



**City of Hampton, Virginia**  
Ordinance - Coded

22 Lincoln Street  
Hampton, VA 23669  
www.hampton.gov

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Enactment Number: 08-0002

**AN ORDINANCE TO AMEND CHAPTER 35, OF THE CODE OF THE CITY OF  
HAMPTON, VIRGINIA, ENTITLED "SUBDIVISIONS" SECTIONS 35-1, 35-23, 35-45  
AND 35-118.**

**Chapter 35**  
**SUBDIVISIONS\***

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**\*Charter references:** Vacation of streets in subdivisions, § 2.05; authority of city as to land development, § 2.06.

**Cross references:** Planning commission, § 2-201 et seq.; building and development regulations generally, Ch. 9; excavating, filling and similar operations, Ch. 13; mobile homes and mobile home parks, Ch. 20; traffic, Ch. 21; sewers and sewage disposal, Ch. 30; streets and sidewalks, Ch. 34; water supply, Ch. 39; zoning ordinance, App. A.

**State law references:** Land subdivision and development, Code of Virginia, §§ 15.1-465--15.1-485; required provisions for subdivision ordinances, § 15.1-466; codification of subdivision ordinances, § 15.1-37.3.

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**ARTICLE I. IN GENERAL**

**Sec. 35-1. Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meanings herein ascribed to them:

*Alleys* are primarily designed to serve as access to the side or rear of those properties whose principal frontage is on some other street.

*Arterial streets* are those to be used primarily for fast or high volume traffic; for efficient, safe and direct connection to, or separation of, neighborhoods; for circulation to destinations outside the residential area.

*Buffer area* is an area of natural or established vegetation managed to protect other components of a resource protection area and state waters from significant degradation due to land disturbances.

*Chesapeake Bay Preservation District (SPI-CBPD)* means any land designated by the Hampton City Council pursuant to Part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, VAC 10-20-70 et seq., and Section 10.1-2107 of the Chesapeake Bay Preservation Act, and pursuant to Chapter 17.3, Article X of the Hampton City Zoning Ordinance. A Chesapeake Bay Preservation District shall consist of a resource protection area and a resource management area.

*City clerk* shall mean the clerk of the city council.

*Clerk of the court* shall mean the clerk of the circuit court of Hampton.

*Coastal Barrier Resources System* means an area comprised of undeveloped barrier islands and associated wetlands as designated under the Coastal Barrier Resources Act, 16 U.S.C.A. § 3505.

*Collector streets* are those which carry traffic from minor collector streets and residential streets to the major system of arterial streets.

*Comprehensive plan or portions thereof* are those coordinated plans in preparation or which have been prepared by the planning commission for the physical development of the city, or any plans, being portions of the comprehensive plan, prepared for the physical development of the city that designate, among other things, plans and programs to encourage the most appropriate use of land, lessen congestion throughout the city and safeguard and promote the interests of public health, welfare and safety.

*Conditional approval* is the action taken on the preliminary plat by the city manager.

*Culs-de-sac* are minor streets with only one (1) outlet and having appropriate terminals for the safe and convenient reversal of traffic movement.

*Development* means the construction, or substantial alteration of residential, commercial, industrial, institutional, recreational, transportation, or utility facilities or structures.

*Director of public works* shall mean the director of the department of public works of the city.

*Final approval* is the final official action, in writing thereon, taken by the city manager on the final plat or portion thereof that has previously received his conditional approval.

*Final plat* is the plan of the subdivision, or any portion thereof, prepared for filing for record by the clerk of the court and conforming to the preliminary plat as conditionally approved. After the clerk of the court has filed for record the final plat, it shall thereafter be known as an authorized subdivision.

*Improvement* means any physical alteration of real property. Included in the term are clearing vegetation, grading, utility installation, filling, excavation, or construction of any structure.

*Intensely developed area* means that portion of the Chesapeake Bay Preservation District, delineated within the resource protection area on the Chesapeake Bay Preservation District Map, where development is concentrated and little of the natural environment remains.

