

1 **Ordinance To Amend And Reenact Article 4 Of Chapter 9 Of The Zoning Ordinance Of**
2 **The City Of Hampton, Virginia Entitled “O-FZ District—Flood Zone Overlay.”**
3

4 **Whereas**, the public necessity, convenience, general welfare and good zoning practice so
5 require;
6

7 **BE IT ORDAINED** by the Council of the City of Hampton, Virginia that article 4 of chapter 9 of
8 the Zoning Ordinance of the City of Hampton, Virginia, be amended and re-enacted as follows:
9

10 **CHAPTER 9 – OVERLAY DISTRICTS**

11 ...

12 **ARTICLE IV. - O-FZ DISTRICT—FLOOD ZONE OVERLAY**

13
14 **Sec. 9-31. – General provisions.**

15 (1)

16 ~~Authority and purpose.~~This article is adopted pursuant to the authority granted to localities by
17 section 15.2-2280 of the Code of Virginia. The purpose of these provisions is to prevent: the
18 loss of life and property, the creation of health and safety hazards, the disruption of commerce
19 and governmental services, the extraordinary and unnecessary expenditure of public funds for
20 flood protection and relief, and the impairment of the tax base by:

21 (a)

22 ~~Regulating uses, activities, and development which, alone or in combination with other existing~~
23 ~~or future uses, activities, and development, will cause unacceptable increases in flood heights,~~
24 ~~velocities, and frequencies;~~

25 (b)

26 ~~Restricting or prohibiting certain uses, activities, and development from locating within districts~~
27 ~~subject to flooding;~~

28 (c)

29 ~~Requiring all those uses, activities, and developments that do occur in flood-prone districts to be~~
30 ~~protected and/or floodproofed against flooding and flood damage; and~~

31 (d)

32 ~~Protecting individuals from buying land and structures, which are unsuited for, intended~~
33 ~~purposes because of flood hazards.~~

34 (2)

35 ~~Applicability.~~These provisions shall apply to all lands within the jurisdiction of the City of
36 Hampton (city) and identified as being in the one hundred (100) year floodplain by the Federal
37 Insurance Administration, and Other Flood Areas as defined within.

38 (3)

39 ~~Compliance and liability.~~

40 (a)

41 ~~No land shall hereafter be developed and no structure shall be located, relocated, constructed,~~
42 ~~reconstructed, enlarged, or structurally altered except in full compliance with the terms and~~
43 ~~provisions of this article and any other applicable ordinances and regulations which apply to~~
44 ~~uses within the jurisdiction of this article.~~

45 (b)

46 ~~The degree of flood protection sought by the provisions of this article is considered reasonable~~
47 ~~for regulatory purposes and is based on acceptable engineering methods of study. Larger floods~~
48 ~~may occur on rare occasions. Flood heights may be increased by man-made or natural causes,~~
49 ~~such as ice jams and bridge openings restricted by debris. This article does not imply that~~
50 ~~districts outside the Floodplain District or that land uses permitted within such district will be free~~
51 ~~from flooding or flood damages.~~

52 (e)
53 Records of actions and certifications associated with administering this article shall be kept on
54 file and maintained by the zoning administrator.

55 (d)
56 This article shall not create liability on the part of the city or any officer or employee thereof for
57 any flood damages that result from reliance on this ordinance or any administrative decision
58 lawfully made thereunder.

59 (e)
60 The provisions of this article shall be enforced in accordance with chapter 1 of the zoning
61 ordinance. In addition to any fines or penalties, all other actions are hereby reserved, including
62 an action in equity for the proper enforcement of this article. The imposition of a fine or penalty
63 for any violation of, or noncompliance with, this article shall not excuse the violation or
64 noncompliance or permit it to continue; and all such persons shall be required to correct or
65 remedy such violations or noncompliance within a reasonable time. Any structure constructed,
66 reconstructed, enlarged, altered or relocated in noncompliance with this article may be declared
67 by the city to be a public nuisance and abatable as such. Flood insurance may be withheld from
68 structures constructed in violation of this article.

69 (4)
70 *Abrogation and greater restrictions.* This article supersedes any article or ordinance currently in
71 effect in flood-prone districts. However, any underlying ordinance shall remain in full force and
72 effect to the extent that its provisions are more restrictive than this article.

73 (5)
74 *Severability.* If any section, subsection, paragraph, sentence, clause, or phrase of this article
75 shall be declared invalid for any reason whatever, such decision shall not affect the remaining
76 portions of this article. The remaining portions shall remain in full force and effect; and for this
77 purpose, the provisions of this article are hereby declared to be severable.

78 (6)
79 *Jurisdictional boundary changes.* The city Flood Zone District ordinance in effect on the date of
80 any annexation shall remain in effect and shall be enforced by the city for all annexed areas
81 until the city adopts and enforces an ordinance which meets the requirements for participation in
82 the National Flood Insurance Program. The city shall pass a resolution acknowledging and
83 accepting responsibility for enforcing floodplain ordinance standards prior to annexation of any
84 area containing identified flood hazards. All plats or maps of annexation shall show the
85 floodplain boundaries, base flood elevation and location of the floodway where determined.

86 In accordance with the Code of Federal Regulations, Title 44 Subpart (B) Section 59.22(a)(9)(v),
87 the city shall notify the Federal Insurance Administration, and optionally the state coordinating
88 office, in writing whenever the boundaries of the city have been modified by annexation or the
89 city has otherwise assumed or no longer has authority to adopt and enforce floodplain
90 management regulations for a particular area.

91 In order that all Flood Insurance Rate Maps accurately represent the City of Hampton's
92 boundaries, a copy of a map of the city suitable for reproduction, clearly delineating the new
93 corporate limits or new area for which the city has assumed or relinquished floodplain
94 management regulatory authority must be included with the notification.

95
96 **Sec. 9-32. - Definitions. Modified**

97 For purposes of this article, the following definitions shall apply:

98 *Base flood.* The flood having a one (1) percent chance of being equaled or exceeded in any
99 given year.

100 *Base flood elevation.* The Federal Emergency Management Agency designated one hundred-
101 year water surface elevation.

102 *Basement.* Any area of the building having its floor sub-grade (below ground level) on all sides.

103 ~~Board of zoning appeals. The board appointed to review appeals made by individuals with~~
104 ~~regard to decisions of the zoning administrator in the interpretation of this article.~~
105 ~~Breakaway wall. A wall that is not part of the structural support of the building and is intended~~
106 ~~through its design and construction to collapse under specific lateral loading forces, without~~
107 ~~causing damage to the elevated portion of the building or supporting foundation system.~~
108 ~~Coastal high hazard area. A special flood hazard area extending from offshore to the inland limit~~
109 ~~of a primary frontal dune along an open coast and any other area subject to high velocity wave~~
110 ~~action from storms or seismic sources.~~
111 ~~Design Flood Elevation (DFE). The base flood elevation plus the freeboard required by this~~
112 ~~chapter.~~
113 ~~Development. Any man-made change to improved or unimproved real estate, including, but not~~
114 ~~limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or~~
115 ~~drilling operations or storage of equipment or materials, or any land disturbance and the~~
116 ~~resulting landform associated with the construction of residential, commercial, industrial,~~
117 ~~institutional, recreation, transportation, or utility facilities or structures or the clearing of land for~~
118 ~~non-agricultural or non-silvicultural purposes.~~
119 ~~Encroachment. The advance or infringement of uses, plant growth, fill, excavation, buildings,~~
120 ~~permanent structures or development into a floodplain, which may impede or alter the flow~~
121 ~~capacity of a floodplain.~~
122 ~~Existing manufactured home park or subdivision. A manufactured home park or subdivision for~~
123 ~~which the construction of facilities for servicing the lots on which the manufactured homes are to~~
124 ~~be affixed (including, at a minimum, the installation of utilities, the construction of streets, and~~
125 ~~either final site grading or the pouring of concrete pads) is completed before the effective date of~~
126 ~~the floodplain management regulations adopted by a community.~~
127 ~~Expansion of an existing manufactured home park or subdivision. The preparation of additional~~
128 ~~sites by the construction of facilities for servicing the lots on which the manufacturing homes are~~
129 ~~to be affixed (including the installation of utilities, the construction of streets, and either final site~~
130 ~~grading or the pouring of concrete pads).~~
131 ~~Flood or flooding.~~
132 ~~1.~~
133 ~~A general or temporary condition of partial or complete inundation of normally dry land areas~~
134 ~~from:~~
135 ~~a.~~
136 ~~The overflow of inland or tidal waters; or~~
137 ~~b.~~
138 ~~The unusual and rapid accumulation or runoff of surface waters from any source.~~
139 ~~2.~~
140 ~~The collapse or subsidence of land along the shore of a lake or other body of water as a result~~
141 ~~of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical~~
142 ~~levels or suddenly caused by an unusually high water level in a natural body of water,~~
143 ~~accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an~~
144 ~~abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in~~
145 ~~flooding as defined in paragraph (1) above of this section.~~
146 ~~Flood Insurance Rate Map (FIRM). An official map of a community on which FEMA has~~
147 ~~delineated both the special flood hazard areas and Other Flood Areas applicable to the~~
148 ~~community.~~
149 ~~Flood Insurance Study (FIS). The official report provided by FEMA that includes flood profiles,~~
150 ~~the Flood Insurance Rate Map, the flood boundary and floodway map, and the water surface~~
151 ~~elevation of the base flood.~~

152 ~~*Floodproofing.* Any combination of structural and nonstructural additions, changes, or~~
153 ~~adjustments to structures which reduce or eliminate flood damage to real estate or improved~~
154 ~~real property, water and sanitary facilities, structures and their contents.~~
155 ~~*Floodplain or flood-prone area.* Any land area susceptible to being inundated by water from any~~
156 ~~source.~~
157 ~~*Floodway.* The channel of a river or other watercourse and the adjacent land areas that must be~~
158 ~~reserved in order to discharge the base flood without cumulatively increasing the water surface~~
159 ~~elevation more than a designated height.~~
160 ~~*Freeboard.* A factor of safety usually expressed in feet above a flood level for purposes of~~
161 ~~floodplain management, which shall be measured as the vertical distance between the base~~
162 ~~flood elevation and the local minimum required lowest elevation. Freeboard tends to~~
163 ~~compensate for the many unknown factors that could contribute to flood heights greater than the~~
164 ~~height calculated for a selected size flood and floodway conditions, such as wave action, bridge~~
165 ~~openings, and the hydrological effect of urbanization in the watershed. When a freeboard is~~
166 ~~included in the height of a structure, the flood insurance premiums may be less expensive.~~
167 ~~*Historic structure.* Any structure that is:~~
168 ~~1.~~
169 ~~Listed individually in the National Register of Historic Places (a listing maintained by the~~
170 ~~Department of the Interior) or preliminarily determined by the Secretary of the Interior as~~
171 ~~meeting the requirements for individual listing on the National Register;~~
172 ~~2.~~
173 ~~Certified or preliminarily determined by the Secretary of the Interior as contributing to the~~
174 ~~historical significance of a registered historic district or a district preliminarily determined by the~~
175 ~~Secretary to qualify as a registered historic district;~~
176 ~~3.~~
177 ~~Individually listed on a state inventory of historic places in states with historic preservation~~
178 ~~programs which have been approved by the Secretary of the Interior; or~~
179 ~~4.~~
180 ~~Individually listed on a local inventory of historic places in communities with historic preservation~~
181 ~~programs that have been certified either:~~
182 ~~i.~~
183 ~~By an approved state program as determined by the Secretary of the Interior; or~~
184 ~~ii.~~
185 ~~Directly by the Secretary of the Interior in states without approved programs.~~
186 ~~*Lowest floor.* The lowest floor of the lowest enclosed area (including basement). An unfinished~~
187 ~~or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in~~
188 ~~an area other than a basement area is not considered a building's lowest floor; provided, that~~
189 ~~such enclosure is not built so as to render the structure in violation of the applicable non-~~
190 ~~elevation design requirements of Federal Code 44 CFR § 60.3.~~
191 ~~*Manufactured home.* A structure, transportable in one (1) or more sections, which is built on a~~
192 ~~permanent chassis and is designed for use with or without a permanent foundation when~~
193 ~~connected to the required utilities. For floodplain management purposes the term manufactured~~
194 ~~home also includes park trailers, travel trailers, and other similar vehicles placed on a site for~~
195 ~~greater than one hundred eighty (180) consecutive days.~~
196 ~~*Manufactured home park or subdivision.* A parcel (or contiguous parcels) of land divided into~~
197 ~~two (2) or more manufactured home lots for rent or sale.~~
198 ~~*New construction.* For the purposes of determining insurance rates, structures for which the~~
199 ~~"start of construction" commenced on or after the effective date of an initial Flood Insurance~~
200 ~~Rate Map on or after December 31, 1974, whichever is later, and includes any subsequent~~
201 ~~improvements to such structures. For floodplain management purposes, new construction~~
202 ~~means structures for which start of construction commenced on or after the effective date of a~~

203 ~~floodplain management regulation adopted by the city and includes any subsequent~~
204 ~~improvements to such structures.~~

