



Legislation Text

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Ordinance To Amend and Re-Enact The Zoning Ordinance Of The City Of Hampton, Virginia by Amending Chapter 1 Entitled, "General Provisions" Pertaining to Minimum Green Area Requirements For All One and Two Family Residences

Background Statement:

On September 9, 2020, City Council indefinitely postponed two zoning ordinance amendments: items 20-0253 which would have added minimum green area requirements for all one and two family residences and limited parking on green area, and item 20-0255, which would have removed duplicative regulations in the infill housing overlay requiring 50% green area on residential infill lots. At that meeting, City Council asked that staff bring a new amendment forward that would add minimum green area requirements for all one and two family residences but would not limit parking on green area. This amendment, zoning amendment item 20-0344, is the tailored amendment per Council's request.

If approved, this amendment would 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. This requirement applies to front and side yards that are between the primary structure and a public or private street, known as street frontage yards. When a street frontage area is less than $\frac{1}{4}$ acre, the minimum green area shall be 50%. When a street frontage area is $\frac{1}{4}$ acre or greater but less than $\frac{1}{2}$ acre, the minimum green area shall be 60%. When a street frontage area is $\frac{1}{2}$ acre or greater but less than 1 acre, the minimum green area shall be 70%. When a street frontage area is 1 acre or greater, the minimum green area shall be 75%. If a street frontage area is so small that the required green area would prevent a lot from having a driveway, and that lot does not have an improved alley for vehicle access, a 12'x 25' driveway and 3' wide walkway will be permitted.

This amendment also creates a requirement that a zoning permit be issued for all new impervious surface otherwise exempted from obtaining a building permit, such as new or expanded driveways and walkways. Previously, only impervious area within the Chesapeake Bay Preservation Overlay or in a designated green area required a zoning permit.

If approved, this amendment would limit the materials that can be used for improved driveways on all lots with a one-family, two-family, or a duplex dwelling as the primary use 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. This amendment also prohibits the construction of driveways within 3' of a side property line, except in the case of shared driveways where there is a shared parking agreement in place.

This amendment is accompanied by amendment zoning ordinance amendment 20-0255, which was indefinitely postponed by City Council on September 9, 2020, to be brought back with the updated green area ordinance amendment (now Zoning amendment 20-0344). Zoning amendment 20-0255 removes the duplicative regulations in the infill housing overlay requiring 50% green area on

residential infill lots. Zoning amendment 20-0255 was presented to the Planning Commission on August 20, 2020 and was forwarded to City Council with a recommendation for approval. There have been no changes to Zoning amendment 20-0255, since it was indefinitely postponed by City Council on September 9, 2020.

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 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 I. - ADMINISTRATION AND ENFORCEMENT OF ORDINANCE

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Sec. 1-10 - Review process for zoning permit applications.

- (1) Any structure, development, or new impervious surface exempted from obtaining building permits shall be required to obtain a zoning permit. All applications for such zoning permits shall be accompanied by usable plat plans, showing the actual shape and location on the lot of the building or buildings and accessory buildings existing, or to be erected or altered; the existing and intended use of each building or part of a building; such other information with regard to the lot as may be necessary to determine and provide for the enforcement of the provisions of this ordinance; and a nonrefundable application fee of fifteen dollars (\$15.00). Notwithstanding the foregoing, qualified arts and cultural businesses located in a designated arts and cultural district shall be eligible for a 100% reduction in the zoning permit application fee for all signs to be installed at the location of the qualified arts and cultural business under the terms and conditions set forth in the Hampton City Code.
- (2) The zoning administrator may, in their discretion, waive the requirement for individual permits when the proposed activity, use, or development is so de minimis in nature such that it will have little-to-no impact on the applicable lot.
- (3) Except as otherwise set forth in chapter 12, no building permit, zoning permit, or certificate of occupancy shall be issued for any parcel of land that fails to comply with the requirements of this ordinance.
- (4) Once approved, the zoning permit and all accompanying plans and conditions shall be

binding and shall govern the applicable activity, use, or development upon the subject property. The zoning administrator, or their authorized designee, shall have the authority, to enforce compliance with the approved zoning permit pursuant to section 1-6 of the zoning ordinance.

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

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Sec. 1-30 - General green area requirements.

