard of not less than five (5) feet on each side.
Religious facilities shall provide side yards, the total of which shall be twenty-five (25) percent of the lot width, with a minimum individual side yard of thirty (30) feet. Parking within ten (10) feet of the property line shall be prohibited.

(3) Rear yard.
The rear yard setback shall be a minimum of twenty (20) feet, provided if the depth of the lot is greater than seventy-five (75) feet, the required depth of the rear yards shall be increased by an amount equal to one-third (1/3) of the excess depth over seventy-five (75) feet; however, no such rear yard need be more than thirty-five (35) feet.
Religious facilities shall provide a rear yard of thirty (30) feet; parking within ten (10) feet of the property line shall be prohibited.

Secs. 4-56-4-60. Reserved.

ARTICLE 7 – R-13 DISTRICT – ONE FAMILY RESIDENTIAL

Sec. 4-61. Uses permitted.

Uses shall be permitted as set forth in chapter 3—Uses Permitted.

Sec. 4-62. Height.

Buildings shall be a maximum of thirty-five (35) feet in height; provided that the height limit for any building may be increased to not more than forty-five (45) feet when side yards of not less than twenty-five (25) feet each are provided.

Sec. 4-63. Lot area.

All lots shall be a minimum of 12,000 square feet with a minimum frontage of eighty (80) feet.

Sec. 4-64. Dwelling area.

All dwellings shall contain a minimum of 2,000 square feet of heated living area; if an attached fully enclosed garage or porch on either end has the same type construction and exterior appearance as the dwelling, then two hundred (200) square feet of the floor area of either or both may be applied and considered a part of the 2,000 square feet, provided that screened-in porches shall not qualify for this credit.

Sec. 4-65. Building setback regulations.

(1) Front yard.
The front yard setback shall be a minimum of thirty (30) feet; however, lots of record prior to the adoption of this ordinance shall have a front yard equal to the average front yard in the block, but in no case less than twenty (20) feet; however, no such front yard need be more than sixty (60) feet.
Colleges and public or private schools as may be permitted in this section shall be set back at least fifty (50) feet from the front property line and at least thirty (30) feet from all other boundary lines of the property.
Religious facilities shall be set back at least thirty (30) feet from the front property line; parking within this setback shall be prohibited.

(2) Side yard.
The depth of the two (2) side yards shall total at least twenty-five (25) percent of the lot width, measured at the front setback line. No individual side yard shall be less than ten (10) percent of the lot width unless the total side yard depth is required to be twenty-five (25) feet or more. In that case, one (1) of the side yards may be reduced to ten (10) feet in depth, with the balance of the twenty-five (25) percent located in the remaining side yard. Any side yard along the side street of a corner lot shall not be less than fifteen (15) feet.
Lots having a width of forty (40) feet or less and of record prior to January 27, 1960 may have a side yard of not less than five (5) feet on each side.
Religious facilities shall provide side yards, the total of which shall be twenty-five (25) percent of the lot width, with a minimum individual side yard of thirty (30) feet. Parking within ten (10) feet of the property line shall be prohibited.

(3) Rear yard.

The rear yard setback shall be a minimum of twenty (20) feet, provided if the depth of the lot is greater than seventy-five (75) feet, the required depth of the rear yards shall be increased by an amount equal to one-third (1/3) of the excess depth over seventy-five (75) feet; however, no such rear yard need be more than thirty-five (35) feet.

Religious facilities shall provide a rear yard of thirty (30) feet; parking within ten (10) feet of the property line shall be prohibited.

Secs. 4-66-4-70. Reserved.

ARTICLE 8 – R-11 DISTRICT – ONE FAMILY RESIDENTIAL

Sec. 4-71. Uses permitted.

Uses shall be permitted as set forth in chapter 3—Uses Permitted.

Sec. 4-72. Height.

Buildings shall be a maximum of thirty-five (35) feet in height; provided that the height limit for any building may be increased to not more than forty-five (45) feet when side yards of not less than twenty-five (25) feet each are provided.

Sec. 4-73. Lot area.

All lots shall be a minimum of 9,000 square feet with a minimum frontage of seventy (70) feet.

Sec. 4-74. Dwelling area.

All dwellings shall contain a minimum of 1,700 square feet of heated living area; if an attached fully enclosed garage or porch on either end has the same type construction and exterior appearance as the dwelling, then two hundred (200) square feet of the floor area of either or both may be applied and considered a part of the 1,700 square feet, provided that screened-in porches shall not qualify for this credit feet.

Sec. 4-75. Building setback regulations.

(1) Front yard.

The front yard setback shall be a minimum of 30 feet; however, lots of record prior to the adoption of this ordinance shall have a front yard equal to the average front yard in the block, but in no case less than twenty (20) feet; however, no such front yard need be more than sixty (60) feet.

Colleges and public or private schools as may be permitted in this section shall be set back at least fifty (50) feet from the front property line and at least thirty (30) feet from all other boundary lines of the property.

Religious facilities shall be set back at least thirty (30) feet from the front property line; parking within this setback shall be prohibited.

(2) Side yard.

The depth of the two (2) side yards shall total at least twenty-five (25) percent of the lot width, measured at the front setback line. No individual side yard shall be less than ten (10) percent of the lot width unless the total side yard depth is required to be twenty-five (25) feet or more. In that case, one (1) of the side yards may be reduced to ten (10) feet in depth, with the balance of the twenty-five (25) percent located in the remaining side yard. Any side yard along the side street of a corner lot shall not be less than fifteen (15) feet.

Lots having a width of forty (40) feet or less and of record prior to January 27, 1960 may have a side yard of not less than five (5) feet on each side.

Religious facilities shall provide side yards, the total of which shall be twenty-five (25) percent of the lot width, with a minimum individual side yard of thirty (30) feet. Parking within ten (10) feet of the property line shall be prohibited.

(3) Rear yard.

The rear yard setback shall be a minimum of twenty (20) feet, provided if the depth of the lot is greater than seventy-five (75) feet, the required depth of the rear yards shall be increased by an amount equal to one-third (1/3) of the excess depth over seventy-five (75) feet; however, no such rear yard need be more than thirty-five (35) feet.

Religious facilities shall provide a rear yard of thirty (30) feet; parking within ten (10) feet of the property line shall be prohibited.

Secs. 4-76-4-80. Reserved.

ARTICLE 9 – R-9 DISTRICT – ONE FAMILY RESIDENTIAL

Sec. 4-81. Uses permitted.

Uses shall be permitted as set forth in chapter 3—Uses Permitted.

Sec. 4-82. Height.

Buildings shall be a maximum of thirty-five (35) feet in height; provided that the height limit for any building may be increased to not more than forty-five (45) feet when side yards of not less than twenty-five (25) feet each are provided.

Sec. 4-83. Lot area.

All lots shall be a minimum of 6,000 square feet with a minimum frontage of sixty (60) feet.

Sec. 4-84. Dwelling area.

All dwellings shall contain a minimum of 1,500 square feet of heated living area; if an attached fully enclosed garage or porch on either end has the same type construction and exterior appearance as the dwelling, then two hundred (200) square feet of the floor area of either or both may be applied and considered a part of the 1,500 square feet, provided that screened-in porches shall not qualify for this credit.

Sec. 4-85. Building setback regulations.

(1) Front yard.
The front yard setback shall be a minimum of thirty (30) feet; however, lots of record prior to the adoption of this ordinance shall have a front yard equal to the average front yard in the block, but in no case less than twenty (20) feet; however, no such front yard need be more than sixty (60) feet.
Colleges and public or private schools as may be permitted in this section shall be set back at least fifty (50) feet from the front property line and at least thirty (30) feet from all other boundary lines of the property.
Religious facilities shall be set back at least thirty (30) feet from the front property line; parking within this setback shall be prohibited.

(2) Side yard.
The depth of the two (2) side yards shall total at least twenty-five (25) percent of the lot width, measured at the front setback line. No individual side yard shall be less than ten (10) percent of the lot width unless the total side yard depth is required to be twenty-five (25) feet or more. In that case, one (1) of the side yards may be reduced to ten (10) feet in depth, with the balance of the twenty-five (25) percent located in the remaining side yard. Any side yard along the side street of a corner lot shall not be less than fifteen (15) feet.
Lots having a width of forty (40) feet or less and of record prior to January 27, 1960 may have a side yard of not less than five (5) feet on each side.
Religious facilities shall provide side yards, the total of which shall be twenty-five (25) percent of the lot width, with a minimum individual side yard of thirty (30) feet. Parking within ten (10) feet of the property line shall be prohibited.

(3) Rear yard.
The rear yard setback shall be a minimum of twenty (20) feet, provided if the depth of the lot is greater than seventy-five (75) feet, the required depth of the rear yards shall be increased by an amount equal to one-third (1/3) of the excess depth over seventy-five (75) feet; however, no such rear yard need be more than thirty-five (35) feet.
Religious facilities shall provide a rear yard of thirty (30) feet; parking within ten (10) feet of the property line shall be prohibited.

Secs. 4-86-4-90. Reserved.

ARTICLE 10 – R-8 DISTRICT – TWO FAMILY RESIDENTIAL

Sec. 4-91. Uses permitted.

Uses shall be permitted as set forth in chapter 3—Uses Permitted.

Sec. 4-92. Height.

Buildings shall be a maximum of thirty-five (35) feet in height; provided that the height limit for any building may be increased to not more than forty-five (45) feet when side yards of not less than twenty-five (25) feet each are provided.

Sec. 4-93. Lot area.

(1) One-family dwelling: all lots shall be a minimum of 6,000 square feet with a minimum frontage of sixty (60) feet.
(2) Two-family dwelling: all lots shall be a minimum of 6,000 square feet with a minimum frontage of sixty (60) feet.
(3) Duplex unit: all lots shall be a minimum of 4,000 square feet with a minimum frontage of forty (40) feet.

Sec. 4-94. Dwelling area.

(1) One-family dwelling: all dwellings shall contain a minimum of 1,300 square feet of heated living area.
(2) Two-family dwelling: all dwellings shall contain a minimum of eight hundred (800) square feet of heated living area per each dwelling unit.
(3) Duplex unit: all dwellings shall contain a minimum of 1,300 square feet of heated living area.

If an attached fully enclosed garage or porch on either end has the same type construction and exterior appearance as the dwelling, then two hundred (200) square feet of the floor area of either or both may be applied and considered a part of the minimum square footage, provided that screened-in porches shall not qualify for this credit.

Sec. 4-95. Building setback regulations.

(1) Front yard.
The front yard setback shall be a minimum of thirty (30) feet; however, lots of record prior to the adoption of this ordinance shall have a front yard equal to the average front yard in the block, but in no case less than twenty (20) feet; however, no such front yard need be more than sixty (60) feet.
Colleges and public or private schools as may be permitted in this section shall be set back at least fifty (50) feet from the front property line and at least thirty (30) feet from all other boundary lines of the property.
Religious facilities shall be set back at least thirty (30) feet from the front property line; parking within this setback shall be prohibited.
(2) Side yard.

The depth of the two (2) side yards shall total at least twenty-five (25) percent of the lot width, measured at the front setback line. No individual side yard shall be less than ten (10) percent of the lot width unless the total side yard depth is required to be twenty-five (25) feet or more. In that case, one (1) of the side yards may be reduced to ten (10) feet in depth, with the balance of the twenty-five (25) percent located in the remaining side yard. Any side yard along the side street of a corner lot shall not be less than fifteen (15) feet.

Lots having a width of forty (40) feet or less and of record prior to January 27, 1960 may have a side yard of not less than five (5) feet on each side.

Religious facilities shall provide side yards, the total of which shall be twenty-five (25) percent of the lot width, with a minimum individual side yard of thirty (30) feet. Parking within ten (10) feet of the property line shall be prohibited.

(3) Rear yard.

The rear yard setback shall be a minimum of twenty (20) feet, provided if the depth of the lot is greater than seventy-five (75) feet, the required depth of the rear yards shall be increased by an amount equal to one-third (1/3) of the excess depth over seventy-five (75) feet; however, no such rear yard need be more than thirty-five (35) feet.

Religious facilities shall provide a rear yard of thirty (30) feet; parking within ten (10) feet of the property line shall be prohibited.

Secs. 4-96-4-100. Reserved.

ARTICLE 11 – R-4 DISTRICT – ONE FAMILY RESIDENTIAL

Sec. 4-101. Intent and application of the district.

This district is intended to accommodate the orderly development of residential neighborhoods in traditional lot patterns as found in the city's earlier neighborhoods. This district is also intended to facilitate development of sizable infill parcels within established neighborhoods in a compatible manner. Such development makes efficient use of available land in well-connected patterns helping to create a pedestrian friendly environment.

Application of this district shall be limited to two (2) scenarios:

(1) Contiguous lots collectively comprising a minimum of 24,000 square feet of land area to justify consideration for applying the R-4 District within the context of the recommendations of the comprehensive plan and the surrounding zoning and development pattern; or

(2) Geographic areas within the boundaries of adopted master plans, small area plans or neighborhood plans which recommend residential development on lots meeting R-4 standards and are further governed by a city adopted pattern book to which any development shall conform.

Sec. 4-102. Uses permitted.

Uses shall be permitted as set forth in chapter 3—Uses Permitted.

Sec. 4-103. Height.

Buildings shall be a maximum of thirty-five (35) feet in height.

Sec. 4-104. Lot area.

(1) A lot served by an alley shall contain a minimum of 4,000 square feet and such lot shall have a minimum frontage of forty (40) feet, unless located on a corner, in which case the lot shall contain a minimum of 5,000 square feet and such lot shall have a minimum frontage of fifty (50) feet; or

(2) Lots without alley access shall contain a minimum of 5,000 square feet and such lot shall have a minimum frontage of fifty (50) feet.

Sec. 4-105. Dwelling area.

All dwellings shall contain a minimum of 1,200 square feet of heated living area.

Sec. 4-106. Building setback regulations.

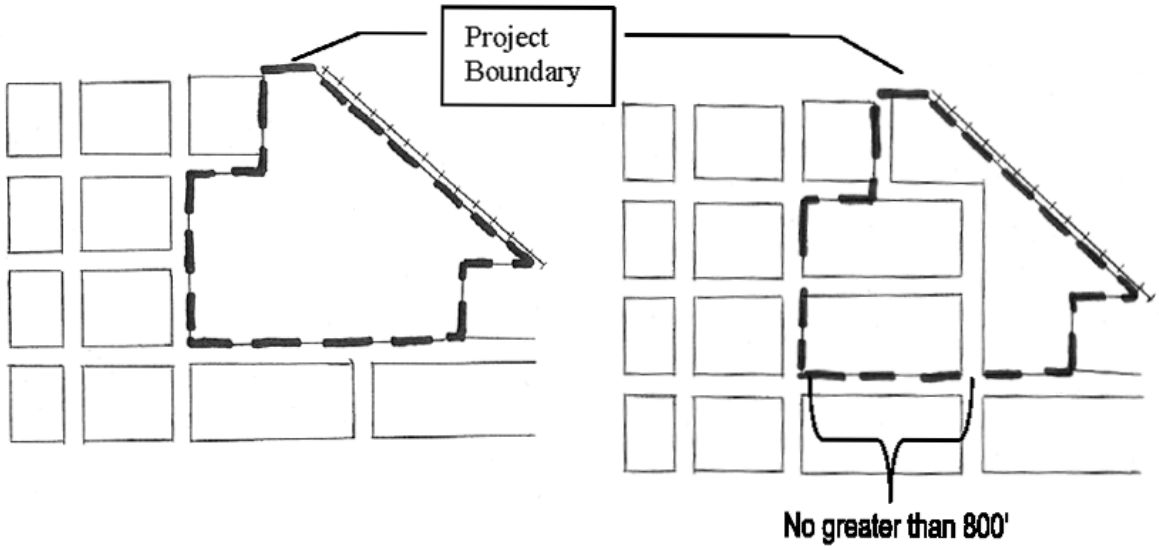
(1) Front yard.
   (a) The front yard setback shall be a minimum of fifteen (15) feet for single-family homes.
   (b) Religious facilities and other places of assembly shall be set back at least twenty (20) feet. Parking shall be prohibited within this required setback.

(2) Side yard.
   (a) The side yard setback shall be a minimum of five (5) feet for single-family homes, unless on a corner lot.
   (b) The side yard setback shall be a minimum of fifteen (15) feet for single-family homes on a corner lot.
   (c) Religious facilities and other places of assembly shall provide minimum side yards of twenty (20) feet. Parking shall be prohibited within this required setback.

(3) Rear yard.
   (a) The rear yard setback shall be a minimum of fifteen (15) feet for single-family homes. Garages, as permitted in this section, shall have a minimum setback of five (5) feet.
   (b) Religious facilities shall provide a minimum rear yard of thirty (30) feet. Parking within ten (10) feet of the rear property line shall be prohibited.

Sec. 4-107. Connectivity of streets.

Regular intersections with through streets shall be created at a intervals no greater than eight hundred (800) feet, except for places where connections cannot be made because of physical obstacles, such as construction of existing buildings, wetlands, water bodies, railroad and utility rights-of-way, existing limited access rights-of-way, and parks or dedicated open space. New streets and street extensions shall align with existing streets and creating regular blocks as much as practicable. Cul-de-sacs shall not be utilized to the extent practicable.



Sec. 4-108. Additional regulations.

Upon the approval of the rezoning of property to R-4 the following additional regulations shall apply.

(1) For structures to be constructed on R-4 lots, the following shall be submitted to the zoning administrator for approval:
  (a) A plat showing a footprint of the proposed structure(s) along with the location of any proposed driveways, alleys, parking aprons, or similar feature.
  (b) Building elevations including description of proposed materials.
  (c) Floor plans.
  (d) A landscape plan.

(2) The zoning administrator shall review the documents and render a determination, in writing, as to whether the proposed structure is consistent with either:
  (a) The adopted pattern book, if one (1) has been adopted by the city for the geographic area, in which the proposed R-4 structure is to be constructed; or
  (b) If a pattern book has not been adopted by the city for the geographic area in which the proposed R-4 structure is to be constructed, the general visual character, placement and architectural scale (size, height, bulk, etc.) of existing single-family homes within three hundred (300) feet in all directions from the subject lot's property lines.

Secs. 4-109-4-110. Reserved.

CHAPTER 5 – MULTIFAMILY RESIDENTIAL DISTRICTS

ARTICLE 1 – R-M DISTRICT – MULTIPLE RESIDENTIAL

Sec. 5-1. Uses permitted.

Uses shall be permitted as set forth in chapter 3—Uses Permitted.

Sec. 5-2. Height regulations.

No building in an R-M District shall exceed three (3) stories or fifty-one (51) feet in height, provided that the height limit of any building may be increased to no more that sixty-eight (68) feet, but not more than four (4) stories when side yards of not less than twenty-five (25) feet are provided; however, buildings may be increased an additional five (5) feet in height for each additional ten (10) feet of side yard.

Sec. 5-3. Lot area.

(1) No one-family dwelling in an R-M District shall be erected or placed on a lot or building site containing less than six thousand (6,000) square feet and such lot shall have a minimum frontage of sixty (60) feet.

(2) No two-family dwelling in an R-M District shall be erected or placed on a lot or building site containing less than six thousand (6,000) square feet, and such lot shall have a minimum frontage of sixty (60) feet.

(3) No duplex dwelling unit in an R-M District shall be erected or placed on a lot or building site containing less than four thousand (4,000) square feet, and such lot shall have a minimum frontage of forty (40) feet.

(4) The use of all rooms shall be clearly defined on the plans submitted with the application for a building permit.

(a) The minimum lot area of each family or apartment unit in any R-M District shall be as follows:

Size of apartment unit, by number of bedrooms	Lot area required for each apartment unit
Studio/efficiency	800 sq. ft.
1-bedroom	1200 sq. ft.
2-bedroom	1600 sq. ft.
3-bedroom or more	1800 sq. ft.

(b) No building in an R-M District shall hereafter be erected or altered to provide for three (3) or more family or apartment units on any lot containing less than six thousand (6,000) square feet of lot area and average width of sixty (60) feet of lot width. The minimum width and area requirements of this paragraph shall not be altered or varied by any commission, board, or administrator.

Sec. 5-4. Dwelling area.

No dwelling in an R-M District shall be erected having a floor area of less than eight hundred (800) square feet. Duplex or semi-detached units shall contain not less than six hundred (600) square feet each. These minimum areas shall be exclusive of attached garages, carports, porches, patios, breezeways, or utility rooms.

Sec. 5-5. Building setback regulations.

(1) Front yard. There shall be a front yard in an R-M District having a depth of thirty (30) feet; however, lots of record prior to the adoption of this ordinance shall have a front yard equal to the average front yard in the block, but in no case less than twenty (20) feet; however, no such front yard need be more than sixty (60) feet.
Colleges and public or private schools, as may be permitted in this section, shall be set back at least fifty (50) feet from the front street line and at least thirty (30) feet from all other boundary lines of the property.
Religious facilities, as may be permitted in this section, shall be set back at least thirty (30) feet from the front property line; parking within this setback shall be prohibited.

(2) Side yard. There shall be a side yard in an R-M District along each side of each building, and the sum of the sides thereof shall be not less than twenty-five (25) percent of the lot's width measured at the building setback line. The minimum width of any such side yard shall be ten (10) percent of the lot's width, except that if the total required width of the two (2) side yards is twenty-five (25) feet or more, one (1) need not be more than ten (10) feet in width. The side yard along the side street of a corner lot shall not be less than fifteen (15) feet.
Lots having a width of forty (40) feet or less and of record prior to January 27, 1960 shall have a side yard setback of not less than five (5) feet on each side.
Religious facilities, as may be permitted in this section, shall provide side yards, the total of which shall be twenty-five (25) percent of the lot width, with a minimum individual side yard of thirty (30) feet. Parking within ten (10) feet of the property line shall be prohibited.

(3) Rear yard. There shall be a rear yard in an R-M District having a depth of not less than twenty (20) feet provided that if the depth of the lot is greater than seventy-five (75) feet, the required depth shall be increased by an amount equal to one-third (1/3) of the rear yard depth over seventy-five (75) feet; however, no such rear yard shall need be more than thirty-five (35) feet in depth. Every rear yard shall extend to and be measured from the rearmost portion of the main building.
Colleges and public or private schools, as may be permitted in this section, shall set back at least fifty (50) feet from the front street line and at least thirty (30) feet from all other boundary lines of the property.
Religious facilities, as may be permitted in this section, shall provide a rear yard of thirty (30) feet; parking within ten (10) feet of the property line shall be prohibited.

Secs. 5-6-5-10. Reserved.

ARTICLE 2 – MD-1 DISTRICT – TOWNHOUSE MULTIFAMILY RESIDENTIAL

Sec. 5-11. Uses permitted.

Uses shall be permitted as set forth in chapter 3—Uses Permitted.

Sec. 5-12. Homeowners' association.

In the case where the development involves fee-simple ownership of either land or dwelling units or both, and the development also includes land or facilities that are in common ownership, a homeowners' association shall be required. Such association, its executive organ or designated managing agent shall be responsible for any and all commonly-owned property. The city shall be kept notified of the party responsible for commonly-owned property.

Sec. 5-13. Building size.

(1) Buildings and structures shall be permitted up to a height of thirty-six (36) feet; the limit for any building may be increased to forty-one (41) feet when side yards of at least thirty (30) feet each are provided.

(2) Townhouse structures shall not exceed a maximum of one hundred eighty (180) feet in length.

Sec. 5-14. Lot area.

Townhouse and multi-family development shall be permitted on lots with a minimum of twenty thousand (20,000) square feet.

Sec. 5-15. Dwelling area.

The minimum dwelling area of all units shall equal that of the least restrictive, adjacent single-family district; if there is no adjacent single-family district, the minimum dwelling area shall be nine hundred (900) square feet.

Sec. 5-16. Density.

Residential development shall be permitted a maximum density of ten (10) units per buildable acre.

Sec. 5-17. Building setback regulations.

(1) Residential uses.

(a) Setbacks from project property lines.

(i) Front yard. All structures shall be set back at least twenty (20) feet from the front project property line; however, if the property is adjacent to any single-family or duplex residential district, all structures located within fifty (50) feet of said residential district shall be set back at least thirty (30) feet from the front project property line. Parking within this required front yard shall be prohibited.

(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 5-8(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.

(iii) Rear yard. All structures shall be set back at least twenty (20) feet from the rear project property line. Parking within this required rear 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 5-12(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 5-12(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 5-12(1)(a) shall apply, in addition to the twenty (20) feet required herein.

(c) Distance between improvements.

(i) For any townhouse or multi-family dwelling project with all buildings less than or equal to thirty-six (36) feet in height, there shall be provided a sixteen (16) foot radius between all structures or improvements, exclusive of surface parking and walkways.

(ii) Projects with one (1) or more buildings in excess of thirty-six (36) feet in height shall provide a twenty-five (25) foot radius between all structures or improvements, exclusive of surface parking and walkways.

(2) Colleges and public or private schools, as may be permitted in this section, shall be set back at least fifty (50) feet from the front property line and thirty (30) feet from the side and rear property lines.

(3) Religious facilities, as may be permitted in this section, shall be set back at least thirty (30) feet from the front property line; parking within this required setback shall be prohibited. Side setbacks of at least thirty (30) feet each shall be provided, and the sum of such side yards shall equal at least twenty-five (25) percent of the lot width. A setback of at least thirty (30) feet shall be provided from the rear property line. Parking within ten (10) feet of any side or rear property line is prohibited.

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

(1) Buildings and structures, exclusive of physical recreational amenities, shall be permitted a total lot coverage of twenty (20) percent.

(2) A minimum of forty (40) percent of the total lot area shall be maintained as green area. This green area shall be exclusive of the eight (8) foot front and twenty (20) foot rear yards within fee-simple lots.
   (a) A maximum of twenty-five (25) percent of this requirement may be water area.
   (b) A maximum of fifty (50) percent of this requirement may be within the footprint of physical recreational amenities.

(3) In order to encourage the provision of active recreation areas within townhouse and multiple dwelling developments, density bonuses shall be granted to those developments meeting all the criteria for active recreation areas:
   (a) Fifty (50) percent of the required green is active recreation area.
   (b) The minimum dimension of any active recreation area is fifty (50) feet.
   (c) Each dwelling unit is within five hundred (500) feet of an active recreation area.
   (d) If the total area of the site is greater than two (2) acres, ten thousand (10,000) contiguous square feet of active recreation area shall be provided for each two (2) acres of lot area.

(4) A bonus of one (1) dwelling unit per acre will be granted under the provisions of subsection 5-13(3) above for each of the following facilities:
   (a) Swimming pool;
   (b) Clubhouse;
   (c) Lighted tennis court;
   (d) Lighted basketball court;
   (e) Nine-hole golf course;
   (f) Dock, pier, or boat ramp;
   (g) Shuffleboard area; or
   (h) On-site day care.

   In no case, however, will the total bonus granted under these provisions exceed ten (10) units for the entire development.

Secs. 5-19-5-20. Reserved.

ARTICLE 3 – MD-2 DISTRICT – MULTIFAMILY RESIDENTIAL

Sec. 5-21. Uses permitted.

Uses shall be permitted as set forth in chapter 3—Uses Permitted.

Sec. 5-22. Homeowners' association.

In the case where the development involves fee-simple ownership of either land or dwelling units or both, and the development also includes land or facilities that are in common ownership, a homeowners' association shall be required. Such association, its executive organ or designated managing agent shall be responsible for any and all commonly-owned property. The city shall be kept notified of the party responsible for commonly-owned property.

Sec. 5-23. Building size.

(1) Buildings and structures shall be permitted up to a height of thirty-six (36) feet; the limit shall be increased to forty-one (41) feet when side yards of at least thirty (30) feet each are provided.
(2) Townhouse structures shall not exceed a maximum of one hundred eighty (180) feet in length.

Sec. 5-24. Lot area.

Townhouse and multi-family development shall be permitted on lots of a minimum of one (1) acre.

Sec. 5-25. Dwelling area.

(1) Townhouse units shall have a minimum dwelling area of nine hundred (900) square feet.
(2) Multi-family units shall have a minimum dwelling area of five hundred (500) square feet.

Sec. 5-26. Density.

Residential development shall be permitted a maximum density of sixteen (16) units per buildable acre.

Sec. 5-27. Building setback regulations.

(1) Residential uses.
    (a) Setbacks from project property lines.
        (i) Front yard. All structures shall be set back at least twenty (20) feet from the front project property line; however, if the property is adjacent to any single-family or duplex residential district, all

structures located within fifty (50) feet of said residential district shall be set back at least thirty (30) feet from the front project property line. Parking within this required front yard shall be prohibited.

(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 5-16(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.

(iii) Rear yard. All structures shall be set back at least twenty (20) feet from the rear project property line. Parking within this required rear 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 5-20(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 5-20(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 5-20(1)(a) shall apply, in addition to the twenty (20) feet required herein.

(c) Distance between improvements.

(i) For any townhouse or multi-family dwelling project with all buildings less than or equal to thirty six (36) feet in height, there shall be provided a sixteen (16) foot radius between all structures or improvements, exclusive of surface parking and walkways.

(ii) Projects with one (1) or more buildings in excess of thirty-six (36) feet in height shall provide a twenty-five (25) foot radius between all structures or improvements, exclusive of surface parking and walkways.

(2) Colleges and public or private schools, as may be permitted in this section, shall be set back at least fifty (50) feet from the front property line and thirty (30) feet from the side and rear property lines.

(3) Religious facilities, as may be permitted in this section, shall be set back at least thirty (30) feet from the front property line; parking within this required setback shall be prohibited. Side setbacks of at least thirty (30) feet each shall be provided, and the sum of such side yards shall equal at least twenty-five (25)

percent of the lot width. A setback of at least thirty (30) feet shall be provided from the rear property line. Parking within ten (10) feet of any side or rear property line is prohibited.

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

(1) Buildings and structures, exclusive of physical recreational amenities, shall be permitted a total lot coverage of twenty (20) percent.

(2) A minimum of forty (40) percent of the total lot area shall be maintained as green area. This green area shall be exclusive of the eight (8) foot front and twenty (20) foot rear yards within fee-simple lots.

  (a) A maximum of twenty-five (25) percent of this requirement may be water area.

  (b) A maximum of fifty (50) percent of this requirement may be within the footprint of physical recreational amenities.

(3) In order to encourage the provision of active recreation areas within townhouse and multiple dwelling developments, density bonuses shall be granted to those developments meeting all the criteria for active recreation areas:

  (a) Fifty (50) percent of the required green is active recreation area.

  (b) The minimum dimension of any active recreation area is fifty (50) feet.

  (c) Each dwelling unit is within five hundred (500) feet of an active recreation area.

  (d) If the total area of the site is greater than two (2) acres, ten thousand (10,000) contiguous square feet of active recreation area shall be provided for each two (2) acres of lot area.

(4) A bonus of one (1) dwelling unit per acre will be granted under the provisions of subsection 5-21(3) for each of the following facilities:

  (a) Swimming pool;

  (b) Clubhouse;

  (c) Lighted tennis court;

  (d) Lighted basketball court;

  (e) Nine-hole golf course;

  (f) Dock, pier, or boat ramp;

  (g) Shuffleboard area; or

  (h) On-site day care.

  In no case, however, will the total bonus granted under these provisions exceed ten (10) units for the entire development.

Secs. 5-29-5-30. Reserved.

ARTICLE 4 – MD-3 DISTRICT – MULTIFAMILY RESIDENTIAL

Sec. 5-31. Uses permitted.

Uses shall be permitted as set forth in chapter 3—Uses Permitted.

Sec. 5-32. Homeowners' association.

In the case where the development involves fee-simple ownership of either land or dwelling units or both, and the development also includes land or facilities that are in common ownership, a homeowners' association shall be required. Such association, its executive organ or designated managing agent shall be responsible for any and all commonly-owned property. The city shall be kept notified of the party responsible for commonly-owned property.

Sec. 5-33. Building size.

(1) Buildings and structures shall be permitted up to a height of fifty-six (56) feet.
(2) Townhouse structures shall not exceed a maximum of one hundred eighty (180) feet in length.

Sec. 5-34. Lot area.

Townhouse and multi-family developments shall be permitted on lots of a minimum of two (2) acres.

Sec. 5-35. Dwelling area.

(1) Townhouse units shall have a minimum dwelling area of nine hundred (900) square feet.
(2) Multi-family units shall have a minimum dwelling area of five hundred (500) square feet.

Sec. 5-36. Density.

Residential development shall be permitted a maximum density of twenty (20) units per buildable acre.

Sec. 5-37. Building setback regulations.

(1) Residential uses.
    (a) Setbacks from project property lines.
        (i) Front yard. All structures shall be set back at least twenty (20) feet from the front project property line; however, if the property is adjacent to any single-family or duplex residential district, all structures located within fifty (50) feet of said residential district shall be set back at least thirty (30) feet from the front project property line. Parking within this required front yard shall be prohibited.
        (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. In any case, 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.

(iii) Rear yard. All structures shall be set back at least twenty (20) feet from the rear project property line. Parking within this required rear 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 5-28(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 5-28(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 5-28(1)(a) shall apply, in addition to the twenty (20) feet required herein.

(c) Distance between improvements.

(i) For any townhouse or multi-family dwelling project with all building less than or equal to thirty-six (36) feet in height, there shall be provided a sixteen-foot radius between all structures or improvements, exclusive of surface parking and walkways.

(ii) Projects with one (1) or more buildings in excess of thirty-six (36) feet in height shall provide a twenty-five-foot radius between all structures or improvements, exclusive of surface parking and walkways.

(2) Colleges and public or private schools, as may be permitted in this section, shall be set back at least fifty (50) feet from the front property line and thirty (30) feet from the side and rear property lines.

(3) Religious facilities, as may be permitted in this section, shall be set back at least thirty (30) feet from the front property line; parking within this required setback shall be prohibited. Side setbacks of at least thirty (30) feet each shall be provided, and the sum of such side yards shall equal at least twenty-five (25) percent of the lot width. A setback of at least thirty (30) feet shall be provided from the rear property line. Parking within ten (10) feet of any side or rear property line is prohibited.

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

(1) Buildings and structures, exclusive of physical recreational amenities, shall be permitted a total lot coverage of twenty (20) percent.

(2) A minimum of forty (40) percent of the total lot area shall be maintained as green area. This green area shall be exclusive of the eight-foot front and twenty-foot rear yards within fee-simple lots.

(a) A maximum of twenty-five (25) percent of this requirement may be water area.

(b) A maximum of fifty (50) percent of this requirement may be within the footprint of physical recreational amenities.

(3) In order to encourage the provision of active recreation areas within townhouse and multiple dwelling developments, density bonuses shall be granted to those developments meeting all the criteria for active recreation areas:

(a) Fifty (50) percent of the required green is active recreation area.

(b) The minimum dimension of any active recreation area is fifty (50) feet.

(c) Each dwelling unit is within five hundred (500) feet of an active recreation area.

(d) If the total area of the site is greater than two (2) acres, ten thousand (10,000) contiguous square feet of active recreation area shall be provided for each two (2) acres of lot area.

(4) A bonus of one (1) dwelling unit per acre will be granted under the provisions of subsection 5-29(3) for each of the following facilities:

(a) Swimming pool;

(b) Clubhouse;

(c) Lighted tennis court;

(d) Lighted basketball court;

(e) Nine-hole golf course;

(f) Dock, pier, or boat ramp;

(g) Shuffleboard area; or

(h) On-site day care.

In no case, however, will the total bonus granted under these provisions exceed ten (10) units for the entire development.

Secs. 5-39-5-40. Reserved.

ARTICLE 5 – MD-4 DISTRICT – MULTIFAMILY RESIDENTIAL

Sec. 5-41. Uses permitted.

Uses shall be permitted as set forth in chapter 3—Uses Permitted.

Sec. 5-42. Homeowners' association.

In the case where the development involves fee-simple ownership of either land or dwelling units or both, and the development also includes land or facilities that are in common

ownership, a homeowners' association shall be required. The homeowners' association documents shall be reviewed and approved by the city attorney prior to recordation.

Such association, its executive organ or designated managing agent shall be responsible for any and all commonly-owned property. The city shall be kept notified of the party responsible for commonly-owned property.

Sec. 5-43. Lot area.

No minimum lot area required except that which is required to meet the minimum required building setbacks for each type of permitted structure and the required off-street parking.

Sec. 5-44. Dwelling area.

(1) Townhouse units shall have a minimum dwelling area of nine hundred (900) square feet.
(2) Multi-family units shall have a minimum dwelling area of five hundred (500) square feet.

Sec. 5-45. Setback regulations.

(1) Front yard.
    (a) Multi-family: There shall be no minimum front yard setback with a maximum of twenty-five (25) feet.
    (b) Townhouse: There shall be no minimum front yard setback with maximum of twenty (20) feet.

    Parking within the front yard shall be prohibited.
(2) Side yard.
    There shall be no minimum side yard setback unless the property abuts a one-family residential district in which case the minimum shall be twenty (20) feet.
(3) Rear yard.
    The rear yard setback shall be twenty (20) feet unless the property abuts a one-family residential district in which case the minimum shall be thirty (30) feet.

Secs. 5-46-5-50. Reserved.

CHAPTER 6 – COMMERCIAL DISTRICTS

ARTICLE 1 – C-1 DISTRICT – NEIGHBORHOOD COMMERCIAL

Sec. 6-1. Uses permitted.

Uses shall be permitted as set forth in chapter 3—Uses Permitted.

Sec. 6-2. Development standards in general.

(1) Limitations.
Permitted stores, shops, offices, or businesses, except gasoline supply stations and parking lots, shall be conducted wholly within an enclosed building and no more than fifty (50) percent of the floor area of any building shall be used for the storage of merchandise.

(2) Accessory structures.
- (a) Accessory structures shall not cover more than twenty (20) percent of the rear yard.
- (b) No accessory structure shall be located closer than five (5) feet to the rear property line.
- (c) No accessory structure shall be located closer than three (3) feet to the side property line.

Sec. 6-3. Development standards for all uses other than townhouses and multiple dwellings.

(1) Height.
Maximum of two and one-half (2½) stories or thirty-five (35) feet in height, provided that the height limit may be increased to not more than forty-five (45) feet, but not to exceed three (3) stories when side yards of not less than fifty (50) feet each are provided.

(2) Green area shall be provided as specified in chapter 1, section 1-30.

Sec. 6-4. Development standards for townhouses and multiple dwellings.

(1) Homeowners' association.
In the case where the development involves fee-simple ownership of either land or dwelling units or both, and the development also includes land or facilities that are in common ownership, a homeowners' association shall be required. Such association, its executive organ or designated managing agent shall be responsible for any and all commonly-owned property. The city shall be kept notified of the party responsible for commonly-owned property.

(2) Height and building size.

(a) Buildings and structures shall be permitted up to a height of thirty-six (36) feet; the limit for any building may be increased to forty-one (41) feet when side yards of at least thirty (30) feet each are provided.

(b) Townhouse structures shall not exceed a maximum of one hundred eighty (180) feet in length.

(3) Lot area.

Lots shall have a minimum of twenty thousand (20,000) square feet.

(4) Dwelling area.

The minimum dwelling area of all units shall equal that of the least restrictive, adjacent single-family district; if there is no adjacent single-family district, the minimum dwelling area shall be nine hundred (900) square feet.

(5) Density.

The maximum density shall be ten (10) units per buildable acre.

(6) Lot coverage and green area.

(a) The maximum lot coverage, exclusive of physical recreational amenities, shall be twenty (20) percent.

(b) A minimum of forty (40) percent of the total lot area shall be maintained as green area. This green area shall be exclusive of the eight (8) foot front and twenty (20) foot rear yards within fee-simple lots.

(i) A maximum of twenty-five (25) percent of this requirement may be water area.

(ii) A maximum of fifty (50) percent of this requirement may be within the footprint of physical recreational amenities.

(c) In order to encourage the provision of active recreation areas, density bonuses shall be granted to developments meeting all the criteria for active recreation areas:

(i) Fifty (50) percent of the required green is active recreation area.

(ii) The minimum dimension of any active recreation area is fifty (50) feet.

(iii) Each dwelling unit is within five hundred (500) feet of an active recreation area.

(iv) If the total area of the site is greater than two (2) acres, ten thousand (10,000) contiguous square feet of active recreation area shall be provided for each two (2) acres of lot area.

(d) A bonus of one (1) dwelling unit per acre will be granted under the provisions of subsection 6-4(6)(c) for each of the following facilities:

(i) Swimming pool;

(ii) Clubhouse;

(iii) Lighted tennis court;

(iv) Lighted basketball court;

(v) Nine-hole golf course;

(vi) Dock, pier, or boat ramp;

(vii) Shuffleboard area; or

(viii) On-site day care.

In no case, however, will the total bonus granted under these provisions exceed ten (10) units for the entire development.

Sec. 6-5. Setback regulations for all uses other than townhouses and multiple dwellings.

(1) Front yard.
No front yard is required.

(2) Side yard.
No side yard is required except as follows:
(a) Where a lot adjoins a residential district, a side yard of ten (10) percent of the lot's width shall be provided, but in no case less than ten (10) feet.
(b) The side yard along the side street of a corner lot shall be not less than fifteen (15) feet in width.
(c) Where dwelling units are provided in conjunction with any commercial use, and in which all rooms do not open onto a front or rear yard, there shall be provided side yards of not less than ten (10) feet in width.

(3) Rear yard.
There shall be a rear yard having a depth of not less than ten (10) percent of the depth of the lot, but such rear yard need not exceed thirty (30) feet, and shall have a minimum depth of twenty (20) feet.

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

(1) Setbacks from project property lines.
(a) Front yard.
The front yard setback shall be a minimum of twenty (20) feet; however, if the property is adjacent to any single-family or duplex residential district, all structures located within fifty (50) feet of said residential district shall be set back at least thirty (30) feet from the front project property line. Parking within this required front yard shall be prohibited.
(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 6-4(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.
(c) Rear yard.
The rear yard setback shall be a minimum of twenty (20) feet. Parking within this required rear yard shall be prohibited.

(2) Setbacks from fee-simple lot lines.
(a) Front yard.
The front yard setback shall be a minimum of eight (8) feet; however, if the front fee-simple lot line is the same as any project property line, the

setbacks in subsection 6-6(1)(a) shall apply, in addition to the eight (8) feet required herein.

(b) Side yard.
No side yard setback is required unless the side fee-simple lot line is the same as any project property line; in which case the setbacks in subsection 6-6(1)(b) shall apply.

(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 6-6(1)(c) shall apply, in addition to the twenty (20) feet required herein.

(3) Distance between improvements.

(a) For any townhouse or multiple dwelling project with all buildings less than or equal to thirty-six (36) feet in height, there shall be provided a sixteen (16) foot radius between all structures or improvements, exclusive of surface parking and walkways.

(b) Projects with one (1) or more buildings in excess of thirty-six (36) feet in height shall provide a twenty-five (25) foot radius between all structures or improvements, exclusive of surface parking and walkways.

Secs. 6-7-6-10. Reserved.

ARTICLE 2 – C-2 DISTRICT – LIMITED COMMERCIAL

Sec. 6-11. Uses permitted.

Uses shall be permitted as set forth in chapter 3—Uses Permitted.

Sec. 6-12. Development standards for all uses other than townhouses and multiple dwellings.

(1) Height.
Maximum of two and one-half (2½) stories or thirty-five (35) feet in height, provided that the height limit may be increased provided that all height greater than thirty-five (35) feet shall set back from all required front, side, and rear yards one (1) foot for each three (3) feet of such additional height.

(2) Green area shall be provided as specified in chapter 1, section 1-30.

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

(1) Homeowners' association.
In the case where the development involves fee-simple ownership of either land or dwelling units or both, and the development also includes land or facilities that are in common ownership, a homeowners' association shall be required. Such association, its executive organ or designated managing agent shall be

responsible for any and all commonly-owned property. The city shall be kept notified of the party responsible for commonly-owned property.

(2) Height and building size.

(a) Buildings and structures shall be permitted up to a height of thirty-six (36) feet; the limit for any building may be increased to forty-one (41) feet when side yards of at least thirty (30) feet each are provided.

(b) Townhouse structures shall not exceed a maximum of one hundred eighty (180) feet in length.

(3) Lot area.

Lots shall have a minimum of twenty thousand (20,000) square feet.

(4) Dwelling area.

The minimum dwelling area of all units shall equal that of the least restrictive, adjacent single-family district; if there is no adjacent single-family district, the minimum dwelling area shall be nine hundred (900) square feet.

(5) Density.

The maximum density shall be twenty (20) units per buildable acre.

(6) Lot coverage and green area.

(a) The maximum lot coverage, exclusive of physical recreational amenities, shall be twenty (20) percent.

(b) A minimum of forty (40) percent of the total lot area shall be maintained as green area. This green area shall be exclusive of the eight (8) foot front and twenty (20) foot rear yards within fee-simple lots.

(i) A maximum of twenty-five (25) percent of this requirement may be water area.

(ii) A maximum of fifty (50) percent of this requirement may be within the footprint of physical recreational amenities.

(c) In order to encourage the provision of active recreation areas, density bonuses shall be granted to developments meeting all the criteria for active recreation areas:

(i) Fifty (50) percent of the required green is active recreation area.

(ii) The minimum dimension of any active recreation area is fifty (50) feet.

(iii) Each dwelling unit is within five hundred (500) feet of an active recreation area.

(iv) If the total area of the site is greater than two (2) acres, ten thousand (10,000) contiguous square feet of active recreation area shall be provided for each two (2) acres of lot area.

(d) A bonus of one (1) dwelling unit per acre will be granted under the provisions of subsection 10-9(3) for each of the following facilities:

(i) Swimming pool;

(ii) Clubhouse;

(iii) Lighted tennis court;

(iv) Lighted basketball court;

(v) Nine-hole golf course;

(vi) Dock, pier, or boat ramp;
(vii) Shuffleboard area; or
(viii) On-site day care.

In no case, however, will the total bonus granted under these provisions exceed ten (10) units for the entire development.

Sec. 6-14. Setback regulations for all uses other than townhouses and multiple dwellings.

(1) Front yard.
No front yard is required.

(2) Side yard.
No side yard is required except as follows:
(a) Where a lot adjoins a residential district, a side yard of ten (10) percent of the lot's width shall be provided, but in no case less than ten (10) feet.
(b) Where dwelling units are provided in conjunction with any commercial use, and in which all rooms do not open onto a front or rear yard, there shall be provided side yards of not less than ten (10) feet in width.

(3) Rear yard.
No rear yard is required except that if the lot adjoins a residential district, a rear yard of not less than fifteen (15) feet shall be required.

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

(1) Setbacks from project property lines.
(a) Front yard.
The front yard setback shall be a minimum of twenty (20) feet; however, if the property is adjacent to any single-family or duplex residential district, all structures located within fifty (50) feet of said residential district shall be set back at least thirty (30) feet from the front project property line. Parking within this required front yard shall be prohibited.
(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 6-9(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.
(c) Rear yard.
The rear yard setback shall be a minimum of twenty (20) feet. Parking within this required rear yard shall be prohibited.

(2) Setbacks from fee-simple lot lines.
(a) Front yard.
The front yard setback shall be a minimum of eight (8) feet; however, if the front fee-simple lot line is the same as any project property line, the

setbacks in subsection 6-15(1)(a) shall apply, in addition to the eight (8) feet required herein.

(b) Side yard.
No side yard setback is required unless the side fee-simple lot line is the same as any project property line; in which case the setbacks in subsection 6-15(1)(b) shall apply.

(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 6-11(1)(c) shall apply, in addition to the twenty (20) feet required herein.

(3) Distance between improvements.

(a) For any townhouse or multiple dwelling project with all buildings less than or equal to thirty-six (36) feet in height, there shall be provided a sixteen (16) foot radius between all structures or improvements, exclusive of surface parking and walkways.

(b) Projects with one (1) or more buildings in excess of thirty-six (36) feet in height shall provide a twenty-five (25) foot radius between all structures or improvements, exclusive of surface parking and walkways.

Secs. 6-16-6-20. Reserved.

ARTICLE 3 – C-3 DISTRICT – GENERAL COMMERCIAL

Sec. 6-21. Uses permitted.

Uses shall be permitted as set forth in chapter 3—Uses Permitted.

Sec. 6-22. Height.

Buildings shall be a maximum of two and one-half (2½) stories or thirty-five (35) feet in height, provided that the height limit may be increased provided that all height greater than thirty-five (35) feet shall set back from all required front, side, and rear yards one (1) foot for each three (3) feet of such additional height.

Sec. 6-23. Building setback regulations.

(1) Front yard.
No front yard is required.

(2) Side yard.
No side yard is required except that if the lot adjoins a residential district, then a side yard of ten (10) percent of the lot's width shall be provided, but in no case less than ten (10) feet.

(3) Rear yard.

No rear yard is required except that if the lot adjoins a residential district, then a rear yard of not less than fifteen (15) feet shall be required.

Secs. 6-24-6-30. Reserved.

CHAPTER 7 – MANUFACTURING DISTRICTS

ARTICLE 1 – M-1 DISTRICT – LIMITED MANUFACTURING

Sec. 7-1. Purpose of the district.

The purpose of this district is to provide sufficient space in appropriate locations for certain types of businesses and manufacturing, research and development, relatively free from offense, in modern landscaped buildings, to make available more attractive locations for these enterprises and industries, and to provide opportunities for employment closer to employees' residences with corresponding reduction of travel time from home to work. Certain commercial uses are permitted primarily for services to employees in the district. Typical development in the district would be that which is commonly known as an "industrial park." Accessory signs of limited area and application are permitted. In order to preserve the land for industry and to avoid future conflicts between industry and residence, future residential uses are restricted.

Sec. 7-2. Uses permitted.

Uses shall be permitted as set forth in chapter 3—Uses Permitted.

Sec. 7-3. Development standards.

The uses permitted in this district shall be subject to the following special conditions:

(1) All uses conducted outside of a building shall be screened so as not to be prominently visible from surrounding properties and streets.
(2) The front yard and unfenced side yards which abut a street shall be landscaped in accordance with the "City of Hampton Landscape Guidelines."
(3) Loading operations shall be conducted at the side or rear of buildings.
(4) Accessory buildings or structures shall not be located in the front yard.

Sec. 7-4. Height.

Buildings shall be a maximum of thirty-five (35) feet in height, unless otherwise approved by use permit in accordance with chapter 14.

Sec. 7-5. Setback regulations.

Minimum dimensions as follows:

	Required Setback Main Buildings	Required Setback Accessory Buildings
Front yard	30 feet	not applicable
Side yard	10 feet	5 feet
Side yard abutting a	15 feet	10 feet

residential district		
Rear yard	15 feet	10 feet
Rear yard abutting a residential district	20 feet	15 feet

Secs. 7-6-7-10. Reserved.

ARTICLE 2 – M-2 DISTRICT – LIGHT MANUFACTURING

Sec. 7-11. Uses permitted.

Uses shall be permitted as set forth in chapter 3—Uses Permitted.

Sec. 7-12. Height.

Maximum of thirty-five (35) feet in height, except that the height limit may be increased provided that all height greater than thirty-five (35) feet shall set back from all lot lines one (1) foot for each three (3) feet of such additional height.

Sec. 7-13. Setback regulations.

(1) Front yard.
No front yard is required.

(2) Side yard.
No side yard is required except if the lot abuts a residential district, then there shall be a side yard the same as required in the residential district.

(3) Rear yard.
No rear yard is required except if the lot abuts a residential district, then there shall be a rear yard the same as required in the residential district.

Secs. 7-14-7-20. Reserved.

ARTICLE 3 – M-3 DISTRICT – HEAVY MANUFACTURING

Sec. 7-21. Uses permitted.

Uses shall be permitted as set forth in chapter 3—Uses Permitted.

Sec. 7-22. Height.

All structures shall be a maximum of thirty-five (35) feet in height, except that the height limit may be increased provided that all height greater than thirty-five (35) feet shall set back from all lot lines one (1) foot for each three (3) feet of such additional height.

Sec. 7-23. Setback regulations.

(1) Front yard.
No front yard is required.

(2) Side yard.
No side yard is required except if the lot abuts a residential district, then there shall be a side yard the same as required in the residential district.

(3) Rear yard.
No rear yard is required except if the lot abuts a residential district then there shall be a rear yard the same as required in the residential district.

Secs. 7-23-7-30. Reserved.

CHAPTER 8 – SPECIAL DISTRICTS

ARTICLE 1 – LANGLEY FLIGHT APPROACH DISTRICTS

Sec. 8-1 Overall Intent of Langley Flight Approach (LFA) Districts.

The purpose of the LFA Districts is to provide reasonable regulation of land use for properties under the flight path of Langley Air Force Base.

First, the LFA-1 and LFA-2 Districts provide reasonable land use regulations for those industrial and commercial uses which, by their nature, require large amounts of land but are minimally populated by either employees or customers.

Second, the LFA-1 and LFA-2 Districts provide significant protection to the flight operations at Langley Air Force Base by allowing, in that area nearest the centerline of the runway and the end of the runway, only those uses that are not disrupted by, nor disrupting to, the Base operations.

Third, the LFA-3, LFA-4, LFA-5 and LFA-6 Districts is to provide reasonable land use regulations for the portion of the flight approach to Langley Air Force Base west of Magruder Boulevard. The regulations limit the intensity of development, specifically the concentration of people living and working in the area within the flight approach, so that there is no negative impact on the flight operations at the Base, but also provide for a wide range of commercial and industrial activities, consistent with the City of Hampton's goals to develop the Magruder Corridor as an economically viable business center.

Sec. 8-2. LFA-1 District – Langley Flight Approach Manufacturing.

(1) Composition.
LFA-1 contains those properties east of Magruder Boulevard and within the rectangle representing the Langley flight approach, fifteen hundred (1,500) feet on either side of the extended centerline of the runway, as it is defined in the Langley AFB Air Installation Compatibility Use Study, 1990, as amended.

(2) Permitted uses.
Uses shall be permitted as set forth in chapter 3—Uses Permitted.

(3) Development standards.

(a) Any use involving the use or storage of flammable or combustible materials shall conform to all pertinent requirements of chapter 14, article II, of the city code, the Fire Prevention Code.

(b) No use shall be permitted in the LFA-1 District that has any of the following characteristics:

(i) Releases into the air any substance that would impair visibility or otherwise interfere with the operation of aircraft, such as steam, dust or smoke;

(ii) Produces light emissions, either direct or indirect (reflective) that would interfere with pilot vision;

(iii) Produces electronic emissions that would interfere with the aircraft communication systems or navigational equipment;

(iv) Attracts concentrations of birds that would be hazardous to flight operations; or

(v) Involves the use or storage of explosive materials.

(4) Height.

Structures shall be a maximum height of thirty (30) feet.

(5) Setbacks.

(a) Rights-of-way.

(i) No improvements, with the exception of signs and approved access, may be constructed within 50 feet of Magruder Boulevard or Commander Shepard Boulevard. A landscape plan consistent with the "City of Hampton Landscape Guidelines" for the setback shall be submitted for review and approval by the director of community development or his designee prior to the issuance of a building permit for the main structure.

(ii) No improvements shall be constructed within ten (10) feet of any other existing or proposed public right-of-way.

(b) Side yards.

The side yard setback shall be a minimum of three (3) feet when not abutting an existing or proposed public right-of-way; however, if the side property line abuts a residential district, then there shall be a side yard the same as required in the residential district.

(c) Rear yard.

The rear yard setback shall be a minimum of three (3) feet when not abutting an existing or proposed public right-of-way; however, if the rear property line abuts a residential district, then there shall be a rear yard the same as required in the residential district.

(6) Nonconforming uses

Given the nature of the LFA-1 District and its stated purpose, nonconforming uses in the district shall be regulated. Notwithstanding the provisions of chapter 12, nonconforming uses shall not be permitted to expand beyond the square footage and lot area existing on September 9, 1992.

Sec. 8-3. LFA-2 District – Langley Flight Approach Mixed Business and Manufacturing.

(1) Composition.

LFA-2 contains those properties located east of Magruder Boulevard between Commander Shepard Boulevard and Nettles Lane that are not within the rectangle representing the Langley flight approach, fifteen hundred (1,500) feet on either side of the extended centerline of the runway, as it is defined in the Langley AFB Air Installation Compatibility Use Study, 1990, as amended.

