ARTICLE #05

AMENDMENT #4

Hampton Zoning Ordinance Amendment

Article II-Districts, Section 2.4 – Floodplain Management Ordinance

~~Strikethrough~~ = Proposed Deletion

Underline = Proposed Addition

Highlighting = All Proposed Changes

Section 2.4 Floodplain Management Ordinance (Adopted March 2017)

(Special Flood Hazard Area was deleted in its entirety March 2017)

2.4.1 PURPOSE

Certain areas of the Town of Hampton, New Hampshire are subject to periodic flooding, causing serious damages to properties within these areas. Relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968. Therefore, the Town of Hampton, New Hampshire has chosen to become a participating community in the National Flood Insurance Program, and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended) as detailed in this Floodplain Management Ordinance.

2.4.2 DEFINITIONS

The following definitions shall apply only to this Floodplain Management Ordinance, and shall not be affected by the provisions of any other ordinance.

Accessory Structure means a small detached structure that is incidental and subordinate to the principal structure and is not intended for habitation as a dwelling unit. Accessory structures do not include Accessory Dwelling Units. Accessory Dwelling Units are subject to the same standards and requirements as any other residential structure.

Area of Shallow Flooding means a designated Zone AO on the Flood Insurance Rate Map (FIRM) with a one-percent or greater annual possibility of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet-flow.

Base Flood means the flood having a one-percent possibility of being equaled or exceeded in any given year.

Base Flood Elevation means the water surface elevation having a one-percent chance of being equaled or exceeded in any given year.

Basement means any area of a building having its floor subgrade on all sides.

Building - see "Structure".

Breakaway Wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation.

Coastal High Hazard Area means the area subject to high velocity waters, including but not limited to, hurricane wave wash or tsunamis. The area is designated on a FIRM as Zone VE.

~~**Crawl Space** - An under-floor space that has its interior floor area (finished or not) no more than 5 feet below the top of the next higher floor. Crawlspaces generally have solid foundation walls. See Diagram 8 in the Elevation Certificate Instructions.~~

Development means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operation or storage of equipment or materials.

FEMA means the Federal Emergency Management Agency.

Flood or Flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

a. the overflow of inland or tidal waters, or
b. the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Design Class: Classification established by ASCE 24 14 Standard, referenced in the NH State Building Code for nonresidential structures. Assigned to buildings and structures based on use or occupancy. Bases requirements on the risk associated with unacceptable performance.

Flood Insurance Rate Map (FIRM) means the official map incorporated with this ordinance, on which FEMA has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study means an examination, evaluation, and determination of flood hazards and if appropriate, corresponding water surface elevations, or an examination and determination of mudslide or flood-related erosion hazards.

Floodplain or Flood-prone Area means any land area susceptible to being inundated by water from any source (see definition of "Flooding").

Flood proofing means any combination of structural and non-structural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures and their contents.

Floodway - see "Regulatory Floodway".

Freeboard - An additional amount of height above the Base Flood Elevation used as a factor of safety (e.g., 1 foot above the Base Flood) in determining the level at which a structure's lowest floor must be elevated or floodproofed to be in accordance with state or community floodplain management regulations.

Functionally Dependent Use means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking and port facilities that are necessary for the loading/unloading of cargo or passengers, and ship building/repair facilities but does not include long-term storage or related manufacturing facilities.

Highest Adjacent Grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure means 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.

Lowest Floor means 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 an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

Manufactured Home means 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" includes park trailers, travel trailers, and other similar vehicles placed on site for greater than 180 consecutive days. This includes manufactured homes located in a manufactured home park or subdivision.

Manufactured Home Park or Subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level means the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum to which base flood elevations shown on a community's Flood Insurance Rate Maps are referenced.

National Flood Insurance Program - The program of flood insurance coverage and floodplain management administered under the Act and applicable federal regulations promulgated in Title 44 of the Code of Federal Regulations, Subchapter B.

New Construction means, for the purposes of determining insurance rates, structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the 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.

Non-residential Structure - A commercial or mixed-use building where the primary use is commercial or non-habitational.

Recreational Vehicle is defined as:

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 (less than 180 consecutive days) for recreational, camping, travel or seasonal use.

Regulatory Floodway means 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.

Residential Structure - A non-commercial building designed for habitation by one or more families or a mixed-use building that qualifies as a single-family, 2 - 4 family, or other residential building.

