

Exhibit 'B'

**31-416 FLOODPLAIN OVERLAY DISTRICT (F).**

a) **PURPOSE AND INTENT.** *As authorized by The National Flood Insurance Program (NFIP), Section 59.22(a)(2) and pursuant to the authority granted to localities by Code of Virginia § 15.2-2280, provisions of this ordinance are established to regulate land use on all lands identified as being within the Floodplain Overlay District. The purpose of these provisions is to prevent the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:*

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

b) **APPLICABILITY.** *These provisions shall apply to all privately and publicly owned lands within the jurisdiction of the City of Suffolk and identified as being in the 100-year floodplain by the Federal Insurance and Mitigation Administration (FIMA) of the Federal Emergency and Management Administration (FEMA) .*

c) **COMPLIANCE AND LIABILITY.**

1. *No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged or structurally altered except in full compliance with the terms and provisions of this Section and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this Section.*
2. *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, but does not imply total flood protection. 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.*

3. *Records of actions associated with administering this ordinance shall be kept on file and maintained by the City of Suffolk's Planning and Community Development Director or as otherwise designated by the City Manager.*
  4. *This Section shall not create liability on the part of the City of Suffolk or any officer or employee thereof for any flood damages that result from reliance on this Section or any administrative decision lawfully made thereunder.*
- d) **ABROGATION AND GREATER RESTRICTIONS.** *This Section supersedes any ordinance currently in effect in flood prone districts. However, any underlying ordinance shall remain in full force and effect to the extent that its provisions are more restrictive than this Section.*
- e) **SEVERABILITY.** *If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this ordinance are hereby declared to be severable.*
- f) **PENALTIES FOR VIOLATION.** *Any person who fails to comply with any of the requirements or provision of this Section shall be guilty of a misdemeanor subject to the penalties and enforcement procedures as prescribed in Section 31-310 of this ordinance. In addition to these penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this ordinance. 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 Suffolk City Council to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this Section.*
- g) **DEFINITIONS**

**Base 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 hundred (100)-year water surface elevation.*

**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 ordinance.*

**Development** – *As defined in Appendix ‘A’ of this ordinance.*

**Director** – *As defined in Appendix ‘A’ of this ordinance. For floodplain management purposes, title of Community Floodplain Administrator or other official designated by the City Manager.*

**Elevated building** - *A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).*

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

**Existing manufactured home park or subdivision** - *A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.*

**Expansion to an existing manufactured home park or subdivision** - *The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).*

**Fill and fill material** – *As defined in Appendix ‘A’ of this ordinance.*

**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 water.*
  - 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 subsistence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an 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 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)** – *An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.*

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

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

**Floodway** - *The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.*

**Freeboard** - *A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.*

**Highest adjacent grade** - *The highest natural elevation of the ground surface prior to*

*construction next to the proposed walls of a structure.*

**Historic structure** – *As defined in Appendix ‘A’ of this ordinance.*

**Inundation Zone – (Below a Dam)** *The area that would be inundated in the event of a dam failure. (Source: Virginia Administrative Code 9VAC 20 50 40 or its successor regulations).*

**Lowest floor** - *As defined in Appendix ‘A’ of this ordinance.*

**Manufactured home** – *In addition to the definition in Appendix ‘A’ of this ordinance and for floodplain management purposes, the term “manufactured home” also includes parked trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days, but does not include a recreational vehicle.*

**New construction** - *For the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after November 16, 1990, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.*

**One Hundred-Year (100-Year) Floodplain** – *The low land near a watercourse which has been, or may be, covered by water of a flood of 100-year frequency, as established by engineering practices of the U.S. Army Corps of Engineers. It shall also mean that a flood of this magnitude may have a one percent chance of occurring in any given year.*

**Recreational vehicle** – *As defined in Appendix ‘A’ of this ordinance. For floodplain management purposes, a recreational vehicle shall be also defined as a vehicle which is*

- 1. Built on a single chassis;*
- 2. Four hundred (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.*

**Shallow flooding area** – *A special flood hazard area with base flood depths from one to*

*three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.*

**Special flood hazard area** - *The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year.*

**Start of construction** – *As defined in Appendix ‘A’ of this ordinance.*

**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. “Structure” for insurance coverage purposes, means:*

- 1. A building with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site.*
- 2. A manufactured home (“a manufactured home,” also known as a mobile home, is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation.*
- 3. A travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is specifically regulated by this Section.*

*For the latter purpose, “structure” does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in paragraph (3) of this definition, or a gas or liquid storage tank.*

