

INTRODUCED: May 12, 2025

AN ORDINANCE No. 2025-104

To repeal City Code §§ 14-57, concerning the establishment of floodplain districts, 14-58, concerning district boundaries and the official floodplain map, and 14-121, concerning modification to requirements of the building code and to amend §§ 14-19, 14-21—14-23, 14-25, 14-55, 14-56, 14-59—14-62, 14-83—14-88, 14-120, 14-122, and 14-123, concerning floodplain management, for the purpose of aligning the City Code with the Letter of Final Determination from the Federal Emergency Management Agency dated Jan. 8, 2025, regarding the City’s revised flood insurance rate map.

Patron – Mayor Avula

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: MAY 24 2025 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1 That sections 14-57, 14-58, and 14-121 of the Code of the City of Richmond (2020) be and are hereby **repealed** as follows:

~~[Sec. 14-57. Establishment of floodplain districts.~~

~~In order to accomplish the purposes of this division, floodplain districts are hereby established and shall include those areas of the City subject to inundation by waters of the 100-~~

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: JUN 2 2025 REJECTED: _____ STRICKEN: _____

~~year flood. The basis for delineation of such districts shall be the flood insurance study for the City prepared by the Federal Emergency Management Agency, dated December 15, 1978, as revised, effective July 20, 1998, April 2, 2009, and July 16, 2014, and any subsequent revisions or amendments thereto.]~~

~~[Sec. 14-58. District boundaries; official floodplain map.~~

~~The boundaries of the floodplain districts are established as shown on the flood insurance rate maps, flood boundary maps, and floodway maps, prepared by the Federal Emergency Management Agency, dated June 15, 1979, as revised, effective July 20, 1998, April 2, 2009, and July 16, 2014, and any subsequent revisions or amendments thereto, which maps are incorporated by reference into this division. The flood insurance rate maps, flood boundary maps, and floodway maps, together with the flood insurance study for the City, shall be kept on file in the Office of the Director.]~~

~~[Sec. 14-121. -- Modifications to requirements of building code.--~~

~~(a) — *Notification of cost of flood insurance.* Upon granting a modification to construct a structure below the 100-year flood level, the Building Code Board of Appeals shall notify the applicant in writing that the cost of flood insurance will be commensurate with the increased risk resulting from such construction.~~

~~(b) — *Records of modifications granted.* Records shall be maintained by the Building Code Board of Appeals of all modifications granted, including the justification for each, and shall be included in any reports required by and submitted to the Federal Emergency Management Agency (FEMA).]~~

§ 2 That sections 14-19, 14-21 through 14-23, 14-25, 14-55, 14-56, 14-59 through 14-62, 14-83 through 14-88, 14-120, 14-122, and 14-123 of the Code of the City of Richmond (2020) be and are hereby **amended** as follows:

Sec. 14-19. Statutory Authorization and Purpose.

~~[In accordance with Code of Virginia, Title 10.1, Ch. 6 (Code of Virginia, § 10.1-600 et seq.), and the National Flood Insurance Act of 1968, 42 USC 4001—4129]~~ Pursuant to the authority granted to localities by Code of Virginia §15.2-2280, and in accordance with Code of Virginia § 15.2-2283, the purpose of this article is to promote the public health, safety and general welfare through the establishment of comprehensive floodplain management regulations designed to:

- (1) Minimize loss of life and property due to flooding conditions;
- (2) Prevent unnecessary disruption of commerce and public services in times of flooding;
- (3) Avoid unnecessary and extraordinary expenditure of public funds for flood protection and relief; and
- (4) Contribute to the maintenance of a stable tax base.

Sec. 14-21. Definitions.

Words and terms not specifically defined in this section shall be interpreted in accordance with such normal dictionary meaning or customary usage as is appropriate to the context. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

100-year flood means the base flood (i.e., the flood having a one percent chance of being equaled or exceeded in any given year).

Accessory structure means a non-residential structure used for purposes incident and subordinate to ~~[another]~~ a principal structure on the same property and that does not exceed 200 square feet in area.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year (i.e., the 100-year flood).

Base flood elevation means the elevation ~~[computed by the Federal Emergency Management Agency]~~ to which floodwater is anticipated to rise during the ~~[base]~~ one percent annual chance flood~~[as reflected in the City's flood insurance rate map]~~. The terms "base flood elevation," "one percent annual change flood elevation," and "100-year flood elevation" are synonymous and are used interchangeably.

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

Board of Zoning Appeals means the board created pursuant to section 17.16 of the Richmond City Charter.

Chesapeake Bay Preservation Areas means those areas so designated in Article IV of this chapter.

Conditional letter of map revision means ~~[an official Federal Emergency Management Agency determination by letter that is a formal review]~~ a formal review and comment by the Federal Emergency Management Agency as to whether a proposed flood protection project or other project complies with the minimum National Flood Insurance Program requirements for such projects with respect to delineation of special flood hazard areas. A conditional letter of map revision does not revise the effective floodplain insurance rate map or flood insurance study.

Development means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures [~~for which a building permit must be obtained under the requirements of the Virginia Uniform Statewide Building Code and this article~~], mining, dredging, filling, grading, paving, excavation or drilling operations, or the storage of equipment or materials.

Digital flood insurance rate map (DFIRM) means a flood insurance rate map that has been made available digitally.

Director means the Director of Public Utilities or a designee thereof.

Elevated structure means a non-basement structure built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, columns, posts or piers.

Elevation certificate means an official record or document that shows new structures and substantial improvements in all identified special flood hazard areas are properly elevated.

