

CITY ATTORNEY'S OFFICE & COMMUNITY DEVELOPMENT DEPARTMENT:

Amendments to Chapter 35 of the Hampton City Code



Hampton
VIRGINIA

Hampton City Council

August 10, 2011

What is the Subdivision Ordinance?

- Identifies the procedures for dividing land and imposes requirements for providing public infrastructure and other improvements.
- Not a substitute for zoning regulations and cannot be used to achieve the purposes of zoning.

How are Subdivisions Reviewed?

- ✦ Subdivisions cannot be disapproved based on conformance with the Community Plan.
- ✦ Approval of subdivision plats is a ministerial function.
- ✦ Subdivision plats are not subject to a public hearing requirement.
- ✦ Review and approval of subdivision plats may be delegated to an agent other than the Planning Commission, pursuant to Virginia Code.

Why Amend Chapter 35?

- ✦ Bring it into compliance with the most current version of the Virginia Code.
- ✦ Ordinance has not been comprehensively amended since 1956.
- ✦ Not reflective of current development practices and the increasing shift to more complex urban projects.

Why Amend Chapter 35?

- ✦ Make the ordinance more user friendly and intuitive.
- ✦ Eliminate circumvention of the ordinance to provide for public safety and protect public interest and property.
- ✦ Establish and adjust fees to cover costs of administration and enforcement.

What do the Changes Accomplish?

- ✦ Enhances efficiency by delegating the review and approval of subdivision plats to an agent as authorized by the Code of Virginia.
- ✦ Clarifies processes and modernizes language.
- ✦ Maintains the current streamlined review for minor subdivisions and boundary line adjustments.

What are the Major Changes?

- ✦ Division of property into two or more lots constitutes a subdivision.
- ✦ Review and approval of preliminary plats will be administrative handled by a subdivision agent (the Director of Community Development or designee).
- ✦ Creation of an “exception” process to waive or modify provisions of the ordinance to address unique or adverse circumstances, through a public hearing process.

Major Changes

- ✦ Content requirements have been shifted to the preliminary plat from the final plat (to address changes in the vested rights statute in the Virginia Code).
- ✦ Final plat approval will be provided by the subdivision agent with the agreement of the Director of Public Works, or designee.

Major Changes

- ✦ Design and construction standards for infrastructure improvements will be incorporated and administered in the Public Works Design and Construction Standards.
- ✦ All streets whether public or private must be designed and constructed in accordance with the Public Works Design and Construction Standards.

Major Changes

- ✦ Public Works will be responsible for and monitor:
 - ✦ Final subdivision plat as it goes to record
 - ✦ Subdivision agreement (if required)
 - ✦ Surety (including the release thereof)
 - ✦ Insurance coverage for maintenance bonds
 - ✦ Enforcement of violations

Other Changes

- ✦ Review periods for preliminary and final plats are now in compliance with the Virginia Code.
- ✦ Fee schedules have been reorganized and either established or increased as expressly authorized by Va. Code § 15.2-2241.A.9.
- ✦ Surety release provisions now comply with the Virginia Code.

Ordinance Amendment Process

- ✦ Review process was initiated in July 2010 by the City Attorney's Office to identify potential inconsistencies with the Virginia Code.
- ✦ Review team of city staff was formed to identify areas needing clarification and improvement.
- ✦ Several preliminary drafts were compiled and reviewed by city staff in preparation for review by the Zoning Ordinance Advisory Committee (ZOAC).

Ordinance Amendment Process

- ✦ Draft was presented to ZOAC in December 2010 and a revised draft was provided for further review and input in March 2011.
- ✦ Draft was presented to a stakeholders group in April.
- ✦ Final draft was presented to ZOAC in May.
- ✦ Planning Commission was briefed in May and approved in June 2011 after a public hearing.

Acknowledgments

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Zoning Ordinance Advisory Comm. (ZOAC)

CC-BID / Phoebus Imp. League / DHDP

Various City Boards and Commissions

Neighborhood Associations

Business Community

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