



## Legislation Details (With Text)

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<b>Title:</b>	Ordinance to Amend and Reenact the Zoning Ordinance of the City of Hampton, Virginia by Amending Chapter 8, Article 7 Entitled, "Phoebus Districts" Pertaining to Requirements for Screening and Location of Accessory Structures and Equipment				
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Date	Ver.	Action By	Action	Result
8/9/2017	1	City Council Legislative Session	approved	Pass

Ordinance to Amend and Reenact the Zoning Ordinance of the City of Hampton, Virginia by Amending Chapter 8, Article 7 Entitled, "Phoebus Districts" Pertaining to Requirements for Screening and Location of Accessory Structures and Equipment

### Background Statement:

In October of 2015, Council approved a Zoning Ordinance Amendment that created a special district for the Phoebus area of Hampton. Referred to as PH-1 in the Zoning Ordinance, this new district was applied to properties fronting Mellen St and Mallory St, in what is generally known as the historic Phoebus business district. The zoning district's purpose is to ensure new/infill development along Phoebus's historic main street is contextually sensitive, reinforces the district's sense of place, and generally enhances the downtown area.

Sec. 8-62 (f) (i) of this Ordinance states that "Ground-level trash enclosures, storage areas, and utility, stormwater or mechanical equipment shall be screened from public view by use of walls or landscaping and is prohibited in the space between the building and any public right-of-way." The intent of this section is to ensure that Phoebus' main street remains free of clutter and any utility equipment that could be considered unsightly.

There are several streets in the Phoebus business district that, while public right of ways, function more like alleys; Lancer St is one example. It was recently brought to staff's attention that this section, as currently written, must also be applied to these alley streets. This effectively prohibits businesses fronting on Mellen St from placing anything behind their buildings: dumpsters, equipment, storage buildings, etc.

The purpose of this Zoning Ordinance Amendment is to change Sec. 8-62(f)(i) to do away with this requirement. Trash enclosures, equipment, and accessory structures would still be prohibited in the front and side yards (on corner lots), but would now be permitted in the rear yard. Additionally, screening would be required for dumpsters and trash compactors.

**Recommendations:**

Staff Recommendation:

Approve

Planning Commission Recommendation:

Approve

**Ordinance To Amend And Re-Enact Chapter 8 Of The Zoning Ordinance Of The City Of Hampton, Virginia Entitled "Special Districts" By Amending Article 7 - Phoebus Districts.**

**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 8, Article 7 of the Zoning Ordinance of the City of Hampton, Virginia, be amended and re-enacted as follows:

**CHAPTER 8 - SPECIAL DISTRICTS**

**ARTICLE 1 - LANGLEY FLIGHT APPROACH DISTRICTS**

...

**ARTICLE 6 - PARKS AND OPEN SPACE DISTRICTS**

...

**ARTICLE 7 - PHOEBUS DISTRICTS**

**Sec. 8-61. - Overall Intent of Phoebus (PH) Districts.**

The intent of this article is to define the development standards necessary to permit and encourage development which meets the recommendations of the Hampton Community Plan (2006, as amended) and Phoebus Master Plan (2007, as amended).

**Sec. 8-62. - PH-1 District - Phoebus Business**

(1) Intent.

The PH-1 District is intended to define the development standards necessary to permit and encourage commercial development in the business districts of Phoebus which meets the recommendations of the Hampton Community Plan (2006, as amended) and Phoebus Master

Plan (2007, as amended) in such ways as:

- (a) Implement standards requiring new construction to be contextually sensitive to the existing main street form of development found in the core of Phoebus while providing opportunities for a variety of commercial and residential uses.
- (b) Establish development standards which create a safe and pedestrian-friendly environment.
- (c) Concentrate urban-scaled commercial development to best serve the local community and visitors alike.
- (d) Enhance downtown Phoebus to assert and reinforce its sense of place.
- (e) Enhance downtown Phoebus and its entrances as gateways to Fort Monroe.
- (f) Recognize and respect the neighborhood's listing on the National Register of Historic Places and Virginia Landmarks Register.
- (g) Provide assurance to owners and investors that future development will be appropriate for the character of Phoebus.