Encroachment means the advance or infringement of uses, plant growth, fill excavation, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

~~[Existing construction, and existing structure, and pre-FIRM mean, for the purpose of determining rates, structures for which the start of construction commenced before June 15, 1979, which is the effective date of the City's initial flood insurance rate map.]~~

Flood or flooding means:

(1) A general ~~[and]~~ or temporary condition of partial or complete inundation of normally dry land areas from:

a. Overflow of inland or tidal waters; or

b. Unusual and rapid accumulation of runoff of surface waters from any source~~[; or]~~.

c. ~~[Mudflow; or]~~ Mudflows which are proximately caused by flooding as defined in subsection (1)(b) of this definition 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 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, by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event that results in flooding as defined in subsection (1)(a) of this definition.

Flood fringe district means any normally dry land area susceptible to partial or complete inundation during the 100-year flood and lying outside of the floodway district. The outermost boundary of the flood fringe district shall be the elevation of the 100-year flood contained in the flood profiles of the flood insurance study and shown on the flood boundary and floodway map.

Flood insurance rate map (FIRM) means an official map of the City on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the City.

Flood insurance study means a report by the Federal Emergency Management Agency that examines, evaluates and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow or flood-related erosion hazards.

Floodplain and flood-prone area means ~~[the area, including watercourse, susceptible to partial or complete inundation during the 100-year flood]~~ any land area susceptible to being inundated by water from any source.

Floodplain Administrator means the Director of Public Utilities or a designee thereof.

Floodplain districts means those areas subject to partial or complete inundation by waters of the 100-year flood, including floodway districts, flood fringe districts and approximate floodplain districts.

Floodproofing means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway district and floodway means the channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the ~~[100-year]~~ base flood without cumulatively increasing the water surface elevation more than one foot at any point within the community. ~~[Areas included in the floodway district are defined in Table 2 of the flood insurance study prepared by the Federal Emergency Management Agency dated December 15, 1978, and as revised, effective July 20, 1998, April 2, 2009, and July 16, 2014.]~~

Freeboard means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management.

Frequency flood means a flood at a certain magnitude that will occur for a water body or drainage area over a certain period of time.

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

Historic structure means any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the United States 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 historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed in the Virginia Landmarks Register; or

(4) Individually listed on a local inventory of historic places certified by the Virginia Landmarks Register.

Hydrologic and hydraulic engineering analysis means an analysis performed by a licensed professional engineer, in accordance with standard engineering practices that are accepted by the Virginia Department of Conservation and Recreation and the Federal Emergency Management Agency, and used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

Land-disturbing activity means any land change, including, but not limited to, clearing, grading, excavating, transporting and filling of land, or other construction activities which would disturb the natural vegetation or the existing contours of the land, which may result in soil erosion from water or wind and the movement of sediments into public or private storm drainage facilities.

Letter of map amendment means an [~~official written determination~~] amendment from the Federal Emergency Management Agency based on technical data showing that a property was incorrectly included in a designated special flood hazard area that amends the current effective

flood insurance rate map and establishes that a property as defined by metes and bounds, or a structure, is not located in a special flood hazard area.

Letter of map change means an official written determination from the Federal Emergency Management Agency that amends or revises an effective flood insurance rate map or flood insurance study, including a letter of map amendment, a letter of map revision, a letter of map revision based on fill or a conditional letter of map revision.

Letter of map revision means [~~an official written determination~~] a revision from the Federal Emergency Management Agency that revises an effective flood insurance rate map or flood insurance study, based on technical data that might show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features.

Letter of map revision based on fill means an official Federal Emergency Management Agency determination by letter that a structure or parcel of land has been elevated by fill above the base flood elevation and, therefore, is no longer exposed to flooding associated with the base flood. In order to qualify for the letter of map revision based on fill, the fill must have been permitted and placed in accordance with all applicable City legal requirements.

Lowest adjacent grade means the lowest natural elevation of the ground surface next to the walls of a structure.

Lowest floor means the lowest floor of the lowest enclosed area of a structure, including basements. 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 44 CFR 60.3.

Manufactured home means a structure subject to Federal regulations which:

- (1) Is transportable in one or more sections;
- (2) ~~[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;]~~
- ~~[(3)]~~ Is built on a permanent chassis;
- ~~[(4)]~~ (3) Is designed to be used ~~[as a single family dwelling,]~~ with or without a permanent foundation, when connected to the required facilities; and
- ~~[(5)]~~ ~~Includes the plumbing, heating, air conditioning, and electrical systems contained in the structure;]~~
- ~~[(6)]~~ (4) Includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

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

Mean Sea Level means the North American Vertical Datum (NAVD) of 1988 to which base flood elevations on the FIRM are referenced.

Mudflow means 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. The term “mudflow” does not include landslides, slope failures, or a saturated soil mass moving by liquidity down a slope.

New construction means~~[, for the purposes of determining flood insurance rates,]~~ structures for which the start of construction commenced on or after ~~[June 15, 1979, which is]~~ the effective date of ~~[the City’s initial flood insurance rate map,]~~ this floodplain management ordinance and includes any subsequent improvements to such structures. Any construction started after effective date of community’s first floodplain management ordinance adopted by the community and before the effective start date of this floodplain management ordinance is subject to the ordinance in effect

at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.

Post-flood insurance rate map structure means a structure for which construction or substantial improvement occurred after June 15, 1979.

Pre-flood insurance rate map structure means a structure for which construction or substantial improvement occurred on or before June 15, 1979.

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

Repetitive loss structure means a building, covered by a contract for flood insurance, that has incurred flood-related damages on at least two occasions during a ~~[ten-year]~~10-year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25 percent of the market value of the building at the time of each flood event~~[-]~~; and at the time of the second incidence of flood-related damage, the contract for flood insurance contains increased cost of compliance coverage.

Severe repetitive loss structure means a structure that:

(1) Is covered under a contract for flood insurance made available under the4 NFIP; and

(2) Has incurred flood related damage:

a. For which 4 or more separate claims have been made under flood insurance coverage with the amount of each such claim exceeding \$5,000, and with the cumulative amount of such claims payments exceeding \$20,000; or

b. For which at least two separate claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the market value of the insured structure.

Shallow flooding area means a special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, where velocity flow might be evident, and where such flooding is characterized by ponding or sheet flow.