205 ~~*New manufactured home park or subdivision.* A manufactured home park or subdivision for~~
206 ~~which the construction of facilities for servicing the lots on which the manufactured homes are to~~
207 ~~be affixed (including at a minimum, the installation of utilities, the construction of streets, and~~
208 ~~either final site grading or the pouring of concrete pads) is completed on or after the effective~~
209 ~~date of floodplain management regulations adopted by the city.~~

210 ~~*Other Flood Areas.* Those areas identified as X (Shaded) or X500 on the FIRM for which there~~
211 ~~is a one-fifth percent (0.2%) annual chance of flooding.~~

212 ~~*Recreational vehicle.* A vehicle which is:~~

213 ~~1.~~

214 ~~Built on a single chassis;~~

215 ~~2.~~

216 ~~Four hundred (400) square feet or less when measured at the largest horizontal projection;~~

217 ~~3.~~

218 ~~Designed to be self-propelled or permanently towable by a light duty truck; and~~

219 ~~4.~~

220 ~~Designed primarily not for use as a permanent dwelling but as temporary living quarters for~~
221 ~~recreational camping, travel, or seasonal use.~~

222 ~~*Special flood hazard area.* The land in the floodplain subject to a one (1) percent or greater~~
223 ~~chance of being flooded in any given year as determined in subsection 9-33(2) of this article.~~

224 ~~*Start of construction.* The date the building permit was issued, provided the actual start of~~
225 ~~construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement~~
226 ~~or other improvement was within one hundred eighty (180) days of the permit date. The actual~~
227 ~~start means either the first placement of permanent construction of a structure on a site, such as~~
228 ~~the pouring of slab or footings, the installation of piles, the construction of columns, or any work~~
229 ~~beyond the stage of excavation; or the placement of a manufactured home on a foundation,~~
230 ~~Permanent construction does not include land preparation, such as clearing, grading and tilting;~~
231 ~~nor does it include the installation on the property of accessory buildings, such as garages or~~
232 ~~sheds not occupied as dwelling units or not part of the main structure. For a substantial~~
233 ~~improvement, the actual start of the construction means the first alteration of any wall, ceiling,~~
234 ~~floor, or other structural part of a building, whether or not that alteration affects the external~~
235 ~~dimensions of the building.~~

236 ~~*Structure.* That which is built or constructed; specifically, a walled and roofed building, including~~
237 ~~a gas or liquid storage tank that is principally above ground, as well as a manufactured home.~~

238 ~~*Substantial damage.* Damage of any origin sustained by a structure whereby the cost of~~
239 ~~restoring the structure to its before damaged condition would equal or exceed fifty (50) percent~~
240 ~~of, at the discretion of the property owner, either the city's assessed value or the market value of~~
241 ~~the structure before the damage occurred as established by an independent, unbiased, third~~
242 ~~party appraiser licensed in the Commonwealth of Virginia, of the structure before the damage~~
243 ~~occurred.~~

244 ~~*Substantial improvement.* Any reconstruction, rehabilitation, addition, or other improvement of a~~
245 ~~structure, the cost of which equals or exceeds fifty (50) percent of, at the discretion of the~~
246 ~~property owner, either the city's assessed value or the market value, as established by an~~
247 ~~independent, unbiased, third party appraisal of the structure either (i) before the improvement or~~
248 ~~repair is started; or (ii) if the structure has been substantially damaged and is being restored,~~
249 ~~before the damage occurred, regardless of the actual repair work performed. Substantial~~
250 ~~improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other~~
251 ~~structural part of the building commences, whether or not that alteration affects the external~~
252 ~~dimensions of the structure This term does not, however, include either:~~

253 ~~1.~~

254 Any project for improvement of a structure to correct existing violations of state or local health,
255 sanitary, or safety code specifications which have been identified by the local code enforcement
256 official and which are the minimum necessary to assure safe living conditions; or

257 2.
258 Any alteration of an historic structure provided that the alteration will not preclude the structure's
259 continued designation as a historic structure.

260 ~~Violation.~~ The failure of a structure or other development to be fully compliant with the
261 provisions of this article. A structure or other development without the elevation certificate, other
262 certifications, or other evidence of compliance required in this article is presumed to be in
263 violation until such time as that documentation is provided.

264 ~~Watercourse.~~ A lake, river, creek, stream, wash, channel or other topographic feature on or over
265 which waters flow at least periodically. Watercourse includes specifically designated areas in
266 which substantial flood damage may occur.

267
268 **Sec. 9-33. -- Establishment of zoning districts.**

269 (1)

270 ~~Description of districts.~~

271 (a)

272 ~~Basis of districts.~~ The various floodplain districts shall include special flood hazard areas and
273 Other Flood Areas. The basis for the delineation of these districts shall be the Flood Insurance
274 Study (FIS) and the Flood Insurance Rate Maps for the City of Hampton prepared by the
275 Federal Emergency Management Agency, Federal Insurance Administration, effective August
276 16, 2011, and any subsequent revisions or amendments thereto as well as any city identified
277 flood hazard areas as delineated on a "Local Flood Hazard Map."

278 The city may identify and regulate new local flood hazard or ponding areas. These areas should
279 be delineated and adopted on a "Local Flood Hazard Map" using best available topographic
280 data and locally derived information such as flood of record, historic high water marks or
281 approximate study methodologies.

282 (i)

283 The Floodway District is delineated, for purposes of this ordinance, using the criterion that
284 certain areas within the floodplain must be capable of carrying the waters of the one hundred
285 (100) year flood without increasing the water surface elevation of that flood more than one (1)
286 foot at any point. The areas included in this district are specifically defined in Table 5 of the
287 above-referenced Flood Insurance Study and shown on the accompanying Flood Insurance
288 Rate Map.

289 (ii)

290 The Special Floodplain District shall be those areas identified as an AE Zone on the maps
291 accompanying the FIS for which one hundred (100) year flood elevations have been provided.

292 (iii)

293 The Approximated Floodplain District shall be those areas identified as an A Zone on the maps
294 accompanying the FIS. In these zones, no detailed flood profiles or elevations are provided, but
295 the one hundred (100) year floodplain boundary has been approximated. Base flood elevations
296 in this district must be developed by a certified professional engineer or certified land surveyor
297 authorized to do business in the Commonwealth of Virginia, through detailed hydrologic and
298 hydraulic analysis, using methodologies comparable to those found in a flood insurance study
299 (FIS) analysis.

300 (iv)

301 The Coastal Floodplain District shall be those areas identified as coastal AE or A1-30 Zones on
302 the maps accompanying the FIS. Flood elevations are provided in these tidal floodplains;
303 however, floodway data is not applicable.

304 (v)

305 ~~The Coastal High Hazard District shall be those areas identified as V1-V30, VE, or V Zones on~~
306 ~~the maps accompanying the FIS.~~

307 (vi)
308 ~~Other Flood Areas shall be those areas identified as X (Shaded) or X500 on the FIRM for which~~
309 ~~there is a one-fifth percent (0.2%) annual chance of flooding.~~

310 (b)
311 ~~Overlay concept.~~

312 (i)
313 ~~The floodplain districts described above shall be overlays to the existing underlying districts as~~
314 ~~shown on the official zoning map, and as such, the provisions for the floodplain districts shall~~
315 ~~serve as a supplement to the underlying district provisions.~~

316 (ii)
317 ~~If there is any conflict between the provisions or requirements of the floodplain districts and~~
318 ~~those of any underlying district, the more restrictive provisions and/or those pertaining to the~~
319 ~~floodplain districts shall apply.~~

320 (iii)
321 ~~In the event any provision concerning a floodplain district is declared inapplicable as a result of~~
322 ~~any legislative or administrative actions or judicial decision, the basic underlying provisions shall~~
323 ~~remain applicable.~~

324 (2)
325 ~~Official zoning map. The boundaries of the Special Flood Hazard Areas and Other Flood Areas~~
326 ~~shall be designated by the Flood Insurance Study (FIS) issued by FEMA and shown on the~~
327 ~~city's Flood Insurance Rate Map (FIRM) dated August 16, 2011, as amended. This map, as~~
328 ~~amended, is declared to be part of this ordinance and shall be kept on file in the offices of the~~
329 ~~Building Official and of the Zoning Administrator.~~

330 (a)
331 ~~The components of the Special Flood Hazard Areas shall be:~~

332 (i)
333 ~~Coastal High Hazard District (VE).~~
334 (ii)
335 ~~Special Flood Hazard Area (AE, A and AO).~~

336 (b)
337 ~~The components of Other Flood Areas shall be;~~

338 (i)
339 ~~Other Flood Areas (X500 or X (Shaded)).~~

340 (3)
341 ~~District boundary changes. The delineation of any of the floodplain districts may be revised by~~
342 ~~the city where natural or man-made changes have occurred and/or where more detailed studies~~
343 ~~have been conducted or undertaken by the U.S. Army Corps of Engineers or other qualified~~
344 ~~agency, or an individual documents the need for such change. However, prior to any such~~
345 ~~change, approval must be obtained from the Federal Insurance Administration.~~

346 (4)
347 ~~Interpretation of district boundaries. Initial interpretations of the boundaries of the floodplain~~
348 ~~districts shall be made by the zoning administrator. Should a dispute arise concerning the~~
349 ~~boundaries of any of the districts, the matter may be appealed to the board of zoning appeals in~~
350 ~~accordance with the provisions of chapter 13 of the zoning ordinance. The board of zoning~~
351 ~~appeals shall make the necessary determination. The person questioning or contesting the~~
352 ~~location of the district boundary shall be given a reasonable opportunity to present his/her case~~
353 ~~to the board of zoning appeals and to submit his/her own technical evidence if he/she so~~
354 ~~desires.~~

355 (5)

356 ~~Submitting technical data.~~ The city's base flood elevations may increase or decrease resulting
357 from physical changes affecting flooding conditions. As soon as practicable, but not later than
358 six (6) months after the date such information becomes available, the city shall notify the
359 Federal Emergency Management Agency (FEMA) of the changes by submitting technical or
360 scientific data. Such a submission is necessary so that upon confirmation of those physical
361 changes affecting flooding conditions, risk premium rates and floodplain management
362 requirements will be based upon current data.

363 (6)

364 ~~Letters of map revision.~~ The applicant must notify FEMA by applying for a "Conditional Letter of
365 Map Revision or a Letter of Map Revision," when development in the floodplain causes:

366 (a)

367 Any development that causes a rise in the base flood elevations within the floodway.

368 (b)

369 Any development occurring in Zones A1-30 and AE without a designated floodway, which will
370 cause a rise of more than one (1) foot in the base flood elevation.

371 (c)

372 Alteration or relocation of a stream (including but not limited to installing culverts and bridges)
373 44 Code of Federal Regulations § 65.3 and § 65.6(a)(12).

374

375 **Sec. 9-34. – District provisions. Modified**

376 (1)

377 ~~Permit and application requirements.~~

378 (a)

379 ~~Permit requirement.~~ All uses, activities, and development occurring within any special floodplain
380 district and Other Flood Areas shall be undertaken only upon the issuance of a zoning permit,
381 land disturbance permit, or building permit. Such development shall be undertaken only in strict
382 compliance with the provisions of this article, the Virginia Uniform Statewide Building Code (VA
383 USBC), and all other applicable codes and ordinances, as amended. Prior to the issuance of
384 any such permit, the zoning administrator shall require all applications to include compliance
385 with all applicable state and federal laws.

386 (b)

387 ~~Site plans and building permit applications.~~ All site plan and building permit applications within
388 any Special Flood Hazard Area or Other Flood Area shall incorporate the following information:

389 (i)

390 The elevation of the base flood at the site.

391 (ii)

392 The elevation of the lowest floor (including basement) or, in VE zones, the lowest horizontal
393 structural member of the lowest floor.

394 (iii)

395 For structures to be floodproofed (non-residential only), the elevation to which the structure will
396 be floodproofed.

397 (iv)

398 Topographic information showing existing and proposed ground elevations.

399 (2)

400 ~~General standards.~~ In all special flood hazard areas the following provisions shall apply:

401 (a)

402 The freeboard shall be three (3) feet. The freeboard, in addition to the base flood elevation, shall
403 constitute the design flood elevation.

404 (b)

405 New construction and substantial improvements shall be according to the VA USBC, and
406 anchored to prevent flotation, collapse or lateral movement of the structure.