*Minor collector streets* are those which carry traffic from residential streets to collector streets and may include the principal entrance streets for major circulation within a residential development.

*Nontidal wetlands* are those wetlands other than tidal wetlands that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the U.S. Environmental Protection Agency and the Army Corps of Engineers, pursuant to enforcement of Section 404 of the Federal Clean Water Act in 33 CFR 328.3b.

*Preliminary plat* is a preliminary plan of the subdivision containing the elements and requirements set forth in this chapter.

*Property split* is the division of property into two (2) lots, either of which is less than five (5) acres.

*Public streets* include every way, lane, road, street and boulevard and every way or place in the city open as a matter of right to public foot or vehicular travel.

*Redevelopment* is the process of developing land that is or has been previously developed.

*Residential streets* are those which are used primarily for access to the abutting residential properties and are designed to discourage their use by through traffic.

*Resource management area* is that component of the Chesapeake Bay Preservation District that is not classified as the resource protection area. The RMA is comprised of land that is contiguous to the variable width resource protection area buffer for a distance of one hundred (100) feet in the landward direction.

*Resource protection area* is that component of the Chesapeake Bay Preservation District comprised of lands adjacent to water bodies with perennial flow that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of state waters. Resource Protection Areas include: (i) Tidal wetlands; (ii) Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow; (iii) Tidal shores; and, (iv) a variable width buffer area not less than one hundred (100) feet in width. The variable width buffer area shall be located adjacent to and landward of the components listed in (i) through (iii) above, and along both sides of any water body with perennial flow. The variable width buffer area

shall also include lands designated as part of the Coastal Barrier Resources System not otherwise listed as a Resource Protection Area Feature where present. The buffer area shall be designated as the landward component of the RPA notwithstanding the presence of permitted uses, encroachments, and permitted vegetation clearing in compliance with Chapter 17.3, Article X of the Hampton City Zoning Ordinance.

*Review committee* is a group of persons, as defined in the zoning ordinance, which convenes to hear requests for relief from the Chesapeake Bay Preservation District regulations and to arbitrate Chesapeake Bay Preservation District boundary disputes.

*Service drives* are minor streets, parallel and adjacent to arterial streets, which provide access to abutting properties and protection from through traffic.

*Subdivider* is any person proposing to make or to have made a subdivision.

*Subdivision* means the division of a parcel of land into three (3) or more lots or parcels of less than five (5) acres each for the purpose, whether immediate or future, or both, of transfer of ownership or building development, or if a new street is involved in such division, any division of a parcel of land. The term includes resubdivision and, where appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

*Tidal shore* or *shore* means land contiguous to a tidal body of water between the mean low water level and the mean high water level.

*Tidal wetlands* are vegetated lands which lie between and contiguous to mean low water and an elevation above mean low water equal to the factor of one and one-half (1 1/2) times the mean tide range, or nonvegetated land which lie contiguous to mean low water and are between mean low water and mean high water.

*Water-dependent facility* is a development of land that cannot exist outside of the resource protection area and must be located on the shoreline by reason of the intrinsic nature of its operation. These facilities include, but are not limited to, (i) ports; (ii) the intake and outfall structures of power plants, water treatment plants, sewage treatment plants, and storm sewers; (iii) marinas and other boat docking structures; (iv) beaches and other public water-oriented recreation areas; and (v) fisheries or similar marine resources facilities.

(Code 1956, § 20-1; Ord. No. 109; Ord. No. 602, 1-10-79; Code 1964, § 38-1; Ord. No. 958, 12-13-89; Ord. No. 990, 12-12-90; Ord. No. 1098, 8-11-93; Ord. No. 1258, 9-22-99; Ord. No. 1368, 5-12-04)

## **Sec. 35-23. Contents.**

(a) The preliminary plat of a subdivision shall include a vicinity map, at a scale of one (1) inch to eight hundred (800) feet, drawn accurately, which shall show all adjacent subdivision streets and tract lined of acreage parcels, with the names of the owners of record. It shall show how the proposed streets may connect with existing and proposed streets in neighboring subdivisions or unplatted property to provide the most advantageous development of the entire neighborhood, and the relationship of the proposed subdivision to existing community facilities which

serve or influence it, and shall include the subdivision name and location, traffic arteries, schools, parks and playgrounds, scale, north arrow and date.

