

CHAPTER 159: FLOODPLAIN MANAGEMENT

Section

- 159.101 Purpose and intent
- 159.102 Interpretation and application of floodplain
- 159.103 Compliance and liability
- 159.104 Abrogation and greater restrictions; severability
- 159.105 Definitions
- 159.106 Administration
- 159.107 Establishment of Floodplain Overlay Districts (FODs)
- 159.108 FOD provisions
- 159.109 Standards for the Coastal High Hazard FOD
- 159.110 Existing structures in floodplain areas
- 159.111 Variances

§ 159.101 PURPOSE AND INTENT.

(A) VA Code § 15.2-2283 specifies that zoning ordinances shall be for the general purpose of promoting the health, safety, or general welfare of the public and of further accomplishing the objectives of § 15.2-2200 which encourages localities to improve the public health, safety, convenience, and welfare of their citizens. To these ends, flood ordinances shall be designed to provide for safety from flood, to facilitate the provision of flood protection, and to protect against loss of life, health, or property from flood.

(B) In accordance with these directed provisions, this chapter is specifically adopted pursuant to the authority granted to localities by VA Code § 15.2-2280.

(C) This chapter is established for the purpose of preventing 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; and
- (4) Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

(Ord. passed 2-23-2015; Am. Ord. passed 5-12-2015; Am. Ord. passed 10-10-2023)

§ 159.102 INTERPRETATION AND APPLICATION OF FLOODPLAIN.

These provisions shall apply to all lands within the jurisdiction of Northampton County and identified as areas of special flood hazard identified by the community or shown on the flood insurance rate map (FIRM) that is provided to the county by the Federal Emergency Management Agency (FEMA).

(Ord. passed 2-23-2015; Am. Ord. passed 5-12-2015; Am. Ord. passed 10-10-2023)

§ 159.103 COMPLIANCE AND LIABILITY.

(A) No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this chapter and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this chapter.

(B) The degree of flood protection sought by the provisions of this chapter is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This chapter does not imply that districts outside the floodplain district or that land uses permitted within such district will be free from flooding or flood damages.

(C) Records of actions associated with administering this chapter will be kept on file and maintained by the Floodplain Administrator.

(D) This chapter shall not create liability on the part of Northampton County or any officer or employee thereof for any

flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

(Ord. passed 2-23-2015; Am. Ord. passed 5-12-2015; Am. Ord. passed 10-10-2023)

§ 159.104 ABROGATION AND GREATER RESTRICTIONS; SEVERABILITY.

(A) *Abrogation and greater restrictions.* This chapter supplements any regulations currently in effect in flood-prone districts. However, any underlying regulations shall remain in full force and effect to the extent that such regulations are more restrictive than this chapter.

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

(Ord. passed 2-23-2015; Am. Ord. passed 5-12-2015; Am. Ord. passed 10-10-2023)

§ 159.105 DEFINITIONS.

The following definitions are specifically applicable to floodplain management and supplement those set forth in §154.003 Definitions of Chapter 154: Zoning Code.

APPURTENANT OR ACCESSORY STRUCTURE. A non-residential structure which is on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures are not to exceed 600 square feet.

BASE FLOOD. The flood having a 1% chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION. The water surface elevations of the base flood, that is, the flood level that has a 1% or greater chance of occurrence in any given year. The water surface elevation of the base flood in relation to the datum specified on the community's Flood Insurance Rate Map. For the purposes of this chapter, the base flood is the 1% annual chance flood.

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

BREAKAWAY WALL. A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

COASTAL A ZONE. Flood hazard areas that have been delineated as subject to wave heights between 1.5 feet and three feet. The LiMWA designates the 1.5 foot wave.

COASTAL HIGH HAZARD AREA. That part of the coastal floodplain extending from offshore to the inland limit of the primary coastal dune along an open coast and any other area subject to high velocity wave action from storms and seismic sources. Wave heights during the base flood will generally be three feet or more in height above the still water elevation.

DEVELOPMENT. Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

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 CONSTRUCTION. Structures for which the "start of construction" commenced before August 11, 1976. **EXISTING CONSTRUCTION** may also be referred to as **EXISTING STRUCTURES** and **PRE-FIRM**.

