



Legislation Text

File #: 21-0057, **Version:** 1

Ordinance to Amend and Re-Enact the Zoning Ordinance of the City of Hampton, Virginia by Amending Section 2-2 Entitled, "Definitions" Pertaining to Residential Use Definitions

Background Statement:

This amendment is accompanied by a separate, related amendment to Chapter 3, which includes the permitted uses table and additional standards.

City Council directed staff to review how and where multifamily development occurs within the City of Hampton, and how zoning regulations could better align with City priorities and policies for multifamily housing. Staff reviewed the existing regulations and identified areas where the City envisions greater density and to improve development standards for those areas where multifamily development would be permitted by-right. For areas without those standards, the regulations would require a use permit application for consideration of the merits of the project on an individual basis.

This amendment would add several definitions to accommodate the changes proposed under the accompanying amendment and provide better clarity within the ordinance for existing terms used. 'Open space amenity' is a new term proposed which defines specific areas provided to residents for their enjoyment of the outdoors, and includes things such as patios, balconies, or rooftop decks.

Staff is recommending the removal of the definition of 'live/work unit', and incorporating it into the definition of the existing use 'upper-floor dwelling units'. The definition for 'upper-floor dwelling unit' also includes a limit of up to four dwelling units above a nonresidential use on the first floor, which distinguishes the use from larger mixed-use development.

A term frequently used but undefined within the zoning ordinance is in reference to building stories. There are existing standards regarding number of stories allowed in various base districts or overlay districts. Staff is recommending the addition of the term 'story' to clarify those usages of the term, with the language of the definition largely copied from the building code. Up to this point, staff has relied on a Zoning Administrator interpretation, which defers to the building code. Adding this definition is an opportunity to provide greater clarity and assurance of consistency.

These new definitions will better enable the City of Hampton to adequately, carefully, and consistently identify and regulate these residential-related uses and terms.

One speaker signed up for this item at the Planning Commission public hearing but declined to add anything, as she had submitted the letter of support included as an attachment in this item.

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 City Council of the City of Hampton, Virginia that Section 2-2 of Chapter 2 of the Zoning Ordinance of the City of Hampton, Virginia be amended to read as follows:

Section 2-2. - Definitions

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Open space amenity. The specific open space area provided to residents as part of a development for their use and enjoyment. These amenities may be improved or impervious surfaces, such as roof decks, balconies, and private patios, or they may be of unimproved surfaces, provided they are designed to be used and enjoyed by the residents, as determined by the Zoning Administrator. The open space amenity shall not be counted toward any green area requirements for the property.

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Story. A story in the context of a building shall be understood to be that portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. A story is measured as the vertical distance from top to top of two successive finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or where there is not a ceiling, to the top of the roof rafters. In the case of one-family, two - family, or duplex dwellings, a habitable attic that does not exceed 400 square feet and is not greater than two thirds of the area of the story below, shall not be considered a story.

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Upper-floor dwelling units. A type of residential mixed-use development where the residential dwellings are located above a nonresidential use. The residents of the upper floor(s) need not be the operators of the nonresidential use or uses below. The residential use shall be limited to no more than four (4) dwelling units. This would include live/work dwellings. The nonresidential use or uses must also be permitted within the applicable zoning district and comply with all relevant standards for the use.

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