(b) The preliminary plat showing the topography of the subdivision shall show in simple form the proposed layout of streets, lots and other features in relation to existing topography. The preliminary plat shall have a horizontal scale of one hundred (100) feet to the inch and clearly show the following:

- (1) The subdivision name and location.
- (2) The name and address of the record owner of the land proposed to be subdivided; the source of title with deed book reference and the owner or proprietor of the subdivision and the name of the engineer or surveyor.
- (3) The location and names of adjoining subdivisions and name of the owners of adjoining parcels of land, establishing the boundary lines of the tract to be subdivided.
- (4) The location, width and name of all existing or platted streets within or adjacent to the subdivision; the location width and names of all proposed streets within the proposed subdivision and the location of watercourses, power lines and telephone and railroad lines within or adjacent to the proposed subdivision.
- (5) The boundaries of all property to be dedicated for public use and of all property to be reserved by covenant in deeds for the common use of the occupants of lots in the subdivision, or otherwise reserved, with a statement of the purposed for which the covenant or reservation is made or such use is restricted or limited.
- (6) The layout, lot lines, lot numbers and block letters and approximate dimensions of proposed lots.
- (7) Scale, north arrow (true meridian where practicable) and date.
- (8) Any grave, object or structure marking a place of burial within the proposed subdivision shall be clearly designated.

(c) The preliminary plat of a subdivision, or section of a subdivision, or a preliminary plat of a proposed property split of lands within the Chesapeake Bay Preservation District, shall:

- (1) Show the boundaries of the following features:
  - (i) Tidal wetlands, verified by field survey;
  - (ii) Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow;
  - (iii) Tidal shores; and,

(iv) A variable width buffer area not less than one hundred (100) feet in width. The variable width buffer area shall be located adjacent to and landward of the components listed in (i) through (iii) above, and along both sides of any water body with perennial flow. The variable width buffer area shall also include lands designated as part of the Coastal Barrier Resources System not otherwise listed as a Resource Protection Area Feature where present.

Collectively, these areas shall be known as resource protection areas.

(2) Show a primary and reserve sewage disposal site for each lot when use of an on-site sewage system not requiring a Virginia Pollution Discharge Elimination System (VPDES) permit is proposed.

(3) Show a sufficient building area outside of the areas listed in this subsection, I required setbacks, and all other applicable city requirements to permit development of the lot.

(4) Show notation stating that no improvement or development, except those permitted pursuant to Chapter 17.3, Article X of the Hampton City Zoning Ordinance shall be permitted within the Resource Protection Areas, Resource Management Areas, and Intensely Developed Areas.

(5) Show the boundary of any resource management area on the site.

(6) Show the boundary of any intensely developed area on the site.

(7) Indicate soil characteristics of the land proposed to be subdivided.

(8) Reference any RPA buffer encroachment or exception to the RPA regulations authorized by the City of Hampton.

(Code 1956, § 20-28; Ord. No. 15; Code 1964, § 38-26; Ord. No. 939, 6-14-89; Ord. No. 958, 12-13-89; Ord. No. 990, 12-12-90; Ord. No. 1098, 8-11-93; Ord. No. 1231, 9-9-98; Ord. No. 1368, 5-12-04)

### **Sec. 35-45. Contents.**

A final subdivision plat submitted under this article shall contain the following:

(1) The title of the subdivision shall be placed in the upper right hand corner, leaving a space six-tenths of an inch wide and at least six (6) inches long between the border line and the name of the subdivision and shall show the following: The name of the subdivision, with designation of section if only a portion of the conditionally approved preliminary plat is being developed, the date, the scale, the name of the registered engineer or surveyor who prepared the plat and the number of sheets.

(2) The name of the record owner of the land being subdivided and the name of the subdivider.