(2) Permitted uses

Uses shall be permitted as set forth in chapter 3—Uses Permitted.

(3) Development standards.

(a) Any use involving the use or storage of flammable or combustible materials shall conform to all pertinent requirements of chapter 14, article II, of the city code, the Fire Prevention Code.

(b) No use shall be permitted in the LFA-2 District that has any of the following characteristics:

(i) Releases into the air any substance that would impair visibility or otherwise interfere with the operation of aircraft, such as steam, dust or smoke;

(ii) Produces light emissions, either direct or indirect (reflective) that would interfere with pilot vision;

(iii) Produces electronic emissions that would interfere with the aircraft communication systems or navigational equipment;

(iv) Attracts concentrations of birds that would be hazardous to flight operations; or

(v) Involves the use or storage of explosive materials.

(4) Height.

Structures shall have a maximum height of thirty (30) feet.

(5) Setbacks.

(a) Rights-of-way.

(i) No improvements, with the exception of signs and approved access, may be constructed within 50 feet of Magruder Boulevard or Commander Shepard Boulevard. A landscape plan consistent with the "City of Hampton Landscape Guidelines" for the setback shall be submitted for review and approval by the director of community development or his designee prior to the issuance of a building permit for the main structure.

(ii) No improvements shall be constructed within ten (10) feet of any other existing or proposed public right-of-way.

(b) Side yards.

The side yard setback shall be a minimum of three (3) feet when not abutting an existing or proposed public right-of-way; however, if the side property line abuts a residential district, then there shall be a side yard the same as required in the residential district.

(c) Rear yard.

The rear yard setback shall be a minimum of three (3) feet when not abutting an existing or proposed public right-of-way; however, if the rear property line abuts a residential district, then there shall be a rear yard the same as required in the residential district.

(6) Nonconforming uses.

Given the nature of the LFA-2 District and its stated purpose, nonconforming uses in the district shall be regulated. Notwithstanding the provisions of chapter

12, nonconforming uses shall not be permitted to expand beyond the square footage and lot area existing on September 9, 1992.

Sec. 8-4. LFA-3 District – Langley Flight Approach Hampton Roads Center.

(1) Composition.
The LFA-3 District shall include use and density restrictions commensurate with the intent of the Langley Flight Approach Districts overall, incorporating appropriate regulations from the HRC-1 District to ensure the continuation of the Hampton Roads Center business park atmosphere.

(2) Permitted uses.
Uses shall be permitted as set forth in chapter 3—Uses Permitted.

(3) Development standards.
- (a) Any use involving the use or storage of flammable or combustible materials shall conform to all pertinent requirements of chapter 14, article II, of the city code, the Fire Prevention Code.
- (b) No use shall be permitted in the LFA-3 District that has any of the following characteristics:
  - (i) Releases into the air any substance that would impair visibility or otherwise interfere with the operation of aircraft, such as steam, dust or smoke;
  - (ii) Produces light emissions, either direct or indirect (reflective) that would interfere with pilot vision;
  - (iii) Produces electronic emissions that would interfere with the aircraft communication systems or navigational equipment;
  - (iv) Attracts concentrations of birds that would be hazardous to flight operations; or
  - (v) Involves the use or storage of explosive materials.
- (c) All uses shall be conducted within a wholly enclosed building.

(4) Building size regulations.
- (a) All uses, exclusive of storage areas, shall be subject to the following maximum building area per acre:
  - (i) Retail, except furniture and appliance sales: maximum 5,000 gross square feet per acre.
  - (ii) Furniture and appliance sales—maximum 10,000 gross square feet per acre.
  - (iii) Personal services: maximum 5,000 gross square feet per acre.
  - (iv) Manufacturing/processing/treatment 1, 2, 3, 4 and 5: maximum 12,500 gross square feet per acre.
  - (v) Office: maximum 7,500 gross square feet per acre.
  - (vi) Banks: maximum 6,250 gross square feet per acre.
  - (vii) Private recreation centers: maximum 5,000 gross square feet per acre.

(viii) Brokerage, storage, warehousing, or distribution centers: no maximum.

(b) In addition to the limitations outlined above, all development shall conform to the following:

(i) No building or group of buildings shall be erected or placed on a lot containing less than three and one-half (3½) acres, unless a lot of lesser area has been recorded prior to May 1, 1985.

(ii) The minimum gross floor area of a building or a group of buildings on a lot shall be 25,000 square feet.

(5) Height.

Structures shall have a maximum height of sixty (60) feet.

(6) Setback regulations.

(a) Building setbacks:

(i) For properties adjacent to the Magruder Boulevard right-of-way, the setback is a minimum of eighty (80) feet, or twice the building height, whichever is greater, from Magruder Boulevard.

(ii) For properties adjacent to an interior Hampton Roads Center right-of-way, the setback is a minimum of sixty (60) feet, or twice the building height, whichever is greater, from that right-of-way.

(iii) For any side yard not adjacent to said rights-of-way, the setback is a minimum of twenty (20) feet.

(iv) For any rear yard not adjacent to said rights-of-way, the setback is a minimum of forty (40) feet.

(v) There is a setback of twenty (20) feet if adjacent to any lake maintenance easement in Hampton Roads Center.

(b) Setbacks for all other improvements, exclusive of entry ways:

(i) No parking shall be located within eighty (80) feet of the Magruder Boulevard right-of-way.

(ii) No parking shall be located within sixty (60) feet of the right-of-way of any interior Hampton Roads Center right-of-way.

(iii) No parking shall be permitted within any other side or rear yard, as described in subsection 8-4(6)(a) above.

(iv) No parking shall be permitted within twenty (20) feet of any lake maintenance easement in Hampton Roads Center.

(7) Nonconforming uses.

Given the nature of the LFA-3 District and its stated purpose, nonconforming uses in the district shall be regulated. Notwithstanding the provisions of chapter 12, nonconforming uses shall not generally be permitted to expand beyond the square footage existing on September 9, 1992. However, if the specific use involved in the proposed expansion meets the general intent of this district, such expansion may be permitted according to the appropriate development limitations contained in this district.

Sec. 8-5. LFA-4 District – Langley Flight Approach Limited Business I.

(1) Composition.

The LFA-4 District shall include use and density restrictions as described below.

(2) Permitted uses.

Uses shall be permitted as set forth in chapter 3—Uses Permitted.

(3) Development standards.

(a) Any use involving the use or storage of flammable or combustible materials shall conform to all pertinent requirements of chapter 14, article II, of the city code, the Fire Prevention Code.

(b) No use shall be permitted in the LFA-4 District that has any of the following characteristics:

(i) Releases into the air any substance that would impair visibility or otherwise interfere with the operation of aircraft, such as steam, dust or smoke;

(ii) Produces light emissions, either direct or indirect (reflective) that would interfere with pilot vision;

(iii) Produces electronic emissions that would interfere with the aircraft communication systems or navigational equipment;

(iv) Attracts concentrations of birds that would be hazardous to flight operations; or

(v) Involves the use or storage of explosive materials.

(4) Building size regulations.

(a) All uses, exclusive of storage areas, shall be subject to the following maximum building area per acre:

(i) Retail, except furniture and appliance sales: maximum 5,000 gross square feet per acre.

(ii) Furniture and appliance sales—maximum 10,000 gross square feet per acre.

(iii) Personal services: maximum 5,000 gross square feet per acre.

(iv) Manufacturing/processing/treatment 1, 2, 3, 4 and 5: maximum 12,500 gross square feet per acre.

(v) Office: maximum 7,500 gross square feet per acre.

(vi) Banks: maximum 6,250 gross square feet per acre.

(vii) Private recreation centers: maximum 5,000 gross square feet per acre.

(viii) Brokerage, storage, warehousing, or distribution centers: no maximum.

(5) Height.

Structures shall be a maximum height of sixty (60) feet.

(6) Setback regulations.

(a) Rights-of-way.

No improvements shall be constructed within ten (10) feet of any existing or proposed public right-of-way.

(b) Side yards.

No improvements shall be constructed within three (3) feet of any side property line that is not abutting an existing or proposed public right-of-way; however, if the side property line abuts a residential district or the LFA-5 District, then there shall be a side yard the same as required in that district.

(c) Rear yard.

No improvements shall be constructed within three (3) feet of a rear property line that is not abutting an existing or proposed public right-of-way; however, if the rear property line abuts a residential district or the LFA-5 District, then there shall be a rear yard the same as required in that district.

(7) Nonconforming uses.

Given the nature of the LFA-4 District and its stated purpose, nonconforming uses in the district shall be regulated. Notwithstanding the provisions of chapter 12, nonconforming uses shall not generally be permitted to expand beyond the square footage existing on September 9, 1992. However, if the specific use involved in the proposed expansion meets the general intent of this district, such expansion may be permitted according to the appropriate development limitations contained in this chapter.

Sec. 8-6. LFA-5 District – Langley Flight Approach Limited Residential.

(1) Composition

LFA-5 District shall include use restrictions that allow for the continuance of the existing residential development, but no expansion of that residential use.

(2) Permitted uses

Uses shall be permitted as set forth in chapter 3—Uses Permitted.

(3) Height

Structures shall be a maximum height of sixty (60) feet.

(4) Setback regulations

(a) Front yard.

The front yard setback shall be a minimum of thirty (30) feet.

(b) Side yard.

There shall be a side yard along each side of each building and the sum of the sides thereof shall be not less than twenty-five (25) percent of the lot's width measured at the building setback lines. The minimum width of any such side yard shall be ten (10) percent of the lot's width, except that if the total required width of the two (2) side yards is twenty-five (25) feet or more, one (1) need not be more than ten (10) feet in width. The side yard along the side street of a corner lot shall not be less than fifteen (15) feet.

(c) Rear yard.

There shall be a rear yard with a depth of not less than twenty (20) feet, provided if the depth of the lot is greater than seventy-five (75) feet, the

required depth of the rear yards shall be increased by an amount equal to one-third (1/3) of the excess depth over seventy-five (75) feet; however, no such rear yard need be more than thirty-five (35) feet; and every rear yard shall extend to and be measured from the rearmost portion of the main building.

(5) Nonconforming uses

Given the nature of the LFA-5 District and its stated purpose, nonconforming uses in the district shall be regulated. Notwithstanding the provisions of chapter 12, nonconforming uses shall not generally be permitted to expand beyond the square footage existing on September 9, 1992. However, if the specific use involved in the proposed expansion meets the general intent of this district, such expansion may be permitted according to the appropriate development limitations contained in this chapter.

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

(1) Composition.

The LFA-6 District shall include use and density restrictions as described below.

(2) Permitted uses.

Uses shall be permitted as set forth in chapter 3—Uses Permitted.

(3) Development standards.

(a) Any use involving the use or storage of flammable or combustible materials shall conform to all pertinent requirements of chapter 14, article II, of the city code, the Fire Prevention Code.

(b) No use shall be permitted in the LFA-6 District that has any of the following characteristics:

(i) Releases into the air any substance that would impair visibility or otherwise interfere with the operation of aircraft, such as steam, dust or smoke;

(ii) Produces light emissions, either direct or indirect (reflective) that would interfere with pilot vision;

(iii) Produces electronic emissions that would interfere with the aircraft communication systems or navigational equipment;

(iv) Attracts concentrations of birds that would be hazardous to flight operations; or

(v) Involves the use or storage of explosive materials.

(c) The only movie theater permitted in LFA-6 is that theater on site plan 34-96, approved October 29, 1996 (regardless of ownership), or its substantially equivalent replacement. Such theater is limited to the square footage shown on this site plan; no expansion of this theater within the LFA-6 boundaries is permitted.

(d) Notwithstanding subsection 8-7(4)(1) 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.

(4) Building size regulations.

(a) All uses, exclusive of storage areas, shall be subject to the following maximum building area per acre:

(i) Retail, except furniture and appliance sales: maximum 5,000 gross square feet per acre.

(ii) Furniture and appliance sales—maximum 10,000 gross square feet per acre.

(iii) Personal services: maximum 5,000 gross square feet per acre.

(iv) Manufacturing/processing/treatment 1, 2, 3, 4 and 5: maximum 12,500 gross square feet per acre.

(v) Office: maximum 7,500 gross square feet per acre.

(vi) Banks: maximum 6,250 gross square feet per acre.

(vii) Private recreation centers: maximum 5,000 gross square feet per acre.

(viii) Brokerage, storage, warehousing, or distribution centers: no maximum.

(5) Building height.

Structures shall be a maximum height of sixty (60) feet.

(6) Setback regulations

(a) Rights-of-way.

No improvements shall be constructed within ten (10) feet of any existing or proposed public right-of-way.

(b) Side yards.

No improvements shall be constructed within three (3) feet of any side property line that is not abutting an existing or proposed public right-of-way.

(c) Rear yard.

No improvements shall be constructed within three (3) feet of a rear property line that is not abutting an existing or proposed public right-of-way.

(7) Nonconforming uses

Given the nature of the LFA-6 District and its stated purpose, nonconforming uses in the district shall be regulated. Notwithstanding the provisions of chapter 12, nonconforming uses shall not generally be permitted to expand beyond the square footage existing on September 9, 1992. However, if the specific use involved in the proposed expansion meets the general intent of this district, such expansion may be permitted according to the appropriate development limitations contained in this chapter.

Secs. 8-8-8-10. Reserved.

ARTICLE 2 – RESIDENTIAL TRANSITION DISTRICTS

Sec. 8-11. Overall Intent of Residential Transition (RT) Districts.

It is the intent of this article to establish reasonable standards that permit and control development along corridors of the city identified in the city's comprehensive plan as appropriate for residential transition uses. The plan recognizes the need to implement a new land use designation that provides a transition between major thoroughfares and adjacent low density residential areas. This land use category would allow the properties along these corridors to develop, or redevelop, in a manner that best utilizes their frontage and access without detrimental impacts on surrounding residential development. This article recognizes that this transition may be accomplished differently, depending upon the corridor affected and the desires and needs of the surrounding community, and therefore allows for separate Residential Transition Districts, should they be necessary.

Sec. 8-12. RT-1 District – Residential Transition Todds Lane and Big Bethel Road.

(1) Intent.

RT-1 is intended to accomplish four (4) specific objectives identified in the Todds Lane/Big Bethel Road Corridors Study:

(a) To create a district that serves as a buffer between single-family residential districts and major arterial streets;

(b) To create a district that allows only uses compatible with single-family development, recognizing that these uses may be interspersed with residential development along the corridors;

(c) To create a district that allows non-residential development, but which requires that development to maintain the existing residential scale along the corridors; and

(d) To create a district that will not significantly increase traffic along the corridors, by allowing only those uses that generate no more than two and one-half (2½) times the total average daily traffic trips generated by single-family development, or eighty-eight (88) trips per acre.

The intent of the RT-1 District is to allow conversion of existing buildings or new construction in a manner that maintains the visual character and architectural scale of existing development within the area. It is also the intent of the RT-1 District to minimize visual and functional conflicts between residential and non-residential uses.

(2) Uses permitted.

Uses shall be permitted as set forth in chapter 3—Uses Permitted.

(3) Height.

Buildings shall be permitted up to a height of thirty-five (35) feet; however the height limit for any building may be increased to forty-five (45) feet when side yards of at least twenty-five (25) feet are provided.

(4) Lot width.

All newly created lots shall have a minimum frontage of one hundred twenty-five (125) feet.

(5) Setback regulations.

Improvements, as referenced in this section, shall include buildings, parking areas, and other site construction, but shall not include walls, fences or signs. With the exception of existing improvements, any improvements necessary for ingress and egress to the property, and any accessory structures, all improvements shall be located outside these setbacks:

(a) Front.

The front setback shall be at least thirty (30) feet; however lots recorded prior to adoption of this ordinance shall have a front setback equal to the average existing front yard on the block, with a minimum requirement of thirty (30) feet and a maximum requirement shall of sixty (60) feet.

(b) Rear.

The rear building setback shall be at least thirty-five (35) feet; however, all other improvements shall be set back at least thirty (30) feet

(c) Sides.

The total of the two side setbacks shall equal at least twenty-five (25) percent of the lot width; however, if that total exceeds fifty (50) feet, no more than fifty (50) feet shall be required.

(i) If the total required side setback is less than fifty (50) feet:

(aa) The minimum setback shall be ten (10) feet if not adjacent to any existing or proposed public right-of-way; and

(bb) The minimum setback shall be fifteen (15) feet if adjacent to any existing or proposed public right-of-way.

(ii) If the total required side setback equals fifty (50) feet, the minimum setback from any property line or existing or proposed public right-of-way shall be twenty-five (25) feet.

(6) Accessory buildings or structures.

(a) Accessory buildings or structures shall be permitted in the rear yards only.

(b) Accessory buildings or structures shall be permitted within five (5) feet of any rear or side property line.

(c) Accessory structures shall be permitted up to 1,000 square feet in total floor area, and may cover up to twenty (20) percent of the rear yard.

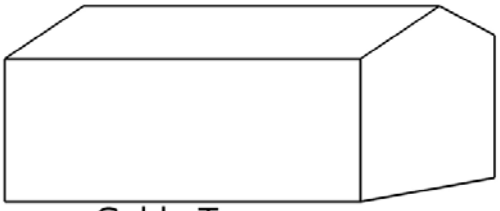
(d) Height of accessory buildings or structures shall be governed by chapter 1, section 1-24.

(7) Development standards.

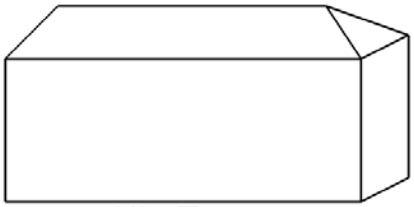
It is the intent of this section to ensure that the introduction of non-residential uses takes place without negatively impacting existing residential uses. Site development standards are intended to embody the qualities of single-family residential design and construction in terms of open space, lawns and plantings, light and air, convenience and privacy of nearby structures, and other amenities of residential areas.

(a) Architectural standards:

(i) Only gable and hip-style roofs shall be permitted.

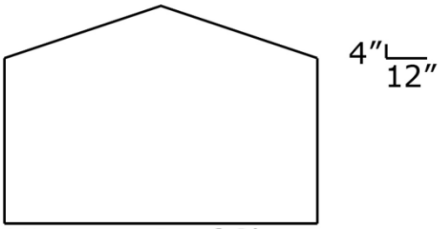


Gable Type

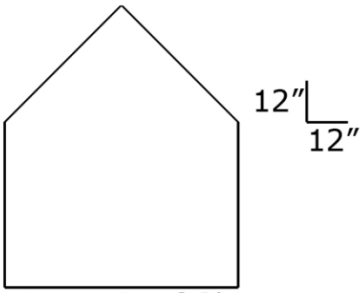


Hip Type

(ii) Roof pitch shall be a minimum of 1:3, horizontal to vertical, with a maximum of 1:1.



Minimum Roof Slope:
4″ Vertical : 12″ Horizontal



Maximum Roof Slope:
12″ Vertical : 12″ Horizontal

(iii) Roofs shall be designed with at least one (1) change or break in plane within every sixty-foot segment. Vertical roof changes, porch roofs and dormers are examples of acceptable plane changes.

Typical roof lines with periodic breaks in plane.

(iv) Roof materials shall be those typical in residential construction. Existing buildings undergoing expansion shall use materials similar in color, size and texture to the existing roof materials. Standing seam metal roofs shall not be permitted unless required due to the expansion of an existing roof.

(v) Building materials to be used for exterior finishes shall be those typical in residential construction. Concrete masonry units, precast concrete panels, vertical ribbed metal exteriors or highly reflective materials shall not be permitted unless required due to the expansion of an existing building. Existing buildings undergoing

expansion shall use materials similar in color, size and texture to the existing building materials.

(vi) Windows shall cover between ten (10) percent and fifty (50) percent of any exterior wall fronting on an existing or proposed public right-of-way. Existing buildings undergoing expansion shall preserve the existing proportion of exterior wall and glazing on any new walls that front on an existing or proposed public right-of-way.

(b) Green area and landscape plan:

(i) At least twenty (20) percent of the total lot area shall be maintained as green area.

(ii) A landscape plan complying with the "City of Hampton Landscape Guidelines" shall be submitted to the director of the department of community development or his designee for review and approval prior to the issuance of a zoning permit.

(c) All development proposals shall be accompanied by evidence to the planning director that traffic generated by the use does not exceed the prescribed limit of eighty-eight (88) trips per day, per acre.

(d) All uses permitted shall be permitted up to a maximum building size of 5,000 square feet of floor area per acre, except that religious facilities, funeral homes, hospitals, sanitariums, convalescent or nursing homes, or adult care residences shall be permitted up to a maximum building size of 12,000 square feet of floor area per acre.

(e) In order to maintain a residential scale of development, at least forty (40) percent of the total square footage of any building shall be on the ground floor.

(f) The floor area of accessory structures, as permitted herein, shall not count toward the maximum floor areas in subsection 8-12(7)(d) above.

(8) Fences and screens.

Fences and screens shall be permitted as provided in chapter 1; however, when a nonresidential use abuts a residentially used or residentially zoned property and an improvement is located within five (5) feet of that joint property line, the non-residential use shall provide an opaque screen along that joint property line that is between three (3) feet and six (6) feet in height. In no case shall the fence height exceed four (4) feet in the front setback.

(9) Consideration of rezoning applications.

Within one (1) month of the adoption of this ordinance, and annually thereafter, the average daily traffic count and current traffic capacity shall be established for these road segments:

(a) Big Bethel Road from the York County line to Interstate 64;

(b) Big Bethel Road from Interstate 64 to Todds Lane;

(c) Todds Lane from Cunningham Drive to Big Bethel Road; and

(d) Todds Lane from Big Bethel Road to the Newport News city line.

Given the recommendations of the Todds Lane/Big Bethel Road Corridors Study with regards to increases in traffic, the planning director shall consider the

relationship between current traffic counts and current traffic capacity. Additional RT-1 zoning may not be advisable if current counts already exceed capacity; a reasonable increase may be one (1) percent over existing counts if capacity exists. Such information shall be made part of any staff report to the planning commission and city council relative to a request for the RT-1 District.

Secs. 8-13-8-20. Reserved.

ARTICLE 3. BUCKROE BAYFRONT DISTRICTS

Sec. 8-21. Overall Intent and General Provisions of Buckroe Bayfront (BB) Districts.

(1) The Buckroe Bayfront Districts are intended to be a tool for implementation of the recommendations and policies of the Buckroe Master Plan (2005, as amended), guiding development, redevelopment, and revitalization activities in the Buckroe Bayfront area. Buckroe is a unique place in the Hampton Roads region with a neighborhood and architectural character that is an asset that must be protected and enhanced as new development becomes a part of the Buckroe community. Buckroe's character is based on its dual role as both a Chesapeake Bay beachfront community that draws visitors from areas beyond the neighborhood, and as a primarily single-family residential neighborhood in the City of Hampton. The Buckroe Master Plan (2005, as amended) provides the design principles that reflect these aspects of Buckroe's character, balancing between its two (2) roles and guiding the scale and location for new development and public improvements. The Buckroe Bayfront Districts are also intended to reinforce Buckroe's compact, walkable environment and promote a community design that is environmentally and economically sustainable.

(2) The City of Hampton has been engaged in the revitalization of the Buckroe neighborhood since 1964 when the first of a series of redevelopment plans was generated. While the scale and nature of the proposed redevelopment in Buckroe has changed over time, the basic premise that the beach represents an asset that could be leveraged for new high quality development to spur revitalization in the greater Buckroe area has remained. The Buckroe Master Plan (2005, as amended) replaces these previous redevelopment plans and the Buckroe Bayfront Districts are a tool to achieve this longstanding objective of the city's efforts in Buckroe.

(3) The Buckroe Bayfront District (BB) zoning classifications provides a standard for development within the Buckroe Bayfront District. City- or Hampton Redevelopment and Housing Authority-owned lands located in the Buckroe Bayfront District shall be required to develop in accordance with the BB Districts' standards. Private properties that are located within the Buckroe Bayfront District, as designated on the Buckroe Bayfront Districts Map, shall be encouraged to develop in accordance with the BB Districts' standards. These standards are a comprehensive whole and cannot be partially utilized or selectively used with other standards. For example, reduced setbacks or lot sizes

described in these standards may not be appropriate if the street standards and building form and design standards are not simultaneously utilized.

(4) A private property owner may request that his/her property be reviewed using the standards of the BB Districts by submitting to the planning department a letter of intent requesting that the BB Districts' standards apply to their property. A letter of intent must clearly state the area or property to be included within the district, include a plat and legal description of the property(ies), and the signature(s) of the current property owner(s) of record. Once a building permit has been issued or a subdivision plat approved based on the letter of intent, the standards of the Buckroe Bayfront District shall be effective for all future development, redevelopment, or renovation on the subject property.

(5) As permitted by the Code of Virginia § 15.2-2283 "Purpose of Zoning Ordinances," the Buckroe Bayfront Districts establish standards for development in Buckroe in order to:

(a) Preserve and extend those elements of the Buckroe neighborhood which contribute to its neighborhood and architectural character through the design and placement of building types.

(b) Enhance the quality of street spaces through building placement, massing, and design in order to create a safe environment that supports pedestrians, bicyclists, and drivers.

(c) Create safe public streets, parks, and other areas by designing neighboring buildings to enhance an "eyes on the street/park" effect with windows and primary entrances facing onto public spaces.

(d) Provide a degree of predictability to property owners and community residents regarding what may be built on land in the community while also allowing for some flexibility in the mixture of land uses.

(e) Encourage a range of building types and sizes that will accommodate people at all stages of life and allow for an economically diverse community.

(f) Facilitate the creation of a convenient, attractive, and harmonious community whose planning and architectural design will support long term value and economic stability in the greater Buckroe community.

(6) In the event of any conflict during the design or review of a project, priority among applicable Buckroe Bayfront standards shall be in the following order:

(a) Buckroe Bayfront Districts (BB) (2007, as amended).

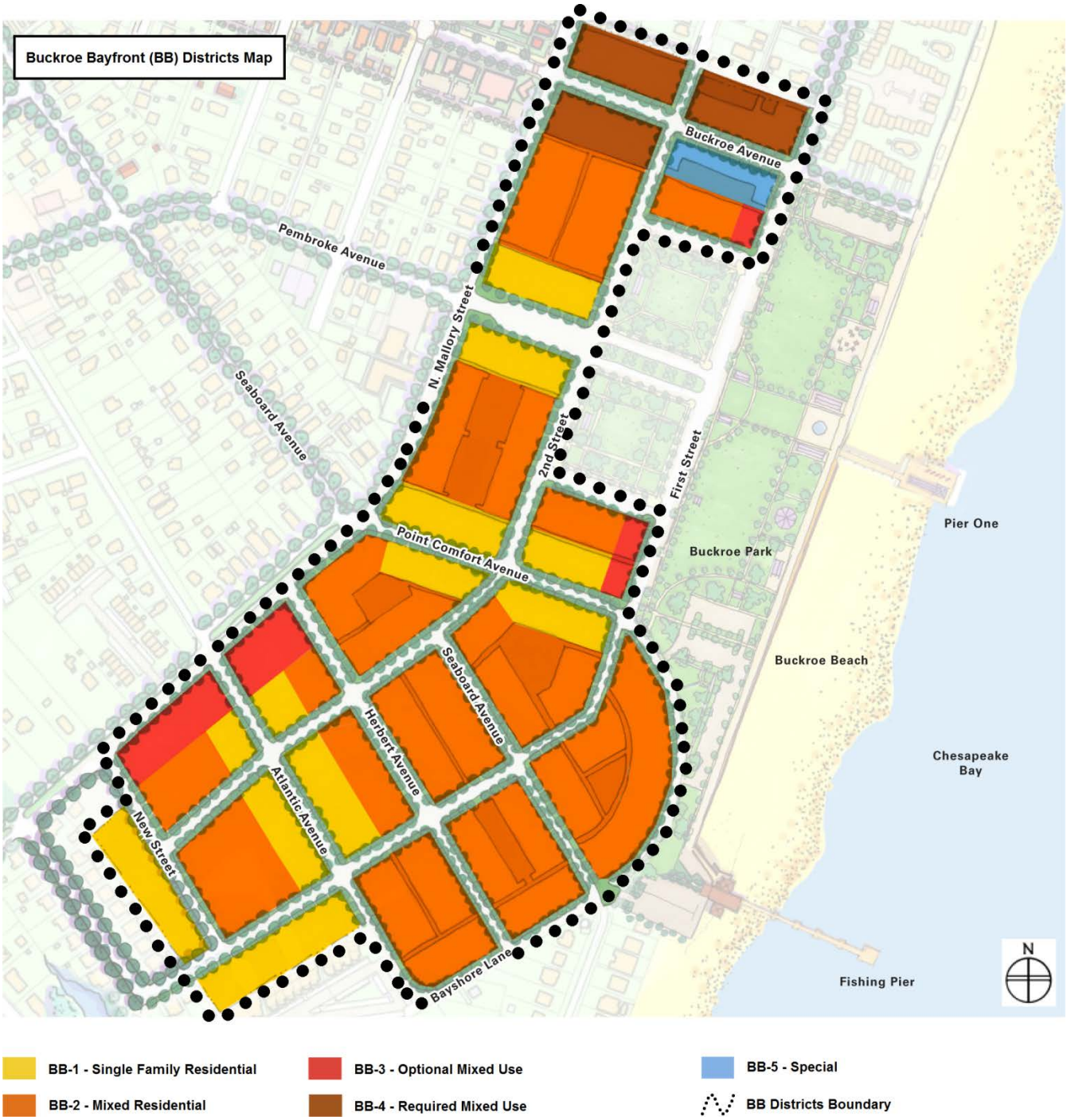
(b) Buckroe Master Plan (2005, as amended).

(c) Buckroe Bayfront Pattern Book (2007, as amended).

(7) District boundaries and map.

The Buckroe Bayfront District Map was developed as a tool for implementing the land use recommendations of the Buckroe Master Plan (2005, as amended). The Buckroe Bayfront Districts Map delineates which lot types are allowed on a given property. The primary approach streets to the beach and waterfront allow building types that either are single-family homes or duplexes exhibiting the massing, scale, and overall character of single-family homes. Mansion style

multi-family buildings may be located on side streets and commercial streets, complementing the single-family qualities of Buckroe.



(8) Application of the district.

(a) The Buckroe Bayfront Districts exist as alternative sets of development standards for properties within the overall district. The standards of the districts shall be applied to city- and Hampton Redevelopment and Housing Authority-owned properties. For privately owned properties the city shall not apply the standards of the Buckroe Bayfront Districts unless

a letter of intent has been submitted or the property has been previously developed or redeveloped under the provisions of the district.

(b) There shall be five (5) Buckroe Bayfront Districts:

(i) BB-1 - Single Family Residential

(ii) BB-2 - Mixed Residential

(iii) BB-3 - Optional Mixed-Use

(iv) BB-4 - Required Mixed-Use

(v) BB-5 - Special

The boundaries of each district are shown on the Buckroe Bayfront Districts Map, which shall act as a supplement to the city's zoning map.

(c) In the case of conflict between the Buckroe Bayfront Districts and those of the underlying zoning district or any other provisions of the city code, the standards of the Buckroe Bayfront Districts shall apply.

(d) Upon issuance of building permits or final subdivision approval under the standards of the Buckroe Bayfront Districts, one of the BB zones becomes the base zoning district of the property for the purpose of future development, redevelopment, or renovation and shall be recorded on the zoning district map, Hampton, VA. Once a parcel is developed under the BB standards, the standards of the previous zoning designation are no longer applicable.

(9) Administration.

Interpretation and administration of the Buckroe Bayfront Districts' standards shall be the joint responsibility of the zoning administrator and the planning director or their designees. All interpretations shall be agreed upon by both the zoning administrator and the planning director. In the event that these two individuals cannot agree, the city manager shall have final decision making authority on questions of interpretation. The Buckroe Bayfront Pattern Book and Buckroe Master Plan (2005, as amended) shall serve as guidance in the application review process. Small variations in dimensional requirements, representing less than a five foot change to required setbacks or a 10% change to area measurements, as appropriate, from any requirement described in the tables of "General Lot Standards," can be approved by the zoning administrator and the planning director or their designees. The architectural standards may be modified in certain circumstances, subject to the approval of the zoning administrator and the planning director or their designees based on contributing to the unique character of Buckroe and consistent with the Buckroe Master Plan (2005, as amended). Such modifications shall not be applied to all buildings within a development project and should only be allowed in order to create individual unique buildings.

(10) Review process.

(a) Pre-design meeting. An owner or developer should meet with the planning director or his designee in advance of submitting a preliminary design plan.

(b) Letter of intent. Before or concurrently with submittal of a preliminary design plan, an owner or developer intending to develop under the Buckroe Bayfront Districts' standards may submit a letter of intent. A letter of intent must clearly state the area or property to be included within the district, include a plat and legal description of the property(ies), and the signature(s) of the current property owner(s) of record.

(c) Submittal of preliminary design plan. The owner or developer shall submit three copies of a preliminary design plan in accordance with the provisions of this article to the planning director or designee.

(d) Review of preliminary design plan. Upon the acceptance of a complete application, the planning director shall approve, conditionally approve or disapprove the preliminary design plan within 30 days, requesting thereon any changes or additional information that will be required. In the case of disapproval, the reasons for such shall be identified in writing, referencing specific adopted ordinances and regulations. Modifications or corrections that would permit approval shall also be identified. One copy shall be returned to the applicant or the developer or his authorized representative, with the date of such approval, conditional approval or disapproval noted thereon over the signature of the zoning administrator and planning director or their designees.

(e) Submittal of final design plan. Once approval or conditional approval has been received, the owner or developer may submit a final design plan in accordance with the provisions of this chapter to the zoning administrator and planning director or their designees. The final design plan shall be reviewed for consistency with the preliminary design plan and any conditions imposed thereon and a letter signed by the planning director indicating approval or disapproval shall be sent to the owner or developer within 14 days of acceptance of a complete application.

(f) Simultaneous review. An owner or developer may submit plans as required under the site plan or subdivision ordinances for review simultaneous with the final design plan review process. The planning director or his designees shall meet with representatives of the departments of public works, codes compliance, and any other agency necessary to conduct preliminary review of the development project. Final site plan or subdivision approval shall not be issued until final design review is complete and the owner or developer has received a letter of compliance indicating approval signed by the zoning administrator and the planning director or their designees.

(g) Other permits.

(i) No land disturbing permit shall be issued for projects subject to the Buckroe Bayfront Districts' standards until the owner or developer has received a letter of compliance indicating final design plan approval signed by the zoning administrator and the planning director.

(ii) No building permit shall be issued for buildings subject to the Buckroe Bayfront Districts' standards until the owner or developer has received a letter of compliance indicating approval of building illustrations signed by the planning director.

(h) Appeals. Decisions of the planning director can be appealed to the Hampton Planning Commission in a duly advertised public hearing pursuant to the Code of Virginia § 15.2-2204 "advertisement of plans, ordinances, etc." The Hampton Planning Commission shall either approve or deny the request. A non-refundable $325.00 fee shall be assessed for an appeal request to cover the cost of advertising for the public hearing. The Hampton Planning Commission is the final authority with regards to chapter 8, article 3 of the zoning ordinance.

(i) Withdrawal of application.
Applications under the standards of the BB Districts may be withdrawn at any time before issuance of building permits or approval of any subdivision, boundary line adjustment or property split.

(j) Application requirements.

(aa) Preliminary design plan. The owner or developer shall submit a current survey plat of the property along with a preliminary design plan which shall include the following:

1. A plan depicting existing site conditions including any existing buildings, pavement, and trees.
2. Conceptual site plan showing the location of any proposed new buildings, proposed renovations of any existing buildings, and proposed and retained existing pavement.
3. Proposed conceptual landscaping plan identifying the type, size, and location of both existing and proposed landscaping.

(bb) Final design plan. After approval or conditional approval of a preliminary design plan, the owner or developer shall submit a final design plan which shall include the following:

1. Site plan consistent with the requirements of chapter 35.1 of the city code. For single family, duplex or two family dwellings, a plan showing the location of any proposed new buildings, proposed renovations of any existing buildings, and proposed and retained existing pavement. For subdivisions, a preliminary subdivision plat consistent with chapter 35 of the city code.
2. Landscape plan.
3. A narrative describing how each of the comments made on the preliminary design plan have been addressed in the final design plan.

(cc) Building illustrations. Building illustrations depicting front, side, and rear elevations of all proposed buildings and renovations of

existing buildings may be submitted with the preliminary design plan, with the final design plan, or later in the development review process. Building illustrations shall include notation of the exterior materials to be used.

(11) Green design.

(a) Green design shall be required for public projects including private development resulting from the sale of public land. Green design shall be encouraged for private development on privately owned land.

(b) Where green design is required, projects shall be designed and constructed to comply with green design standards prescribed for neighborhoods designed in accordance with the Leadership in Energy and Environmental Design Neighborhood Development (LEED-ND) green neighborhood development rating system, published by the United States Green Building Council, to achieve a LEED silver or higher rating.

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

(1) Permitted uses shall be as set forth in chapter 3—Uses Permitted. In addition, no use shall be permitted to have a drive-through.

(2) The following lot types are permitted; in addition, to promote diversity and variety along residential blocks, no block face greater than three hundred (300) feet in length shall be composed of more than seventy-five (75) percent of the same lot type.

(a) Village Lot

(b) Neighborhood Lot

(c) Estate Lot

(d) Duplex Lot

(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 8-10(9) above. Flag lots are not permitted.

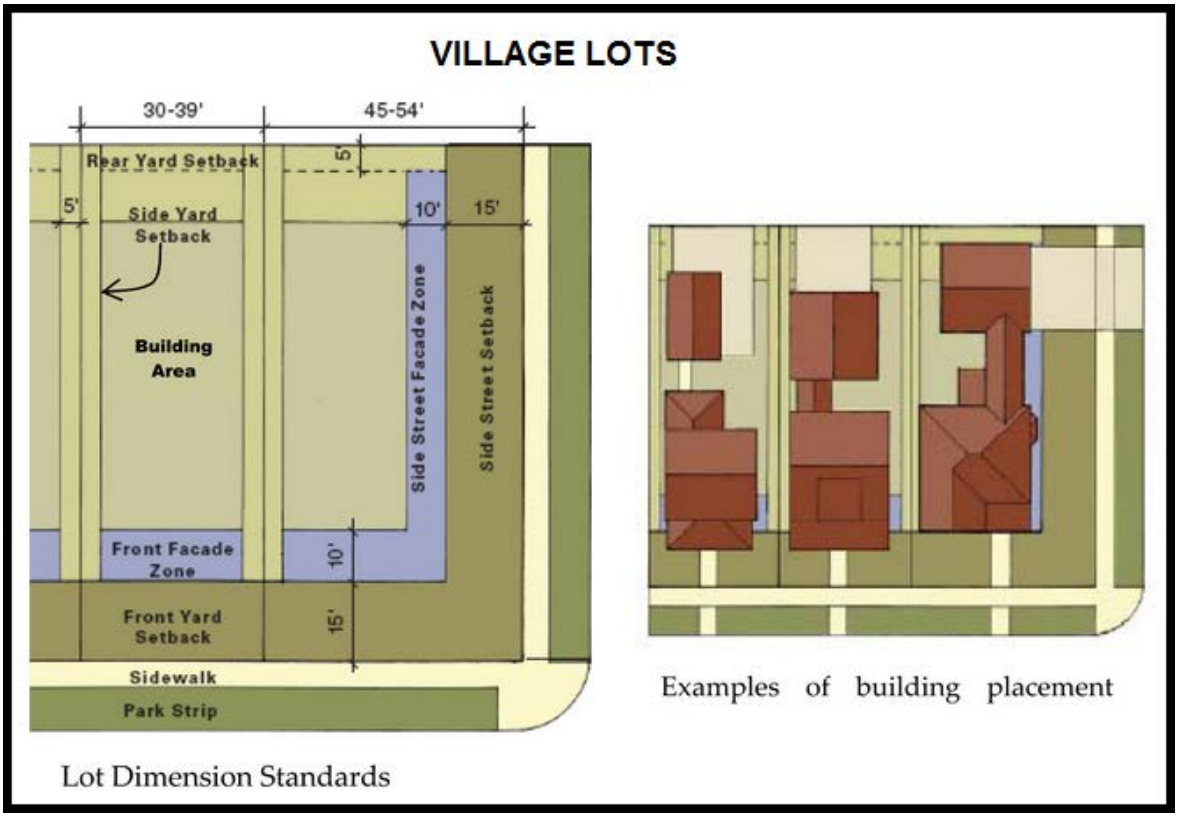
	Village	Neighborhood	Estate	Duplex
Lot size, interior	30’-39’ front, 80’ deep	40’-49’ front, 80’ deep	50’-59’ front, 100’ deep	22’-30’ front, 100’ deep
Lot size, corner	45’-54’ front, 80’ deep	55’-64’ front, 80’ deep	65’-74’ front, 100’ deep	45’-50’ front, 100’ deep
Front setback	15’[A]	15’[A]	15’[A]	15’[A]
Interior side setback	5’	5’	5’	5’ when detached
Street side setback	15’ to house[A], 18’ to garage	15’ to house[A], 18’ to garage	15’ to house[A], 18’ to garage	15’ to house[A], 18’ to garage
Rear setback	15’ to house,	15’ to house,	20’ to house,	15’ to house,

	5’ to garage	5’ to garage[A]	5’ to garage	5’ to garage[B]
Building coverage	50%[C]	50%[C]	50%[C]	50%[C]
Façade zone	10’ deep, min. 40% of façade zone length must be occupied by the building	10’ deep, min. 40% of façade zone length must be occupied by the building	10’ deep, min. 40% of façade zone length must be occupied by the building	10’ deep, min. 40% of façade zone length must be occupied by the building

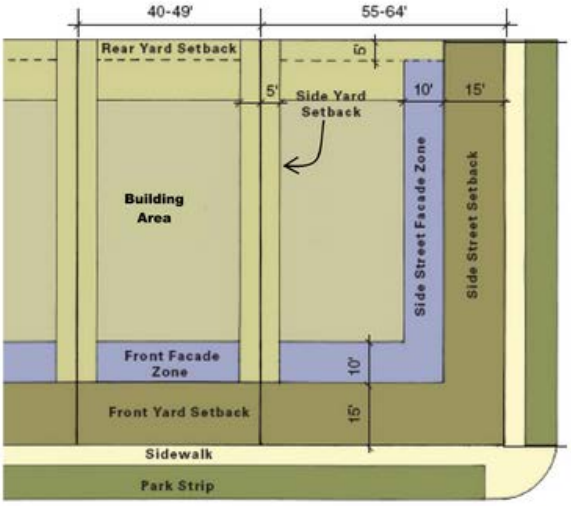
[A] The following encroachments are permitted: porches and balconies up to 5’; steps may encroach an additional 5’ beyond porches, stoops and similar features; bay windows, patios and fireplaces ≤10’ wide may encroach up to 2’

[B] A garage placed on a corner lot shall abut the rear property line when the lot is adjacent to an alley to the rear of the property. The garage shall not be setback 5'. The garage shall face onto and be accessed from the side street. The garage shall be setback from the side street 18'.

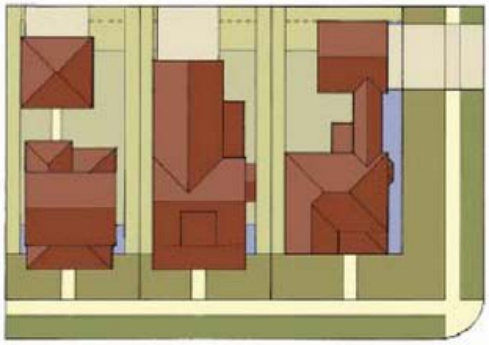
[C] Accessory structures (enclosed garages, sheds, etc.) shall be included in building coverage calculations. Open balconies, porches, decks, driveways, and parking pads shall not be included in building coverage calculations.



NEIGHBORHOOD LOTS

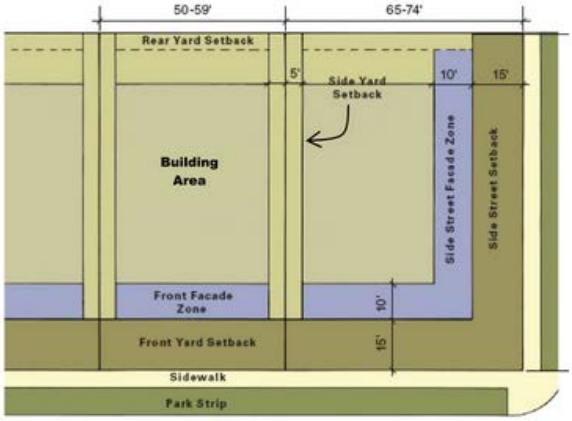


Lot Dimension Standards

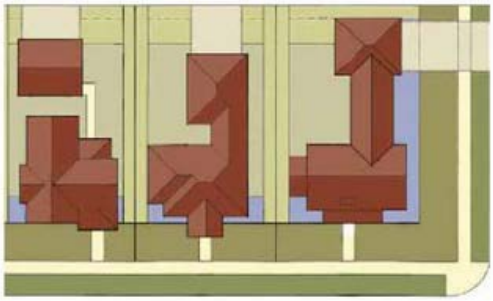


Examples of building placement

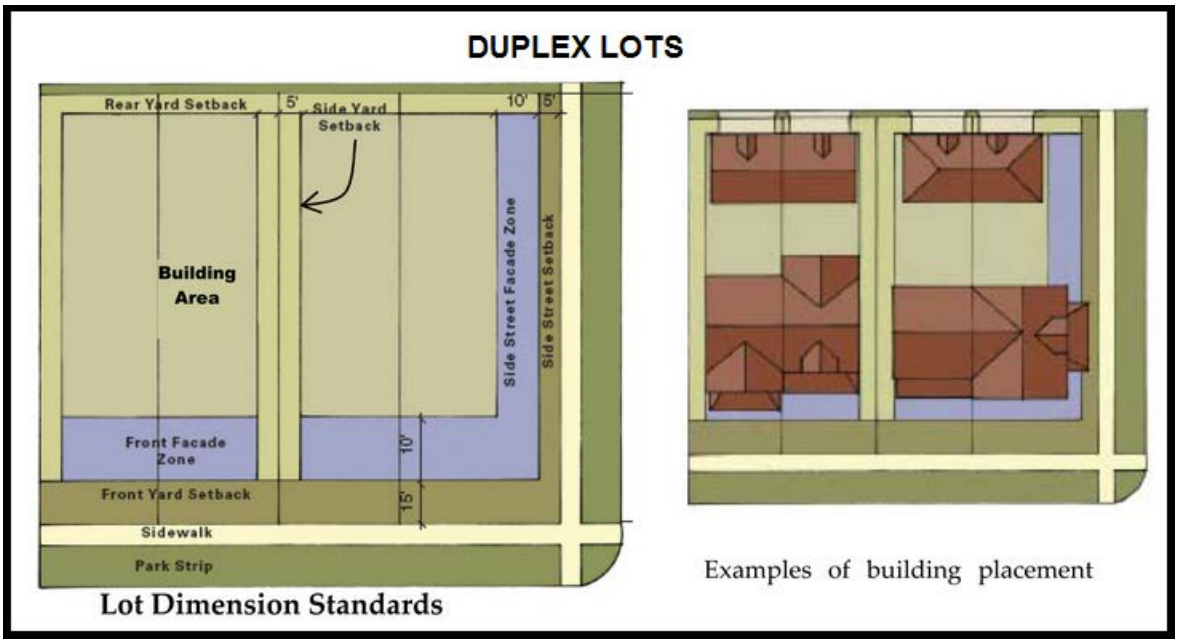
ESTATE LOTS



Lot Dimension Standards



Examples of building placement



(4) Development standards

(a) Variation. Adjacent buildings shall be visually distinct from each other. This distinction may be achieved by varying materials, architectural styles, massing, color, or lot type. At least two (2) of these elements must vary for each adjacent building along the same street frontage.

(b) Streets and alleys.

(i) If a lot is adjacent to only one (1) street, that street is considered the front street for that lot.

(ii) If a lot is adjacent to two (2) streets, the narrower lot frontage shall be considered the front street and the wider lot frontage the side street.

(iii) Alleys shall be created when it is physically feasible and in keeping with the recommendations of the Buckroe Master Plan (2005, as amended). Such alleys shall be a minimum of twenty (20) feet in width with a roll-top curb on both sides which shall be included in the alley width. Alley corners shall have a radius of fifteen (15) feet.

(c) Height.

(i) Total building heights will be measured in stories.

(ii) Buildings shall not be taller than three (3) stories.

(iii) Tower elements, cupolas, widow's walks, and similar building features may extend one (1) story above the allowable height for each lot type. These elements may only be used within the appropriate architectural style of building.

(iv) The maximum floor height from floor-to-floor for first floor residential shall be fifteen (15) feet.

(v) The maximum floor height from floor-to-floor for first floor commercial buildings shall be eighteen (18) feet.

(vi) The maximum floor height from floor-to-floor (floor-to-ceiling on the top floor) on any story above the first shall be twelve (12) feet.

(vii) Cathedral ceilings may be incorporated within the roof and shall not count toward floor height.

(viii) Floors that exceed the above standards shall be counted as greater than one (1) story.

(d) Architectural standards.

(i) All buildings shall be consistent with one of the architectural styles identified in the Buckroe Bayfront Pattern Book. Consistency will be determined based on adherence to the design elements of each of the primary building features identified in the pattern book including massing and composition, eave details and wall section, windows and doors, porches, and materials and applications.

(ii) Primary access for all buildings shall be from a public street or open space. Primary access is not permitted from the parking area or alley. All street facing façades shall have an articulated primary access entrance.

(iii) The following shall be located in rear yards or side yards not facing a public street or open space:

(aa) Electrical utility meters

(bb) Air conditioning compressors

(cc) Irrigation and pool pumps

(iv) The following shall be located in rear yards only:

(aa) Antennas

(bb) Permanent barbecues

(cc) Satellite dishes

(v) The following are prohibited:

(aa) Undersized shutters (the shutter or shutters must be sized so as to equal the width that would be required to cover the window opening)

Appropriately-sized shutters	Undersized shutters

(bb) Inoperable shutters (the purpose of shutters is to provide protection from storms)

(cc) Shutters made of plastic

(dd) Reflective and/or bronze-tint glass

(ee) Plastic or PVC roof tiles

(ff) Backlit awnings

(gg) Glossy-finish awnings

(hh) Fences made of chain link, barbed wire, vinyl, plain wire mesh, or coated chain link

(vi) Where there is a building façade facing a park or street, the façade shall contain transparent windows covering from a minimum of twenty (20) percent to a maximum of seventy (70) percent of the wall area.

(5) Accessory buildings or structures

(a) Accessory buildings or structures for residential uses may include a garage or covered parking, home occupation uses, storage space, and storage for trash receptacles.

(b) The footprint of accessory buildings or structures shall not be larger than fifty (50) percent of the main building's footprint.

(c) Accessory buildings or structures shall not be taller than the main roofline of the main building nor shall accessory structures be greater than two (2) stories regardless of the height of the main building.

(d) Accessory buildings or structures larger than one hundred (100) square feet shall architecturally complement the main building with shared exterior materials, colors, and roof lines.

(e) Accessory buildings or structures or trees on single-family lots shall be set back five (5) feet from the rear property line when adjacent to an alley.

(f) Accessory dwelling units are permitted under the following conditions:

(i) Accessory dwellings may only be located on a Village Lot, Neighborhood Lot, Estate Lot or Duplex Lot. There shall be no more than one (1) accessory dwelling unit per lot.

(ii) Accessory dwellings must be a minimum of five hundred (500) square feet in floor area.

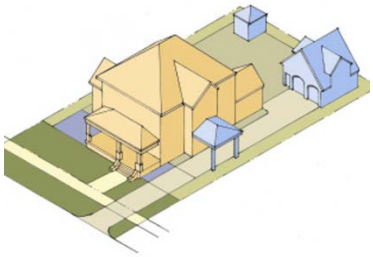
(iii) The primary dwelling unit and accessory dwelling unit shall not be rented separately unless one (1) is owner occupied.

(6) Parking shall be provided as described in chapter 11. In addition, parking shall be subject to the following standards:

(a) All parking shall be provided at the rear of the lot either via a rear alley or a driveway from the street

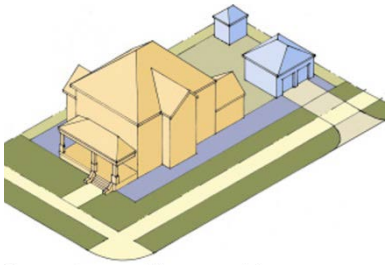
(b) Where available, alleys shall be used to access parking, except in the case of single-family corner lots.

(c) When alley access is not available, driveways in the area from the street to the rear line of the house shall be a maximum of ten (10) feet wide.



Garage placement for front-loaded infill lot

(d) Single-family corner lot driveways shall be accessed from the side street and may be a maximum of fifteen (15) feet wide.



Garage placement for corner lot

(e) Driveways shall be composed of porous, natural materials, such as stone, brick, crushed stone, pebbles, pervious pavers or poured concrete. If concrete is used, it shall be placed to accommodate tire tracks and not as a single, wide surface.

(f) When present, parking pads must be at to the rear of the property and may be constructed of a continuous concrete surface or one of the other materials listed for driveway use. Porous materials are encouraged.

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

(1) Permitted uses shall be as set forth in chapter 3—Uses Permitted. In addition, no use shall be permitted to have a drive-through.

(2) The following lot types are permitted; in addition, to promote diversity and variety along residential blocks, no block face greater than three hundred (300) feet in

length shall be composed of more than seventy-five (75) percent of the same lot type.

(a) Village Lot
(b) Neighborhood Lot
(c) Estate Lot
(d) Duplex Lot
(e) Multifamily Lot

(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 8-10(9) above. Flag lots are not permitted.

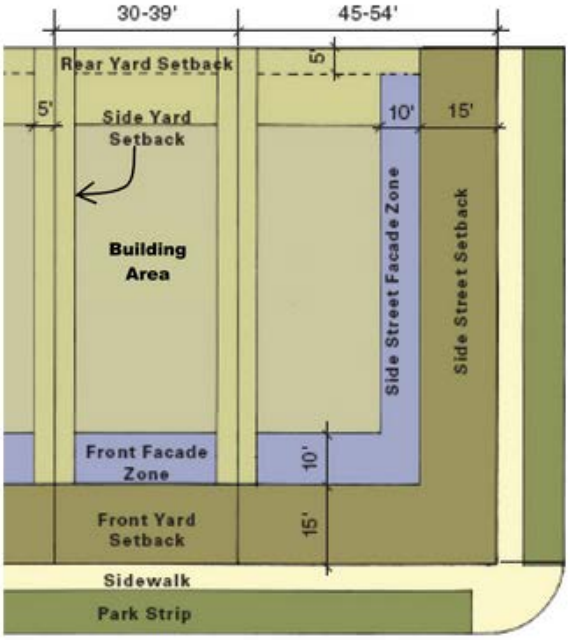
	Village	Neighborhood	Estate	Duplex	Multifamily
Lot size, interior	30’-39’ front, 80’ deep	40’-49’ front, 80’ deep	50’-59’ front, 100’ deep	22’-30’ front, 100’ deep	60’-80’ front, 100’ deep
Lot size, corner	45’-54’ front, 80’ deep	55’-64’ front, 80’ deep	65’-74’ front, 100’ deep	45’-50’ front, 100’ deep	70’-90’ front, 100’ deep
Front setback	15’[A]	15’[A]	15’[A]	15’[A]	15’[A]
Interior side setback	5’	5’	5’	5’ when detached	10’ when detached
Street side setback	15’ to house[A], 18’ to garage	15’ to house[A], 18’ to garage	15’ to house[A], 18’ to garage	15’ to house[A], 18’ to garage	15’[A]
Rear setback	15’ to house, 5’ to garage	15’ to house, 5’ to garage[A]	20’ to house, 5’ to garage	15’ to house, 5’ to garage[B]	5’
Building coverage	50%[C]	50%[C]	50%[C]	50%[C]	75%[C]
Façade zone	10’ deep, min. 40% of façade zone length must be occupied by the building	10’ deep, min. 40% of façade zone length must be occupied by the building	10’ deep, min. 40% of façade zone length must be occupied by the building	10’ deep, min. 40% of façade zone length must be occupied by the building	10’ deep, min. 80% of façade zone length must be occupied by the building

[A] The following encroachments are permitted: porches and balconies up to 5’; steps may encroach an additional 5’ beyond porches, stoops and similar features; bay windows, patios and fireplaces ≤10’ wide may encroach up to 2’

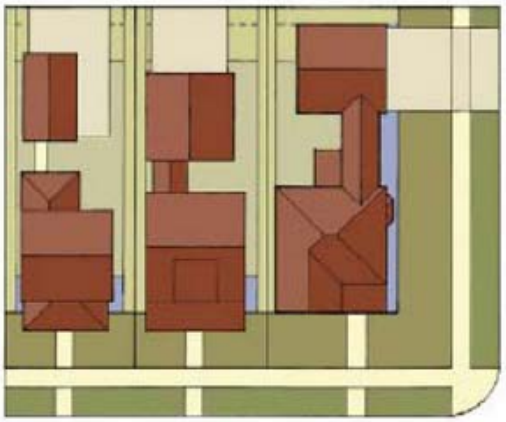
[B] A garage placed on a corner lot shall abut the rear property line when the lot is adjacent to an alley to the rear of the property. The garage shall not be setback 5'. The garage shall face onto and be accessed from the side street. The garage shall be setback from the side street 18'.

