

Chapter 13.1 LAND DISTURBING OPERATIONS

ARTICLE I. LAND DISTURBING ACTIVITY AND EROSION AND SEDIMENT CONTROL GENERALLY

Sec. 13.1-1. Definitions. Modified

For the purposes of this chapter, the following words and terms shall have the meanings ascribed to them in this section. Except as otherwise defined herein, the definitions set forth in chapter 33.2 of the city stormwater management ordinance shall control the meaning of any terms or phrases used herein.

Best management practice or BMP. Schedules of activities, prohibitions of practices, including both structural and nonstructural practices, maintenance procedures, and other management practices to prevent or reduce the pollution of surface waters and groundwater systems from the impacts of land-disturbing activities.

Clearing. Any activity which removes the vegetative ground cover, including but not limited to, the removal of root mat or topsoil.

Transporting. Any moving of earth materials from one place to another, other than such movement incidental to grading, when such movement results in destroying the vegetative ground cover, either by tracking or the buildup of earth materials to the extent that erosion and sedimentation will result from the soil or earth materials over which such transporting occurs.

(Code 1964, § 16.1-2; Ord. No. 672, 10-8-80; Ord. No. 1483, 8-15-07; Ord. No. 14-0004, 4-9-14; Ord. No. 15-0010, 3-25-15)

Sec. 13.1-11. Preparation of plan; preliminary plan. Modified

(a) Any person proposing to undertake any land-disturbing activity, other than those exempted by section 13.1-3 herein, shall prepare and submit to the agent a land-disturbing plan, prepared in accordance with the following criteria:

(1) The plan required by this chapter shall be prepared by a certified professional engineer or land surveyor duly licensed by the commonwealth and shall be developed in accordance with the Virginia Erosion and Sediment Control Law, Virginia Code § 62.1-44.15:51, et seq. , and the Virginia Erosion and Sediment Control Regulations, 9VAC25-840, et seq.

(2) The plan shall consist of a recent physical survey of the parcel(s)/lot(s) where the land-disturbing activity is proposed drawn to a graphic scale and shall include:

...

f. Existing trees, watercourses, and utilities;

...

...

(5) A Chesapeake Bay Preservation Act Land-Disturbing Activity shall be subject to an erosion and sediment control plan consistent with the requirements of this chapter, chapter 9, article II of the city zoning ordinance, and chapter 33.2 of the city stormwater management ordinance. Additionally, on properties zoned O-CBP, areas shown on the site plan as undisturbed, or as a buffer proffered as part of a

conditional rezoning or required for a use permit, or as part of a resource protection area, shall be protected from disturbance by the following methods:

a. Prior to disturbing the site, undisturbed areas shall be delineated by a form of fencing or markings which clearly identify the area boundaries and intent. Fencing, markers, or similar barriers shall be placed around the undisturbed area, and shall display brightly colored flags or signs in a manner that is plainly visible to equipment operators and ground workers. Fencing or markers shall be located such that a distance of not less than six (6) inches for every one (1) foot in diameter of tree trunk shall be maintained from any tree within the undisturbed area.

...

d. Removal of trees not retained shall be in a manner which avoids injury to remaining trees.

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...

(Ord. No. 1037, 2-26-92; Ord. No. 1483, 8-15-07; Ord. No. 14-0004, 4-9-14; Ord. No. 15-0010, 3-25-15)

Sec. 13.1-19. Permit restrictions and conditions.

(a) All activity under the permit shall be conducted by the owner of the property or his representative.

(b) In granting any permit required by this chapter, the department shall impose such conditions thereon as are reasonably necessary to prevent the proposed operations from being conducted in such a manner as to constitute or create a nuisance or a hazard to life or property or cause environmental damage. Such conditions may include, but are not limited to:

...

(5) Requirement that additional measures to adequately protect and preserve trees and shrubs designated as plants to remain.

...

(Code 1964, §§ 16.1-3, 16.1-13; Ord. No. 672, 10-8-80; Ord. No. 1483, 8-15-07; Ord. No. 14-0004, 4-9-14)

Chapter 22 NOISE

Sec. 22-9. Prohibited noises enumerated.

It shall be unlawful for any person to cause or permit to be caused any of the following prohibited sounds or noises:

...

