

## **TITLE XV: LAND USAGE**

### **Chapter**

- 150. BUILDINGS**
- 151. SUBDIVISIONS**
- 152. TECHNOLOGY ZONE**
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## **CHAPTER 150: BUILDINGS**

### **Section**

- 150.01 Boca Building Code and Virginia Uniform Statewide Building Code
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### **§ 150.01 BOCA BUILDING CODE AND VIRGINIA UNIFORM STATEWIDE BUILDING CODE.**

Effective August 20, 1973, the Boca Building Code, as amended in § 2 and effective September 1, 1973, the Virginia Uniform Statewide Building Code is hereby adopted for compliance and enforcement for all applicable construction within the town limits of the Town of Clarksville, Virginia and for those areas outside the town limits in which the Town of Clarksville has jurisdiction. In any conflict between the provisions of the Boca Building Code and the Virginia Uniform Statewide Building Code, with the exception of those amendments to the Boca Building Code contained in § 2, the Virginia Uniform Statewide Building Code will apply.  
(Prior Code, § 9-1) (Ord. passed 9-9-1980)

### **§ 150.02 BUILDING OFFICIAL.**

The Building Official, County of Mecklenburg, is authorized to process and supervise all construction within the town.  
(Prior Code, § 9-2) (Ord. passed 9-9-1980)

### **§ 150.03 PERMITS.**

(A) Prior to the issuance of a building permit by the Building Official, a zoning permit and public utility permit is required.

(B) The zoning permit shall conform to the requirements of Section 7-1 of the Clarksville Zoning Code.

(C) The public utility permit shall state that water and wastewater service is available to the property line. If an extension of water and wastewater lines is necessary, the method of financing the extension shall be stated and shall conform to the standard extension policies of the town, as set forth in Title V, Chapter 54, Water and Sewers, of the Town Code and any amendments thereto.  
(Prior Code, § 9-3) (Ord. passed 9-9-1980)



## CHAPTER 151: SUBDIVISIONS

### Section

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**GENERAL PROVISIONS****§ 151.001 PURPOSE.**

(A) There are hereby established subdivision standards and procedures for all the incorporated area of the Town of Clarksville, Virginia, which comes under the jurisdiction of the Town Council as set forth in VA Code § 15.2-2249, as amended.

(B) These are part of a long-range general plan to guide and facilitate orderly, beneficial growth of the community, and to promote the public health, safety, convenience, comfort, prosperity and general welfare.

(C) More specifically, but not in limitation, the purpose of these standards and procedures is to provide for:

(1) The coordination and beneficial design of streets;

(2) Adequate open spaces for traffic, recreation, light and air;

(3) A distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience, comfort, prosperity and general welfare;

(4) Assurance, in so far as possible, for purchasers of lots that they are buying a commodity which is suitable for their development and use; and

(5) Adequate public services in a healthy, safe, efficient and assured manner.  
(Prior Code, § 16-1-1)

**§ 151.002 TITLE AND AUTHORITY.**

This chapter is known and may be cited as the Subdivision Chapter of the Town of Clarksville, Virginia and is authorized pursuant to the provisions of VA Code Title 15.2 Land Subdivision and Development, VA Code Title 15.2, as amended.  
(Prior Code, § 16-1-2)

**§ 151.003 DEFINITIONS.**

For the purpose of this chapter, certain words and terms used herein shall be interpreted and defined as follows. Words used in the present tense include the future tense, the singular includes the plural, and the plural the singular, unless the natural construction of the word indicates otherwise; the word **LOT** includes the word **PLOT**, and **PARCEL**; the word **SHALL** is mandatory and not advisory; the word **APPROVE** shall be considered to be followed by the words **OR DISAPPROVED**; any reference to this chapter includes all ordinances amending or supplementing the same; and all distances and all distances and areas refer to measurements in a horizontal plane.

**AGENT.** The representative of the governing body who has been appointed to serve as the **AGENT** of the Council in approving subdivision plats.

**ALLEY.** A permanent service way providing secondary means of access to abutting properties.

**BUILDING.** Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or chattels.

**BUILDING SETBACK LINE.** A line showing the minimum distance by which any structure (exclusive of steps) must be separated from the front line of a lot.

**CLERK.** The Clerk of the Circuit Court of Mecklenburg County, Virginia.

**COMMISSION.** The Planning Commission of the Town of Clarksville, Virginia.

**CORNER LOT.** A lot abutting on 2 or more streets at their intersection. The shortest side fronting upon a street shall be considered the front of the lot, and longest side fronting upon a street shall be considered the side of the lot.

**COUNCIL.** The Town Council of Clarksville, Virginia.

**CUL-DE-SAC.** A street with only 1 outlet and having an appropriate turn-around for safe and convenient reverse traffic movement.

