

ARTICLE I. IN GENERAL

Sec. 35-1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings herein ascribed to them:

Alleys are primarily designed to serve as access to the side or rear of those properties whose principal frontage is on some other street.

Arterial streets are those to be used primarily for fast or high volume traffic; for efficient, safe and direct connection to, or separation of, neighborhoods; for circulation to destinations outside the residential area.

Buffer area is an area of natural or established vegetation managed to protect other components of a resource protection area and state waters from significant degradation due to land disturbances.

Chesapeake Bay Preservation District (SPI-CBPD) means any land designated by the Hampton City Council pursuant to Part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, VAC 10-20-70 et seq., and Section 10.1-2107 of the Chesapeake Bay Preservation Act, and pursuant to Chapter 17.3, Article X of the Hampton City Zoning Ordinance. A Chesapeake Bay Preservation District shall consist of a resource protection area and a resource management area.

City clerk shall mean the clerk of the city council.

Clerk of the court shall mean the Clerk of the Circuit Court of Hampton.

Coastal Barrier Resources System means an area comprised of undeveloped barrier islands and associated wetlands as designated under the Coastal Barrier Resources Act, 16 U.S.C.A. § 3505*1*.

Collector streets are those which carry traffic from minor collector streets and residential streets to the major system of arterial streets.

Comprehensive plan or portions thereof are those coordinated plans in preparation or which have been prepared by the planning commission for the physical development of the city, or any plans, being portions of the comprehensive plan, prepared for the physical development of the city that designate, among other things, plans and programs to encourage the most appropriate use of land, lessen congestion throughout the city and safeguard and promote the interests of public health, welfare and safety.

Conditional approval is the action taken on the preliminary plat by the city manager.

Culs-de-sac are minor streets with only one (1) outlet and having appropriate terminals for the safe and convenient reversal of traffic movement.

Development means the construction, or substantial alteration of residential, commercial, industrial, institutional, recreational, transportation, or utility facilities or structures.

Director of public works shall mean the director of the department of public works of the city.

Final approval is the final official action, in writing thereon, taken by the city manager on the final plat or portion thereof that has previously received his conditional approval.

Final plat is the plan of the subdivision, or any portion thereof, prepared for filing for record by the clerk of the court and conforming to the preliminary plat as conditionally approved. After the clerk of the court has filed for record the final plat, it shall thereafter be known as an authorized subdivision.

Improvement means any physical alteration of real property. Included in the term are clearing vegetation, grading, utility installation, filling, excavation, or construction of any structure.

Intensely developed area means that portion of the Chesapeake Bay Preservation District, delineated within the resource protection area on the Chesapeake Bay Preservation District Map, where development is concentrated and little of the natural environment remains.

Minor collector streets are those which carry traffic from residential streets to collector streets and may include the principal entrance streets for major circulation within a residential development.

Nontidal wetlands are those wetlands other than tidal wetlands that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the U.S. Environmental Protection Agency and the Army Corps of Engineers, pursuant to enforcement of Section 404 of the Federal Clean Water Act in 33 CFR 328.3b.

Preliminary plat is a preliminary plan of the subdivision containing the elements and requirements set forth in this chapter.

Property split is the division of property into two (2) lots, either of which is less than five (5) acres.

Public streets include every way, lane, road, street and boulevard and every way or place in the city open as a matter of right to public foot or vehicular travel.

Redevelopment is the process of developing land that is or has been previously developed.

Residential streets are those which are used primarily for access to the abutting residential properties and are designed to discourage their use by through traffic.

Resource management area is that component of the Chesapeake Bay Preservation District that is not classified as the resource protection area. The RMA is comprised of land that is contiguous to the variable width resource protection area buffer for a distance of one hundred (100) feet in the landward direction.

Resource protection area is that component of the Chesapeake Bay Preservation District comprised of lands adjacent to water bodies with perennial flow that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of state waters. Resource Protection Areas include: (i) Tidal wetlands; (ii) Non-tidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow; (iii) Tidal shores; and, (iv) a variable width buffer area not less than one hundred (100) feet in width. The variable width buffer area shall be located adjacent to and landward of the components listed in (i) through (iii) above, and along both sides of any water body with perennial flow. The variable width buffer area shall also include lands designated as part of the Coastal Barrier Resources System not otherwise listed as a Resource Protection Area Feature where present. The buffer area shall be designated as the landward component of the RPA notwithstanding the presence of permitted uses, encroachments, and permitted vegetation clearing in compliance with Chapter 17.3, Article X of the Hampton City Zoning Ordinance.

Review committee is a group of persons, as defined in the zoning ordinance, which convenes to hear requests for relief from the Chesapeake Bay Preservation District regulations and to arbitrate Chesapeake Bay Preservation District boundary disputes.

Service drives are minor streets, parallel and adjacent to arterial streets, which provide access to abutting properties and protection from through traffic.

Subdivider is any person proposing to make or to have made a subdivision.

Subdivision means the division of a parcel of land into three (3) or more lots or parcels of less than five (5) acres each for the purpose, whether immediate or future, or both, of transfer of ownership or building development, or if a new street is involved in such division, any division of a parcel of land. The term includes resubdivision and, where appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

Tidal shore or *shore* means land contiguous to a tidal body of water between the mean low water level and the mean high water level.

Tidal wetlands are vegetated lands which lie between and contiguous to mean low water and an elevation above mean low water equal to the factor of one and one-half (1 1/2) times the

mean tide range, or nonvegetated land which lie contiguous to mean low water and are between mean low water and mean high water.

Water-dependent facility is a development of land that cannot exist outside of the resource protection area and must be located on the shoreline by reason of the intrinsic nature of its operation. These facilities include, but are not limited to, (i) ports; (ii) the intake and outfall structures of power plants, water treatment plants, sewage treatment plants, and storm sewers; (iii) marinas and other boat docking structures; (iv) beaches and other public water-oriented recreation areas; and (v) fisheries or similar marine resources facilities.

(Code 1956, § 20-1; Code 1964, § 38-1; Ord. No. 109; Ord. No. 602, 1-10-79; Ord. No. 958, 12-13-89; Ord. No. 990, 12-12-90; Ord. No. 1098, 8-11-93; Ord. No. 1258, 9-22-99; Ord. No. 1368, 5-12-04; Ord. No. 08-0002, 1-9-08)