

AGENDA



CITY OF HOPEWELL
Hopewell, Virginia 23860

AGENDA

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CITY COUNCIL

Patience A. Bennett, Mayor, Ward #7
John B. Partin, Jr., Vice Mayor, Ward #3
Deborah B. Randolph, Councilor, Ward #1
Arlene Holloway, Councilor, Ward #2
Jasmine E. Gore, Councilor, Ward #4
Janice B. Denton, Councilor, Ward #5
Brenda S. Pelham, Councilor, Ward #6

Concetta Manker, Interim City Manager
Danielle F. Smith, City Attorney
Lois Gabriel, City Clerk Pro Tem

October 25, 2022

REGULAR MEETING

Closed Meeting – 6:30 p.m.
Work Session – 7:00 p.m.
Regular Meeting – 7:30 p.m.

OPEN MEETING

6:30 p.m. Call to order, roll call, and welcome to visitors

SUGGESTED MOTION: Move to enter into a closed meeting pursuant to Va. Code Section §2.2-3711(A) to discuss cost allocations pertaining to City's solid waste contract, E. Cawson Street LOI, and possible Chesterfield intake station.

CLOSED MEETING

RECONVENE OPEN MEETING

Roll Call

CERTIFICATION PURSUANT TO VIRGINIA CODE §2.2-3712 (D): Were only public business matters (1) lawfully exempted from open-meeting requirements and (2) identified in the closed-meeting motion discussed in closed meeting?

Roll Call

WORK SESSION

WS-1 - Flood Plain Ordinance - Chris Ward

REGULAR MEETING

Call to order, roll call, and welcome to visitors

Prayer by Reverend Danny Tucker, followed by the Pledge of Allegiance to the Flag of the United States of America led by Councilor Gore.

SUGGESTED MOTION: To amend/adopt Regular Meeting agenda

Roll Call

CONSENT AGENDA

All matters listed under the Consent Agenda are considered routine by Council and will be approved or received by one motion in the form listed. Items may be removed from the Consent Agenda for discussion under the regular agenda at the request of any Councilor.

C-1 Minutes:

C-2 Pending List:

C-3 Information for Council Review: HRHA Board Minutes (8/8/22,9/12/22), Planning Commission Minutes (4/7/22, 5/5/22), DDRC Minutes

C-4 Personnel Change Report:

C-5 Public Hearings:

C-6 Routine Approval of Work Sessions:

C-7 Ordinances on Second & Final Reading:

C-8 Routine Grant Approval:

C-9 Resolutions, Proclamations:

SUGGESTED MOTION: To amend/adopt consent agenda

Roll Call

INFORMATION/PRESENTATIONS

LED Lighting Presentation – Maurice Wilkins

PUBLIC HEARING

CITY CLERK: *All persons addressing Council shall approach the microphone, give name and, if they reside in Hopewell, their ward number, and limit comments to **three minutes**. No person shall be permitted to address Council a second time until all others have been heard and no one may speak more than twice on any subject in any one meeting. All remarks shall be addressed to Council as a body, any questions must be asked through the mayor only, and there shall be no discussion without permission of the mayor. Any person who makes personal, impertinent, abusive, or slanderous statements, or incites disorderly conduct in Council Chambers may be barred by the mayor from further audience before Council, and removed, subject to appeal to a majority of Council. (See Rules 405 and 406)*

PH-1 – CLG Changes to TH-1 Zoning - Chris Ward

UNFINISHED BUSINESS

COMMUNICATIONS FROM CITIZENS

CITY CLERK: *A Communications from Citizens period, limited in total time to 30 minutes, is part of the Order of Business at each regular Council meeting. All persons addressing Council shall approach the microphone, give name and, if they reside in Hopewell, their ward number, and limit comments to **three minutes**. No one is permitted to speak on any item scheduled for consideration on the regular agenda of the meeting. All remarks shall be addressed to the Council as a body, any questions must be asked through the mayor only, and there shall be no discussion without permission of the mayor. Any person who makes personal, impertinent, abusive, or slanderous statements, or incites disorderly conduct in Council Chambers, may be barred by the mayor from further audience before Council and removed, subject to appeal to a majority of Council. (See Rules 405 and 406.)*

Reports of Boards and Commissions:

REGULAR BUSINESS

R-1 - Salary Increases for Assistant Attorneys in the Commonwealth Office

R-2 - Hopewell Sheriff's Office Enterprise Fleet Presentation - Matt Williamson

R-3 - Hopewell Sheriff's Office Personnel Changes - Capt. Mark S. Lily

R-4 - Central Virginia Waste Management Authority (CVWMA) Performance Indicators

Reports of City Manager:

Reports of City Attorney:

Reports of City Clerk:

Board/Commission Vacancies:

- Historic Preservation Committee -3 vacancies**
- Architectural Review Board - 2 vacancies**
- Planning Commission - 1 vacancy**
- Economic Development Authority - 1 vacancy**
- Recreation Commission - 1 vacancy**
- Library Board - 1 vacancy**
- Board of Zoning Appeals - 1 vacancy**
- HRHA - 1 vacancy, 1 upcoming vacancy after 10/31/2022**

Reports of City Council: 2019 Strategic Plan

Committees

COUNCILORS REQUEST

Presentations from Boards and Commissions

Other Council Communications

Adjournment

**CLOSED
MEETING**

WORK SESSION

WS-1



**Zoning Ordinance Amendment
Article XV-Floodplain District
Applicant: City of Hopewell**

*Staff Report prepared for the Hopewell
City Council
Work Session- October 25, 2022*

This report is prepared by the City of Hopewell Department of Development Staff to provide information to the Hopewell City Council to assist them in making an informed decision on this matter.

I. MEETINGS

Planning Commission Public Hearing	Oct 6, 2020	Approval 4-0
City Council Work Session	Oct 25, 2022	No Action
City Council Public Hearing	Nov 15, 2022	Pending

II. PUBLIC NOTICE

Progress Index	Planning Commission PH	Sept 23, 2022	Sept 30, 2022
Progress Index	City Council PH	TBD	TBD

III. EXECUTIVE SUMMARY

The purpose of the amendment is to update the language in the current Floodplain District to replicate that of amendments made by the Virginia Department of Conservation and Recreation (DCR) in the state model ordinance and to comply with Federal Emergency Management Agency (FEMA) and National Flood Insurance Program (NFIP) standards. The purpose of the ordinance 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.

IV. STAFF ANALYSIS AND RECOMMENDATION

Staff recommends the approval of the proposed changes to Article XV – Floodplain District so that the City remains in compliance with the standards set forth by DCR, FEMA, and NFIP.

V. PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommends repeal of the existing Article XV – Floodplain District and the enactment of the amended Article XV – Floodplain District, as presented.

VI. PROPOSED RESOLUTION

The City Council recommends repeal of the existing Article XV – Floodplain District and the enactment of the amended Article XV – Floodplain District, as presented.

Motion _____ with a vote of ____ to ____ .

Attachments:

1. Current Article XV-Floodplain District
2. 'Red-Lined' Article XV-Floodplain District
3. Proposed Final Article XV-Floodplain District

ARTICLE XV – FLOODPLAIN DISTRICT

A. Purpose and Intent

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:

1. 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;
2. restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding;
3. 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
4. protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

This ordinance is adopted pursuant to the authority granted in 15.2-2280 of the Code of Virginia.

B. Applicability

These provisions shall apply to all lands within the jurisdiction of the City of Hopewell and identified as areas of special flood hazard identified by the community or shown on the Flood Insurance Rate Map (FIRM) or included in the Flood Insurance Study (FIS) that are provided to the City of Hopewell by FEMA.

C. Compliance and Liability

1. 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 ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance.
2. The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that districts outside the floodplain district, or that land uses permitted within such district will be free from flooding or flood damages.
3. Records of actions associated with administering this ordinance shall be kept on file and maintained by the zoning administrator.
4. This ordinance shall not create liability on the part of City of Hopewell or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

ARTICLE XV – FLOODPLAIN DISTRICT

D. Abrogation and Greater Restrictions

To the extent that the provisions are more restrictive, this ordinance supersedes any ordinance currently in effect in flood-prone districts. To the extent that any other existing law or regulation is more restrictive or does not conflict it shall remain in full force and effect.

These regulations are not intended to repeal or abrogate any existing ordinances including subdivision regulations, zoning ordinances or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall govern.

E. Severability

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

F. Penalty for violations

Any person who fails to comply with any of the requirements or provisions of this article or directions of the director of development or any authorized employee of the City of Hopewell shall be guilty of a Class 1 misdemeanor and subject to the penalties therefore.

The VA USBC addresses building code violations and the associated penalties in Section 104 and Section 115. Violations and associated penalties of the Zoning Ordinance of the City of Hopewell are addressed in Article XX of the Zoning Ordinance.

In addition to the above 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 non-compliances within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this article may be declared by the City of Hopewell to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this article.

G. Designation of the Floodplain Administrator

The Floodplain Administrator also identified as the Zoning Administrator is hereby appointed by City Manager to administer and implement these regulations and is referred to herein as the Floodplain Administrator. The Floodplain Administrator may:

1. In the absence of a designated Floodplain Administrator, the duties are conducted by the City of Hopewell chief executive officer.
2. Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees.

ARTICLE XV – FLOODPLAIN DISTRICT

3. Enter into a written agreement or written contract with another community or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

H. Duties and Responsibilities of the Floodplain Administrator

The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

1. Review applications for permits to determine whether proposed activities will be located in the Special Flood Hazard Area (SFHA).
2. Interpret floodplain boundaries and provide available base flood elevation and flood hazard information.
3. Review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of these regulations.
4. Review applications to determine whether all necessary permits have been obtained from the Federal, State or local agencies from which prior or concurrent approval is required; in particular, permits from state agencies for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction (including bridges, culverts, structures), any alteration of a watercourse, or any change of the course, current, or cross section of a stream or body of water, including any change to the 100-year frequency floodplain of free-flowing non-tidal waters of the State.
5. Verify that applicants proposing an alteration of a watercourse have notified adjacent communities, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), and other appropriate agencies (VADEQ, USACE) and have submitted copies of such notifications to FEMA.
6. Advise applicants for new construction or substantial improvement of structures that are located within an area of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act that Federal flood insurance is not available on such structures; areas subject to this limitation are shown on Flood Insurance Rate Maps as Coastal Barrier Resource System Areas (CBRS) or Otherwise Protected Areas (OPA).
7. Approve applications and issue permits to develop in flood hazard areas if the provisions of these regulations have been met, or disapprove applications if the provisions of these regulations have not been met.
8. Inspect or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with these regulations or to determine if non-compliance has occurred or violations have been committed.

ARTICLE XV – FLOODPLAIN DISTRICT

9. Review Elevation Certificates and require incomplete or deficient certificates to be corrected.
10. Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering analyses prepared by or for the (community), within six months after such data and information becomes available if the analyses indicate changes in base flood elevations.
11. Maintain and permanently keep records that are necessary for the administration of these regulations, including:
 1. Flood Insurance Studies, Flood Insurance Rate Maps (including historic studies and maps and current effective studies and maps) and Letters of Map Change; and
 2. Documentation supporting issuance and denial of permits, Elevation Certificates, documentation of the elevation (in relation to the datum on the FIRM) to which structures have been flood proofed, inspection records, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations.
12. Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action.
13. Advise the Board of Zoning Appeals regarding the intent of these regulations and, for each application for a variance, prepare a staff report and recommendation.
14. Administer the requirements related to proposed work on existing buildings:
 - a. Make determinations as to whether buildings and structures that are located in flood hazard areas and that are damaged by any cause have been substantially damaged.
 - b. Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct. Prohibit the non-compliant repair of substantially damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a building or structure to prevent additional damage.
15. Undertake, as determined appropriate by the Floodplain Administrator due to the circumstances, other actions which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with other Federal, State, and local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas; and assisting property owners with documentation necessary to file claims for Increased Cost of Compliance coverage under NFIP flood insurance policies.

ARTICLE XV – FLOODPLAIN DISTRICT

16. Notify the Federal Emergency Management Agency when the corporate boundaries of the (community) have been modified and:
 - a. Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to these regulations has either been assumed or relinquished through annexation; and
 - b. If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.
17. Upon the request of FEMA, complete and submit a report concerning participation in the NFIP which may request information regarding the number of buildings in the SFHA, number of permits issued for development in the SFHA, and number of variances issued for development in the SFHA.
18. It is the duty of the Community Floodplain Administrator to take into account flood, mudslide and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land management and use throughout the entire jurisdictional area of the Community, whether or not those hazards have been specifically delineated geographically (e.g. via mapping or surveying).

I. Use and Interpretation of FIRMs

The Floodplain Administrator shall make interpretations, where needed, as to the exact location of special flood hazard areas, floodplain boundaries, and floodway boundaries. The following shall apply to the use and interpretation of FIRMs and data:

1. Where field surveyed topography indicates that adjacent ground elevations:
 - a. Are below the base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as special flood hazard area and subject to the requirements of these regulations;
 - b. Are above the base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the SFHA.

ARTICLE XV – FLOODPLAIN DISTRICT

2. In FEMA-identified special flood hazard areas where base flood elevation and floodway data have not been identified and in areas where FEMA has not identified SFHAs, any other flood hazard data available from a Federal, State, or other source shall be reviewed and reasonably used.
3. Base flood elevations and designated floodway boundaries on FIRMs and in FISs shall take precedence over base flood elevations and floodway boundaries by any other sources if such sources show reduced floodway widths and/or lower base flood elevations.
4. Other sources of data shall be reasonably used if such sources show increased base flood elevations and/or larger floodway areas than are shown on FIRMs and in FISs.
5. If a Preliminary Flood Insurance Rate Map and/or a Preliminary Flood Insurance Study has been provided by FEMA:
 - a. Upon the issuance of a Letter of Final Determination by FEMA, the preliminary flood hazard data shall be used and shall replace the flood hazard data previously provided from FEMA for the purposes of administering these regulations.
 - b. Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall be deemed the best available data pursuant to Section J.3. and used where no base flood elevations and/or floodway areas are provided on the effective FIRM.
 - c. Prior to issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data is permitted where the preliminary base flood elevations or floodway areas exceed the base flood elevations and/or designated floodway widths in existing flood hazard data provided by FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.

J. Establishment of Floodplain Districts

1. 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 (FIRM) for City of Hopewell prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated July 16, 2015, as amended.

The City of Hopewell may identify and regulate local flood hazard or ponding areas that are not delineated on the FIRM. These areas may be delineated 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.

The boundaries of the SFHA Districts are established as shown on the FIRM which is declared to be a part of this ordinance and which shall be kept on file at the City of Hopewell offices.

ARTICLE XV – FLOODPLAIN DISTRICT

1. The Floodway District is in an AE Zone and is delineated, for purposes of this ordinance, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the one percent annual chance flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this District are specifically defined in Table 4 of the above-referenced FIS and shown on the accompanying FIRM.

The following provisions shall apply within the Floodway District of an AE zone [44CFR 60.3(d)]:

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

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

If Section J.1. of this Article is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section Q.

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

- 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 [44 CFR 60.3(c)] where FEMA has provided base flood elevations

Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as Zones A1-30, AE, or AH on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase

ARTICLE XV – FLOODPLAIN DISTRICT

the water surface elevation of the base flood more than one foot at any point within the City of Hopewell.

Development activities in Zones AI-30, AE, or AH on the City of Hopewell FIRM which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the applicant first applies – with the City of Hopewell’s endorsement – for a Conditional Letter of Map Revision, and receives the approval of the Federal Emergency Management Agency.

d. The **A Zone** on the FIRM accompanying the FIS shall be those areas for which no detailed flood profiles or elevations are provided, but the one percent annual chance floodplain boundary has been approximated. For these areas, the following provisions shall apply [44 CFR 60.3(b)]:

The Approximated Floodplain District shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a one percent annual chance floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the FIS. For these areas, the base flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific one percent annual chance flood elevation cannot be determined for this area using other sources of data, such as the U. S. Army Corps of Engineers Floodplain Information Reports, U. S. Geological Survey Flood-Prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this base flood elevation. For development proposed in the approximate floodplain the applicant must use technical methods that correctly reflect currently accepted practices, such as point on boundary, high water marks, or detailed methodologies hydrologic and hydraulic analyses. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Department of Development and City Engineer.

The Floodplain Administrator reserves the right to require a hydrologic and hydraulic analysis for any development. When such base flood elevation data is utilized, the lowest floor shall be elevated to or above the base flood level plus eighteen (18) inches.

During the permitting process, the Floodplain Administrator shall obtain:

1. The elevation of the lowest floor (in relation to mean sea level), including the basement, of all new and substantially improved structures; and,
2. If the structure has been flood-proofed in accordance with the requirements of this article, the elevation (in relation to mean sea level) to which the structure has been flood-proofed.

Base flood elevation data shall be obtained from other sources or developed using detailed methodologies comparable to those contained in a FIS for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser

ARTICLE XV – FLOODPLAIN DISTRICT

a. The **AO Zone** on the FIRM accompanying the FIS shall be those areas of shallow flooding identified as AO on the FIRM. For these areas, the following provisions shall apply [44 CFR 60.3(c)]:

a. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above the flood depth specified on the FIRM, above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no flood depth number is specified, the lowest floor, including basement, shall be elevated no less than two feet above the highest adjacent grade.

b. All new construction and substantial improvements of non-residential structures shall

1) have the lowest floor, including basement, elevated to or above the flood depth specified on the FIRM, above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least two feet above the highest adjacent grade; or,

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

c. Adequate drainage paths around structures on slopes shall be provided to guide floodwaters around and away from proposed structures.

b. The **Coastal A Zone** is labeled as AE on the FIRM; it is those areas that are seaward 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:

Buildings and structures within this zone shall have the lowest floor elevated to or above the base flood elevation plus one foot of freeboard, and must comply with the provisions in Section J of this Article.

c. 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 [44 CFR 60.3(e)]:

ARTICLE XV – FLOODPLAIN DISTRICT

- a. All new construction and substantial improvements in Zones V and VE, including manufactured homes, shall be elevated on pilings or columns so that:
 - 1) The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level plus eighteen (18) inches. If the lowest horizontal structural member is parallel to the direction of wave approach or elevated at least two feet above the base flood level if the lowest horizontal structural member is perpendicular to the direction of wave approach; and,
 - 2) 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).
- b. 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 J.
- c. The Floodplain Administrator shall obtain the elevation (in relation to mean sea level) of 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. The Floodplain Management Administrator shall maintain a record of all such information.
- d. All new construction shall be located landward of the reach of mean high tide.
- e. All new construction and substantial improvements shall have the space below the lowest floor either free of obstruction¹ 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:
 - 1) Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and

ARTICLE XV – FLOODPLAIN DISTRICT

- 2) 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 given year.
 - f. 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 less than 299 square feet.
 - g. 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.
 - h. The man-made alteration of sand dunes, which would increase potential flood damage, is prohibited.
7. The mapped floodplain includes all of the above regions and also the regions designated as having a 0.2 percent annual chance of flooding on any flood map or flood insurance study. In this area no emergency service, medical service or governmental records storage shall be allowed except by special exception using the variance process.

K. Official Zoning Map

The boundaries of the Special Flood Hazard Area and Floodplain Districts are established as shown on the Flood Insurance Rate Map which is declared to be a part of this ordinance and which shall be kept on file at the City of Hopewell offices.

L. Jurisdictional Boundary Changes

The County floodplain ordinance in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements for participation in the National Flood Insurance Program. Municipalities with existing floodplain ordinances shall pass a resolution acknowledging and accepting responsibility for enforcing floodplain ordinance standards prior to annexation of any area containing identified flood hazards. If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be

ARTICLE XV – FLOODPLAIN DISTRICT

provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.

In accordance with the Code of Federal Regulations, Title 44 Subpart (B) Section 59.22 (a) (9) (v) all NFIP participating communities must notify the Federal Insurance Administration and optionally the State Coordinating Office in writing whenever the boundaries of the community have been modified by annexation or the community 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 community's boundaries, a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority must be included with the notification.

M. District Boundary Changes

The delineation of any of the Floodplain Districts may be revised by the City of Hopewell where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the U. S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from Federal Emergency Management Agency. A completed LOMR is record of this approval.

N. Interpretation of District Boundaries

Initial interpretations of the boundaries of the Floodplain Districts shall be made by the Zoning Officer. Should a dispute arise concerning the boundaries of any of the Districts, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the District boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

O. Submitting Model Backed Technical Data

A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Insurance Administrator 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.

P. Letters of Map Revision

When development in the floodplain will cause or causes a change in the base flood elevation, the applicant, including state agencies, must notify FEMA by applying for a Conditional Letter of Map Revision and then a Letter of Map Revision.

ARTICLE XV – FLOODPLAIN DISTRICT

For Example:

- 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)

Q. District Provisions

1. Permit and Application Requirements

a. Permit Requirement

All uses, activities, and development occurring within any floodplain district shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of the Ordinance, the Virginia Unified Statewide Building Code, all other applicable codes and ordinances, as amended, and the City of Hopewell Subdivision Ordinance. Prior to the issuance of any such permit, the Zoning Officer shall require all applications to include compliance with all applicable state and federal laws, and shall review all sites to assure they are reasonably safe from flooding. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

b. Alteration or Relocation of a Watercourse

Prior to any proposed alteration or relocation of any channel or of any watercourse within this jurisdiction, a permit shall be obtained from the U. S. Army Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any one of these organizations). Furthermore, in riverine areas notification of the proposal shall be given to all adjacent jurisdictions, the Department of Conversation and Recreation (Division of Dam Safety and Floodplain Management) other required agencies, and the Federal Emergency Management Agency.

c. Site Plans and Permit Applications

All applications for development within any floodplain district and all building permits issued for the floodplain shall incorporate the following information:

- i. The elevation of the Base Flood for the site.
- ii. The elevation of the lowest floor (including basement), or in V zones, the lowest horizontal structural member.
- iii. For structures to be flood-proofed (non-residential only), the elevation to which the structure will be flood-proofed.
- iv. Topographic information showing existing and proposed ground elevations.

ARTICLE XV – FLOODPLAIN DISTRICT

2. General Standards

The following provisions shall apply to all permits:

- a. New construction and substantial improvements shall be done according to this ordinance and the Virginia Unified Statewide Building Code and anchored to prevent flotation, collapse or lateral movement of the structure.
- b. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
- c. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- d. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- e. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- f. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- g. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- h. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- i. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance shall meet the requirements of “new construction” as contained in this ordinance.
- j. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.
- k. The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

3. Specific Standards for Elevation and Construction

In all identified flood hazard areas where base flood elevations have been provided in the Flood Insurance Study or generated according to Section Q, the following provisions shall apply:

a. Residential Construction

New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than two (2) feet above the base flood elevation.

ARTICLE XV – FLOODPLAIN DISTRICT

b. Non-Residential Construction

New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than two (2) feet above the base flood elevation.

Buildings located in all A1-30, AE, and AH zones may be flood-proofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the BFE plus two feet are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to mean sea level) to which such structures are flood proofed, shall be maintained by the flood plain administrator.

c. Elevated Buildings – Space Below the Lowest Floor

In zones A, AE, AH, AO, and A1- A30, fully enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:

- i. not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator).
- ii. be constructed entirely of flood resistant materials below the regulatory flood protection elevation.
- iii. include measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:
 - (a.) Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
 - (b.) The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.
 - (c.) If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
 - (d.) The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.
 - (e.) Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.

ARTICLE XV – FLOODPLAIN DISTRICT

- (f.) Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.
- d. Standards for Manufactured Homes and Recreational Vehicles
 - i. In zones A, AE, AH, and AO, all manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, in a new manufactured home park or subdivision or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, must meet all the requirements for new construction, including the elevation and anchoring requirements in Section Q.2.
 - ii. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision in which a manufactured home has not incurred substantial damage as the result of a flood shall be elevated so that either:
 - (a.) the lowest floor of the manufactured home is elevated no lower than two (2) feet above the base flood elevation; or
 - (b.) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade;
 - (c.) and be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement.
 - iii. All recreational vehicles placed on sites must either:
 - (a.) be on the site for fewer than 180 consecutive days;
 - (b.) be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); or
 - (c.) meet all the requirements for manufactured homes in Section Q.3.d.

4. Standards for Approximated Floodplain

The following provisions shall apply with the Approximate Floodplain District:

The Approximated Floodplain District shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a one hundred (100)-year floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the Flood Insurance Study. For these areas, the one hundred (100)-year flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific one hundred (100)-year flood elevation cannot be determined for this area using other sources of data, such as the U. S. Army Corps of Engineers Floodplain Information Reports, U. S. Geological Survey Flood-Prone Quadrangles, etc., then the applicant for the proposed

ARTICLE XV – FLOODPLAIN DISTRICT

use, development and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Department of Development and City Engineer.

When such base flood elevation data is utilized, the lowest floor shall be two (2) feet above the base flood elevation. During the permitting process, the applicant shall obtain and submit information proving:

- a. the elevation of the lowest floor (including the basement) of all new and substantially improved structures; and
- b. if the structure has been flood-proofed in accordance with the requirements of this article, the elevation to which the structure has been flood-proofed.

5. Standards for the Floodway

The following provisions shall apply within the Floodway when it has been identified as in section M.4, above:

- a. Encroachments, including fill, new construction, substantial improvements and other developments are prohibited unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the zoning administrator.
- b. Development activities which increase the water surface elevation of the base flood may be allowed, provided that the developer or applicant first applies – with the City of Hopewell’s endorsement – for a conditional Flood Insurance Rate Map and floodway revision, and receives the approval of the Federal Emergency Management Agency.
- c. If section 6 a, above, is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of section M.
- d. The placement of manufactured homes (mobile homes) is prohibited, except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring, elevation, and encroachment standards are met.

6. Standards for the Shallow Flooding District

The following provisions shall apply within the Shallow Flooding District:

ARTICLE XV – FLOODPLAIN DISTRICT

2. The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any Floodway District that will cause any increase in the one hundred (100)-year flood elevation.
3. The danger that materials may be swept on to other lands or downstream to the injury of others.
4. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
5. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
6. The importance of the services provided by the proposed facility to the community.
7. The requirements of the facility for a waterfront location.
8. The availability of alternative locations not subject to flooding for the proposed use.
9. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
10. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
11. The safety of access by ordinary and emergency vehicles to the property in time of flood.
12. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
13. The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
14. Such other factors which are relevant to the purposes of this ordinance.

The Board of Zoning Appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

Variations shall be issued only after the Board of Zoning Appeals has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

Variations shall be issued only after the Board of Zoning Appeals has determined that the variance will be the minimum required to provide relief.

ARTICLE XV – FLOODPLAIN DISTRICT

The Board of Zoning Appeals shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the one hundred (100)-year flood elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.

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

S. Existing Structures in Floodplain Areas

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

1. Existing structures in the Floodway Area shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed expansion would not result in any increase in the base flood elevation.
2. Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any flood plain areas, when added to all the changes made during a rolling five (5) year period does not constitute fifty (50) percent increase in the of its market value
3. Any changes comply with this ordinance and the Virginia Uniform Statewide Building Code.
4. The structure is a historic structure, listed on the List of National Historic Resources and/or located in an historic district; the change required would impair the historic nature of the structure.
5. No new square footage is being built in the floodway.

T. Definitions

1. Base flood - The flood having a one percent chance of being equaled or exceeded in any given year.
2. Base flood elevation- The water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year. The water surface elevation of the base flood in relation to the datum specified on the community's Flood Insurance Rate Map. For the purposes of this ordinance, the base flood is the 1% annual chance flood.
3. Basement - Any area of the building having its floor sub-grade (below ground level) on all sides.
4. Board of Zoning Appeals - The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this ordinance.

ARTICLE XV – FLOODPLAIN DISTRICT

5. Coastal A Zone - Flood hazard areas that have been delineated as subject to wave heights between 1.5 feet and 3 feet.
6. Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study.
7. Development - Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
8. Elevated building - A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).
9. Encroachment - The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.
10. Existing construction – For the purposes of the insurance program, structures for which the “start of construction” commenced before September 5, 1979. “Existing construction” may also be referred to as “existing structures” and “pre-FIRM.”
11. Existing manufactured home park or subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
12. Expansion to an existing manufactured home park or subdivision - the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
13. Flood or flooding -
 - a. A general or temporary condition of partial or complete inundation of normally dry land areas from
 - i. the overflow of inland or tidal waters; or,
 - ii. the unusual and rapid accumulation or runoff of surface waters from any source.
 - b. The collapse or subsistence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an

ARTICLE XV – FLOODPLAIN DISTRICT

unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(i) of this definition.

- c. Mudflows which are proximately caused by flooding as defined in paragraph (a)(ii) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
14. Flood Insurance Rate Map (FIRM)- an official map of a community, on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community.
15. Flood Insurance Study (FIS) – A report by FEMA that provides an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.
16. Floodplain or flood-prone area - Any land area susceptible to being inundated by water from any source.
17. Flood proofing - any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
18. Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
19. Freeboard - A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.
20. Functionally dependent use - A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.
21. Highest adjacent grade - the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
22. Historic structure - Any structure that is
 - a. listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

ARTICLE XV – FLOODPLAIN DISTRICT

- b. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - c. individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - d. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either
 - i. by an approved state program as determined by the Secretary of the Interior; or
 - ii. directly by the Secretary of the Interior in states without approved programs.
23. Hydrologic and Hydraulic Engineering Analysis – Analyses performed by a licensed professional engineer, in accordance with standard engineering practices that are accepted by the Virginia Department of Conservation and Recreation and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.
24. Letters of Map Change (LOMC) - A Letter of Map Change is an official FEMA determination, by letter, that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study.
25. Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a land as defined by meets and bounds or structure is not located in a special flood hazard area.
26. Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. A Letter of Map Revision Based on Fill (LOMR-F), is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
27. Lowest adjacent grade- the lowest natural elevation of the ground surface next to the walls of a structure.
28. Lowest floor - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in

ARTICLE XV – FLOODPLAIN DISTRICT

violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.

29. Manufactured home - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.
30. Manufactured home park or subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
31. Mean Sea Level- is an elevation point that represents the average height of the ocean's surface (such as the halfway point between the mean high tide and the mean low tide) which is used as a standard in reckoning land elevation.
32. New construction - For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after September 5, 1979, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.
33. New manufactured home park or subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
34. Post-FIRM structures- A structure for which construction or substantial improvement occurred after September 5, 1979.
35. Pre-FIRM structures- A structure for which construction or substantial improvement occurred on or before September 5, 1979.
36. Primary frontal dune- a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms.

37. Recreational vehicle - A vehicle which is:
 - a. built on a single chassis;
 - b. 400 square feet or less when measured at the largest horizontal projection;
 - c. designed to be self-propelled or permanently towable by a light duty truck; and,

ARTICLE XV – FLOODPLAIN DISTRICT

- d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.
38. Repetitive Loss Structure – A building covered by a contract for flood insurance that has incurred flood-related damages on two occasions in a 10-year period, in which the cost of the repair, on the average, equaled or exceeded 25 percent of the market value of the structure at the time of each such flood event; and at the time of the second incidence of flood-related damage, the contract for flood insurance contains increased cost of compliance coverage.
39. Severe repetitive loss structure - a structure that: (a) Is covered under a contract for flood insurance made available under the NFIP; and (b) Has incurred flood related damage – (i) For which 4 or more separate claims payments have been made under flood insurance coverage with the amount of each such claim exceeding \$5,000, and with the cumulative amount of such claims payments exceeding \$20,000; or (ii) For which at least 2 separate claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the market value of the insured structure.
40. Shallow flooding area – A special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
41. Special flood hazard area - The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Section I of this ordinance.
42. Start of construction - For other than new construction and substantial improvement, under the Coastal Barriers Resource Act (P.L. – 97-348), means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
43. Structure: for flood plain management purposes, a walled and roofed building,

ARTICLE XV – FLOODPLAIN DISTRICT

including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. "Structure" for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

44. Substantial damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
45. Substantial improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred, repetitive lo
46. ss or substantial damage regardless of the actual repair work performed. The term does not, however, include either:
 - a. any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
 - b. any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.
 - c. 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.
47. Violation: the failure of a structure or other development to be fully compliant with the community's flood plain 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.
48. 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.