**EASEMENT.** A grant, running with the land, by a property owner of the use of land for a specific purpose.

**ENGINEER.** An engineer certified by the Commonwealth of Virginia.

**FRONTAGE.** The shortest distance between the side lines of any lot measured along a line coinciding with, tangent to, or meeting at 1 point the street upon which the lot fronts.

**HEALTH OFFICIAL.** The head of the Mecklenburg County Health Department, or his or her designated deputy.

**HIGHWAY ENGINEER.** The resident engineer for Mecklenburg County, Virginia, of the Department of Highways and Transportation of Virginia, or his or her designated deputy.

**LOT.** A numbered and recorded portion of a subdivision intended for transfer of ownership or for the building of a single building and its accessory buildings.

**LOT, CORNER.** A lot abutting upon 2 or more streets at their intersection; the shortest side fronting upon a street shall be considered the front of the lot, and the longest side fronting upon a street shall be considered the side of the lot.

**LOT, DEPTH OF.** The mean horizontal distance between the front and rear lot lines.

**LOT, DOUBLE FRONTAGE.** An interior lot having frontage on 2 streets.

**LOT, INTERIOR.** A lot other than a corner lot.

**LOT OF RECORD.** A lot which has been recorded in the office of the Clerk of the appropriate court.

**LOT, WIDTH OF.** The mean horizontal distance between the side lot lines.

**PERSON.** An individual, a partnership, or a corporation or any other legal entity by whatever term customarily known.

**PLAT.** A drawing of a survey of a tract or parcel of land prepared by an engineer or surveyor.

**SECRETARY.** The **SECRETARY** of the Planning Commission of the Town of Clarksville, Virginia.

**STREET.** The principal means of access to any lot in a subdivision. The term **STREET** shall include road, lane, drive, place, avenue, highway, boulevard, or any other thoroughfare used for a similar purpose.

**STREET, MAJOR.** Any existing or future street designated as a **MAJOR STREET** on an adopted Plan of Land Use and that carries a large volume of traffic, or anticipated traffic, exceeding 500 vehicles per day.

**STREET, MINOR.** A street that is used primarily as a means of public access to the abutting properties with anticipated traffic of less than 500 vehicles per day.

**STREET, SERVICE DRIVE.** A public right-of-way generally parallel and contiguous to a major highway, primarily designed to promote safety by eliminating promiscuous ingress and egress to the right-of-way by providing safe and orderly points of access to the highway.

**STREET WIDTH.** The total width of the strip of land dedicated or reserved for public travel, including roadway, curbs, gutters, sidewalks, and planting strips.

**SUBDIVIDER.** Any person owning a tract or parcel of land to be subdivided.

**SUBDIVISION.** Any division of a parcel or tract of land into 3 or more parts or lots of any size for the purpose of transferring ownership of any part

or for the purpose of building development on any part. The term includes resubdivision and when appropriate to the context, shall relate to the process of *SUBDIVISION* or the land subdivided.

***SURVEYOR.*** A land surveyor certified by the Commonwealth of Virginia.

***ZONING CODE.*** Zoning Code of the Town of Clarksville, Virginia.  
(Prior Code, § 16-2-1)

#### **§ 151.004 VALIDITY.**

If any section, clause, sentence, phrase or word of this chapter is for any reason held by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of the chapter  
(Prior Code, § 16-9-1)

#### **§ 151.005 APPEALS.**

Any person aggrieved by any interpretation, administration, or enforcement of this chapter may appeal to the Circuit Court of Mecklenburg County.  
(Prior Code, § 16-11-1)

### ***ADMINISTRATION AND ENFORCEMENT***

#### **§ 151.020 AGENT.**

The agent is hereby authorized and directed to administer this chapter. In so acting, the agent shall be considered the agent of the Council.  
(Prior Code, § 16-3-1)

#### **§ 151.021 AGENT'S DUTIES.**

The agent shall perform its duties as regards subdivisions and subdividing in accordance with this chapter and the Code of Virginia.  
(Prior Code, § 16-3-2)

#### **§ 151.022 AGENT MAY ESTABLISH REGULATIONS.**

In addition to the requirements herein contained for the platting of subdivisions, the agent may establish administrative rules and procedures as it deems necessary to administer this chapter properly.  
(Prior Code, § 16-3-3)

#### **§ 151.023 AGENT MAY OBTAIN OPINIONS.**

In the performance of its duties, the agent may call for recommendations, either oral or written, from other departments of the town government in considering details of any submitted plat.  
(Prior Code, § 16-3-4)

### ***PREPARATION AND RECORDING OF PLAT***

#### **§ 151.035 SUBDIVIDER SHALL PREPARE, RECORD AND FILE PLAT.**

(A) From and after the effective date of this chapter, any owner or proprietor of any tract of land within the corporate limits of the Town of Clarksville, Virginia, who subdivides the same as herein provided, shall cause a plat of the subdivision to be made in accordance with the regulations set forth in this chapter and in the Code of Virginia, and a copy of the plat to be recorded in the Office of the Clerk.