[C] Accessory structures (enclosed garages, sheds, etc.) shall be included in building coverage calculations. Open balconies, porches, decks, driveways, and parking pads shall not be included in building coverage calculations.

VILLAGE LOTS

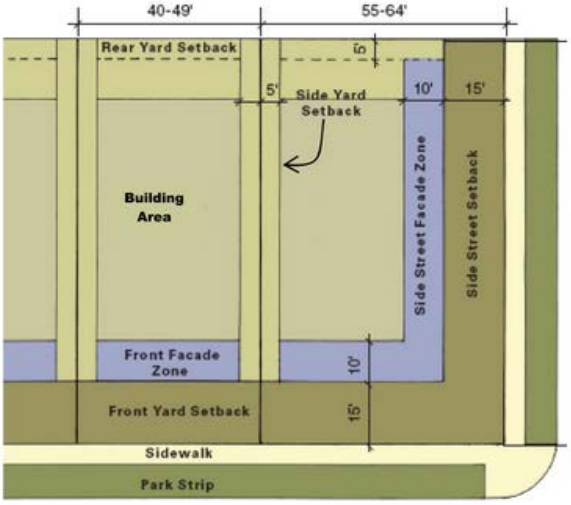


Lot Dimension Standards

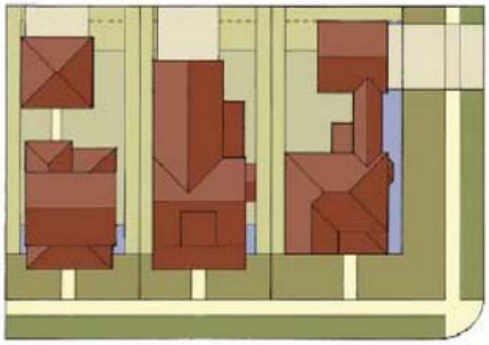


Examples of building placement

NEIGHBORHOOD LOTS

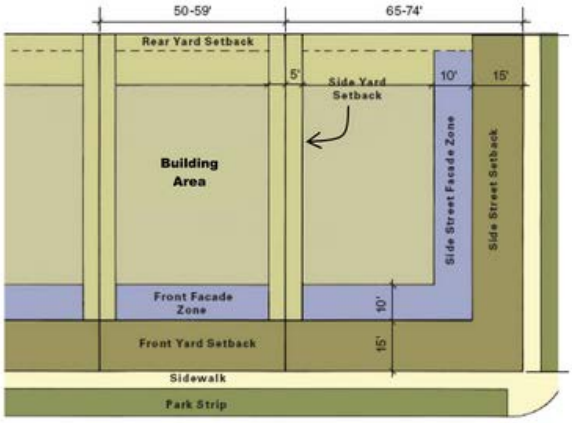


Lot Dimension Standards

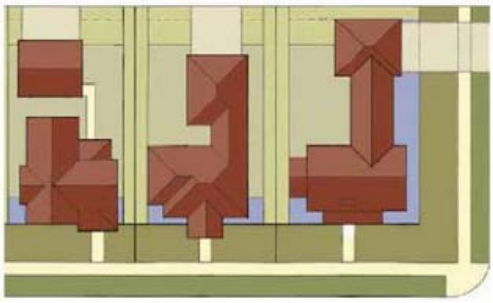


Examples of building placement

ESTATE LOTS

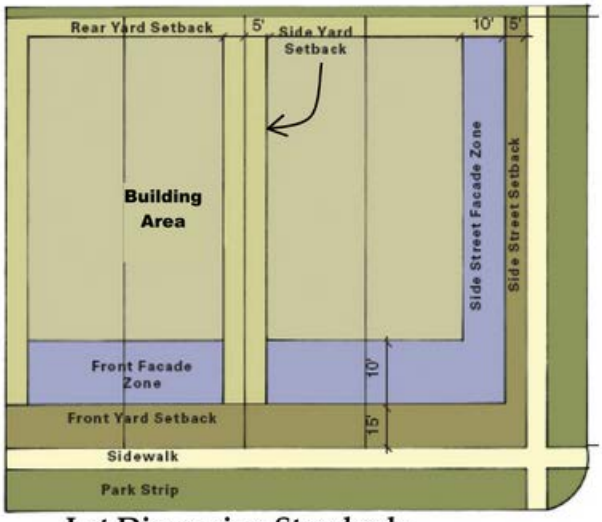


Lot Dimension Standards

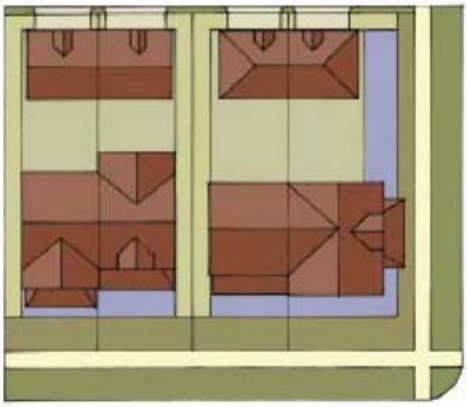


Examples of building placement

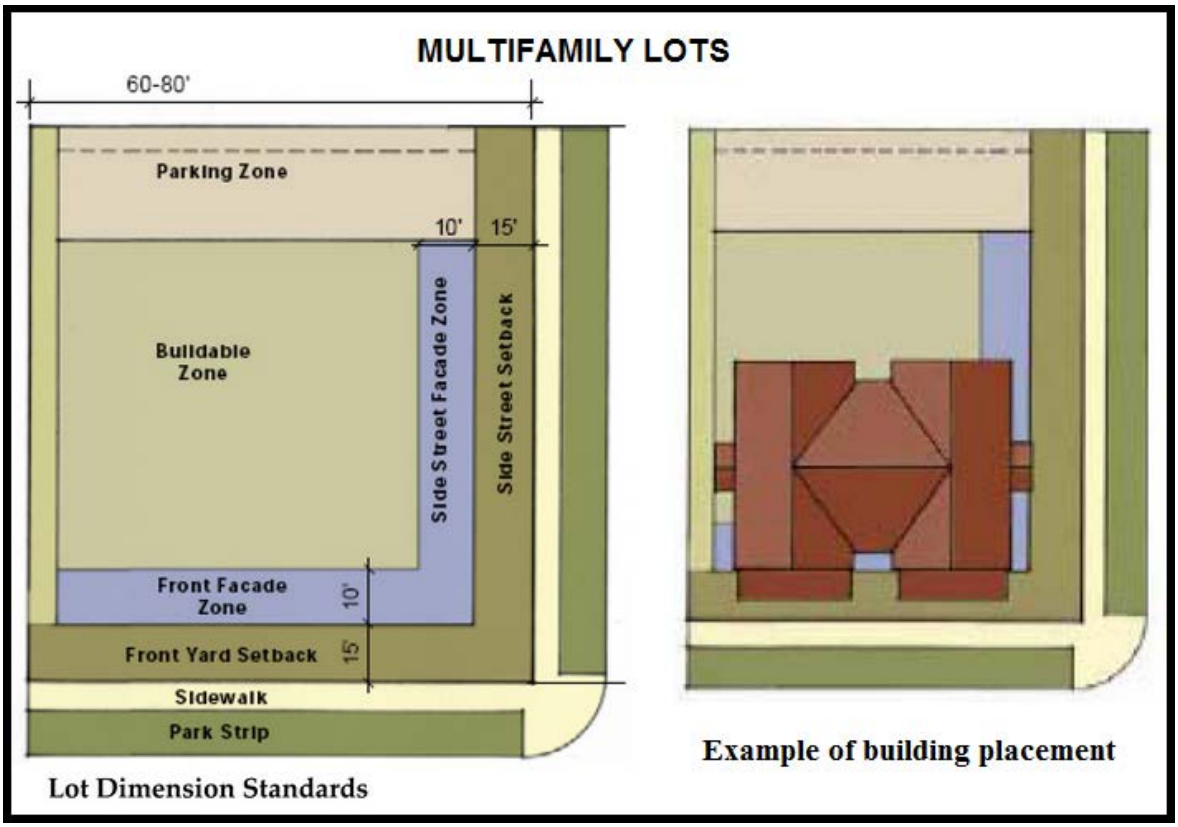
DUPLEX LOTS



Lot Dimension Standards



Examples of building placement



(4) Development standards.

(a) Variation. Adjacent buildings shall be visually distinct from each other. This distinction may be achieved by varying materials, architectural styles, massing, color, or lot type. At least two (2) of these elements must vary for each adjacent building along the same street frontage.

(b) Streets and alleys.

(i) If a lot is adjacent to only one (1) street, that street is considered the front street for that lot.

(ii) If a lot is adjacent to two (2) streets, the narrower lot frontage shall be considered the front street and the wider lot frontage the side street.

(iii) Alleys shall be created when it is physically feasible and in keeping with the recommendations of the Buckroe Master Plan (2005, as amended). Such alleys shall be a minimum of twenty (20) feet in width with a roll-top curb on both sides which shall be included in the alley width. Alley corners shall have a radius of fifteen (15) feet.

(c) Height.

(i) Total building heights will be measured in stories.

(ii) Buildings shall not be taller than three (3) stories.

(iii) Tower elements, cupolas, widow's walks, and similar building features may extend one (1) story above the allowable height for

each lot type. These elements may only be used within the appropriate architectural style of building.

(iv) The maximum floor height from floor-to-floor for first floor residential shall be fifteen (15) feet.

(v) The maximum floor height from floor-to-floor for first floor commercial buildings shall be eighteen (18) feet.

(vi) The maximum floor height from floor-to-floor (floor-to-ceiling on the top floor) on any story above the first shall be twelve (12) feet.

(vii) Cathedral ceilings may be incorporated within the roof and shall not count toward floor height.

(viii) Floors that exceed the above standards shall be counted as greater than one (1) story.

(d) Architectural standards.

(i) All buildings shall be consistent with one of the architectural styles identified in the Buckroe Bayfront Pattern Book. Consistency will be determined based on adherence to the design elements of each of the primary building features identified in the pattern book including massing and composition, eave details and wall section, windows and doors, porches, and materials and applications.

(ii) Primary access for all buildings shall be from a public street or open space. Primary access is not permitted from the parking area or alley. All street facing façades shall have an articulated primary access entrance.

(iii) The following shall be located in rear yards or side yards not facing a public street or open space:

(aa) Electrical utility meters

(bb) Air conditioning compressors

(cc) Irrigation and pool pumps

(iv) The following shall be located in rear yards only:

(aa) Antennas

(bb) Permanent barbecues

(cc) Satellite dishes

(v) The following are prohibited:

(aa) Undersized shutters (the shutter or shutters must be sized so as to equal the width that would be required to cover the window opening)

Appropriately-sized shutters	Undersized shutters

(bb) Inoperable shutters (the purpose of shutters is to provide protection from storms)

(cc) Shutters made of plastic

(dd) Reflective and/or bronze-tint glass

(ee) Plastic or PVC roof tiles

(ff) Backlit awnings

(gg) Glossy-finish awnings

(hh) Fences made of chain link, barbed wire, vinyl, plain wire mesh, or coated chain link

(vi) Where there is a building façade facing a park or street, the façade shall contain transparent windows covering from a minimum of twenty (20) percent to a maximum of seventy (70) percent of the wall area.

(5) Accessory buildings or structures.

(a) Accessory buildings or structures for residential uses may include a garage or covered parking, home occupation uses, storage space, and storage for trash receptacles.

(b) The footprint of accessory buildings or structures shall not be larger than fifty (50) percent of the main building's footprint.

(c) Accessory buildings or structures shall not be taller than the main roofline of the main building nor shall accessory structures be greater than two (2) stories regardless of the height of the main building.

(d) Accessory buildings or structures larger than one hundred (100) square feet shall architecturally complement the main building with shared exterior materials, colors, and roof lines.

(e) Accessory buildings or structures or trees on single-family lots shall be set back five (5) feet from the rear property line when adjacent to an alley.

(f) Accessory dwelling units are permitted under the following conditions:

(i) Accessory dwellings may only be located on a Village Lot, Neighborhood Lot, Estate Lot or Duplex Lot. There shall be no more than one (1) accessory dwelling unit per lot.

(ii) Accessory dwellings must be a minimum of five hundred (500) square feet in floor area.

(iii) The primary dwelling unit and accessory dwelling unit shall not be rented separately unless one (1) is owner occupied.

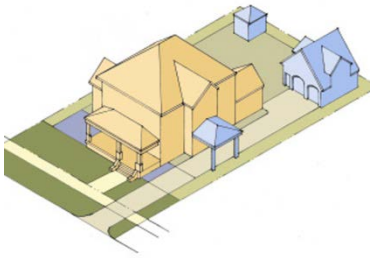
(6) Parking shall be provided as described in chapter 11. In addition, parking shall be subject to the following standards:

(a) Village, Neighborhood, Estate, and Duplex Lots:

(i) All parking shall be provided at the rear of the lot either via a rear alley or a driveway from the street

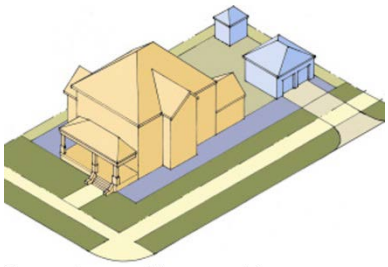
(ii) Where available, alleys shall be used to access parking, except in the case of single-family corner lots.

(iii) When alley access is not available, driveways in the area from the street to the rear line of the house shall be a maximum of ten (10) feet wide.



Garage placement for front-loaded infill lot

(iv) Single-family corner lot driveways shall be accessed from the side street and may be a maximum of fifteen (15) feet wide.



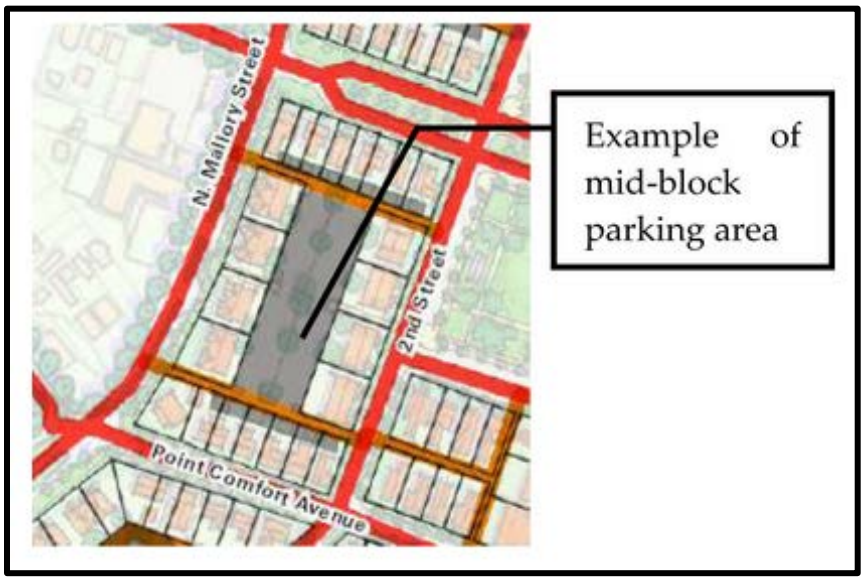
Garage placement for corner lot

(v) Driveways shall be composed of porous, natural materials, such as stone, brick, crushed stone, pebbles, pervious pavers or poured concrete. If concrete is used, it shall be placed to accommodate tire tracks and not as a single, wide surface.

(vi) When present, parking pads must be at to the rear of the property and may be constructed of a continuous concrete surface or one of the other materials listed for driveway use. Porous materials are encouraged.

(b) Multifamily Lots.

(i) All off-street parking shall be in the mid-block area behind the main structures and all or a portion of such spaces may be provided as tuck-under parking on the ground floor but shall not be visible from the front street and shall be screened from the side street. All such parking areas shall be accessed via an alley and may be between two (2) alleys or the alley may serve as a central drive aisle for the parking area. Additionally, parking spaces may be aligned to allow double parking when the two (2) spaces are assigned to the same unit.



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

(1) Permitted uses shall be as set forth in chapter 3—Uses Permitted. In addition, no use shall be permitted to have a drive-through.

(2) The following lot types are permitted; in addition, to promote diversity and variety along residential blocks, no block face greater than three hundred (300) feet in length shall be composed of more than seventy-five (75) percent of the same lot type.

(a) Village Lot
(b) Neighborhood Lot
(c) Estate Lot
(d) Duplex Lot
(e) Multifamily Lot
(f) Mixed Use Lot

(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 8-10(9) above. Flag lots are not permitted.

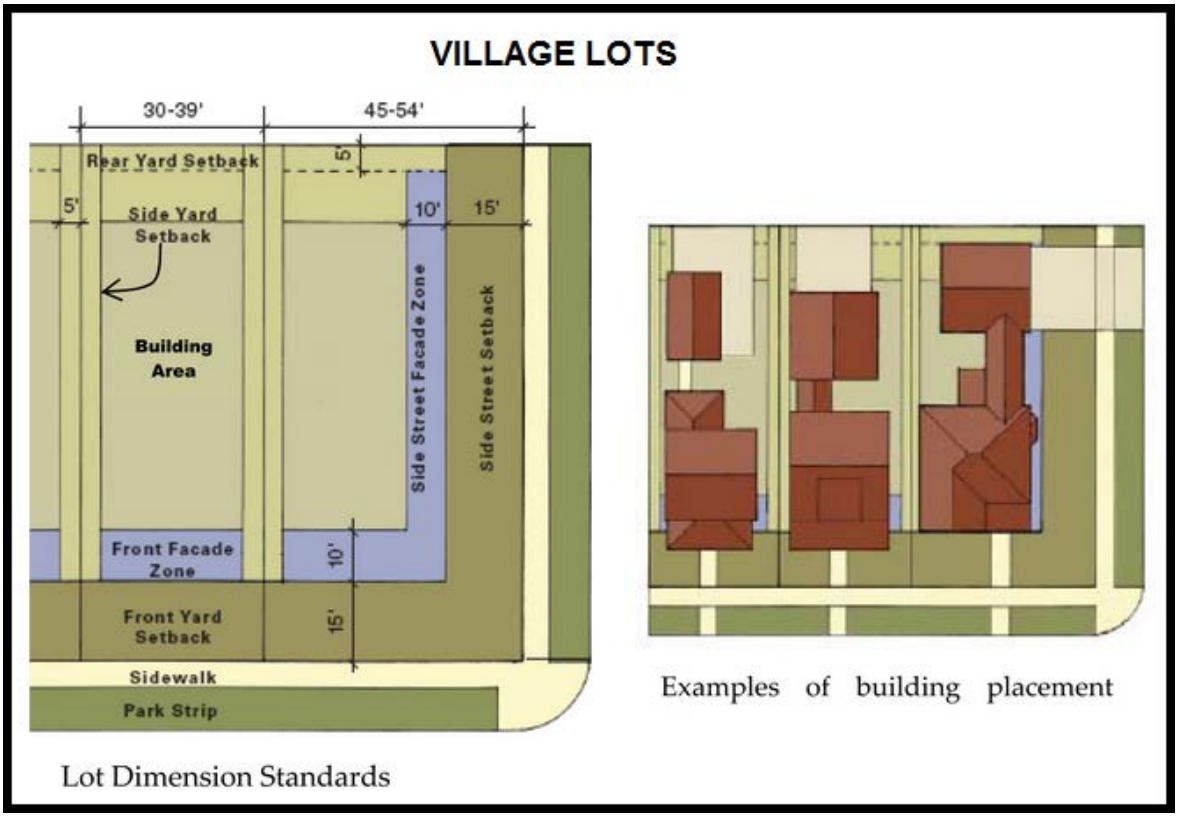
	Village	Neighborhood	Estate	Duplex	Multifamily	Mixed Use
Lot size, interior	30’-39’ front, 80’ deep	40’-49’ front, 80’ deep	50’-59’ front, 100’ deep	22’-30’ front, 100’ deep	60’-80’ front, 100’ deep	60’-80’ front, 100’ deep
Lot size, corner	45’-54’ front, 80’ deep	55’-64’ front, 80’ deep	65’-74’ front, 100’ deep	45’-50’ front, 100’ deep	70’-90’ front, 100’ deep	70’-90’ front, 100’ deep
Front setback	15’[A]	15’[A]	15’[A]	15’[A]	15’[A]	15’[A]
Interior side setback	5’	5’	5’	5’ when detached	10’ when detached	10’ when detached
Street side setback	15’ to house[A], 18’ to garage	15’ to house[A], 18’ to garage	15’ to house[A], 18’ to garage	15’ to house[A], 18’ to garage	15’[A]	15’[A]
Rear setback	15’ to house, 5’ to garage	15’ to house, 5’ to garage[A]	20’ to house, 5’ to garage	15’ to house, 5’ to garage[B]	5’	5’
Building coverage	50%[C]	50%[C]	50%[C]	50%[C]	75%[C]	75%[C]
Façade zone	10’ deep, min. 40% of façade zone length must be occupied by the building	10’ deep, min. 40% of façade zone length must be occupied by the building	10’ deep, min. 40% of façade zone length must be occupied	10’ deep, min. 40% of façade zone length must be occupied	10’ deep, min. 80% of façade zone length must be occupied	10’ deep, min. 80% of façade zone length must be occupied

			by the building	by the building	by the building	by the building

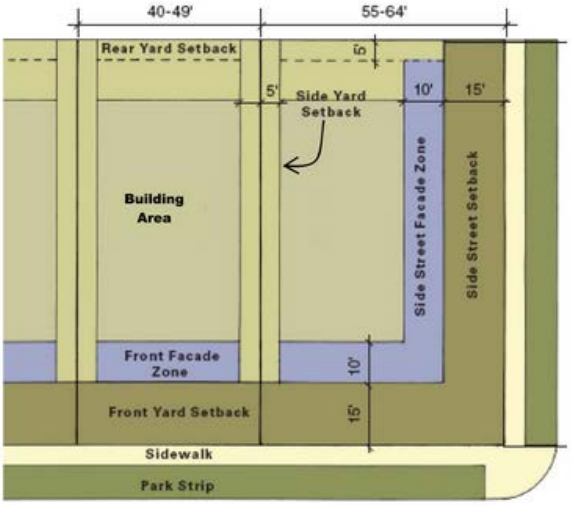
[A] The following encroachments are permitted: porches and balconies up to 5'; steps may encroach an additional 5' beyond porches, stoops and similar features; bay windows, patios and fireplaces ≤10' wide may encroach up to 2'

[B] A garage placed on a corner lot shall abut the rear property line when the lot is adjacent to an alley to the rear of the property. The garage shall not be setback 5'. The garage shall face onto and be accessed from the side street. The garage shall be setback from the side street 18'.

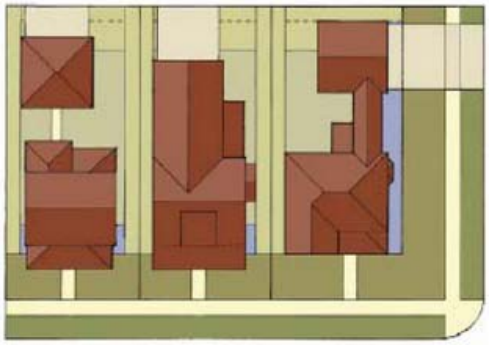
[C] Accessory structures (enclosed garages, sheds, etc.) shall be included in building coverage calculations. Open balconies, porches, decks, driveways, and parking pads shall not be included in building coverage calculations.



NEIGHBORHOOD LOTS

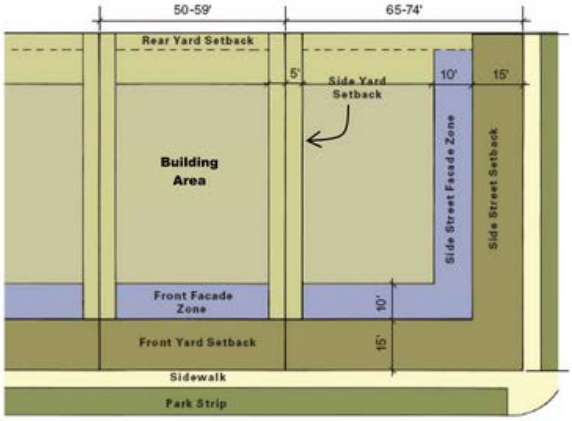


Lot Dimension Standards

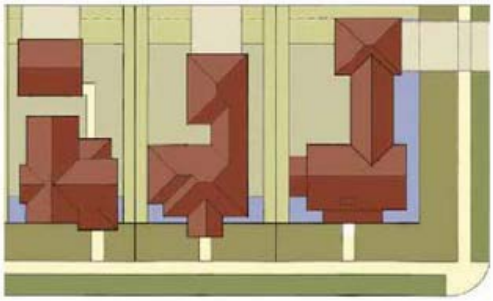


Examples of building placement

ESTATE LOTS

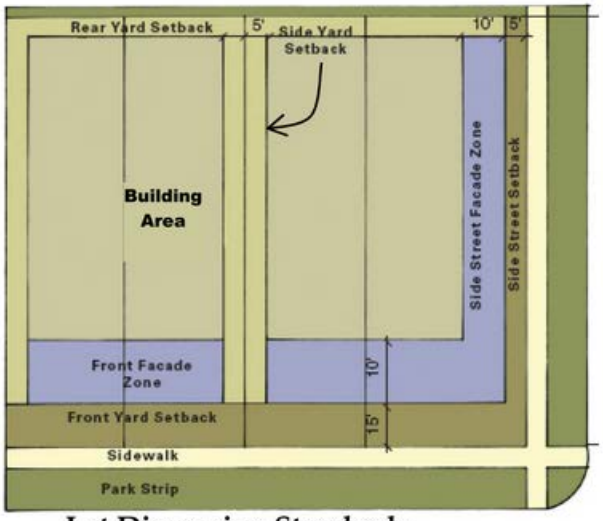


Lot Dimension Standards



Examples of building placement

DUPLEX LOTS



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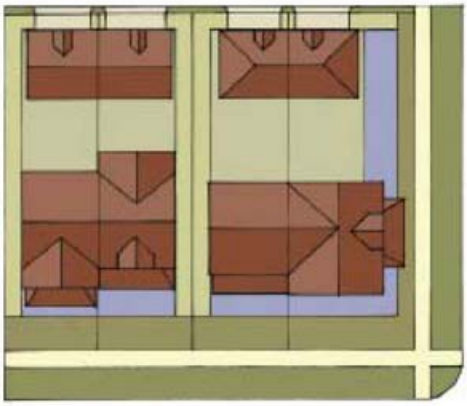
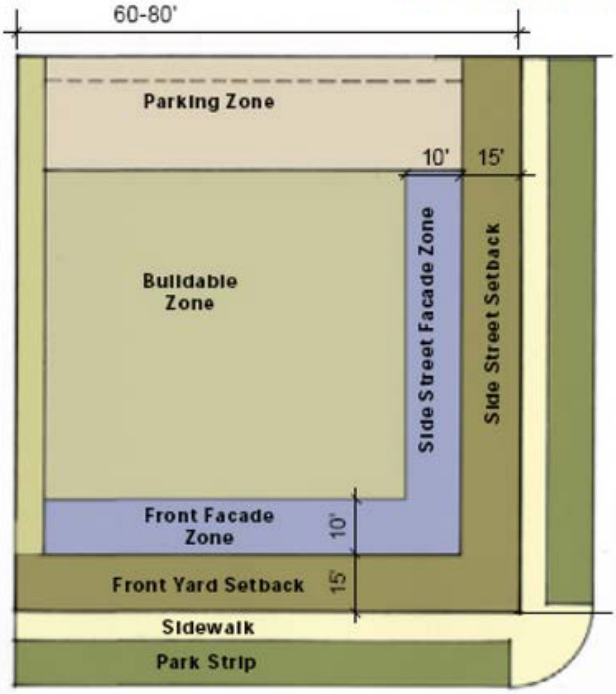


Examples of building placement

MULTIFAMILY LOTS



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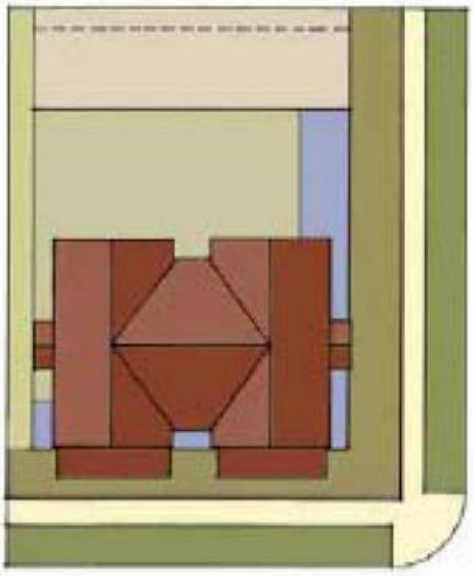
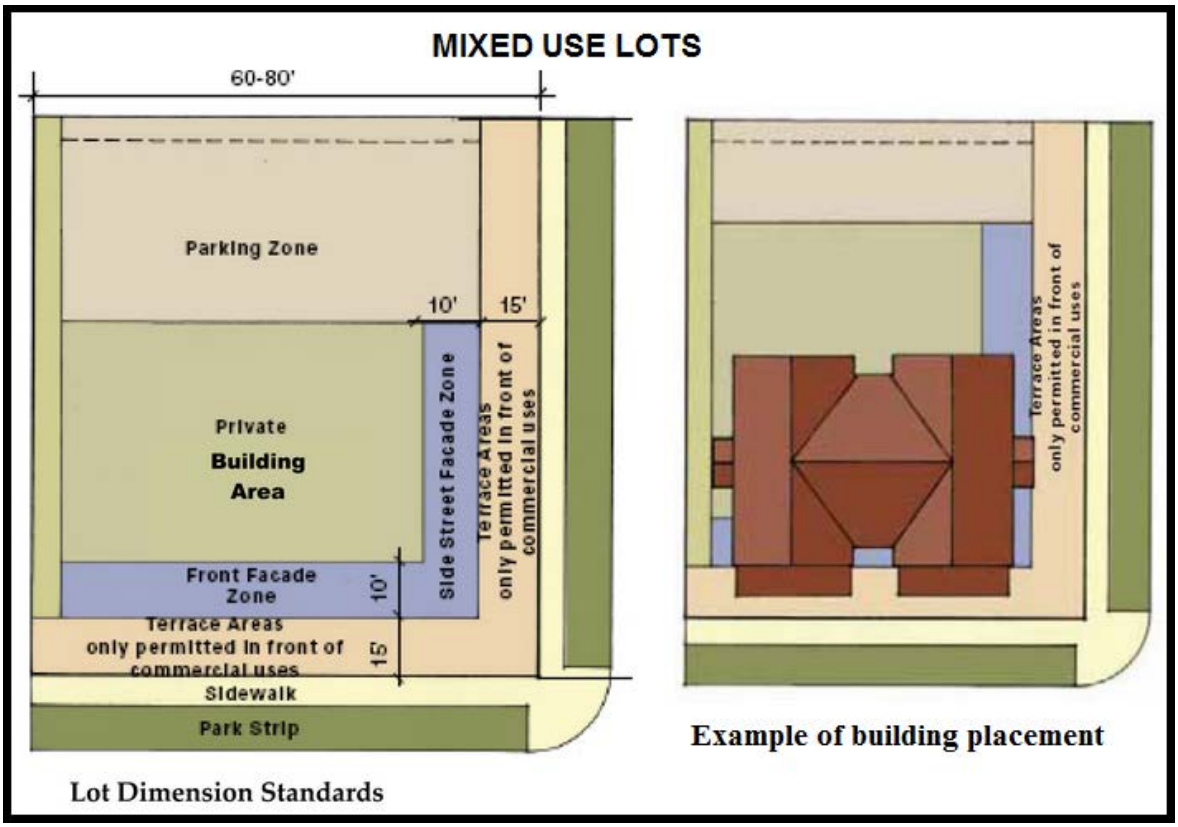


Example of building placement



(4) Development standards.

(a) Variation. Adjacent buildings shall be visually distinct from each other. This distinction may be achieved by varying materials, architectural styles, massing, color, or lot type. At least two (2) of these elements must vary for each adjacent building along the same street frontage.

(b) Streets and alleys.

(i) If a lot is adjacent to only one (1) street, that street is considered the front street for that lot.

(ii) If a lot is adjacent to two (2) streets, the narrower lot frontage shall be considered the front street and the wider lot frontage the side street.

(iii) Alleys shall be created when it is physically feasible and in keeping with the recommendations of the Buckroe Master Plan (2005, as amended). Such alleys shall be a minimum of twenty (20) feet in width with a roll-top curb on both sides which shall be included in the alley width. Alley corners shall have a radius of fifteen (15) feet.

(c) Height.

(i) Total building heights will be measured in stories.

(ii) Buildings shall not be taller than three (3) stories.

(iii) Tower elements, cupolas, widow's walks, and similar building features may extend one (1) story above the allowable height for

each lot type. These elements may only be used within the appropriate architectural style of building.

(iv) The maximum floor height from floor-to-floor for first floor residential shall be fifteen (15) feet.

(v) The maximum floor height from floor-to-floor for first floor commercial buildings shall be eighteen (18) feet.

(vi) The maximum floor height from floor-to-floor (floor-to-ceiling on the top floor) on any story above the first shall be twelve (12) feet.

(vii) Cathedral ceilings may be incorporated within the roof and shall not count toward floor height.

(viii) Floors that exceed the above standards shall be counted as greater than one (1) story.

(d) Architectural standards.

(i) All buildings shall be consistent with one of the architectural styles identified in the Buckroe Bayfront Pattern Book. Consistency will be determined based on adherence to the design elements of each of the primary building features identified in the pattern book including massing and composition, eave details and wall section, windows and doors, porches, and materials and applications.

(ii) Primary access for all buildings shall be from a public street or open space. Primary access is not permitted from the parking area or alley. All street facing façades shall have an articulated primary access entrance.

(iii) The following shall be located in rear yards or side yards not facing a public street or open space:

(aa) Electrical utility meters

(bb) Air conditioning compressors

(cc) Irrigation and pool pumps

(iv) The following shall be located in rear yards only:

(aa) Antennas

(bb) Permanent barbecues

(cc) Satellite dishes

(v) The following are prohibited:

(aa) Undersized shutters (the shutter or shutters must be sized so as to equal the width that would be required to cover the window opening)

Appropriately-sized shutters	Undersized shutters

(bb) Inoperable shutters (the purpose of shutters is to provide protection from storms)

(cc) Shutters made of plastic

(dd) Reflective and/or bronze-tint glass

(ee) Plastic or PVC roof tiles

(ff) Backlit awnings

(gg) Glossy-finish awnings

(hh) Fences made of chain link, barbed wire, vinyl, plain wire mesh, or coated chain link

(vi) Where there is a building façade facing a park or street, the façade shall contain transparent windows covering from a minimum of twenty (20) percent to a maximum of seventy (70) percent of the wall area.

(5) Accessory buildings or structures.

(a) Accessory buildings or structures for residential uses may include a garage or covered parking, home occupation uses, storage space, and storage for trash receptacles.

(b) The footprint of accessory buildings or structures shall not be larger than fifty (50) percent of the main building's footprint.

(c) Accessory buildings or structures shall not be taller than the main roofline of the main building nor shall accessory structures be greater than two (2) stories regardless of the height of the main building.

(d) Accessory buildings or structures larger than one hundred (100) square feet shall architecturally complement the main building with shared exterior materials, colors, and roof lines.

(e) Accessory buildings or structures or trees on single-family lots shall be set back five (5) feet from the rear property line when adjacent to an alley.

(f) Accessory dwelling units are permitted under the following conditions:

(i) Accessory dwellings may only be located on a Village Lot, Neighborhood Lot, Estate Lot or Duplex Lot. There shall be no more than one (1) accessory dwelling unit per lot.

(ii) Accessory dwellings must be a minimum of five hundred (500) square feet in floor area.

(iii) The primary dwelling unit and accessory dwelling unit shall not be rented separately unless one (1) is owner occupied.

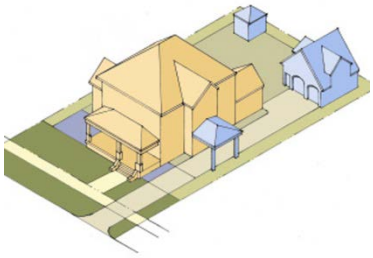
(6) Parking shall be provided as described in chapter 11. In addition, parking shall be subject to the following standards:

(a) Village, Neighborhood, Estate, and Duplex Lots

(i) All parking shall be provided at the rear of the lot either via a rear alley or a driveway from the street

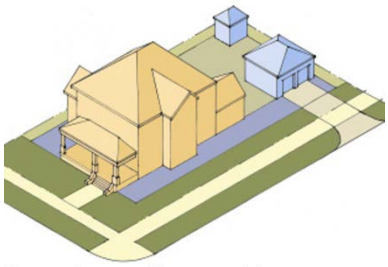
(ii) Where available, alleys shall be used to access parking, except in the case of single-family corner lots.

(iii) When alley access is not available, driveways in the area from the street to the rear line of the house shall be a maximum of ten (10) feet wide.



Garage placement for front-loaded infill lot

(iv) Single-family corner lot driveways shall be accessed from the side street and may be a maximum of fifteen (15) feet wide.



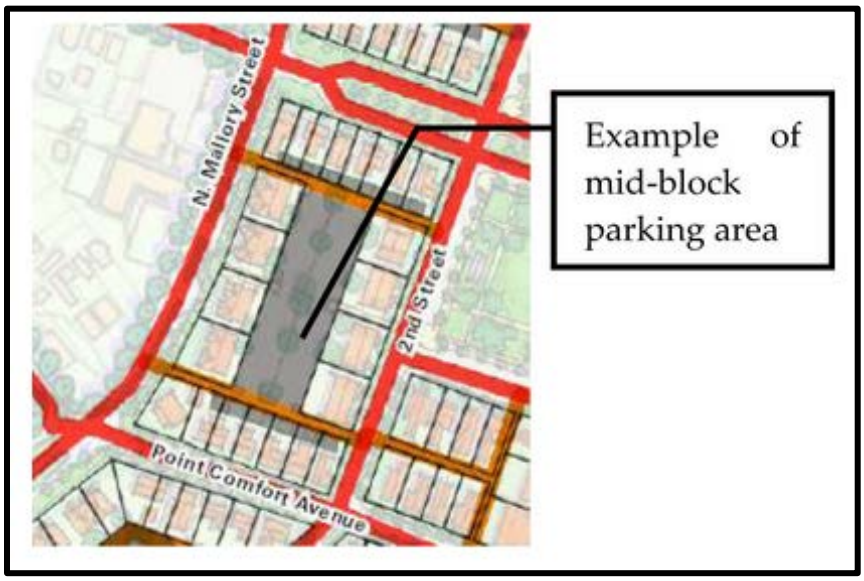
Garage placement for corner lot

(v) Driveways shall be composed of porous, natural materials, such as stone, brick, crushed stone, pebbles, pervious pavers or poured concrete. If concrete is used, it shall be placed to accommodate tire tracks and not as a single, wide surface.

(vi) When present, parking pads must be at to the rear of the property and may be constructed of a continuous concrete surface or one of the other materials listed for driveway use. Porous materials are encouraged.

(b) Multifamily and mixed use lots.

(i) All off-street parking shall be in the mid-block area behind the main structures and all or a portion of such spaces may be provided as tuck-under parking on the ground floor but shall not be visible from the front street and shall be screened from the side street. All such parking areas shall be accessed via an alley and may be between two (2) alleys or the alley may serve as a central drive aisle for the parking area. Additionally, parking spaces may be aligned to allow double parking when the two (2) spaces are assigned to the same unit.



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

(1) Permitted uses shall be as set forth in chapter 3—Uses Permitted. In addition, no use shall be permitted to have a drive-through.

(2) The following lot types are permitted:

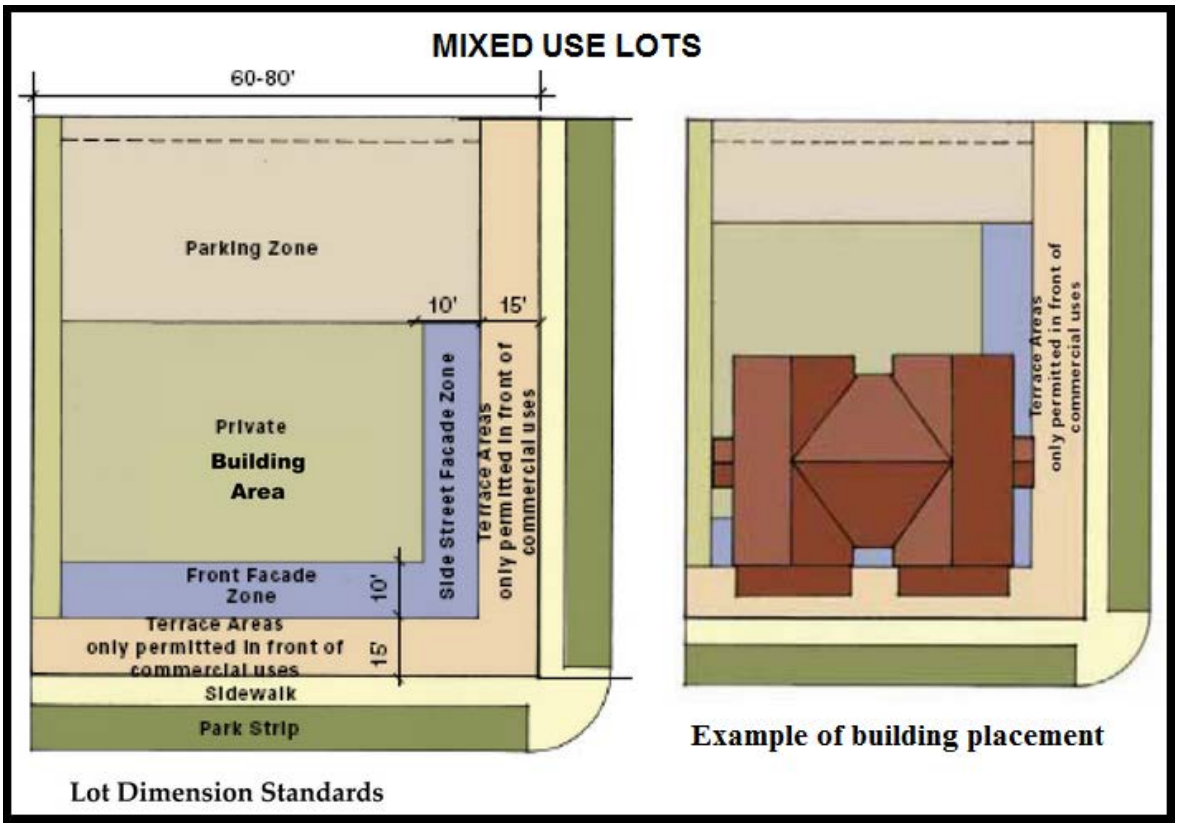
(a) Mixed Use Lot

(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 8-10(9) above. Flag lots are not permitted.

	Mixed Use
Lot size, interior	60’-80’ front, 100’ deep
Lot size, corner	70’-90’ front, 100’ deep
Front setback	15’[A]
Interior side setback	10’ when detached
Street side setback	15’[A]
Rear setback	5’
Building coverage	75%[B]
Façade zone	10’ deep, min. 80% of façade zone length must be occupied by the building

[A] The following encroachments are permitted: porches and balconies up to 5’; steps may encroach an additional 5’ beyond porches, stoops and similar features; bay windows, patios and fireplaces ≤10’ wide may encroach up to 2’

[B] Accessory structures (enclosed garages, sheds, etc.) shall be included in building coverage calculations. Open balconies, porches, decks, driveways, and parking pads shall not be included in building coverage calculations.



(4) Development standards.

(a) Variation. Adjacent buildings shall be visually distinct from each other. This distinction may be achieved by varying materials, architectural styles, massing, color, or lot type. At least two (2) of these elements must vary for each adjacent building along the same street frontage.

(b) Streets and alleys.

(i) If a lot is adjacent to only one (1) street, that street is considered the front street for that lot.

(ii) If a lot is adjacent to two (2) streets, the narrower lot frontage shall be considered the front street and the wider lot frontage the side street.

(iii) Alleys shall be created when it is physically feasible and in keeping with the recommendations of the Buckroe Master Plan (2005, as amended). Such alleys shall be a minimum of twenty (20) feet in width with a roll-top curb on both sides which shall be included in the alley width. Alley corners shall have a radius of fifteen (15) feet.

(c) Height.

(i) Total building heights will be measured in stories.

(ii) Buildings shall not be taller than three (3) stories.

(iii) Tower elements, cupolas, widow's walks, and similar building features may extend one (1) story above the allowable height for

each lot type. These elements may only be used within the appropriate architectural style of building.

(iv) The maximum floor height from floor-to-floor for first floor residential shall be fifteen (15) feet.

(v) The maximum floor height from floor-to-floor for first floor commercial buildings shall be eighteen (18) feet.

(vi) The maximum floor height from floor-to-floor (floor-to-ceiling on the top floor) on any story above the first shall be twelve (12) feet.

(vii) Cathedral ceilings may be incorporated within the roof and shall not count toward floor height.

(viii) Floors that exceed the above standards shall be counted as greater than one (1) story.

(d) Architectural standards.

(i) All buildings shall be consistent with one of the architectural styles identified in the Buckroe Bayfront Pattern Book. Consistency will be determined based on adherence to the design elements of each of the primary building features identified in the pattern book including massing and composition, eave details and wall section, windows and doors, porches, and materials and applications.

(ii) Primary access for all buildings shall be from a public street or open space. Primary access is not permitted from the parking area or alley. All street facing façades shall have an articulated primary access entrance.

(iii) The following shall be located in rear yards or side yards not facing a public street or open space:

(aa) Electrical utility meters

(bb) Air conditioning compressors

(cc) Irrigation and pool pumps

(iv) The following shall be located in rear yards only:

(aa) Antennas

(bb) Permanent barbecues

(cc) Satellite dishes

(v) The following are prohibited:

(aa) Undersized shutters (the shutter or shutters must be sized so as to equal the width that would be required to cover the window opening)

Appropriately-sized shutters	Undersized shutters

(bb) Inoperable shutters (the purpose of shutters is to provide protection from storms)

(cc) Shutters made of plastic

(dd) Reflective and/or bronze-tint glass

(ee) Plastic or PVC roof tiles

(ff) Backlit awnings

(gg) Glossy-finish awnings

(hh) Fences made of chain link, barbed wire, vinyl, plain wire mesh, or coated chain link

(vi) Where there is a building façade facing a park or street, the façade shall contain transparent windows covering from a minimum of twenty (20) percent to a maximum of seventy (70) percent of the wall area.

(5) Accessory buildings or structures.

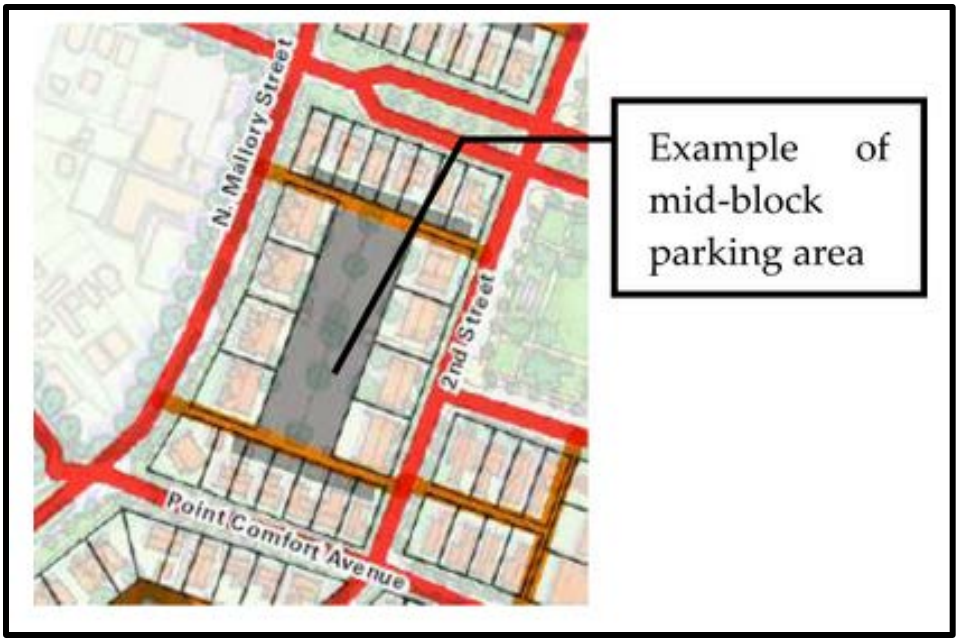
(a) The footprint of accessory buildings or structures shall not be larger than fifty (50) percent of the main building's footprint.

(b) Accessory buildings or structures shall not be taller than the main roofline of the main building nor shall accessory structures be greater than two (2) stories regardless of the height of the main building.

(c) Accessory buildings or structures larger than one hundred (100) square feet shall architecturally complement the main building with shared exterior materials, colors, and roof lines.

(6) Parking shall be provided as described in chapter 11. In addition, parking shall be subject to the following standards:

(a) Mixed use lots shall have all off-street parking in the mid-block area behind the main structures and all or a portion of such spaces may be provided as tuck-under parking on the ground floor but shall not be visible from the front street and shall be screened from the side street. All such parking areas shall be accessed via an alley and may be between two (2) alleys or the alley may serve as a central drive aisle for the parking area. Additionally, parking spaces may be aligned to allow double parking when the two (2) spaces are assigned to the same unit.



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

(1) Permitted uses shall be as set forth in chapter 3—Uses Permitted. In addition, no use shall be permitted to have a drive-through.

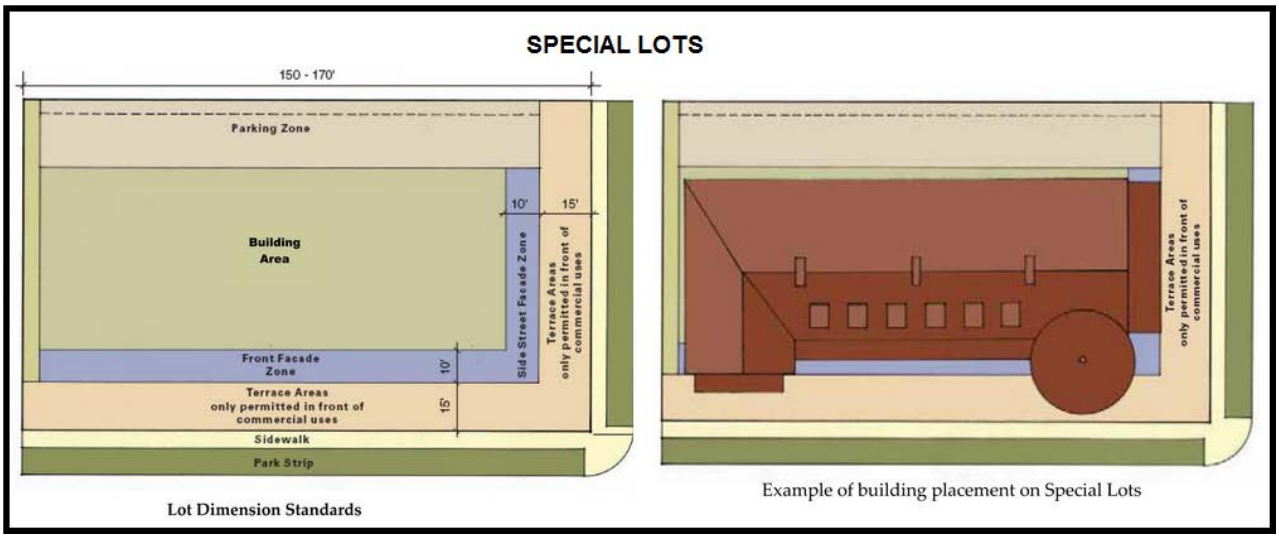
(2) The following lot types are permitted:

(a) Special Lot

(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 8-10(9) above. Flag lots are not permitted.

	Special
Lot size, interior	N/A not permitted on interior lots
Lot size, corner	150’-175’ wide, 100’ deep
Front setback	15’[A]
Interior side setback	10’ when detached
Street side setback	15’[A]
Rear setback	5’
Building coverage	None

Façade zone	10’ deep, min. 80% of façade zone length must be occupied by the building
[A] The following encroachments are permitted: porches and balconies up to 5’; steps may encroach an additional 5’ beyond porches, stoops and similar features; bay windows, patios and fireplaces ≤10’ wide may encroach up to 2’	



(4) Development standards.

(a) Variation. Adjacent buildings shall be visually distinct from each other. This distinction may be achieved by varying materials, architectural styles, massing, color, or lot type. At least two (2) of these elements must vary for each adjacent building along the same street frontage.

(b) Streets and alleys.

(i) If a lot is adjacent to only one (1) street, that street is considered the front street for that lot.

(ii) If a lot is adjacent to two (2) streets, the narrower lot frontage shall be considered the front street and the wider lot frontage the side street.

(iii) Alleys shall be created when it is physically feasible and in keeping with the recommendations of the Buckroe Master Plan (2005, as amended). Such alleys shall be a minimum of twenty (20) feet in width with a roll-top curb on both sides which shall be included in the alley width. Alley corners shall have a radius of fifteen (15) feet.

(c) Height.

(i) Total building heights will be measured in stories.

(ii) Buildings shall not be taller than four (4) stories.

(iii) Tower elements, cupolas, widow's walks, and similar building features may extend one (1) story above the allowable height for each lot type. These elements may only be used within the appropriate architectural style of building.

(iv) The maximum floor height from floor-to-floor for first floor residential shall be fifteen (15) feet.

(v) The maximum floor height from floor-to-floor for first floor commercial buildings shall be eighteen (18) feet.

(vi) The maximum floor height from floor-to-floor (floor-to-ceiling on the top floor) on any story above the first shall be twelve (12) feet.

(vii) Cathedral ceilings may be incorporated within the roof and shall not count toward floor height.

(viii) Floors that exceed the above standards shall be counted as greater than one (1) story.

(d) Architectural standards.

(i) All buildings shall be consistent with one of the architectural styles identified in the Buckroe Bayfront Pattern Book. Consistency will be determined based on adherence to the design elements of each of the primary building features identified in the pattern book including massing and composition, eave details and wall section, windows and doors, porches, and materials and applications.

(ii) Primary access for all buildings shall be from a public street or open space. Primary access is not permitted from the parking area or alley. All street facing façades shall have an articulated primary access entrance.