ARTICLE XV – FLOODPLAIN DISTRICT

Ordinance No. 2022-

An Ordinance repealing and reenacting Article XV, Floodplain District, of the Zoning Ordinance of the City of Hopewell.

A. Purpose and Intent

The purpose of these provisions is to prevent: the loss of life, health or 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:

1. 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;
2. restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding;
3. 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
4. protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

This ordinance is adopted pursuant to the authority granted in 15.2-2280 of the Code of Virginia.

B. Applicability

These provisions shall apply to all lands within the jurisdiction of the City of Hopewell and identified as areas of special flood hazard identified by the community or shown on the Flood Insurance Rate Map (FIRM) or included in the Flood Insurance Study (FIS) that are provided to the City of Hopewell by FEMA.

C. Compliance and Liability

1. 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 ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance.
2. The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that districts outside the floodplain district, or that land uses permitted within such district will be free from flooding or flood damages.
3. Records of actions associated with administering this ordinance shall be kept on file and maintained by the Floodplain Administrator in perpetuity.

ARTICLE XV – FLOODPLAIN DISTRICT

4. This ordinance shall not create liability on the part of City of Hopewell or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

D. Abrogation and Greater Restrictions

To the extent that the provisions are more restrictive, this ordinance supersedes any ordinance currently in effect in flood-prone districts. To the extent that any other existing law or regulation is more restrictive or does not conflict it shall remain in full force and effect.

These regulations are not intended to repeal or abrogate any existing ordinances including subdivision regulations, zoning ordinances or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall govern.

E. Severability

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

F. Penalty for violations

Any person who fails to comply with any of the requirements or provisions of this article or directions of the Floodplain Administrator or any authorized employee of the City of Hopewell shall be guilty of a Class 1 misdemeanor and subject to the penalties thereof.

The VA USBC addresses building code violations and the associated penalties in Section 104 and Section 115. Violations and associated penalties of the Zoning Ordinance of the City of Hopewell are addressed in Article XX of the Zoning Ordinance.

In addition to the above 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 non-compliances within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this article may be declared by the City of Hopewell to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this article.

G. Designation of the Floodplain Administrator

The Zoning Administrator is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator. In the absence of a designated Floodplain Administrator, the duties shall be conducted by the City of Hopewell's chief executive officer.

The Floodplain Administrator may:

1. Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees.

ARTICLE XV – FLOODPLAIN DISTRICT

2. Enter into a written agreement or written contract with another community or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

H. Duties and Responsibilities of the Floodplain Administrator

The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

1. Review applications for permits to determine whether proposed activities will be located in the Special Flood Hazard Area (SFHA).
2. Interpret floodplain boundaries and provide available base flood elevation and flood hazard information.
3. Review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of these regulations.
4. Review applications to determine whether all necessary permits have been obtained from the Federal, State or local agencies from which prior or concurrent approval is required; in particular, permits from state agencies for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction (including bridges, culverts, structures), any alteration of a watercourse, or any change of the course, current, or cross section of a stream or body of water, including any change to the 100-year frequency floodplain of free-flowing non-tidal waters of the State.
5. Verify that applicants proposing an alteration of a watercourse have notified adjacent communities, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), and other appropriate agencies (VADEQ, USACE) and have submitted copies of such notifications to FEMA.
6. Advise applicants for new construction or substantial improvement of structures that are located within an area of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act that Federal flood insurance is not available on such structures; areas subject to this limitation are shown on Flood Insurance Rate Maps as Coastal Barrier Resource System Areas (CBRS) or Otherwise Protected Areas (OPA).
7. Approve applications and issue permits to develop in flood hazard areas if the provisions of these regulations have been met, or disapprove applications if the provisions of these regulations have not been met.
8. Inspect or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with these regulations or to determine if

ARTICLE XV – FLOODPLAIN DISTRICT

non-compliance has occurred or violations have been committed.

9. Review Elevation Certificates and require incomplete or deficient certificates to be corrected.
10. Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering analyses prepared by or for the City of Hopewell, within six months after such data and information becomes available if the analyses indicate changes in base flood elevations.
11. Maintain and permanently keep records that are necessary for the administration of these regulations, including:
 1. Flood Insurance Studies, Flood Insurance Rate Maps (including historic studies and maps and current effective studies and maps) and Letters of Map Change; and
 2. Documentation supporting issuance and denial of permits, Elevation Certificates, documentation of the elevation (in relation to the datum on the FIRM) to which structures have been flood proofed, inspection records, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations.
12. Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action.
13. Advise the Board of Zoning Appeals regarding the intent of these regulations and, for each application for a variance, prepare a staff report and recommendation.
14. Administer the requirements related to proposed work on existing buildings:
 - a. Make determinations as to whether buildings and structures that are located in flood hazard areas and that are damaged by any cause have been substantially damaged.
 - b. Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct. Prohibit the non-compliant repair of substantially damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a building or structure to prevent additional damage.
15. Undertake, as determined appropriate by the Floodplain Administrator due to the circumstances, other actions which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with other Federal, State, and local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas; and assisting property owners with documentation necessary to file claims for Increased

ARTICLE XV – FLOODPLAIN DISTRICT

Cost of Compliance coverage under NFIP flood insurance policies.

16. Notify the Federal Emergency Management Agency when the corporate boundaries of the City of Hopewell have been modified and:
 - a. Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to these regulations has either been assumed or relinquished through annexation; and
 - b. If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.
17. Upon the request of FEMA, complete and submit a report concerning participation in the NFIP which may request information regarding the number of buildings in the SFHA, number of permits issued for development in the SFHA, and number of variances issued for development in the SFHA.
18. It is the duty of the Community Floodplain Administrator to take into account flood, mudslide and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land management and use throughout the entire jurisdictional area of the Community, whether or not those hazards have been specifically delineated geographically (e.g. via mapping or surveying).

I. Use and Interpretation of FIRMs

The Floodplain Administrator shall make interpretations, where needed, as to the exact location of special flood hazard areas, floodplain boundaries, and floodway boundaries. The following shall apply to the use and interpretation of FIRMs and data:

1. Where field surveyed topography indicates that adjacent ground elevations:
 - a. Are below the base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as special flood hazard area and subject to the requirements of these regulations;
 - b. Are above the base flood elevation and the area is labelled as a SFHA on the FIRM, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the SFHA.

ARTICLE XV – FLOODPLAIN DISTRICT

2. In FEMA-identified special flood hazard areas where base flood elevation and floodway data have not been identified and in areas where FEMA has not identified SFHAs, any other flood hazard data available from a Federal, State, or other source shall be reviewed and reasonably used.
3. Base flood elevations and designated floodway boundaries on FIRMs and in FISs shall take precedence over base flood elevations and floodway boundaries by any other sources if such sources show reduced floodway widths and/or lower base flood elevations.
4. Other sources of data shall be reasonably used if such sources show increased base flood elevations and/or larger floodway areas than are shown on FIRMs and in FISs.
5. If a Preliminary Flood Insurance Rate Map and/or a Preliminary Flood Insurance Study has been provided by FEMA:
 - a. Upon the issuance of a Letter of Final Determination by FEMA, the preliminary flood hazard data shall be used and shall replace the flood hazard data previously provided from FEMA for the purposes of administering these regulations.
 - b. Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall be deemed the best available data pursuant to Section J.3. and used where no base flood elevations and/or floodway areas are provided on the effective FIRM.
 - c. Prior to issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data is permitted where the preliminary base flood elevations or floodway areas exceed the base flood elevations and/or designated floodway widths in existing flood hazard data provided by FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.

J. Establishment of Floodplain Districts

1. 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 (FIRM) for City of Hopewell prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated December 15, 2022, as amended and any subsequent revisions or amendments thereto.

The City of Hopewell may identify and regulate local flood hazard or ponding areas that are not delineated on the FIRM. These areas may be delineated 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.

2. The Floodway District is in an AE Zone and is delineated, for purposes of this ordinance, using the criterion that certain areas within the floodplain must be capable of carrying the

ARTICLE XV – FLOODPLAIN DISTRICT

waters of the one percent annual chance flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this District are specifically defined in Table 23 of the above-referenced FIS and shown on the accompanying FIRM.

The following provisions shall apply within the Floodway District of an AE zone [44CFR 60.3(d)]:

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

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

If Section J.1. of this Article is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section Q.

b. The placement of manufactured homes (mobile homes) is prohibited, except as otherwise provided for in the Zoning Ordinance and provided the anchoring, elevation, and encroachment standards are met.

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 [44 CFR 60.3(c)] where FEMA has provided base flood elevations

Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as Zones A1-30, AE, or AH on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the City of Hopewell.

ARTICLE XV – FLOODPLAIN DISTRICT

Development activities in Zones AI-30, AE, or AH on the City of Hopewell FIRM which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the applicant first applies – with the City of Hopewell’s endorsement – for a Conditional Letter of Map Revision, and receives the approval of the Federal Emergency Management Agency.

d. The **A Zone** on the FIRM accompanying the FIS shall be those areas for which no detailed flood profiles or elevations are provided, but the one percent annual chance floodplain boundary has been approximated. For these areas, the following provisions shall apply [44 CFR 60.3(b)]:

The Approximated Floodplain District shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a one percent annual chance floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the FIS. For these areas, the base flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific one percent annual chance flood elevation cannot be determined for this area using other sources of data, such as the U. S. Army Corps of Engineers Floodplain Information Reports, U. S. Geological Survey Flood-Prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this base flood elevation. For development proposed in the approximate floodplain the applicant must use technical methods that correctly reflect currently accepted practices, such as point on boundary, high water marks, or detailed methodologies hydrologic and hydraulic analyses. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Department of Development and City Engineer.

The Floodplain Administrator reserves the right to require a hydrologic and hydraulic analysis for any development. When such base flood elevation data is utilized, the lowest floor shall be elevated to or above the base flood level plus two (2) feet.

During the permitting process, the Floodplain Administrator shall obtain:

1. The elevation of the lowest floor (in relation to mean sea level), including the basement, of all new and substantially improved structures; and,
2. If the structure has been flood-proofed in accordance with the requirements of this article, the elevation (in relation to mean sea level) to which the structure has been flood-proofed.

Base flood elevation data shall be obtained from other sources or developed using detailed methodologies comparable to those contained in a FIS for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed five lots or five acres, whichever is the lesser

- a. The **AO Zone** on the FIRM accompanying the FIS shall be those areas of shallow flooding identified as AO on the FIRM. For these areas, the following provisions shall

ARTICLE XV – FLOODPLAIN DISTRICT

apply [44 CFR 60.3(c)]:

- a. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above the flood depth specified on the FIRM, above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no flood depth number is specified, the lowest floor, including basement, shall be elevated no less than two feet above the highest adjacent grade.
- b. All new construction and substantial improvements of non-residential structures shall
 - 1) have the lowest floor, including basement, elevated to or above the flood depth specified on the FIRM, above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least two feet above the highest adjacent grade; or,
 - 2) together with attendant utility and sanitary facilities be completely flood-proofed to the specified flood level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- c. Adequate drainage paths around structures on slopes shall be provided to guide floodwaters around and away from proposed structures.
- b. The **Coastal A Zone** is labeled as AE on the FIRM; it is those areas that are seaward 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:

Buildings and structures within this zone shall have the lowest floor elevated to or above the base flood elevation plus one foot of freeboard, and must comply with the provisions in Sections J, Q.2 and Q.3 of this Article.
- c. 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 [44 CFR 60.3(e)]:
 - a. All new construction and substantial improvements in Zones V and VE, including manufactured homes, shall be elevated on pilings or columns so that:

ARTICLE XV – FLOODPLAIN DISTRICT

- 1) The bottom of the structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level plus eighteen (18) inches if the lowest horizontal structural member is parallel to the direction of wave approach or elevated at least two feet above the base flood level if the lowest horizontal structural member is perpendicular to the direction of wave approach; and,
 - 2) 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).
- b. 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 J.
 - c. The Floodplain Administrator shall obtain the elevation (in relation to mean sea level) of 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. The Floodplain Management Administrator shall maintain a record of all such information.
 - d. All new construction shall be located landward of the reach of mean high tide.
 - e. 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:
 - 1) Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and
 - 2) 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

ARTICLE XV – FLOODPLAIN DISTRICT

values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year.

- f. 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 less than 300 square feet.
 - g. 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.
 - h. The man-made alteration of sand dunes and mangrove stands, which would increase potential flood damage, is prohibited.
7. The mapped floodplain includes all of the above regions and also the regions designated as having a 0.2 percent annual chance of flooding on any flood map or flood insurance study. In this area no emergency service, medical service or governmental records storage shall be allowed except by special exception using the variance process.
8. **Overlay Concept**
The Floodplain Districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Ordinance Map, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.

If there is a conflict between the provisions or requirements of the Floodplain Districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.

K. Official Floodplain Map

The boundaries of the Special Flood Hazard Areas (SFHAs) and Floodplain Districts are established as shown on the Flood Insurance Rate Map (FIRM) which is declared to be a part of this ordinance and which shall be kept on file at the City of Hopewell's Department of Development office.

L. Jurisdictional Boundary Changes

The County floodplain ordinance in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements for participation in the National Flood Insurance Program. Municipalities with existing floodplain ordinances shall pass a resolution acknowledging and accepting responsibility for enforcing floodplain ordinance standards prior to annexation of any area containing identified flood hazards. If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory

ARTICLE XV – FLOODPLAIN DISTRICT

requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.

In accordance with the Code of Federal Regulations, Title 44 Subpart (B) Section 59.22 (a) (9) (v) all NFIP participating communities must notify the Federal Insurance Administration and optionally the State Coordinating Office in writing whenever the boundaries of the community have been modified by annexation or the community 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 community's boundaries, a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority must be included with the notification.

M. District Boundary Changes

The delineation of any of the Floodplain Districts may be revised by the City of Hopewell where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the U. S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from Federal Emergency Management Agency. A completed LOMR is record of this approval.

N. Interpretation of District Boundaries

Initial interpretations of the boundaries of the Floodplain Districts shall be made by the Zoning Administrator. Should a dispute arise concerning the boundaries of any of the Districts, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the District boundary shall be given a reasonable opportunity to present his case to the Board and to submit their own technical evidence if they so desire.

O. Submitting Model Backed Technical Data

A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Insurance Administrator 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.

P. Letters of Map Revision

When development in the floodplain will cause or causes a change in the base flood elevation, the applicant, including state agencies, must notify FEMA by applying for a Conditional Letter of Map Revision and then a Letter of Map Revision.

ARTICLE XV – FLOODPLAIN DISTRICT

For Example:

- 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)

Q. District Provisions

1. Permit and Application Requirements

a. Permit Requirement

All uses, activities, and development occurring within any floodplain district shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of the Ordinance, the Virginia Unified Statewide Building Code, all other applicable codes and ordinances, as amended, and the City of Hopewell Subdivision Ordinance. Prior to the issuance of any such permit, the Zoning Administrator shall require all applications to include compliance with all applicable state and federal laws, and shall review all sites to assure they are reasonably safe from flooding. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

b. Alteration or Relocation of a Watercourse

Prior to any proposed alteration or relocation of any channel or of any watercourse within this jurisdiction, a permit shall be obtained from the U. S. Army Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any one of these organizations). Furthermore, in riverine areas notification of the proposal shall be given to all adjacent jurisdictions, the Department of Conversation and Recreation (Division of Dam Safety and Floodplain Management) other required agencies, and the Federal Emergency Management Agency.

c. Site Plans and Permit Applications

All applications for development within any floodplain district and all building permits issued for the floodplain shall incorporate the following information:

- i. The elevation of the Base Flood for the site.
- ii. The elevation of the lowest floor (including basement), or in V zones, the lowest horizontal structural member.
- iii. For structures to be flood-proofed (non-residential only), the elevation to which the structure will be flood-proofed.
- iv. Topographic information showing existing and proposed ground elevations.

2. General Standards

The following provisions shall apply to all permits:

ARTICLE XV – FLOODPLAIN DISTRICT

- a. New construction and substantial improvements shall be done according to this ordinance and the Virginia Unified Statewide Building Code and anchored to prevent flotation, collapse or lateral movement of the structure.
- b. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
- c. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- d. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- e. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- f. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- g. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- h. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- i. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance shall meet the requirements of “new construction” as contained in this ordinance.
- j. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.
- k. The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

3. Specific Standards for Elevation and Construction

In all identified flood hazard areas where base flood elevations have been provided in the Flood Insurance Study or generated according to Section QJ.3, the following provisions shall apply:

a. Residential Construction

New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated no lower than two (2) feet above the base flood elevation.

b. Non-Residential Construction

ARTICLE XV – FLOODPLAIN DISTRICT

New construction or substantial improvement of any commercial, industrial, or non-residential building shall have the lowest floor, including basement, elevated to no lower than two (2) feet above the base flood elevation.

Buildings located in all A1-30, AE, and AH zones may be flood-proofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the BFE plus two feet are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to mean sea level) to which such structures are flood proofed, shall be maintained by the flood plain administrator.

c. Elevated Buildings – Space Below the Lowest Floor

In zones A, AE, AH, AO, and A1- A30, fully enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:

- i. not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator).
- ii. be constructed entirely of flood resistant materials below the regulatory flood protection elevation.
- iii. include measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:
 - (a.) Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
 - (b.) The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.
 - (c.) If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
 - (d.) The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.
 - (e.) Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.

ARTICLE XV – FLOODPLAIN DISTRICT

- (f.) Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.
- d. Standards for Manufactured Homes and Recreational Vehicles
 - i. In zones A, AE, AH, and AO, all manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, in a new manufactured home park or subdivision or in an existing manufactured home park or subdivision, as permitted by the Zoning Ordinance, on which a manufactured home has incurred substantial damage as the result of a flood, must meet all the requirements for new construction, including the elevation and anchoring requirements in Section Q.2.
 - ii. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision, as permitted by the Zoning Ordinance, in which a manufactured home has not incurred substantial damage as the result of a flood shall be elevated so that either:
 - (a.) the lowest floor of the manufactured home is elevated no lower than two (2) feet above the base flood elevation; or
 - (b.) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade;
 - (c.) and be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement.
 - iii. All recreational vehicles placed on sites must either:
 - (a.) be on the site for fewer than 180 consecutive days;
 - (b.) be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); or
 - (c.) meet all the requirements for manufactured homes in Section Q.3.d.
- 4. Standards for Approximated Floodplain

The following provisions shall apply with the Approximate Floodplain District:

The Approximated Floodplain District shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a one hundred (100)-year floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the Flood Insurance Study. For these areas, the one hundred (100)-year flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific one hundred (100)-year flood elevation cannot be determined for this area using other sources of data, such as the U. S. Army Corps of Engineers Floodplain Information Reports, U. S. Geological Survey

ARTICLE XV – FLOODPLAIN DISTRICT

Flood-Prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Department of Development and City Engineer.

When such base flood elevation data is utilized, the lowest floor shall be two (2) feet above the base flood elevation. During the permitting process, the applicant shall obtain and submit information proving:

- a. the elevation of the lowest floor (including the basement) of all new and substantially improved structures; and
- b. if the structure has been flood-proofed in accordance with the requirements of this article, the elevation to which the structure has been flood-proofed.

5. Standards for the Floodway

The following provisions shall apply within the Floodway when it has been identified as in section M.4, above:

- a. Encroachments, including fill, new construction, substantial improvements and other developments are prohibited unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the zoning administrator.
- b. Development activities which increase the water surface elevation of the base flood may be allowed, provided that the developer or applicant first applies – with the City of Hopewell’s endorsement – for a conditional Flood Insurance Rate Map and floodway revision, and receives the approval of the Federal Emergency Management Agency.
- c. If section 6 a, above, is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of section M.
- d. The placement of manufactured homes (mobile homes) is prohibited, except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring, elevation, and encroachment standards are met.

6. Standards for the Shallow Flooding District

The following provisions shall apply within the Shallow Flooding District:

- a. All new construction and substantial improvements of residential structures shall

ARTICLE XV – FLOODPLAIN DISTRICT

have the lowest floor, including basement, elevated to or above the flood depth specified on the Flood Insurance Rate Map, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated no less than two (2) feet above the highest adjacent grade.

- b. All new construction and substantial improvements of non-residential structures shall:
 - i. have the lowest floor, including basement, elevated to or above the flood depth specified on the Flood Insurance Rate Map, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade; or,
 - ii. together with attendant utility and sanitary facilities be completely flood-proofed to the specified flood level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- c. Adequate drainage paths around structures on slopes shall be provided to guide floodwaters around and away from proposed structures.

7. Standards for Subdivision Proposals

- a. All subdivision proposals shall be consistent with the need to minimize flood damage;
- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and
- d. Base flood elevation data shall be provided for subdivision proposals and other proposed development proposals using detailed methodologies, hydraulic and hydrological analysis (including manufactured home parks and subdivisions as provided in the Zoning Ordinance) that exceed five lots or five acres, whichever is the lesser.

8. Accessory Structures

Accessory structures of any size shall be prohibited within the SFHA and no variance shall be granted to permit accessory structures in these areas.

R. Variances

In passing upon applications for Variances, the Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in other sections of the zoning ordinance and consider the following additional factors:

1. The showing of good and sufficient cause.
2. The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or

ARTICLE XV – FLOODPLAIN DISTRICT

activity within any Floodway District that will cause any increase in the one hundred (100)-year flood elevation.

3. The danger that materials may be swept on to other lands or downstream to the injury of others.
4. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
5. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
6. The importance of the services provided by the proposed facility to the community.
7. The requirements of the facility for a waterfront location.
8. The availability of alternative locations not subject to flooding for the proposed use.
9. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
10. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
11. The safety of access by ordinary and emergency vehicles to the property in time of flood.
12. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
13. The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
14. Variances will not be issued for any accessory structure within the SFHA
15. Such other factors which are relevant to the purposes of this ordinance.

The Board of Zoning Appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

Variances shall be issued only after the Board of Zoning Appeals has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

Variances shall be issued only after the Board of Zoning Appeals has determined that the variance will be the minimum required to provide relief.

The Board of Zoning Appeals shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the one hundred (100)-year flood elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.

ARTICLE XV – FLOODPLAIN DISTRICT

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

S. Existing Structures in Floodplain Areas

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

1. Existing structures in the Floodway Area shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed expansion would not result in any increase in the base flood elevation.
2. Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any flood plain areas, when added to all the changes made during a rolling five (5) year period does not constitute fifty (50) percent increase in the of its market value
3. Any changes comply with this ordinance and the Virginia Uniform Statewide Building Code.
4. The structure is a historic structure, listed on the List of National Historic Resources and/or located in an historic district; the change required would impair the historic nature of the structure.
5. No new square footage is being built in the floodway.

T. Definitions

1. Base flood - The flood having a one percent chance of being equaled or exceeded in any given year.
2. Base flood elevation- The water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year. The water surface elevation of the base flood in relation to the datum specified on the community's Flood Insurance Rate Map. For the purposes of this ordinance, the base flood is the 1% annual chance flood.
3. Basement - Any area of the building having its floor sub-grade (below ground level) on all sides.
4. Board of Zoning Appeals - The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this ordinance.
5. Coastal A Zone - Flood hazard areas that have been delineated as subject to wave heights between 1.5 feet and 3 feet.
6. Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map

ARTICLE XV – FLOODPLAIN DISTRICT

or Flood Insurance Study.

7. Development - Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, temporary structures, mining, dredging, filling, grading, paving, excavation or drilling operations or other land-disturbing activities or permanent or temporary storage of equipment or materials.
8. Elevated building - A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).
9. Encroachment - The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.
10. Existing construction – For the purposes of the insurance program, structures for which the “start of construction” commenced before September 5, 1979. “Existing construction” may also be referred to as “existing structures” and “pre-FIRM.”
11. Existing manufactured home park or subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community. (See “existing construction” above)
12. Expansion to an existing manufactured home park or subdivision - the preparation of additional sites, as permitted by the Zoning Ordinance, by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
13. Flood or flooding -
 - a. A general or temporary condition of partial or complete inundation of normally dry land areas from
 - i. the overflow of inland or tidal waters; or,
 - ii. the unusual and rapid accumulation or runoff of surface waters from any source.
 - b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(i) of this definition.
 - c. Mudflows which are proximately caused by flooding as defined in paragraph (a)(ii) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

ARTICLE XV – FLOODPLAIN DISTRICT

14. Flood Insurance Rate Map (FIRM)- –an official map of a community, on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community.
15. Flood Insurance Study (FIS) – A report by FEMA that provides an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.
16. Floodplain or flood-prone area - Any land area susceptible to being inundated by water from any source.
17. Flood proofing - -any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
18. Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
19. Freeboard - A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.
20. Functionally dependent use - A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.
21. Highest adjacent grade - the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
22. Historic structure - Any structure that is
 - a. listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - b. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - c. individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - d. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either
 - i. by an approved state program as determined by the Secretary of the Interior; or

ARTICLE XV – FLOODPLAIN DISTRICT

- ii. directly by the Secretary of the Interior in states without approved programs.
- 23. Hydrologic and Hydraulic Engineering Analysis – Analyses performed by a licensed professional engineer, in accordance with standard engineering practices that are accepted by the Virginia Department of Conservation and Recreation and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.
- 24. Letters of Map Change (LOMC) - A Letter of Map Change is an official FEMA determination, by letter, that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study.
- 25. Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a land as defined by meets and bounds or structure is not located in a special flood hazard area.
- 26. Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. A Letter of Map Revision Based on Fill (LOMR-F), is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
- 27. Lowest adjacent grade- the lowest natural elevation of the ground surface next to the walls of a structure.
- 28. Lowest floor - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.
- 29. Manufactured home - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.
- 30. Manufactured home park or subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- 31. Mean Sea Level- For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988 to which base flood elevations shown on the City's FIRM are

ARTICLE XV – FLOODPLAIN DISTRICT

referenced.

32. New construction - For the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after September 5, 1979, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.
33. New manufactured home park or subdivision - a manufactured home park or subdivision, permitted in compliance with the provisions of the Zoning Ordinance, for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
34. Post-FIRM structures- A structure for which construction or substantial improvement occurred after September 5, 1979.
35. Pre-FIRM structures- A structure for which construction or substantial improvement occurred on or before September 5, 1979.
36. Primary frontal dune- a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms.
37. Recreational vehicle - A vehicle which is:
 - a. built on a single chassis;
 - b. 400 square feet or less when measured at the largest horizontal projection;
 - c. designed to be self-propelled or permanently towable by a light duty truck; and,
 - d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.
38. Repetitive Loss Structure – A building covered by a contract for flood insurance that has incurred flood-related damages on two occasions in a 10-year period, in which the cost of the repair, on the average, equaled or exceeded 25 percent of the market value of the structure at the time of each such flood event; and at the time of the second incidence of flood-related damage, the contract for flood insurance contains increased cost of compliance coverage.
39. Severe repetitive loss structure - a structure that: (a) Is covered under a contract for flood insurance made available under the NFIP; and (b) Has incurred flood related damage – (i) For which 4 or more separate claims payments have been made under flood insurance coverage with the amount of each such claim exceeding \$5,000, and

ARTICLE XV – FLOODPLAIN DISTRICT

with the cumulative amount of such claims payments exceeding \$20,000; or (ii) For which at least 2 separate claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the market value of the insured structure.

40. Shallow flooding area – A special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
41. Special flood hazard area - The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Section I of this ordinance.
42. Start of construction - For other than new construction and substantial improvement, under the Coastal Barriers Resource Act (P.L. – 97-348), means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
43. Structure: for flood plain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.
44. Substantial damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. It also means flood related damages sustained by a structure on two occasions in a 10-year period, in which the cost of the repair, on the average, equals or exceeds 25 percent of the market value of the structure at the time of each such flood event.
45. Substantial improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred, repetitive loss or substantial damage regardless of the actual repair work performed. The term does not, however, include either:

ARTICLE XV – FLOODPLAIN DISTRICT

- a. any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
 - b. any alteration of a historic structure, provided that the alteration will not preclude the structure’s continued designation as a historic structure.
 - c. 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.
46. Violation: the failure of a structure or other development to be fully compliant with the community's flood plain 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.
47. 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.

Enacted and ordained this ____ day of _____, 2022. This ordinance, number __ of the City of Hopewell, Virginia, shall become effective upon passage.

Signature

Title

Attested

ARTICLE XV – FLOODPLAIN DISTRICT

A

A. Purpose and Intent

The purpose of these provisions is to prevent: the loss of life, health or 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:

1. 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;
2. restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding;
3. 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
4. protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

This ordinance is adopted pursuant to the authority granted in 15.2-2280 of the Code of Virginia.

B. Applicability

These provisions shall apply to all lands within the jurisdiction of the City of Hopewell and identified as areas of special flood hazard identified by the community or shown on the Flood Insurance Rate Map (FIRM) or included in the Flood Insurance Study (FIS) that are provided to the City of Hopewell by FEMA.

C. Compliance and Liability

1. 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 ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance.
2. The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that districts outside the floodplain district, or that land uses permitted within such district will be free from flooding or flood damages.
3. Records of actions associated with administering this ordinance shall be kept on file and maintained by the ~~zoning~~ Floodplain Administrator in perpetuity.
4. This ordinance shall not create liability on the part of City of Hopewell or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

ARTICLE XV – FLOODPLAIN DISTRICT

D. Abrogation and Greater Restrictions

To the extent that the provisions are more restrictive, this ordinance supersedes any ordinance currently in effect in flood-prone districts. To the extent that any other existing law or regulation is more restrictive or does not conflict it shall remain in full force and effect.

These regulations are not intended to repeal or abrogate any existing ordinances including subdivision regulations, zoning ordinances or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall govern.

E. Severability

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

F. Penalty for violations

Any person who fails to comply with any of the requirements or provisions of this article or directions of the ~~director of development~~ Floodplain Administrator or any authorized employee of the City of Hopewell shall be guilty of a Class 1 misdemeanor and subject to the penalties ~~therefore~~ thereof.

The VA USBC addresses building code violations and the associated penalties in Section 104 and Section 115. Violations and associated penalties of the Zoning Ordinance of the City of Hopewell are addressed in Article XX of the Zoning Ordinance.

In addition to the above 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 non-compliances within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this article may be declared by the City of Hopewell to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this article.

G. Designation of the Floodplain Administrator

The ~~Floodplain Zoning Administrator also identified as the Zoning Administrator~~ is hereby appointed by ~~City Manager~~ to administer and implement these regulations and is referred to herein as the Floodplain Administrator. In the absence of a designated Floodplain Administrator, the duties shall be conducted by the City of Hopewell's chief executive officer.

The Floodplain Administrator may:

- ~~1. In the absence of a designated Floodplain Administrator, the duties are conducted by the City of Hopewell chief executive officer.~~
- 2.1. Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees.

ARTICLE XV – FLOODPLAIN DISTRICT

- 3.2. Enter into a written agreement or written contract with another community or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

H. Duties and Responsibilities of the Floodplain Administrator

The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

1. Review applications for permits to determine whether proposed activities will be located in the Special Flood Hazard Area (SFHA).
2. Interpret floodplain boundaries and provide available base flood elevation and flood hazard information.
3. Review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of these regulations.
- ~~3.~~
4. Review applications to determine whether all necessary permits have been obtained from the Federal, State or local agencies from which prior or concurrent approval is required; in particular, permits from state agencies for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction (including bridges, culverts, structures), any alteration of a watercourse, or any change of the course, current, or cross section of a stream or body of water, including any change to the 100-year frequency floodplain of free-flowing non-tidal waters of the State.
5. Verify that applicants proposing an alteration of a watercourse have notified adjacent communities, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), and other appropriate agencies (VADEQ, USACE) and have submitted copies of such notifications to FEMA.
6. Advise applicants for new construction or substantial improvement of structures that are located within an area of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act that Federal flood insurance is not available on such structures; areas subject to this limitation are shown on Flood Insurance Rate Maps as Coastal Barrier Resource System Areas (CBRS) or Otherwise Protected Areas (OPA).
7. Approve applications and issue permits to develop in flood hazard areas if the provisions of these regulations have been met, or disapprove applications if the provisions of these regulations have not been met.

