

408. - Floodplain Conservation.***408.1. General provisions.***

Statutory authorization and purpose: This ordinance is adopted pursuant to the authority granted to localities by Code of Virginia, § 15.2-2280.

408.2. Purpose. The purpose of these provisions is to prevent the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief and the impairment of the tax base by:

- (a) Regulating uses, activities and development which, alone or in combination with other existing or future uses, activities and development, will cause unacceptable increases in flood heights, velocities and frequencies.
- (b) Restricting or prohibiting certain uses, activities and development from locating within districts subject to flooding.
- (c) Requiring all those uses, activities and developments that do occur in flood-prone districts to be protected and/or flood proofed against flooding and flood damage.
- (d) Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

408.3. Applicability. These provisions shall apply to all lands within the jurisdiction of the Town of Luray (VA) and identified as being in the 100-year floodplain by the Federal Insurance Administration.

408.4. Compliance and liability.

- (a) No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged or structurally altered except in full compliance with the terms and provisions of this section and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this section.
- (b) The degree of flood protection sought by the provisions of this section 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 section does not imply that districts outside the floodplain district or that land uses permitted within such district will be free from flooding or flood damages.
- (c) This section shall not create liability on the part of the Town of Luray or any officer or employee thereof for any flood damages that result from reliance on this section or any administrative decision lawfully made thereunder.

408.5. Abrogation and greater restrictions. This ordinance supersedes any ordinance currently in effect in flood-prone districts. Any ordinance, however, shall remain in full force and effect to the extent that its provisions are more restrictive.

408.6. Records. Records of actions associated with administering this ordinance shall be kept on file and maintained by the floodplain administrator.

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

408.8. Penalties.

- (a) Any person who fails to comply with any of the requirements or provisions of this section or directions of the floodplain administrator or any other authorized employee of the Town of Luray shall be guilty of a misdemeanor of the first class and subject to the penalties of up to \$2,500.00 or imprisonment for not more than 12 months, or both.
- (b) In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this section. The imposition of a fine or penalty for any violation of or noncompliance with this

section shall not excuse the violation or noncompliance to 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 section may be declared by the town council to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this section.

408.9. Definitions. As used in this section, the following terms shall have the meanings indicated:

Base flood/100-year flood. The flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation. The Federal Emergency Management Agency designated one percent annual chance water surface elevation and the elevation determined per section 408.10(1)a.3. The water surface elevation of the base flood in relation to the datum specified on the community's flood insurance rate map. For the purposes of this ordinance, the base flood is 100-year flood or one percent annual chance flood.

Basement . Any area of the building having its floor sub-grade (below ground level) on all sides.

Board of zoning appeals. The board appointed to review appeals made by individuals with regard to decisions of the zoning administrator in the interpretation of this 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, excavation, mining, dredging, drilling operations or storage of equipment or materials.

Existing manufactured home park or subdivision. A manufactured home or subdivision which the construction of facilities for servicing the lots on which the manufactured homes are affixed (including, at a minimum, the installation of utilities, the constructions of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this chapter.

Expansion to an existing manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are affixed (including, at a minimum, the installation of utilities, the constructions of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this chapter.

Flood or flooding.

- (1) A general or 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.
 - c. Mudflows which are proximately caused by flooding as defined in paragraph (1)b. of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- (2) The collapse or subsidence of land along the shore of a lake or other similar body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)a. of this definition.

Flood insurance rate map (FIRM). An official map of a community, on which the Federal Emergency Management Agency has delineated both the special hazard areas, the base flood elevations, and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a digital flood insurance rate map (DFIRM).

Flood insurance study (FIS). A report by FEMA that examines, evaluates and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.

Floodplain or flood-prone area. Any land area susceptible to being inundated by water from any source.

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 one foot.

Floodproofing. Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate the risk of flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Historic structure. Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the 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 historical 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:
 - a. By an approved state program as determined by the Secretary of the Interior; or
 - b. 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 Federal Code 44CFR §60.3.