407 (e)
408 ~~Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement.~~
409 ~~Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to~~
410 ~~ground anchors. This standard shall be in addition to and consistent with applicable state~~
411 ~~requirements for resisting wind forces.~~
412 (d)
413 ~~New construction and substantial improvements shall be constructed with materials and utility~~
414 ~~equipment resistant to flood damage.~~
415 (e)
416 ~~New construction or substantial improvements shall be constructed by methods and practices~~
417 ~~that minimize flood damage.~~
418 (f)
419 ~~Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities,~~
420 ~~including ductwork, shall be:~~
421 (i)
422 ~~Elevated and installed at or above the design flood elevation; or~~
423 (ii)
424 ~~Designed so as to prevent water from entering or accumulating within the components during~~
425 ~~conditions of flooding to a level no lower than the design flood elevation.~~
426 (g)
427 ~~New and replacement water supply systems shall be designed to minimize or eliminate~~
428 ~~infiltration of floodwaters into the system.~~
429 (h)
430 ~~New and replacement sanitary sewage systems shall be designed to minimize or eliminate~~
431 ~~infiltration of floodwaters into the systems and discharges from the systems into floodwaters.~~
432 (i)
433 ~~On-site waste disposal systems shall be located and constructed to avoid impairment to them or~~
434 ~~contamination from them during flooding.~~
435 (j)
436 ~~Any alteration, repair, reconstruction or improvements to a building that is in compliance with the~~
437 ~~provisions of this article shall meet the requirements of "new construction" as contained in this~~
438 ~~article.~~
439 (k)
440 ~~Any alteration, repair, reconstruction or improvements to a building that is not in compliance with~~
441 ~~the provisions of this article, shall be undertaken only if said non-conformity is not furthered,~~
442 ~~extended, or replaced.~~
443 (l)
444 ~~Prior to any proposed alteration or relocation of any channels or of any watercourse, stream,~~
445 ~~etc., within this jurisdiction a permit shall be obtained from the U.S. Corps of Engineers, the~~
446 ~~Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission~~
447 ~~(a joint permit application is available from any of these organizations). Furthermore, notification~~
448 ~~of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the~~
449 ~~Department of Conservation and Recreation (Division of Dam Safety and Floodplain~~
450 ~~Management) and the Federal Insurance Administration.~~
451 (m)
452 ~~The flood carrying capacity within an altered or relocated portion of any watercourse shall be~~
453 ~~maintained.~~
454 (n)
455 ~~For residential construction, the lowest floor shall not be below grade on all sides.~~
456 (3)

457 ~~Specific standards.~~ In all special flood hazard areas where base flood elevations have been
458 provided in the Flood Insurance Study or generated according to subsection 9-33(1)(a), the
459 following provisions shall apply:

460 (a)

461 ~~Residential construction.~~ New construction or substantial improvement of any residential
462 structure (including manufactured homes) shall have the lowest floor, including basement,
463 elevated at or above the design flood elevation.

464 (b)

465 ~~Non-residential construction.~~ New construction or substantial improvement of any commercial,
466 industrial, or nonresidential building (or manufactured home) shall have the lowest floor,
467 including basement, elevated at or above the design flood elevation. Buildings located in all A1-
468 30 and AE Zones may be floodproofed in lieu of being elevated provided that all areas of the
469 building components below the design flood elevation are watertight with walls substantially
470 impermeable to the passage of water, and use structural components having the capability of
471 resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered
472 professional engineer or architect shall certify that the standards of this subsection are satisfied.

473 (c)

474 ~~Buildings with enclosed spaces below the design flood elevation.~~ Enclosed areas, of new
475 construction or substantially improved structures, which are below the design flood protection
476 elevation shall:

477 (i)

478 Not be designed or used for human habitation, but shall only be used for parking of vehicles,
479 building access, or limited storage of maintenance equipment used in connection with the
480 premises. Access to the enclosed area shall be the minimum necessary to allow for parking of
481 vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or
482 entry to the living area (stairway or elevator);

483 (ii)

484 Be constructed entirely of flood resistant materials below the design flood elevation;

485 (iii)

486 In the Coastal High Hazard District, follow the standards for elevation outlined in subsection 9-
487 33(8); and

488 (iv)

489 Include, in Zones A, AE, and A1-30, measures to automatically equalize hydrostatic flood forces
490 on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the
491 openings must either be certified by a professional engineer or architect or meet all of the
492 following minimum design criteria:

493 (aa)

494 Provide a minimum of two (2) openings on different sides of each enclosed area subject to
495 flooding.

496 (bb)

497 The total net area of all openings must be at least one (1) square inch for each square foot of
498 enclosed area subject to flooding or the flood openings shall be engineered flood openings that
499 are designed and certified by a licensed professional engineer to automatically allow entry and
500 exit of floodwaters; the certification requirement may be satisfied by an individual certification or
501 issuance of an Evaluation Report by the ICG Evaluation Service, Inc.

502 (cc)

503 If a building has more than one (1) enclosed area, each area must have openings to allow
504 floodwaters to automatically enter and exit.

505 (dd)

506 The bottom of all required openings shall be no higher than one (1) foot above the adjacent
507 grade.

508 ~~(ee)~~
509 ~~Openings may be equipped with screens, louvers, or other opening coverings or devices,~~
510 ~~provided they permit the automatic flow of floodwaters in both directions.~~
511 ~~(ff)~~
512 ~~Foundation enclosures made of flexible skirting are not considered enclosures for regulatory~~
513 ~~purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless~~
514 ~~of structural status, is considered an enclosure and requires openings as outlined above.~~
515 ~~(d)~~
516 ~~*Manufactured homes and recreational vehicles.*~~
517 ~~(i)~~
518 ~~All manufactured homes placed, or substantially improved, on individual lots or parcels, in~~
519 ~~expansions to existing manufactured home parks or subdivisions, in a new manufactured home~~
520 ~~park or subdivision, or in an existing manufactured home park or subdivision on which a~~
521 ~~manufactured home has incurred substantial damage as the result of a flood, must meet all the~~
522 ~~requirements for new construction, including the elevation and anchoring requirements in~~
523 ~~subsections 9-34(2)(b), 9-34(2)(c), and 9-34(3)(a).~~
524 ~~(ii)~~
525 ~~All manufactured homes placed or substantially improved in an existing manufactured home~~
526 ~~park or subdivision in which a manufactured home has not incurred substantial damage as the~~
527 ~~result of a flood shall be elevated so that:~~
528 ~~(aa)~~
529 ~~The lowest floor of the manufactured home is elevated no lower than design flood elevation; and~~
530 ~~(bb)~~
531 ~~The manufactured home must be securely anchored to the adequately anchored foundation~~
532 ~~system to resist flotation, collapse and lateral movement;~~
533 ~~(iii)~~
534 ~~All recreational vehicles placed on sites must either:~~
535 ~~(aa)~~
536 ~~Be on the site for fewer than one hundred eighty (180) consecutive days;~~
537 ~~(bb)~~
538 ~~Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it~~
539 ~~is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities~~
540 ~~and security devices and has no permanently attached additions); or~~
541 ~~(cc)~~
542 ~~Meet all the requirements for manufactured homes in subsection 9-34(3)(d).~~
543 ~~(4)~~
544 ~~*Standards for Approximated Floodplain District.* The following provisions shall apply within the~~
545 ~~approximated floodplain district:~~
546 ~~(a)~~
547 ~~When base flood elevation data or floodway data have not been provided, the zoning~~
548 ~~administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway~~
549 ~~data available from a federal, state, or any other source, in order to administer the provisions of~~
550 ~~section 9-20. When such base flood elevation data is utilized, the zoning administrator shall~~
551 ~~obtain:~~
552 ~~(i)~~
553 ~~The elevation (in relation to the mean sea level) of the lowest floor (including the basement) of~~
554 ~~all new and substantially improved structures; and~~
555 ~~(ii)~~
556 ~~If the structure has been floodproofed in accordance with the requirements of subsection 9-~~
557 ~~34(3)(b) of this article, the elevation in relation to the mean sea level to which the structure has~~
558 ~~been floodproofed.~~

559 (b)
560 When the data is not available from any source as in subsection 9-34(4)(a), then the applicant
561 for the proposed use, development and/or activity shall determine this elevation. For
562 development proposed in the approximate floodplain, the applicant must use technical methods
563 that correctly reflect currently accepted technical concepts, such as point on boundary, high
564 water marks, or hydrologic and hydraulic analyses. Studies, analyses, computations, etc. shall
565 be submitted in sufficient detail to allow a thorough review by the zoning administrator. The
566 zoning administrator reserves the right to require a hydrologic and hydraulic analyses for any
567 development.

568 (5)
569 ~~Standards for the Special Floodplain District.~~ The following provisions shall apply within the
570 Special Floodplain District:

571 (a)
572 Until a regulatory floodway is designated, no new construction, substantial improvements, or
573 other development (including fill) shall be permitted within the areas of special flood hazard,
574 designated as Zones A1-30 and AE on the Flood Rate Insurance Map, unless it is demonstrated
575 that the cumulative effect of the proposed development, when combined with all other existing
576 and anticipated development will not increase the water surface elevation of the base flood
577 more than one (1) foot at any point within the city.

578 (b)
579 Development activities in Zones A1-30 and AE on Hampton's Flood Insurance Rate Map which
580 increase the water surface elevation of the base flood by more than one (1) foot may be
581 allowed, provided that the applicant first applies with the city's endorsement for a conditional
582 Flood Insurance Rate Map revision, and receives the approval of the Federal Emergency
583 Management Agency.

584 (6)
585 ~~Standards for the Floodway District.~~ The following provisions shall apply within the Floodway
586 District:

587 (a)
588 Encroachments, including fill, new construction, substantial improvements and other
589 developments are prohibited unless certification (with supporting technical data) by a registered
590 professional engineer is provided demonstrating that encroachments shall not result in any
591 increase in flood levels during occurrence of the base flood.

592 (b)
593 Development activities, which increase the water surface elevation of the base flood, may be
594 allowed, provided that the applicant first applies with the city's endorsement for a conditional
595 Flood Insurance Rate Map and floodway revision, and receives the approval of the Federal
596 Emergency Management Agency.

597 (c)
598 If subsection 9-34(6)(a) is satisfied, all new construction and substantial improvements shall
599 comply with all applicable flood hazard reduction provisions of section 9-34.

600 (d)
601 The placement of manufactured homes (mobile homes) is prohibited, except in an existing
602 manufactured homes (mobile homes) park or subdivision. A replacement manufactured home
603 may be placed on a lot in an existing manufactured home park or subdivision provided the
604 anchoring, elevation, and encroachment standards are met.

605 (7)
606 ~~Standards for subdivision proposals.~~ Notwithstanding any provisions of chapter 35 of the city
607 code to the contrary:

608 (a)
609 All subdivision proposals shall be consistent with the need to minimize flood damage;

610 (b)
611 All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical
612 and water systems located and constructed to minimize flood damage;
613 (c)
614 All subdivision proposals shall have adequate drainage provided to reduce exposure to flood
615 hazards; and
616 (d)
617 Base flood elevation data shall be provided for subdivision proposals and other development
618 proposals (including manufactured home parks and subdivisions) that exceed fifty (50) lots or
619 five (5) acres, whichever is the lesser.
620 (8)
621 *Standards for the Coastal High Hazard District.* The following provisions shall apply within the
622 Coastal High Hazard District:
623 (a)
624 All new construction and substantial improvements in Zones V1-V30 and VE (V if base flood
625 elevation is available) shall be elevated on pilings or columns so that:
626 (i)
627 The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings
628 or columns) is elevated to or above the design flood elevation; and
629 (ii)
630 The pile or column foundation and structure attached thereto is anchored to resist flotation,
631 collapse, and lateral movement due to the effects of wind and water loads acting simultaneously
632 on all building components. Wind and water loading values shall each have a one-percent
633 chance of being equaled or exceeded in any given year (one-percent annual chance).
634 (b)
635 A registered professional engineer or architect shall develop or review the structural design,
636 specifications and plans for the construction, and shall certify that the design and methods of
637 construction to be used are in accordance with accepted standards of practice for meeting the
638 provisions of subsection 9-34(8)(a).
639 (c)
640 The zoning administrator shall obtain the elevation (in relation to mean sea level) of the bottom
641 of the lowest horizontal structural member of the lowest floor (excluding pilings and columns) of
642 all new and substantially improved structures in Zones V1-V30 and VE. The zoning
643 administrator shall maintain a record of all such information.
644 (d)
645 All new construction shall be located landward of the reach of mean high tide.
646 (e)
647 All new construction and substantial improvements shall have the space below the lowest floor
648 either free of obstruction or constructed with nonsupporting breakaway walls, open wood lattice
649 work, or insect screening intended to collapse under wind and water loads without causing
650 collapse, displacement, or other structural damage to the elevated portion of the building or
651 supporting foundation system. For the purpose of this section, a breakaway wall shall have a
652 design safe loading resistance of not less than ten (10) and no more than twenty (20) pounds
653 per square foot. Use of breakaway walls which exceed a design safe loading resistance of
654 twenty (20) pounds per square foot (either by design or when so required by local codes) may
655 be permitted only if a registered professional engineer or architect certifies that the designs
656 proposed meet the following conditions:
657 (i)
658 Breakaway wall collapse shall result from water load less than that which would occur during the
659 base flood; and
660 (ii)

661 ~~The elevated portion of the building and supporting foundation system shall not be subject to~~
662 ~~collapse, displacement, or other structural damage due to the effects of wind and water loads~~
663 ~~acting simultaneously on all building components (structural and nonstructural). Maximum wind~~
664 ~~and water loading values to be used in this determination shall each have a one (1) percent~~
665 ~~chance of being equaled or exceeded in any given year.~~

