

AT THE WORK SESSION OF THE HAMPTON PLANNING COMMISSION SPECIAL MEETING HELD IN THE COMMUNITY DEVELOPMENT DEPARTMENT CONFERENCE ROOM, 5TH FLOOR, CITY HALL, 22 LINCOLN STREET, HAMPTON, VIRGINIA, ON THURSDAY, AUGUST 20, 2020 AT 3:00 P.M.

Chairman Carole Garrison called the meeting to order at 3:02 p.m. A call of the roll noted Commissioners Ruthann Kellum, Tommy Southall, Steven Brown, Steven Bond, and Chairman Garrison as being present. Vice-Chair Christopher Carter and Commissioner Trina Coleman were noted as absent; however Vice-Chair Carter arrived after the roll call. Staff in attendance were Acting Secretary to the Commission/Planning & Zoning Administration Manager Michael Hayes, Deputy Director of Community Development Steve Shapiro, Deputy City Attorney Bonnie Brown, Zoning Administrator Hannah Sabo, City Planner Frank Glover, and Recording Secretary/Senior Administrative Assistant Kristie Graves.

The Commission and staff discussed the following information:

Election of Officers: The election of officers, Chairman and Vice-Chair, is held at each September meeting. The Chairman and Vice-Chair can serve up to two (2) consecutive years.

Change in Agenda Order: Staff would like to change the order of public items on the agenda. Item F. Zoning Ordinance Amendment No. 20-00017 will be changed to Item C. and Item C. Zoning Ordinance Amendment No. 20-00019 will now be Item D.

Zoning Ordinance Amendment Nos. 20-00013, 20-00014, 20-00017, and 20-00019 are related and will have one presentation by Zoning Administrator Hannah Sabo. Zoning Ordinance Amendment Nos. 20-00015 and 20-00016 are related and will have one presentation by Planning & Zoning Administration Manager Michael Hayes.

Under Item V. Community Development Director's Report, there will not be a briefing.

Zoning Ordinance Amendment Nos. 20-00014, 20-00017, and 20-00019: Property Maintenance & Zoning Enforcement Inspectors will enforce the parking regulation and not the Hampton City Police. Violation notices can be sent to the property owner, registered vehicle owner, and tenant of the property. The parking regulation will become effective on July 1, 2021. The State code allows the \$15 Zoning Permit fee to be waived in certain zoning districts in the City.

The work session adjourned at 3:23 P.M.

AT THE REGULAR MEETING AND PUBLIC HEARING OF THE HAMPTON PLANNING COMMISSION HELD IN THE COUNCIL CHAMBERS, 8TH FLOOR, CITY HALL, 22 LINCOLN STREET, HAMPTON, VIRGINIA, ON THURSDAY, AUGUST 20, 2020 AT 3:30 P.M.

I. CALL TO ORDER

Chairman Carole Garrison called the meeting to order at 3:35 P.M.

II. ROLL CALL

A call of the roll noted Commissioners Ruthann Kellum, Tommy Southall, Steven Brown, Steven Bond, Vice-Chair Christopher Carter, and Chairman Garrison as being present. Commissioner Trina Coleman Carter was noted as absent. Staff in attendance were Acting Secretary to the Commission/Planning & Zoning Administration Manager Michael Hayes, Deputy Director of Community Development Steve Shapiro, Deputy City Attorney Bonnie Brown, Zoning Administrator Hannah Sabo, Assistant City Attorney Shannon Jones, City Planner Frank Glover, and Recording Secretary/Senior Administrative Assistant Kristie Graves.

III. MINUTES – JULY 23, 2020 WORK SESSION & PUBLIC MEETING

A motion was made by Vice-Chair Christopher Carter and seconded by Commissioner Ruthann Kellum to approve the minutes of the July 23, 2020 Work Session and Planning Commission meeting.

A roll call vote on the motion resulted as follows:

AYES:	Kellum, Southall, Carter, Brown, Bond, Garrison
NAYS:	None
ABSTAIN:	None
ABSENT:	Coleman

IV. PUBLIC HEARING ITEMS

Acting Secretary Hayes read the key points of the Hampton Planning Commission Public Hearing/Comment.