(8) Lawn care activities. Creating any sound or noise plainly audible in residential areas between 10:00 p.m. and 7:00 a.m. in connection with lawn care, leaf removal, gardening, tree maintenance or removal or other landscaping, lawn or timbering activities.

(Ord. No. 10-0023, 9-8-10; Ord. No. 11-0002, 2-9-11; Ord. No. 13-0015, 7-10-13)

Chapter 24 OFFENSES—MISCELLANEOUS

Sec. 24-39. Open storage of inoperable vehicles on property zoned for residential purposes.

(a) For purposes of this section, the term "shielded or screened from view" means completely precluding visibility of the subject vehicle by someone standing at ground level

from outside of the property on which the vehicle is located by placing the vehicle within an area completely enclosed by any combination of the following: (1) a solid, rigid, six-foot opaque fence composed of standard fencing materials; and/or (2) a landscape arrangement of non-deciduous trees or shrubs, sufficient in height, spacing, density and circumference; and/or (3) a permanent structure.

...

Cross reference— Penalty for Class 1 misdemeanor, § 1-11; junk dealers, Ch. 27.

State Law reference— Authority for above section, Code of Virginia, § 15.2-904.

Chapter 32.1 SOLID WASTE

ARTICLE I. IN GENERAL

Sec. 32.1-1. Definitions.

Unless otherwise expressly stated or the context clearly indicates a different intention, the following words and terms shall, for the purposes of this article, have the meanings indicated in this section:

Special collection and disposal fee shall mean an additional collection and disposal fee paid by the property owner, tenant, homeowner, or contractor in advance per truck load for collections not included in the basic collection services provided by solid waste. This fee authorizes a special collection of construction demolition waste, tree debris, or bulk trash in excess of ten (10) cubic yards per week at an individual property by solid waste.

Tree debris shall mean decomposable materials to include, but not limited to, limbs, wood cuttings, branches, logs, vines, roots, wood chips, bark, shrubs, and tree trunks. Tree debris does not include stumps.

Yard waste means that fraction of municipal solid waste that consists of grass clippings, leaves, brush and tree prunings arising from general landscape maintenance.

(Ord. No. 1415, 1-25-06; Ord. No. 09-0011, 8-12-09)

ARTICLE II. COLLECTIONS BY THE CITY

Sec. 32.1-25. Placement for collection generally.

(a) All refuse and recyclables shall be placed in an approved container for collection. The approved refuse and recycling container, yard waste, bulk waste and tree debris shall be placed at street-side for collection purposes. The collection schedule for the city shall be announced by the department. If the approved refuse or recycling container, yard waste, bulk waste, or tree debris is not street-side at collection time, this will indicate no service is needed on that date. Yard waste prepared for collection, as prescribed in section 32.1-27, bulk waste, and tree debris shall be placed street-side on the same scheduled collection day as established for the collection of the approved refuse container.

(b) The approved refuse and recycling containers shall be placed no more than three (3) feet from the street for collection. They shall be placed no closer than ten (10) feet from parked vehicles and three (3) feet from all other objects with the arrows on the lid facing the street.

(c) The approved refuse container, recycling container, yard waste, and bulk waste and tree debris shall be placed street-side no earlier than 3:00 p.m. on the date before the scheduled collection day and any approved containers shall be removed from street-side no later than midnight on the day of collection. No approved refuse container, recycling container, yard waste, bulk waste, or tree debris shall be left on a lot or piece of property in front of a line parallel to the front of the structure on the property, except during the period

provided for herein, when the approved refuse container, yard waste, bulk waste, tree debris, or recycling container is at street side for collection purposes. Bulk waste, tree debris, and yard waste (including bagged grass and leaves), as permitted by sections 32.1-26 and 32.1-27, shall be subject to the same regulations with regard to placement as the approved refuse container or recycling container. Violations of this subsection should be reported to the department or other office as may be designated by the city manager. Upon receiving a complaint, such office shall investigate such complaint, and, if a violation is determined, such office shall fine the violator in accordance with section 32.1-3. (Ord. No. 1137, 5-10-95; Ord. No. 1415, 1-25-06; Ord. No. 09-0011, 8-12-09)

Sec. 32.1-27. Preparation and placement of yard waste, tree debris, cuttings, etc.