666 (f)

667 ~~The enclosed space below the lowest floor shall be used solely for parking of vehicles, building~~
668 ~~access, or storage. Such space shall not be partitioned into multiple rooms, temperature-~~
669 ~~controlled, or used for human habitation. Prior to submission of a site plan, the zoning~~
670 ~~administrator shall notify the applicant that flood insurance rates increase dramatically for~~
671 ~~enclosures three hundred (300) square feet and larger.~~

672 (g)

673 ~~The use of fill for structural support of buildings is prohibited. Prior to the issuance of a~~
674 ~~development permit, where fill is proposed in a coastal high hazard area, engineering analyses~~
675 ~~shall be conducted to evaluate the impacts of the fill on adjacent properties.~~

676 (h)

677 ~~The man-made alteration of sand dunes, which would increase potential flood damage, is~~
678 ~~prohibited.~~

679 (i)

680 ~~New, replacement, or substantially improved manufactured homes are prohibited within Zones~~
681 ~~V1-V30, V and VE on the city's Flood Insurance Rate Map.~~

682 (j)

683 ~~Recreational vehicles to be placed within Zones V1-V30, V, and VE on the city's Flood~~
684 ~~Insurance Rate Map on sites must meet the standards of subsection 9-34(3)(d) and~~
685 ~~subsection 9-34(8)(a) through 9-34(8)(i).~~

686 (9)

687 ~~Standards for Other Flood Areas. The following provisions shall apply in areas identified as X~~
688 ~~(Shaded) or X500 on the city's FIRM:~~

689 (a)

690 ~~All new construction as of September 10, 2014 shall have the lowest floor, including basement,~~
691 ~~elevated or flood-proofed to one and one-half (1.5) feet above the highest grade immediately~~
692 ~~adjacent to the structure.~~

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

694

695 **~~Sec. 9-35. - Variances.~~**

696 (1)

697 ~~Additional factors to be considered. In considering applications for variances to this article, the~~
698 ~~board of zoning appeals shall satisfy all relevant factors and procedures specified in chapter~~
699 ~~13 of the zoning ordinance and consider the following additional factors:~~

700 (a)

701 ~~The showing of good and sufficient cause.~~

702 (b)

703 ~~A determination that failure to grant the variance would result in hardship to the applicant.~~

704 (c)

705 ~~The danger to life and property due to increased flood heights or velocities caused by~~
706 ~~encroachments.~~

707 (d)

708 ~~The danger that materials may be swept on to other lands or downstream to the injury of others.~~

709 (e)

710 ~~The proposed water supply and sanitation systems and the ability of these systems to prevent~~
711 ~~disease, contamination, and unsanitary conditions.~~

712 (f)
713 The susceptibility of the proposed facility and its contents to flood damage and the effect of such
714 damage on the individual owners.
715 (g)
716 The importance of the services provided by the proposed facility to the community.
717 (h)
718 The requirements of the facility for a waterfront location.
719 (i)
720 The availability of alternative locations not subject to flooding for the proposed use.
721 (j)
722 The compatibility of the proposed use with existing development and development anticipated in
723 the foreseeable future.
724 (k)
725 The relationship of the proposed use to the comprehensive plan and floodplain management
726 program for the area.
727 (l)
728 The safety of access by ordinary and emergency vehicles to the property in time of flood.
729 (m)
730 The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters
731 expected at the site.
732 (n)
733 The repair or rehabilitation of historic structures upon a determination that the proposed repair
734 or rehabilitation will not preclude the structure's continued designation as a historic structure
735 and the variance is the minimum necessary to preserve the historic character and design of the
736 structure.
737 (o)
738 Such other factors which are relevant to the purposes of this article.
739 (2)
740 *Technical assistance.* The board of zoning appeals may refer any application and
741 accompanying documentation pertaining to any request for a variance to any engineer or other
742 qualified person or agency for technical assistance in evaluating the proposed project in relation
743 to flood heights and velocities, and the adequacy of the plans for flood protection and other
744 related matters.
745 (3)
746 *Additional criteria to be applied.*
747 (a)
748 Variances shall be issued only after the board of zoning appeals has determined that the
749 granting of such variance will not result in (1) unacceptable or prohibited increases in flood
750 heights, (2) additional threats to public safety, (3) extraordinary public expense; and will not (4)
751 create nuisances, (5) cause fraud or victimization of the public, or (6) conflict with local laws or
752 ordinances.
753 (b)
754 Variances shall be issued only after the board of zoning appeals has determined that the
755 variance will be the minimum required to provide relief from exceptional hardship to the
756 applicant. The variance shall minimize changes to the requirements of this article, and maximize
757 flood protection of the structure. No variance shall be granted by the board of zoning appeals for
758 any proposed use, development, or activity within any floodway district that will cause any
759 increase in the one hundred (100) year flood elevation.
760 (c)
761 Prior to the consideration of an application for a variance to the provisions of this article, the
762 board of zoning appeals shall notify the applicant for a variance, in writing, that the grant of a

763 variance to construct a structure below the one hundred (100) year flood elevation (a) increases
764 the risks to life and property and (b) will result in increased premium rates for flood insurance.
765 (d)
766 A record shall be maintained of the above notification as well as all variance actions, including
767 justification for the issuance of the variances. Any variances that are issued shall be noted in the
768 annual or biennial report submitted to the Federal Insurance Administrator.
769

770 **Sec. 9-36. – Existing structures in floodplain areas.**

771 A structure or use of a structure or premises which lawfully existed before the enactment of
772 these provisions, but which is not in conformity with these provisions, may be continued subject
773 to the Virginia USBC. The modification, alteration, repair, reconstruction or improvement of any
774 kind to a structure and/or use, shall be undertaken only in full compliance with this article.
775

776 **Secs. 9-37 – 9-40. – Reserved.**

777
778 **Sec. 9-31. – General provisions.**

779 (1) *Statutory Authorization and Purpose*

780 *This ordinance is adopted pursuant to the authority granted to localities by section 15.2-*
781 *2280 of the Code of Virginia. The purpose of these provisions is to prevent: the loss of*
782 *life and property, the creation of health and safety hazards, the disruption of commerce*
783 *and governmental services, the extraordinary and unnecessary expenditure of public*
784 *funds for flood protection and relief, and the impairment of the tax base by:*

- 785 (a) *regulating uses, activities, and development which, alone or in combination with*
786 *other existing or future uses, activities, and development, will cause*
787 *unacceptable increases in flood heights, velocities, and frequencies;*
- 788 (b) *restricting or prohibiting certain uses, activities, and development from locating*
789 *within districts subject to flooding;*
- 790 (c) *requiring all those uses, activities, and developments that do occur in flood-prone*
791 *districts to be protected and/or flood-proofed against flooding and flood damage;*
792 *and,*
- 793 (d) *protecting individuals from buying land and structures which are unsuited for*
794 *intended purposes because of flood hazards.*

795 (2) *Applicability*

796 *These provisions shall apply to all privately and publicly owned lands within the*
797 *jurisdiction of the City of Hampton (city) and identified as special flood hazard areas*
798 *(SFHA) or other flood areas or shown on the flood insurance rate map (FIRM) or*
799 *included in the flood insurance study (FIS) that are provided to the city by FEMA.*

800 (3) *Compliance and Liability*

- 801 (a) *No land shall hereafter be developed and no structure shall be located,*
802 *relocated, constructed, reconstructed, enlarged, or structurally altered except in*
803 *full compliance with the terms and provisions of this article.*
- 804 (b) *The degree of flood protection sought by the provisions of this ordinance is*
805 *considered reasonable for regulatory purposes and is based on acceptable*
806 *engineering methods of study, but does not imply total flood protection. Larger*
807 *floods may occur on rare occasions. Flood heights may be increased by man-*
808 *made or natural causes, such as ice jams and bridge openings restricted by*
809 *debris. This article does not imply that districts outside the floodplain district or*

810 *land uses permitted within such district will be free from flooding or flood*
811 *damages.*

812 (c) *This article shall not create liability on the part of the city or any officer or*
813 *employee thereof for any flood damages that result from reliance on this*
814 *ordinance or any administrative decision lawfully made thereunder.*

815 (4) *Records*

816 *Records of actions associated with administering this ordinance shall be kept on file and*
817 *maintained by or under the direction of the Floodplain Administrator in perpetuity.*

818 (5) *Abrogation and Greater Restrictions*

819 *To the extent that the provisions are more restrictive, this article supersedes any article*
820 *or ordinance currently in effect in flood-prone districts, however, any such existing article*
821 *or ordinance shall remain in full force and effect to the extent that its provisions are more*
822 *restrictive than this article or do not conflict.*

823 (6) *Severability*

824 *If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall*
825 *be declared invalid for any reason whatever, such decision shall not affect the remaining*
826 *portions of this article. The remaining portions shall remain in full force and effect; and*
827 *for this purpose, the provisions of this ordinance are hereby declared to be severable.*

828 (7) *Administration and Enforcement*

829 *The provisions of this article shall be enforced in accordance with chapter 1 of the zoning*
830 *ordinance. In addition to the above penalties, all other actions are hereby reserved, including*
831 *an action in equity for the proper enforcement of this article. The imposition of a fine or*
832 *penalty for any violation of, or noncompliance with, this article shall not excuse the*
833 *violation or noncompliance or permit it to continue; and all such persons shall be*
834 *required to correct or remedy such violations within a reasonable time. Any structure*
835 *constructed, reconstructed, enlarged, altered or relocated in noncompliance with this article*
836 *may be declared by the city to be a public nuisance and abatable as such. Flood insurance*
837 *may be withheld from structures constructed in violation of this article.*

838 **Sec. 9-32. – Administration.**

839 (1) *Designation of the Floodplain Administrator*

840 *The zoning administrator or his designee shall act as Floodplain Administrator to*
841 *administer and implement the flood plain regulations. The Floodplain Administrator may*
842 *delegate duties and responsibilities to qualified technical personnel, plan examiners,*
843 *inspectors, and other employees and enter into a written agreements with other*
844 *communities and private sector entities to administer specific provisions of these*
845 *regulations.*

846 (2) *Duties and Responsibilities of the Floodplain Administrator*

847 *The duties and responsibilities of the Floodplain Administrator shall include those set*
848 *forth in the code of federal regulations, including but not limited to:*

849 (a) *Review applications for permits to determine whether proposed activities will be*
850 *located in the Special Flood Hazard Area (SFHA).*

851 (b) *Interpret floodplain boundaries and provide available base flood elevation and*
852 *flood hazard information.*

853 (c) *Review applications to determine whether proposed activities will be reasonably*
854 *safe from flooding and require new construction and substantial improvements to*
855 *meet the requirements of these regulations.*

- 856 (d) *Review applications to determine whether all necessary permits have been*
857 *obtained from the Federal, State or local agencies from which prior or concurrent*
858 *approval is required; in particular, permits from state agencies for any*
859 *construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway*
860 *obstruction (including bridges, culverts, structures), any alteration of a*
861 *watercourse, or any change of the course, current, or cross section of a stream*
862 *or body of water, including any change to the 100-year frequency floodplain of*
863 *free-flowing non-tidal waters of the State.*
- 864 (e) *Require applicants proposing an alteration of a watercourse to provide proof that*
865 *they have notified adjacent communities, the Department of Conservation and*
866 *Recreation (Division of Dam Safety and Floodplain Management), and other*
867 *appropriate agencies (VADEQ, USACE) and have submitted copies of such*
868 *notifications to FEMA.*
- 869 (f) *Advise applicants for new construction or substantial improvement of structures*
870 *regarding whether or not the proposed development is within an area of the*
871 *Coastal Barrier Resources System established by the Coastal Barrier Resources*
872 *Act where Federal flood insurance is not available; areas subject to this limitation*
873 *are shown on Flood Insurance Rate Maps as Coastal Barrier Resource System*
874 *Areas (CBRS) or Otherwise Protected Areas (OPA).*
- 875 (g) *Review applications to develop in flood hazard areas for compliance with this*
876 *article.*
- 877 (h) *In accordance with chapter 1, administer and enforce the terms of this article,*
878 *including but not limited to inspections of buildings, structures, and other*
879 *development subject to this article.*
- 880 (i) *Review Elevation Certificates and require incomplete or deficient certificates to*
881 *be corrected.*
- 882 (j) *Submit to FEMA, or require applicants to submit to FEMA, data and information*
883 *necessary to maintain FIRMs, including hydrologic and hydraulic engineering*
884 *analyses prepared by or for the city, within six months after such data and*
885 *information becomes available if the analyses indicate changes in base flood*
886 *elevations.*
- 887 (k) *Maintain and permanently keep records that are necessary for the administration*
888 *of these regulations, including:*
- 889 (i) *Flood Insurance Studies, Flood Insurance Rate Maps (including historic*
890 *studies and maps and current effective studies and maps) and Letters of*
891 *Map Change; and*
- 892 (ii) *Documentation supporting issuance and denial of permits, Elevation*
893 *Certificates, documentation of the elevation (in relation to the datum on*
894 *the FIRM) to which structures have been floodproofed, inspection*
895 *records, other required design certifications, variances, and records of*
896 *enforcement actions taken to correct violations of these regulations.*
- 897 (l) *In accordance with chapter 1, administer and enforce the terms of this article.*
- 898 (m) *Upon application for a variance from this article, prepare a staff report to the*
899 *Board of Zoning Appeals containing an analysis of the variance requirements*
900 *applicable to this article.*
- 901 (n) *Administer the requirements related to proposed work on existing buildings:*
- 902 (i) *Make determinations as to whether buildings and structures that are*
903 *located in flood hazard areas and that are damaged by any cause have*
904 *been substantially damaged.*
- 905 (ii) *Make reasonable efforts to notify owners of substantially damaged*
906 *structures of the need to obtain a permit to repair, rehabilitate, or*

