

1 **Ordinance to Amend and Re-Enact the Zoning Ordinance of the City Of Hampton, Virginia**  
2 **by Amending Chapter 12 Entitled, “Nonconformities” to Restrict the Expansion of Legally**  
3 **Nonconforming Cemeteries**

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5 **WHEREAS**, the public necessity, convenience, general welfare and good zoning practice so  
6 require;

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8 **BE IT ORDAINED** by the Council of the City of Hampton, Virginia that Chapter 12 of the Zoning  
9 Ordinance of the City of Hampton, Virginia, be amended and re-enacted as follows:

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11 **Chapter 12 – NONCONFORMITIES**

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15 **Sec. 12-2. – Alteration, enlargement, and extension of nonconforming uses.**

16 (1) Legally nonconforming uses, with the exception of legally nonconforming *cemeteries*,  
17 one family, two family, and duplex residential uses, shall comply with the following:

18 (a) The legally nonconforming use shall not be enlarged or extended to occupy an  
19 area greater than the structure or land area which was occupied by the  
20 nonconforming use as of August 12, 2020, unless such alteration, enlargement,  
21 or extension is required to comply with local, state, or federal law.

22 (2) Legally nonconforming one family, two family, and duplex residential uses shall  
23 comply with the following:

24 (a) The legally nonconforming use shall not be enlarged or extended to occupy an  
25 area greater than the area of the legally plated parcel occupied by the  
26 nonconforming use as of August 12, 2020, unless such alteration, enlargement,  
27 or extension is required to comply with local, state, or federal law.

28 (b) The structure in which a legally nonconforming one family, two family, or duplex  
29 use occupies shall not be altered, enlarged, or extended in a way which violates  
30 the standards of the base district or any provision of the City Code, including but  
31 not limited to the Uniform Statewide Building Code. All permitted alterations,  
32 enlargements, and extensions shall further comply with the following setbacks:

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34 (1) Front yard: The front yard setback shall be a minimum of fifteen (15) feet.

35 (2) Side yard: The side yard setback shall be a minimum of five (5) feet.

36 (3) Rear yard: The rear yard setback shall be a minimum of twenty (20) feet.

37 (3) *Legally nonconforming cemeteries shall comply with the following:*

38 (a) *The legally nonconforming use shall not be enlarged or extended to occupy an*  
39 *area greater than the area of the legally plated parcel occupied by the*  
40 *nonconforming use as of August 12, 2020, unless such alteration, enlargement,*  
41 *or extension is required to comply with local, state, or federal law.*

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