Manufactured home. A structure subject to federal regulations which is transportable in one or more sections; is eight body feet or more in width and 40 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 foundation, when connected to the required utilities; and includes the plumbing, heating, air conditioning and electrical systems contained in the structure.

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

New construction. For the purposes of determining insurance rates, structures for which the start of construction commenced on or after September 2, 1981, and includes any subsequent improvements to such structures; for floodplain management purposes, new 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.

Recreational vehicle. A vehicle which is:

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

Special flood hazard area. An area having special flood, mudflow, or flood-related erosion hazards, and shown on a flood hazard boundary map or a flood insurance rate map as zone A, AO, A2-30, AE, A99, AH, AR, AR/A, AR/AH, AAR/AO, AR/A1-A30, V1-V30, VE, or V. For the purpose of determining community rating system premium discounts, all AR and A99 zones are treated as non-SFHAs.

Start of construction. The date the building permit was issued, provided that the actual start of construction, repair, reconstruction, rehabilitation, addition, 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 the installation of streets and/or walkways; nor does it include excavation for a basement footing, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of any accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual "start of construction" means the first alteration on any wall, ceiling, floor or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

Structure. 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. 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 improvement. Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

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

Violation. The failure of any future structure or other future development to be fully compliant with the community's floodplain management regulations. Any future structure or other future development without the elevation certificate, other certifications, or other evidence of compliance required in by this Code is presumed to be in violation until such time as that documentation is provided.

408.10. Establishment of zoning districts.

(1) Description of districts.

- a. *Basis of districts.* The various floodplain districts shall include areas subject to inundation by waters of the 100-year flood. The basis for the delineation of these districts shall be the flood insurance study (FIS), for Page County, and the FIRM prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated January 5, 2007, as amended and any subsequent revisions or amendments thereto, and the Flood Hazard Analysis of the Hawksbill Creek Watershed, prepared by the Department of Agriculture and Soil Conservation Service, dated August 1977. In case of a conflict, the more stringent delineation controls.
 1. The Floodway District is delineated, for the purposes of this section, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the 100-year flood without increasing the water surface elevation of that flood more than one foot at any one point. The areas included in this district are specifically defined in Table II of the above-referenced flood insurance study and shown on the accompanying flood boundary and floodway map or the flood insurance rate map.
 2. The Flood-Fringe District shall be that area of the 100-year floodplain not included in the Floodway District. The basis for the outermost boundary of the district shall be the 100-year flood elevations

contained in the flood profiles in the above-referenced Flood Insurance Study and as shown on the accompanying flood insurance rate map, plus one foot.

3. The Approximated Floodplain District shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a 100-year floodplain boundary has been approximated. Such areas are shown as zone A on the maps accompanying the flood insurance study. For these areas, the 100-year flood elevations floodway information from federal, state and other acceptable sources shall be used, when available. Where the specific 100-year flood elevation cannot be determined for this area using other sources of data, such as the United States Army Corps of Engineers Floodplain Information Reports, the United States 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 of Page.

b. *Overlay concept.*

1. The floodplain districts described above shall be overlays to the existing underlying districts as shown on the official zoning ordinance map, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.
2. In the event of any conflict between the provisions or requirements of the floodplain districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.
3. In the event that any provision concerning a floodplain district is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.
4. Official zoning map. The boundaries of the floodplain districts are established as shown on the flood insurance rate map, which is declared to be a part of this chapter and which shall be kept on file at the administrative offices.
5. District boundary changes. The delineation of any of the floodplain districts may be revised by the town council where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the United States Army Corps of Engineers or other qualified agency or an individual documents the need for a change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.
6. Interpretation of district boundaries. Initial interpretations of the boundaries of the floodplain districts shall be made by the floodplain administrator or their designee. Should a dispute arise concerning the boundaries of any of the districts, the board of zoning appeals shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the board and to submit his own technical evidence if he so desires.