907 *reconstruct. Prohibit the non-compliant repair of substantially damaged*
908 *buildings except for temporary emergency protective measures*
909 *necessary to secure a property or stabilize a building or structure to*
910 *prevent additional damage.*

911 (o) *Undertake, as determined appropriate by the Floodplain Administrator due to the*
912 *circumstances, other actions which may include but are not limited to: issuing*
913 *press releases, public service announcements, and other public information*
914 *materials related to permit requests and repair of damaged structures;*
915 *coordinating with other Federal, State, and local agencies to assist with*
916 *substantial damage determinations; providing owners of damaged structures*
917 *information related to the proper repair of damaged structures in special flood*
918 *hazard areas; and assisting property owners with documentation necessary to*
919 *file claims for Increased Cost of Compliance coverage under NFIP flood*
920 *insurance policies.*

921 (p) *Notify the Federal Emergency Management Agency when the corporate*
922 *boundaries of the city have been modified and:*

923 (i) *Provide a map that clearly delineates the new corporate boundaries or*
924 *the new area for which the authority to regulate pursuant to these*
925 *regulations has either been assumed or relinquished through annexation;*
926 *and*

927 (ii) *If the FIRM for any annexed area includes special flood hazard areas that*
928 *have flood zones that have regulatory requirements that are not set forth*
929 *in these regulations, prepare amendments to these regulations to adopt*
930 *the FIRM and appropriate requirements, and submit the amendments to*
931 *the governing body for adoption; such adoption shall take place at the*
932 *same time as or prior to the date of annexation and a copy of the*
933 *amended regulations shall be provided to Department of Conservation*
934 *and Recreation (Division of Dam Safety and Floodplain Management)*
935 *and FEMA.*

936 (q) *Upon the request of FEMA, complete and submit a report concerning*
937 *participation in the NFIP which may request information regarding the number of*
938 *buildings in the SFHA, number of permits issued for development in the SFHA,*
939 *and number of variances issued for development in the SFHA.*

940 (3) *Use and Interpretation of FIRMs*
941 *The Floodplain Administrator shall make interpretations, where needed, as to the exact*
942 *location of special flood hazard areas, floodplain boundaries, and floodway boundaries*
943 *based upon the applicable FIRM. Should a dispute arise concerning the boundaries of*
944 *any of the districts, the Floodplain Administrator's interpretation may be appealed to the*
945 *board of zoning appeals in accordance with the provisions of chapter 13 of the zoning*
946 *ordinance. The following shall apply to the use and interpretation of FIRMs and data:*

947 (a) *Where field surveyed topography indicates that adjacent ground elevations are:*

948 (i) *Below the base flood elevation, even in areas not delineated as a special*
949 *flood hazard area on a FIRM, the area shall be considered as special*
950 *flood hazard area and subject to the requirements of these regulations;*

951 (ii) *Above the base flood elevation, the area shall be regulated as special*
952 *flood hazard area unless the applicant obtains a Letter of Map Change*
953 *that removes the area from the SFHA.*

954 (b) *In FEMA-identified special flood hazard areas where base flood elevation and*
955 *floodway data have not been identified and in areas where FEMA has not*
956 *identified SFHAs, any other flood hazard data available from a Federal, State, or*
957 *other source shall be reviewed and reasonably used.*

- 958 (c) *Base flood elevations and designated floodway boundaries on FIRMs and in*
959 *FISs shall take precedence over base flood elevations and floodway boundaries*
960 *by any other sources if such sources show reduced floodway widths and/or lower*
961 *base flood elevations.*
- 962 (d) *Other sources of data shall be reasonably used if such sources show increased*
963 *base flood elevations and/or larger floodway areas than are shown on FIRMs*
964 *and in FISs.*
- 965 (e) *If a Preliminary Flood Insurance Rate Map and/or a Preliminary Flood Insurance*
966 *Study has been provided by FEMA, the City will advise applicants for proposed*
967 *development in a SFHA of the impact of the preliminary map changes.*
- 968 (i) *Upon the issuance of a Letter of Final Determination by FEMA, the city*
969 *will prepare a statement, under FEMA's direction, which will be signed by*
970 *all parties confirming flood insurance implications regarding any decision*
971 *to proceed with development based on the current FIRM and FIS. The*
972 *statement will be used until adoption of the new FIRM and FIS.*
- 973 (4) *District Boundary Changes*
974 *The delineation of any of the Floodplain Districts may be revised by the city where*
975 *natural or man-made changes have occurred and/or where more detailed studies have*
976 *been conducted or undertaken by the U. S. Army Corps of Engineers or other qualified*
977 *agency, or an individual documents the need for such change. However, prior to any*
978 *such change, approval must be obtained from the Federal Emergency Management*
979 *Agency as evidenced by a completed LOMR.*
- 980 (5) *Submitting Model Backed Technical Data*
981 *A community's base flood elevations may increase or decrease resulting from physical*
982 *changes affecting flooding conditions. As soon as practicable, but not later than six*
983 *months after the date such information becomes available, a community shall notify the*
984 *Federal Emergency Management Agency of the changes by submitting technical or*
985 *scientific data. The community may submit data via a LOMR. Such a submission is*
986 *necessary so that upon confirmation of those physical changes affecting flooding*
987 *conditions, risk premium rates and flood plain management requirements will be based*
988 *upon current data.*
- 989 (6) *Letters of Map Revision*
990 *When development in the floodplain will cause or causes a change in the base flood*
991 *elevation, the applicant, including state agencies, must notify FEMA by applying for a*
992 *Conditional Letter of Map Revision (CLOMR) and then a Letter of Map Revision (LOMR).*
993 *Example cases:*
- 994 (a) *Any development that causes a rise in the base flood elevations within the*
995 *floodway.*
- 996 (b) *Any development occurring in Zones A1-30 and AE without a designated*
997 *floodway, which will cause a rise of more than one foot in the base flood*
998 *elevation.*
- 999 (c) *Alteration or relocation of a stream (including but not limited to installing culverts*
1000 *and bridges) 44 Code of Federal Regulations §65.3 and §65.6(a)(12)*

1002 **Sec. 9-33. – Establishment of zoning districts.**

1003 (1) *Description of Special Flood Hazard Districts*

1004 (a) *Basis of Districts*

- 1005 (i) *The various special flood hazard districts shall include the special flood*
1006 *hazard areas and other flood areas. The basis for the delineation of*
1007 *these districts shall be the FIS and the FIRM for the city prepared by the*
1008 *Federal Emergency Management Agency, Federal Insurance*

1009 Administration, dated May 16, 2016, and any subsequent revisions or
1010 amendments thereto.

1011 (ii) The city may identify and regulate local flood hazard or ponding areas
1012 that are not delineated on the FIRM. These areas may be delineated on
1013 a “Local Flood Hazard Map” using best available topographic data and
1014 locally derived information such as flood of record, historic high water
1015 marks or approximate study methodologies.

1016 (iii) The boundaries of the SFHA Districts are established as shown on the
1017 FIRM which is declared to be a part of this ordinance and which shall be
1018 kept on file at the office of the Floodplain Administrator.

1019 (b) The **Floodway District** is in an **AE Zone** and is delineated, for purposes of this
1020 ordinance, using the criterion that certain areas within the floodplain must be
1021 capable of carrying the waters of the one percent annual chance flood without
1022 increasing the water surface elevation of that flood more than one (1) foot at any
1023 point. The areas included in this District are specifically defined in Table 5 of the
1024 above-referenced FIS and shown on the accompanying FIRM. The following
1025 provisions shall apply within the Floodway District of an AE zone:

1026 (i) Within any floodway area, no encroachments, including fill, new
1027 construction, substantial improvements, or other development shall be
1028 permitted unless it has been demonstrated through hydrologic and
1029 hydraulic analysis performed in accordance with standard engineering
1030 practice that the proposed encroachment will not result in any increase in
1031 flood levels within the community during the occurrence of the base flood
1032 discharge. Hydrologic and hydraulic analyses shall be undertaken only by
1033 professional engineers or others of demonstrated qualifications, who shall
1034 certify that the technical methods used correctly reflect currently-accepted
1035 technical concepts. Studies, analyses, computations, etc., shall be
1036 submitted in sufficient detail to allow a thorough review by the Floodplain
1037 Administrator.

1038 (aa) Development activities which increase the water surface elevation
1039 of the base flood may be allowed, provided that the applicant first
1040 applies – with the city’s endorsement – for a Conditional Letter of
1041 Map Revision (CLOMR), and receives the approval of the Federal
1042 Emergency Management Agency.

1043 (bb) If Sec. 9-33(1)(b)(i) is satisfied, all new construction and
1044 substantial improvements shall comply with all applicable flood
1045 hazard reduction provisions of Sec. 9-34.

1046 (ii) The placement of manufactured homes (mobile homes) is prohibited,
1047 except when replacing an existing manufactured home in an existing
1048 manufactured home park or subdivision. A replacement manufactured
1049 home may be placed on a lot in an existing manufactured home park or
1050 subdivision provided the anchoring, elevation, and encroachment
1051 standards are met.

1052 (c) The **AE, or AH Zones** on the FIRM accompanying the FIS shall be those areas
1053 for which one-percent annual chance flood elevations have been provided and
1054 the floodway has **not** been delineated. The following provisions shall apply
1055 within an AE or AH zone where FEMA has provided base flood elevations.

1056 (i) Until a regulatory floodway is designated, no new construction,
1057 substantial improvements, or other development (including fill) shall be
1058 permitted within the areas of special flood hazard, designated as Zones
1059 A1-30, AE, or AH on the FIRM, unless it is demonstrated that the

1060 cumulative effect of the proposed development, when combined with all
1061 other existing and anticipated development, will not increase the water
1062 surface elevation of the base flood more than one foot at any point within
1063 the city.
1064 (aa) Development activities in Zones AI-30, AE, or AH on the city's
1065 FIRM which increase the water surface elevation of the base flood
1066 by more than one foot may be allowed, provided that the applicant
1067 first applies – with the city's endorsement – for a Conditional
1068 Letter of Map Revision, and receives the approval of the Federal
1069 Emergency Management Agency.

(d) The **A Zone** on the FIRM accompanying the FIS shall be those areas for which
1070 no detailed flood profiles or elevations are provided, but the one percent annual
1071 chance floodplain boundary has been approximated. For these areas, the
1072 following provisions shall apply:
1073 (i) The Approximated Floodplain District shall be that floodplain area for
1074 which no detailed flood profiles or elevations are provided, but where a
1075 one percent annual chance floodplain boundary has been approximated.
1076 Such areas are shown as Zone A on the maps accompanying the FIS.
1077 For these areas, the base flood elevations and floodway information from
1078 federal, state, and other acceptable sources shall be used, when
1079 available. Where the specific one percent annual chance flood elevation
1080 cannot be determined for this area using other sources of data, such as
1081 the U. S. Army Corps of Engineers Floodplain Information Reports, U. S.
1082 Geological Survey Flood-Prone Quadrangles, etc., then the applicant for
1083 the proposed use, development and/or activity shall determine this base
1084 flood elevation. For development proposed in the approximate floodplain
1085 the applicant must use technical methods that correctly reflect currently
1086 accepted practices, such as point on boundary, high water marks, or
1087 detailed methodologies hydrologic and hydraulic analyses. Studies,
1088 analyses, computations, etc., shall be submitted in sufficient detail to
1089 allow a thorough review by the Floodplain Administrator.
1090 (aa) The Floodplain Administrator reserves the right to require a
1091 hydrologic and hydraulic analysis for any development. When
1092 such base flood elevation data is utilized, the lowest floor shall be
1093 elevated to or above the base flood level plus eighteen inches.
1094 (bb) During the permitting process, the Floodplain Administrator shall
1095 obtain:
1096 1. The elevation of the lowest floor (in relation to the datum
1097 specified on the effective FIRM), including the basement,
1098 of all new and substantially improved structures; and,
1099 2. If the structure has been flood-proofed in accordance with
1100 the requirements of this article, the elevation (in relation to
1101 the datum specified on the effective FIRM) to which the
1102 structure has been flood-proofed.
1103 (e) The **AO Zone** on the FIRM accompanying the FIS shall be those areas of
1104 shallow flooding identified as AO on the FIRM. For these areas, the following
1105 provisions shall apply:
1106 (i) All new construction and substantial improvements of residential
1107 structures shall have the lowest floor, including basement, elevated to or
1108 above the flood depth specified on the FIRM, above the highest adjacent
1109 grade at least as high as the depth number specified in feet on the FIRM.
1110