(iii) The following shall be located in rear yards or side yards not facing a public street or open space:

(aa) Electrical utility meters

(bb) Air conditioning compressors

(cc) Irrigation and pool pumps

(iv) The following shall be located in rear yards only:

(aa) Antennas

(bb) Permanent barbecues

(cc) Satellite dishes

(v) The following are prohibited:

(aa) Undersized shutters (the shutter or shutters must be sized so as to equal the width that would be required to cover the window opening)

Appropriately-sized shutters	Undersized shutters

(bb) Inoperable shutters (the purpose of shutters is to provide protection from storms)

(cc) Shutters made of plastic

(dd) Reflective and/or bronze-tint glass

(ee) Plastic or PVC roof tiles

(ff) Backlit awnings

(gg) Glossy-finish awnings

(hh) Fences made of chain link, barbed wire, vinyl, plain wire mesh, or coated chain link

(vi) Where there is a building façade facing a park or street, the façade shall contain transparent windows covering from a minimum of twenty (20) percent to a maximum of seventy (70) percent of the wall area.

(5) Accessory buildings or structures.

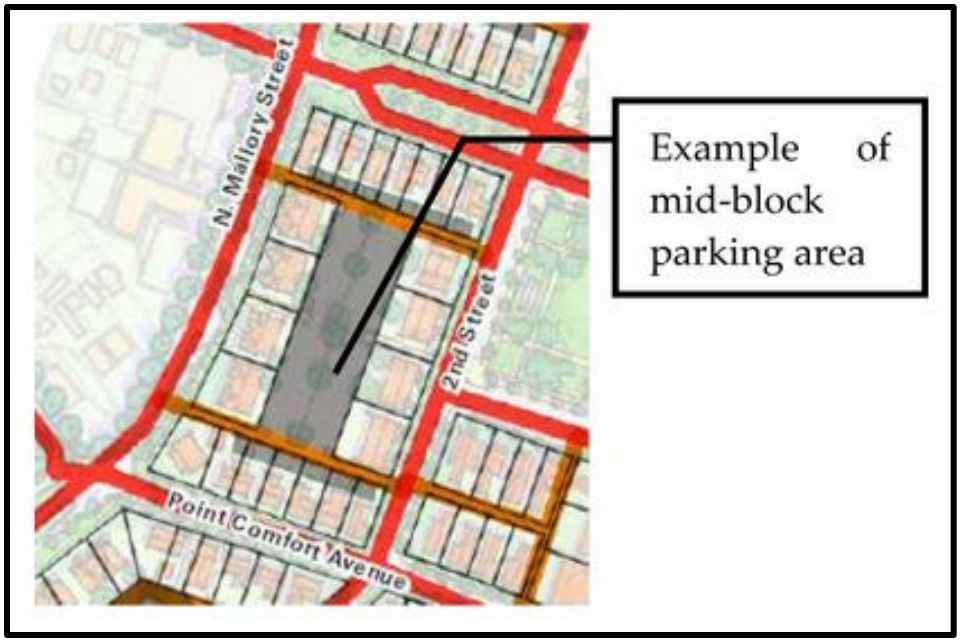
(a) The footprint of accessory buildings or structures shall not be larger than fifty (50) percent of the main building's footprint.

(b) Accessory buildings or structures shall not be taller than the main roofline of the main building nor shall accessory structures be greater than two (2) stories regardless of the height of the main building.

(c) Accessory buildings or structures larger than one hundred (100) square feet shall architecturally complement the main building with shared exterior materials, colors, and roof lines.

(6) Parking shall be provided as described in chapter 11. In addition, parking shall be subject to the following standards:

(a) Special lots shall have all off-street parking in the mid-block area behind the main structures and all or a portion of such spaces may be provided as tuck-under parking on the ground floor but shall not be visible from the front street and shall be screened from the side street. All such parking areas shall be accessed via an alley and may be between two (2) alleys or the alley may serve as a central drive aisle for the parking area. Additionally, parking spaces may be aligned to allow double parking when the two (2) spaces are assigned to the same unit.



Secs. 8-27-8-30. Reserved.

ARTICLE 4. HAMPTON ROADS CENTER DISTRICTS

Sec. 8-31. Overall Intent of Hampton Roads Center (HRC) Districts

The general purpose and intent of the HRC Districts is to promote a clearly superior level of development within Hampton Roads Center business parks relating to land uses, intensity of development, and aesthetic quality, than that which has been developed in the City of Hampton within the zoning classification of M-1, M-2, and M-3. The intent is also to permit development that allows Hampton to compete favorably with similar business parks within the Hampton Roads region.

Hampton Roads Center represents the commitment on the part of the City of Hampton to invest funds to provide sites for the needs of businesses in Hampton for the next ten (10) to twenty (20) years, thereby insuring the city's growth and allowing for a broader and more economically diverse tax base.

The objectives to be promoted by the HRC Districts are:

(1) To promote Hampton's economic growth and business development;
(2) To create a center of business and economic activity in Hampton;
(3) To encourage high quality development consistent with the locational advantage inherent in Hampton Roads Center;
(4) To allow for different types of development within Hampton Roads Center while avoiding detrimental uses and inconsistent siting of uses;
(5) To permit accessory uses and business support functions that enhance the primary uses; and

(6) To encourage a high level of quality in building design and construction, and in site landscaping.

(7) To define the development standards necessary to successfully implement the Hampton Roads Center North Campus Master Plan as adopted by the Hampton Industrial Development Authority and the City Council.

(8) To define the development standards necessary to implement the Hampton Roads Center West Master Plan, dated February 26, 1999.

Sec. 8-32. HRC-1 District – Hampton Roads Center South.

(1) Boundaries.
The HRC-1 District shall include the area designated on the zoning map with the symbol HRC-1.

(2) Principal uses.
Uses shall be permitted as set forth in chapter 3—Uses Permitted.

(3) Development standards.
The uses permitted in this district shall be subject to the following special conditions:

(a) Building coverage shall not exceed thirty (30) percent of the lot area; total improvements, including all buildings, shall not cover more than sixty (60) percent of the lot area. The remaining forty (40) percent shall be landscaped green area;

(b) All uses shall be conducted within a wholly enclosed building;

(c) On any corner lot, there shall be no planting, shrubbery, or obstruction to vision more than three (3) feet higher than the curb level within twenty (20) feet of the intersection of any two (2) curb lines;

(d) Fences shall not be permitted in any yard which abuts a public right-of-way. The use of electrified fences is prohibited; and

(e) Noncommercial and commercial communication towers, and/or transmission antennas shall not be permitted within any front yard.

(4) Lot area and building size.

(a) No building or group of buildings shall be erected or placed on a lot containing less than three and one-half (3½) acres unless a lot of lesser area has been recorded prior to the passage of this ordinance.

(b) The minimum gross floor area of a building or group of buildings on a lot shall be 38,500 square feet.

(5) Setbacks.

(a) Building setbacks.

(i) For property adjacent to Interstate 64, Hampton Roads Center Parkway, or Magruder Boulevard rights-of-way:

(aa) The building shall be set back at least eighty (80) feet or twice the building height, not to exceed two hundred (200) feet from said rights-of-way;

(bb) Any side yard not adjacent to said rights-of-way, shall be at least twenty (20) feet deep; and

(cc) Any rear yard not adjacent to said rights-of-way shall be at least forty (40) feet deep.

(ii) For property adjacent to an interior HRC right-of-way:

(aa) The building shall be set back at least sixty (60) feet or twice the building height, not to exceed one hundred fifty (150) feet from said right-of-way;

(bb) Any side yard not adjacent to said right-of-way shall be at least twenty (20) feet deep; and

(cc) Any rear yard not adjacent to said right-of-way shall be at least forty (40) feet deep.

(iii) No building shall be located within twenty (20) feet of any lake maintenance easement.

(b) Setbacks for all other improvements, exclusive of entry ways.

(i) No parking shall be located within eighty (80) feet of Interstate 64, Hampton Roads Center Parkway, or Magruder Boulevard rights-of-way.

(ii) No parking shall be located within sixty (60) feet of the right-of-way of any interior HRC road.

(iii) No parking shall be permitted within any other side or rear yard, as described above.

(iv) No parking shall be permitted within twenty (20) feet of any lake maintenance easement.

(6) Height.

Buildings shall be a maximum of eighty-one and one-half (81½) feet in height, unless otherwise approved by a use permit

(7) Green areas.

(a) A minimum of 40% of the land area of the lot shall be designated as green area for trees, shrubs and turf.

(b) Minimum green area provided immediately adjacent to any existing or future public right-of-way shall be four (4) feet from front, 20 feet from side and 40 feet from rear property lines.

(c) Green areas within a parking area shall be no less than five (5) feet wide and contain at least 60 square feet. No parking space shall be more than 70 feet from a green area.

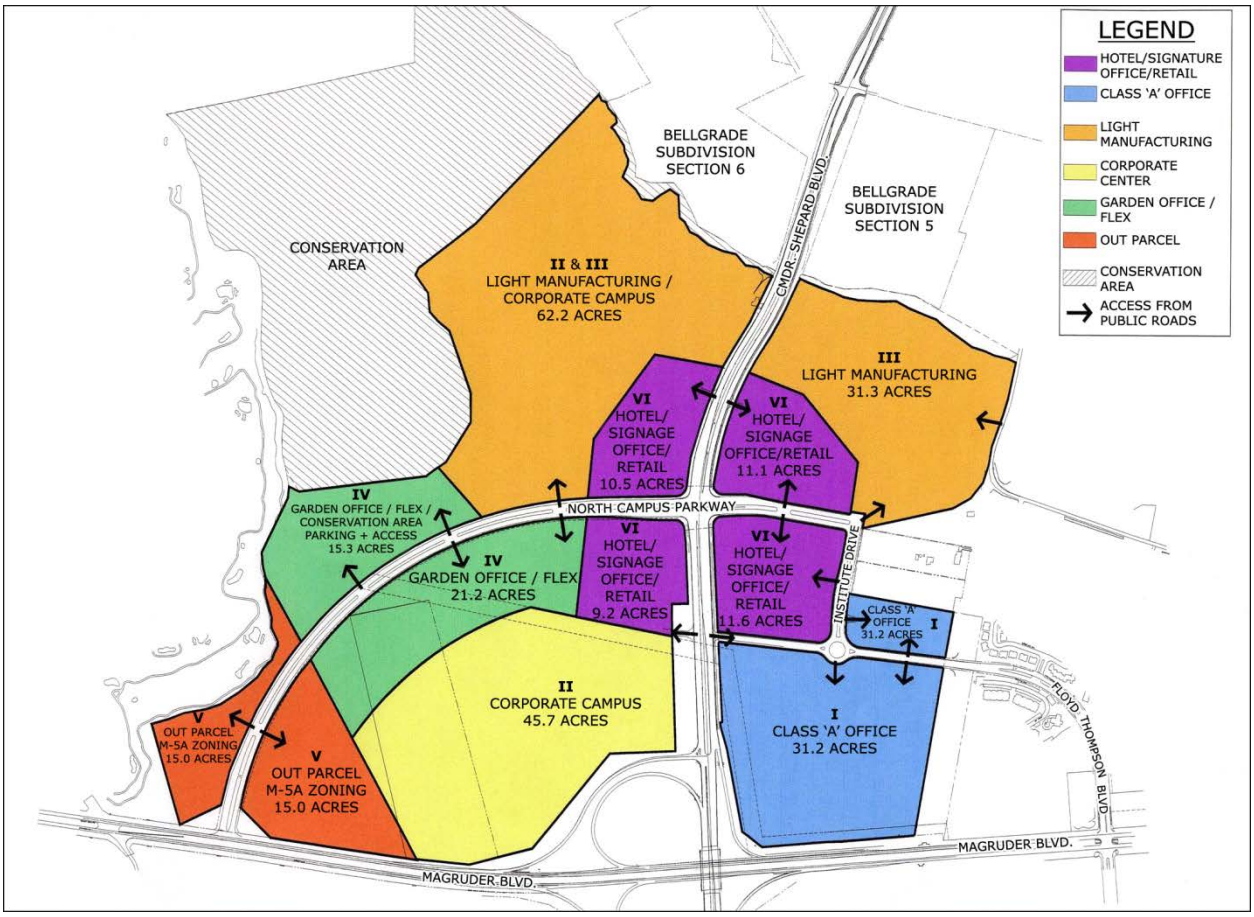
Sec. 8-33. HRC-2 District – Hampton Roads Center North.

(1) Boundaries.

The HRC-2 District shall include the area designated on the zoning map with the symbol HRC-2. The HRC-2 District is comprised of subdistricts as depicted in Figure 1 (Hampton Roads Center North Campus Land Use Plan) for purposes of facilitating implementation of the HRCNC Master Plan. It shall be the

responsibility of the IDA/DRC to steer individual uses to the appropriate use categories as identified in the master plan.

Fig. 1: Hampton Roads Center North Campus Land Use Plan



(2) Permitted uses.

Uses shall be permitted as set forth in chapter 3—Uses Permitted.

(3) Development standards.

(a) All construction within the HRC-2 District must be approved by the IDA/DRC prior to site plan approval.

(b) Outdoor material and equipment storage must be screened so that it is not visible from any existing or proposed public right-of-way, and so that it is not visible from adjacent properties.

(c) Building materials shall result in permanent and durable construction. Primary building materials shall be monochromatic (preferably earth tones) and shall be limited to brick, pre-cast concrete, natural stone, or architectural metal panels. Stucco, Exterior Insulating Finishing Systems (EIFS), corrugated metal or prefabricated/pre-engineered metal shall not be permitted as primary building materials.

(d) All fences shall be wood, masonry or vinyl coated chain link; the use of electrified fences, barbed or razor wire, and chain link with slats anywhere on site is expressly prohibited.

(e) Total lot coverage (building and improvements) shall not exceed seventy (70) percent of the total lot area; however, if the lot abuts a dedicated conservation area or stormwater management area that has a minimum dimension of at least fifty (50) feet, total lot coverage can be increased to seventy-seven (77) percent.

(f) Alternatives to the above requirements may be considered by the IDA/DRC. Approval of alternatives shall be based on the committee's determination that the intent of the district, as stated in section 8-33 herein, is met.

(g) Loading operations shall occur along the side and rear of buildings only. Loading areas shall be screened so that they are not visible from public rights of way and adjacent properties; however, no loading operations shall be visible from Magruder Boulevard, Commander Shepard Boulevard, or North Campus Parkway.

(4) Lot size, building size, and height.

(a) All lots shall be a minimum of two and one-half (2½) acres.

(b) Buildings shall be a minimum of 20,000 square feet in size, with the following exceptions:

(i) Accessory structures.

(ii) Primary structures with the express approval of the IDA/DRC.

(c) Buildings shall be a maximum height of fifty-five (55) feet without securing a use permit.

(5) Green area.

(a) A minimum of 30% of the total lot area shall be dedicated to green area; however, if the property abuts a dedicated conservation area or stormwater management area that has a minimum dimension of at least 50 feet, this green area requirement may be reduced to 23%.

(b) Improvements permitted in required green areas are:

(i) Signs

(ii) Decorative walls and fences

(iii) Security gates, guard houses, walls and fences

(iv) Fountains and decorative ponds

(v) Stormwater control structures and facilities

(vi) Pedestrian walks and trails, fitness stations

(vii) Gazebos, plazas, and observation areas

(viii) Landscape irrigation systems, controllers, and backflow devices

(ix) Public art and park identification features

(x) Lighting

(xi) Underground utilities

(c) The minimum green area depth requirements along public rights-of-way and other property lines are as follows:

(i) Along Magruder Boulevard: Eighty (80) feet;

(ii) Along Commander Shepard Boulevard:

(aa) East of the intersection with the Virginia Power easement: Seventy-five (75) feet maintained as a landscape buffer

(bb) West of the intersection with the Virginia Dominion Power transmission line easement: A minimum of thirty (30) feet with an average of fifty (50) feet;

(iii) Along North Campus Parkway, Floyd Thompson Boulevard and Institute Drive (as defined in the HRCNC Master Plan): A minimum of twenty (20) feet with an average of forty (40) feet;

(iv) Along other existing or proposed public rights-of-way: Twenty (20) feet;

(v) Along side and rear property lines not abutting an existing or proposed public right-of-way:

(aa) If said property line abuts residentially zoned property: Thirty-five (35) feet maintained as an undisturbed buffer

(bb) In all other instances: Twenty (20) feet.

(iv) Green area requirements in parking areas containing 20 or more spaces are as follows:

(aa) Ten (10) percent of the parking area (including drive aisles) shall be constructed and maintained as green area for the purpose of preserving existing and or planting new trees and shrubs.

(bb) Parking lot green areas shall be sized no less than 10 feet by 18 feet.

(v) All required green areas and buffers shall be landscaped in accordance with the "City of Hampton Landscape Guidelines".

(6) Building setbacks.

The minimum building setbacks from public rights-of-way and other property lines are as follows:

(a) Magruder Boulevard: Twice the building height, but no less than eighty (80) feet and no more than one hundred (100) feet;

(b) Commander Shepard Boulevard (east of the Virginia Dominion Power transmission line easement): Twice the building height, but no less than fifty (50) feet and no more than one hundred (100) feet;

(c) North Campus Parkway, Floyd Thompson Boulevard, and Institute Drive (as defined in the HRCNC Master Plan): Twice the building height, but no less than forty (40) feet and no more than sixty (60) feet;

(d) Other existing and proposed public rights-of-way: Forty (40) feet;

(e) Side property lines not abutting an existing or proposed public right-of-way: Twenty (20) feet; however, if said property line abuts residentially zoned property: Thirty-five (35) feet; and

(f) Rear property lines not abutting an existing or proposed public right-of-way: Thirty (30) feet; however, if said property line abuts residentially

zoned property: Thirty-five (35) feet. Required building setbacks abutting residentially zoned property shall be maintained as undisturbed buffers.

Sec. 8-34. HRC-3 District – Hampton Roads Center West

(1) Boundaries.
Boundaries shall be as shown on the official zoning map of the City of Hampton.

(2) Permitted uses.
Uses shall be permitted as set forth in chapter 3—Uses Permitted.

(3) Design review.
All construction within the HRC-3 District must be approved by the Hampton Industrial Development Authority's Design Review Committee (IDA DRC) prior to site plan approval. The IDA DRC shall review all plans with respect to the standards outlined in this article to ensure the visual integrity and quality of the project.

(4) Building and screening materials.
(a) All exterior building materials shall result in permanent and durable construction. Except for interior courtyards, all exterior walls shall be constructed of brick or other high quality finished masonry, precast concrete panels, high quality metal panels, granite, glass, or materials of similar quality and durability. Other materials shall be used only as accent elements.
(b) Primary building materials shall be monochromatic (preferably earth tones). Bright overall colors shall not be permitted as primary building colors, but may be used for accents.
(c) Outdoor material and equipment storage shall be screened in accordance with the "City of Hampton Landscape Guidelines".
(d) Loading docks and truck courts shall be screened in accordance with the "City of Hampton Landscape Guidelines".
(e) All dumpsters visible from the eastern or southern district boundaries, or within fifty (50) feet of the northern or western district boundaries, shall be enclosed on three (3) sides by an opaque fence.
(f) Fences adjacent to the Big Bethel Road right-of-way shall be located at the westernmost edge of the vegetated berm required under the provisions of the “City of Hampton Landscape Guidelines”.

(5) Height.
Buildings shall be a maximum of fifty-five (55) feet in height unless a use permit is secured from the city council.

(6) Lot coverage.
Total lot coverage within the HRC-3 District shall not exceed eighty (80) percent of the total district area. However, to allow for maximum flexibility with respect to individual lots within the district, the total lot coverage on any individual lot may be as high as ninety (90) percent of the individual lot area, so long as the district

lot coverage is maintained at or below eighty (80) percent. Lot coverage includes buildings and all other improvements on the site, with the exception of lakes.

(7) Setbacks.

(a) All buildings:

(i) Shall be set back at least fifty (50) feet from any existing or proposed public right-of-way.

(ii) Shall be set back at least twenty (20) feet from any district boundary that is not an existing or proposed public right-of-way.

(iii) Shall be set back at least ten (10) feet from all lake maintenance easements.

(iv) With loading docks that face Big Bethel Road shall be set back at least three hundred (300) feet from the Big Bethel Road right-of-way.

(v) With loading docks that face Interstate 64 shall be set back at least one hundred forty (140) feet from the Interstate 64 right-of-way.

(b) All other improvements, with the exception of lakes:

(i) Shall be set back at least fifty (50) feet from the Big Bethel Road right-of-way.

(ii) Shall be set back at least twenty (20) feet from the Interstate 64 or North Park Lane rights-of-way.

(iii) Shall be set back at least ten (10) feet from the western district boundary line.

(iv) Shall be set back at least five (5) feet from the northern district boundary line.

(8) Green areas.

(a) A minimum of 10% of each lot and 20% of the district area shall be retained as green space for trees, shrubs and turf.

(b) The 50 foot improvement setback along Big Bethel Road shall be retained as green space, which shall be counted toward the requirements of [subsection] (1) above. This green space shall be vegetated as set forth in the "City of Hampton Landscape Guidelines".

(c) The 20 foot improvement setbacks along North Park Lane and Interstate 64 shall be retained as green space, which shall be counted toward the requirements of [subsection] (1) above. This green space shall be vegetated as set forth in the "City of Hampton Landscape Guidelines".

(d) All other required improvement setbacks shall be retained as green space, which shall be counted toward the requirements of subsection 8-34(8)(a) above.

(e) All improvement setbacks shall be planted in compliance with the "City of Hampton Landscape Guidelines".

(f) At least 10 % of any parking lot designed for 30 or more cars shall be retained as green space; this shall count toward the requirements of subsection 8-34(8)(a) above.

(g) No row of parking spaces shall exceed 144 feet in length without a green space island. Such islands shall be a minimum of 12 feet wide. This green area shall be counted toward the requirements of subsection 8-34(8)(f) above.

(h) Whenever two (2) rows of parking spaces abut, the required green space islands shall be a minimum of 24 feet wide.

(i) A green space strip at least 10 feet wide shall be provide between buildings and parking areas except at plazas, points of entry to the building, and loading dock areas; this shall count toward the requirements in subsection 8-34(8)(a) above.

(9) Lighting.

(a) All lighting will be color corrected for true white, with allowances for modest amounts of blue or green.

(b) Lighting levels will be determined by the recognized standard of the lighting industry, as specified in the "Lighting Handbook of the Illuminating Engineering Society."

(c) Fixtures will be located to provide uniform illumination along drives and walkways and not cause glare or excessive spillage onto neighboring sites.

(d) Light sources will be concealed and directed only to areas requiring illumination.

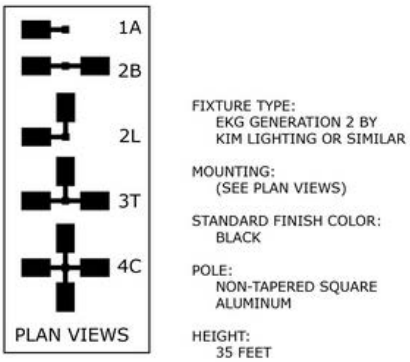
(e) The use of high and low pressure sodium sources will not be allowed and use of incandescent sources will be limited to building entrances only.

(f) Lighting in parking areas and truck courts will be pole mounted fixtures with a height of thirty-five (35) feet and provide a minimum lighting level of one-half (½) foot-candles.

(g) All lighting in driveways, pedestrian walkways and plazas will be achieved with bollards not exceeding three and one-half (3½) feet in height and/or low surface mounted fixtures.

(h) All special landscape areas and other accent elements will be illuminated with ground mounted, directed flood lights or low surface mounted fixtures.

(i) Lighting fixtures should be comparable to those illustrated below:



FIXTURE TYPE:
EKG GENERATION 2 BY KIM LIGHTING OR SIMILAR

MOUNTING:
(SEE PLAN VIEWS)

STANDARD FINISH COLOR:
BLACK

POLE:
NON-TAPERED SQUARE ALUMINUM

HEIGHT:
35 FEET

TYPICAL PARKING AREA LIGHTING

FIXTURE TYPE:
8" ROUND HIGH PERFORMANCE BOLLARD BY KIM LIGHTING OR SIMILAR

HEIGHT:
42 INCHES

STANDARD FINISH COLOR:
BLACK

TYPICAL LIGHTING BOLLARD

(10) Owners' association.
All owners of property within the HRC-3 District shall belong to a property owners' association. Such association shall be responsible for the maintenance of all commonly held property, to include, but not be limited to, private streets, utilities, lakes, green areas, and lighting. A copy of the association by-laws and covenants shall be submitted to the IDA DRC for review as to compliance with this article and final copies filed with the Hampton Industrial Development Authority.

Secs. 8-35-8-40. Reserved.

ARTICLE 5 – DOWNTOWN DISTRICTS

Sec. 8-41. Overall Intent of Downtown (DT) Districts.

The DT Districts are of special and substantial public interest because Downtown Hampton has served as the community's cultural, economic, and governmental center for over three hundred (300) years; because it has acquired a unique atmosphere and charm, by virtue of its history and the influence of waterfront activities, which is not duplicated in the city and which is worthy of preservation and enhancement; because it has been the target of an on-going redevelopment

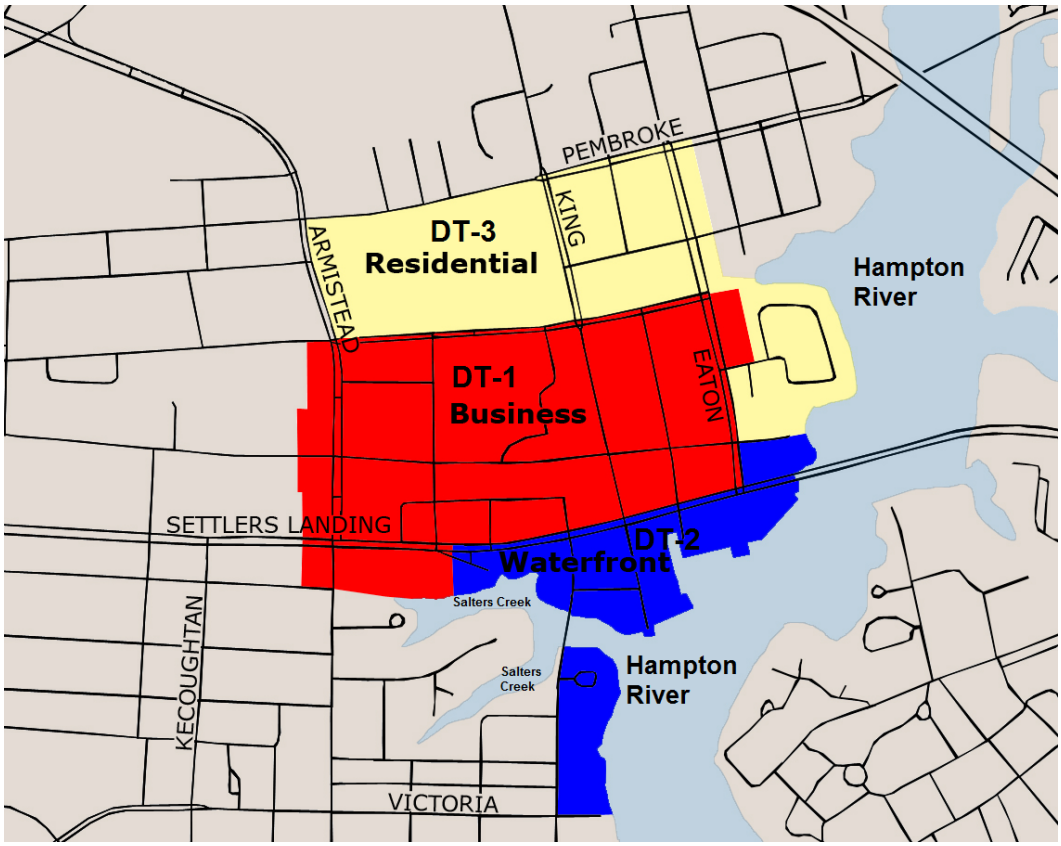
effort which has sought to provide such preservation and enhancement; and because a significant capital commitment has been made already by the community in an effort to improve the physical character of the area.

It is the intent of these regulations to continue and expand the guidance provided in the Old Hampton Redevelopment and Conservation Plan, as amended, for the preservation and enhancement of the historic character of Downtown Hampton; to protect against undesirable encroachment upon the district to encourage uses which are both compatible with past development and supportive of the character to be preserved; and to assure that new structures and uses within the district will maintain visual and functional harmony with past private development which has taken place within guidelines established by local public agencies.

It is also the intent of these regulations to implement the recommendations contained in the 2004 Downtown Hampton Master Plan, as amended, which encourages a vibrant, mixed use downtown that is intimately connected to the waterfront, surrounding neighborhoods, and its heritage and that maintains its existing charm and intimacy.

It is further intended that any site plan or other reviews required by these regulations shall be carried out in accordance with the objectives stated above, and that any required approvals shall not be withheld except where the proposed development is definably inappropriate or incompatible with such objectives.

(1) Boundaries.
The DT Districts shall include the area designated on the zoning map with the symbol DT-1 (Business), DT-2 (Waterfront), or DT-3 (Residential), as delineated on the following map:



Sec. 8-42. DT-1 District – Downtown Business.

(1) Permitted uses.
Uses shall be permitted as set forth in chapter 3—Uses Permitted.

(2) Lot size standards.
There shall be no minimum lot areas or lot dimensions.

(3) Height.

(a) For the purpose of this section, the height of buildings on land shall be determined as prescribed in chapter 2, provided that the base point for measurement may be raised to an elevation of eight and one-half (8½) feet above mean sea level if such base point is otherwise below this elevation. The maximum height of buildings in the DT-1 District shall be seventy-five (75) feet, except as follows:

(i) The maximum height of buildings, any portion of which are located within one hundred fifty (150) feet of Kings Way between Lincoln Street and a point representing the southernmost right-of-way line of Queens Way and within one hundred fifty (150) feet of a point representing the westernmost right-of-way line of Wine Street and a line representing the easternmost right-of-way line of High Court Lane, shall be forty (40) feet.

(ii) Except for buildings fronting on Kings Way or Queens Way as described above, the maximum height may be increased up to

twenty (20) additional feet when parking facilities are incorporated into the building design. When one (1) full level of parking is provided in the building, the maximum height shall be eighty-five (85) feet; when two (2) full levels of parking are provided, the maximum height shall be ninety-five (95) feet.

(b) For the purposes of this section, the maximum height of structures placed over the Hampton River or Salters Creek shall be thirty-five (35) feet or two (2) stories, whichever is shorter. This height shall be determined as prescribed in chapter 2, provided that the base point for measurement shall be an imaginary extension of the grade at the mean high water.

(4) Setbacks.

There shall be no minimum setbacks, except:

A twelve-foot yard shall be required between the Hampton River or Salters Creek and any building, regardless of which yard shall front the body of water. This required yard shall be measured from the mean high water line, the water's edge of any existing or proposed bulkhead, or the landward edge of any existing or proposed riprap.

Sec. 8-43. DT-2 District – Downtown Waterfront

(1) Permitted uses.

Uses shall be permitted as set forth in chapter 3—Uses Permitted.

(2) Lot size standards.

There shall be no minimum lot areas or lot dimensions.

(3) Height.

(a) For the purpose of this section, the height of buildings on land shall be determined as prescribed in chapter 2, provided that the base point for measurement may be raised to an elevation of eight and one-half (8½) feet above mean sea level if such base point is otherwise below this elevation. The maximum height of buildings in the DT-2 District shall be as follows:

(i) Forty-five (45) feet within any parcel bounded on one (1) or more sides by the Hampton River or Salters Creek, including areas east of Bridge Street and south of Rudd Lane, and areas east of South King Street and south of Settlers Landing Road.

(ii) Fifty-five (55) feet within any parcel located within the Waterfront Area not included in subsection (i) above.

(b) For the purposes of this section, the maximum height of structures placed over the Hampton River or Salters Creek shall be thirty-five (35) feet or two (2) stories, whichever is shorter. This height shall be determined as prescribed in chapter 2, provided that the base point for measurement shall be an imaginary extension of the grade at the mean high water.

(4) Setbacks.

There shall be no minimum setbacks, except:

A twelve-foot yard shall be required between the Hampton River or Salters Creek and any building, regardless of which yard shall front the body of water. This required yard shall be measured from the mean high water line, the water's edge of any existing or proposed bulkhead, or the landward edge of any existing or proposed riprap.

Sec. 8-44. DT-3 District – Downtown Residential

(1) Permitted uses.
Uses shall be permitted as set forth in chapter 3—Uses Permitted.

(2) Lot size standards.
Minimum lot area and lot dimensions in DT-3 shall be as prescribed in the district in which each use is first permitted.

(3) Height.
(a) For the purpose of this section, the height of buildings on land shall be determined as prescribed in chapter 2, provided that the base point for measurement may be raised to an elevation of eight and one-half (8½) feet above mean sea level if such base point is otherwise below this elevation. The maximum height of buildings in the DT-3 District shall be seventy-five (75) feet, except as follows:
(i) The maximum height may be increased up to twenty (20) additional feet when parking facilities are incorporated into the building design. When one (1) full level of parking is provided in the building, the maximum height shall be eighty-five (85) feet; when two (2) full levels of parking are provided, the maximum height shall be ninety-five (95) feet.
(b) For the purposes of this section, the maximum height of structures placed over the Hampton River or Salters Creek shall be thirty-five (35) feet or two (2) stories, whichever is shorter. This height shall be determined as prescribed in chapter 2, provided that the base point for measurement shall be an imaginary extension of the grade at the mean high water.

(4) Setbacks.
Setbacks shall be as prescribed in chapter 5, articles 2 through 5, where such density is first permitted.

Secs. 8-45-8-50. Reserved.

ARTICLE 6 – PARKS AND OPEN SPACE DISTRICTS

Sec. 8-51. Overall Intent of Parks and Open Space (PO) Districts.

The PO Districts establish special classifications for certain parcels of land which are intended to be conserved and protected and/or used for recreational purposes.

Sec. 8-52. PO-1 District – Parks and Open Space General.

(1) Intent

The principal purposes of the PO-1 District are:

(a) To conserve and protect open space, natural environmental features, and wildlife habitat;

(b) To enhance the quality of life with provision of space for walking, passive recreation, and aesthetic enjoyment; and

(c) To provide for recreational opportunities, where appropriate.

Designating these areas as such will raise the degree of assurance that designated open space and recreational areas will remain. It is intended to identify those parcels, relate them to the land use element of the city's adopted comprehensive plan and major elements of existing land use characteristics, and permit the greatest certainty regarding the character of potential uses of this public land.

(2) Application of the district.

To enable the district to operate in harmony with the plan for land use and populations embodied in these regulations, the PO-1 District shall be applied only to those lands owned or leased by the City of Hampton or any other governmental entity or political subdivision. No property shall be rezoned to PO-1 if any use exists on the property which would be nonconforming.

(3) Permitted uses.

Uses shall be permitted as set forth in chapter 3—Uses Permitted.

Sec. 8-53. PO-2 District – Parks and Open Space Buckroe Beachfront.

(1) Intent.

Publicly-owned land at the Buckroe Beachfront is a special and unique public interest, in that it represents a unique and historical recreational and cultural asset to the Buckroe community, the City of Hampton, and the region as a whole. It is the intent of the PO-2 District to recognize the dual role that this property may serve in the future development of the Buckroe community. The fundamental and overriding role of this unique land asset is as public recreation and open space, in support of the enormous public use experienced by the Chesapeake Bay beachfront.

While the district placed emphasis on the protection of this asset for public recreation and open space, there is recognition of the possible role some of this property may play in serving as the impetus for improving the overall condition of the housing stock in the Buckroe community. This district establishes a special zoning classification for the publicly held and unimproved property adjacent to the Buckroe Beachfront Park. Although it is intended that this property be publicly held and utilized as open area in perpetuity, if the objectives to improve the Buckroe area's housing stock are not actualized, then activities to spur new development and encourage upgrades to the existing housing stock will be

implemented. These activities may include amending this zoning classification of the subject property to permit its development, condemnation of adjacent properties, private acquisition, and assembly of land for redevelopment, demolition, etc. Amending the special zoning designation of the subject property should be considered only after all efforts to effect a positive change in the community's housing stock conditions prove to be futile and are exhausted.

(2) Boundaries.

The PO-2 District shall include the 3.28+ acres of city-owned property as shown on the official zoning map of the City of Hampton.

(3) Permitted uses.

Uses shall be permitted as set forth in chapter 3—Uses Permitted.

(4) Changes to PO-2 District.

The boundaries and/or permitted uses of the PO-2 District may be changed by the city council under the following conditions:

(a) The condition of the Buckroe housing stock fails to meet the objectives outlined in the Buckroe Neighborhood Plan, adopted January 1995; or

(b) Upon request by the Buckroe community in response to a specific development proposal.

Secs. 8-54-8-60. Reserved.

CHAPTER 9 – OVERLAY DISTRICTS

ARTICLE 1 – O-AICUZ DISTRICT – AIR INSTALLATION COMPATIBLE USE ZONE OVERLAY

Sec. 9-1. Airport noise and aircraft accident potential zones and boundaries.

(1) The intent of city council and the purpose of this section are to:
   (a) Protect the public health, safety and welfare from the adverse impacts associated with excessive noise from flight operations at Langley Air Force Base and the potential for aircraft accidents associated with proximity to airport operations; and
   (b) Ensure that the construction of residential use group buildings or portions thereof, located within those areas of Hampton likely to be affected by aircraft noise associated with flight operations at Langley Air Force Base provide for appropriate sound reduction to minimize the impact of such noise on occupants as set forth and enforced in chapter 22, article III of the city code, and pursuant to the provisions section 15.2-2295 of the Code of Virginia, which require that any airport noise zone contours be established as an amendment to the zoning ordinance and designated on the zoning map.

(2) The designation of any parcel of land as lying in an airport noise zone or in an aircraft accident potential zone, or both, shall be in addition to, and not in lieu of, the zoning district classification of such parcel, such that any parcel of land situated within an airport noise zone or in an aircraft accident potential zone, or both, shall also lie in one (1) or more of the zoning districts as set forth in the zoning ordinance and shall be subject to all applicable provisions of the zoning ordinance.

(3) The boundaries of the airport noise zones shall be as shown on the Noise Contour District map as adopted and amended by city council.

(4) For purposes of administering and enforcing the provisions of this ordinance and the provisions of chapter 22, article III of the city code as applicable to sound attenuation measures, there shall be three (3) airport noise zones and three (3) aircraft accident potential zones. Airport noise zones shall be as follows:
   (a) Noise zone sixty-five (65) to seventy (70) dB DNL;
   (b) Noise zone seventy (70) to seventy-five (75) dB DNL;
   (c) Noise zone greater than seventy-five (75) dB DNL;

(5) Aircraft accident potential zones shall be as shown on the air installation compatible use zones (AICUZ) map and shall be as follows:
   (a) CZ—Clear zone (an area extending outward from the threshold of an active runway which possesses a high potential for accidents);
   (b) APZ-I—Aircraft accident potential zone I (an area extending outward from a clear zone which possesses a significant potential for accidents); and

(c) APZ-II—Aircraft accident potential zone II (an area extending outward from aircraft accident potential zone I which possesses a measurable potential for an accident.

(6) The purpose of the establishment of three (3) airport noise zones and three (3) aircraft accident potential zones is to distinguish between the severities of the level of noise impacts so that appropriate acoustical performance standards can be employed to mitigate the adverse impacts of aircraft noise and to facilitate accurate identification of such zones for land use purposes. Each of the three (3) airport noise zones and three (3) aircraft accident potential zones shall be designated on the maps as adopted and amended by city council and made part of the zoning map.

Sec. 9-2. Required disclosures in certain real property transactions.

(1) The provisions of Virginia Residential Property Disclosure Act (sections 55-517 through 55-525 of the Code of Virginia), as applicable to required disclosures regarding real property in localities in which a military air installation is located, are hereby incorporated by reference.

(2) The provisions of section 55-248.12:1 of the Code of Virginia, pertaining to required disclosures in rentals of residential property in localities in which a military air installation is located, are hereby incorporated by reference.

(3) Any person who fails to provide the disclosure required by this section shall be subject to the remedies provided in section 55-524 or section 55-248.12:1 of the Code of Virginia, as the case may be.

Sec. 9-3. Avigation easements.

Any owner of property located wholly or partially in an airport noise zone of sixty-five (65) dB DNL or greater is encouraged to provide the United States Air Force with an avigation easement prior to development of the property, either as a proffer made as part of a conditional zoning application or as part of the subdivision review process. The avigation easement shall be in a form recommended by the director of the department of community development and shall be approved by the city attorney.

Sec. 9-4. Special regulations in air installations compatible use zones (AICUZ).

(1) Purpose and intent.

The purpose of this section is to regulate, in a manner consistent with the rights of individual property owners and the requirements of military operations at Langley Air Force Base (LAFB), development of uses and structures that are incompatible with military operations; to sustain the economic health of the city and Hampton Roads Region; to protect and preserve the public health, safety and welfare from the adverse impacts associated with high levels of noise from flight operations at LAFB and the potential for aircraft accidents associated with

proximity to airport operations; and to maintain the overall quality of life of those who live, work and recreate in the City of Hampton.

(2) Findings. The city council hereby finds that:

(a) Langley Air Force Base is among the oldest continuously active air bases in the United States and its history parallels the history of military aviation in the United States, first as an element of the Army and then as a separate military department. In December 1916, the land that became Langley Field was the first property ever purchased by the United States for aviation purposes. In 1916, the National Advisory Council for Aeronautics (NACA), predecessor to the national Aeronautics and Space Administration (NASA), established the need for a joint airfield and proving ground for Army, Navy and NACA aircraft. With the advent of World War I, Langley Field became an air station with coastal defense responsibilities. Langley Air Force base has historically functioned as a headquarters, first for the Army and later for the Air Force major command, responsible for fighter aircraft. With the arrival of the Tactical Air Command and jet aircraft, in 1948 Langley Field officially became Langley Air Force Base. Over its history, units at LAFB have been tapped to assist in virtually all the nation's military engagements. LAFB is a vital component in the architecture of the Defense Department's joint service method of operational planning and execution and in the newly-emerging inter-agency approach to meeting homeland defense requirements;

(b) Langley Air Force Base generates a significant economic impact on the economies of Hampton and the surrounding jurisdictions. The installation's economic impact analysis for FY08 indicates that LAFB had a financial impact of nearly $1.3 billion. Just over half of that figure was attributed to annual payroll to military and civilian personnel, while over one-third (1/3) was in local expenditures (construction, services, materials, supplies, and equipment). LAFB estimated that six thousand five hundred seventy-seven (6,577) indirect jobs were created by the installation and its activities, which equated to a value of nearly two hundred three million dollars ($203,000,000.00). For fiscal year (FY) 2008, LAFB supported nearly twenty-six thousand (26,000) personnel. This number includes almost eleven thousand (11,000) active duty military, Air Force Reserve and Air National Guard personnel and nearly thirteen thousand (13,000) active duty military dependents. There were two thousand three hundred thirty-one (2,331) civilians employed at LAFB making LAFB one of the single largest employers in the City of Hampton;

(c) The closure or realignment of Langley Air Force Base would have serious adverse economic consequences to the city and the region; and

(d) In 2010, the City of Hampton along with the cities of Poquoson, Newport News and York County, joined with the Air Force and LAFB to undertake the "Hampton-Langley Joint Land Use Study" (JLUS) as a proactive and preventative effort to ensure mutual beneficial growth and development at

LAFB and the jurisdictions it encompasses and abuts. In furtherance of the Hampton-Langley JLUS and to avoid conflicts previously experienced between the United States military and local communities in Hampton Roads, the city council hereby adopts general regulations applicable in all airport noise zones greater than seventy (70) dB DNL and aircraft accident potential zones to help prevent any additional encroachment at LAFB.

Sec. 9-5. Applicability.

(1) The provisions of sections 9-5 and 9-6 shall apply to discretionary development applications for any property located within an accident potential zone (APZ) or seventy (70) to seventy-five (75) dB DNL or greater than seventy-five (>75) dB DNL noise zones, as shown on the official zoning map, that have not been approved or denied by the city council as of the date of adoption of this chapter. For purposes of this chapter and the zoning ordinance, discretionary development applications shall include applications for:

(a) Rezonings, including conditional zonings;

(b) Conditional use permits and conditional privileges for new uses or structures, or for alterations or enlargements of existing conditional uses and uses having an existing conditional privilege where the occupant load would increase;

(c) Conversions or enlargements of nonconforming uses or structures, except where the application contemplates the construction of a new building or structure or expansion of an existing use or structure where the total occupant load would not increase; and

(d) Vacation of public streets, alleys or other public rights-of-way where the application contemplates the construction of a new building or structure or the expansion of a use or structure where the total occupant load is increased.

Sec. 9-6. Discretionary development applications.

(1) In addition to the provisions of chapter 8, article 1, Langley Flight Approach Districts, it shall be the policy of the city council that no application for discretionary development included within the provisions of this chapter shall be approved unless the uses and structures it contemplates are designated as compatible uses under Table 1 below and, if applicable, Table 2, unless the city council finds that no reasonable use designated as compatible or allowed under the applicable table or tables can be made of the property. In such cases, the city council shall approve the proposed use of the property at the lowest density or intensity of development that is reasonable. In the event of conflict between the provisions of the aforesaid zoning districts and this section, this section shall control.

(2) Tables. The following tables show the uses designated as compatible (Y) and those designated as not compatible (N) in each listed noise zone (Table 1) or accident potential zone (Table 2). The designation of any use as compatible shall not be construed to allow such use in any zoning district in which it is not permitted as either a principal or conditional use.

TABLE 1 - AIR INSTALLATIONS COMPATIBLE USE ZONES LAND USE COMPATIBILITY IN NOISE ZONES		
Land Use	Land Use Compatibility	
Land Use Name	70—75 dB DNL	>75 dB DNL
Residential and Related		
Single-family dwellings	N	N
Semidetached dwellings	N	N
Attached dwellings/townhouses	N	N
Duplexes	N	N
Multiple-family dwellings	N	N
Dormitories and other group quarters	N	N
Mobile home parks	N	N
Hotels and motels	N	N
Other residential uses	N	N
Manufacturing		
Food and kindred products; manufacturing	Y	Y
Textile mill products; manufacturing	Y	Y
Apparel and other finished products; products made from fabrics, leather and similar materials; manufacturing	Y	Y
Lumber and wood products (except furniture); manufacturing	Y	Y
Paper and allied products; manufacturing	Y	Y
Printing, publishing and allied industries	Y	Y
Chemicals and allied products; manufacturing	Y	Y
Petroleum refining and related industries	Y	Y
Rubber and misc. plastic products; manufacturing	Y	Y
Stone, clay and glass products; manufacturing	Y	Y
Primary metal products; manufacturing	Y	Y
Fabricated metal products; manufacturing	Y	Y
Professional scientific, and controlling instruments; photographic and optical goods; watches and clocks	Y	Y
Miscellaneous manufacturing	Y	Y
Transportation, Communication and Utilities		
Railroad, rapid rail transit, and street railway transportation	Y	Y
Motor vehicle transportation	Y	Y
Aircraft transportation	Y	Y
Marine craft transportation	Y	Y
Highway and street right-of-way	Y	Y
Automobile parking	Y	Y
Communication	Y	Y
Utilities	Y	Y
Other transportation, communication and utilities	Y	Y
Trade		
Wholesale trade	Y	Y

Retail trade—Building materials, hardware and farm equipment	Y	Y
Retail trade—General merchandise	Y	Y
Retail trade—Food	Y	Y
Retail trade—Automotive, marine craft, aircraft and accessories	Y	Y
Retail trade—Apparel and accessories	Y	Y
Services		
Retail trade—Furniture, home furnishings and equipment	Y	Y
Retail trade—Eating and drinking establishments	Y	Y
Other retail trade	Y	Y
Finance, insurance and real estate services	Y	Y
Personal services	Y	Y
Cemeteries	Y	Y
Business services	Y	Y
Warehousing and storage	Y	Y
Repair services	Y	Y
Professional services	Y	Y
Hospitals, other medical facilities	Y	N
Nursing homes	N	N
Contract construction services	Y	Y
Government services	Y	Y
Educational services	Y	N
Miscellaneous services	Y	Y
Cultural, Entertainment and Recreational		
Cultural activities (including churches)	Y	N
Nature exhibits	N	N
Public assembly halls	N	N
Auditoriums, concert halls	Y	N
Outdoor music shells, amphitheaters	N	N
Outdoor sports arenas, spectator sports	Y	N
Other outdoor recreational facilities	Y	Y
Indoor recreational facilities	Y	Y
Campgrounds	Y	N
Parks	Y	N
Other cultural, entertainment and recreation	Y	N
Resource Production and Extraction		
Agriculture (except livestock)	Y	Y
Livestock farming	Y	N
Animal breeding	Y	N
Agriculture related activities	Y	Y
Forestry activities	Y	Y
Fishing activities	Y	Y
Mining activities	Y	Y
Other resource production or extraction	Y	Y

TABLE 2 - AIR INSTALLATIONS COMPATIBLE USE ZONES LAND USE COMPATIBILITY IN ACCIDENT POTENTIAL ZONES			
Land Use	Land Use Compatibility		
Land Use Name	Clear Zone	APZ-I	APZ-II
Residential and Related			

Single-family dwellings	N	N	Y
Semidetached dwellings	N	N	N
Attached dwellings/townhouses	N	N	N
Duplexes	N	N	N
Multiple-family dwellings	N	N	N
Dormitories and other group quarters	N	N	N
Mobile home parks	N	N	N
Hotels and motels	N	N	N
Other residential uses	N	N	N
Manufacturing			
Food and kindred products; manufacturing	N	N	Y
Textile mill products; manufacturing	N	N	Y
Apparel and other finished products; products made from fabrics, leather and similar materials; manufacturing	N	N	N
Lumber and wood products (except furniture); manufacturing	N	Y	Y
Paper and allied products; manufacturing	N	Y	Y
Printing, publishing and allied industries	N	Y	Y
Chemicals and allied products; manufacturing	N	N	N
Petroleum refining and related industries	N	N	N
Rubber and misc. plastic products; manufacturing	N	N	N
Stone, clay and glass products; manufacturing	N	N	Y
Primary metal products; manufacturing	N	N	Y
Fabricated metal products; manufacturing	N	N	Y
Professional scientific, and controlling instruments; photographic and optical goods; watches and clocks	N	N	N
Miscellaneous manufacturing	N	Y	Y
Transportation, Communication and Utilities			
Railroad, rapid rail transit, and street railway transportation	N	Y	Y
Motor vehicle transportation	N	Y	Y
Aircraft transportation	N	Y	Y
Marine craft transportation	N	Y	Y
Automobile parking	N	Y	Y
Communication	N	Y	Y
Utilities	N	Y	Y
Other transportation, communication and utilities	N	Y	Y
Trade			
Wholesale trade	N	Y	Y
Retail trade—Building materials, hardware and farm equipment	N	Y	Y
Retail trade—General merchandise	N	N	Y
Retail trade—Food	N	N	Y
Retail trade—Automotive, marine craft, aircraft and accessories	N	Y	Y
Retail trade—Apparel and accessories	N	N	Y
Services			
Retail trade—Furniture, home furnishings and equipment	N	N	Y
Retail trade—Eating and drinking establishments	N	N	N
Other retail trade	N	N	Y
Finance, insurance and real estate services	N	N	Y
Personal services	N	N	Y
Cemeteries	N	Y	Y
Business services	N	N	Y
Warehousing and storage	N	Y	Y
Repair services	N	Y	Y

Professional services	N	N	Y
Hospitals, other medical facilities	N	N	N
Nursing homes	N	N	N
Contract construction services	N	Y	Y
Government services	N	N	Y
Educational services	N	N	N
Miscellaneous services	N	N	Y
Cultural, Entertainment and Recreational			
Cultural activities (including churches)	N	N	N
Nature exhibits	N	Y	Y
Public assembly halls	N	N	N
Auditoriums, concert halls	N	N	N
Outdoor music shells, amphitheaters	N	N	N
Outdoor sports arenas, spectator sports	N	N	N
Other outdoor recreational facilities	N	Y	Y
Indoor recreational facilities	N	Y	Y
Campgrounds	N	N	N
Parks	N	Y	Y
Other cultural, entertainment and recreation	N	Y	Y
Resource Production and Extraction			
Agriculture (except livestock)	Y	Y	Y
Livestock farming	N	Y	Y
Animal breeding	N	Y	Y
Agriculture related activities	N	Y	Y
Forestry activities	N	Y	Y
Fishing activities	N	Y	Y
Mining activities	N	Y	Y
Other resource production or extraction	N	Y	Y

(3) The provisions of this section shall not apply to discretionary development applications for the redevelopment of property where the proposed dwelling unit density is the same as or lower than the actual dwelling unit density existing at the time the application is submitted.

(4) Nothing sections 9-5 and 9-6 shall be construed to require the city council to approve any application solely because it meets the requirements of sections 9-5 and 9-6, it being the intention that the city council shall be entitled to exercise its authority in such applications to the fullest extent allowed by law.

(5) The provisions of sections 9-5 and 9-6 shall be severable, it being the intention of the city council that in the event one (1) or more of the provisions of these sections shall be adjudged to be invalid or unenforceable, the validity and enforceability of the remaining provisions of these sections shall be unaffected by such adjudication.

Secs. 9-7-9-10. Reserved.

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

Sec. 9-11. Purpose and intent.

The health of the Chesapeake Bay is vital to the economy of the City of Hampton and the State of Virginia. Degradation of the bay from both point and non-point source pollution must be curtailed if the city and state are to continue to benefit, both socially and economically, from their close association with the bay. The purpose of this article is to implement the Chesapeake Bay Preservation Act at the local level, and to protect the quality of state waters pursuant to 9 VAC 10-20-10 et seq. and as authorized under section 10.1-2100 et seq. of the Code of Virginia, 1950, as amended; specifically:

(1) To protect existing high quality state waters;
(2) To restore all other state waters to a condition or quality that will permit all reasonable public uses and will support the propagation and growth of all aquatic life, including game fish, which might reasonably be expected to inhabit them;
(3) To safeguard the clean waters of the Commonwealth from pollution;
(4) To prevent any increase in pollution;
(5) To reduce existing pollution; and
(6) To promote water resource conservation in order to protect the quality of life of the present and future citizens of Hampton.

It is not the intent of this article to impair the vested rights of property owners in Hampton. To the extent possible, and without violating the intent of the Chesapeake Bay Preservation Act, development within the O-CBP should be permitted at the same density, although not necessarily in the same manner, as was permitted prior to the adoption of the district.

Sec. 9-12. Application of the district.

(1) The Chesapeake Bay Preservation District (O-CBP) shall be composed of two (2) subdistricts, the resource protection area (RPA) and the resource management area (RMA). The boundaries of such subdistricts are shown for administrative and demonstrative purposes on the Chesapeake Bay Preservation District Map, which shall act as a supplement to the city's zoning map.
(2) The regulations of this article shall augment those of the underlying zoning districts. In cases where the regulations stated herein conflict with those of the underlying zoning district or with any other provisions of the city code, the more stringent regulations shall apply.

Sec. 9-13. Boundaries.

(1) The Chesapeake Bay Preservation District (O-CBP) regulations shall apply to all RPAs and RMAs. The approximate limits of the RPA and RMA boundaries are shown for administrative and demonstrative purposes on the Chesapeake Bay Preservation District Map. Intensely developed area (IDA) boundaries are designated on the Chesapeake Bay Preservation District Map. Components of the O-CBP are:
    (a) Resource protection area;
    (b) Resource management area;

(c) Intensely developed area, which are lands designated by the city that are within portions of the landward component of the RPA where little of the natural environment remains and at least one (1) of the following conditions existed on or before October 1, 1989:

(i) Impervious surface exceeding fifty (50) percent of the area;

(ii) Constructed and functioning public sewer and water systems, or a constructed stormwater drainage system, or both, serving the area; or,

(iii) Housing density equal to or greater than four (4) dwelling units per acre.

(2) Portions of RPAs designated as intensely developed areas (IDAs) shall serve as redevelopment areas. IDAs shall comply with all erosion and sediment control requirements and the performance standards for redevelopment in this article.