Chairman Garrison explained that the next four (4) public hearing items are related and will be part of one presentation and public hearing item. A separate motion and vote are required for each item.

Mr. Hayes read the public hearing notices on the next four (4) related agenda items.

A. ZOA 20-00013 – CITY OF HAMPTON, AMEND AND RE-ENACT CHAPTER 2, “DEFINITIONS”, AMEND SECTION 2-2, ADD DEFINITIONS OF DRIVEWAY, IMPROVED SURFACE, PASSENGER CAR, AND STREET FRONTAGE YARD

Zoning Ordinance Amendment No. 20-00013: This is a Proposal by the City of Hampton to Amend and Re-Enact Chapter 2 of the Zoning Ordinance of the City of Hampton, Virginia Entitled, "Definitions" by Amending Section 2-2 to Add New Definitions of Driveway, Improved Surface, Passenger Car, and Street Frontage Yard. This item is being brought forward in conjunction with Zoning Ordinance Amendment No. 20-00014, which is related to the parking of vehicles on residentially used lots.

B. ZOA 20-00014 – CITY OF HAMPTON, AMEND AND RE-ENACT CHAPTER 1, "GENERAL PROVISIONS" PERTAINING TO MINIMUM GREEN AREA REQUIREMENTS FOR ALL ONE AND TWO FAMILY RESIDENCES

Zoning Ordinance Amendment No. 20-00014: This is a Proposal by the City of Hampton 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. Approval of this amendment would set a minimum requirement for green area in yards between a house and a street on lots with one family, two family, and duplexes as primary uses. This amendment would also prohibit parking in those yards on an unimproved surface with exceptions for lots without street parking, lots without an improved driveway, during street sweeping, during severe weather events, and when the vehicle is being washed. Approval of this amendment would also limit the types of materials permitted for the creation of new and expansion of existing driveways on a lot with a one family, two family, or duplex as the primary use, as well as creating a requirement that for all new impervious area a zoning permit be obtained. This item is being brought forward in conjunction with Zoning Ordinance Amendment Nos. 20-00013.

C. ZOA 20-00017 – CITY OF HAMPTON, AMEND AND RE-ENACT, AMEND SECTION 1-13, "NOTIFICATION OF VIOLATION OR ORDERS" PERTAINING TO NOTIFICATION OF ZONING VIOLATIONS

Zoning Ordinance Amendment No. 20-00017: This is a Proposal by the City of Hampton to Amend and Re-Enact the Zoning Ordinance of the City of Hampton, Virginia by Amending Sec. 1-13 Entitled, "Notification of Violation or Orders" Pertaining to Notification of Zoning Violations. Approval of this amendment would reduce the time for a recipient to appeal a notice of violation involving parking in violation of green area and driveway requirements or violation in parking of motorhome, towed recreational equipment, or commercial trucks in residential zoning districts or similar short-term, recurring vehicle violations to the board of zoning appeals from 30 days to 10 days.

D. ZOA 20-00019 – CITY OF HAMPTON, AMEND AND RE-ENACT, AMEND SECTION 9-43, "DEVELOPMENT STANDARDS" PERTAINING TO GREEN AREA, INFILL HOUSING OVERLAY

Zoning Ordinance Amendment No. 20-00019: This is a Proposal by the City of Hampton to Amend and Re-Enact the Zoning Ordinance of the City of Hampton, Virginia by Amending Section 9-43 Entitled "Development Standards" Pertaining to the Green Area in the Infill Housing Overlay. This amendment would remove the minimum green area requirement within this district. It is proposed in conjunction with Zoning Ordinance Amendment No. 20-00014, which would establish new green area requirements for all one family, two family, and duplex lots.

Zoning Administrator Hannah Sabo presented the staff report on the subject amendments, a copy of which is attached to the original minutes. Staff recommends approval of Zoning Ordinance Amendment Nos. 20-00013, 20-00014, 20-00017, and 20-00019.