Special flood hazard area means the land on the floodplain subject to a one percent or greater chance of being flooded in any given year as determined in Section 14-59.

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

Storm drainage facility means any sewer, ditch, creek, river, lake, swale, watercourse or any other natural or manmade facility through which stormwater or storm runoff may pass regularly or intermittently in a concentrated fashion.

Structure means a walled and roofed building, including, but not limited to, a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. It also means flood-related damages sustained by a structure on two occasions in a 10-year period, in which the cost of the repair, on the average, equals or exceed 25 percent of the market value of the structure at the time of each such flood event.

Substantial improvement means 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:

- (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 ensure safe living conditions; or
- (2) Any alteration of a historic structure, provided that:
 - a. The alteration will not preclude the structure's continued designation as a historic structure;

b. A historic structure undergoing repair or rehabilitation that otherwise would constitute a substantial improvement as defined in this section must comply with all applicable provisions of this Code that do not preclude the structure's continued designation as a historic structure;

c. Documentation that a specific provision of this Code will cause removal of the structure from the National Register of Historic Places or the Virginia Landmark Register must be obtained from the Secretary of the Interior or the Virginia Historic Preservation Officer, and a copy of such documentation must be provided to the City; and

d. Any exemption from otherwise applicable provisions of this Code will be the minimum necessary to preserve the historic character and design of the structure.

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

Watercourse means any natural or manmade channel, lake, river, creek, stream, wash or other topographic feature on or over which waters flow at least periodically. The term "watercourse" includes, but is not limited to, specifically designated areas in which substantial flood damage may occur.

Sec. 14-22. Applicability.

This article shall apply to all lands within the City located within designated floodplain districts and to those lands shown on the flood insurance rate map (FIRM) or included in the flood insurance study (FIS) that are provided to the City by FEMA.

Sec. 14-23. Compliance.

No land shall be developed; no structure shall be located, relocated, constructed, reconstructed, enlarged or structurally altered; and no land-disturbing activity shall take place within any floodplain district or Chesapeake Bay Preservation Area except in full compliance with this article, Chapter 30 and other applicable legal requirements.

Sec. 14-25. Degree of protection; disclaimer of liability.

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations, but does imply total flood protection. Floods more severe than the regulatory (100-year) flood can and will occur on rare occasions, as flood heights may be increased by natural and manmade causes. The sections of this article are not intended to imply that lands outside the designated floodplain districts or development permitted within such districts will be free from flooding or flood damage. This article shall not create liability on the part of the City or any officer or employee thereof for any flood damages that may result under compliance with this article or any administrative decision lawfully made pursuant to this article.

Sec. 14-55. ~~[Director]~~ Floodplain Administrator designation, duties, and responsibilities.

The Director, or the designee thereof, is hereby appointed as the Floodplain Administrator and shall administer and implement this article and, among other duties set forth in this article, shall:

(1) Review applications for permits to determine whether proposed activities will be located in the special flood hazard area.

(2) Interpret the floodplain boundaries and provide available base flood elevation and flood hazard information.

(3) Review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of these regulations.

(4) Review applications to determine whether all necessary permits have been obtained from the Federal, State, and local agencies from which prior or concurrent approval is required, including, in particular, permits from State agencies for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction, including bridges, culverts, and structures; any alteration of a watercourse, or any change of the course, current, or cross section of a stream or body of water, including any change to the 100-year frequency floodplain of free-flowing nontidal waters of the State.

(5) Verify that applicants proposing an alteration of a watercourse have notified adjacent communities, the Division of Dam Safety and Floodplain Management of the Virginia Department of Conservation and Recreation, and any other appropriate agencies, including, but not limited to, the Virginia Department of Environmental Quality, the Virginia Marine Resources Commission, and the United States Army Corps of Engineers, and have submitted copies of such notifications to the Federal Emergency Management Agency.

(6) Approve applications and issue permits to develop in flood hazard areas if the provisions of the requirements of this article have been met or disapprove applications if the requirements of this article have not been met.

(7) Inspect, or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine whether such buildings, structures, and other development comply with this article, whether such buildings, structures, and other development do not comply with this article, or whether such buildings, structures, and other development violate this article.

(8) Review elevation certificates and require incomplete or deficient certificates to be corrected.

(9) Submit to the Federal Emergency Management Agency, or require applicants to submit to the Federal Emergency Management Agency, data and information necessary to maintain flood insurance rate maps, including hydrologic and hydraulic engineering analyses prepared by or for the City, within six months after such data and information becomes available if the analyses indicate changes in base flood elevations.

(10) Maintain and permanently keep records that are necessary for the administration of this chapter, including:

a. Flood insurance studies, flood insurance rate maps, including historic studies and maps, and current effective studies and maps, and letters of map change; ~~and~~

b. Documentation supporting issuance and denial of permits, elevation certificates, documentation of the elevation, in relation to the data on the flood insurance rate map, to which structures have been floodproofed, records of lowest

floor and floodproofing elevations for new construction and substantial improvements, where base flood elevation data is utilized, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations; and

c. Records of actions associated with the administration of this article.

(11) Enforce the provisions of this article, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action.

(12) Advise the Board of Zoning Appeals concerning the intent of this article and, for each application for a variance, prepare a staff report and recommendation.

(13) Administer the requirements related to proposed work on existing buildings, including:

a. Making determinations as to whether buildings and structures that are located in flood hazard areas, and that are damaged by any cause, have been substantially damaged.

b. Making reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate or reconstruct any such structure, and prohibit the noncompliant repair of substantially damaged structures, except for temporary emergency protective measures necessary to secure or to stabilize a structure to prevent additional damage.