(3) Site-specific boundaries of the RPA, RMA and IDA shall be identified by development and redevelopment project applicants through the performance of an environmental site assessment, subject to the approval of the director of planning, and in conformance with the site plan and subdivision ordinances, if applicable. The general location of the RPAs, RMAs, and IDAs are shown on the City of Hampton Chesapeake Bay Preservation District Map.

(4) Lands within the City of Hampton that meet the definition of a component of the O-CBP but not identified on the Chesapeake Bay Preservation District Map are hereby designated to be within the O-CBP boundaries and regulated under the provisions of this article.

(5) Once submitted by the applicant, the planning director shall verify the accuracy of the boundary delineation and make adjustments as deemed necessary. If such adjustments are contested by the applicant, a decision shall be made by the review committee, as provided in this article.

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:

(i) Land disturbance shall be limited to the area necessary to provide for the proposed use or development. In accordance with an approved site plan, the limits of land disturbance, including clearing or grading, shall be clearly shown on submitted plans and physically marked on the development site.

(ii) Indigenous vegetation shall be preserved to the maximum extent practicable, consistent with the proposed use or development, and in accordance with the Virginia Erosion and Sediment Control Handbook.

(aa) Existing healthy trees exhibiting a minimum trunk diameter of six (6) inches, measured four and one-half (4½) feet from the ground, shall be preserved outside the limits of clearing.

(bb) Clearing shall be allowed only to provide a building site, necessary parking, necessary access, positive site drainage, stormwater BMPs, and the installation of utilities, as approved by the zoning administrator or the director of public works, as appropriate.

(cc) Prior to clearing or grading, suitable protection measures for undisturbed areas, as outlined in chapters 13.1 and 33.1 of the city code and the "City of Hampton Landscape Guidelines" shall be followed.

(iii) Land development shall minimize impervious cover to promote infiltration of stormwater into the ground consistent with the proposed use or development.

(aa) Grid and modular pavements which promote infiltration are encouraged for any required parking area, alley, or other low traffic driveway.

(bb) For nonresidential uses, the number of parking spaces shall not exceed 120% of the minimum required by chapter 19 of the zoning ordinance, and their size shall not exceed the minimum required by chapter 19 of the zoning ordinance.

(cc) In the IDA, automobile parking lots shall be of pervious surfaces, where feasible, and be designed, constructed, and maintained consistent with the most current version of the Virginia Stormwater BMP Clearinghouse, Virginia DCR design specification no. 7, permeable pavement.

(iv) Notwithstanding any other provisions of this article or exceptions or exemptions thereto, any land disturbing activity exceeding 2,500 square feet, or less than 2,500 square feet and part of a common plan of development, including construction of all single-family houses, septic tanks, drainfields, and accessory structures and improvements shall comply with the requirements of chapters 13.1 and 33.1 of the city code.

(v) All on-site sewage disposal systems not requiring a Virginia Pollution Discharge Elimination System (VPDES) permit shall be pumped out at least every five (5) years, in accordance with section 30-69 of the city code.

(vi) A reserve sewage disposal site with a capacity equal to or greater than that of the primary sewage disposal site shall be provided, in accordance with section 30-69 of the city code Any lot or parcel recorded prior to October 1, 1989 shall not be required to provide

such reserve disposal site if the size of such lot or parcel, as determined by the health department, is not sufficient in capacity to accommodate a reserve sewage disposal site. Construction of any impervious surface shall be prohibited on the area of all sewage disposal sites or over an on-site sewage treatment system which operates under a permit issued by the state water control board, until the property is served by public sewer and the site is no longer needed for this purpose.

(vii) Prior to the issuance of a zoning, building or land disturbing permit for any development or redevelopment located within O-CBP where alteration or filling of wetlands is proposed, the developer shall provide copies of all wetlands permits that are required by local, state, and federal law. Issuance of a zoning, building or local VSMP permit shall not absolve the developer from obtaining all necessary federal, state and local permits.

(viii) Land upon which agricultural activities are being conducted, including but not limited to crop production, pasture, dairy and feedlot operations, or lands otherwise defined as agricultural land by the city assessor, shall have a soil and water quality conservation assessment conducted that evaluates the effectiveness of existing practices pertaining to soil erosion and sediment control, nutrient management and management of pesticides, and where necessary, results in a plan that outlines additional practices needed to ensure that water quality protection is accomplished consistent with section 10.1-2100 et seq. of the Code of Virginia, 1950, as amended and pursuant to the Chesapeake Bay Preservation Area Designation and Management Regulations 9 VAC 10-20-10 et seq.

(ix) On parcels and lots designated as IDA, all proposed land uses, development, and redevelopment shall be sited outside of the IDA to the greatest extent possible. The following guidelines shall be used to review and permit land use, development, and redevelopment within the IDA:

(aa) Main buildings and required impervious pavement surface improvements may encroach into the IDA when a reasonable buildable area cannot be provided outside of the IDA and encroachment is the minimum relief necessary to enable a reasonable buildable area. Required green areas shall be located to maximize protection of the RPA and water quality.

(bb) Accessory structures, decks, and discretionary pavement surface improvements may encroach into the IDA provided that:

1. The encroachment is the minimum necessary to afford relief while adhering to required yard setbacks; and
2. Preference shall be given to previously disturbed areas, poor quality green areas, or existing impervious area; and
3. Applicant shall demonstrate there is no feasible location outside of the IDA while adhering to required yard setbacks.

(cc) No structure or impervious area, other than those exempt pursuant to subsections 9-16(2) and 9-16(3) shall be built within ten (10) feet of an RPA feature.

(x) A structure encroachment permit as described in chapter 33.1 of the city code is required for any structure or impervious area in the IDA or RPA buffer area.

(b) Other restrictions applicable to the RPA (RPA Regulations):

(i) In addition to satisfying the general performance criteria set forth in part (2)(a) of this section, development within resource protection areas may be allowed if it satisfies one (1) of the following:

(aa) Is a new or expanding water-dependent use that satisfies the following criteria:

1. It does not conflict with the comprehensive plan;
2. Any non-water dependent component is located outside of the RPA; and,
3. Access to the water dependent facility is provided with minimum disturbance to the site; and where practicable, a single point of access is provided.

(bb) Constitutes redevelopment;

(cc) Constitutes development or redevelopment within a designated intensely developed area;

(dd) Is a permitted development, activity or improvement established pursuant to section 9-16 or part (2)(b)(iv) of this section.

(ii) Redevelopment within RPAs and outside of designated IDAs shall:

(aa) Not increase the amount of impervious cover on the site;

(bb) Not result in further encroachment within the RPA; and,

(cc) Comply with all provisions of chapters 13.1 and 33.1 of the city code.

(iii) Buffer area requirements for RPAs:

(aa) A minimum of a one hundred-foot buffer area of vegetation that is effective in retarding runoff, preventing erosion, and filtering non-point source pollution from runoff shall be

retained if present and established where it does not exist in order to minimize the adverse effects of human activities on the other components of the RPAs, state waters, and aquatic life unless the site/parcel is a designated IDA.

(bb) Development and redevelopment within IDAs shall retain and establish vegetation in the buffer area to the maximum extent practicable.

(cc) The buffer shall be located adjacent to, landward of and along both sides of any tidal wetlands, any non-tidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow, any tidal shore, or any water body with perennial flow. The full buffer area shall be designated as the landward component of the RPA. Notwithstanding permitted uses, encroachments and vegetation clearing as set forth in this ordinance, the width of the buffer area remains a minimum of 100 feet.

(dd) A 100-foot buffer shall be deemed to achieve a 75% reduction of sediments and a 40% reduction of nutrients.

(ee) When agricultural or silvicultural uses within the buffer area cease, and the lands are proposed to be converted to other uses, the entire buffer area shall be reestablished. In reestablishing the buffer, management measures shall be undertaken to provide woody vegetation that assures the buffer functions are maintained or established.

(ff) On agricultural lands the buffer area shall be managed to prevent concentrated flows of surface water from breaching the buffer area and noxious weeds from invading the buffer area.

(gg) In order to maintain the functional value of the buffer area, indigenous vegetation may be removed, subject to approval of the zoning administrator, only to provide for reasonable sight lines, access paths, general woodlot management, and best management practices including those that prevent upland erosion and concentrated flows of stormwater, as follows:

1. Trees may be pruned or removed as necessary to provide for sight lines and vistas, provided that if removed, they shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering non-point source pollution from runoff.
2. Any path shall be constructed and surfaced so as to effectively control erosion.

3. Dead, diseased or dying trees or shrubbery and noxious weeds (such as Johnson grass, kudzu and multiflora rose) may be removed and thinning of trees allowed as permitted by the zoning administrator or his designee pursuant to sound horticultural practices.

4. For shoreline erosion control projects, trees and woody vegetation may be removed, necessary control techniques employed, and appropriate vegetation established to protect or stabilize the shoreline in accordance with the best available technical advice and applicable permit conditions or requirements.

(hh) Establishing or re-establishing vegetation within the buffer area and/or within an IDA, when required, shall be in general accordance with the most recent version of the Riparian Buffers Modification and Mitigation Guidance Manual issued by the Virginia department of conservation and recreation.

(iv) Permitted encroachments into the buffer.

(aa) Agricultural activities may encroach into the buffer area if one (1) of the two (2) following criteria is met:

1. Agricultural activities may encroach into the landward 50 feet of the 100-foot wide buffer area when at least one (1) agricultural best management practice, which, in the opinion of the Colonial Soil and Water Conservation District, addresses the more predominant water quality issue on the adjacent land—erosion control or nutrient management—is being implemented on the adjacent land, provided that the combination of the undisturbed buffer area and the best management practice achieves water quality protection, pollution removal, and water resource conservation at least the equivalent of the 100-foot wide buffer area. If nutrient management is identified as the predominant water quality issue, a nutrient management plan, including soil test, must be developed consistent with the "Virginia Nutrient Management Training and Certification Regulations" (4 VAC 5-15 et seq.) administered by the Virginia department of conservation and recreation.

2. Agricultural activities may encroach within the landward 75 feet of the 100-foot wide buffer area when agricultural best management practices which address erosion control, nutrient management, and pest chemical control, are being implemented on the adjacent land. The erosion control practices must prevent erosion from exceeding the soil loss tolerance level, referred to as "T", as defined in the "National Soil Survey Handbook" of November 1996 in the "Field Office Technical Guide" of the U.S. Department of Agriculture Natural Resource Conservation Service. A nutrient management plan, including soil test, must be developed consistent with the "Virginia Nutrient Management Training and Certification Regulations" (4 VAC 5-15 et seq.) administered by the Virginia department of conservation and recreation. In conjunction with the remaining buffer area, this collection of best management practices shall be presumed to achieve water quality protection at least the equivalent of that provided by the 100-foot wide buffer area.

(bb) Roads and driveways not exempt and which, therefore, must comply with the provisions of this article, may be constructed in or across RPAs if each of the following criteria are met:

1. The review committee makes a finding that there are no reasonable alternatives to aligning the road or drive in or across the RPA; and,
2. The alignment and design of the road or driveway is optimized, consistent with other applicable requirements, to minimize encroachment in the RPA and minimize adverse effects on water quality; and,
3. The design and construction of the road or driveway satisfy all applicable criteria of this article; and,
4. The review committee reviews the plan for the road or driveway proposed in or across the RPA in coordination with the plan of development pursuant to section 9-15.

(cc) Development on a lot or parcel recorded prior to October 1, 1989 when application of the buffer area results in the loss of a buildable area, the review committee may permit

encroachments into the buffer area in accordance with section 9-15 of this article and the following criteria.

1. Encroachments into the buffer area shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities;
2. Where practicable, a vegetated area that will maximize water quality protection, mitigate the effects of the buffer encroachment, and is equal to the area of encroachment into the buffer area shall be established elsewhere on the lot or parcel; and,
3. The encroachment may not extend into the waterward 50 feet of the buffer area.

(dd) Development on a lot or parcel recorded between October 1, 1989 and May 12, 2004 when application of the buffer area results in the loss of a buildable area, the review committee may permit encroachments into the buffer area in accordance with section 9-15, the criteria in part (2)(b)(iv)(3) of this section, and the following criteria:

1. The lot or parcel was created as a result of a legal process conducted in conformity with chapter 35 of the city code;
2. Conditions or mitigation measures imposed through a previously authorized RPA encroachment shall be met; and,
3. If the use of a best management practice (BMP) was previously required, the BMP shall be evaluated to determine if it continues to function effectively and, if necessary, the BMP shall be reestablished or repaired and maintained as required.

Sec. 9-15. Plan of development.

(1) All development, improvements and redevelopment in the RPA and any development, improvements and redevelopment exceeding 2,500 square feet of land disturbance in the RMA shall be subject to a plan of development process prior to any on-site development preparation activities or issuance of any zoning, building or land disturbing permit. This process shall consist of submission and review of the plans and studies identified herein. Such plans and studies may be coordinated or combined as deemed appropriate by the director of the department of community development and public works director, who may also reserve the right to determine that some of the information normally required is unnecessary due to the specific scope and nature of the proposed development.

(2) Unless deemed to be unnecessary by the director of the department of community development and the director of public works, except as may be otherwise regulated or prohibited by any city zoning ordinance or city code provision, developments that are regulated by chapter 35.1 chapter 9 or chapter 35 of the Hampton city code shall submit an environmental site assessment and all plans and studies pursuant to all applicable provisions of the city code, including but not limited to a stormwater management plan as required by chapter 33.1 of the city code and the "City of Hampton Landscape Guidelines".

(3) All proposed use, development or redevelopment projects that are within the RPA and not requiring site plan or subdivision review and any proposed use, development, or redevelopment within the RMA proposing more than 2,500 square feet of disturbance shall submit an environmental site assessment and other information as follows:

(a) A construction plan prepared and stamped by a certified land surveyor or professional engineer, drawn to scale, showing property lines and dimensions. Such plan shall also show in addition to information required pursuant section of the zoning ordinance:

(i) Boundaries of any RPA, RMA or IDA on or adjacent to the development site;

(ii) Limits of proposed land disturbance;

(iii) Existing and proposed impervious surface, such as buildings and driveways;

(iv) Existing and proposed general drainage patterns on the site;

(v) Delineation of buildable area on the lot based on all required setbacks and any other relevant easements or limitations regarding lot coverage and all other applicable city requirements to permit development of the site; and

(vi) A method of sewage disposal.

(b) An erosion and sediment control plan which conforms to the provisions of the chapter 13.1 of the city code.

(c) A stormwater management plan as outlined in chapter 33.1 of the city code.

(4) The director of the department of community development shall review the environmental site assessment to ensure or confirm that a reliable, site specific evaluation is the basis for determining whether water bodies on or adjacent to the development site have perennial flow and that RPA, RMA and IDA boundaries are approved based on a site specific evaluation.

(5) The public works director and director of the department of community development shall review the construction plan and stormwater management plan to ensure that the impact of the proposed use and development is consistent with the intent of this section and adequately provides for water quality protection. Approval may be unconditional or with conditions, or the plans may be denied based on nonconformance with these regulations.

(6) Disturbances for home gardens or home landscaping outside the RPA shall not be required to meet the provisions of this section.

(7) Projects that are limited to removal of indigenous RPA buffer vegetation shall submit a copy of a plat or physical survey of the property showing the general location and brief description of the existing indigenous vegetation to be removed including but not limited to the type, size and quantity of plants to be removed. The zoning administrator shall review the information for compliance with the requirements of section 9-14(2)(b)(iii)(gg) of this article and the most recent version of the Riparian Buffers Modification and Mitigation Guidance Manual issued by the Virginia department of conservation and recreation. Approval may be unconditional or with conditions or the plans may be denied based on nonconformance with the requirements of section 9-14(2)(b)(iii)(gg) of this article.

Sec. 9-16. Nonconformities, exemptions, exceptions, and boundary disputes.

(1) Nonconforming uses and structures. The lawful use of a buildings or structures which existed in a O-CBP prior to November 14, 1990, or which exists in a O-CBP at the time of any amendment to this article, and which is on a legal nonconforming lot and not in conformity with the provisions of the district may be continued; however, any alteration, replacement or expansion of a nonconforming building or structure in the RPA shall require a development waiver. This provision shall not be construed to prevent the reconstruction of pre-existing structures within the O-CBP occurring as a result of casualty loss.

(a) Such development waiver may be issued by the zoning administrator provided that:

(i) The pre-existing structure is the main building; and

(ii) There will be no net increase in non-point source pollutant load; and

(iii) Any development or land disturbance exceeding twenty-five hundred (2,500) square feet in area shall comply with the provisions of the erosion and sediment control ordinance; and

(iv) Relief from the requirements of section 9-14 are the minimum necessary to afford relief; and

(v) Granting the waiver does not confer upon the applicant any special privileges that are denied by this article to similarly situated property owners in the district; and

(vi) The approval is consistent with the purpose and intent of the district and is not of substantial detriment to water quality; and

(vii) The request is not based upon conditions or circumstances that are self-created or self-imposed; and

(viii) Reasonable and appropriate conditions are imposed, as warranted, that will prevent the allowed activity from causing degradation of water quality; and,

(ix) Other findings, as appropriate and required by the zoning administrator, are met.

(b) Such application for a development waiver shall be made to the zoning administrator and shall include the following:

(i) Name and address of applicant and property owner;

(ii) Legal description of the property;

(iii) Proposed use;

(iv) Sketch of property, including location of buildings and proposed additions, and RPA boundaries; and

(v) Location and description of any existing private water supply or sewage system.

(c) Any development waiver shall become null and void twelve (12) months from the date of issue if no substantial work has commenced.

(2) Exemptions from this article:

(a) Public utilities, railroads, public roads, and public facilities provided that:

(i) Construction, installation operation and maintenance of electric, natural gas, fiber-optic, and telephone transmission lines, railroads, and public roads and their appurtenant structures are in accordance with one (1) of the following:

1. Regulations promulgated pursuant to the Erosion and Sediment Control Law (section 10.1-560 et seq. of the Code of Virginia) and the Stormwater Management Act (section 10.1-603.1 et seq. of the Code of Virginia);

2. An erosion and sediment control plan and a stormwater management plan approved by the Virginia Department of Conservation and Recreation; or,

3. Local water quality protection criteria at least as stringent as the above stated requirements.

(ii) In addition to satisfying one (1) of the provisions of subsection (a)(i) above, public roads shall be optimally designed and aligned, consistent with all applicable requirements, to prevent or otherwise minimize the encroachment in the resource protection area and to minimize the adverse effects on water quality.

(b) City of Hampton or regional service authority water, sewer, natural gas and underground telecommunications and cable television lines provided that:

(i) To the degree possible, the location of such utilities and facilities are sited outside of resource protection areas;

(ii) No more land shall be disturbed than is necessary to provide for installation of the proposed utility;

(iii) All such construction, installation and maintenance of such utilities and facilities shall be in compliance with all applicable local, state and federal permits and designed and conducted in a manner that protects water quality; and,

(iv) Any land disturbance exceeding an area of twenty-five hundred (2,500) square feet complies with all erosion and sediment control requirements in accordance with chapter 13.1 of the Hampton City Code.

(c) Silvicultural activities, provided that such operations adhere to the water quality protection procedures prescribed by the Virginia Department of Forestry in "Virginia's Forestry Best Management Practices for Water Quality."

(3) Exemptions from section 9-14, part (2)(b):

Land disturbances in the resource protection area for water wells; passive recreation facilities such as board walks, trails, and pathways; and historic preservation and archaeological activities may be exempted from the requirements of section 9-14, part (2)(b) when it has been demonstrated to the satisfaction of the zoning administrator that:

(a) Any required permits, except those to which this exemption specifically applies, shall have been issued;

(b) Sufficient and reasonable proof is submitted that the intended use will not deteriorate water quality;

(c) The intended use does not conflict with nearby planned or approved uses; and,

(d) Any land disturbance in excess of twenty-five hundred (2,500) square feet of area shall comply with all erosion and sediment control requirements.

(4) Exceptions and boundary disputes:

(a) Requests for resolution of boundary disputes, or exceptions to requirements of the O-CBP shall be made in writing to the zoning administrator. Such requests shall be heard by an administrative review committee, composed of the following persons or their designee:

(i) Chairperson of the wetlands board;

(ii) Director of planning;

(iii) Building official;

(iv) Zoning administrator; and,

(v) Director of public works.

All requests to be heard by the review committee shall be submitted through the zoning administrator.

The review committee shall also have the authority to determine the location of the RPA, RMA and IDA boundaries in cases of dispute. Best available mapping and technical information shall be used to resolve such disputes.

(b) Exceptions to the requirements of section 9-14 or subsection 9-16(1)(a)(i)-(iii) may be granted pursuant to the following:

(i) A request for an exception to the district regulations shall specify the hardship imposed by the regulations and identify, through a water quality impact assessment, the impacts of the proposed exception on water quality and lands within the O-CBP. The water

quality impact assessment shall comply with the provisions of the stormwater management ordinance.

(ii) The review committee shall review the request and the accompanying water quality impact assessment and may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of this article if they find that:

1. Granting the exception will not confer upon the applicant any special privileges that are denied by this article to similarly situated property owners in the district;
2. The request is not based on self-imposed or self-created conditions or circumstances, nor does the request arise from conditions or circumstances, either permitted or nonconforming, that are related to adjacent parcels;
3. The request is the minimum necessary to afford relief;
4. The request will be consistent with the purpose and intent of the district and is not of substantial detriment to water quality;
5. Reasonable and appropriate conditions are imposed which will prevent the request from causing a degradation of water quality; and,
6. Other findings, as appropriate and required by the review committee, are met.

(c) Requests for exception to the provisions of part (2)(b) of section 9-14 or subsection 9-16(1)(a)(i)—(iii) shall be heard by the review committee through a public hearing in accordance with section 15.2-2204 of the Code of Virginia except that:

(i) Only one (1) hearing shall be required; and,

(ii) The required notice may be given by the zoning administrator by first class mail to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the affected property.

(d) Applications to the review committee requesting exception of the requirements of part (2)(b) of section 9-14 or subsection 9-16(1)(a)(i)—(iii) shall be accompanied by the nonrefundable fee from the following schedule. The sum shall be payable to the City of Hampton, incidental to reviewing, publishing, and reporting the application:

(i) Seventy-five dollars ($75.00) for any application that is associated with a current or proposed single-family residential use of property; and

(ii) Two hundred dollars ($200.00) for any application that is associated with a current or proposed use of property that is not single-family residential.

(5) Appeals from the decision of either the zoning administrator or of the review committee shall be filed with the zoning administrator no later than ten (10) working days after written notice of such decision. Appeals shall be heard by the board of zoning appeals in accordance with chapter 22 of this ordinance. Appeals of the decision of the board of zoning appeals shall be in accordance with section 15.2-2314 of the Code of Virginia.

This ordinance shall become effective the latter of July 1, 2007 or upon an unconditional consistent finding from the Chesapeake Bay Local Assistance Board for Hampton's local program amendments under the Chesapeake Bay Act and Regulations.

Secs. 9-17-9-20. Reserved.

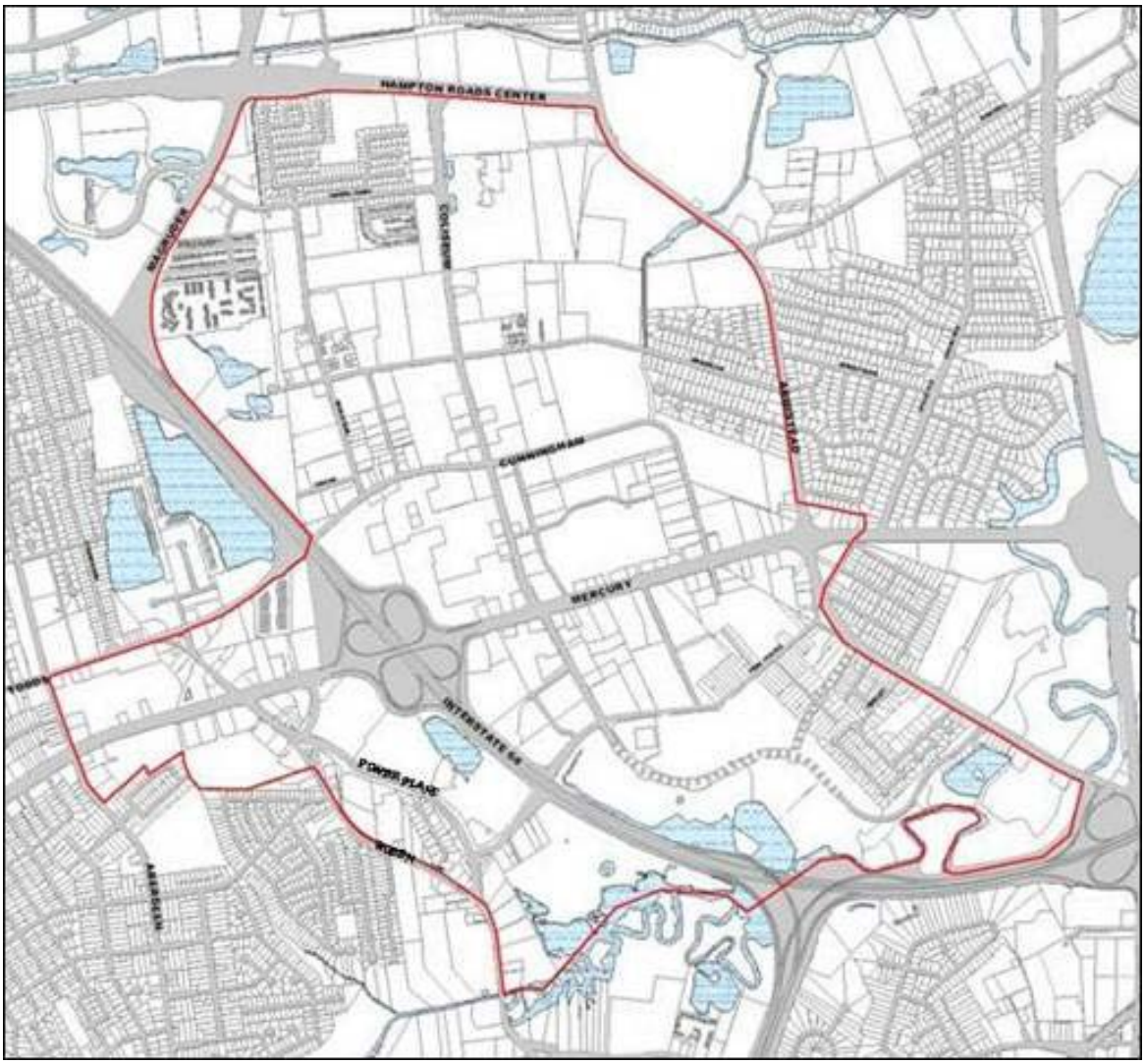
ARTICLE 3 – O-CC DISTRICT – COLISEUM CENTRAL OVERLAY

Sec. 9-21. Intent.

The O-CC District is an overlay district that augments the underlying base zoning of properties within the Coliseum Central area. The intent of the district is to raise the overall quality of development in the city's main retail area through creative design and high quality materials. In those instances where there is a conflict between the requirements of the base zoning and this overlay, the overlay requirements shall prevail.

Sec. 9-22. Boundary and application.

The O-CC District and the standards herein shall be applicable only to properties within the boundaries of the Coliseum Central Business Improvement District (CCBID), as illustrated below:



However, the standards of the O-CC District shall not be applied to any residentially zoned or residentially developed properties within the boundaries shown above.

Sec. 9-23. Modifications to permitted uses.

(1) Permitted uses shall be defined by the base zoning of the individual properties with the following modifications:

(a) Prohibited uses:

(i) Boarding house;

(ii) Funeral home;

(iii) Mobile/manufactured home park and subdivision;

(iv) Pawnshop;

(v) Rooming house;

(vi) Sign painting shop;

(vii) Tattoo parlor;

(viii) Turkish bath;

(ix) Detention facility;

(x) Group home 2;

(xi) Halfway house;

(xii) Juvenile residence;

(xiii) Orphanage;

(xiv) Shelter.

(b) Permitted uses:

(i) Micro-brewery/distillery/winery

(ii) Live entertainment 1, in conjunction with a micro-brewery/distillery/winery

Live entertainment 1 venues are defined as venues where capacity is limited to no more than 50 people and subject to a live entertainment permit granted by the zoning administrator with the following attached conditions:

(aa) Live entertainment shall be conducted inside the building only;

(bb) Performance space shall be no greater than 10% of the gross floor area. The applicant shall submit a floor plan indicating the location of the proposed performance space;

(cc) The hours of operation for live entertainment shall be specified on the live entertainment permit application and shall not extend past 10:00 p.m. Sunday through Thursday and 11:59 p.m. Friday and Saturday;

(dd) Any sound or noise from amplified music shall not exceed a noise level measurement of 60 dBA upon the real property of another as determined by a sound level meter using the "A" weighting scale in accordance with the American National Standard Institute;

(ee) Each ingress/egress point in the building shall be monitored by an attendant during the hours of operation, and additional attendants may be required to monitor vehicle parking areas that serve the building and maintain and control patron behavior upon exit of the building into the parking areas;

(ff) The live entertainment permit shall be valid for 18 months from the date of approval by the zoning administrator. After 12 months of operation, prior to the expiration date, the live entertainment permit will be scheduled for review by the zoning administrator to consider if the continuation of the live entertainment permit would not be detrimental to the public health, safety and welfare and that to continue the activities under the live entertainment permit would not cause public inconvenience, annoyance, disturbance or have an undue impact on the community or be incompatible with other uses of land in the zoning district. The review will be based, in part, upon a physical site

review, traffic flow and control, access to and circulation within the property, off-street parking and loading, hours and manner of operation, noise, light, neighborhood complaints, police service calls, and any violations of any federal, state or local law. If, after review, the zoning administrator determines that the live entertainment permit would not be detrimental to the public health, safety and welfare and that to continue the activities under the live entertainment permit would not cause public inconvenience, annoyance, disturbance or have an undue impact on the community or be incompatible with other uses of land in the zoning district, the zoning administrator may administratively extend the live entertainment permit in five (5) year increments. Each such extension shall be subject to the same administrative review. If the zoning administrator determines that that the live entertainment permit would be detrimental to the public health, safety and welfare and that to continue the activities under the live entertainment permit would cause public inconvenience, annoyance, disturbance or have an undue impact on the community or be incompatible with other uses of land the zoning district, the zoning administrator will notify the permittee of a denial of the extension in writing in the same manner as required under chapter 25 of the zoning ordinance. 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 22 of the zoning ordinance. Nothing contained herein shall limit the rights of a permittee to seek a new live entertainment permit; and

(gg) The zoning administrator, or appointed designee, shall have the ability to revoke the live entertainment permit upon violations of any of the above conditions.

(iii) Live entertainment 2, in conjunction with a micro-brewery/distillery/winery

Live entertainment 2 venues are defined as venues with a capacity greater than 50 people and subject to obtaining a use permit by city council. The city will evaluate each application on a site-by-site basis with regard to the surrounding land use patterns and city council may impose more restrictive conditions when the proposal is adjacent to residential land uses. Conditions shall include, but are not limited to, the following:

(aa) Submission of a site plan indicating the location and total area of the live entertainment performance space;

(bb) Hours of operation;

(cc) Any sound or noise from amplified music;

(dd) Staffing for ingress/egress points in the building and vehicle parking areas;

(ee) Term limitation on the use permit, administrative review and extension or denial of use permit.

(2) Permanent outdoor sales, displays, and storage shall be permitted only within a physically defined area that is shown on the site plan, and all physical improvements defining that area must be constructed of materials comparable to the primary building(s) on the site.

(3) Temporary or promotional events conducted outside must have the prior approval of the zoning administrator.

(4) Noncommercial and commercial communication towers, satellite dishes and transmission antennas (with the exception of building mounted antennas) shall not be located between any building and an existing or proposed public right-of-way. All noncommercial communication towers in excess of seventy-five (75) feet in height, all commercial communication towers, and all commercial building mounted antennas shall be subject to securing a use permit.

Sec. 9-24. Site design.

(1) The purpose of the following design guidelines is to ensure a consistent, integrated development pattern that will support the efforts of the CCBID to create a distinct sense of place for Coliseum Central. The site design objectives are as follows:

(a) Establish the image of Coliseum Central as a contemporary, vibrant, retail/mixed use area that is harmoniously integrated into the indigenous water-oriented ecosystem unique to Hampton;

(b) Promote economic growth in the Coliseum Central District;

(c) Encourage high quality development, allowing for the diversity of uses while avoiding detrimental uses and poor location of appropriate uses;

(d) Encourage high quality of the design and materials used in public open spaces, gateways, streetscape, parcel development, buildings and signage;

(e) Create a sense of place through the use of physical improvements that clearly define the geographic district (i.e., edge treatments, landmarks and repetitive design elements); and

(f) Visually and functionally connect and define the Coliseum Central District.

(2) As a means of implementing the objectives stated above, the following minimum standards shall be met:

(a) Green area on the site must meet the following:

(i) At least 10% of the total site area, or the percentage required by the parking setbacks and parking lot green area requirements, whichever is greater.

(ii) At least 10% of the paved parking surface, including drive aisle and access. Such green space shall be located within the paved parking area and aggregated into areas of not less than 585 square feet; with a minimum dimension of 12 feet. This interior parking green area shall count toward the overall green area requirements for the site, as required above.

(iii) All green areas shall be landscaped in accordance with the "City of Hampton Landscape Guidelines".

(b) All buildings, including parking structures, shall be set back:

(i) At least fifty (50) feet, or twice the building height, whichever is greater, from any property line abutting Interstates 64 or 664; however, this setback shall not be required to exceed one hundred (100) feet;

(ii) At least twenty-five (25) feet, or twice the building height, whichever is greater, from any property line abutting access ramps to Interstates 64 or 664; however, this setback shall not be required to exceed fifty (50) feet;

(iii) At least thirty-five (35) feet, or twice the building height, whichever is greater, from any property line abutting Mercury Boulevard, Hampton Roads Center Parkway or Magruder Boulevard; however, this setback shall not be required to exceed eighty (80) feet;

(iv) At least twenty (20) feet from any property line abutting any other existing or proposed right-of-way; and

(v) At least fifteen (15) feet from any property line not abutting an existing or proposed public right-of-way.

(c) All surface parking areas shall be set back:

(i) At least fifty (50) feet from any property line abutting Interstates 64 or 664, Hampton Roads Center Parkway, or Magruder Boulevard;

(ii) At least twenty-five (25) feet from any property line abutting an access ramp to Interstates 64 or 664;

(iii) At least fifteen (15) feet from any property line abutting any other existing or proposed public right-of-way;

(iv) At least ten (10) feet from any side property line not abutting an existing or proposed public right-of-way;

(v) At least ten (10) feet from any rear property line not abutting an existing or proposed public right-of-way; and

(vi) At least fifteen (15) feet from any rear or side property line that abuts property that is either zoned or developed residentially.

(d) All buildings should be faced on all sides with durable, attractive, high quality materials, comparable to brick masonry unit, architectural concrete masonry unit (e.g., regal stone, split face, precision, ground face), precast concrete panels, stone, or architectural metal panels. In general, the elevations that are visible from existing or proposed public right-of-way

should have a combination of primary and accent materials. In no instance shall EIFS, corrugated metal, pre-engineered metal or exposed metal wall systems be used as primary exterior finish. Where parking structures are used, the exterior façades shall be comparable to adjacent structures on the same property with respect to materials, accents, color, etc.

(e) Architectural elements (e.g. awnings, canopies and arcades) shall be incorporated into the building design to achieve pedestrian shelter, add prominence to building entrances, or enliven the building façade at the pedestrian level. Awnings and canopies are exempted from the building setbacks in (b) above; however, this exemption does not include canopies over gasoline pumps.

(f) With the exception of flat roofs, all roof materials shall be durable, high quality materials, comparable to standing seam metal, wood shakes or architectural grade asphalt shingles.

(g) Rooftop equipment shall be positioned and/or screened from public view. Screening shall be accomplished through use of parapets or other opaque walls constructed of materials complementary to the exterior walls.

(h) Fencing shall be of durable materials that incorporate architectural features from the primary building(s) on the site; however, the use of chain link fencing, electrified fencing, barbed wire or razor wire is expressly prohibited.

(i) All exterior ground mounted equipment (e.g. HVAC, utility boxes, control boxes) shall be screened from public view with fences, walls, and/or landscaping.

(j) Stormwater facilities shall be designed for both environmental effectiveness and aesthetic impact on the overall development.

(k) When lighting is deemed necessary to provide a sense of comfort and security to a site development, lighting shall be designed for environmental effectiveness as well as aesthetic impact on the overall development, including but not limited to walkways, green areas, parking areas, exterior sales and display areas, building façades, canopies, awnings, and signage. The minimum standards for site lighting are as follows:

(i) Parking areas/streets:

(aa) All lighting shall be directed downward and inward to the site.

(bb) All lighting fixtures shall be "cut-off" fixtures as defined by IESNA.

(cc) The light source of all light fixtures shall be shielded so that direct illumination is focused exclusively on the site to minimize spillover to adjacent properties and road rights-

of-way. Recessed light fixtures may be use as an alternative.

(dd) Lighting poles and fixtures shall be no more than forty (40) feet above grade and provide a minimum light level of 0.5 foot-candles and the uniformity ratio (ratio of average to minimum illuminance) shall be no greater than 4:1.

(ii) Gasoline pump island canopies:

(aa) Canopy light fixtures shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy and/or shielded by the fixture or the edge of the canopy so the light source is not visible from adjacent properties and road rights-of-way.

(bb) As an alternative (or supplement) to recessed ceiling lights, indirect lighting may be used where light is beamed upward and then reflected down from the underside of the canopy. In such case, light fixtures must be shielded so that direct illumination is focused exclusively on the underside of the canopy.

(cc) Lights shall not be mounted on the top or sides of canopies, and the canopy sides shall not be illuminated.

(dd) Light levels of 1.0 foot-candles shall be permitted, but no more than 5.0 foot-candles and the uniformity ratio (ratio of average to minimum illuminance) shall be no greater than 4:1.

(iii) Exterior sales/display areas:

(aa) All lighting fixtures shall be "cut-off" fixtures as defined by IESNA.

(bb) Areas designated as parking or passive vehicle storage/vehicle or recreational vehicle sales shall meet the minimum requirements for parking areas.

(cc) Light fixtures shall be located, mounted, aimed, and shielded so that direct light is not cast onto adjacent properties and road rights-of-way.

(dd) Fixtures shall be mounted no more than twenty-five (25) feet above grade and light levels of 1.0 foot-candles shall be permitted but no more than 5.0 foot-candles and the uniformity ratio (ratio of average to minimum illuminance) shall be no greater than 4:1.

(iv) Building lighting:

(aa) Lighting fixtures shall be located, aimed, and shielded so that light is directed only onto the building façade. Lighting fixtures shall not be directed toward adjacent properties or road rights-of-way.

(bb) Illumination levels on any vertical surface or angular roof shall not exceed 5.0 foot-candles.

(v) Landscape lighting:
Permanent "twinkle" lights, which emit a non-blinking white light, shall be permitted in trees as an aesthetic enhancement for pedestrian areas. Such lights shall not be attached with nails, staples or other hardware, which would penetrate a tree's bark. Periodic maintenance shall be required to ensure that such lights remain in proper operating condition, including periodic re-stringing of the lights to prevent girdling of tree branches.

(3) In an effort to allow maximum utilization of the site, alternatives to the requirements of subsection (2) above may be permitted through an administrative design review process wherein the city staff will work with the applicant to obtain city approval of the development proposal. Such approval shall be based on the development proposal's ability to meet the overall intent of subsection (1) above, and may include the following:

(a) The provision of an alternative building design in place of the typical franchise requirement, including form, style, materials, and colors. However, building materials shall meet the minimum standards as described in subsection (2) above.

(b) Pitched roof design with a slope between 4:12 and 12:12 (rise:run) along the primary building façade, and a variable roof line which may include raised accent elements such as dormer windows, chimneys, etc.

(c) The provision of a solid-to-void ratio 1:1 (forty (40) to sixty (60) percent solid walls and sixty (60) to forty (40) percent windows or doors) for the primary façades of commercial storefronts and 3:1 (sixty-five (65) to eighty-five (85) percent solid walls and thirty-five (35) to fifteen (15) percent windows or doors) for the primary façade of all other buildings, with the exception of parking structures.

(d) The provision of water features, fountains, and/or sculptures in keeping with the theme set forth in the coliseum central business improvement district master plan.

(e) The provision of site furnishings (e.g. benches, trash receptacles, decorative bollards, planters, etc.) and bus shelters. Furnishing placement shall be consistent throughout the subject site in relation to adjacent buildings and pavement edges and will not be required to meet minimum setback requirements.

(f) The provision of wrought iron, steel, or aluminum picket fence sections between masonry columns for fencing within the front yards of properties which are not intended to screen areas from public view.

(g) Use of alternative pavement materials and treatments to create a unified appearance, to emphasize special site characteristics, to provide porous parking surface, or to designate various pedestrian/circulation routes. Alternate paving types include but are not necessarily limited to modular

pavers (brick, stone, concrete), colored concrete, patterned concrete, porous concrete and geoblock.

(h) The provision of a uniform lighting design that enhances site aesthetics. Design consideration should include fixture type, light source type, height of mounted fixtures, lighting levels, glare, sky glow, and color (CRI value).

(i) The provision of pedestrian corridors (i.e. paved pathways and landscaped green areas) through parking areas.

If the applicant and city staff are unable to reach agreement over the provision of appropriate design alternatives in lieu of the minimum standards for the development proposal, the director of the department of community development, or his designee, shall convene the Coliseum Central Design Review Committee (CCDRC) to evaluate and take action on the development proposal. The CCDRC shall review the submitted design alternative(s) for the development and evaluate whether or not the development proposal is an acceptable substitute for the minimum design standards in achieving the overall design intent of the district as set forth in subsection (1) above. A tie vote of the CCDRC constitutes a denial of the development proposal.

The decision of the CCDRC may be appealed by an aggrieved applicant to the board of zoning appeals in accordance with chapter 13 of the zoning ordinance. An applicant may pursue a variance from the board of zoning appeals pursuant to chapter 13 of the zoning ordinance in the event the applicant disagrees with a decision of the CCDRC involving solely dimensional site requirements.

Secs. 9-25-9-30. Reserved.

ARTICLE 4 – O-FZ DISTRICT – FLOOD ZONE OVERLAY

Sec. 9-31. General provisions.

(1) Authority and purpose.

This article is adopted pursuant to the authority granted to localities by section 15.2-2280 of the Code of Virginia. The purpose of these provisions is to prevent: the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

(a) Regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies;

(b) Restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding;

(c) Requiring all those uses, activities, and developments that do occur in flood-prone districts to be protected and/or floodproofed against flooding and flood damage; and

(d) Protecting individuals from buying land and structures, which are unsuited for, intended purposes because of flood hazards.

(2) Applicability.

These provisions shall apply to all lands within the jurisdiction of the City of Hampton (city) and identified as being in the one hundred (100) year floodplain by the Federal Insurance Administration, and Other Flood Areas as defined within.

(3) Compliance and liability.

(a) No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this article and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this article.

(b) The degree of flood protection sought by the provisions of this article is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This article does not imply that districts outside the Floodplain District or that land uses permitted within such district will be free from flooding or flood damages.

(c) Records of actions and certifications associated with administering this article shall be kept on file and maintained by the zoning administrator.

(d) This article shall not create liability on the part of the city or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

(e) The provisions of this article shall be enforced in accordance with chapter 1 of the zoning ordinance. In addition to any fines or penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this article. The imposition of a fine or penalty for any violation of, or noncompliance with, this article shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations or noncompliance within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this article may be declared by the city to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this article.

(4) Abrogation and greater restrictions.

This article supersedes any article or ordinance currently in effect in flood-prone districts. However, any underlying ordinance shall remain in full force and effect to the extent that its provisions are more restrictive than this article.

(5) Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of this article shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this article. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this article are hereby declared to be severable.

(6) Jurisdictional boundary changes.

The city Flood Zone District ordinance in effect on the date of any annexation shall remain in effect and shall be enforced by the city for all annexed areas until the city adopts and enforces an ordinance which meets the requirements for participation in the National Flood Insurance Program. The city shall pass a resolution acknowledging and accepting responsibility for enforcing floodplain ordinance standards prior to annexation of any area containing identified flood hazards. All plats or maps of annexation shall show the floodplain boundaries, base flood elevation and location of the floodway where determined.

In accordance with the Code of Federal Regulations, Title 44 Subpart (B) Section 59.22(a)(9)(v), the city shall notify the Federal Insurance Administration, and optionally the state coordinating office, in writing whenever the boundaries of the city have been modified by annexation or the city has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area.

In order that all Flood Insurance Rate Maps accurately represent the City of Hampton's boundaries, a copy of a map of the city suitable for reproduction, clearly delineating the new corporate limits or new area for which the city has assumed or relinquished floodplain management regulatory authority must be included with the notification.

Sec. 9-32. Definitions.

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

Base flood. The flood having a one (1) percent chance of being equaled or exceeded in any given year.

Base flood elevation. The Federal Emergency Management Agency designated one hundred-year water surface elevation.

Basement. Any area of the building having its floor sub-grade (below ground level) on all sides.

Board of zoning appeals. The board appointed to review appeals made by individuals with regard to decisions of the zoning administrator in the interpretation of this article.

Breakaway wall. A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Coastal high hazard area. A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

Design Flood Elevation (DFE). The base flood elevation plus the freeboard required by this chapter.

Development. Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials, or any land disturbance and the resulting landform associated with the construction of residential, commercial, industrial, institutional, recreation, transportation, or utility facilities or structures or the clearing of land for non-agricultural or non-silvicultural purposes.

Encroachment. The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Existing manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion of an existing manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood or flooding.
1. A general or temporary condition of partial or complete inundation of normally dry land areas from:
a. The overflow of inland or tidal waters; or
b. The unusual and rapid accumulation or runoff of surface waters from any source.
2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1) above of this section.

Flood Insurance Rate Map (FIRM). An official map of a community on which FEMA has delineated both the special flood hazard areas and Other Flood Areas applicable to the community.

Flood Insurance Study (FIS). The official report provided by FEMA that includes flood profiles, the Flood Insurance Rate Map, the flood boundary and floodway map, and the water surface elevation of the base flood.

Floodproofing. Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodplain or flood-prone area. Any land area susceptible to being inundated by water from any source.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Freeboard. A factor of safety usually expressed in feet above a flood level for purposes of floodplain management, which shall be measured as the vertical distance between the base flood elevation and the local minimum required lowest elevation. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed. When a freeboard is included in the height of a structure, the flood insurance premiums may be less expensive.

Historic structure. Any structure that is:
1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
i. By an approved state program as determined by the Secretary of the Interior; or
ii. Directly by the Secretary of the Interior in states without approved programs.
Lowest floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that

such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44 CFR § 60.3.

Manufactured home. A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days.

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

New construction. For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map on or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which start of construction commenced on or after the effective date of a floodplain management regulation adopted by the city and includes any subsequent improvements to such structures.

New manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the city.

Other Flood Areas: Those areas identified as X (Shaded) or X500 on the FIRM for which there is a one-fifth percent (0.2%) annual chance of flooding.

Recreational vehicle. A vehicle which is:
1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

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 9-19(2) of this article.

Start of construction. The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work

beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure. That which is built or constructed; specifically, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

Substantial damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of, at the discretion of the property owner, either the city's assessed value or the market value of the structure before the damage occurred as established by an independent, unbiased, third party appraiser licensed in the Commonwealth of Virginia, of the structure before the damage occurred.

Substantial improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of, at the discretion of the property owner, either the city's assessed value or the market value, as established by an independent, unbiased, third party appraisal of the structure either (i) before the improvement or repair is started; or (ii) if the structure has been substantially damaged and is being restored, before the damage occurred, regardless of the actual repair work performed. Substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term does not, however, include either:
1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of an historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

Violation. The failure of a structure or other development to be fully compliant with the provisions of this article. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this article is presumed to be in violation until such time as that documentation is provided.

Watercourse. A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Sec. 9-33. Establishment of zoning districts.

(1) Description of districts.

(a) Basis of districts. The various floodplain districts shall include special flood hazard areas and Other Flood Areas. The basis for the delineation of these districts shall be the Flood Insurance Study (FIS) and the Flood Insurance Rate Maps for the City of Hampton prepared by the Federal Emergency Management Agency, Federal Insurance Administration, effective August 16, 2011, and any subsequent revisions or amendments thereto as well as any city identified flood hazard areas as delineated on a "Local Flood Hazard Map."

The city may identify and regulate new local flood hazard or ponding areas. These areas should be delineated and adopted on a "Local Flood Hazard Map" using best available topographic data and locally derived information such as flood of record, historic high water marks or approximate study methodologies.

(i) The Floodway District is delineated, for purposes of this ordinance, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the one hundred (100) year flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this district are specifically defined in Table 5 of the above-referenced Flood Insurance Study and shown on the accompanying Flood Insurance Rate Map.

(ii) The Special Floodplain District shall be those areas identified as an AE Zone on the maps accompanying the FIS for which one hundred (100) year flood elevations have been provided.

(iii) The Approximated Floodplain District shall be those areas identified as an A Zone on the maps accompanying the FIS. In these zones, no detailed flood profiles or elevations are provided, but the one hundred (100) year floodplain boundary has been approximated. Base flood elevations in this district must be developed by a certified professional engineer or certified land surveyor authorized to do business in the Commonwealth of Virginia, through detailed hydrologic and hydraulic analysis, using methodologies comparable to those found in a flood insurance study (FIS) analysis.

(iv) The Coastal Floodplain District shall be those areas identified as coastal AE or A1—30 Zones on the maps accompanying the FIS. Flood elevations are provided in these tidal floodplains; however, floodway data is not applicable.

(v) The Coastal High Hazard District shall be those areas identified as V1—V30, VE, or V Zones on the maps accompanying the FIS.

(vi) Other Flood Areas shall be those areas identified as X (Shaded) or X500 on the FIRM for which there is a one-fifth percent (0.2%) annual chance of flooding.

(b) Overlay concept.

(i) The floodplain districts described above shall be overlays to the existing underlying districts as shown on the official zoning map, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.

(ii) If there is any conflict between the provisions or requirements of the floodplain districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.

(iii) In the event any provision concerning a floodplain district is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

(2) Official zoning map.

The boundaries of the Special Flood Hazard Areas and Other Flood Areas shall be designated by the Flood Insurance Study (FIS) issued by FEMA and shown on the city's Flood Insurance Rate Map (FIRM) dated August 16, 2011, as amended. This map, as amended, is declared to be part of this ordinance and shall be kept on file in the offices of the Building Official and of the Zoning Administrator.

(a) The components of the Special Flood Hazard Areas shall be:

(i) Coastal High Hazard District (VE)

(ii) Special Flood Hazard Area (AE, A and AO)

(b) The components of Other Flood Areas shall be:

(i) Other Flood Areas (X500 or X (Shaded))

(3) District boundary changes.

The delineation of any of the floodplain districts may be revised by the city where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the U.S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.

(4) Interpretation of district boundaries.

Initial interpretations of the boundaries of the floodplain districts shall be made by the zoning administrator. Should a dispute arise concerning the boundaries of any of the districts, the matter may be appealed to the board of zoning appeals in accordance with the provisions of chapter 13 of the zoning ordinance. The board of zoning appeals shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his/her case to the board of zoning appeals and to submit his/her own technical evidence if he/she so desires.

(5) Submitting technical data.

The city's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than

six (6) months after the date such information becomes available, the city shall notify the Federal Emergency Management Agency (FEMA) of the changes by submitting technical or scientific data. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

(6) Letters of map revision.

The applicant must notify FEMA by applying for a "Conditional Letter of Map Revision or a Letter of Map Revision," when development in the floodplain causes:

(a) Any development that causes a rise in the base flood elevations within the floodway.

(b) Any development occurring in Zones A1—30 and AE without a designated floodway, which will cause a rise of more than one (1) foot in the base flood elevation.

(c) Alteration or relocation of a stream (including but not limited to installing culverts and bridges) 44 Code of Federal Regulations § 65.3 and § 65.6(a)(12).

Sec. 9-34. District provisions.

(1) Permit and application requirements.

(a) Permit requirement. All uses, activities, and development occurring within any special floodplain district and Other Flood Areas shall be undertaken only upon the issuance of a zoning permit, land disturbance permit, or building permit. Such development shall be undertaken only in strict compliance with the provisions of this article, the Virginia Uniform Statewide Building Code (VA USBC), and all other applicable codes and ordinances, as amended. Prior to the issuance of any such permit, the zoning administrator shall require all applications to include compliance with all applicable state and federal laws.

(b) Site plans and building permit applications. All site plan and building permit applications within any Special Flood Hazard Area or Other Flood Area shall incorporate the following information:

(i) The elevation of the base flood at the site.

(ii) The elevation of the lowest floor (including basement) or, in VE zones, the lowest horizontal structural member of the lowest floor.

(iii) For structures to be floodproofed (non-residential only), the elevation to which the structure will be floodproofed.

(iv) Topographic information showing existing and proposed ground elevations.

(2) General standards.

In all special flood hazard areas the following provisions shall apply:

(a) The freeboard shall be three (3) feet. The freeboard, in addition to the base flood elevation, shall constitute the design flood elevation.

(b) New construction and substantial improvements shall be according to the VA USBC, and anchored to prevent flotation, collapse or lateral movement of the structure.

(c) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.

(d) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(e) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.

(f) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including ductwork, shall be:

  (i) Elevated and installed at or above the design flood elevation; or

  (ii) Designed so as to prevent water from entering or accumulating within the components during conditions of flooding to a level no lower than the design flood elevation.

(g) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(h) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

(i) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(j) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this article shall meet the requirements of "new construction" as contained in this article.

(k) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this article, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.

(l) Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the U.S. Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and the Federal Insurance Administration.

(m) The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

(n) For residential construction, the lowest floor shall not be below grade on all sides.

(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 9-19(1)(a), the following provisions shall apply:

(a) Residential construction. New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated at or above the design flood elevation.

(b) Non-residential construction. New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated at or above the design flood elevation. Buildings located in all A1—30 and AE Zones may be floodproofed in lieu of being elevated provided that all areas of the building components below the design flood elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied.

(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:

(i) Not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator);

(ii) Be constructed entirely of flood resistant materials below the design flood elevation;

(iii) In the Coastal High Hazard District, follow the standards for elevation outlined in subsection 9-20(8); and

(iv) Include, in Zones A, AE, and A1—30, measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet all of the following minimum design criteria:

(aa) Provide a minimum of two (2) openings on different sides of each enclosed area subject to flooding.

(bb) The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject

to flooding or the flood openings shall be engineered flood openings that are designed and certified by a licensed professional engineer to automatically allow entry and exit of floodwaters; the certification requirement may be satisfied by an individual certification or issuance of an Evaluation Report by the ICC Evaluation Service, Inc.

(cc) If a building has more than one (1) enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.

(dd) The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.

(ee) Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.

(ff) Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

(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 9-20(2)(b), 9-20(2)(c), and 9-20(3)(a).

(ii) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision in which a manufactured home has not incurred substantial damage as the result of a flood shall be elevated so that:

(aa) The lowest floor of the manufactured home is elevated no lower than design flood elevation; and

(bb) The manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement;

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

(aa) Be on the site for fewer than one hundred eighty (180) consecutive days;

(bb) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick

disconnect type utilities and security devices and has no permanently attached additions); or

(cc) Meet all the requirements for manufactured homes in subsection 9-20(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:

(i) The elevation (in relation to the mean sea level) of the lowest floor (including the basement) of all new and substantially improved structures; and

(ii) If the structure has been floodproofed in accordance with the requirements of subsection 9-20(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 9-20(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.

(5) Standards for the Special Floodplain District.

The following provisions shall apply within the Special Floodplain District:

(a) Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as Zones A1—30 and AE on the Flood Rate Insurance Map, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one (1) foot at any point within the city.

