



Legislation Text

File #: 21-0198, **Version:** 1

Ordinance to Amend and Re-Enact the Zoning Ordinance of the City of Hampton, Virginia by Amending Chapter 1 Entitled, "General Provisions" Pertaining to Parking Vehicles on Unimproved Surfaces in Residential Areas

December 8, 2021 Update:

This item was heard by City Council during the September 8, 2021 meeting and was deferred until the December 8, 2021 meeting. As part of deferring the item, Council requested that the ordinance language be updated to clarify its treatment of existing gravel driveways and the loading and unloading of vehicles.

The redline from the September 8, 2021 meeting is attached as "prior redline (for reference only)". The updated redline is attached as "redline (as amended)". The first item for clarification was the treatment of existing gravel driveways. The amended redline clarifies that existing driveways which are made of stone, rock, gravel, oyster shell, or similar material but not contained by a border (as required for new driveways of this type of loose material) are permitted to continue to be used and maintained in the existing footprint. Existing nonconforming driveways may not be expanded except in full compliance with the zoning ordinance.

The second item clarified in the amended redline is the treatment of vehicles when loading or unloading. Passenger cars or commercial vehicles which are actively being loaded or unloaded may park in the street frontage yard on the grass for a period not to exceed 24 hours.

Lastly, the amended redline has an effective date of July 1, 2022 to allow time for outreach to citizens.

Background Statement:

Requests that the city regulate vehicles parked on lawns have been made by multiple neighborhood groups and individual citizens over the past several years. In 2012, City staff formally began the outreach effort to create an ordinance that balanced the interests of all citizens. More recently, with the beginning of the Resilient Hampton efforts, staff saw an opportunity to combine new green area requirements with the regulation of vehicle parking in residential areas.

On December 9, 2020, City Council approved a series of related Zoning Ordinance amendments which collectively accomplished the following: set a minimum green area requirement for all lots with a one-family, two-family, or a duplex dwelling as the primary use or proposed primary use; permitted a 12'x 25' driveway and 3' wide walkway regardless of minimum green area requirement on residentially used parcels; created a zoning permit requirement for new impervious surface otherwise exempted from obtaining a building permit; and limited the materials that can be used for driveways on residentially used parcels to concrete, asphalt, pavers designed to support the weight of motor vehicles, rock, gravel, oyster shells, or any other similar impervious surface, not to include grass, dirt

or compacted soil. At that meeting City Council indefinitely deferred the amendment to regulate parking of passenger vehicles on residential lots due to the economic uncertainty associated with COVID-19 with the intent to bring it back at a later date. In May of 2021, City Council requested the amendment be brought back as many COVID-19 related restrictions were lifted.

If approved, this amendment would prohibit the parking of passenger cars or commercial vehicles within street frontage yards, except when parked on an approved driveway. The terms “passenger car,” “commercial vehicle,” “street frontage yard,” and “driveway” are specifically defined in Chapter 2 of the Zoning Ordinance. The ordinance also provides exceptions in the case of the following: lots adjacent to streets identified by signage as prohibiting parking; during a City approved special event permit; during street closures; during severe weather events; and when the vehicle is actively being washed. This amendment does not require citizens to install a new driveway on lots with an existing dwelling.

Planning Commission heard this amendment on July 15, 2021 and recommended approval. A briefing on the amended amendment was presented to City Council on November 10, 2021.

Recommendations:

Staff Recommendation:

Approval, as amended

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 I of Chapter I of the Zoning Ordinance of the City of Hampton, Virginia, be amended to read as follows:

Chapter 1 - GENERAL PROVISIONS

ARTICLE II. - REGULATIONS APPLICABLE TO MANY OR ALL ZONING DISTRICTS

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Sec. 1-34 - Parking passenger cars and commercial vehicles on unimproved surfaces in residential areas

(1) It shall be unlawful for any person to park a passenger car or commercial vehicle, as permitted in Sec. 1-32, in a street frontage yard on a lot containing a one, two family, or duplex residence as a primary use unless the passenger car or commercial vehicle is parked on a driveway made of an improved surface. The driveway must be under the entirety of the vehicle, except in case of ribbon driveways. The driveway must extend continuously from the adjacent public or private right-of-way to the parking location.

(a) Notwithstanding the foregoing, a passenger car or commercial vehicle may be parked upon a nonconforming driveway in existence as of January 1, 2022, which consists of

stone, rock, gravel, oyster shell, or similar material, when not contained by a border, provided such nonconforming driveway is maintained in its existing footprint and is not expanded except in full compliance with the zoning ordinance.

(2) A passenger car or commercial vehicle may be parked within a street frontage yard on a surface that does not meet the definition of driveway, such as grass, under the following circumstances:

- (a) A special event when a special event permit has been issued by the City;
- (b) Street sweeping or other City maintenance or construction operations, during the time the street is closed to on-street parking;
- (c) Flooding, other severe weather events, or emergencies;
- (d) When the passenger car or commercial vehicle is actively being washed;
- (e) When either side of the adjacent street is identified by the City as prohibiting parking on either side of that block; or
- (f) When actively loading or unloading the passenger car or commercial vehicle for a period not to exceed twenty-four (24) hours.

This section shall have an effective date of July 1, 2022.