

PROPOSED ZONING ORDINANCE AMENDMENTS FOR ACCESSORY DWELLING UNITS

*Chapters 1, 2, 4, and 11
Modifications to define and permit Accessory Dwelling Units*

City Council Briefing
August 13, 2025

PURPOSE

1. Provide a Progress Update

To share a mid-point check-in on Proposed Zoning Ordinance Amendments for Accessory Dwelling Units, outlining key milestones, public engagement outcomes, and initial findings.

2. Preview and Prepare for Policy Action

To present a first-look at staff recommendations and preview potential amendments to the City's Zoning Ordinance that would define and permit Accessory Dwelling Units in Hampton.

3. Gather Feedback to Inform Next Steps

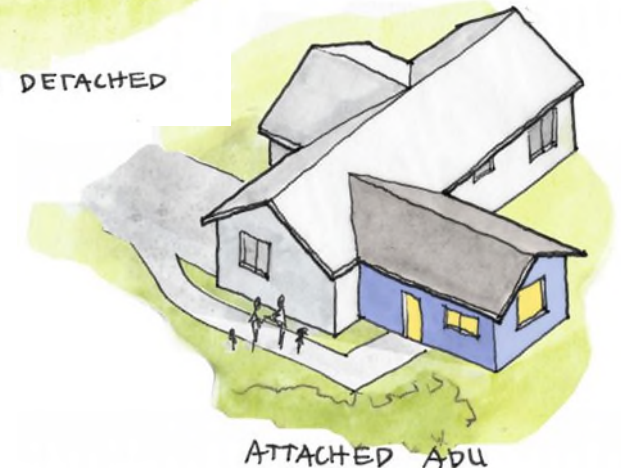
To invite input from City Council and the general public on community satisfaction and priorities, ensuring continued alignment as the ordinance advances.

BACKGROUND

Introduce another housing option in order to **increase housing opportunities** in Hampton's existing neighborhoods.

WHAT IS AN ACCESSORY DWELLING UNIT?

- Accessory dwelling unit (ADU) is a smaller secondary housing unit on a one-family residential lot.
- Main types:
 - *Detached ADUs* – where new or existing accessory structures are added or converted to create an ADU.
 - *Attached ADUs* – a portion of an existing principal dwelling, or an addition is constructed, to be used as an ADU



WHY ADU'S?

- Encourage a more economic and efficient use of existing parcels and to increase housing supply while maintaining the appearance and character of existing one family neighborhoods;
- Adapt one family residential properties to support residents at various stages of life;
- Encourage greater diversity and support of all populations with particular attention to young adults and senior adults; and
- Provide homeowners with a means of obtaining additional income.

POLICY GOALS

1. Housing affordability
2. Multi-generational living
3. Environmental Sustainability
4. Economic Benefits
5. Administrative Feasibility
6. Neighborhood Compatibility

TIMELINE

Goal: Amend and Expand Zoning Ordinance provisions applicable to ADUs *by the end of 2025*

- **Research** (September – November 2024)
- **Kickoff** (December 2024 – January 2025)
- **G.A. Hearings** (January – March 2025)
- **Community Engagement** (April – May 2025)
- **Midpoint Check-in** (August 2025)*
- **Finalize Proposed Amendments** (August – September 2025)
- **Ordinance Adopted** (September – December 2025)

RESEARCH

Locality	Newport News	Norfolk	Portsmouth	Suffolk	Virginia Beach	Chesapeake
Attached vs Detached	Attached AND Detached	Attached AND Detached	Attached AND Detached	Attached AND Detached	Attached AND Detached *	Attached ONLY
Number Permitted Per Lot	One	One	One	One	One	Not listed
Minimum Lot Size	5,000 sq ft ADU may not exceed 30% of rear yard	Not listed	Not listed	Not listed	Not listed	Not listed
Setbacks	Side equal to main dwelling, rear 10 ft	Not listed	6 ft between principal dwelling and detached ADU	Not listed	Not listed	Not applicable

