

# GRAYSON COUNTY FLOODPLAIN ORDINANCE



ADOPTED JULY 17, 1989

Amended: 08/14/08

Amended: 12/08/16

PREPARED BY THE GRAYSON COUNTY PLANNING COMMISSION  
APPROVED BY THE GRAYSON COUNTY BOARD OF SUPERVISORS

## Floodplain Ordinance of Grayson County, Virginia

The **Grayson County Floodplain Ordinance** meets federal requirements for involvement in the National Flood Insurance Program (NFIP). The floodplain management requirements for participation in the NFIP are set forth in the Code of Federal Regulations at 44 CFR, 59 & 60.

Grayson County joined the National Flood Insurance Program (NFIP) by Emergency Entry on December 4, 1974. The first Flood Hazard Boundary Maps (FHBM) were released on January 31, 1975 and again on August 21, 1981. Regular entry into the NFIP occurred on July 17<sup>th</sup>, 1989 with the first version of the **Grayson County Floodplain Ordinance** approved by the Grayson County Board of Supervisors on July 12<sup>th</sup> of 1989. The second revision of the **Grayson County Floodplain Ordinance** occurred on August 14<sup>th</sup>, 2008. This document is the third revision of the **Grayson County Floodplain Ordinance** enacted on December 8, 2016.

Floodplain or Special Flood Hazard Areas are delineated in accordance with the federal floodplain maps, sometimes referred to as FIRM (Flood Insurance Rate Maps), and the FIS (Flood Insurance Study). Original hard copy FIRM Maps and the FIS are in paper format at the Floodplain Manager's Office, Grayson County Administration, P.O. Box 217, 129 Davis Street, Independence, VA 24348. The federal floodplain delineation areas are available to the public online using the Grayson County WebGIS & turning on the floodplain layer. The WebGIS is available at <https://www.webgis.net/va/Grayson/>. The third option for determining floodplain areas is to use the FEMA Map Service Center website to see floodplain/SFHA delineations for any area in the United States. In Grayson County, the federal floodplain areas are near major tributaries and the New River. The Department of Planning & Community Development encourages property owners to learn about the floodplain delineation areas prior to making development plans. The Grayson County Floodplain Manager is available to assist the public with floodplain/SFHA information, floodplain development applications and general inquiries about the National Flood Insurance Program. The public can contact the Floodplain Manager, Department of Planning & Community Development at 276-773-2000.

At the time of this amendment, the community is using the August 28<sup>th</sup>, 2008 Flood Insurance Rate Maps, which is the most recent FIRM provided by Federal Emergency Management Agency (FEMA). Should new revisions to the floodmaps be issued by FEMA, the Ordinance shall pertain to the most recent edition of the FIRM issued by the federal government.

The term Special Flood Hazard Area (SFHA) is the technical term for the common term "100 year Floodplain" or "Floodplain District". For the purposes of this Ordinance these terms are interchangeable and shall mean the FEMA floodplain areas in Grayson County.

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## ARTICLE 1 – TITLE, AUTHORITY, JURISDICTION & PURPOSE

- 1-1 **Title.** This ordinance, which shall be known and may be cited as the “Floodplain Ordinance of Grayson County, Virginia”.
- 1-2 **Authority.** Adopted pursuant to the authority granted to localities by Code of Virginia §10.1 – 600 et. Seq. and in accordance with Federal Code 44 CFR 59.22(a)(2)
- 1-3 **Jurisdiction.** These provisions shall apply to all privately and publically owned lands within the unincorporated jurisdictional areas of Grayson County. The properties subject to these requirements are those lands identified as Special Flood Hazard Areas (SFHA) according to the Flood Insurance Rate Map (FIRM), and digital versions of the floodplain overlay, that is provided to Grayson County, VA by the Federal Emergency Management Agency (FEMA), most recent map revisions.
- 1-4 **Purpose.** The purpose of these provisions is to prevent: the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:
- A. regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies;
  - B. restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding;
  - C. requiring all those uses, activities, and developments that do occur in flood-prone districts to be protected and/or flood-proofed against flooding and flood damage; and,
  - D. protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.
- 1-5 **Construction of language.** For the purpose of this ordinance, certain words and terms shall be interpreted as follows.
- A. The word "shall" and “must” is mandatory and not discretionary; and the word "may" and “should” is permissive;
  - B. The word "lot" includes the words “plots” and “parcel” and will mean a lot on record.
  - C. The word "permitted" means allowed or permitted to occur by permit.
  - D. The particular shall control the general. Words used in the present tense shall include the future and any words used in the singular can include the plural and the plural the singular, unless the context clearly indicates the contrary.
  - E. All public officials, bodies, and agencies to which reference is made are those of the County of Grayson, Virginia; “the Board” shall mean the Grayson County Board

of Supervisors, the "commission" shall mean the Planning Commission, the Floodplain Board shall mean the Board appointed by the by the Board of Supervisors to hear Floodplain Board Variances and the "Administrator" shall mean the Floodplain Administrator assigned by the Board of Supervisors. Building Official shall mean the Building Official.

- F. Any reference to "ordinance" shall mean the Grayson County Floodplain Ordinance, unless otherwise stated. Any reference to the "zoning map" shall mean the Official Grayson County Zoning Map. Any reference to the floodplain map shall mean the FIRM, FIS or Grayson County WebGIS Floodplain Overlay used by the Administrator to delineate floodplains or Special Flood Hazard Areas (SFHA).
- G. In the case of any difference of meaning or implications between the text of this ordinance and any caption, illustration, or table, the text shall control.

Except where definitions are specifically included in various articles and sections, words in the text or tables of this ordinance shall be interpreted in accordance with the definitions in **Article 2**.

**1-6 Compliance.** After the effective date of this ordinance, no building, structure or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, converted or structurally altered except in conformity with the terms and provisions of this ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance.

**1-7 Liability.** The degree of flood protection sought by the provisions of this ordinance 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 ordinance does not imply that districts outside the floodplain district or land uses permitted within such district will be free from flooding or flood damages.

This ordinance shall not create liability on the part of the County or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

**1-8 Relationship/Seperability.** Where the conditions imposed by any provisions of this ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this ordinance or any other law, resolution, ordinance, rule or regulation of any kind, the regulations which are more restrictive shall apply. The interpretation and application of this ordinance shall be construed to be minimum requirements for development in the FEMA Floodplain or Special Flood Hazard Areas.

It is the responsibility of the property owner to understand how local, state and federal codes may apply to their project. Development guidelines and standards may be required by other local, state and federal laws. Dependent on the project, other statutes may be involved such as the: the Building Code, Grayson County Erosion & Sediment Control Ordinance, Grayson County Zoning Ordinance and Grayson County Subdivision Ordinance. State or Local Stormwater Management

Programs/Ordinances may apply, in particular, for common plans of development and/or projects that will develop or grade for new development. State agencies such as the Virginia Department of Transportation, Virginia Department of Health and the Virginia Department of Environmental Quality may require their own standards as it relates to development projects. The U.S Army Corps of Engineers should be consulted when impact to waterways or wetlands is proposed. When needed, the Grayson County Department of Planning & Community Development is available to assist the landowner with information about local, state and federal agencies that are related to development.

