



Application for

# Use Permit

Community Development Department  
Planning Division

22 Lincoln Street, 5th Floor | Hampton, Virginia 23669  
Phone 757-727-6140 | Fax 757-728-2449 | [www.hampton.gov/planning](http://www.hampton.gov/planning)

## FILING PROCEDURES

### WHAT IS A USE PERMIT?

The Use Permit process is governed by Chapter 14 of the City Zoning Ordinance. Important provisions of that chapter are summarized below.

The Use Permit application process provides a means for City Council, after review and recommendation by the Planning Commission, to authorize certain uses which, although generally appropriate for the district, may have greater impacts on surrounding properties than uses which are permitted by right. Site-specific factors and localized impacts from the use as well as the proposed mitigation measures must be evaluated.

City Council reviews each application and decides whether to deny, approve, or approve with conditions. Such conditions are necessary to ensure the use's compatibility with the surrounding area and consistency with the purpose and intent of the Zoning Ordinance.

### SUBMITTAL PROCEDURE

It is recommended that the applicant schedule a pre-application conference with staff of the Community Development Department's Planning Division prior to submission of an application to review plans, ordinances, and other land use issues that may be involved. Submittal of the application occurs at the Planning Division's office listed below:

City of Hampton  
Community Development Department, Planning Division  
City Hall  
22 Lincoln Street, 5th Floor  
Hampton, VA 23669  
Phone 757-727-6140, Fax 757-728-2449

### SCHEDULING & REVIEW PROCESS

Scheduling and procedure for application review is governed by section 14-4 of the Zoning Ordinance.

The amount of time necessary to complete the staff review is variable depending on the complexity of the Use Permit application and the accuracy of the submitted material. Incomplete submissions or major changes to the plans during the review process may cause delays in this schedule.

Once an application is submitted, staff review will begin.

- Staff will work with other city departments and outside agencies, as necessary, to determine possible impacts of the proposed use (as set forth in section 14-4(1)).
- Staff will notify the applicant of any deficiencies in the application. The director of the Department of Community Development or his designee may determine that additional information or review is necessary prior to being scheduled for public hearing.
- Staff will work with the applicant on issues that arise during internal review and on proposed conditions to be included in the Planning Division's staff report to Planning Commission and City Council.
- Subject to meeting all advertising and notification deadlines and upon receipt of information addressing deficiencies in the application or a written statement by the applicant stating that deficiencies will not be addressed and/or no further information will be submitted, the director of the Department of Community Development or his designee shall forward the application to the Planning Commission.

### REQUIRED MATERIALS

A Use Permit application consists of four parts:

#### 1) Application form

- Included in this packet

- Must be signed by all current property owners
- If signed by a legal representative, a copy of the executed power of attorney must be submitted; churches (unless incorporated or part of the Catholic or Episcopal diocese) must submit appropriate court order

## 2) Application fee

- Use permit application fee of \$650
  - Checks payable to the "City of Hampton"
  - Visa, MasterCard, Discover or Cash are also accepted
- Fee is non-refundable

## 3) Narrative statement

- This written statement should include a detailed description of the proposal. At a minimum, it must include (if applicable):
  - Square footage
  - Number of dwelling units
  - Number of employees
  - Operational details including hours of operation and number of clients/customers
  - Number of existing and proposed parking spaces
  - Circulation of vehicular traffic on site and to and from site
  - Detailed description of business to be conducted
  - Description of ownership/management

## 4) The following information—unless waived by the director of the Department of Community Development or his designee—as set forth in Section 14-3 of the Zoning Ordinance

- A recent certified survey plat of the property
  - Survey plat on no larger than 11" x 17" paper
- A legal description of the property for which the use permit is requested, including the actual dimensions and shape of the property, as well as the current zoning classification
- A site plan of the subject property as described in Section 14-3(3)(d). Typical features shown include:
  - Legal boundaries of the property in consideration
  - Existing buildings and accessory structures
  - Proposed buildings and accessory structures
  - Parking areas, open space, and landscaping
  - All applicable base zoning districts and overlay districts
- Elevation drawings and general floor plans of all buildings
- Information regarding the impact and/or demand the proposed use will place on the city's public services and facilities, including but not limited to traffic, public safety services, water, sewer and utility services, education, and other community facilities and services

Supplements to this application (depending on the type of request) and additional materials may be required at the discretion of the Director of the Community Development Department, or designee.

**Note:** *It is important that the required application materials be as clear as possible in the description and presentation of the proposal, as the materials will be forwarded to Planning Commission and City Council for their review and will become part of the record of the hearing on the use permit application.*

## NOTICE & POSTING

Notices of Planning Commission and City Council public hearings are advertised in the *Daily Press*. Notices are also mailed to nearby property owners.

**Note:** *Applicants are strongly encouraged to organize a community meeting to discuss the proposal with area civic associations, property owners and residents prior to the Planning Commission's public hearing.*

## **PLANNING COMMISSION PUBLIC HEARING & RECOMMENDATION**

Section 14-4 of the Zoning Ordinance governs the procedure for Planning Commission review. Planning staff will make a presentation to Planning Commission summarizing the application and staff's recommendation. The Planning Commission will hold a public hearing and the applicant and any citizens interested in the application will be given time to speak. Planning Commission will evaluate the merits of the application based on the standards set forth in Section 14-6 of the Zoning Ordinance, including but not limited to the purpose of the zoning district affected, the potential impacts of the proposal on the neighboring properties, and any relevant recommendations or policies in the adopted Comprehensive and Master Plan. Planning Commission may recommend approval, denial or that additional or different conditions be imposed before its recommendation is forwarded to City Council.

