

**CAMPBELL COUNTY CODE OF 1988**

**CHAPTER 11**

**FLOODPLAIN MANAGEMENT**

For state law as to authority of County to adopt this chapter, see VA. CODE ANN., §§10.1-600 et seq. (Repl. Vol. 2006 and Cum. Supp. 2008)

As to planning commission, see §§2-5 to 2-10 of this Code. As to erosion and sedimentation control, see Ch. 8 of this Code.

Code of Federal Regulations (CFR) for the National Flood Insurance Program: 44 CFR Parts 59, 60, 65 and 70.

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## **Article I. General Provisions.**

### **Sec. 11-1. Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

**Development.** Any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, the placement of manufactured homes, streets and other paving, utilities, filling, grading, excavating, mining, dredging or drilling operations.

**FIRM.** Flood Insurance Rate Map; means of an official map of a community, on which the Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

**Flood.** A general and temporary inundation of normally dry land areas.

**Flood hazard area.** Those areas susceptible to flooding.

**Floodplain management regulations.** Zoning ordinances, subdivision regulations, the building code, health regulations, special purpose ordinances such as floodplain ordinances, grading ordinances or erosion control ordinances, and other rules, regulations and ordinances which may affect floodplain uses. The term describes such legally enforceable regulations, in any combination thereof, which provide standards for the control of the use and occupancy of flood-prone areas.

**Floodplain or flood-prone area.** Those areas adjoining a river, stream, water course, ocean, bay or lake which are likely to be covered by floodwaters.

**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

**Historic Structure:** Any structure that is:

1. 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;
2. 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;
3. 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,

4. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

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 this ordinance.

Manufactured home. A structure, subject to federal regulation, which is transportable in one or more sections; is eight body feet or more in width and forty body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.. For flood plain 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. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

One hundred year flood or hundred year flood. A flood of that level that, on the average, is likely to occur once every hundred years, i.e., which on the average will have a one percent chance of being equaled or exceeded in any given year at designated locations, although the flood may occur in any year.

Recreational vehicle. A vehicle or structure which can be towed, hauled, or driven, designed and used as temporary living accommodations for recreational, camping or travel uses only. The terms shall include travel trailers, pick-up campers, motor homes, tent trailers, fifth-wheel campers, camper bodies or similar devices designed primarily for temporary overnight housing.

Start of construction. 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 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 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.

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.

Substantial improvements. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. 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. The term does not, however, include either; (a) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or (b) any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places or (c) the repair, reconstruction or improvements of the streets, utilities and pads in a mobile home park or mobile home subdivision which equals or exceeds fifty percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced. (9-18-78) (4-21-87)

For state law basis, see VA. CODE ANN. §10.1-600 (Repl. Vol. 2006). For state law basis for definition of "manufactured home," see VA. CODE ANN. §36-85.3 (Repl. Vol. 2005).

[THE 1987 AMENDMENT inserted "or flood-prone areas" in the definition of "floodplain," and, in the definition of "one hundred year flood," inserted "of that level" and substituted "being equaled or exceeded in any given year at designated locations" for "occurring each year."]

[THE 1988 AMENDMENT rewrote the definition of "Floodplain or flood-prone areas," substituted "considered" for "consider" in the definition of "Lowest floor," rewrote the definition of "Manufactured home" and, in the definition of "substantial improvements," substituted "or (c) the" for "The."]

[THE AUGUST 7, 2000 AMENDMENT inserted definitions of "Flood hazard area" and "Floodplain management regulations" and substituted "which on the average will have" for "that has" in definition of "One hundred year flood or hundred year flood."]

[THE JULY 2, 2001 AMENDMENT substituted "manufactured homes" for "mobile homes" in "Development."]

[THE AUGUST 18, 2008 AMENDMENT inserted definitions of "FIRM," "Floodway," "Historic Structure," "Recreational vehicle," and "Substantial damage."]

**Sec. 11-2. Purpose.**

The purpose of these provisions is to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary

and unnecessary expenditures of public funds for flood protection and relief and the impairment of the tax base by:

(a) Regulating uses, activities and development which, acting alone or in combination with other existing or future uses, activities and development will cause unacceptable increases in flood heights, velocities and frequencies.

(b) Restricting or prohibiting certain uses, activities and development from locating within areas subject to flooding.

