



# City of Hampton, Virginia

## Ordinance - Zoning Text

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

File Number: 11-0191

Enactment Number: Z11-02-

**Ordinance to amend and reenact Article V of the Zoning Ordinance of the City of Hampton, Virginia entitled "Flood Zone District" by (a) amending section 17.3-31.1 pertaining to enabling authority, section 17.3-31.3 pertaining to compliance, section 17.3-32.CC pertaining to the addition of the definition of violation and amending former section 17.3-32.CC pertaining to the definition of watercourse to new section 17.3-32.DD, section 17.3-33.1 pertaining to the adoption date of the new Flood Insurance Study and Flood Insurance Rate Map and the establishment of zoning districts, section 17.3-33.2 pertaining to the official zoning map, and 17.3-34.4.B pertaining to standards for approximated floodplain, and (b) adding section 17.3-31.6 pertaining to jurisdictional boundary changes, section 17.3-33.5 pertaining to submitting technical data, and section 17.3-33.6 pertaining to letters of map revision, as required by the Virginia Department of Conservation and Recreation.**

**BE IT ORDAINED** by the Council of the City of Hampton, Virginia that Article V of the Zoning Ordinance of the City of Hampton, Virginia, be amended and re-enacted as follows:

## Sec. 17.3-31 GENERAL PROVISIONS

### Sec 17.3-31.1 – Authority and Purpose

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

- A. regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies;
- B. restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding;
- C. requiring all those uses, activities, and developments that do occur in flood-prone districts to be protected and/or flood-proofed against flooding and flood damage; and
- D. protecting individuals from buying land and structures, which are unsuited for, intended purposes because of flood hazards.

### Sec. 17.3-31.2 - Applicability

These provisions shall apply to all lands within the jurisdiction of the City of Hampton (city) and identified as being in the 100-year floodplain by the Federal Insurance Administration.

### Sec.17.3-31.3 - Compliance and Liability

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

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- E. The provisions of this article shall be enforced in accordance with chapter 25 of the zoning ordinance. In addition to any fines or

penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this article. The imposition of a fine or penalty for any violation of, or noncompliance with, this article shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations or noncompliance within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this article may be declared by the city to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this article.

#### Sec 17.3-31.4 - Abrogation and Greater Restrictions

This article supersedes any article or ordinance currently in effect in flood-prone districts. However, any underlying ordinance shall remain in full force and effect to the extent that its provisions are more restrictive than this article.

#### Sec. 17.3-31.5 - Severability

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

#### Sec. 17.3-31.6 – Jurisdictional Boundary Changes

The city Flood Zone district ordinance in effect on the date of any annexation shall remain in effect and shall be enforced by the city for all annexed areas until the city adopts and enforces an ordinance which meets the requirements for participation in the National Flood Insurance Program. The city shall pass a resolution acknowledging and accepting responsibility for enforcing floodplain ordinance standards prior to annexation of any area containing identified flood hazards. All plats or maps of annexation shall show the floodplain boundaries, base flood elevation and location of the floodway where determined.

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

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

Sec. 17.3-32- DEFINITIONS. For purposes of this article V, the following definitions shall apply:

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

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

DD. 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.

## Sec. 17.3-33 - ESTABLISHMENT OF ZONING DISTRICTS

### Sec. 17.3-33.1 - Description of Districts

#### A. Basis of Districts

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

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

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#### Sec. 17.3-33.2 - Official Zoning Map

The boundaries of the special flood hazard area and floodplain districts are established as shown on the Flood Insurance Rate Map, the Flood Insurance Study and any Local Flood Hazard Maps which are declared to be a part of this article and which shall be kept on file at the office of the zoning administrator.

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#### Sec.17.3-33.5 – Submitting Technical Data

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

#### Sec.17.3-33.6 – Letters of Map Revision

The applicant must notify FEMA by applying for a "Conditional Letter of Map Revision or a Letter of Map Revision", when development in the floodplain causes:

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

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

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

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#### Sec. 17.3-34.4 - Standards for Approximated Floodplain

The following provisions shall apply within the approximated floodplain district:

- A. When base flood elevation data or floodway data have not been provided, the zoning administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or any other source, in order to administer the provisions of section 17.3-34. When such base flood elevation data is utilized, the zoning administrator shall obtain:
  - 1. the elevation (in relation to the mean sea level) of the lowest floor (including the basement) of all new and substantially improved structures; and
  - 2. if the structure has been floodproofed in accordance with the requirements of section 17.3-34.3 (B) of this article, the elevation in relation to the mean sea level to which the structure has been floodproofed.
- B. When the data is not available from any source as in section 17.3-34.4 (A), then the applicant for the proposed use, development and /or activity shall determine this elevation. For development proposed in the approximate floodplain, the applicant must use technical methods that correctly reflect currently accepted technical concepts, such as point on boundary, high water marks, or hydrologic and hydraulic analyses. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough review by the zoning administrator. The zoning administrator reserves the right to require a hydrologic and hydraulic analyses for any development.

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Adopted at the regular meeting of the City Council of the City of Hampton, Virginia held on June 8, 2011.

**Signed by** \_\_\_\_\_  
Molly Joseph Ward, Mayor

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

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

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