In response to questions from Commissioner Southall, Ms. Sabo stated that staff balanced the goals of reducing impervious areas and preserving green areas through the green area requirement with the requirement of parking on an improved area. The green area requirement is based on the size of the front yard, and there are exceptions for certain lots and situations. Although, staff did not have data showing that parking on lawns affected property values; the problem was prevalent enough to become a City Council priority. Ms. Sabo explained that the ordinance amendment would not become effective until July 1, 2021, allowing ample time for citizen notifications.

Commissioner Southall remarked that the City is requiring property owners to have improved surfaces on lots that are 50-feet wide, a common lot size in Hampton, on streets where parking is not allowed. Two vehicles could easily consume that area. Mr. Southall feels that the City could be imposing undue hardships on some citizens and is against that.

In response to comments from Commissioner Southall, Ms. Sabo responded that the City understands that additional regulations could impact citizen's lifestyle and finances. The exceptions are for citizens who have a legitimate physical hardship. City staff plans to evaluate those streets where parking is not allowed and should not be allowed. The 10-day Notice of Violation applies to short-term recurring vehicle violations. Ms. Sabo explained that the Property Maintenance & Zoning Enforcement Inspectors will work with citizens on violations; if the violation has been abated, the Inspector will clear the violation. The goal is compliance.

Commissioner Southall noted that if a citizen parks their vehicle on the grass while they are away on vacation, they have a short window to appeal the violation.

In response to comments from Commissioner Southall, Ms. Sabo stated that after the 10-day Notice of Violation, a summons could be sent to the property owner. The City can drop the summons if the owner has a valid explanation.

Deputy City Attorney Bonnie Brown elaborated that the City uses the court process to obtain compliance and not as a punitive measure. If compliance is achieved when the items goes to court, the charges are often dismissed or nolle prossed.

Commissioner Southall commented that 10 days may not be feasible for someone to file an appeal compared to the current appeal timeframe of 30 days. He feels if the City wants to achieve the goals noted in the Ms. Sabo's presentation, they should not be making it harder for the residents. There will be recurring violations to deal with, but the average citizens should have enough time to clear the violation.

At Ms. Sabo's request, Assistant City Attorney Shannon Jones further explained the court summons process. Inspectors are familiar with their assigned neighborhoods; notices are generally issued for recurrent violators and summons are issued for more severe cases. If a citizen needs more time, they can be given a continuance or if the violation has been corrected, the charge will be nolle prossed. The goal is abatement of the violation and compliance.

In response to a question from Vice-Chair Carter, Ms. Sabo responded that typically the inspector will return to the property to see if the violation has been cleared. Citizens can also call the Citizen Contact Center at 311 to schedule a re-inspection.

In response to a question from Commissioner Kellum, Ms. Sabo stated that citizens who live in certain older neighborhoods could keep their gravel driveways, but it would have to be contained by a border. The driveway would need to be a continuous strip of land, not patches, and per the City's maintenance code, kept in a proper state of repair and maintained free from hazardous conditions. The grass ordinance would still apply.

Commissioner Brown commented the ordinance is a good ordinance, and the City is trying to come to a common standard with owners and residents able to establish their community standard within the bounds of the proposed ordinance. He would like the City to consider exemptions for citizens who are unable to put an impervious surface on their property.

In response to a question from Commissioner Brown, Ms. Sabo responded that if a citizen is unable to add an impervious area because of the green area requirements, there is an exception based on the size of their front yard. If there is some reason a citizen needs their full front yard paved, they can appeal to the Board of Zoning Appeals (BZA). Citizens can park on the street or in their rear yard. Citizens with ADA requirements can apply for a reasonable accommodation, which is reviewed administratively.

Chairman Garrison shared her concern about houses with smaller lots that are on narrow streets. She also agreed with Commissioner Brown, that the City should look at exemptions for some citizens. The ordinance may also be taking away the value of their homes.

In response to Chairman Garrison's concerns, Ms. Sabo answered that she could not testify to No Parking signs impact on property. Citizens can file an appeal to the BZA if they need an exception to the green area requirement. They can also park their vehicles in the rear yard.

