

1 **Ordinance To Amend And Reenact Chapter 8 Of The Zoning Ordinance Of The City Of**
2 **Hampton, Virginia Entitled “Special Districts” By Adding Article 8 – Fort Monroe Districts**
3 **As Part Of the Adoption Of New Zoning Districts For Fort Monroe.**
4

5 **Whereas**, the public necessity, convenience, general welfare and good zoning practice so
6 require;
7

8 **BE IT ORDAINED** by the Council of the City of Hampton, Virginia that chapter 8 of the Zoning
9 Ordinance of the City of Hampton, Virginia, be amended and re-enacted as follows:
10

11 **CHAPTER 8 – SPECIAL DISTRICTS**

12 ...

13 **ARTICLE 7 – PHOEBUS DISTRICTS**

14 ...

15 **ARTICLE 8 – FORT MONROE DISTRICTS**

16
17 **Sec. 8-67. – Overall Intent of Fort Monroe (FM) Districts**
18

19 *In 2005, the Defense Base Realignment and Closure Commission recommended that Fort*
20 *Monroe cease to be used as an Army installation, resulting in the closure of the Fort in 2011.*
21 *Portions of the Fort property were transferred to the National Park Service with the*
22 *establishment by Presidential proclamation in 2011 of the Fort Monroe National Monument.*
23 *Most of the remaining property at Fort Monroe is now controlled by the Fort Monroe Authority*
24 *(“FMA”) a political subdivision of the Commonwealth of Virginia. The FMA was created to*
25 *manage the base closure and reuse process to include the transfer of some of the*
26 *Commonwealth’s Fort Monroe property to private ownership thereby making the property*
27 *subject to the requirements of the City of Hampton’s Zoning Ordinance.*
28

29 *Fort Monroe was designated a National Historic Landmark while serving as a military base in*
30 *1960. The property was listed on the National Register of Historic Places in 1966. Due to the*
31 *historical significance of the Fort, a Programmatic Agreement (“PA”) was prepared for the*
32 *closure of the base as required by Section 106 of the National Historic Preservation Act. The*
33 *PA for Fort Monroe includes the establishment of the Fort Monroe Historic Preservation Manual*
34 *and Design Standards (“FM Design Standards”). The FM Design Standards serve as legally*
35 *enforceable regulations administered by the FMA to ensure that the rehabilitation of existing*
36 *buildings and construction of new buildings is compatible with the character of the historic*
37 *landmark district. The FM Design standards include regulations typically found in municipal*
38 *zoning ordinances such as building height and building set back.*
39

40 *The overall intent of the Fort Monroe (“FM”) Districts is to define land use and development*
41 *standards to implement the recommendations of the Hampton Community Plan (2006 as*
42 *amended) and the Fort Monroe Land Use Plan (2016, as amended). It is also the intent of the*
43 *FM Districts to recognize the FMA’s obligations with respect to the FM Design Standards and to*
44 *avoid duplication or conflict with these standards. As a result, the FM Districts do not include*

45 *many of the development standards such as building height and setback found in other City of*
46 *Hampton zoning districts.*

47

48 **Sec. 8-68. – FM-1 District – Inner Fort**

49

50 (1) *Intent.*

51 *The intent of the FM-1 District is to protect the single-family character of the*
52 *residential community within the Inner Fort while also promoting the enjoyment of*
53 *the historical, recreational, cultural, and educational resources of the Fort Monroe*
54 *National Monument, the Casemate Museum and related visitor attractions on*
55 *Fort Monroe.*

56 (2) *Uses permitted.*

57 *Uses shall be permitted as set forth in Chapter 3 - Uses Permitted.*

58 (3) *Development standards.*

59 *The FM Design Standards serve as legally enforceable regulations administered*
60 *by the FMA to ensure that the rehabilitation of existing buildings and construction*
61 *of new buildings is compatible with the character of the historic landmark district.*
62 *The FM Design standards include regulations typically found in municipal zoning*
63 *ordinances such as building height and setbacks.*

64 (4) *Parking.*

65 *Parking shall be provided as described in Chapter 11 herein.*

66

67 **Sec. 8-69. – FM-2 District – Historic Village**

68

69 (1) *Intent.*

70 *The intent of the FM-2 District is to protect the character of the residential*
71 *community within the Historic Village and to promote new residential*
72 *development. The district also provides limited options for retail and employment*
73 *uses in appropriate locations and buildings as identified in the Fort Monroe Land*
74 *Use Plan (2016, as amended). These non-residential uses are intended to serve*
75 *both residents of Fort Monroe and visitors. Non-residential uses are directed by*
76 *use permit to specific locations to promote shared parking, minimize impacts on*
77 *single-family residential uses, and to provide multiple options for the reuse of*
78 *contributing historic structures that were built for commercial or institutional*
79 *purposes.*

