

1 **Ordinance To Amend And Re-Enact The City Code Of The City Of Hampton, Virginia By**
2 **Amending Chapter 35.1, Entitled "Site Plans", To Update And Correct Cross-References**
3 **To The Stormwater Management And Erosion Control Ordinance.**
4

5 **BE IT ORDAINED** by the Council of the City of Hampton, Virginia that Chapter 35.1 of the City
6 Code of the City of Hampton, Virginia, be amended and re-enacted as follows:
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8 **Chapter 35.1 – SITE PLANS**

9 **ARTICLE I. – IN GENERAL**

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11 **Sec. 35.1-2.2. – Exemptions from site plan approval.**

12 . . .

13 (D) All development, regardless of exemption from this chapter, shall be subject to all
14 other applicable provisions of the City Code and zoning ordinance, including but not
15 limited to chapters 9, ~~43.1, 33.2~~ **33.3** and 41.1 of the City Code.

16 **Sec. 35.1-3. – Administration and enforcement of chapter.**

17 Pursuant to the authority granted to the city council by the Code of Virginia § 15.2-2255, the
18 city council designates as its agent the city manager for purposes of administering and
19 enforcing the provisions of this chapter. The city manager authorizes and designates the
20 director of the department of community development to act as the "city agent". Accordingly, the
21 city agent is granted the authority to coordinate the site plan review process, to approve or
22 disapprove site plans with the concurring approval of the director of public works or his designee
23 and administer the provisions of this chapter that are not governed by the Zoning Ordinance,
24 chapters 9, ~~43.1, 33.2~~ **33.3** and 41.1 of the City Code or the public works design and
25 construction standards. The city manager also designates the director of the department of
26 public works to (i) administer and enforce the provisions of this chapter related to approval or
27 disapproval of site plans together with the city agent; (ii) administer, review, modify and waive
28 provisions of the City of Hampton Department of Public Works Design and Construction
29 Standards ("public works design and construction standards") and related requirements as set
30 forth in articles III and IV of this chapter; and (iii) enforce compliance with an approved site plan
31 as set forth in section 35.1-4 of this chapter. Additionally, the city manager designates the
32 director of community development to enforce compliance with the provisions pertaining to
33 required landscape plans. Wherever the term director of community development or public
34 works is used throughout this chapter, the term shall include their respective authorized
35 designees.

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37 **Sec. 35.1-7. – Exceptions.**

38 (A) Except as otherwise set forth in this chapter, the development services center
39 manager may grant exceptions to the general provisions of this chapter not governed
40 by chapters 9, ~~43.1, 33.2~~ **33.3** and 41.1 of the City Code, the "City of Hampton
41 Landscape Guidelines", the zoning ordinance, or the public works design and
42 construction standards, subject to the following:

...
(B) The development services center manager shall not approve a petition for an exception unless they find that:

...
(6) The relief sought will not in any manner vary the provisions of chapters 9, ~~13.1~~, ~~33.2~~ **33.3** and 44.1 of the City Code, the "City of Hampton Landscape Guidelines", the zoning ordinance, comprehensive plan, or official map, except that those documents may be amended in the manner prescribed by law.

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Sec. 35.1-10. – Compliance with other ordinances.

In addition to the requirements set forth in this chapter, site plans shall comply with the provisions of all city ordinances and the zoning ordinance and specifically, chapters ~~13.1~~, ~~33.2~~ **33.3**, and 41.1 of the City Code, and chapter 9, articles IV and II of the city zoning ordinance unless exempted thereunder. The owner will be required to submit any additional plans, delineations, calculations, declaration of covenants and place required notations on the site plan as required by the City Code or the city zoning ordinance.

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ARTICLE II. – SITE PLAN REVIEW PROCEDURES

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Sec. 35.1-22. – Contents of a site plan.