Chairman Garrison commented that the ordinance is not fair to some homeowners in her neighborhood. Their houses do not have driveways, are in a flood zone, and have open gutters to allow for better water drainage.

In response to a question from Commissioner Southall, Ms. Sabo responded that there is currently a side yard setback for structures. It would not apply to at-grade pavement; however, as part of the new ordinance, the setback for at-grade pavement is three (3) feet. The exception would be an agreement or shared driveway with a neighbor.

Commissioner Southall commented that the driveway of a house shown in the Chesapeake Bay Presentation would be in violation. The homeowner would have to appeal to the BZA, which costs \$100, as well as apply for a Zoning Permit to add new impervious surface for \$15.

Virginia Lyeth, 126 Wilderness Road, opposes the zoning ordinance amendments.

Commissioner Southall noted that he does not believe that cars parking on lawns is a large problem in the City, impacts from such an ordinance should not affect citizens who have owned their homes for 50 – 60 years, and while staff has tried their best with the ordinances, an ordinance of this type should not require so many exceptions. Mr. Southall states that he would not support the ordinances.

Commissioner Bond commented that he felt the ordinances represent a lot of diligent work for almost a decade. It is a difficult issue and there is no perfect solution. He does not believe that there are too many exceptions; the City is taking into consideration the legitimate reasons citizens may be unable to comply. If the Commission is looking toward a future resilient city, the ordinances help further the City towards that goal. Mr. Bond states that he would support the ordinances.

Vice-Chair Carter stated that his main concerns are what financial provisions the City can provide to residents who are unable to comply with the ordinances and how does the City plan on notifying citizens who live in neighborhoods without associations.

In response to Vice-Chair Carter's concerns, Ms. Sabo stated that the City has some time to bolster outreach efforts for residents without designated neighborhood associations. She did not have information on grants or funds for affected homeowners. Ms. Sabo reiterated the exception options noted in the ordinances. Streets in the City that are unsafe for on street parking would be reviewed. "No Parking" signs can be posted, and the citizens would be allowed to park on their lawn without violation.

Commissioner Kellum noted that in situations where homeowners have driveways but choose to park on their lawns; the ordinances would change that. Ms. Kellum states that she would support the ordinances.

In response to a question from Commissioner Kellum, Ms. Sabo responded that the types of improved surfaces include gravel driveways. Gravel may need to be added if it has deteriorated, and any type of border would be required.

Chairman Garrison states that she would not support the ordinances because they would cause a hardship for homeowners. There is no exemption in the ordinances for certain areas in the City.

Commissioner Brown commented that he hopes that the City would consider some type of allotment in the City's budget for citizens who may need financial assistance in complying with the ordinances. He stated that he did not speak for his fellow Council members.

Mr. Hayes noted that Zoning Ordinance Amendments 20-00013 and 20-00017 also affect the RV ordinances that are next on the agenda.

There being no further questions or speakers, the Planning Commission approved the following resolution:

WHEREAS: the Hampton Planning Commission has before it this day Zoning Ordinance Amendment No. 20-00013 by the City of Hampton to Amend and Re-Enact Section 2-2 of the Zoning Ordinance of the City of Hampton, Virginia entitled "Definitions" pertaining to green area;

WHEREAS: this amendment adds definitions of driveway, improved surface, passenger car, and street frontage yard;

WHEREAS: the distinction between driveway, improved surface, and street frontage yards allows for clarity in the regulation of impervious surfaces on residential lots;

WHEREAS: the definition of passenger car allows for clarity in the regulation of parking vehicles on residential lots;

WHEREAS: this amendment is accompanied by Zoning Ordinance Amendment Nos. 20-00014, 20-00017, and 20-00019, which provide the regulations for required green area and the parking of vehicles on residentially used lots; and

WHEREAS: one public hearing was held on the above four items where one member of the public spoke, opposing the zoning ordinance amendments.

NOW, THEREFORE, on a motion by Commissioner Tommy Southall and seconded by Vice-Chair Christopher Carter,

BE IT RESOLVED that the Hampton Planning Commission recommends to City Council approval of Zoning Ordinance Amendment No. 20-00013.

