

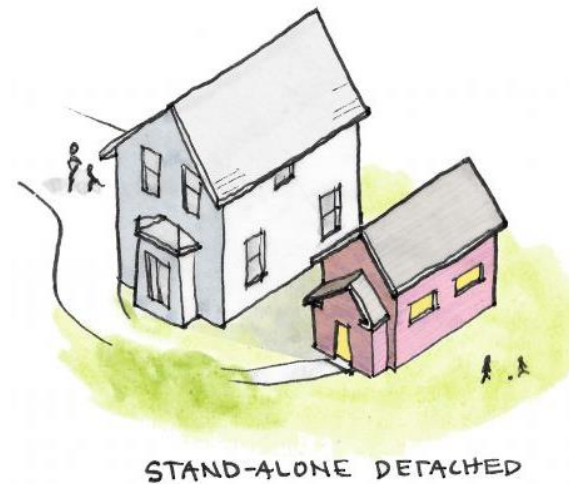
# **ZONING ORDINANCE AMENDMENT NO. 25-0018, 25-0019, 25-0268, 25-0269**

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

Planning Commission  
October 16, 2025

# 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



# BACKGROUND

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

# WHY ADUs?

- 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.

# 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)
- **Commission Briefings** (September 2025)\*
- **Finalize Proposed Amendments** (August – September 2025)
- **Ordinance Hearings** (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	No requirement	Not listed	Not listed	Not listed
Setbacks	Side equal to principal dwelling, rear 10 ft	Not listed	6 ft between principal dwelling and detached ADU	Same as principal dwelling	Not listed	Not applicable

\* Detached permitted in very limited areas

# RESEARCH

Locality	Newport News	Norfolk	Portsmouth	Suffolk	Virginia Beach	Chesapeake
<b>Square Footage</b>	Max 800 sq ft or first floor of principal dwelling	Max 800 sq ft or 50% of principal dwelling <i>Recently expanded</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 remainder of principal dwelling Detached: Max 800 sq ft	Not listed
<b>Exterior Access</b>	Not permitted in front of house	No requirement	No requirement	No requirement	No requirement	No requirement
<b>Parking</b>	No requirement	Recently eliminated requirements	1 additional on-site space	1 additional on-site space	1 additional on-site space	Not listed

# RESEARCH

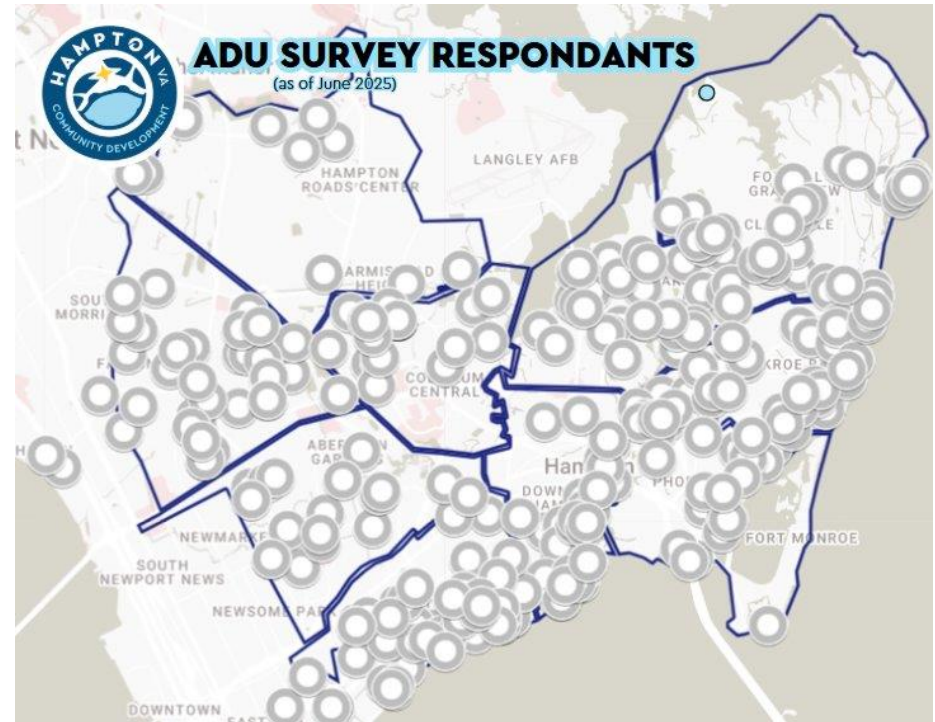
Locality	Newport News	Norfolk	Portsmouth	Suffolk	Virginia Beach	Chesapeake
Owner-occupied	Yes	Yes	No	Yes, not permitted to be offered for rent	Yes; must be used for family members, people with disabilities, or those 62 or older	Yes, must fit definition of family
Excluded Uses	Short term rental	Not listed	Not listed	Rental of ADU	Short term rental	Anything other than a family
Type of Permit	Not listed	Permitted by-right	Permitted by-right	Attached is permitted by-right, detached Use Permit in some districts	Administrative Permit, must be renewed every 2 years	Not listed



