

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 adding a new Chapter 10.2 entitled “MU-CO: Mixed Use: Commercial Overlay District”.

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 10.2.

MU-CO: Mixed Use: Commercial Overlay District

Sec. 10.2-1. Intent

The Mixed Use: Commercial Overlay District is intended to provide the opportunity to develop and/or redevelop land with a diverse mix of residential, commercial, and institutional uses in order to promote the following goals:

- (1) Encourage development of diverse mixed use neighborhoods and districts to create vitality and bring many activities of daily living within walking distance of homes.*
- (2) Foster mixed residential density and housing types.*
- (3) Stimulate redevelopment, rehabilitation and infill.*
- (4) Create compact, walkable centers and neighborhoods that support multiple modes of access.*
- (5) Enhance streetscapes and civic life through the development of appropriately scaled public spaces and recognition of the street as a unified public space with compatible buildings facing one another in order to effectively frame and define the public space.*
- (6) Encourage development which embraces connectivity and access.*
- (7) Promote sustainable building and development practices which minimize environmental impact.*

Sec. 10.2-2. Application of the District

The MU-CO District is created as an “optional” overlay district in which all of the underlying zoning regulations remain unless otherwise specifically altered by this chapter. The MU-CO District may only be applied to land zoned either Neighborhood Commercial District: C-1 or Limited Commercial District: C-2. The MU-CO District may only be obtained through filing an application for rezoning so each request may be evaluated on a case-by-case basis. Land to which this overlay district may be applied, shall be labeled on the zoning map with the base zoning designation followed by “MU-CO” (For example: C-1/MU-CO or C-2/MU-CO).

Sec. 10.2-3. Application Requirements

In addition to the basic information required as part of the standard rezoning application, the following additional information shall accompany all applications for rezoning into the MU-CO District:

(1) Narrative describing the project in detail.

(2) A site plan showing all existing conditions including the location of all existing buildings, parking areas, other areas of pavement, existing public or private streets, existing transit stops or facilities, existing pedestrian ways adjacent to the site, existing trees and other landscaping, any grave sites or cemeteries, historic sites or structures, all environmental features including tidal and non tidal wetland areas and Chesapeake Bay Act Resource Protection Areas (RPAs).

(3) A preliminary development plan which illustrates the following:

- (a) *The proposed location of all buildings.*
- (b) *The proposed location of all public or private streets.*
- (c) *The proposed location of all parking, drive aisles, and access to public rights-of-way.*
- (d) *A landscape plan for the site including green areas and environmental features to be preserved.*
- (e) *Elevations of all proposed buildings indicating exterior dimensions and materials.*
- (f) *Typical street cross sections running from building façade to building façade identifying the relationship between buildings, yards, sidewalks, streetscaping, parking, travel lanes, and street furniture.*
- (g) *The location of all pedestrian ways.*
- (h) *The location of all on-site drainage features.*
- (i) *The location, type, and size of all proposed signage.*
- (j) *Phasing plan for all proposed improvements.*
- (k) *Traffic impact analysis and a description of necessary on-site and off-site traffic improvements.*
- (l) *All parks, plazas, squares or other similar public spaces integrated into the development.*

In recognition of variations in site size, location, or other site conditions which may not permit the inclusion of all items listed above in a proposed development plan, the Director of Planning may agree to waive mandatory inclusion of any of the items listed above as part of the application.

Sec. 10.2-4. Permitted Uses: MU-CO District

In addition to the use permitted by the underlying base zoning, the following uses are also permitted:

Table: 10.2-4.1 Permitted Uses

<i>Additional uses permitted</i>		
	<i>C-1 District</i>	<i>C-2 District</i>
<i>Mixed use structures</i>	✓	✓
<i>One family residence</i>	✓	✓
<i>Townhomes</i>	✓	✓
<i>Multi-family dwellings</i>	✓	✓
<i>*Civic uses</i>	✓	✓
<i>**Civic space</i>	✓	✓

**Civic Uses: publicly or privately owned buildings and spaces accessible to the general public and intended to accommodate acts of civic life such as parks and recreation, culture, education, public safety, other governmental functions, town meetings, and other civic celebratory and/or memorials events.*

*** Civic space: publicly or privately owned open space that is accessible to the general public and must be integrally located, designed and planned into the overall neighborhood or district pattern. Generally civic space falls into the following categories: (1) park; (2) green; (3) square; (4) plaza; (5) playground; (6) combinations of the previous 5 types. Civic space may be comprised of natural park like areas and/or designed hardscapes such as plazas and squares. Natural and/or landscaped buffers, environmental features, drainage features etc. shall not count as civic space unless they are also integrally located and designed as accessible and useable civic spaces.*

Sec. 10.2-5 Development Standards Based Upon Street Type

Table: 10.2-5

Development Standard	Residential Street	Collector Street	Arterial Street	Notes
<i>Minimum front yard building setback</i>	<i>15 feet</i>	<i>0 feet</i>	<i>0 feet</i>	
<i>Maximum front yard building setback</i>	<i>25 feet</i>	<i>10 feet</i>	<i>10 feet</i>	<i>May be increased to 25 feet if outdoor dining is provided</i>
<i>Minimum side yard building setback</i>	<i>0 feet</i>	<i>0 feet</i>	<i>0 feet</i>	<i>Minimum of 20 feet when abutting a one family residence district</i>
<i>Maximum side yard building setback</i>	<i>15 feet</i>	<i>15 feet</i>	<i>15 feet</i>	<i>May be increased to 25 feet if outdoor dining is provided</i>
<i>Minimum rear yard building setback</i>	<i>0 feet</i>	<i>0 feet</i>	<i>0 feet</i>	<i>30 foot minimum rear yard building setback when abutting a one family residence district</i>
<i>Civic space setback flexibility</i>	<i>Maximum building setbacks shall not apply when civic spaces are included adjacent to buildings</i>			
<i>Minimum sidewalk width</i>	<i>6 feet</i>	<i>8 feet</i>	<i>10 feet</i>	
<i>Minimum ***verge width</i>	<i>5 feet</i>	<i>6 feet</i>	<i>6 feet</i>	
<i>On street parking required</i>	<i>yes</i>	<i>yes</i>	<i>no</i>	<i>When on-street parking is required, it shall be provided as in Chapter 19 hereof.</i>