A roll call vote on the motion resulted as follows:

AYES:	Kellum, Southall, Carter, Brown, Bond, Garrison
NAYS:	None
ABSTAIN:	None
ABSENT:	Coleman

Zoning Ordinance Amendment No. 20-00013 passed unanimously and would be heard by City Council at the September 9, 2020 meeting.

A motion was made by Commissioner Steven Brown and seconded by Commissioner Ruthann Kellum to approve Zoning Ordinance Amendment No. 20-00014.

A roll call vote on the motion resulted as follows:

AYES:	Kellum, Brown, Bond
NAYS:	Southall, Carter, Garrison
ABSTAIN:	None
ABSENT:	Coleman

The motion to approve Zoning Ordinance Amendment No. 20-00014 was defeated.

Ms. Brown explained that a tie vote means that the motion to approve the zoning ordinance amendment failed. Typically, the Planning Commission tries to pass the motion but because there are six Commissioners, and appears unlikely they will reach a majority on either approval or denial, the item may move forward to City Council without a recommendation from the Commission.

Zoning Ordinance Amendment No. 20-00014 will be heard by City Council at the September 9, 2020 meeting, with a tied vote and no recommendation from the Planning Commission.

In response to a question from Commissioner Brown, Ms. Brown clarified that Zoning Ordinance Amendment No. 20-00017 is limited to reducing the Notice of Violation from 30 days to 10 days. It can be passed independent of the green area requirement in Zoning Ordinance Amendment No. 20-00014. Mr. Hayes added that reducing the Notice of Violation to 10 days also relates to the parking of commercial vehicles on residential lots and the upcoming RV ordinance.

The Planning Commission also approved the following resolution:

WHEREAS: the Hampton Planning Commission has before it this day Zoning Ordinance Amendment No. 20-00017 by the City of Hampton to Amend and Re-Enact Section 1-13 entitled, "Notification of Violation or Orders" pertaining to notification of zoning violations;

WHEREAS: the City has received requests by multiple neighborhood groups and individual citizens over the past several years to regulate vehicles parked on lawns;

WHEREAS: this amendment reduces the time for a recipient to appeal a notice of violation involving parking in violation of green area and driveway requirements or violation in parking of motorhome, towed recreational equipment, or commercial trucks in residential zoning districts or similar short-term, recurring vehicle violations to the Board of Zoning Appeals from 30 days to 10 days;

WHEREAS: this Planning Commission discussed the goal of issuing notices of violations being compliance and ways that the Property Maintenance & Zoning Enforcement Inspectors work with citizens to achieve compliance;

WHEREAS: this amendment is accompanied by Zoning Ordinance Amendment Nos. 20-00013, 20-00014, and 20-00019, which provide the regulations for required green area and the parking of vehicles on residentially used lots; and

WHEREAS: one public hearing was held on the above four items where one member of the public spoke, opposing the zoning ordinance amendments.

NOW, THEREFORE, on a motion by Commissioner Steven Bond and seconded by Commissioner Steven Brown,

BE IT RESOLVED that the Hampton Planning Commission recommends to City Council approval of Zoning Ordinance Amendment No. 20-00017.

A roll call vote on the motion resulted as follows:

AYES:	Kellum, Brown, Bond, Garrison
NAYS:	Southall, Carter
ABSTAIN:	None
ABSENT:	Coleman

Zoning Ordinance Amendment No. 20-00017 passed and would be heard by City Council at the September 9, 2020 meeting.

The Planning Commission also approved the following resolution:

WHEREAS: the Hampton Planning Commission has before it this day Zoning Ordinance Amendment No. 20-00019 by the City of Hampton to Amend and Re-Enact Section 9-43 entitled, "Development Standards" pertaining to the green area in the infill housing overlay;

WHEREAS: this amendment removes the minimum green area requirement specific to the infill housing overlay;

WHEREAS: related Zoning Ordinance Amendment No. 20-00014 creates a minimum green area requirement for all one family, two family, and duplex lots. This amendment, No. 20-00019, removes the duplicitous regulation in the infill housing overlay;

WHEREAS: this amendment is accompanied by Zoning Ordinance Amendment Nos. 20-00013, 20-00014, and 20-00017, which provide the regulations for required green area and the parking of vehicles on residentially used lots; and

WHEREAS: one public hearing was held on the above four items where one member of the public spoke, opposing the zoning ordinance amendments.