This ordinance is not intended to override any easement, covenant, or any other private agreement, provided that where the regulations of this ordinance are more restrictive (or impose higher standards or requirements) than such easements, covenants, or other private agreements, the requirements of this ordinance shall govern.

The provisions of this ordinance are cumulative with additional limitations imposed by all other laws and ordinances, previously passed or which may be passed after the adoption of this ordinance, governing any subject matter appearing in this ordinance.

The provisions of this ordinance are separable. Thus, if any court of competent jurisdiction judge any provision of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance not specifically included in said judgment. If any court of competent jurisdiction or judge invalid the application of any provision of this ordinance to a particular property, building or other structure, such judgment shall not affect the application of said provisions to any other property, building or structure not specifically included in said judgment.

#### **1.9 Floodplain Ordinance Records.**

Records of actions associated with administering this ordinance shall be kept on file and maintained by or under the direction of the Floodplain Administrator in perpetuity.

## ARTICLE 2 - DEFINITIONS

- 2-1 For the purpose of this Ordinance, certain words and terms shall be defined as follows. When not defined here the latest edition of Merriam-Webster definition shall apply. The definitions originate from the NFIP, Federal Code 44 CFR 59.1 and/or terminology used in the other Grayson County Codes & Ordinances. If definitions are in conflict with other Ordinance or Codes in effect in Grayson County, the stricter application will apply.
- 2-2 **Agricultural Structure:** A structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying or raising of agricultural commodities & basic agricultural equipment. The NFIP excludes livestock confinement buildings, poultry houses, dairy operations or structures that represent more than a minimal investment from this definition.
- 2-3 **Appurtenant or accessory structure:** A structure that is detached from a principal structure on the same lot, and customarily incidental and subordinate to the principal structure or use. Accessory structures may include, but is not limited to, detached garages and garden utility sheds. For the purposes of this Ordinance, accessory structures pertain to residential and commercial structures, different from recreational structures and agricultural structures as defined.
- 2-4 **Base flood:** The flood having a one percent chance of being equaled or exceeded in any given year. Sometimes referred as the 100 year flood.
- 2-5 **Base flood elevation (BFE):** The water surface elevations of the base flood, that is, the flood level that has a one percent 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 (FIRM). For the purposes of this ordinance, the base flood is the 1% annual chance flood elevation level.
- 2-6 **Basement:** Any area of the building having its floor sub-grade (below ground level) on all sides.
- 2-7 **Board of Supervisors:** The Elected Officials for Grayson County.
- 2-8 **Building Code:** For the purpose of this Ordinance shall mean the Building Code(s) enforced by the Grayson County Building Official.
- 2-9 **Development:** Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, temporary structures, mining, dredging, filling, grading, paving, excavation, drilling or other land-disturbing activities or permanent or temporary storage of equipment or materials.
- 2-10 **Elevated building:** A non-basement building built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, or columns (posts and piers).
- 2-11 **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.

- 2-12 Existing construction:** For the purposes of the insurance program, structures for which the “start of construction” commenced before the effective date of the FIRM. In Grayson County the effective date of the FIRM was 07/17/89. Structures initiated before that date are considered Pre-FIRM. Structures initiated after that date are considered Post-FIRM.
- 2-13 Flood or flooding:**
1. A general or temporary condition of partial or complete inundation of normally dry land areas from
    - a. the overflow of inland or tidal waters; or,
    - b. the unusual and rapid accumulation or runoff of surface waters from any source.
    - c. mudflows which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
  2. The collapse or subsidence of land along the shore of a lake or other 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.
- 2-14 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).
- 2-15 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.
- 2-16 Floodplain:** Any land area susceptible to being inundated by water from any source. The FEMA designated Special Flood Hazard Area (SFHA) or Floodplain is delineated on the FIRMS/Floodplain maps and is regulated by the **Grayson County Floodplain Ordinance**.
- 2-17 Floodplain Board:** The Board which is appointed by the Board of Supervisors to review Board Variances & Appeals to the Floodplain Ordinance.
- 2-18 Floodplain Determination/Flood Elevation Certificate:** Document prepared and stamped by a licensed professional (surveyor, architect or engineer) to determine the physical location of a FEMA Base Flood Elevation (BFE) and used to determine the proposed or actual building elevations in relation to the Base Flood Elevation. This is a tool used to permit, design and build in compliance with the National Flood Insurance Program, **Grayson County Floodplain Ordinance** and **Building Code**.
- 2-19 Flood proofing (Wet & Dry):** 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. **Wet flood-proofing** is defined as; the use of flood-damage-resistant materials and construction techniques to minimize flood damage to areas below the flood protection level of a structure, which is intentionally allowed to flood. **Dry flood-proofing** is defined as; a combination of measures that results in a structure, including the attendant utilities and equipment, being watertight with all elements substantially impermeable to the entrance of floodwater and with structural components having the capacity to resist flood loads. Dry flood-proofing must be performed in accordance with the criteria listed in FEMA publication P-936 and the Grayson County Building Code.

**2-20 Flood prone construction:** Methods of construction or development that are required when development activities occur in the floodplain, and in accordance with the Grayson County Building Code.

**2-21 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 at any point within the community.

**2-22 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.

**2-23 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.

**2-24 Grayson County WebGIS:** Online, web based Geographic Information System available to the public at the Grayson County Website, Department of Planning & Community Development. Provides parcel data, zoning map, FEMA Special Flood Hazard Area and other useful data for land use applications.

**2-25 Highest adjacent grade:** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**2-26 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 are 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:
  - a. by an approved state program as determined by the Secretary of the

Interior; or  
b. directly by the Secretary of the Interior in states without approved programs.

- 2-27 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.
- 2-28 Letters of Map Change (LOMC):** A Letter of Map Change is 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:
- 2-29 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.
- 2-30 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 community's floodplain management regulations.
- 2-31 Letter which is 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.
- 2-32 Lowest adjacent grade (LAG):** The lowest natural elevation of the ground surface next to the walls of a structure.
- 2-33 Lowest floor:** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.
- 2-34 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 the term "manufactured home" also includes park homes, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.
- 2-35 Manufactured home park or subdivision:** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

