

CITY ATTORNEY'S OFFICE & PLANNING & ZONING DIVISION:

Chapter 35.1 of the Hampton City Code



Hampton
VIRGINIA

City Council

May 8, 2013

What are we doing?

- ✦ Repealing the site plan regulations in chapter 9 and recodifying into chapter 35.1 of the city code.
- ✦ Matching site plan regulations to Virginia Code provisions.
- ✦ Eliminating requirement of preliminary site plans.
- ✦ Eliminating conflicts with the zoning ordinance.
- ✦ Establishing fees to cover increasing costs of administration & enforcement.

Comparison of Site Plan Review Fees

	Chp. 9 Art. IV (repealing)	Chapter 35.1 (enacting)*	Newport News**	Portsmouth**	Norfolk	Virginia Beach
Initial filing	<p>\$150 + \$125 per acre in excess of 1 acre</p> <p>\$25 For churches, private schools, fraternal orders, and charitable organizations</p> <p>No fee for final site plan</p>	<p>\$350 + \$150 per acre in excess of 1 acre</p>	<p>\$375 + \$130 per acre of site (Class 1 – overall site development)</p> <p>\$220 (Class 2 – minor development activity) No per acre charge</p>	<p>\$200 One acre or less</p> <p>\$400 Less than 5 acres</p> <p>\$600 Five acres or greater</p> <p>\$350 (Type II site plan – seeking deviation from requirements) No per acre charge</p>	\$200	<p>\$1,356.00 + \$102 per acre of site (Non-residential site plan)</p> <p>\$1,014.00 + \$30 per unit after first five residential units (Residential site plan for 2 or more residences)</p> <p>\$560 (Duplex site plan)</p> <p>\$75 (single family dwelling not in a Chesapeake Bay area)</p>
E.g.) 5-acre commercial site	\$650	\$950	\$1025	\$600	\$200	\$1866
Other review fees	None	<p>Any resubmissions after 1st resubmission: \$200 (unless required by state/federal gov.)</p> <p>Changes to site plan when review is already underway: \$100 per sheet changed</p>	<p>Any resubmissions after 1st resubmission: Class 1: \$250 Class 2: \$100</p> <p>Submissions for later project phases or minor modifications: \$100 each filing</p>	None	None	<p>Changes to site plan when review is already underway: \$168 per sheet changed</p>

* One-family, two-family, and duplex dwellings and their accessory structures are exempt from review

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What are we not doing?

- ✦ Not amending current design standards.
- ✦ Not amending green area requirements (to be placed in the zoning ordinance).
- ✦ Not amending landscaping requirements (to be placed in the “City of Hampton Landscape Guidelines” on file with the community development department, development services center).

Overview of chapter 35.1

- ✦ Provisions for review and approval processes, content of plans, appeals, requests for exceptions and bonding of public improvements are similar to the subdivision ordinance as required by Virginia Code.

What does this ordinance accomplish?

- ✦ Site plan provisions easier to find.
- ✦ Elimination of the preliminary site plan is cheaper and more efficient for staff and developers.
- ✦ Provides clear direction to developers with either a rejection of the plan with reasons articulated in writing or an approval.
- ✦ Encouragement of pre-application conference at no cost to the developer (concept plan phase).

Major clarifications in the ordinance

- Public Works administers and enforces any deviations from an approved site plan as set forth in section 35.1-4 of the ordinance, and is responsible for and monitors any required surety, including the release thereof and maintenance bonds for public improvements.

Major clarifications continued

- ✦ Parks and Recreation will enforce provisions pertaining to required landscape plans and landscaping bonds.
- ✦ Creation of an “exception” process to allow the Planning Commission and Council to waive or modify provisions of the ordinance to address unique or adverse circumstances as provided in the Virginia Code.

State code changes

- ✦ Review periods for site plans and release of surety now mirror the Virginia Code provisions.
- ✦ Fee schedules have been reorganized and established as expressly authorized by Va. Code § 15.2-2241.A.9.
- ✦ Ordinance complies with new stormwater management regulations where applicable.

Ordinance recodification process

- ✦ Site plan regulations have not been comprehensively amended since 1964.
- ✦ The review process was initiated in March, 2012 by the City Attorney's Office to identify inconsistencies with the Virginia Code and new stormwater management regulations.
- ✦ Amendments to substantive provisions of the site plan ordinance to be initiated by the planning division at a later date.

Other zoning amendments

- ✦ Housekeeping amendments to 17 zoning ordinance provisions resulting from changes from chapter 9 to chapter 35.1, resolving conflicts between the site plan and the zoning ordinance and complying with stormwater management regulations.

Ordinance recodification

- ✦ A review team of City staff members from several departments was formed to review proposed changes. Several preliminary drafts were compiled and reviewed by City staff in preparation for review by a special stakeholders group of surveyors, engineers, developers, a land use attorney and representatives of the Coliseum and Downtown BIDS, Phoebus and the Peninsula Homebuilders Association.

Ordinance recodification

Staff presented the draft to the stakeholders group in November 2012 and a final draft was reviewed and approved in January 2013.

- ✦ ZOAC not involved since revisions are state code mandates.
- ✦ Planning Commission recommended approval.
- ✦ The repeal of Article IV of chapter 9 of the city code and adoption of chapter 35.1 comes to City Council in May for its consideration.

Acknowledgments

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✦ Public Works:

McCord Newsome, Delane McCarty, Walt Crockett

✦ City Attorney's Office:

Sr. Deputy City Attorney Vanessa Valdejuli
Assistant City Attorney Bonnie Brown

Acknowledgments

✦ Stakeholders:

John Ishon and Richard Bagley–DHDP BID

Walt Deskin –Phoebus (developer)

Bradford Brown -CCBID

Robert Duckett-PHBA

Lawrence Cumming-Attorney

Tom Savage-Land Surveyor

Donald Davis-Land Surveyor

Eddie Marscheider-Civil Engineer