**Substantial damage** – *As defined in Appendix ‘A’ of this ordinance.*

**Substantial improvement** – *As defined in Appendix ‘A’ of this ordinance.*

**Violation** - *The failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in the Code of Federal Regulations for the National Flood insurance Program, Sec. 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) or its successor regulations is presumed to be in violation until such time as that documentation is provided.*

**Watercourse** - *A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse also includes specifically designated areas in which substantial flood damage may occur.*

**(h) ESTABLISHMENT OF FLOODPLAIN DISTRICTS.**

**1. 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) and the Flood Insurance Rate Maps (FIRM) for the City of Suffolk prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated November 16, 2011, and any subsequent revisions or amendments thereafter.*

- A. The Floodway District** *is delineated, for 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 at any point. The areas included in this district are specifically defined in Table 5 of the above-referenced Flood Insurance Study and shown on the accompanying Flood Insurance Rate Map. Encroachments, including fill, new construction, substantial improvements and other development within the adopted floodway are prohibited unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.*
- B. The Special Floodplain District** *shall be those areas identified as an AE Zone on the maps accompanying the Flood Insurance Study for which one hundred (100) year flood elevations have been provided.*
- C. The Coastal Floodplain District** *shall be that area of the 100-year floodplain subject to coastal flooding where 100-year tidal elevations have been provided in the flood insurance study.*
- D. The Coastal High Hazard Area** *shall be that area of the 100-year floodplain that is subject to high velocity waters, including hurricane wave wash, as defined in the flood insurance study and as designated as V or VE Zones on the maps accompanying the Flood Insurance Study.*
- E. 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 and 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 U. S. Army Corps of Engineers Floodplain Information Reports, U. S. Geological Survey Flood prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this elevation in accordance with currently accepted technical concepts, such as point on boundary, high water marks, or hydrologic and hydraulic analyses. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the City. All new subdivision proposals and other proposed development including proposals for manufactured home parks and subdivisions greater than 50 lots or 5 acres, whichever is the lesser, must include within such proposals Base Flood Elevation (BFE) data.*

**2. OVERLAY CONCEPT & OFFICIAL ZONING MAP.**

- A. The floodplain districts described above shall be overlays to the existing underlying districts shown on the Official Zoning Map and, as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.*
- B. If there is 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 district shall apply.*
- C. 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.*
- D. The boundaries of the Special Flood Hazard Area and Floodplain Districts are established as shown on the Flood Boundary and Floodway Map and/or Flood Insurance Rate Map, which is declared to be a part of this Section and which shall be kept on file with the City of Suffolk's Department of Planning and Community Development..*
- E. The delineation of any floodplain districts may be revised by the City Council where natural man made changes have occurred and/or where more detailed studies have been conducted or undertaken by the U.S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such a change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.*

*i) INTERPRETATION OF DISTRICT BOUNDARIES. Initial interpretations of the boundaries of the floodplain districts shall be made by the Director. Should a dispute arise concerning the boundaries in any of the districts, the Board of Zoning Appeals, upon application in the form of an appeal of the zoning administrator's interpretation, 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.*

*1. SUBMITTING TECHNICAL DATA. A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and flood plain management requirements will be based upon current data.*

*2. 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 U. S. 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. The flood carrying capacity within any altered or relocated portion of any watercourse shall be maintained.*

*(j) GENERAL PROVISIONS*

*1. PERMIT REQUIREMENTS*

*A. 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.*

*B. Such development shall be undertaken only in strict compliance with the provisions of this Section and with all other applicable codes and ordinances, as amended.*

*C. Prior to the issuance of any such permit, the zoning administrator shall require all applications to include compliance with all applicable state and federal*

*laws and shall review all applications to assure they are reasonably safe from flooding.*

*D. Under no circumstances shall any use, activity and/or development adversely affect the capacity of the channels or floodway of any watercourse, drainage ditch or any other drainage facility or system.*

## **2. SITE PLAN AND PERMIT APPLICATIONS – REQUIRED INFORMATION**

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

- A. The elevation of the Base Flood at the site and the elevation of the lowest floor (including basement).*
- B. For structures to be flood proofed (nonresidential only), the elevation to which the structure will be flood proofed.*
- C. Topographic information showing existing and proposed ground elevations.*
- D. Other relevant information that may be required by the zoning administrator, building official or other provisions of the Suffolk City Code.*

## **3. DESIGN CRITERIA FOR UTILITIES AND FACILITIES. In addition to any applicable criteria set forth in Article 6 of this Ordinance:**