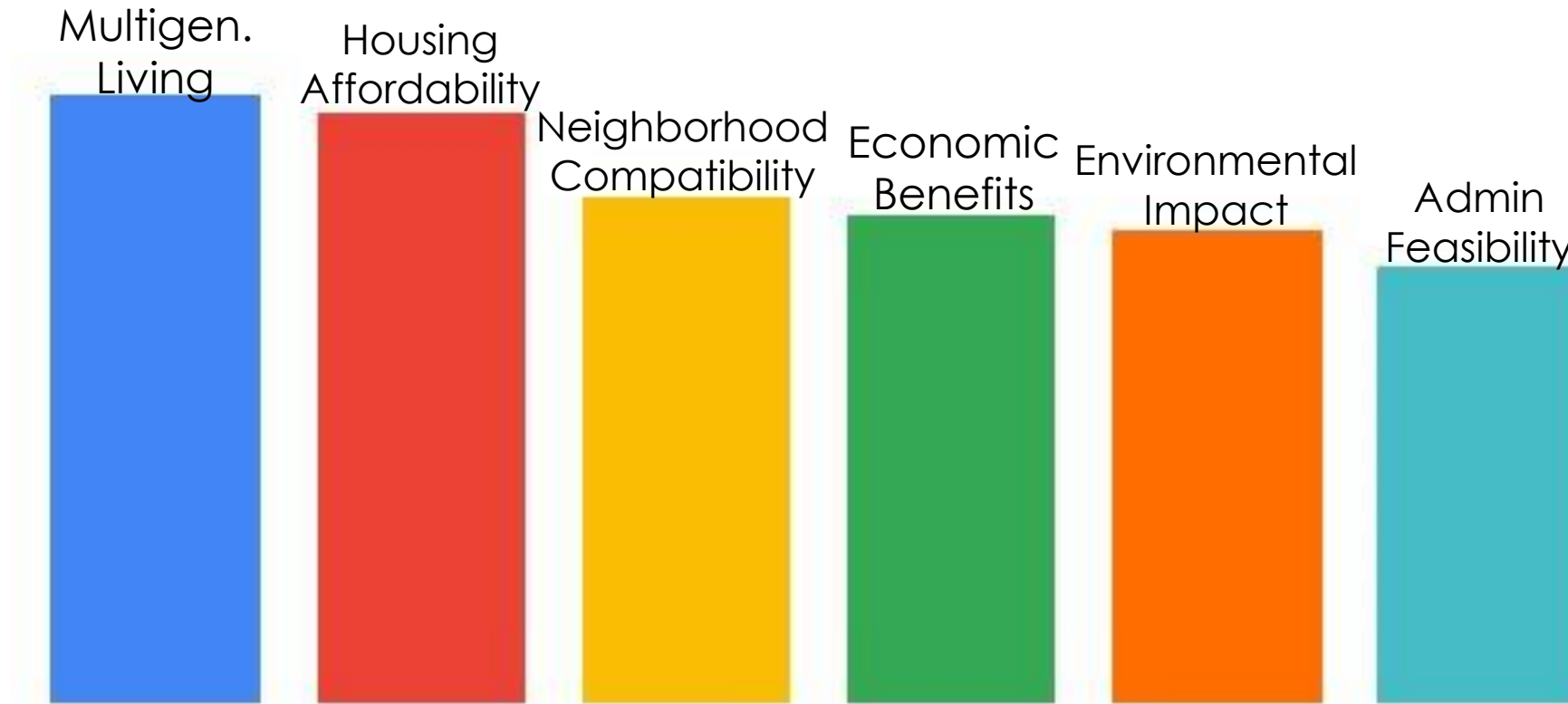
# COMMUNITY ENGAGEMENT

- 363 Survey Responses
- 12 Steering Group Participants
- Interdepartmental

City Attorney's Office, Public Works and Public Safety (Hampton Fire, Hampton Police, Dispatch)



