



City of Hampton, Virginia
Ordinance - Coded

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

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**AN ORDINANCE TO AMEND CHAPTER 9, OF THE CODE OF THE CITY OF
HAMPTON, VIRGINIA, ENTITLED "BUILDING AND DEVELOPMENT
REGULATIONS." SECTIONS 9-1 AND 9-142.**

Chapter 9

BUILDING AND DEVELOPMENT REGULATIONS*

* **Cross References:** Excavating, filling and similar operations, Ch. 13; fire prevention and protection, Ch. 14; approval of plans required prior to construction or alteration of food establishment, § 15-21; special construction requirements for food establishments, § 15-28 et seq.; mobile homes and mobile home parks, Ch. 20; restrictions on building operations at night, § 22-8; sewers and sewage disposal, Ch. 30; stormwater management, Ch. 33.1; streets and sidewalks, Ch. 34; street numbers for buildings, § 34-111 et seq.; subdivisions, Ch. 35; swimming pools, Ch. 36; water supply, Ch. 39; wetlands zoning ordinance, § 41.1-5 et seq.; general zoning ordinance, App. A.

State Law References: General authority of city relative to building regulations, Code of Virginia, §§ 15.2-1117, 36-97 et seq.

ARTICLE IV.

SITE PLANS*

* **Charter References:** Authority of city relative to land development and site plans, § 2.06.

DIVISION 1.

GENERALLY

Sec. 9-131. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings ascribed to them by this section, unless otherwise clearly indicated.

Accessory building: A detached subordinate building located on the same lot with the main building, the use of which is incidental to the main building or land and which requires no new street entrances, drainage or other public facilities.

Adequate: Standards or specifications, as set forth in accepted engineering codes and regulations and approved and accepted by national engineering organizations such as the American Society of Civil Engineers, the National Fire Protection Association, etc., except where such standards conflict with the established city standards or specifications.

Buffer area: 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.

Building: Any structure built for the support, shelter, housing or enclosure of persons, animals or property of any kind.

Building area: The portion of a site on which a structure or improvements may be erected.

Chesapeake Bay Preservation District (SPI-CBPD): 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 Code of Virginia, §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.

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

Development: The construction, or substantial alteration of residential, commercial, industrial, institutional, recreational, transportation, or utility facilities or structures.

Dwelling: A building or portion thereof which is designated or used exclusively for residential purposes.

Dwelling unit: A group of one (1) or more rooms designed for or intended for occupancy by a single family.

Existing trees: Any self-supporting woody plant growing upon the earth which usually produces one (1) main trunk measuring no less than six (6) inches in diameter at a height four and one-half (4 1/2) feet from the ground which produces a more or less distinct and elevated head with many branches.

Improvement: Any physical alteration of real property. Included in the term are clearing vegetation, grading, utility installation, filling, excavation, or construction of any kind.

Intensely developed area: A 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.

New trees: Any self-supporting woody plant growing upon the earth which usually produces one (1) main trunk measuring no less than one and one-half (1 1/2) inches in diameter at a height of six (6) inches from the ground which produces a more or less distinct and elevated head with many branches.

Nontidal wetlands: 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 CFR 328.3b.

Reasonable: Standards or specifications, as set forth in accepted engineering codes and regulations and approved and accepted by national engineering organizations such as the American Society of Civil Engineers, the National Fire Protection Association, etc., except where such standards conflict with the established city standards or specifications.

Redevelopment: The process of developing land that is or has been previously developed.

Resource management area (RMA): 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 (RPA): 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 that are sensitive to impacts which may result in significant degradation to the quality of state waters. Resource Protection Areas include: (i) Tidal wetlands; (ii) Non-tidal 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 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: 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.

Single-family dwelling: A detached building designed for or installed to be occupied by one (1) family.

Site plan: A plan delineating the overall scheme of development of a tract of land, including but not limited to grading, engineering design, construction details and survey data for existing and proposed improvements.

Structure: Anything which is built or constructed; an assembly of materials or any piece of work artificially built up or composed of parts joined together in some definite manner.

Tidal shore or shore: Land contiguous to a tidal body of water between the mean low water level and the mean high water level.

Tidal wetlands: Vegetated land which lies 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 lies contiguous to mean low water and is between mean low water and mean high water.

Timber harvesting: Any operation involving the removal of commercially valuable trees for production of lumber, timbers, pulpwood, mine props, piling, veneer logs, other logs or firewood (other than for the personal use of the owner).

Water-dependent facility: 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-orient recreation areas; and (v) fisheries or similar marine resources facilities.

(Ord. No. 194; Ord. No. 451; Code 1964, § 21A-1; Ord. No. 845, 11-12-86; Ord. No. 958, 12-13-89; Ord. No. 991, 12-12-90; Ord. No. 1098, 8-11-93; Ord. No. 1370, 5-12-04)

Sec. 9-142. Contents of preliminary plan.