(b) Development activities in Zones Al—30 and AE on Hampton's Flood Insurance Rate Map which increase the water surface elevation of the base flood by more than one (1) foot may be allowed, provided that the applicant first applies—with the city's endorsement—for a conditional

Flood Insurance Rate Map revision, and receives the approval of the Federal Emergency Management Agency.

(6) Standards for the Floodway District.

The following provisions shall apply within the Floodway District:

(a) Encroachments, including fill, new construction, substantial improvements and other developments are prohibited unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood.

(b) Development activities, which increase the water surface elevation of the base flood, may be allowed, provided that the applicant first applies—with the city's endorsement—for a conditional Flood Insurance Rate Map and floodway revision, and receives the approval of the Federal Emergency Management Agency.

(c) If subsection 9-20(6)(a) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of section 9-20.

(d) The placement of manufactured homes (mobile homes) is prohibited, except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring, elevation, and encroachment standards are met.

(7) Standards for subdivision proposals.

Notwithstanding any provisions of chapter 35 of the city code to the contrary:

(a) All subdivision proposals shall be consistent with the need to minimize flood damage;

(b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

(c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and

(d) Base flood elevation data shall be provided for subdivision proposals and other development proposals (including manufactured home parks and subdivisions) that exceed fifty (50) lots or five (5) acres, whichever is the lesser.

(8) Standards for the Coastal High Hazard District.

The following provisions shall apply within the Coastal High Hazard District:

(a) All new construction and substantial improvements in Zones V1—V30 and VE (V if base flood elevation is available) shall be elevated on pilings or columns so that:

(i) The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the design flood elevation; and

(ii) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one-percent chance of being equaled or exceeded in any given year (one-percent annual chance).).

(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 9-20(8)(a).

(c) The zoning administrator shall obtain the elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in Zones V1—V30 and VE. The zoning administrator shall maintain a record of all such information.

(d) All new construction shall be located landward of the reach of mean high tide.

(e) All new construction and substantial improvements shall have the space below the lowest floor either free of obstruction or constructed with nonsupporting breakaway walls, open wood-lattice work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than ten (10) and no more than twenty (20) pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of twenty (20) pounds per square foot (either by design or when so required by local codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

(i) Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and

(ii) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination shall each have a one (1) percent chance of being equaled or exceeded in any given year.

(f) The enclosed space below the lowest floor shall be used solely for parking of vehicles, building access, or storage. Such space shall not be partitioned into multiple rooms, temperature-controlled, or used for human habitation. Prior to submission of a site plan, the zoning administrator

shall notify the applicant that flood insurance rates increase dramatically for enclosures three hundred (300) square feet and larger.

(g) The use of fill for structural support of buildings is prohibited. Prior to the issuance of a development permit, where fill is proposed in a coastal high hazard area, engineering analyses shall be conducted to evaluate the impacts of the fill on adjacent properties.

(h) The man-made alteration of sand dunes, which would increase potential flood damage, is prohibited.

(i) New, replacement, or substantially improved manufactured homes are prohibited within Zones V1—V30, V and VE on the city's Flood Insurance Rate Map.

(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 9-20(3)(d) and subsection 9-20(8)(a) through 9-20(8)(i).

(9) Standards for Other Flood Areas

The following provisions shall apply in areas identified as X (Shaded) or X500 on the city’s FIRM:

(a) All new construction as of September 10, 2014 shall have the lowest floor, including basement, elevated or flood-proofed to one and one-half (1.5) feet above the highest grade immediately adjacent to the structure.

Sec. 9-35. Variances.

(1) Additional factors to be considered.

In considering applications for variances to this article, the board of zoning appeals shall satisfy all relevant factors and procedures specified in chapter 13 of the zoning ordinance and consider the following additional factors:

(a) The showing of good and sufficient cause.

(b) A determination that failure to grant the variance would result in hardship to the applicant.

(c) The danger to life and property due to increased flood heights or velocities caused by encroachments.

(d) The danger that materials may be swept on to other lands or downstream to the injury of others.

(e) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

(f) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

(g) The importance of the services provided by the proposed facility to the community.

(h) The requirements of the facility for a waterfront location.

(i) The availability of alternative locations not subject to flooding for the proposed use.

(j) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

(k) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.

(l) The safety of access by ordinary and emergency vehicles to the property in time of flood.

(m) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.

(n) The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(o) Such other factors which are relevant to the purposes of this article.

(2) Technical assistance.

The board of zoning appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

(3) Additional criteria to be applied.

(a) Variances shall be issued only after the board of zoning appeals has determined that the granting of such variance will not result in (1) unacceptable or prohibited increases in flood heights, (2) additional threats to public safety, (3) extraordinary public expense; and will not (4) create nuisances, (5) cause fraud or victimization of the public, or (6) conflict with local laws or ordinances.

(b) Variances shall be issued only after the board of zoning appeals has determined that the variance will be the minimum required to provide relief from exceptional hardship to the applicant. The variance shall minimize changes to the requirements of this article, and maximize flood protection of the structure. No variance shall be granted by the board of zoning appeals for any proposed use, development, or activity within any floodway district that will cause any increase in the one hundred (100) year flood elevation.

(c) Prior to the consideration of an application for a variance to the provisions of this article, the board of zoning appeals shall notify the applicant for a variance, in writing, that the grant of a variance to construct a structure below the one hundred (100) year flood elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.

(d) A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances.

Any variances that are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

Sec. 9-36. Existing structures in floodplain areas.

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the Virginia USBC. The modification, alteration, repair, reconstruction or improvement of any kind to a structure and/or use, shall be undertaken only in full compliance with this article.

Secs. 9-37-9-40. Reserved.

ARTICLE 5 – O-IH DISTRICT – INFILL HOUSING OVERLAY

Sec. 9-41. Intent.

The purpose of this article is to ensure that new housing construction on legally platted substandard lots is developed in a manner that maintains the scale and visual character of existing single-family homes in the surrounding area. The zoning ordinance requires a minimum dwelling area, lot frontage, and lot area for newly constructed single-family homes based on the underlying zoning district. In many of the older neighborhoods in the city, existing lot size and dwelling sizes are well below these minimums, primarily because the lot existed prior to the regulation of the Zoning Ordinance. In this instance, it is vital to protect neighborhoods by ensuring that new development is compatible with existing development patterns of the neighborhood. To address these occurrences, the Infill Housing Overlay District (O-IH) permits a by-right reduction from the underlying zoning district in terms of lot frontage and/or lot area on infill lots provided that the proposed development meet the standards set forth in this ordinance. This method promotes quality development in the City by allowing development provided that specific development criteria are met.

Sec. 9-42. Application and boundaries.

The O-IH district shall apply to all infill lots located in R-8, R-9, R-11, and R-13 zoning districts that are determined to be substandard lots, as defined by the zoning ordinance, and in existence on or prior to September 10, 2014. The district shall act as an overlay district, augmenting rather than replacing the underlying zoning district. All regulations of the underlying zoning district shall apply except as modified by the regulations for the O-IH.

Sec. 9-43. Development standards.

(1) Height.
No building shall exceed twenty-five (25) feet in height and two stories.

(2) Dwelling Area.
A reduction in dwelling size is permitted if the minimum dwelling size required by the base zone district cannot be met with the height restrictions and setback

requirements of this chapter. In such a case, the required dwelling area shall be reduced to meet the largest square footage possible on that lot while meeting the minimum setback requirements of the base zone district and not exceeding the building height regulations set forth in this chapter.

(3) Front yard setback.

There shall be a front yard setback equal to the average of the front yard setbacks on the same block. A block shall be defined as three hundred feet in both directions on the same side of the street and the following provisions shall apply:

(a) This setback shall be a build-to line.

(b) At least 50% of the width of the build-to line shall be occupied by the building's main front façade which consists of the front wall containing the main entry door.

(4) Green area.

A minimum of 50% of the front yard shall be green area.

(5) Garage location.

If constructed, an attached garage shall be located a minimum of 18" behind the main front façade of the house.

Secs. 9-44-9-50. Reserved.

ARTICLE 6 – O-MVC DISTRICT – MAGRUDER VISUAL CORRIDOR OVERLAY

Sec. 9-51. Intent.

The Magruder Visual Corridor, which generally encompasses property visible from Magruder Boulevard, has a significant role in the economic well-being of the City of Hampton. As the heart of the high-tech corridor which extends from NASA to Newport News, Magruder Boulevard links Langley/NASA, the industrial/business parks on Magruder Boulevard, and the Coliseum Central Business District.

Strong public policy has emphasized the importance of the visual environment in furthering the economic well-being of the city. This policy, as embodied in the Hampton Roads Center aesthetic controls, supports the establishment of the Magruder Visual Corridor District to guide the visual character of the corridor so that private development will match the standards set by the public sector initiative.

The Magruder Visual Corridor Overlay (O-MVC) District is intended to protect the visual environment along Magruder Boulevard in order to allow planned economic development to occur in a manner which provides a positive visual impact along the major roads in the Magruder Corridor.

Positive visual impact will occur through the control of the number, size, and location of signs, the establishment of a landscaped setback to buffer the visual and environmental impacts of the built environment, and the restriction of certain uses.

Sec. 9-52. Application of the district.

The O-MVC District is created as a special district to be superimposed by a special symbol for its boundaries on the zoning district map. All regulations of the underlying districts shall apply except as modified by the regulations in the O-MVC District.

Sec. 9-53. Boundaries.

The Magruder Visual Corridor District will include all areas on the map labeled O-MVC. This area comprises a corridor extending fifteen hundred (1,500) feet to either side of the Magruder Boulevard right-of-way, from Interstate 64 north to the city line east of Magruder Boulevard, and from the northernmost HRC-1 boundary north to the city line west of Magruder Boulevard, and fifteen hundred (1,500) feet to either side of Commander Sheppard Boulevard right-of-way between Magruder Boulevard and Armistead Avenue. For the purpose of this article, the right-of-way boundaries of Magruder Boulevard and Commander Sheppard Boulevard shall constitute major roads.

Sec. 9-54. Development standards.

(1) All fences, masonry walls, or other similar facilities shall receive approval as to location, design, and size by the director of planning prior to the issuance of a building permit. The use of chain link fence is prohibited unless screened completely from view by a natural screening treatment such as berms and/or vegetation.

(2) All storage areas shall be screened completely from any major road by fences, masonry walls, or other similar facilities in combination with vegetation and in accordance with subsection 9-54(1).

(3) A minimum setback of 20 feet is required from any property line which abuts a major road. No type of construction, except signs, will be permitted in the setback. A landscape plan consistent with the "City of Hampton Landscape Guidelines" for the setback shall be approved by the director of the department of community development prior to the issuance of a building permit for the main structure.

(4) Within one hundred (100) feet of any major road right-of-way and within one hundred (100) feet of any intersecting street right-of-way for a distance of three hundred (300) feet to either side of Magruder Boulevard right-of-way, the following are prohibited:

    (a) Storage areas.

    (b) Accessory structures.

Secs. 9-55-9-60. Reserved.

ARTICLE 7 – O-HP DISTRICT – HISTORIC PRESERVATION OVERLAY

Sec. 9-61. Purpose and intent.

The purpose of this article is the preservation of Hampton's cultural and architectural past through the protection of individual sites and areas that reflect this significant heritage. The following regulations are intended to serve this purpose by protecting against the destruction of or encroachment upon such areas, encouraging uses that lead to the area's economic continuance while maintaining the character to be preserved, preventing the creation of adverse environmental influence and protecting property values in the area.

It is intended that the preservation district shall act as an overlay, augmenting rather than replacing the underlying zoning.

Sec. 9-62. Boundaries.

The district shall apply to all properties designated on the zoning map with the symbol O-HP.

Sec. 9-63. Creation of preservation review board.

(1) City council shall appoint a review board for each district consisting of five (5) persons with interest, competence or knowledge of preservation, and the following qualifications: one (1) professionally licensed architect; one (1) member of the planning commission; with the remaining members to be residents or business operators in the district.

(2) The term of office is three (3) years; provided, however, that of the original members two (2) are appointed for three (3) years; two (2) are appointed for two (2) years; and one (1) is appointed for one (1) year. Members can serve no more than two (2) full consecutive terms. Vacancies shall be filled within sixty (60) days.

(3) The review board shall elect a chairman and other officers as necessary annually, and shall meet on a regularly scheduled basis, not to be less often than every sixty (60) days. A quorum of three (3) members shall be necessary for any decision of the review board, although a lesser number may conduct public meetings, provided no binding action is taken. Decisions of the review board require a majority vote of those members present. All meetings and records of the review board shall be public.

(4) The planning department shall provide technical assistance to the review board.

Sec. 9-64. Duties and powers of the preservation review board.

(1) The review board shall prepare design guidelines to be applied to both land and buildings in the O-HP.

(a) Guidelines shall be in written form, available to all property owners in the historic preservation district, and adopted only after a duly advertised public hearing.

(b) The review board shall review the guidelines annually at a public hearing and may make changes necessary to fulfill the purpose of this article.

(2) The review board shall have authority over all plans for new construction, alteration, removal, or demolition of improvements to properties in the O-HP.

(a) Applicants for building, demolition or sign permits, and those property owners undertaking exterior maintenance within a preservation district shall first apply to the review board for a certificate of appropriateness. Applications for certificates of appropriateness shall be accompanied by plans and specifications of those improvements or alterations that are subject to public view. The review board, where it deems it necessary in order to properly review an application, may require the submission of any of the following: architectural plans, site plans, landscaping plans, plans for off-street parking, proposed signs, elevations of those portions of the structure facing public streets, elevation photographs or perspectives that include adjoining properties, or color schemes.

(b) The review board shall notify all contiguous property owners of the application and the scheduled public hearing. The review board shall hold a public hearing on the application within sixty (60) days of receiving a complete application. If no action is taken by the review board within ninety (90) days of the completed application date and the applicant does not agree to an extension, the application for certificate of appropriateness shall be considered approved. The certificate of appropriateness will be issued eleven (11) days after the review board's approval.

(c) The applicant or any property owners within the district can appeal the decision of the review board to the city council. Such appeal must be filed with the clerk of council within ten (10) days of the review board's decision. Filing an appeal stays the review board's decision, except for cases where demolition of an improvement has been denied. City council shall have thirty (30) days from the filing of such appeal to take action. No decision within thirty (30) days shall constitute upholding the review board's decision.

(d) The applicant or any property owners within the district can appeal the decision of the city council to the circuit court. Such appeal must be filed within thirty (30) days of the city council decision. Filing an appeal stays the city council's decision except for cases where demolition of an improvement has been denied.

(e) The review board has the authority to administratively issue a certificate of appropriateness without public hearing in those cases where the alteration is identified in the district guidelines as an administrative item, such as basic maintenance, and does not, in any manner, deviate from the approved design guidelines.

(3) The review board shall consider the following in its review of applications for certificates of appropriateness:

(a) The historical or architectural significance of the property and its relationship to the entire historic preservation district;
(b) The appropriateness of the existing features to the historic preservation district;
(c) The appropriateness of the proposed alterations to the historic preservation district; and
(d) The effect of the alterations on the general design of the existing improvements to the property.

(4) The review board shall not consider any interior improvements or changes to the building or structure in its review process.

(5) The review board reserves the right to issue a certificate of appropriateness in those cases where the alteration, demolition, removal, or construction of the improvements is not in accord with the design guidelines, but where the alteration, demolition, removal, or construction will not negatively affect the value or importance of other properties in the preservation district, and denial of the certificate will cause a clearly demonstrable hardship rather than a deprivation of economic privilege or convenience.

(6) The review board shall have the responsibility of investigating and delineating individual properties and areas having historical interest and value which should be preserved and protected according to the purpose of this article. The review board shall bring these properties to the attention of the city council for possible inclusion in the O-HP.

Sec. 9-65. Application of certain provisions of zoning ordinance and building code

(1) The height and area regulations, off-street parking and loading regulations and provisions relating to the location and number of main buildings, and the number and use of accessory buildings shall not apply to properties in a preservation district when it is demonstrated by competent evidence to the review board that it is necessary to deviate from such regulations and provisions in order to accomplish the purpose set out in this article.

(2) Any demolition required by the city building official for the health and safety of the community supersedes the review board process and does not require a certificate of appropriateness.

Sec. 9-66. Demolition of improvements to properties

Demolition of any improvement to property within a historic preservation district shall be a matter of right for the owner of such property when:

(1) The owner has applied for permission to demolish from the review board; and

(2) Such permission is granted; or

(3) Such permission is denied; and

(4) The owner has put the property on the market within one (1) year of the final decision to deny demolition, at a price reasonably related to its fair market value, for the required time period as set out below:

(a) Offering price less than twenty-five thousand dollars ($25,000.00)—Three (3) months;

(b) Offering price greater than twenty-five thousand dollars ($25,000.00) but less than forty thousand dollars ($40,000.00)—Four (4) months;

(c) Offering price greater than forty thousand dollars ($40,000.00) but less than fifty-five thousand dollars ($55,000.00)—Five (5) months;

(d) Offering price greater than fifty-five thousand dollars ($55,000.00) but less than seventy five thousand dollars ($75,000.00)—Six (6) months;

(e) Offering price greater than seventy-five thousand dollars ($75,000.00) but less than ninety thousand dollars ($90,000.00)—Seven (7) months;

(f) Offering price greater than ninety thousand dollars ($90,000.00)—Twelve (12) months; and

(5) No bona fide contract with any person, firm, corporation, government or agency thereof, or political subdivision or agency thereof, willing to preserve and restore the structure, has been executed within the required time period.

Sec. 9-67. Application fee.

The sum of twenty-five dollars ($25.00), payable to the City of Hampton, shall accompany applications for certificates of appropriateness, to be applied to the cost of advertising. The fee shall be waived if the certificate is administratively approved.

Secs. 9-68-9-70. Reserved.

CHAPTER 10 – SIGNS

ARTICLE 1 – GENERAL REGULATIONS

Sec. 10-1 - Intent.

The purpose of this ordinance is to create the legal framework for a comprehensive but balanced system of signs, and thereby to facilitate harmonious and effective communication between people and their environment and to alleviate the proliferation of signs that are detrimental to the visual environment and economic vitality of Hampton. With this purpose in mind, it is the intention of this ordinance to authorize the use of signs which are:

(1) Compatible with their surroundings;
(2) Appropriate to the type of activity to which they pertain;
(3) Expressive of the identity of individual proprietors or of the community as a whole;
(4) Legible in the circumstances in which they are seen; and
(5) Protective of the public's health, safety, and welfare.

It is the intent of this article to outline the general parameters of sign regulations in the City of Hampton. These regulations shall apply to all zoning districts in the city, unless specifically overridden by the provisions for specific zoning districts as outlined in article 2. If there is a conflict between these general sign regulations and the subsequent article of this chapter, the regulations in more specific article shall apply.

Sec. 10-2. - General provisions.

(1) Permitted signs shall be the following:
    (a) Freestanding signs
    (b) Wall signs
    (c) Special types of signs as described below
(2) Prohibited signs shall include the following:
    (a) Abandoned nonconforming signs, which the city may order removal of provided the city gives the owner of the property on which the sign is located written notice to remove the sign. Such notice may not be given until the expiration of the two-year period necessary for the nonconforming sign to be considered abandoned. If, following such two-year period, the city has made a reasonable attempt to notify the property owner, the city through its own agents or employees may enter the property upon which the sign is located and remove any such sign whenever the owner has refused to do so. The cost of such removal shall be chargeable to the owner of the property. Nothing herein shall prevent the city from applying to a court of competent jurisdiction for an order requiring the removal of such abandoned nonconforming sign by the owner by means of injunction or other appropriate remedy.

(b) Discontinued signs, which shall require the owner of the property on which the discontinued sign is located to
    (i) Remove the copy from the sign face,
    (ii) Replace the sign face with a blank face, or
    (iii) Remove the sign structure.
(c) Signs of any material which are attached in any manner to a utility pole, tree, or similar object located on public property except for banners as allowed in section 10-4(7)(d).
(d) Signs displayed on any vehicle unless such vehicle is licensed in accordance with state and local requirements and has a current state inspection.
(e) Rooftop displays of any kind, with or without text.
(f) Any private sign on public rights-of-way, which shall be subject to immediate removal, without notice.
(g) Any other type of sign not expressly permitted in this chapter.

(3) A sign permit authorized by the zoning administrator shall be required for all erection, alteration, repair, or relocation of any sign, except for the following types or situations:
(a) Routine maintenance or a change in changeable copy which results in no alteration to the sign structure, not to include sign face replacement.
(b) Political signs
(c) Construction signs
(d) Real estate signs

(4) All signs to be erected pursuant to this ordinance must pertain to a use conducted on the property, with the exception of those permitted off-premises advertising signs described in subsection 10-4(11) below; except that any sign authorized in this ordinance is allowed to contain any otherwise lawful non-commercial message which does not direct attention to a business or to a commodity or service for sale, and that complies with the area, height, number, and all other requirements of this ordinance.

(5) No sign shall project above the building part to which it is attached.

(6) Characterization of contiguous zoning for purposes of applying the Table of Dimensional Regulations shall be the following: contiguous zoning shall be the zoning classification of the properties which share a common property line with the subject property along a right-of-way, but not across any right-of-way. In cases where contiguous zoning is different, the more restrictive zoning classification shall be considered the contiguous zoning classification. In cases where there is no contiguous zoning, the maximum sign area for the district shall be permitted. For establishments or business/shopping centers with multiple frontages, contiguous zoning shall be determined according to subsection 10-3(3).

(7) This chapter, and the various parts, sections and clauses hereof, are hereby declared to be severable. If any part, section or clause is adjudged invalid, the remainder shall remain in full force and effect.

Sec. 10-3 – Number, size and location of freestanding and wall signs.

(1) Freestanding signs, which shall be in accordance with the Table of Dimensional Regulations

(a) Business identification signs

(i) Each establishment, excepting establishments which constitute a portion of a business/shopping center, shall be permitted one (1) freestanding business identification sign.

(ii) Each business/shopping center shall be allowed one (1) freestanding business identification sign which may contain the name of the business/shopping center and the names of tenants, except that business/shopping centers of five (5) or more acres with multiple street frontages shall be permitted two (2) freestanding business identification signs provided that each sign is located on a separate street frontage

(b) Interstate/arterial signs

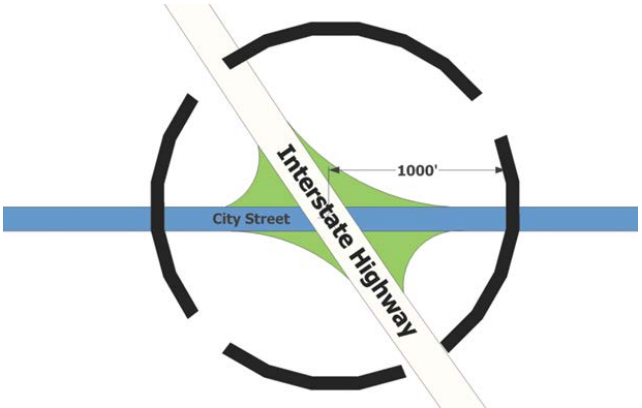
Any permitted freestanding sign located within a one thousand-foot radius of the imaginary intersection of the centerline of an interstate highway right-of-way and the centerline of an arterial street (as listed in the comprehensive plan) with direct access to that interstate, may be forty-five (45) feet in height, and shall be allowed in addition to other permitted freestanding sign(s), when the following conditions are met:

(i) Design approval by the director of community development or his designee of the sign face, the sign standard, and the site treatment around the sign, with emphasis on style (but not copy), lighting, and landscaping that complies with the "City of Hampton Landscape Guidelines".

(ii) Removal of all freestanding nonconforming signs.

(iii) The property upon which the sign is to be located has direct access to the subject arterial street.

A map identifying all interstate/arterial zones shall be available for public inspection in the offices of the zoning administrator and director of planning. The interstate/arterial zone shall be measured as shown below:



(2) Wall signs, which shall be in accordance with the Table of Dimensional Regulations

Allowable business identification wall sign locations are as follows and as illustrated in the graphics below:

(a) Each building façade that fronts on a directly accessible right-of-way may hold business identification wall signs, up to a total of two (2) building façades, except as describe below:

(i) In the instance where a building façade is visible, but not directly accessible, from a public right-of-way, wall signs may be placed on that façade at the above stated ratio, upon the joint approval of the planning director and zoning administrator. Review of the proposed additional sign area shall be based on the applicant's ability to show that the affected façade is architecturally designed so that it mimics, to the fullest extent possible, the main façade of the building. All architectural elements, with the exception of covered walkways and glass store fronts, shall be included. If there are no architectural elements to be carried over to the affected façade, this provision for additional sign area cannot be utilized. In no case shall this provision be used to allow wall or window sign area on a third building façade.

(b) The maximum allowable business identification wall sign area for any individual façade shall be one (1) square foot of sign area for every linear foot of building frontage along that façade, except as described below:

(i) In those instances where there are excessively deep lots, the following maximum sign areas shall prevail:

(aa) Any building whose front wall is entirely behind a line that is four hundred (400) feet from a parallel public right-of-way shall be permitted one and one-half (1½) square feet of wall sign area for every one (1) linear foot of building frontage.

(bb) If a building is perpendicular to a public right-of-way, any user/tenant that is located entirely behind a line that is four hundred (400) feet from a parallel public right-of-way may have one and one-half (1½) square feet of wall sign area for every one (1) linear foot of building frontage it uses.

These provisions may be used for only one (1) public right-of-way. If a property has access from more than one (1) right-of-way, the decision as to which one to use for the purpose of this subsection must be made prior to the initial request for the one and one-half (1½) square foot option.

(3) Multiple frontages calculations for freestanding and wall signs above

If an establishment or a business/shopping center has frontage on two (2) or more public rights-of-way, each side of the building(s) is to be separately

considered for purposes of determining compliance with the provisions of this ordinance and of the Table of Dimensional Regulations. For any establishment or business/shopping center with multiple frontages, the contiguous zoning classification shall be determined by the zoning classification of the properties which abut the subject property along a single right-of-way, such that contiguous zoning may be different for separate frontages, provided that the contiguous zoning which applies to each frontage shall be used in applying the Table of Dimensional Regulations to signs which are computed towards and located at that frontage.

Illustration A: Maximum Business Identification Wall Sign Area

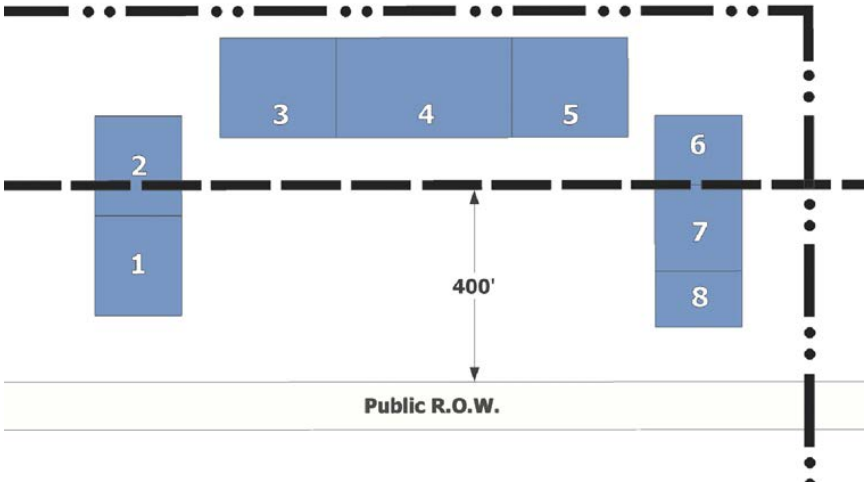


Illustration B: Units 3, 4, 5 and 6 would qualify for the 1.5 square feet of sign area for every linear foot of building frontage. Units 1,

2, 7 and 8 would be allowed 1 square foot of sign area for every linear foot of building frontage.

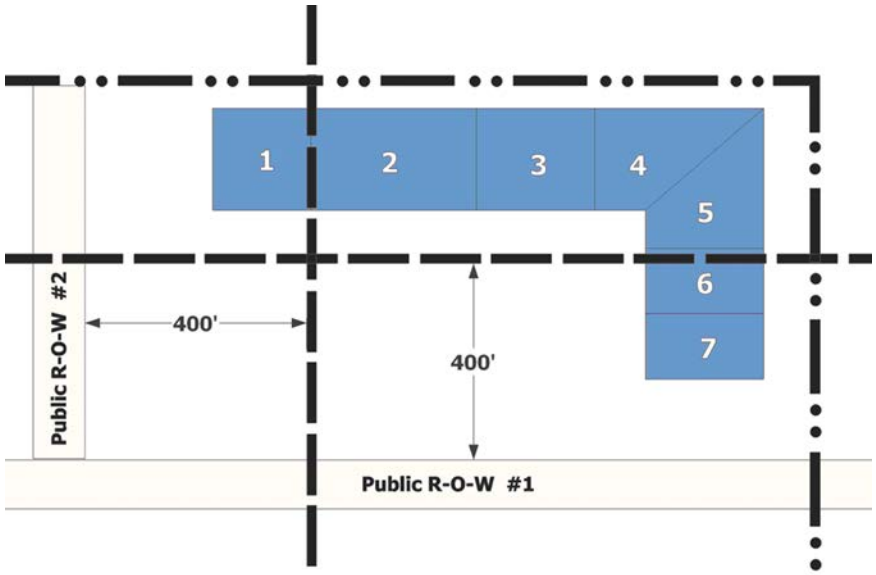


Illustration C: If the property owner chose public ROW #1, units 1, 2, 3, 4 and 5 would qualify for 1.5 square feet of sign area for every linear foot of building frontage. Units 6 and 7 would be allowed 1 square foot of sign area for every linear foot of building frontage. If the property owner chose public ROW #2, units 2, 3, 4, 5, 6 and 7 would qualify for 1.5 square feet of sign area for every linear foot of building frontage. Unit 1 would be allowed 1 square foot of sign area for every linear foot of building frontage.

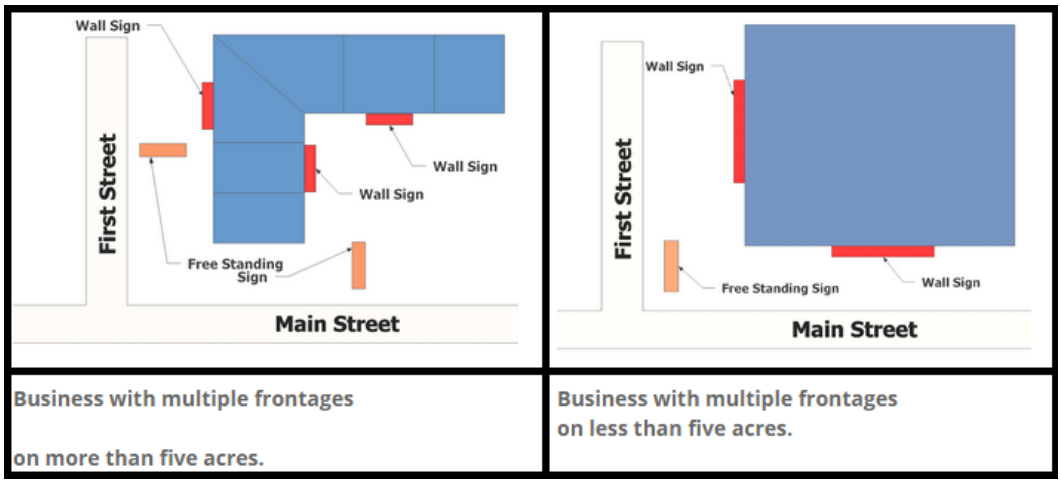


Illustration D: Multiple frontages

(4) Table of Dimensional Regulations

	Wall signs	Freestanding, ground-mounted signs	Freestanding, pylon signs	Total sign area per street frontage

Property zoned C-2, C-3, M-1, M-2, M-3, LFA-1, LFA-2, LFA-4, or LFA-6 With contiguous zoning of C-1, C-2, C-3, M-1, M-2, M-3, LFA-1, LFA-2, LFA-4, or LFA-6	1 square foot per linear foot of building frontage; 1.5 square foot per linear foot of building frontage located at least 400 feet from a public right-of-way	Maximum area—90 square feet Maximum height—12 feet	Maximum area—90 square feet Maximum height—22 feet	
Property zoned C-2, C-3, M-1, M-2, M-3, LFA-1, LFA-2, LFA-4 or LFA-6 With contiguous zoning of PO-1, DT-1, DT-2, DT-3, or LFA-5	1 square foot per linear foot of building frontage; 1.5 square foot per linear foot of building frontage located at least 400 feet from a public right-of-way	Maximum area—65 square feet Maximum height—10 feet	Maximum area—65 square feet Maximum height—16 feet	
Property zoned Residential, C-1, PO-1, or LFA-5	1 square foot per linear foot of building frontage; 1.5 square foot per linear foot of building frontage located at least 400 feet from a public right-of-way	Maximum area—48 square feet Maximum height—8 feet	Maximum area—48 square feet Maximum height—14 feet	
Property zoned RT-1	1 square foot per 3 linear feet of building frontage	Maximum area—24 square feet Maximum height—6 feet		Maximum—24 square feet

Sec. 10-4. Regulation of special sign types and locations.

(1) In residential zones

(a) Any sign used for the identification of a home occupation permitted according to chapter 3, section 3-3(7) shall not exceed one (1) square foot in area and shall not be illuminated.

(b) Other signs may be internally illuminated, but, if illuminated from external sources, they shall be shielded so as to protect adjoining properties from glare.

(2) Directory signs

In addition to other permitted signs, each business/shopping center shall be permitted one (1) directory sign which shall be a freestanding sign or a wall sign provided that the area does not exceed sixteen (16) square feet, and the maximum height is six (6) feet for a freestanding sign and is in accordance with the Table of Dimensional Regulations for wall signs; except, business/shopping centers of five (5) or more acres with multiple frontages shall be permitted no more than two (2) directories, provided that each is located on a separate street frontage.

(3) Menu boards

In addition to other permitted signs, businesses may have two (2) menu boards per drive-through lane, provided that the following provisions are met:

(a) The area of the menu board does not exceed sixteen (16) square feet when located in a front yard or a side yard and twenty-four (24) square feet when located in a rear yard.

(b) The maximum height is six (6) feet for a freestanding sign and is in accordance with the Table of Dimensional Regulations for wall signs.

(4) Non-commercial signs

Non-commercial signs necessary to denote information pertaining to direction, safety and messages required by law such as building numbers, identification or traffic controls and including labels for full-service and self-service lanes at gas stations and bank drive-in service locations, and similar signs will be allowed in addition to other permitted signs provided that the following provisions are met:

(a) No information or identification other than that relating to the non-commercial function, excepting logos, shall be allowed.

(b) Non-commercial signs shall contain no more than two (2) square feet of sign area. Non-commercial signs over two (2) square feet will be included with allowable signs and shall be in accordance with the requirements of the Table of Dimensional Regulations.

(5) Automobile dealer signs

Any automobile dealer with separate franchise agreements which require the display of corporate logos on separate freestanding signs, may have an additional freestanding sign for each franchise, provided that the signs are one hundred (100) linear feet apart, display only the corporate name and logo, and meet all other provisions of this ordinance.

(6) Flags and festoonery

Festoons, flags, streamers, and all other fluttering, spinning, or similar type devices are prohibited except for national flags and flags of political subdivisions of the United States, of bona fide civic, charitable, fraternal, and welfare organizations, except as follows:

(a) During federal legal public holidays, or during a special civic event, or for a time period not to exceed thirty (30) consecutive days once within any twelve-month period, festoons, flags, streamers, and other fluttering, spinning, or similar type devices pertaining to said periods or events may be displayed by temporary permit issued by the zoning department.

(b) Official flags of legal entities and flags displaying noncommercial copy may be displayed subject to the following requirements: Only one (1) flag per establishment; only the official logo may be displayed on the flag; the flag must meet the area and height requirements in the Table of Dimensional Regulations for freestanding signs, except that no flag shall be more than twenty-four (24) square feet in area.

(7) Banners

(a) Museum banner

Any sign or banner located on the site or attached to the structure of a public museum, which provides information about current or upcoming shows, exhibits or events, shall not be displayed for a period longer than three (3) months.

(b) Private event banner

Any banner which provides information on current or upcoming private events shall not exceed fifty (50) percent of the building's total allowable sign area (as determined by the Table of Dimensional Regulations herein) nor be installed for a period of more than thirty (30) days in a one-year period, which may be:

(i) Thirty (30) consecutive days; or

(ii) A total of thirty (30) days, the dates of which are to be specified on the sign permit.

(c) Public event banner

Any banner attached to a building owned or controlled by the city or any agency thereof, or installed on public property or in the public right-of-way, which provides information on current or upcoming public events shall not exceed fifty (50) percent of the building's total allowable sign area (as determined by the Table of Dimensional Regulations herein). Such banners shall not be installed for more than thirty (30) days per event.

(d) Non-event banner

In the interest of providing an opportunity for the placement of non-event banners that have noncommercial copy and/or graphics, applications for such placement may be made to the city's Public Signage Committee, which is comprised of representatives of the planning, public works, codes compliance and parks and recreation departments. The committee shall adopt an administrative policy for such banners.

(8) Large institutional uses

In addition to other permitted signs, large institutional uses, limited to educational and medical campuses, encompassing 50 or more acres that are contiguous or separated by a street, shall be permitted the following:

(a) Up to two (2) entrance signs may be permitted at each principal entrance provided that no more than one (1) sign shall be permitted at each side of the road or driveway.

(b) Such signs shall not exceed 110 square feet and 12 feet in height.

(c) Walls integrated into the design of a campus entrance sign shall not exceed 15 feet in height provided that no more than 25% of the wall shall be permitted at the maximum height.

(d) All campus entrance signs shall meet all relevant provisions of the "City of Hampton Landscape Guidelines".

(9) Real estate signs

Each establishment is allowed one (1) real estate sign in addition to other permitted signs, provided that the following provisions are met:

(a) The sign area shall not exceed six (6) square feet in area and shall not be over five (5) feet in height; except the sign area for real estate signs displayed on property which is being marketed for commercial intent, on a street frontage with a speed limit of thirty-five (35) miles per hour or more, shall not exceed sixteen (16) square feet.

(b) Signs must provide information related to the lease or sale of only the building or premises on which the sign is located.

(c) Signs shall be removed within two (2) weeks of ratification of the contract for sale or forty-eight (48) hours of ratification of the rental/lease agreement.

(d) One (1) additional real estate sign demoting that the property on which it is placed is open for inspection by the public is allowed between sunrise and sunset on Saturday, Sunday, and federal legal public holidays; three (3) additional signs providing direction to the property open for inspection may be placed off-site on private property in accordance with the provisions of this paragraph and with written permission of the owner of the property on which it is placed. The size of such directional sign shall be limited to six (6) square feet in area.

(10) Political signs

Political signs shall be allowed in addition to other permitted signs, provided that the following provisions are met:

(a) The sign area shall not exceed eight (8) square feet in residential districts and on residentially developed property, and thirty-two (32) square feet on all other properties. The size limitations set forth in this paragraph do not apply to off-premise advertising signs which contain a political message.

(b) Nothing in this section shall be construed to grant permission to display such a political sign without the expression of the property owner.

(c) Nothing in this section shall be construed to control the number of political signs posted on the premises on a polling place on the day of a primary, general or special election.

(d) Any person displaying a political sign shall maintain it in a good state of repair, and failure to maintain such a sign shall be a violation of this ordinance.

(e) No political signs shall be placed in the public rights-of-way or on other city property. Any signs placed in the public rights-of-way or on other city property shall be removed immediately by the applicant. Signs not removed by the applicant shall be removed and disposed of by the city without the requirement of notice.

(11) Construction signs

Construction signs shall be allowed in addition to other permitted signs, provided that the following provisions are met:

(a) Such construction signs shall be limited to one (1) freestanding sign per parcel at any one (1) time, and shall not exceed thirty-two (32) square feet in area and eight (8) feet in height.

(b) The sign shall be removed within fourteen (14) days of completion of the construction, and shall not under any circumstances be displayed for a period in excess of eighteen (18) months; except that, if construction is not complete within eighteen (18) months, an extension may be granted by the zoning administrator of the City of Hampton, subject to review of the condition and the placement of the sign relative to uncompleted construction.

(12) Off-premises advertising signs

Off-premises advertising signs shall be permitted provided that the following provisions are met:

(a) Off-premises advertising signs shall be considered a permitted use upon those properties which contain such use as of September 1, 1988. Each site shall be identified as an "off-premises advertising site" on the official zoning maps of the City of Hampton and shall be available for public inspection in the offices of the zoning administrator and the director of community development. If any permitted off-premises advertising sign is relocated from an "off-premises advertising site" and if the zoning of the property is not M-2 or M-3, off-premises advertising shall not be considered a permitted use upon such property and the designation of the site as an "off-premises advertising site" shall be removed from the official zoning maps.

(b) Relocation of permitted off-premises advertising signs shall be permitted:

(i) Within the boundaries of the site upon which the structure was located on September 1, 1988, if zoned M-2 or M-3;

(ii) On a contiguous lot, provided that such contiguous lot was created by subdivision from the lot on which the off-premises

advertising sign was located on September 1, 1988, and retains common ownership, and is zoned M-2 or M-3;

(c) No off-premises advertising sign shall be relocated within a 1,000-foot radius drawn from the center point of any interchange of Interstate 64 or 664.

(d) Off-premises advertising sign height for signs primarily read from interstate highways shall not exceed 35 feet in height above the elevation of the highway to which the sign is principally displayed, as measured at the point of pavement of such highway nearest to the sign; and shall not exceed 26 feet in height in all other areas.

(e) Off-premises sign area shall not exceed 600 square feet per sign face when oriented primarily toward I-64 and 300 square feet per sign face in all other areas.

(f) All replacements of existing units shall be of a single pole construction and subject to the following criteria: the site is zoned M-2 or M-3, the current size does not increase, the height meets the provisions of this ordinance and construction shall comply with all applicable Virginia building code requirements.

(g) No additional faces shall be permitted in excess of the number that existed on September 1, 1988.

(h) A landscape plan that complies with the "City of Hampton Landscape Guidelines" shall be reviewed and approved as part of the use permit for any permitted structure which is replaced.

Sec. 10-5. – Signs exempt from regulation in this ordinance.

(1) Official historic markers.

(2) Flags, emblems, or insignia of the United States, the Commonwealth of Virginia, and the City of Hampton.

(3) Window signs, provided, however, that the total area of the signs shall not exceed thirty-three (33) percent of the area of the window in which they are displayed.

(4) Seasonal displays and decorations not advertising a product, service, or entertainment.

(5) Letters less than nineteen (19) inches in height and one (1) inch in thickness carved into or constructed of the same material as the building frontage in such a way that they are an architectural detail of the building, provided that they are not illuminated apart from the building, are not made of a reflecting material, and are the same color as the building. For any letters greater than nineteen (19) inches in height, only fifty (50) percent of the area shall be counted towards the maximum area for wall signs.

(6) Signs which have special historical value or significance to the community, with approval of the planning commission and subject to the following guidelines:

(a) The sign relates to a significant time period, person, place, or event in the history of the city; and/or
(b) The sign's characteristics reflect a unique tradition of the community in which it is located, of a commodity or of a type of business; and/or
(c) The sign construction or features represent a special technology which no longer occurs.

(7) At gasoline supply stations:
(a) Information displayed on the top of gasoline pumps provided that the sign area does not exceed two (2) square feet.
(b) Price information related to fuel products displayed on a permitted freestanding sign or on sign(s) attached to a canopy structure, up to a sign area of twenty-four (24) square feet.

(8) Any sign which is not visible to motorists or pedestrians from the exterior of the building.

(9) Murals.

(10) Temporary special event signs. For purposes of this section, temporary special event signs shall mean signs authorized by a Special Event Permit issued pursuant to Chapter 26 of the Hampton City Code.

Sec. 10-6. - Nonconforming signs.

No nonconforming sign may be enlarged, extended, altered or relocated except as set forth in chapter 12 of this ordinance.

Any damaged or destroyed nonconforming sign requiring repairs at a cost of 50% or more of the replacement cost of the sign shall be removed or brought into conformity with this ordinance. Replacement cost shall be calculated using a substantially similar sign with the same materials as the original sign and shall only include the cost of the supporting structure, foundation, and sign face(s).

ARTICLE 2 – SUPPLEMENTAL REGULATIONS IN CERTAIN ZONING DISTRICTS

Sec. 10-7. – O-MVC District

(1) Intent
All signs placed for exterior observance shall be regulated so as to protect the visual environment against inappropriate encroachment within the district, thereby furthering the intent of chapter 9, article 6. All signs located within the Magruder Visual Corridor shall meet the requirements of this article in addition to the provisions of article 1 hereof.

(2) Prohibited signs
In addition to the prohibitions set forth in article 1 of this chapter, the following signs shall be prohibited in the Magruder Visual Corridor Overlay (O-MVC):
(a) Signs painted on a building.

(b) Portable signs.
(c) Reader boards.
(d) Animated signs.
(e) Off-premises advertising signs.

(3) Limitations on permitted signs.
Freestanding signs shall not exceed a height of five (5) feet above natural grade within one hundred (100) feet of any major road right-of-way, and within one hundred (100) feet of any intersecting street right-of-way for a distance of three hundred (300) feet to either side of the Magruder Boulevard right-of-way, and may increase one (1) foot in height for each additional twenty (20) feet of setback, provided that other related provisions of the ordinance are met.

Sec. 10-8. – O-CC District

(1) Sign area shall be as permitted in article 1 of this chapter, however the following shall also apply:
(a) No sign shall be painted on a building, accessory structure or fence.
(b) Parcels are required to have at least fifty (50) feet of frontage on a public right-of-way in order to place a freestanding sign facing that right-of-way.
(c) No freestanding sign shall be located closer than forty (40) feet to any other freestanding sign.
(d) All freestanding signs shall be ground-mounted monument signs unless they are located within an interstate/arterial zone, as defined in this chapter. Any freestanding sign placed within an interstate/arterial zone shall not be in addition to other permitted freestanding signs.
(e) In those instances where the Coliseum Central logo is incorporated into any private sign, the area of the logo itself shall not count toward the allowable sign area.

(2) In an effort to address the special signage needs of the Coliseum Central area, modifications to the requirements of (1) above, to include additional sign area, may be permitted upon the approval of the Coliseum Central Design Review Committee (CCDRC), as defined in chapter 2. Such approval shall be based upon the sign package's ability to meet the following standards:
(a) The appropriateness to the type of activity to which it pertains;
(b) Compatibility with the character of the surrounding area;
(c) Compatibility with the architecture of the building and its incorporation into that architecture in a manner that does not obscure elements and details that define the building design;
(d) Sensitivity of placement to signs on adjacent parcels; and
(e) Consolidation of freestanding signs.
In no instance, however, shall the CCDRC allow the use of off-premises advertising that would not otherwise be permitted by this chapter. Should any request for additional sign area, or a change in the dimensions or location of a sign, be denied by the CCDRC, the request may be forwarded to the board of

zoning appeals in the form of a variance. The CCDRC shall forward the rationale for their decision to the board of zoning appeals for consideration.

Sec. 10-9. – RT-1 District

(1) Sign area shall be as permitted in article 1 of this chapter, however the following shall also apply:
  (a) All freestanding signs shall be ground-mounted and shall be set back at least two (2) feet from the front property line.
  (b) Directory signs shall be permitted interior to any site at a ratio of two (2) square feet of sign area for each one thousand (1,000) square feet of building area, not to exceed a total of twenty (20) square feet per site.
    (i) Each individual directory sign shall be permitted a maximum of five (5) square feet.
    (ii) Lettering on directory signs shall not exceed four (4) inches in height.

Sec. 10-10. – Reserved

ARTICLE 3 – SPECIAL REGULATIONS IN CERTAIN ZONING DISTRICTS

Sec. 10-11. – LFA-3 and HRC-1 Districts

(1) Intent
This article provides the regulations governing signs in the Langley Flight Approach—Hampton Roads Center (LFA-3) and Hampton Roads Center South (HRC-1) Districts. All signs placed for exterior observance shall be regulated so as to protect the property values and protect against inappropriate or hazardous encroachment within the Hampton Roads Center business park.

(2) Prohibited signs
In addition to the prohibitions set forth in article 1 of this chapter, the following signs shall be prohibited:
  (a) Exterior identification signs containing information other than that pertaining to a use conducted on the property.
  (b) Signs painted on a building.
  (c) Portable signs.
  (d) Off-premises advertising signs.

(3) Permitted signs
The following signs shall be permitted, as explained and illustrated:
  (a) Each site with a multi-story building or with a one-story building with a single, main entrance shall be permitted:
    (i) One (1) main identification sign with dimensions of four (4) feet by six (6) feet, six (6) inches (4' × 6'6"). The sign may include the building name and street address or the name and logo of the

major tenant and street address. The sign shall be located at least twenty-one (21) feet from the proposed right-of-way and oriented perpendicular to the traffic flow.

(ii) Major directional signs, with dimensions of four (4) feet, six (6) inches by three (3) feet, six (6) inches (4'6" × 3'6"). The sign may include tenant names or logos and addresses with directional arrows. The signs shall be located at intersections of drives within the site.

(iii) Minor directional signs, with dimensions of two (2) feet by three (3) feet, three (3) inches (2' × 3'3"). Information shall be limited to generic directions, such as deliveries, exit, etc., with directional arrows. The signs shall be located as necessary within the site.

(iv) Tenant door identification signs with dimensions of one (1) foot, three (3) inches (1'3") square. The sign may include the tenant name or logo, and shall be located adjacent to the entry door, four (4) inches from the door jam, with the top of the sign five (5) feet, eight (8) inches (5'8") from the finished floor.

(v) Wall signage shall be permitted on buildings with frontage on Magruder Boulevard, Hampton Roads Center Parkway, Enterprise Parkway, Butler Farm Road, and/or Interstate 64. Buildings may have a maximum of two (2) wall-mounted signs per qualifying frontage, not to exceed two (2) sides of the building. Permitted sign area shall be one (1) square foot per one (1) linear foot of building frontage, not to exceed a building total of one hundred fifty (150) square feet; if more than one (1) sign is used, the amount of sign area shall be divided between the signs. Said signs shall be proportionate to the building and located at the uppermost elevation of the building. Wall signage shall consist of only free-standing individual letters, figures, and/or characters. Track-mounting for said letters/characters shall be color coordinated to blend with background building material. Signs may be internally illuminated and/or back-lit with white light.

(b) Each site with a one (1) story, multiple entrance building shall be permitted the following:

(i) One (1) main identification sign with dimensions of four (4) feet by six (6) feet, six (6) inches (4' × 6'6"). The sign may include the building name and street address or the name and logo of the major tenant and street address. The sign shall be located at least twenty-one (21) feet from the proposed right-of-way and oriented perpendicular to the traffic flow.

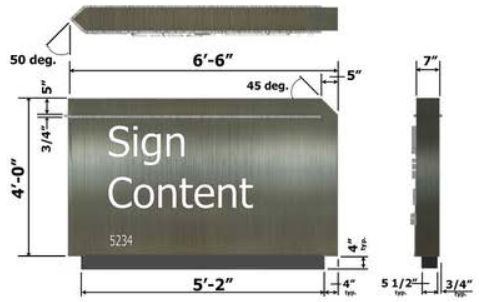
(ii) Multi-tenant directional signs, with dimensions of five (5) feet, six (6) inches by three (3) feet, six (6) inches (5'6" × 3'6"). The sign may include tenant names or logos and addresses with directional arrows. The signs shall be located along drives within the site.

(iii) Minor directional signs, with dimensions of two (2) feet by three (3) feet, three (3) inches (2' × 3'3"). Information shall be limited to generic directions, such as deliveries, exit, etc., with directional arrows. The signs shall be located as necessary within the site.

(iv) One (1) multi-tenant identification sign, with dimensions of five (5) feet, six (6) inches by three (3) feet, six (6) inches (5'6" × 3'6"). The sign may include tenant names or logos, and shall be located at the main site entrance, at least twenty-one (21) feet from the proposed right-of-way and oriented perpendicular to the traffic flow.

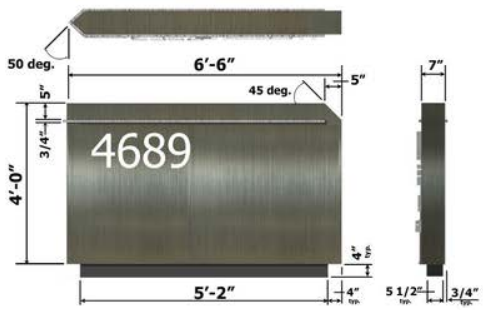
(v) Wall signage shall be permitted on buildings with frontage on Magruder Boulevard, Hampton Roads Center Parkway, Enterprise Parkway, Butler Farm Road, and/or Interstate 64. Buildings may have a maximum of two (2) wall-mounted signs per qualifying frontage, not to exceed two (2) sides of the building. Permitted sign area shall be one (1) square foot per one (1) linear foot of building frontage, not to exceed a building total of one hundred fifty (150) square feet; if more than one (1) sign is used, the amount of sign area shall be divided between the signs. Said signs shall be proportionate to the building and located at the uppermost elevation of the building. Wall signage shall consist of only free-standing individual letters, figures, and/or characters. Track-mounting for said letters/characters shall be color coordinated to blend with background building material. Signs may be internally illuminated and/or back-lit with white light.

(vi) Tenant door identification shall be limited to copy on the door, to include the tenant name, logo, and suite number.



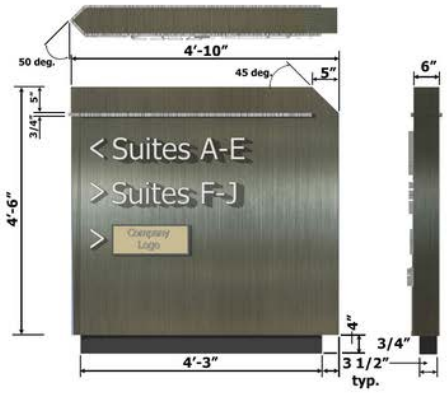
Major Identification

Major Tenant



Major Identification
Multi-Tenant

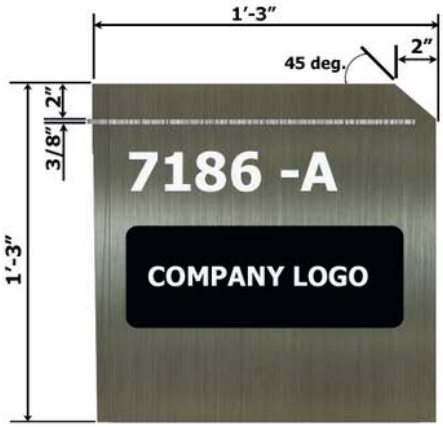
Major Directional



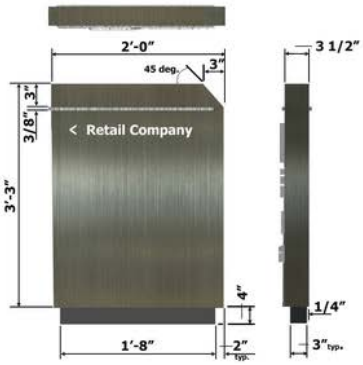
Major Directional

Major Identification

Multi-Tenant



Tenant Door I.D.



Minor Directional

(3) One (1) temporary construction sign shall be permitted per site, not to exceed a height of eight (8) feet above natural grade and not to contain more than thirty-six

(36) square feet of sign area. All temporary construction signs shall be removed within fourteen (14) days of the issuance of a certificate of occupancy or within three (3) days of the erection of a permanent detached sign upon the site, whichever occurs first. Information permitted upon temporary construction signs shall be limited to the name of the project, the general contractor, the architect, the engineer, and other firms involved in the construction project.

(4) One (1) real estate sign for the initial lease-up period, which shall not exceed a height of ten (10) feet above natural grade and shall contain no more than thirty-two (32) square feet of sign area. The initial lease-up period shall be construed as that time from the beginning of construction through the execution of lease(s) for ninety-five (95) percent of the building's leasable space, or one (1) calendar year, whichever is shorter. If the building has not reached ninety-five (95) percent occupancy within one (1) year, the permit may be renewed by the zoning administrator for an additional year. Such permit may be administratively renewed twice, but the maximum permitted time period for such real estate sign shall never exceed three (3) consecutive calendar years from the date of the certificate of occupancy. Any subsequent real estate sign shall not exceed a height of five (5) feet above natural grade and shall contain no more than sixteen (16) square feet of sign area. Information permitted on such signs shall be limited to the nature of the offering, the name and/or logo of the real estate company, the listing agent, and the phone number. All such signs shall be removed within five (5) days of the date of recordation of the deed for the property or execution of the lease for the last leasable space on the property.