- (1) A minimum of ten (10) percent of the land area of the lot shall be designated as green area for trees, shrubs, and turf for all properties except for those zoned R-LL, RT-1, MD-1, MD-2, MD-18 3, MD-4, P0-1, P0-2, DT-1, DT-2, DT-3, HRC-1, HRC-2, HRC-3, BB-1, BB-2, 19 BB-3, BB-4, BB-5, FM-1, FM-2, FM-3, FM-4, PH-1, PH-2, PH-3, O-CBP and O-CC, and all one-family, two-family and duplex dwellings.
- (2) The following criteria shall be met in all districts, except for lots with a one-family, two-family, or duplex dwelling as the primary use:
 - (a) No accessory uses or structures except utilities and stormwater management facilities shall be located in a required green area.
 - (b) In any parking area, including drive aisles and drive-throughs regardless of size, a minimum ten (10) foot green area shall be provided immediately adjacent to any existing or future public right-of-way.
 - (c) In any parking area containing thirty (30) or more spaces, seven (7) percent of the interior of the parking area shall be reserved and maintained as green area. Each green area within the parking area shall be no less than eight (8) feet wide and contain at least one hundred fifty (150) contiguous square feet of green area. This required green area may constitute no more than thirty-three (33) percent of the green area required within the parking area as well as counting toward the total green area requirement.
 - (d) In all districts, development sites less than two (2) acres shall comply with the following:
 - (i) On sites which front upon only one (1) public street, a minimum of seventy-five (75) percent of the required green shall be located within the front yard.
 - (ii) On sites which front upon two (2) public streets or proposed rights-of-way, a minimum of seventy-five (75) percent of the required green area shall be distributed within the yard areas adjacent to the existing or proposed public

rights-of-way; no such area shall contain less than thirty (30) percent of the required green area,

- (iii) On sites which front upon more than two (2) public streets or proposed rights-of-way, a minimum of seventy-five (75) percent of the required green area shall be distributed within the yard areas adjacent to the existing or proposed public rights-of-way; no such area shall contain less than twenty (20) percent of the required green area.

(e) In all districts, development sites of two (2) or more acres shall comply with the following:

- (i) On sites which front upon only one (1) public street, a minimum of fifty (50) percent of the required green area shall be located within the front yard.
- (ii) On sites which front upon two (2) public streets or proposed rights-of-way, a minimum of fifty (50) percent of the required green area shall be distributed within the yard areas adjacent to the existing or proposed public rights-of-way; no such area shall contain less than twenty (20) percent of the required green area,
- (iii) On sites which front upon more than two (2) public streets or proposed rights-of-way, a minimum of fifty (50) percent of the required green area shall be distributed within the yard areas adjacent to the existing or proposed public rights-of-way; no such area shall contain less than ten (10) percent of the required green area.

(f) Green areas located within any building shall not be credited toward meeting the total green area requirement.

(g) Green areas interior to the perimeter of any structure that may serve as a court-yard may be credited toward meeting the total green area requirement.

(h) Areas designated as green areas upon the approved site plan, or subdivision plat that are utilized for storage or the display of products shall be considered in violation of the city zoning ordinance.

(i) Landscaping within required green areas shall comply with the "City of Hampton Landscape Guidelines" or as otherwise proffered or conditioned pursuant to applicable provisions of the city zoning ordinance.

(3) The following green area standards apply to all lots with a one-family, two-family, or a duplex

dwelling as the primary use or proposed primary use. The green area percentage required herein shall be provided within the street frontage yard.

- (a) A percentage of a street frontage yard must be established as green area as further set forth below.
 - (i) Rear street frontage yards on through lots are exempt from these requirements.
 - (ii) The intersecting portion of the front and side street frontage yards on corner lots shall be calculated as the front street frontage yard.
 - (iii) On corner lots, the front and side street frontage yards shall be calculated independently.

- (b) When a street frontage yard is less than $\frac{1}{4}$ acre, the street frontage yard shall be a minimum of 50% green area.

- (c) When a street frontage yard is $\frac{1}{4}$ acre or greater but less than $\frac{1}{2}$ acre, the street frontage yard shall be a minimum of 60% green area.

- (d) When a street frontage yard is $\frac{1}{2}$ acre or greater but less than 1 acre, the street frontage yard shall be a minimum of 70% green area.

- (e) When a street frontage yard is 1 acre or greater, the street frontage yard shall be a minimum of 75% green area.

- (f) Notwithstanding the foregoing subsections (a) through (e), all lots which do not abut an alley with an improved surface that allows vehicular access shall be permitted an improved driveway not to exceed 12' in width and 25' in length, and an improved path of travel three feet (3') in width from the driveway to the front door.

- (g) The following standards apply to driveways, where permitted, within the street frontage yard.
 - (i) All expansions to and newly established driveways shall be made of an improved surface.

 - (ii) All expansions to and newly established driveways and/or parking areas shall be a minimum of three (3) feet from the side property line.
 - (aa) If a shared parking agreement, including terms to the satisfaction of the zoning administrator and city attorney, substantially similar to those required by Section 11-7, is executed between adjoining property owners, the zoning

administrator may waive this requirement.

- (bb) No driveways or parking pads shall project or encroach into a City right-of-way or easement without the written permission of the City of Hampton or an approved encroachment agreement pursuant to Chapter 34 of the City Code, as amended.

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