(A) A site plan shall comply with the standards of Code of Virginia § 42.1-82, 17VAC15-60-10 through 17VAC15-60-70 and the minimum standards and procedures for surveys determining topography as set forth in the Virginia Department of Professional and Occupational Regulation APELSCIDLA Board regulation 18VAC10-20-382, the "City of Hampton Landscape Guidelines", and the latest edition of the public works design and construction standards, and shall include a vicinity sketch, at a scale of one (1) inch to eight hundred (800) feet, which shall show the area for the proposed development and all streets and water bodies that exist within the area of the vicinity sketch, date, scale and north arrow. A site plan shall show the total land area of the site, the area to be developed, approximate land area of separate parcels of land, areas to be encumbered by stormwater management facilities, and other features in relation to existing topography, including any existing impervious areas in any RPA, RMA or IDA. The site plan shall have a horizontal scale of not less than one hundred (100) feet to the inch and clearly show the following, and where applicable show the location, dimension and size of the following when existing or proposed by the owner or developer:

...
(13) Plans for collecting and depositing stormwater and the method and treatment of natural and artificial water courses, including appropriate drainage calculations and site impervious area calculations, and existing and proposed storm drainage easements and direction of drainage flow in streets, storm sewers, valley gutters,

streams and ditches as required by ~~chapter 33.2~~ *article II of chapter 33.3* of the City Code.

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Sec. 35.1-25. – Review of site plan – Approval or disapproval generally.

(A) A site plan application with the applicable fees shall be reviewed as follows:

- (1) Within sixty (60) days of their official submission, the site plan and other related materials shall be reviewed by the city agent and other appropriate agencies of the city for conformity to this chapter and other applicable regulations, and to allow any discussions with the owner as to changes deemed advisable and the kind and extent of improvements to be made. Review and approval of any applicable erosion and sedimentation control plans and stormwater management plans shall be in conformance with ~~chapters 13.1 and 33.2~~ *chapter 33.3* of the City Code respectively.

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ARTICLE III. – WORK AND DEVELOPMENT PURSUANT TO APPROVED PLAN

Sec. 35.1-41. – General requirements.

...

- (B) Measures shall be taken for erosion and sediment control to comply with the standards and procedures set forth in ~~chapter 13.1~~ *article III of chapter 33.3* of the City Code.

- (C) On properties zoned O-CBP, areas shown on the site plan as undisturbed, or as a buffer proffered as part of a conditional rezoning or required for a use permit, or as part of a resource protection area, shall be protected from disturbance as required by ~~chapters 13.1 and 33.2~~ *chapter 33.3* of the City Code, chapter 9, article II of the city zoning ordinance or in accordance with the "City of Hampton Landscape Guidelines" on file with the department of community development, development services center, as applicable.

...

- (G) The owner shall provide the development with a stormwater drainage system, as approved by the director of public works, adequate to serve the area of development and the contributing drainage area thereto for the collection and disposal of all stormwater and natural water in accordance with design standards and specifications of ~~chapter 33.2~~ *article II of chapter 33.3* of the City Code.

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Sec. 35.1-50. – Stormwater management facilities.

- (A) Where stormwater management facilities are required, no certificate of occupancy

shall be issued until the facilities are completed and an as-built survey has been submitted and approved, in accordance with the approved site plan and ~~chapter 33.2~~ *article II of chapter 33.3* of the City Code.

(B) The inspection, monitoring, enforcement and bonding of stormwater management facilities shall be governed by the provisions of ~~chapter 33.2~~ *article II of chapter 33.3* of the City Code.

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ARTICLE IV. – PUBLIC IMPROVEMENTS – REQUIREMENTS, PROCEDURES FOR PERMITTING AND PERFORMANCE ASSURANCES

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Sec. 35.1-106. – Construction and maintenance of public improvements; performance bond; release of performance bond.

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(F) No performance bond shall be released in full until as-built construction drawings for all public improvements, including, but not limited to street trees, landscape plantings, sanitary sewer and stormwater infrastructure (including tops of curbs and flow lines for rights-of-way) are submitted on an 11-inch by 17-inch approved durable tracing medium and an approved digital version by the owner or developer for review and approval by the director of public works. All detention, retention and impoundment best management practices ("BMP") shall require a certification of as-built conditions in accordance with the public works design and construction standards and ~~chapter 33.2~~ *article II of chapter 33.3* of the City Code prior to the release of the performance bond.

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