

1 **Ordinance To Amend And Re-Enact The Zoning Ordinance Of The City Of Hampton,**
2 **Virginia by Amending Chapter 1 Entitled, “General Provisions” Pertaining to Impervious**
3 **Area and Minimum Green Area Requirements For All One and Two Family Residences**
4

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

7 **BE IT ORDAINED** by the Council of the City of Hampton, Virginia that Article I of Chapter I of the
8 Zoning Ordinance of the City of Hampton, Virginia, be amended to read as follows:

9 **Chapter 1 - GENERAL PROVISIONS**
10

11 **ARTICLE I. - ADMINISTRATION AND ENFORCEMENT OF ORDINANCE**
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13

14 **Sec. 1-10 – Review process for zoning permit applications.**

15 Any structure, ~~or~~ development, *or new impervious surface* exempted from obtaining
16 building permits shall be required to obtain a zoning permit. All applications for such zoning
17 permits shall be accompanied by usable plat plans in duplicate, showing the actual shape and
18 location on the lot of the building or buildings and accessory buildings existing, or to be erected
19 or altered; the existing and intended use of each building or part of a building; such other
20 information with regard to the lot as may be necessary to determine and provide for the
21 enforcement of the provisions of this ordinance; and a nonrefundable application fee of fifteen
22 dollars (\$15.00). Notwithstanding the foregoing, qualified arts and cultural businesses located in
23 a designated arts and cultural district shall be eligible for a 100% reduction in the zoning permit
24 application fee for all signs to be installed at the location of the qualified arts and cultural
25 business under the terms and conditions set forth in the Hampton City Code
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29 **ARTICLE II. - REGULATIONS APPLICABLE TO MANY OR ALL ZONING DISTRICTS**
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31

32 **Sec. 1-30 – General green area requirements.**
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- 34 (1) A minimum of ten (10) percent of the land area of the lot shall be designated as green
35 area for trees, shrubs, and turf for all properties except for those zoned R-LL, RT-1, MD-
36 1, MD-2, MD- 18 3, MD-4, P0-1, P0-2, DT-1, DT-2, DT-3, HRC-1, HRC-2, HRC-3, BB-1,
37 BB-2, 19 BB-3, BB-4, BB-5, FM-1, FM-2, FM-3, FM-4, PH-1, PH-2, *PH-3*, O-CBP and O-
38 CC, and all one-family, two-family and duplex dwellings.

39 ~~(2) The following criteria shall be met in all districts:~~

- 40 ~~(a) No accessory uses or structures except utilities and stormwater management~~
41 ~~facilities shall be located in a green area.~~

42 (b) In any parking area, including drive aisles and drive-throughs regardless of size, a
43 minimum ten (10) foot green area shall be provided immediately adjacent to any
44 existing or future public right-of-way.

45 (3) In all districts, development sites less than two (2) acres shall comply with the following:

46 (a) On sites which front upon only one (1) public street, a minimum of seventy-five
47 (75) percent of the required green shall be located within the front yard.

48 (b) On sites which front upon two (2) public streets or proposed rights-of-way, a
49 minimum of seventy-five (75) percent of the required green area shall be
50 distributed within the yard areas adjacent to the existing or proposed public rights-
51 of-way; no such area shall contain less than thirty (30) percent of the requirement,
52 and no less than twenty (20) percent of the required green area shall be located in
53 each yard fronting upon existing or proposed public rights-of-way.

54 (4) In all districts, development sites of two (2) or more acres shall comply with the following:

55 (a) On sites which front upon only one (1) public street, a minimum of fifty (50)
56 percent of the required green area shall be located within the front yard.

57 (b) On sites which front upon two (2) public streets or proposed rights-of-way, a
58 minimum of fifty (50) percent of the required green area and landscaping shall be
59 distributed within the yard areas adjacent to existing or proposed public rights-of-
60 way; no such area shall contain less than twenty (20) percent of the requirement,
61 and no less than ten (10) percent of the required green area shall be located in
62 each yard fronting upon existing or proposed public rights-of-way.

63 (5) Green areas located within any building shall not be credited toward meeting the total
64 green area requirement.

65 (6) Green areas interior to the perimeter of any structure that may serve as a court-yard may
66 be credited toward meeting the total green area requirement.

67 (7) Areas designated as green areas upon the approved site plan, or subdivision plat that
68 are utilized for storage or the display of products shall be considered in violation of the
69 city zoning ordinance.

70 (8) Landscaping within green areas shall comply with the "City of Hampton Landscape
71 Guidelines" or as otherwise proffered or conditioned pursuant to applicable provisions of
72 the city zoning ordinance.

73
74 (2) *The following criteria shall be met in all districts except for lots with a one-family, two-
75 family, or duplex dwelling as the primary use:*

76
77 (a) *No accessory uses or structures except utilities and stormwater management
78 facilities shall be located in a green area.*

79
80 (b) *In any parking area, including drive aisles and drive-throughs regardless of size,
81 a minimum ten (10) foot green area shall be provided immediately adjacent to
82 any existing or future public right-of-way.*

83
84 (c) *In any parking area containing thirty (30) or more spaces, seven (7) percent of
85 the interior of the parking area shall be reserved and maintained as green area.*

86 *Each green area within the parking area shall be no less than eight (8) feet wide*
87 *and contain at least one hundred fifty (150) contiguous square feet of green area.*
88 *This required green area may constitute no more than thirty-three (33) percent of*
89 *the green area required within the parking area as well as counting toward the*
90 *total green area requirement.*