ARTICLE XV – FLOODPLAIN DISTRICT

8. Inspect or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with these regulations or to determine if non-compliance has occurred or violations have been committed.
9. Review Elevation Certificates and require incomplete or deficient certificates to be corrected.
10. Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering analyses prepared by or for the ~~(community)~~ City of Hopewell, within six months after such data and information becomes available if the analyses indicate changes in base flood elevations.
11. Maintain and permanently keep records that are necessary for the administration of these regulations, including:
 1. Flood Insurance Studies, Flood Insurance Rate Maps (including historic studies and maps and current effective studies and maps) and Letters of Map Change; and
 2. Documentation supporting issuance and denial of permits, Elevation Certificates, documentation of the elevation (in relation to the datum on the FIRM) to which structures have been flood proofed, inspection records, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations.
12. Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action.
13. Advise the Board of Zoning Appeals regarding the intent of these regulations and, for each application for a variance, prepare a staff report and recommendation.
14. Administer the requirements related to proposed work on existing buildings:
 - a. Make determinations as to whether buildings and structures that are located in flood hazard areas and that are damaged by any cause have been substantially damaged.
 - b. Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct. Prohibit the non-compliant repair of substantially damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a building or structure to prevent additional damage.
15. Undertake, as determined appropriate by the Floodplain Administrator due to the circumstances, other actions which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with other Federal, State, and local

ARTICLE XV – FLOODPLAIN DISTRICT

agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas; and assisting property owners with documentation necessary to file claims for Increased Cost of Compliance coverage under NFIP flood insurance policies.

16. Notify the Federal Emergency Management Agency when the corporate boundaries of the ~~(community)~~City of Hopewell have been modified and:

- a. Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to these regulations has either been assumed or relinquished through annexation; and
- b. If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.

17. Upon the request of FEMA, complete and submit a report concerning participation in the NFIP which may request information regarding the number of buildings in the SFHA, number of permits issued for development in the SFHA, and number of variances issued for development in the SFHA.

18. It is the duty of the Community Floodplain Administrator to take into account flood, mudslide and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land management and use throughout the entire jurisdictional area of the Community, whether or not those hazards have been specifically delineated geographically (e.g. via mapping or surveying).

I. Use and Interpretation of FIRMs

The Floodplain Administrator shall make interpretations, where needed, as to the exact location of special flood hazard areas, floodplain boundaries, and floodway boundaries. The following shall apply to the use and interpretation of FIRMs and data:

1. Where field surveyed topography indicates that adjacent ground elevations:

- a. Are below the base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as special flood hazard area and subject to the requirements of these regulations;

b. Are above the base flood elevation and the area is labelled as a SFHA on the

ARTICLE XV – FLOODPLAIN DISTRICT

FIRM, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the SFHA.

2. In FEMA-identified special flood hazard areas where base flood elevation and floodway data have not been identified and in areas where FEMA has not identified SFHAs, any other flood hazard data available from a Federal, State, or other source shall be reviewed and reasonably used.
3. Base flood elevations and designated floodway boundaries on FIRMs and in FISs shall take precedence over base flood elevations and floodway boundaries by any other sources if such sources show reduced floodway widths and/or lower base flood elevations.
4. Other sources of data shall be reasonably used if such sources show increased base flood elevations and/or larger floodway areas than are shown on FIRMs and in FISs.
5. If a Preliminary Flood Insurance Rate Map and/or a Preliminary Flood Insurance Study has been provided by FEMA:
 - a. Upon the issuance of a Letter of Final Determination by FEMA, the preliminary flood hazard data shall be used and shall replace the flood hazard data previously provided from FEMA for the purposes of administering these regulations.
 - b. Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall be deemed the best available data pursuant to Section J.3. and used where no base flood elevations and/or floodway areas are provided on the effective FIRM.
 - c. Prior to issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data is permitted where the preliminary base flood elevations or floodway areas exceed the base flood elevations and/or designated floodway widths in existing flood hazard data provided by FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.

J. Establishment of Floodplain Districts

1. 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 (FIRM) for City of Hopewell prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated July 16, 2015 December 15, 2022, as amended and any subsequent revisions or amendments thereto [AD1].

The City of Hopewell may identify and regulate local flood hazard or ponding areas that are not delineated on the FIRM. These areas may be delineated 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.

ARTICLE XV – FLOODPLAIN DISTRICT

~~The boundaries of the SFHA Districts are established as shown on the FIRM which is declared to be a part of this ordinance and which shall be kept on file at the City of Hopewell offices.~~

1. The Floodway District is in an AE Zone and is delineated, for purposes of this ordinance, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the one percent annual chance flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this District are specifically defined in ~~Table 4.102~~ Table 23 of the above-referenced FIS and shown on the accompanying FIRM.

The following provisions shall apply within the Floodway District of an AE zone [44CFR 60.3(d)]:

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

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

If Section J.1. of this Article is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section Q.

- b. The placement of manufactured homes (mobile homes) is prohibited, except as otherwise provided for in the Zoning Ordinance and in an existing manufactured home (mobile home) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring, elevation, and encroachment standards are met. [AD3]

- 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 [44 CFR 60.3(c)] where FEMA has provided base flood elevations

ARTICLE XV – FLOODPLAIN DISTRICT

Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as Zones A1-30, AE, or AH on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the City of Hopewell.

Development activities in Zones A1-30, AE, or AH on the City of Hopewell FIRM which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the applicant first applies – with the City of Hopewell’s endorsement – for a Conditional Letter of Map Revision, and receives the approval of the Federal Emergency Management Agency.

d. The **A Zone** on the FIRM accompanying the FIS shall be those areas for which no detailed flood profiles or elevations are provided, but the one percent annual chance floodplain boundary has been approximated. For these areas, the following provisions shall apply [44 CFR 60.3(b)]:

The Approximated Floodplain District shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a one percent annual chance floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the FIS. For these areas, the base flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific one percent annual chance flood elevation cannot be determined for this area using other sources of data, such as the U. S. Army Corps of Engineers Floodplain Information Reports, U. S. Geological Survey Flood-Prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this base flood elevation. For development proposed in the approximate floodplain the applicant must use technical methods that correctly reflect currently accepted practices, such as point on boundary, high water marks, or detailed methodologies hydrologic and hydraulic analyses. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Department of Development and City Engineer.

The Floodplain Administrator reserves the right to require a hydrologic and hydraulic analysis for any development. When such base flood elevation data is utilized, the lowest floor shall be elevated to or above the base flood level plus ~~eighteen (18) inches~~ two (2) feet.

During the permitting process, the Floodplain Administrator shall obtain:

1. The elevation of the lowest floor (in relation to mean sea level), including the basement, of all new and substantially improved structures; and,
2. If the structure has been flood-proofed in accordance with the requirements of this article, the elevation (in relation to mean sea level) to which the structure

ARTICLE XV – FLOODPLAIN DISTRICT

has been flood-proofed.

Base flood elevation data shall be obtained from other sources or developed using detailed methodologies comparable to those contained in a FIS for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed ~~forty-five~~ forty-five lots_[D4] or five acres, whichever is the lesser

a. The **AO Zone** on the FIRM accompanying the FIS shall be those areas of shallow flooding identified as AO on the FIRM. For these areas, the following provisions shall apply [44 CFR 60.3(c)]:

a. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above the flood depth specified on the FIRM, above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no flood depth number is specified, the lowest floor, including basement, shall be elevated no less than two feet above the highest adjacent grade.

b. All new construction and substantial improvements of non-residential structures shall

1) have the lowest floor, including basement, elevated to or above the flood depth specified on the FIRM, above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least two feet above the highest adjacent grade; or,

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

c. Adequate drainage paths around structures on slopes shall be provided to guide floodwaters around and away from proposed structures.

b. The **Coastal A Zone** is labeled as AE on the FIRM; it is those areas that are seaward 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:

Buildings and structures within this zone shall have the lowest floor elevated to or above the base flood elevation plus one foot of freeboard, and must comply with the provisions in Sections J, Q.2 and Q.3 of this Article.

ARTICLE XV – FLOODPLAIN DISTRICT

- c. 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 [44 CFR 60.3(e)]:
- a. All new construction and substantial improvements in Zones V and VE, including manufactured homes, shall be elevated on pilings or columns so that:
- 1) The bottom of the ~~lowest horizontal~~ structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level plus eighteen (18) inches^[D5]; if the lowest horizontal structural member is parallel to the direction of wave approach or elevated at least two feet above the base flood level if the lowest horizontal structural member is perpendicular to the direction of wave approach; and,
 - 2) 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).
- b. 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 J.
- c. The Floodplain Administrator shall obtain the elevation (in relation to mean sea level) of 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. The Floodplain Management Administrator shall maintain a record of all such information.
- d. All new construction shall be located landward of the reach of mean high tide.
- e. 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

ARTICLE XV – FLOODPLAIN DISTRICT

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:

- 1) Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and
 - 2) 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 given year.
- f. 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 less than 299300 square feet.
- g. 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.
- h. The man-made alteration of sand dunes and mangrove stands, which would increase potential flood damage, is prohibited.
7. The mapped floodplain includes all of the above regions and also the regions designated as having a 0.2 percent annual chance of flooding on any flood map or flood insurance study. In this area no emergency service, medical service or governmental records storage shall be allowed except by special exception using the variance process.
8. Overlay Concept
The Floodplain Districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Ordinance Map, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.
- If there is a conflict between the provisions or requirements of the Floodplain Districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.

7.

K. Official Zoning Floodplain Map

ARTICLE XV – FLOODPLAIN DISTRICT

The boundaries of the Special Flood Hazard Areas (SFHAs) and Floodplain Districts are established as shown on the Flood Insurance Rate Map (FIRM) which is declared to be a part of this ordinance and which shall be kept on file at the City of Hopewell's Department of Development offices.

L. Jurisdictional Boundary Changes

The County floodplain ordinance in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements for participation in the National Flood Insurance Program. Municipalities with existing floodplain ordinances shall pass a resolution acknowledging and accepting responsibility for enforcing floodplain ordinance standards prior to annexation of any area containing identified flood hazards. If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.

In accordance with the Code of Federal Regulations, Title 44 Subpart (B) Section 59.22 (a) (9) (v) all NFIP participating communities must notify the Federal Insurance Administration and optionally the State Coordinating Office in writing whenever the boundaries of the community have been modified by annexation or the community 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 community's boundaries, a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority must be included with the notification.

M. District Boundary Changes

The delineation of any of the Floodplain Districts may be revised by the City of Hopewell where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the U. S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from Federal Emergency Management Agency. A completed LOMR is record of this approval.

N. Interpretation of District Boundaries

Initial interpretations of the boundaries of the Floodplain Districts shall be made by the Zoning ~~Officer~~ Administrator. Should a dispute arise concerning the boundaries of any of the Districts, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the District boundary shall be given a reasonable opportunity to

ARTICLE XV – FLOODPLAIN DISTRICT

present his case to the Board and to submit ~~his~~their own technical evidence if ~~hethey~~ so desires.

O. Submitting Model Backed Technical Data

A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Insurance Administrator 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.

P. Letters of Map Revision

When development in the floodplain will cause or causes a change in the base flood elevation, the applicant, including state agencies, must notify FEMA by applying for a Conditional Letter of Map Revision and then a Letter of Map Revision.

For Example:

- 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)

Q. District Provisions

1. Permit and Application Requirements

a. Permit Requirement

All uses, activities, and development occurring within any floodplain district shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of the Ordinance, the Virginia Unified Statewide Building Code, all other applicable codes and ordinances, as amended, and the City of Hopewell Subdivision Ordinance. Prior to the issuance of any such permit, the Zoning ~~Officer~~Administrator shall require all applications to include compliance with all applicable state and federal laws, and shall review all sites to assure they are reasonably safe from flooding. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

b. Alteration or Relocation of a Watercourse

Prior to any proposed alteration or relocation of any channel or of any watercourse within this jurisdiction, a permit shall be obtained from the U. S. Army Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any one of these organizations). Furthermore, in riverine areas notification of the proposal

ARTICLE XV – FLOODPLAIN DISTRICT

shall be given to all adjacent jurisdictions, the Department of Conversation and Recreation (Division of Dam Safety and Floodplain Management) other required agencies, and the Federal Emergency Management Agency.

c. Site Plans and Permit Applications

All applications for development within any floodplain district and all building permits issued for the floodplain shall incorporate the following information:

- i. The elevation of the Base Flood for the site.
- ii. The elevation of the lowest floor (including basement), or in V zones, the lowest horizontal structural member.
- iii. For structures to be flood-proofed (non-residential only), the elevation to which the structure will be flood-proofed.
- iv. Topographic information showing existing and proposed ground elevations.

2. General Standards

The following provisions shall apply to all permits:

- a. New construction and substantial improvements shall be done according to this ordinance and the Virginia Unified Statewide Building Code and anchored to prevent flotation, collapse or lateral movement of the structure.
- b. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
- c. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- d. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- e. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- f. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- g. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- h. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- i. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance shall meet the requirements of “new construction” as contained in this ordinance.

ARTICLE XV – FLOODPLAIN DISTRICT

- j. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.
- k. The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

3. Specific Standards for Elevation and Construction

In all identified flood hazard areas where base flood elevations have been provided in the Flood Insurance Study or generated according to Section ~~QJ.3~~, the following provisions shall apply:

a. Residential Construction

New construction or substantial improvement of any residential structure (~~including manufactured homes~~) shall have the lowest floor, including basement, elevated no lower than two (2) feet above the base flood elevation.

b. Non-Residential Construction

New construction or substantial improvement of any commercial, industrial, or non-residential building (~~or manufactured home~~) shall have the lowest floor, including basement, elevated to no lower than two (2) feet above the base flood elevation.

Buildings located in all A1-30, AE, and AH zones may be flood-proofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the BFE plus two feet are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to mean sea level) to which such structures are flood proofed, shall be maintained by the flood plain administrator.

c. Elevated Buildings – Space Below the Lowest Floor

In zones A, AE, AH, AO, and A1- A30, fully enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:

- i. not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator).
- ii. be constructed entirely of flood resistant materials below the regulatory flood protection elevation.
- iii. include measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the

ARTICLE XV – FLOODPLAIN DISTRICT

openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:

- (a.) Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
 - (b.) The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.
 - (c.) If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
 - (d.) The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.
 - (e.) Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
 - (f.) Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.
- d. Standards for Manufactured Homes and Recreational Vehicles
- i. In zones A, AE, AH, and AO, all manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, in a new manufactured home park or subdivision or in an existing manufactured home park or subdivision, as permitted by the Zoning Ordinance, on which a manufactured home has incurred substantial damage as the result of a flood, must meet all the requirements for new construction, including the elevation and anchoring requirements in Section Q.2.
 - ii. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision, as permitted by the Zoning Ordinance, in which a manufactured home has not incurred substantial damage as the result of a flood shall be elevated so that either:
 - (a.) the lowest floor of the manufactured home is elevated no lower than two (2) feet above the base flood elevation; or
 - (b.) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade;
 - (c.) and be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement.
 - iii. All recreational vehicles placed on sites must either:
 - (a.) be on the site for fewer than 180 consecutive days;

ARTICLE XV – FLOODPLAIN DISTRICT

- (b.) be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); or
- (c.) meet all the requirements for manufactured homes in Section Q.3.d.

4. Standards for Approximated Floodplain

The following provisions shall apply with the Approximate Floodplain District:

The Approximated Floodplain District shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a one hundred (100)-year floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the Flood Insurance Study. For these areas, the one hundred (100)-year flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific one hundred (100)-year flood elevation cannot be determined for this area using other sources of data, such as the U. S. Army Corps of Engineers Floodplain Information Reports, U. S. Geological Survey Flood-Prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Department of Development and City Engineer.

When such base flood elevation data is utilized, the lowest floor shall be two (2) feet above the base flood elevation. During the permitting process, the applicant shall obtain and submit information proving:

- a. the elevation of the lowest floor (including the basement) of all new and substantially improved structures; and
- b. if the structure has been flood-proofed in accordance with the requirements of this article, the elevation to which the structure has been flood-proofed.

5. Standards for the Floodway

The following provisions shall apply within the Floodway when it has been identified as in section M.4, above:

- a. Encroachments, including fill, new construction, substantial improvements and other developments are prohibited unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the zoning administrator.

ARTICLE XV – FLOODPLAIN DISTRICT

- b. Development activities which increase the water surface elevation of the base flood may be allowed, provided that the developer or applicant first applies – with the City of Hopewell’s endorsement – for a conditional Flood Insurance Rate Map and floodway revision, and receives the approval of the Federal Emergency Management Agency.
- c. If section 6 a, above, is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of section M.
- d. The placement of manufactured homes (mobile homes) is prohibited, except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring, elevation, and encroachment standards are met.

6. Standards for the Shallow Flooding District

The following provisions shall apply within the Shallow Flooding District:

- a. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above the flood depth specified on the Flood Insurance Rate Map, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated no less than two (2) feet above the highest adjacent grade.
- b. All new construction and substantial improvements of non-residential structures shall:
 - i. have the lowest floor, including basement, elevated to or above the flood depth specified on the Flood Insurance Rate Map, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade; or,
 - ii. together with attendant utility and sanitary facilities be completely flood-proofed to the specified flood level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- c. Adequate drainage paths around structures on slopes shall be provided to guide floodwaters around and away from proposed structures.

7. Standards for Subdivision Proposals

- a. All subdivision proposals shall be consistent with the need to minimize flood damage;
- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure

ARTICLE XV – FLOODPLAIN DISTRICT

to flood hazards; and

- d. Base flood elevation data shall be provided for subdivision proposals and other proposed development proposals using detailed methodologies, hydraulic and hydrological analysis (including manufactured home parks and subdivisions as provided in the Zoning Ordinance) that exceed five lots or five acres, whichever is the lesser.

d.

8. Accessory Structures^[D6]

Accessory structures of any size shall be prohibited within the SFHA and no variance shall be granted to permit accessory structures in these areas.

R. Variances

In passing upon applications for Variances, the Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in other sections of the zoning ordinance and consider the following additional factors:

1. The showing of good and sufficient cause.
2. The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any Floodway District that will cause any increase in the one hundred (100)-year flood elevation.
3. The danger that materials may be swept on to other lands or downstream to the injury of others.
4. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
5. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
6. The importance of the services provided by the proposed facility to the community.
7. The requirements of the facility for a waterfront location.
8. The availability of alternative locations not subject to flooding for the proposed use.
9. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
10. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
11. The safety of access by ordinary and emergency vehicles to the property in time of flood.
12. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood

ARTICLE XV – FLOODPLAIN DISTRICT

waters expected at the site.

13. The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

~~13.~~14. Variances will not be issued for any accessory structure within the SFHA

~~14.~~15. Such other factors which are relevant to the purposes of this ordinance.

The Board of Zoning Appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

Variances shall be issued only after the Board of Zoning Appeals has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

Variances shall be issued only after the Board of Zoning Appeals has determined that the variance will be the minimum required to provide relief.

The Board of Zoning Appeals shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the one hundred (100)-year flood elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.

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

S. Existing Structures in Floodplain Areas

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

1. Existing structures in the Floodway Area shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed expansion would not result in any increase in the base flood elevation.
2. Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any flood plain areas, when added to all the changes made during a rolling five (5) year period does not constitute fifty (50) percent increase in the of its market value
3. Any changes comply with this ordinance and the Virginia Uniform Statewide Building Code.

ARTICLE XV – FLOODPLAIN DISTRICT

4. The structure is a historic structure, listed on the List of National Historic Resources and/or located in an historic district; the change required would impair the historic nature of the structure.
5. No new square footage is being built in the floodway.

T. Definitions

1. Base flood - The flood having a one percent chance of being equaled or exceeded in any given year.
2. Base flood elevation- The water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year. The water surface elevation of the base flood in relation to the datum specified on the community's Flood Insurance Rate Map. For the purposes of this ordinance, the base flood is the 1% annual chance flood.
3. Basement - Any area of the building having its floor sub-grade (below ground level) on all sides.
4. Board of Zoning Appeals - The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this ordinance.
5. Coastal A Zone - Flood hazard areas that have been delineated as subject to wave heights between 1.5 feet and 3 feet.
6. Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study.
7. Development - Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, temporary structures, mining, dredging, filling, grading, paving, excavation or drilling operations or other land-disturbing activities or permanent or temporary storage of equipment or materials.
8. Elevated building - A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).
9. Encroachment - The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.
10. Existing construction – For the purposes of the insurance program, structures for which the “start of construction” commenced before September 5, 1979. “Existing

ARTICLE XV – FLOODPLAIN DISTRICT

construction” may also be referred to as “existing structures” and “pre-FIRM.”

11. Existing manufactured home park or subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community. (See “existing construction” above)
12. Expansion to an existing manufactured home park or subdivision - the preparation of additional sites, as permitted by the Zoning Ordinance, by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
13. Flood or flooding -
 - a. A general or temporary condition of partial or complete inundation of normally dry land areas from
 - i. the overflow of inland or tidal waters; or,
 - ii. the unusual and rapid accumulation or runoff of surface waters from any source.
 - b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(i) of this definition.
 - c. Mudflows which are proximately caused by flooding as defined in paragraph (a)(ii) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
14. Flood Insurance Rate Map (FIRM)- -an official map of a community, on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community.
15. Flood Insurance Study (FIS) – A report by FEMA that provides an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.
16. Floodplain or flood-prone area - Any land area susceptible to being inundated by water from any source.
17. Flood proofing - -any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

ARTICLE XV – FLOODPLAIN DISTRICT

18. Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
19. Freeboard - A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.
20. Functionally dependent use - A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.
21. Highest adjacent grade - the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
22. Historic structure - Any structure that is
 - a. listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - b. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - c. individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - d. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either
 - i. by an approved state program as determined by the Secretary of the Interior; or
 - ii. directly by the Secretary of the Interior in states without approved programs.
23. Hydrologic and Hydraulic Engineering Analysis – Analyses performed by a licensed professional engineer, in accordance with standard engineering practices that are accepted by the Virginia Department of Conservation and Recreation and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.
24. Letters of Map Change (LOMC) - A Letter of Map Change is an official FEMA determination, by letter, that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study.

ARTICLE XV – FLOODPLAIN DISTRICT

25. Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a land as defined by meets and bounds or structure is not located in a special flood hazard area.
26. Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. A Letter of Map Revision Based on Fill (LOMR-F), is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
27. Lowest adjacent grade- the lowest natural elevation of the ground surface next to the walls of a structure.
28. Lowest floor - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.
29. Manufactured home - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.
30. Manufactured home park or subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
31. Mean Sea Level- For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988 to which base flood elevations shown on the City's FIRM are referenced, is an elevation point that represents the average height of the ocean's surface (such as the halfway point between the mean high tide and the mean low tide) which is used as a standard in reckoning land elevation.
32. New construction - For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after September 5, 1979, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

ARTICLE XV – FLOODPLAIN DISTRICT

33. New manufactured home park or subdivision - a manufactured home park or subdivision, permitted in compliance with the provisions of the Zoning Ordinance, for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
34. Post-FIRM structures- A structure for which construction or substantial improvement occurred after September 5, 1979.
35. Pre-FIRM structures- A structure for which construction or substantial improvement occurred on or before September 5, 1979.
36. Primary frontal dune- a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms.

37. Recreational vehicle - A vehicle which is:
 - a. built on a single chassis;
 - b. 400 square feet or less when measured at the largest horizontal projection;
 - c. designed to be self-propelled or permanently towable by a light duty truck; and,
 - d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

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

39. Severe repetitive loss structure - a structure that: (a) Is covered under a contract for flood insurance made available under the NFIP; and (b) Has incurred flood related damage – (i) For which 4 or more separate claims payments have been made under flood insurance coverage with the amount of each such claim exceeding \$5,000, and with the cumulative amount of such claims payments exceeding \$20,000; or (ii) For which at least 2 separate claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the market value of the insured structure.

ARTICLE XV – FLOODPLAIN DISTRICT

40. Shallow flooding area – A special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
41. Special flood hazard area - The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Section I of this ordinance.
42. Start of construction - For other than new construction and substantial improvement, under the Coastal Barriers Resource Act (P.L. – 97-348), means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
43. Structure: for flood plain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. ~~“Structure” for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.~~
44. Substantial damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. It also means flood related damages sustained by a structure on two occasions in a 10-year period, in which the cost of the repair, on the average, equals or exceeds 25 percent of the market value of the structure at the time of each such flood event.
45. Substantial improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred, repetitive lo
46. ss or substantial damage regardless of the actual repair work performed. The term

ARTICLE XV – FLOODPLAIN DISTRICT

does not, however, include either:

- a. any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
- b. any alteration of a historic structure, provided that the alteration will not preclude the structure’s continued designation as a historic structure.
- c. 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.

47.45. Violation: the failure of a structure or other development to be fully compliant with the community's flood plain 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.

46. 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.

Enacted and ordained this _____ day of _____, 2022. This ordinance, number 31 of the City of Hopewell, Virginia, shall become effective upon passage.

Signature

Title

Attested

48:

REGULAR
MEETING

CONSENT AGENDA

C-3:
INFORMATION
FOR COUNCIL
REVIEW

**MINUTES OF THE APRIL 7, 2022 MEETING
OF THE PLANNING COMMISSION
CITY OF HOPEWELL, VA**

The Planning Commission for the City of Hopewell met on Thursday, April 7, 2022, at 6:00 p.m. in City Council Chambers located at 300 North Main Street, Hopewell, Virginia.

Planning Commission Members present:

Fara Jenkins, Vice-Chairman
Todd M. Butterworth
Paul Reynolds
Cassandra Vanderkeift

Staff Member present:

Tevya Griffin, Director

Vice-Chairman Jenkins opened the meeting at 6:02 p.m.

Vice-Chairman Jenkins rendered a prayer.

By roll call and in-person, a quorum was established with the above members of the Commission present.

Withdrawals/Deferrals/Amendments

Commissioner Reynolds asked that an amendment be made to the third item of the agenda, where it states "New Business of the Wetlands Board" be changed to "New Business of the Planning Commission".

Public Hearings

None

Unfinished Business

Mrs. Griffin discussed Zoning Ordinance Re-Write: Sub-Committee Meeting will be held Thursday, April 21, 2022, from 1:30 p.m. -3:30 p.m. with Commissioner Vanderkeift and Commissioner Reynolds.

Mrs. Griffin discussed the proposed meeting for amendments to Article XVII, Non-Conforming Uses: to be held on May 19, 2022, at 6 p.m. The Planning Commission was all in agreement with that date and time.

Mrs. Griffin stated that currently the City of Hopewell only allows accessory dwelling units (ADUs) in the Residential, Medium Density District (R-2). An existing garage can be converted into an apartment with a Conditional Use Permit from City Council. An ADU must be occupied by a related family member 55 years of age or older or handicapped. There are no other provisions for detached ADUs in the City.

Staff is seeing an increase in requests from property owners to create a detached ADU on their property. We are also witnessing increased complaints of rooms, basements, or entire floors within single-family detached homes being rented to separate families. Additionally, there is an uptick in requests to convert single-family detached homes into duplexes. It is important to determine how the City should regulate ADUs. Should the ordinance remain as is or must the City shift to accommodate current housing trends?

Mrs. Griffin looked at other surrounding jurisdictions and purposed the following options if the City wants to expand:

1. Keep the ordinance as is- only allow ADUs in the R-2 Zoning District for relatives of the owner 55 years or older or handicapped.

Detached ADU's

In regards to detached ADUs, Staff recommends the following:

- Only allow ADUs on the property where the primary residence is occupied by the owner. Documentation verifying ownership is required.
- Require a building permit for all detached ADUs
- Allow detached ADUs on property zoned residential with a single-family detached home or when a single-family detached home is allowed. Explanation: Duplexes, Tri-plexes, and Multifamily dwelling units exist in the R-2, R-3, and R-4 zoning districts. Single-family detached homes are allowed in these districts also.
- Allow detached ADUs with no requirement for relatives.
- Create maximum size requirements and design standards based on the property size, and architecture of the primary dwelling. Commissioner Reynolds asked that a minimum be created.
- Require ADU to meet current setback requirements
- The city considers partnering with an architect(s) to provide technical assistance to homeowners to ensure the design of ADU is compatible with home, backyard, and surrounding properties.
- One ADU per parcel

Interior ADU's

- Allow interior ADUs only with a separate exterior entrance
- If not already outfitted, upgrades would require a building permit and subsidiary permits that trigger inspections

Commissioner Reynolds and Commissioner Butterworth both brought up what would impact the City's infrastructure, both the public safety side and the public utilities. Vice-Chairman Jenkins brought up how an address would be assigned to the units.

New Business of the Planning Commission

Mrs. Griffin presented the 2020 Analysis of Impediments to Fair Housing Choice in the Greater Richmond and Tri-Cities Region. The guide was given to each Planning Commission member.

Mrs. Griffin explained the jurisdictions receiving HUD entitlement funds are required to complete an Analysis of Impediments (AI) to Fair Housing Choice. In the Richmond-Petersburg Metropolitan area, HUD fund recipients include the Cities of Colonial Heights, Hopewell, Petersburg, and Richmond, and the Counties of Chesterfield and Henrico.

These localities decided to work together on their required AIs to achieve greater efficiency and cost savings for all parties; to minimize duplication and maximize efficiency by coordinating their efforts, eliminating multiple government solicitations, and reducing related expenses. PlanRVA, the regional planning agency for the Richmond and Central, Virginia area, was contracted to administer this effort.

Mrs. Griffin advised that in a document published by the City of Hopewell called the Hopewell Strategic Economic Development Plan dated 02/20/2014 and in that plan, one of the objectives is to reduce the percentage of rental housing stock in the City from 50% of the total housing stock to 40% of the housing stock (900 unit reduction) by 2020 and further reduce that percentage to 33% by 2030. The national average of rental vs homeownership in cities around the country is approximately 33% rental and 67% owner. The emphasis should be placed on the reduction in concentration of poorer quality, older, and functionally obsolete housing in the City.

In the impediment analysis, the city should not say this. Mrs. Griffin stated that in some cities renters are 70% and home-ownership is 30%, it's not the quantity but the quality of the rental. What the City sees is the number of code violations from rental properties due to the quality of the condition.

Mrs. Griffin informed the Planning Commission the Analysis of Impediments to Fair Housing Choice (AI) is required by the U.S. Department of Housing and Urban Development (HUD) from local jurisdictions receiving federal housing and community development funds including Community Development Block Grant (CDBG) funding. The overall goal of the AI is to review and assess impediments to fair housing within the City of Hopewell. According to HUD, impediments to fair housing choice are:

- Any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status, or national origin that restrict housing choice or the availability of housing choices. Elderliness is a protected class under the Virginia Fair Housing Law.

Recommendations for Hopewell. We recommend the following modifications to the City of Hopewell zoning and land use regulations to promote a more inclusive environment and mitigate potential barriers to housing development.

- Eliminate policies that encourage a reduction in the number of rental housing units available in the city.
- Revise the definition of family. A best practice is to not define family through the zoning code to better facilitate inclusive housing arrangements reflect changing preferences in sharing of residential units, and instead regulating through occupancy restrictions to prevent overcrowding.
- Consider policies to preserve and maintain existing manufactured home communities to protect the health, safety, and welfare of residents. Additionally, the city should consider an affordability element when existing parks seek redevelopment and eliminate language in the definition of dwelling that rejects manufactured homes.
- Permit, at a minimum, temporary family health structures in single-family districts—as required by state law. Additionally, promote gentle infill that is appropriate in single-family settings and can facilitate much-needed attainable housing. Consider expanding the zone districts in which duplexes and townhomes are allowed and allowing detached ADUs on lots with adequate size and configuration.
- Expand the use of CDBG dollars to include investments in rental properties, particularly properties the city has designated as blighted or within the rental inspection district.
- Analyze entitled land use capacity for multifamily development, market demand for increased density, and qualifying incomes to develop an affordable dwelling unit program that leverages density bonuses for affordability. In addition to increased density, consider reductions or waivers to permit, development, and infrastructure fees to encourage affordable housing development.
- Allow land zoned for multifamily development by right to protect against a fair housing the challenge related to the zoning review process—which can attract NIMBYism and bias to the zoning process.