FLOOD or FLOODING.

(1) A general or temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.

(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 division (1) above 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). A report by FEMA that examines, evaluates and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.

FLOODPLAIN or **FLOOD-PRONE AREA**. Any land area susceptible to being inundated by water from any source.

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 one foot.

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.

FUNCTIONALLY DEPENDENT USE. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE. Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

HYDROLOGIC AND HYDRAULIC ENGINEERING ANALYSIS. Analyses performed by a licensed professional engineer, in accordance with standard engineering practices that are accepted by the Virginia Department of Conservation and Recreation and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

LETTER OF MAP CHANGE (LOMC). An official FEMA determination, by letter, that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. **LETTERS OF MAP CHANGE** include:

- (1) **LETTER OF MAP AMENDMENT (LOMA)**. An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A **LOMA** amends the current effective Flood Insurance Rate Map and establishes that a land as defined by meets and bounds or structure is not located in a special flood hazard area.
- (2) **LETTER OF MAP REVISION (LOMR)**. A revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. A **LETTER OF MAP REVISION BASED ON FILL (LOMR-F)**, is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the county's floodplain management regulations.
- (3) **CONDITIONAL LETTER OF MAP REVISION (CLOMR)**. A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A **CLOMR** does not revise the effective Flood Insurance Rate Map or Flood Insurance Study.

LOWEST ADJACENT GRADE. The lowest natural elevation of the ground surface next to the walls of a structure.

LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's **LOWEST FLOOR**; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44 C.F.R. 60.3.

MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes **MANUFACTURED HOME** also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

MANUFACTURED HOME PARK OR SUBDIVISION. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988 to which base flood elevations shown on a community's FIRM are referenced.

NEW CONSTRUCTION. For the purposes of determining insurance rates, structures for which the start of construction commenced on or after August 11, 1976, and includes any subsequent improvements to such structures. For floodplain management purposes, **NEW CONSTRUCTION** means structures for which 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.

POST FIRM STRUCTURE. A structure for which construction or substantial improvement occurred after August 11, 1976.

PRE-FIRM STRUCTURES. A structure for which construction or substantial improvement occurred on or before August 11, 1976.

PRIMARY FRONTAL DUNE. A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the **PRIMARY FRONTAL DUNE** occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

RECREATIONAL VEHICLE. A vehicle which is:

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

REPETITIVE LOSS STRUCTURE. A building covered by a contract for flood insurance that has incurred flood-related damages on two occasions in a ten-year period, in which the cost of the repair, on the average, equaled or exceeded 25% of the market value of the structure at the time of each such 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. A structure that:

- (1) Is covered under a contract for flood insurance made available under NFIP; and
- (2) Has incurred flood related damage -
 - (a) For which four or more separate claim payments 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. 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 1% or greater chance of being flooded in any given year as determined in § 159.107 of this chapter.

START OF CONSTRUCTION. For other than new construction and substantial improvement, under the Coastal Barriers Resource Act (P.L. 97-348), means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement is 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 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 THE 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.

STRUCTURE. For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The

term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.
- (3) Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined above, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic Places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

VIOLATION. The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance 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** includes specifically designated areas in which substantial flood damage may occur.

(Ord. passed 2-23-2015; Am. Ord. passed 5-12-2015; Am. Ord. passed 10-10-2023)

§ 159.106 ADMINISTRATION.

(A) *Designation of the Floodplain Administrator [44 C.F.R. 59.22(b)].* The Floodplain Administrator is hereby appointed to administer and implement these regulations and is referred to herein as the "Floodplain Administrator." The Floodplain Administrator may:

- (1) Do the work themselves. In the absence of a designated Floodplain Administrator, the duties are conducted by the county chief executive officer.
- (2) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees.
- (3) 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 Northampton County 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 C.F.R. 59.22.