Sec. 10-12. – DT-1, DT-2 and DT-3 Districts

(1) Purpose

The purpose of these regulations is to regulate all signs placed for exterior observance so as to protect property values, protect against inappropriate or hazardous visual encroachment, and complement the historic character of Downtown Hampton, thereby furthering the intent of this article.

(2) General provisions

(a) Except as provided in subsection 10-12(4) below, all signs shall conform to the provisions and guidelines of this article. No zoning certificate shall be issued to authorize the erection or alteration of a sign without prior approval by the zoning administrator, after review by the director of planning, of the plans for such erection or alteration. Plans shall be evaluated according to the standards contained in this article, and approval of such plans shall not be withheld unless they do not conform with the characteristics set forth therein. When approval is withheld, the zoning administrator shall set forth in writing for the applicant his reasons for such decision. Any applicant who is aggrieved by the zoning administrator's disapproval of his sign may appeal that decision to the board of zoning appeals.

(b) Private businesses may secure space on public directory or information signs for a fee which shall cover the cost to the city of fabrication, installation and maintenance. Only the City of Hampton, or its assigns, shall design, fabricate, erect and administer public directory or information signs.

(c) Each building shall be permitted wall signage on each façade with public street frontage and on one (1) additional façade, within the total maximum sign area allowed.

(d) Any multi-tenant building with a shared common entrance shall be permitted a wall directory sign not to exceed twelve (12) square feet placed immediately adjacent to each common entrance. Only the name and address of the building and the names and locations of individual businesses may be included on this sign. Such a sign shall be in addition to other allowable signage.

(e) A Table of Dimensional Regulations/Downtown Districts for signs is incorporated in this article and is in full force and effect as of April 29, 1992. Any sign which is erected, displayed, or substantially altered or reconstructed shall be in accordance with the related provisions of the Table of Dimensional Regulations/Downtown Districts, except as otherwise specified in this article.

(3) Prohibited signs

In addition to the prohibitions set forth in article 1 of this chapter, the following signs shall be prohibited within the DT Districts:

(a) Signs and parts thereof which move by spinning, rotating, or similar motion, and all forms of flashing or intermittent light, or any similar type devices, located on public or private property.

(b) Any window sign except those either specifically exempted in subsection 10-12(4) below or those painted on a window surface.

(4) Exemptions

The following types of signs are exempt from the requirements of this section, and shall not be considered when calculating any maximum number or type of sign allowed on any property:

(a) Official historic markers.

(b) Flags, emblems, or insignia of the United States, the Commonwealth of Virginia, and the City of Hampton.

(c) Small signs (less than one (1) square foot) which display street address only. The street address must be placed on the sign or on the building.

(d) Small signs (less than two (2) square feet) displayed for the direction or convenience of the public, including signs which identify restrooms, location of public telephones, freight entrances, and the like.

(e) Seasonal displays and decorations not advertising a product, service, or entertainment.

(f) Any sign erected by a public agency for the purpose of giving directions or information for the assistance of the general public, provided that such

signs shall be subject to the same considerations of style which apply to all other signs in this district.

(g) Murals. A painted scene or other type of graphic which does not contain any copy and does not have as its primary intent the provision of information concerning the establishment or any product, good or service offered by the establishment.

(h) Temporary signs of the following type:

(i) Official notices or advertisements displayed by the direction of any public or court officer in the official discharge of his duties.

(ii) Political campaign signs, subject to the conditions of subsection 10-4(9) of this chapter and article II of chapter 2A of the code of the City of Hampton.

(iii) Signs announcing a campaign, drive, or event of a civic, philanthropic, educational, or religious organization, subject to the conditions of article II of chapter 2A of the code of the City of Hampton, or if on private property, provided that the sponsoring organization shall insure the removal of such sign(s) after a period not to exceed one (1) month.

(iv) Signs or notices posted in display areas designated by a public agency for such purpose.

(v) Signs advertising the sale, rental, or lease of the premises or part of the premises on which the signs are displayed, subject to the conditions of subsection 10-4(8) of this chapter.

(vi) Construction signs which identify the architects, engineers, contractors, and other individuals or firms involved with the construction, but not including any advertisement, and signs announcing the character of the building or site is intended, provided that such signs shall be limited to three (3) at any one time, shall not exceed twelve (12) square feet per sign in area, shall be removed within fourteen (14) days of the construction, and shall not under any circumstances be displayed for a period in excess of eighteen (18) months.

(vii) Signs announcing events such as "Grand Opening," "Sale," "Under New Management," "Going Out of Business," etc., provided that such signs shall not exceed twelve (12) square feet per sign in area, shall be displayed for a period not longer than ten (10) days, or ninety (90) days in the case of "Going Out of Business" signs, and shall not be displayed more than once in any year by the same proprietor at the same location;

(viii) Other temporary display window signs within retail premises, unless exposed principally to Queens Way or Kings Way.

(5) Type and location on premises.

Signs in the DT Districts shall pertain only to the business(es) conducted on or nearby the premises, except as specifically permitted otherwise in this chapter, and shall only be of the following types:

(a) Projecting signs. Signs may be attached securely to a building so as to project vertically over the entrance(s) to the building at pedestrian level.

(b) Wall signs. Signs may be attached flat against a storefront or building, or painted on glass surfaces.

(c) Ground-mounted monument signs.

(d) Pole signs. A sign may be permanently erected on a single pole or column on the premises, independent of any other structure, provided that such a sign shall be at pedestrian level and shall not extend into or over any adjoining property or public right-of-way, without permission of that property owner.

(e) Banner. A sign intended to be hung on a frame, possessing characters, letters, illustrations, or ornamentations applied to plastic or fabric, excluding official flags and emblems of political, professional, religious, educational or corporate organizations.

(i) Museum banner. A sign or banner located on the site or attached to the structure of a public museum which provides information about current or upcoming shows, exhibits or events. Such signs shall not be displayed for a period longer than three (3) months.

(ii) Private event banner. A banner which provides information on current or upcoming private events and does not exceed fifty (50) percent of the building's total allowable sign area, and is installed for a period not to exceed thirty (30) days in one (1) calendar year, which may be:

(aa) Thirty (30) consecutive days; or

(bb) A total of thirty (30) days, the dates of which are to be specified on the sign permit.

(iii) Public event banner. A banner, attached to a facility owned or controlled by the city or any agency thereof, or installed on public property or in the public right-of-way, which provides information on current or upcoming public events. Such banners shall not exceed fifty (50) percent of the facility's allowable sign area and shall not be installed for more than thirty (30) days per event.

(iv) Non-event banner. In the interest of providing an opportunity for the placement of non-event banners that have noncommercial copy and/or graphics, applications for such placement may be made to the city's Public Signage Committee, which is comprised of representatives of the planning, public works, codes compliance and parks and recreation departments. The committee shall adopt an administrative policy for such banners.

(f) Public directory or information signs. Freestanding signs provided by the city, or their assigns, located on public rights-of-way, intended to provide

direction or information to major public facilities, events and private establishments, and which may include neighborhood identification and information signs identifying single family subdivisions, or townhouse, condominium, or apartment developments, located at the entrance to such developments.

(g) Awning/canopy signs. A wall sign which is applied or attached to an awning/canopy fabric or structure affixed to a building, provided that such sign shall not extend beyond the awning/canopy.

(h) Sandwich boards. A detached freestanding sign, the maximum size of which shall not exceed two (2) feet by three (3) feet (2' x 3'), for use only by retail businesses only during business hours and which shall be removed at the end of each business day, containing advertisement related to nearby premises, the copy of which can be changed frequently. Sandwich boards shall be placed on the public sidewalk only when no other option is available.

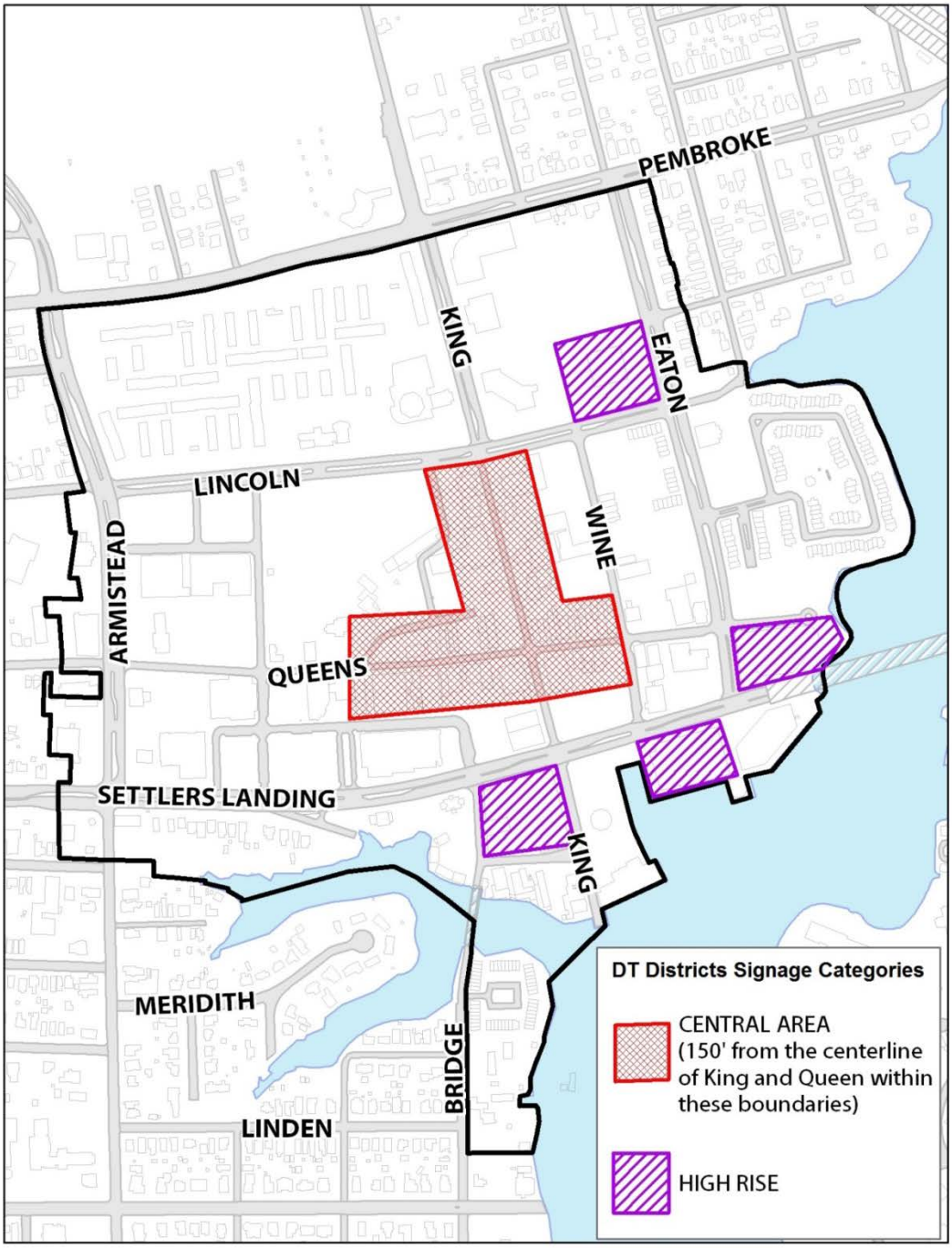
(6) Permitted signage.

(a) For purposes of identifying permitted signs within the Old Hampton District, the following locations and categories shall apply, as shown on the following map:

(i) Central Area.

(ii) High-rise buildings.

(iii) All other areas not in (i) or (ii) above.



(b) Signs in the DT Districts shall be permitted as follows and as permitted by the Table of Dimensional Regulations/Downtown Districts:

(i) Within the Central Area:

(aa) Wall signs

(bb) Freestanding signs

(cc) Sandwich boards:

1. Single tenant buildings shall be permitted one (1) sandwich board.

2. Multi-tenant buildings shall be permitted one (1) sandwich board for each forty (40) feet of frontage.

(dd) Banners

(ee) Incentives. If ground floor retail space is occupied, each such user may receive an additional four (4) square feet or ten (10) percent, whichever is greater, of signage area per allowable type of sign, except for sandwich boards and banners.

(ii) High-rise buildings.

(aa) Wall signs

(bb) Freestanding signs

(cc) Banners

(dd) Public directory or information signs

(iii) All other areas that are neither (i) or (ii) above.

(aa) Wall signs

(bb) Freestanding signs

(cc) Banners

(7) Number.

(a) No more than one (1) ground-mounted monument sign or pole sign shall be erected on any site, parcel, or development.

(b) Where a building has more than one (1) entrance from a right-of-way, one (1) projecting sign may be attached over each entrance.

(8) Lighting.

(a) All signs, if lighted, shall be indirectly illuminated by white-colored light, directed and/or shielded so that none of the lighted areas of the light source is visible from adjoining properties or rights-of-way, or may be internally illuminated in the case of a reverse-faced sign, in which the sign face is opaque and only the logo and/or letters are illuminated. Neon or similar gaseous discharge light shall be permitted.

(b) All forms of flashing or otherwise intermittent light are prohibited throughout the district, except for clocks and signs giving digital display of time and/or temperature.

(9) Materials.

All exterior signs and sign supports shall be constructed of wood, non-corrosive metal, brick, fabric, neon, or similar gaseous discharge light, and shall be treated so as to be resistant to weathering, except that internally illuminated signs may contain plastic panels over the illuminated face. In all cases, lettering may be plastic.

(10) Content.

(a) In the Central Area, signs, with the exception of sandwich boards, may contain only the following types of information, in the briefest practical form:

(i) The logo and/or name of the business or principal use of the property;

(ii) The street address of the property; and

(iii) Historical reference, e.g., "established 1900."

(b) There shall be no restriction on content of signs in all other areas or on high-rise buildings.

(11) Style.

It is the intent of these regulations to promote the use of signs which will act as a visual complement to the historic character of the DT Districts. In forming a judgment as to the appropriateness of any proposed sign, the director of planning will consider as criteria whether the proposed sign is expressive of individual proprietor's or the community's identity; appropriate to the type of activity to which they pertain; compatible with the visual character of the surrounding area; and legible in the circumstances in which they are seen. Other criteria to be considered in determining the appropriateness of any proposed sign are whether it fits the architecture of the building and does not obstruct the architectural elements and details that define the design of the building; placed so as to be sensitive to the signs of adjacent businesses; and employs colors which relate to and complement the materials and color scheme of the building, including accent highlights and trim colors. Therefore, signs to be created under the provisions of this article should maintain, in style and material, visual and functional harmony with others permitted under this article.

(12) Incentives.

(a) The provisions of subsection 10-12(11) shall be considered the minimum standards by which signs are reviewed. It is the intent of this article to encourage outstanding and excellent sign design which reinforces the distinctive character of the DT Districts. Contemporary design shall not be discouraged when such design is compatible with the elements contained within and relates to similar features of buildings and structures located within the district.

(b) A review board shall be established, composed of the planning director, zoning administrator, and three (3) representatives from the DT Districts. These three (3) representatives will act in an advisory capacity to the planning director and zoning administrator in the review of requests for incentive sign area.

(c) Upon application to and approval by the review board, a proposed sign may be granted additional sign area if it is adjudged to meet design creativity criteria which exceed the minimum standards. The following incentives may be awarded:

(i) High-rise buildings: an additional one hundred (100) square feet of sign area per frontage; and

(ii) Other areas, excluding the Central Area: additional sign area of up to sixty-five (65) square feet per frontage.

(d) In determining the eligibility of a proposed sign for such incentives, the review board shall consider the proposed sign's general design and arrangement and any distinctive stylistic features or examples of skilled

craftsmanship. The review board shall evaluate a series of elements which relate to the sign and which may include height, proportion, relation to district entrances, materials, texture, color, lighting, details, scale, and styles of expression, and the extent to which the sign would be harmonious with or incongruous to the DT Districts. These criteria shall be interpreted by the review board and subjective generalizations shall be allowed to enter into these decisions.

(13) Table of Dimensional Regulations/Downtown Districts.

Except as provided in subsection 10-12(7) above, signs in the DT Districts shall be limited to no more than the maximum area(s) provided in the following table:

	Wall sign	Freestanding sign	Total per street frontage	Banner
Central Area				50% of total allowable area
Queens Way and Kings Way facades Single tenant Multi-tenant	 24 sq. ft. 12 sq. ft. per sign; 36 sq. ft. total max.	Sandwich board, public directory and information	 24 sq. ft. plus* 36 sq. ft. plus*	Public and private
Other public street facades Single tenant Multi-tenant			 40 sq. ft. plus** 72 sq. ft. plus**	Public and private
*public directory, information sign, and sandwich board **public directory and information sign				
High Rise Area	1 sq. ft. per linear foot of frontage 5 sq. ft. per projecting sign	Ground-mounted monument, 65 sq. ft., 8 ft. high Public directory and information	200 sq. ft. (300 sq. ft. with incentive)	50% of total allowable area Public and private
Other Areas	1 sq. ft. per linear foot of frontage or 40 sq. ft., whichever is greater 5 sq. ft. per projecting sign, 20 sq. ft. total max.	Ground-mounted monument, 65 sq. ft., 8 ft. high Public directory and information	135 sq. ft. (200 sq. ft. with incentive)	50% of total allowable area Public and private

Sec. 10-13. – HRC-2 District

(1) Intent.
All signs placed for exterior observance shall be regulated so as to protect the property values and protect against inappropriate or hazardous encroachment within the HRC-2 District, thereby furthering the intent of this article.

(2) Prohibited signs.
In addition to the prohibitions set forth in article 1 of this chapter, the following signs shall be prohibited in the HRC-2 District:
- (a) Exterior identification signs containing information other than that pertaining to a use conducted on the property.
- (b) Signs painted on a building.
- (c) Off-premise advertising signs.
- (d) Portable signs.
- (e) Internally illuminated signs.

(3) Permitted signs.
- (a) Each site shall be permitted the following sign area, as described and illustrated:
  - (i) Sites with a single user building:
    - (aa) One (1) main identification sign, with dimensions of four (4) feet, four (4) inches by six (6) feet, six (6) inches (4'4" × 6'6"). The sign may include either the building name and address or the business name/logo and address. The sign shall be located at least twenty-one (21) feet from any existing or proposed right-of-way and oriented perpendicular to the traffic flow.
    - (bb) Minor directional signs, with dimensions of three (3) feet, seven (7) inches by two (2) feet (3'7" × 2'). Information shall be limited to generic directions, such as deliveries, exit, etc., with directional arrows. These signs may be located as necessary within the site.
    - (cc) Sites with frontage on Magruder Boulevard are permitted one (1) ground-mounted sign oriented toward that frontage, with dimensions of six (6) feet by twenty-five feet (6' × 25'). Sign design and location must be approved by the IDA DRC prior to the issuance of the sign permit.
  - (ii) Sites with multi-user buildings:
    - (aa) One main identification sign, with dimensions of four (4) feet, four (4) inches by six (6) feet, six (6) inches (4'4" × 6'6"). The sign may include either the building name and address or the name/logo of the major tenant and address. The sign shall be located at least twenty-one (21) feet from any existing or proposed right-of-way and oriented perpendicular to the traffic flow.

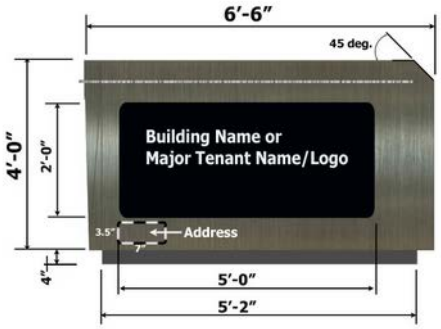
(bb) One (1) multi-tenant identification sign, with dimensions of three (3) feet, ten (10) inches by five (5) feet, six (6) inches (3'10" × 5'6"). The sign may include tenant names/logos, and shall be located at the main site entrance, at least twenty-one (21) feet from any existing or proposed right-of-way, oriented perpendicular to traffic flow.

(cc) One (1) freestanding tenant identification sign for each tenant, with dimensions of five (5) feet by three (3) feet (5' × 3'). The sign may include the tenant name/logo, and shall be located in front of the tenant's major entrance, perpendicular to the drive aisle.

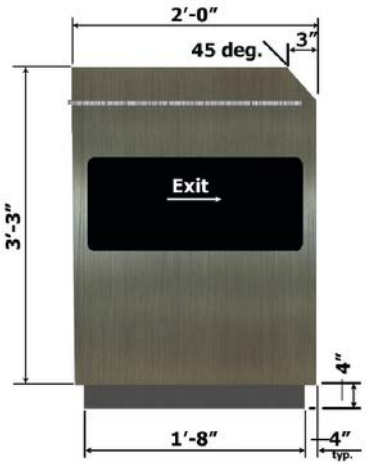
(dd) Tenant door identification shall have dimensions of one and one-quarter feet square (1¼' × 1¼'), and copy shall be limited to tenant name/logo and suite number. Door identification signs shall be located on the entry door.

(ee) Multi-tenant directional signs, with dimensions of three (3) feet, ten (10) inches by five (5) feet, six (6) inches (3'10" × 5'6"). The sign may include tenant names/logos and addresses, with directional arrows. These signs shall be located along drives within the site.

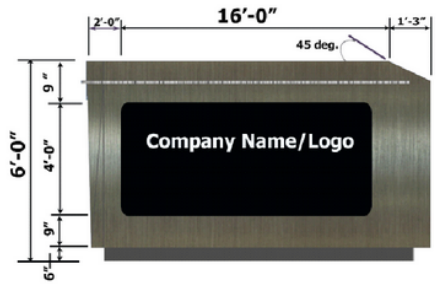
(ff) Minor directional signs, with dimensions of three (3) feet, seven (7) inches by two (2) feet (3'7" × 2'). Information shall be limited to generic directions, such as deliveries, exit, etc., with directional arrows. These signs may be located as necessary within the site.



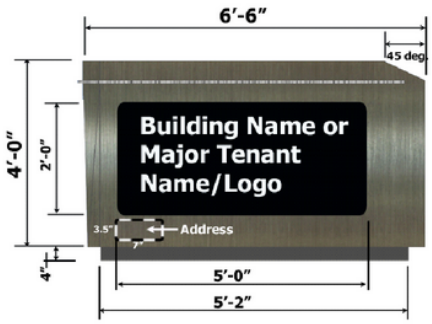
Single User Building
Main Identification Sign



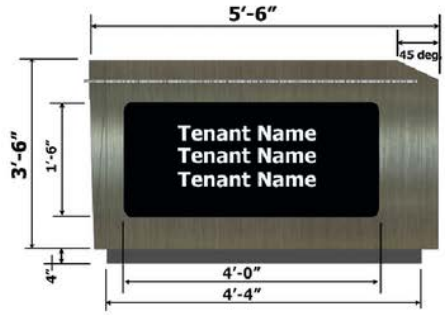
Single User Building
Minor Directional Sign



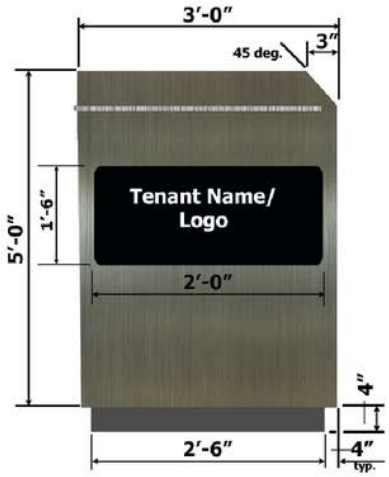
Single User Building
Ground-Mounted Sign
Facing Magruder Blvd



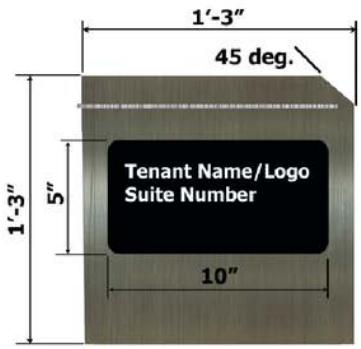
Multi-User Building
Main Identification Sign



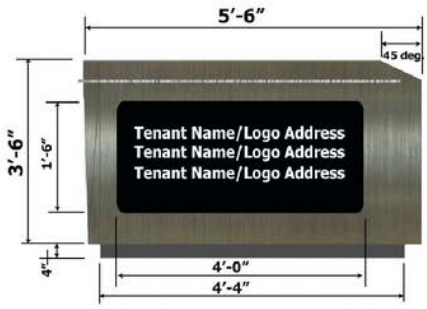
Multi-User Building
Multi-Tenant
Identification Sign



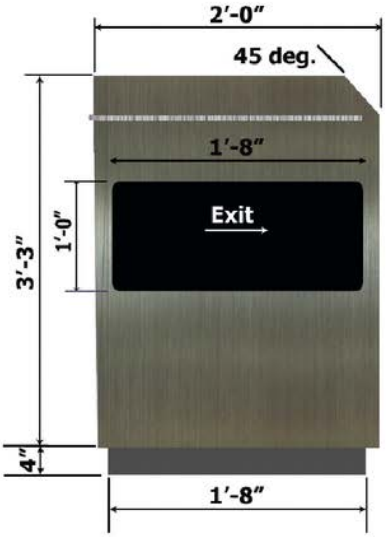
Multi-User Building
Tenant Identification Sign



Multi-User Building
Tenant Door
Identification Sign



Multi-User Building
Multi-Tenant
Directional Sign



Multi-User Building
Minor Directional Sign

(b) One (1) temporary construction sign shall be permitted per site, not to exceed a height of eight (8) feet above natural grade and not to contain more than thirty-six (36) square feet of sign area. All temporary construction signs shall be removed within fourteen (14) days of the issuance of a certificate of occupancy or within three (3) days of the erection of a permanent sign on the site, whichever occurs first. Information permitted upon temporary construction signs shall be limited to the name of the project, the general contractor, the architect, the engineer, and other firms involved in the construction project.

(c) One (1) real estate sign for the initial lease-up period, which shall not exceed a height of ten (10) feet above natural grade and shall contain no more than thirty-two (32) square feet of sign area. The initial lease-up period shall be construed as that time from the beginning of construction through the execution of lease(s) for ninety-five (95) percent of the

building's leasable space, or one (1) calendar year, whichever is shorter. If the building has not reached ninety-five (95) percent occupancy within one (1) year, the permit may be renewed by the zoning administrator for an additional year. Such permit may be administratively renewed twice, but the maximum permitted time period for such real estate sign shall never exceed three (3) consecutive years from the date of the certificate of occupancy. calendar years. Any subsequent real estate sign shall not exceed a height of five (5) feet above natural grade and shall contain no more than sixteen (16) square feet of sign area. Information permitted on any real estate sign shall be limited to the nature of the offering, the name/logo of the real estate company, the listing agent, and phone number. All real estate signs shall be removed within five (5) days of the date of recordation of the deed for the property or execution of the lease for the last leasable space on the property.

Sec. 10-14. – HRC-3 District

(1) Intent.
All signs placed for exterior observance shall be regulated so as to protect the property values and protect against inappropriate or hazardous encroachment within the HRC-3 District, thereby furthering the intent of this article. Deviation from the standards of this article shall be permitted only upon the express permission of the Industrial Development Authority Development Review Committee (IDA DRC), and shall be approved only when the change does not compromise the integrity of the overall development.

(2) Prohibited signs.
In addition to the prohibitions set forth in article 1 of this chapter, the following signs shall be prohibited in the HRC-3 District:
- (a) Exterior identification sign containing information other than that pertaining to a use conducted on the property.
- (b) Signs painted on a building.
- (c) Off-premise advertising signs.
- (d) Portable signs.

(3) Permitted signs.
- (a) Each site shall be permitted the following freestanding sign area, as described and illustrated:
  - (i) Freestanding signs shall meet the following specifications:
    - (aa) All signs shall be double faced.
    - (bb) All signs shall be of welded aluminum box construction with polished stainless steel accent band, with an opening for the allowable copy area.
    - (cc) Face and base color shall be the equivalent of Pantone 429U.

(dd) Illumination shall be external metal halide lamp or balanced external fluorescent lamp.

(ii) Sites with a single user building:

(aa) One (1) main identification sign, with dimensions of four (4) feet, four (4) inches by six (6) feet, six (6) inches (4'4" × 6'6"). The sign may include either the building name and address or the business name/logo and address. The sign shall be located at least twenty-one (21) feet from any existing or proposed right-of-way and oriented perpendicular to the traffic flow.

(bb) Minor directional signs, with dimensions of three (3) feet, seven (7) inches by two (2) feet (3'7" × 2'). Information shall be limited to generic directions, such as deliveries, exit, etc., with directional arrows. These signs may be located as necessary within the site.

(cc) Sites with frontage on Interstate 64 or Big Bethel Road are permitted one (1) ground-mounted sign oriented toward that frontage, with dimensions of six (6) feet by twenty-five feet (6' × 25'). Sign location must be approved by the IDA DRC prior to the issuance of the sign permit.

(iii) Sites with multi-user buildings:

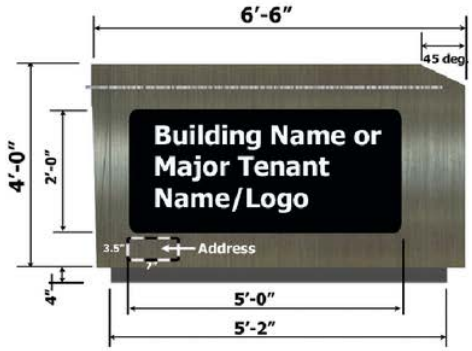
(aa) One (1) main identification sign, with dimensions of four (4) feet, four (4) inches by six (6) feet, six (6) inches (4'4" × 6'6"). The sign may include either the building name and address or the name/logo of the major tenant and address. The sign shall be located at least twenty-one (21) feet from any existing or proposed right-of-way and oriented perpendicular to the traffic flow.

(bb) One (1) multi-tenant identification sign, with dimensions of three (3) feet, ten (10) inches by five (5) feet, six (6) inches (3'10" × 5'6"). The sign may include tenant names/logos, and shall be located at the main site entrance, at least twenty-one (21) feet from any existing or proposed right-of-way, oriented perpendicular to traffic flow.

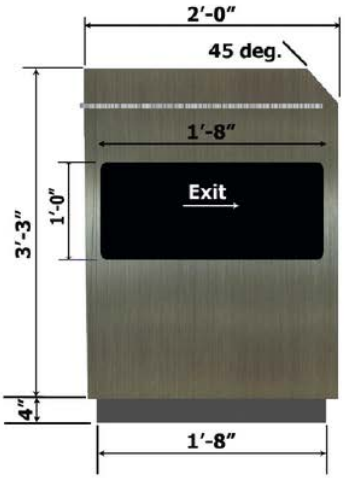
(cc) One (1) freestanding tenant identification sign for each tenant, with dimensions of five (5) feet by three (3) feet (5' × 3'). The sign may include the tenant name/logo, and shall be located in front of the tenant's major entrance, perpendicular to the drive aisle.

(dd) Multi-tenant directional signs, with dimensions of three (3) feet, ten (10) inches by five (5) feet, six (6) inches (3'10" × 5'6"). The sign may include tenant names/logos and addresses, with directional arrows. These signs shall be located along drives within the site.

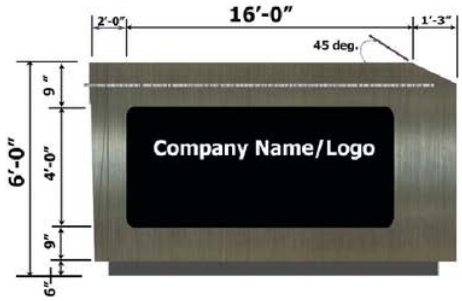
(ee) Minor directional signs, with dimensions of three (3) feet, seven (7) inches by two (2) feet (3'7" × 2'). Information shall be limited to generic directions, such as deliveries, exit, etc., with directional arrows. These signs may be located as necessary within the site.



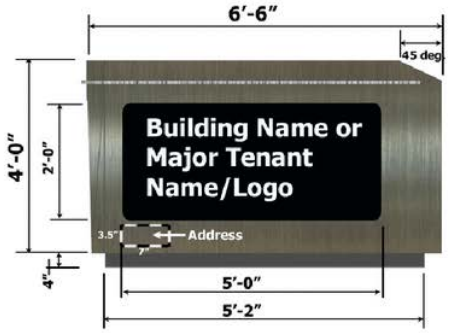
Single User Building
Main Identification Sign



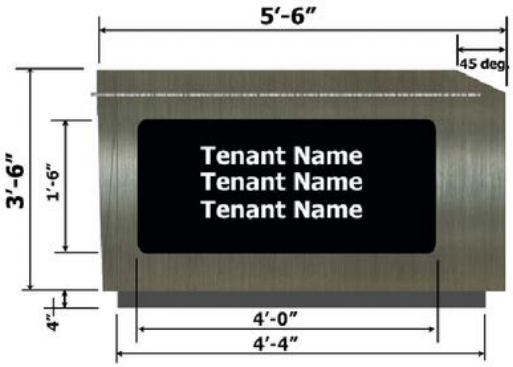
Single User Building
Minor Directional Sign



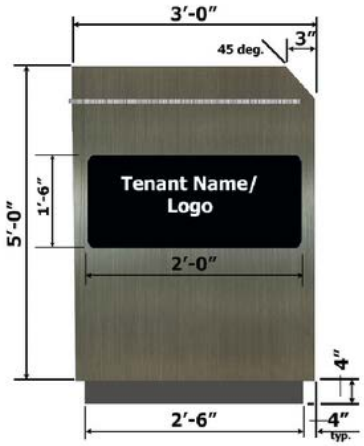
Single User Building
Ground-mounted Sign
Facing Interstate 64
or Big Bethel Road



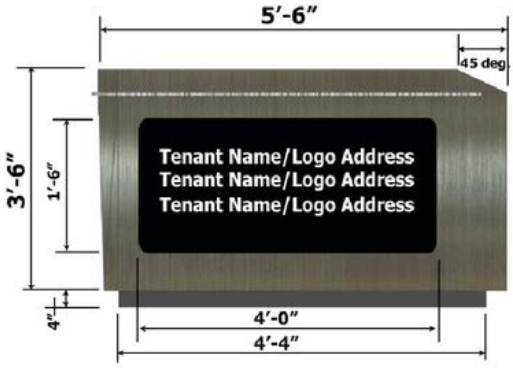
Multi-User Building
Main Identification Sign



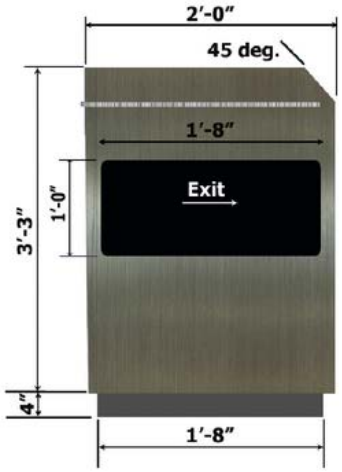
Multi-User Building
Multi-Tenant
Identification Sign



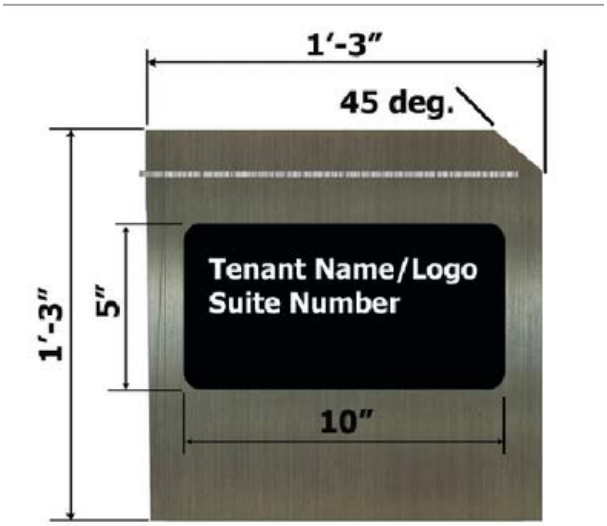
Multi-User Building
Tenant Identification Sign



Multi-User Building
Multi-Tenant
Directional Sign



Multi-User Building
Minor Directional Sign



Tenant Door
Identification Sign

(b) Each site shall be permitted the following wall sign area:

(i) Wall sign area shall be based on building size. The linear length of the longest and shortest building sides shall be totaled; one (1) square foot of sign area shall be permitted for every one (1) foot of such linear building length. Said sign area may be distributed between no more than two (2) sides of the building.

(ii) Prior to the issuance of any wall sign permits in the district, the IDA DRC shall review and approve a wall sign package for the district. Such approval shall be based upon:

(aa) The package's coordination with the design of the freestanding signs in (1) above; and

(bb) The copy on all wall signs being limited to the business name/logo.

(c) In addition to the wall signs in (2) above, tenant door identification shall be permitted with dimensions of one and one-quarter feet square (1¼' × 1¼'), and copy shall be limited to tenant name/logo and suite number. Door identification signs shall be located on the entry door.

(d) One (1) temporary construction sign shall be permitted per site, not to exceed height of eight (8) feet above natural grade and not to contain more than thirty-six (36) square feet of sign area. All temporary construction signs shall be removed within fourteen (14) days of the issuance of a certificate of occupancy or within three (3) days of the erection of a permanent sign on the site, whichever occurs first. Information permitted upon temporary construction signs shall be limited to the name of the project, the general contractor, the architect, the engineer, and other firms involved in the construction project.

(e) One (1) real estate sign for the initial lease-up period, which shall not exceed a height of ten (10) feet above natural grade and shall contain no more than thirty-two (32) square feet of sign area. The initial lease-up period shall be construed as that time from the beginning of construction through the execution of lease(s) for ninety-five (95) percent of the building's leasable space, or one (1) calendar year, whichever is shorter. If the building has not reached ninety-five (95) percent occupancy within one (1) year, the permit may be renewed by the zoning administrator for an additional year. Such permit may be administratively renewed twice, but the maximum permitted time period for such real estate sign shall never exceed three (3) consecutive years from the date of the certificate of occupancy. Any subsequent real estate sign shall not exceed a height of five (5) feet above natural grade and shall contain no more than sixteen (16) square feet of sign area. Information permitted on any real estate sign shall be limited to the nature of the offering, the name/logo of the real estate company, the listing agent, and phone number. All real estate signs shall be removed within five (5) days of the date of recordation of the deed for the property or execution of the lease for the last leasable space on the property.

Sec. 10-15. – BB-3, BB-4 and BB-5 Districts

(1) Intent

This article provides the regulations governing signs in the BB-3, BB-4 and BB-5 Districts.

(2) Permitted locations and signs

(a) Signs are permitted only on Mixed Use Lots or Special Lots as described in chapter 8, article 3.

(b) Types of signs permitted are the following:

(i) Wall signs

(ii) Painted window signs

(iii) Canopy signs

(iv) Projecting signs

(v) Sandwich board signs

(3) Standards

(a) Internally illuminated signs (not including neon) are prohibited. Signs may be illuminated by backlighting or directional lighting done in a manner to minimize glare.

(b) Not more than thirty-three (33) percent of the window surface area shall be covered by any combination of signs.

(c) No less than eight (8) feet of clearance shall be provided between a sidewalk or terrace elevation and the lowest point of a hanging or projecting sign.

(d) Total square feet of sign area for wall, painted window, and/or canopy signs shall not exceed ten (10) percent of the building frontage. For corner lots, each façade facing a street shall be treated as a separate building frontage if that façade has primary access articulated.

(e) The maximum area for any projecting sign shall be ten (10) square feet. Each business shall not have more than one (1) projecting sign.

CHAPTER 11 – PARKING

Sec. 11-1. Purpose.

This chapter establishes the minimum standards for vehicular parking, loading, and service areas. The provisions in this chapter apply to all types of new development, redevelopment, expansions of existing uses, and changes in use. The minimum standards required by this chapter shall apply unless alternate minimum parking standards and/or parking credits are applicable and approved by the zoning administrator. When considering the appropriateness of applying alternate minimum parking standards and/or parking credits, the zoning administrator shall consult with appropriate city departments (i.e. public works, planning, police, fire, etc.) to insure such decisions are in the best interest of the health, safety, and public welfare of the community and consistent with goals and objectives adopted in the City of Hampton comprehensive plan. These standards ensure the adequate and safe provision of parking to support various types of land uses. In addition, these standards contribute to the reduction of potential detrimental impacts to adjoining properties, enhance pedestrian access and connections, reduce stormwater impacts, and minimize excessive parking and the associated environmental impacts.

Sec. 11-2. Parking Spaces Required.

Along with means of ingress and egress, uses permitted by the zoning ordinance shall provide on-site a minimum number of permanently maintained parking spaces as required in Tables 11-2.1 through 11-2.5: Required Minimum and Maximum Parking unless parking credits are granted pursuant to section 11-8 below, or alternate parking provisions are specified in other chapters of this ordinance which shall govern the required parking. In addition, all uses shall provide parking spaces that are accessible to the associated use according to the Uniform Statewide Building Code and meet access standards established in the Virginia Statewide Fire Prevention Code. Uses requiring a use permit may be required to vary from these standards due to the specific conditions of the development. Such variation shall be in the form of a condition recommended by the zoning administrator and adopted by city council. Minimum and maximum parking standards for uses not specifically listed in this chapter shall be determined by the zoning administrator based upon the minimum and maximum parking requirements of the closest comparable use for which a standard is specified.

Table 11-2.1: Required Minimum and Maximum Parking			
Use Group:	Automobile		Bicycle
Residential	Min.	Max.	
Single-family detached	2 spaces per housekeeping unit	NA	NA

Accessory dwelling	1 space in addition to required parking for the principal dwelling	NA	NA
Two-family or duplex	2 spaces per housekeeping unit	NA	NA
Multi-family (apartment, townhouse, condominium, or other arrangement of attached units not otherwise specified)	For one bedroom units: 1 space For two bedroom units: 1.5 spaces For three or more bedroom units: 2 spaces In addition (regardless of the mix of unit type and size), guest parking shall be provided at a ratio of 1 space per 5 dwelling units. Guest parking shall be located in an area or areas commonly accessible to all units.	1.5 spaces 2.0 spaces 2.25 spaces 1 space per 4 dwelling units	1 space for each 50 automobile spaces required
Dormitories or residence halls	For one bedroom units: 1 space For two bedroom units: 1.5 spaces For three or more bedroom units: 2 spaces In addition (regardless of the mix of unit type and size), guest parking shall be provided at a ratio of 1 space per 5 dwelling units. Guest parking shall be located in an area or areas commonly accessible to all	1.5 spaces 2.0 spaces 2.25 spaces 1 space per 4 dwelling units	1 space per 3 students

	units.		
Rooming house, lodging house, fraternity/sorority house, tourist home or B&B	1 space per 2 bedrooms	1 space per bedroom	NA
Senior adult housing—Independent living	1 space per 2 units plus one space per employee	1 space per 1.5 units plus one space per employee	1 space for each 50 automobile spaces required
Nursing home or convalescent home	1 space per 4 beds plus 1 space per employee	1 space per 3 beds plus 1 space per employee	1 space for each 50 automobile spaces required
Adult Care Residence, Group Home, or Juvenile Residence	1 space per every 3 beds plus 1 space per employee	1 space per every 2 beds plus 1 space per employee	1 space for each 50 automobile spaces required
Continuing Care Retirement Community (contains multiple elements of independent living, assisted living and convalescent care in one campus/complex)	Minimum parking shall be calculated based upon the sum of the parking requirements (specified in this table) for each component of the complex	Sum of the maximum requirements of the individual components of the complex	1 space for each 50 automobile spaces required

Table 11-2.2 Required Minimum and Maximum Parking			
Use Group:	Automobile		Bicycle
Public/Semi Public Use & Community Facilities	Min.	Max.	
Auditoriums, gymnasiums,	1 space per 4 seats in the largest assembly	1 space per 3 seats in the largest assembly	1 space for each 50 automobile

religious facilities, and other places of assembly not otherwise listed	hall	hall	spaces required
Movie theater	1 space per 4 seats	1 space per 3 seats	1 space for each 50 automobile spaces required
Club or lodge	1 space per 200 sq. ft. of floor area	1 space per 150 sq. feet of floor area	1 space for each 50 automobile spaces required
Elementary school or middle school	1.5 spaces per classroom	2.0 spaces per classroom	Equal to 10% of the student capacity
High school	5 spaces per classroom	6.5 spaces per classroom	Equal to 10% of the student capacity
College, business school, or vocational school	6 spaces per classroom	7.5 spaces per classroom	Equal to 6% of the classroom capacity of each building
Library or museum	1 space per 300 sq. ft. of display area	1 space per 250 sq. ft. of display area	1 space for each 50 automobile spaces required
Convention center	1 space per 3 seats in the largest assembly hall plus 1 space per 400 sq. ft. of exhibit hall space	1 space per 2.5 seats in the largest assembly hall plus 1 space per 300 sq. ft. of exhibit hall space	1 space for each 50 automobile spaces required
Live performance theater or music hall	1 space per 3 seats	1 space per 2.5 seats	1 space for each 50 automobile spaces required
Stadium and arenas	1 space per 3 seats	1 space per 2.5 seats	1 space for each 50 automobile spaces required

Hospital	1 space per 2 beds plus 1 space per 400 square feet of reception, administration, diagnostic, surgical, and outpatient space	1 space per bed plus 1 space per 300 sq. ft. of reception, administration, lab, diagnostic, surgical and outpatient space	1 space for each 50 automobile spaces required
Public facilities, community centers, neighborhood facilities, and recreational facilities	1 space per 500 sq. ft. of floor area plus 1 space per 3 seats for each place of assembly within the facility	1 space per 400 sq. ft. of floor area plus 1 space per 2.5 seats for each place of assembly within the facility	12% of the required number of automobile spaces
Public transit station or private bus station	1 space per 300 square feet of floor area	1 space per 200 sq. ft. of floor area	35% of the number of automobile spaces required or a minimum of 20, whichever is greater
Parks: Active—i.e., ball fields, playgrounds, picnic shelters, bandstands, beach etc.	5 spaces per acre of facility plus 1 space per every 4 persons of total maximum capacity of the facilities included in the park	6 spaces per acre of facility plus 1 space per 3 persons of total maximum capacity of the facilities included in the park	Minimum of 10 spaces plus 1 additional space for each 50 automobile spaces required
Parks: Passive—Does not include any facilities to accommodate active organized recreation	To be determined by the Director of Parks & Recreation based upon estimated peak usage of the facility	125% of the minimum parking	Minimum of 5 spaces plus 1 additional space for each 50 automobile spaces required
Post office and private postal services	1 space per 250 sq. ft. of floor area	1 space per 200 sq. ft. of floor area	1 space for each 50 automobile spaces required
Parking garage, commercial parking lots, public parking lots	NA	NA	10% of the number of automobile spaces provided

Marina	1 space for every 2 boat slips	1 space for every slip	1 space for each 50 automobile spaces required

Table 11-2.3: Required Minimum and Maximum Parking			
Use Group:	Automobile		Bicycle
Commercial	Min.	Max.	
Retail (except furniture and appliance sales)	1 space per 250 sq. ft. of sales area	1 space per 166 sq. ft. of sales area	1 space for each 50 automobile spaces required.
Retail: Furniture and appliance sales	1 space per 400 sq. ft. of sales area	1 space per 300 sq. ft. of sales area	1 space for each 50 automobile spaces required
Shopping center, shopping mall	1 space per 250 sq. ft. of sales area	1 space per 166 sq. ft. of sales area	1 space for each 50 automobile spaces required
Grocery store	1 space per 250 sq. ft. of sales area	1 space per 166 sq. ft. of sales area	1 space for each 50 automobile spaces required
Home improvement superstore	1 space per 250 sq. ft. of sales area	1 space per 140 sq. ft. of sales area	1 space for each 50 automobile spaces required
Discount club or superstore	1 space per 250 sq. ft. of sales area	1 space per 140 sq. ft. of sales area	1 space for each 50 automobile spaces required
Office (except medical or dental office or clinic)	1 space per 300 sq. ft. of floor area	1 space per 250 sq. ft. of floor area	1 space for each 50 automobile spaces required
Medical office or clinic, dental office or clinic	1 space per 250 sq. ft. of floor area	1 space per 200 sq. feet of floor area	1 space for each 50 automobile spaces required
Bank: No drive-thru	1 space per 250 sq. ft. of floor area	1 space per 200 sq. ft. of floor area	1 space for each 50 automobile

			spaces required
Bank: With drive-thru	1 space per 400 sq. ft. of floor area	1 space per 200 sq. ft. of floor area	1 space for each 50 automobile space required
Personal services (i.e. dry cleaner, barber shop, beauty salon, tailor, etc.)	1 space per 200 sq. ft. of service area	1 space per 166 sq. ft. of service area	1 space for each 50 automobile spaces required
Restaurant, eating and drinking establishments	1 space per 75 sq. ft. of floor area exclusive of kitchen and freezer areas.	1 space per 60 sq. ft. of floor area exclusive of the kitchen and freezer area.	1 space for each 50 automobile spaces required
Live entertainment, karaoke, nightclub, bar or similar places of assembly without fixed seats	1 space per every 3 persons based upon maximum occupancy	1 space per every 2.5 persons based upon maximum occupancy	1 space for each 50 automobile space required
Commercial recreation—Within a building (unless otherwise listed)	1 space per 200 sq. ft. of floor area	1 space per 166 sq. ft. of floor area	12% of the total automobile spaces required
Commercial recreation—Outdoors	5 spaces per acre of facility plus 1 space per 4 persons of total maximum capacity of the facilities	6 persons per acre of facility plus 1 space per 3 persons of total maximum capacity of the facilities	Minimum of 10 spaces plus 1 additional space for each 50 automobile spaces provided
Bowling alley	1 space per employee plus 4 spaces per lane	1 space per employee plus 5 spaces per lane	1 space for each 50 automobile spaces required
Motel and tourist homes	1 space per guest room	1.25 spaces per guest room	1 space for each 50 automobile spaces required
Hotel with total meeting space in	1 space per guest room plus 1 space per	1.25 spaces per guest room plus 1 space per	1 space for each 50 automobile

excess of 1,000 sq. ft.	100 sq. ft. of meeting or banquet room	75 sq. ft. of meeting or banquet room	spaces required
Hotel with total meeting space of 1,000 sq. ft. or less	1 space per guest room.	1.25 spaces per guest room plus 1 space per 75 sq. ft. of meeting or banquet room	1 space for each 50 automobile spaces required.
Kennel or veterinary hospital	1 space per 400 sq. ft. of floor area	1 space per 300 sq. ft. of floor area	1 space for each 50 automobile spaces required
Day care or nursery school	1 space per 500 sq. ft. of floor area	1 space per 400 sq. ft. of floor area	1 space for each 50 automobile spaces required
Funeral home or mortuary	1 space per employee plus one of the below ratios, whichever is greater: 1 space per 50 sq. ft. of public viewing area or 1 space per 3 seats in the chapel	1 space per employee plus one of the below ratios whichever is greater: 1 space per 40 sq. ft of public viewing area or 1 space per 2.5 seats in the chapel	1 space for each 50 automobile spaces required
Automobile repair and service	1 space per 300 sq. ft. of service area	1 space per 200 sq. ft. of service area	1 space for each 50 automobile spaces required
Automobile and truck sales	1 space per 300 sq. ft. of sales, office and waiting area	1 space per 200 sq. ft. of sales, office and waiting area	1 space for each 50 automobile spaces required
House sales, mobile home sales, trailer sales, boat sails, and other outdoor equipment sales	1 space per 300 sq. ft. of sales, office and waiting area	1 space per 200 sq. ft. of sales office and waiting area	1 space each 50 automobile spaces required
Commercial nurseries	1 space per 300 sq. ft. of floor space plus 1	1 space per 250 sq. ft. of floor space plus 1.5	1 space for each 50 automobile

	space per 5,000 sq. ft. of lot area	spaces per 5,000 sq. ft. of lot area	spaces required
Car wash facility: Self service	1 parking space at each end of every stall plus 1 parking space per stall located elsewhere on the site	1 parking space at the end of every stall plus 1.5 parking spaces per stall located elsewhere on the site	NA
All other car wash facilities (full service and/or automated)	Stacking area to accommodate 3 vehicles per bay plus 2 parking spaces per bay elsewhere on site.	Stacking area to accommodate 4 vehicles per bay plus 3 parking spaces per bay elsewhere on site	NA

Table 11-2.4: Required Minimum and Maximum Parking			
Use Group:	Automobile		Bicycle
Research, Manufacturing and Industrial	Min.	Max.	
Research lab	1 space per 400 sq. ft. of floor area	1 space per 300 sq. ft. of floor area	1 space for each 50 automobile spaces required
Manufacturing	1 space per 500 sq. ft. of floor area	1 space per 400 sq. ft. of floor area	1 space for each 50 automobile spaces required
Warehousing	1 space per 2,000 sq. ft. of floor area	1 space per 1,500 sq. ft. of floor area	1 space for each 50 automobile spaces required
Self storage facility enclosed—All storage units are contained within a	5 spaces adjacent to the office/entry plus 1 space per 50 units	7 spaces adjacent to the office/entry plus 1 space per 30 units	1 space for each 50 automobile

building accessible from a single entry and interior hallways			spaces required
Self storage facility not enclosed—All storage units are individually accessible from vehicular drive aisles	5 spaces adjacent to the office plus drive aisles measuring a minimum of 28 feet between units	7 space adjacent to the office plus drive aisles measuring a minimum of 28 feet between units	NA

Table 11-2.5: Required Minimum and Maximum Parking			
Use Group:	Automobile		Bicycle
Mixed Uses	Min.	Max.	
Mixed uses—Any combination of 2 or more uses located upon the same site, within the same building or space	Total spaces equal the sum of the requirements for each individual use unless credits and/or alternative parking standards are applied as permitted elsewhere in this chapter	Total maximum number of spaces equals to the sum of the max. parking limits of the individual uses	1 space for each 50 automobile spaces required

Sec. 11-3. - Loading spaces.

Non-residential uses permitted by the zoning ordinance shall provide permanently maintained off-street loading spaces with adequate access.

(1) Each loading space shall measure no less than ten (10) feet wide by twenty-five (25) feet long and shall have a vertical clearance of at least fourteen (14) feet and a backing space of at least twenty-four (24) feet.

(2) Buildings of twenty thousand (20,000) square feet or less shall require one (1) loading space. Buildings in excess of twenty thousand (20,000) square feet shall require two (2) loading spaces.

(3) Loading spaces shall not be located any closer than ten (10) feet to any existing or proposed rights-of-way, or closer than twenty (20) feet to any residential use or any property zoned for residential uses.

(4) Upon approval of the zoning administrator, required loading spaces to serve uses located in more urban densely developed districts such as (but not limited to) Downtown Hampton and Phoebus may be designated and signed as loading spaces during designated hours. Beyond these designated hours, this space may be used for parking, drive aisle, etc. Designated hours for this type of

loading space shall specify times of the day that are "off peak" times for the respective use.

(5) The zoning administrator may waive some or all of the above requirements for loading spaces when evidence warrants special consideration. Waivers may be particularly applicable to redevelopment sites and mixed-use higher density nodes or districts identified in the adopted Hampton comprehensive plan and any adopted small area plans, redevelopment plans, or master plans where provision of off-street loading spaces may not be practical or desirable. The zoning administrator may also approve "shared use" of loading spaces in which more than one (1) use shares a common loading space.

Sec. 11-4. - Maximum parking.

In order to better utilize land, encourage alternative modes of transportation, and minimize the impact to the environment, maximum parking standards are established herein. A use may not exceed the maximum parking standard as required in Tables 11-2.1 through 11-2.5 unless it meets either of the following conditions described below. The following conditions apply to the parking spaces and associated drive aisles which exceed the maximum number or spaces permitted in Tables 11-2.1 through 11-2.5.