Sea Level Rise Design Flood Elevation (SLR DFE): The elevation to which buildings in Special Flood Hazard Areas must be built to account for sea level rise. SLR DFE equals the Base Flood Elevation plus freeboard plus anticipated sea level rise.

Special Flood Hazard Area is the land in the floodplain subject to a one-percent or greater possibility of flooding in any given year. The area is designated on the FIRM as Zones A, A0, AE, or VE.

Start of Construction includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, 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 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 part of the main structure.

Structure means for floodplain 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.

Substantial Damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial Improvement means any ~~combination of repairs~~, reconstruction, rehabilitation, addition, ~~alteration,~~ or improvement~~s to~~ of a structure, the ~~in which the cumulative~~ cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. ~~The market value of the structure should equal:~~

~~a. the appraised value prior to the start of the initial repair or improvement, or~~
~~b. in the case of damage, the value of the structure prior to the damage occurring.~~

~~For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.~~ This term includes structures that have incurred "substantial damage", regardless of actual repair work performed. The term does not, however, include either:

a. ~~a~~Any project for improvement of a structure required to correct ~~comply with~~ 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, ~~are solely necessary to assure safe living conditions~~ or

b. ~~a~~Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Tolerance For Flood Risk: The willingness of a community to accept a higher or lower probability of flood impacts based on relevant project characteristics, including project value/replacement cost, adaptive capacity, importance for public function/safety, and sensitivity to inundation.

Violation means 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 under this ordinance is presumed to be in violation until such time as that documentation is provided.

2.4.3 AUTHORITY AND APPLICABILITY

A. **Authority.** This ordinance, adopted pursuant to the authority of RSA 674:16, shall be known as the Town of Hampton Floodplain Management Ordinance. The regulations in this ordinance shall overlay and supplement the regulations in the Town of Hampton Zoning Ordinance, and shall be considered part of the Zoning Ordinance for purposes of administration and appeals under state law.

B. **Applicability**. The following regulations in this ordinance shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its "Flood Insurance Study for Rockingham County, NH" dated ~~May 17, 2005~~ January 29, 2021 or as amended, together with the associated Flood Insurance Rate Maps dated ~~May 17, 2005~~ January 29, 2021 or as amended, which are declared to be a part of this ordinance and are hereby incorporated by reference.

2.4.4 ADMINISTRATIVE PROVISIONS

A. **Greater Restriction**. If any provision of this ordinance differs or appears in conflict with any other ordinance or regulation, the provision imposing the greater restriction or more stringent standard shall be controlling.

B. **Severability**. Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

C. **Disclaimer of Liability**. The degree of flood protection required by the ordinance is considered reasonable but does not imply total flood protection.

2.4.5 FLOODPLAIN ADMINISTRATOR

A. The Building Inspector, or his/her designee, is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.

B. The Floodplain Administrator shall:

1. Review all permit applications to determine whether proposed development is located in a special flood hazard area. Where it is unclear whether a development site is in a special flood hazard area, the Floodplain Administrator may require additional information to determine the development's location on the Flood Insurance Rate Map (FIRM).
2. Enforce and administer the provisions of this Ordinance in accordance with RSA 676.
3. Maintain and permanently keep and make available for public inspection all records that are necessary for the administration of these regulations, including the following:
    a. FIRMs;
    b. Documents from FEMA that amend or revise FIRMs;
    c. Records of issuance of permits and denial of permits;
    d. Determinations of whether proposed work constitutes substantial improvement or repair of substantial damage;

e. Required certifications and documentation specified in this ordinance;
f. Notifications to adjacent communities related to alterations of watercourses;
g. Assurance that the flood carrying capacity of altered waterways will be maintained;
h. Documentation related to variances, including justification for their issuance; and
i. Records of variances and enforcement actions taken pursuant to this ordinance.

2.4.6 PERMITS

A. **Permitting Requirements.** All proposed development and substantial improvement to structures within a special flood hazard area shall require a building permit. Development includes any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operation or storage of equipment or materials.

Building Permit applications for structures in the floodplain shall include, but are not limited to:

1. Site plans drawn to scale showing:
   a. the nature, location, property lines, and topography of the lot or parcel;
   b. limit and extent of the special flood hazard area and floodway boundary, and base flood elevation(s);
   c. elevations of the existing, natural ground where structures are proposed, and within 25 feet or to the property boundary whichever is less;
   d. location of existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
2. Elevation(s) of the structure's lowest floor~~, including basement,~~ for all new construction and substantial improvements.
3. Such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of these regulations.