1111 *If no flood depth number is specified, the lowest floor, including*
1112 *basement, shall be elevated no less than two feet above the highest*
1113 *adjacent grade.*

1114 (ii) *All new construction and substantial improvements of non-residential*
1115 *structures shall*

1116 (aa) *have the lowest floor, including basement, elevated to or above*
1117 *the flood depth specified on the FIRM, above the highest adjacent*
1118 *grade at least as high as the depth number specified in feet on the*
1119 *FIRM. If no flood depth number is specified, the lowest floor,*
1120 *including basement, shall be elevated at least two feet above the*
1121 *highest adjacent grade; or,*

1122 (bb) *together with attendant utility and sanitary facilities be completely*
1123 *flood-proofed to the specified flood level so that any space below*
1124 *that level is watertight with walls substantially impermeable to the*
1125 *passage of water and with structural components having the*
1126 *capability of resisting hydrostatic and hydrodynamic loads and*
1127 *effects of buoyancy.*

1128 (iii) *Adequate drainage paths around structures on slopes shall be provided*
1129 *to guide floodwaters around and away from proposed structures.*

1130 (f) *The **Coastal A Zone** is labelled as AE on the FIRM; it is those areas that are*
1131 *shoreward of the limit of moderate wave action (LiMWA) line. As defined by the*
1132 *VA USBC, these areas are subject to wave heights between 1.5 feet and 3 feet.*
1133 *For these areas, the following provisions shall apply:*

1134 (i) *Buildings and structures within this zone shall have the lowest floor*
1135 *elevated to or above the design flood elevation, and must comply with the*
1136 *provisions in sections 9-33(1)(c), 9-34(2) and 9-34(3).*

1137 (g) *The **VE or V Zones** on FIRMs accompanying the FIS shall be those areas that*
1138 *are known as Coastal High Hazard areas, extending from offshore to the inland*
1139 *limit of a primary frontal dune along an open coast or other areas subject to high*
1140 *velocity waves. For these areas, the following provisions shall apply:*

1141 (i) *All new construction and substantial improvements in Zones V and VE*
1142 *shall be elevated on pilings or columns so that:*

1143 (aa) *The bottom of the lowest horizontal structural member of the*
1144 *lowest floor (excluding the pilings or columns) is elevated to or*
1145 *above the design flood elevation.*

1146 (bb) *The pile or column foundation and structure attached thereto is*
1147 *anchored to resist flotation, collapse, and lateral movement due to*
1148 *the effects of wind and water loads acting simultaneously on all*
1149 *building components. Wind and water loading values shall each*
1150 *have a one percent chance of being equaled or exceeded in any*
1151 *given year (one-percent annual chance).*

1152 (ii) *A registered professional engineer or architect shall develop or review the*
1153 *structural design, specifications and plans for the construction, and shall*
1154 *certify that the design and methods of construction to be used are in*
1155 *accordance with accepted standards of practice for meeting the*
1156 *provisions of Sec. 9-33(1)(g)(i).*

1157 (iii) *The Floodplain Administrator shall obtain an Elevation Certificate, which*
1158 *shall identify the bottom of the lowest horizontal structural member of the*
1159 *lowest floor (excluding pilings and columns) of all new and substantially*
1160 *improved structures in Zones V and VE.*

1161 (iv) *All new construction shall be located landward of the reach of mean high*

- 1162 tide.
- 1163 (v) All new construction and substantial improvements shall have the space
- 1164 below the lowest floor either free of obstruction or constructed with non-
- 1165 supporting breakaway walls, open wood-lattice work, or insect screening
- 1166 intended to collapse under wind and water loads without causing
- 1167 collapse, displacement, or other structural damage to the elevated portion
- 1168 of the building or supporting foundation system. For the purpose of this
- 1169 section, a breakaway wall shall have a design safe loading resistance of
- 1170 not less than 10 and no more than 20 pounds per square foot. Use of
- 1171 breakaway walls which exceed a design safe loading resistance of 20
- 1172 pounds per square foot (either by design or when so required by local
- 1173 codes) may be permitted only if a registered professional engineer or
- 1174 architect certifies that the designs proposed meet the following conditions:
- 1175 (aa) Breakaway wall collapse shall result from water load less than that
- 1176 which would occur during the base flood; and
- 1177 (bb) The elevated portion of the building and supporting foundation
- 1178 system shall not be subject to collapse, displacement, or other
- 1179 structural damage due to the effects of wind and water loads
- 1180 acting simultaneously on all building components (structural and
- 1181 nonstructural). Maximum wind and water loading values to be
- 1182 used in this determination shall each have a one percent chance
- 1183 of being equaled or exceeded in any give year.
- 1184 (vi) The enclosed space below the lowest floor shall be used solely for
- 1185 parking of vehicles, building access, or storage. Such space shall not be
- 1186 partitioned into multiple rooms, temperature-controlled, or used for human
- 1187 habitation. The enclosed space shall be no more than 299 square feet.
- 1188 (vii) The use of fill for structural support of buildings is prohibited. When non-
- 1189 structural fill is proposed in a coastal high hazard area, appropriate
- 1190 engineering analyses shall be conducted to evaluate the impacts of the fill
- 1191 prior to issuance of a development permit.
- 1192 (viii) The man-made alteration of sand dunes, which would increase potential
- 1193 flood damage, is prohibited.
- 1194 (ix) New, replacement, or substantially improved manufactured homes are
- 1195 prohibited within Zones V1—V30, V and VE on the city's Flood Insurance
- 1196 Rate Map.
- 1197 (x) Recreational vehicles to be placed within Zones V1—V30, V, and VE on
- 1198 the city's Flood Insurance Rate Map on sites must meet the standards of
- 1199 Sec. 9-34(3)(d) and sections 9-33(1)(g)(i) through 9-33(1)(g)(ix).
- 1200 (h) Other Flood Areas shall be those areas identified as X (Shaded) or X500 on the
- 1201 FIRM for which there is a one-fifth percent (0.2%) annual chance of flooding.
- 1202 (i) All new construction as of September 10, 2014 shall have the lowest
- 1203 floor, including basement, elevated or flood-proofed to one and one-half
- 1204 (1.5) feet above the highest grade immediately adjacent to the structure
- 1205 except as described below:
- 1206 (aa) When fill is placed to raise a structure at least one and one-half
- 1207 (1.5) feet above the highest existing grade immediately adjacent
- 1208 to the structure, as shown on a development plan prepared and
- 1209 stamped by a certified land surveyor or professional engineer.
- 1210
- 1211 (2) **Overlay Concept**
- 1212 *The Floodplain Districts described above shall be overlays to the existing underlying*

1213 *districts as shown on the Official Zoning Ordinance Map, and as such, the provisions for*
1214 *the floodplain districts shall serve as a supplement to the underlying district provisions. If*
1215 *there is any conflict between the provisions or requirements of the Floodplain Districts*
1216 *and those of any underlying district, the more restrictive provisions and/or those*
1217 *pertaining to the floodplain districts shall apply. In the event any provision concerning a*
1218 *Floodplain District is declared inapplicable as a result of any legislative or administrative*
1219 *actions or judicial decision, the basic underlying provisions shall remain applicable.*
1220

1221 **Sec. 9-34. – District provisions.**

1222 (1) *Permit and Application Requirements*

1223 (a) *Permit Requirement*

1224 *All uses, activities, and development occurring within any special flood hazard*
1225 *area and other flood areas, including placement of manufactured homes, shall be*
1226 *undertaken only upon the issuance of a zoning permit, land disturbance permit,*
1227 *or building permit. Such development shall be undertaken only in strict*
1228 *compliance with the provisions of this article, all other applicable codes and*
1229 *ordinances, as amended, such as the Virginia Uniform Statewide Building Code*
1230 *(VA USBC). Prior to the issuance of any such permit, the Floodplain*
1231 *Administrator shall require all applications to include compliance with all*
1232 *applicable state and federal laws.*

1233 (b) *Site Plans and Building Permit Applications*

1234 *All site plan and building permit applications within any special flood hazard area*
1235 *or other flood areas shall incorporate the following information:*

1236 (i) *The elevation of the Base Flood at the site, or the elevation of the highest*
1237 *adjacent grade in other flood areas where no base flood elevation is*
1238 *provided.*

1239 (ii) *The elevation of the lowest floor (including basement) or, in V zones, the*
1240 *lowest horizontal structural member.*

1241 (iii) *For structures to be flood-proofed (non-residential only), the elevation to*
1242 *which the structure will be flood-proofed.*

1243 (iv) *Topographic information showing existing and proposed ground*
1244 *elevations.*

1245 (2) *General Standards*

1246 *In all special flood hazard areas the following provisions shall apply:*

1247 (a) *The freeboard shall be three (3) feet. The freeboard, in addition to the base flood*
1248 *elevation, shall constitute the design flood elevation.*

1249 (b) *New construction and substantial improvements shall be built according to this*
1250 *ordinance and the VA USBC, and anchored to prevent flotation, collapse or*
1251 *lateral movement of the structure.*

1252 (c) *Manufactured homes shall be anchored to prevent flotation, collapse, or lateral*
1253 *movement. Methods of anchoring may include, but are not limited to, use of*
1254 *over-the-top or frame ties to ground anchors. This standard shall be in addition*
1255 *to and consistent with applicable state anchoring requirements for resisting wind*
1256 *forces.*

1257 (d) *New construction and substantial improvements shall be constructed with*
1258 *materials and utility equipment resistant to flood damage.*

1259 (e) *New construction or substantial improvements shall be constructed by methods*
1260 *and practices that minimize flood damage.*

1261 (f) *Electrical, heating, ventilation, plumbing, air conditioning equipment and other*
1262 *service facilities, including duct work, shall be:*

1263 (i) *Elevated and installed at or above the design flood elevation; or*

- 1264 (ii) *Designed and/or located so as to prevent water from entering or*
1265 *accumulating within the components during conditions of flooding.*
- 1266 (g) *New and replacement water supply systems shall be designed to minimize or*
1267 *eliminate infiltration of flood waters into the system.*
- 1268 (h) *New and replacement sanitary sewage systems shall be designed to minimize or*
1269 *eliminate infiltration of flood waters into the systems and discharges from the*
1270 *systems into flood waters.*
- 1271 (i) *On-site waste disposal systems shall be located and constructed to avoid*
1272 *impairment to them or contamination from them during flooding.*
- 1273 (j) *Any alteration, repair, reconstruction or improvements to a building that is in*
1274 *compliance with the provisions of this article shall meet the requirements of "new*
1275 *construction" as contained in this article.*
- 1276 (k) *Any alteration, repair, reconstruction or improvements to a building that is not in*
1277 *compliance with the provisions of this article, shall be undertaken only if said*
1278 *non-conformity is not furthered, extended, or replaced.*
- 1279 (l) *Prior to any proposed alteration or relocation of any channels or of any*
1280 *watercourse, stream, etc., within this jurisdiction a permit shall be obtained from*
1281 *the U. S. Corps of Engineers, the Virginia Department of Environmental Quality,*
1282 *and the Virginia Marine Resources Commission (a joint permit application is*
1283 *available from any of these organizations). Furthermore, in riverine areas,*
1284 *notification of the proposal shall be given by the applicant to all affected adjacent*
1285 *jurisdictions, the Department of Conservation and Recreation (Division of Dam*
1286 *Safety and Floodplain Management), other required agencies, and the Federal*
1287 *Emergency Management Agency.*
- 1288 (m) *The flood carrying capacity within an altered or relocated portion of any*
1289 *watercourse shall be maintained.*
- 1290 (n) *For residential construction, the lowest floor shall not be below grade on all sides.*
- 1291 (3) *Elevation and Construction Standards*
- 1292 *In all special flood hazard areas where base flood elevations have been provided in the*
1293 *FIS or generated by a certified professional in accordance with Sec. 9-33(1)(d), the*
1294 *following provisions shall apply:*
- 1295 (a) *Residential Construction*
- 1296 (i) *New construction or substantial improvement of any residential structure*
1297 *(including manufactured homes) in Zones A1-30, AE, AH and A with*
1298 *detailed base flood elevations shall have the lowest floor, including*
1299 *basement, elevated to or above the design flood elevation. See sections*
1300 *9-33(1)(f) and 9-33(1)(g) for requirements in the Coastal A and VE zones.*
- 1301 (b) *Non-Residential Construction*
- 1302 (i) *New construction or substantial improvement of any commercial,*
1303 *industrial, or non-residential building (or manufactured home) shall have*
1304 *the lowest floor, including basement, elevated to or above the design*
1305 *flood elevation. See sections 9-33(1)(f) and 9-33(1)(g) for requirements in*
1306 *the Coastal A and VE zones.*
- 1307 (ii) *Non-residential buildings located in all A1-30, AE, and AH zones may be*
1308 *flood-proofed in lieu of being elevated provided that all areas of the*
1309 *building components below the design flood elevation are water tight with*
1310 *walls substantially impermeable to the passage of water, and use*
1311 *structural components having the capability of resisting hydrostatic and*
1312 *hydrodynamic loads and the effect of buoyancy. A registered professional*
1313 *engineer or architect shall certify that the standards of this subsection are*
1314 *satisfied. Such certification, including the specific elevation (in relation to*