* Detached permitted in very limited areas

RESEARCH

Locality	Newport News	Norfolk	Portsmouth	Suffolk	Virginia Beach	Chesapeake
Square Footage	Max 800 sq ft or first floor of principal dwelling	Max 500 sq ft or 25% of primarily dwelling <i>Considering expanding to 800 sq ft</i>	Min. 300 sq ft, max 25% of principal dwelling	Max. 1,000 sq ft, or 50% of principal dwelling Max 1 occupant per 200 sq ft	Attached: Max 500 sq ft or 30% of principal dwelling Detached: Max 800 sq ft	Not listed
Exterior Access	Not permitted in front of house	No requirement	Not listed	No requirement	No requirement	No requirement
Parking	No requirement	1 additional on-site space <i>Considering eliminating</i>	1 additional on-site space	1 additional on-site space	1 additional off-street space	Not listed

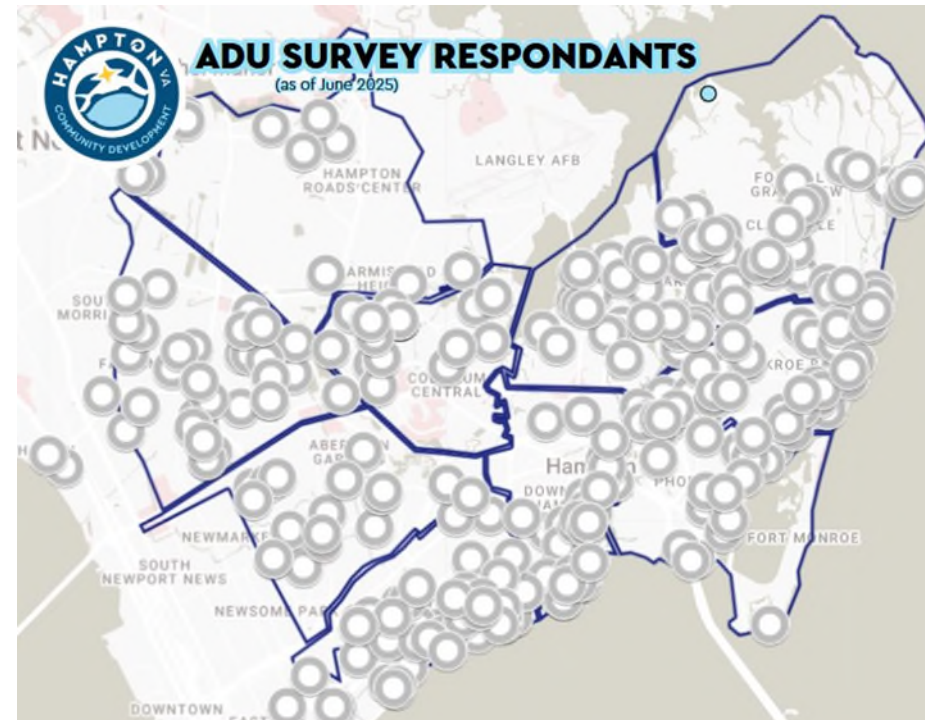
RESEARCH

Locality	Newport News	Norfolk	Portsmouth	Suffolk	Virginia Beach	Chesapeake
Owner-occupied	Yes	Yes	No	Yes, not permitted to be offered for rent	Yes; family members, elderly and disabled	Yes, must fit definition of family
Excluded Uses	Short term rental	Not listed	Not listed	Rental of ADU	Short term rental	Anything other than a family
Type of Permit	Not referenced	Use permit in some districts, <i>considering switching to by right</i>	Not listed	Attached is permitted by-right, detached Use Permit in some districts	Administrative Permit, must be renewed every 2 years	Not listed