Leaves, grass clippings and other yard waste as defined in section 32.1-1, shall be placed in clear plastic bags free of refuse and other waste. Bags shall not be overloaded beyond capacity. Tree debris too large to be placed in clear plastic bags must be placed street-side, free from low power lines, fences, poles, low branches or other conditions which would hamper collection. If such material is not prepared for collection as herein required, in an orderly pile free of refuse, bulk waste or bagged yard waste, its disposal shall be the responsibility of the owner or occupant of the premises. Such tree debris shall be no longer than eight (8) feet and no more than six (6) inches in diameter subject to the placement and set out times prescribed in section 32.1-25.

(Code 1964, § 20-8; Ord. No. 493; Ord. No. 586, 9-13-78; Ord. No. 874, 12-9-87; Ord. No. 1415, 1-25-06; Ord. No. 09-0011, 8-12-09)

Sec. 32.1-30. Certain materials not to be collected.

(a) Poisons, acids, caustics, manure, human excreta, explosives, barrels, drums, compressed gas cylinders, tanks, and other dangerous materials or substances such as soil, loam, and other substances that may accumulate as a result of repairs to yards, will not be collected by the city. Nor shall any refuse from an overflowing approved refuse container, piles of mixed, refuse, bulk waste, yard waste, or tree debris or other materials or loose or dangerous refuse be collected by the city.

...

(c) Construction demolition waste and tree debris generated under contract between the owner/occupant and another individual or party shall not be collected or disposed of by the city and shall be collected, removed and disposed of by the individual party with which contracted or, in the event of his failure, by the owner/occupant of the property; unless the contractor, property owner, or tenant pays the special collection and disposal fee per truck load in advance as established by the city council. The special collection and disposal fee authorizes collection of debris including, but not limited to, construction demolition waste and tree debris.

(d) Construction demolition waste shall not be collected, removed, or disposed of by the city but shall be the responsibility of the owner of the property unless; the property owner or tenant pays the special collection and disposal fee per truck load in advance as established by city council. The special collection and disposal fee authorizes collection of debris including, but not limited to, construction demolition waste and tree debris.

...

(Code 1964, §§ 20-7, 20-15, 20-16; Ord. No. 493; Ord. No. 874, 12-9-87; Ord. No. 1415, 1-25-06; Ord. No. 09-0011, 8-12-09)

Sec. 32.1-31. Material not to be collected from certain premises.

...

(b) City refuse collectors are not required to collect from premises where the provisions of this article are violated. The failure to collect any bulk waste, tree debris, or refuse from the

premises because of a violation of the provisions of this article shall not relieve the person responsible for such violation from prosecution and penalty therefore.
(Code 1964, §§ 20-10, 20-11; Ord. No. 493; Ord. No. 874, 12-9-87; Ord. No. 1415, 1-25-06; Ord. No. 09-0011, 8-12-09)

Chapter 33.2 STORMWATER MANAGEMENT

ARTICLE I. IN GENERAL

Sec. 33.2-4. Definitions.

In addition to the definitions set forth in 9VAC25-870-10 of the Virginia Stormwater Management Program ("VSMP") regulations, as amended, which expressly are adopted and incorporated herein by reference, the following words and terms used in this chapter have the following meanings unless otherwise specified herein. Where definitions differ, those incorporated herein shall have precedence. Unless specifically defined below, words and phrases shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most effective application. For purposes of this chapter, except as otherwise defined herein, the definitions set forth in chapter 2 (zoning definitions) and chapter 9, article II (Chesapeake Bay Preservation District) of the city zoning ordinance and chapter 35 (subdivisions) and chapter 35.1 (site plans) of the city code shall control the meaning of any terms or phrases used herein.

Best management practice or BMP. Schedules of activities, prohibitions of practices, including both structural and nonstructural practices, maintenance procedures, and other management practices to prevent or reduce the pollution of surface waters and groundwater systems from the impacts of land-disturbing activities.

Chesapeake Bay Preservation Act land-disturbing activity. A land-disturbing activity including clearing, grading, or excavation that results in a land disturbance equal to or greater than two thousand five hundred (2,500) square feet and less than one (1) acre in all areas of jurisdictions designated as subject to the Chesapeake Bay Preservation Area Designation and Management Regulations (9VAC25-830) adopted pursuant to the Chesapeake Bay Preservation Act.

Clearing. The removal of vegetative ground cover, including but not limited to the removal of root mat or topsoil. Clearing does not include the ordinary mowing of grass.

