

## CHAPTER 17.2

### M-5 District -- Langley Flight Approach - Mixed Use District

#### Sec. 17.2-1. Intent.

The intent of the M-5 District, Langley Flight Approach - Mixed Use District, 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. 17.2-2. Composition of M-5 District.

The M-5 District shall be composed of four sub-districts:

- (1) M-5A, Langley Flight Approach - Hampton Roads Center, shall include use and density restrictions commensurate with the intent of the M-5 District overall, incorporating appropriate regulations from the SPI-HRC District to ensure the continuation of the Hampton Roads Center business park atmosphere.
- (2) M-5B, Langley Flight Approach - Limited Business I, shall include use and density restrictions, without the additional SPI-HRC requirements. (amended 1/28/98)
- (3) M-5C, Langley Flight Approach - Limited Residential, shall include use restrictions that allow for the continuance of the existing residential development, but no expansion of that residential use.
- (4) M-5D, Langley Flight Approach - Limited Business II, shall include use and density restrictions, without the additional SPI-HRC requirements, but with special limitations set forth hereafter. (amended 1/28/98)

#### Sec. 17.2-3. Permitted Uses; M-5 District.

- (1) The following uses shall be permitted in M-5A:
  - (a) Passive parks and golf courses, subject to securing a Use Permit which shall first be reviewed by the Planning Commission, with their recommendation forwarded to City Council prior to any final action by City Council.
  - (b) Parcel or express delivery warehouses.

- (c) Offices and office buildings, but not to include medical or dental offices; data processing centers.
  - (d) Copy, photographic and blueprinting services.
  - (e) Laboratories, research, experimental or testing; but not to include the testing of explosives.
  - (f) Manufacturing, compounding, processing, packaging, treatment or assembly, subject to securing a Use Permit which shall first be reviewed by the Planning Commission with their recommendation forwarded to the City Council prior to any final action by the City Council.
  - (g) Banks, not to include drive-in windows.
  - (h) Private recreational centers.
- (2) The following uses shall be permitted in M-5B:
- (a) Passive parks and golf courses, subject to securing a Use Permit which shall first be reviewed by the Planning Commission, with their recommendation forwarded to City Council prior to any final action by City Council.
  - (b) Parcel or express delivery warehouses.
  - (c) Offices and office buildings; data processing centers.
  - (d) Copy, photographic and blueprinting services.
  - (e) Laboratories, research, experimental or testing; but not to include the testing of explosives.
  - (f) Manufacturing, compounding, processing, packaging, treatment or assembly, subject to securing a Use Permit which shall first be reviewed by the Planning Commission with their recommendation forwarded to the City Council prior to any final action by the City Council.
  - (g) Wholesale merchandising, brokerage, storage, including mini-warehouse operations, warehousing, or distribution centers, conducted entirely within an enclosed structure.
  - (h) Transformer stations, pump stations, or structures necessary for the operation of a public utility (excluding power plants and gas plants). Buildings to house public utility equipment, substations, and high voltage transmission lines shall be allowed subject to securing approval by the Planning Commission pursuant to the provisions

of Section 15.2-2232 of the Code of Virginia, 1950, as amended. (9/9/98)

- (i) Retail shops, limited to the following: antique shops; art shops; bakeries; books or stationery stores; clothing stores; confectionery or dairy products stores; delicatessens; drapery shops; dry goods, notion or variety stores; fruit or vegetable stores; haberdasheries; hardware stores; jewelry stores; marine supplies; meat, seafood or poultry markets (excluding the killing of livestock or poultry); newsstands; pet shops; shoe stores or shoe repair shops; and Virginia ABC stores.
  - (j) Appliance, furniture and floor covering shops.
  - (k) Personal services, limited to the following: banks; barber and beauty shops; cleaning collection or pick-up stations; custom dressmaking, millinery, or tailor shops; dental clinics; florists shops; interior decorating shops; medical clinic; photographic studios; telegraph offices; and upholstery shops.
  - (l) Printing, lithography, and publishing, conducted entirely within an enclosed structure.
  - (m) Sleeping quarters, in connection with any industrial establishment, for a watchman or caretaker employed upon the premises.
  - (n) Accessory structures and uses. (amended 7/9/97)
- (3) The following uses shall be permitted in M-5C:
- (a) One family dwellings on lots of record existing prior to September 9, 1992. All dwelling units shall be developed to the standards of the R-9 District, unless the property is subject to the conditions of an R-OS Use Permit.
  - (b) Home occupations as defined in Section 2-34.
  - (c) Accessory structures. (amended 7/9/97)
  - (d) Noncommercial communication tower, up to seventy five (75) feet in height. Such tower height may be increased in excess of seventy five in height with an approved Use Permit. Such Use Permit shall first be reviewed by the Planning Commission, with their recommendation forwarded to City Council prior to any final action by City Council. (9/9/98)
- (4) The following uses shall be permitted in M-5D:
- (a) Passive parks and golf courses, subject to securing a Use Permit which shall first be reviewed by the

