



Proposed Zoning Ordinance Amendments to Definitions and Chesapeake Bay Preservation Overlay District no. ZOA26-0047

Chapter 2 and Chapter 9, Article II
Modifications required to comply with
Virginia Code and Virginia Administrative Code

Planning Commission

March 19, 2026

Chesapeake Bay Preservation Act



- State law that Tidewater localities are required to implement
- Purpose: to protect and improve water quality through effective land use management practices
- Located in and enforced through the Zoning Ordinance and operates as an overlay district
- Establishes three areas - Resource Protection Areas (RPA), Intensely Developed Areas (IDA), and Resource Management Areas (RMA)

RPA (Yellow)
higher protection

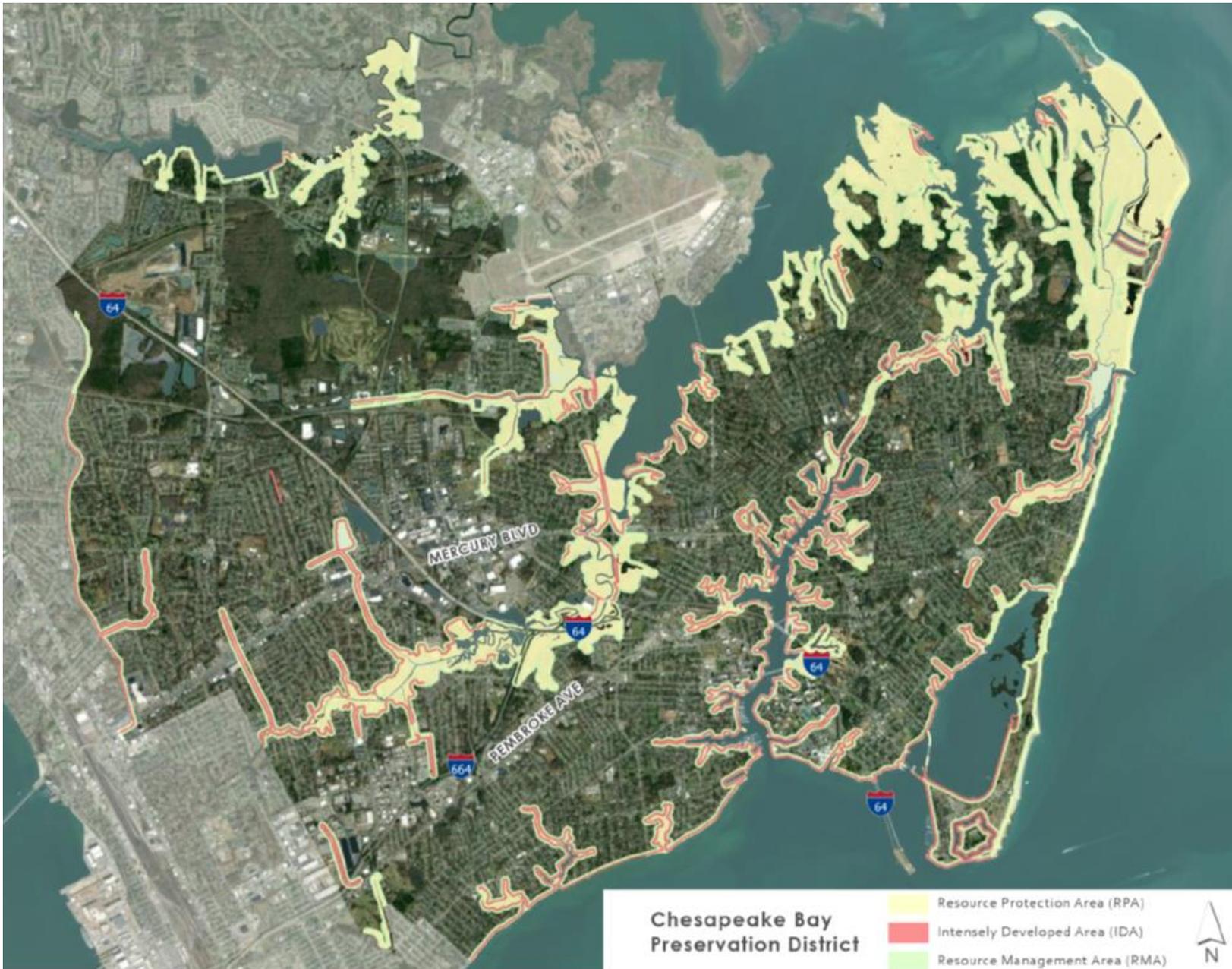
IDA (Pink)
mid-level protection

RMA (Green)
lower protection





Chesapeake Bay Preservation District Citywide Aerial



Virginia Code and Virginia Administrative Code Changes



- Chesapeake Bay Preservation Act was amended in 2020 to require the adoption of regulations to address:
 - Preservation of mature trees or planting of trees as a water quality protection tool and as a means of providing other natural resource benefits
 - Coastal resilience and adaptation to sea-level rise and climate change
- State Water Control Board (SWCB) regulations adopted in 2021 to require:
 - The assessment of the impacts of sea level rise and storm surge on projects within the RPA/IDA
 - The preservation of mature trees and the use of trees, preferably native species, in plantings
- Hampton is proposing the following amendments to comply with changes required by Virginia Code and SWCB regulations

Digital Communication Strategy



- Website Update, February 25, 2026: Announcement of the Chesapeake Bay Overlay Ordinance Amendment on [Hampton.gov/chesbayupdate](https://hampton.gov/chesbayupdate)
- 2 Notices to the Development Community
 - Early March
 - Post City Council Action
- E-News Notifications
 - General Information Update Prior to Planning Commission
 - Post Planning Commission Action
 - Post City Council Action

Summary of Proposed Amendments



- Emphasizes preservation of mature trees, planting of trees, and preference for the use of native species