Impervious surface. A surface compacted or covered with a layer of material so that it is highly resistant to water infiltration. It includes semi-impervious surfaces, such as compacted clay, as well as most conventionally surfaced streets, roads, sidewalks, parking lots, and other similar surfaces. Other surfaces such as gravel, dirt, or a mixture thereof, that regularly are used for vehicular access, parking, or storage also shall be considered impervious if there is inadequate vegetative cover to affect the rate of stormwater infiltration.

Land disturbance or land-disturbing activity. A man-made change to the land surface that potentially changes its runoff characteristics including clearing, grading, or excavation except that the term shall not include those exemptions specified in section 33.2-8 of this chapter.

(Ord. No. 14-0005, 4-9-14; Ord. No. 14-0009, 6-11-14; Ord. No. 14-0011, 7-9-14; Ord. No. 15-0010, 3-25-15)

Chapter 34 STREETS AND SIDEWALKS

ARTICLE II. WORK ON, OVER, UNDER OR AFFECTING STREETS GENERALLY DIVISION 2. PERMIT GENERALLY

Sec. 34-41. General requirement and exceptions.

(a) Except as otherwise provided in this article, it shall be unlawful for any person to perform any work in connection with the erection, construction, removal, relocation or maintenance of any surface, overhead or underground installation or to cut, trim or spray trees or to place signs, if such work, cutting, trimming, spraying or placing is on, under or over a street or affects a street, until such person has obtained a permit therefor in accordance with the provisions of this division. Such permit shall also be required before any person stencils or paints any figure, name or other representation on any curb.

...

(Code 1956, § 19-17; Code 1964, § 37-17; Ord. No. 1029, 11-13-91; Ord. 1456, 1-24-07)

Sec. 34-43. Application.

(a) Application for a permit under this division shall be filed in the office of the director of public works on forms supplied by the city. Such application shall show all required information and be signed by the applicant or his authorized agent. Such application shall include a description of the work to be done and a sketch showing such work. Such sketch shall show the following:

...

(5) Any tree which is to be removed, and the location and description of trees and shrubs within and adjacent to the right-of-way.

(b) An application for a permit for underground installations must be accompanied by a sketch showing:

...

(6) The location and description of trees and shrubs within and adjacent to the right-of-way.

(Code 1956, §§ 19-18—19-20; Code 1964, §§ 37-18—37-20; Ord. No. 1029, 11-13-91; Ord. 1456, 1-24-07)

Sec. 34-49. Issuance for cutting, trimming or spraying trees or shrubs.

The director of public works may issue a permit under this division for the cutting, trimming or spraying of trees or shrubs on a street only when such work is fully justified in the public interest and the permit shall prescribe the manner in which such work is to be done.

(Code 1956, § 19-35; Code 1964, § 37-35; Ord. No. 1029, 11-13-91; Ord. 1456, 1-24-07)

Chapter 35 SUBDIVISIONS

ARTICLE IV. DESIGN STANDARDS AND IMPROVEMENTS GENERALLY

Sec. 35-82. Landscaping.

(A) All landscaping required to be installed, including but not limited to the location of street trees in all public rights-of-way, the provision of vegetative buffers for double frontage lots and properties zoned SPI-CBPD, and the selection and spacing thereof shall comply with the regulations in the "City of Hampton Landscape Guidelines" maintained by the department of community development, development services center. Planting requirements for all landscaping may be modified by the subdivision agent to address concerns including, but not limited to: providing for a vegetative buffer adjacent to an incongruent use, revegetating an RPA or IDA buffer or in conformance with good planning

practices in compliance with any applicable provisions of the City Code or the zoning ordinance.

(B) This section shall apply to any subdivision plat filed subsequent to the 15th day of August, 2011.

(Ord. No. 11-0009, 8-10-11; Ord. No. 13-0004, 4-10-13)

ARTICLE V. DEVELOPMENT PLANS—REQUIREMENTS, PROCEDURES FOR PERMITTING AND PERFORMANCE ASSURANCES

Sec. 35-108. Construction and maintenance of public improvements; performance bond in lieu of installation; maintenance bonds; release of bonds.