(c) Requiring all those uses, activities and developments that do occur in flood-prone areas to be protected and/or floodproofed against flooding and flood damage.

(d) Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards. (9-18-78)

For state law authority, see VA. CODE ANN. §10.1-602 (Repl. Vol. 2006). See also VA. CODE ANN. §15.2-2241 (Repl. Vol. 2008) and §15.2-2283 (Repl. Vol. 2008).

### **Sec. 11-3. Applicability.**

These provisions shall apply to all lands within the jurisdiction of the County and identified as being flood-prone as stipulated in this chapter. (9-18-78)

### **Sec. 11-4. Compliance.**

No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, structurally altered or have substantial improvement except when in full compliance with the terms and provisions of this chapter and any other applicable ordinances and regulations. (9-18-78)

For state law authority, see VA. CODE ANN. §10.1-602 (Repl. Vol. 2006).

### **Sec. 11-5. County liability.**

The degree of flood protection sought by the provisions of this chapter 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 chapter does not imply that areas outside the flood plain districts, or that land uses permitted within such districts, will be free from flooding or flood damages.

This chapter shall not create liability on the part of the County or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder. (9-18-78)

**Sec. 11-6. Violations; penalties.**

Any person who fails to comply with any or all of the requirements or provisions of this chapter or direction of the building inspector or any other authorized employee of the municipality shall be deemed to have violated this ordinance. Such violation shall be punished by a fine or imprisonment or by both such fine and imprisonment, not exceeding the penalty provided in general law of the Code of Virginia or in subsection (a) of this section for the violation of a Class 1 misdemeanor. Each day during which any violation of this chapter continues shall constitute a separate offense. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this chapter. The imposition of a fine or penalty for any violation of, or noncompliance with, this chapter shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations or noncompliance within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this chapter may be declared by the Board of Supervisors to be a public nuisance and abatable as such. (9-18-78)

As to general penalty for violations of Code, see §1-6 of this Code.

[THE AUGUST 18, 2008 AMENDMENT substituted “deemed to have violated this ordinance. Such violation shall be punished by a fine or imprisonment or by both such fine and imprisonment, not exceeding the penalty provided in general law of the Code of Virginia or in subsection (a) of this section for the violation of a Class 1 misdemeanor” for “guilty of an offense and upon conviction, shall pay a fine to the County of not less than twenty-five dollars nor more than three hundred dollars, plus costs of prosecution. In default of such payment such person shall be imprisoned in the County prison for a period not to exceed ten days” and corrected a misspelling in the second last sentence.]

**Article II. Establishment of Floodplain District.**

**Sec. 11-7. Description of districts.**

The various floodplain districts shall include areas subject to inundation by waters of the one hundred year flood. Basis for the delineation of these districts shall be the Flood Insurance Rate Map for Campbell County, Virginia, unincorporated areas prepared by the Federal Emergency Management Agency, dated August 28, 2008.

(a) The floodway district is delineated for purposes of this chapter using the criteria that a certain area within the floodplain must be capable of carrying the waters of the one hundred year flood without increasing the water surface elevation of that flood. These areas included in this district are specifically defined in Table I of the above referenced flood insurance study and shown on the accompanying Flood Insurance Rate Map.

(b) The flood-fringe district shall be that area of the one hundred year floodplain not included in the floodway district. The basis for the outermost boundary of this district shall be the one hundred year flood elevations contained in the flood profiles of the above referenced flood insurance study and as shown on the accompanying Flood Insurance Rate Map.

(c) The approximated flood plain district shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a one hundred year floodplain boundary has been approximated. Such areas are shown in the Flood Insurance Study and accompanying maps. Where the specific one hundred 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 County. (9-18-78) (3-19-84)

(d) The Special Floodplain District shall be those areas identified as either an AE Zone or A zone on the maps accompanying the Flood Insurance Study for which one hundred (100)-year flood elevations have been provided but for which no floodway has been delineated

[THE 1984 AMENDMENT substituted "Federal Emergency Management Agency" for "U. S. Department of Housing and Urban Development, Federal Insurance Administration" and "April 17, 1984" for "April 1978" in the introductory paragraph, and substituted "in the Flood Insurance Study and accompanying maps" for "the flood boundary and floodway map" in (c).]

