Ordinance To Amend And Re-Enact The Zoning Ordinance Of The City Of Hampton, Virginia By Amending Chapter 9, Entitled "Overlay Districts" To Amend Article II, Entitled "O-CBP – Chesapeake Bay Preservation Overlay", To Update And Correct Cross-References To The Stormwater Management And Erosion Control Ordinance.

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 II of Chapter 9 of the Zoning Ordinance of the City of Hampton, Virginia, be amended and re-enacted as follows:

Chapter 9 – OVERLAY DISTRICTS

. . .

ARTICLE II. – O-CBP DISTRICT – CHESAPEAKE BAY PRESERVATION OVERLAY

. . .

Sec. 9-13. – General regulations for development, redevelopment, and land disturbing in all subdistricts.

All development, redevelopment, and land disturbing within all O-CBP subdistricts shall be governed by the following general requirements:

(1) No more land shall be disturbed than is necessary. Such land disturbance shall be allowed only to provide a building site, necessary parking, necessary access, positive site drainage, stormwater best management practices (BMPs), and the installation of utilities, as approved by the zoning administrator or the director of public works, as appropriate. Any land disturbance exceeding two thousand, five hundred (2,500) square feet:

(a) Shall comply with the requirements of the land disturbance ordinance as set forth in ~~chapter 13.1~~ *article III of chapter 33.3* of the city code.

(b) Shall comply with the requirements of the erosion and sediment control ordinance as set forth in ~~chapter 13.1~~ *article III of chapter 33.3* of the city code.

(c) Shall comply with the requirements of the stormwater ordinance as set forth in ~~chapter 33.2~~ *article II of chapter 33.3* of the city code.
. . .

Sec. 9-14. – Specific regulations for development, redevelopment, and land disturbing in the RPA.

All development, redevelopment, and land disturbing within the RPA shall be governed by the following:

. . .

(2) *Permitted encroachments in the RPA.* Land development, redevelopment, and land disturbing may be allowed in the RPA only if it is one or more of the following

45	permitted encroachments. If all applicable requirements set forth in this subsection
46	are not satisfied, an exception request in accordance with subsection 9-19(1) shall
47	be required. Such permitted encroachments include:

48   . . .

49   (f) Flood control or stormwater management facilities that drain or treat water from
50   multiple development projects or from a significant portion of a watershed may be
51   allowed in RPAs provided such facilities are allowed and constructed in
52   accordance with the Virginia Stormwater Management Act and its attendant
53   regulations, and that satisfy the following:

54   . . .

55   (iii) The facility must be consistent with a comprehensive stormwater
56   management plan developed and approved in accordance with ~~Chapter 33.2~~
57   *article II of chapter 33.3* of the city code;

58   . . .

59   (3) *Required mitigation in the RPA.* All permitted development, redevelopment, and land
60   disturbing in the RPA that results in new impervious area or removal of indigenous
61   vegetation shall provide mitigation consistent with the requirements of a minor water
62   quality impact assessment unless a major water quality impact assessment is
63   required by subsection 9-19(1).

64   (a) A structure encroachment permit as described in ~~chapter 33.1~~ *article II of chapter*
65   *33.3* of the city code is required for any structure or impervious area in the RPA
66   buffer area.

67 . . .

Sec. 9-15. – Specific regulations for development, redevelopment, and land disturbing in the IDA.
(lines 68–69)

70 All development, redevelopment, and land disturbing within the IDA shall be governed by the
71 following:

72 . . .

73   (3) *Required mitigation in the IDA.* All permitted development and redevelopment within
74   the IDA that results in new impervious area or removal of indigenous vegetation shall
75   provide mitigation consistent with the requirements of a minor water quality impact
76   assessment unless a major water quality impact assessment is required by
77   subsection 9-19(1).

78   (a) A structure encroachment permit as described in ~~chapter 33.1~~ *article II of chapter*
79   *33.3* of the city code is required for any structure or impervious area in the IDA.

80 . . .

Sec. 9-18. – Plan requirements.
(line 81)

82   (1) Required submittals for development and redevelopment in all O-CBP subdistricts:

83   (a) A plan of development consistent with ch. 1, section 1-7 or section 1-8 of the
84   zoning ordinance, supplemented with a resource delineation. The resource
85   delineation shall be submitted to the city for review, which may include physical
86   verification of such findings on the site.

87   (b) Other plans as may be required by ~~ch. 13.1, ch. 33.2~~, *ch. 33.3* or other
88   applicable sections of the city code.

89   . . .

90 **Sec. 9-19. – Exceptions, exemptions, and nonconformities.**

91   . . .

92   (2) Exemptions. The following types of development are exempt from the requirements
93   of this chapter:

94   . . .

95   (b) City of Hampton or regional service authority or public utility including electric,
96   natural gas, fiber-optic, telephone transmission lines, water, sewer, and
97   underground telecommunications and cable television lines provided that:

98   . . .

99   (iv) Any land disturbance exceeding an area of two thousand, five hundred
100   (2,500) square feet complies with all erosion and sediment control
101   requirements in accordance with ~~chapter 13.1~~ *article III of chapter 33.3* of the
102   Hampton City Code.

103   . . .

104   (3) Nonconformities.

105   . . .

106   (b) Such development waiver may be issued by the zoning administrator provided
107   that:

108   . . .

109   (iii) Any development or land disturbance exceeding two thousand, five hundred
110   (2,500) square feet in area shall comply with the provisions of ~~the erosion and~~
111   ~~sediment control ordinance;~~ *article III of chapter 33.3 of the Hampton City*
112   *Code;*

113   . . .

114 **Sec. 9-20. – Reserved.**

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