- 2-36 Market Value:** For the purposes of this Ordinance, market value is considered the same as the appraised value listed and on file at the Grayson County Commissioner of Revenue Office, for the structure(s) in question.
- 2-37 Mean Sea Level:** Is an elevation point that represents the average height of the ocean's surface (such as the halfway point between the mean high tide and the mean low tide) which is used as a standard in reckoning land elevation.
- 2-38 New construction:** For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after 07/17/1989 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.
- 2-39 North American Datum 1983 (NAD83):** Currently, Grayson County uses FEMA Floodmaps/FIRM/FIS which are based on NAD83 as the coordinate system. The North American Datum is used to define the geodetic network in North America and is based on a geodetic reference system. Elevation Certificates and other submittals by licensed professionals should use NAD83. Should FEMA issue new Floodmaps/FIRMS that use a different coordinate system, the system listed on the latest FIRMS shall be used.
- 2-40 Post-FIRM structures:** A structure for which construction or substantial improvement occurred after 07/17/89.
- 2-41 Pre-FIRM structures:** A structure for which construction or substantial improvement occurred before 07/17/89.
- 2-42 Property Owner:** The person, firm, corporation, executor or trustee in ownership of the property. The property owner shall be the entity listed on the Grayson County Real Estate Database as managed by the Commissioner of Revenue Office, unless proved otherwise.
- 2-43 Recreational Structure:** For the purposes of the Ordinance, pertains to those structures used solely for the purpose of recreation along the New River and/or major tributaries. Specifically means those structures used for parking of recreational vehicles such as carports, picnic shelters, decks and gazebos, structures used on a limited basis for recreational use in a floodplain area. Does not apply to residential use or commercial uses.
- 2-44 Recreational vehicle:** A vehicle which is:
1. built on a single chassis;
  2. 400 square feet or less when measured at the largest horizontal projection;
  3. designed to be self-propelled or permanently towable by a light duty truck; and,
  4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.
- 2-45 Repetitive Loss Structure:** A building covered by a contract for flood insurance that has incurred flood-related damages on two occasions in a 10-year period, in which the cost of the repair, on the average, equaled or exceeded 25 percent 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 is defined in accordance with NFIP.

- 2-46 Residential structure:** A structure or building in which a person or persons will reside and/or spend the night and/or live in.
- 2-47 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.
- 2-48 Special Flood Hazard Area (SFHA):** The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined by the Community FIRM or floodmap. May also be referend to as the 100 yr. Floodplain
- 2-49 Start of construction:** Means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of 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.
- 2-50 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. Anything constructed or erected, the use of which requires a permanent location on the ground or attachment to something having a permanent location on the ground. Shall include buildings and/or other "built" items when the purpose is for regular use at a specified location.
- 2-51 Subdivision:** Any division of a parcel or lot on record.
- 2-52 Substantial damage:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market (appraised) value of the structure before the damage occurred.
- 2-53 Substantial improvement:** Any reconstruction, rehabilitation, addition, rebuilt or other improvement of a structure, whether damaged or not, where the cost of which equals or exceeds 50 percent of the market (appraised) value of the structure before the start of construction of the improvement. 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.

- 2-54 Towable Trailer:** A nonautomotive vehicle designed to be hauled by road and towed by an automotive vehicle. Used to transport something. For the purpose of this Ordinance is not considered a recreational vehicle and not to be used for human occupation.
- 2-55 Use:** The activity occurring on a lot or a parcel for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.
- 2-56 Vertical Datum:** A set of constants that defines a system for comparison of elevations. Historically the NFIP has used National Geodetic Vertical Datum of 1929 (NGVD 29) and of 1988 (NAVD88). For the purpose of Grayson County floodplain management the North American Datum of 1983 (NAD83) is used on the County's Firms/Floodpmaps and shall be used for floodplain design and submittals to FEMA or the locality. NAD83 is a horizontal datum as opposed to a vertical datum. Conversions are required and are available through Army Corps of Engineers and National Oceanic Atmospheric Administration.
- 2-57 Variance:** Means a grant of relief by a community from the terms of a flood plain management regulation. Variances considered in accordance with Article 7.
- 2-58 Violation:** The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure/other development without the elevation certificate or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.
- 2-59 Wall:** Upright structure of masonry, wood, plaster, or other building material serving to enclose, divide, or protect an area. Includes areas in conjunction with doors and windows when purpose is to enclose an area.
- 2-60 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.

## ARTICLE 3 - ADMINISTRATION OF FLOODPLAIN ORDINANCE

- 3-1 Preface.** The purpose of this article is to describe the administration of the Floodplain Ordinance. The Grayson County Floodplain Ordinance applies to the un-incorporated areas of Grayson County. Property located within the jurisdictional limits of the Town of Independence, Town of Troutdale & Town of Fries are subject to the floodplain management requirements of those towns. The Grayson County Building Code may also pertain to structure development in Special Flood Hazard Areas and the Grayson County Building Department should be consulted before project development in a Special Flood Hazard Area. Information and permit applications for floodplain development can be found at the Office of the Floodplain Manager, Department of Planning & Community Development at the Grayson County Courthouse, 129 Davis Street, Independence, VA 24348. 276-773-2000 [www.graysoncountyva.gov](http://www.graysoncountyva.gov)
- 3-2 Floodplain Administrator/Manager.** The Floodplain Administrator or Manager is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator or Floodplain Manager. The Grayson County Board of Supervisors shall designate the Floodplain Administrator/Manager for Grayson County. In the administration of this ordinance, the Floodplain Administrator may:
- A.** Do the work themselves. In the absence of a designated Floodplain Administrator, the duties shall be conducted by the County Administrator.
  - B.** Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees.
  - C.** Enter into a written agreement or written contract with another community or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.
- 3-3 Duties & Responsibilities of the Floodplain Administrator/Manager.** The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:
- A.** Review applications for permits to determine whether proposed activities will be located in the Special Flood Hazard Area (SFHA)/Floodplain.
  - B.** Interpret floodplain boundaries and provide available base flood elevation and flood hazard information.
  - C.** Review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of these regulations.
  - D.** 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.

**E.** 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.

**F.** 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.

**G.** 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.

**H.** Review Elevation Certificates and require incomplete or deficient certificates to be corrected.

**I.** 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 the County, within six months after such data and information becomes available if the analyses indicate changes in base flood elevations.

**J.** Maintain and permanently keep records that are necessary for the administration of these regulations, including:

1. Flood Insurance Studies, Flood Insurance Rate Maps (including historic studies and maps and current effective studies and maps) and Letters of Map Change; and

2. Documentation supporting issuance and denial of permits, Elevation Certificates, documentation of the elevation (in relation to the datum on the FIRM) to which structures have been floodproofed, inspection records, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations.

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

**L.** Facilitate Floodplain Variance Applications. Advise decision makers on the intent of the NFIP regulations and prepare a staff report and recommendation for the variance request and interact with the applicant. Review Administrative Variance applications

**M.** Administer the requirements related to proposed work on existing buildings:

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

2. Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct. 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.

**N.** 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.

**O.** Notify the Federal Emergency Management Agency when the corporate boundaries of the County have been modified and:

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

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

**P.** 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.

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

### **3.4 Use and Interpretation of FEMA FIRMs, Floodmaps and Floodplain Overlay**

The Floodplain Administrator shall make interpretations, where needed, as to the exact location of Special Flood Hazard Areas, floodplain boundaries, and floodway boundaries. The Floodplain Manager will use the Grayson County WebGIS floodplain overlay, the FEMA supplied FIRMS/Special Flood Hazard Area Maps and the digital FIRM available from the FEMA Map Service Center. The Floodplain Administrator will review the maps as part of site development applications and evaluate the development in relation to the FEMA floodplain/Special Flood Hazard Areas. The following shall apply to the use and interpretation of the FIRMs & floodplain data:

**A.** Where field surveyed topography indicates that the adjacent ground elevation next to the proposed development is verified as:

1. below the Base Flood Elevation (BFE), 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;
2. above the Base Flood Elevation (BFE) and the area is labelled as a SFHA on the FIRM, 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.