(14) Undertake, as the [~~Director~~] Floodplain Administrator determines is appropriate due to the circumstances, other actions, which may include, but are not limited to:

a. Issuing press releases, public service announcements and other public information materials related to permit requests and repair of damaged structures;

b. Coordinating with other Federal, State, and local agencies to assist with substantial damage determinations;

c. Providing owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas; and

d. Assisting property owners with documentation necessary to file claims for increased cost of compliance coverage under National Flood Insurance Program flood insurance policies.

(15) Notify the Federal Emergency Management Agency when the corporate boundaries of the City have been modified, and:

a. Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to this article has either been assumed or relinquished through annexation; and

b. If the flood insurance rate map for any annexed area includes special flood hazard areas that have flood zones subject to requirements that are not set forth in this article:

1. Prepare proposed amendments to this article to adopt the flood insurance rate map and appropriate requirements;

2. Request that the Mayor submit the proposed amendments to City Council for consideration at the same time as or prior to the date of annexation; and

3. Provide the Division of Dam Safety and Floodplain Management of the Virginia Department of Conservation and Recreation and the Federal Emergency Management Agency with copies of amendments to this article.

(16) Upon the request of the Federal Emergency Management Agency, complete and submit a report concerning participation in the National Flood Insurance Program. The Federal Emergency Management Agency may request information regarding the number of buildings in the special flood hazard area, the number of permits issued for development in the special flood hazard area, and the number of variances issued for development in the special flood hazard area.

(17) 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 City, whether or not such hazards have been specifically delineated geographically by mapping, surveying or other appropriate methodology.

(18) Do the work themselves. In the absence of a designated Floodplain Administrator, the duties are conducted by the Chief Administrative Officer.

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

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

59.22.

(21) To the extent not otherwise specified herein, be responsible for the City's compliance with 44 CFR 59.22, as may be applicable.

Sec. 14-56. Use and interpretation of flood insurance rate maps.

The [~~Director~~] Floodplain Administrator shall make interpretations, where needed, as to the exact location of special flood hazard areas, floodplain boundaries, and floodway boundaries.

The following shall apply to the use and interpretation of flood insurance rate maps:

- (1) Where field surveyed topography indicates that adjacent ground elevations:
 - a. Are below the base flood elevation, even in areas not delineated as a special flood hazard area on a flood insurance rate map, the area shall be considered as a special flood hazard area and subject to the requirements of this article; and
 - b. Are above the base flood elevation, the area shall be regulated as a special flood hazard area, unless the applicant obtains a letter of map change that removes the area from the special flood hazard area.
- (2) In special flood hazard areas identified by the Federal Emergency Management Agency where base flood elevation and floodway data have not been identified and in areas where the Federal Emergency Management Agency has not identified special flood hazard areas, any other flood hazard data available from a Federal, State, or other source shall be reviewed and reasonably used.
- (3) Base flood elevations and designated floodway boundaries on flood insurance rate maps and in flood insurance studies shall take precedence over base flood

elevations and floodway boundaries by any other sources if such other sources show reduced floodway widths or lower base flood elevations.

(4) Other sources of data shall be reasonably used if such sources show increased base flood elevations or larger floodway areas than are shown on flood insurance rate maps and in flood insurance studies.

(5) If a preliminary flood insurance rate map or a preliminary flood insurance study has been provided by the Federal Emergency Management Agency:

a. Upon the issuance of a letter of final determination by the Federal Emergency Management Agency, the preliminary flood hazard data shall be used and shall replace the flood hazard data previously provided from the Federal Emergency Management Agency for the purposes of administering this article.

b. Prior to the issuance of a letter of final determination by the Federal Emergency Management Agency, the use of preliminary flood hazard data shall be deemed the best available data and used where no base flood elevations or floodway areas are provided on the effective flood insurance rate map.

c. Prior to issuance of a letter of final determination by the Federal Emergency Management Agency, the use of preliminary flood hazard data is permitted where the preliminary base flood elevations or floodway areas exceed the base flood elevations or designated floodway widths in existing flood hazard data provided by the Federal Emergency Management Agency. Such preliminary data may be subject to change and to appeal to the Federal Emergency Management Agency.

Sec. 14-59. Types of floodplain districts.

(a) *Basis of districts.* The various floodplain districts shall include special flood hazard areas. The basis for the delineation of these districts shall be the City's flood insurance study and the flood insurance rate maps for the City prepared by the Federal Insurance Administration of the Federal Emergency Management Agency, dated ~~[June 15, 1979, as revised, effective July 20, 1998, April 2, 2009, and July 16, 2014]~~ July 8, 2025, and any subsequent revisions or amendments thereto. The ~~[Director]~~ Floodplain Administrator may identify and regulate local flood hazard or ponding areas that are not delineated on the flood insurance rate maps. Such areas may be delineated on a local flood hazard map using the best available topographic data and locally derived information, such as flood of record, historic high water marks or approximate study methodologies. The boundaries of the special flood hazard area districts are established as shown on the flood insurance rate map which are incorporated by reference into this article and which shall be kept on file by the ~~[Director]~~ Floodplain Administrator. The floodplain districts shall be as follows:

(1) The floodway district shall be those areas within the floodplain that are 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 point. The areas included in the floodway district are specifically defined in Table 5 of the flood insurance study and shown on the accompanying ~~[flood boundary and floodway map or]~~ flood insurance rate map. Within any floodway area of the floodway district of an AE Zone, no encroachments, including infill, new construction, substantial improvements or other development shall be permitted, unless the party requesting the encroachment has demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the community

during the occurrence of the base flood discharge. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses and computations shall be submitted in sufficient detail to allow a thorough review by the [~~Director~~] Floodplain Administrator.

(2) The flood fringe district shall be that area of the [~~100-year floodplain~~] AE Zone not included in the floodway district. The basis for the outermost boundary of the flood fringe district shall be the 100-year flood elevations contained in the flood profiles of the flood insurance study and as shown on the accompanying [~~flood boundary and floodway map or~~] flood insurance rate map.