408.11. District provisions.

- (1) *Permit requirement.* All uses, activities and development occurring within any floodplain district including placement of manufactured homes shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of this section and with all other applicable codes and ordinances, such as the Virginia Uniform Statewide Building Code. and Town Code sections 101 through section 610, Subdivisions, of the Town of Luray. Prior to the issuance of any such permit, the floodplain administrator or their designee shall require all applications to include compliance with all applicable state and federal laws. Under no circumstances shall any use, activity and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch or any other drainage facility or system.

- (2) *Site plans and permit applications* . All applications for development within any floodplain district and all building perennials within the floodplain shall incorporate the following information:
- The elevation of the base flood at the site.
 - The elevation of the lowest floor (including basement).
 - For structures to be floodproofed (non-residential only), the elevation to which the structure will be floodproofed.
 - Topographic information showing existing and proposed ground elevations.
- (3) *Alteration or relocation of watercourse*. Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction, a permit shall be obtained from the United States Army Corps of Engineers, the Virginia State Water Control Board and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Division of Soil and Water Conservation (Department of Conservation and Recreation) and the Federal Insurance Administration.
- (4) *General provisions* : The following provisions shall apply to all permits:
- New construction and substantial improvements shall be according to the VA USBC, and anchored to prevent flotation, collapse or lateral movement of the structure.
 - Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state anchoring requirements for resisting wind forces.
 - New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
 - Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
 - New construction proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
 - New construction proposals shall have adequate drainage provided to reduce exposure to flood hazards; and
 - Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (5) *Elevation*. For structures to be elevated, the elevation of the lowest floor (including basement) must meet the following conditions:
- New construction or substantial improvement of any residential structure (including manufactured homes) in zones A1-30, AE, AH and A with detailed base flood elevations shall have the lowest floor, including basement, elevated to or above the base flood level.
 - Space below the lowest floor: In zones A, AE, AH, AO, and A1-A30, fully enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:
 - Not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator);

