

STAFF EVALUATION

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Case No.: Zoning Ordinance Amendment, ZOA24-0314
Planning Commission Date: July 18, 2024 **City Council Date:** August 14, 2024

General Information

<i>Description of Proposal</i>	The proposed amendment clarifies the way that properties within the Coastal A Special Flood Hazard Area Zone be developed. The purpose of the flood overlay standards is to prevent the loss of life and property, and the creation of health and safety hazards by regulating uses, activities, and development within the Special Flood Hazard Area (SFHA).
<i>Relevant Existing Zoning Definitions</i>	<i>Coastal A Zone. Flood hazard areas that have been delineated as subject to wave heights between 1.5 feet and 3 feet. Special Flood Hazard Area. The land in the floodplain subject to a one percent or greater chance of being flooded in any given year as determined in section 9-33(1) of this article.</i>
<i>Current Regulations</i>	<i>Chapter 9 – Overlay Districts. Article IV. O-FZ District – Flood Zone Overlay. ... Sec. 9-33. – Establishment of Zoning Districts. (1) Description of special flood hazard districts. ... (c) The AE, or AH Zones on the FIRM accompanying the FIS shall be those areas for which one-percent annual chance flood elevations have been provided and the floodway has not been delineated. The following provisions shall apply within an AE or AH zone where FEMA has provided base flood elevations. ... (f) The Coastal A Zone is labelled as AE on the FIRM; it is those areas that are shoreward of the limit of moderate wave action (LiMWA) line. As defined by the VA USBC, these areas are subject to wave heights between 1.5 feet and 3 feet. For these areas, the following provisions shall apply: (i) Buildings and structures within this zone shall have the lowest floor elevated to or above the design flood elevation, and must comply with the provisions in sections 9-33(1)(c), 9-34(2) and 9-34(3). (g) The VE or V Zones on FIRMs accompanying the FIS shall be those areas that are known as Coastal High Hazard areas, extending from offshore to the inland limit of a primary frontal dune along an open coast or other areas subject to high velocity waves. For these areas, the following provisions shall apply: (i) All new construction and substantial improvements in Zones V and VE shall be elevated on pilings or columns so that: (aa) The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the design flood elevation.</i>

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

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

(iii) The floodplain administrator shall obtain an elevation certificate, which shall identify the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in Zones V and VE.

(iv) All new construction shall be located landward of the reach of mean high tide.

(v) All new construction and substantial improvements shall have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood-lattice work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

(aa) Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and

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

(vi) The enclosed space below the lowest floor shall be used solely for parking of vehicles, building access, or storage. Such space shall not be partitioned into multiple rooms, temperature-controlled, or used for human habitation. The enclosed space shall be no more than 299 square feet.

(vii) The use of fill for structural support of buildings is prohibited. When non-structural fill is proposed in a coastal high hazard area, appropriate engineering analyses shall be conducted to evaluate the impacts of the fill prior to issuance of a development permit.

(viii) The man-made alteration of sand dunes, which would increase potential flood damage, is prohibited.

(ix) New, replacement, or substantially improved manufactured homes are prohibited within Zones V1—V30, V and VE on the city's Flood Insurance Rate Map.

(x) Recreational vehicles to be placed within Zones V1—V30, V, and VE on the city's Flood Insurance Rate Map on sites must meet the standards of section 9-34(3)(d) and sections 9-33(1)(g)(i) through 9-33(1)(g)(ix).

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Analysis

The proposed amendment clarifies the requirements that apply to properties within the Coastal A Special Flood Hazard Area Zone within the City. The purpose of the flood overlay is to prevent the loss of life and property in areas vulnerable to flooding by regulating uses, activities, and development within designated Special Flood Hazard Areas (SFHAs). The Coastal A is one type of SFHA which, during a storm event, will experience coastal wave action similar to the VE "Coastal High Hazard" SFHA.

Since 2019, the City has aligned development within the Coastal A flood zone with the VE flood zone as regulated in the 2018 Virginia Residential Code Section R322.3 Coastal High-Hazard Areas (Including V Zones and Coastal A Zones, where designated). Upon closer review, staff has determined that this alignment is not clearly written in the Zoning Ordinance.

The City participates in a national program, the National Flood Insurance Program (NFIP), to reduce damage and costs associated with flooding. The national program is managed by the Federal Emergency Management Agency (FEMA). FEMA's job is to support citizens and emergency personnel to build, sustain, and improve the nation's capability to prepare for, protect against, respond to, recover from, and mitigate all hazards.

One of the tools of the NFIP to prevent loss of life and property is by requiring specific development standards in areas that are determined to be at risk of flooding if localities wish to receive federal flood insurance coverage. All properties within the City must comply with the adopted standards if they are in those flood hazard areas, in order for Hampton citizens to be eligible to receive federally-backed flood insurance.

If the City fails to apply these requirements, FEMA could revoke the City's participation in the NFIP, which would result in every citizen losing the ability to be covered by federally-backed flood insurance. For this reason, ensuring the City follows the right process with development within these flood areas is vitally important.

Areas within the Coastal A flood zones are projected to experience coastal wave action during a disaster, similar to the conditions that would be experienced within areas designated as VE flood zones. Because of this wave action, there are specific engineering considerations to ensure a building can survive the force of the waves and wind. Requirements include elevating the building to the point where the lowest horizontal structural member of the building is well above the anticipated height of the waves. Buildings are required to be engineered, and built on pilings, with minimal area below the building enclosed by break-away walls. These standards help to ensure the safety of the building and those individuals in and around the building during a disaster.

In order to appropriately and clearly align the Coastal A and VE flood requirements, this proposed amendment corrects a reference within the Coastal A requirements to reference the requirements within the VE zones. Approval of this amendment allows for clarity in the Zoning Ordinance in regards to development standards, as well as aligns with the Virginia Residential Code.

Staff recommends approval of ZOA 24-0314.