- A. Sanitary Sewer Facilities. All new or replacement sanitary sewer facilities and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into the floodwaters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.*
- B. Water Facilities. All new or replacement water facilities shall be designed to minimize or eliminate infiltration of floodwaters into the system and be located and constructed to minimize or eliminate flood damages.*
- C. Drainage Facilities. All storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The systems shall ensure drainage away from buildings and on site waste disposal sites. The City 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, 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.*

**(k) GENERAL STANDARDS FOR ALL PERMITS**

*The following provisions shall apply to all permits:*

*1. New construction and substantial improvements (including manufacturer homes) shall be elevated according to the Virginia Uniform Statewide Building Code, and anchored to prevent flotation, collapse or lateral movement of the structure.*

*2. 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.*

*3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.*

*4. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.*

*5. 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.*

*6. All utilities, such as gas lines, 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.*

*7. On-site waste disposal systems shall be located and constructed to avoid impairment to*

*them or contamination from them during flooding.*

*8. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance shall meet the requirements of “new construction” as contained in this ordinance.*

*9. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.*

*10. 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.*

*In addition to provisions 1 - 10 above, in all special flood hazard areas, the additional provisions shall apply:*

*11. 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 U. S. Army Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, in riverine areas, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and the Federal Insurance Administrator.*

*12. The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.*

*13. When base flood elevation data is utilized in a permit application, the lowest floor shall be at or above the base flood elevation. During the permitting process, the zoning administrator shall obtain from the permit applicant:*

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

**(l) SPECIFIC CONSTRUCTION STANDARDS**

*In all special flood hazard areas where base flood elevations have been provided in the Flood Insurance Study or generated according to the standards for Approximated Floodplain, the following provisions, at a minimum, shall apply to each type of construction as listed below:*

**1. Residential Construction**

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

**2. Non-Residential Construction**

*New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than the base flood elevation. Buildings located in all 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 the Director of Planning and Community Development or as otherwise designated by the City Manager.*

**3. Elevated Buildings**

*Fully enclosed areas, of new construction or substantially improved structures, which are below the base flood protection elevation shall:*

- A. 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).*
- B. Be constructed entirely of flood resistant materials below the base flood protection elevation;*
- C. Include, in Zones A, AO, AE, 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 (1) square inch for each square foot of enclosed area subject to flooding.*
- iii. If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.*
- iv. The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.*
- v. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.*
- vi. 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.*

#### **4. *Manufactured Homes***

*A. All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, in a new manufactured home park or subdivision or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, must meet all the requirements for new construction, including the elevation and anchoring requirements in this Section and the Virginia Uniform Statewide Building Code .*

*B. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision in which a manufactured home has not incurred substantial damage as the result of a flood shall be elevated so that either:*

*i. The lowest floor of the manufactured home is elevated no lower than 36 inches above the base flood elevation; or*

*ii. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.*

#### **5. Recreational Vehicles**

*All recreational vehicles placed on sites must either:*

*A. Be on the site for fewer than one hundred-eighty (180) consecutive days; and*

*B. Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); or*

*C. Meet the permit requirements for placement and the elevation and anchoring requirements for manufactured homes as stated in this Section.*

**(m) STANDARDS FOR SPECIFIC FLOODPLAIN DISTRICTS – In addition to the standards contained herein, all development activities shall comply with the following criteria:**

#### **1. FLOODWAY DISTRICT:**

*A. 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.*

*B. Encroachments, including fill, new construction, substantial improvements and other developments are prohibited unless certification such as hydrologic and hydraulic analyses (with supporting technical data) is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or*

*others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Director of Planning and Community Development or as otherwise designated by the City Manager.*

- C. Development activities which increase the water surface elevation of the base flood may be allowed, provided that the developer or applicant first applies – with the City of Suffolk’s endorsement – for a Flood Insurance Rate Map and floodway revision, and receives the approval of the Federal Emergency Management Agency. After construction, the applicant then must apply for a Letter of Map Revision (LOMR) from FEMA.*
- D. All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Section.*
- E. 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.*

**2. SPECIAL FLOODPLAIN DISTRICT:**

*A. 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 AE on the Flood Insurance Rate Map, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the City of Suffolk.*

*B. Development activities in Zones AE and AH on the City of Suffolk’s Flood Insurance Rate Map which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the developer or applicant first applies – with the City of Suffolk’s endorsement – for a conditional Flood Insurance Rate Map revision, and receives the approval of the Federal Emergency Management Agency.*

**3. APPROXIMATED AND COASTAL FLOODPLAIN DISTRICTS.**

*A. In the approximated and coastal floodplain districts the development and/or use of land shall be permitted in accordance with the regulations of the underlying district; provided, that all such uses, activities and/or development shall be undertaken in strict compliance with the floodproofing and related provisions contained in the Virginia Uniform Statewide Building Code and all other applicable codes and ordinances.*

