

1 **Ordinance To Amend And Reenact Chapter 3 Of The Zoning Ordinance Of The City Of**
2 **Hampton, Virginia Entitled “Uses Permitted” By Amending Section 3-2 To Add The New**
3 **Zoning Districts Titled FM-1 (Fort Monroe Inner Fort), FM-2 (Fort Monroe Historic Village),**
4 **FM-3 (Fort Monroe North Gate), And FM-4 (Fort Monroe Wherry Quarter) To The Use**
5 **Table And Section 3-3 Pertaining to Additional Standards On Permitted Uses As Part Of**
6 **the Adoption Of New Zoning Districts For Fort Monroe.**
7

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

10
11 **BE IT ORDAINED** by the Council of the City of Hampton, Virginia that chapter 3 of the Zoning
12 Ordinance of the City of Hampton, Virginia, be amended and re-enacted as follows:

13
14 **CHAPTER 3 – USES PERMITTED**

15
16 ...

17
18 **Sec. 3-2. Table of uses permitted.**

19 *[See attached table for changes]*

20 ...

21
22 **Sec. 3-3. Additional standards on uses.**

23
24 The following uses have additional standards:

25
26 ...

27 (7) **Home occupation.** In the R-R, R-LL, R-43, R-33, R-22, R-15, R-13, R-11, R-9,
28 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,
29 BB-3, BB-4, BB-5, DT-1, DT-2, and DT-3, *FM-1, FM-2, and FM-3* districts, home
30 occupations shall be permitted only as an accessory use and only where the
31 character of such use is such that it is clearly subordinate and incidental to the
32 principal residential use of a dwelling. Home occupations that have the following
33 general characteristics are permitted:

34 ...

35 (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,
36 and RT-1, *FM-1, and FM-2* districts.

37 ...

38
39 (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,
40 MD-1, MD-2, MD-3, MD-4, R-M, C-1, C-2, C-3, HRC-2, PH-1, DT-1, DT-2, and
41 DT-3, *FM-1, FM-2, and FM-3* districts, or;

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

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

48 ...
49 (12) **Outdoor dining 1** in the C-1, C-2, C-3, M-2, RT-1, BB-3, BB-4, and BB-5, *FM-1,*
50 *FM-2, FM-3, and FM-4* districts.

51 ...
52 (13) **Outdoor dining 2** in the C-1, C-2, C-3, M-2, RT-1, BB-3, BB-4, and BB-5, *FM-1,*
53 *FM-2, FM-3, and FM-4* districts.

54 ...
55 (15) **Rummage sale, temporary** in the C-1, C-2, C-3, M-2, RT-1, PH-1, DT-1, and
56 DT-2, *FM-2, and FM-3* districts.

57 ...
58 (22) **Live entertainment 1, in conjunction with a restaurant use** in the C-1, C-2, C-
59 3, RT-1, BB-3, BB-4, BB-5, PH-1, DT-1, and DT-2, *FM-1, FM-2, FM-3, and FM-4*
60 districts. or;
61 **Live entertainment 1, in conjunction with a micro-brewery/distillery/winery**
62 **use** in the M-1, M-2, M-3, HRC-1, HRC-2, PH-1, DT-1, and DT-2, *FM-2, FM-3,*
63 *and FM-4* districts.

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

67 ...
68 (23) **Live entertainment 2, in conjunction with a restaurant use** in the C-1, C-2, C-
69 3, RT-1, BB-3, BB-4, BB-5, PH-1, DT-1, and DT-2, *FM-1, FM-2, FM-3, and FM-4*
70 districts. or;

71 **Live entertainment 2, in conjunction with a micro-brewery/distillery/winery**
72 **use** in the M-1, M-2, M-3, HRC-1, HRC-2, PH-1, DT-1, and DT-2, *FM-2, FM-3,*
73 *and FM-4* districts.

74 Live entertainment 2 venues are defined as venues with a capacity greater than
75 50 people and subject to obtaining a use permit by city council. The city will
76 evaluate each application on a site-by-site basis with regard to the surrounding
77 land use patterns and city council may impose more restrictive conditions when
78 the proposal is adjacent to residential land uses. Conditions shall include, but are
79 not limited to, the following:

80 ...
81 (33) **Communication antenna, commercial building-mounted** in the R-R, R-LL, R-
82 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,
83 C-1, C-2, C-3, M-1, M-2, M-3, RT-1, BB-3, BB-4, BB-5, HRC-2, HRC-3, PH-1,
84 DT-1, DT-2, and DT-3, *PO-1, FM-3, and FM-4* districts.

85 The following minimum conditions shall be met:
86 ...

87 (34) **Communication tower, commercial** in the R-R, R-LL, R-43, R-33, R-22, R-15,
88 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-
89 3, RT-1, HRC-1, HRC-2, HRC-3, PH-1, DT-1, DT-2, DT-3, *FM-3*, and PO-1
90 districts.

91 The following minimum conditions shall be met:

92 ...

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

95 ...