**B.** 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, flood hazard data available from a Federal, State, or other source shall be reviewed and reasonably used. The Administrator may require an elevation certificate, or elevation determination from a licensed professional to assist with this determination.

**C.** 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.

**D.** 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.

**E.** If preliminary documents are issued to the community from FEMA, such as a Preliminary Flood Insurance Rate Map and/or a Preliminary Flood Insurance Study has been provided by FEMA:

1. 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.
2. 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 Section 3.1.A.3. and used where no base flood elevations and/or floodway areas are provided on the effective FIRM.
3. 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.

**F)** North American Datum of 1983 (NAD83) is the coordinate system used for the production of the Grayson County Floodmaps/FIRM. Universal Transverse Mercator (UTM), Zone 17 North, (NAD83), GRS 80 Spheroid. Elevation Certificates and other paperwork submitted for Floodplain Development should be in this coordinate system. If new floodmaps/FIRM are issued for Grayson County, the coordinate system used on the

latest FIRM/floodmaps shall be used for elevation determinations and required documentation.

**3.5 Jurisdictional Boundary Changes** (only applies if boundaries change for Grayson Co.)

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.

In accordance with the Code of Federal Regulations, Title 44 Subpart (B) Section 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.

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.

**3.6 Floodplain District Boundary Changes**

The delineation of any of the Floodplain Districts may be revised by Grayson 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. A completed LOMR is a record of this approval.

**3.7 Letter of Map Change (LOMC) – Owner Request**

The delineated floodplain boundary maps, FIRM, & SFHA Floodplain layer is provided by the National Flood Insurance Program/FEMA. When a property owner feels that a property/structure was improperly mapped/included in a Special Flood Hazard Area (SFHA) on a Flood Insurance Rate Map (FIRM), also known as a flood map, the LOMC process can be used to challenge the location of the floodplain, in relation to a structure

or property which has been delineated as in the FEMA floodplain. This process is initiated by the landowner and submitted to FEMA for review. Landowners who are interested in a LOMC can find information at the FEMA website or by contacting the Floodplain Administrator for more information. When a property or structure has been removed from the Special Flood Hazard Area, the landowner will receive a "Letter of Removal" from FEMA. The "Letter of Removal" alleviates the responsibility of adhering to the Grayson County Floodplain Ordinance for the subject property or structure on the LOMC application, both the application for the LOMC and the "Letter of Removal" shall be submitted to the Floodplain Manager, before the local permit will be issued.

### **3.8 Submitting Model Backed Technical Data – Community Requirement**

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 flood plain management requirements will be based upon current data.

### **3.9 Letters of Map Revision- FEMA Requirement**

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.

Example cases:

- Any development that causes a rise in the base flood elevations within the floodway.
- 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.
- Alteration or relocation of a stream (including but not limited to installing culverts and bridges) *44 Code of Federal Regulations §65.3 and §65.6(a)(12)*

### **3.10 Violations of the Floodplain Ordinance**

**A. Inspections/Violations.** The Floodplain Administrator is authorized to conduct inspections in the enforcement of the Floodplain Ordinance and is authorized to issue a Notice of Violation(s) to ensure compliance with the Ordinance.

**Timeline for Correction.** When evidence indicates that a permit has not been obtained prior to placement of a structure, an illegal use of a property in a floodplain district, or any other violation of the Floodplain Ordinance, the Floodplain Manager will contact the landowner to notify them of the potential violation and provide a timeframe for the owner to remediate the concern within thirty (30) days or less. Should the violation be of such a nature that imminent threat of danger, loss of human life or serious concerns for health safety and welfare are present, the Floodplain Manager will issue an immediate Notice of Violation. This provision will not restrict any other official from immediately pursuing the

matter as a Building Code Violation, Zoning Violation, or other violation, which can be considered a separate offense under separate Ordinances and Codes.

**Notice of Violation.** If the matter is not resolved within thirty (30) days, the Floodplain Administrator shall issue a Notice of Violation. Upon receipt of the Notice of Violation, the landowner and/or responsible party shall remedy the cause of the violation within thirty (30) days or be charged with an offense of this Ordinance.

**B. Compliance or Fines.** Upon receipt of the Notice of Violation, the landowner and/or responsible party, has thirty (30) days to comply or file an appeal in accordance with this Article. When the thirty (30) day time period has expired and the party in question fails to comply with any or all of the requirements/provisions of this Ordinance, or direction of the Administrator in their enforcement of the Ordinance, the Administrator shall contact the County Attorney to pursue a Class 1 misdemeanor, which shall be subject to an amount of up to a \$2500 fine and/or up to 12 months in jail. The imposition of a fine or penalty or any violation of, or non-compliance with, this Ordinance shall not excuse the violation or non-compliance within a reasonable time. Any structure constructed, reconstructed, enlarged, altered, or relocated in non-compliance with this Ordinance may be declared by the Board of Supervisors to be a public nuisance and abatable as such, at the expense of the landowner.

### **3-11 Floodplain Appeals**

Federal law requires that the community must comply with the minimum standards of the National Flood Insurance Program. The Grayson County Floodplain Ordinance meets the minimum standards for participation in the NFIP. Any case for an appeal must show that the appeal in question is capable of meeting the minimum standards of the National Flood Insurance Program to be properly considered. When an application for appeal & the appeal fee has been properly submitted and after the appeal has been heard, the applicant for the appeal will receive a written response, regarding the decision, within ten (10) days after the appeal hearing date.

Any decision of the Floodplain Administrator or his designee may be modified, reversed, or affirmed by the Floodplain Board, upon appeal by any aggrieved party to such decision, if such appeal is filed with the Office of the Floodplain Administrator within thirty (30) days of the Floodplain Administrator decision. The applicant must provide their contact information, a letter stating the need for appeal, and all documents that support the case of appeal in a timely manner at least ten (10) days prior to the meeting for which it is to be heard. Failure to submit an appeal within thirty (30) days of the Floodplain Administrator's determination shall discontinue the right to file an appeal.

Any decision of the Floodplain Board can be appealed to the Grayson County Board of Supervisors, if such appeal is filed within thirty (30) days of the Floodplain Board's written notice/decision on the matter. The applicant must provide their contact information, a letter stating the need for appeal, and all documents that support the case of appeal in a timely manner at least ten (10) days prior to the meeting for which it is to be heard. Failure to submit an appeal to the Board of Supervisor's within thirty (30) days of the Floodplain Board's determination shall discontinue the right to file an appeal. Appeals of decisions by the Board of Supervisor's under this ordinance shall be subject to review by the Circuit Court of Grayson County, if filed within thirty (30) days from the date of the Board of Supervisor's action.

