

1 **Ordinance To Amend And Re-Enact The Zoning Ordinance Of The City Of Hampton,**  
2 **Virginia By Amending Chapter 2 Entitled “Definitions” To Add New Definitions Of Open**  
3 **Space Amenity And Story, And To Remove The Definition Of Live/Work Dwelling**  
4

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

8 **BE IT ORDAINED** by the City Council of the City of Hampton, Virginia that Section 2-2 of Chapter  
9 2 of the Zoning Ordinance of the City of Hampton, Virginia be amended to read as follows:  
10

11 Section 2-2. – Definitions

12 ...

13 ~~Live/work dwelling. A type of mixed-use building where the first floor is used for~~  
14 ~~nonresidential activity and the upper floor(s) are used for residential activity, and the two~~  
15 ~~(2) uses have separate entrances; the resident of the upper floor need not be the~~  
16 ~~operator of the nonresidential use below.~~

17 ...

18 Open space. A parcel of land or an area of water or combination thereof, designated and  
19 limited within a development site as being intended for the recreational use (passive and  
20 active) and enjoyment of the residents. Open space shall not include streets, alleys, off-  
21 street parking or loading areas, or other facilities dedicated as either private or public  
22 right-of-way.

23 *Open space amenity. The specific open space area provided to residents as part of a*  
24 *development for their use and enjoyment. These amenities may be improved or*  
25 *impervious surfaces, such as roof decks, balconies, and private patios, or they may be*  
26 *of unimproved surfaces, provided they are designed to be used and enjoyed by the*  
27 *residents, as determined by the Zoning Administrator. The open space amenity shall not*  
28 *be counted toward any green area requirements for the property.*

29 ...

30 *Story. A story in the context of a building shall be understood to be that portion of a*  
31 *building included between the upper surface of a floor and the upper surface of the floor*  
32 *or roof next above. A story is measured as the vertical distance from top to top of two*  
33 *successive finished floor surfaces and, for the topmost story, from the top of the floor*  
34 *finish to the top of the ceiling joists or where there is not a ceiling, to the top of the roof*  
35 *rafters. In the case of one-family, two-family, or duplex dwellings, a habitable attic that*  
36 *does not exceed 400 square feet and is not greater than two thirds of the area of the*  
37 *story below, shall not be considered a story.*

38 ...

39 *Upper-floor dwelling units. A type of residential mixed-use development where the*  
40 *residential dwellings are located above a nonresidential use. The residents of the upper*  
41 *floor(s) need not be the operators of the nonresidential use or uses below. The*  
42 *residential use shall be limited to no more than four (4) dwelling units. This would include*  
43 *live/work dwellings. The nonresidential use or uses must also be permitted within the*  
44 *applicable zoning district and comply with all relevant standards for the use.*

45 ...