- 1315 *the datum specified on the effective FIRM) to which such structures are*
 1316 *floodproofed, shall be maintained by the Floodplain Administrator.*
- 1317 (c) *Space Below the Lowest Floor*
 1318 *In zones A, AE, AH, AO, and A1-A30, fully enclosed areas, of new construction*
 1319 *or substantially improved structures, which are below the regulatory flood*
 1320 *protection elevation shall:*
- 1321 (i) *Not be designed or used for human habitation, but shall be used solely for*
 1322 *parking of vehicles, building access, or limited storage of maintenance*
 1323 *equipment used in connection with the premises. Access to the enclosed*
 1324 *area shall be the minimum necessary to allow for parking of vehicles*
 1325 *(garage door) or limited storage of maintenance equipment (standard*
 1326 *exterior door), or entry to the living area (stairway or elevator).*
- 1327 (ii) *Be constructed entirely of flood resistant materials below the design flood*
 1328 *elevation;*
- 1329 (iii) *Include measures to automatically equalize hydrostatic flood forces on*
 1330 *walls by allowing for the entry and exit of floodwaters. To meet this*
 1331 *requirement, the openings must either be certified by a professional*
 1332 *engineer or architect or meet the following minimum design criteria:*
- 1333 (aa) *Provide a minimum of two (2) openings on different sides of each*
 1334 *enclosed area subject to flooding.*
- 1335 (bb) *The total net area of all openings must be at least one (1) square*
 1336 *inch for each square foot of enclosed area subject to flooding or*
 1337 *the flood openings shall be engineered flood openings that are*
 1338 *designed and certified by a licensed professional engineer to*
 1339 *automatically allow entry and exit of floodwaters; the certification*
 1340 *requirement may be satisfied by an individual certification or*
 1341 *issuance of an Evaluation Report by the ICC Evaluation Service,*
 1342 *Inc.*
- 1343 (cc) *If a building has more than one (1) enclosed area, each area must*
 1344 *have openings to allow floodwaters to automatically enter and exit.*
- 1345 (dd) *The bottom of all required openings shall be no higher than one*
 1346 *(1) foot above the adjacent grade.*
- 1347 (ee) *Openings may be equipped with screens, louvers, or other*
 1348 *opening coverings or devices, provided they permit the automatic*
 1349 *flow of floodwaters in both directions.*
- 1350 (ff) *Foundation enclosures made of flexible skirting are not considered*
 1351 *enclosures for regulatory purposes, and, therefore, do not require*
 1352 *openings. Masonry or wood underpinning, regardless of structural*
 1353 *status, is considered an enclosure and requires openings as*
 1354 *outlined above.*
- 1355 (d) *Standards for Manufactured Homes and Recreational Vehicles*
- 1356 (i) *In zones A, AE, AH, and AO, all manufactured homes placed, or*
 1357 *substantially improved, on individual lots or parcels, in expansions to*
 1358 *existing manufactured home parks or subdivisions, in a new*
 1359 *manufactured home park or subdivision, or in an existing manufactured*
 1360 *home park or subdivision on which a manufactured home has incurred*
 1361 *substantial damage as the result of a flood, must meet all the*
 1362 *requirements for new construction, including the elevation and anchoring*
 1363 *requirements in sections 9-34(2) and 9-34(3).*
- 1364 (ii) *All manufactured homes placed or substantially improved in an existing*
 1365 *manufactured home park or subdivision in which a manufactured home*

1366 *has not incurred substantial damage as the result of a flood shall be*
1367 *elevated so that:*
1368 *(aa) The lowest floor of the manufactured home is elevated no lower*
1369 *than design flood elevation; and*
1370 *(bb) The manufactured home must be securely anchored to the*
1371 *adequately anchored foundation system to resist flotation,*
1372 *collapse and lateral movement;*
1373 *(iii) All recreational vehicles placed on sites must either*
1374 *(aa) be on the site for fewer than 180 consecutive days, be fully*
1375 *licensed and ready for highway use (a recreational vehicle is ready for*
1376 *highway use if it is on its wheels or jacking system, is attached to the site*
1377 *only by quick disconnect type utilities and security devices and has no*
1378 *permanently attached additions); or*
1379 *(bb) meet all the requirements for manufactured homes in Sec. 9-*
1380 *34(3)(d)(i).*

1381 **(4) Standards for Subdivision Proposals**

- 1382 *(a) All subdivision proposals shall be consistent with the need to minimize flood*
1383 *damage;*
1384 *(b) All subdivision proposals shall have public utilities and facilities such as sewer,*
1385 *gas, electrical and water systems located and constructed to minimize flood*
1386 *damage;*
1387 *(c) All subdivision proposals shall have adequate drainage provided to reduce*
1388 *exposure to flood hazards, and*
1389 *(d) Base flood elevation data shall be obtained from other sources or developed*
1390 *using detailed methodologies, hydraulic and hydrologic analysis, comparable to*
1391 *those contained in a Flood Insurance Study for subdivision proposals and other*
1392 *proposed development proposals (including manufactured home parks and*
1393 *subdivisions) that exceed five lots or five acres, whichever is the lesser.*

1394
1395 **Sec. 9-35. – Existing structures in floodplain areas.**

- 1396 **(1)** *Any structure or use of a structure or premises must be brought into conformity with*
1397 *these provisions when it is changed, repaired, or improved unless one of the following*
1398 *exceptions is established before the change is made:*
1399 *(a) The Floodplain Administrator has determined that*
1400 *(i) change is not a substantial repair or substantial improvement AND*
1401 *(ii) no new square footage is being built in the floodplain that is not compliant*
1402 *AND*
1403 *(iii) no new square footage is being built in the floodway AND*
1404 *(iv) the change complies with this ordinance.*
1405 *(b) The changes are required to comply with a citation for a health or safety violation.*
1406 *(c) The structure is a historic structure and the change required would impair the*
1407 *historic nature of the structure.*

1408
1409 **Sec. 9-36. – Variances: Factors to be considered.**

- 1410 **(1)** *Additional factors to be considered. In considering applications for variances to this*
1411 *article, the board of zoning appeals shall satisfy all relevant factors and procedures*
1412 *specified in chapter 13 of the zoning ordinance and consider the following additional*
1413 *factors:*
1414 *(a) The showing of good and sufficient cause.*
1415 *(b) A determination that failure to grant the variance would result in exceptional*
1416 *hardship to the applicant.*

- 1417 (c) *The danger to life and property due to increased flood heights or velocities*
1418 *caused by encroachments.*
- 1419 (d) *The danger that materials may be swept on to other lands or downstream to the*
1420 *injury of others.*
- 1421 (e) *The proposed water supply and sanitation systems and the ability of these*
1422 *systems to prevent disease, contamination, and unsanitary conditions.*
- 1423 (f) *The susceptibility of the proposed facility and its contents to flood damage and*
1424 *the effect of such damage on the individual owners.*
- 1425 (g) *The importance of the services provided by the proposed facility to the*
1426 *community.*
- 1427 (h) *The requirements of the facility for a waterfront location.*
- 1428 (i) *The availability of alternative locations not subject to flooding for the proposed*
1429 *use.*
- 1430 (j) *The compatibility of the proposed use with existing development and*
1431 *development anticipated in the foreseeable future.*
- 1432 (k) *The relationship of the proposed use to the comprehensive plan and floodplain*
1433 *management program for the area.*
- 1434 (l) *The safety of access by ordinary and emergency vehicles to the property in time*
1435 *of flood.*
- 1436 (m) *The expected heights, velocity, duration, rate of rise, and sediment transport of*
1437 *the floodwaters expected at the site.*
- 1438 (n) *The repair or rehabilitation of historic structures upon a determination that the*
1439 *proposed repair or rehabilitation will not preclude the structure's continued*
1440 *designation as a historic structure and the variance is the minimum necessary to*
1441 *preserve the historic character and design of the structure.*
- 1442 (o) *Such other factors which are relevant to the purposes of this article.*
- 1443 (2) *Technical assistance.*
- 1444 *The board of zoning appeals may refer any application and accompanying*
1445 *documentation pertaining to any request for a variance to any engineer or other qualified*
1446 *person or agency for technical assistance in evaluating the proposed project in relation*
1447 *to flood heights and velocities, and the adequacy of the plans for flood protection and*
1448 *other related matters.*
- 1449 (3) *Additional criteria to be applied.*
- 1450 (a) *Variances shall be issued only after the board of zoning appeals has determined*
1451 *that the granting of such variance will not result in (1) unacceptable or prohibited*
1452 *increases in flood heights, (2) additional threats to public safety, (3) extraordinary*
1453 *public expense; and will not (4) create nuisances, (5) cause fraud or victimization*
1454 *of the public, or (6) conflict with local laws or ordinances.*
- 1455 (b) *Variances shall be issued only after the board of zoning appeals has determined*
1456 *that the variance will be the minimum required to provide relief from exceptional*
1457 *hardship to the applicant. The variance shall minimize changes to the*
1458 *requirements of this article, and maximize flood protection of the structure. No*
1459 *variance shall be granted by the board of zoning appeals for any proposed use,*
1460 *development, or activity within any floodway district that will cause any increase*
1461 *in the one hundred (100) year flood elevation.*
- 1462 (c) *Prior to the consideration of an application for a variance to the provisions of this*
1463 *article, the board of zoning appeals shall notify the applicant for a variance, in*
1464 *writing, that the grant of a variance to construct a structure below the one*
1465 *hundred (100) year flood elevation (a) increases the risks to life and property and*
1466 *(b) will result in increased premium rates for flood insurance.*

1467 (d) A record shall be maintained of the above notification as well as all variance
1468 actions, including justification for the issuance of the variances. Any variances
1469 that are issued shall be noted in the annual or biennial report submitted to the
1470 Federal Insurance Administrator.

1471
1472 **Sec. 9-37. – Definitions.**

1473 To the extent that the following definitions conflict with chapter 2 of the zoning ordinance, they
1474 will prevail.

1475 *Base flood - The flood having a one percent chance of being equaled or exceeded in*
1476 *any given year.*

1477 *Base flood elevation - The water surface elevations of the base flood, that is, the flood*
1478 *level that has a one percent or greater chance of occurrence in any given year.*
1479 *The water surface elevation of the base flood in relation to the datum specified*
1480 *on the community's Flood Insurance Rate Map. For the purposes of this*
1481 *ordinance, the base flood is the 1% annual chance flood.*

1482 *Basement - Any area of the building having its floor sub-grade (below ground level) on*
1483 *all sides.*

1484 *Board of Zoning Appeals - The board appointed to review appeals made by individuals*
1485 *with regard to decisions of the Zoning Administrator in the interpretation of this*
1486 *ordinance.*

1487 *Breakaway wall – A wall that is not part of the structural support of the building and is*
1488 *intended through its design and construction to collapse under specific lateral*
1489 *loading forces, without causing damage to the elevated portion of the building or*
1490 *supporting foundation system.*

1491 *Coastal A Zone - Flood hazard areas that have been delineated as subject to wave*
1492 *heights between 1.5 feet and 3 feet.*

1493 *Coastal high hazard area - A special flood hazard area extending from offshore to the*
1494 *inland limit of a primary frontal dune along an open coast and any other area*
1495 *subject to high velocity wave action from storms or seismic sources.*

1496 *Design Flood Elevation - The base flood elevation plus the freeboard required by this*
1497 *chapter.*

1498 *Development - Any man-made change to improved or unimproved real estate, including,*
1499 *but not limited to, buildings or other structures, mining, dredging, filling, grading,*
1500 *paving, excavation or drilling operations or storage of equipment or materials.*

1501 *Elevated building - A non-basement building built to have the lowest floor elevated*
1502 *above the ground level by means of solid foundation perimeter walls, pilings, or*
1503 *columns (posts and piers).*

1504 *Encroachment - The advance or infringement of uses, plant growth, fill, excavation,*
1505 *buildings, permanent structures or development into a floodplain, which may*
1506 *impede or alter the flow capacity of a floodplain.*

1507 *Existing manufactured home park or subdivision - A manufactured home park or*
1508 *subdivision for which the construction of facilities for servicing the lots on which*
1509 *the manufactured homes are to be affixed (including, at a minimum, the*
1510 *installation of utilities, the construction of streets, and either final site grading or*
1511 *the pouring of concrete pads) is completed before the effective date of the*
1512 *floodplain management regulations adopted by a community.*

1513 *Expansion of an existing manufactured home park or subdivision - The preparation of*
1514 *additional sites by the construction of facilities for servicing the lots on which the*
1515 *manufacturing homes are to be affixed (including the installation of utilities, the*
1516 *construction of streets, and either final site grading or the pouring of concrete*

1517 pads).