[THE AUGUST 18, 2008 AMENDMENT substituted "August 28, 2008" for "April 17, 1984" in the first paragraph, deleted "more than one foot at any point" after "elevation of that flood" in (a), and added subsection (d).]

### **Sec. 11-8. Official floodplain map.**

The boundaries of the floodplain districts are established as shown in the Flood Insurance Study and accompanying maps which are declared to be a part of this chapter and which shall be kept on file at the County Office Building, in the Rustburg, Virginia, office of Community Development. (9-18-78) (3-19-84) (9-8-87)

[THE 1984 AMENDMENT substituted "in the Flood Insurance Study and accompanying maps which are" for "on the flood boundary and floodway map which is."]

[THE 1987 AMENDMENT inserted "Rustburg, Virginia," deleted "County in the" preceding "office," and inserted "Campbell County."]

[THE AUGUST 18, 2008 AMENDMENT substituted "County Office Building" for "Haberer Building" and "Community Development" for "the Campbell County Director of Public Works."]

**Sec. 11-9. District boundary changes.**

The delineation of any of the floodplain districts may be revised by the Board of Supervisors where natural or man-made changes have occurred or more detailed studies conducted or undertaken by the U. S. Army Corps of Engineers or other qualified agency or individual documents the notification for such change. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency. (9-18-78) (3-19-84)

[THE 1984 AMENDMENT substituted "Federal Emergency Management Agency" for "federal insurance administration" in the second sentence.]

**Sec. 11-10. Interpretation of district boundaries.**

Initial interpretations of the boundaries of the floodplain districts shall be made by the Building Official and/or Environmental Manager. Should a dispute arise concerning the boundaries of any of the districts, the Board of Supervisors 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 of Supervisors and to submit his own technical evidence if he so desires. (9-18-78)

[THE AUGUST 18, 2008 AMENDMENT substituted "Building Official and/or Environmental Manager" for "building inspector".]

**Article III. District Provisions.**

**Sec. 11-11. Generally.**

All uses, activities, and development occurring within any floodplain district shall be undertaken only upon the issuance of a Floodplain Development Permit. Such development shall be undertaken only in strict compliance with the provisions of this ordinance and with all other applicable codes and ordinances such as the Virginia Uniform Statewide Building Code. Prior to the issuance of any such permit, the Building Official and/or Environmental Manager shall require all applications to include compliance with all applicable state and federal laws.

Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit from the U. S. Corps of Engineers, the Virginia Marine Resources Commission, and certification from the Virginia State Water Control Board may be necessary (a joint permit application is available from any one of these organizations). Further notification of the proposal shall be given to all affected adjacent jurisdictions, the Division of Dam Safety and Floodplain Management (Department of Conservation and Recreation), and the Federal Insurance Administration.

All applications for development in the floodplain district and all Floodplain Development Permits issued for the floodplain shall incorporate the following information:

- A. For structures that have been elevated, the elevation of the lowest floor (including basement).
- B. For structures that have been flood proofed (nonresidential only), the elevations to which the structure has been flood proofed.
- C. The elevation of the one hundred (100)-year flood.

All manufactured homes to be placed or substantially improved within the floodplain district shall be placed on a permanent foundation and elevated and anchored in accordance with the Virginia Uniform Statewide Building Code.

For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. 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 minimum of two openings 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. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters. (9-18-78) (3-19-84) (4-21-87) (3-21-89) (8-15-89)

For state law authority, see VA. CODE ANN. §10.1-602 (Repl. Vol. 2006).

[THE 1984 AMENDMENT inserted "Federal Insurance Administration" in the second paragraph.]

[THE FIRST 1987 AMENDMENT added the third and fourth paragraphs.]

[THE SECOND 1987 AMENDMENT substituted "the Department of Conservation and Historic Resources" for "the State Water Control Board" in the second paragraph.]

[THE MARCH 1989 AMENDMENT substituted "State Water Control Board" for "the Department of Conservation and Historic Resources" in the second paragraph, and in the third paragraph substituted "Section 621" for "Section 613."]

[THE SECOND 1989 AMENDMENT rewrote the former second and third paragraphs as the present second, third and fourth paragraphs.]