(A) Prior to approval of the final subdivision plat and upon approval by the director of public works, in writing thereon, of the development plans, the subdivider may complete, at its sole cost and expense, all physical improvements required by this chapter to be dedicated for public use, including, but not limited to any right-of-way located within the subdivision or section thereof, any trees, landscape plantings, street, curb, gutter, sidewalk, bicycle trail, drainage or sewerage system, waterline as part of a public system or other improvements or easements dedicated for public use, and to be maintained by the city, and for the provision of other on-site related improvements required by city ordinances for vehicular ingress and egress, including traffic signalization and control, for structures necessary to ensure stability of critical slopes, and for stormwater management facilities as shown on the development plans. Upon installation of the public improvements and inspection thereof by the city, the subdivider shall execute and file with the director of public works a maintenance bond guaranteeing the maintenance thereof and a certificate of insurance coverage as set forth in subsection (C) of this section. The final subdivision plat shall neither be approved nor recorded and no building permits shall be issued under this subsection until the public improvements have been installed and inspected, and the maintenance bond and insurance certification are submitted to the director of public works.

...

(F) No maintenance bond shall be released until as-built construction drawings for all improvements, including, but not limited to street trees, landscape plantings, sanitary sewer and storm drains (including tops of curbs and flow lines for rights-of-way) are submitted on an 11-inch by 17-inch approved durable tracing medium and an approved digital version by the subdivider and/or developer for review and approval by the director of public works. Additionally, all detention, retention and impoundment best management practices ("BMP") shall require a certification of as-built conditions in accordance with the public works design and construction standards and chapter 33.2 of the City Code prior to the release of the maintenance bond.

(Ord. No. 11-0009, 8-10-11; Ord. No. 13-0004, 4-10-13; Ord. No. 14-0019, 9-10-14)

Chapter 35.1 SITE PLANS

ARTICLE IV. PUBLIC IMPROVEMENTS—REQUIREMENTS, PROCEDURES FOR PERMITTING AND PERFORMANCE ASSURANCES.

Sec. 35.1-106. Construction and maintenance of public improvements; performance bond; release of performance bond.

...

(F) No performance bond shall be released in full until as-built construction drawings for all public improvements, including, but not limited to street trees, landscape plantings, sanitary sewer and stormwater infrastructure (including tops of curbs and flow lines for rights-of-way) are submitted on an 11-inch by 17-inch approved durable tracing medium and an approved digital version by the owner or developer for review and approval by the director of public works. All detention, retention and impoundment best management practices

("BMP") shall require a certification of as-built conditions in accordance with the public works design and construction standards and chapter 33.2 of the City Code prior to the release of the performance bond.

...

(Ord. No. 13-0008, 5-8-13; Ord. No. 14-0020, 9-10-14)

ZONING ORDINANCE

Chapter 1 GENERAL PROVISIONS

ARTICLE II. REGULATIONS APPLICABLE TO MANY OR ALL ZONING DISTRICTS

Sec. 1-18. Fence and wall regulations.

(1) In any R, MD, or RT district, a fence, screen, or wall, or a hedge or thick growth of shrubs or trees may be located and maintained in required yards provided that the height of any such permitted feature not exceed six (6) feet in side or rear yards, and four (4) feet in front yards, or such lesser height as may be prescribed by law. This provision shall not be interpreted to prohibit the erection of an open-mesh type fence enclosing any school or playground site, or landscape features such as trees, shrubs, flowers, or plants, provided they do not produce a hedge effect contrary to the provisions of this section. The use of electrified fences is prohibited except as set forth in section 24-40 of the Hampton City Code.

...

(3) A fence, screen, wall, hedge, or thick growth of shrubs or trees may be located in any zoning district on vacant property owned by the City of Hampton or a political subdivision of the commonwealth.

Sec. 1-30. - General green area requirements.

(1) In development of property other than that zoned R-LL, RT-1, MD- 1, MD-2, MD-3, MD-4, PO-1, PO-2, DT-1, DT-2, DT-3, HRC-1, HRC-2, HRC-3, BB-1, BB-2, BB-3, BB-4, BB-5, O-CBP and O-CC, and all one-family, two-family and duplex dwellings, a minimum of ten (10) percent of the land area of the lot shall be designated as green area for trees, shrubs and turf.

(2) The following criteria shall be met:

(a) No accessory uses or structures except utilities and stormwater management facilities shall be located in a green area.

(b) In any parking area, including drive aisles and drive-throughs regardless of size, a minimum ten (10) foot green area shall be provided immediately adjacent to any existing or future public right-of-way.