(B) *Duties and responsibilities of the Floodplain Administrator [44 C.F.R. 60.3].* The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

- (1) Review applications for permits to determine whether proposed activities will be located in the special flood hazard area (SFHA).
- (2) Interpret 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 or local agencies from which prior or concurrent approval is required; in particular, permits from state agencies for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction (including bridges, culverts, 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 non-tidal waters of the state.
- (5) Verify that applicants proposing an alteration of a watercourse have notified adjacent communities, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), and other appropriate agencies (VADEQ, USACE) and have submitted copies of such notifications to FEMA.
- (6) Advise applicants for new construction or substantial improvement of structures that are located within an area of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act that federal flood insurance is not available on such structures; areas subject to this limitation are shown on Flood Insurance Rate Maps as Coastal Barrier Resource System Areas (CBRS) or Otherwise Protected Areas (OPA).
- (7) Approve applications and issue permits to develop in flood hazard areas if the provisions of these regulations have been met, or disapprove applications if the provisions of these regulations have not been met.
- (8) Inspect or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with these regulations or to determine if non-compliance has occurred or violations have been committed.
- (9) Review elevation certificates and require incomplete or deficient certificates to be corrected.

(10) Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering analyses prepared by or for Northampton County, within six months after such data and information becomes available if the analyses indicate changes in base flood elevations.

(11) Maintain and permanently keep records that are necessary for the administration of these regulations, 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 datum on the FIRM) to which structures have been flood proofed, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations.

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

(13) Advise the Board of Zoning Appeals regarding the intent of these regulations and, for each application for a variance, prepare a staff report and recommendation.

(14) Administer the requirements related to proposed work on existing buildings:

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

(b) Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct, and prohibit the non-compliant repair of substantially damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a building or structure to prevent additional damage.

(15) Undertake, as determined appropriate by the Floodplain Administrator due to the circumstances, other actions which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas; and assisting property owners with documentation necessary to file claims for increased cost of compliance coverage under NFIP flood insurance policies.

(16) Notify the Federal Emergency Management Agency when the corporate boundaries of the county 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 these regulations has either been assumed or relinquished through annexation; and

(b) If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.

(17) Upon the request of FEMA, complete and submit a report concerning participation in the NFIP which may request information regarding the number of buildings in the SFHA, number of permits issued for development in the SFHA, and number of variances issued for development in the SFHA.

(18) It is the duty of the County Floodplain Administrator to take into account flood, mudslide and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land management and use throughout the entire jurisdictional area of the county, whether or not those hazards have been specifically delineated geographically (e.g., via mapping or surveying).

(C) *Use and interpretation of FIRMs [44 C.F.R. 60.3].* The 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 FIRMs and data:

(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 FIRM, the area shall be considered as special flood hazard area and subject to the requirements of these regulations;

(b) Are above the base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the SFHA.

(2) In FEMA-identified special flood hazard areas where base flood elevation and floodway data have not been identified and in areas where FEMA has not identified SFHAs, 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 FIRMs and in FISs shall take precedence over base flood elevations and floodway boundaries by any other sources if such sources show reduced floodway widths and/or lower base flood elevations.

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

(5) If a Preliminary Flood Insurance Rate Map and/or a Preliminary Flood Insurance Study has been provided by FEMA:

(a) Upon the issuance of a Letter of Final Determination by FEMA, the preliminary flood hazard data shall be used and shall replace the flood hazard data previously provided from FEMA for the purposes of administering these regulations.

(b) Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall be deemed the best available data pursuant to § 159.107(C) and used where no base flood elevations and/or floodway areas are provided on the effective FIRM.

(c) Prior to issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data is permitted where the preliminary base flood elevations or floodway areas exceed the base flood elevations and/or designated floodway widths in existing flood hazard data provided by FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.

(D) *Jurisdictional boundary changes* [44 C.F.R. 59.22, 65.3].

(1) The county floodplain ordinance in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements for participation in the National Flood Insurance Program. Municipalities with existing floodplain ordinances shall pass a resolution acknowledging and accepting responsibility for enforcing floodplain ordinance standards prior to annexation of any area containing identified flood hazards. If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.

(2) In accordance with 44 C.F.R. Part 59, Subpart B, § 59.22(a)(9)(v), all NFIP participating communities must notify the Federal Insurance Administration and optionally the State Coordinating Office in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area.

(3) In order that all Flood Insurance Rate Maps accurately represent the community's boundaries, a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority, must be included with the notification.