B. **Other Permits.** Prior to the issuance of a Building Permit, the applicant shall submit evidence that all necessary permits and approvals have been received from all government agencies from which approval is required by Federal or State law.

2.4.7 FLOODPLAIN DEVELOPMENT REQUIREMENTS

A. **General Requirements.** All development in a special flood hazard area shall:

1. Be reasonably safe from flooding and be designed and constructed with methods, practices and materials that minimize flood damage;
2. Be designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic forces, including the effects of buoyancy;
3. Use flood damage-resistant materials for building components located below the base flood elevation; and
4. Be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that must be elevated to the Sea Level Rise Design Flood Elevation in Table 1 (and determined by the Floodplain Administrator in Section 2.4.8). ~~that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.~~
5. Be compliant with the applicable requirements of the State Building Code and the applicable standards in this Ordinance, whichever is more restrictive.

B. **Water Supply, Sanitary Sewage, and On-Site Waste Disposal Systems.** The following standards shall apply to all water supply, sanitary sewage, and on-site waste disposal systems located in a special flood hazard area:

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;
2. New and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the systems and discharge from the system into flood waters; and
3. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

C. **Critical Facilities**: The construction of critical facilities (those that are vital to public health and safety, e.g., police stations, fire and rescue stations, shelters, schools, nursing homes and water supply and waste treatment facilities) are prohibited within a special flood hazard area unless the project has been reviewed using the NH coastal Flood Risk Guidance (using the "very low tolerance for flood risk" standard) or most recent guidance, and the following criteria are met:

1. No feasible alternative location exists,
2. The facility is designed to higher protection standards,
3. An emergency operations plan, including evacuation procedures, has been developed.
4. The facility shall have at least one access road connected to land outside the 0.2% annual chance floodplain that is capable of accommodating emergency services vehicles. The top of the access road shall be no lower than six inches below the elevation of the 0.2% annual chance flood event.
5. Existing critical facilities located in a SFHA that are to be replaced, substantially improved, or meet the definition of substantial damage shall be constructed so that the lowest floor shall be elevated or dry-floodproofed at least one foot above the elevation of the 0.2% annual flood height (500-year floodplain), or three feet above the base flood elevation, whichever is higher.

D. ~~C.~~ **Floodway Determinations and Requirements.** Prior to a permit being issued for new construction or substantial improvement of any structure or other development, including fill, the Floodplain Administrator shall receive the following applicable documentation:

1. In Zone A, the applicant shall obtain, review, and reasonably utilize any floodway data available from Federal, State, or other sources. If floodway data is available, the applicant shall meet the requirements of Section 2.4.7(C)(3) of this ordinance.
2. Within riverine special flood hazard areas where base flood elevations have been determined (Zone AE) but a regulatory floodway has not been designated, the applicant must submit an engineering analysis prepared by a registered design professional that demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the base flood elevation more than one (1) foot at any point within the community.
3. Within a Regulatory Floodway, prior to a permit being issued for any development, including fill, new construction, substantial improvements and other development or land disturbing-activity, the applicant must submit certification prepared by a registered design professional, along with supporting technical data, that demonstrates that such development will not cause any increase in the base flood elevation.

E. ~~D.~~ **Alteration or Relocation of a Watercourse**. Prior to a permit being issued for any alteration or relocation of any watercourse, the applicant shall:

1. Notify the Wetlands Bureau of the New Hampshire Department of Environmental Services and submit copies of such notification to the Floodplain Administrator, in addition to the copies required by RSA 482-A: 3.
2. Submit copies of said notification to those adjacent communities as determined by the Floodplain Administrator, including notice of all scheduled hearings before the Wetlands Bureau.
3. Submit to the Floodplain Administrator, certification provided by a registered professional engineer, assuring that the flood carrying capacity of an altered or relocated watercourse can and will be maintained.