## ARTICLE 4 – FLOODPLAIN DISTRICTS

### 4.1 Description of Floodplain Districts

The FEMA FIRM or Floodplain Maps are used to show those areas in Grayson County which are designated Special Flood Hazard Areas (SFHA) or FEMA floodplains. The SFHA's shall include land in the floodplain which is subject to a one (1) percent or greater chance of being flooded in any given year. The basis for the delineation of these districts shall be the FIS and the FIRM for the County of Grayson, VA prepared by FEMA, Federal Insurance Administration, dated August 28, 2008, and any subsequent revisions or amendments thereto.

The boundaries of the SFHAs/Floodplain are established as shown on the FIRM, which is declared to be a part of this ordinance and shall be kept on file at the Grayson County, Department of Planning & Community Development.

In Grayson County, the three (3) Floodplain Districts which apply, include the Zone A & Zone AE Floodplain Districts and Zone X which delineates areas outside of the Special Flood Hazard Area/Floodplain. The Flood Districts may include;

**Zone A** = Describes the Special Flood Hazard Areas where the land area susceptible to inundation by the 1% annual chance of flood has been determined and is shown on the Floodmap or FIRM. In Zone A, the Base Flood Elevation (water surface elevation of the 1% annual chance of flood) has not been determined by FEMA and is not shown. Sometimes this is also referred to as Approximate A Zond Districts.

**Zone AE** = Describes the Special Flood Hazard Areas where the land area susceptible to inundation by the 1% annual chance of flood has been determined and is shown on the Floodmap or FIRM. The Base Flood Elevation is determined for these areas and shown on the floodmaps, FIRMS or Flood Insurance Study. In Zone AE a floodplain elevation is available and shown on the cross-section of the map or in the Flood Insurance Study.

**Zone X** = Describes those areas outside of the 2% annual chance of floodplain and does not require any provisions for floodplain design or adherence to the Floodplain Ordinance requirements. Zone X describes those areas which are not subject to SFHA/Floodplain delineation and are not subject to predictable flooding by FEMA.

**Zone AO & AH** = Currently Grayson County does not have AO or AH Flood Districts. If delineated on FEMA Floodmaps as a future revision, the community shall use the minimum standards for participation in the NFIP.

**Zone AR or Zone A99** = Currently Grayson County does not have AR or A99 Zone Districts. If delineated on FEMA Floodmaps as a future revision, the community shall use the minimum standards for participation in the NFIP.

**Zone V** = This Flood District is reserved for Coastal Areas and does not apply to Grayson County, VA. **CBRS** and **OPAS** Flood District areas associated with the coast do not apply.

4.2 **Floodways.** Floodways and floodplains have separate meanings in the NFIP. Floodways are used by FEMA to delineate those areas, most often the channel of the stream or river and associated areas, where the fastest moving water is during a flood event. When floodways apply they are shown on the FEMA Floodplain Map/FIRM. As of 2016, FEMA Floodways **have not been** determined for areas in Grayson County, except for select

areas of Chestnut Creek. Should additional floodways be determined at a future date and reflected on the FEMA floodplain maps or FIRMS, Grayson County shall use the NFIP minimum standards for development in the floodways.

**4.3 Encroachment, Grading & Fill in the Special Flood Hazard Area/Floodplain.** The placement of structures, fill or any physical boundaries that prohibit floodwaters from flowing or dissipating is what causes encroachment. Encroachment of floodplain areas can cause a rise in the level of the floodwater during a flood event and affect properties that lie outside of the original floodplain. When encroachment creates barriers for the passage of water, this can create a rise in the depth of flood elevations for all properties in the floodplain.

**Analogy of Encroachment.** If you envision a glass of water and then the addition of an ice cube to that glass of water. The displacement of the water or rise in the water level in the glass, that occurs after the ice cube is added demonstrates the concept of floodplain displacement caused by encroachment. As fill and structures (the ice cube) are placed in a floodplain (glass of water) there is less open area available to dissipate flood waters within the original floodplain boundary. This can cause floodwaters to expand outside of the original areas of the floodplain.(the water level rises above the glass and overflows).

Regulating encroachment of the floodplain is a requirement for community participation in the NFIP. Encroachment by fill placement in the floodplain is regulated by the **Grayson County Floodplain Ordinance**. Land disturbers and developers should consult with the Floodplain Manager about the placement of fill in the floodplain prior to development plans. The following shall apply:

- A. When the entire area, proposed to be graded or filled is located in the FEMA Special Flood Hazard Area, the soil, rock and ground already located (existing) on site can be graded, relocated or moved around on the same site or lot. The Floodplain Administrator may approve the grading project, provided that the following criteria are met and shown on the Floodplain Development Permit Application. The project site;
1. Shall be mitigated to result in no decrease in flood storage volume on the site;
  2. Shall be mitigated entirely on the same site that will incur the fill;
  3. Shall be contiguous to the existing floodplain that is being filled; and
  4. Shall be limited to the smallest amount of area and volume possible to correct irregularities within the boundary of the project.

If fill is proposed to be brought onto the site which is located in a SFHA/Floodplain, from offsite, the landowner must first receive a Letter of Map Change from FEMA to allow placement of fill in the SFHA/floodplain and an approved Floodplain Development Permit from the Floodplain Manager.

**Exception:** This Ordinance will allow the placement of stone, gravel or shallow concrete pads that do not exceed 6" of height for the purpose of storage of vehicles, driveways, private roads and erosion control, where the purpose is for basic soil stabilization & used to prevent soil erosion caused by vehicles and/or localized traffic.

- B. All grading and fill projects must be in compliance with the **Grayson County Erosion & Sediment Control Ordinance** and the **Grayson County Stormwater**

**Management Ordinance.** In addition, if work is proposed in a waterway or wetland, the Army Corps of Engineers, Virginia Department of Environmental Quality and the Virginia Marine Resources Commission must be consulted prior to work and records of this consultation or permit must be provided to the Floodplain Administrator before a local Floodplain Development Permit is issued. If a streambank restoration project is proposed, the landowner should contact the Floodplain Manager prior to development plans to ensure compliance with the Floodplain Ordinance and compliance with other local, state and federal laws. The Floodplain Manager must pre-approve streambank restoration projects.

#### **4.4 Requirements for Floodway and Non Floodway Areas (Zone A and Zone AE)**

- A. Zone AE with Floodway District.** The areas included in this District are defined in the Floodway Table of Section 4.2 of the **Grayson County Flood Insurance Study** and may apply to areas of Chestnut Creek in Grayson County, VA. \* (As of this date, the Floodway District does not apply to most properties in Grayson County because a Floodway has not been determined and shown on the FIRM/FIS)

When the **Floodway District** is in an **AE Zone** and is delineated, for purposes of this ordinance, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the one percent annual chance flood without increasing the water surface elevation of that flood by more than one (1) foot at any point. The areas included in this District are specifically defined in the Floodway Table of Section 4.2 of the Flood Insurance Study.