# SURVEY RESULTS

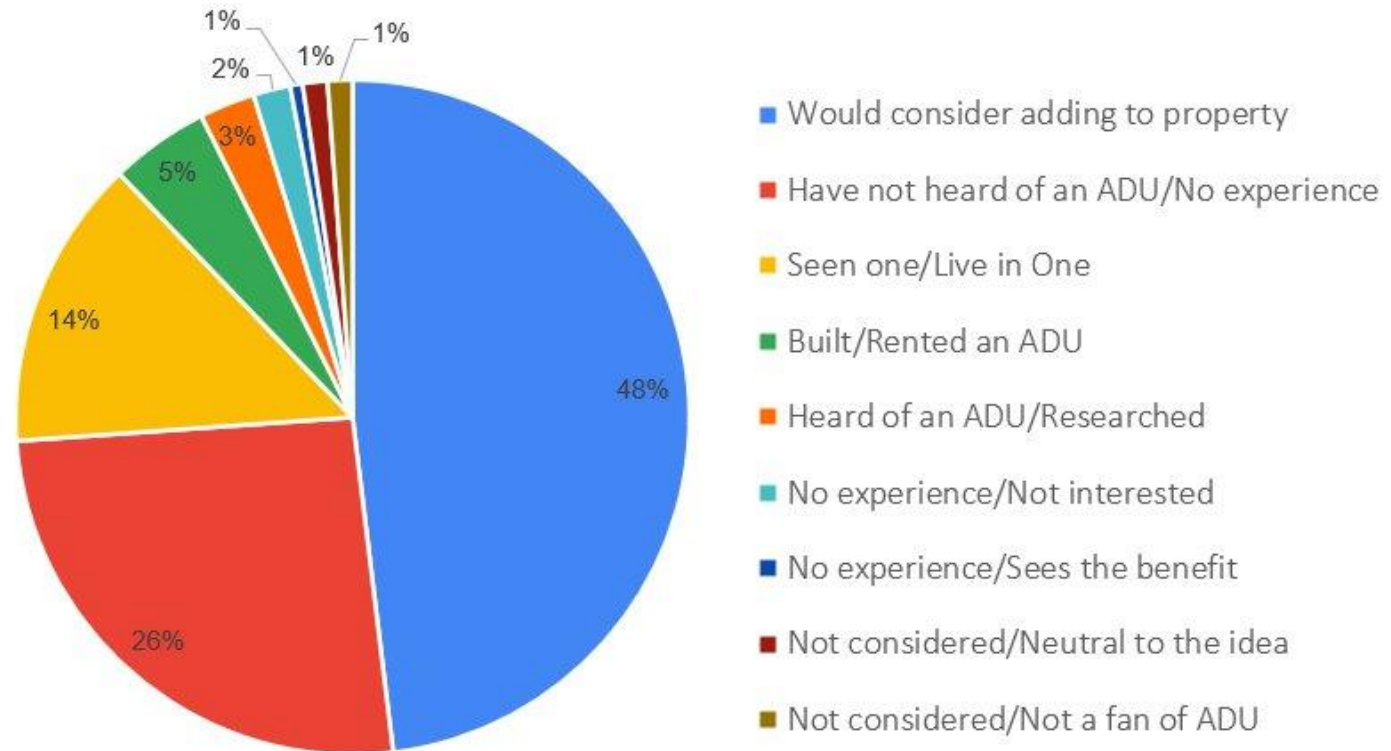


**Please rank how important you believe it is for the policy to prioritize each of the goals listed above.**

# 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?