F. ~~E.~~ **Substantial Improvement and Substantial Damage Determinations.** For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage from any origin, and any other improvement of or work on such buildings and structures including within their existing footprint, the Floodplain Administrator, in coordination with any other applicable community official(s), shall be responsible for the following:

1. Review descriptions of proposed work submitted by the applicant to ensure that all requirements are addressed.
2. Decide the appropriate method to determine market value of the structure before the start of construction of the proposed work or in the case of repair, the market value before the damage occurred and before any repairs are made. Market value methods may include using the community's assessed value of the structure, a property appraisal from a professional appraiser obtained by the applicant, and an estimate of a structure's actual cash value including depreciation obtained by the applicant.
3. Review cost estimates of the proposed work including donated or discounted materials and owner and volunteer labor submitted by the applicant. Determine if the costs are reasonable for the proposed work, or use other acceptable methods, such as those prepared by licensed contractors or professional construction cost estimators and from building valuation tables, to estimate the costs.
4. Determine if the work constitutes substantial improvement or repair of substantial damage based on the cost to repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the structure.
5. Notify the applicant in writing the result of the substantial improvement or damage determination. If the determination is that the work constitutes substantial improvement or substantial damage, the letter shall state that full compliance with the requirements of this ordinance is required.

Further guidance for meeting the above requirements can be found in the FEMA "Substantial Improvement/Substantial Damage Desk Reference (P-758)."

2.4.8 FLOOD ELEVATION DETERMINATION

A. **Zones AE and VE.** The Floodplain Administrator shall refer to the elevation data provided in the community's Flood Insurance Study and accompanying FIRM.

B. **Zone A.** The Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation data available from any federal, state or other source including data submitted for development proposals submitted to the community (i.e. subdivisions, site plan approvals). In Zone A where a base flood elevation is not available or not known, the base flood elevation shall be at least 2 feet above the highest adjacent grade.

C. **Zone AO.** The flood elevation is determined by adding the elevation of the highest adjacent grade to the depth number specified on the FIRM, or if no depth number is specified on the FIRM at least 2 feet above the highest adjacent grade.

2.4.9 STRUCTURE REQUIREMENTS

A. Standards for Structures. In all special flood hazard areas, except for Zone VE, the following requirements for new construction or substantial improvement of any structure must be met:

1. **Elevation Requirements.** The lowest floor of a structure~~, including the basement or crawlspace floor,~~ shall be elevated ~~at least one foot above the base flood elevation (as determined by the Floodplain Administrator in Section 2.4.8).~~ to the Sea Level Rise Design Flood Elevation as referenced in Table 1 (and determined by the Floodplain Administrator in Section 2.4.8). If the elevation of the structure's lowest floor above base flood elevation results in the exceedance of the maximum height requirements (in feet) provided in Article IV, Section 4.4, then the maximum height requirements (in feet) shall be increased by the elevation amount (in feet) that exceeds the maximum height requirement, up to 3 feet. (Amended 2019)

2. **Certification.** The applicant shall provide the Floodplain Administrator a completed and certified copy of a FEMA "Elevation Certificate" indicating the as-built elevation of the lowest floor of the structure~~, including basement or crawlspace floor~~.

3. **Manufactured Homes:**
   a. Shall met the elevation requirements in Section 2.4.9(A)(1).
   b. Shall be placed on a permanent, reinforced foundation.
   c. Shall be installed using methods and practices which minimize flood damage. Manufactured homes shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. Methods of anchoring are authorized to include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

4. **Recreational Vehicles:**
   a. Shall be on a site for fewer than 180 consecutive days, and be fully licensed, on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions, or
   b. Shall meet the requirements in Section 2.4.9(A) for manufactured homes.

B. Floodproofing of Non-Residential Structures and Certification. In all special flood hazard areas, except for Zone VE, the following requirements for new construction or substantial improvement of a non-residential structure that does not meet the elevation requirements stated in Section 2.4.9(A), shall meet the following requirements:

1. The structure~~, including the basement or crawlspace floor,~~ shall be flood proofed ~~or elevated at least one foot above the base flood elevation~~ to the Sea Level Rise Design Flood Elevation as referenced in Table 1 (as determined by the Floodplain Administrator in Section 2.4.8) so that below this elevation the structure is watertight with walls substantially impermeable to the passage of water together with attendant utility and sanitary facilities. The structure shall have structural components are capable of resisting hydrostatic and hydrodynamic forces and the effects of buoyancy.
2. The applicant shall provide a completed and certified FEMA "Flood-proofing Certificate for Non-Residential Structures". Such certification shall be provided to the Floodplain Administrator before a Certificate of Occupancy is issued.