Planning Commission, with their recommendation forwarded to City Council prior to any final action by City Council.

- (b) Parcel or express delivery warehouses.
- (c) Offices and office buildings; data processing centers.
- (d) Copy, photographic and blueprinting services.
- (e) Laboratories, research, experimental or testing; but not to include the testing of explosives.
- (f) Manufacturing, compounding, processing, packaging, treatment or assembly, subject to securing a Use Permit which shall first be reviewed by the Planning Commission with their recommendation forwarded to the City Council prior to any final action by the City Council.
- (g) Wholesale merchandising, brokerage, storage, including mini-warehouse operations, warehousing, or distribution centers, conducted entirely within an enclosed structure.
- (h) Transformer stations, pump stations, or structures necessary for the operation of a public utility (excluding power plants and gas plants). Buildings to house public utility equipment, substations, and high voltage transmission lines shall be allowed subject to securing approval by the Planning Commission pursuant to the provisions of Section 15.2-2232 of the Code of Virginia, 1950, as amended. (9/9/98)
- (i) Retail shops, limited to the following: antique shops; art shops; bakeries; books or stationery stores; clothing stores; confectionery or dairy products stores; delicatessens; drapery shops; dry goods, notion or variety stores; fruit or vegetable stores; haberdasheries; hardware stores; jewelry stores; marine supplies; meat, seafood or poultry markets (excluding the killing of livestock or poultry); newsstands; pet shops; shoe stores or shoe repair shops; and Virginia ABC stores.
- (j) Appliance, furniture and floor covering shops.
- (k) Personal services, limited to the following: banks; barber and beauty shops; cleaning collection or pick-up stations; custom dressmaking, millinery, or tailor shops; dental clinics; florists shops; interior decorating shops; medical clinic; photographic studios; telegraph offices; and upholstery shops.

- (l) Printing, lithography, and publishing, conducted entirely within an enclosed structure.
- (m) Sleeping quarters, in connection with any industrial establishment, for a watchman or caretaker employed upon the premises.
- (n) Accessory structures and uses.
- (o) Movie theater, subject to the provisions of Section 17.2-4(6).
- (p) Notwithstanding (a) through (o) above, the square footage in structures approved on Site Plan 47-96 that fall within the M-5D boundary shall be permitted to house uses permitted in the Neighborhood Commercial (C-1) District, except those uses specifically excluded by the proffered conditions of Rezoning Case #970, as approved. These uses are, however, subject to the provisions of Section 17.2-4(7).

(amended 1/28/98)

Sec. 17.2-4. Limitations on Permitted Uses; M-5 District.

- (1) No use shall be permitted in the M-5 District that has any of the following characteristics:
  - (a) Releases into the air any substance that would impair visibility or otherwise interfere with the operation of aircraft, such as steam, dust or smoke;
  - (b) Produces light emissions, either direct or indirect (reflective) that would interfere with pilot vision;
  - (c) Produces electronic emissions that would interfere with the aircraft communication systems or navigational equipment;
  - (d) Attracts concentrations of birds that would be hazardous to flight operations; or
  - (e) Involves the use or storage of explosive materials.
- (2) 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.
- (3) In addition to reasonable conditions required by the City Council under Section 20-4, any use requiring a Use Permit in the M-5 District shall be evaluated based on the intent of the District, as stated in Section 17.2-1 and prohibitions listed in Section 17.2-4(1). In such

evaluation, the Planning Commission and City Council shall request written comments from Langley Air Force Base on the application and its potential impacts prior to any action.