The following provisions shall apply **within the Floodway District of an AE zone.**

**1.** Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the community during the occurrence of the base flood discharge. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator.

Development activities which increase the water surface elevation of the base flood may be allowed, provided that the applicant first applies, with **Grayson County's** endorsement, for a Conditional Letter of Map Revision (CLOMR), and receives the approval of the Federal Emergency Management Agency.

If this article is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Ordinance.

**2.** The placement of manufactured homes (mobile homes) is prohibited, except in an existing manufactured home (mobile home) 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.

- B. Zone AE or AH without a Floodway District.** The AE, or AH Zones on the FIRM accompanying the FIS shall be those areas for which one-percent 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 where FEMA has provided base flood elevations:

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 on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the Grayson County, VA.

Development activities in Zones A1-30, AE, or AH within Grayson County, as shown on the FIRM which will increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the applicant first applies with Grayson County's endorsement for a Conditional Letter of Map Revision, and receives the approval from FEMA in letter format. With this approval the applicant can apply for the Zoning & Building Permit.

- C. Zone A without Base Flood Elevations and without Floodways.** The A Zone on the FIRM accompanying the FIS shall be those areas for which no detailed flood profiles or elevations are provided, but the one percent annual chance floodplain boundary has been approximated and shown on the FIRM as a Special Flood Hazard Area. For these areas, the following provisions shall apply.

1. The base flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific one percent annual chance 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 base flood elevation. For development proposed in the approximate floodplain the applicant must use technical methods that correctly reflect currently accepted practices, such as point on boundary, high water marks, or detailed methodologies hydrologic and hydraulic analyses. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator. The publication FEMA 265 provides a reference for acceptable methods of determining a BFE in an Approximate A Flood Zone.

The Floodplain Administrator reserves the right to require a hydrologic and hydraulic analysis to establish a base flood elevation by a licensed professional. When such base flood elevation data is utilized, the lowest floor of a residential structure shall be elevated to or above the base flood level.

During the permitting process, the Floodplain Administrator shall obtain:

1. The elevation of the lowest floor (in relation to mean sea level), including the basement, of all new and substantially improved structures; and,
2. If the structure will be or has been flood-proofed in accordance with the requirements of this article, the elevation (in relation to mean sea level) to which the structure will be/has been flood-proofed shall be provided.

Base flood elevation data shall be obtained from other sources or developed using detailed methodologies comparable to those contained in a FIS for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser.

- D. **All Flood Districts-No Rise Certificate.** To meet the encroachment provisions of the National Flood Insurance Program, this Ordinance requires documentation that the proposed project in a Special Flood Hazard Area, will not create a rise in floodplain elevation. A "No-Rise Certificate" prepared by a licensed engineer shall be submitted with the Floodplain Development Application at the time of permitting. Information about "No-Rise Certificates" is available at the Floodplain Manager's Office.

**Exemption:** When a floodway has not been delineated and the proposed structure is an open wall design on all four sides, the application will be exempt from this provision, when the applicant can show that;

1. The placement will not restrict flood waters by allowing the passage of floodwaters through the structure.
2. The structure will be wet floodproofed, anchored, designed and built to allow the free flow of floodwaters through the structure.
3. The structure will meet all the other requirements of this Ordinance.

## ARTICLE 5 – FLOODPLAIN DISTRICT PROVISIONS

### 5-1 Permit and Application Requirements

- A. **Need for permit.** A Floodplain Development Permit is required for all uses, activities, and development occurring within any floodplain district, including placement of manufactured homes, residential structures, commercial structures, accessory structures, grade work and fill. Such development shall be undertaken only in strict compliance with the provisions of this Ordinance and with all other applicable codes and ordinances, as amended, such as the **Virginia Uniform Statewide Building Code (VA USBC)** and **Grayson County Zoning Ordinance.** Prior to the issuance of any such permit, the Floodplain Administrator shall require all applications to include compliance with all applicable state and federal laws and shall review all sites to assure that 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.
- B. **Application.** The Floodplain Development Permit Application is available at the Department of Planning & Community Development. The Application fee is listed in the Grayson County Fee Schedule. The Application & Fee must be submitted in accordance with this Article, for consideration of permit.
- C. **Site Plans and Permit Applications.** All applications for a Floodplain Development Permit shall incorporate the following information and/or information shall be shown on the site plan.
1. The location of the structure and/or development in relation to the spatial delineation of the Special Flood Hazard Area, as shown on a Grayson County WebGIS floodplain overlay or FEMA FIRM map or legal survey.
  2. The elevation of the Base Flood at the site or at the adjacent grade of the development.
  3. The method for floodprone anchoring or foundation plan for floodprone construction.
  4. The elevation of the lowest floor (including basement) and elevation of the horizontal member of the residential floor. Structure plans must show the elevations and shall list the uses of the structure for those areas below the Base Flood Elevation. For residential structures, the Building Official and/or Floodplain Manager may require professional stamped plans that demonstrate that the foundation can withstand flood waters, incorporates the approved type, square footage and number of flood vents and the elevation of required components in compliance with the NFIP.
  5. For structures to be flood-proofed (non-residential only), the elevation to which the structure will be flood-proofed, design plans that show the type of flood proof

techniques which are allowed in accordance with the NFIP. Dry flood-proofing will require a stamped engineered plan that meets the requirements of the NFIP.

6. The proper elevation of utilities and a plan showing the proposed utility elevations.

7. Topographic information showing existing and proposed ground elevations. Site plans for grading must demonstrate that the measures to mitigate encroachment are in place and that no fill will be brought from off site.

8. Any other documentation required by the Floodplain Manager to ensure that the proposed development is in compliance with this Ordinance.

## **5-2 General Requirements**

The following provisions shall apply to all permits:

- A.** New construction and substantial improvements shall be built according to this ordinance and the VA USBC, and anchored to prevent flotation, collapse or lateral movement of the structure.
- B.** 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.
- C.** New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- D.** New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- E.** 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.
- F.** New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- G.** 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.
- H.** On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- I.** 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). 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), other required agencies, and the Federal Emergency Management Agency.

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

**5-3 Elevation and Construction Standards** – Grayson County requires the minimum elevation standards for participation in the NFIP. The minimum elevation standard is the top of the lowest horizontal structure member for the lowest floor (excludes crawlspaces and those areas used parking, storage or access). The elevation of the top of the horizontal structure for the lowest floor, must be at or above the Base Flood Elevation for both residential and non-residential structures, when elevation is the method used to meet the Ordinance requirements. Basements with all four sides below the grade are considered the lowest floor.

**Freeboard Recommendation.** For those structures that seek to provide a higher level of flood protection, an eighteen inch (18”) freeboard of the lowest floor, above Base Flood Elevation, is recommended by Virginia DCR Floodplain Division. This recommendation is based on the following reasons; there may be a general rise in floodplains because of encroachment which has occurred over time, the freeboard is used to factor in potential errors with the flood maps and the freeboard promotes the ability of a structure to receive Flood Insurance at a more reasonable rate under the National Flood Insurance Program (NFIP). While a freeboard is not required by this Ordinance, Grayson County encourages an 18” freeboard, where possible, for the reasons stated above.