(3) The approximated floodplain district shall be those areas identified as an [~~A~~] A Zone on the maps accompanying the flood insurance study. In these zones, no detailed flood profiles or elevations are provided, but the 100-year floodplain boundary has been approximated.

(b) *Overlay concept.*

(1) The floodplain districts described in subsection (a) of this section shall be overlays to the existing underlying districts as shown on the official zoning map referred to in Section 30-200, and the provisions of this article concerning floodplain districts shall supplement the underlying zoning regulations set forth in Chapter 30.

(2) If there is any conflict between the provisions or requirements of this division and the provisions or requirements of Chapter 30, the provisions or requirements of this division shall apply.

(3) In the event 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.

Sec. 14-60. Interpretation of district boundaries.

Any person questioning or contesting the interpretation of any district boundary shall be afforded reasonable opportunity to present supporting evidence and technical data to the [~~Director~~] Floodplain Administrator for review and consideration. Following any such review and consideration, the [~~Director~~] Floodplain Administrator shall be responsible for the interpretation of the boundaries of the floodplain districts and the [~~Director's~~] Floodplain Administrator's interpretation of the boundaries of the floodplain districts shall apply for purposes of this article.

Sec. 14-61. Determination of flood elevations for approximate floodplain districts.

Where the specific 100-year flood elevation and floodway area for an approximate floodplain district cannot be determined from such sources of data as the United States Army Corps of Engineers Floodplain Information Reports, the United States Geological Survey Flood-Prone Quadrangle or such other source acceptable to the [~~Director~~] Floodplain Administrator, the applicant for the proposed development or land-disturbing activity shall determine the elevation in accordance with hydrologic and hydraulic engineering techniques. Such analyses shall be undertaken only by a licensed professional engineer, who shall certify that the technical methods used reflect currently accepted engineering concepts. Studies, analyses and computations shall be submitted in sufficient detail to allow thorough review by the [~~Director~~] Floodplain Administrator, who shall accept or reject the applicant's determination of the elevation for purposes of implementing this article. The accuracy of data submitted for such determination shall be the responsibility of the applicant.

Sec. 14-62. District boundary changes; overlay concept.

The delineation of any floodplain district boundary may be revised by an ordinance adopted by the City Council where natural or manmade changes have occurred so as to alter the floodway or the area subject to inundation by waters of the 100-year flood or more detailed studies conducted or undertaken by the United States Army Corps of Engineers or other qualified agency, firm or individual documents the need for such revision. Prior to any such revision, approval shall be obtained in writing from the Federal Insurance Administration of the Federal Emergency Management Agency. A completed Letter of Map Revision is a record of such approval.

Sec. 14-83. Floodplain districts generally.

(a) *Permits required.* No development or land-disturbing activity within a designated floodplain district shall be undertaken until after issuance of a building permit or ~~[land-disturbing activity]~~ erosion and stormwater permit as required by Article V of this chapter. ~~[For the purpose of issuance of a permit, the 100-year flood elevation shall be the base floodwater surface elevation, with floodway, as shown in Table 2, floodway data of the flood insurance study dated December 15, 1978, and as revised effective July 20, 1998, April 2, 2009, July 16, 2014, and any subsequent revisions or amendments thereto.]~~

(b) *Compliance with building code.* No development shall be permitted within any floodplain district except in strict compliance with the applicable sections of the Virginia Uniform Statewide Building Code.

(c) *Effect on capacity of floodways and watercourses.* ~~[No development or land-disturbing activity shall be permitted which would adversely affect the capacity of any floodway or watercourse subject to this article]~~ The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

(d) *Alteration or relocation of watercourses.* Prior to any alteration or relocation of any watercourse, approval shall be obtained from the United States Army Corps of Engineers, the ~~[State Water Control Board]~~ Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission; a joint permit application is available from any of these organizations. Furthermore, notification of such proposal shall be given by the applicant to all affected adjacent jurisdictions, the Division of Soil and Water Conservation of the Virginia Department of Conservation and Recreation, and the Federal Emergency Management Agency. The applicant shall be responsible for obtaining such approval and providing required notices. Proof of approval by the United States Army Corps of Engineers, the ~~[State Water Control Board]~~ Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission as well as required notification shall be furnished to the ~~[Director]~~ Floodplain Administrator prior to issuance of any land-disturbing activity permit.

(e) *Chesapeake Bay Site Plan approval required.* No development or land-disturbing activity shall be undertaken in a Chesapeake Bay Preservation Area until after a Chesapeake Bay Site Plan has been approved in accordance with the requirements of Article IV of this chapter.

(f) *Provision of vehicular access.* No new residential construction, with start of construction on or after December 9, 1991, shall be permitted without the provision of adequate vehicular access to the site at all times prior to and during the 100-year flood. Adequacy of access shall be as determined by the ~~[Director]~~ Floodplain Administrator, after consultation with and approval by the Fire Marshal.

Sec. 14-84. Design criteria for utilities and facilities.

(a) *Design criteria generally.* The design criteria established by the most recent version of the Virginia Uniform Statewide Building Code and the Virginia Residential Code shall be

applicable to utilities and facilities proposed to be installed within any floodplain district and shall be constructed with materials and utility equipment resistant to flood damage. For privately installed sanitary sewer or water facilities which are subject to approval by the District Health Director, the ~~[Director]~~ Floodplain Administrator shall be satisfied, after conferring with the District Health Director and Commissioner of Buildings, that the applicable sections of the Uniform Statewide Building Code are met. In addition, the following particular design criteria shall be applicable:

(1) *Drainage facilities.* All storm drainage facilities shall be designed to convey the flow of surface waters so as to minimize or eliminate damage to persons or property. The system shall ensure drainage away from buildings and on-site waste disposal sites. The ~~[Director]~~ Floodplain Administrator 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 and coordinated with local and regional drainage plans. The facilities shall be designed such that the quantity of runoff from a developed site during a ~~[ten-year]~~ 10-year storm event shall not exceed the quantity of runoff from the same site, pre-development, during a ~~[ten-year]~~ 10-year storm event.