To address the impediments identified in this study, the newly formed Working Group will implement the regional Fair Housing Action Plan as detailed below.

- Increase resources and capacity to address housing disparities
- Improve access to affordable, quality rental housing
- Increase ownership opportunities for under-represented households
- Address barriers to equalizing access to opportunity

The Department of Development is planning on going to City Council hopefully in May for the Rental Inspector's Program. Mrs. Griffin requested that Planning Commission members attend.

Mrs. Griffin presented the Environmental Protection Agency Environmental Justice Map [Environmental Justice Mapper](#). This is very similar to the map Commissioner Reynolds

presented previously. Mrs. Griffin invited the members of the Planning Commission to go in and look and play around with the map to see what the City of Hopewell looks like.

Vice-Chairman Jenkins mentions a couple of work sessions ago the Comprehensive Plan, Chapter IX, Housing. Mrs. Griffin included this in the meeting packet as the Planning Commission is looking at housing, each member of the commission needs to familiarize themselves with the goals that were put out in the Comprehensive Plan.

Mrs. Griffin reminded the Planning Commission of a joint meeting presentation of the 2020 Analysis of Impediments to Fair Housing Choice in the Greater Richmond and Tri-Cities Region with the City Council and HRHA on April 27th at 6:30 p.m. and the location to be determined.

Administrative Matters

A motion was made to approve January 6, 2022, work session meeting minutes by Commissioner. Motion second by Commissioner Butterworth. Motion passed 4-0.

Report of Council's Boards & Commissions

Vice-Chairman Jenkins will be attending the City Council meeting on April 12, 2022.

Adjourn

A motion was made by Commissioner Vanderkeift to adjourn the meeting. Commissioner Butterworth seconded the motion. The meeting was adjourned at 8:01 p.m.

Respectfully submitted,



Fara Jenkins
Vice-Chairman



Chris Ward
Interim Director

**MINUTES OF THE MAY 5, 2022 MEETING
OF THE PLANNING COMMISSION
CITY OF HOPEWELL, VA**

The Planning Commission for the City of Hopewell met on Thursday, May 5, 2022, at 6:00 p.m. in City Council Chambers at 300 North Main Street, Hopewell, Virginia.

Planning Commission Members present:

Fara Jenkins, Vice-Chairman
Todd M. Butterworth
Paul Reynolds
Cassandra Vanderkeift

Staff Member present:

Tevya Griffin, Director
Christopher Ward, Senior Planner

Vice-Chairman Jenkins opened the meeting at 6:01 p.m.

Vice-Chairman Jenkins rendered a prayer.

By roll call and in-person, a quorum was established with the above members of the Commission present.

Withdrawals/Deferrals/Amendments

None

Public Hearings

Public Hearing #1

Mr. Ward gave an overview of a request submitted by Teresa J. Curtis and 2000 Day Street (Sub-Parcel # 031-0065) and 105 North 21st Avenue (Sub-Parcel #031-0120) to vacate a portion of an alley located between the two properties. The right of way is approximately 522 square feet.*

Commissioner Butterworth motioned to open the public hearing at 6:03 p.m., and Commissioner Reynolds seconded the motion.

The applicants stated they have been maintaining the alley and want to acquire the portion to add to their Property.

The public hearing closed at 6:07 p.m.

Commission Butterworth asked the staff if any additional comments were sent to the office. Mrs. Griffin read an email from Kathy Smith that is included below.

In regards to the alleyway, Billy Curtis took over the alleyway on 11-20-20 with a fence on both ends, put up a private property sign, and blocked the alley, knowing that he legally could not do that without other neighbors in agreement. Billy Curtis knew it was not in accord three years ago, but yet has put up & kept his fence up for 2 1/2 years. The Curtis have violated neighbor's rights and Hopewell City Code Enforcement and the City Treasurer for land taxes. If the City makes them pay back taxes and Code Enforcement fines, I will agree. If not, then I will not approve. You just can't steal city land without consequences.

Thank you,
Kathy L. Smith
103 N 21 Ave.
Hopewell, Va.

Vice-Chairman Jenkins asked if Mr. Billy Curtis was present and if he would step up to the podium. Vice-Chairman Jenkins asked if he had placed a fence on city property, and he stated he had due to his tools being stolen from his truck and Property, and he wanted to keep people from walking through and accessing his Property. Commissioner Vanderkeift stated she understood where Mr. Curtis was coming from and protecting his Property.

Commissioner Reynolds asked staff what their recommendations were. Mr. Ward replied the Planning and Zoning staff recommended tabling the right-of-way request to allow for an amended vacation request that includes the entire block. The two applicants would seek approval from the other two property owners and provide the \$100 application fee, and the whole alley would be vacated.

Commissioner Reynolds motioned to table the request to allow for an amended vacation that includes the entire block, and Commissioner Vanderkeift seconded the motion.

Vote: 4-0

Yes:

Commissioner Butterworth
Commissioner Reynolds
Commissioner Vanderkeift
Vice-Chairman Jenkins

No: None

Motion: Unanimous Pass

Public Hearing #2

Mrs. Griffin gave an overview of a request submitted by Jimmie Darden for a Conditional Use Permit to convert a single-family detached home located at 2107 Day Street, also identified as 031-0200, to a two-family duplex. The Property is zoned R-2 and is an interior lot situated 250 feet from North 21st Avenue and Day Street intersection.

The Property consists of a 1,400 square-foot two-story single-family detached home. The staff is recommending approval of this application. The home was constructed in 1946 and did encroach into the 25-yard setback. That's not an issue; several houses built during that time did not have zoning ordinance requirements. It is in keeping with the comprehensive plan and land use category, which is urban mixed residential, and it calls for or allows detached and attached and multifamily dwellings.

Mr. Darden would have two bedrooms, one bath, and a living room kitchen combination in each apartment. Mr. Darden has provided several options for second-floor access, including a side entrance. The construction of stairs to the second floor and a double driveway would be constructed, allowing separate entry for each unit with their vehicles. A new roof and updated balcony will also be provided, along with interior improvements to the apartment. This is also in keeping with the comprehensive plan that talks about giving a diversity of housing in the City. When you look at this particular building, you wouldn't be able to tell that it's a duplex; it still gives the appearance of a single-family detached, which is a concept that we call the middle house, and it's mentioned in our comprehensive plan. And so this would be an ideal use for the single-family detached.

The staff does recommend that the Planning Commission provide conditions to the appearance of the outside of the Property if what the applicant is providing doesn't meet the standards that the City wants to see on the Property. Several things need to be improved. Here's a picture of the Property back in almost a year, May 19, 2021, and Mr. Darden is here to answer any questions you may have.

Commissioner Vanderkeift motioned to open the public hearing at 6:29 p.m., and Commissioner Reynolds seconded the motion.

Mr. Jason Moon of 2106 Day Street, Hopewell, came to the podium. Mr. Moon knew the previous property owner at 2107 Day Street. He would rather see the house renovated or restored but not turned into a duplex or torn down.

Mr. Jimmie Darden came forth to address the Planning Commission and answer any questions they may have. Vice-Chairman Jenkins asked Mr. Darden what his plans were for the Property. Mr. Darden replied that his plans keep the same format as the building. Mr. Darden stated that he plans to use the vacant space on the side to have stairs coming down. This will keep with the same format of the Property. Mr. Darden added that he had no intentions of changing the actual layout of the Property.

The public hearing closed at 6:37 p.m.

Commissioner Butterworth asked if there was a list of renovations the applicant planned to make. Mrs. Griffin stated no, we only have what Mr. Darden said here at the meeting. Vice-Chairman Jenkins asked about the setbacks for the Property. Mrs. Griffin noted the house is already encroaching on the front, so Mr. Darden can only expand on the sides and rear. Mr. Darden stated he plans to have a structural engineer evaluate the structural integrity. Once the engineer has considered it, Mr. Darden will know the living capitalism to replace and go in and make repairs as recommended by the structural engineer. He also stated he plans to paint the exterior vinyl siding of the building.

Mrs. Griffin recommended that the staff discuss all of the issues that the Planning Commission raised and have Mr. Darden come back with a colored rendering of what he's going to do or at least a color recommendation. Commissioner Butterworth stated he wants the conditions enumerated or captured.

Commissioner Butterworth motioned to approve the request with the condition of the renovations being enumerated or captured, and per staff recommendations. Commissioner Reynolds seconded the motion.

Vote: 4-0

Yes:

Commissioner Butterworth
Commissioner Reynolds
Commissioner Vanderkeift
Vice-Chairman Jenkins

No: None

Motion: Unanimous Pass

Public Hearing #3

Mrs. Griffin explained the City had received a request submitted by Anchor Point Ventures, LLC & Doswell Properties, Inc. to amend the Master Development Plan for the Anchor Point Development project to allow: (1) The construction of 22 more townhouses than approved in 2006 for a total of 177 townhomes in the PUD. (2) The construction of 25 more single-family detached dwellings (SFD) than approved in 2006 for a total of 78 SFDs in the PUD. (3) Discontinue the construction of condominiums within the PUD, thereby reducing the number of condominiums from 315 units to 62 (already constructed). (4) All voluntary proffered conditions submitted by the applicant.

Mrs. Griffin gave a comparison of the plans. A PUD is a rezoning. It is an opportunity for developers to come in and develop the land using a mix of uses. So, for example, what were just listed condominiums, townhomes, and single-family development properties would usually not be able to be on the same Property. With the PUD, the applicants are allowed to do that. It will enable them to increase the density and provide more open space, and the norm is provided. In any PUD, half of the Property has to be green space.

As you can see, the initial approval of Anchor Point allowed for 469 condominiums and 130 townhomes, and there were no single-family dwellings for a total of 599 units. Not this applicant, but a different applicant came to the city council in 2006, and anytime you make a substantial amendment to a PUD or planned unit development, you have to come back through the process. So in 2006, there was a request to reduce the number of condominiums to 315. Add townhouses for a total of 155 and then provide single-family detached 53 single-family detached homes. Today 62 condominiums have been built in one building, 41 townhomes, and 38 single-family dwellings. Today's applicants propose no condominiums, 136 townhouses, and 40 single-family homes. Mrs. Griffin explained the 3 phases on the map presented and stated staff had no issues with what had been provided to the department when meeting with the applicant. On three occasions, the applicant met with engineering, planning, fire, and stormwater to review the plans.

The staff has discussed the proffer conditions and made Planning Commission aware that there were proffer conditions that were approved back in 2006. The first proffer condition is gated emergency access provided to the existing city pump station access road, and this pump station access road will be improved to provide emergency access roads for the Anchor Point community; the City will acquire and deliver the appropriate roadway to make these improvements if needed, and these improvements including clearing pruning of limbs, base asphalt repair were required. The new two-inch surface overlay will be completed during phase three of development and shall be complete before the first certificate of occupancy is issued for that section. The second proffer condition is the smallest townhouse will be a minimum of 1300 square feet. This is a change from the townhouses in the previous 2006 approval. The minimum was 1600 square feet, which doesn't mean that a townhouse can't be built with square footage, but the minimum would be 1300. The Third proffer condition is the smallest single-family detached home will be a minimum of 1500 square feet, and that is a change from the allowable, I believe it was to 2000 to 2400 square feet approved in 2006. The fourth proffer condition would be the Property encumbered by deed restriction creating a homeowner's association which will require membership of all single-family homes, townhouses, and condominium owners. There will probably be a question about that because I understand there are several homeowners associations right now. The fifth proffer condition, has deed restrictions which limits one individual to ownership of the maximum of two homes that could be used for rental properties.

Phase one constructs homes in the previously developed lots and community sections consisting of streets, utilities, and stormwater management. Estimated construction to start in the third quarter of 2022. Phase two will be constructed on a portion of a community located to the east of Anchor Point Boulevard north of Eagle Drive, estimated construction to start in quarter two of 2023. Phase three is the final phase of the community, which will be located along Beacon Ridge Drive adjacent to the marina and previously constructed con estimated construction to start in the second quarter of 2024. This community will comply with all local, state, and federal code regulatory requirements and develop and maintain the Property, including, without limitation, all applicable building codes and the zoning and subdivision ordinance of the City of Hopewell.

Vice-chairman Jenkins open the public hearing at 6:59 p.m.

Phillip Martin with HHHunt of 11237 Nuckols Road, Glen Allen, came to the podium. He stated the company is excited to finish out the Anchor Point subdivision. Mr. Martin gave kudos to the staff for a great job presenting the project. HHHunt has met with the staff multiple times to see what issues they can fix with this project and how they can turn it into a beautifully finished community that has already been started. Mr. Martin stated HHHunt was not the original builder. Mr. Martin pulled up a map showing the current Anchor Point area and where the parks were upgraded for a development that never came. HHHunt is asking for a zoning amendment this evening. The site is currently zoned R-4/PUD, Planned Unit Development/High-Density Residential. The proposed zoning would not change the zoning, but they are asking to reduce the minimum square footage as a proffer amendment and the number of overall homes.

Mr. Martin stated if you look back at the original approval, the total number of homes in the community would have been 599. Once it was amended in 2006, the number went down to 523 with 62 condominiums, 41 townhomes, and 38 single-family homes; that's 141 homes that are there currently. With HHHunt's proposed amendment like this, there are no more condominiums. The application was corrected because their numbers were a little off. It would be 144 townhomes and then 42 single-family dwellings for 186. So the total density of this project would go from 523 to 327. When you look at the map, phase one as we stayed in the proffers, in the third quarter of this year, if we're approved, those are homes; guys will probably be out there in the next few months. The following few lines, all phase one, are all finished lines out there, whether it be townhomes or single families. Phase two is what our communities division would go out there. And get that ready for the townhome and single-family homes. And that is in the second quarter of 2023. And then phase three is off beacon ridge, which is townhomes single family, which would be in the second quarter of 2024. When you look at phase three, that is where there will be a second point of access. We have worked with staff, the fire department, and city engineering to develop emergency access off Atwater Road. There's an existing road that goes to a city pump station.

Fire Departments have been out there; they're aware of it. That will be gated off unless there's an emergency and we need to open it. Commissioner Butterworth asked Mr. Martin if he had a rendering of the emergency access. Mr. Martin showed the Planning Commission the rendering. Commissioner Reynolds asked if there would be pedestrian access, and Mr. Martin replied they would be able to walk around the gate. Commissioner Reynolds asked if the gate would be locked at all times, and Mr. Martin replied it's something they do because residents would not like all traffic from this neighborhood going through another community. That ended Mr. Martins's presentation, and he was there to answer any questions from citizens.

Susan Dane of 301 Beacon Ridge Drive Hopewell came to the podium. She expressed her concerns about no sidewalks in the Anchor Point community. She asked that sidewalks be a required part of this plan for the Anchor Point community. Currently, they have no public sidewalks in the neighborhood. Pedestrians must walk along the curb, get around parked cars, and walk in the street amid vehicle movement. Children get on and off the bus on the road and make their way home in traffic. There is currently no safe way to walk in the neighborhoods of Anchor Point, especially at the intersection of Anchor Point Boulevard and Atwater Road. Mrs. Dane asked the Planning Commission to consider sidewalks throughout the Anchor Point community as a minimal safety provision. Mrs. Dane asks that the Planning Commission make

sidewalks a reality for the residents of Anchor Point as a condition of approval of the HHHunt development plan.

Richard Volta of 301 Beacon Ridge Drive, Unit 706, Hopewell, came to the podium. He is the volunteer facilities manager for the building and part of the board of directors with the condo homeowners association. Mr. Volta's stated he is not necessarily against the plan. Mr. Volta just wants to share his concerns during the construction of this massive project. He is very concerned about the environment, like mud, dust, erosion, and traffic. He stated it was a nightmare with construction traffic. Mr. Volta would like to see some environmental controls incorporated into this plan that limit the amount of dust, dirt, and debris flying around; he lives in a 75-foot building of 250,000 square feet, a big white building. Okay, Mr. Volta doesn't want to see this building turning gray and the need for it to be power-washed. Mr. Volta stated no one in the condominiums had had any notification or input in this procedure. But, again, they are not against the plan. They want to ensure the project goes correctly and isn't detrimental to their building and properties.

Robert Vest of 3650 N. Colonial Drive, Hopewell, formally of 704 Cabin Creek Drive, Hopewell, came to the podium. Mr. Vest and his wife are not necessarily against any particular thing regarding development. They are all for increasing the tax revenue. Mr. Vest's biggest concern is any potential runoff on his Property and the impact on schools. Mr. Vest stated that the smaller house HHHunt presented looked like a garage and would not vote for that.

Bridget Pidduck of 301 Beacon Ridge Drive, Unit 702, Hopewell, came to the podium. Mrs. Pidduck's primary concern is the safety of all residents. Mrs. Pidduck stated the plan would add another 200 cars to the traffic circulation in the area, making sidewalks a must for Anchor Point Blvd. and Beacon Ridge Drive, right into the Phase three development and down to the marina. She requested the Planning Commission to consider the road connectivity for the entire area, including Cameron's Landing, which has sidewalks throughout, for the safety of all walking there: the only access to the Anchor Point and Cameron's Landing area is via Atwater Road. Mrs. Pidduck stated any emergency on Atwater, such as fallen trees or accidents, will prevent emergency services from reaching Cameron's Landing/Anchor Point residents. The risks inherent in this situation will dramatically increase with the proposed development. The developers have proposed an emergency access route by the existing pumping station. For safety reasons, a second access route is needed for the area, one that is not dependent upon Atwater Road. Mrs. Pidduck adds the intersection of Atwater Road and Anchor Point Blvd. is very dangerous: this intersection needs traffic lights.

Ted Pidduck of 301 Beacon Ridge Drive, Unit 702, Hopewell, came to the podium. Mr. Pidduck stated that he and his wife are relatively newcomers to Hopewell and are still getting to know the town. But from what they have seen, Mr. Pidduck would guess that this parcel of land where this development is taking place is probably among the most admirable assets that Hopewell has available. Mr. Pidduck wanted to express his opinion on what he saw that HHHunt was building a large number of some of the most architecturally unattractive homes he has seen for a long time and very minimal size homes. Mr. Pidduck adds this is a parcel of land that he thinks is nice enough to attract a much nicer size and higher value which would benefit the City of Hopewell.

Albert Schmitt of 627 Atwater Road, Hopewell, came to the podium. Mr. Schmitt lives at the pump station where the emergency access road to Anchor Point is proposed. Mr. Schmitt stated he has a lot of questions regarding that. Mr. Schmitt fears it will open up the area where he lives to more traffic. Mr. Schmitt said he is a person that does all the road maintenance; the City of Hopewell doesn't do anything for the road. Mr. Schmitt added that the wastewater plant has a gate there now that they do not use and doesn't get locked. Mr. Schmitt has not had a lot of cooperation from the City of Hopewell with the road in filling potholes and tree trimming. Mr. Schmitt is against using the road as an emergency access road.

Robert Vest returned to the podium to state he had just received the letter informing him of the public hearing that was dated April 26 on Monday, May 2, and the letter did not give good instructions on where to go to get to the meeting.

Susan Dane returned to the podium to state concerns about all four Homeowner Associations (HOA) in the Anchor Point neighborhood. Work together very well and have regular meetings; three homeowners associations represent the townhomes, the cottages, and the single-family dwellings. They do not have representatives right now; there is one representative of all of those HOAs, who's in over her head and has an awful lot to do is relying on her management company to sort of lead the way because the pool was not built when the original developers turned over declaring control of the HOA. The condominium residents did not have rights to the swimming pool then because it had not yet been built. But when they developed the surrounding properties of the cottages, the townhomes, and the single-family. The idea is that the condominium owners would have the right to join the pool but could not be required to join the pool. Somehow that information has gotten lost along the way. The other groups are relying on their management team, who's somewhere in Eastern Virginia, I think maybe Norfolk, or Virginia Beach, they've never seen the Property, they're unable to, to handle it, they've decided that because it might be a liability to them, or it might be in conflict with Americans Disabilities Act for a community pool, that the condominium residents could not be a member of the pool. So the residents of the condominium have been denied access to the pool. Mrs. Dane is concerned that developing further into these neighborhoods would create additional HOAs. Mrs. Dane would like to see some cohesiveness with the HOAs and that they have boards of directors and have people's responsibility for whatever it is.

Vice-Chairman Jenkins asked Mrs. Dane if she wanted all the HOAs to join or keep them separate. Mrs. Dane, it would be challenging to combine the condominium with others because they run as an eight-story building and the condominium fees are relative to their annual fees. She just wants the condominium residents to have rights to the pool.

Commissioner Butterworth, that's not the purview of the Planning Commission to act on HOA in the past or future. Mrs. Dane stated what she heard earlier tonight HOAs were part of the development plans. Commissioner Reynolds said he would like to hear from the director since it was a proffer condition. Mrs. Griffin stated that would be between the developers, property owners, and other HOAs.

Kim Kirks of 301 Beacon Ridge Drive, Unit 804, Hopewell, came to the podium. She had just an assortment of questions. The phase dates, we heard the beginnings. Are there any anticipations of

the ending of those three phases? Mrs. Kirks wanted to clarify that 63 individual unit owners own the condominium building. It's not like there's another corporation that will pay the bills. So when Mr. Volta talks about a \$40,000 power-washing fee divided amongst the owners. So the dust and the debris sounds trivial, but our balconies face this three-year construction, and that all comes onto our Property. Then it's on us, so someone on a higher floor can't power-wash my unit without power-washing the units below because of runoff. Those are important things. Anything the residents have done to the building has to include cranes every single time, just massive expenses that residents have to absorb. The residents have been very concerned about construction debris and what that looks like in the community for three or more years; Mrs. Kirks thought she heard sidewalks and lighting were mentioned.

Mrs. Griffin informed Mrs. Kirks that they had discussed lighting with the applicants; they would provide the lighting in the new phases. And the City is speaking with them about how we can provide lighting; the City offers lighting on the stage that has already started. So phase one, we don't feel they should be responsible for lighting that was not put in. And then it really should fall on the developers before. However, the City is looking closely at providing that during the time the applicants are out there doing the lighting for phases two and three.

Mrs. Kirks brought up the two roads and stated it's one road with two lanes. So we're talking about a lot of construction traffic and then adding a couple of 100 additional units, all using one road. When she mentioned the school bus, the school bus stops in the middle of one lane. There is nowhere for the children to wait for the bus because there are no sidewalks; it's somebody's yard and then the road. So the kids are standing in the middle of the road. I just heard someone say something about the square footage. The smaller square footage homes, typically to her, would be young families, which means more children in an already small area. Because in her building, they have a lot of older people, a lot of widows or widowers, people who are out with their animals, driving at night, there are a lot more people on this one road. It's already people going too fast. It's very dark, no lights, and it's just unsafe. Putting that many more families in there with that many more children and animals would be a concern for additional safety.

Mrs. Kirks then questioned the severe runoff. She states that people don't understand the Appomattox River as a tidal river. So the residents see surges when the tide comes in and goes out; you can see the water drop anywhere from six to eight feet. So there are points at anchor point Marina, where boats sit in the mud. That's already a problem without three years of construction debris being added. That little horseshoe that he was referring to, I watch fishermen every single day walking on that during low tide; they don't even need a boat; you can walk right across; there's so minimal water in there at low tide as it is, again, three more years of debris and runoff. I don't even see how kayaks will be able to get there in another few years with that much additional construction. Anchor Point just had two single-family homes built in the last three months on that same road, and residences lost Comcast service at least five times in the previous two months. With residents working from home, that is also a big concern.

Joie Wheeler of 301 Beacon Ridge Drive, Hopewell, came to the podium. Mrs. Wheeler wanted to address the lack of notification. There was one sign at Atwater Road, and she does not think the other residents in the area had reasonable notice. Mrs. Griffin stated that the City of Hopewell is required by state code to put all rezoning cases in the paper two weeks prior. In the

Progress Index, three signs were placed on the Property, and the zoning inspector went out twice to see those signs. The first sign was at Atwater; the second sign was at phase one. And the third sign was beside the condos in phase three. Ninety-two adjacent property letters were sent out, and we have the affidavit of mailing in your packet. The Planning Department sent those out in the timeframe no less than five days before the meeting. The department sent them out on April 26. The department may need to get them out earlier because we have no control over the mail. We don't know when people will get it. The City provided the information in the paper, the three signs, and those were placed about two weeks ago.

Karen Faison of 4305 Eagle Drive, Hopewell, came to the podium. Mrs. Faison supports the project, but her concern is a traffic light. Because right now, when you leave, there's a stop sign, and Cameron's landing is a stop sign across from it. And then there's another development, and they don't have a stop sign. So we have to give them right away. In the morning when you're going to work and there is a lot of activity. It makes it a little bit dangerous when going out into the traffic flow. Secondly, there is the main road that leads to the townhouses. The school buses don't go down there. The school bus goes on that main road, and everybody brings their kids to this central section. So we need sidewalks. Another route must be created to enter the development, especially since you will bring in more people. A traffic light, not a stop sign, is needed, sidewalks for the children and the family, and for people to get in and out. In the townhomes, you only have that one road that goes down Eagle Drive. Commissioner Reynolds asked for clarification on the school bus not coming down Eagle Drive. Mrs. Faison reiterated it does not.

The public hearing closed at 7:56 p.m.

Commissioner Reynolds liked what he was hearing. The development is intentionally targeting people who are not at the peak of their earnings curve in the sense of people starting out looking to protect their equity I think that's admirable. He has heard some legitimate concerns. He is not sure exactly how they will resolve the issue of the sidewalk and the lighting issue. The Planning Director stated the City would work on lighting. Mr. Reynolds understood the problem of runoff. The traffic on Atwater, I think, is somewhat of a concern, especially if we're adding another 175 units or 350 or 400 people added to that. Commissioner Reynolds shares with the developers that in the last 15 years, the state legislature has clarified that they don't like cul-de-sac communities. This is a cul-de-sac community. Commissioner Reynolds is not particularly excited about a gate across two pieces of city property; this is a safety issue. This emergency entrance that's being proposed continues to be off Atwater Road. If the City had a storm come through and drop trees on Atwater Road, no emergency services could get into Cameron's landing on Atwater Road or Anchor Point, and they are entirely shut up. Adding another 300 or 400 people out here and townhomes is a real risk. As far as he was concerned, there needed to be a connector. Commissioner Reynolds stated this SSAR does not apply to what HHHunt is doing because this relates to roads that are intended to be put into the state network. Commissioner Reynolds shared the state legislature's intent about not developing these types of cul-de-sac communities. This is at the state level, but he believes that the community level, like Hopewell, needs to take this sort of thing very seriously. Commissioner Reynolds feels that Anchor Point is becoming disconnected from the rest of Hopewell, just like Cameron's landing. Commissioner Reynolds

believes there's an opportunity here that I have shown you on the third page that he would like to ask HHHunt to consider. The plan shows where HHHunt is planning the townhomes on Eagle Drive, Commissioner Reynolds presented new rights of way that the City already has down to Cabin Creek and a section of HHHunt Property that is showing that HHHunt is not planning to develop, where if HHHunt offered a 50 by approximately 300, HHHunt could offer the City an opportunity to build a second entrance into Anchor Point that gets rid of the choke point on Atwater Road. Commissioner Reynolds is asking HHHunt to consider that because he doesn't see that the safety of the citizens has been taken care of with a gated entrance on a road where there was testimony tonight that this road has not been maintained. Commissioner Reynolds heard enough legitimate concerns from citizens that he was not ready to vote. He would like to vote on this as soon as possible.

Vice-Chairman Jenkins as if there was motion on the table. Commissioner Reynolds motioned to have the Planning Commission hold an open work session with the developer and Anchor Point Community. Commissioner Butterworth seconded the motion.

Vote: 3-1

Yes:

Commissioner Butterworth
Commissioner Reynolds
Vice-Chairman Jenkins

No: Commissioner Vanderkeift

Motion: Passed

Mrs. Griffin asked the Planning Commission when they would like the work session, and they replied before their next meeting. Mrs. Griffin stated the department would send out an email to all on dates. The Planning Commission decided the work session would be on May 26, 2022, at 6:30 p.m.

Unfinished Business

Mrs. Griffin discussed Zoning Ordinance Re-Write since she was leaving the City of Hopewell on May 12. The meetings were postponed until Chris Ward could get settled in as interim director.

Mrs. Griffin asked that the meeting scheduled for May 19, 2022, be postponed due to her leaving. The Planning Commission was all in agreement with that date and time.

New Business of the Planning Commission

None

Administrative Matters

Mrs. Griffin stated that since the Planning Commission's Chairman had resigned, it was time to elect someone new. Vice-Chairman Jenkins made a motion to nominate Commissioner Reynolds. Commissioner Butterworth seconded the motion.

Vote: 4-0

Yes:

Commissioner Butterworth
Commissioner Reynolds
Vice-Chairman Jenkins
Commissioner Vanderkeift

No: None

Motion: Unanimous Pass

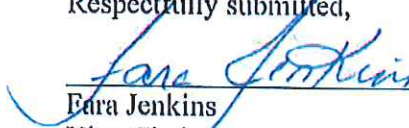
Report of Council's Boards & Commissions

None


Adjourn

Commissioner Vanderkeift made a motion to adjourn the meeting. Commissioner Butterworth seconded the motion. The meeting was adjourned at 8:49 p.m.

Respectfully submitted,



Fara Jenkins
Vice-Chairman



Chris Ward
Interim Director

**MINUTES OF THE SEPTEMBER 7, 2022 MEETING
OF THE DOWNTOWN DESIGN REVIEW COMMITTEE
City of Hopewell**

A meeting of the Downtown Design Review Committee for the City of Hopewell was held on Wednesday, September 7, 2022 in the City Council Conference Room located at 300 N. Main St. at 3:30PM.

Downtown Design Review Committee Members present:

Rita Joyner
Mary French Elder
Drew Dayberry

Staff:

Chris Ward, Senior Planner

Guests:

Elliot Eliades, COA Applicant

Ms. Joyner called the meeting to order at 3:37PM. Mr. Ward conducted the roll call. A quorum was established. Ms. Joyner welcomed the members and guest.

ADMINISTRATIVE MATTERS / CONSENT AGENDA ITEMS

Ms. Joyner asked if there were requests for withdrawal, deferral or amendment to the agenda. There were none.

Ms. Joyner asked if there were any corrections or changes to the meeting minutes from June 1, 2022. There were none. Ms. Joyner asked if there was a motion to approve the meeting minutes. Ms. Elder made a motion to approve the meeting minutes from August 3, 2022, as presented. Mr. Dayberry seconded. The motion carried 3-0.

CITIZEN COMMENTS

Ms. Joyner asked if the guest had any comments about items not on the agenda. Mr. Eliades asked if it was possible to add some color to downtown facades. Ms. Joyner and the other members agreed that everything being proposed by Frazier and Associates if gray. The members and staff agreed that the façade designer should be tasked with using different colors.

Mr. Eliades also stated that he though Dr. Lebow would be improving his building façade in the near future and that he may need assistance.

CERTIFICATES OF APPROPRIATENESS (COAs)

Mr. Eliades presented his two window signs and projecting sign to the members. Ms. Joyner commented that she particularly liked the projecting sign and that it simply completes the storefront much as the projecting sign at Waves Sandwich Co. has done. Ms. Elder commented that she really liked the color scheme. Mr. Dayberry made a motion to approve the signage for 226 E. Broadway, as presented. Ms. Elder seconded. The motion carried 3-0.

UNFINISHED BUSINESS

There was none.

NEW BUSINESS

There was none.

Ms. Elder made a motion to adjourn. Mr. Dayberry seconded. The motion carried 3-0.
The meeting adjourned at 4:21PM.

Submitted by,



Rita E. Joyner, Chairperson



Christopher Ward, Senior Planner

October 12, 2022
Date

HOPEWELL REDEVELOPMENT AND HOUSING AUTHORITY
350 East Poythress Street
Hopewell, VA 23860

REGULAR MEETING OF August 8, 2022

*** MINUTES ***

Minutes of Regular Meeting of the Board of Commissioners of the Hopewell Redevelopment and Housing Authority of the City of Hopewell, Virginia, held Monday, August 8, 2022, at 6:00 p.m. at 350 East Poythress Street, Hopewell, VA.