****Verge: a landscape/green area located between the back of curb and the street side edge of the sidewalk (diagram). This area typically serves as a physical buffer between the street and the pedestrian area as well as providing a location for street trees, street lights and other street furniture outside of the pedestrian way defined by the sidewalk.*

Sec. 10.2-6 Additional Development Standards

Table 10.2-6.1 Additional Development Standards

Development Standard	C-1	C-2	Notes
<i>Minimum lot size:</i>	<i>4000 square feet; 3000 square feet with an approved Use Permit</i>	<i>4000 square feet; 3000 square feet with an approved Use Permit</i>	
<i>Minimum dwelling area:</i>			
<i>One family residence:</i>	<i>1400 square feet</i>	<i>1400 square feet</i>	
<i>Townhome:</i>	<i>900 square feet</i>	<i>900 square feet</i>	
<i>Multi-family dwelling:</i>	<i>500 square feet</i>	<i>500 square feet</i>	
<i>Minimum percentage of ground floor commercial space</i>	<i>Commercial: 50%</i>	<i>Commercial: 75%</i>	<i>Measured by percentage of block frontage – not by individual building</i>
<i>Minimum residential component</i>	<i>25% of the total project square footage</i>	<i>25% of the total project square footage</i>	
<i>Maximum block size</i>	<i>4 acres</i>	<i>7 acres</i>	<i>Maximums may be administratively increased by 10% to accommodate irregular and unusual block shapes caused by environmental features, topography, land ownership patterns, and street and pedestrian connections</i>
<i>Minimum block frontage occupied by building façade:</i>			
<i>Principal street frontage:</i>	<i>70%</i>	<i>80%</i>	
<i>Secondary street frontage:</i>	<i>40%</i>	<i>50%</i>	

<i>Maximum building height</i>	<i>45 feet</i>	<i>No limit</i>	<i>Architectural elements which are integral to the building design and do not contain any useable square footage, may exceed the maximum height upon written approval of the Zoning Administrator (examples: steeples, clock towers etc.)</i>
<i>Maximum residential density</i>	<i>16 dwelling units per acre</i>	<i>No limit</i>	
<i>Minimum civic space</i>	<i>10% of total building coverage</i>	<i>10% of total building coverage</i>	<i>Minimum size shall be 1/6 of an acre and shall be located within 800 feet of 90% of all dwelling units and non-residential building entrances.</i>
<i>Minimum land area</i>	<i>No minimum</i>	<i>No minimum</i>	
<i>Connectivity</i>	<i>At least one through street is provided at the project boundary every 800 feet, or at existing abutting street intervals, whichever distance is shorter.</i>	<i>At least one through street is provided at the project boundary every 800 feet, or at existing abutting street intervals, whichever distance is shorter.</i>	
<i>Signage</i>	<i>Signage is permitted per the Table of Basic Design Elements in Chapter 18.1 with the exception that no freestanding/pylon signs are permitted in the</i>	<i>Signage is permitted per the Table of Basic Design Elements in Chapter 18.1 with the exception of no freestanding/pylon signs are permitted in the MU-CO</i>	

	<i>MU-CO District.</i>	<i>District unless they are classified as a Business/Shopping Center sign per Sec. 18.1-6 (1).</i>	
<i>Parking lot Location</i>	<i>Must be located in the rear of buildings and in mid-block locations</i>	<i>Must be located in the rear of buildings and in mid-block locations</i>	
<i>Green Building Requirement</i>	<i>Minimum of 40% of the total square footage meets basic LEED or an equivalent green building standard</i>	<i>Minimum of 40% of the total square footage meets basic LEED or an equivalent green building standard</i>	

Sec. 10.2-7. Accessory Structures; MU-CO District

Accessory structures shall be regulated according to the applicable provisions in the base zone.

Sec. 10.2-8. Off Street Parking; MU-CO District

Uses permitted in an MU-CO District shall provide vehicle parking and loading spaces as required in Chapter 19 hereof.

Sec. 10.2-9. Fences; MU-CO District

Fences shall be permitted as provided in the base zone.

Sec. 10.2-10. Other Limitations on Permitted Uses; MU-CO District

Other limitations on permitted uses shall be according to the applicable base zone unless specifically modified by this chapter.

Sec. 10.2-11. Application of the MU-CO District to the Property

Once approved, the MU-CO District grants an additional set of rights to the land owner accompanied by additional development regulations aimed at creating a certain type of development. The land owner retains the rights of the underlying base zoning district up until such time as a permit or permits have been issued and construction has begun to implement the development plan submitted as part of the application for the MU-CO District. Once permits have been issued and construction has begun, the land owner cannot apply the base zoning regulations to some or all of the remaining land which was the subject of the MU-CO application without obtaining a rezoning back to the base zoning district.