



## Legislation Text

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**File #:** 19-0012, **Version:** 1

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Ordinance To Amend And Reenact Chapter 3 Of The Zoning Ordinance Of The City Of Hampton, Virginia Entitled "Uses Permitted" By Amending Sections 3-2 and 3-3 To Recodify The Use Table by Separating Standard Base Districts From Special Districts, Adding The New Zoning Districts Entitled Phoebus Town District (PH-2) And Phoebus Commercial Transition District (PH-3) To the Use Table, and Amending Section 3-3 Pertaining to Additional Standards On Permitted Uses Applicable To the PH-2 and PH-3 Districts

### **Background Statement:**

Chapter 3 of the Zoning Ordinance governs uses permitted in the City. Specifically, this amendment will recodify the use table to separate standard base districts from special districts. With the City continuing to add more place specific special districts, staff believes the width of the table of permitted uses was becoming unwieldy. Separating the types of districts should make the ordinance more user friendly.

This amendment will also add two new categories to the special district table - the Phoebus Town District (PH-2) and the Phoebus Commercial Transition District (PH-3). The new PH-2 and PH-3 districts will have the same permitted uses as the existing Phoebus Urban Core (PH-1) district. The differences in the districts are found in proposed changes in other chapters and generally relate to the form based requirements for development in each.

While amending this particular section of the zoning ordinance, staff also recommends removing two uses as a house keeping measure. One of these uses is "religious facility, temporary tent revival" which should be removed because it is by definition temporary and potentially an accessory use rather than a primary use. As currently adopted temporary tent revival is only permitted by-right in the General Commercial (C-3) district and in the Rural One Family Residential (R-R) district with an approved use permit. Note that the use "religious facility" remains in the use table.

The other use proposed to be removed is "bank, accessory, without drive through" which is redundant due to the existence of "bank, with drive through" and "bank, without drive-through" in the use table, as well as it being by definition an accessory use. This use is currently only permitted in the Hampton Roads Center South (HRC-1) district.

This Zoning Ordinance Amendment is proposed in conjunction with Zoning Ordinance Amendments 18-00008, 18-00010, 18-00011, 18-00012, 18-00013, 18-00014, and Rezoning Applications No. 18-00009, and No. 18-00010 (file nos. 19-0011, 19-0015, 19-0016, 19-0018, 19-0019, 19-0020, 19-0021, and 19-0022).

### **Recommendations:**

Staff Recommendation:  
Approve

Planning Commission Recommendation:  
Approve

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

**BE IT ORDAINED** by the Council of the City of Hampton, Virginia that Chapter 3 Sections 3-2 and 3-3 of the Zoning Ordinance of the City of Hampton, Virginia, be amended to read as follows:

CHAPTER 3 - USES PERMITTED

...

Sec. 3-2. Table of uses permitted.

Table of Uses Permitted in Standard Zoning Districts

[The attached table, entitled "Table of Uses Permitted in Standard Zoning Districts" is hereby declared to be a part of this ordinance as is fully set forth herein.]

...

Table of Uses Permitted in Special Zoning Districts

[The attached table, entitled "Table of Uses Permitted in Special Zoning Districts" is hereby declared to be a part of this ordinance as is fully set forth herein.]

...

Sec. 3-3. Additional standards on uses.

...

(11) Day Care 2, family.

...

(b) In the MD-1, MD-2, MD-3, MD-4, C-1, C-2, C-3, M-1, M-2, M-3, LFA-1, LFA-2, LFA-3, LFA-4, LFA-6, BB-4, BB-5, HRC-1, HRC-2, HRC-3, DT-3, PH-1, PH-2, PH-3, FM-4, PO-1, and PO-2 districts, this use shall be permitted only in dwellings with legal non-conforming status and shall comply with all of the following provisions:

...

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

...

(21) Coin-operated amusement devices, accessory in the C-1, C-2, C-3, PH-1, PH-2, PH-3, RT-1, DT-1, and DT-2 districts.

...

(22) Live entertainment 1, in conjunction with a restaurant use in the C-1, C-2, C-3, RT-1, BB-3, BB-4, BB-5, PH-1, PH-2, PH-3, DT-1, DT-2, FM-1, FM-2, FM-3, and FM-4 districts, or;

Live entertainment 1, in conjunction with a micro-brewery/distillery/winery use in the M-1, M-2, M-3, HRC-1,

HRC-2, PH-1, PH-2, PH-3, DT-1, DT-2, FM-2, FM-3, and FM-4 districts.

...

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

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

...

(24) Religious facility in the R-R, R-LL, R-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, C-1, C-2, C-3, RT-1, BB-1, BB-2, BB-3, BB-4, BB-5, PH-1, PH-2, PH-3, DT-1, DT-2, and DT-3 districts.

...

(30) Small artisan shop in the PH-1, PH-2, PH-3, C-2 and C-3 districts is required to have a retail sales component as part of any such use. Additionally in the PH-1, PH-2, and PH-3 districts, total area of such use shall not exceed 5,000 square feet.

...

(33) Communication antenna, commercial building-mounted in the R-R, R-LL, R-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, 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, PH-2, PH-3, DT-1, DT-2, DT-3, PO-1, FM-3, and FM-4 districts. The following minimum conditions shall be met:

...

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

...

(36) Promotional event in the C-1, C-2, C-3, M-2, RT-1, PH-1, PH-2, PH-3, DT-1, and DT-2 districts.

...

(44) Laboratory or research office in the M-1, LFA-2 LFA-3, LFA-4, LFA-6, PH-1, PH-2, PH-3, HRC-1, HRC-2, and HRC-3 districts shall not permit the testing of explosives.

...

(47) Micro-brewery/distillery/winery in the PH-1, PH-2, PH-3, DT-1, DT-2, and FM-2 districts shall include a retail component which is open to the general public.

...

(48) Outdoor dining, Phoebus in the PH-1, PH-2, and PH-3 districts shall be subject to a zoning administrator permit and the hours of operation shall not extend beyond the hours of operation for the principle establishment.

...

(49) Day care 1, commercial in the C-1, C-2, C-3, DT-1, DT-2, DT-3, PH-1, PH-2, PH-3, FM-1, FM-2, FM-3 and PO-1 districts are subject to a day care permit granted by the zoning administrator with the following attached conditions:

...

(50) Day care 2, commercial in the R-LL, R-43, R-R, 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, C-1, C-2, C-3, DT-1, DT-2, DT-3, PH-1, PH-2, PH-3, FM-1, FM-2, FM-3, and PO-1 districts. Such facilities are defined as those requesting to operate beyond the conditions set forth under the provisions of "day care 1, commercial" and are subject to obtaining a use permit by city council. Conditions shall include those listed in Section 14-6 Standards for Use Permit Application Review of the City of Hampton Zoning Ordinance.

...

(51) Banquet hall in the PH-1, PH-2, PH-3, DT-1, FM-1, FM-3, and FM-4 districts are subject to a zoning administrator permit with the following attached