COMMUNITY ENGAGEMENT

- 363 Survey Responses
- 12 Steering Group Participants
- Interdepartmental

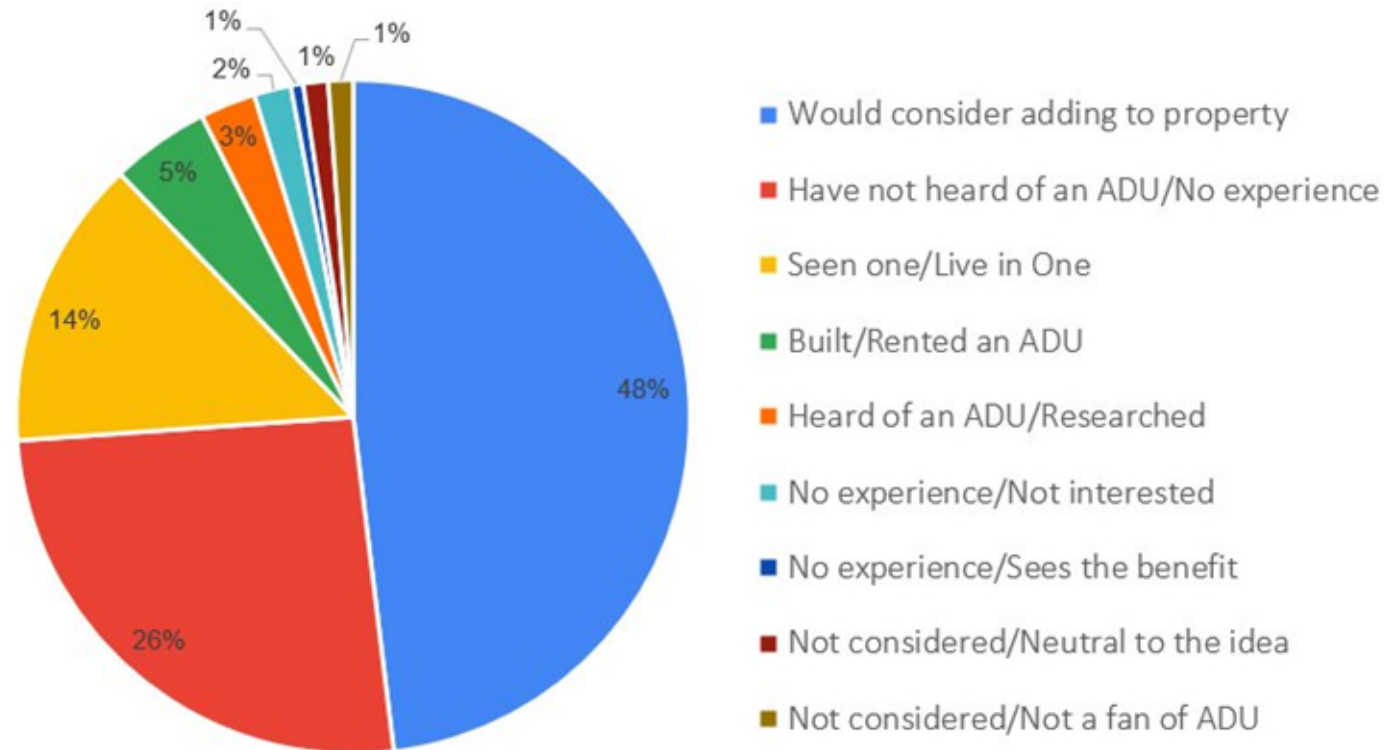
Marketing, Public Works and Public Safety (Hampton Fire, Hampton Police, Dispatch)



SURVEY RESULTS

What experience, if any, do you have with ADUs? Have you ever lived in a mother-in-law suite or considered adding one to your property?

