

An Ordinance to amend and re-enact Chapter 10 of the Zoning Ordinance of the City of Hampton, Virginia entitled “MD Districts—Multiple Dwelling Districts” by amending the chapter heading, section 10-1, and Article IV sections 10-35 through 10-44.

BE IT ORDAINED by the Council of the City of Hampton, Virginia that Chapter 10 of the Zoning Ordinance of the City of Hampton, Virginia, be amended and re-enacted as follows:

CHAPTER 10

MD Districts -- Multiple *and Mixed* Dwelling Districts

Sec. 10-1. Intent.

The purpose of this chapter is to provide for the orderly and innovative design and development of multi-family *and mixed residential communities* housing throughout the city. This chapter recognizes the value in allowing a variety of housing options, in terms of home ownership and rental properties, and the need to provide sufficient transition from traditional single family developments to multiple dwelling developments.

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Article IV. MD-4 District – *Mixed* Multiple Dwelling District

Sec. 10-35 *Intent*

The intent of this section is to provide a residential zoning district which provides the flexibility to develop a diverse mix of detached and attached residential product types. This district encourages the development of mixed product residential communities which recognize and address the changing needs of families and individuals as they age and progress through various stages of life.

Sec. 10-35.1 Uses Permitted; MD-4 District.

(1) One family residences.

~~(4)~~ *(2)* Townhouses on fee-simple lots.

~~(2)~~ *(3)* Multi-family dwellings.

~~(3)~~ *(4)* Group Home 1. (10/27/99)

~~(4)~~ *(5)* Group Home 2, subject to securing a Use Permit. (10/27/99)

~~(5)~~ *(6)* Commercial Building Mounted Antenna; provided the following:

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~~(6)~~ *(7)* Adult Care Residence 1 and 2. (10/27/99)

~~(7)~~ *(8)* Adult Care Residence 3, subject to securing a Use Permit. (10/27/99)

~~(8)~~(9) Day Care 1. (10/27/99)

~~(9)~~(10) Day Care 2, in detached single family homes with non-conforming status, subject to securing a Special Exception from the Board of Zoning Appeals. Unless it makes a factual determination that the proposed DC2 would be incompatible with the quiet enjoyment of surrounding properties, the Board shall issue the requested Special Exception. It may impose conditions governing factors related to the operation of said home, such as, but not limited to:

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~~(10)~~(11) Day Care 3, subject to securing a Conditional Privilege. (10/27/99)

~~(11)~~(12) Juvenile Residence 1 and 2. (10/27/99)

~~(12)~~(13) Juvenile Residence 3, subject to securing a Use Permit. (10/27/99)

~~(13)~~(14) Shelter, subject to securing a Use Permit. (10/27/99)

~~(14)~~(15) Nursing Home, subject to securing a Use Permit. (9/24/08)

Sec. 10-36. Homeowners' Association; MD-4 District.

In the case where the development involves fee-simple ownership of either land or dwelling units or both, and the development also includes land or facilities that are in common ownership, a homeowners' association shall be required. *The homeowners' association documents shall be reviewed and approved by the City Attorney prior to recordation.*

Such association, its executive organ or designated managing agent shall be responsible for any and all commonly-owned property. The City shall be kept notified of the party responsible for commonly-owned property.

~~Sec. 10-37. Building Size; MD-4 District.~~

~~_____Townhouse structures shall not exceed a maximum of one hundred eighty (180) feet in length.~~

Sec. 10-38-37. Lot Area; MD-4 District.

(1) No minimum lot area required *except that which is required to meet the minimum required building setbacks for each type of permitted structure and the required off-street parking.*

(2) *For single-family, a minimum of four thousand (4000) square feet, or three thousand (3000) square feet with an approved Use Permit.*

Sec. 10-39-38. Dwelling Area; MD-4 District.

(1) Townhouse units shall have a minimum dwelling area of nine hundred (900) square feet.

(2) Multi-family units shall have a minimum dwelling area of five hundred (500) square feet.

(3) *One family residences shall have a minimum dwelling area of thirteen hundred (1300) square feet. This minimum square footage may be reduced to one thousand (1000) square feet if the structure meets “green building” standards as determined by the Building Official.*

Sec. 10-4039. Building Setback Regulations; MD-4 District

(1) Front yard.

~~Structures shall be set back from the front project property line a distance equal to the average of the front yards of all structures within two hundred (200) linear feet of each side property line along the right-of-way that abuts the front yard; however, if there are no such structures, the setback shall be twenty (20) feet from the front project property line. Parking within the required front yard shall be prohibited.~~

Structures in the MD-4 District shall have minimum and maximum front yard setbacks as follows:

One family residence: Minimum: twenty (20) feet; Maximum: thirty (30) feet.

Multi-family: no minimum front yard setback; Maximum: twenty-five (25) feet.

Townhouse: no minimum front yard setback; Maximum: twenty (20) feet.

(2) Side yard.

~~Structures shall be set back from each side project property line a distance equivalent to the side setback of the abutting property; however, if there are no such structures, the setback shall be ten (10) feet from the side project property line. Parking within the required side yard shall be prohibited.~~

Structures in the MD-4 District shall have minimum side yards as follows:

One family residence: five (5) feet on each side of the structure.

Multi-family: no minimum side yard setback unless the MD-4 District abuts a one family residence district in which case the minimum side yard building setback shall be twenty (20) feet.

Townhouse: no minimum side yard setback unless the MD-4 District abuts a one family residence district in which case the minimum side yard building setback shall be twenty (20) feet.

(3) Rear yard.

~~Structures shall be set back from the rear project property line a distance equal to the average rear yard of all structures within two hundred (200) linear feet of each side property line; however, if there are no such structures, the setback shall be twenty (20) feet from the rear project property line. Parking within the required rear yard shall be prohibited.~~

Structures in the MD-4 District shall have minimum rear yard building setbacks as follows:

One family residence: fifteen (15) feet

Multi-family: twenty (20) feet unless the MD-4 District abuts a one family residence district in which case the minimum rear yard building setback shall be thirty (30) feet.

Townhouse: twenty (20) feet unless the MD-4 District abuts a one family residence district in which case the minimum rear yard building setback shall be thirty (30) feet.

~~(4) Distance between improvements.~~

~~(a) For any townhouse or multi-family dwelling project with buildings less than or equal to thirty six (36) feet in height, there shall be provided a sixteen (16) foot radius between all structures or improvements, exclusive of surface parking and walkways.~~

~~(b) Projects with one or more buildings exceeding thirty six (36) feet in height shall provide a twenty five (25) foot radius between all structures or improvements, exclusive of surface parking and walkways.~~

Sec. 10-41. Lot Coverage and Green Area; MD-4 District.

~~(1) Buildings and structures, exclusive of physical recreational amenities, shall not exceed a total lot coverage of fifteen percent (15%).~~

~~(2) A minimum of forty percent (40%) of the total lot area shall be maintained as green area. This green area shall be exclusive of the eight (8) foot front and twenty (20) foot rear yards within fee-simple lots.~~

~~(a) A maximum of twenty five percent (25%) of this requirement may be water area.~~

~~(b) A maximum of fifty percent (50%) of this requirement may be within the footprint of physical recreational amenities.~~

Sec. 10-42-40. Accessory Structures; MD-4 District.

Accessory structures on fee-simple lots shall be permitted to cover no more than twenty percent (20%) of the required rear yard *and shall comply with all applicable provisions of Section 18-18 of this ordinance.*

Sec. 10-43-~~41~~. Off-street Parking; MD-4 District.

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Sec. 10-44-~~42~~. Fences; MD-4 District.

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