

HAMPTON VA

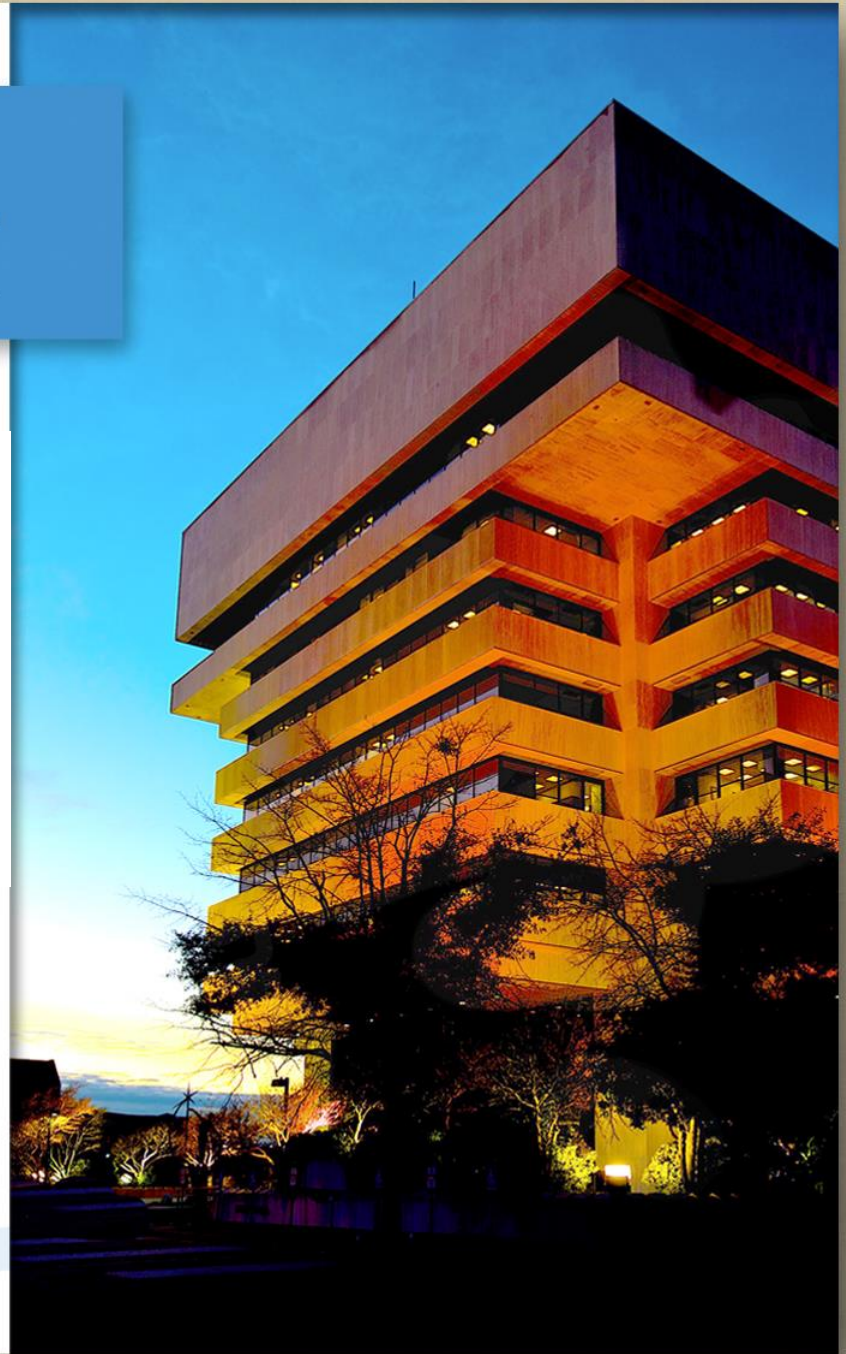
Zoning Ordinance Amendments

17-00004

17-00005

17-00015

**City Council
January 10, 2018**



Chesapeake Bay Preservation Act

- Enacted in 1988
- Balance economic development and environmental protection
- Focus on land use planning
- Reduce **pollution from stormwater** runoff
- Local Bay Act programs