**4. COASTAL HIGH HAZARD DISTRICT:**

- A. All new construction and substantial improvements in Zones V and VE (V if base flood elevation is available) shall be elevated on pilings or columns so that:*

  - (i) The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level; and,*
  - (ii) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (one-percent annual chance).*
- B. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of this Section.*
- C. The zoning administrator shall obtain the elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in Zones V and VE. The zoning administrator shall maintain a record of all such information.*
- D. All new construction shall be located landward of the reach of mean high tide.*
- E. All new construction and substantial improvements shall have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood-lattice work, or insect screening intended to collapse under wind and water loads without causing collapse,*

*displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:*

- (i) Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and*
  - (ii) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any give year.*
- F. The enclosed space below the lowest floor shall be used solely for parking of vehicles, building access, or storage. Such space shall not be partitioned into multiple rooms, temperature-controlled, or used for human habitation.*
- G. The use of fill for structural support of buildings is prohibited. When fill is proposed in a coastal high hazard area, appropriate engineering analyses shall be conducted to evaluate the impacts of the fill prior to issuance of a development permit.*
- H. The man-made alteration of sand dunes, which would increase potential flood damage, is prohibited.*
- I. All manufactured homes and recreational vehicles to be placed or substantially improved on sites within Zones V and VE on the City of Suffolk's Flood Insurance Rate Map must meet the standards of Section M 4.*

***(n) REVIEW STANDARDS FOR SUBDIVISION AND FAMILY TRANSFER PROPOSALS***

- 1. All subdivision and family transfer proposals shall be consistent with the need to minimize flood damage;*
- 2. Shall have public and/or private utilities and facilities such as sewer, gas, electrical and water systems located and constructed so as to minimize flood damage, and;*

3. *Shall have adequate drainage provided to reduce exposure to flood hazards.*
4. *All new subdivision proposals and other proposed development including proposals for manufactured home parks and subdivisions greater than 50 lots or 5 acres, whichever is the lesser, must include within such proposals Base Flood Elevation (BFE) data obtained through detailed methods comparable to those contained in a Flood Insurance Study.*

**(o) VARIANCES - FACTORS TO BE CONSIDERED.**

**1. Variances shall be issued only upon:**

**A. A showing of good and sufficient cause**

**B. After the Board of Zoning Appeals has determined that failure to grant the variance would result in exceptional hardship to the applicant, and**

**C. After the Board of Zoning Appeals has determined that the granting of such variance will not result in:**

**(i) Unacceptable or prohibited increases in flood heights, (b) additional threats to public safety,**

**(ii) Extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or**

**(iii) Conflict with local laws or ordinances.**

**2. While the granting of variances generally is limited to a lot size less than one-half acre, deviations from that limitation may occur. However, as the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases. Variances may be issued by the Board of Zoning Appeals for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of this section.**

**3. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of this section are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.**

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

- 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 development anticipated in the foreseeable future.***
- I. The relationship of the proposed use to the comprehensive plan and floodplain management programs for the area.***
- J. The safety of access by ordinary and emergency vehicles to the property in time of flood.***
- K. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters excepted 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 designation 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.*

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

*6. Variances shall be issued only after the Board of Zoning Appeals has determined that the granting of such will not result in:*

*A. Unacceptable or prohibited increases in flood heights*

*B. Additional threats to public safety*

*C. Extraordinary public expense, and*

*D. Will not:*

*(i) Create nuisances*

*(ii) Cause fraud or victimization of the public, or*

*(iii) Conflict with local laws or ordinances.*

*7. 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.*

*8. 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:*

*A. Increases the risks to life and property, and*

*B. Will result in increased premium rates for flood insurance.*

*9. 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.*

**(p) EXISTING STRUCTURES IN FLOODPLAIN DISTRICTS.**

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

- A. Existing structures 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 base flood elevation.***
  
- B. Any modification, alteration, repair, reconstruction or improvement of any kind to a structure and/or use located in any floodplain area to an extent or amount of less than fifty (50) per cent of its market value shall conform to the Virginia Uniform Statewide Building Code.***
  
- C. The modification, alteration, repair, reconstruction or improvement of any kind to a structure and/or use, regardless of its locations in a floodplain area, to an extent or amount of fifty (50) percent or more of its market value shall be undertaken only in full compliance with the provisions of this Section and shall require the entire structure to conform to the Virginia Uniform Statewide Building Code.***