NOW, THEREFORE, on a motion by Vice-Chair Christopher Carter and seconded by Commissioner Ruthann Kellum,

BE IT RESOLVED that the Hampton Planning Commission recommends to City Council approval of Zoning Ordinance Amendment No. 20-00019.

A roll call vote on the motion resulted as follows:

AYES:	Kellum, Carter, Brown, Bond, Garrison
NAYS:	Southall
ABSTAIN:	None
ABSENT:	Coleman

Zoning Ordinance Amendment No. 20-00019 passed and would be heard by City Council at the September 9, 2020 meeting.

With the Planning Commission's concurrence, the next two (2) public hearing items are related and will be part of one presentation and public hearing item. A separate motion and vote are required for each item.

Mr. Hayes read the public hearing notices on the next two (2) related agenda items.

E. ZOA 20-00015 – CITY OF HAMPTON, AMEND AND RE-ENACT, AMEND SECTION 2-2, "DEFINITIONS" PERTAINING TO TERMS TRANSIENT, MOTORHOME, RECREATIONAL VEHICLE, AND TOWED RECREATIONAL EQUIPMENT

Zoning Ordinance Amendment No. 20-00015: This is a Proposal by the City of Hampton to Amend and Re-Enact the Zoning Ordinance of the City of Hampton, Virginia by Amending Section 2-2 Entitled, "Definitions" Pertaining to the Terms Transient, Motorhome, Recreational Vehicle, and Towed Recreational Equipment. Approval of this amendment would create the definition for the terms Motorhome, Towed Recreational Equipment, and Transient, as well as eliminate the definition of Recreational Vehicle. This item is being brought forward in conjunction with Zoning Ordinance Amendment No. 20-00016 which is related to the parking of vehicles on residentially used lots.

F. ZOA 20-00016 – CITY OF HAMPTON, AMEND AND RE-ENACT, AMEND SECTION 1-31, "MAJOR RECREATIONAL EQUIPMENT, PARKING AND STORAGE REQUIREMENTS" PERTAINING TO MOTORHOMES AND TOWED RECREATIONAL EQUIPMENT, RETITLE TO, "LIMITATIONS ON USE OF MOTORHOMES AND TOWED RECREATIONAL EQUIPMENT"

Zoning Ordinance Amendment No. 20-00016: This is a Proposal by the City of Hampton to Amend and Re-Enact the Zoning Ordinance of the City of Hampton, Virginia by Amending Section 1-31 Entitled, "Major Recreational Equipment, Parking and Storage Requirements" Pertaining to Motorhomes and Towed Recreational Equipment and Retitling The Section, "Limitations On Use Of Motorhomes And Towed Recreational Equipment". Approval of this amendment would limit the number of motorhomes and towed recreational equipment in residential zones to 2 pieces of towed recreational equipment and only 1 motorhome, but no more than 2 total of these on lots less than 5 acres and 4 towed recreational equipment, only 2 of which may be motorhomes, on lots 5 acres or greater. This limit does not apply to motor homes and towed recreational equipment stored wholly within a garage. This amendment would restrict the location on a lot where these vehicles may be parked. This amendment would maintain the prohibition on motorhomes and towed recreational equipment being used for living unless expressly permitted. This item is being brought forward in conjunction with Zoning Ordinance Amendment No. 20-00015.

Mr. Hayes presented the staff report on the subject amendments, copies of which are attached to the original minutes. Staff recommends approval of Zoning Ordinance Amendment Nos. 20-00015 and 20-00016.