Hampton's Bay Act Program

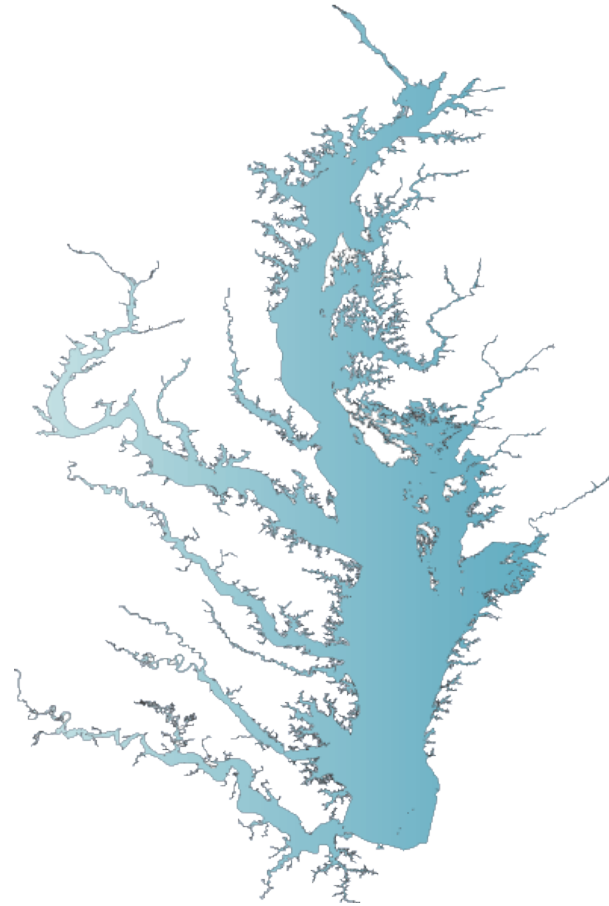
Community Plan

District Maps

Ordinances

- Zoning, Stormwater, Subdivision, etc.

Development Review



DEQ Review

- City's Chesapeake Bay ordinance with all state criteria
- The City's comprehensive plan for required Chesapeake Bay elements
- Administration and Enforcement of the Ordinance
 - Site plan review
 - Exception requests
 - Enforcement actions

O-CBP District

Reorganize and Streamline

3 Initiatives

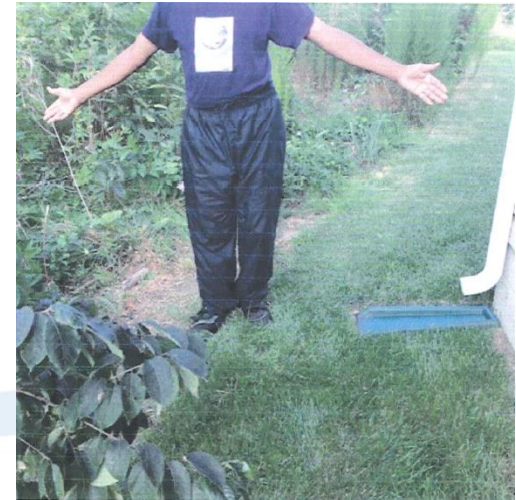
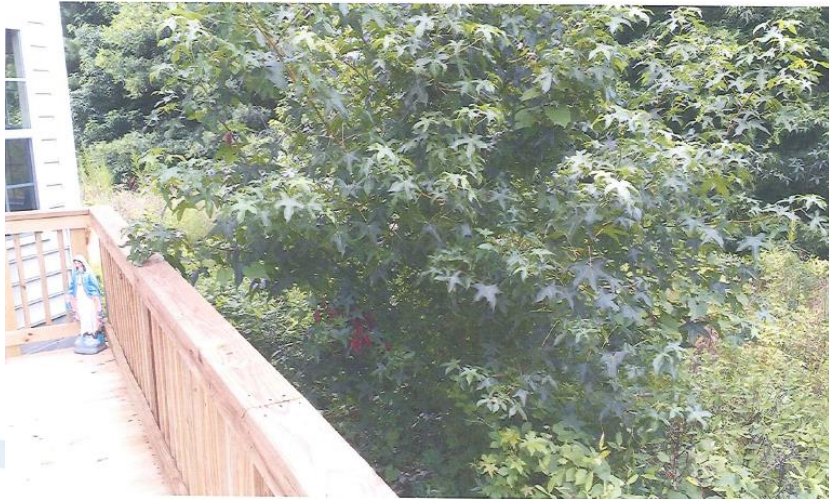
“Special Green Area”

Maximize administrative decisions
(Permitted Encroachments)