(c) In any parking area containing thirty (30) or more spaces, seven (7) percent of the interior of the parking area shall be reserved and maintained as green area. Each green area within the parking area shall be no less than eight (8) feet wide and contain at least one hundred fifty (150) contiguous square feet of green area. This required green area may constitute no more than thirty-three (33) percent of the green area required within the parking area as well as counting toward the total green area requirement.

(3) Development sites less than two (2) acres shall comply with the following:

(a) On sites which front upon only one (1) public street, a minimum of seventy-five (75) percent of the required green shall be located within the front yard.

(b) On sites which front upon two (2) public streets or proposed rights-of-way, a minimum of seventy-five (75) percent of the required green area shall be distributed within the yard areas adjacent to the existing or proposed public rights-of-way; no such area shall contain less than thirty (30) percent of the requirement, and no less

than twenty (20) percent of the required green area shall be located in each yard fronting upon existing or proposed public rights-of-way.

- (4) Development sites of two (2) or more acres shall comply with the following:
 - (a) On sites which front upon only one (1) public street, a minimum of fifty (50) percent of the required green area shall be located within the front yard.
 - (b) On sites which front upon two (2) public streets or proposed rights-of-way, a minimum of fifty (50) percent of the required green area and landscaping shall be distributed within the yard areas adjacent to existing or proposed public rights-of-way; no such area shall contain less than twenty (20) percent of the requirement, and no less than ten (10) percent of the required green area shall be located in each yard fronting upon existing or proposed public rights-of-way.
- (5) Green areas located within any building shall not be credited toward meeting the total green area requirement.
- (6) Green areas interior to the perimeter of any structure that may serve as a court-yard may be credited toward meeting the total green area requirement.
- (7) Areas designated as green areas upon the approved site plan, or subdivision plat that are utilized for storage or the display of products shall be considered in violation of the city zoning ordinance.
- (8) Landscaping within green areas shall comply with the "City of Hampton Landscape Guidelines" or as otherwise proffered or conditioned pursuant to applicable provisions of the city zoning ordinance.

Sec. 1-31. Major recreational equipment, parking and storage requirements.

The parking or storage of major recreational equipment including, but not limited to, travel trailers, utility trailers, pickup campers or coaches, motorized dwellings, tent trailers, boats and boat trailers, amphibious houseboats, or similar equipment normally used for recreational purposes shall be permitted as an accessory use in all residential districts, subject, however, to the following regulations and requirements.

...

- (4) Such major recreational equipment shall not be parked or stored in the front yard in any residential district, except that:

...

- (b) In the event such major recreational equipment cannot physically be placed within an enclosed garage, or cannot physically be placed in the side or rear yard of a residence without encroaching upon the lands of another, without violating the setback requirements for accessory buildings in the residential district, or without damage to structures or trees, then one (1) such major recreational equipment, or a combination thereof designed to be used and operated as one (1) unit, may be parked or stored on an improved driveway at a point furthestmost from the public street right-of-way, not resulting in physical damage to structures or trees;

...

Nothing contained in this section shall be construed to prohibit commercial trailers from loading and unloading in a residential district, or to prohibit the temporary use of a trailer, on site, by a contractor, while construction is in progress.

Chapter 2 DEFINITIONS

Sec. 2-2. Definitions.

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.

Clearing. Any activity that removes the vegetative ground cover, including but not limited to the removal of root mat or topsoil.

Environmental site assessment. A physical survey of the site or parcel that is prepared and certified as complete and accurate by a licensed professional engineer, land surveyor, architect or landscape architect licensed to do business in the state of Virginia; drawn at a scale of not less than one hundred (100) feet to the inch on a print not greater than twenty-four (24) inches by thirty-six (36) inches to clearly delineate with labels the components of the RPA, RMA, IDA and buffer area on and adjacent to the development site and the geographic extent and classification of all wetland areas on and contiguous to the site or parcel; and shall specifically include the boundaries of the following RPA features: (i) tidal wetlands, verified by field survey; (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 buffer area as set forth in chapter 9, article II of the city zoning ordinance. The geographic extent and classification of wetland areas shall be the result of a recent physical survey, and in the case of non-tidal wetlands, a field delineation that is consistent with the procedures specified in the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands, 1987, as amended".