(1) If parking is comprised of new surface lot construction, the following low impact features are incorporated into the site design subject to approval of the director of planning and the director of public works:

(a) All stormwater from the parking lot shall be handled within or directly adjacent to the parking lot using a permeable paving system, underground detention, bioretention, or other similar method consistent with the Virginia Stormwater Management Handbook (latest edition), and

(b) A minimum of twenty-five (25) percent of the surface area of the parking lot must be shaded by tree canopy; or

(c) Alternative approaches which differ from (a) and (b) above but meet the same intent, may be approved upon review and approval of both the planning director and public works director.

(2) If parking spaces in excess of maximum number allowed by Tables 11-2.1 through 11-2.5 are accommodated in structured parking, no additional "low impact" features are required.

Sec. 11-5. - Bicycle parking.

To accommodate the growing diversity of transportation options, encourage alternative modes of transportation, and promote pedestrian activity, bicycle parking is required as specified in Tables 11-2.1 through 11-2.5: Required Minimum and Maximum Parking. Required bicycle parking is in addition to the required automobile parking. Bicycle parking shall be placed in highly visible areas within close proximity to primary building entrances and located such as to not impede pedestrian access and safety.

Sec. 11-6. - Vertically stacked parking and modular automated parking systems (MAPS).

Vertically stacked parking arrangements and modular automated parking systems shall be permitted. Vertically stacked systems which are not automated and which require vehicles and or lifts to access the stacked vehicle storage system shall provide a standard drive aisle between bays. Additional clearances may be required upon review by the appropriate building code official and the fire chief.

Modular automated parking systems (MAPS) are not required to meet the standard parking space or drive aisle dimensions. They are required to meet all other applicable codes and ordinances.

Sec. 11-7. – Dimensional standards.

Minimum dimensions for all permitted types of parking stalls and backing/drive aisles shall be as specified in Table 11-7.1: Minimum Dimensional Standards: Parking Stalls and Aisles.

Table 11-7.1: Minimum Dimensional Standards: Parking Stalls and Aisles			
Parking Element	Dimensions	Other Require-ments	Notes
Standard Parking Space	9'×18' (except in HRC-2 District where the minimum dimension is 8.5’x18’)		May be reduced to 9'×17' if the parking space is adjacent to green area that the vehicle may overhang—without encroaching into any pedestrian path, sidewalk, etc.
Compact Parking Space	8'×16'	Must be clearly posted and marked	No more than 33% of the min. required parking may be provided in compact spaces.
Parallel Parking Space	8'×25'		The Zoning Administrator may allow a reduction in width to a min. dimension of 7'×23' upon review of the street classification, traffic counts, and speed of traffic by the Director of Public Works.
Standard Parking	8.5'×18'		

Garage Space			
Compact Parking Garage Space	8'×16'	Must be clearly posted and marked	No more than 33% of the total spaces in a parking garage may be compact spaces.
Motorcycle Parking Space	4'×8'	Must be posted and marked	Although motorcycle parking is not required, it may be provided voluntarily using this dimensional standard.
Aisle Width: One-way aisles: • 76-90 degree parking • 61-75 degree parking • 1-60 degree parking Two-way aisles	 24’ 18' 14’ 24'		Note: The fire marshal may assess the adequacy of all aisles less than 24 feet in terms of providing sufficient access for fire and emergency equipment. The fire marshal may require wider drive aisles than those specified—Not to exceed 24 feet.

Sec. 11-8. – Parking credits, exemptions and reductions.

Any land use which is eligible for any of the shared parking and parking credits identified in this section may apply these credits in a cumulative fashion. When multiple credits may be applicable, the combination of credits which requires the lowest number of required parking spaces may apply. The application of all parking credits must be approved and documented in writing by the zoning administrator. All approved parking credits shall be included as a note upon site plans or other official documents submitted for permitting.

Prior to approving any parking credits, the zoning administrator shall consult with all appropriate city departments to insure that the application of parking credits shall protect the health, safety, and welfare of the general public and shall promote harmonious development consistent with

the goals and objectives of the adopted Hampton comprehensive plan. The zoning administrator may decline to apply parking credits when there is evidence that the existing parking conditions upon a site or within a district are such that application of all or some of the eligible parking credits will further contribute toward an existing condition in which parking is already inadequate (based upon requirements of this ordinance), unsafe (as determined by the police division, fire department, or city traffic engineer), and/or is creating negative off-site impacts to adjoining land uses.

(1) Shared parking. The shared parking model can be used as a basis for predicting the overall parking demand for a particular mix of land uses on a site as an alternative to the application of individual parking requirements specified in Tables 11-2.1 through 11-2.5. This model assumes that every separate use will need the full amount of parking that is called for in the parking requirements table at some point during the day (called the "peak period" for that use). Where different uses need parking at different times of the day, there is an opportunity for these uses to share parking. The total number of parking spaces needed to serve a mix of uses (the parking demand) may be significantly less than the number of spaces that would have to be built if each of the uses had to provide one hundred (100) percent of its own required parking.

Shared parking credits may be applied to a mixed-use site as specified in Table 11-8.1: Shared Parking Credit Schedule under the following conditions:
1. The land contains a mix of two (2) or more land uses and is under single ownership; or
2. The land contains a mix of two (2) or more land uses and operates under a joint use agreement which permits shared use of parking. This agreement must be in affect and legally binding for a minimum of twenty (20) years.

Table 11-8.1: Shared Parking Credit Schedule					
Use	Weekday		Weekend		Night
	Daytime (8am—6pm)	Evening (6pm—midnight)	Daytime (8am—6pm)	Evening (6pm—midnight)	Midnight—8am
Residential Uses	70%	100%	100%	100%	100%
General Retail	100%	95%	100%	70%	5%
Restaurant: Family or fast food	100%	80%	100%	70%	25%

Restaurant: Fine dining	75%	100%	60%	100%	50%
Restaurant with nightclub	45%	100%	60%	100%	100%
Performing Arts Theater, Arena	5%	100%	100%	100%	5%
Stadium	10%	100%	100%	100%	10%
Movie Theater	60%	100%	60%	100%	50%
Hotel: General	80%	100%	80%	100%	100%
Hotel with Convention / Conference Center	100%	100%	100%	100%	100%
Office	100%	30%	60%	0%	0%
Medical/Dental Office	100%	30%	100%	0%	0%
Meeting Center / Convention Center	100%	100%	100%	50%	10%
Churches	10%	100%	100%	100%	0%
Bank	100%	67%	100%	0%	0%
Health Club	100%	100%	100%	95%	80%
All other uses not listed	100%	100%	100%	100%	100%

Example: Calculating the Shared Parking Credit. In this example, the hypothetical development consists of three (3) different land uses located upon the same parcel. These land uses are as follows: (1) three hundred (300) room hotel with no meeting space; (2) one hundred thousand (100,000) square feet of general office space; and (3) one hundred (100) rental apartments—All three-bedroom units.

Step 1: Calculate the minimum parking required using Tables 11-2.1 through 11-2.5

Land Use	Parking Ratios	Min. Required

300-room hotel	1 space per room	300 spaces
100K sq. ft. of office space	1 space per 300 sq. ft.	333 spaces
100 rental apartments	2 spaces per unit plus 1 visitor space for every 5 units	220 spaces
Total:		853 spaces

Step 2: Calculate the minimum parking required using the Shared Parking Credit Schedule—Table 11-8.1 for the various times of day and days of the week.

Land Use	Week Day		Week End		Night
	Daytime	Evening	Daytime	Evening	
300-room hotel	80% × 300 = 240	100% × 300 = 300	80% × 300 = 240	100% × 300 = 300	100% × 300 = 300
100K sq. ft. office building	100% × 333 = 333	30% × 333 = 100	60% × 333 = 200	0% × 333 = 0	0% × 333 = 0
100 3-bedroom apartments	70% × 220 = 154	100% × 220 = 220	100% × 220 = 220	100% × 220 = 220	100% × 220 = 220
Totals:	727	620	660	520	520

Step 3: Find the highest number generated in Step 2; in this example the highest number is seven hundred twenty-seven (727).

Step 4: Compare the number generated in Step 1 with the highest number generated in Step 2; in this example eight hundred fifty-three (853) versus seven hundred twenty-seven (727), or a difference of one hundred twenty-six (126) spaces.

Step 5: If these two (2) numbers are different, there is the potential to reduce the required minimum parking for the entire project to the lower of the two (2) numbers. Ultimately that choice is the land owner/developer's to make.

(2) On-street parking and off-site parking. All on-street and off-site parking credits shall only apply to parking that is generally available to the public and not

restricted in any way which would limit its ability to meet the parking demands of the intended land use.

(a) On-street parking credit. On-street parking credits may be applied only within those areas identified in the adopted City of Hampton comprehensive plan or any adopted small area plans, neighborhood plans, or master plans that identify areas for mixed-use development. In these designated areas, on-street parking within the public rights-of-way immediately adjacent (and on the same side of the street) to the subject site may be counted towards the minimum required parking.

(b) Off-site parking credit. Where parking is available off-site and within five hundred (500) feet of any publicly accessible pedestrian entry point to a building, it may be counted towards the minimum required parking under the following conditions:

(i) The off-site parking is owned or controlled by a public entity and the requested parking credit is approved, in writing, by the appropriate public authority; or

(ii) The off-site parking is owned or controlled by a private entity with a legally binding agreement to provide the designated number of parking spaces for a period of not less than twenty (20) years. Said agreement shall be submitted to the city attorney for review and approval prior to the zoning administrator permitting these spaces to count toward satisfying the minimum parking requirements set forth in this section.

(iii) Convenient and safe pedestrian access ways shall be provided from the off-site parking to the primary entrance(s) of the subject use. Off-site parking shall not be approved without the existence of such improvements. Required pedestrian access ways shall be designated on a submitted site plan and shall be approved by the director of planning.

(3) Transit parking credits. In areas served by affordable and convenient transit service, parking demand can be affected. The degree to which transit service impacts parking demand is influenced by a number of factors including the type and density of surrounding development, the existing supply and cost of parking, and the quality of transit service generally accessible to the traveling public.

In order to provide appropriately tailored transit credits that are customized to the unique set of forces influencing parking demand in any given geographic area of the city, "Transit Overlay Zones" may be established for defined geographic areas of the city. In general, "Transit Overlay Zones" may enact land use, transportation, and parking policies which encourage the provision of multiple modes of transportation and will typically include higher density, compact, mixed-use development districts referred to as Transit Oriented Development (TOD). Within any adopted "Transit Overlay Zone," transit parking credits may be established that are appropriate for that geographic area.

(4) Mixed-use district—Ground floor retail/commercial credit. In mixed-use districts (as designated in the adopted Hampton comprehensive plan, small area plans, neighborhood plans, and master plans), the first three thousand (3,000) square feet of pedestrian oriented ground floor commercial retail space shall be exempt from the calculation to determine the minimum required parking. This credit shall be calculated based upon specific information (building size, uses, ownership, etc.) provided to the City of Hampton at the time of site plan review or building permit review.

(5) Other parking credits. The zoning administrator may also grant parking credits based upon request by an applicant. The applicant requesting such consideration shall supply documentation regarding parking data (anticipated parking demand, anticipated peak parking demand times of day, week, and month) relevant to the specific site and proposed uses as well as parking data relevant to the surrounding area. Other relevant data may also be requested of the applicant and/or local, state, and federal agencies. All such information shall be reviewed by the director of public works and the planning director and a recommendation forwarded to the zoning administrator prior to making a final decision to grant parking credits not specified elsewhere in this chapter. The zoning administrator shall consider granting other parking credits only when the applicant's submitted request and supporting data meets one (1) or more of the following conditions:

(a) Adherence to the applicable parking standards is not necessary and will result in excess parking spaces because the mixture of existing or proposed uses will generate a high proportion of multiple destination vehicle trips; or

(b) Adherence to the applicable parking standards is not necessary and will result in excess parking spaces because there will be a high level of pedestrian, carpool, and/or public transit traffic serving the use; or

(c) Adherence to the applicable parking standards within a Historic District designated by the federal government, Commonwealth of Virginia, or within a locally adopted preservation district will be detrimental to the historic character of the district and thus deviation from the adopted standards furthers the public interest in preserving and maintaining these historic community assets.

(6) Parking exemptions and reductions.

To recognize the unique character of established urban neighborhoods and the provision of alternative parking options nearby, the following zoning districts shall have parking requirements exempted or reduced as described below:

(a) O-IH District

Residential development on substandard lots, as set forth in Chapter 9 Article 5 of the Zoning Ordinance, shall be permitted a reduction from the parking requirements of section 11-2 herein to one (1) space per housekeeping unit when the lot frontage is less than forty (40) feet.

(b) DT-1, DT-2, and DT-3 Districts

Off-street parking and loading areas shall be provided as required in section 11-2 herein, except that buildings erected so as to provide office and/or living space on more than three (3) floors shall furnish garage or vehicle parking space only to the extent that such office and/or living space exceeds three (3) floors.

(c) BB-1, BB-2, and BB-3 Districts

Such permitted accessory dwelling units shall only be required one (1) space in addition to the primary dwelling unit requirement.

CHAPTER 12 – NONCONFORMITIES

Sec. 12-1. - General.

Nothing in this chapter shall be construed to impair any vested right; except that land, buildings and structures and the uses thereof which do not conform to the zoning prescribed for the district in which they are situated may be continued only so long as: (i) the then existing or a more restrictive use continues; (ii) such use is not discontinued for more than two (2) years; and (iii) the buildings or structures are maintained in their then structural condition. For purposes of calculating the term of discontinuance of a nonconforming use or structure pursuant to this section, two (2) years means twenty-four (24) consecutive months.

Sec. 12-2. - Alteration, enlargement, erection of structures in conjunction with a nonconforming use.

Except as set forth in chapter 9, article 1 of the zoning ordinance, it shall be lawful to alter, add to, or erect structures in conjunction with a nonconforming use provided the front, side, and rear yard setbacks are not thereby violated and the other provisions of this ordinance are met and such structure is structurally altered as provided in the Uniform Statewide Building Code.

Sec. 12-3. - Damage or destruction of nonconforming structures.

The owner of any residential or commercial building damaged or destroyed by a natural disaster or other act of God may repair, rebuild, or replace such building to eliminate or reduce the nonconforming features to the extent possible, without the need of a variance as provided in chapter 13 of this ordinance. If such building is damaged greater than fifty (50) percent and cannot be repaired, rebuilt or replaced except to restore it to its original nonconforming condition, the owner shall have the right to do so. The owner shall comply with the floor area, lot, yard, setbacks, or height requirements of this ordinance as nearly as possible. The owner shall apply for a building permit and any work done to repair, rebuild or replace such building shall be in compliance with the provisions of the Uniform Statewide Building Code and any work done to repair, rebuild or replace such building shall be in compliance the floodplain regulations adopted in article 4 of chapter 9 of this ordinance as a condition of participation in the National Flood Insurance Program. Unless such building is repaired, rebuilt or replaced within two (2) years of the date of the natural disaster or other act of God, such building shall only be repaired, rebuilt or replaced in accordance with the provisions of the zoning ordinance. However, if the nonconforming building is in an area under a federal disaster declaration and the building has been damaged or destroyed as a direct result of conditions that gave rise to the declaration, then the owner shall have an additional two (2) years to repair, rebuild or replace such building. For the purposes of this section, "act of God" shall include any natural disaster or phenomena including a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake or fire caused by lightning or wildfire. For the purposes of this section, owners of property damaged by an accidental fire have the same rights to rebuild such property as if it were damaged by an act of God. Nothing herein shall be construed to enable the property

owner to commit an arson under section 18.2-77 or 18.2-80 of the Code of Virginia and obtain vested rights under this chapter.

Sec. 12-4. - Replacement of on-site sewage systems.

Notwithstanding any provision of the city zoning ordinance or the city code to the contrary, an owner of real property shall be permitted to replace an existing on-site sewage system for any existing building in the same general location on the property even if a new on-site sewage system would not otherwise be permitted in that location, unless access to a public sanitary sewer is available to the property. If access to a sanitary sewer system is available, then the connection to such system shall be required. Any new on-site system shall be installed in compliance with applicable regulations of the department of health in effect at the time of installation.

Sec. 12-5. - Nonconforming manufactured home.

Nothing in this chapter shall be construed to prevent the land owner or home owner from removing a valid nonconforming manufactured home from a mobile or manufactured home park and replacing that home with another comparable manufactured home that meets the current HUD manufactured housing code. In such mobile or manufactured home park, a single-section home may replace a single-section home and a multi-section home may replace a multi-section home. The owner of a valid nonconforming mobile or manufactured home not located in a mobile or manufactured home park may replace that home with a newer manufactured home, either single- or multi-section, that meets the current HUD manufactured housing code. Any such replacement home shall retain the valid nonconforming status of the prior home.

CHAPTER 13 – BOARD OF ZONING APPEALS

ARTICLE 1 – COMPOSITION, POWERS, AND DUTIES

Sec. 13-1. - Creation, appointment, term, etc.

There shall be a board of zoning appeals (hereinafter called the board), which shall consist of five (5) residents appointed by the circuit court of the City of Hampton, as provided by law. Their terms of office shall be for five (5) years each, except that the original appointments shall be made for such terms that the term of one (1) member shall expire each year. The secretary of the board shall notify the court at least thirty (30) days in advance of the expiration of any term of office, and shall also notify the court promptly if any vacancy occurs. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves. Members of the board shall hold no other public office in the city except that one (1) may be a member of the planning commission. A member whose term expires shall continue to serve until his successor is appointed and qualifies. The circuit court shall appoint at least one (1) but not more than three (3) alternates to the board. The qualifications, terms and compensation of alternate members shall be the same as those of regular members. A regular member when he knows he will be absent from or will have to abstain from any application at a meeting shall notify the chairman twenty-four (24) hours prior to the meeting of such fact. The chairman shall select an alternate to serve in the absent or abstaining member's place and the records of the board shall so note. Such alternate member may vote on any application in which a regular member abstains.

Any member of the board or alternate may be removed for malfeasance, misfeasance or nonfeasance in office, or other just cause, by the circuit court that appointed him, after a hearing held after at least fifteen (15) days' notice.

Sec. 13-2. - Officers.

The board shall elect from its own membership a chairman and vice-chairman who shall serve annual terms as such, and may succeed themselves. The board shall appoint a secretary who shall not be a member of the board. It shall be the secretary's duty to keep the minutes and other records of the actions and deliberations of the board and to perform such other ministerial duties as the board shall direct.

Sec. 13-3. - Quorum.

For the conduct of any hearing and taking of any action, a quorum shall be not less than a majority of all members of the board.

Sec. 13-4. - Procedures and records.

The board may make, alter, and rescind rules and forms for its procedures, consistent with ordinances of the city and general laws of the Commonwealth.

The board shall keep a full public record of its proceedings, including the recorded vote of each member upon each question, and shall submit a report of its activities to the council at least once each fiscal year.

Sec. 13-5. - Compensation.

Members of the board shall receive such compensation as may be established by the city council.

Sec. 13-6. - Meetings.

The board by resolution may fix a schedule of regular meetings, and the chairman with the concurrence of two (2) other members may call for special meetings. The time, date and location of any special meeting shall be communicated to the members and the press as promptly as possible. The chairman, or in his absence the vice-chairman, may administer oaths and compel attendance of witnesses. All meetings of the board shall be open to the public.

Sec. 13-7. - Powers and duties.

The board shall have the following powers and duties:

(1) To hear and decide appeals from any order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of the zoning ordinance. The decision on such appeal shall be based on the board's judgment of whether the administrative officer was correct. The board shall consider the purpose and intent of any applicable ordinances, laws and regulations in making its decision.

(2) To authorize, upon appeal or original application, in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary hardship; provided that the spirit of the ordinance shall be observed and substantial justice done, as follows:

(a) When a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of this ordinance, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or of the condition, situation, or development of property immediately adjacent thereto, the strict application of the terms of the ordinance would effectively prohibit or unreasonably restrict the utilization of the property, or where the board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly

demonstrable hardship as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of the ordinance.

(b) No such variance shall be authorized by the board unless it finds:

(i) That the strict application of the ordinance would produce undue hardship relating to the property;

(ii) That the hardship is not shared generally by other properties in the same zoning district and the same vicinity;

(iii) That the authorization of the variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance; and

(iv) That 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.

(c) No variance shall be authorized except after notice and hearing as required by section 15.2-2204 of the Code of Virginia.

(d) A party's actual notice of, or active participation in, the public hearing required herein shall waive the right of that party to challenge the validity of the proceeding due to the failure of the party to receive the written notice required herein.

(e) No variance shall be authorized unless the board finds that the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance.

(f) In authorizing a variance, the board may impose such conditions regarding the location, character, and other features of the proposed structure or use as it may deem necessary in the public interest, and may require a guarantee or bond to ensure that the conditions imposed are being, and will continue to be, complied with. Notwithstanding any other provision of law, the property upon which a property owner has been granted a variance shall be treated as conforming for all purposes under state law and city ordinance; however, the structure permitted by the variance may not be expanded unless the expansion is within an area of the site or part of the structure for which no variance is required under the ordinance. Where the expansion is proposed within an area of the site or part of the structure for which a variance is required, the approval of an additional variance shall be required.

(g) That 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.

(3) To hear and decide appeals from the decision of the zoning administrator after notice and hearing as provided by section 15.2-2204 of the Code of Virginia.

(4) To hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary. After notice to the

owners of the property affected by the question, and after public hearing with notice as required by section 15.2-2204 of the Code of Virginia, the board may interpret the map in such way as to carry out the intent and purpose of the ordinance for the particular section or district in question. The board shall not have the power to change substantially the locations of district boundaries as established by ordinance.

(5) No provision of this chapter shall be construed as granting the board the power to rezone property or to base board decisions on the merits of the purpose and intent of local ordinances duly adopted by the city.

(6) To hear and decide applications for such special exceptions as may be authorized in the ordinance. The board may impose such conditions relating to the use for which a permit is granted as it may deem necessary in the public interest, and may require a guarantee or bond to ensure that the conditions imposed are being, and will continue to be, complied with.

No such special exception may be granted except after notice and hearing as provided by section 15.2-2204 of the Code of Virginia. Unless the application is sponsored by the City of Hampton, the board shall not grant any special exception until any delinquent real estate taxes owed to the City of Hampton on the subject property have been paid.

(7) To revoke a special exception previously granted by the board if the board determines that there has not been compliance with the terms or conditions of the permit. No special exception may be revoked except after notice and hearing as provided by section 15.2-2204 of the Code of Virginia.

(8) When giving any notice required by this chapter to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.

Secs. 13-8-13-10. Reserved.

ARTICLE 2. – VARIANCES, SPECIAL EXCEPTIONS, AND APPEALS OF THE ZONING ADMINISTRATOR

Sec. 13-11. - Applications for special exceptions and variances.

Applications for special exceptions and variances may be made by any property owner, tenant, government official, department, board, or bureau. Such application shall be made to the zoning administrator in accordance with rules adopted by the board. The application and accompanying maps, plans, or other information shall be transmitted promptly to the secretary of the board, who shall place the matter on the docket to be acted upon by the board. No such special exceptions or variance shall be authorized except after notice and hearing as provided by section 15.2-2204 of the Code of Virginia. The zoning administrator shall also transmit a copy of the application to the planning commission which may send a recommendation to the board or appear as a party at the hearing.

Sec. 13-12. - Reconsideration upon denial.
Upon denial of an application for either a special exception or variance, the board shall not reconsider substantially the same application for a period of one (1) year, except by motion of the board.

Sec. 13-13. - Appeals to the board.

An appeal to the board may be taken by any person aggrieved or by any officer, department, board, or bureau of the city affected by any decision of the zoning administrator or from any order, requirement, decision or determination made by any other administrative officer in the administration or enforcement of the zoning ordinance or any modification of zoning requirements pursuant to section 15.2-2286 of the Code of Virginia.

Any written notice of a zoning violation or written order of the zoning administrator shall include a statement informing the recipient that he may have a right to appeal the notice of a zoning violation or a written order within thirty (30) days in accordance with this section, and that the decision shall be final and unappealable if not appealed within thirty (30) days. The appeal period shall not commence until the statement is given. A written notice of a zoning violation or written order of the zoning administrator that includes such statement sent by registered or certified mail to, or posted at, the last known address of the property owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed sufficient notice to the property owner and shall satisfy the notice requirements of this section. The appeal shall be taken within thirty (30) days after the decision appealed from by filing with the zoning administrator, and with the board, a notice of appeal specifying the grounds thereof. The zoning administrator shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

A decision by the board on an appeal taken pursuant to this section shall be binding upon the owner of the property which is the subject of such appeal only if the owner of such property has been provided notice of the zoning violation or written order of the zoning administrator in accordance with this section. The owner's actual notice of such notice of zoning violation or written order or active participation in the appeal hearing shall waive the owner's right to challenge the validity of the board's decision due to failure of the owner to receive the notice of zoning violation or written order.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the zoning administrator certifies to the board that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the board or by a court of record, on application and on notice to the zoning administrator, and for good cause shown.

In no event shall a written order, requirement, decision or determination made by the zoning administrator or other administrative officer be subject to change, modification or reversal by any zoning administrator or other administrative officer after sixty (60) days have elapsed from

the date of the written order, requirement, decision or determination where the person aggrieved has materially changed his position in good faith reliance on the action of the zoning administrator or other administrative officer unless it is proven that such written order, requirement, decision or determination was obtained through malfeasance of the zoning administrator or other administrative officer or through fraud. The sixty-day limitation period shall not apply in any case where, with the concurrence of the city attorney, modification is required to correct clerical errors.

Sec. 13-14. - Procedure on appeal.

The board shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within ninety (90) days. In exercising its powers, the board may reverse or affirm, wholly or partly, or may modify an order, requirement, decision, or determination appealed from. The concurring vote of three (3) members shall be necessary to reverse any order, requirements, decision, or determination of an administrative officer, or to decide in favor of the applicant on any matter upon which it is required to pass under the ordinance, or to effect any variance from the ordinance. In any appeal taken pursuant to this section, if the board's attempt to reach a decision results in a tie vote, the matter may be carried over until the next scheduled meeting at the request of the person filing the appeal.

The board shall keep minutes of its proceedings and other official actions which shall be filed in the office of the board and shall be public records.

Sec. 13-15. - Proceedings to prevent construction of building in violation of zoning ordinance.

Where a building permit has been issued and the construction of the building for which such permit was issued is subsequently sought to be prevented, restrained, corrected, or abated as a violation of the zoning ordinance, by suit filed within fifteen (15) days after the start of construction by a person who had no actual notice of the issuance of the permit, the court may hear and determine the issues raised in the litigation, even though no appeal was taken from the decision of the administrative officer to the board of zoning appeals.

Sec. 13-16. - Relation of ordinance to other laws.

Whenever the regulations made under the zoning ordinance require a greater width or size of yards, courts, or other open spaces; require a lower height of building or less number of stories; require a greater percentage of lot to be left unoccupied; or impose other higher standards than area required in any other statute or local ordinance or regulation, the provisions of the zoning ordinance shall govern. Whenever the provisions of any other statute or local ordinance or regulations require a greater width or size of yards, courts or other open spaces; require a lower height of building or less number of stories; require a greater percentage of lot to be left

unoccupied; or impose other higher standards than are required by this ordinance, the provisions of such statute or local ordinance or regulation shall govern.

Sec. 13-17. - Fees.

Every application that comes before the board, whether an appeal of the zoning administrator's decision, a variance or a special exception, shall be accompanied by the nonrefundable fee from the following schedule. The sum shall be payable to the City of Hampton, incidental to reviewing, publishing, and reporting the application:

(1) One hundred dollars ($100.00) for any application that is associated with a current or proposed one-family residential use of property; and

(2) Two hundred fifty dollars ($250.00) for any application that is associated with a current or proposed use of property that is not one-family residential.

Secs. 13-18-13-20. Reserved.

CHAPTER 14 – REVIEWS BY THE PLANNING COMMISSION AND CITY COUNCIL

ARTICLE 1 – USE PERMITS

Sec. 14-1. - Purpose and intent.

As permitted by section 15.2-2286 of the Code of Virginia, 1950, as amended, the purpose of the use permit process is to develop and enforce regulations for a specific use on a specific parcel of land, such that the use is not detrimental to surrounding properties, even though that use is not permitted by right in the zoning district in which the parcel is located. These uses may be allowed under the suitable regulations, safeguards, controls, and limitations (collectively "conditions") of a use permit. It is the duty of the city council under the provisions of this chapter to evaluate the impact and the compatibility of each such use, and to stipulate such conditions, in addition to those specifically contained in the applicable zoning district, if any, as will assure the use is compatible with the neighborhood in which it is located. Nothing in this ordinance shall guarantee, through implicit or explicit language, the granting of any use permit. Use permits shall be limited to those specified in the individual zoning districts.

Sec. 14-2. - Pre-application conference.

Prior to the formal submission of an application, the community development department, if requested, will meet with the applicant and will review the criteria and standards governing the use permit process. In no way shall a pre-application conference be construed to equate to the approval of any subsequent application.

Sec. 14-3. - Application requirements.

(1) Application for a use permit shall be made by the property owner, or by persons other than the property owner with the written consent of the property owner, in writing to the director of the department of community development or his designee. A complete application shall include the following:
   (a) A fully completed "Use Permit Application," as provided in subsection (3) below; and
   (b) A non-refundable application fee of $650.00.

(2) All application materials shall be submitted in writing and will become part of the record of the hearing on the use permit application.

(3) A complete Use Permit Application shall include, unless waived by the director of the department of community development or his designee, the following information:
   (a) A legal description of the property for which the use permit is requested, including the actual dimensions and shape of the property, as well as the current zoning classification;

(b) The names and addresses of the owners of the subject property and their agents, if any, and the written consent of the property owner if the applicant is not the property owner;

(c) The most recent surveyed plat of the property involved in the use permit;

(d) A site plan of the subject property prepared by a duly licensed professional engineer, land surveyor, architect, or landscape architect authorized to do business in the state of Virginia showing property boundaries, existing and proposed buildings and uses, yards, open spaces, pedestrian walkways, landscaping, screening and buffering, fences, signs, access to the site, and on-site parking and vehicular circulation, easements, water bodies, flood plains, wetlands and other natural features, existing and proposed streets, and utilities and drainage facilities within one-quarter-mile of the subject property. The site plan shall also include the name of the property owner, as well as the name of the person who prepared the plan, together with the north point, scale (one (1) inch equals thirty (30) feet) and number of sheets of the plan. Required plans shall be submitted in such numbers as determined by written policy of the department of community development;

(e) Elevation drawings and general floor plans of all buildings;

(f) Information regarding the impact and/or demand the proposed use will place on the city's public services and facilities, including but not limited to traffic, public safety services, water, sewer and utility services, education, and other community facilities and services;

(g) Proof that all city and state ad valorem taxes due upon the property have been paid in full; and

(h) A statement specifically addressing all of the standards for review set out in the Use Permit Application.

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:

(1) Action by the director of the community development department.

(a) The director of the community development department or his designee shall transmit the use permit application to appropriate city departments and other agencies affected by the proposal, retrieve comments, and develop any conditions suitable to mitigate the impact of the proposed use, as set forth in section 14-5 of this chapter.

(b) The director of the community development department or his designee shall have 45 days to respond to the applicant by forwarding any department or agency comments and identifying any deficiencies in the application.

(c) The director of the department of community development or his designee shall not schedule the application for a public hearing before the

planning commission until either he receives information addressing the deficiencies in the application and any required additional information or a written statement by the applicant stating that the stated deficiencies will not be addressed and/or no further information will be submitted.

(d) Subject to meeting all advertising and notification deadlines and upon receipt of information addressing deficiencies or a written statement by the applicant stating that the deficiencies will not be addressed and/or no further information will be submitted as described in subsection (c) above, the director or his designee shall forward the application to the planning commission. The forwarded application shall include any comments from city departments or other agencies, the manner in which the proposed use permit application complies or does not comply with the applicable provisions of this chapter, and any recommendations the community development department may have regarding approval, disapproval or conditions to be attached to the proposed use.

(2) Action by the planning commission.

(a) Upon receiving the use permit application with all related material, the planning commission shall give notice of and hold a public hearing in accordance with section 15.2-2204 of the Virginia Code, as amended. A party's actual notice of, or active participation in, the public hearing shall waive the right of that party to challenge the validity of the proceeding due to the failure of the party to receive the written notice required herein.

(b) After the public hearing, the planning commission may:

(i) Recommend approval of the use permit with the conditions stated in the applicable zoning district, if any, and any additional conditions developed by the community development department;

(ii) Recommend disapproval; or

(iii) Recommend approval with the conditions stated in the applicable zoning district, if any, and different conditions than those developed by the community development department 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.

(c) Unless the use permit application is deferred or withdrawn pursuant to sections 14-7 or 14-8 of this chapter, within 45 days after the public hearing the planning commission shall forward its recommendation to the city council.

(3) Action by the city council.

(a) Upon receiving the recommendation of the planning commission, the city council shall hold a public hearing on the application in accordance with section 15.2-2204 of the Virginia Code, as amended. A party's actual notice of, or active participation in, the public hearing shall waive the right of that party to challenge the validity of the proceeding due to the failure of the party to receive the written notice required herein.

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

(i) Approve the use permit with the conditions recommended by the planning commission;

(ii) Disapprove the use permit;

(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 20-5 of this chapter and the standards set forth in section 20-6 of this chapter; or

(iv) Refer the application back to the planning commission for further consideration or advice.

(c) Unless the application is sponsored by the City of Hampton, the city council shall not approve a use permit until any delinquent real estate taxes owed to the City of Hampton on the subject property have been paid.

Sec. 14-5. - Conditions.

(1) Conditions stipulated by the city council may include, but are not limited to:

(a) Those conditions specifically contained in the applicable zoning district, if any.

(b) Those related to fencing; planting or other landscaping; additional setbacks from property lines; location and arrangement of lighting; setting of reasonable hours of operation upon the use of the property; and the operation, establishment, location, and construction of the use.

(c) Other matters relating to the purposes and objectives of the zoning ordinance as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject property or upon public facilities and services, or are necessary to protect the public interest and to secure compliance with the standards and requirements specified in this chapter.

(2) The city council may impose a condition for a time limitation when granting a use permit if, in the estimation of the director of the department of community development, the planning commission, or the city council, the proposed use is of such nature that a mandatory review is necessary to affirm that the use permit is in compliance with all conditions imposed and provisions of this chapter.

Sec. 14-6 - Standards for use permit application review.

Without limiting the discretion of either the planning commission or city council, the planning commission and city council may consider whether the proposed use and operation thereof, together with the conditions attached, meets the following standards:

(1) That the proposed use will not be detrimental to or endanger the public health, safety, or general welfare, including but not limited to consideration that:

(a) Adequate public facilities, improvements and services have been or will be provided; and

(b) Adequate measures have been or will be taken to provide ingress and egress designed to minimize vehicle traffic congestion on public streets and provide for safe pedestrian traffic.

(2) That the proposed use will conform to:

(a) The city's comprehensive plan and official policies adopted in relation thereto, including this chapter;

(b) The goals and objectives of the Hampton Zoning Ordinance; and

(c) The applicable regulations of the zoning district classification in which the use is located.

(3) That the proposed use is compatible with and not injurious to the enjoyment, use, and orderly development and improvement of the properties in the immediate vicinity of the subject property. Specific factors to be considered by the planning commission and city council may include the following, in relation to the immediate vicinity of the subject property:

(a) Adequate safety, including fire hazards and use of effective measures for fire control, the location and type of any fuel and fuel storage, the location and nature of any proposed security features and provisions, and other similar factors;

(b) The impact of nuisances, including noise, glare or light, odors, fumes, dust, vibrations or other similar factors emanating from the site;

(c) The preservation or destruction, loss or damage of any topographic or physical, natural, scenic, archaeological, or historic feature in the immediate vicinity or neighborhood;

(d) The location, lighting, and type of signs in relation to the proposed use and the sign requirements of the zoning ordinance;

(e) The days and hours of operation associated with the proposed use, including the number of full and part-time employees;

(f) The location and use of any anticipated accessory uses and structures and any existing non-conforming uses and structures associated with the proposed use;

(g) The location, nature, and extent of existing or proposed landscaping, screening and buffering on the site, including parking and loading spaces and areas; and

(h) The location of any parking and loading spaces and areas.

Sec. 14-7. - Deferral of a use permit application.

(1) Deferral of consideration of any use permit application filed pursuant to this chapter may be requested by the applicant in writing at any time, provided that:

(a) If the request for deferral is made prior to the publication of the notice of public hearing for either the planning commission or city council,

whichever is applicable at the time, such shall be granted administratively, for a period not to exceed 180 days.

(b) If the request for deferral is made after the publication of the notice of public hearing, such deferral shall only be granted with the consent of either the planning commission or city council, whichever body advertised the hearing.

(c) If an application is deferred at the request of the applicant after it has been advertised for public hearing, an additional fee of $300.00 shall be paid by the applicant for re-advertising the application.

(2) The planning commission or city council may defer consideration of any use permit application filed pursuant to this chapter upon a finding that there is a public benefit to be gained by deferring the application. Applications deferred by the planning commission or the city council will not be subject to the additional re-advertisement fee.

Sec. 14-8. - Withdrawal of a use permit application.

A use permit application may be withdrawn from consideration at any time, in writing by the applicant, provided that if the request for the withdrawal is made after publication of the notice of public hearing either before the planning commission or city council, withdrawal shall be granted only with the consent of either the planning commission or city council, whichever body advertised the hearing.

Sec. 14-9. - Re-filing of a use permit application upon denial.

No application for a use permit shall be accepted within one (1) year of denial by the city council of a use permit application concerning substantially the same use on substantially the same land.

Sec. 14-10. - Appeal.

All persons aggrieved by a decision of the city council granting or failing to grant a use permit must appeal within 30 days of the decision to the Hampton circuit court as set forth in section 15.2-2285 of the Virginia Code, as amended. However, nothing in this section shall be construed to create any new right to contest the action of the city council.

Sec. 14-11. - Violation and revocation of a use permit.

The city council may revoke a use permit, after notice and a public hearing as set forth in section 15.2-2204 of the Virginia Code, as amended, for any violation of a term or condition thereof or repeated or continuing violations of the city zoning ordinance or city code, failure to comply with approved plans, and/or when false, fraudulent, or misleading information is supplied by the applicant. The consideration of a possible revocation shall follow the procedure set forth

in this chapter for approving the use permit, provided that 15 days' written notice is given to the owner of the subject property prior to the public hearing.

Sec. 14-12. - Expiration of a use permit.

Unless otherwise specified in this chapter, a use permit shall automatically expire and become null and void under any of the following conditions:

(1) If, in the case of new construction, the building has not been erected, with doors, windows, roof covering and exterior finish materials in place within two (2) years of the issuance of the use permit;

(2) No building permit to construct the authorized improvements has been issued within 12 months of the date of approval by the city council, or if no building permit is required, if the use is not established within 12 months of the date of approval by the city council; or

(3) Once the property may be occupied, if the property is not used for the permitted purpose for a continuous two-year period unless otherwise specified in the zoning ordinance. In making this determination the city may consider such matters as the issuance of a building permit, a business license, utility connections and such related factors.

Sec. 14-13. - Amendment to an approved use permit.

Any amendment or change of substance to an approved use permit shall be subject to the same procedures and standards as for a new application. Minor modifications to approved terms and conditions of a use permit may be authorized by the director of the department of community development or his designee when such modifications do not: expand or significantly alter the location or boundaries of the use; conflict with specific requirements of this chapter; decrease the width or depth of any yard, setback or buffer area; significantly alter points of access to the property or the internal arrangement of site plan elements; or have an appreciable effect on surrounding properties.

Sec. 14-14. - Existing uses.

Any use legally established prior to October 9, 1996 shall be considered a nonconforming use.

Sec. 14-15. - Application to the property.

The use permit and all its conditions shall apply to the property for which it is issued so long as such property is used for the permitted purpose, regardless of changes in the ownership of the property, provided the use permit is not expired or revoked, or the use is terminated through a subsequent rezoning. Approval of a use permit shall not be considered a rezoning of the subject property. Once the use permit is approved by the city council, the conditions attached to the use permit shall constitute additional zoning regulations and requirements for the site, which to the

extent of any conflict shall supersede the zoning district regulation. All other regulations of the zoning district in which the use is located shall apply and remain in force.

Secs. 14-16-14-20. Reserved.

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

Sec. 14-21. – Initiation of amendments.

Whenever the public necessity, convenience, general welfare, or good zoning practice requires, the city council may, by ordinance, amend, supplement, or change the regulations, district boundaries, or classifications of property. Any such amendment may be initiated by resolution of the city council or motion of the planning commission, or by petition submitted to the planning director by the property owner or the authorized agent therefor of the property which is the subject of the proposed zoning map amendment or rezoning. Applications may be submitted by persons other than the property owner provided that written consent of such action, signed by the property owner(s), is included with the application. The terms "application" and "petition," and "applicant" and "petitioner" are used interchangeably throughout this chapter. The term "planning director" means the director or his designee.

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

(1) Applications shall include the following materials:
   - (a) A fully completed rezoning application as provided by the planning director;
   - (b) The most recent surveyed plat of the property proposed for rezoning;
   - (c) A non-refundable application fee of seven hundred fifty dollars ($750.00) plus one hundred dollars ($100.00) per acre or portion thereof; and
   - (d) 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 for the proffer, if applicable.

(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 14-19(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 14-19 and the application is not complete, no later than thirty (30) days of receipt of the application not subject to section 14-19, 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 14-19 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. 14-23. - Matters to be considered in evaluating applications.

Consideration of proposed amendments to zoning district boundaries, to classifications of property or conditional zonings may include, but need not be limited to, the adopted comprehensive plan and capital improvements plan, the timing of the proposed development, the relation of the proposed and existing development of utilities and public facilities; and the net public costs of the development. Unless the application is sponsored by the City of Hampton, the city council shall not approve an amendment to zoning district boundaries or classifications of property until any delinquent real estate taxes owed to the City of Hampton on the subject property have been paid.

Sec. 14-24. - Conditional zoning.

(1) Purpose. It is the purpose of this section to provide a procedure by which conditional zoning may be used in accordance with the enabling legislation provided in the Code of Virginia. It is the policy of the City of Hampton to encourage voluntary proffering of conditions by the applicant in cases where the use of traditional zoning methods is inadequate to achieve certain desired goals and where the proffered conditions will offset identified problems to the extent that the proposed rezoning is thus acceptable; but to discourage its use where the proffered conditions do not sufficiently offset or are unrelated to identified problems or where traditional zoning methods are adequate to achieve certain desired goals. It is further the purpose of this section to allow for complete and timely review and evaluation of the proffered conditions by city staff, the public, the planning commission and the city council.

(2) Criteria for proffers. Proffers shall only be accepted as conditions attached to the conditional rezoning if they meet the following criteria:
   - (a) the rezoning itself must give rise for the need for the condition;
   - (b) such conditions shall have a reasonable relation to the rezoning;
   - (c) all such conditions shall be in conformity with the comprehensive plan;
   - (d) such conditions shall be capable of being readily and effectively enforced by the City of Hampton at the time of development of the property; and
   - (e) such conditions shall be deemed necessary and sufficient to offset identified problems caused by the rezoning in a manner not readily available by traditional zoning methods.

(3) Proffers including dedication of real property or cash proffers. In the event proffered conditions include the dedication of real property of substantial value or

the payment of cash such dedication and the collection of payment thereof shall by in accordance with the provisions of section 15.2-2298 of the Code of Virginia.

(4) Legal form of proffer. All proffers shall be in writing, prepared by the owner of the property or an attorney licensed to practice law in the Commonwealth of Virginia, and shall be in a form suitable for recordation in the deed books maintained by the Clerk of the Circuit Court of the City of Hampton. The proffer shall be accompanied by 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. No proffer shall be accepted by the city council which has not received the approval of the city attorney as to legal form and sufficiency.

(5) Title certificate. Each conditional zoning petition shall be accompanied by a certificate of title, prepared and signed by an attorney licensed to practice law in the Commonwealth of Virginia. The certificate of title shall describe the property that is the subject of the petition and shall identify all parties having a recorded interest in the property, including legal and equitable owners, and shall state the source of title or interest for each party. The certificate of title shall state the date through which the attorney examined the title to the property, which date shall not be more than six (6) months prior to the date of filing the petition. The city attorney shall reject any certificate of title which, in his opinion, is incomplete or is otherwise insufficient.

(6) Parties to sign the proffer. The written proffer shall name as grantors all owners of the property and shall be signed by all such parties. In the event the applicant for the conditional zoning is a contract purchaser, such purchaser shall also be made a party to the proffer and shall sign same. The foregoing provisions shall not be construed as limiting the authority of the city attorney to require any additional person, firm, association or corporation be made a party and sign the proffer, when in his opinion, the inclusion of such person, firm, association or corporation is necessary to protect the city's interest. Nor shall the foregoing be construed as limiting the authority of the city attorney to require that the proffer be approved by a court of competent jurisdiction in the case of church property.

(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 14-20 and 14-22 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.

(b) No later than thirty (30) days after receipt of the proffers, the planning director shall submit to the applicant a written statement identifying deficiencies in the proffered conditions, if any, or identifying any additional information needed. Upon receipt of the planning director's statement, the

applicant may make any changes he deems appropriate to the written proffer, provided that they are submitted in writing and shall provide any additional information required by the planning director.

(c) Subject to meeting all advertising and notification deadlines, the planning director shall not schedule the application for conditional zoning for a public hearing before the planning commission until the planning director receives information addressing the deficiencies in the proffers and such required additional information or a written statement by the applicant stating that the stated deficiencies will not be addressed and/or no further information will be submitted.

(d) The applicant may make additional changes to the written proffer after the planning director schedules the complete application for a public hearing before the planning commission, provided that such changes are in writing and are submitted at least thirty (30) days prior to the planning commission public hearing. Provided, however, that where the written proffer provides for cash contribution, dedication of real property or payment for or construction of substantial public improvements, the planning director may require that the amended proffer be submitted at least forty-five (45) days prior to the public hearing when, in his opinion, such additional time will be necessary to allow adequate staff review of the sufficiency of such amended proffers. Upon receipt of the amended proffers, the planning director shall make them part of the public record. The planning commission shall not consider any proffer not made available for public review for at least thirty (30) days prior to the scheduled public hearing.

(e) After holding a public hearing on the proposed conditional zoning, the planning commission, in its action on the proposal, may recommend acceptance of all, acceptance of some and rejection of some, or rejection of all of the proffers. The planning commission may also, with the concurrence of the applicant, defer action to a later meeting for the purpose of considering revised proffers, but only so that such revisions are submitted and reviewed on the same time schedule as for the original proffers established in this section.

(f) Upon completion of planning commission action, the matter shall be forwarded to the city council in the manner of all rezonings. The city council, in acting on the proposal may accept all, accept some and reject some, or reject all of the proffers. The city council may also accept any modified proffered condition once the public hearing has begun if the amended proffer does not materially affect the overall proposal. Otherwise a modified proffer may be accepted only with the concurrence of all parties to the proffer, and only after a new public hearing is held before city council to consider the modified proffer with the modified proffer being submitted in writing to the planning director at least ten (10) days prior to said public hearing.

(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 14-20 through 14-24 of this ordinance.

(8) Recordation of proffer and amendment of zoning map. If the city council approves the conditional zoning petition and accepts the written proffer, the city attorney shall, within ten (10) days of the city council's action, examine the appropriate records so as to determine whether any change in the interest of the property has occurred since the date of the certificate of title described in subsection (5). In the event that the city attorney determines that no such change in interest has occurred, he shall within said ten-day period, present the proffer to the clerk of the circuit court for recordation. If the city attorney determines that a change in interest has occurred, he shall notify the petitioner in writing that the proffer will not be recorded and that city council's action in approving the conditional zoning will be rescinded and void unless an appeal is filed for a hearing before the city council within sixty (60) days of the date of the city attorney's letter. The city attorney shall mail the notice described herein to the petitioner at the address given by the petitioner on the conditional rezoning petition. In the event that the petitioner files an appeal within the sixty (60) days of the date of the city attorney's letter, he shall be given an opportunity for a hearing before the city council. At the conclusion of such hearing, the city council may in its legislative discretion, permit the petitioner a certain amount of time in which to correct the objection raised by the city attorney or may rescind its earlier action in approving the rezoning. If either the petitioner fails to file his appeal within the said sixty-day period or upon hearing the appeal the city council acts to rescind its earlier action, the approval of the rezoning petition shall be void. In no event shall the zoning map be changed to reflect city council's approval of the rezoning petition until the planning director receives written notice from the city attorney that the proffer has been properly recorded.

(9) Effect of recorded proffers.

(a) Once proffered and accepted as part of an amendment to the zoning ordinance, such conditions shall continue in full force and effect until a subsequent amendment changes the zoning on the property covered by such conditions; provided, however, that such conditions shall continue if the subsequent amendment is part of the comprehensive implementation of a new or substantially revised zoning ordinance.

(b) Once proffered and accepted as part of an amendment to the zoning ordinance including either the dedication of real property of substantial value, construction of substantial public improvements or substantial cash payment toward the construction, and the need for such dedication,

construction or payment is not solely generated by the rezoning itself, no amendment to the zoning map for the property subject to such conditions, nor the conditions themselves, nor any amendments to the text of the zoning ordinance with respect to the zoning district applicable thereto may be initiated by the city which eliminate, or materially restrict, reduce, or modify uses, lot coverage, or the density of use permitted in the zoning district applicable to such property unless there has been mistake, fraud, or a change in the circumstances substantially affecting the public health, safety or welfare. This requires the property owner to pursue, in good faith, the completion of the development of the property.

(c) Once proffered and accepted as part of an amendment to the zoning ordinance, the subject property shall be appropriately annotated on the zoning map, referencing the conditions as adopted. A conditional zoning index, which shall contain a record of conditions attached to each such special annotation on the zoning map, shall be maintained by the zoning administrator and updated annually as required by state law. Such conditions shall be in addition to the specific regulations set forth in this zoning ordinance for the zoning district in question. Further, the zoning administrator is hereby vested with all authority necessary to enforce such conditions in the same manner as all other zoning regulations, as set forth in section 1-6 of this ordinance.

(d) Upon approval, any site plan, subdivision plat, or development plan thereafter submitted for the development of the subject property shall be in substantial conformity with all proffers, plans, profiles, elevations, or other submissions, and no development shall be approved by any city official in the absence of such substantial conformity. For the purpose of this section, "substantial conformity" shall mean that degree of conformity which leaves a reasonable margin for adjustment due to final engineering data, but conforms with the general nature of the development, the specific uses, and the general layout depicted by the proffered submissions of the petitioner.

(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 14-19, 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.

(b) There shall be no such amendment or variation of any accepted proffered condition until after a public hearing is advertised pursuant to the provisions of section 15.2-2204 of the Code of Virginia.

(c) Once approved by city council pursuant to this section, the amended or varied proffered conditions shall be recorded in the office of the clerk of the circuit court for the City of Hampton at the landowner's cost and shall continue to be an amendment to the zoning ordinance and may be enforced by the zoning administrator pursuant to the applicable provisions of this chapter.

(d) The approval of such an amendment or variation by city council shall not itself cause the use of any other property subject to the original proffer agreement to be determined a nonconforming use.

(e) Notwithstanding any other provision of law, no claim of any right derived from any condition proffered pursuant to a conditional zoning under this chapter shall impair the right of any landowner subject to such a proffered condition to secure amendments to or variations of such proffered conditions.

(11) Petitions not meeting minimum requirements. Any petition for which the parcel involved or structure on the parcel does not meet minimum area or dimensional restrictions shall be processed nevertheless, but shall not be approved by city council unless it finds that either special circumstances pertinent to the site or special conditions attached to the petition pursuant to this section satisfactorily offset the negative effects inherent in the area or dimensional deficiency.

Sec. 14-25. - Planning commission action; notice of hearing.

Before making any recommendation on a proposed amendment or conditional zoning petition, the planning commission shall give notice of a public hearing thereon, as set forth in section 15.2-2204 of the Code of Virginia, as amended; provided, however, that written notice as prescribed therein shall be given at least fifteen (15) days prior to the hearing. A party's actual notice of, or active participation in the public hearing required herein shall waive the right of that party to challenge the validity of the proceeding due to the failure of the party to receive written notice required herein.

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:

(a) Unless a petition is withdrawn or deferred by the applicant/petitioner by letter or other formal notice prior to the publication of the notice of public hearing, the hearing shall be held at the time and placed announced; provided that if the hearing is postponed, new public notice shall be issued.

(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 14-25. 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.

(2) Following each hearing, the planning commission shall by motion adopt its recommendation, which may include any changes to the original proposal, and shall transmit such recommendation to city council. The planning commission shall make its report and recommendation to the city council in the form of resolutions duly authenticated. Such resolutions shall be forwarded to the clerk of council not later than forty-five (45) days following adoption by the planning commission.

(3) Failure of the planning commission to report to the city council within one hundred (100) days after the first meeting of the planning commission on a proposed amendment or reenactment of the zoning ordinance shall be deemed a recommendation of approval unless the amendment or reenactment has been withdrawn by the applicant prior to the expiration of the time period.

Sec. 14-27. - Action by city council; notice of hearing.

Before approving or adopting any amendment or conditional zoning petition, city council shall give notice of a public hearing thereon, as required by law. Nothing in this chapter shall prohibit concurrent advertising of notice of public hearing as set for in section 15.2-2204 of the Code of Virginia, as amended; provided, however, that such concurrent advertising shall only be employed in the case of a city sponsored conditional zoning application, emergency legislation or compliance with amendments enacted by the general assembly of the Commonwealth of Virginia, or upon request of the applicant and upon the showing of good and sufficient cause, the planning director makes a determination that failure to grant the request would result in hardship to the applicant which hardship is not self-inflicted.

Sec. 14-28. - Withdrawal of petition before city council.

Where city council finds that there is public benefit to be gained by modifying a petition for amendment or conditional zoning under consideration, and that significant public inconvenience would not result from consideration within one (1) year of the modified petition, it may allow withdrawal of a petition for amendment or conditional rezoning during public hearing. However, if the petition is denied by city council, substantially the same petition shall not be filed within one (1) year of denial. For purposes of this section, a petition for a zoning amendment or conditional zoning shall be considered to be substantially the same petition when the request is for a district classification that is within the same chapter as the classification that was

previously denied. These provisions shall not be held to impair the right of the planning commission or city council to propose an amendment to the zoning ordinance at any time.

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

(1) The public hearing shall be held at the time and placed advertised. Following the hearing, city council may make appropriate changes or corrections in the proposed amendments; provided that no additional land may be zoned to a different classification than was contained in the public notice and no land may be rezoned to a less restrictive district classification without new notice and public hearing. Nothing herein shall be construed as prohibiting the city council from referring any petition back to the planning commission for further study and recommendation whenever it deems any change made in the petition to be substantial. In connection with such actions, the planning commission shall hold public hearings with notice suiting the circumstances of the case.

(2) An affirmative vote of at least four (4) members of the city council shall be required to amend the ordinance. A reconsideration of a vote resulting in approval or denial may be initiated pursuant to section 2-48 of the city code.

(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 14-16. 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 14-19(9) with regard to conditional zoning.

Sec. 14-30. - Fees.

(1) The sum of seven hundred fifty dollars ($750.00) plus one hundred dollars ($100.00) per acre or portion thereof payable to the City of Hampton shall accompany every application for change of zoning district boundaries filed with the planning director. Such fee shall be applied to the cost of collecting, reviewing, and reporting the facts and expenses related to the advertising and notification procedures required by law; such fee is non-refundable.

(2) If an application is deferred by the applicant or due to applicant's failure to properly follow applicable procedures after it has been advertised for public hearing, an additional fee of three hundred dollars ($300.00) shall be paid by the applicant for re-advertising the application.

(3) If an application involves a conditional rezoning, a check made payable to the clerk of the circuit court in the amount required by the clerk shall be submitted by

the applicant with his application to cover the costs of recording the approved proffer agreement.