- (4) Deleted 10/23/96
- (5) Any use permitted in M-5A shall be conducted in wholly enclosed buildings of permanent and durable construction.
- (6) The only movie theater permitted in M-5D 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 M-5D boundaries is permitted through this Ordinance. (amended 1/28/98)
- (7) Notwithstanding Section 17.2-5(1), structures shown on Site Plan No. 47-96, approved August 7, 1997, that fall within the M-5D boundary shall be limited to the square footage shown on the Site Plan; expansion of these buildings within the M-5D boundaries is not permitted through this Ordinance 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 M-5D boundary. (amended 1/28/98)

Sec. 17.2-5. Building Size Regulations; M-5 District.

- (1) For all uses in the M-5 District, the following maximum building area per acre, exclusive of storage areas, shall be permitted:
  - (a) Retail, except furniture and appliance sales - not to exceed five thousand (5,000) gross square feet per acre.
  - (b) Furniture and appliance sales - not to exceed ten thousand (10,000) gross square feet per acre.
  - (c) Personal services - not to exceed five thousand (5,000) gross square feet per acre.
  - (d) Manufacturing, compounding, processing, packaging, treatment or assembly - not to exceed twelve thousand five hundred (12,500) gross square feet per acre.
  - (e) Office - not to exceed seventy five hundred (7,500) gross square feet per acre.
  - (f) Banks - not to exceed six thousand two hundred fifty (6,250) gross square feet per acre.

- (g) Private recreation centers - not to exceed five thousand (5,000) gross square feet per acre.
  - (h) Brokerage, storage, warehousing, or distribution centers - no limitation.
- (2) In addition to the limitations outlined in Section 17.2-5(1), all development within M-5A shall conform to the following:
- (a) No building or group of buildings shall be erected or placed on a lot containing less than three and one-half (3-1/2) acres, unless a lot of lesser area has been recorded prior to May 1, 1985.
  - (b) The minimum gross floor area of a building or a group of buildings on a lot shall be twenty five thousand (25,000) square feet.

Sec. 17.2-6. Building Height; M-5 District.

Structures in the M-5 District shall be permitted a maximum height of sixty (60) feet.

Sec. 17.2-7. Setback Regulations; M-5 District.

- (1) Properties within M-5A:
- (a) Building setbacks:
    - (i) For properties adjacent to the Magruder Boulevard right-of-way, buildings shall be set back at least 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, buildings shall be set back at least sixty (60) feet, or twice the building height, whichever is greater, from that right-of-way.
    - (iii) Any side yard not adjacent to said rights-of-way shall be at least twenty (20) feet deep.
    - (iv) Any rear yard not adjacent to said rights-of-way shall be at least forty (40) feet deep.
    - (v) No building shall be located within twenty (20) feet of 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 Section 17.2-7(1)(a).
- (iv) No parking shall be permitted within twenty (20) feet of any Lake Maintenance Easement in Hampton Roads Center.

(2) Properties within M-5B and M-5D (amended 1/28/98):

(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, in the case where the side property line in an M-5B District abuts upon a lot in a residential zoning district or M-5C, 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, in the case where the rear property line in an M-5B District abuts upon a lot in a residential zoning district or M-5C, then there shall be a rear yard the same as required in that district.

- (3) Properties within M-5C shall have setbacks equal to those required in the R-9 District or, if applicable, equal to those required under the R-OS Use Permit governing the property.

Sec. 17.2-8. Off-Street Parking and Loading; M-5 District.

Uses permitted in any M-5 District shall provide garage or vehicle parking spaces and off-street loading spaces as required in Chapter 19 hereof.

Sec. 17.2-9. Deleted.

Sec. 17.2-10. Nonconforming Uses; M-5 District.

Given the nature of the M-5 District and its stated purpose, nonconforming uses in the District shall be regulated. Notwithstanding the provisions of Section 21-2 herein, nonconforming uses in the M-5 District 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.