- (a) The preliminary site plan required by this article shall show the following:

- (1) The name of the development or address.
 - (2) The name and address of the owner of record and the applicant.
 - (3) The name, address, signature and registration number of the professional preparing the plan.
 - (4) The zoning of the sites and abutting property.
 - (5) Courses and distances of centerlines of all abutting and on-site streets and all property lines on site being developed, with a curve data table showing curve number, arc lengths, radius and delta angles.
 - (6) Date, scale and north point, with references to source of meridian.
 - (7) All building restriction lines, highway setback lines, easements, reservations and rights-of-way which affect the development of the site.
 - (8) The total land area, as well as the approximate land area of separate parcels of land.
 - (9) The topography of existing ground and paved areas and the existing elevation of streets, alleys, utilities, sanitary and storm sewers, buildings and structures. Topography shall be shown by dashed lines illustrating one-foot interval contours, as may be required by the director of public works, and by spot elevations where necessary to indicate flat areas, all based on U.S. Coast Guard and Geodetic Survey datum or U.S. Geological Survey datum or local datum where the former are not available.
 - (10) The location of all trees on site. Groups of trees in close proximity may be designated as clumps of trees. Trees to be protected, removed, relocated or replaced shall be so designated, unless obviously affected by the proposed building. The limits of clearing, excluding that to be done subsequently for the installation of public utilities, shall be clearly designated on the site plan or on a separate clearing plan.
 - (11) Any grave, object or structure marking a place of burial within the site shall be clearly designated.
 - (12) Two (2) spaces for the signed approval of the city manager and the director of public works.
 - (13) The limits of clearing and land disturbance.
- (b) The preliminary site plan required by this article shall show the general location, dimension and size of the following when existing:

- (1) Sidewalks, streets, alleys, easements and utilities.
- (2) Buildings and structures.
- (3) Public sewer systems.
- (4) Slopes, terraces and retaining walls.
- (5) Driveways, entrances, exits, parking areas and sidewalks.
- (6) Water mains and fire hydrants.
- (7) Natural and artificial water courses.
- (8) Limits of floodplains.
- (9) All structures intended to support on-site or off-site lighting.
- (10) A resource protection area 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;
 - d. deleted and
 - e. 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.
- (11) The location of any resource management area on the site.
- (12) The location of any intensely developed area on the site.

(c) The preliminary site plan required by this article shall show the general location, dimensions, size and elevation, where appropriate, of the following, when proposed by the developer:

- (1) Sidewalks, curbs, gutters, streets, alleys, easements and utilities.
- (2) Buildings and structures.
- (3) Public sewer systems.
- (4) Slopes, terraces and retaining walls.
- (5) Driveways, entrances, exits and parking areas.
- (6) Water mains and fire hydrants.
- (7) Landscaping plan (one copy) shall be submitted and approved by the planning director prior to the issuance of any building permit(s).
- (8) Recreation areas.
- (9) Natural and artificial water courses.
- (10) Estimates of the following:
 - a. Number of dwelling units and each type;
 - b. Number of parking spaces;
 - c. Number of loading spaces;
 - d. Square feet of floor space;
 - e. Approximate number of commercial or industrial tenants and employees.
- (11) Plans for collecting and depositing stormwater and the method of treatment of natural and artificial water courses, including a delineation of proposed limits of floodplains, within the proposed development site.
- (12) A general indication of proposed grading, surface drainage, terraces, retaining wall heights, grades on paved areas and ground floor elevation of proposed buildings and structures, shown by two-foot or five-foot contours, as required by the director of public works, and approximate elevations.
- (13) Proposed points of refuse collection.
- (14) Building elevation drawn to scale (one-eighth (1/8) inch equals one (1) foot) illustrating at least the front elevation. This drawing shall indicate the

approximate height of the structure as well as the general configuration of the structure and general type of construction.

- (15) Where the developer proposes to use an on-site sewage system on a lot or parcel recorded after October 1, 1989, not requiring a Virginia Pollutant Discharge Elimination System (VPDES) permit, the preliminary site plan shall show a primary and reserve sewage disposal site.

(d) The preliminary site plan required by this article shall show the general location and minimum light source for site lighting in accordance with section 9-171.

(e) The preliminary site plan required by this article for projects within the SPI-CBPD shall show the full extent of buildable areas as derived from application of the SPI-CBPD regulations for development and redevelopment and any authorized exception to the regulations pursuant to Chapter 17.3, Article X, of the Hampton City Zoning Ordinance.

(Ord. No. 194; Ord. No. 393; Ord. No. 451; Code 1964, § 21A-9; Ord. No. 845, 11-12-86; Ord. No. 890, 6-8-88; Ord. No. 909, 10-26-88; Ord. No. 940, 6-14-89; Ord. No. 947, 9-13-89; Ord. No. 958, 12-13-89; Ord. No. 991, 12-12-90; Ord. No. 1063, 8-27-92; Ord. No. 1098, 8-11-93; Ord. No. 1370, 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