



Legislation Text

File #: 22-0006, Version: 1

Ordinance to Amend and Re-Enact the Zoning Ordinance of the City of Hampton, Virginia by Amending Chapter 1 Entitled, "General Provisions" Pertaining to Accessory Buildings or Structures

Background Statement:

In past years, staff have received numerous requests or complaints from residents regarding animal-related uses and care. Last year, staff began addressing these concerns by clarifying requirements for kennels and animal daycare facilities; these amendments continue that effort to clarify how animals are regulated within the Zoning Ordinance. Staff has worked closely with the Hampton Animal Response Team (HART, formerly Animal Control) to coordinate this effort.

If adopted, this amendment would incorporate and clarify the existing additional standards associated with accessory structures for the keeping of animals currently within Chapter 3 of the Zoning Ordinance by adding them to Chapter 1. The amendment would clarify how and where accessory structures for companion animals and certain agricultural animals are permitted.

This amendment is in conjunction with items 22-0006 and 22-0007 which clarify the existing animal-related uses and their additional standards, and add a definition for companion animals, respectively.

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 1 of the Zoning Ordinance of the City of Hampton, Virginia, be amended to read as follows:

CHAPTER 1 - GENERAL PROVISIONS

....

Sec. 1-24. - Accessory buildings or structures.

- (1) Accessory buildings or structures shall be permitted as described in each zoning district, except for those districts listed in subsections 1-24(2), 1-24(3), and 1-24(4) below.
- (2) In any One- or Two-Family Residential ('R') District, the R-M District, the LFA-5 District, and on any fee-simple lot in the MD-4 District, accessory buildings or structures shall be permitted in accordance with all height and setback requirements for primary structures within the zoning district where constructed except as described below:
 - (a) When located in the rear yard.
 - (i) Standard height and setback regulations. Accessory buildings or structures may be located as near as five (5) feet from the rear lot line and as near as three (3) feet to the side lot line provided such building or structure does not exceed one and one-half (1½) stories and sixteen (16) feet in height.
 - (ii) Increased height and setback regulations. Accessory buildings or structures may be constructed to a height of twenty-five (25) feet provided they are not nearer than fifteen (15) feet to any side or rear lot line and not nearer than fifteen (15) feet to the primary structure. In no case shall they have any exterior stairways.
 - (b) When located on a corner lot. No accessory building on a corner lot shall be erected nearer to the street than the requirements herein contained for side yards of corner lots, except an accessory building or structure erected on a corner lot which abuts any interior lot on the side street, then the setback requirements shall not be less than the front yard requirements of the main buildings on the interior lots.
- (3) In any One- or Two-Family Residential ('R') District, the R-M District, the LFA-5 District, and on any fee-simple lot in any MD-1, MD-2, MD-3, or MD-4 District, accessory buildings or structures, to include structures for the keeping of animals, shall not occupy more than twenty (20) percent of the rear yard area
- (4) Accessory buildings or structures for the keeping of animals shall be permitted only as described below. All terms not defined in section 2-2 shall be interpreted as defined in Section 5-2 of the Hampton City Code:
 - (a) In any district, accessory buildings or structures for the shelter of companion animals

shall be permitted provided:

- (i) Shelters no larger than twenty-five (25) square feet are permitted in the rear yard or interior side yard when no taller than 1 story and sixteen (16) feet in height.

These shelters must comply with the following setbacks:

- (aa) Minimum setback from a side property line 3'
- (bb) Minimum setback from a rear property line 5'

- (ii) Shelters larger than twenty-five square feet are permitted in the rear yard when no taller than 1 story and sixteen (16) feet in height. Shelters must comply with the following setbacks:

- (aa) Minimum setback from a side property line: 15'
- (bb) Minimum setback from a rear property line: 15'
- (cc) Minimum setback from the primary structure: 15'

- (iii) Nothing in this section prohibits the keeping of a companion animal within the primary structure, provided such companion animal is permitted in accordance with all other City, State, and Federal law.

- (b) Accessory buildings or structures for the shelter of certain agricultural animals shall be permitted only as described below:

- (i) In the R-R, R-LL, R-43, R-33, R-22, R-15, R-13, R-11, R-9, R-8, R-4, R-M, C-1, C-2, C-3, RT-1, DT-1, and DT-2 districts, accessory buildings, structures or yards, to include stables, for the keeping of horses, ponies, or similar equine animals are permitted provided:

- (aa) That such a structure shall not be permitted on a lot containing less than one (1) acre
- (bb) If two (2) to eight (8) such animals are to be kept, a minimum lot area of two (2) acres shall be required

- (cc) if more than eight (8) such animals are to be kept, a minimum lot area of three (3) acres shall be required
- (dd) The minimum setback shall be sixty (60) feet from any property line
- (ii) In all districts accessory buildings or structures to include a coop for the keeping of or the use of, chickens, ducks, pigeons, or similar avian animals are permitted provided:
 - (aa) The primary use is a single family dwelling. No chickens shall be allowed on lots with a primary use of townhouse, duplex, multifamily, or manufactured housing park.
 - (bb) No structure for the keeping of chickens, pigeons, or similar animals shall be located in a front or side yard.
 - (cc) Shelters, pens, coops, or cages shall not be located within the required building setbacks and shall be a minimum of 15 feet away from any property line.
 - (dd) No commercial activity such as the selling of eggs or chickens for meat, shall be permitted.
- (c) All permits issued for accessory structures for the keeping of animals will be forwarded to the Manager of the Hampton Animal Response Team (HART) or their designee.
- (d) Accessory structures no larger than twenty-five (25) square feet for the keeping of companion animals or chickens, ducks, pigeons, or similar avian animals, shall not require a Zoning Permit provided they are:
 - (i) in compliance with Section 1-24(4)
 - (ii) located in the rear yard
 - (iii) located outside of the floodway district; and
 - (iv) located outside of the Chesapeake Bay Preservation District Overlay