[THE MARCH 17, 1997 AMENDMENT substituted "(Department of Conservation and Recreation)" for "(Department of Conservation and Historic Resources)" in the second paragraph.]

[THE AUGUST 18, 2008 AMENDMENT substituted "Floodplain Development Permit" for "building permit" and "Building Official and/or Environmental Manager" for "building inspector" in the first paragraph, substituted "Division of Dam Safety and Floodplain Management" for "Division of Soil and Water Conservation" in the second paragraph, and substituted "Floodplain Development Permits" for "special permits" in the third paragraph.]

**Sec. 11-11.1. Minimum standards for flood-prone areas.**

(a) **Floodway District:** When the Administrator has not defined the special flood hazard areas within a particular area of or community within Campbell County, has not provided water surface elevation data, and has not provided sufficient data to identify the floodway or coastal high hazard area, but the County has indicated the presence of such hazards by submitting an application to participate in the Program, the County shall:

(1) Require permits for all proposed construction or other development in the community, including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas;

(2) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334;

(3) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall (i) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, (ii) be constructed with materials resistant to flood damage, (iii) be constructed by methods and practices that minimize flood damages, and (iv) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(4) Review subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to assure that (i) all such proposals are consistent with the need to minimize flood damage within the flood-prone area, (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided to reduce exposure to flood hazards;

(5) Require within flood-prone areas new and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems; and

(6) Require within flood-prone areas (i) new and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and (ii) onsite waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.

(b) **Flood Fringe and Approximated Floodplain District:** When the Administrator has designated areas of special flood hazards (A zones) by the publication of Campbell County's FHBM or FIRM, but has neither produced water surface elevation data nor identified a floodway or coastal high hazard area, the County shall:

(1) Require permits for all proposed construction and other developments including the placement of manufactured homes, within Zone A on the County's FHBM or FIRM;

(2) Require the application of the standards in paragraphs (a) (2), (3), (4), (5) and (6) of this section to development within Zone A on the County's FHBM or FIRM;

(3) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals base flood elevation data;

(4) Obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, including data developed pursuant to paragraph (b)(3) of this section, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the County's FHBM or FIRM meet the standards in paragraphs (c)(2), (c)(3), (c)(5), (c)(6), (c)(12), (c)(14), (d)(2) and (d)(3) of this section;

(5) Where base flood elevation data are utilized, within Zone A on the County's FHBM or FIRM:

(i) Obtain the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures, and

(ii) Obtain, if the structure has been floodproofed in accordance with paragraph (c)(3)(ii) of this section, the elevation (in relation to mean sea level) to which the structure was floodproofed, and

(iii) Maintain a record of all such information with the Building Official and or Environmental Manager;

(6) Notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Administrator;

(7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained;

(8) Require that all manufactured homes to be placed within Zone A on the County's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may 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.

(c) **Special Flood Hazard Area:** When the Administrator has provided a notice of final flood elevations for one or more special flood hazard areas on the County's FIRM and, if appropriate, has designated other special flood hazard areas without base flood elevations on the

County's FIRM, but has not identified a regulatory floodway or coastal high hazard area, the County shall:

(1) Require the standards of paragraph (b) of this section within all A1-30 zones, AE zones, A zones, AH zones, and AO zones, on the County's FIRM;

(2) Require that all new construction and substantial improvements of residential structures within Zones A1-30, AE and AH zones on the County's FIRM have the lowest floor (including basement) elevated to or above the base flood level, unless the County is granted an exception by the Administrator for the allowance of basements in accordance with Sec. 60.6 (b) or (c);

(3) Require that all new construction and substantial improvements of non-residential structures within Zones A1-30, AE and AH zones on the County's FIRM (i) have the lowest floor (including basement) elevated to or above the base flood level or, (ii) together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure 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;

(4) Provide that where a non-residential structure is intended to be made watertight below the base flood level, (i) a registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of paragraph (c)(3)(ii) or (c)(8)(ii) of this section, and (ii) a record of such certificates which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained with the Building Official and or Environmental Manager;

(5) Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings 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. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(6) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the County's FIRM on sites

(i) Outside of a manufactured home park or subdivision,

(ii) In a new manufactured home park or subdivision,

(iii) In an expansion to an existing manufactured home park or subdivision,

or

(iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation collapse and lateral movement.