The meeting was called to order by the Chairman. Roll call, those present and absent were as follows:

Present: Sheila Flowers, Chairman
Shamika Lewis, Vice-Chairman
Ruth Johnson, Commissioner
David Silvestro, Commissioner
Anthony Bennett, Jr., Commissioner

Absent: John Tunstall, Commissioner

Also Present: Steven A. Benham, Chief Executive Officer
Madelyn Peay, Chief Operating Officer
Tarvaris McCoy, Chief Development Officer
Kameko Y. Coleman, Executive Secretary
Lisa Wilson, Accountant
Craig Wise, Senior Property Manager

CONSENT AGENDA

C-1 Upon motion made by Commissioner Johnson and seconded by Vice-Chairman Lewis with all Commissioners present responding, the Consent Agenda was approved.

Upon roll call, the vote resulted:

Chairman Flowers	- Yes
Vice-Chairman Lewis	- Yes
Commissioner Silvestro	- Yes
Commissioner Bennett, Jr.,	-Yes
Commissioner Johnson	-Yes

5 Yes; Motion Passed

COMMUNICATIONS FROM CITIZENS: None

R-1 Summary Report Discussion.

R-2 Discussion of Pending List

1. Item number 54 will remain as a pending item
2. Item number 56 will remain as a pending item
3. Item number 63 was added as a pending item

R-3 Audited Financial Statement Review

Lisa Wilson presented the report for the 2021 Audit.

Summary:

- There were no concerns noted.
- There were no deficiencies in internal control identified. P.47
- There were no instances of noncompliance with Government Auditing Standards. p.48
- There were no financial statement findings. p.51
- There were no federal awards findings. P.52
- HRHA has a positive/viable financial position (meeting financial obligations and maintaining adequate financial resources to support ongoing programs)

R-4 Request Approval of Resolution 914, Resolution of the Hopewell Redevelopment and Housing Authority to approve the revised Admissions and Continued Occupancy Policy (ACOP).

With all Commissioners present responding, the Resolution was denied.

Upon roll call, the vote resulted:

Chairman Flowers	-No
Vice-Chairman Lewis	-No
Commissioner Silvestro	-No
Commissioner Bennett, Jr.,	-No
Commissioner Johnson	-No

No; Motion Denied

Commissioner Silvestro would like the elderly and disabled preference to remain a preference in the ACOP.

R-5 Request Approval of Resolution 915, Resolution to purchase property.

Upon motion made by Commissioner Silvestro and seconded by Commissioner Bennett, with all Commissioners present responding, the Resolution was approved.

Upon roll call, the vote resulted:

Chairman Flowers	- Yes
Vice-Chairman Lewis	- Yes
Commissioner Silvestro	- Yes
Commissioner Bennett, Jr.,	-Yes
Commissioner Johnson	-Yes

Yes; Motion Passed

R-6 Commissioner Training

Mr. Benham conducted a review of Chapter 2 of the Commissioners Handbook. This chapter covered the history of Public Housing.

R-7 Other Matters

1. End of Year Celebration/CEO Retirement
2. CEO Hiring Process
 - Discussion for a smooth transition for the new CEO
 - Nationally advertise the position
 - There will be a schedule set for the screening process, interview process, and hire date for the new CEO.
 - New CEO tentative start date in December.

R-8 Commissioner Comments (and recommendations for next meeting).

- Commissioner Silvestro would like to receive the Board Meeting Packet the Wednesday prior as opposed to Friday.
- Vice Chair Lewis would like to consider the preference removal.
- Would like to have numbers/data of applicants on the waiting list that are listed as homeless
- Keep the residency preference.
- Keep the work preference.
- Commissioners requested to provide information on waitlist management.
- Edit the job description of the CEO if deem necessary.
- Mr. Benham provided information for Vice Chair Lewis concerning privacy.
- Closed Session will be held (if needed) at the next Board Meeting to discuss Madelyn's interest in the CEO position.
- Mr. Benham reminded Vice Chair Lewis about the Home Ownership Program. Stated that she will provide a flyer concerning the homeownership program.

ADJOURNMENT

Upon a motion made by Commissioner Silvestro, seconded by Commissioner Johnson with all Commissioners present responding affirmatively, the meeting was adjourned at 8:03 PM.

Sheila Flowers

Sheila V. Flowers, Chairman

Steven A. Behnam, Sr.

Steven A. Behnam, Sr., Secretary-Treasurer

HOPEWELL REDEVELOPMENT AND HOUSING AUTHORITY
350 East Poythress Street
Hopewell, VA 23860

REGULAR MEETING OF September 12, 2022

*** MINUTES ***

Minutes of Regular Meeting of the Board of Commissioners of the Hopewell Redevelopment and Housing Authority of the City of Hopewell, Virginia, held Monday, September 12, 2022, at 6:00 p.m. at 350 East Poythress Street, Hopewell, VA.

The meeting was called to order by the Chairman. Roll call, those present and absent were as follows:

Present: Sheila Flowers, Chairman
Shamika Lewis, Vice-Chairman: Arrived at 6:21 pm
Ruth Johnson, Commissioner
David Silvestro, Commissioner
Anthony Bennett, Jr., Commissioner
John Tunstall, Commissioner

Absent:

Also Present: Steven A. Benham, Chief Executive Officer
Madelyn Peay, Chief Operating Officer
Tarvaris McCoy, Chief Development Officer
Kameko Y. Coleman, Executive Secretary
Lisa Wilson, Chief Financial Officer
DeAndre' Taylor, HCVP Manager

CONSENT AGENDA

C-1 Upon motion made by Commissioner Tunstall and seconded by Commissioner Silvestro with all Commissioners present responding, the Consent Agenda was approved with corrections.

Upon roll call, the vote resulted:

Chairman Flowers	- Yes
Commissioner Silvestro	- Yes
Commissioner Bennett, Jr.	- Yes
Commissioner Johnson	- Yes
Commissioner John Tunstall	- Yes

5 Yes; Motion Passed

COMMUNICATIONS FROM CITIZENS: None

R-1 Summary Report Discussion.

No comments on the Summary Report. Commissioner Tunstall made a motion to move R-3 to after R-1 to allow Vice-Chair Lewis to be present.

Upon motion made by Commissioner Tunstall and seconded by Commissioner Silvestro with all Commissioners present responding, R-3 was moved for discussion after R-1.

Upon roll call, the vote resulted:

Chairman Flowers	- Yes
Commissioner Silvestro	- Yes

Commissioner Bennett, Jr., - Yes
Commissioner Johnson -Yes
Commissioner John Tunstall -Yes

5 Yes; Motion Passed

R-3 Other Matters

CLOSED SESSION

Upon motion made by Commissioner Tunstall and seconded by Vice-Chair Lewis with all Commissioners present responding, the board went into a closed session at 6:25 pm.

RETURNED TO REGULAR SESSION

Upon motion made by Vice-Chair Lewis and seconded by Commissioner Johnson with all Commissioners present responding, the board came out of closed session at 7:59 pm.

WHEREAS, the Board of Commissioners has convened an executive session on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act, and

WHEREAS, Section 2.2-3711(B) of the Code of Virginia of 1950, as amended, requires a certification by the Board of Commissioners that such executive meeting was conducted in conformity with Virginia law:

NOW, THEREFORE BE IT RESOLVED that the Board of Commissioners hereby certifies that, to the best of each member's knowledge, only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and only such public business as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board of Commissioners.

R-2 Discussion of Pending List

1. Item number 54 will remain as a pending item
2. Item number 56 will remain as a pending item
3. Item number 63 was added as a pending item

Upon motion made by Commissioner Tunstall and seconded by Vice-Chair Lewis with all Commissioners present responding, to defer discussing R-2 until the next meeting.

Chairman Flowers - Yes
Vice Chair Lewis -Yes
Commissioner Silvestro - Yes
Commissioner Bennett, Jr., - Yes
Commissioner Johnson -Yes
Commissioner John Tunstall -Yes

ADJOURNMENT

Upon a motion made by Commissioner Silvestro, seconded by Commissioner Johnson with all Commissioners present responding affirmatively, the meeting was adjourned at 8:10 PM.

Sheila Flowers

Sheila V. Flowers, Chairman

Steven A. Behnam, Sr.

Steven A. Behnam, Sr., Secretary-Treasurer

INFORMATION/ PRESENTATION

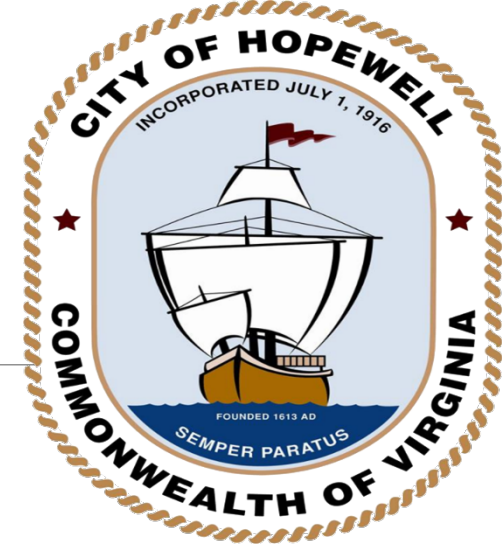
LED Lighting Presentation

LED CONVERSION PROGRAM

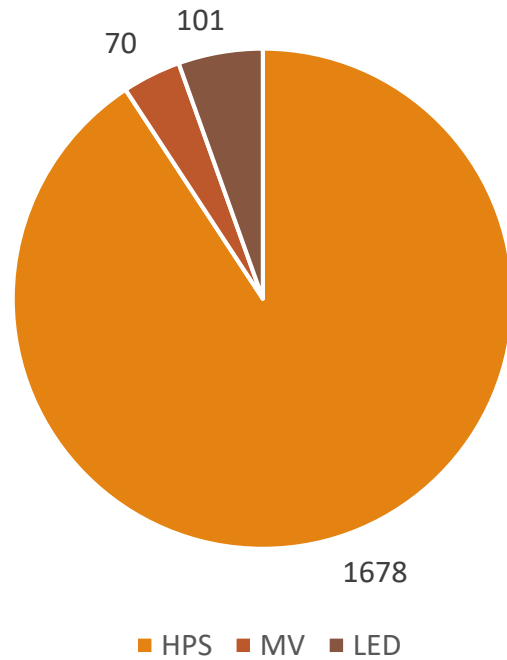
MAURICE WILKINS – CONSTRUCTION MANAGER
DEPARTMENT OF ENGINEERING



BENEFITS



CURRENT INVENTORY



COST SAVINGS

Current Monthly Bill = \$18,707.80

LED Monthly Bill = \$14,762.84

Monthly Savings = \$3,944.96

Yearly Savings after a full conversion
\$47,339.47

The Process

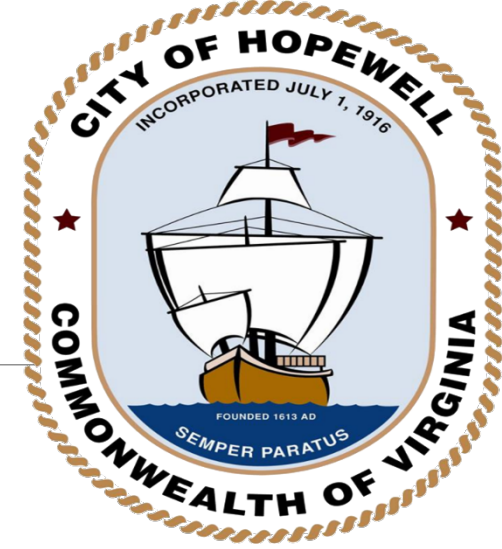
The City of Hopewell has **1,779** convertible streetlights.

50 lights per Work Request

Approximately **36** Work request will be submitted

\$7,100 per Work Request

Estimated total to convert **1,779** streetlights to LED's is ***\$268,741.00***



HOPEWELL 3000K / COBRA HEAD



KELVINS

COBRA HEAD STREETLIGHT



CURRENT WORK REQUEST LOCATIONS

Work Request #10575434 covers the **Downtown** area.

- Scheduled Start 01/03/2023
- Scheduled Completion 01/04/2023

Work Request #10573925 covers the **Winston Churchill and Sunnyside Ave** Neighborhood

- Scheduled Start 12/19/2022
- Scheduled Completion 12/20/2022

Work Request #10569866 covers the Five Forks(**Berry St. and High Ave.**)

- Scheduled Start 12/21/2022
- Scheduled Completion 12/22/2022



Downtown (Top Center)

Five Forks Area Berry St and High Ave (Lower Right)

Winston Churchill and Sunnyside Ave (Lower left)

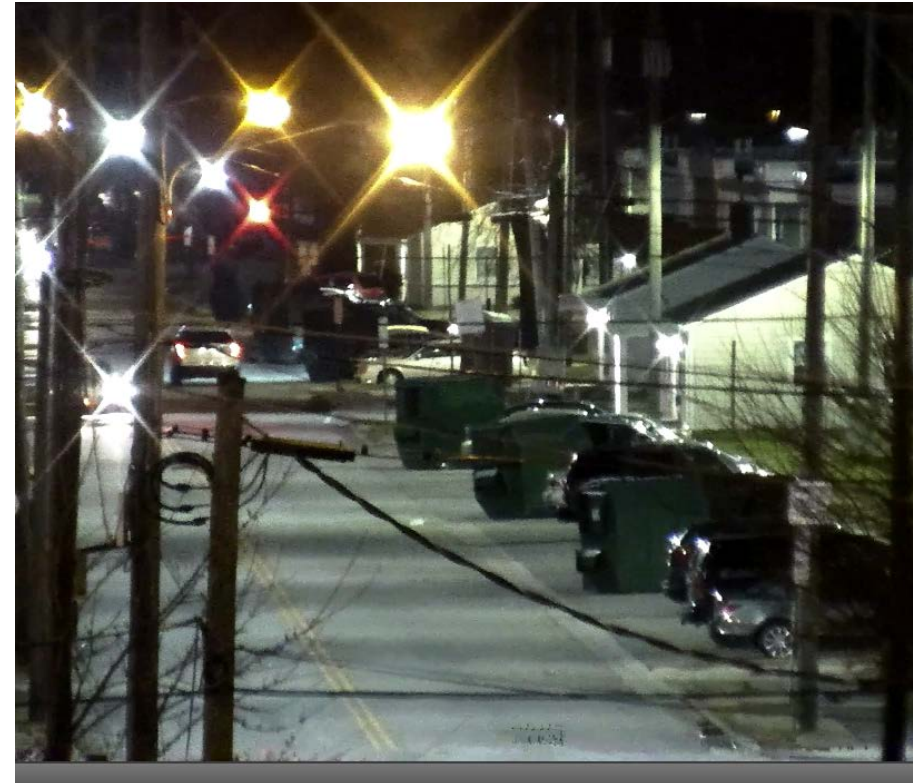


LED Lights versus HPS

NEWPORT NEWS, VA.



4000K, COBRA HEAD



PUBLIC HEARING

PH-1



CITY OF HOPEWELL CITY COUNCIL ACTION FORM

Strategic Operating Plan Vision Theme:

- Civic Engagement
- Culture & Recreation
- Economic Development
- Education
- Housing
- Safe & Healthy Environment
- None (Does not apply)

Order of Business:

- Consent Agenda
- Public Hearing
- Presentation-Boards/Commissions
- Unfinished Business
- Citizen/Councilor Request
- Regular Business
- Reports of Council Committees

Action:

- Approve and File
- Take Appropriate Action
- Receive & File (no motion required)
- Approve Ordinance 1st Reading
- Approve Ordinance 2nd Reading
- Set a Public Hearing
- Approve on Emergency Measure

**COUNCIL AGENDA ITEM TITLE: PUBLIC HEARING ON ORDINANCE
AMENDMENT TO THE TH-1 TOURIST/HISTORIC ZONING DISTRICT**

ISSUE: Request to amend Article XIV-B Tourist Historic District of the Zoning Ordinance to comply with National Park Service and VA Department of Historic Resources standards for Certified Local Government (CLG) status.

RECOMMENDATION: The City Administration recommends approval of the zoning ordinance amendment, as presented.

TIMING: City Council action is requested on October 25, 2022.

BACKGROUND: The City started seeking CLG status in 2014 and the zoning ordinance amendment is the last step in securing that status.

FISCAL IMPACT: Approval of amendment will allow the City to apply for CLG grants.

ENCLOSED DOCUMENTS:

- Staff Report
- CURRENT Article XIV-B, RED-LINED Article XIV-B, PROPOSED Article XIV-B

STAFF:

Christopher Ward, Director, Department of Development

FOR IN MEETING USE ONLY**SUMMARY:**

- | | | | | | |
|--------------------------|--------------------------|------------------------------------|--------------------------|--------------------------|----------------------------------|
| Y | N | | Y | N | |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Debbie Randolph, Ward #1 | <input type="checkbox"/> | <input type="checkbox"/> | Councilor Janice Denton, Ward #5 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Arlene Holloway, Ward #2 | <input type="checkbox"/> | <input type="checkbox"/> | Councilor Brenda Pelham, Ward #6 |
| <input type="checkbox"/> | <input type="checkbox"/> | Vice Mayor John B. Partin, Ward #3 | <input type="checkbox"/> | <input type="checkbox"/> | Mayor Patience Bennett, Ward #7 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Jasmine Gore, Ward #4 | | | |

MOTION: _____

Roll Call

SUMMARY:

Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Debbie Randolph, Ward #1
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Arlene Holloway, Ward #2
<input type="checkbox"/>	<input type="checkbox"/>	Vice Mayor John B. Partin, Ward #3
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Jasmine Gore, Ward #4

Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Janice Denton, Ward #5
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Brenda Pelham, Ward #6
<input type="checkbox"/>	<input type="checkbox"/>	Mayor Patience Bennett, Ward #7



Required Zoning Amendment Changes for Certified Local Government

Request to amend Article XIV-B, Section V: Defining Historic Buildings and Areas

Staff Report prepared for the City Council for the meeting on October 25, 2022

This report is prepared by the City of Hopewell Department of Development Staff to provide information to the City Council to assist them in making an informed decision on this matter.

I. MEETINGS:

Planning Commission	May 16, 2020	Public Hearing
City Council	September 27, 2022	Work Session
City Council	October 25, 2022	Public Hearing

II. PUBLIC NOTICE

Progress-Index	October 14, 2022	October 19, 2022
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III. EXECUTIVE SUMMARY:

The City of Hopewell requests to amend the City of Hopewell Zoning Ordinance to expand on the process for identifying and designating historic buildings and districts in accordance with the requirements set forth by the National Park Service for designation of Hopewell as a Certified Local Government (CLG). The purpose of the amendment is to provide clarity on the process used to recommend expansions or inclusion of a new historic district.

The new language required by the Virginia Department of Historic Resources designates the Director of Development as the responsible entity to write a report containing: (i) an inventory of all landmarks, buildings and other structures, sites and objects being considered for inclusion within the proposed district, (ii) recommendations, if any, for detailed zoning and other regulations to be applied within the district, and (iii) a listing of the criteria to be used to determine which properties shall be included within the district.

The amendment designates the Director of Development as the person responsible for seeking the advice and guidance of the Architectural Review Board in preparing such a report and shall give due consideration to the views of property owners being considered for inclusion in such a new or expanded district.

The research and report required to propose designation of historic districts or buildings has not changed - the amendment simply identifies the entity responsible for the work.

IV. APPLICABLE CODE SECTIONS:

The section of the Zoning Ordinance under consideration for amendment is Article XIV-B, Section V – Defining Historic Buildings and Areas and currently reads as follows:

It shall be the continuing duty of the review board to investigate and delineate buildings, structures, places, and areas in the city having historic interest or value which should be preserved and protected in the execution and attainment of the purposes and objectives declared in this Article, and to report thereon from time to time to the city council for consideration as to whether they or any of them shall be set apart for preservation and protection under the provisions of this Article.

The proposed changes from the National Park Service constitute a complete rewriting of this section to provide clarity on the process for determining and designating historic buildings and areas.

V. REQUESTED AMENDMENT:

The National Park Service suggests utilizing the following amendment:

- (a) In accordance with the provisions of City Code, Appendix A, the Architectural Review Board shall advise City Council on the consideration of the need for establishing or expanding an historic district in a specified geographical area of the city. In rendering such advice to the City Council, the Architectural Review Board shall give due consideration to the views of property owners being considered for inclusion in such new or expanded district.
- (b) Prior to the establishment or expansion of a historic district, the Director of Planning shall prepare, in writing, a report containing: (i) an inventory of all landmarks, buildings and other structures, sites and objects being considered for inclusion within the proposed district, (ii) recommendations, if any, for detailed zoning and other regulations to be applied within the district, and (iii) a listing of the criteria to be used to determine which properties shall be included within the district. The Director of Planning shall seek the advice and guidance of the Architectural Review Board in preparing such report and shall

give due consideration to the views of property owners being considered for inclusion in such a new or expanded district.

- (c) No historic district shall be established or expanded unless the area to be encompassed thereby contains one or more places, buildings or other structures:
- (1) Listed on the Virginia Landmarks Register, the Hopewell Historical Register, or the National Register of Historic Places;
 - (2) /that are of significant historic, architectural, archaeological or cultural interest;
 - (3) In which historic events occurred; or
 - (4) That have special public value because of notable architectural, archaeological or other features relating to the cultural or artistic heritage of the city that are of such significance as to warrant conservation and preservation.
- (d) Only the geographical area in which a majority of the properties meet the criteria established in accordance with this section shall be designated as an historic district; provided, however, that parcels of land contiguous to arterial streets or highways found by the City Council to be significant routes of tourist access to the city or to designated historic landmarks, buildings, structures, or districts therein, or in a contiguous locality, may also be included in an historic district.
- (e) The Planning Commission shall review the report of the Director of Planning, together with the ordinance establishing or expanding an historic district and any proposed zoning and other regulations to be applied within the district, and shall recommend to the City Council approval in whole or in part, with or without modifications, or shall recommend rejection thereof.
- (f) The City Council may, by ordinance, establish or expand an historic district if it finds that the proposed district or expansion thereof meets the requirements of this section, and may adopt such zoning or other regulations pertaining to property within the district, consistent with general law, as it may deem appropriate. The City Council shall give due consideration to the views of property owners being considered for inclusion in such new or expanded district. Upon City Council approval of a new or expanded historic district, the official zoning map shall be amended accordingly.
- (g) The establishment or expansion of historic districts shall be subject to the applicable provisions of Article XIV-B of the city zoning ordinance and Code of Virginia, Title 15.2, Chapter 22, Article 7 (Virginia Code Sections 15.2-2280 et seq.), as amended, or any successor ordinances or statutes.

V. STAFF RECOMMENDATION:

Staff recommends the approval of the request to amend Article XIV-B, Section V of the City of Hopewell Zoning Ordinance to comply with the National Park Service standards required for Certified Local Government designation.

VI. PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 4-0 on May 16, 2020 to recommend to City Council the approval of the changes to the TH-1 Tourist Historic District so that the ordinance complies with Certified Local Government standards.

VII. PROPOSED RESOLUTION:

The City Council recommends approval of the amendment of Article XIV-B, Section V to expand on the process for identifying and designating historic districts in Hopewell.

Motion _____ and seconded _____ with a vote of ____ to ____.

ARTICLE XIV-B: TOURIST/HISTORIC DISTRICT (TH-1)

STATEMENT OF INTENT

The Tourist/Historic District is intended to create an attractive surrounding to tourist who are interested in the historic significance of the area and to reflect in a historic context the role of City Point as a commercial and residential town. Such a district would permit uses which otherwise may be deemed incompatible, but, due to the common ties to historic and architectural preservation and development, the uses coexist and work together to form a network of commercial and residential entities with a backdrop of historic significance. To these ends, development is limited to low density residential and commercial and light manufacturing (cottage industry) of historic or tourist oriented merchandise or products.

For clarification and better understanding of this article, the following are offered:

* for the purpose of this article, "exterior architectural appearance: shall include architectural character; general arrangement of the exterior of a structure; general composition, including the kind, color, and texture of the building materials; and type and character of all windows, doors, light fixtures, signs and appurtenant elements subject to public view from a public street, public alley, or other public place."

A. USE REGULATIONS

In the TH-1 Tourist/Historic District, land may be used and buildings or structures may be erected, altered or used, only for the following (with off-street parking as required for the permitted use within the district):

1. Uses by right:
 - a. Single family dwellings.
 - b. Public scenic parks and gardens.
 - c. Accessory uses as defined in this ordinance; however, no accessory use or structure shall be any closer than five (5) feet to any property line.
 - d. Off-street parking as required in Article XVIII of this ordinance.
 - e. Signs reviewed by the Architectural Review Board (ARB) and deemed appropriate for historic intent in design, verbiage, and color, in accordance with Article XVIII (L) of this ordinance.
 - f. Municipal and public service facilities as well as public utilities, such as poles, line distribution transformers, meters, water, sewer and gas lines, booster and relay stations, transformer substations, transmission lines, to be located underground in all instances; cellular towers to be excluded.
 - g. Private utilities; towers for wireless transmission above the frequency of 20,000 hertz with a Conditional Use Permit by City Council.
 - h. Municipal owned recreational facilities which enhance the historic nature of the district.
 - i. Home occupation, as defined, to be located in the main building or an appropriate historic out-building.

ARTICLE XIV-B: TOURIST/HISTORIC DISTRICT (TH-1)

2. Uses by Conditional Use Permit by City Council by Special Exception by the Board of Zoning Appeals, after review and recommendation by the Review Board.
 - a. Dwelling units in non-commercial areas of any otherwise permitted use, provided that each dwelling unit has a minimum of six hundred (600) gross square feet.
 - b. Banks and financial institutions.
 - c. Bed and Breakfast establishments.
 - d. Museums and art galleries.
 - e. Professional offices, as defined.
 - f. Restaurants, excluding drive-in and fast food establishments.
 - g. Retail stores and businesses which sell, as their primary product, items which are historic in nature or carry a historic connotation or have a significant interest in the tourist trade in the area, including but not limited to stores and boutiques specializing in ladies', children's, and men's wear, accessories, gifts, books, toiletries, jewelry, film, and selected sundries to be located only along Water Street or the Maplewood Apartment.
 - h. Cruise piers and the like with facilities for fueling but not including major repair or construction facilities.
 - i. Cottage industries which manufacture products for retail sale on premises that are oriented toward the tourist market in this area; to be located only along Water Street or the Maplewood Apartments.

B. AREA REGULATIONS

1. The minimum lot area for permitted uses in this district shall be twelve thousand (12,000) square feet.

C. LOT WIDTH

1. The minimum lot width for permitted uses in this district shall be eighty (80) feet at the setback line.

D. SETBACK REGULATIONS

1. Structures shall be located at least twenty five (25) feet from any street or highway, or any street or highway right-of-way line, except that if there are two abutting lots with structures on both of them, no new structure need be set back more than the average of the two (2) adjacent structures on either side. This shall be known as the "setback line".

ARTICLE XIV-B: TOURIST/HISTORIC DISTRICT (TH-1)

E. YARD REGULATIONS

1. Side: The minimum width of each side yard for a permitted use in this district shall be ten (10) feet.
2. Rear: Each main structure shall have a rear yard of at least twenty five (25) feet.

F. HEIGHT REGULATIONS

1. Buildings may be erected up to thirty-five (35) feet or two and one half (2 1/2) stories from grade, except that:
 - a. Dwellings may be increased in height up to forty-five (45) feet or three (3) stories provided the required side yards are increased one (1) foot for each additional foot of height over thirty-five (35) feet.
 - b. Chimneys, water towers, wireless towers and other necessary mechanical appurtenances when permitted by this Article are exempt from the provisions of this section.

G. SPECIAL PROVISIONS FOR CORNER LOTS

1. Of the two (2) sides of a corner lot, the front shall be deemed to be the shorter of the two (2) sides fronting on streets, except that when one street has more than twice the traffic volume of the other, the side facing the street with the highest traffic volumes shall be deemed to be the front.
2. The side yard facing on the side street shall be twenty (20) feet or more for both the main and accessory building.

H. REQUIREMENT FOR PERMITTED USES

Before a building permit shall be issued or construction commenced on any permitted use other than a single-family dwelling in this district, or a permit issued for a new use other than a single-family dwelling, all requirements of Article XVI, Site Plan Requirements, shall be met. All proposals for residential, commercial, professional use, new construction, restoration or alterations shall be reviewed for appropriateness by the Review Board before a building permit or business license shall be issued or construction commenced on any permitted use in this district

I. CERTIFICATION OF APPROPRIATENESS, GENERALLY

1. No building or structure within the Historic District shall be erected, reconstructed, altered or restored unless and until an application for a certificate of appropriateness shall have been approved by the Architectural Review Board.

ARTICLE XIV-B: TOURIST/HISTORIC DISTRICT (TH-1)

2. No building or area which has been designated as a historical building or area by the Virginia Historic Landmarks Commissioner, or by the local, state or federal government shall be demolished or removed, in whole or in part, unless and until an application for a certificate of appropriateness shall have been approved by the Architectural Review Board.
3. Evidence of such required approval shall be a certificate of appropriateness issued by the Architectural Review Board.
4. Application for a certificate of appropriateness required by the Article shall be made to the zoning administrator.

J. ARCHITECTURAL REVIEW BOARD

1. An Architectural Review Board is hereby established and shall be known as the Architectural Review Board, hereafter referred to as the review board. The review board membership shall consist of no less than five (5) nor more than seven (7) members who shall be appointed by City Council. Each member of the Review Board must have a demonstrated interest, competence, or knowledge in historic preservation. One (1) shall be a resident of the City Point Historic District, one (1) shall be an architect or an architectural historian meeting the Secretary of the Interior's professional qualifications standards referred to in 36 CFR 61. These members shall serve a term of four (4) years. The Senior Planner shall be appointed as an advisory member of the review board and shall have no vote. (Ord. 2009-21)
2. The review board shall elect from its own membership a chairman and a vice chairman, who shall serve annual terms as such and may succeed themselves.
3. The chairman shall conduct the meetings of the review board. The secretary shall keep minutes of the meetings and a permanent record of all resolutions, motions, transactions, and determinations. All members of the review board, except for advisory members, shall be entitled to vote, and the decisions of the review board shall be determined by a majority vote. A quorum shall be a majority of the membership. A quorum is required before the review board may take any official action. The review board shall meet monthly after notification by the zoning administrator of an application for a certificate of appropriateness or permit requiring action by the review board. The meetings of the review board shall be open to the public, and a full and impartial hearing shall be granted. The review board shall vote and announce its decision on any matter properly before it no later than sixty (60) days after the conclusion of the hearing on the matter, unless the time is extended with the written consent of the applicant. The review board cases where an applicant appears within ninety (90) days with his application amended as provided in this Article. The review board shall not hear the subject matter of any application, which has been denied, for a period of one (1) year, except in cases where an applicant appears within ninety (90) days with the application amended as hereinafter provided. (Ord. 2011-14)
4. In the case of disapproval or denial of the erection, reconstruction, alteration, or restoration of a building or structure, the review board shall briefly state its reasons for such disapproval in writing, and it may make recommendations to the applicant with

ARTICLE XIV-B: TOURIST/HISTORIC DISTRICT (TH-1)

respect to suggested changes, the appropriateness of design, arrangement, texture, material, color, location and the like of a building or structure involved. In the case of disapproval accompanied by such recommendations, the applicant may amend and resubmit his application within ninety (90) days of such disapproval or denial if such application has been amended to comply with all of the recommendations of the review board.

5. In the case of disapproval of the demolition of a building which exists in the Historic District, the review shall state specifically its reason in writing.
6. The review board, when requested by application for a building permit in the Historic District, shall advise as to the changes and alterations necessary to bring the proposed building or structure in harmony with the general design of the building or structures located in the surrounding areas.
7. In matters governing the procedure for meetings not covered by this Article, the review board may establish its own rules and procedures; provided they are not contrary to the spirit of this Article.

