



# City of Hampton, Virginia

## Ordinance - Non-Coded

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

File Number: 14-0341

Enactment Number: 1175

**Ordinance to Amend and Reenact Chapter 35 of the City Code of the City of Hampton, Virginia by Amending: Section 35-11 of Article I Entitled "In General," To Establish Fees for Review of Single Submission Subdivision Plats as Authorized by Va. Code § 15.2-2241.A.9; Sections 35-21 and 35-27 of Article II Entitled, "Preliminary Plat – Procedures," Pertaining to Mandatory and Optional Preliminary Subdivision Plats and Effect of Approval; Sections 35-41, 35-43, and 35-50 of Article III Entitled, "Final Plat," Pertaining to When Final Plats are Required, Contents of a Final Plat, and Effect of Approval; and Section 35-101 of Article V Entitled, "Development Plans – Requirements, Procedures for Permitting and Performance Assurances," Pertaining to When Development Plans are Required.**

**WHEREAS**, the public necessity, convenience, general welfare, and good zoning practice so require;

**BE IT ORDAINED** by the Council of the City of Hampton, Virginia that Chapter 35 of the City Code of the City of Hampton, Virginia, be amended and re-enacted as follows:

### ARTICLE I. IN GENERAL

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#### **Sec. 35-11. Fees.**

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- (B) *Final plat review fees for any submission that has already been approved as a preliminary subdivision plat.* At the time the final subdivision plat is submitted for review, the following fees shall be submitted to the subdivision agent and payable to the City of Hampton:
- (1) Two (2) lot subdivisions that do not require public improvements: No additional fee.
  - (2) Boundary line adjustments or vacations: No additional fee.
  - (3) All subdivisions (residential, non-residential, including townhouses, condominiums and mixed use) that do not require the installation of public improvements: No additional fee.
  - (4) All subdivisions (residential, non-residential, including townhouses and mixed use) that require public improvements: Two hundred dollars (\$200.00) plus twenty-five dollars (\$25.00) for each lot shown on the final plat.

- (5) An additional fee of two hundred fifty (\$250.00) shall be collected for any review after the first re-submission not to include resubmittals that are the result of substantial redesign due to additional state or federal agency comments.
- (C) *Subdivision plat review fees for any subdivision plat that has not been approved first as a preliminary subdivision plat.* At the time the subdivision plat is submitted for review, the following fees shall be submitted to the subdivision agent and payable to the City of Hampton:
  - (1) Two (2) lot subdivisions that do not require public improvements, boundary line adjustments or vacations: One hundred fifty dollars (\$150.00).
  - (2) All subdivisions (residential, non-residential, including townhouses, condominiums and mixed use) that do not require the installation of public improvements: Three hundred dollars (\$300.00) plus fifty dollars (\$50.00) for each lot shown on the preliminary plat.
  - (3) All subdivisions (residential, non-residential, including townhouses and mixed use) that require public improvements: Seven hundred dollars (\$700.00) plus seventy five (\$75.00) for each lot shown on the preliminary plat.
  - (4) An additional fee of two hundred fifty dollars (\$250.00) shall be collected for any review after the first re-submission not to include resubmittals that are the result of substantial redesign due to additional state or federal agency comments.
- (D) *Development plan fees.* At the time development plans for improvements are submitted, the following fees shall be submitted to the subdivision agent and payable to the City of Hampton.
  - (1) *Residential, including townhouses:* Six hundred dollars (\$600.00) plus eight dollars (\$8.00) per lot shown on the construction plans.
  - (2) *Non-residential subdivision, including mixed use:* Eight hundred dollars (\$800.00) plus fifty dollars (\$50.00) per lot shown on construction plans.
- (E) *Permit and inspection fees.* At the time of installation of improvements, including vehicle entrances, permit and inspection fees shall be as generally provided for permits and inspections specified in section 35-105 of this chapter and in other ordinances of the city. For permits and inspections not elsewhere specified, fees shall be based on costs, as determined by the agency involved. For re-inspection made necessary (i) by failure to pass earlier inspection, (ii) because work is not ready by the requested inspection time, (iii) due to cancelation of an inspection after the inspector arrives; or (iv) failure to provide safe and sufficient access to allow for proper inspection, the re-inspection fee shall be one hundred dollars (\$100.00) per re-inspection visit. All fees required by this chapter shall be payable to the City of Hampton within thirty (30) days from billing. Failure to pay within the period stipulated may result in a stop-work order issued by the department of public works or such other action as deemed warranted in the circumstances of the case.
- (F) *Subdivision exception fees.* Any petition for an exception shall be accompanied by a fee of seven hundred fifty dollars (\$750.00) payable to the City of Hampton

to cover the costs of processing the petition and publication of notice of public hearing.

- (G) *Plat vacation fees.* Any application for the vacation of a plat or part thereof shall be accompanied by a fee of one hundred fifty dollars (\$150.00).
- (H) At the time separate easement or dedication deeds or plats are submitted a review fee in the amount of fifty dollars (\$50.00) per instrument to be reviewed, payable to the City of Hampton shall be required.
- (I) If a subdivider, at any time during the subdivision review, submits a revised plat or development plan or portion thereof, files or makes a change to the plat or development plan under review not at the request of the subdivision agent or the director of public works as the case may be, such revision shall be accompanied by a fee of one hundred fifty dollars (\$150.00) per sheet that is revised or changed payable to the City of Hampton.
- (J) Prior to recordation of the final plat, the subdivider will pay to the city a sewage fee of \$500.00 per unit for each lot in the subdivision section being served by the sewer.
- (K) Recording fees for final subdivision plats, subdivision agreements and any other legal instrument required under this chapter for subdivisions, except for homeowners association documents shall be submitted to the subdivision agent at the time prescribed in this section or in this chapter and shall be made payable to the Clerk of the Hampton Circuit Court.