(E) *District boundary changes.* The delineation of any of the floodplain districts may be revised by the county where natural or 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 change. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency.

(F) *Interpretation of district boundaries.* Initial interpretations of the boundaries of the floodplain districts shall be made by the Zoning Officer. Should a dispute arise concerning the boundaries of any of the districts, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his or her case to the Board and to submit his or her own technical evidence if he or she so desires.

(G) *Submitting model backed technical data* [44 C.F.R. 65.3]. 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 Emergency Management Agency of the changes by submitting technical or scientific data. The community may submit data via a LOMR. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

(H) *Letters of Map Revision.*

(1) When development in the floodplain will cause or causes a change in the base flood elevation, the applicant, including state agencies, must notify FEMA by applying for a Conditional Letter of Map Revision and then a Letter of Map Revision.

(2) Example cases:

(a) Any development that causes a rise in the base flood elevations within the floodway;

(b) Any development occurring in Zones A1-30 and AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation; and

(c) Alteration or relocation of a stream (including but not limited to installing culverts and bridges); 44 C.F.R. 65.3 and 65.6(a)(12).

(I) *Penalty for violations* [44 C.F.R. 60.2(e)].

(1) Any person who fails to comply with any of the requirements or provisions of this chapter or directions of the director of development or any authorized employee of the county shall be guilty of the appropriate violation and subject to the penalties therefor.

(2) The VA USBC addresses building code violations and the associated penalties in Chapter 150: Building Regulations. Violations and associated penalties of the Northampton County Zoning Code are addressed in both sections of the Zoning Code.

(3) In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this chapter. The imposition of a fine or penalty for any violation of, or noncompliance with, this chapter shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this chapter may be declared by the county to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this chapter.

(Ord. passed 2-23-2015; Am. Ord. passed 5-12-2015; Am. Ord. passed 10-10-2023)

§ 159.107 ESTABLISHMENT OF FLOODPLAIN OVERLAY DISTRICTS (FODS).

(A) *Description of types of FODs.* Basis of FODs: FODs shall include areas subject to inundation by waters of the 1% chance flood. The basis or the delineation of these districts shall be the Flood Insurance Study (FIS) for Northampton County prepared by the FEMA, Federal Insurance Administration, dated March 2, 2015, and as may be amended. The FIS and associated Flood Insurance Rate Maps (FIRMs) are on file with the county.

(B) Northampton County may identify and regulate local flood hazard or ponding areas that are not delineated on the FIRM. These areas may be delineated on a "Local Flood Hazard Map" using best available topographic data and locally derived information such as flood of record, historic high water marks or approximate study methodologies.

(C) According to the FIRM, dated March 2, 2015, Northampton County does not contain any floodways, A Zone, or AO/AH Zones.

(1) (a) The Coastal Floodplain District shall be those areas identified as AE Zones on the FIRM and the accompanying Flood Insurance Study. Flood elevations are provided in these tidal floodplains.

(b) The AE or AH Zones on the FIRM accompanying the FIS shall be those areas for which 1% annual chance flood elevations have been provided and the floodway has not been delineated. The following provisions shall apply within an AE or AH zone [44 CFR 60.3(c)] where FEMA has provided base flood elevations. (Note: The requirement in 44 CFR 60.3(c) (10) only applies along rivers, streams, and other watercourses where FEMA has provided base flood elevations. The requirement does not apply along lakes, bays and estuaries, and the ocean coast.)

(c) 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 A1-30, AE, or AH 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 Northampton County.

(d) Development activities in Zones A1-30, AE, or AH on the Northampton County FIRM which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the applicant first applies - with the county's endorsement - for a Conditional Letter of Map Revision and receives the approval of the Federal Emergency Management Agency.

(2) The Coastal A Zone shall be those areas, as defined by the VA USBC that are subject to wave heights between one and one-half feet and three feet, and identified on the FIRM by the Limit of Moderate Wave Action (LiMWA) line.

(3) The coastal high hazard district shall be those areas identified as VE Zones on the FIRM and the accompanying Flood Insurance Study.