(2) Uses permitted.

Uses shall be permitted as set forth in Chapter 3 - Uses Permitted.

(3) Development standards.

- (a) For any newly-created lot, the minimum lot depth shall be ninety feet.
- (b) Buildings in this district shall be subject to the following standards:
- (c) Setbacks.
  - (i) Front.

For buildings with ground floor commercial space, there shall be a maximum front setback of 0 (zero) feet unless one of the following optional pedestrian amenities is provided in accordance with the City of Hampton Pedestrian Amenity Design Standards, in which case the maximum shall be 10 (ten) feet:

- (aa) Courtyard
- (bb) Outdoor seating area

For buildings with residential uses on the ground floor, buildings may be setback no more than 10 (ten) feet from the property line. When the building façade is setback, a projection, such as entry steps, stoop or porch, shall extend to the front property line.

- (ii) Side, adjacent to a public right-of-way.

For buildings with ground floor commercial uses, there shall be a maximum

setback of 0 (zero) feet unless one of the following optional pedestrian amenities is provided in accordance with the City of Hampton Pedestrian Amenity Design Standards, in which case the maximum shall be 10 (ten) feet:

(aa) Courtyard

(bb) Outdoor seating area

For buildings with residential uses on the ground floor, buildings may be setback no more than 10 (ten) feet from the property line.

(iii) Side, not adjacent to a public right-of-way.

There shall be no minimum and no maximum setback.

(iv) Rear.

There shall be no required setback unless adjacent to a single-family or two-family residential zone, in which case there shall be a minimum setback of 10 (ten) feet.

(d) Façade composition.

(i) A minimum of 80% of the front setback line across the entire parcel must be occupied by the building façade.

(ii) Primary entrance location.

(aa) The primary entrance to buildings shall directly face the adjacent public right-of-way.

(bb) Primary entrances to buildings with lot frontage abutting Mellen Street or Mallory Street shall be located on Mellen Street or Mallory Street, whichever is applicable. Entrances may be angled to directly face an intersection which includes Mellen Street or Mallory Street to meet this requirement.

(iii) Elevation of first floor.

Where there are residential uses on the ground floor, the first finished floor shall be a minimum of 3 (three) feet above grade.

(iv) Fenestration.

(aa) Where ground floor commercial space fronts on a public right-of-way, a minimum of 40 percent of the first floor building façade containing the primary entrance shall be comprised of glass windows or glass doors that allow views to the interior building space.

(bb) Where ground floor commercial space fronts on both Mellen Street and Mallory Street, a minimum of 40 percent of the building façade adjacent to Mellen Street and Mallory Street shall be comprised of glass windows

or glass doors that allow views to the interior building space on both façades.

- (cc) Where ground floor residential space fronts on a public right-of-way, a minimum of 20 percent of the first floor building façade shall be comprised of glass windows and/or glass doors.

(e) Height.

- (i) All buildings shall be a minimum of 18' and a maximum of 50' and 3 stories in height.

(f) Accessory structures and equipment.

- (i) Dumpsters, accessory structures, outdoor storage areas, and utility, stormwater, mechanical, or similar equipment shall be prohibited in the front yard on all lots and the side yard adjacent to public rights-of-way on corner lots.

- (aa) All dumpsters and compaction devices shall be fully screened by an enclosure constructed of durable materials.

(4) Parking.

Parking shall be provided as described in chapter 11 herein.

- (a) Parking shall be prohibited in the front yard on all lots and the side yard adjacent to public rights-of-way on corner lots.
- (b) On waterfront properties, parking shall be prohibited between the building and the water feature.

**Sec. 8-63 - 8-66. - Reserved.**