K. NOTICE OF PUBLIC HEARING:

No application for a certificate of appropriateness to demolish a building which exists in the Historic District shall be considered by the review board until a public hearing has been held thereon, following notice as required under Section 15.2-2204, Code of Virginia (1950), as amended.

L. CRITERIA FOR GRANTING A CERTIFICATE OF APPROPRIATENESS:

1. Before a certificate of appropriateness is issued for the erection, reconstruction, alteration or restoration of a building or structure in the Historic District, the review board shall consider:
 - a. The historical or architectural value and significance of the building or structure and its relationship to or congruity with the historic value of the land, place and area in the district upon which it is proposed to be located, constructed, reconstructed, altered, or restored.
 - b. The appropriateness of the exterior architectural features of such building or structure to such land, place or area and its relationship to or congruity with the exterior architectural features of other land, places, areas, buildings or structures in the district and environs.
2. Before a certificate of appropriateness is issued for the demolition of a building or structure which exists in the Historic District, the review board shall consider:
 - a. Is the building of such architectural or historic interest that its removal or disturbance would be to the detriment of the public interest?

ARTICLE XIV-B: TOURIST/HISTORIC DISTRICT (TH-1)

- b. Is the building of such interest or significance that it could be made into a national, state or local historic shrine?
 - c. Is the building of such old and unusual or uncommon design, texture and/or material that it could not be reproduced, or could be reproduced only with great difficulty and/or expense?
 - d. Would retention of the building help preserve the historic character of the district?
 - e. Would retention of the building help preserve a historic interest in a place or an area of the city?
 - f. Would retention of the building promote the general welfare by maintaining and increasing real estate values; generating business; creating new positions; attracting tourists, students, writers, historians, artists and artisans; attracting new residents; encouraging study and interest in American history; stimulating interest and study in architecture and design; educating citizens in American culture and heritage; and making the city a more attractive and desirable place in which to live?
3. The review board shall not consider detailed designs, interior arrangements, or features of a building or structure which are not subject to public view from a public street, public way, or other public place, except to the extent necessary to do so for the purpose of preventing the location, construction, reconstruction, alteration or repair of a building or structure that will be incongruous with the preservation and protection of the historic aspects, settings and environment of the district and other buildings, structures, land, places of areas therein.

M. ISSUANCE OF CERTIFICATE OF APPROPRIATENESS:

Upon approval by the review board of any erection, reconstruction, alteration, restoration and/or rehabilitation, or demolition, a certificate of appropriateness, signed by the Zoning Administrator or his/her designee and bearing the date of issuance, but subject to the provisions of this Article shall be made available to the applicant.

N. EXPIRATION OF CERTIFICATE OF APPROPRIATENESS:

Any certificate of appropriateness issued pursuant to this Article shall expire of its own limitations twelve (12) months from the date of issuance if the work authorized by said certificate has not commenced or if any such work is suspended or abandoned for a period of twelve (12) months after being commenced. Any certificate of appropriateness issued pursuant to this Article shall also expire if the work authorized by said certificate has not been substantially completed within eighteen (18) months after issuance of the certificate.

"Substantial Completion" is the point at which, as certified in writing by the contracting parties, a project is at the level of completion, in strict compliance with the contract, where:

- 1) Necessary final approval by the Hopewell Building Official has been given (if required); and

ARTICLE XIV-B: TOURIST/HISTORIC DISTRICT (TH-1)

- 2) The owner has received all required warranties, paperwork and/or documentation from the contractor, if applicable; and
- 3) The owner may enjoy beneficial use or occupancy and may use, operate, and maintain the project in all respects, for its intended purpose; and
- 4) Any work remaining on the project is minor or "punch list" in nature.

Any period or periods of time during which the right to use any such certificate is stayed pursuant to this Article, shall be excluded from the computation of the twelve (12) or eighteen (18) month period.

O. APPEALS FROM ARCHITECTURAL REVIEW BOARD:

Any applicant aggrieved by a final decision of the Architectural Review Board shall have the right to appeal such decision to the Hopewell City Council, provided that such appeal is filed within a period of thirty (30) days after the review board has made its decision. The filing of the petition shall stay the review board's decision pending the outcome of the appeal to the City Council. Any applicant aggrieved from any final decision of the City Council shall have the right to appeal to the circuit court for review by filing a petition at law, setting forth the alleged illegality of the action of the governing body, provided such petition is filed within thirty (30) days after the final decision is rendered by the governing body. The filing of the said petition shall stay the decision of the governing body pending the outcome of the appeal to the court, except that the filing of such petition shall not stay the decision of the governing body if such decision denies the right to raze or demolish a historic landmark, building or structure. The court may reverse or modify the decision of the governing body, in whole or in part, if it finds upon review that the decision of the governing body is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of the governing body.

P. VIOLATIONS

1. Violators of the Tourist/Historic District section of the Zoning Ordinance are subject to Article XX. Violations and Penalties.
2. Policy established by the Architectural Review Board differentiates between a minor and a major violation.
 - a. A minor violation means any action without the approval of the Board which would temporarily alter a structure whose effect could be reversed at a later date such as painting, fencing, etc. Minor violations will be dealt with by sending the violating party a notice of violation which would include information on the tourist/historic district and the Architectural Review Board. Repeated minor violations (i.e. more than two separate instances in less than five years) will be treated as a major violation.

ARTICLE XIV-B: TOURIST/HISTORIC DISTRICT (TH-1)

- b. Major violation means any act taken without approval from the Board which would irreparably or permanently alter a structure or area, such as demolishing a structure, building a new structure or an addition to an existing structure, etc. Major violations will be dealt with in accordance with the provisions of the Zoning Ordinance and include the stoppage of work orders.

Q. ADDITIONAL OR CONCURRENT RIGHT TO DEMOLISH BUILDINGS IN THE HISTORIC HOPEWELL DISTRICT:

In addition to the right of appeal hereinabove set forth, the owner of a building or structure, the demolition of which is subject to the provisions of this Article, shall as a matter of right, be entitled to demolish such building or structure provided that:

1. He has applied to the board of review for such right.
2. That the owner has, for the period of time set forth in the time schedule hereinafter contained and a price reasonably related to its fair market value, made a bona fide offer to sell such building or structure and the land pertaining thereto to any person, government or agency thereof or political subdivision or agency thereof which gives reasonable assurance that it is willing to preserve and restore the building or structure and the land pertaining thereto.
3. That no bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such building or structure and the land pertaining thereto prior to the expiration of the applicable time period set forth in the time schedule hereinafter contained. Any appeal which may be taken to the court from the decision of the review board, whether instituted by the owner or by any other proper party, notwithstanding the provisions heretofore stated regarding a stay of the decision appealed from, shall not affect the right of the owner to make a bona fide offer to sell referred to in this paragraph. No offer to sell shall begin more than one (1) year after the final decision of the review board. The time schedule for offers to sell shall be as follows:

Property Valued At:	Minimum Offer to Sell Period:
Less Than \$25,000	3 months
\$25,000 – \$39,999	4 months
\$40,000 – \$54,999	5 months
\$55,000 – \$74,999	6 months
\$75,000 – \$89,999	7 months
\$90,000 – or more	12 months

ARTICLE XIV-B: TOURIST/HISTORIC DISTRICT (TH-1)

R. BONA FIDE OFFER TO SELL:

1. Notice: Before making a bona fide offer to sell, provided for above in this Article, an owner shall first file a statement with the zoning administrator. The statement shall identify the property, state the offering price, the date of the offer of sale is to begin, and the name of the real estate agent, if any. No time period set forth in the schedule contained elsewhere in Section J. of the Article shall begin to run until the statement has been filed. Within five (5) days of receipt of a statement, copies of the statement shall be delivered to the members of city council, members of the planning commission, and the city manager.
2. Question as to price: The fact that an offer to sell a building or structure and the land pertaining thereto is at a price reasonably related to fair market value may be questioned; provided, it is filed with the zoning administrator, on or before fifteen (15) days after the offer for sale has begun, a petition in writing signed by at least twenty-five (25) persons owning real estate within the Historic Hopewell District. Upon receipt of such a petition, three (3) disinterested real estate appraisers, familiar with property values in the Historic Hopewell District, shall be appointed: one (1) by the review board, one (1) by the property owner and one (1) by the review board and the property owner. The cost of the appraisals shall be divided equally between the property owner and the city. Said appraisers shall forthwith make a appraisal of the building or structure and the land pertaining thereto in question and forthwith file a written report with the zoning administrator stating whether, in their opinion, the offer to sell the building or structure and the land pertaining thereto is at a price reasonably related to its fair market offer to sell the building or structure and the land pertaining thereto is at a price reasonably relate o its fair market value, the owner may continue as if no question had been raised. In the event the opinion is to the effect that the offer to sell the building or structure and the land pertaining thereto is not at a price reasonably related to its fair market value, the offer to sell shall be void an of no force and effect; and the owner, if he wishes to take advantage of the additional or concurrent right (to demolish said building or structure) provided for above in this Article, must file a notice provided for above and proceed with the demolition. Notwithstanding an adverse opinion by the appraisers, if any owner has entered into a binding bona fide contract as provided for above prior to the date the appraisers have file their report with the zoning administrator, the price shall be deemed reasonably related to fair market value.

S. YARD VARIANCES:

Due to peculiar conditions of design and construction in historic neighborhoods where buildings and structures are often built close to the lot lines, it is in the public interest to retain a neighborhood's historic appearance by granting variance to normal yard requirements. Where it s deemed that such a variance will not adversely affect neighboring properties, the board of review may recommend to the board of zoning appeals that such variance to standard yard requirements be made.

ARTICLE XIV-B: TOURIST/HISTORIC DISTRICT (TH-1)

T. PERMITTED USES:

Nothing in this Article shall be construed to prevent any use of land, building, or structure in the district permitted by the regulations prescribed in this ordinance for the district in which such land, buildings, or structure is otherwise located.

U. EXCLUSION:

1. Nothing in this Article shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any building or structure described in this Article; nor shall anything in this Article be construed to prevent the construction, reconstruction, alteration, or demolition of any such element which the authorized municipal officers shall certify as required by public safety.
2. For the purpose of this ordinance; ordinary maintenance and repair is defined as any work which preserves and does not alter the present or current appearance of the exterior elements of the building or structure as long as there is no change in design and/or materials.
3. For the purpose of this section, examples of work not requiring approval of the Architectural Review Board are: repainting an existing window, door, porch, porch rail, etc.; replacing same type/color of shingles on a building.
4. For the purpose of this section, examples of work requiring approval of the Architectural Review Board are: changing the color of a house or structure; any new addition to a house or structure; any new house or structure; installing new windows or architectural trim; installing siding material not identical in color or texture to what is presently on the house or structure.

V. DEFINING HISTORIC BUILDINGS AND AREAS:

It shall be the continuing duty of the review board to investigate and delineate buildings, structures, places, and areas in the city having historic interest or value which should be preserved and protected in the execution and attainment of the purposes and objectives declared in this Article, and to report thereon from time to time to the city council for consideration as to whether they or any of them shall be set apart for preservation and protection under the provisions of this Article.

W. HISTORIC MARKERS:

The review board shall design an appropriate marker, bearing the seal of the city and the words "historic building" and shall invite each owner of a building of historical significance to display the marker thereon.

ARTICLE XIV-B: TOURIST/HISTORIC DISTRICT (TH-1)

X. PROTECTIVE MAINTENANCE:

1. All buildings and structures within the Historic District shall be preserved against decay and deterioration and maintained free from structural defects to the extent that such decay, deterioration or defects may, in the opinion of the review board, result in the irreparable deterioration of any exterior appurtenance or architectural features or produce a detrimental effect upon the character of the district as a whole or upon the life and character of the structure itself. The existence of any of the following conditions shall be sufficient to deem a structure an “endangered structure”:
 - a. The deterioration or ineffective waterproofing of exterior walls or other vertical supports, including broken windows and doors;
 - b. The deterioration of roofs or horizontal members;
 - c. The deterioration of exterior chimneys;
 - d. The deterioration or crumbling of exterior plaster or mortar;
 - e. The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions;
 - f. Defective lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other protective covering.
2. Upon a determination by the review board (with the technical advice of the Building Code Official) that a structure constitutes an endangered structure in accordance with section, the review board shall notify the zoning administrator of such determination, and the zoning administrator shall give notice of the determination and the requirements of this section to the property owner as set forth herein. Within thirty (30) days of receipt of this notice, the owner shall commence the necessary stabilization repairs and the owner shall complete the repairs within one hundred-twenty (120) days of such notice. The zoning administrator shall notify the owner by Certified Mail, Return Receipt Requested, of the endangered structure determination, and of the thirty (30) and one hundred-twenty (120) day time limitation set forth herein. Upon written notice to the zoning administrator within ten (10) days of receipt of the notice, an owner shall have a right to a hearing before the review board. Upon receipt of the owner’s notice, the zoning administrator shall promptly advise the owner of the time and location of the hearing and the right to present evidence and be represented by counsel. The hearing shall be informal and the decision of the review board shall be subject to the appeal in accordance with Section O of this Article. (Ord. 94-40)
3. The one hundred-twenty (120) day time limit for completion of the repairs as set forth in the preceding paragraph may be extended for thirty (30) day intervals on the discretion of the review board for good cause shown.
4. Enforcement of this section shall be in conformance with Article XXII (A) of this ordinance.
5. Violations of this section shall be punishable as set forth in Article XX (B) of this ordinance.

ARTICLE XIV-B: TOURIST/HISTORIC DISTRICT (TH-1)

6. Alternatively, if the owner fails to act, the review board may order the zoning administrator after due notice to the owner, to enter the property and make or cause to be made such repairs as are necessary to preserve the integrity and safety of the structure. The reasonable costs thereof shall be placed as a lien against the property.

STATEMENT OF INTENT

The Tourist/Historic District is intended to create an attractive surrounding to tourist who are interested in the historic significance of the area and to reflect in a historic context the role of City Point as a commercial and residential town. Such a district would permit uses which otherwise may be deemed incompatible, but, due to the common ties to historic and architectural preservation and development, the uses coexist and work together to form a network of commercial and residential entities with a backdrop of historic significance. To these ends, development is limited to low density residential and commercial and light manufacturing (cottage industry) of historic or tourist oriented merchandise or products.

For clarification and better understanding of this article, the following are offered:

* for the purpose of this article, "exterior architectural appearance: shall include architectural character; general arrangement of the exterior of a structure; general composition, including the kind, color, and texture of the building materials; and type and character of all windows, doors, light fixtures, signs and appurtenant elements subject to public view from a public street, public alley, or other public place.'

A. USE REGULATIONS

In the TH-1 Tourist/Historic District, land may be used and buildings or structures may be erected, altered or used, only for the following (with off-street parking as required for the permitted use within the district):

1. Uses by right:
 - a. Single family dwellings.
 - b. Public scenic parks and gardens.
 - c. Accessory uses as defined in this ordinance; however, no accessory use or structure shall be any closer than five (5) feet to any property line.
 - d. Off-street parking as required in Article XVIII of this ordinance.
 - e. Signs reviewed by the Architectural Review Board (ARB) and deemed appropriate for historic intent in design, verbiage, and color, in accordance with Article XVIII (L) of this ordinance.
 - f. Municipal and public service facilities as well as public utilities, such as poles, line distribution transformers, meters, water, sewer and gas lines, booster and relay stations, transformer substations, transmission lines, to be located underground in all instances; cellular towers to be excluded.
 - g. Private utilities; towers for wireless transmission above the frequency of 20,000 hertz with a Conditional Use Permit by City Council.
 - h. Municipal owned recreational facilities which enhance the historic nature of the district.
 - i. Home occupation, as defined, to be located in the main building or an appropriate historic out-building.

ARTICLE XIV-B: TOURIST/HISTORIC DISTRICT (TH-1)

2. Uses by Conditional Use Permit by City Council by Special Exception by the Board of Zoning Appeals, after review and recommendation by the Review Board.
 - a. Dwelling units in non-commercial areas of any otherwise permitted use, provided that each dwelling unit has a minimum of six hundred (600) gross square feet.
 - b. Banks and financial institutions.
 - c. Bed and Breakfast establishments.
 - d. Museums and art galleries.
 - e. Professional offices, as defined.
 - f. Restaurants, excluding drive-in and fast food establishments.
 - g. Retail stores and businesses which sell, as their primary product, items which are historic in nature or carry a historic connotation or have a significant interest in the tourist trade in the area, including but not limited to stores and boutiques specializing in ladies', children's, and men's wear, accessories, gifts, books, toiletries, jewelry, film, and selected sundries to be located only along Water Street or the Maplewood Apartment.
 - h. Cruise piers and the like with facilities for fueling but not including major repair or construction facilities.
 - i. Cottage industries which manufacture products for retail sale on premises that are oriented toward the tourist market in this area; to be located only along Water Street or the Maplewood Apartments.

B. AREA REGULATIONS

1. The minimum lot area for permitted uses in this district shall be twelve thousand (12,000) square feet.

C. LOT WIDTH

1. The minimum lot width for permitted uses in this district shall be eighty (80) feet at the setback line.

D. SETBACK REGULATIONS

1. Structures shall be located at least twenty five (25) feet from any street or highway, or any street or highway right-of-way line, except that if there are two abutting lots with structures on both of them, no new structure need be set back more than the average of the two (2) adjacent structures on either side. This shall be known as the "setback line".

ARTICLE XIV-B: TOURIST/HISTORIC DISTRICT (TH-1)

E. YARD REGULATIONS

1. Side: The minimum width of each side yard for a permitted use in this district shall be ten (10) feet.
2. Rear: Each main structure shall have a rear yard of at least twenty five (25) feet.

F. HEIGHT REGULATIONS

1. Buildings may be erected up to thirty-five (35) feet or two and one half (2 1/2) stories from grade, except that:
 - a. Dwellings may be increased in height up to forty-five (45) feet or three (3) stories provided the required side yards are increased one (1) foot for each additional foot of height over thirty-five (35) feet.
 - b. Chimneys, water towers, wireless towers and other necessary mechanical appurtenances when permitted by this Article are exempt from the provisions of this section.

G. SPECIAL PROVISIONS FOR CORNER LOTS

1. Of the two (2) sides of a corner lot, the front shall be deemed to be the shorter of the two (2) sides fronting on streets, except that when one street has more than twice the traffic volume of the other, the side facing the street with the highest traffic volumes shall be deemed to be the front.
2. The side yard facing on the side street shall be twenty (20) feet or more for both the main and accessory building.

H. REQUIREMENT FOR PERMITTED USES

Before a building permit shall be issued or construction commenced on any permitted use other than a single-family dwelling in this district, or a permit issued for a new use other than a single-family dwelling, all requirements of Article XVI, Site Plan Requirements, shall be met. All proposals for residential, commercial, professional use, new construction, restoration or alterations shall be reviewed for appropriateness by the Review Board before a building permit or business license shall be issued or construction commenced on any permitted use in this district

I. CERTIFICATION OF APPROPRIATENESS, GENERALLY

1. No building or structure within the Historic District shall be erected, reconstructed, altered or restored unless and until an application for a certificate of appropriateness shall have been approved by the Architectural Review Board.

2. No building or area which has been designated as a historical building or area by the

ARTICLE XIV-B: TOURIST/HISTORIC DISTRICT (TH-1)

Virginia Historic Landmarks Commissioner, or by the local, state or federal government shall be demolished or removed, in whole or in part, unless and until an application for a certificate of appropriateness shall have been approved by the Architectural Review Board.

3. Evidence of such required approval shall be a certificate of appropriateness issued by the Architectural Review Board.
4. Application for a certificate of appropriateness required by the Article shall be made to the zoning administrator.

J. ARCHITECTURAL REVIEW BOARD

1. An Architectural Review Board is hereby established and shall be known as the Architectural Review Board, hereafter referred to as the review board. The review board membership shall consist of no less than five (5) nor more than seven (7) members who shall be appointed by City Council. Each member of the Review Board must have a demonstrated interest, competence, or knowledge in historic preservation. One (1) shall be a resident of the City Point Historic District, one (1) shall be an architect or an architectural historian meeting the Secretary of the Interior's professional qualifications standards referred to in 36 CFR 61. These members shall serve a term of four (4) years. The Senior Planner shall be appointed as an advisory member of the review board and shall have no vote. (Ord. 2009-21)
2. The review board shall elect from its own membership a chairman and a vice chairman, who shall serve annual terms as such and may succeed themselves.
3. The chairman shall conduct the meetings of the review board. The secretary shall keep minutes of the meetings and a permanent record of all resolutions, motions, transactions, and determinations. All members of the review board, except for advisory members, shall be entitled to vote, and the decisions of the review board shall be determined by a majority vote. A quorum shall be a majority of the membership. A quorum is required before the review board may take any official action. The review board shall meet monthly after notification by the zoning administrator of an application for a certificate of appropriateness or permit requiring action by the review board. The meetings of the review board shall be open to the public, and a full and impartial hearing shall be granted. The review board shall vote and announce its decision on any matter properly before it no later than sixty (60) days after the conclusion of the hearing on the matter, unless the time is extended with the written consent of the applicant. The review board cases where an applicant appears within ninety (90) days with his application amended as provided in this Article. The review board shall not hear the subject matter of any application, which has been denied, for a period of one (1) year, except in cases where an applicant appears within ninety (90) days with the application amended as hereinafter provided. (Ord. 2011-14)
4. In the case of disapproval or denial of the erection, reconstruction, alteration, or restoration of a building or structure, the review board shall briefly state its reasons for such disapproval in writing, and it may make recommendations to the applicant with respect to suggested changes, the appropriateness of design, arrangement, texture, material, color, location and the like of a building or structure involved. In the case of disapproval accompanied by such recommendations, the applicant may amend and resubmit his

ARTICLE XIV-B: TOURIST/HISTORIC DISTRICT (TH-1)

application within ninety (90) days of such disapproval or denial if such application has been amended to comply with all of the recommendations of the review board.

5. In the case of disapproval of the demolition of a building which exists in the Historic District, the review shall state specifically its reason in writing.
6. The review board, when requested by application for a building permit in the Historic District, shall advise as to the changes and alterations necessary to bring the proposed building or structure in harmony with the general design of the building or structures located in the surrounding areas.
7. In matters governing the procedure for meetings not covered by this Article, the review board may establish its own rules and procedures; provided they are not contrary to the spirit of this Article.

K. NOTICE OF PUBLIC HEARING:

No application for a certificate of appropriateness to demolish a building which exists in the Historic District shall be considered by the review board until a public hearing has been held thereon, following notice as required under Section 15.2-2204, Code of Virginia (1950), as amended.

L. CRITERIA FOR GRANTING A CERTIFICATE OF APPROPRIATENESS:

1. Before a certificate of appropriateness is issued for the erection, reconstruction, alteration or restoration of a building or structure in the Historic District, the review board shall consider:
 - a. The historical or architectural value and significance of the building or structure and its relationship to or congruity with the historic value of the land, place and area in the district upon which it is proposed to be located, constructed, reconstructed, altered, or restored.
 - b. The appropriateness of the exterior architectural features of such building or structure to such land, place or area and its relationship to or congruity with the exterior architectural features of other land, places, areas, buildings or structures in the district and environs.
2. Before a certificate of appropriateness is issued for the demolition of a building or structure which exists in the Historic District, the review board shall consider:
 - a. Is the building of such architectural or historic interest that its removal or disturbance would be to the detriment of the public interest?
 - b. Is the building of such interest or significance that it could be made into a national, state or local historic shrine?
 - c. Is the building of such old and unusual or uncommon design, texture and/or material that it could not be reproduced, or could be reproduced only with great difficulty and/or

ARTICLE XIV-B: TOURIST/HISTORIC DISTRICT (TH-1)

- expense?
- d. Would retention of the building help preserve the historic character of the district?
 - e. Would retention of the building help preserve a historic interest in a place or an area of the city?
 - f. Would retention of the building promote the general welfare by maintaining and increasing real estate values; generating business; creating new positions; attracting tourists, students, writers, historians, artists and artisans; attracting new residents; encouraging study and interest in American history; stimulating interest and study in architecture and design; educating citizens in American culture and heritage; and making the city a more attractive and desirable place in which to live?
3. The review board shall not consider detailed designs, interior arrangements, or features of a building or structure which are not subject to public view from a public street, public way, or other public place, except to the extent necessary to do so for the purpose of preventing the location, construction, reconstruction, alteration or repair of a building or structure that will be incongruous with the preservation and protection of the historic aspects, settings and environment of the district and other buildings, structures, land, places of areas therein.

M. ISSUANCE OF CERTIFICATE OF APPROPRIATENESS:

Upon approval by the review board of any erection, reconstruction, alteration, restoration and/or rehabilitation, or demolition, a certificate of appropriateness, signed by the Zoning Administrator or his/her designee and bearing the date of issuance, but subject to the provisions of this Article shall be made available to the applicant.

N. EXPIRATION OF CERTIFICATE OF APPROPRIATENESS:

Any certificate of appropriateness issued pursuant to this Article shall expire of its own limitations twelve (12) months from the date of issuance if the work authorized by said certificate has not commenced or if any such work is suspended or abandoned for a period of twelve (12) months after being commenced. Any certificate of appropriateness issued pursuant to this Article shall also expire if the work authorized by said certificate has not been substantially completed within eighteen (18) months after issuance of the certificate.

"Substantial Completion" is the point at which, as certified in writing by the contracting parties, a project is at the level of completion, in strict compliance with the contract, where:

- 1) Necessary final approval by the Hopewell Building Official has been given (if required); and
- 2) The owner has received all required warranties, paperwork and/or documentation from the contractor, if applicable; and
- 3) The owner may enjoy beneficial use or occupancy and may use, operate, and maintain the project in all respects, for its intended purpose; and

ARTICLE XIV-B: TOURIST/HISTORIC DISTRICT (TH-1)

- 4) Any work remaining on the project is minor or “punch list” in nature.

Any period or periods of time during which the right to use any such certificate is stayed pursuant to this Article, shall be excluded from the computation of the twelve (12) or eighteen (18) month period.

O. APPEALS FROM ARCHITECTURAL REVIEW BOARD:

Any applicant aggrieved by a final decision of the Architectural Review Board shall have the right to appeal such decision to the Hopewell City Council, provided that such appeal is filed within a period of thirty (30) days after the review board has made its decision. The filing of the petition shall stay the review board’s decision pending the outcome of the appeal to the City Council. Any applicant aggrieved from any final decision of the City Council shall have the right to appeal to the circuit court for review by filing a petition at law, setting forth the alleged illegality of the action of the governing body, provided such petition is filed within thirty (30) days after the final decision is rendered by the governing body. The filing of the said petition shall stay the decision of the governing body pending the outcome of the appeal to the court, except that the filing of such petition shall not stay the decision of the governing body if such decision denies the right to raze or demolish a historic landmark, building or structure. The court may reverse or modify the decision of the governing body, in whole or in part, if it finds upon review that the decision of the governing body is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of the governing body.

P. VIOLATIONS

1. Violators of the Tourist/Historic District section of the Zoning Ordinance are subject to Article XX. Violations and Penalties.
2. Policy established by the Architectural Review Board differentiates between a minor and a major violation.
 - a. A minor violation means any action without the approval of the Board which would temporarily alter a structure whose effect could be reversed at a later date such as painting, fencing, etc. Minor violations will be dealt with by sending the violating party a notice of violation which would include information on the tourist/historic district and the Architectural Review Board. Repeated minor violations (i.e. more than two separate instances in less than five years) will be treated as a major violation.
 - b. Major violation means any act taken without approval from the Board which would irreparably or permanently alter a structure or area, such as demolishing a structure, building a new structure or an addition to an existing structure, etc. Major violations will be dealt with in accordance with the provisions of the Zoning Ordinance and include the stoppage of work orders.

ARTICLE XIV-B: TOURIST/HISTORIC DISTRICT (TH-1)

Q. ADDITIONAL OR CONCURRENT RIGHT TO DEMOLISH BUILDINGS IN THE HISTORIC HOPEWELL DISTRICT:

In addition to the right of appeal hereinabove set forth, the owner of a building or structure, the demolition of which is subject to the provisions of this Article, shall as a matter of right, be entitled to demolish such building or structure provided that:

1. He has applied to the board of review for such right.
2. That the owner has, for the period of time set forth in the time schedule hereinafter contained and a price reasonably related to its fair market value, made a bona fide offer to sell such building or structure and the land pertaining thereto to any person, government or agency thereof or political subdivision or agency thereof which gives reasonable assurance that it is willing to preserve and restore the building or structure and the land pertaining thereto.
3. That no bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such building or structure and the land pertaining thereto prior to the expiration of the applicable time period set forth in the time schedule hereinafter contained. Any appeal which may be taken to the court from the decision of the review board, whether instituted by the owner or by any other proper party, notwithstanding the provisions heretofore stated regarding a stay of the decision appealed from, shall not affect the right of the owner to make a bona fide offer to sell referred to in this paragraph. No offer to sell shall begin more than one (1) year after the final decision of the review board. The time schedule for offers to sell shall be as follows:

Property Valued At:	Minimum Offer to Sell Period:
Less Than \$25,000	3 months
\$25,000 – \$39,999	4 months
\$40,000 – \$54,999	5 months
\$55,000 – \$74,999	6 months
\$75,000 – \$89,999	7 months
\$90,000 – or more	12 months

R. BONA FIDE OFFER TO SELL:

1. Notice: Before making a bona fide offer to sell, provided for above in this Article, an owner shall first file a statement with the zoning administrator. The statement shall identify the property, state the offering price, the date of the offer of sale is to begin, and the name of the real estate agent, if any. No time period set forth in the schedule contained elsewhere in Section J. of the Article shall begin to run until the statement has been filed. Within five (5) days of receipt of a statement, copies of the statement shall be delivered to the members of city council, members of the planning commission, and the city manager.

ARTICLE XIV-B: TOURIST/HISTORIC DISTRICT (TH-1)

2. Question as to price: The fact that an offer to sell a building or structure and the land pertaining thereto is at a price reasonably related to fair market value may be questioned; provided, it is filed with the zoning administrator, on or before fifteen (15) days after the offer for sale has begun, a petition in writing signed by at least twenty-five (25) persons owning real estate within the Historic Hopewell District. Upon receipt of such a petition, three (3) disinterested real estate appraisers, familiar with property values in the Historic Hopewell District, shall be appointed: one (1) by the review board, one (1) by the property owner and one (1) by the review board and the property owner. The cost of the appraisals shall be divided equally between the property owner and the city. Said appraisers shall forthwith make a appraisal of the building or structure and the land pertaining thereto in question and forthwith file a written report with the zoning administrator stating whether, in their opinion, the offer to sell the building or structure and the land pertaining thereto is at a price reasonably related to its fair market offer to sell the building or structure and the land pertaining thereto is at a price reasonably relate o its fair market value, the owner may continue as if no question had been raised. In the event the opinion is to the effect that the offer to sell the building or structure and the land pertaining thereto is not at a price reasonably related to its fair market value, the offer to sell shall be void an of no force and effect; and the owner, if he wishes to take advantage of the additional or concurrent right (to demolish said building or structure) provided for above in this Article, must file a notice provided for above and proceed with the demolition. Notwithstanding an adverse opinion by the appraisers, if any owner has entered into a binding bona fide contract as provided for above prior to the date the appraisers have file their report with the zoning administrator, the price shall be deemed reasonably related to fair market value.

S. YARD VARIANCES:

Due to peculiar conditions of design and construction in historic neighborhoods where buildings and structures are often built close to the lot lines, it is in the public interest to retain a neighborhood's historic appearance by granting variance to normal yard requirements. Where it is deemed that such a variance will not adversely affect neighboring properties, the board of review may recommend to the board of zoning appeals that such variance to standard yard requirements be made.

T. PERMITTED USES:

Nothing in this Article shall be construed to prevent any use of land, building, or structure in the district permitted by the regulations prescribed in this ordinance for the district in which such land, buildings, or structure is otherwise located.

