

CITY ATTORNEY'S OFFICE & PLANNING DIVISION:

Amendments to Chapter 35 of the Hampton City Code



Hampton
VIRGINIA

Hampton City Council

July 13, 2011

Briefing

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

+ City Staff:

Community Development Department

Terry O'Neill, Director

Steve Shapiro, Asst. Director

Greg Goetz, LDS Manager

Keith Cannady, Planning Manager

Delane Carty

Jeff Conkle

David Stromberg

Thomas Jordan

Public Works

Lynn Allsbrook, Director

Gayle Hicks

Walt Crockett

City Attorney's Office

Vanessa Valldejuli

Ryan Johnson, Intern

Marshall-Wythe School of Law

College of W&M

+ Stakeholders:

Zoning Ordinance Advisory Comm. (ZOAC)

CC-BID / Phoebus Imp. League / DHDP

Various City Boards and Commissions

Neighborhood Associations

Business Community

Susan Gaston, Virginia Peninsula

Association of Realtors (VPAR)

Robert Duckett, Peninsula Housing and

Builders Association (PHBA)

Lawrence Cumming, Attorney

Duane Potts, Land Surveyor

Donald Davis, Land Surveyor