(2) *Streets and sidewalks.* Streets and sidewalks shall be designed to minimize potential for increasing or aggravating flood levels. Drainage openings shall be provided to sufficiently discharge floodwaters without unduly increasing flood heights from the ~~[ten-year]~~ 10-year storm event.

(3) *On-site waste disposal systems.* On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(4) Service facilities, including ductwork. 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.

(5) Water supply systems. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(6) Sanitary sewage systems. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

(b) *Standards for flood fringe and approximated floodplain.*

(1) When base flood elevation data or floodway data have not been provided, the ~~[Director]~~Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or any other source, in order to administer the provisions of this article. When such base flood elevation data is utilized, the ~~[Director]~~ Floodplain Administrator shall obtain:

a. The elevation (in relation to the mean sea level) of the lowest floor (including the basement) of all new and substantially improved structures; and

b. If the structure has been floodproofed in accordance with Federal Emergency Management Agency requirements, the elevation in relation to the mean sea level to which the structure has been floodproofed.

(2) ~~[When the data is not available from any source, the lowest floor of the structure shall be elevated to no lower than the highest adjacent grade]~~ 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 AE on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the City.

(c) *Standards for the floodway district.* The following provisions shall apply within the floodway district:

(1) Encroachments, including fill, new construction, substantial improvements and other developments are prohibited, unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood.

(2) Development activities which increase the water surface elevation of the base flood may be allowed, provided that the property owner or designated representative first applies, with the City's endorsement, for a conditional flood insurance rate map and floodway revision, and receives the approval of the Federal Emergency Management Agency.

(3) All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this article.

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

Sec. 14-85. Subdivision requirements.

In addition to those requirements set forth elsewhere in this Code relative to the subdivision of land, the following requirements shall apply to any proposed subdivision and any portion of a proposed subdivision that lies within a floodplain district:

(1) The ~~[100-year floodplain]~~ base flood shall be delineated on tentative and final subdivision plats.

(2) Residential building lots shall be provided with adequate buildable area outside of the ~~[100-year floodplain]~~ base flood.

(3) The design criteria for utilities and facilities set forth in this article shall be met.

(4) All subdivision proposals shall be consistent with the need to minimize flood damage.

(5) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(6) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(7) 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 fifty lots or five acres, whichever is the lesser.

Sec. 14-86. Existing structures.

~~[Structures and uses of structures that lawfully existed at the effective date of the ordinance from which this article is derived or of subsequent amendment of this article, and that do not~~

~~conform with this article or any amendment hereto may be continued subject to the following conditions:~~

~~(1) Existing structures and uses located within a floodway district shall not be expanded or enlarged, unless the effect of proposed expansion or enlargement on flood heights is fully offset by accompanying improvements.~~

~~(2) Any repair, reconstruction or improvement of an existing structure within a floodplain district to an extent so as to constitute substantial improvement as defined in this article shall be undertaken only in full compliance with the Uniform Statewide Building Code.]~~

Any structure or use of a structure or premises that lawfully existed at the effective date of the ordinance from which this article is derived or of subsequent amendment of this article must be brought into conformity with these provisions when it is changed, repaired, or improved unless one of the following exceptions is established before the change is made:

(a) The Floodplain Administrator has determined that:

(1) Change is not a substantial repair or substantial improvement; and

(2) No new square footage is being built in the floodplain that is not compliant; and

(3) No new square footage is being built in the floodway; and

(4) The change complies with this article and the Virginia Uniform Statewide Building Code; and

(5) The change, when added to all changes made during a rolling 5-year period does not constitute 50% of the structure's value.

(b) The changes are required to comply with a citation for a health or safety violation.

(c) The structure is a historic structure and the change required would impair the historic nature of the structure.

Sec. 14-87. Manufactured homes and recreational vehicles.

(a) *Manufactured homes.* Manufactured homes that are placed or substantially improved on-site shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to at least one foot above the base flood elevation and at least three feet above grade; the chassis shall be securely anchored to an adequately anchored foundation system of reinforced piers or other foundation elements of at least equivalent strength to resist flotation, collapse, and lateral movement. All manufactured homes subject to this provision shall conform with the applicable requirements in section 14-88.

(b) *Recreational vehicles.* Recreational vehicles placed on sites shall either:

- (1) Be on-site for fewer than 180 consecutive days;
- (2) Be fully licensed and ready for highway use (i.e., be on their wheels or jacking system, be attached to the site by quick-disconnect-type utilities and security devices, and have no permanently attached additions); or
- (3) Meet the permit requirements for placement and the elevation and anchoring requirements for manufactured homes in subsection (a) of this section.

Sec. 14-88. New construction and substantial improvements.

In all identified flood hazard areas where base flood elevations have been provided in the FIS or generally by a certified professional in accordance with section 14-59(a)(3), the following provisions shall apply:

(a) ~~[All substantial improvements to existing structures or new construction within any floodplain district shall conform to the applicable sections of the Virginia~~

Uniform Statewide Building Code] Residential Construction. New construction or substantial improvement of any residential structure (including manufactured homes) with detailed base flood elevations shall have the lowest floor, including basement, elevated to or above the base flood level plus 18 inches, and in conformance with the Virginia Uniform Statewide Building Code, be anchored to prevent flotation, collapse, or lateral movement of the structure, be constructed with materials and utility equipment resistant to flood damage, and be constructed by methods and practices that minimize flood damage.

(b) Non-Residential Construction.

1. New construction or substantial improvement of any existing commercial, industrial, or nonresidential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than [~~one foot~~] 18 inches above the base flood elevation. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied.

2. Non-residential buildings may be floodproofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the BFE plus two feet are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied.

(c) Historic Structures. For historic structures as defined in this article, where elevation is not preferable, floodproofing may be allowed instead of elevation [~~one foot~~] 18 inches above the base flood elevation. A registered professional engineer or architect

shall certify on the certificate plans and floodproofing certificate that the construction design and methods meet the applicable requirements and shall submit such certificate to the Floodplain Administrator.