Green design. An integrated framework of design, construction and operational practices that encompassed the environmental, economic and social impacts of buildings; green building practices recognize the interdependence of the natural and built environments and seek to minimize the use of energy, water and other natural resources and provide a healthy, productive indoor environment.

Right-of-way. 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, regardless of ownership.

Silviculture. The bona fide production or harvesting of trees for sale.

(Ord. No. Z15-09, 6-10-2015)

Chapter 3 USES PERMITTED

Sec. 3-3. Additional standards on uses.

The following uses have additional standards:

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(35) Excavation, filling, borrow pit operation, extraction, processing or removal of soil in all districts.

Provided that nothing herein shall be construed to require the securing of a use permit for the following: swimming pool construction, construction of foundation, landscaping activities on a single lot or parcel, the stripping of sod for agricultural purposes, an approved subdivision plan, activities in connection with a planned unit development, or activities in connection with an approved site plan. The controlled activity shall be subject to the following and subject to securing a use permit. In addition:

...

(d) No trees or other existing growth shall be removed from the site except in the area to be excavated and in the right-of-way of haul roads, except that an area not to exceed ten thousand (10,000) square feet may be cleared for operational offices, shops, and storage areas. In all cases, existing vegetation shall not be removed immediately prior to excavation in that particular area.

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(Ord. No. Z15-08, 6-10-2015)

Chapter 8 SPECIAL DISTRICTS

ARTICLE III. BUCKROE BAYFRONT DISTRICTS

Sec. 8-32. HRC-1 District—Hampton Roads Center South.

...

(7) Green areas.

(a) A minimum of forty (40) percent of the land area of the lot shall be designated as green area for trees, shrubs and turf.

(b) Minimum green area provided immediately adjacent to any existing or future public right-of-way shall be four (4) feet from front, twenty (20) feet from side and forty (40) feet from rear property lines.

(c) Green areas within a parking area shall be no less than five (5) feet wide and contain at least sixty (60) square feet. No parking space shall be more than seventy (70) feet from a green area.

Sec. 8-33. HRC-2 District—Hampton Roads Center North.

...

(5) Green area.

(a) A minimum of thirty (30) percent of the total lot area shall be dedicated to green area; however, if the property abuts a dedicated conservation area or stormwater management area that has a minimum dimension of at least fifty (50) feet, this green area requirement may be reduced to twenty-three (23) percent.

(b) Improvements permitted in required green areas are:

- (i) Signs.
- (ii) Decorative walls and fences.
- (iii) Security gates, guard houses, walls and fences.
- (iv) Fountains and decorative ponds.
- (v) Stormwater control structures and facilities.
- (vi) Pedestrian walks and trails, fitness stations.
- (vii) Gazebos, plazas, and observation areas.
- (viii) Landscape irrigation systems, controllers, and backflow devices.
- (ix) Public art and park identification features.
- (x) Lighting.
- (xi) Underground utilities.

(c) The minimum green area depth requirements along public rights-of-way and other property lines are as follows:

- (i) Along Magruder Boulevard: Eighty (80) feet;
- (ii) Along Commander Shepard Boulevard:
 - (aa) East of the intersection with the Virginia Power easement: Seventy-five (75) feet maintained as a landscape buffer;
 - (bb) West of the intersection with the Virginia Dominion Power transmission line easement: A minimum of thirty (30) feet with an average of fifty (50) feet;
- (iii) Along North Campus Parkway, Floyd Thompson Boulevard and Institute Drive (as defined in the HRCNC Master Plan): A minimum of twenty (20) feet with an average of forty (40) feet;
- (iv) Along other existing or proposed public rights-of-way: Twenty (20) feet;
- (v) Along side and rear property lines not abutting an existing or proposed public right-of-way:

- (aa) If said property line abuts residentially zoned property: Thirty-five (35) feet maintained as an undisturbed buffer.
- (bb) In all other instances: Twenty (20) feet.
- (vi) Green area requirements in parking areas containing twenty (20) or more spaces are as follows:
 - (aa) Ten (10) percent of the parking area (including drive aisles) shall be constructed and maintained as green area for the purpose of preserving existing and/or planting new trees and shrubs.
 - (bb) Parking lot green areas shall be sized no less than ten (10) feet by eighteen (18) feet.
- (vii) All required green areas and buffers shall be landscaped in accordance with the "City of Hampton Landscape Guidelines".