C. Drainage Paths for Structures in Zone AO. New construction of structures located on slopes in Zone AO, shall meet the following requirement:

1. Include adequate drainage paths to guide floodwaters around and away from the structure.

D. Enclosed Areas below the Lowest Floor. New construction or substantial improvement of any structure in a special flood hazard area, except for Zone VE, that has a fully enclosed area that is formed by foundation and other exterior walls which are located below the ~~base flood elevation~~ lowest floor shall meet the following requirements:

1. Constructed with flood damage-resistant materials as described in the FEMA "Technical Bulletin 2, Flood Damage-Resistant Materials Requirements;"
2. Used solely for the parking of vehicles, building access or storage;
3. Constructed with the elevation of the finished interior grade of the enclosure equal to or higher than the outside finished exterior grade on at least one side of the structure; and
4. Designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
   - **a.** A minimum of two openings on different sides of each enclosed area having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
   - **b.** The bottom of all openings shall be no higher than one foot above either the interior or exterior grade, whichever is higher.

ii. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

Further guidance for meeting the above requirements can be found in the FEMA "Technical Bulletin 1, Openings in Foundations Walls and Walls of Enclosures."

Table 1: Sea Level Rise Design Flood Elevation Requirements for Flood Design Classes 1-4 in the Special Flood Hazard Area					
ELEVATION	**FLOOD ZONE**	**FLOOD DESIGN CLASS (ASCE 24-14)**			
		1	**2**	**3**	**4**
Minimum Elevation of the Top of the Lowest Floor *(ASCE 24-14, Table 2-1)*	A Zones	BFE + 1'	BFE + 3'	BFE + 4'	BFE + 6'
Minimum Elevation of the Bottom of the Lowest Horizontal Structural Member of Lowest Floor *(ASCE 24-14, Table 4-1)*	Coastal High Hazard Areas (Zone VE)	BFE + 1'	BFE + 3'	BFE + 5'	BFE + 6'
Minimum Elevation of Dry Floodproofing of Non-Residential Structures and Non-Residential Portions of Mixed-Use Buildings *(ASCE 24-14, Table 6-1)*	A Zones	BFE + 2'	BFE + 3'	BFE + 4'	BFE + 6'
	Coastal High Hazard Areas (Zone VE)	Not permitted	Not permitted	Not permitted	Not permitted
Minimum Elevation of Utilities and Equipment *(ASCE 24-14 Table 7-1)*	A Zones	BFE+ 1'	BFE + 3'	BFE + 4'	BFE +6', or 500-year flood elevation, whichever is higher
	Coastal High Hazard Areas (Zone VE)	BFE+ 1'	BFE + 3'	BFE + 5'	BFE +6', or 500-year flood elevation, whichever is higher

2.4.10 DETACHED ACCESSORY STRUCTURES

A. Accessory Dwelling Units. As defined by this ordinance, accessory structures do not include Accessory Dwelling Units. Accessory Dwelling Units are subject to the same standards and requirements as any other residential structure.

B. Standards. In a special flood hazard area, except Zone VE, new construction or substantial improvement of a detached accessory structure (i.e., garage, shed) do not have to meet the elevation or non-residential floodproofing requirements as detailed in Sections 2.4.8(A) if the following standards are met:

1. The structure has a structural footprint of less than 300 square feet.
2. The structure has unfinished interiors and must not be used for human habitation. An apartment, office or other finished space over a detached garage is considered human habitation and would require the structure to be elevated.
3. The structure is not in the floodway.
4. The structure is not used for storage of hazardous materials.
5. The structure is used solely for parking of vehicles and/or limited storage.
6. The structure is not already substantially improved.
7. The structure must be wet floodproofed and designed to allow for the automatic entry and exit of flood water as detailed in Section 2.4.9(D)(4).
8. The structure shall be firmly anchored to prevent flotation, collapse and lateral movement.
9. Service facilities such as electrical, mechanical and heating equipment must be elevated or floodproofed to or above the base flood elevation.

2.4.11 COASTAL HIGH HAZARD AREAS (ZONE VE)

A. **Applicability.** Zone VE standards apply to new construction or substantial improvements to any structure. Manufactured homes are permitted in existing manufactured home parks in Zone VE.

