

1 **Ordinance to Amend and Reenact the Zoning Ordinance of the City of Hampton, Virginia**
2 **by Amending Chapter 9 Article IV Entitled “O-FZ District – Flood Zone Overlay”**
3 **Pertaining to Permit and Application Requirements in Flood Zones and Definitions**

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

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8 **BE IT ORDAINED** by the City Council of the City of Hampton, Virginia, that section 9-34 and 9-
9 37 of the zoning ordinance of the City of Hampton, Virginia be amended to read as follows:

10
11 **CHAPTER 9 – OVERLAY DISTRICTS**

12

13 **ARTICLE IV – O-FZ DISTRICT— FLOOD ZONE OVERLAY**

14

15 **Sec. 9-34. - District provisions.**

16
17 (1) *Permit and application requirements.*

18 (a) *Permit requirement.* All uses, activities, and development occurring within any special
19 flood hazard area and other flood areas, including placement of manufactured homes,
20 shall be undertaken only upon the issuance of a zoning permit, land disturbance
21 permit, or building permit *when such a permit is required*. Such development shall be
22 undertaken only in strict compliance with the provisions of this article, all other
23 applicable codes and ordinances, as amended, such as the Virginia Uniform Statewide
24 Building Code (VA USBC). Prior to the issuance of any such permit, the floodplain
25 administrator shall require all applications to include compliance with all applicable
26 state and federal laws.

27
28 (b) *Site plans and building permit applications.* All site plan and building permit
29 applications within any special flood hazard area or other flood areas shall incorporate
30 the following information:

- 31 (i) The elevation of the base flood at the site, or the elevation of the highest
32 adjacent grade in other flood areas where no base flood elevation is provided.
33 (ii) The elevation of the lowest floor (including basement) or, in V zones, the lowest
34 horizontal structural member.
35 (iii) For structures to be flood-proofed (non-residential only), the elevation to which
36 the structure will be flood-proofed.
37 (iv) Topographic information showing existing and proposed ground elevations.

38
39 (c) ***Small projects considered compliant with flood zone requirements.***

40 (i) *Individual permits shall not be required for activities, uses, and development*
41 *(collectively “Small Projects”) which have been reviewed, assessed, and*
42 *documented by the City of Hampton and approved by FEMA in accordance with*
43 *federal regulations as having low-to-no impact on the flood plain. A list of Small*
44 *Projects meeting this criteria entitled, “City Review of Development in Flood*

45 *Zones – Permit Requirements,” is hereby adopted by reference as part of this*
46 *article as if fully set forth herein, shall be kept on file in the office of the*
47 *department of community development, and may be administratively amended*
48 *as deemed necessary by the floodplain administrator in accordance with all*
49 *federal requirements.*

50 (ii) *Notwithstanding the foregoing section 9-34(c)(i), Small Projects which constitute*
51 *a substantial improvement as defined in this article shall require submission of a*
52 *zoning permit or building permit, as applicable, prior to commencement of*
53 *construction or land disturbance. The floodplain administrator may require*
54 *submittal of all plans, documents, and information deemed necessary to*
55 *determine whether the Small Project is a substantial improvement and otherwise*
56 *complies with this article.*

57 ...

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60 **Sec. 9-37. - Definitions.**

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

63 ...

64 *Recreational vehicle* – A vehicle which is

- 65 1. Built on a single chassis;
- 66 2. 400 square feet or less when measured at the largest horizontal projection;
- 67 3. Designed to be self-propelled or permanently towable by a light duty truck;
- 68 and,
- 69 4. Designed primarily not for use as a permanent dwelling but as temporary
- 70 living quarters for recreational camping, travel, or seasonal use.

71
72 *Regulatory flood protection elevation* – *an elevation equivalent to the design flood*
73 *elevation.*

74
75 *Repetitive Loss Structure* – A building covered by a contract for flood insurance that
76 has incurred flood-related damages on two occasions in a 10-year period, in which
77 the cost of the repair, on the average, equaled or exceeded 25 percent of the
78 market value of the structure at the time of each such flood event; and at the time
79 of the second incidence of flood-related damage, the contract for flood insurance
80 contains increased cost of compliance coverage.

81 ...