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Sec. 8-34. HRC-3 District—Hampton Roads Center West.

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- (8) Green areas.
 - (a) A minimum of ten (10) percent of each lot and twenty (20) percent of the district area shall be retained as green space for trees, shrubs and turf.
 - (b) The fifty (50) foot improvement setback along Big Bethel Road shall be retained as green space, which shall be counted toward the requirements of [subsection] (1) above. This green space shall be vegetated as set forth in the "City of Hampton Landscape Guidelines".
 - (c) The twenty (20) foot improvement setbacks along North Park Lane and Interstate 64 shall be retained as green space, which shall be counted toward the requirements of [subsection] (1) above. This green space shall be vegetated as set forth in the "City of Hampton Landscape Guidelines".
 - (d) All other required improvement setbacks shall be retained as green space, which shall be counted toward the requirements of subsection 8-34(8)(a) above.
 - (e) All improvement setbacks shall be planted in compliance with the "City of Hampton Landscape Guidelines".
 - (f) At least ten (10) percent of any parking lot designed for thirty (30) or more cars shall be retained as green space; this shall count toward the requirements of subsection 8-34(8)(a) above.
 - (g) No row of parking spaces shall exceed one hundred forty-four (144) feet in length without a green space island. Such islands shall be a minimum of twelve (12) feet wide. This green area shall be counted toward the requirements of subsection 8-34(8)(f) above.
 - (h) Whenever two (2) rows of parking spaces abut, the required green space islands shall be a minimum of twenty-four (24) feet wide.
 - (i) A green space strip at least ten (10) feet wide shall be provide between buildings and parking areas except at plazas, points of entry to the building, and loading dock areas; this shall count toward the requirements in subsection 8-34(8)(a) above.

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Chapter 9 OVERLAY DISTRICTS

ARTICLE II. O-CBP DISTRICT—CHESAPEAKE BAY PRESERVATION OVERLAY

Sec. 9-14. Regulations for development and redevelopment.

- (1) Permitted uses include all uses permitted in the underlying zone.
- (2) Restrictions on permitted uses:

(a) General performance criteria for development and redevelopment within resource management areas, resource protection areas and intensely developed areas:

- (i) Land disturbance shall be limited to the area necessary to provide for the proposed use or development. In accordance with an approved site plan, the limits of land disturbance, including clearing or grading, shall be clearly shown on submitted plans and physically marked on the development site.
- (ii) Indigenous vegetation shall be preserved to the maximum extent practicable, consistent with the proposed use or development, and in accordance with the Virginia Erosion and Sediment Control Handbook.
 - (aa) Existing healthy trees exhibiting a minimum trunk diameter of six (6) inches, measured four and one-half (4½) feet from the ground, shall be preserved outside the limits of clearing.
 - (bb) Clearing shall be allowed only to provide a building site, necessary parking, necessary access, positive site drainage, stormwater BMPs, and the installation of utilities, as approved by the zoning administrator or the director of public works, as appropriate.
 - (cc) Prior to clearing or grading, suitable protection measures for undisturbed areas, as outlined in chapters 13.1 and 33.1 of the city code and the "City of Hampton Landscape Guidelines" shall be followed.

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(b) Other restrictions applicable to the RPA (RPA Regulations):

- (iii) Buffer area requirements for RPAs:
 - (gg) In order to maintain the functional value of the buffer area, indigenous vegetation may be removed, subject to approval of the zoning administrator, only to provide for reasonable sight lines, access paths, general woodlot management, and best management practices including those that prevent upland erosion and concentrated flows of stormwater, as follows:
 1. Trees may be pruned or removed as necessary to provide for sight lines and vistas, provided that if removed, they shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering non-point source pollution from runoff.
 2. Any path shall be constructed and surfaced so as to effectively control erosion.
 3. Dead, diseased or dying trees or shrubbery and noxious weeds (such as Johnson grass, kudzu and multiflora rose) may be removed and thinning of trees allowed as permitted by the zoning administrator or his designee pursuant to sound horticultural practices.
 4. For shoreline erosion control projects, trees and woody vegetation may be removed, necessary control techniques employed, and appropriate vegetation established to protect or stabilize the shoreline in accordance with the best available technical advice and applicable permit conditions or requirements.

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(Ord. No. Z15-15, 8-12-2015)