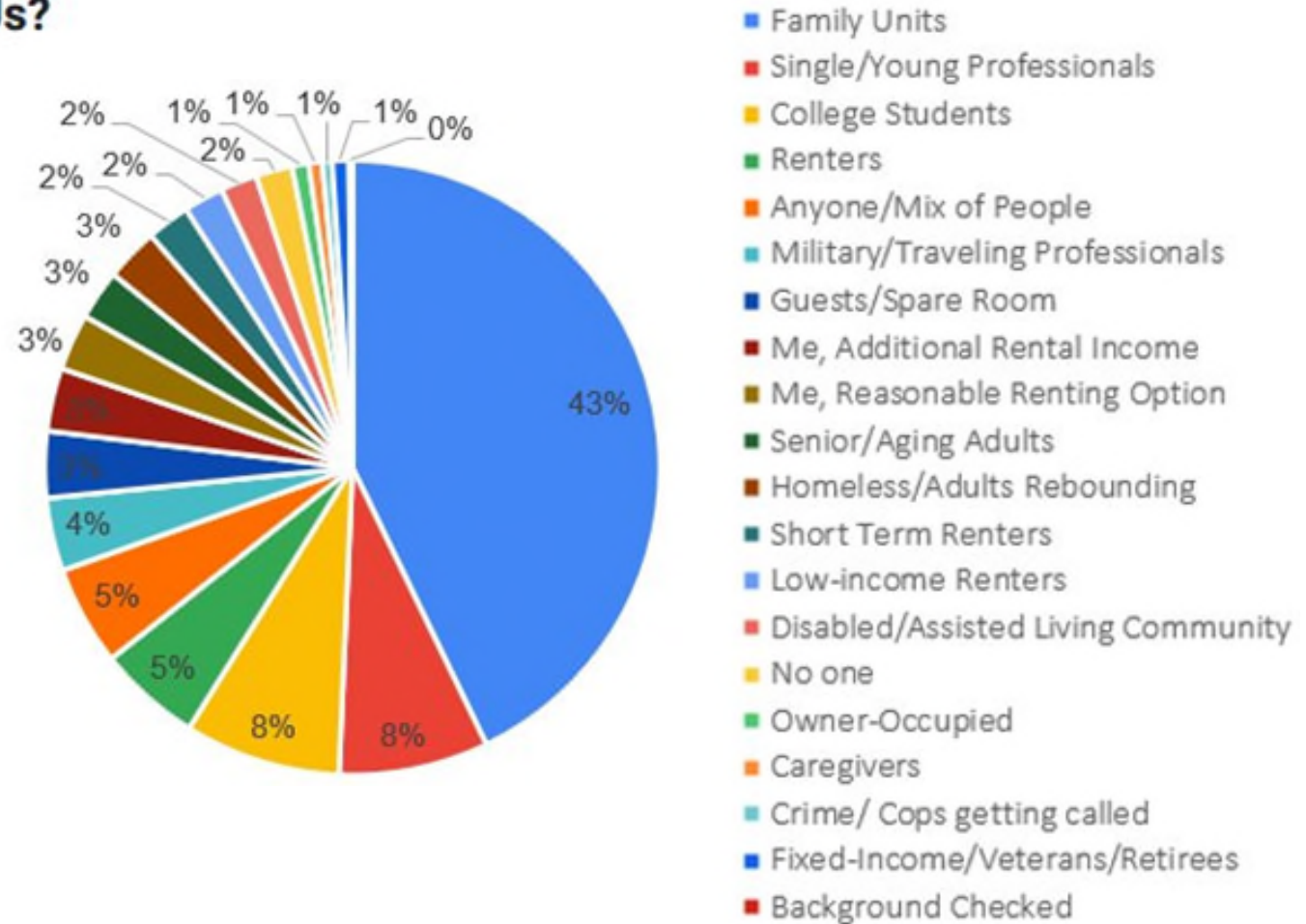
Open-ended Question - 338 responses



SURVEY RESULTS

Who do you envision using ADUs?

Open-ended Question - 353 responses



STAKEHOLDER GROUP COMPOSITION

Laviel Israel (Wheaton Heights, District 1)

Dean Major (Grandview Island Beach Partners, District 5)

Pauline Antomattei (Buckroe Improvement League, District 6)

Sarah Evans (Olde Wythe, District 9)

Cheryl Collier (Neighborhood Commissioner, District 10)

Ed Speight (Kappatal Construction, Builders).