2. Be constructed entirely of flood resistant materials below the regulatory flood protection elevation;
 3. Include measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:
 - i. Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
 - ii. The total net area of all openings must be at least one square inch for each square foot of enclosed area subject to flooding.
 - iii. The bottom of all required openings shall be no higher than one foot above the adjacent grade.
 - iv. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
 - v. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.
- (6) For structures to be floodproofed (nonresidential only), the elevation to which the structure will be floodproofed.
- a. New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated to or above the base flood level. Buildings located in all A1-30, AE, and AH zones may be flood-proofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the BFE plus one foot are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to mean sea level) to which such structures are flood proofed, shall be maintained by Page County Floodplain Administer or their designee.
- (7) *The elevation of the 100-year flood.*
- a. Base flood elevation data shall be obtained from other sources including licensed surveyors or developed using detailed methodologies comparable to those contained in a FIS for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed 50 lots or five acres, whichever is the lesser.
- (8) *Topographic information showing existing and proposed ground elevations.*
- a. **Manufactured homes.** Manufactured homes that are placed or substantially improved on sites shall 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 shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
 - b. **Recreational vehicles.** Recreational vehicles placed on sites shall either:
 1. Be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect-type utilities and security devices and has no permanently attached additions); or
 2. Meet the permit requirements for placement and elevation and anchoring requirements for manufactured homes in section 408.11(8)a. above.
- (9) *Floodway District.* In the Floodway District, no encroachments, including fill, new construction, substantial improvements or other development, shall be permitted 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 the 100-year flood elevation.
- a. **Permitted uses.** In the Floodway District, the following uses and activities are permitted, provided that they are in compliance with the provisions of the underlying area 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, horseback riding and hiking 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 previous loading areas.
 4. Accessory industrial and commercial uses, such as yard areas, previous parking and loading areas, airport landing strips, etc.
- b. Permitted by special permit. Uses permitted by special permit shall be as follows:
1. Commercial recreational use, where open to the public or restricted to private membership, such as parks, camps, picnic areas, golf courses, fishing, sport or boating clubs; not to include enclosed structures, excepting toilet facilities, but permitting piers, docks, floats or shelters usually found in developed outdoor recreational areas. Any toilet facilities provided shall be connected to public water and sewerage systems.
 2. Outlet installations for sewage treatment plants or sewage pumping stations, with the approval of the County Engineer and/or the appropriate sewer authorities.
 3. Sealed public water supply wells, with the approval of the county engineer and/or appropriate authorities.
 4. Dams, culverts and bridges, with the approval of appropriate authorities with jurisdiction, such as the Commonwealth of Virginia, Department of Forests and Waters, Power and Resources Board.
 5. Sanitary or storm sewers impoundment basins, with the approval of the county engineer and/or appropriate authorities.
 6. Roads, driveways or parking areas.
 7. Similar uses to the above which are in compliance with the intent of this section.
 8. The board of zoning appeals may authorize issuance of a zoning permit to construct buildings allowed in accordance with the provisions of the primary zoning district if adequate building methods are used to eliminate the dangers of flooding. A statement by a registered architect or engineer will be required to explain the building methods to be used in overcoming the possibility of flooding. Such statement should also include an explanation of the manner by which water and sewer facilities will be provided in keeping with public health requirements.
 9. All facilities required by electric utilities.
- (10) *Flood-Fringe and Approximated Floodplain Districts.*
- a. In the flood-fringe and approximated floodplain districts, the development and/or use of land shall be permitted in accordance with the regulations of the underlying area, provided that all such uses, activities and/or development shall be undertaken in strict compliance with the flood proofing and related provisions contained in the Virginia Uniform Statewide Building Code and all other applicable codes and ordinances.
 - b. Within the approximated floodplain district, the applicant shall also delineate a floodway area based on the requirement that all existing and future development not increase the 100-year flood elevation more than one foot at any one point. The engineering principle, equal reduction of conveyance, shall be used to make the determination of increased flood heights.
 - c. Within the floodway area delineated by the applicant, the provisions of Subsection 408.11 (9) shall apply.
- (11) *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. 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.*
 - 1. All storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The systems shall ensure drainage away from buildings and on-site waste disposal sites.
 - 2. The Town of Luray may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.
- d. *Utilities.* All utilities, such as gas lines and electrical and telephone systems, being placed in flood-prone areas should be located, elevated (where possible) and constructed to minimize the chance of impairment during a flooding occurrence.
- e. *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.

408.12. Standards for Subdivision Proposals.

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and
- (4) Base flood elevation data shall be obtained from other sources or developed using detailed methodologies, hydraulic and hydrologic analysis, comparable to those contained in a flood insurance study for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed 50 lots or five acres, whichever is the lesser.

408.13. Variances; factors to be considered.

- (1) Upon passing applications for variances, the board of zoning appeals shall satisfy all relevant factors and procedures specified in other sections of this chapter and consider the following additional factors:
 - a. The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development or activity within any Floodway District that will cause any increase in the 100-year flood elevation.
 - b. The danger that materials may be swept on to other lands or downstream to the injury of others.
 - 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 facility 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 anticipated development in the foreseeable future.
 - i. The relationship of the proposed use to the Comprehensive Plan and the floodplain management program for the area.