In all identified flood hazard areas where base flood elevations have been provided in the FIS or generated by a licensed professional (surveyor or engineer) in accordance with Article 4, the following provisions shall apply:

**A. Residential Construction**

New construction or substantial improvement of any residential structure (including manufactured homes) in Zones A1-30, AE, AH and A with detailed base flood elevations shall have the lowest floor, including basement, elevated to or above the base flood level.

**B. Non-Residential Construction**

1. New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated to or above the base flood level.

2. Non-residential buildings located in all A1-30, AE, and AH zones may be dry flood-proofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the BFE 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 floodproofed, shall be maintained by the Floodplain Administrator.

3. In accordance with Article 7 certain structures may be wet-floodproofed with the issuance of a variance by the community.

**C. Space Below the Lowest Floor**

In zones A, AE, AH, AO, and A1-A30, fully enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall;

1. Not be designed or used for human habitation, but shall be used solely for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator).
2. Be constructed entirely of flood resistant materials below the regulatory flood protection elevation.
3. Include measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:
  - a. Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
  - b. The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.
  - c. If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
  - d. The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.
  - e. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
  - f. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

**D. Standards for Manufactured Homes and Recreational Vehicles**

1. In zones A, AE, AH, and AO, all manufactured homes placed, or substantially improved, on individual lots or parcels, must meet all the requirements for new construction, including the elevation and anchoring requirements
2. All recreational vehicles placed on sites must either:
  - a. be on the site for fewer than 180 consecutive days, 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
  - b. meet all the requirements for manufactured homes in **Article 5.3(D)(1)**.

**5-4 Subdivision Standards for projects located in the Special Flood Hazard Areas**

- A. All subdivision proposals shall be consistent with the need to minimize flood damage;
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and
- D. NFIP Requirement. Base flood elevation data shall be obtained from other sources or developed using detailed methodologies, hydraulic and hydrologic analysis, comparable to those contained in a Flood Insurance Study for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser. For the purposes of this Ordinance, any subdivision of a property, which pertains to either a lot of five acres or more, or a subdivision that proposes up to fifty lots, shall show on the face of the subdivision plat for review, at least one Base Flood Elevation & location point, for every lot created, for those lots where a SFHA is shown in relation to the subdivision lot.

## ARTICLE 6– EXISTING STRUCTURES IN FLOODPLAIN AREAS

- 6-1 **Relationship.** This Article pertains to those structures which are considered existing structures in the FEMA Floodplain or SFHA's as shown on the Community FIRM or floodmaps.
- 6-2 **Minimum Standards.** The NFIP provides the policy standards for existing structures and the threshold (substantial improvement or substantial damage) which requires an existing structure to be treated as new construction and/or meet the current NFIP standards for new construction. The **Grayson County Floodplain Ordinance** utilizes the minimum standards for community participation in the NFIP. Existing Structure shall mean the same thing as Existing construction.
- 6-3 **Effective Date.** In Grayson County, the effective date of the Grayson County Floodplain Ordinance and community floodmaps or FIRM was on 07/17/89. Structures initiated before that date are considered Pre-FIRM structures. Structures initiated after that date are considered Post-FIRM structures.
- 6-4 **Pre-FIRM.** Structures in which construction was initiated before Grayson County officially joined the NFIP on July 17<sup>th</sup>, 1989.
- 6-5 **Post- FIRM.** Structures built in the floodplain/SFHA between 1989 and this date are considered Post-FIRM structures.
- 6-6 **Exceptions to the Ordinance for Bringing Existing Structures into Compliance.** Any structure or use of a structure or premises must be brought into conformity with these provisions when it is changed, repaired, or improved unless one of the following exceptions is established and documented on the permit application by the Floodplain Manager, before the change is made:
- A. The floodplain manager has determined that;
    - 1. The proposed change to the structure, is not a substantial improvement (as defined in this Ordinance) AND
    - 2. The non-compliant structure will not add square footage that will be non -compliant AND
    - 3. No new square footage is being built in the floodway AND
    - 4. The change complies with this ordinance and the VA USBC AND
    - 5. The change, when added to all the other changes to the structure, made during a rolling 3 year period does not constitute 50% of the structure's assessed value.
  - B. The proposed changes to the structure are required or needed to comply with a citation for a health or safety violation.
  - C. The structure is a historic structure and the change required would impair the historic

nature of the structure.

- 6-7 Substantial Improvement requires that the entire structure be brought into conformance with the NFIP.** Substantial improvement of any structure, whether damaged or not is considered new construction, and in accordance with the NFIP, the entire structure must be brought into conformance with the minimum standards for new construction. The NFIP definition of Substantial Improvement is included in Article 2 of this Ordinance.
- 6-8 Substantial Improvement in Compliance.** Structures in the floodplain, which were constructed in compliance with this Ordinance, can be altered, repaired, or replaced when the proposed new alterations, structure repair and/or structure replacement will also meet the design standards of this Ordinance.
- 6-9 Substantial Damage.** Substantial damage means any damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. The damage can be from any cause, including; flood, fire, earthquake, wind, rain or other natural and/or human-induced hazards.

If a structure is considered substantially damaged, it will be considered new construction and the entire structure must meet the minimum standards of the NFIP, this Ordinance and the Grayson County Building Code before alterations or reconstruction can occur.

## ARTICLE 7 – FLOODPLAIN VARIANCES

7.1 A Floodplain Variance is a relief issued by the community from the normal terms of the Floodplain Ordinance. The NFIP allows communities to consider a variance request when certain conditions apply. There are two (2) types of variance requests including;

**A. Administrative Variance.** An Administrative Variance can be considered for small, accessory or agricultural structures that seek to wet flood-proof as mitigation for location in a Special Flood Hazard Area. The Administrative Variance process is used for recreational, residential accessory or agricultural structures when there is minimal investment in these structures, low damage potential for the structures and there exists an ability for these structures to wet- floodproof to mitigate flood effects. The definitions in Article 2 shall be used for all three types of structures under consideration.

**B. Floodplain Board Variance.** A Floodplain Board Variance will pertain to any other variance request, which is not already covered by Administrative Variances.

7.2 **Variance Application.** Applications for an Administrative Variance or a Board Variance are available at the Department of Planning & Community Development, 129 Davis Street, Independence, VA. The complete application as required by the Floodplain Manager and the Floodplain Variance Fee shall be submitted prior to consideration for the variance request. The fee for Administrative Variance and Floodplain Board Variance is provided in the Grayson County Fee Schedule.

7.3 **Notification.** The Floodplain Administrator must notify the applicant, in writing, at the time of the variance application, "that the issuance of a variance to construct a structure below the base flood elevation a) increases the risks to life and property and b) will result in increased premium rates for flood insurance."