- Includes “adaptation measures” as a permitted encroachment within the RPA and IDA, and identify specific performance criteria associated with such measures
- Updates submission requirements to include a landscape plan to detail existing vegetation, including trees, and proposed mitigation, as necessary
- Updates submission requirements to include a resiliency assessment and outline what the resiliency assessment must include
- Exempts living shorelines from certain requirements
- Updates of general definitions and minor administrative amendments

Proposed Ordinance

Chapter 9, Article II - Mature Trees and Native Species of Trees



- **Sections 9(13), 9(14), 9(15) & 9(18)** - add language to emphasize the protection of mature trees; for example, limit removal to only situations where such removal is necessary, based on site conditions
- **Sections 9(14), 9(15) & 9(18)** - add language to emphasize the preference for the use of native species of trees in plantings; for example, in mitigation plantings or buffer reestablishment plantings
- **Impact** - minimal impact, codifies existing city practice regarding mature and native trees

Proposed Ordinance

Chapter 9, Article II - Adaptation Measures as a Permitted Encroachment



- **Sections 9(14) & 9(15)** - add language to include adaptation measures as a permitted encroachment within the RPA and IDA
 - Definition: A project, practice, or approach to mitigate or address an impact of climate change (sea level rise, storm surge & flooding)
 - Examples: dry/wet swales, bioretention ponds, as well as the use of fill as a component of an adaptation measure
- **Impact** - allow for adaptation measures, which meet the identified criteria, to be placed within the RPA and IDA without the need for an exception

Proposed Ordinance

Chapter 9, Article II - Submission of Landscape Plan



- **Section 9(18)** - applicant must submit a landscape plan for any development or redevelopment in any of the Chesapeake Bay Preservation Overlay subdistricts (RPA, IDA, and RMA); landscape plan will provide information regarding existing and proposed plant material
- **Impact** - additional item to be included in application submission; will assist with implementation of updated language regarding mature trees and use of native trees when planting, as well as determining required mitigation