- j. The safety of access by ordinary and emergency vehicles to the property in the time of flood.
 - k. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site.
 - l. The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designations as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
 - m. Such other factors which are relevant to the purposes of this section.
- (2) The board of zoning appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities and the adequacy of the plans for the flood protection and other related matters.
 - (3) Variances shall be issued only after the board of zoning appeals has determined that the granting of such will not result in unacceptable or prohibited increases in flood heights or additional threats to public safety or extraordinary public expense and will not create nuisances, cause fraud or victimization of the public or conflict with local laws or ordinances.
 - (4) Variances shall be issued only after the board of zoning appeals has determined that the variance will be the minimum required to provide relief from any hardship to the applicant.
 - (5) The board of zoning appeals shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the 100-year flood elevation increases the risk to life and property and will result in increased premium rates for flood insurance.
 - (6) A record shall be maintained of the above notification, as well as all variance actions, including justification for the issuance of the variances. Any variances which are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

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

- (1) Existing structures in the Floodway District shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed expansion would not result in any increase in the 100-year flood elevation.
- (2) Any modifications, alteration, repair, reconstruction or improvement of any kind to a structure and/or use located in a floodplain area to an extent or amount of less than 50 percent of its market value shall be elevated and/or flood proofed to the greatest extent possible.
- (3) The modification, alteration, repair, reconstruction or improvement of any kind to a structure and/or use, regardless of its location in a floodplain area, to an extent or amount of 50 percent or more of its market value shall be undertaken only in full compliance with the provisions of this section and the Virginia Uniform Statewide Building Code.

408.15. Administration.

- (1) *Designation of the floodplain administrator:* The zoning administrator is hereby appointed to administer and implement these regulations and is referred to herein as the floodplain administrator.
- (2) *Duties and Responsibilities of the floodplain administrator:* The duties and responsibilities of the floodplain administrator shall include but are not limited to:
 - a. Review applications for permits to determine whether proposed activities will be located in the special flood hazard area (SFHA).
 - b. Interpret floodplain boundaries and provide available base flood elevation and flood hazard information.

- c. Review applications to determine whether proposed activities will be reasonably safe from flooding and require substantial improvements to meet the requirements of these regulations.
- d. Approve applications and issue permits to develop in flood hazard areas if the provisions of these regulations have been met, or disapprove applications if the provisions of these regulations have not been met.
- e. Inspect or cause to be inspected, prospective buildings and structures, and other prospective development for which permits have been issued to determine compliance with these regulations or to determine if non-compliance has occurred or violations have been committed.
- f. Submit to FEMA, or require to be submitted to FEMA, at applicants expense, data and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering analyses prepared by or for the Town of Luray, within six months after such data and information becomes available if the analyses indicate changes in base flood elevations.
- g. Maintain and permanently keep records that are necessary for the administration of these regulations, including:
 1. Flood insurance studies, flood insurance rate maps (including historic studies and maps and current effective studies and maps) and letters of map change; and
 2. Documentation supporting issuance and denial of permits, elevation certificates, documentation of the elevation (in relation to the datum on the FIRM) to which structures have been flood proofed, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations.
- h. Advise the board of zoning appeals regarding the intent of these regulations and, for each application for a variance, prepare a staff report and recommendation.
- i. Administer the requirements related to proposed work on existing buildings:
 1. Make determinations as to whether buildings and structures that are located in flood hazard areas and that are damaged by any cause have been substantially damaged.
 2. Make reasonable efforts to notify owners of substantially damaged structures.
- j. Undertake, as determined appropriate by the floodplain administrator due to the circumstances, other actions which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas; and assisting property owners with documentation necessary to file claims for Increased Cost of Compliance coverage under NFIP flood insurance policies.
- k. Notify the Federal Emergency Management Agency when the corporate boundaries of the Town of Luray have been modified and:
 1. Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to these regulations has either been assumed or relinquished through annexation; and
 2. If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.
- l. Upon the request of FEMA, complete and submit a report concerning participation in the NFIP which may request information regarding the number of buildings in the SFHA, number of permits issued for development in the SFHA, and number of variances issued for development in the SFHA.
- m. It is the duty of the community floodplain administrator to take into account flood, mudslide and flood-related

erosion hazards, to the extent that they are known, in all official actions relating to land management and use throughout the entire jurisdictional area of the community, whether or not those hazards have been specifically delineated geographically (e.g. via mapping or surveying).

(Ord. of 1-12-2015)