(7) Require within any AO zone on the County's FIRM that all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the County's FIRM (at least two feet if no depth number is specified);

(8) Require within any AO zone on the County's FIRM that all new construction and substantial improvements of nonresidential structures:

(i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the County's FIRM (at least two feet if no depth number is specified), or

(ii) together with attendant utility and sanitary facilities be completely floodproofed to that level to meet the floodproofing standard specified in Sec. 60.3(c)(3)(ii);

(9) Require within any A99 zones on a County's FIRM the standards of paragraphs (a)(1) through (a)(4)(i) and (b)(5) through (b)(9) of this section;

(10) Require until a regulatory floodway is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the County's 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 County.

(11) Require within Zones AH and AO, adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

(12) Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A-1-30, AH, and AE on the County's FIRM that are not subject to the provisions of paragraph (c)(6) of this section be elevated so that either

(i) The lowest floor of the manufactured home is at or above the base flood elevation, or

(ii) 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 and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

(13) Notwithstanding any other provisions of this ordinance or any other applicable federal or state code or regulations, Campbell County may approve certain development in Zones A1-30, AE, and AH, on the County's FIRM which increase the water surface elevation of the base flood by more than one foot, provided that the County first applies for a conditional FIRM revision, fulfills the requirements for such a revision as established under the provisions of applicable state and federal code and regulations, and receives the approval of the Administrator.

(14) Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the County's FIRM either

(i) Be on the site for fewer than 180 consecutive days,

(ii) Be fully licensed and ready for highway use, or

(iii) Meet the permit requirements of paragraph (b)(1) of this section and the elevation and anchoring requirements for "manufactured homes" in paragraph (c)(6) of this section.

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.

(d) When the Administrator has provided a notice of final base flood elevations within Zones A1-30 and/or AE on the County's FIRM and, if appropriate, has designated AO zones, AH zones, A99 zones, and A zones on the County's FIRM, and has provided data from which the County shall designate its regulatory floodway, the County shall:

(1) Meet the requirements of paragraphs (c) (1) through (14) of this section;

(2) Select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one foot at any point;

(3) Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within Campbell County during the occurrence of the base flood discharge;

(4) Notwithstanding any other provisions of this ordinance or any other applicable federal or state code or regulations, Campbell County may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the County first applies for a conditional FIRM and floodway revision, fulfills the requirements for such revisions as established under the provisions of federal and state law, and receives the approval of the Administrator.

For state law authority, see VA. CODE ANN. §10.1-602 (Repl. Vol. 2006), 44 C.F.R. Sec. 60.3 (2007).

[THE AUGUST 18, 2008 ACT adopted this section.]

**Sec. 11-12. Floodway district.**

In the floodway district no development shall be permitted except where the effect of such development on flood heights is fully offset by accompanying improvements which have been approved by all appropriate local or state authorities as required above.

(a) Permitted activities. In the floodway district the following activities are permitted; provided, that they are in compliance with the provisions of this chapter and are not prohibited by any other ordinance, and provided that they do not require structures, fill or storage of materials and equipment:

(1) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming and wild crop harvesting.

(2) Public and private recreational uses and activities such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking, horseback or riding trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges and hunting and fishing areas.

(3) Accessory residential uses such as yard areas, gardens, play areas and pervious parking and loading areas, airport landing strips, etc.

(b) Activities permitted by special exception. The following activities may be permitted by special exception provided that they are in compliance with the provisions of this chapter and are not prohibited by any other ordinance:

(1) Structures except for manufactured homes accessory to the uses and activities in subsection (a) above. In some cases, low-cost accessory buildings may be wet-floodproofed and do not have to be elevated or dry floodproofed. These structures could include, but are not limited to, detached garages and small boathouses, pole barns and storage sheds. Such structures must meet these requirements:

- a. The owner must obtain a variance from FEMA.
- b. The building must be used only for parking or storage.
- c. The building must have the required openings to allow floodwaters in and out.
- d. The building must be constructed using flood resistant materials below the BFE.
- e. The building must be adequately anchored to resist flotation, collapse, and lateral movement.
- f. All building utility equipment including electrical and heating must be elevated or floodproofed.

(2) Public bathroom facilities or on-site waste disposal systems should be located to ensure they will not release contamination in a flood and can be used after flood waters recede.