(B) No subdivision plat, hereinafter called the final plat, shall be recorded unless and until it shall have been submitted to and approved by the Council, as herein provided, and initialed by the Mayor.



(C) No subdivision plat shall be recorded unless all the monuments shown and described on the final plat are in place as evidenced by the certificate of a surveyor endorsed on the plat.

(D) A final plat shall become null and void if it is not recorded in the office of the Clerk within 60 days from the date of approval by the Council.

(E) Recordation of the final plat of a subdivision shall not be deemed to be the acceptance by the town of any street or road or other public place shown on the plat for maintenance, repair, or operation thereof.

(F) Within 30 days after recordation of the approved final plat, the subdivider shall file a copy thereof in the office of the Town Manager of the Town of Clarksville.  
(Prior Code, § 16-4-1)

### ***TOWN APPROVAL***

#### **§ 151.050 SUBDIVISIONS CLOSE TO TOWN.**

(A) If all or any part of a subdivision lies within 2 miles of the corporate limits of the town of Clarksville, no plat shall be recorded until the dimensions and location of any streets, alleys, or lots, as indicated on the plat, shall have met the specifications and requirements of the Town Subdivision Chapter, as evidenced by the approval of the subdivision agent of the town and of the Mecklenburg County Subdivision Chapter as evidenced by the approval of the Board of Supervisors or its agent.

(B) Anything to the contrary herein notwithstanding, in the case of a subdivision, any portion of which lies within the area of applicability of the effective subdivision control ordinance of the town, if the requirements of the Subdivision Chapter of Mecklenburg County should differ in any instance from any applicable requirement of the town, the more stringent requirement shall govern.  
(Prior Code, § 16-5)

### ***GENERAL REGULATIONS***

#### **§ 151.065 TRANSFERS, SALES AND PERMITS TO BUILD.**

No property in a subdivision shall be transferred or offered for sale, nor shall a permit be issued for a structure thereon, until a final plat of the subdivision shall have been approved, as provided herein, and recorded in the office of the Clerk.  
(Prior Code, § 16-6-1)

#### **§ 151.066 SUBDIVISION NOT EXEMPT FROM OTHER LAWS.**

The creation of a subdivision shall in no way exempt the land included within it from the provisions of zoning or other ordinances of laws.  
(Prior Code, § 16-6-2)

#### **§ 151.067 SUITABILITY OF LAND.**

(A) Land deemed by the agent to be generally unsuitable and land subject to flooding shall not be subdivided:

(1) For residential occupancy unless sufficient land is provided in each lot to provide a building site free from flood or other danger; or

(2) For other uses as may increase danger to health, life or property, or aggravate erosion or flood hazard.

(B) In this connection the agent may require the subdivider to furnish topographical maps, elevations, flood profiles, or other relevant data.  
(Prior Code, § 16-6-3)

### **§ 151.068 DEDICATION AND RESERVATION OF LAND.**

(A) The subdivider shall dedicate to the Town of Clarksville all land required for streets and alleys as provided in this chapter.

(B) (1) Where the size of the subdivision warrants, the subdivider shall dedicate to the Town of Clarksville reasonable amount of land for parking lots, parks, and playgrounds, as determined necessary to protect the safety (fire and traffic hazards considered) and general public welfare of the area.

(2) The size, location, and character of land dedicated or reserved, if any, shall be determined by the agent after:

(a) Joint consultation with the Planning Commission and the subdivider;

(b) Consideration of the purpose of this chapter;

(c) Consideration of any related objectives approved by the Council; and

(d) Consideration of the Comprehensive Plan.

(C) Nothing in this chapter shall be construed to mean that land set aside or reserved for commercial or industrial purposes may be so used unless the use is in conformity with the requirements of any existing zoning or other applicable ordinance.  
(Prior Code, § 16-6-4)

### **§ 151.069 NORMAL REQUIREMENTS AND VARIATIONS.**

In laying out subdivisions, the requirements of §§ 151.070, 151.071, and 151.073 hereof shall ordinarily be observed as normal requirements. However, the requirements may be varied in specific cases if agent determines that a peculiar or special situation exists which makes it necessary or desirable

to vary 1 or more of the requirements, and that any variation is not in conflict with, or, in the case of a more stringent requirement that the variation is deemed necessary to carry out, protect, or provide for the public welfare and the purpose of this chapter. Any variance and the reasons therefore shall be approved by the Planning Commission and stated in writing in the minutes of the Commission.

