



Legislation Details (With Text)

**File #:** 19-0011      **Version:** 1      **Name:** ZOA18-00008 Green Area Requirements  
**Type:** Zoning Ordinance - Text      **Status:** Passed  
**File created:** 12/26/2018      **In control:** City Council Legislative Session  
**On agenda:** 1/9/2019      **Final action:** 1/9/2019

**Title:** Ordinance To Amend And Re-Enact The Zoning Ordinance Of The City Of Hampton, Virginia By Amending Chapter 1, Section 1-30 Entitled "General Green Area Requirements" To Add PH-2 To The List of Zoning Districts Exempt From The Ten Percent Green Area Requirement

**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 Re-Enact The Zoning Ordinance Of The City Of Hampton, Virginia By Amending Chapter 1, Section 1-30 Entitled "General Green Area Requirements" To Add PH-2 To The List of Zoning Districts Exempt From The Ten Percent Green Area Requirement

**Background Statement:**

Chapter 1 of the Zoning Ordinance governs green area requirements in the City. Specifically, unless exempted, Sec. 1-30 requires a minimum of 10% (ten percent) of the land area of a lot to be green area.

Due to the urban nature of Phoebus and the small lot sizes found in the district, this requirement would render it difficult to develop in the form proposed by the master plan. Approval of this amendment would exempt the proposed Phoebus Town (PH-2) District from the ten percent green area requirement, just as they are under the current PH-1 District. PH-3 is not recommended to be exempt due to its more suburban nature and larger permitted setbacks.

This Zoning Ordinance Amendment is proposed in conjunction with Zoning Ordinance Amendments 18-00009, 18-00010, 18-00011, 18-00012, 18-00013, 18-00014 and Rezoning Applications No. 18-00009, and No. 18-00010 (file nos. 19-0012, 19-0015, 19-0016, 19-0018, 19-0019, 19-0020, 19-0021, and 19-0022).

As a matter of continually attempting to make the City's ordinance more user friendly, the text is also proposed to be reorganized and slightly tweaked to clarify that the exemption applies only to Sec.1-30.(1) and not the subsequent requirements.

**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 1 of the Zoning Ordinance of the City of Hampton, Virginia, be amended to read as follows:

## **CHAPTER 1 - GENERAL PROVISIONS**

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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-3, MD-4, P0-1, P0-2, DT-1, DT-2, DT-3, HRC-1, HRC-2, HRC-3, BB-1, BB-2, BB-3, BB-4, BB-5, FM-1, FM-2, FM-3, FM-4, PH-1, PH-2, O-CBP and O-CC, and all one-family, two-family and duplex dwellings.
- (2) The following criteria shall be met in all districts:
  - (a) No accessory uses or structures except utilities and stormwater management facilities shall be located in a 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.
- (3) In all districts, development sites less than two (2) acres shall comply with the following:
  - (a) 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.
  - (b) 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 requirement, and no less than twenty (20) percent of the required green area shall be located in each yard fronting upon existing or proposed public rights-of-way.
- (4) In all districts, development sites of two (2) or more acres shall comply with the following:
  - (a) 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.
  - (b) 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 and landscaping shall

be distributed within the yard areas adjacent to existing or proposed public rights-of-way; no such area shall contain less than twenty (20) percent of the requirement, and no less than ten (10) percent of the required green area shall be located in each yard fronting upon existing or proposed public rights-of-way.

- (5) Green areas located within any building shall not be credited toward meeting the total green area requirement.
- (6) 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.
- (7) 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.
- (8) Landscaping within 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.

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