80 (2) *Uses permitted.*

81 (a) *Uses shall be permitted as set forth in Chapter 3 - Uses Permitted.*

82 (b) *Where required, use permits for non-residential uses (except day care 3)*
83 *in the FM-2 District are directed to appropriate locations by the Fort*
84 *Monroe Land Use Plan (2016, as amended).*

85 (c) *Standard use permit conditions for non-residential uses listed as*
86 *permitted by use permit in the FM-2 District in use groups “retail sales,*
87 *services, & office;” “institutional;” “recreational;” “industrial;” and “utilities &*

88 *transportation” shall comply with Chapter 14 of the zoning ordinance and*
89 *may include but shall not be limited to the following:*

- 90 *(i) Location of use and non-transferability of permit*
- 91 *(ii) Hours of operation*
- 92 *(iii) Building capacity*
- 93 *(iv) Sound*
- 94 *(v) Parking and circulation*
- 95 *(vi) Screening and buffering*
- 96 *(vii) Third-party promoters*
- 97 *(viii) Permit revocation*
- 98 *(ix) Permit nullification*
- 99 *(x) Review of use after 12 months of operation*

100 *(3) Development standards.*

101 *The FM Design Standards serve as legally enforceable regulations administered*
102 *by the FMA to ensure that the rehabilitation of existing buildings and construction*
103 *of new buildings is compatible with the character of the historic landmark district.*
104 *The FM Design standards include regulations typically found in municipal zoning*
105 *ordinances such as building height and building set back.*

106 *(4) Parking.*

107 *Parking shall be provided as described in Chapter 11 herein.*

108
109 **Sec. 8-70. – FM-3 District – North Gate**

110
111 *(1) Intent.*

112 *The intent of the FM-3 District is to promote employment uses on Fort Monroe*
113 *through the re-use of existing buildings and new construction. The district also*
114 *provides limited options for new single family and multi-family development in*
115 *appropriate locations as identified in the Fort Monroe Land Use Plan (2016, as*
116 *amended). Residential uses are directed by use permit to specific locations to*
117 *protect the character and value of these uses and to minimize encroachment into*
118 *areas dominated by employment uses.*

119 *(2) Uses permitted.*

120 *(a) Uses shall be permitted as set forth in Chapter 3 - Uses Permitted.*

121 *(b) Where required, use permits for residential uses in the FM-3 District are*
122 *directed to appropriate locations by the Fort Monroe Land Use Plan*
123 *(2016, as amended).*

124 *(c) Standard use permit conditions for residential uses listed as permitted by*
125 *use permit in the FM-3 District in the use group “residential – 1, 2, &*
126 *multifamily” shall comply with Chapter 14 of the zoning ordinance and*
127 *may include but shall not be limited to the following:*

- 128 *(i) Location of use and non-transferability of permit*
- 129 *(ii) Parking and circulation*
- 130 *(iii) Screening and buffering*
- 131 *(iv) Permit revocation*

132 (v) Permit nullification

133 (3) Development standards.

134 The FM Design Standards serve as legally enforceable regulations administered
135 by the FMA to ensure that the rehabilitation of existing buildings and construction
136 of new buildings is compatible with the character of the historic landmark district.

137 The FM Design standards include regulations typically found in municipal zoning
138 ordinances such as building height and building set back.

139 (4) Parking.

140 Parking shall be provided as described in Chapter 11 herein.

141

142 **Sec. 8-71. – FM-4 District – Wherry Quarter**

143

144 (1) Intent.

145 The intent of the FM-4 District is to promote uses that support the enjoyment of
146 the historical, recreational, cultural and educational resources of the Fort Monroe
147 National Monument and other visitor attractions on Fort Monroe.

148 (2) Uses permitted.

149 (a) Uses shall be permitted as set forth in Chapter 3 - Uses Permitted.

150 (3) Development standards.

151 The FM Design Standards serve as legally enforceable regulations administered
152 by the FMA to ensure that the rehabilitation of existing buildings and construction
153 of new buildings is compatible with the character of the historic landmark district.

154 The FM Design standards include regulations typically found in municipal zoning
155 ordinances such as building height and building set back.

156 (4) Parking.

157 Parking shall be provided as described in Chapter 11 herein.

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159 **Sec. 8-72. – 8-75 – Reserved.**

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