Scott Sewell (Investor, Real Estate)

Nikosha Quinerly (Sentara Careplex Hospital, Traveling Nurses)

Sharon Akins (Peninsula Agency on Aging, Seniors)

Diane Walker (Versability Resources, Disabled Population)

Joy Cipriano (Community Service Board, Disabled Population)

Dr. Daya Taylor (Hampton University Department of Architecture, Students)

OUTCOMES

Based on community input and steering group discussion, staff recommends a phased, data-informed approach to ADU implementation, that **emphasizes safety and family unity.**

PROPOSED AMENDMENTS

To amend chapters 1,2, 4, and 11 to define and permit Accessory Dwelling Units (ADUs) on all one-family residential properties subject to additional standards, to clarify language regarding the minimum dwelling area requirements in each Residential District, and to amend the parking requirements for ADUs.

PROPOSED ORDINANCE

Chapter Two

Chapter 2 - Definitions

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

- Propose removing the above definition and redefining accessory dwelling unit, as stated below, to add further clarification

Accessory dwelling unit (ADU). A secondary dwelling unit established in conjunction with and clearly subordinate to a principal dwelling unit, and contains a separate kitchen, bathroom and sleeping area. Can be attached to or part of the same structure as the principal dwelling unit or detached structure on the same lot.

PROPOSED ORDINANCE

Chapter One

Chapter 1 – Create additional standards and regulations for Accessory Dwelling Units (ADUs)

- Permit ADUs on all one-family residential properties by-right, subject to Zoning Administrator Permit (ZAP) and development standards.
- Standards aim to minimize the impact of additional housing units within one-family neighborhoods and on the city as a whole, ensure the ADU remains accessory to the principal dwelling, and prohibit specific uses within ADUs.

PROPOSED ORDINANCE

Chapter One

Max. number of ADUs on one lot	One (1)
Min. lot requirements	None
Setbacks	<p>Attached ADU: Must meet setback requirements of base zoning district for principle structures</p> <p>Detached ADU: Must meet setback requirements for accessory structures; in no instance, however, shall any portion of a detached ADU be located beyond the front plane of the principal dwelling unit</p>
Max. rear lot coverage	Twenty (20%) percent

PROPOSED ORDINANCE

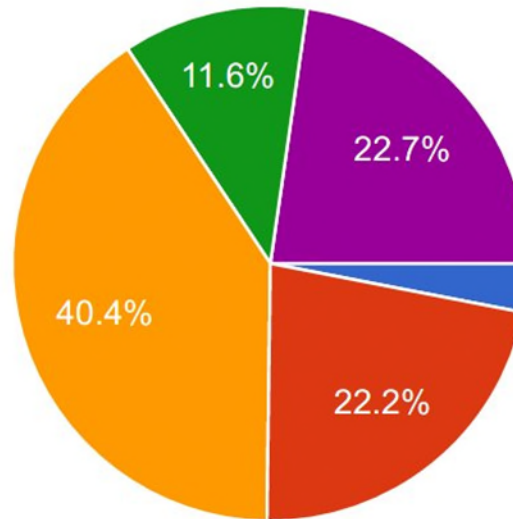
Chapter One

Max. dwelling area 800 sq. ft. or fifty (50%) percent of the area of the principal dwelling, whichever is less

What should the *maximum* size of a detached ADU be?