The first objective should be to locate the system outside the flood hazard area, if that is feasible. At a minimum, an automatic backflow valve should be installed to prevent sewage from backing up into the building during a flood.

(3) Utilities and public facilities and improvements such as railroads, streets, bridges, transmission lines, pipe lines, water and sewage treatment plants and other similar or related uses. For sewer systems located in the flood hazard area, manholes shall be raised above the 100 year flood level or equipped with seals to prevent leakage. Pumping stations shall have electrical panels elevated above the BFE.

(4) Water-related uses and activities such as marinas, docks, wharves, piers, etc.

(5) Extraction of sand, gravel and other materials (where no increase in level of flooding or velocity is caused thereby.)

(6) Temporary uses such as circuses, carnivals and similar activities.

(7) Storage of materials and equipment provided that they are not buoyant, flammable, hazardous or explosive, and are not subject to major damage by flooding, or provided that such material and equipment is firmly anchored to prevent flotation or movement or can be readily removed from the area within the time available after flood warning.

(8) Other similar uses and activities provided they cause no increase in flood heights or velocities. All uses, activities, and structural developments shall be undertaken in strict compliance with the flood proofing provisions contained in all other applicable codes and ordinances. (9-18-78) (9-8-87)

[THE 1987 AMENDMENT deleted the former second paragraph which allowed placement of mobile homes in existing parks.]

[THE 1988 AMENDMENT, in paragraph (a) (2), substituted "hiking, horseback or riding trails" for "hiking horseback riding trails" and "wildlife" for "wildlife."]

[THE 1993 AMENDMENT substituted "special exception" for "conditional use" twice in the introductory paragraph of subsection (b).]

[THE AUGUST 18, 2008 AMENDMENT added the second sentence to subsection (b)(1), requirements a-f in (b)(1), new (b)(2) and renumbered previous (b)(2) through (b)(7), added second sentence in new (b)(3), and inserted "hazardous" in new subsection (b)(7).]

### **Sec. 11-12.1. Standards for the Special Floodplain District**

The following provisions shall apply within the Special 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 A and AE on the Flood Insurance Rate Map, 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 Campbell County.

Development activities in Zones A and AE, on the Flood Insurance Rate Map which increases the water surface elevation of the base flood by more than one foot may be allowed, provided that the applicant first applies with Campbell County endorsement for a conditional Flood Insurance Rate Map revision, and receives approval from the Federal Emergency Management Agency (FEMA).

[THE AUGUST 18, 2008 ACT adopted this section.]

**Sec. 11-13. Flood-fringe and approximated floodplain districts.**

In the flood-fringe and approximated floodplain districts the development and use of land shall be permitted in accordance with the regulations of this chapter; provided, that all such uses, activities and development shall be undertaken in strict compliance with the flood proofing, waterproofing and other related provisions contained in the Virginia Uniform Statewide Building Code and all other applicable codes and ordinances.

The applicant will be required to evaluate the effects of the proposed development on the floodplain and to delineate the floodway based on the requirement that existing and future development not increase the one hundred year flood elevation more than one foot at any point. The engineering principle, equal reduction of conveyance, shall be used to make the determination of increased flood heights. (9-18-78)

**Sec. 11-14. Design criteria for utilities and facilities.**

(a) Sanitary sewer facilities. All new or replacement sanitary sewer facilities and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into the floodwaters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.

(b) Water facilities. All new or replacement water facilities shall be designed to minimize or eliminate infiltration of floodwaters into the system and be located and constructed to minimize or eliminate flood damages.

(c) Drainage facilities. All storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall insure drainage away from buildings and on-site waste disposal sites. The Board of Supervisors may require a primarily underground system to accommodate frequent floods and secondary surface system to accommodate large, less frequent floods. Drainage plans shall be consistent with local and regional

plans. The facilities shall be designed to prevent discharge of excess runoff onto adjacent properties.

(d) Historic Site Designation. The repair or rehabilitation of historic structures is allowable by variance as long as the work does not jeopardize 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.

(e) Utilities. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(f) Streets and sidewalks. Streets and sidewalks should be designed to minimize their potential for increasing and aggravating the levels of flood flow. Drainage openings shall be required to sufficiently discharge flood flows without unduly increasing flood heights. (9-18-78) (9-8-87)

[THE 1987 AMENDMENT revised the definition of "utilities" in subsection (d).]