(3) The boundaries of the subdivision showing the length of its course and distances to one one-hundredth of a foot and bearings to one-half minutes, having been determined by an accurate survey thereof in the field, which shall close with an error of closure not exceeding one foot in five thousand (5,000) feet. It shall also contain the names and locations of adjoining subdivisions and the names of the owners of adjoining parcels of land that may be subdivided.

(4) Coordinates of selected or monumented points of the boundary shall be referenced to the Virginia State Plane Coordinate System South Zone; provided, that such subdivision is located within an area containing a minimum of ten (10) certified monuments of such system per square mile. Any error of closure permissible in paragraph (3) above shall be adjusted before computation of coordinates. The means shown to establish these coordinates shall be shown.

(5) The north arrow shall be referenced to the Virginia State Plane Coordinate System South Zone, if reference points area available. Otherwise, it shall be either magnetic or true north and the means of determination shall be stated.

(6) An oblong space one (1) inch by four (4) inches shall be provided in the upper right hand corner below the title block for the signature of the city manager.

(7) The description and location of all permanent reference monuments.

(8) The locations, alignment or arrangement of street lines in the subdivision, the names of all streets, the bearing angles of intersections and width thereof, including their width along the line of any obliquely intersecting street.

(9) The lengths of arcs and radii and tangent bearings.

(10) The location, alignment or arrangement of all easements provided, with a statement of any restrictions or limitations placed on such use.

(11) The location, alignment or arrangement of all lot lines with their dimensions expressed in feet and hundredths of a foot.

(12) The tangent distances of all corners when rounded at intersections, except in cases where streets intersect at right angles.

(13) All lots shall be numbered with consecutive Arabic numerals in each block and all blocks shall be lettered in consecutive alphabetical order.

(14) The boundaries of all property to be dedicated for public use, and all property to be reserved by covenant in deeds for the common use of all owners of lots in the subdivision or otherwise reserved, with a

statement of the purpose for which such covenant or reservation is made or such is restricted or limited.

(15) The location of front yard setback lines, unless controlled by the zoning ordinance.

(16) The professional engineer or lay surveyor shall endorse upon each final plat a certificate signed by him setting forth the source of title of the owner of the land subdivided and the place of record of the last instrument in the chain of title. When the plat is of land acquired from more than one (1) source of title, the outlines of the several tracts shall be indicated upon such plat.

(17) Every plat, or deed of dedication to which the plat is attached, shall contain, in addition to the professional engineer's or land surveyor's certificate, a statement as follows: "The platting or dedication of the following described land (here insert a correct description of the land subdivided) is with the free consent and in accordance with the desire of the undersigned owners, proprietors and trustees, if any." The statement shall be signed by such persons and duly acknowledged before some office authorized to take acknowledgment of deeds. All cloth prints and transparent copies shall contain such signatures.

(18) The boundaries and components of any resource protection areas:

(19) The boundary of any resource management area.

(20) The boundary of any intensely developed area.

(21) A primary and reserve sewage disposal site for each lot when use of an on-site sewage system not requiring a Virginia Pollution Discharge Elimination System (VPDES) permit is proposed.

(22) The soils characteristics of the land being subdivided.

(23) Notation on the plat to state that the variable width RPA buffer area is to remain undisturbed and vegetated and that development or disturbance of the RPA is regulated by the Hampton City Zoning Ordinance and therefore is subject to plan review and permitting requirements.

(24) References to any RPA buffer encroachment or exception to the RPA regulations authorized by the City of Hampton.

(25) For lots within the SPI-CBPD, delineation of buildable areas based on all zoning regulations.

