



Legislation Details (With Text)

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Title: Ordinance To Amend And Re-Enact The Zoning Ordinance Of The City of Hampton, Virginia By Amending Section 9-43 Entitled, "Development Standards" Pertaining to the Front Yard Setback In The Infill Housing Overlay

Sponsors:

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7/8/2020	1	City Council Legislative Session	approved	Pass

Ordinance To Amend And Re-Enact The Zoning Ordinance Of The City of Hampton, Virginia By Amending Section 9-43 Entitled, "Development Standards" Pertaining to the Front Yard Setback In The Infill Housing Overlay

Background Statement:

Chapter 9, Article V of the zoning ordinance contains the Infill Housing Overlay. Staff is proposing changes to Section 9-43, entitled "Development Standards" to change the required front yard setback. The current development standards require a front yard setback that is equal to the average front yards in the block. This is calculated by averaging the front yards of all homes on the same block on either side of the subject lot for 300' in both directions.

There have been instances where variances were sought because the average of the block in some neighborhoods is so large that it is unreasonable and even creates a setback that is unbuildable.

In recognizing the ordinance as being too restrictive in some cases, staff is proposing to limit the average of the block setback to no less than 5' and to not require a minimum setback larger than 30', which is the standard minimum front yard setback in the R-8, R-9, R-11, and R-13 base districts where these standards would apply. The original intent of the O-IH district was to maintain the development patterns in neighborhoods where the existing homes are set back less than the minimum standard in the ordinance. It was not intended to require a greater setback than the established minimum under today's zoning.

Serving as an example of the issue the proposed amendment intends to correct, the Board of Zoning Appeals heard a variance case in which the average of the block was 120.6'. This calculation put the front yard setback beyond the rear property line and onto the property behind the subject lot. The Board of Zoning Appeals denied the variance request finding that the issue was general in nature and should be corrected through amendment to the zoning ordinance.

This application is being brought forward in conjunction with Zoning Ordinance Amendment #20-0197 to remove the duplicative definition of “infill lot” in Chapter 2.

Recommendations:

Staff Recommendation:

Approval

Planning Commission Recommendation:

Approval

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 Article V of Chapter 9 the Zoning Ordinance of the City of Hampton, Virginia, be amended and re-enacted as follows:

Chapter 9 - OVERLAY DISTRICTS

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ARTICLE V. - O-IH-INFILL HOUSING OVERLAY

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Sec. 9-42. - Application and boundaries.

The O-IH district shall apply to all lots located in R-8, R-9, R-11, and R-13 zoning districts that are determined to be substandard lots, as defined by the zoning ordinance. However, recognizing the unique coastal character, development pattern, and limitations on development of individual properties which are affected by numerous local, state, and federal environmental regulations, the following areas are excluded from this district:

- (1) Those properties located east of North 1st Street between Pilot Avenue on the southern end and the northern terminus of North 1st Street at the northern end.
- (2) Those properties located east of State Park Drive between Beach Road on the southern end and the Grandview Nature Preserve at the northern end.

The district shall act as an overlay district, augmenting rather than replacing the underlying zoning district. All regulations of the underlying zoning district shall apply except as modified by the regulations for the O-IH.

Sec. 9-43. - Development standards.

- (1) *Height*. No building shall exceed thirty-five (35) feet in height and (2) two stories.
- (2) *Dwelling Area*. A reduction in dwelling size is permitted if the minimum dwelling size required by the base zone district cannot be met with the height restrictions and setback requirements of this chapter. In such a case, the required dwelling area shall be reduced to meet the largest square footage possible on that lot while meeting the minimum setback requirements of the base zone district and not exceeding the building height regulations set forth in this chapter.

(3) *Front yard setback and façade zone.* There shall be a front yard setback equal to the average of the front yard setbacks for single family residences on the same block. The front yard setback shall not be required to be more than 30' and shall not be less than 5'. A block shall be defined as three hundred (300) feet in both directions on the same side of the street. The façade zone shall be drawn as a polygon starting from the front setback line, back along the side property lines towards the interior of the property, with a fixed depth of ten (10) feet. Buildings shall meet the following provisions:

- (a) A minimum of 50% of the width of the proposed structure shall be located within the façade zone.
- (b) The main entry door must be located within the façade zone and shall not be located on the furthest most exterior side walls.
- (c) Any street facing façade within the façade zone shall include a minimum of 20% fenestration.

(4) In the case where the average of the block is more than 30', there shall be no maximum front setback and the minimum front setback shall be 30'.

- (a) The main entry door shall not be located on the furthest most exterior side walls.
- (b) Any street facing façade shall include a minimum of 20% fenestration.

(5) *Green area.* A minimum of fifty (50) percent of the front yard shall be green area.

(6) *Garage location.* If constructed, an attached garage shall be located a minimum of eighteen inches (18") behind the front door.

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