## **ARTICLE II. PRELIMINARY PLAT—PROCEDURES**

### **Sec. 35-21. Mandatory and optional preliminary plats.**

- (A) Subdividers shall submit a preliminary plat for all subdivisions of more than 50 lots, which shall comply with all provisions of this chapter.
- (B) For subdivisions of 50 lots or fewer, a preliminary subdivision plat may be submitted at the option of the subdivider. If the subdivider elects to submit a preliminary subdivision plat, the preliminary plat shall comply with all applicable provisions of this chapter.

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### **Sec. 35-27. Effect of preliminary plat approval.**

- (A) Approval of a preliminary plat of a subdivision shall not constitute approval of the final plat. It shall be deemed as an expression of approval of the layout submitted on the preliminary plat as a guide to the preparation of the final plat.
- (B) Once a preliminary subdivision plat is approved, it shall be valid for a period of five (5) years, provided the subdivider (i) submits a final subdivision plat for all or a portion of the property within one (1) year of such approval or such longer period as may be prescribed and (ii) thereafter diligently pursues approval of the final subdivision plat. Diligent pursuit of approval means that the subdivider has

incurred extensive obligations or substantial expenses relating to the submitted final subdivision plat or modifications thereto. However, no sooner than three (3) years following such preliminary subdivision plat approval, and upon ninety (90) days' written notice by certified mail to the subdivider, the subdivision agent may revoke such approval upon a specific finding of facts that the subdivider has not diligently pursued approval of the final subdivision plat.

### **ARTICLE III. FINAL PLAT**

#### **Sec. 35-41. When required; submission to subdivision agent.**

- (A) Except as otherwise set forth in this chapter, preparation of a final plat is required whenever there is any proposal for subdividing land in the City of Hampton.
- (B) The final plat and other exhibits required for approval shall be prepared as specified in this article and submitted to the subdivision agent. Where provision has been made for phased development in connection with approval of the preliminary plat, including time limitations, the subdivider may submit a final plat for only that portion of the approved preliminary plat which he proposes to record and develop at the time, if such portion conforms to all requirements of this chapter.
- (C) For subdivisions of 50 lots or fewer where a subdivider has elected not to submit a preliminary subdivision plat, the terms "final plat of a subdivision," "final plat," and "final subdivision plat" used interchangeably in this chapter shall be read to refer to the single subdivision plat required for review and approval.

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#### **Sec. 35-43. Contents of final plat and conformance with preliminary plat.**

- (A) For any subdivision plat which has first been approved as a preliminary subdivision plat, the final plat of a subdivision shall conform to the preliminary plat, as approved under the provisions of this chapter.
- (B) For subdivisions of 50 lots or fewer where the subdivider has elected not to submit a preliminary subdivision plat, the final subdivision plat shall comply with Sections 35-22 through 35-25 and 35-26.1 of this chapter.

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#### **Sec. 35-50. Effect of final plat approval.**

- (A) An approved final subdivision plat which has been recorded shall be valid for a period of not less than five (5) years from the date of approval thereof or for such longer period as the subdivision agent may, at the time of approval, determine to be reasonable, taking into consideration the size and phasing of the proposed development.
- (B) **Phasing.** A subdivider may record a section of a final subdivision plat approved by the City pursuant to this chapter if the subdivider furnishes to the subdivision agent the required agreements and assurances in accordance with section 35-

108 of this chapter for the estimated cost of the facilities to be dedicated within said section for public use and maintained by the city. The subdivider shall have the right to record the remaining sections shown on the subdivision plat for a period of five (5) years from the date of the last recorded plat of subdivision for the property. The five-year period of validity shall extend from the date of the last recorded plat. Such right shall be subject to the terms and conditions of the Code of Virginia and subject to engineering and construction standards and the Zoning Ordinance requirements in effect at the time that each remaining section is recorded.

- (C) **Extension of Validity.** Upon written application of the subdivider filed prior to expiration of a recorded final subdivision plat, the subdivision agent, with the concurrence of the director of public works, may grant one or more extensions of such approval for additional periods as the subdivision agent and director of public works may, at the time the extension is granted, determine to be reasonable, taking into consideration the size and phasing of the proposed development, the laws, ordinances and regulations in effect at the time of the request for an extension.

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

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### **Sec. 35-101. Development plans required.**

- (A) For all proposed subdivisions requiring construction and installation of public facilities, before a final subdivision plat may be approved, the subdivider shall prepare development plans to install infrastructure in accordance with the provisions of this chapter at the subdivider's expense. The subdivider shall furnish to the director of public works a complete copy of the specifications for the construction of physical improvements to be installed, unless recognized standard specifications are used, in which case the subdivider shall certify to the director of public works, by reference, the specifications to be used. Otherwise, the design and construction of all streets, street signs, curbs, gutter, alleys, sidewalks and drainage shall comply with the latest edition of the public works design and construction standards.

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Adopted at the regular meeting of the City Council of the City of Hampton, Virginia held on August 13, 2014.

Signed by \_\_\_\_\_  
George E. Wallace, Mayor

Date \_\_\_\_\_

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

**Date** \_\_\_\_\_