(Code 1956, § 20-37; Ord. No. 16; Ord. No. 109; Code 1964, § 38-35; Ord. No. 958, 12-13-89; Ord. No. 990, 12-12-90; Ord. No. 1063, 8-27-92; Ord. No. 1098, 8-11-93; Ord. No. 1231, 9-9-98; Ord. No. 1368, 5-12-04)

## **Sec. 35-118. Contents.**

The improvement plans for construction required by this division shall contain:

- (1) Profiles along the center of each street, with tentative established grades indicated, at a vertical scale of one inch equals five (5) feet and a horizontal scale of one inch equals fifty (50) feet. All elevations shall be referenced to U.S. Coast and Geodetic Survey datum.
- (2) The water distribution system plan, showing existing water mains, pipe sizes, location of valves and fire hydrants.
- (3) The plans and profiles of proposed sanitary sewers, including existing sewers within the proposed subdivision, with grades and sizes indicated, or the method of sewage disposal in lieu of sanitary sewers.
- (4) Plans for storm sewers or other methods of disposal of stormwater shall be submitted in the same manner as outlined in (3) above.
- (5) The plan of the proposed street lighting system.
- (6) The plan of the proposed tree planting, if any, showing location, kind, etc.
- (7) All resource protection areas consisting of the following:
  - a. Tidal wetlands, verified by field survey;
  - b. Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow;
  - c. Tidal shores; and
  - d. A variable width buffer area not less than one hundred (100) feet in width. The variable width buffer area shall be located adjacent to and landward of the components listed in a through c above and along both sides of any water body with perennial flow. The variable width buffer area shall also include lands designated as part of the Coastal Barrier Resources System not otherwise listed as a Resource Protection Area Feature where present.
- (8) Provisions for a primary and reserve sewage disposal site for each lot when use of an on-site sewage system not requiring a Virginia Pollution Discharge Elimination System (VPDES) permit is proposed.
- (9) On properties zoned SPI-CBPD, the limits of clearing and methods to be used to protect areas shown as undisturbed, or as buffer areas proffered as part of a conditional rezoning or required as part of a use permit, or as part of resource protection areas.

(10) For development on property zoned SPI-CBPD, a landscape plan to include delineation of the following within areas shown as undisturbed, or as buffer areas proffered as part of a conditional rezoning or required as part of a use permit, or as part of resource protection areas:

- a. Existing trees six (6) inches or more in diameter, measured at four and one-half (4 1/2) feet above ground level, to be retained on site;
- b. Any required buffer areas and all plant materials to be installed within such buffers;
- c. Trees to be removed from buffer areas;
- d. Trees to be removed from shoreline areas for stabilization projects;
- e. Grade changes and work adjacent to retained trees that may adversely impact trees. Specifications shall be provided as to grading, drainage and aeration of retained trees;
- f. Tree protection measures for all phases of construction; and
- g. Botanical name of all replacement plants, with the assurance that all are:
  1. Healthy specimens conforming to the standards of the most recent edition of the American Standard for Nursery Stock, published by the American Association of Nurserymen;
  2. Installed according to standard practices; and
  3. Installed, when used as replacement trees for trees removed from buffer areas, at a ratio of three (3) new trees to one removed. Replacement specimens shall be at least one and one-half (1 1/2) inches in diameter, measured at six (6) inches above ground, and at least eight (8) feet in height, at installation.

(11) The boundary of any resource management area.

(12) The boundary of any intensely developed area.

(13) Notation on the plat to state that the variable width RPA buffer area is to remain undisturbed and vegetated and that development or disturbance of the RPA is regulated by the Hampton City Zoning Ordinance and therefore is subject to plan review and permitting requirements.

(14) References to any RPA buffer encroachment or exception to the RPA regulations authorized by the City of Hampton.

The subdivider may show several improvement plans on separate maps or drawings.

(Code 1956, § 20-46; Code 1964, § 38-44; Ord. No. 958, 12-13-89; Ord. No. 990, 12-12-90; Ord. No. 1098, 8-11-93; Ord. No. 1369, 5-12-04)

Adopted at the regular meeting of the City Council of the City of Hampton, Virginia held on \_\_\_\_\_.

**Signed by** \_\_\_\_\_ **Date** \_\_\_\_\_  
Ross A. Kearney, II, Mayor

**Attested by** \_\_\_\_\_ **Date** \_\_\_\_\_  
Katherine K. Glass  
Clerk of the Council