91
92 *(d) In all districts, development sites less than two (2) acres shall comply with the*
93 *following:*

94
95 *(i) On sites which front upon only one (1) public street, a minimum of*
96 *seventy-five (75) percent of the required green shall be located within the*
97 *front yard.*

98
99 *(ii) On sites which front upon two (2) or more public streets or proposed*
100 *rights-of-way, a minimum of seventy-five (75) percent of the required*
101 *green area shall be distributed within the yard areas adjacent to the*
102 *existing or proposed public rights-of-way; no such area shall contain less*
103 *than thirty (30) percent of the requirement, and no less than twenty (20)*
104 *percent of the required green area shall be located in each yard fronting*
105 *upon existing or proposed public rights-of-way.*

106
107 *(e) In all districts, development sites of two (2) or more acres shall comply with the*
108 *following:*

109
110 *(i) On sites which front upon only one (1) public street, a minimum of fifty*
111 *(50) percent of the required green area shall be located within the front*
112 *yard.*

113
114 *(ii) On sites which front upon two (2) or more public streets or proposed*
115 *rights-of-way, a minimum of fifty (50) percent of the required green area*
116 *and landscaping shall be distributed within the yard areas adjacent to*
117 *existing or proposed public rights-of-way; no such area shall contain less*
118 *than twenty (20) percent of the requirement, and no less than ten (10)*
119 *percent of the required green area shall be located in each yard fronting*
120 *upon existing or proposed public rights-of-way.*

121
122 *(f) Green areas located within any building shall not be credited toward meeting the*
123 *total green area requirement.*

124
125 *(g) Green areas interior to the perimeter of any structure that may serve as a court-*
126 *yard may be credited toward meeting the total green area requirement.*

127
128 *(h) Areas designated as green areas upon the approved site plan, or subdivision plat*
129 *that are utilized for storage or the display of products shall be considered in*

130 violation of the city zoning ordinance.

131
132 (i) Landscaping within green areas shall comply with the "City of Hampton
133 Landscape Guidelines" or as otherwise proffered or conditioned pursuant to
134 applicable provisions of the city zoning ordinance.

135
136 (3) The following green area standards apply to all lots with a one-family, two-family, or a
137 duplex dwelling as the primary use or proposed primary use. The green area
138 percentage required herein shall be provided within the street frontage yard.

139
140 (a) A percentage of a street frontage yard must be established as green area as
141 further set forth below.

142 (i) Rear street frontage yards on through lots are exempt from these
143 requirements.

144 (ii) The intersecting portion of the front and side street frontage yards on
145 corner lots shall be calculated as the front street frontage yard.

146 (iii) On corner lots, the front and side street frontage yards shall be
147 calculated independently.

148
149 (b) When a street frontage yard is less than $\frac{1}{4}$ acre, the minimum green area shall
150 be 50%.

151
152 (c) When a street frontage yard is $\frac{1}{4}$ acre or greater but less than $\frac{1}{2}$ acre, the
153 minimum green area shall be 60%.

154
155 (d) When a street frontage yard is $\frac{1}{2}$ acre or greater but less than 1 acre, the
156 minimum green area shall be 70%.

157
158 (e) When a street frontage yard is 1 acre or greater, the minimum green area
159 shall be 75%.

160
161 (f) Notwithstanding the foregoing all lots which do not abut an alley that allows
162 vehicular access shall be permitted a driveway not to exceed 12' in width and
163 25' in length, and an improved path of travel three feet (3') in width from the
164 driveway to the front door.

165
166 (g) The following standards apply to driveways, where permitted, within the street
167 frontage yard.

168
169 (i) All expansions to and newly established driveways shall be made of an
170 improved surface.

171

172 (ii) All expansions to and newly established driveways and/or parking
173 areas shall be a minimum of three (3) feet from the side property line.
174

175 (aa) If a shared parking agreement, including terms to the satisfaction of
176 the zoning administrator and city attorney, similar to those required
177 by Section 11-7, is executed between adjoining property owners,
178 the zoning administrator may waive this requirement.

179 (bb) No driveways and/or parking pads shall project or encroach into a
180 City right-of-way or easement without the written permission of the
181 City of Hampton or an approved encroachment agreement pursuant
182 to Chapter 34 of the City Code, as amended.

183 ...

184 **Sec. 1-34 – Parking passenger cars and commercial vehicles on unimproved surfaces in**
185 **residential areas**

186 (1) It shall be unlawful for any person to park a passenger car or commercial vehicle in a
187 street frontage yard on a lot containing a one, two family, or duplex residence as a
188 primary use unless the passenger car or commercial vehicle is parked on a permitted
189 driveway. The driveway must be under the entirety of the vehicle, except in case of
190 ribbon driveways, which must extend continuously from the adjacent public or private
191 right-of-way to the parking location.
192

193 (2) Notwithstanding the foregoing, passenger cars and commercial vehicles may be parked
194 on street frontage yards in the case of the following:

195 (a) A special event when a special event permit has been issued by the City;

196
197 (b) Street sweeping or other City maintenance or construction operations, during the
198 time the street is closed to on-street parking;
199

200 (c) Flooding, other severe weather events, or emergencies;

201 (d) When the passenger car or commercial vehicle is actively being washed; or
202

203 (e) When either side of the adjacent street is identified, by signage, as prohibiting
204 parking.
205

206 (3) This section shall have an effective date of July 1, 2021.
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208 ...