U. EXCLUSION:

1. Nothing in this Article shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any building or structure described in this Article; nor shall anything in this Article be construed to prevent the construction, reconstruction, alteration, or demolition of any such element which the authorized municipal offers shall certify as

ARTICLE XIV-B: TOURIST/HISTORIC DISTRICT (TH-1)

- required by public safety.
2. For the purpose of this ordinance; ordinary maintenance and repair is defined as any work which preserves and does not alter the present or current appearance of the exterior elements of the building or structure as long as there is no change in design and/or materials.
 3. For the purpose of this section, examples of work not requiring approval of the Architectural Review Board are: repainting an existing window, door, porch, porch rail, etc.; replacing same type/color of shingles on a building.
 4. For the purpose of this section, examples of work requiring approval of the Architectural Review Board are: changing the color of a house or structure; any new addition to a house or structure; any new house or structure; installing new windows or architectural trim; installing siding material not identical in color or texture to what is presently on the house or structure.

V. DEFINING HISTORIC BUILDINGS AND AREAS:

~~It shall be the continuing duty of the review board to investigate and delineate buildings, structures, places, and areas in the city having historic interest or value which should be preserved and protected in the execution and attainment of the purposes and objectives declared in this Article, and to report thereon from time to time to the city council for consideration as to whether they or any of them shall be set apart for preservation and protection under the provisions of this Article.~~

In accordance with the provisions of City Code section XIV-B, the Architectural Review Board shall advise City Council on the consideration of the need for establishing or expanding an historic district in a specified geographical area of the city. In rendering such advice to the City Council, the Architectural Review Board shall give due consideration to the views of property owners being considered for inclusion in such new or expanded district.

Prior to the establishment or expansion of a historic district, the Director of Development shall prepare, in writing, a report containing: (i) an inventory of all landmarks, buildings and other structures, sites and objects being considered for inclusion within the proposed district, (ii) recommendations, if any, for detailed zoning and other regulations to be applied within the district, and (iii) a listing of the criteria to be used to determine which properties shall be included within the district. The Director of Development shall seek the advice and guidance of the Architectural Review Board in preparing such report and shall give due consideration to the views of property owners being considered for inclusion in such a new or expanded district.

No historic district shall be established or expanded unless the area to be encompassed thereby contains one or more places, buildings or other structures:

ARTICLE XIV-B: TOURIST/HISTORIC DISTRICT (TH-1)

- (1) Listed on the Virginia Landmarks Register or the National Register of Historic Places;
- (2) that are of significant historic, architectural, archaeological or cultural interest;
- (3) In which historic events occurred; or
- (4) That have special public value because of notable architectural, archaeological or other features relating to the cultural or artistic heritage of the city that are of such significance as to warrant conservation and preservation.

Only the geographical area in which a majority of the properties meet the criteria established in accordance with this section shall be designated as an historic district; provided, however, that parcels of land contiguous to arterial streets or highways found by the City Council to be significant routes of tourist access to the city or to designated historic landmarks, buildings, structures, or districts therein, or in a contiguous locality, may also be included in an historic district.

The Planning Commission shall review the report of the Director of Development, together with the ordinance establishing or expanding an historic district and any proposed zoning and other regulations to be applied within the district, and shall recommend to the City Council approval in whole or in part, with or without modifications, or shall recommend rejection thereof.

The City Council may, by ordinance, establish or expand an historic district if it finds that the proposed district or expansion thereof meets the requirements of this section, and may adopt such zoning or other regulations pertaining to property within the district, consistent with general law, as it may deem appropriate. The City Council shall give due consideration to the views of property owners being considered for inclusion in such new or expanded district. Upon City Council approval of a new or expanded historic district, the official zoning map shall be amended accordingly.

The establishment or expansion of historic districts shall be subject to the applicable provisions of the Code of Virginia, Title 15.2, Chapter 22, Article 7 (Virginia Code Sections 15.2-2280 et seq.), as amended, or any successor ordinances or statutes.

W. HISTORIC MARKERS:

The review board shall design an appropriate marker, bearing the seal of the city and the words "historic building" and shall invite each owner of a building of historical significance to display the marker thereon.

X. PROTECTIVE MAINTENANCE:

1. All buildings and structures within the Historic District shall be preserved against decay and deterioration and maintained free from structural defects to the extent that such decay, deterioration or defects may, in the opinion of the review board, result in the irreparable deterioration of any exterior appurtenance or architectural features or produce a detrimental

ARTICLE XIV-B: TOURIST/HISTORIC DISTRICT (TH-1)

effect upon the character of the district as a whole or upon the life and character of the structure itself. The existence of any of the following conditions shall be sufficient to deem a structure an “endangered structure”:

- a. The deterioration or ineffective waterproofing of exterior walls or other vertical supports, including broken windows and doors;
 - b. The deterioration of roofs or horizontal members;
 - c. The deterioration of exterior chimneys;
 - d. The deterioration or crumbling of exterior plaster or mortar;
 - e. The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions;
 - f. Defective lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other protective covering.
2. Upon a determination by the review board (with the technical advice of the Building Code Official) that a structure constitutes an endangered structure in accordance with section, the review board shall notify the zoning administrator of such determination, and the zoning administrator shall give notice of the determination and the requirements of this section to the property owner as set forth herein. Within thirty (30) days of receipt of this notice, the owner shall commence the necessary stabilization repairs and the owner shall complete the repairs within one hundred-twenty (120) days of such notice. The zoning administrator shall notify the owner by Certified Mail, Return Receipt Requested, of the endangered structure determination, and of the thirty (30) and one hundred-twenty (120) day time limitation set forth herein. Upon written notice to the zoning administrator within ten (10) days of receipt of the notice, an owner shall have a right to a hearing before the review board. Upon receipt of the owner’s notice, the zoning administrator shall promptly advise the owner of the time and location of the hearing and the right to present evidence and be represented by counsel. The hearing shall be informal and the decision of the review board shall be subject to the appeal in accordance with Section O of this Article. (Ord. 94-40)
 3. The one hundred-twenty (120) day time limit for completion of the repairs as set forth in the preceding paragraph may be extended for thirty (30) day intervals on the discretion of the review board for good cause shown.
 4. Enforcement of this section shall be in conformance with Article XXII (A) of this ordinance.
 5. Violations of this section shall be punishable as set forth in Article XX (B) of this ordinance.
 6. Alternatively, if the owner fails to act, the review board may order the zoning administrator after due notice to the owner, to enter the property and make or cause to be made such repairs as are necessary to preserve the integrity and safety of the structure. The reasonable costs thereof shall be placed as a lien against the property.

ARTICLE XIV-B: TOURIST/HISTORIC DISTRICT (TH-1)

Ordinance No. 2022-

An Ordinance amending and reenacting Article XIV-B, Tourist/Historic District, Section V., Defining Historic Buildings and Areas, of the Zoning Ordinance of the City of Hopewell.

STATEMENT OF INTENT

The Tourist/Historic District is intended to create an attractive surrounding to tourist who are interested in the historic significance of the area and to reflect in a historic context the role of City Point as a commercial and residential town. Such a district would permit uses which otherwise may be deemed incompatible, but, due to the common ties to historic and architectural preservation and development, the uses coexist and work together to form a network of commercial and residential entities with a backdrop of historic significance. To these ends, development is limited to low density residential and commercial and light manufacturing (cottage industry) of historic or tourist oriented merchandise or products.

For clarification and better understanding of this article, the following are offered:

* for the purpose of this article, "exterior architectural appearance: shall include architectural character; general arrangement of the exterior of a structure; general composition, including the kind, color, and texture of the building materials; and type and character of all windows, doors, light fixtures, signs and appurtenant elements subject to public view from a public street, public alley, or other public place.'

A. USE REGULATIONS

In the TH-1 Tourist/Historic District, land may be used and buildings or structures may be erected, altered or used, only for the following (with off-street parking as required for the permitted use within the district):

1. Uses by right:
 - a. Single family dwellings.
 - b. Public scenic parks and gardens.
 - c. Accessory uses as defined in this ordinance; however, no accessory use or structure shall be any closer than five (5) feet to any property line.
 - d. Off-street parking as required in Article XVIII of this ordinance.
 - e. Signs reviewed by the Architectural Review Board (ARB) and deemed appropriate for historic intent in design, verbiage, and color, in accordance with Article XVIII (L) of this ordinance.
 - f. Municipal and public service facilities as well as public utilities, such as poles, line distribution transformers, meters, water, sewer and gas lines, booster and relay stations, transformer substations, transmission lines, to be located underground in all instances; cellular towers to be excluded.

ARTICLE XIV-B: TOURIST/HISTORIC DISTRICT (TH-1)

- g. Private utilities; towers for wireless transmission above the frequency of 20,000 hertz with a Conditional Use Permit by City Council.
 - h. Municipal owned recreational facilities which enhance the historic nature of the district.
 - i. Home occupation, as defined, to be located in the main building or an appropriate historic out-building.
2. Uses by Conditional Use Permit by City Council by Special Exception by the Board of Zoning Appeals, after review and recommendation by the Review Board.
- a. Dwelling units in non-commercial areas of any otherwise permitted use, provided that each dwelling unit has a minimum of six hundred (600) gross square feet.
 - b. Banks and financial institutions.
 - c. Bed and Breakfast establishments.
 - d. Museums and art galleries.
 - e. Professional offices, as defined.
 - f. Restaurants, excluding drive-in and fast food establishments.
 - g. Retail stores and businesses which sell, as their primary product, items which are historic in nature or carry a historic connotation or have a significant interest in the tourist trade in the area, including but not limited to stores and boutiques specializing in ladies', children's, and men's wear, accessories, gifts, books, toiletries, jewelry, film, and selected sundries to be located only along Water Street or the Maplewood Apartment.
 - h. Cruise piers and the like with facilities for fueling but not including major repair or construction facilities.
 - i. Cottage industries which manufacture products for retail sale on premises that are oriented toward the tourist market in this area; to be located only along Water Street or the Maplewood Apartments.

B. AREA REGULATIONS

- 1. The minimum lot area for permitted uses in this district shall be twelve thousand (12,000) square feet.

C. LOT WIDTH

- 1. The minimum lot width for permitted uses in this district shall be eighty (80) feet at the setback line.

D. SETBACK REGULATIONS

ARTICLE XIV-B: TOURIST/HISTORIC DISTRICT (TH-1)

1. Structures shall be located at least twenty five (25) feet from any street or highway, or any street or highway right-of-way line, except that if there are two abutting lots with structures on both of them, no new structure need be set back more than the average of the two (2) adjacent structures on either side. This shall be known as the "setback line".

E. YARD REGULATIONS

1. Side: The minimum width of each side yard for a permitted use in this district shall be ten (10) feet.
2. Rear: Each main structure shall have a rear yard of at least twenty five (25) feet.

F. HEIGHT REGULATIONS

1. Buildings may be erected up to thirty-five (35) feet or two and one half (2 1/2) stories from grade, except that:
 - a. Dwellings may be increased in height up to forty-five (45) feet or three (3) stories provided the required side yards are increased one (1) foot for each additional foot of height over thirty-five (35) feet.
 - b. Chimneys, water towers, wireless towers and other necessary mechanical appurtenances when permitted by this Article are exempt from the provisions of this section.

G. SPECIAL PROVISIONS FOR CORNER LOTS

1. Of the two (2) sides of a corner lot, the front shall be deemed to be the shorter of the two (2) sides fronting on streets, except that when one street has more than twice the traffic volume of the other, the side facing the street with the highest traffic volumes shall be deemed to be the front.
2. The side yard facing on the side street shall be twenty (20) feet or more for both the main and accessory building.

H. REQUIREMENT FOR PERMITTED USES

Before a building permit shall be issued or construction commenced on any permitted use other than a single-family dwelling in this district, or a permit issued for a new use other than a single-family dwelling, all requirements of Article XVI, Site Plan Requirements, shall be met. All proposals for residential, commercial, professional use, new construction, restoration or alterations shall be reviewed for appropriateness by the Review Board before a building permit or business license shall be issued or construction commenced on any permitted use in this district

I. CERTIFICATION OF APPROPRIATENESS, GENERALLY

ARTICLE XIV-B: TOURIST/HISTORIC DISTRICT (TH-1)

1. No building or structure within the Historic District shall be erected, reconstructed, altered or restored unless and until an application for a certificate of appropriateness shall have been approved by the Architectural Review Board.
2. No building or area which has been designated as a historical building or area by the Virginia Historic Landmarks Commissioner, or by the local, state or federal government shall be demolished or removed, in whole or in part, unless and until an application for a certificate of appropriateness shall have been approved by the Architectural Review Board.
3. Evidence of such required approval shall be a certificate of appropriateness issued by the Architectural Review Board.
4. Application for a certificate of appropriateness required by the Article shall be made to the zoning administrator.

J. ARCHITECTURAL REVIEW BOARD

1. An Architectural Review Board is hereby established and shall be known as the Architectural Review Board, hereafter referred to as the review board. The review board membership shall consist of no less than five (5) nor more than seven (7) members who shall be appointed by City Council. Each member of the Review Board must have a demonstrated interest, competence, or knowledge in historic preservation. One (1) shall be a resident of the City Point Historic District, one (1) shall be an architect or an architectural historian meeting the Secretary of the Interior's professional qualifications standards referred to in 36 CFR 61. These members shall serve a term of four (4) years. The Senior Planner shall be appointed as an advisory member of the review board and shall have no vote. (Ord. 2009-21)
2. The review board shall elect from its own membership a chairman and a vice chairman, who shall serve annual terms as such and may succeed themselves.
3. The chairman shall conduct the meetings of the review board. The secretary shall keep minutes of the meetings and a permanent record of all resolutions, motions, transactions, and determinations. All members of the review board, except for advisory members, shall be entitled to vote, and the decisions of the review board shall be determined by a majority vote. A quorum shall be a majority of the membership. A quorum is required before the review board may take any official action. The review board shall meet monthly after notification by the zoning administrator of an application for a certificate of appropriateness or permit requiring action by the review board. The meetings of the review board shall be open to the public, and a full and impartial hearing shall be granted. The review board shall vote and announce its decision on any matter properly before it no later than sixty (60) days after the conclusion of the hearing on the matter, unless the time is extended with the written consent of the applicant. The review board cases where an applicant appears within ninety (90) days with his application amended as provided in this Article. The review board shall not hear the subject matter of any application, which has been denied, for a period of one (1) year, except in cases where an applicant appears within ninety (90) days with the application amended as hereinafter provided. (Ord. 2011-14)
4. In the case of disapproval or denial of the erection, reconstruction, alteration, or restoration

ARTICLE XIV-B: TOURIST/HISTORIC DISTRICT (TH-1)

of a building or structure, the review board shall briefly state its reasons for such disapproval in writing, and it may make recommendations to the applicant with respect to suggested changes, the appropriateness of design, arrangement, texture, material, color, location and the like of a building or structure involved. In the case of disapproval accompanied by such recommendations, the applicant may amend and resubmit his application within ninety (90) days of such disapproval or denial if such application has been amended to comply with all of the recommendations of the review board.

5. In the case of disapproval of the demolition of a building which exists in the Historic District, the review shall state specifically its reason in writing.
6. The review board, when requested by application for a building permit in the Historic District, shall advise as to the changes and alterations necessary to bring the proposed building or structure in harmony with the general design of the building or structures located in the surrounding areas.
7. In matters governing the procedure for meetings not covered by this Article, the review board may establish its own rules and procedures; provided they are not contrary to the spirit of this Article.

K. NOTICE OF PUBLIC HEARING:

No application for a certificate of appropriateness to demolish a building which exists in the Historic District shall be considered by the review board until a public hearing has been held thereon, following notice as required under Section 15.2-2204, Code of Virginia (1950), as amended.

L. CRITERIA FOR GRANTING A CERTIFICATE OF APPROPRIATENESS:

1. Before a certificate of appropriateness is issued for the erection, reconstruction, alteration or restoration of a building or structure in the Historic District, the review board shall consider:
 - a. The historical or architectural value and significance of the building or structure and its relationship to or congruity with the historic value of the land, place and area in the district upon which it is proposed to be located, constructed, reconstructed, altered, or restored.
 - b. The appropriateness of the exterior architectural features of such building or structure to such land, place or area and its relationship to or congruity with the exterior architectural features of other land, places, areas, buildings or structures in the district and environs.
2. Before a certificate of appropriateness is issued for the demolition of a building or structure which exists in the Historic District, the review board shall consider:
 - a. Is the building of such architectural or historic interest that its removal or disturbance would be to the detriment of the public interest?

ARTICLE XIV-B: TOURIST/HISTORIC DISTRICT (TH-1)

- b. Is the building of such interest or significance that it could be made into a national, state or local historic shrine?
 - c. Is the building of such old and unusual or uncommon design, texture and/or material that it could not be reproduced, or could be reproduced only with great difficulty and/or expense?
 - d. Would retention of the building help preserve the historic character of the district?
 - e. Would retention of the building help preserve a historic interest in a place or an area of the city?
 - f. Would retention of the building promote the general welfare by maintaining and increasing real estate values; generating business; creating new positions; attracting tourists, students, writers, historians, artists and artisans; attracting new residents; encouraging study and interest in American history; stimulating interest and study in architecture and design; educating citizens in American culture and heritage; and making the city a more attractive and desirable place in which to live?
3. The review board shall not consider detailed designs, interior arrangements, or features of a building or structure which are not subject to public view from a public street, public way, or other public place, except to the extent necessary to do so for the purpose of preventing the location, construction, reconstruction, alteration or repair of a building or structure that will be incongruous with the preservation and protection of the historic aspects, settings and environment of the district and other buildings, structures, land, places of areas therein.

M. ISSUANCE OF CERTIFICATE OF APPROPRIATENESS:

Upon approval by the review board of any erection, reconstruction, alteration, restoration and/or rehabilitation, or demolition, a certificate of appropriateness, signed by the Zoning Administrator or his/her designee and bearing the date of issuance, but subject to the provisions of this Article shall be made available to the applicant.

N. EXPIRATION OF CERTIFICATE OF APPROPRIATENESS:

Any certificate of appropriateness issued pursuant to this Article shall expire of its own limitations twelve (12) months from the date of issuance if the work authorized by said certificate has not commenced or if any such work is suspended or abandoned for a period of twelve (12) months after being commenced. Any certificate of appropriateness issued pursuant to this Article shall also expire if the work authorized by said certificate has not been substantially completed within eighteen (18) months after issuance of the certificate.

"Substantial Completion" is the point at which, as certified in writing by the contracting parties, a project is at the level of completion, in strict compliance with the contract, where:

- 1) Necessary final approval by the Hopewell Building Official has been given (if required);
and

ARTICLE XIV-B: TOURIST/HISTORIC DISTRICT (TH-1)

- 2) The owner has received all required warranties, paperwork and/or documentation from the contractor, if applicable; and
- 3) The owner may enjoy beneficial use or occupancy and may use, operate, and maintain the project in all respects, for its intended purpose; and
- 4) Any work remaining on the project is minor or “punch list” in nature.

Any period or periods of time during which the right to use any such certificate is stayed pursuant to this Article, shall be excluded from the computation of the twelve (12) or eighteen (18) month period.

O. APPEALS FROM ARCHITECTURAL REVIEW BOARD:

Any applicant aggrieved by a final decision of the Architectural Review Board shall have the right to appeal such decision to the Hopewell City Council, provided that such appeal is filed within a period of thirty (30) days after the review board has made its decision. The filing of the petition shall stay the review board’s decision pending the outcome of the appeal to the City Council. Any applicant aggrieved from any final decision of the City Council shall have the right to appeal to the circuit court for review by filing a petition at law, setting forth the alleged illegality of the action of the governing body, provided such petition is filed within thirty (30) days after the final decision is rendered by the governing body. The filing of the said petition shall stay the decision of the governing body pending the outcome of the appeal to the court, except that the filing of such petition shall not stay the decision of the governing body if such decision denies the right to raze or demolish a historic landmark, building or structure. The court may reverse or modify the decision of the governing body, in whole or in part, if it finds upon review that the decision of the governing body is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of the governing body.

P. VIOLATIONS

1. Violators of the Tourist/Historic District section of the Zoning Ordinance are subject to Article XX. Violations and Penalties.
2. Policy established by the Architectural Review Board differentiates between a minor and a major violation.
 - a. A minor violation means any action without the approval of the Board which would temporarily alter a structure whose effect could be reversed at a later date such as painting, fencing, etc. Minor violations will be dealt with by sending the violating party a notice of violation which would include information on the tourist/historic district and the Architectural Review Board. Repeated minor violations (i.e. more than two separate instances in less than five years) will be treated as a major violation.
 - b. Major violation means any act taken without approval from the Board which would irreparably or permanently alter a structure or area, such as demolishing a structure, building a new structure or an addition to an existing structure, etc. Major

ARTICLE XIV-B: TOURIST/HISTORIC DISTRICT (TH-1)

violations will be dealt with in accordance with the provisions of the Zoning Ordinance and include the stoppage of work orders.

Q. ADDITIONAL OR CONCURRENT RIGHT TO DEMOLISH BUILDINGS IN THE HISTORIC HOPEWELL DISTRICT:

In addition to the right of appeal hereinabove set forth, the owner of a building or structure, the demolition of which is subject to the provisions of this Article, shall as a matter of right, be entitled to demolish such building or structure provided that:

1. He has applied to the board of review for such right.
2. That the owner has, for the period of time set forth in the time schedule hereinafter contained and a price reasonably related to its fair market value, made a bona fide offer to sell such building or structure and the land pertaining thereto to any person, government or agency thereof or political subdivision or agency thereof which gives reasonable assurance that it is willing to preserve and restore the building or structure and the land pertaining thereto.
3. That no bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such building or structure and the land pertaining thereto prior to the expiration of the applicable time period set forth in the time schedule hereinafter contained. Any appeal which may be taken to the court from the decision of the review board, whether instituted by the owner or by any other proper party, notwithstanding the provisions heretofore stated regarding a stay of the decision appealed from, shall not affect the right of the owner to make a bona fide offer to sell referred to in this paragraph. No offer to sell shall begin more than one (1) year after the final decision of the review board. The time schedule for offers to sell shall be as follows:

Property Valued At:	Minimum Offer to Sell Period:
Less Than \$25,000	3 months
\$25,000 – \$39,999	4 months
\$40,000 – \$54,999	5 months
\$55,000 – \$74,999	6 months
\$75,000 – \$89,999	7 months
\$90,000 – or more	12 months

R. BONA FIDE OFFER TO SELL:

1. Notice: Before making a bona fide offer to sell, provided for above in this Article, an owner shall first file a statement with the zoning administrator. The statement shall identify the property, state the offering price, the date of the offer of sale is to begin, and the name of the real estate agent, if any. No time period set forth in the schedule contained elsewhere

ARTICLE XIV-B: TOURIST/HISTORIC DISTRICT (TH-1)

in Section J. of the Article shall begin to run until the statement has been filed. Within five (5) days of receipt of a statement, copies of the statement shall be delivered to the members of city council, members of the planning commission, and the city manager.

2. Question as to price: The fact that an offer to sell a building or structure and the land pertaining thereto is at a price reasonably related to fair market value may be questioned; provided, it is filed with the zoning administrator, on or before fifteen (15) days after the offer for sale has begun, a petition in writing signed by at least twenty-five (25) persons owning real estate within the Historic Hopewell District. Upon receipt of such a petition, three (3) disinterested real estate appraisers, familiar with property values in the Historic Hopewell District, shall be appointed: one (1) by the review board, one (1) by the property owner and one (1) by the review board and the property owner. The cost of the appraisals shall be divided equally between the property owner and the city. Said appraisers shall forthwith make a appraisal of the building or structure and the land pertaining thereto in question and forthwith file a written report with the zoning administrator stating whether, in their opinion, the offer to sell the building or structure and the land pertaining thereto is at a price reasonably related to its fair market offer to sell the building or structure and the land pertaining thereto is at a price reasonably relate o its fair market value, the owner may continue as if no question had been raised. In the event the opinion is to the effect that the offer to sell the building or structure and the land pertaining thereto is not at a price reasonably related to its fair market value, the offer to sell shall be void an of no force and effect; and the owner, if he wishes to take advantage of the additional or concurrent right (to demolish said building or structure) provided for above in this Article, must file a notice provided for above and proceed with the demolition. Notwithstanding an adverse opinion by the appraisers, if any owner has entered into a binding bona fide contract as provided for above prior to the date the appraisers have file their report with the zoning administrator, the price shall be deemed reasonably related to fair market value.

S. YARD VARIANCES:

Due to peculiar conditions of design and construction in historic neighborhoods where buildings and structures are often built close to the lot lines, it is in the public interest to retain a neighborhood's historic appearance by granting variance to normal yard requirements. Where it is deemed that such a variance will not adversely affect neighboring properties, the board of review may recommend to the board of zoning appeals that such variance to standard yard requirements be made.

T. PERMITTED USES:

Nothing in this Article shall be construed to prevent any use of land, building, or structure in the district permitted by the regulations prescribed in this ordinance for the district in which such land, buildings, or structure is otherwise located.

U. EXCLUSION:

1. Nothing in this Article shall be construed to prevent the ordinary maintenance or repair of

ARTICLE XIV-B: TOURIST/HISTORIC DISTRICT (TH-1)

any exterior elements of any building or structure described in this Article; nor shall anything in this Article be construed to prevent the construction, reconstruction, alteration, or demolition of any such element which the authorized municipal officers shall certify as required by public safety.

2. For the purpose of this ordinance; ordinary maintenance and repair is defined as any work which preserves and does not alter the present or current appearance of the exterior elements of the building or structure as long as there is no change in design and/or materials.
3. For the purpose of this section, examples of work not requiring approval of the Architectural Review Board are: repainting an existing window, door, porch, porch rail, etc.; replacing same type/color of shingles on a building.
4. For the purpose of this section, examples of work requiring approval of the Architectural Review Board are: changing the color of a house or structure; any new addition to a house or structure; any new house or structure; installing new windows or architectural trim; installing siding material not identical in color or texture to what is presently on the house or structure.

V. DEFINING HISTORIC BUILDINGS AND AREAS:

In accordance with the provisions of City Code section XIV-B, the Architectural Review Board shall advise City Council on the consideration of the need for establishing or expanding an historic district in a specified geographical area of the city. In rendering such advice to the City Council, the Architectural Review Board shall give due consideration to the views of property owners being considered for inclusion in such new or expanded district.

Prior to the establishment or expansion of a historic district, the Director of Development shall prepare, in writing, a report containing: (i) an inventory of all landmarks, buildings and other structures, sites and objects being considered for inclusion within the proposed district, (ii) recommendations, if any, for detailed zoning and other regulations to be applied within the district, and (iii) a listing of the criteria to be used to determine which properties shall be included within the district. The Director of Development shall seek the advice and guidance of the Architectural Review Board in preparing such report and shall give due consideration to the views of property owners being considered for inclusion in such a new or expanded district.

No historic district shall be established or expanded unless the area to be encompassed thereby contains one or more places, buildings or other structures:

- (1) Listed on the Virginia Landmarks Register or the National Register of Historic Places;
- (2) that are of significant historic, architectural, archaeological or cultural interest;
- (3) In which historic events occurred; or

ARTICLE XIV-B: TOURIST/HISTORIC DISTRICT (TH-1)

- (4) That have special public value because of notable architectural, archaeological or other features relating to the cultural or artistic heritage of the city that are of such significance as to warrant conservation and preservation.

Only the geographical area in which a majority of the properties meet the criteria established in accordance with this section shall be designated as an historic district; provided, however, that parcels of land contiguous to arterial streets or highways found by the City Council to be significant routes of tourist access to the city or to designated historic landmarks, buildings, structures, or districts therein, or in a contiguous locality, may also be included in an historic district.

The Planning Commission shall review the report of the Director of Development, together with the ordinance establishing or expanding an historic district and any proposed zoning and other regulations to be applied within the district, and shall recommend to the City Council approval in whole or in part, with or without modifications, or shall recommend rejection thereof.

The City Council may, by ordinance, establish or expand an historic district if it finds that the proposed district or expansion thereof meets the requirements of this section, and may adopt such zoning or other regulations pertaining to property within the district, consistent with general law, as it may deem appropriate. The City Council shall give due consideration to the views of property owners being considered for inclusion in such new or expanded district. Upon City Council approval of a new or expanded historic district, the official zoning map shall be amended accordingly.

The establishment or expansion of historic districts shall be subject to the applicable provisions of the Code of Virginia, Title 15.2, Chapter 22, Article 7 (Virginia Code Sections 15.2-2280 et seq.), as amended, or any successor ordinances or statutes.

W. HISTORIC MARKERS:

The review board shall design an appropriate marker, bearing the seal of the city and the words "historic building" and shall invite each owner of a building of historical significance to display the marker thereon.

X. PROTECTIVE MAINTENANCE:

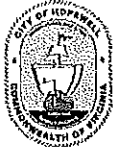
1. All buildings and structures within the Historic District shall be preserved against decay and deterioration and maintained free from structural defects to the extent that such decay, deterioration or defects may, in the opinion of the review board, result in the irreparable deterioration of any exterior appurtenance or architectural features or produce a detrimental effect upon the character of the district as a whole or upon the life and character of the structure itself. The existence of any of the following conditions shall be sufficient to deem a structure an "endangered structure":

ARTICLE XIV-B: TOURIST/HISTORIC DISTRICT (TH-1)

- a. The deterioration or ineffective waterproofing of exterior walls or other vertical supports, including broken windows and doors;
 - b. The deterioration of roofs or horizontal members;
 - c. The deterioration of exterior chimneys;
 - d. The deterioration or crumbling of exterior plaster or mortar;
 - e. The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions;
 - f. Defective lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other protective covering.
2. Upon a determination by the review board (with the technical advice of the Building Code Official) that a structure constitutes an endangered structure in accordance with section, the review board shall notify the zoning administrator of such determination, and the zoning administrator shall give notice of the determination and the requirements of this section to the property owner as set forth herein. Within thirty (30) days of receipt of this notice, the owner shall commence the necessary stabilization repairs and the owner shall complete the repairs within one hundred-twenty (120) days of such notice. The zoning administrator shall notify the owner by Certified Mail, Return Receipt Requested, of the endangered structure determination, and of the thirty (30) and one hundred-twenty (120) day time limitation set forth herein. Upon written notice to the zoning administrator within ten (10) days of receipt of the notice, an owner shall have a right to a hearing before the review board. Upon receipt of the owner's notice, the zoning administrator shall promptly advise the owner of the time and location of the hearing and the right to present evidence and be represented by counsel. The hearing shall be informal and the decision of the review board shall be subject to the appeal in accordance with Section O of this Article. (Ord. 94-40)
 3. The one hundred-twenty (120) day time limit for completion of the repairs as set forth in the preceding paragraph may be extended for thirty (30) day intervals on the discretion of the review board for good cause shown.
 4. Enforcement of this section shall be in conformance with Article XXII (A) of this ordinance.
 5. Violations of this section shall be punishable as set forth in Article XX (B) of this ordinance.
 6. Alternatively, if the owner fails to act, the review board may order the zoning administrator after due notice to the owner, to enter the property and make or cause to be made such repairs as are necessary to preserve the integrity and safety of the structure. The reasonable costs thereof shall be placed as a lien against the property.

REGULAR BUSINESS

R-1



CITY OF HOPEWELL CITY COUNCIL ACTION FORM

Strategic Operating Plan Vision Theme:

- Civic Engagement
- Culture & Recreation
- Economic Development
- Education
- Housing
- Safe & Healthy Environment
- None (Does not apply)

Order of Business:

- Consent Agenda
- Public Hearing
- Presentation-Boards/
- Commissions Unfinished Business
- Citizen/Councilor Request
- Regular Business
- Reports of Council Committees

Action:

- Approve and File
- Take Appropriate Action
- Receive & File (no motion required)
- Approve Ordinance 1st Reading
- Approve Ordinance 2nd Reading
- Set a Public Hearing
- Approve on Emergency Measure

COUNCIL AGENDA ITEM TITLE: Salary Increases for Assistant Attorneys in the Commonwealth Office

ISSUE: Requesting Salary Increases for the 3 assistant attorneys in the Commonwealth office to retain staff

RECOMMENDATION: Financial full cost analysis was performed by the Finance Director. As a result, a the financial impact for the increases total \$83,246.00.