**

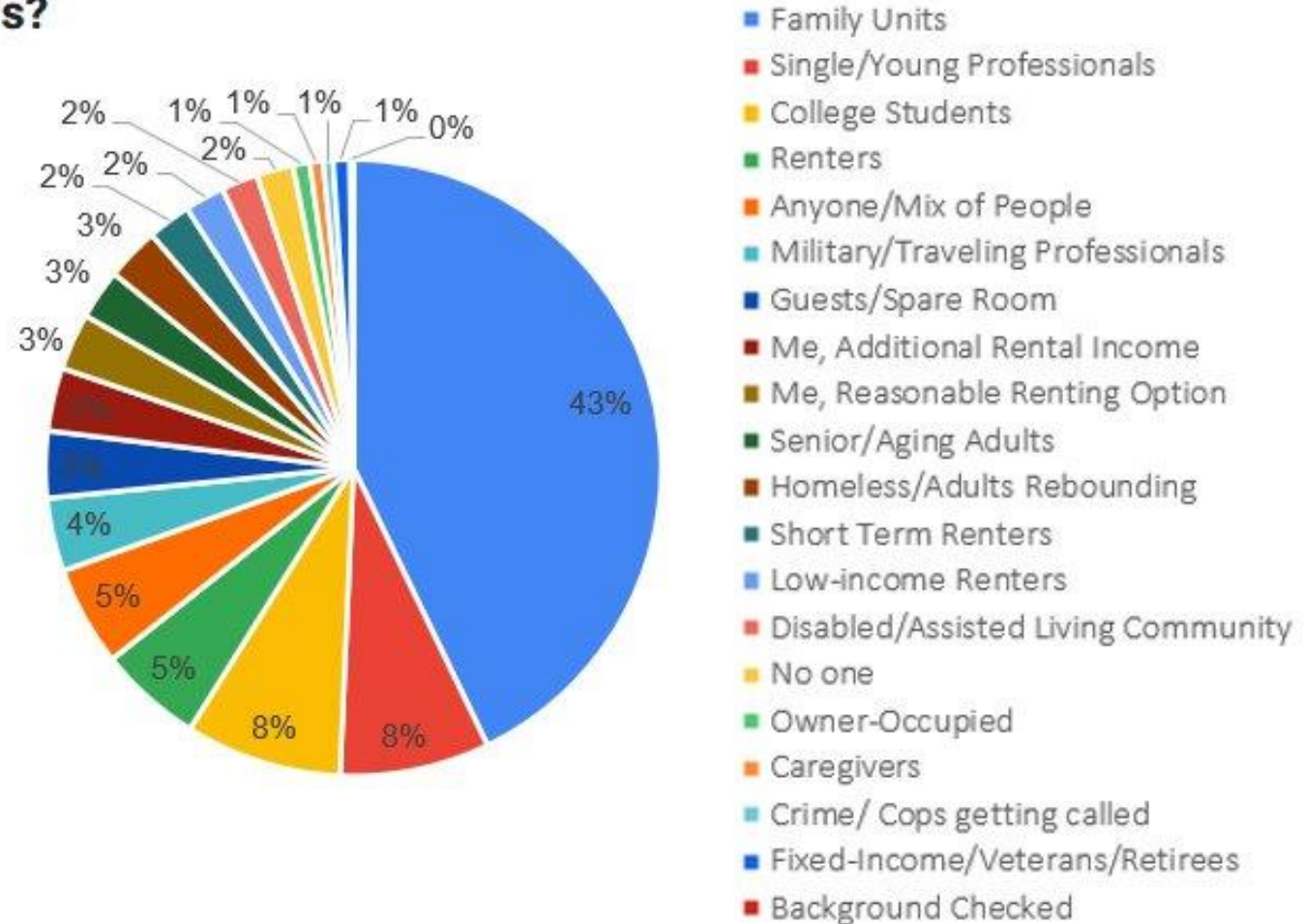
Open-ended Question - 338 responses



# SURVEY RESULTS

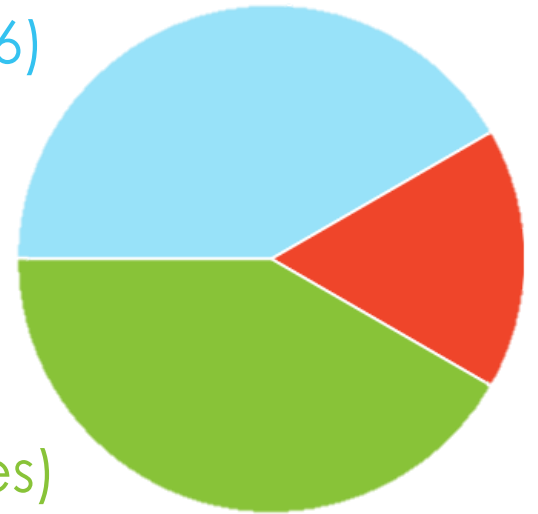
## Who do you envision using ADUs?

