



DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING - BUILDING INSPECTIONS – ZONING



Permit Process for Floodplain Development

A Checklist for Review, Approval, and Oversight of Floodplain Development Projects

A Floodplain Development Permit is required for any development activity in the regulated floodplain. This includes any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings, accessory structures, or other structures; the placement of manufactured homes; mining; dredging; streets and other paving; docks; utilities; filling, grading, and excavation; drilling operations; storage of equipment or materials.

Each municipality in the Southampton County is responsible for enforcing floodplain development standards for all floodplain development within the jurisdiction. A floodplain development permit is required for projects undertaken by another municipality, county, school district, or public improvement district. Municipal projects must comply with floodplain development standards. Permits from other agencies do not preclude the need for a municipal floodplain permit.

DONE or N/A

_____ Check the Flood Insurance Rate Map (flood hazard map) to determine if the proposed project is in the Special Flood Hazard Area / 100-year floodplain. This is the **regulated floodplain** within which a floodplain development permit is required. Base flood elevation is 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. For the purposes of this ordinance, the base flood is the 1% annual chance flood.

 No. If the project is not located in the regulated floodplain, evaluate the potential flood hazard. Projects located near the mapped floodplain boundary, in the 500-year floodplain, near streams, and in drainage areas do not require a floodplain development permit, but may warrant flood protection measures. Make appropriate recommendations.

 Yes. If the project is in the regulated floodplain, a floodplain development permit is required. application. Floodplain administrator reviews for completeness and accuracy.

Existing Structures in Flood Plain Areas must be brought into conformity with the Floodplain Regulations when it is changed, repaired, or improved unless one of the following exceptions is established before the change is made:

- _____ The Floodplain manager has determined that
- change is not a substantial repair or substantial improvement AND
 - no new square footage is being built in the floodplain that is not complaint AND
 - no new square footage is being built in the floodway AND
 - the change complies with this ordinance, the underlying zoning district and the VA USBC

_____ The changes are required to comply with a citation for a health or safety violation.

_____ The structure is a historic structure and the change required would impair the historic nature of the structure.

_____ Floodplain administrator prepares a **Floodplain Determination Letter** and or a **Substantial Improvement or Substantial Damage Determination Letter**, to file with the application. If the Base Flood Elevation is available (in the Flood Insurance Study or from a reliable source), the required flood protection level is two feet above this level. If the Base Flood Elevation is not available, the flood protection level should be at least three feet above the highest adjacent grade or two feet above the historic flood depth at the site, whichever is higher. It may be necessary to consult a separate Floodway Map to determine if the proposed development is in the regulatory floodway.

_____ **Determine the applicable floodplain development requirements** for the proposed project at the proposed location. Resources include: Article XXI of the City of Franklin Zoning Ordinance Floodplain Regulations; Department of Community Development Floodplain Management webpage (available at www.franklinva.com), the Virginia Residential Code and Virginia Construction Code, etc. Provide the applicant with copies of the relevant fact sheets.

_____ Municipal floodplain administrator has reviewed the application documentation and check all items that will be needed to evaluate compliance with floodplain regulation and NFIP development standards. A site plan and development plans/specifications are required for all projects. Topographic information is needed if any grading or fill will occur. An elevation certificate or floodproofing certificate is required for any new or substantially improved building. If there is potential for damage to other properties (such as stream bank erosion or increased flood velocities), the applicant should provide a technical analysis by a licensed professional engineer demonstrating that such damage would not occur. Copy the application (with the completed list of required information) for the applicant and advise that site preparation and other development should not be initiated until the information is provided and the permit application is approved.

_____ When the project plans and other information are received, the floodplain administrator reviews them for completeness and compliance. If it is unclear whether the project will be safe from flood damage, professional certification may be requested (such as for equipment or building materials located below the flood protection level). Technical assistance is available from the Floodplain Administrator and Plans Examiner. The local floodplain administrator determines if all applicable standards are met and completes and signs the Plans and Permit Application.

_ **Yes.** If the proposed project meets all applicable requirements, a Development Permit may be issued. Conditions may be attached, as appropriate.

_ **No.** If the proposed project does not conform to standards, the application is denied. The floodplain administrator must provide a written summary of deficiencies and how they could be rectified. The applicant may then revise and resubmit the application or may request a hearing from the Zoning Board of Appeals. This hearing may be to appeal the determination (if the applicant alleges an error in any requirement, decision, or determination) or to request a variance from the requirements for floodplain development. Refer to Chapter VI of the Floodplain Regulations

_____ If a variance is requested, review the **Factors To Be Considered** and the **Variance Procedure** outlined Chapter VI of the Floodplain Regulations. The applicant must provide a written justification for the variance request. The Appeals Board must consider specified factors and confirm that required conditions are met prior to granting a variance as outlined in Chapter VI of the Floodplain Regulation. Following the Appeals Board hearing and decision, a copy of the minutes shall be placed in the application. For some variances, the municipality must send a letter to the applicant notifying them of potentially high flood insurance costs and increased risks to life and property because floodplain development requirements are included in the Virginia Building Codes.

_____ **Construction may begin** after a development permit is issued or, if a variance was approved, after the applicant demonstrates that any variance conditions have been met.

_____ **Site inspections** are required during construction to demonstrate compliance. If deficiencies are noted, provide a written statement. A stop work order can be issued if necessary. Document inspections through the City's electronic permitting software for the floodplain development permit.

_____ When the project is complete, the applicant must provide any certifications needed to document compliance. This may include: as-built Elevation Certificate, as-built Floodproofing Certificate, certification of flood resistant design, "no-rise" certification, certification of soil compaction, etc. The floodplain administrator reviews this information for completeness, accuracy, and compliance. Upload electronic copies of all certifications to shared drive on the City's network. Send as-built elevation certificate and/or flood proofing certificate to the City's GIS host to include in the property files for permanent access. Hard copies go in the floodplain permit file.

_____ If the project has complied with all local law requirements or with all variance conditions, a **Certificate of Occupancy** may be issued.

_____ **The municipality must save sufficient documentation to demonstrate local enforcement of floodplain development standards** (as required for participation in the National Flood Insurance Program). This includes: completed floodplain development permit application, elevation certificate, other certifications, project information that relates to floodplain requirements, any required notices, and other pertinent information. If a variance was requested, the record of this action should include: written request, Appeals Board findings, final determination, and written notice to applicant (if required). If a Letter of Map Change (amendment or revision) has been issued by FEMA, this should be saved for future reference. All this information is saved both hard copy and electronically.

Resources:

o **Franklin Southampton Department of Community Development** provides technical assistance with municipal floodplain management programs, including review of floodplain development proposals. Call the Community Development Office at (757) 562-8580.

o Article XXI of the City of Franklin Zoning Ordinance Floodplain Regulations; Department of Community Development Floodplain Management webpage (available at www.franklinva.com), the Virginia Residential Code and Virginia Construction Code.