B. **Location Requirement**. New construction in Zone VE shall be located landward of the reach of mean high tide.

C. **Construction Standards.** New construction or substantial improvement of any structure including manufactured homes to be placed or substantially improved within Zone VE shall:

1. Be elevated on pilings and columns such that:
    a. the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated ~~at least one foot above the base flood elevation;~~ to the Sea Level Rise Design Flood Elevation as referenced in Table 1 (and determined by the Floodplain Administrator in Section 2.4.8) with allowance to exceed the maximum height requirements by up to 3 feet consistent with Section 2.4.9(A)(1);
    b. the pile or column foundation and structure attached thereto is anchored to resist floatation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components; and
    c. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state and local building standards.
2. The space below the lowest floor shall be used solely for the parking of vehicles, building access, or storage and must either be:
    a. free of obstructions as described in the FEMA "Technical Bulletin 5, Free of Obstruction Requirements for Buildings Located in Coastal High Hazard Area in Accordance with the National Flood Insurance Program"; or
    b. constructed with open 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 piles or columns; or
    c. constructed to enclose less than 300 square feet of area with non-supporting breakaway walls that have a design safe loading resistance of not less than 10 or no more than 20 pounds per square foot. Walls intended to break away shall have flood openings that meet the criteria in Section 2.4.9(D) – Enclosed Areas below the Lowest Floor. (Amended March 2020)

3. A registered professional engineer or architect shall:
    a. develop or review the structural design, specifications and plans for construction, which must meet or exceed the technical criteria contained in the FEMA "Coastal Construction Manual"; and
    b. certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of this section.

D. **Certification Requirements.** The Floodplain Administrator shall verify the elevation of the structure's lowest floor member and the Base Flood Elevation prior to the start of framing. The applicant must submit to the Floodplain Administrator a completed and certified copy of the FEMA "Elevation Certificate," which shall indicate the as-built elevation of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings or columns) of the structure. The Floodplain Administrator shall verify the accuracy and completeness of the Elevation Certificate before a Certificate of Occupancy is issued.

E. **Recreational Vehicles.** Recreational vehicles located in Zone VE shall meet either of the following requirements:
    1. Shall be on a site for fewer than 180 consecutive days, and shall be fully licensed, on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions.

F. **Prohibited Uses.** The use of fill for the structural support of buildings, and man-made alterations of sand dunes which would increase potential flood damage is prohibited in Zone VE.

G. **Alterations of Sand Dunes.** If alteration of sand dunes is proposed, notification shall be given to the Wetlands Bureau of the New Hampshire Department of Environmental Services and copies of such notification shall be submitted to the Floodplain Administrator, in addition to the copies required by RSA 482-A: 3. Man-made alterations of sand dunes are prohibited unless it can be demonstrated that such alterations will not increase potential flood damage or compromise the structural integrity of the sand dune system on and adjacent to the property. Prior a permit being issued for any alteration of sand dunes in Zone VE, the applicant must submit an engineering analysis, prepared by a professional engineer, demonstrating that the proposed alteration will not increase the potential for flood damage or compromise the structural integrity of the sand dune system on and adjacent to the property.

2.4.12 VARIANCES AND APPEALS

A. Any order, requirement, decision or determination of the Floodplain Administrator made under this ordinance may be appealed to the Zoning Board of Adjustment as set forth in RSA 676:5.

B. In evaluating a variance application, the Zoning Board of Adjustment shall consider all technical evaluations, all relevant factors, standards specified in other sections of the article, and:

1. The dangers that materials may be swept onto other lands to the injury of others or their property;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to Hampton;

5. Where applicable, the necessity of a waterfront location to the facility;
6. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the Master Plan and flood plain management program of that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters, and the effects of wave action, if applicable, expected at the site; and,
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, streets, and bridges.

C. If the applicant, upon appeal, requests a variance from any requirements of the Floodplain Ordinance, the applicant shall have the burden of showing in addition to the five variance standards under state law RSA 674:33, I ~~(b)~~ that the following standards are met.
   1. The variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense or conflict with existing local laws or ordinances.
   2. If the requested variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result.
   3. The variance is the minimum necessary, considering the flood hazard, to afford relief.

D. The Zoning Board of Adjustment shall notify the applicant in writing that:
   1. The issuance of a variance to construct below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage; and
   2. Such construction below the base flood level increases risks to life and property.
   3. Such notification shall be maintained with a record of all variance actions.

E. The Building Inspector shall:
   1. Maintain a record of all variance actions, including their justification for their issuance; and
   2. Report such variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.

Attachment A: Article IV Dimensional Requirements:

(33) If the elevation of the structure's lowest floor above base flood elevation results in the exceedance of the maximum height requirements (in feet) provided in Article IV, Section 4.4, then the maximum height requirements (in feet) shall be increased by the elevation amount (in feet) that exceeds the maximum height requirement, up to 3 feet in accordance with Article II, Sections 2.4.9(A)(1) and 2.4.11(C)(1).