In response to questions from Commissioner Southall, Mr. Hayes gave the definition of a front yard setback as defined in the zoning ordinance. Typically, the front and rear yard setbacks overrule the side yard setback. The front yard is any area in the front of the house. The rear yard is any area from the rear property line to the rear of the home. The area of side street frontage yard beyond the rear of the house is not captured in the side setback. Front yard setbacks have exceptions for a stoop, an open porch up to 8 feet deep, and a porch with a roof. A 6-foot fence is not permitted in a front yard.

Commissioner Southall stated that he is not opposed to parking RVs on the side or rear yards of residential properties, but he feels RVs parked on the front yard violates the front yard setback. It blocks views and can affect property values.

In response to a question from Commissioner Southall, Mr. Hayes responded that a total of two (2) recreational vehicles, one of which could be a motorhome, are permitted to be parked. Commissioner Southall feels that the ordinance dictates what people can own and is concerned about notification of the new ordinance to citizens.

In response to a question from Chairman Garrison, Mr. Hayes answered that boats or RVs cannot be parked on the street.

Commissioner Kellum shared Commissioner Southall's concern that an RV parked in the front yard violates the setback. It equates to a vehicle parked on the lawn because it is an obstacle in the neighborhood.

In response to questions from Commissioner Kellum, Mr. Hayes stated that there is no provision where fencing would increase the number of motorhomes or towed recreational equipment (TRE) that are allowed. Front yard fencing can only be four (4) feet tall and many motorhomes are taller than the six foot fence permitted in the rear. The City is attempting to create a compromised solution for owners and potential owners of motorhomes and TREs. It is a policy question, a community character question, and a question of the extent the City wants to go to regulate motorhomes and TREs. There is no regulation on the specific size of the vehicles that can be parked.

In response to a question from Vice-Chair Carter, Mr. Hayes responded that if a truck is considered a passenger vehicle, it is not regulated under this code. Ms. Brown explained that there are provisions that allow some commercial vehicles to park in a residential zone under certain circumstances. Ms. Sabo further explained the allowances and limitations for parking a commercial vehicle in a residential district.

Commissioner Bond commended the staff on four years of work on this issue. He agreed that the ordinance was not a perfect solution, and there were elements that he did not like, but he recognizes that the ordinance is a good faith compromise that the Planning Commission should act on.

In response to a question from Commissioner Brown, Mr. Hayes answered that the vehicles cannot be parked in a manner that impedes emergency access to a residence doors and windows, and a resident's ability to exit the home.

In response to questions from Commissioner Kellum, Ms. Brown responded that the previous version of the ordinance allowed vehicles to be parked in a front yard for a period not to exceed 48 hours for loading and unloading. That language is being stricken from the ordinance. Mr. Hayes further explained that 48 hours is not ample time to prepare the larger vehicles for a trip. It is also difficult for inspectors to enforce the length of time a vehicle has been parked. Ms. Brown corrected that the loading and unloading timeframe has been reduced to 24 hours, but the inspector would need to see the vehicle being loaded or unloaded to enforce the timeframe.

Commissioner Southall remarked that he believed the previous ordinance allowed vehicles to be parked in the street not to exceed 24 hours, for the purpose of loading and unloading. The proposed ordinance allows the vehicle to be parked in the front yard.

In response to a question from Commissioner Kellum and Commissioner Southall's remarks, Mr. Hayes clarified that the provision allows parking in the front yard for loading and unloading, if the property owner already has the maximum number of vehicles parked.

There being no further questions or speakers, the Planning Commission approved the following resolution:

WHEREAS: the Hampton Planning Commission has before it this day Zoning Ordinance Amendment No. 20-00015 by the City of Hampton to Amend and Re-Enact Chapter 2 of the Zoning Ordinance of the City of Hampton, Virginia entitled "Definitions" pertaining to the terms Transient, Motorhomes, Recreational Vehicles, and Towed Recreational Equipment;

WHEREAS: this amendment eliminates the term recreational vehicle and replaces it with motorhome and towed recreational equipment;

WHEREAS: the distinction between motorhome and towed recreational equipment allows for stricter regulations to be applied to larger campers than other types of recreational vehicles;

WHEREAS: this amendment is accompanied by Zoning Ordinance Amendment No. 20-00016, which provides the regulations for motorhomes and towed recreational equipment, and Zoning Ordinance Amendment No. 20-00017, which reduces the days to appeal a notice of violation from 30 to 10; and

WHEREAS: no members of the public spoke.