7.4 **Records.** A record of all variance actions, including justifications for the granting of variances and notifications issued pursuant to this section shall be maintained by the floodplain administrator. Any variances that are issued shall be noted in the annual or biennial report submitted to FEMA.

7.5 **Requirement for All Variance Types.**

No variance shall be granted for any proposed use, development, or activity within any Floodway District that will cause any increase of the base flood elevation.

No variance shall be granted unless the following requirements are met:

A. The variance will not create or result in:

1. Unacceptable or prohibited increases in flood heights;
2. Additional threats to public safety;
3. Extraordinary public expense;
4. Nuisances; or
5. Fraud or victimization of the public.

B. The granting of such variance will not be detrimental to other property in the vicinity.

- C. The circumstances giving rise to the variance application are not of a general or recurring nature.
- D. Such circumstances arise from the physical character of the property or from the use or development of adjacent property and not from the personal situation of the applicant.
- E. The granting of such variance will not be in conflict with any ordinance or regulation.
- F. Variances shall be the minimum necessary to provide relief.
- G. The applicant has good and sufficient cause for requesting the variance and will suffer exceptional hardship should a variance be denied.

**7.6 Administrative Variances.**

Administrative Variances will only be considered for those structures that propose a wet floodproof design. For those structures that propose a dry floodproof design or structure elevation, to meet the minimum standards of this Ordinance, the Administrative Variance shall not apply. To be considered, the structure; shall allow the dissipation of flood waters around and through the structure, shall not cause a raise in the floodplain elevation, shall be built to floodprone construction, cannot present a danger to human life and cannot be used for continuous habitation or daily prolonged use.

The Floodplain Administrator has been appointed by the Grayson County Board of Supervisors to consider Administrative Variances. The Floodplain Administrator shall approve or deny an application requesting an Administrative Variance after receipt of a complete application and variance fee.

The Administrator shall submit the finding of the variance request, within thirty (30) days of the receipt of the complete application. The issuance of a Floodplain Development Permit shall be considered a favorable response to a variance request. A denial of a variance request shall be submitted in writing to the applicant within thirty (30) days of the receipt of the variance application, by the Floodplain Administrator.

The Administrative Variance shall only be considered for the following uses, development, or redevelopment:

**A. Variance for Agricultural structures- Wet Floodproof.** Can be considered when;

1. The structure meets the definition as defined in this Ordinance.
2. The structure is to be located in wide, expansive floodplains, which allow the dissipation of flood waters, through and around the agricultural structure. Does not apply to agricultural structures when the density of the structures on the lot, exceeds 10% of the parcel size or conditions of dense building development, which do not allow the proper dissipation of flood waters.
3. The application can present a building plan that demonstrates the elements of wet- floodproofing, building to flood-prone construction, elevation of utilities, anchoring, flood vents or other approved hydrostatic measures when walls are proposed, flood resistant materials, and/or all other methods for floodprone construction in accordance with the Grayson County Building Code. The plans must be approved by the Grayson County Building Official before a variance is granted.

4. The application can show that the placement in the floodplain is unique to the property, is functionally dependent on the proposed location on the parcel and the structure is an essential component of the agricultural production.
5. The agricultural structure must leave one wall open to the outdoors in accordance with the NFIP standards for agricultural variances.
6. Measures to prevent human endangerment are in place and the use will not be for public or residential use or employment of persons in the building.

**B. Variance for Recreational Structures-Wet Floodproof.** Can be considered when;

1. The structure meets the definition as defined in this Ordinance.
2. The structure in the defined location is necessary for the recreational use as it relates to the waterway and is dependent on a location near the waterway.
3. The small size of the lot, geological features of the lot, orientation of the lot, access of the lot for ingress or egress and/or specific features which may prohibit the placement on another area of the lot which is capable of being located out of the floodplain.
4. The application can present a building plan that demonstrates the elements of wet- floodproofing, building to flood-prone construction, elevation of utilities, anchoring, flood vents or other approved hydrostatic measures when walls are proposed, flood resistant materials, and/or all other methods for floodprone construction in accordance with the Grayson County Building Code. The plans must be approved by the Grayson County Building Official before a variance is granted.
5. Measures to prevent human endangerment are in place and the use will not be for public or residential use or employment of persons in the building.

**C. Variance for Residential Accessory Structures- Wet Floodproof.** Can be considered when;

1. The structure meets the definition as defined in this Ordinance.
2. The structure is affiliated with a residential structure located on the same lot and the use of the structure in that specific location, is of such importance that prohibiting the structure unreasonably denies the owner an essential need.
3. The small size of the lot, geological features of the lot, orientation of the lot, access of the lot for ingress or egress and/or specific features which may prohibit the placement on another area of the lot which is capable of being located out of the floodplain.
4. The application can present a building plan that demonstrates the elements of wet- floodproofing, building to flood-prone construction, elevation of utilities, anchoring, flood vents or other approved hydrostatic measures when walls are proposed, flood resistant materials, and/or all other methods for floodprone construction in accordance with the Grayson County Building Code. The building plans must be approved by the Grayson County Building Official before a variance is granted.

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. When a LOMC could rectify the need for the variance, whether or not a LOMC was submitted to FEMA for review. In general, variances shall not be issued to applicants who did not first submit a LOMC to rectify the need for a variance.
14. Such other factors that are relevant to the purposes of this ordinance.

- D. Upon the receipt of a Floodplain Variance Application, the **Floodplain Board** shall have thirty (30) days to review the variance request. The Floodplain Manager shall act as the clerk to the Floodplain Board to provide a complete application and the required documentation for review by the Board.

The Floodplain Board shall issue their approval or denial of the Variance Request in writing to the applicant within fourteen (14) days of the hearing date. The response shall state the reasons for the approval or disapproval of the Variance Application.

#### **7.8 Appeals to Variance Applications**

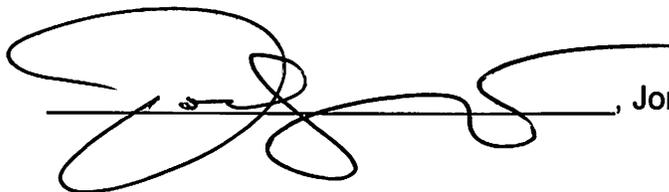
The process for the appeal of variance decisions by either the Administrator or the Floodplain Board, shall be the same appeal process as that which is set forth in Article 3.11 of this Ordinance.

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This Floodplain Ordinance revises the previous version of the **Grayson County Floodplain Ordinance** enacted on August 14<sup>th</sup>, 2008.

This revision was prepared by the Grayson County Planning Commission and approved by the Grayson County Board of Supervisors on December 8<sup>th</sup>, 2016.

I, Jonathan Sweet, Clerk to the Grayson County Board of Supervisors, certify this to be a true and exact copy of the Floodplain Ordinance of Grayson County, Virginia as amended by the Grayson County Board of Supervisors on December 8<sup>th</sup>, 2016.



, Jonathan Sweet, County Administrator