



## Legislation Details (With Text)

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**Title:** Ordinance To Amend And Reenact Chapter 8, Article 7 Of The Zoning Ordinance Of The City Of Hampton, Virginia Entitled "Special Districts" By Amending Article 7 Entitled "Phoebus Districts" By Amending PH-1 - Phoebus Business District

**Sponsors:**

**Indexes:**

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

Ordinance To Amend And Reenact Chapter 8, Article 7 Of The Zoning Ordinance Of The City Of Hampton, Virginia Entitled "Special Districts" By Amending Article 7 Entitled "Phoebus Districts" By Amending PH-1 - Phoebus Business 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. The PH-1 district is the densest of the three and has the strictest development requirements. It is also the district that is proposed to be placed on the area with the most intact historic commercial development, roughly stretching along Mallory Street from County Street to Mellen Street and down Mellen Street from Mallory Street to Hope Street. This area is largely distinguished by narrow, two story buildings that sit just behind the sidewalk and have large storefront windows. The proposed regulations are firmer than the ones currently adopted and would serve to ensure that future development is in keeping with this pattern.

While the standards require 90% of the frontage be covered by the building, the building must be two stories, 40% of commercial frontage must allow views inside, caps the width of a building at 50', and

limits the maximum building footprint to 5,000 square feet, development proposals that do not meet these requirements may be considered through the use permit process. The purpose of providing the use permit process is to allow Planning Commission and City Council to consider whether a specific development advances the goals and recommendations of the Phoebus Master Plan. The process also allows Council to adopt conditions assuring that the development, though not meeting the standards of the district, is designed and constructed in a way that it enhances the district based on the specifics of a site and the surrounding development.

Lastly, given the more urban requirements of the proposed PH-1 changes and that all three of the districts support mixed-use development, the title of PH-1 would change to Phoebus Urban Core.

This Zoning Ordinance Amendment is proposed in conjunction with Zoning Ordinance Amendments 18-00008, 18-00009, 18-00011, 18-00012, 18-00013, 18-00014, and Rezoning Applications No. 18-00009, and No. 18-00010 (file nos. 19-0011, 19-0012, 19-0016, 19-0018, 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 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. 8-61. - Overall Intent of Phoebus (PH) Districts.**

The intent of this article is to define the development standards necessary to permit and encourage development which meets the recommendations of the Hampton Community Plan (2006, as amended) and Phoebus Master Plan (2007, as amended):

- (a) Implement standards requiring new construction to be contextually sensitive to the existing main street form of the development found in the core of Phoebus

while providing opportunities for a variety of commercial and residential uses.

- (b) Establish development standards which create a safe and pedestrian-friendly environment.
- (c) Concentrate urban-scaled commercial development to best serve the local community and visitors alike.
- (d) Enhance downtown Phoebus to assert and reinforce its sense of place.
- (e) Enhance downtown Phoebus and its entrances as gateways to Fort Monroe.
- (f) Recognize and respect the neighborhood's listing on the National Register of Historic Places and Virginia Landmarks Register.
- (g) Provide assurance to owners and investors that future development will be appropriate for the character of Phoebus.

#### **Sec. 8-62. - PH-1 District - Phoebus Urban Core**

- (1) *Intent.* The PH-1 District is intended to promote dense, pedestrian oriented, urban scale development with active street level uses that is in keeping with the historic development patterns of the mixed-use village center of Phoebus. PH-1 represents the most urban of the Phoebus Districts. The intent of this district's implementation is to encompass the key intersection of Mellen and Mallory Streets and neighboring blocks in support of the vision described in the Phoebus Master Plan (2007, as amended).
- (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 0 (zero) feet unless one of the following optional pedestrian amenities is provided in accordance with the City of Hampton Pedestrian Amenity Design Standards, in which case the

maximum shall be fifteen (15) feet:

(aa) Courtyard.

(bb) Outdoor seating area.

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, along with a pedestrian connection to the adjacent sidewalk.

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

For buildings with ground floor commercial uses, there shall be a maximum setback of 0 (zero) feet unless one of the following optional pedestrian amenities is provided in accordance with the City of Hampton Pedestrian Amenity Design Standards, in which case the maximum shall be fifteen (15) feet:

(aa) Courtyard.

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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, along with a pedestrian connection to the adjacent sidewalk.

In the case that the lot is not square, 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) *Building footprint.*

- (i) The maximum width of a building with ground floor commercial uses shall be 50 feet.
- (ii) The maximum area of the footprint of the building, measured by the exterior perimeter of the foundation, shall be 5,000 square feet.

(e) *Façade composition.*

- (i) A minimum of 90% of the front setback line across the entire parcel must be occupied by the building façade, which has occupiable, wholly enclosed space directly behind and connected to it.
- (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 thirty (30) 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 40 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 commercial space fronts on both Mellen Street and Mallory Street, a minimum of 40 percent of the building façade adjacent to Mellen Street and Mallory Street shall be comprised of glass windows or glass doors that allow views at least four (4) feet into the interior building space on both façades.

- (cc) 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.

(f) *Height.*

- (i) All buildings shall be a maximum of 50' in height.
- (ii) All buildings shall contain a minimum of two (2) stories of habitable/usable space with neither of the first two floors providing less than 50% of the gross square feet of the other floor.

(g) *Accessory structures and equipment.*

- (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.

- (h) If choosing to not meet the development standards as required by Sec.8-63(3) 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-1 district to enhance the historically dense mixed-use development pattern of the Urban Core.

(4) *Parking.*

Parking shall be provided as described in chapter 11 herein.

- (a) Parking shall be prohibited in the area between the building and any adjacent public right-of-way, not to include any alleys and the following streets:
  - i. Lancer Street
  - ii. Williams Street
  - iii. Tennis Lane
  - iv. Larabee Lane
- (b) On waterfront properties, parking shall be prohibited between the building and the water feature.