NOW, THEREFORE, on a motion by Commissioner Steven Brown and seconded by Vice-Chair Christopher Carter,

BE IT RESOLVED that the Hampton Planning Commission recommends to City Council approval of Zoning Ordinance Amendment No. 20-00015.

A roll call vote on the motion resulted as follows:

AYES:	Kellum, Carter, Brown, Bond, Garrison
NAYS:	Southall
ABSTAIN:	None
ABSENT:	Coleman

Zoning Ordinance Amendment No. 20-00015 passed and would be heard by City Council at the September 9, 2020 meeting.

The Planning Commission also approved the following resolution:

WHEREAS: the Hampton Planning Commission has before it this day Zoning Ordinance Amendment No. 20-00016 by the City of Hampton to Amend and Re-Enact Section 1-31 entitled "Major Recreational Equipment, Parking And Storage Requirements" pertaining to motorhomes and towed recreational equipment and Retitling the Section, "Limitations On Use Of Motorhomes And Towed Recreational Equipment";

WHEREAS: this amendment is accompanied by Zoning Ordinance Amendment No. 20-00015, which establishes definitions for motorhome and towed recreational equipment;

WHEREAS: the existing regulations are outdated and enforcement of the regulations has been suspended since 2016;

WHEREAS: the proposed regulations would permit two recreational vehicles, one of which may be a motorhome, on one-family, two-family, and duplex lots of less than five acres;

WHEREAS: the proposed regulations would permit the parking of any single axle towed recreational equipment in the street frontage yard, but limit the parking of any motorhome or towed recreational equipment with two or more axles to one total in the street frontage yard or yards;

WHEREAS: the proposed amendment would treat all front and side street frontages the same;

WHEREAS: the Planning Commission contemplated whether motorhomes should be permitted in the street frontage yard;

WHEREAS: all motorhomes and towed recreational equipment would have to be parked on a continuous improved driveway, except in the case of lots five acres or greater, with the primary dwelling setback at least 100' from the street;

WHEREAS: lots five acres or greater would be permitted up to four total recreational vehicles with up to two of them being permitted to be motorhomes;

WHEREAS: motorhomes and towed recreational equipment stored in a wholly enclosed garage, shed, or similar structure would not count toward the limits within the proposed ordinance;

WHEREAS: this amendment is accompanied by Zoning Ordinance Amendment No. 20-00017, which reduces the days to appeal a notice of violation from 30 to 10;

WHEREAS: this ordinance is proposed to take effect on July 1, 2021; and

WHEREAS: no members of the public spoke.

NOW, THEREFORE, on a motion by Vice-Chair Christopher Carter and seconded by Commissioner Steven Bond,

BE IT RESOLVED that the Hampton Planning Commission recommends to City Council approval of Zoning Ordinance Amendment No. 20-00016.

A roll call vote on the motion resulted as follows:

AYES:	Brown, Bond, Carter, Garrison
NAYS:	Kellum, Southall
ABSTAIN:	None
ABSENT:	Coleman

Zoning Ordinance Amendment No. 20-00016 passed and would be heard by City Council at the September 9, 2020 meeting.

VI. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

Mr. Hayes shared get well wishes for Secretary Terry O'Neill. Mr. Hayes also encouraged everyone to participate in the 2020 Census. He explained that the census directly affects the amount of money coming into the City, which in turn, directly affects the services the City provides to citizens.

VII. ITEMS BY THE PUBLIC

There were no items by the public.

VIII. MATTERS BY THE COMMISSION

Vice-Chair Carter thanked staff for a wonderful job on the ordinance. He again shared his concern for citizens who are unable to comply with the ordinances.

IX. ADJOURNMENT

There being no further business, the meeting was adjourned at 4:52 P.M.

Respectfully Submitted,



Terry O'Neill
Secretary to the Commission

APPROVED BY:



Carole Garrison
Chairman