## **CITY COUNCIL PUBLIC HEARING**

Within 45 days after the Planning Commission's public hearing, the Planning Commission will forward the application to City Council for a public hearing. Planning staff may make a presentation to City Council summarizing the application and the recommendations. The City Council will hold a public hearing and the applicant and any citizens interested in the application will be given time to speak. City Council may approve or deny the application and may impose additional or different conditions. The City Council may also refer the application back to the Planning Commission for further consideration or advice. Four affirmative votes of City Council are required for approval.

**Note:** *City Council shall not approve any permit until all delinquent real estate taxes owed to the City of Hampton on the subject property are duly paid and up to date.*

## **PUBLIC HEARING TIMES & LOCATIONS**

### **Planning Commission**

- First Thursday of every month at 3:30 PM
- Held in City Hall, Council Chambers, 22 Lincoln Street, 8th Floor

### **City Council**

- Second Wednesday of every month at 7:00 PM
- Held in City Hall, Council Chambers, 22 Lincoln Street, 8th Floor

## **DEFERRAL OF APPLICATIONS**

Applicants may request deferral of an application in writing if more time is needed to prepare for the scheduled public hearing. If the deferral request is made prior to the advertisement for public hearing for either Planning Commission or City Council, such request may be granted administratively, for a period not exceeding 180 days. If the request for deferral is made after advertisement for a public hearing, the deferral shall only be granted with the consent of either the Planning Commission or City Council, whichever body advertised the hearing. Applications deferred after advertisement for public hearing will be assessed an additional fee of three hundred dollars (\$300), paid by the applicant, for re-advertisement.

**Note:** *Deferral of consideration of any application filed may also be requested by Planning Commission or City Council upon finding that there is a public benefit to be gained by deferral. Applications deferred by Planning Commission or City Council will not be subject to the additional re-advertisement fee.*

## **WITHDRAWAL OF APPLICATIONS**

An application may be withdrawn from consideration at any time, in writing by the applicant, provided that if the request for the withdrawal is made after advertisement of public hearing either before the Planning Commission or City Council, withdrawal shall be granted only with the consent of either the Planning Commission or City Council, whichever body advertised the hearing.



# Application for Use Permit

OFFICE USE ONLY  
Date Received: \_\_\_\_\_

Case Number: UP \_\_\_\_\_

Complete this application in its entirety and submit pages 4 and 5 along with the required materials (including any required supplements) as listed on page 2 to the address below:

City of Hampton  
Community Development Department, Planning Division  
22 Lincoln Street, 5th Floor  
Hampton, Virginia 23669

### 1. PROPERTY INFORMATION

Address or Location \_\_\_\_\_

LRSN \_\_\_\_\_ Zoning District \_\_\_\_\_

Current Land Use \_\_\_\_\_

Proposed Land Use \_\_\_\_\_

The proposed use will be in:     an existing building     a new addition     a new building

### 2. PROPERTY OWNER INFORMATION (an individual or a legal entity may be listed as owner)

Owner's Name \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

### 3. APPLICANT INFORMATION (if different from owner)

Applicant's Name \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

### 4. APPLICANT AGENT INFORMATION (if different from applicant)

Agent's Name \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

**5. CERTIFICATION FOR LEGAL ENTITY PROPERTY OWNERS**

Complete this section only if the property owner is **not** an individual but rather a legal entity such as a corporation, trust, LLC, partnership, diocese, etc. as specified in Step 2 above.

*"I hereby submit that I am legally authorized to execute this application on behalf of the fee-simple owner of this property. I have read this application and it is submitted with my full knowledge and consent. I authorize city staff and representatives to have access to this property for inspection. The information contained in this application is accurate and correct to the best of my knowledge."*

Name(s), title(s), signature(s), and date(s) of authorized representative(s) of the legal entity (attach additional page if necessary):

Name of Legal Entity \_\_\_\_\_

Signed by:

Name (printed) \_\_\_\_\_, Its (title) \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Name (printed) \_\_\_\_\_, Its (title) \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Name (printed) \_\_\_\_\_, Its (title) \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**6. CERTIFICATION FOR INDIVIDUAL PROPERTY OWNERS**

Complete this section only if the property owner is an individual or individuals.

*"I hereby submit that I am the fee-simple owner of this property. I have read this application and it is submitted with my full knowledge and consent. I authorize city staff and representatives to have access to this property for inspection. The information contained in this application is accurate and correct to the best of my knowledge."*

Name(s), signature(s), and date(s) of owner(s) (attach additional page if necessary):

Name (printed) \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Name (printed) \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

<i>OFFICE USE ONLY</i>		
<input type="checkbox"/> Application Form	<input type="checkbox"/> Narrative Statement	<input type="checkbox"/> Supplemental Form (if required)
<input type="checkbox"/> Application Fee	<input type="checkbox"/> Survey Plat	<input type="checkbox"/> Additional materials (if required)