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

**Chapter 1** – General Standards & Regulations

**Chapter 2** – Definitions

**Chapter 4** – Dwelling area language

**Chapter 11** – Parking Requirements

# PROPOSED ORDINANCE

## Chapter One - General Standards & Regulations

### **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 - General Standards & Regulations

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

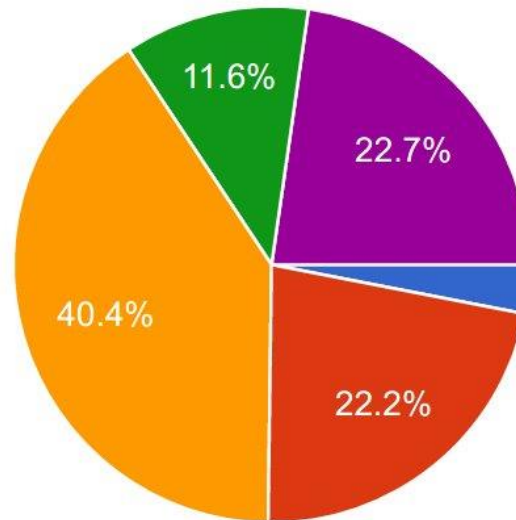
# PROPOSED ORDINANCE

## Chapter One - General Standards & Regulations

**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.*

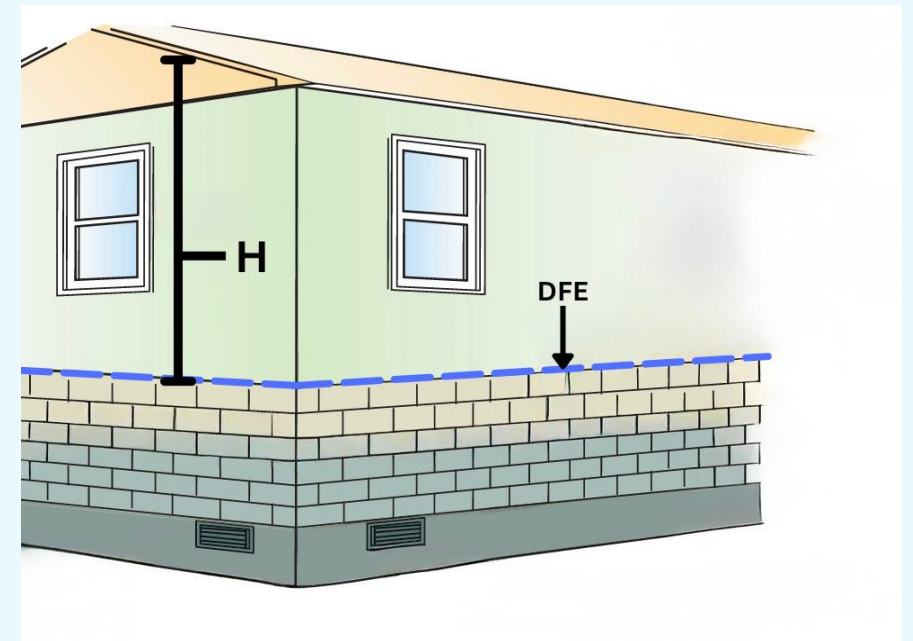
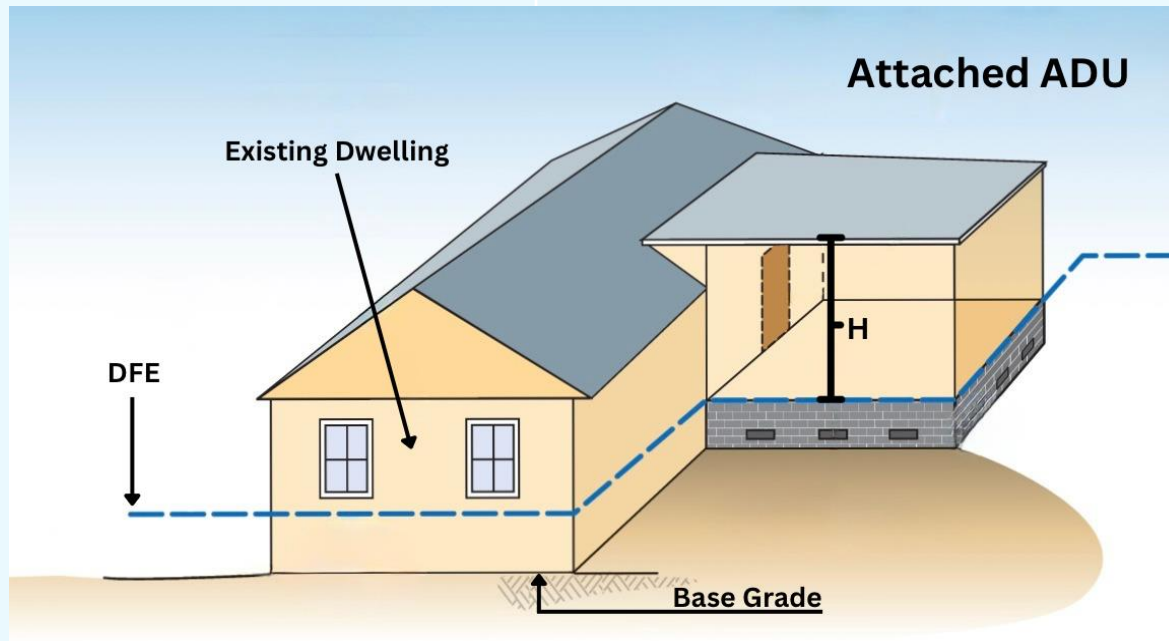
- Similar to 1 car garage
- Similar to a 2 car garage
- % of the main house
- About the size of the main house
- No preference