361 responses

**Survey responses cont.*



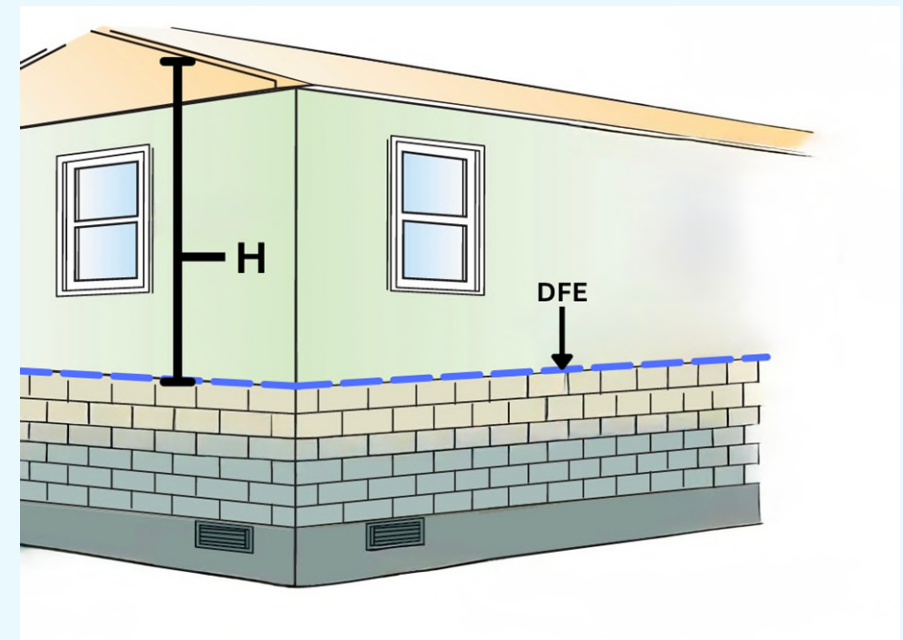
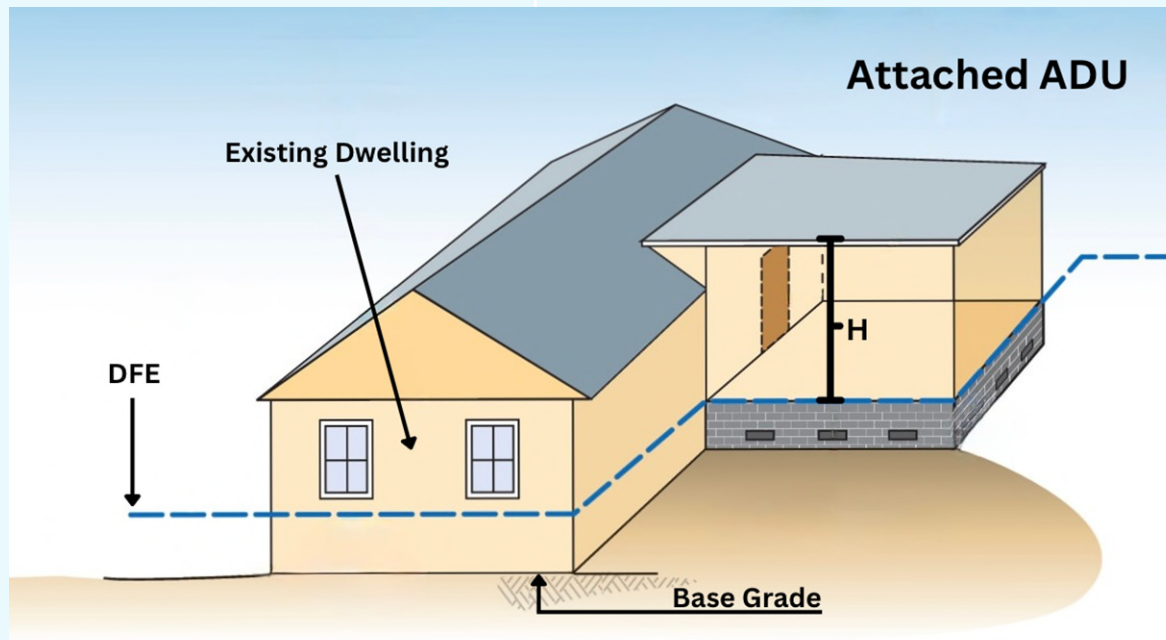
- Similar to 1 car garage
- Similar to a 2 car garage
- % of the main house
- About the size of the main house
- No preference

PROPOSED ORDINANCE

Chapter One

Max. height

No more than 16ft, approximately 1.5 stories, not to exceed height of the principal dwelling (exception in flood zone?)