(d) ~~[Fully]~~ Space Below the Lowest Floor. In fully enclosed areas, of new construction or substantially improved structures, which are below the ~~[lowest floor]~~ regulatory flood protection elevation shall ~~[be used solely for parking of vehicles, building access or storage and shall have permanent openings designed to allow the entry and exit of floodwaters in accordance with specifications as set forth at 44 CFR 60.3(e)(5)].~~

1. Not be designed or used for human habitation, but shall be used solely 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:

a. Provide a minimum of two openings on different sides of each enclosed area subject to flooding.

b. The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.

c. If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.

d. The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.

e. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.

f. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

(e) *Accessory Structures.* Accessory structures in the special flood hazard areas shall comply with the elevation requirements of subsection (b) of this section or, if not elevated or dry floodproofed, shall:

1. Not be used for human habitation;

2. Be limited to no more than 200 square feet in total floor area;

3. Be useable only for parking of vehicles or limited storage;

4. Be constructed with flood damage-resistant materials below the base flood elevation;

5. Be constructed and placed to offer the minimum resistance to the flow of floodwaters;

6. Be anchored to prevent flotation;

7. Have electrical service and mechanical equipment elevated to or above the base flood elevation;

8. Shall be provided with flood openings which shall meet the following criteria:

(a) There shall be a minimum of two flood openings on different sides of each enclosed area; if a building has more than one enclosure below the lowest floor, each such enclosure shall have flood openings on exterior walls.

(b) The total net area of all flood openings shall be at least 1 square inch for each square foot of enclosed area (non-engineered flood openings), or the flood openings shall be engineered flood openings that are designed and certified by a licensed professional engineer to automatically allow entry and exit of floodwaters; the certification requirement may be satisfied by an individual certification or an Evaluation Report issued by the ICC Evaluation Service, Inc.

(i) A signed Declaration of Land Restriction (Non-Conversion Agreement) shall be recorded on the property deed.

Sec. 14-120. Required permits.

(a) *Building permits.* For the purposes of this article, building permits shall be obtained as follows:

(1) A building permit to erect, construct, reconstruct, enlarge, extend or structurally alter any building or structure within a floodplain district shall be required as set forth in the Virginia Uniform Statewide Building Code. Applications for building permits shall be filed with the Commissioner of Buildings, and no such permit shall be issued until the applicant has furnished satisfactory evidence that all necessary permits have been received from those governmental agencies from which approval is required by State and Federal law.

(2) In addition to information required by the Virginia Uniform Statewide Building Code to be provided in conjunction with building permit applications, the following shall be included when the property involved is located within a floodplain district:

a. The elevation of the ~~[100-year flood and delineation of the 100-year floodplain]~~ base flood at the site;

b. ~~[The]~~ For structures to be elevated, the elevation of the lowest floor, including basement; ~~and~~

c. The elevation to which a nonresidential structure is to be floodproofed~~[-]~~; and

d. Topographic information showing existing and proposed ground elevations.

(b) *Permits for land-disturbing activities.* Permits for land-disturbing activities shall be obtained as follows:

(1) A permit for any land-disturbing activity within a floodplain district shall be required as set forth in Article V of this chapter which pertains to site control, erosion

and drainage, provided that the exceptions contained therein shall not be applicable within floodplain districts.

(2) For land-disturbing activity proposed in conjunction with construction for which a building permit application has been filed, a site grading and drainage plan shall be approved by the ~~[Director]~~ Floodplain Administrator prior to issuance of the building permit, and a separate ~~[land-disturbing activity]~~ erosion and stormwater control permit shall be required.

(3) Application for ~~[land-disturbing activity]~~ erosion and stormwater control permits shall be made to the ~~[Director]~~ Floodplain Administrator, and no such permit shall be issued nor shall any site grading and drainage plan be approved until the applicant has furnished satisfactory evidence that all necessary permits have been received from those governmental agencies from which approval is required by State and Federal law, and until the ~~[Director]~~ Floodplain Administrator is satisfied that the applicable sections of this article and the site control, erosion and drainage regulations are met.

(4) The 100-year floodplain shall be delineated on all plans submitted for approval of land-disturbing activity and site grading and drainage.

(c) *Chesapeake Bay Site Plan.* A Chesapeake Bay Site Plan shall be required for any property located within a Chesapeake Bay Preservation Area in accordance with Article IV of this chapter.

Sec. 14-122. ~~[Special exceptions]~~ Variances.

(a) *Conditions.* The ~~[Director]~~ Floodplain Administrator, after consultation with and approval by the Water Resources Division of the Department of Public Utilities, shall have the authority set forth in 44 CFR 60.6 to grant ~~[special exceptions]~~ variances to the sections of this

article, other than such sections as pertain to the requirements of the Virginia Statewide Uniform Building Code and to the Chesapeake Bay Preservation Act set forth in Article IV of this chapter, provided that the applicant shall furnish sufficient information and documentation to satisfy the ~~[Director]~~ Floodplain Administrator as to the following factors:

(1) There will be no increased danger to life and property due to increased flood heights or velocities caused by encroachments;

(2) Proposed development or activity within a floodway district will not cause any increase in ~~[flood levels during the 100-year flood]~~ the one percent chance flood elevation;

(3) There will be no danger that materials may be swept downstream or onto other properties to the injury of others;

(4) The ability of proposed water supply and sanitation systems ~~[to avoid contamination and unsanitary conditions]~~ to prevent disease, contamination, and unsanitary conditions;

(5) The susceptibility of the proposed development and its contents to flood damage and the effect of such damage on the individual owners will be minimal;

(6) The expected heights, velocity, duration, rate of rise and sediment transport of floodwaters expected at the site will be acceptable in view of the purposes of this article;

(7) The availability of ~~[necessary]~~ access to the facility prior to and during periods of flooding;

(8) The requirements of the proposed development or activity for a waterfront location and the lack of availability of suitable alternative locations not subject to flooding or not requiring the issuance of a ~~[special exception]~~ variance;

(9) The appropriateness of the proposed development or activity with regard to the City's master plan;

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

~~[(10)]~~ (11) The proposed development or activity will not result in any conflict with the purposes of this article or with other codes and ordinances that may be applicable;

~~[(11)]~~ (12) The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the ~~[special-exception]~~ variance is the minimum necessary to preserve the historic character and design of the structure;

(13) The importance of the services provided by the proposed facility to the community; and

~~[(12)]~~ (14) The ~~[exception]~~ variance shall be the minimum required to provide relief from the exceptional hardship to the applicant.