TIMING: Action is requested at the October 25, 2022

BACKGROUND:

ATTACHMENT(S):

Salary Saving Worksheet
Current Salary Worksheet

SUMMARY:

Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Debbie Randolph, Ward #1
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Arlene Holloway, Ward #2
<input type="checkbox"/>	<input type="checkbox"/>	Vice-Mayor Johnny Partin, Ward #3
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Jasmine Gore, Ward #4

Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Janice Denton, Ward #5
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Brenda Pelham, Ward #6
<input type="checkbox"/>	<input type="checkbox"/>	Mayor Patience Bennett, Ward #7



Commonwealth Attorney Office

<u>Name</u>	<u>Current Salary</u>	<u>Proposed Salary</u>
Attorney 1	\$61,500.00	\$ 88,500.00
Attorney 2	\$66,150.00	\$ 86,150.00
Attorney 3	\$68,250.00	\$ 88,250.00

Department	Description	Amount	Comment
City Manager	Health Insurance	5,907.56	Current vs Former Admin Services Manager
Development	Health Insurance	14,580.72	Current vs Former Director
Commonwealth Attorney	PT Wages & Relater	9,475.18	Gentry & Ellis (PT as needed)
Public Works	Salary & Benefit	26,641.27	Director Position
Human Resources	Salary & Benefit	26,641.27	Director Position
		<u>83,246.00</u>	

R-2



CITY OF HOPEWELL
CITY COUNCIL ACTION FORM

- Strategic Operating Plan Vision Theme:
Civic Engagement
Culture & Recreation
Economic Development
Education
Housing
Safe & Healthy Environment
None (Does not apply)

- Order of Business:
Consent Agenda
Public Hearing
Presentation-Boards/Commissions
Unfinished Business
Citizen/Councilor Request
Regular Business
Reports of Council Committees

- Action:
Approve and File
Take Appropriate Action
Receive & File (no motion required)
Approve Ordinance 1st Reading
Approve Ordinance 2nd Reading
Set a Public Hearing
Approve on Emergency Measure

COUNCIL AGENDA ITEM TITLE:

Enterprise Fleet Presentation for Hopewell Sheriff's Office

ISSUE: Lease for new fleet vehicles

RECOMMENDATION: Designate 15% of revenue generated on 295 for use on an Enterprise Lease for 10 Fleet vehicles beginning FY2024. 100% of the revenue is currently designated for use by the capital improvement fund.

TIMING: Immediate

BACKGROUND: The sheriff's fleet is aging and is in need of replacement.

ENCLOSED DOCUMENTS: Enterprise Fleet Presentation to be presented by Matt Williamson

STAFF: Sheriff Travis L. Stanley, Matt Williamson, Enterprise Fleet

FOR IN MEETING USE ONLY

MOTION:

Roll Call

SUMMARY:

- Y N Councilor Debbie Randolph, Ward #1
Councilor Arlene Holloway, Ward #2
Vice Mayor John B. Partin, Ward #3
Councilor Jasmine Gore, Ward #4
Y N Councilor Janice Denton, Ward #5
Councilor Brenda Pelham, Ward #6
Mayor Patience Bennett, Ward #7



City of Hopewell, Enterprise Fleet Management Presentation
Matt Williamson

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CURRENT GOVERNMENT PARTNERS

Newport News
Where Great Things Are Happening



THE TOWN OF
VINTON
VIRGINIA



Sourcewell
Formerly NJPA
Awarded Contract

City of
CHESAPEAKE
Virginia

enterprise
FLEET MANAGEMENT

KEY POINTS

LOCAL

30+

Clients in Virginia

1,500+

Vehicles under Management

NATIONAL

1,980+

Clients in North America

140,000+

Vehicles under Management

VA CLIENT RETENTION

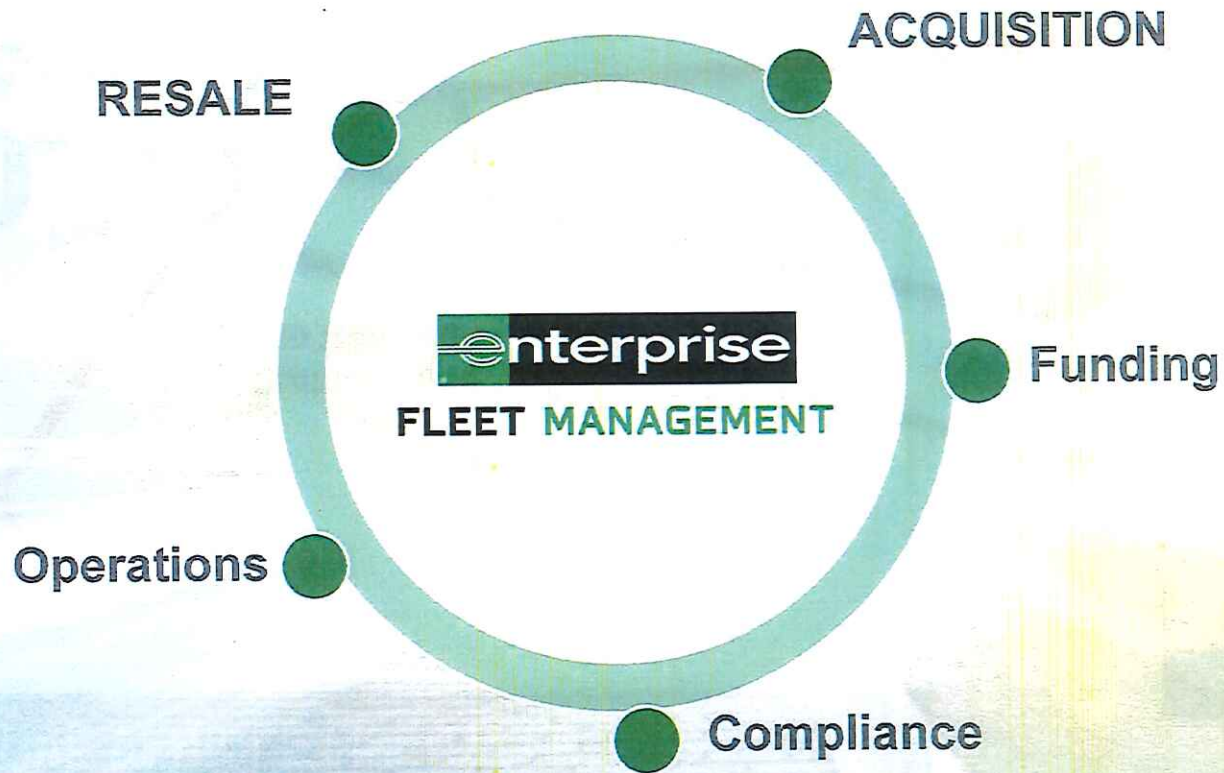
95%

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DELIVERING SOLUTIONS. DRIVING RESULTS.

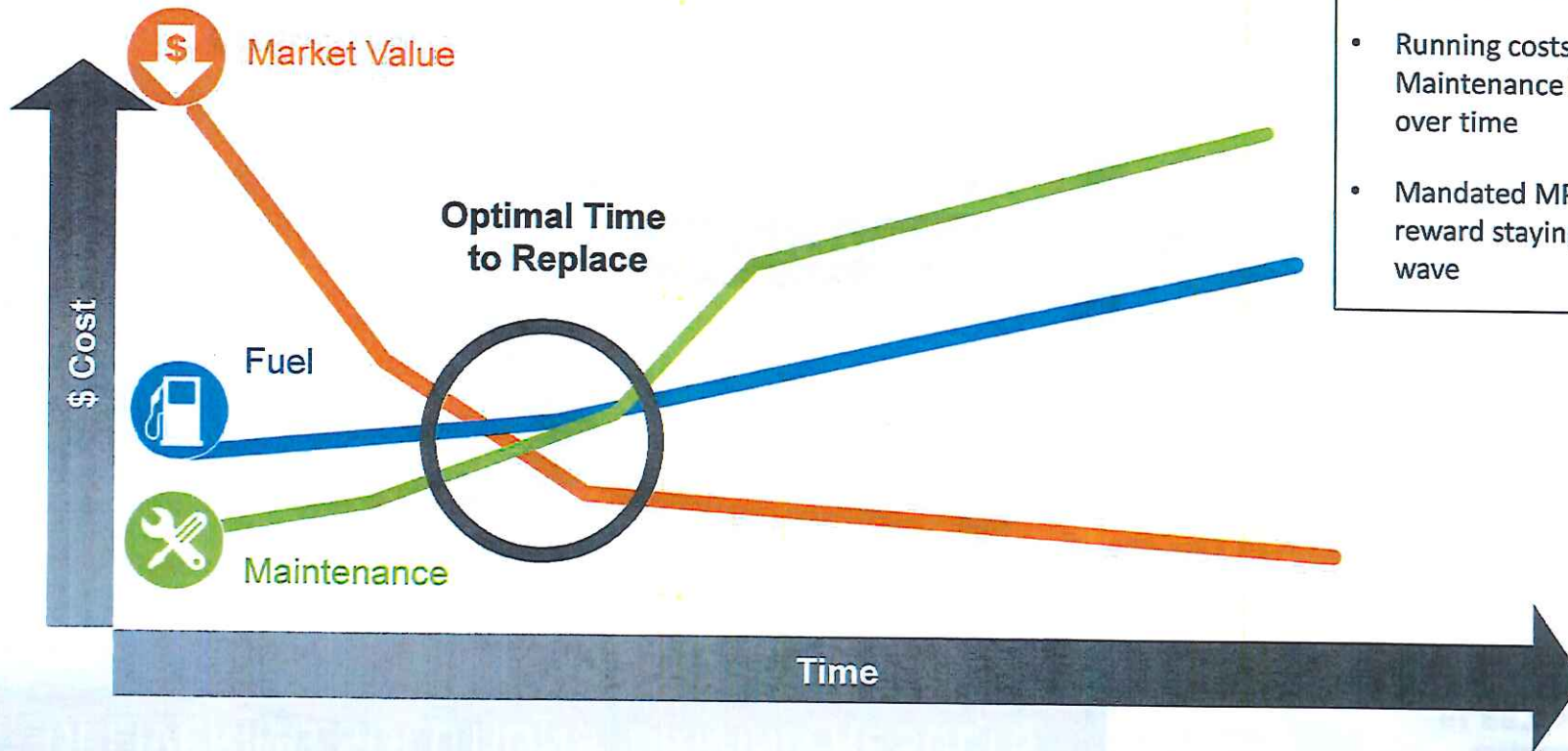
enterprise
FLEET MANAGEMENT



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EFFECTIVE VEHICLE LIFECYCLE



Key Observations

- Market Value declines over time
- Running costs of Fuel and Maintenance increase gradually over time
- Mandated MPG efficiencies reward staying on technology wave

GOVERNMENT BUYING POWER EXAMPLE



2020 GMC Sierra 1500 Base Double Cab 4x2

Terms in Months	11
Monthly Depreciation (%)	1.35%
Term Depreciation (%)	14.85%
Mileage at 11-months	6,655
Est. Monthly Mileage	555

Delivered Price \$24,513.28

Monthly Payment \$439.80

Term Cash Flow \$4,837.80

Balance at lease term

Reduced book value \$20,965.17

Service Charge \$0.00

Account Balance \$20,965.17

Sale Price \$31,300.00

Equity Position from Sale \$10,334.83

Net Cash Flow (\$5,497.03)

Net Monthly Payment (\$499.73)

**Vehicle sold for
\$6,700 over delivered price**

GOVERNMENT BUYING POWER EXAMPLE

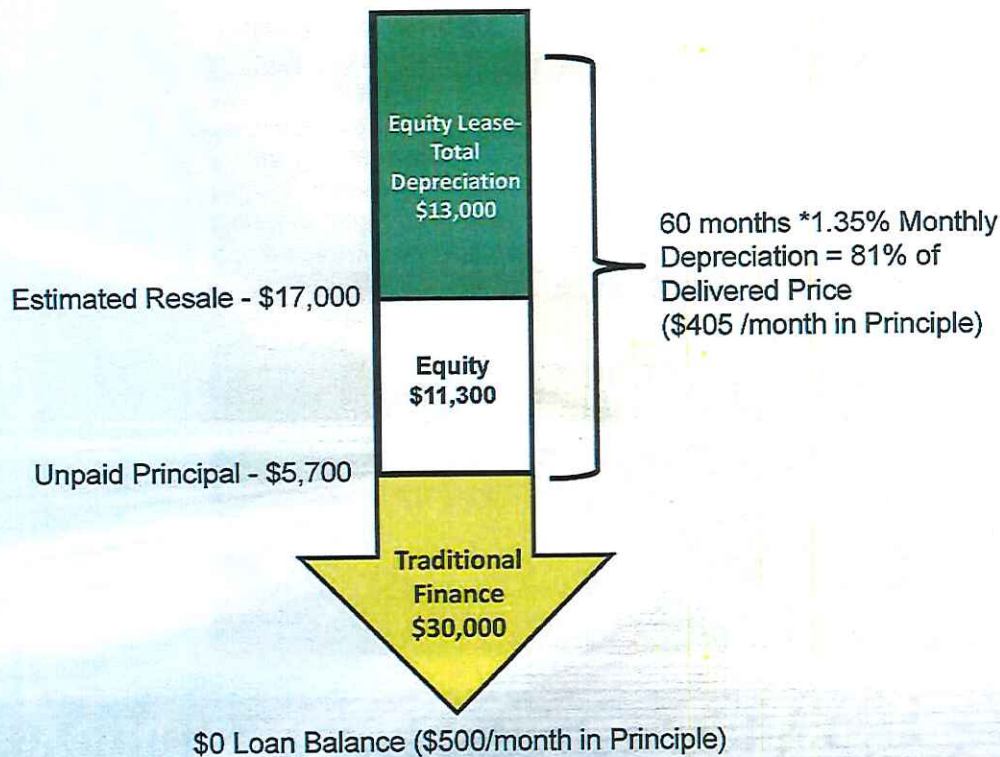


Year	Make	Model	Series	Months in Service	Lease Ending Miles	Purchase Price	Sale Price	RBV	Gross Gain / (Loss)	Total Payments	Net Cash at Term
2021	GMC	Sierra 1500	Base 4x4 Double Cab 6.6 ft.	14	9435.00	\$27,806	\$39,000	\$22,958	\$16,042	\$6,930	-\$9,112
2021	GMC	Sierra 1500	Base 4x4 Double Cab 6.6 ft.	14	6395.00	\$27,806	\$39,000	\$22,966	\$16,034	\$6,930	-\$9,104
2021	GMC	Sierra 1500	Base 4x4 Double Cab 6.6 ft.	14	10948.00	\$27,806	\$39,000	\$22,958	\$16,042	\$6,930	-\$9,112
2021	GMC	Sierra 1500	Base 4x4 Double Cab 6.6 ft.	13	5081.00	\$27,806	\$39,000	\$23,017	\$15,983	\$6,435	-\$9,548
2021	GMC	Sierra 1500	Base 4x4 Double Cab 6.6 ft.	13	4448.00	\$27,806	\$39,000	\$23,017	\$15,983	\$6,435	-\$9,548
2021	Ford	F-150	XL 4x4 SuperCab Styleside	9	6653.00	\$31,708	\$41,000	\$28,449	\$12,551	\$5,112	-\$7,439

*Vehicle sold on average for \$10,877 over purchase price

FUNDING OPTIONS

Delivered Price - \$30,000



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Comparing Funding Options

Equity Lease

- Financing vehicle down to a residual instead of \$0 at term.
 - Reduces monthly principal payment by \$76.12 compared to Finance
 - \$4,567 of unpaid principal at term, can be satisfied by extension, equity roll or payoff

Finance

- Finances full amount of the vehicle over the term
- Company owns the asset at end of term

Cash Buy

- Pay full amount of vehicle upfront, own throughout life cycle

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Vehicle Replacement Analysis

Number of Vehicles in Fleet	21
Average Hold Time	14.5
Average Miles Per Year	9,226
Average Number of Vehicles Purchased Per Year	1.88
Average Months Held for Future EFM Vehicles	60
Price of Fuel	\$3.10
Virginia Sales Tax	4.15%

Current Fleet

Vehicle Cost:	\$53,670
Current Equity Per Sold Vehicle	(\$500)
Current Equity from Sold Vehicles	(\$940)
Monthly Finance Payments:	\$0
Monthly Lease Payments:	\$0
Annual Capital Spend:	\$99,960
Annual Maintenance Spend:	\$30,240
Annual Fuel Spend:	\$36,806

Total Fleet Budget: \$167,006

Plan A: Replace 8 pursuit 2 admin

Selling Vehicles	10
Replacing Vehicles:	10

Average Equity Rolled Per Vehicle:	\$3,830
Monthly Finance Payments:	\$0
Monthly Lease Payment	\$9,434
Annual Capital Spend:	\$113,210
Annual Maintenance Spend:	\$12,625
Annual Fuel Spend:	\$28,833

Total Fleet Budget: \$154,669

Save: \$12,337
Percentage Savings 7%

Total Fleet Equity Used Yr 1 \$38,300.00

Total Fleet Equity at Term \$109,501.20

Vehicle Replacement Analysis

Number of Vehicles in Fleet	21
Average Hold Time	14.5
Average Miles Per Year	9,226
Average Number of Vehicles Purchased Per Year	1.88
Average Months Held for Future EFM Vehicles	60
Price of Fuel	\$3.10
Virginia Sales Tax	4.15%

Current Fleet

Vehicle Cost:	\$53,670
Current Equity Per Sold Vehicle	(\$500)

Current Equity from Sold Vehicles	(\$940)
Monthly Finance Payments:	\$0
Monthly Lease Payments:	\$0
Annual Capital Spend:	\$99,960
Annual Maintenance Spend:	\$30,240
Annual Fuel Spend:	\$36,806

Total Fleet Budget: \$167,006

Plan B: Replacements at Term

Selling Vehicles	10
Replacing Vehicles:	10

Average Equity Rolled Per Vehicle:	\$10,950
Monthly Finance Payments:	\$0
Monthly Lease Payment	\$8,137
Annual Capital Spend:	\$97,643
Annual Maintenance Spend:	\$12,612
Annual Fuel Spend:	\$28,598

Total Fleet Budget: \$138,853

Save: \$28,153
Percentage Savings 17%

Total Fleet Equity Used Yr 1 \$109,501.20
Total Fleet Equity at Term \$116,621.20



How do we pay for this lease?

Answer: Traffic/295 revenue.

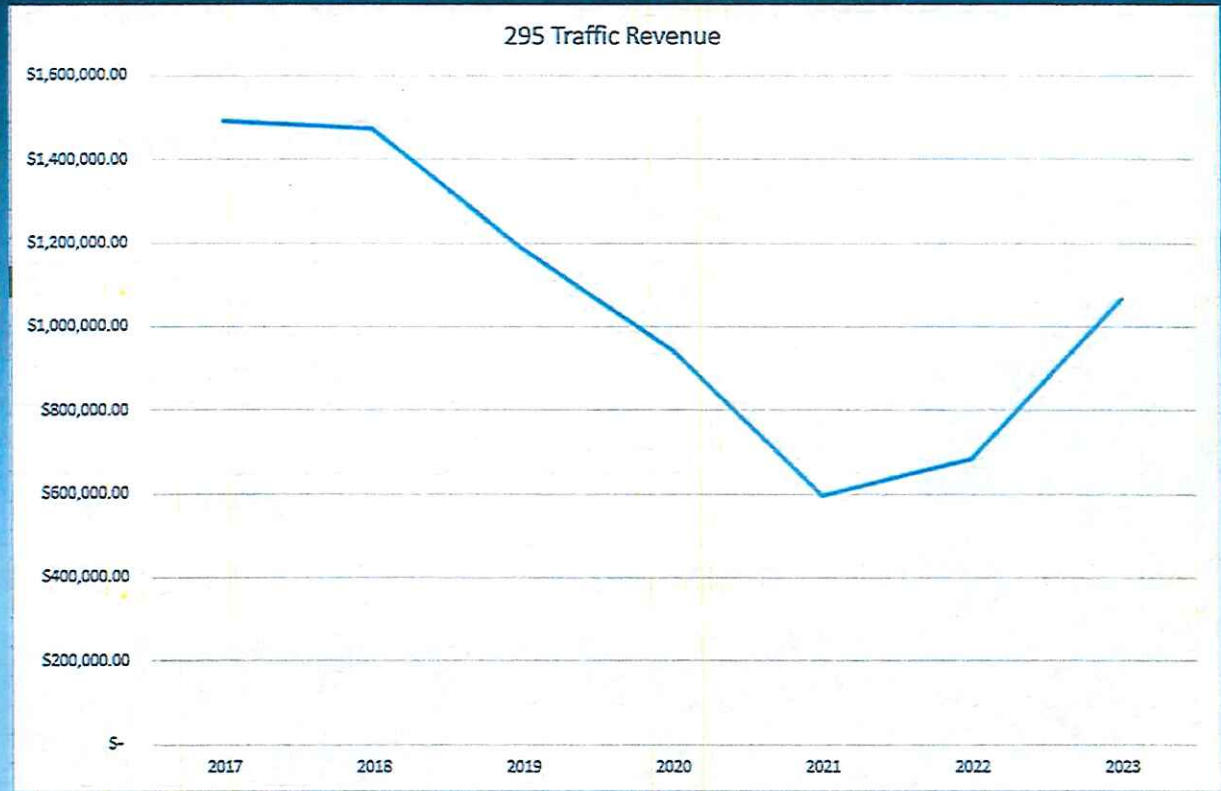
Capt. M. Lilly



295 Revenue

Hopewell Sheriff's Office 295 Revenue

Fiscal Year	Revenue
2017	\$ 1,492,099.06
2018	\$ 1,475,265.93
2019	\$ 1,188,696.45
2020	\$ 944,984.25
2021	\$ 595,679.91
2022	\$ 682,427.13
2023	\$ 1,066,677.76



Capt. M. Lilly



295 Revenue

Hopewell Sheriff's Office 295 Revenue

Fiscal Year	Revenue	%	Total
2017	\$ 1,492,099.06	15	\$ 223,814.86
2018	\$ 1,475,265.93	15	\$ 221,289.89
2019	\$ 1,188,696.45	15	\$ 178,304.47
2020	\$ 944,984.25	15	\$ 141,747.64
2021	\$ 595,679.91	15	\$ 89,351.99
2022	\$ 682,427.13	15	\$ 102,364.07
2023	\$ 1,066,677.76	15	\$ 160,001.66

Projected Current Fiscal Year

R-3



CITY OF HOPEWELL
CITY COUNCIL ACTION FORM

Strategic Operating Plan Vision Theme:

- Civic Engagement
Culture & Recreation
Economic Development
Education
Housing
Safe & Healthy Environment
None (Does not apply)

Order of Business:

- Consent Agenda
Public Hearing
Presentation-Boards/Commissions
Unfinished Business
Citizen/Councilor Request
Regular Business
Reports of Council Committees

Action:

- Approve and File
Take Appropriate Action
Receive & File (no motion required)
Approve Ordinance 1st Reading
Approve Ordinance 2nd Reading
Set a Public Hearing
Approve on Emergency Measure

COUNCIL AGENDA ITEM TITLE:

Eliminating 2 Part-Time Positions and Converting 3 Part-time Positions to Full-Time

ISSUE: Staffing needed for additional responsibilities

RECOMMENDATION: Eliminating the 2 part-time positions will save \$80,855.32 & converting the 3 part-time positions to full-time will have a financial impact of \$64,999.50 this fiscal year. The cost of converting these positions is covered under the existing budget with a surplus of \$15,855.82, no additional funds are needed.

TIMING: Immediate

BACKGROUND: With several new requests for additional personnel, there is a need for more full-time staff positions.

ENCLOSED DOCUMENTS: Personnel Request Worksheet, Budget Changes, Finance Department Analysis

STAFF: Sheriff Travis L. Stanley, Captain Mark Lilly

FOR IN MEETING USE ONLY

MOTION:

Roll Call

SUMMARY:

- Y N Councilor Debbie Randolph, Ward #1
Councilor Arlene Holloway, Ward #2
Vice Mayor John B. Partin, Ward #3
Councilor Jasmine Gore, Ward #4
Councilor Janice Denton, Ward #5
Councilor Brenda Pelham, Ward #6
Mayor Patience Bennett, Ward #7

Analysis Full Time vs Part Time-3 Sheriff Positions

Position 386-PT	FY2023 Budget	Position 386-FT	As Proposed	Position 386	
Wages	36,241.92	Salary	45,310.51	Difference	25,761.85
FICA & Medicare	2,772.38	Related Costs	<u>20,879.00</u>		
Workers' Comp	1,413.36	Total	66,189.51		
Total	<u>40,427.66</u>				
Position 391-PT	FY2023 Budget	Position 391-FT	As Proposed	Position 391	
Wages	18,120.96	Salary	45,310.51	Difference	45,975.55
FICA & Medicare	1,386.32	Related Costs	<u>20,879.00</u>		
Workers' Comp	706.68	Total	66,189.51		
Total	<u>20,213.96</u>				
Position 392-PT	FY2023 Budget	Position 392-FT	As Proposed	Position 392	
Wages	36,241.92	Salary	45,310.51	Difference	25,761.85
FICA & Medicare	2,772.38	Related Costs	<u>20,879.00</u>		
Workers' Comp	1,413.36	Total	66,189.51		
Total	<u>40,427.66</u>				
				FY2023 Total Annual Difference	97,499.25
				FY2023 Impact (8 months)	64,999.50



Position Funding Worksheet

Position 386

Full-time

Title: [REDACTED]

Salary ~~\$ 45,311~~ \$ 45,311

Benefits:

FICA & Medicare	0.0765	3,466	
VRS	0.1559	7,064	
Insurance (single)	8148	8,148	
VRS Life	0.54	294	
Worker's Comp	0.0390	1,767	(Rate From Table)
STD	18	18	
LTD	0.225	122	
Total Benefits		<u>\$ 20,879</u>	
Salary and Benefits		<u>\$ 66,190</u>	

Part-time

Title: [REDACTED]

Salary ~~\$ 36,242~~ \$ 36,242

Benefits:

FICA & Medicare	0.0765	2,773	
Worker's Comp	0.0390	1,413	(Rate From Table)
Total Benefits		<u>\$ 4,186</u>	
Salary and Benefits		<u>\$ 40,428</u>	



City of Hopewell, Virginia

Position Funding Worksheet

Position 392

Full-time

Title: [REDACTED]

Salary ~~\$ 45,311~~ \$ 45,311

Benefits:

FICA & Medicare	0.0765	3,466	
VRS	0.1559	7,064	
Insurance (single)	8148	8,148	
VRS Life	0.54	294	
Worker's Comp	0.0390	1,767	(Rate From Table)
STD	18	18	
LTD	0.225	122	
Total Benefits		<u>\$ 20,879</u>	
Salary and Benefits		<u>\$ 66,190</u>	

Part-time

Title: [REDACTED]

Salary ~~\$ 36,242~~ \$ 36,242

Benefits:

FICA & Medicare	0.0765	2,773	
Worker's Comp	0.0390	1,413	(Rate From Table)
Total Benefits		<u>\$ 4,186</u>	
Salary and Benefits		<u>\$ 40,428</u>	



City of Hopewell, Virginia

Position Funding Worksheet

Position 391

Full-time

Title:



Salary

~~\$ 45,311~~

\$ 45,311

Benefits:

FICA & Medicare	0.0765	3,466	
VRS	0.1559	7,064	
Insurance (single)	8148	8,148	
VRS Life	0.54	294	
Worker's Comp	0.0390	1,767	(Rate From Table)
STD	18	18	
LTD	0.225	122	
Total Benefits		<u>\$ 20,879</u>	
Salary and Benefits		<u>\$ 66,190</u>	

Part-time

Title:



Salary

~~\$ 18,121~~

\$ 18,121

Benefits:

FICA & Medicare	0.0765	1,386	
Worker's Comp	0.0390	707	(Rate From Table)
Total Benefits		<u>\$ 2,093</u>	
Salary and Benefits		<u>\$ 20,214</u>	

R-4



CITY OF HOPEWELL CITY COUNCIL ACTION FORM

Strategic Operating Plan Vision Theme:

- Civic Engagement
- Culture & Recreation
- Economic Development
- Education
- Housing
- Safe & Healthy Environment
- None (Does not apply)

Order of Business:

- Consent Agenda
- Public Hearing
- Presentation-Boards/Commissions
- Unfinished Business
- Citizen/Councilor Request
- Regular Business
- Reports of Council Committees

Action:

- Approve and File
- Take Appropriate Action
- Receive & File (no motion required)
- Approve Ordinance 1st Reading
- Approve Ordinance 2nd Reading
- Set a Public Hearing
- Approve on Emergency Measure

COUNCIL AGENDA ITEM TITLE:

Performance Indicators for Central Virginia Waste Management Authority (CVWMA) Agreements

ISSUE: Council recommended an agreement with CVWMA directly to hold them responsible for performance of agreements with the City of Hopewell.

RECOMMENDATION: Approve the performance indicators as a measure for CVWMA agreements as recommended by the City Manager and City Attorney.

TIMING:

BACKGROUND: CVWMA hold multiple agreements with the City for Solid Waste and Recycling services provided in the City. They act of the City's behalf on contracts approved by the Authority and agreed upon with the City. City Council wants to have a separate agreement with CVWMA to adhere to for the representation they perform for the City.

ENCLOSED DOCUMENTS:**STAFF:**

Concetta Manker, Interim City Manger
Danielle Ferguson-Smith, City Attorney
Monique Robertson, Interim Director of Public Works

FOR IN MEETING USE ONLY

MOTION: _____

Roll Call**SUMMARY:**

Y	N		Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Debbie Randolph, Ward #1	<input type="checkbox"/>	<input type="checkbox"/>	Councilor Janice Denton, Ward #5
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Arlene Holloway, Ward #2	<input type="checkbox"/>	<input type="checkbox"/>	Councilor Brenda Pelham, Ward #6
<input type="checkbox"/>	<input type="checkbox"/>	Vice Mayor John B. Partin, Ward #3	<input type="checkbox"/>	<input type="checkbox"/>	Mayor Patience Bennett, Ward #7
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Jasmine Gore, Ward #4			



MEMORANDUM

Subject: Performance Indicators in Waste Management Contracts

Date: October 18, 2022

Requesting Party: City Council Members

Key Performance Indicators (KPI) are data points that allow parties to a contractual agreement to evaluate progress of the party providing a service. KPIs measure and track productivity and allow the parties to examine methodologies and effectiveness. KPIs are an important part of any contract since they help to accurately measure the state of Hopewell's refuse collection system

At the request of City Council, I have researched commonly used performance indicators in waste management contracts. They are listed below:

- *Types & manner of refuse company communications to residents re: (collection services and recycling services; company rules, frequency of collection; holiday and inclement weather schedules; rules regarding containerization and recyclable materials)*
- *Total tons of refuse collected annually (estimation)*
- *Average cost per ton (operational cost)*
- *Cost per load*

- *Discharge efficiency*
- *Facility saturation rate*
- *Rate of diversion*
- *Total number of homes vs. total number of served homes*
- *Percentage of persons that are satisfied or are not satisfied with the waste management system used by the City of Hopewell*
- *Percentage of persons that are satisfied or are not satisfied with the recycling system used by the City of Hopewell.*
- *Percentage of the population eager to participate in recycling*
- *Percentage of recyclable waste recovered.*
- *Percentage of recyclable material collected*
- *Total waste collected compared to the total amount of waste generated (annual comparisons)*
- *Coverage of the refuse collection service (number of homes/houses)*
- *Composition of waste recovered.*

Industry wide, there is a trend to focus more on holistic approaches to which KPIs are important rather than a singular focus on weight or tonnage. A holistic approach may include environmental impacts of recycling and reuse; the importance of the conservation of resources and reductions of costs.

In regard to the City of Hopewell's contract with CVWMA as our agent we can certainly include all of many of the above KPIs in our current contract to provide a better way to measure the efficiency of the contract with our refuse collection provider.

REPORTS OF
THE CITY
COUNCIL

2019 Strategic Plan

ADJOURNMENT