Design Flood Elevation (DFE) = Base Flood Elevation (BFE) + Freeboard

PROPOSED ORDINANCE

Chapter One

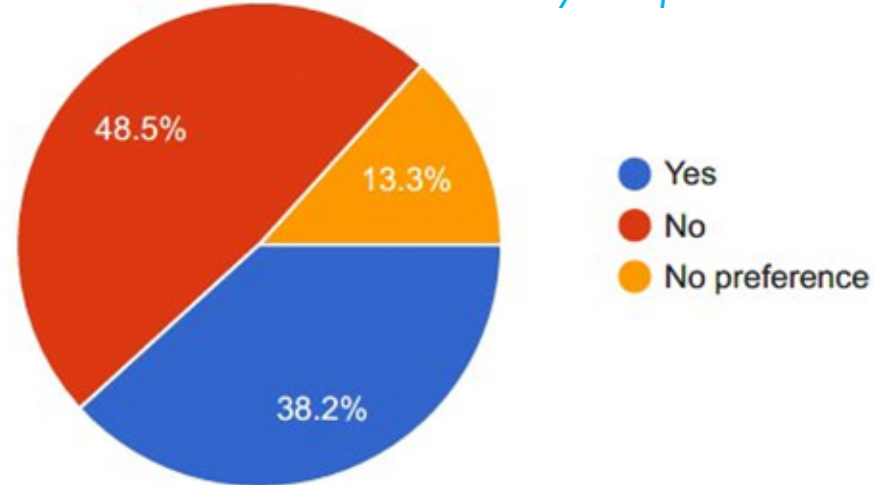
Prohibited uses within ADUs

Short-term rentals (STRs)

Should ADUs be allowed as short-term rentals (less than 30 days) on platforms like Airbnb or Vrbo if they meet the City's density and separation rules?

**Survey responses cont.*

361 responses



PROPOSED ORDINANCE

Chapter One

Principal Access

- The principal access to an ADU shall have safe and accessible path of ingress and egress connecting to and from the right of way.
- Any principal access to an attached ADU shall be located in the side or rear yard.

Owner Occupancy

- Most localities have this requirement, staff is evaluating how to address this aspect of ADUs.

PROPOSED ORDINANCE

Chapter One

Nonconforming structure defined. A structure that does not comply with the current rules, regulations, or restrictions in place, but was permissible under previous provisions of this ordinance or predates this ordinance.

Nonconformities

ADUs may be permitted in conjunction with a legally nonconforming principal dwelling, subject to the following provisions:

- An **attached ADU** may be located within or structurally connected to a legally nonconforming principal dwelling, provided that the ADU does not create any new nonconformity or increase the degree of any existing nonconformity
- An existing detached accessory structure that was legally established may be converted to a **detached ADU** even if it does not meet current setback and height requirements, provided that the conversion does not increase the degree of any existing nonconformity. In all cases, the dwelling area of the converted unit shall not exceed eight hundred (800) square feet.

PROPOSED ORDINANCE

Chapter Four

- Staff recommends adding clarification to the minimum dwelling area requirements for all R Districts to read “principal dwellings”
- Currently, the R-R district features language concerning minimum requirements for accessory buildings and structures. The proposed ordinance amendment includes removing this language eliminating redundancy