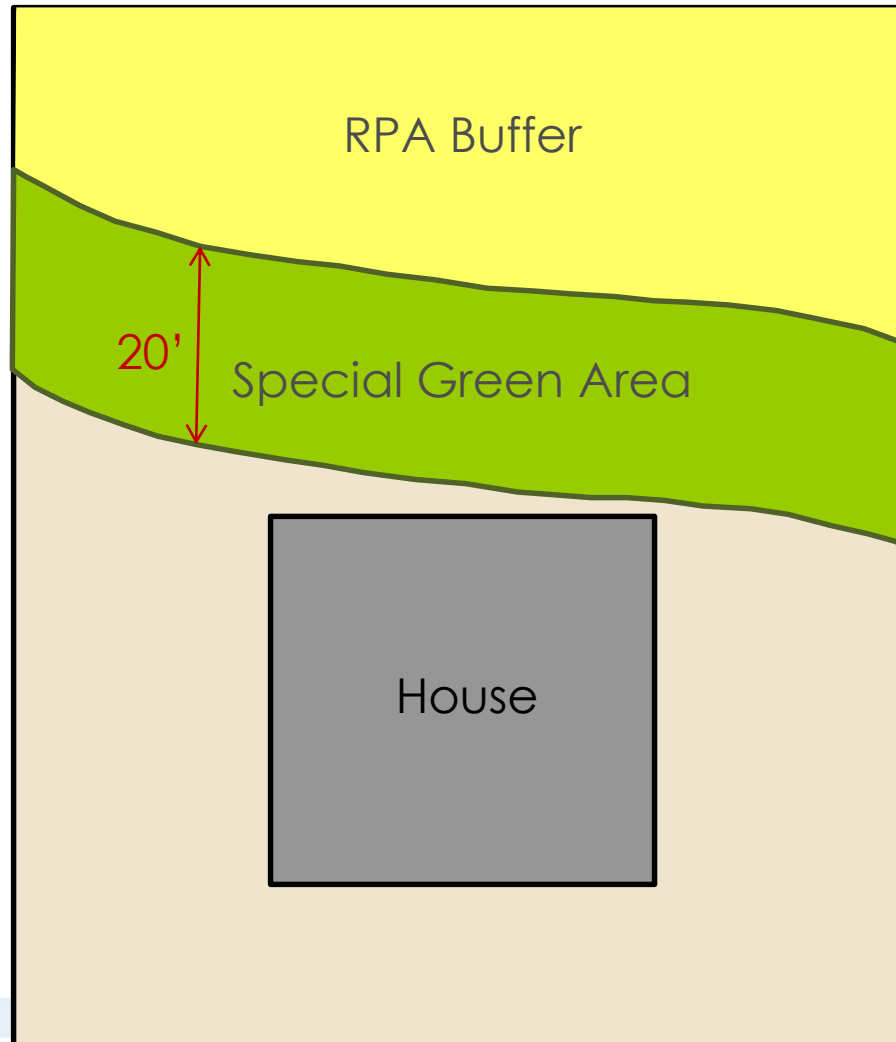
Hearing of exception requests



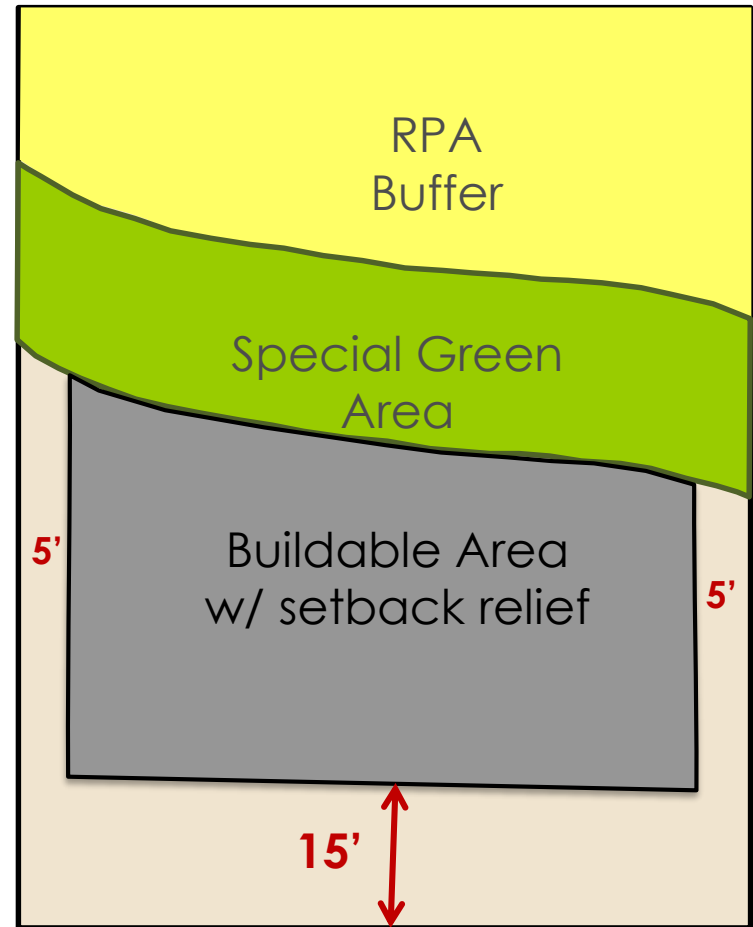
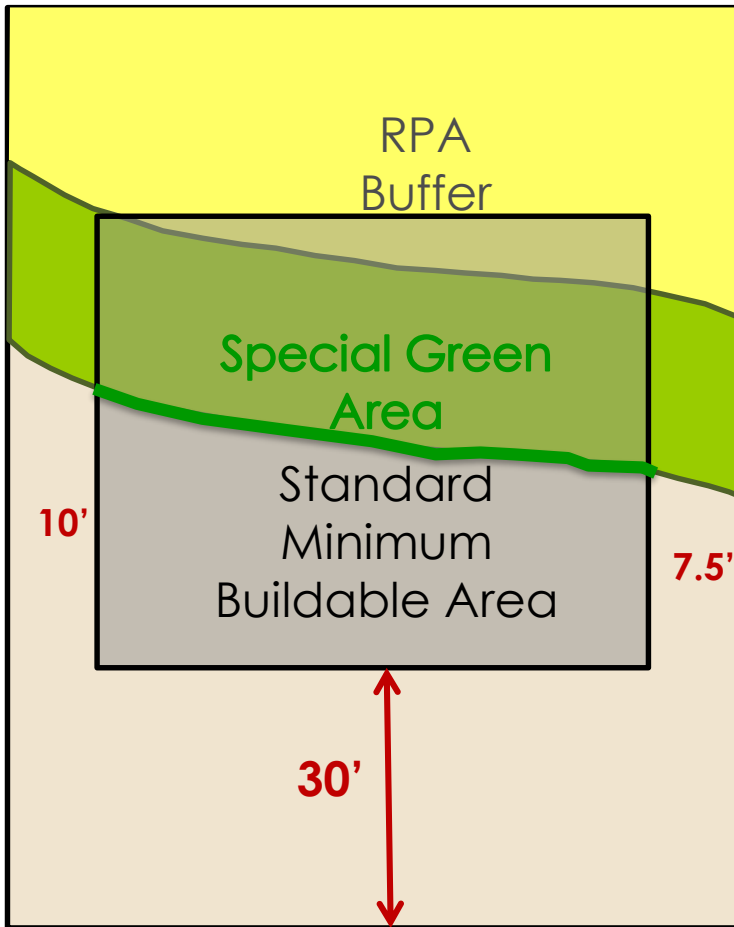
Special Green Area



Special Green Area



Setback Relief



Administrative Review

“Permitted Encroachments”

- Roads and driveways
 - Development on older existing lots “mapped into” the RPA buffer
 - Agricultural activities
-
- Authority provided by state code
 - Considered by-right by the state
 - Specific review criteria
 - Simplify and expedite review process
 - Will be posted online

Neighboring Cities

City	Permitted Encroachment Review Process
Newport News	Administrative
Norfolk	Administrative
Virginia Beach	Administrative
Chesapeake	Administrative
Portsmouth	Administrative
Suffolk	Administrative

Board Review

“Exception Requests”

- Application to vary from the district standards other than permitted encroachments and exempt activity
- Must meet 6 criteria
 - Set forth by the State
 - Similar to variance criteria
 - Requires “Major Stormwater Quality Impact Assessment”

Ches. Bay Cases

Year	Exceptions	Permitted Encroachments
2012	3	1
2013	1	0
2014	1	1
2015	4 (All Firefly Lane)	1
2016	12 (10 Firefly Lane)	3
2017	2	3

Ches. Bay Review Committee

Why change it?

- Lack of independence
 - Staff largely presents to staff from the same department
- Would hear fewer cases
 - Permitted encroachments become administrative
 - Special Green Area addresses past issues
- Streamline the process

Ches. Bay Review Comm.

- 5 Members
 - 4 are City staff
 - 3 staff from same department
 - Wetlands Board Chairperson
- Public hearings

Board of Zoning Appeals

- 5 Members
 - All from the public
- Currently reviews:
 - Appeals of the Ches. Bay Review Committee's decisions
 - Appeals of the Zoning Administrator's decisions
 - Variance requests to other zoning ordinance requirements
- Public Hearings

Appeals

- May be sought by
 - the applicant
 - the City
 - neighboring property owners with standing
 - must show they are directly impacted

Process

Current

Submit application

Staff Review

CBRC Hearing

Appeal to BZA

Appeal to Circuit Court

Proposed

Submit application

Staff Review

BZA Hearing

Appeal to Circuit Court

Recommendation

Planning Commission recommends approval of
ZOA #17-00004 (BZA)
ZOA #17-00005
and denial of
ZOA #17-00015 (CBRC)

Staff recommends approval of
ZOA #17-00004 (BZA)
ZOA #17-00005
and denial of
ZOA #17-00015 (CBRC)