1518 Existing construction – For the purposes of the insurance program, structures for which

1519 the “start of construction” commenced on or before December 31,

1520 1974. “Existing construction” may also be referred to as “existing structures” and

1521 “pre-FIRM.”

1522 Flood or flooding -

1523 1. A general or temporary condition of partial or complete inundation of normally

1524 dry land areas from

1525 (a) the overflow of inland or tidal waters; or,

1526 (b) the unusual and rapid accumulation or runoff of surface waters from any

1527 source.

1528 (c) mudflows which are proximately caused by flooding as defined in paragraph

1529 (1)(b) of this definition and are akin to a river of liquid and flowing mud on the

1530 surfaces of normally dry land areas, as when earth is carried by a current of

1531 water and deposited along the path of the current.

1532 2. The collapse or subsidence of land along the shore of a lake or other body of

1533 water as a result of erosion or undermining caused by waves or currents of water

1534 exceeding anticipated cyclical levels or suddenly caused by an unusually high

1535 water level in a natural body of water, accompanied by a severe storm, or by an

1536 unanticipated force of nature such as flash flood or an abnormal tidal surge, or by

1537 some similarly unusual and unforeseeable event which results in flooding as

1538 defined in paragraph 1 (a) of this definition.

1539 Flood Insurance Rate Map (FIRM) - an official map of a community, on which the

1540 Federal Emergency Management Agency has delineated both the special hazard

1541 areas and the risk premium zones applicable to the community. A FIRM that has

1542 been made available digitally is called a Digital Flood Insurance Rate Map

1543 (DFIRM).

1544 Flood Insurance Study (FIS) – a report by FEMA that examines, evaluates and

1545 determines flood hazards and, if appropriate, corresponding water surface

1546 elevations, or an examination, evaluation and determination of mudflow and/or

1547 flood-related erosion hazards.

1548 Floodplain or flood-prone area - Any land area susceptible to being inundated by water

1549 from any source.

1550 Flood proofing - any combination of structural and non-structural additions, changes, or

1551 adjustments to structures which reduce or eliminate flood damage to real estate

1552 or improved real property, water and sanitary facilities, structures and their

1553 contents.

1554 Floodway - The channel of a river or other watercourse and the adjacent land areas that

1555 must be reserved in order to discharge the base flood without cumulatively

1556 increasing the water surface elevation more than one foot at any point within the

1557 community.

1558 Freeboard - A factor of safety usually expressed in feet above a flood level for purposes

1559 of floodplain management. “Freeboard” tends to compensate for the many

1560 unknown factors that could contribute to flood heights greater than the height

1561 calculated for a selected size flood and floodway conditions, such as wave

1562 action, bridge openings, and the hydrological effect of urbanization in the

1563 watershed.

1564 Functionally dependent use - A use which cannot perform its intended purpose unless it

1565 is located or carried out in close proximity to water. This term includes only

1566 docking facilities, port facilities that are necessary for the loading and unloading

1567 of cargo or passengers, and shipbuilding and ship repair facilities, but does not

1568 *include long-term storage or related manufacturing facilities.*
1569 *Highest adjacent grade - the highest natural elevation of the ground surface prior to*
1570 *construction next to the proposed walls of a structure.*
1571 *Historic structure - Any structure that is*
1572 *1. listed individually in the National Register of Historic Places (a listing*
1573 *maintained by the Department of Interior) or preliminarily determined by the*
1574 *Secretary of the Interior as meeting the requirements for individual listing on the*
1575 *National Register;*
1576 *2. certified or preliminarily determined by the Secretary of the Interior as*
1577 *contributing to the historical significance of a registered historic district or a*
1578 *district preliminarily determined by the Secretary to qualify as a registered historic*
1579 *district;*
1580 *3. individually listed on a state inventory of historic places in states with historic*
1581 *preservation programs which have been approved by the Secretary of the*
1582 *Interior; or,*
1583 *4. individually listed on a local inventory of historic places in communities with*
1584 *historic preservation programs that have been certified either*
1585 *(a) by an approved state program as determined by the Secretary of the Interior;*
1586 *or,*
1587 *(b) directly by the Secretary of the Interior in states without approved programs.*
1588 *Hydrologic and Hydraulic Engineering Analysis – Analyses performed by a licensed*
1589 *professional engineer, in accordance with standard engineering practices that*
1590 *are accepted by the Virginia Department of Conservation and Recreation and*
1591 *FEMA, used to determine the base flood, other frequency floods, flood*
1592 *elevations, floodway information and boundaries, and flood profiles.*
1593 *Letters of Map Change (LOMC) - A Letter of Map Change is an official FEMA*
1594 *determination, by letter, that amends or revises an effective Flood Insurance*
1595 *Rate Map or Flood Insurance Study. Letters of Map Change include:*
1596 *1. Letter of Map Amendment (LOMA): An amendment based on technical data*
1597 *showing that a property was incorrectly included in a designated special flood*
1598 *hazard area. A LOMA amends the current effective Flood Insurance Rate Map*
1599 *and establishes that a land as defined by meets and bounds or structure is not*
1600 *located in a special flood hazard area.*
1601 *2. Letter of Map Revision (LOMR): A revision based on technical data that may*
1602 *show changes to flood zones, flood elevations, floodplain and floodway*
1603 *delineations, and planimetric features. A Letter of Map Revision Based on Fill*
1604 *(LOMR-F), is a determination that a structure or parcel of land has been elevated*
1605 *by fill above the base flood elevation and is, therefore, no longer exposed to*
1606 *flooding associated with the base flood. In order to qualify for this determination,*
1607 *the fill must have been permitted and placed in accordance with the community's*
1608 *floodplain management regulations.*
1609 *3. Conditional Letter of Map Revision (CLOMR): A formal review and comment*
1610 *as to whether a proposed flood protection project or other project complies with*
1611 *the minimum NFIP requirements for such projects with respect to delineation of*
1612 *special flood hazard areas. A CLOMR does not revise the effective Flood*
1613 *Insurance Rate Map or Flood Insurance Study.*
1614 *Lowest adjacent grade - the lowest natural elevation of the ground surface next to the*
1615 *walls of a structure.*
1616 *Lowest floor - The lowest floor of the lowest enclosed area (including basement). An*
1617 *unfinished or flood-resistant enclosure, usable solely for parking of vehicles,*
1618 *building access or storage in an area other than a basement area is not*

1619 *considered a building's lowest floor; provided, that such enclosure is not built so*
1620 *as to render the structure in violation of the applicable non-elevation design*
1621 *requirements of Federal Code 44CFR §60.3.*
1622 *Manufactured home - A structure, transportable in one or more sections, which is built*
1623 *on a permanent chassis and is designed for use with or without a permanent*
1624 *foundation when connected to the required utilities. For floodplain management*
1625 *purposes the term "manufactured home" also includes park trailers, travel*
1626 *trailers, and other similar vehicles placed on a site for greater than 180*
1627 *consecutive days.*
1628 *Manufactured home park or subdivision - a parcel (or contiguous parcels) of land divided*
1629 *into two or more manufactured home lots for rent or sale.*
1630 *Mean Sea Level - is an elevation point that represents the average height of the ocean's*
1631 *surface (such as the halfway point between the mean high tide and the mean low*
1632 *tide) which is used as a standard in reckoning land elevation.*
1633 *New construction - For the purposes of determining insurance rates, structures for which*
1634 *the "start of construction" commenced on or after January 1, 1975, and includes*
1635 *any subsequent improvements to such structures. For floodplain management*
1636 *purposes, new construction means structures for which the start of construction*
1637 *commenced on or after the effective date of a floodplain management regulation*
1638 *adopted by a community and includes any subsequent improvements to such*
1639 *structures. Such structure is also referred to as "post-FIRM."*
1640 *New manufactured home park or subdivision - A manufactured home park or subdivision*
1641 *for which the construction of facilities for servicing the lots on which the*
1642 *manufactured homes are to be affixed (including at a minimum, the installation of*
1643 *utilities, the construction of streets, and either final site grading or the pouring of*
1644 *concrete pads) is completed on or after the effective date of floodplain*
1645 *management regulations adopted by the city.*
1646 *Other Flood Areas - Those areas identified as X (Shaded) or X500 on the FIRM for*
1647 *which there is a one-fifth percent (0.2%) annual chance of flooding.*
1648 *Post-FIRM structures - A structure for which construction or substantial improvement*
1649 *occurred on or after January 1, 1975.*
1650 *Pre-FIRM structures - A structure for which construction or substantial improvement*
1651 *occurred on or before December 31, 1974.*
1652 *Primary frontal dune - a continuous or nearly continuous mound or ridge of sand with*
1653 *relatively steep seaward and landward slopes immediately landward and*
1654 *adjacent to the beach and subject to erosion and overtopping from high tides and*
1655 *waves during major coastal storms.*
1656 *Recreational vehicle - A vehicle which is*
1657 *1. built on a single chassis;*
1658 *2. 400 square feet or less when measured at the largest horizontal projection;*
1659 *3. designed to be self-propelled or permanently towable by a light duty truck;*
1660 *and,*
1661 *4. designed primarily not for use as a permanent dwelling but as temporary living*
1662 *quarters for recreational camping, travel, or seasonal use.*
1663 *Repetitive Loss Structure – A building covered by a contract for flood insurance that has*
1664 *incurred flood-related damages on two occasions in a 10-year period, in which*
1665 *the cost of the repair, on the average, equaled or exceeded 25 percent of the*
1666 *market value of the structure at the time of each such flood event; and at the time*
1667 *of the second incidence of flood-related damage, the contract for flood insurance*
1668 *contains increased cost of compliance coverage.*
1669 *Severe repetitive loss structure - a structure that: (a) Is covered under a contract for*

1670 flood insurance made available under the NFIP; and (b) Has incurred flood
1671 related damage – (i) For which 4 or more separate claims payments have been
1672 made under flood insurance coverage with the amount of each such claim
1673 exceeding \$5,000, and with the cumulative amount of such claims payments
1674 exceeding \$20,000; or (ii) For which at least 2 separate claims payments have
1675 been made under such coverage, with the cumulative amount of such claims
1676 exceeding the market value of the insured structure.

1677 *Shallow flooding area* – A special flood hazard area with base flood depths from one to
1678 three feet where a clearly defined channel does not exist, where the path of
1679 flooding is unpredictable and indeterminate, and where velocity flow may be
1680 evident. Such flooding is characterized by ponding or sheet flow.

1681 *Special flood hazard area* - The land in the floodplain subject to a one (1%) percent or
1682 greater chance of being flooded in any given year as determined in Sec. 9-33(1)
1683 of this ordinance.

1684 *Start of construction* - For other than new construction and substantial improvement,
1685 under the Coastal Barriers Resource Act (P.L. – 97-348), means the date the
1686 building permit was issued, provided the actual start of construction, repair,
1687 reconstruction, rehabilitation, addition, placement, substantial improvement or
1688 other improvement was within 180 days of the permit date. The actual start
1689 means either the first placement of permanent construction of a structure on a
1690 site, such as the pouring of slab or footings, the installation of piles, the
1691 construction of columns, or any work beyond the stage of excavation; or the
1692 placement of a manufactured home on a foundation. Permanent construction
1693 does not include land preparation, such as clearing, grading and filling; nor does
1694 it include the installation of streets and/or walkways; nor does it include
1695 excavation for a basement, footings, piers, or foundations or the erection of
1696 temporary forms; nor does it include the installation on the property of accessory
1697 buildings, such as garages or sheds not occupied as dwelling units or not part of
1698 the main structure. For a substantial improvement, the actual start of the
1699 construction means the first alteration of any wall, ceiling, floor, or other structural
1700 part of a building, whether or not that alteration affects the external dimensions of
1701 the building.

1702 *Structure* - for floodplain management purposes, a walled and roofed building, including
1703 a gas or liquid storage tank, that is principally above ground, as well as a
1704 manufactured home.

1705 *Substantial damage* - Damage of any origin sustained by a structure whereby the cost of
1706 restoring the structure to its before damaged condition would equal or exceed 50
1707 percent of the city's assessed value or the market value of the structure before
1708 the damage occurred as established by an independent, unbiased, third party
1709 appraiser licensed in the Commonwealth of Virginia.

1710 *Substantial improvement* - Any reconstruction, rehabilitation, addition, or other
1711 improvement of a structure, the cost of which equals or exceeds 50 percent of
1712 the city's assessed value or the market value of the structure before the start of
1713 construction of the improvement as established by an independent, unbiased,
1714 third party appraiser licensed in the Commonwealth of Virginia. This term
1715 includes structures which have incurred or substantial damage regardless of the
1716 actual repair work performed. The term does not, however, include either:
1717 1. any project for improvement of a structure to correct existing violations of state
1718 or local health, sanitary, or safety code specifications which have been identified
1719 by the local code enforcement official and which are the minimum necessary to
1720 assure safe living conditions, or

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2. any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.
3. Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined above, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

Violation - the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

Watercourse - A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Secs. 9-38—9-40. - Reserved.