(D) *Overlay concept.*

(1) The FODs described above shall be overlays to the existing underlying districts as shown on the official zoning ordinance map, and as such, the provisions for the FODs shall serve as a supplement to the underlying district provisions.

(2) If there is any conflict between the provisions or requirements of the FODs and those of any underlying district, the more restrictive provisions shall apply.

(3) In the event any provision concerning an FOD is declared inapplicable or invalid as a result of any legislative or administrative actions or judicial decision, the remaining provisions shall remain applicable.

(E) *Official map.* The boundaries of the FODs shall be as shown on the Flood Insurance Rate Map which is declared to be a part of this chapter and which shall be kept on file with the county.

(F) *District boundary changes.* The delineation of any of the FODs may be revised by the county where natural or 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 change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.

(G) *Interpretation of FOD boundaries.* Initial interpretations of the boundaries of the FODs shall be made by the Floodplain Administrator. Should a dispute arise concerning the boundaries of any FOD, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the FOD boundary shall be given a reasonable opportunity to present his or her case to the Board of Zoning Appeals and to submit his or her own technical evidence if he or she so desires.

(Ord. passed 2-23-2015; Am. Ord. passed 5-12-2015; Am. Ord. passed 10-10-2023)

§ 159.108 FOD PROVISIONS.

(A) *Permit and application requirements.*

(1) *Permit requirement.* All uses, activities, and development occurring within any FOD shall be undertaken only after the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of this chapter and with all other applicable codes and ordinances, as amended, and Chapter 156: Subdivision Code. Prior to the issuance of any permit, the Zoning Administrator shall require all applications to include compliance with all applicable state and federal laws and shall review all sites to assure they are reasonably safe from flooding. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

(2) *Site plans and permit applications.* All applications for development within any FOD and all building permits issued for the floodplain shall incorporate the following information:

- (a) The elevation of the base flood at the site.
- (b) The elevation of the lowest floor (including basement) or, in V Zones, the lowest horizontal structural member.
- (c) For structures to be flood-proofed (non-residential only), the elevation to which the structure will be flood-proofed.
- (d) Topographic information showing existing and proposed ground elevations.
- (e) Subdivision proposals.
 1. All subdivision proposals shall be consistent with the need to minimize flood damage.
 2. All subdivision proposals shall have any public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
 3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(B) *General standards.* In all FODs the following provisions shall apply:

(1) New construction and substantial improvements shall be anchored according to the VA USBC and of this chapter 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 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 and 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) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(7) 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.

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

In addition to provisions (1)-(8) above, in all special flood hazard areas, the additional provisions shall apply:

(9) 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. 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).

(10) In riverine situations, adjacent communities and the Department of Conservation and Recreation (DCR) Department of Floodplain Management shall be notified prior to any alteration or relocation of a watercourse, and copies of such notifications shall be submitted to FEMA.

(11) The flood-carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

(C) *Specific standards.* In all FODs the following provisions shall apply:

(1) *Residential construction.* New construction or substantial improvement of any residential structure (including manufactured homes) in an AE Zone shall have the lowest floor, including basement, elevated no lower than one foot above 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 one foot above the base flood elevation. Buildings located in all AE 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 two feet are watertight 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 section are satisfied.

(3) *Elevated buildings.* In AE Zones, enclosed areas, of new construction or substantially improved structures, which are below the regulatory 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). The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas;

(b) Be constructed entirely of flood resistant materials below the regulatory flood protection elevation;

(c) In the Coastal High Hazard FOD, follow the standards for elevation outlined in §159.109, Standards for the Coastal High Hazard FOD, below;

(d) Include in AE Zones 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:

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

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

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

4. The bottom of all required openings shall be no higher than one foot above the adjacent grade.

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

6. 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.

(D) Accessory structures in the SFHA shall comply with the elevation requirements and other requirements of § 159.108(C)(2) if not elevated or dry floodproofed, shall:

(1) Not be used for human habitation;

(2) Be limited to no more than 600 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) 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 one 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 floodwater; the certification requirement may be satisfied by an individual certification or an Evaluation Report issued by the ICC Evaluation Service, Inc.

(c) The bottom of each flood opening shall be one foot or less above the higher of the interior floor or grade, or the exterior grade, immediately below the opening.