[THE AUGUST 18, 2008 AMENDMENT added subsection (d) and renumbered previous subsection (d) and (e).]

#### **Article IV. Special Exceptions.**

##### **Sec. 11-15. Appeals.**

Whenever any person is aggrieved by a decision of the Building Official/Environmental Manager, or with respect to the provisions of this chapter, it is the right of that person to appeal to the Board of Supervisors for a special exception. Such appeal must be filed, in writing, within thirty days after the determination by the Building Official/Environmental Manager. Upon receipt of such an appeal, the Board of Supervisors shall set a time and place for the purpose of hearing the appeal, which shall be not less than ten nor more than thirty days from the date of the receipt of the appeal.

Notice of the time and place of the hearing of the appeal shall be given to all parties at which time they may appear and be heard. The determination by the Board of Supervisors shall be final in all cases. (9-18-78)

[THE AUGUST 18, 2008 AMENDMENT substituted "Building Official/Environmental Manager" for "building inspector" throughout.]

##### **Sec. 11-16. Special exceptions--Factors for consideration.**

In passing upon applications for special exceptions, the Board of Supervisors shall consider the following factors:

(a) The danger to life and property due to increased flood heights or velocities caused by encroachments. No special exception shall be granted for any proposed use, development, or

activity with the floodway district that will cause any increase in flood levels during the one hundred (100) year flood.

(b) The danger that materials may be swept onto other lands or downstream to the injury to others, and the type of those materials.

(c) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

(d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

(e) The importance of the services provided by the proposed facility to the community.

(f) The requirements of the facilities for a waterfront location.

(g) The availability of alternative locations not subject to flooding for the proposed use.

(h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

(i) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.

(j) The safety of access to the property in time of flood of ordinary and emergency vehicles.

(k) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.

(l) Such other factors as are relevant to the purposes of this chapter. (9-18-78)

[THE AUGUST 18, 2008 AMENDMENT added “and the type of those materials” at the end of subsection (b).]

**Sec. 11-17. Same--Application; criteria for granting; procedure upon granting.**

(a) The Board of Supervisors may refer any application and accompanying documentation pertaining to any request for a special exception 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 protections and other related matters.

(b) Variances should only be issued as a minimum to relieve extraordinary hardship. Special exceptions shall only be issued after the Board of Supervisors has determined that the granting of such will not result in (1) unacceptable or prohibited increases in flood heights, (2) additional threats to public safety, (3) extraordinary public expense, (4) nuisances, (5) fraud or victimization of the public, or (6) conflict with local laws or ordinances.

Special exceptions shall only be issued after the Board of Supervisors has determined that the special exception will be the minimum relief to any hardship.

(c) The Board of Supervisors shall notify the applicant for a special exception, in writing, that the issuance of a special exception to construct a structure below the one hundred year flood elevation (1) increases risks to life and property, and (2) will result in increased premium rates for flood insurance.

(d) A record of the above notification as well as special exception actions, including justification for their issuance, shall be maintained and any special exceptions which are issued shall be noted in the annual report submitted to the Federal Emergency Management Agency. (9-18-78) (3-19-84)

[THE 1984 AMENDMENT substituted "Federal Emergency Management Agency" for "federal insurance administrator" in subsection (d).]

[THE AUGUST 18, 2008 AMENDMENT added the first sentence in (b).]

## **Article V. Existing Structures in Floodplain Districts.**

### **Sec. 11-18. Conditions for continuation of nonconforming structure or use.**

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:

(a) Existing structures or uses located in the floodway district shall not be expanded, enlarged or substantially improved (unless the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying improvements).

(b) Any modification, alteration, repair, reconstruction or improvement of any kind to a structure or use located in any floodplain district to an extent or amount of less than fifty percent of its market value shall be elevated and/or flood proofed to the greatest extent possible.

(c) The modification, alteration, repair, reconstruction or improvement of any kind to a structure or use regardless of its location in a floodplain district to an extent or amount of fifty percent or more of its market value shall be undertaken only in full compliance with the provisions of the Virginia Uniform Statewide Building Code.

(d) Uses or adjuncts thereof which are, or become, nuisances shall not be permitted to continue. (9-18-78)