



Legislation Details (With Text)

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**Title:** Ordinance To Amend And Reenact Chapter 8 Of The Zoning Ordinance Of The City Of Hampton, Virginia Entitled "Special Districts" By Amending Article 7 Entitled "Phoebus Districts" By Adding "PH-3 - Phoebus Commercial Transition District"

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Redline, 2. Presentation Note, 3. PC Resolution

Date	Ver.	Action By	Action	Result
1/9/2019	1	City Council Legislative Session	approved	Pass

Ordinance To Amend And Reenact Chapter 8 Of The Zoning Ordinance Of The City Of Hampton, Virginia Entitled "Special Districts" By Amending Article 7 Entitled "Phoebus Districts" By Adding "PH-3 - Phoebus Commercial Transition District"

**Background Statement:**

Phoebus Business (PH-1) was adopted in 2015 following the review and update of the Phoebus Master Plan (2007, as amended). This district focuses on development form in order to further the policies of the Master Plan, especially as it relates to enhancing the historic, main street pattern of the commercial core of Phoebus. Over the last few years, staff has brought forward a few tweaks to the district, as is common with new concepts and regulations. The City has also recognized new investment, seen additional inquiries, and received additional insight from the community. This amendment is in combination with a number of others intended to provide a better tool for implementing the Phoebus Master Plan and delivering appropriate regulation across the mixed-use center of Phoebus.

Based upon the Master Plan's recommended development patterns creating a unique main street character founded in the neighborhood's historic structure and coupled with the need to facilitate appropriate growth, three distinct districts are recommended for adoption. This specific amendment will add a new category to the special district table - the Phoebus Commercial Transition District (PH-3). The main intent of this new district is to create edges of the pedestrian oriented Phoebus mixed-use center while being more accommodating to vehicles and auto oriented commercial. The new PH-3 District will have the same permitted uses as the existing Phoebus Urban Core (PH-1) District; however, the differences between the districts will lie with the revised development standards.

More specifically, PH-3 permits setbacks from public right-of-ways that are 45' in depth, which is much larger than PH-1 or PH-2 and allows enough space for a drive aisle and a row of parking as well as required screening. At the same time, the district fits with the other Phoebus districts as it

requires front doors to face the street and pedestrian access to be provided and physically highlighted through the use of color and pavement texture or pattern.

This Zoning Ordinance Amendment is proposed in conjunction with Zoning Ordinance Amendments 18-00008, 18-00009, 18-00010, 18-00011, 18-00013, 18-00014, and Rezoning Applications No. 18-00009, and No. 18-00010 (file nos. 19-0011, 19-0012, 19-0015, 19-0016, 19-0019, 19-0020, 19-0021, and 19-0022).

**Recommendations:**

Staff Recommendation:

Approve

Planning Commission Recommendation:

Approve

**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, Section 8-64 of the Zoning Ordinance of the City of Hampton, Virginia, be amended and re-enacted as follows:

**CHAPTER 8 - SPECIAL DISTRICTS**

...

**ARTICLE 7 - PHOEBUS DISTRICTS**

...

**Sec.8-64 - PH-3 District - Phoebus Commercial Transition**

- (1) Intent.

The PH-3 District is intended to create edges of the pedestrian oriented Phoebus mixed-use center while being more accommodating to vehicles and auto oriented commercial.

- (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 (90) feet.

Where the lot can potentially be accessed via an alley or similar right-of-way to the rear, the lot shall be created to provide such access.

(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 forty-five (45) feet.

For buildings with residential uses on the ground floor, buildings may be setback no more than fifteen (15) feet from the property line. This setback exists for the purpose of allowing for steps up to the minimum first finished floor height, porches, and ground level areas meeting the City of Hampton Pedestrian Amenity Design Standards.

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

For buildings with ground floor commercial uses, there shall be a maximum setback of forty-five (45) feet.

For buildings with residential uses on the ground floor, buildings may be setback no more than fifteen (15) feet from the property line. This setback exists for the purpose of allowing for steps up to the minimum first finished floor height, porches, and ground level areas meeting the City of Hampton Pedestrian Amenity Design Standards.

In the case that the lot is not square, means sides that meet to form a corner are not perpendicular, the building shall be placed so that the requirements of Sec.8-63(3)(c)(i)Front. shall be met, and shall match the side, adjacent to a public right-of-way to the greatest extent practicable per the discretion of the Zoning Administrator, or designee, based upon lot, not preferred building, characteristics.

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

There shall be no minimum and no maximum setback, unless adjacent to a single-family or two-family residential district, in which case the minimum setback is five (5) feet.

(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 50% 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 30 (thirty) inches above the grade at the base of the steps or ramp approaching the entrance.
  - (iv) Fenestration.
    - (aa) Where ground floor commercial space fronts on a public right-of-way, a minimum of 30 percent of the first floor building façade containing the primary entrance shall be comprised of glass windows or glass doors that allow views at least four (4) feet into the interior building space.
    - (bb) 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' in height.
- (f) Screening and connectivity.
  - (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.

- (ii) Regardless of the depth of any setback greater than 0 feet, a clear, direct pedestrian access shall be installed and maintained between the sidewalk in the directly adjacent public right-of-way and any public entrance facing that right-of-way. Where the pedestrian access crosses a drive aisle, the pedestrian path shall be made clear by using material that is different in color and texture or pattern than the drive aisle it crosses.
  
- (g) If choosing to not meet the development standards as required by Sec.8-63(3) (a) and/or (d), which pertain to dimensions and access to a new lot and building footprint, a use permit may be sought. Such a use permit shall be reviewed for conformance with adopted policies and achieving the intent of the PH-3 district to create edges to the Phoebus mixed-use center while being more accommodating to vehicles and auto oriented commercial.
  - (i) Applications shall specify the requested dimensional changes and include to-scale drawings of the site layout, including but not limited to showing lot boundaries, building footprint, pedestrian and vehicular access, parking, and adjacent sidewalk or similar adjacent public features, as well as all facades, including location of doors, windows, architectural features, roof or parapet line, and building materials.

**Sec. 8-65 - 8-66. - Reserved.**