(d) Any louvers, screens or other covers for the flood openings shall allow the automatic flow of floodwaters into and out of the enclosed area.

(E) *Standards for manufactured homes and recreational vehicles.*

(1) 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 substantially improved manufactured home parks or subdivisions, must meet all the requirements for new construction, including elevation and anchoring.

(2) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision where no manufactured home has sustained substantial damage from flooding must be elevated so that:

(a) The lowest floor of the manufactured home is elevated no lower than one foot above the base flood elevation.

(b) The manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(3) All recreational vehicles placed on sites must either:

(a) Be on the site for fewer than 180 consecutive days;

(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 all the requirements for new construction, including anchoring and elevation requirements.

(Ord. passed 2-23-2015; Am. Ord. passed 5-12-2015; Am. Ord. passed 10-10-2023)

§ 159.109 STANDARDS FOR THE COASTAL HIGH HAZARD FOD.

The following provisions shall apply within the Coastal High Hazard FOD:

(A) All new construction and substantial improvements in Zones VE shall be elevated on pilings or columns so that:

(1) The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to at least one foot above the base flood elevation; and

(2) 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 1% chance of being equaled or exceeded in any given year (1% 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 chapter.

(C) The Floodplain 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 VE. The Floodplain Management 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 chapter, a breakaway wall shall have a design safe loading resistance of not less than ten 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:

(1) Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and

(2) 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 1% chance of being equaled or exceeded in any given 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 for a purpose other than support of a structure, appropriate engineering analyses shall be conducted to evaluate the impacts of

the fill prior to issuance of a development permit. If such fill is permitted and results in a change in the boundary of the floodplain, a letter of map revision must be filed in accordance with FEMA/National Flood Insurance Program procedures.

(H) The man-made alteration of sand dunes which would increase potential flood damage is prohibited.

(I) All manufactured homes to be placed or substantially improved on sites within Zones VE on the Northampton County Flood Insurance Rate Map must meet the standards of this section.

(Ord. passed 2-23-2015; Am. Ord. passed 5-12-2015)

§ 159.110 EXISTING STRUCTURES IN FLOODPLAIN AREAS.

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) Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any floodplain areas to an extent or amount of less than 50% of its market value shall conform to the VA USBC and the appropriate provisions of this chapter.

(B) The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its location in a floodplain area to an extent or amount of 50% or more of its market value shall be undertaken only in full compliance with this chapter and shall require the entire structure to conform to the VA USBC and the appropriate provisions of this chapter.

(Ord. passed 2-23-2015; Am. Ord. passed 5-12-2015; Am. Ord. passed 10-10-2023)

§ 159.111 VARIANCES.

(A) Variances shall be issued only upon (i) a showing of good and sufficient cause, (ii) after the Board of Zoning Appeals has determined that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) after the Board of Zoning Appeals has determined that the granting of such variance will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

(B) 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.

(C) 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.

(D) 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:

(1) 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 1% chance flood elevation.

(2) The danger that materials may be swept on to other lands or downstream to the injury of others.

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

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

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

(6) The requirements of the facility for a waterfront location.

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

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

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

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

(11) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.

(12) The historic nature of a structure. Variances for repair or rehabilitation of historic structures may be granted 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.

(13) Such other factors which are relevant to the purposes of this chapter.

(E) 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. Any costs associated with such referral shall be borne by the applicant.

(F) 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 will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

(G) Variances shall be issued only after the Board of Zoning Appeals has determined that the variance will be the minimum required to provide relief.

(H) 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 1% chance flood elevation:

(1) Increases the risks to life and property; and

(2) Will result in increased premium rates for flood insurance.

(I) 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 that are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

(J) Variances to the provisions of the FOD may be applied for and considered in accordance with the procedures set forth in the Northampton County Zoning Code.

(K) 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 that are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

(L) No variance shall be granted for an accessory structure exceeding 600 square feet. (Note: See §159.108(D)).

(M) Such other factors which are relevant to the purposes of this chapter.

(Ord. passed 2-23-2015; Am. Ord. passed 5-12-2015; Am. Ord. passed 10-10-2023)