Proposed Ordinance

Chapter 9, Article II - Submission of Resiliency Assessment



- **Section 9(18)** - applicant must submit a resiliency assessment for any proposed development or redevelopment in the RPA and IDA; resiliency assessment includes consultation of listed tools to identify impacts of sea level rise, storm surge, and flooding over a 30-year timeframe (unless applicant provides information to support a reduced timeframe)
- **Impact** - additional item to be included in application submission; City staff available to assist, as needed, with completion of assessment; enables applicants and the City to identify future impacts and consider modifications, as necessary and appropriate, to the proposal

Resiliency Assessment

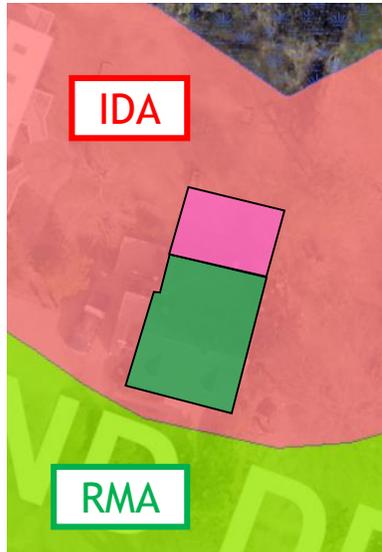


1. Identifies the potential impacts of the following conditions utilizing the identified models/tools:
 - Sea level rise - 2017 National Oceanographic and Atmospheric Administration (NOAA) Intermediate-High scenario projection curve
 - Storm surge - NOAA hydrodynamic Sea, Lake, and Overland Surges Hurricanes (SLOSH) model Category 2 Storm projections
 - Flooding - Virginia Flood Risk Information System (VFRIS)
2. Assess identified impacts on buffer function in relation to a proposed project
3. As necessary and appropriate, identify alterations, conditions, or adaptation measures

Resiliency Assessment - EXAMPLE



Proposed development - addition



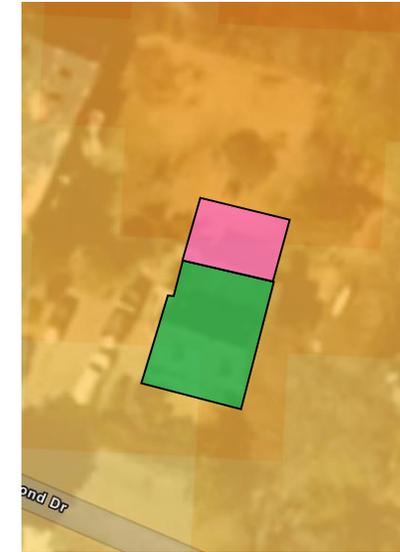
Wetlands & IDA buffer



2050 Sea Level Rise - 0-1 ft depth



Flood zone - AE07 & no LiMWA



Cat. 2 storm surge - 9-10 ft above ground

- New addition to existing nonconforming structure on pre-Bay Act parcel
- Resiliency Assessment indicates proposed addition likely to experience daily impacts from sea level rise and periodic flooding from storm surge
- Recommendation: relocate and/or resize addition to locate it outside the sea level rise impact area; consider shoreline adaptation measure e.g. living shoreline

Proposed Ordinance

Chapter 9, Article II - Exempt Living Shorelines from Certain Requirements



- **Section 9(19)(e)** - add language to exempt living shorelines, as defined by Virginia Code, from the additional performance criteria requirements of Sections 9-14 and 9-15 provided certain requirements are met
- **Impact** - streamlines the permitting and implementation process for living shoreline projects, as they can improve shoreline conditions by protecting against erosion and preserving wetlands

Proposed Ordinance

Chapter 2 & Chapter 9, Article II - Definition & Administrative Amendments



- **Chapter 2** - addition of definitions related to the amendments within Chapter 9; deletion of a definition that is no longer needed; and modification of a definition to provide clarity
- **Chapter 9, Article II** - language modifications to provide clarity and better align with ordinance implementation; and restructure the listing of permitted encroachments to provide clarity
- **Impact** - provide consistency and clarity for ordinance interpretation and implementation



CONCLUSION

- Public Hearing
- Action
 - Staff recommends APPROVAL of ZOA26-0047