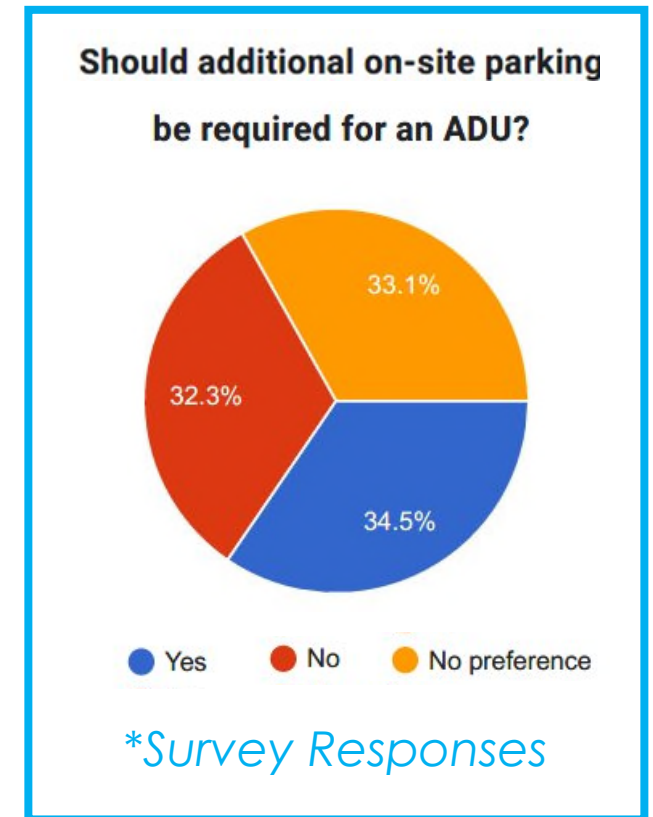
PROPOSED ORDINANCE

Chapter Eleven

Chapter 11 - Amend the parking requirements for accessory dwelling units

Staff proposes amending the requirement to be as follows:

- Any lot abutting a right-of-way permitted for parking on both sides is not required to provide any additional on-site parking in conjunction with an ADU
- Any lot abutting a right-of-way identified as prohibited parking on either side shall identify one (1) off-street improved surface parking space



PROPOSED ORDINANCE

Chapter Eleven

- This amendment aims to preserve and protect neighborhood character by reducing any potential challenges to parking
- Understands and acknowledges that a majority of single-family homes have sufficient on-site or on-street parking to accommodate a new ADU
- Additional surface parking requirements negatively impact the City of Hampton's Resilient objectives and priorities

ADU ADMINISTRATION

New Builds or Existing Structure Renovations:

- Apply for Zoning Administrator Permit (ZAP), Building Permit, and any other required permits (MEP)
- Inspection – check compliance with ZAP conditions and other approved plans
- Certificate of Occupancy and ZAP issued

ENFORCEMENT PROCESS

Building Code & Zoning Ordinance general enforcement process:

- Investigating a complaint – *renovating or new construction without permits or occupying an ADU without a ZAP*
- Sending a Notice of Violation (NOV) if warranted
- 30-day period to correct or appeal
- Re-inspection to confirm compliance
- Criminal summons if not corrected
- Court orders abatement and potentially fines

PROPOSED AMENDMENTS - SUMMARY

Define “Accessory Dwelling Unit” (Chapter 2)

Permit Accessory Dwelling Units in all one-family residential properties, subject to additional standards and requirements (Chapter 1)

Amend the minimum dwelling area requirements in all R districts to clarify the requirements for the principal dwelling (Chapter 4)

Amend the parking requirements for ADUs in residential districts to exempt lots with on-street parking and to require additional off-street parking for lots with no on-street parking (Chapter 11)

Recommendation
 >> 3.0 <<

CAN LIVE WITH! 👍 WAY OFF 📉

Attached + Detached	
# Per Lot	
Square Footage	
Building Height	
Setbacks	
Min. Lot Size, Aesthetic Features, Parcel Stormwater	
Lot Coverage	
Exterior Access	
Parking	
Excluded Uses	
Type of Permit	

NEXT STEPS

Finalize proposed ordinance language based on feedback

Planning Commission

Target date: October 16, 2025

City Council

Target date: November 12, 2025

Access Full Details:

hampton.gov/adus