

1 **Ordinance To Amend And Re-Enact The Zoning Ordinance Of The City Of Hampton,**
2 **Virginia By Adding And Amending Section 1-37 Entitled, “Accessory Dwelling Units” To**
3 **Create Regulations and Standards For Accessory Dwelling Units.**

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

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8 **BE IT ORDAINED** by the City Council of the City of Hampton, Virginia that Section 1-37 of the
9 Zoning Ordinance of the City of Hampton, Virginia be amended to read as follows:

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11 **CHAPTER 1 – GENERAL PROVISIONS**

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15 **Article II. – Regulations Applicable to Many or All Zoning Districts**

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19 ***Section 1-37. Accessory Dwelling Unit (ADU)***

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21 *For the purpose of maintaining the residential character of single-family homes and*
22 *neighborhoods, while ensuring that an accessory dwelling unit associated with such homes*
23 *remains subordinate to the principal single-family dwelling with which it is associated, accessory*
24 *dwelling units on properties containing a lawfully permitted principal single-family dwelling shall*
25 *obtain a zoning administrator permit and shall comply with the following standards:*

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27 1. *No more than one (1) ADU shall be located on a lot;*
28 2. *Accessory Dwelling Units (ADUs) may be permitted in conjunction with a legally*
29 *nonconforming principal dwelling, subject to the following provisions:*
30 a. *An attached ADU may be structurally connected to a legally nonconforming*
31 *principal dwelling, provided that the ADU does not create any new nonconformity*
32 *or increase the degree of any existing nonconformity, including but not limited to*
33 *noncompliance with required setbacks, maximum building height, or minimum*
34 *dwelling area standards applicable to the principal dwelling. In any event, an*
35 *attached ADU’s interior separation shall comply with sec. 1-37(11) of this*
36 *ordinance.*
37 b. *A detached ADU shall comply with all applicable zoning requirements, including*
38 *but not limited to required setbacks, maximum height, and lot coverage.*
39 *However, an existing detached accessory structure legally established on or prior*
40 *to December 31, 2025 may be converted to a detached ADU even if it does not*
41 *meet the dimensional requirements applicable to such structure, provided that*
42 *the conversion does not increase the degree of any existing nonconformity.*
43 *Notwithstanding and foregoing, that portion of the detached accessory structure*
44 *so converted to an ADU unit shall not exceed eight hundred (800) square feet, or*
45 *fifty (50) percent of the dwelling area of the principal dwelling, whichever is less.*
46 3. *The setbacks of any ADU shall comply with the following:*

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- a. *An attached ADU shall comply with the minimum setback requirements of the base zoning district of which it is located; and*
 - b. *A detached ADU shall comply with the following:*
 - i. *A detached ADU shall have a minimum setback a minimum of five (5) feet of the side lot line and a minimum of five (5) feet from the rear lot line; however, when a located on a corner lot, a detached ADU shall not be nearer to the street than the requirements herein contained for side yards of corner lots, except for a detached ADU erected on a corner lot which abuts any interior lot on the side street, the setback requirements for which shall not be less than the front yard requirements of the main buildings on the interior lot. For the purpose of this section, the term "side street" means the street perpendicular to that upon which a corner lot fronts.*
 - ii. *In no instance shall any portion of a detached ADU be located beyond the front plane of the principal dwelling. For the purposes of this section, the front plane is defined as the vertical plane that runs parallel to the front wall of the principal dwelling unit facing the street upon which it fronts.*
4. *ADUs shall comply with the following height requirements:*
- a. *An attached ADU shall not exceed the building height requirement of the base zoning district, and in no instance shall the height of an attached ADU exceed the height of the principal dwelling to which it is attached.*
 - b. *A detached ADU shall not exceed the height of the principal dwelling, or sixteen (16) feet, whichever is less.*
 - c. *Notwithstanding the foregoing, for any principal dwelling which is subject to the elevation requirements in Chapter 9, Article IV, but which is not in compliance with those requirements, an ADU may exceed the height of the principal structure so long as it does not exceed 1.5 stories in height, as measured from the design flood elevation.*
5. *ADUs and associate principal dwellings shall comply with the following maximum dwelling area requirements:*
- a. *An ADU shall not exceed 800 square feet of dwelling area, or fifty (50) percent of the dwelling area of the principal dwelling, whichever is less.*
 - b. *Where an ADU is created by converting a portion of the dwelling area of the principal dwelling, the remaining principal dwelling shall not be reduced below the minimum dwelling area required by the base zoning district.*
6. *Any ADU, in conjunction with all other permitted accessory structures, if any, shall not cover more than twenty (20) percent of the rear yard area.*
7. *A property owner shall reside on the property, either in the principal dwelling or in the ADU. For the purposes of this section, "reside" means to occupy the dwelling as the owner's primary residence. In no case may both a principal dwelling and an ADU be advertised or offered for rent to the public. For the purpose of this section only, the term "property owner" means a person vested with the fee ownership or legal title to the property (or, if the owner is a trust or an estate, a beneficiary thereof who is a natural*

- 90 *person), but not a mortgagee or vendee in possession, assignee of rents, receiver,*
91 *executor, trustee, or lessee.*
- 92 8. *An ADU shall not be used as a short-term rental.*
- 93 9. *Any ADU shall not be subdivided or otherwise segregated in ownership from the*
94 *principal dwelling. Both dwelling units shall remain in common ownership and located*
95 *one lot.*
- 96 10. *The ADU shall have a separate, independent exterior access, which shall be located in*
97 *the side or rear yard, and otherwise designed to appear subordinate to the principal*
98 *dwelling's primary entrance. Exterior access shall not be located on the front plane of the*
99 *principal dwelling, except if the exterior access existed and was permitted prior to*
100 *adoption of this ordinance. Notwithstanding the foregoing, the attached ADU and*
101 *principal dwelling may share a single exterior entrance, if such entrance leads to an*
102 *internal vestibule or corridor that provides separate entrances to each dwelling unit.*
- 103 11. *Any attached ADU shall be a self-contained dwelling unit which is structurally*
104 *partitioned from the principal dwelling.*
- 105 12. *A clearly identified, unobstructed pathway shall be provided from the public right-of-way*
106 *to the primary entrance of any ADU (whether attached or detached). This pathway shall*
107 *have a minimum width of thirty-six (36) inches at all points and shall remain free of any*
108 *obstructions, including but not limited to landscaping, fencing, utility equipment, or*
109 *parked vehicles.*
- 110 13. *The zoning administrator, or their designee, shall have the ability to revoke the zoning*
111 *administrator permit upon violation of any of the above conditions. The zoning*
112 *administrator may require applicants to establish compliance with these standards*
113 *using forms promulgated for that purpose.*
- 114 14. *The standards set forth in this section shall supersede the existing ADU regulations for*
115 *the Buckroe Bayfront (BB-1, BB-2, and BB-3) Districts, as referenced in Sections 8-*
116 *22(5)(f), 8-23(5)(f), and 8-24(5)(f). Accordingly, all new ADUs proposed within these*
117 *districts must comply with the updated standards established in Chapter 1.*
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