

1 **Ordinance to Amend and Reenact the Zoning Ordinance of the City of Hampton, Virginia**
2 **by Amending Chapter 2 Entitled, “Definitions” Pertaining to Chesapeake Bay**
3 **Preservation District Definitions**

4
5 **WHEREAS**, the public necessity, convenience, general welfare, and good zoning practice so
6 require;

7
8 **BE IT ORDAINED** by the City Council of the City of Hampton, Virginia, that Section 2-2 of
9 Chapter 2 of the Zoning Ordinance of the City of Hampton, Virginia be amended to read as
10 follows:

11
12 **CHAPTER 2 – DEFINITIONS**

13 ...

14 **Sec. 2-2. – Definitions.**

15 ...

16 *Gas station.* Any structure, premises, enclosure, equipment, or space used for the dispensing
17 or sale of any gasoline or oils, or other type fuels for motor vehicles.

18
19 *Green area.* That space on the same lot as the principal building or buildings which is either
20 landscaped in accordance with the City of Hampton Landscape Guidelines if applicable,
21 planted with grass, planted with ornamental vegetation, or developed and maintained for
22 recreational purposes, but which excludes that portion of the lot which is utilized for off-street
23 parking purposes.

24
25 *Green design.* An integrated framework of design, construction and operational practices that
26 encompassed the environmental, economic and social impacts of buildings; green building
27 practices recognize the interdependence of the natural and built environments and seek to
28 minimize the use of energy, water and other natural resources and provide a healthy,
29 productive indoor environment.

30 ...

31 *Impervious surface.* A surface composed of any material that significantly impedes or prevents
32 natural infiltration of water into the soil. Impervious surfaces include, but are not limited to, roofs,
33 buildings, streets, parking areas, and any concrete, asphalt or compacted gravel surface.

34 ...

35 *Residential streets.* Rights-of-way used primarily for access to the abutting residential
36 properties and designed to discourage their use by through traffic.

37
38 *Resource Delineation.* A site-specific determination of the boundaries of Chesapeake Bay
39 Preservation District depicted on a physical survey of the site or parcel that is prepared and
40 certified as complete and accurate by a licensed professional engineer, land surveyor, architect
41 or landscape architect licensed to do business in the state of Virginia; drawn at a scale of not
42 less than one hundred (100) feet to the inch on a print not greater than twenty-four (24) inches
43 by thirty-six (36) inches to clearly delineate with labels the following, on and adjacent to the
44 development site, unless such components are waived by the Zoning Administrator:

45 (a) Topographic information;

46 (b) Tidal shores and tidal wetlands as verified by recent physical survey;

47 (c) Non-tidal wetlands delineated accordance with the comprehensive onsite determination
48 method specified in the Federal Manual for Identifying and Delineating Jurisdictional
49 Wetlands, 1987, as it may be amended from time to time (provide U.S Army Corps of
50 Engineers Jurisdictional Determination);

- 51 (d) *Waterbodies with perennial flow as determined by a qualified professional using a state*
52 *approved, scientifically valid system of in-field indicators of perennial flow; and*
53 (e) *Site-specific boundaries of the RPA, IDA, and RMA as defined in the ordinance and*
54 *adjusted as necessary as a result of the above-referenced information.*
55

56 *Resource management area (RMA).* That component of the O-CBP District that is not
57 classified as the resource protection area. The RMA is comprised of land that is contiguous to
58 the variable width buffer for a distance of one hundred (100) feet in the landward direction.
59 ...

60 *Solar energy equipment (solar panel).* A panel designed to absorb and convert the sun's rays
61 into usable forms of energy.
62

63 *Special green area. Additional green area adjacent to primary structures where required by*
64 *the provisions of the O-CBP District - Chesapeake Bay Preservation Overlay.*
65

66 *Stormwater.* Precipitation that is discharged across the land surface or through conveyances
67 to one (1) or more waterways and that may include stormwater runoff, snow melt runoff, and
68 surface runoff and drainage.
69 ...

70 *Water-dependent facility.* A development of land that cannot exist outside of the resource
71 protection area and must be located on the shoreline by reason of the nature of its operation,
72 such as ports, the intake and outfall structure of power plants, water treatment plants, sewage
73 treatment plants and storm sewers, marinas and other boat docking structures, not to include
74 office, showrooms or other sales areas, beaches and other public water-oriented recreation
75 areas, and fisheries and similar marine resources facilities.
76

77 *Water quality impact assessment, major. A major water quality impact assessment shall include:*

- 78 (a) *A resource delineation;*
79 (b) *A water quality impact assessment meeting the requirements of Sec. 33.2-12 of the city*
80 *code, except that, in consultation with the Director or Public Works or his designee, the*
81 *Zoning Administrator may waive certain requirements of Sec. 33.2-12; and*
82 (c) *Additional materials as may be required by the Zoning Administrator.*
83

84 *Water quality impact assessment, minor. A minor water quality impact assessment shall include:*

- 85 (a) *A resource delineation; and*
86 (b) *An analysis of impact to water quality from the proposed development. For the purpose*
87 *of a minor water quality impact assessment, impacts to water quality from proposed*
88 *development are assumed to be offset by buffer establishment, replacement, and*
89 *restoration methods outlined in Chapter 5.1 of the Virginia Department of Environmental*
90 *Quality Riparian Buffers Modification and Mitigation Guidance Manual.*
91

92 *Wind energy system setback.* The distance from the base of the structure, tower, pole or
93 building upon which the wind energy system is mounted to a public right-of-way, overhead
94 public utility line or lot line, whichever is closest.
95 ...