# PROPOSED ORDINANCE

## Chapter One - General Standards & Regulations

### Max. height

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



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

# PROPOSED ORDINANCE

## Chapter One - General Standards & Regulations

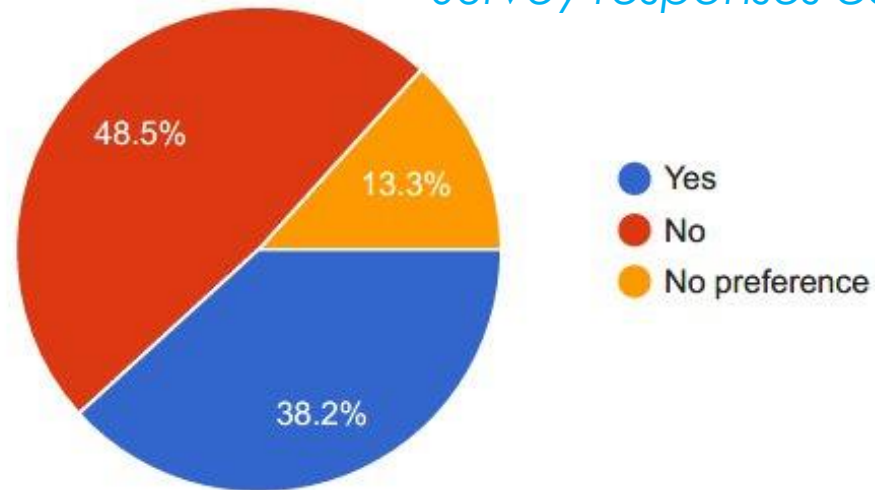
### Prohibited uses within ADUs

### 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 - General Standards & Regulations

### Principal Access

- The principal access to an ADU shall have a 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

- A property owner shall reside on the premises, either in the principal dwelling or in the ADU.

# PROPOSED ORDINANCE

## Chapter One - General Standards & Regulations

**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 One - General Standards & Regulations

### Existing Standards in Buckroe Bayfront Districts

- Standards outlined in this section would supersede our existing standards for ADUs in the Buckroe Bayfront Districts [BB-1, BB-2, and BB-3].
- Any new ADU constructed in a Buckroe Bayfront District must comply with the new standards in Chapter 1.



# PROPOSED AMENDMENTS

## Chapter Two - Definitions

- *Accessory dwelling unit (ADU). A secondary dwelling unit established in conjunction with and clearly subordinate to a principal dwelling unit, whether part of the same structure as the principal dwelling unit (hereafter an “attached ADU”), or as a detached structure on the same lot, which has a separate kitchen, bathroom, and sleeping area (hereafter, a “detached ADU”).*
- Dwelling area. The gross *finished floor area* of dwelling unit, ~~exclusive of any hallways between units.~~ *This term shall include living rooms, bedrooms, kitchens, bathrooms, and finished attics, basements, or additional finished storage areas, but excludes unfinished basements, mechanical rooms, screened porches or decks, and unconditioned storage areas.*



# PROPOSED ORDINANCE

## Chapter Four – One-and Two-family Residential

- Add the word “principal” in front of every use of the word “dwelling” in Sections 4-5, 4-15, 4-24, 4-35, 4-45, 4-54, 4-64, 4-74-, 4-84-, 4-94, 4-105.
- Strike the following language in Article III, Sec. 4-21, concerning the R-R District:

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 twelve thousand (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.~~

~~(a) 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.~~

# PROPOSED ORDINANCE

## Chapter Eleven - Parking Requirements

### Chapter 11 - Amend the parking requirements for accessory dwelling units

Staff proposes amending the requirement to be as follows:

- *Any lot with frontage abutting a right-of-way permitted for parking on both sides of that block is not required to provide any additional on-site parking in conjunction with an ADU*
- *Any lot with frontage abutting a right-of-way identified by the City of Hampton as prohibiting parking on either side of that block shall identify one (1) off-street parking space on an improved surface in conjunction with an ADU.*

# PROPOSED ORDINANCE

## Chapter Eleven - Parking Requirements

- 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

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

Define “Accessory Dwelling Unit” (Chapter 2)

Refine and clarify language relating to principal dwellings in all one-family residential districts (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)

# CONCLUSION

- Public Hearing
- Action
  - Staff recommends **APPROVAL** of Zoning Ordinance Amendments No. 25-0018, 25-0019, 25-0268, & 25-0269