(b) *Notification of cost of flood insurance.* Upon issuance of a ~~[special-exception]~~ variance for any development or activity below the 100-year flood level, the Director shall notify the applicant in writing that the cost of flood insurance will be commensurate with the increased risk resulting from such development or activity.

(c) *Records of ~~[special-exceptions]~~ variances issued.* The ~~[Director]~~ Floodplain Administrator shall maintain records of all ~~[special-exceptions]~~ variances granted, including the justification for each, and shall include any applicable records in reports required by and submitted to the Federal Insurance Administrator.

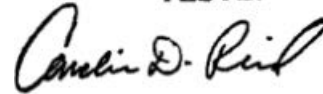
(d) Accessory Structure. Variances will not be issued for any accessory structure within the SFHA.

Sec. 14-123. Appeals.

Final decisions of the [~~Director~~] Floodplain Administrator relative to interpretation of the sections of this article, the interpretation of floodplain district boundaries and the granting or denying of special exceptions shall be subject to review by the Circuit Court of the City, provided an appeal is filed within 30 days from the date of the final written decision of the [~~Director~~] Floodplain Administrator.

§ 3. This ordinance shall be in force and effect upon adoption.

A TRUE COPY:
TESTE:

A handwritten signature in black ink, appearing to read "Carlin D. Reed".

City Clerk



City of Richmond

Intracity Correspondence

O&R Transmittal

DATE: May 6, 2025

TO: The Honorable Members of City Council

THROUGH: The Honorable Danny Avula, Mayor

THROUGH: Sabrina Joy-Hogg, Interim Chief Administrative Officer

THROUGH: Sharon L. Ebert, Deputy Chief Administrative Officer

THROUGH: Kevin J. Vonck, Director of Planning & Development Review

THROUGH: Scott Morris, DBA, P.E., Director of Public Utilities

FROM: Eric Whitehurst, Senior Deputy Director, Department of Public Utilities

RE: TO AMEND CHAPTER 14, ARTICLE II OF CITY CODE REGARDING
FLOODPLAIN MANAGEMENT

ORD. OR RES. No. _____

PURPOSE: To amend ch. 14, art. II of the City Code concerning the City's floodplain management to comply with requirements of the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program (NFIP) regulations.

BACKGROUND:

After years of data compilation, studies, and community meetings, the latest Flood Insurance Rate Maps (FIRM) have been finalized for the City of Richmond. On January 8, the city received a Letter of Final Determination (LFD) from FEMA regarding the FIRM update and requirements for participating in the National Flood Insurance Program (NFIP).

Issuance of the LFD starts the six-month clock on amending the floodplain ordinance to adopt the new maps. The city is also tasked to amend the ordinance to meet the basic requirements of 44CFR 60.3 and to include any further higher standards to support our participation in the Community Rating System (CRS).

DCR has conducted a review of the updated draft ordinance confirming it is compliant prior to the public hearing to adopt the amendment. Once the ordinance is adopted, the community must send the final, signed version back to DCR for a final state review. If it is compliant, DCR will forward the ordinance to FEMA for approval. All of this must be completed by your new map effective date of July 8, 2025.

Richmond must submit the final, adopted ordinance to DCR by June 10, 2025.

If the ordinance is not finalized and approved by FEMA by the FIRM's effective date, the community will be suspended from the National Flood Insurance Program.

COMMUNITY ENGAGEMENT: There are 100+ properties in the floodplain. Only a certain percentage of those properties have been added to the floodplain with the revision. Some properties have been removed due to the revision.

In addition to FEMA performing local media outreach, DPU did extensive outreach in Summer 2023 to share information about the preliminary revised floodplain map, impacts to constituents (ie flood insurance), share the process for appeals, and solicit general feedback:

- Public notification via press release July 27, 2023
- Mailer to those who were being mapped into the floodplain ~end of July/early Aug
- 3 public open houses August 8, 9, and 15 2023 held in coordination with DCR / FEMA
- Informational session for City staff in August 2023
- Posts on social media and in the newspaper were also performed.

DPU is aware of 2 appeals, which were submitted to FEMA for review. Since then, FEMA has issued the final floodplain map.

DPU has revised the floodplain ordinance to reflect DCR comments and the revised FEMA flood maps. Currently DPU is performing an additional round of outreach, which includes posting the ordinance and revised FEMA maps on the DPU website, providing a press release, and performing an additional mailing notification to properties which have been mapped into or out of the floodplain (i.e., the status of whether they are in a floodplain or not has changed).

STRATEGIC INITIATIVES AND OTHER GOVERNMENTAL:

FISCAL IMPACT: None

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: May 12, 2025

CITY COUNCIL PUBLIC HEARING DATE: May 27, 2025

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: Land Use Administration

AFFECTED AGENCIES: Department of Public Utilities

RELATIONSHIP TO EXISTING ORD. OR RES.: N/A

ATTACHMENTS: N/A

O&R Request

May 6, 2025

Page 3 of 3

STAFF: Eric Whitehurst, Senior Deputy Director, DPU (804) 240-8725
Jonet Prevost-White, Program & Operations Manager, DPU (804) 646-8378