(Prior Code, § 16-6-5)

### **§ 151.070 STREETS AND ALLEYS.**

(A) Names of new streets shall not duplicate existing or platted street names in adjacent or nearby subdivisions unless the new street is a continuation of, or in alignment with, an existing or platted street, in which case the name shall be the same.

(B) Streets shall connect with existing streets and shall provide access to possible adjoining subdivisions as required by the agent. Whenever feasible, streets shall intersect at approximately right angles, and a minimum return radius of 10 feet shall be provided at street intersections. Offsets or jogs shall be avoided.

(C) Streets shall be so designed as to provide adequate drainage and drainage facilities and to have geometric design in compliance with the requirements of the Virginia Department of Highways and Transportation, as evidenced by the written approval of the Highway Engineer.

(D) Streets shall have a minimum width of right-of-way of 50 feet and alleys of 20 feet.

(E) Dead-end streets (culs-de-sac) shall be provided with a turn-around terminal, the diameter of which shall not be less than 100 feet. The length of dead-end streets shall not exceed 400 feet.

(F) When in the interest of safety and to provide for normal traffic flow, lots in a subdivision abutting on 1 side of any street which has been included in the State System of Primary Highways and front on the highway, an access drive of not less than 20 feet in width adjoining the highway shall be constructed and

dedicated, with limited access to the highway and with road design and construction in compliance with the requirements of the Virginia Department of Highways and Transportation, as evidenced by the written approval of the Highway Engineer.

(G) When lots in a subdivision abut on 1 side of any street which has been included in the State System of Secondary Highways, the subdivider shall be required to dedicate enough land so that 1/2 the width of the street, as measured from the center-line to the subdivision property line, shall be 25 feet or 1/2 the standard width of the highway, whichever is greater, but he or she shall not be responsible for grading or surfacing the existing street or highway.

(H) Except as division (G) above, streets shall be graded and surfaced by the subdivider in accordance with the provisions of § 151.073(A)(2) of this chapter. (Prior Code, § 16-6-6)

#### **§ 151.071 LOTS AND BUILDING SITES.**

(A) The lot area, width, depth, slope and orientation and the minimum setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated, and in accordance with the Zoning Code requirements.

(B) Lots shall not contain peculiarly shaped elongations, solely to provide necessary square footage of area which would be unusable for normal purposes.

(C) Every lot shall front on a street, and the side lines of lots shall be approximately at right angles, or radial to the street line.

(D) Corner lots shall have a width sufficient to conform to required building setback lines on both streets and to provide adequate building sites.

(E) (1) In the case of lots for residential purposes, the building setback shall conform to the requirements of the Zoning Code.

(2) The building setback line shall be at greater distance than the minimum specified in the Zoning Code if the agent finds that conditions of health and/or safety so require.

(F) In the case of lots for commercial, industrial, or non-residential use, the lot area, width, depth, shape, and orientation, and the minimum setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated, and in accordance with the requirements of any existing zoning or other applicable code; and shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

(G) Where any lot has abrupt topography which renders that portion of the lot unusable for the purpose specified, lot area requirements shall exclude all affected land. (Prior Code, § 16-6-7)

#### **§ 151.072 EASEMENTS.**

(A) Utilities shall be installed, or easements for the utilities shall be provided, in the location and to the width designated by the agent after receiving recommendations from the utility companies responsible for the installation of same.

(B) Where a subdivision is traversed by a stream or other natural drainage way, the agent may require the subdivider to dedicate a suitable right-of-way or easement for storm water drainage, or to construct adequate water drains. (Prior Code, § 16-6-8)

#### **§ 151.073 PHYSICAL IMPROVEMENTS AND BOND.**

(A) The agent shall require that the subdivider make the improvements provided for in this section, and they shall be installed at his or her cost in compliance with the requirements of the Virginia Department of Highways and Transportation or the

Mecklenburg County Health Department, or both. No subdivider shall commence the construction of any improvements without first submitting plans and specifications and obtaining the written approval of the Virginia Department of Highways and Transportation or the Mecklenburg County Health Department, or both, as hereinafter provided. Any subdivider commencing any construction in violation of this section shall be guilty of a misdemeanor, and punishable as provided in § 151.999 of this chapter.

(1) As required by this chapter, all monuments must be installed by the subdivider and shall meet the minimum specifications. Upon completion of subdivision streets, sewers, and other improvements, the subdivider shall make certain that all monuments required by the agent are clearly visible for inspection and use. The monuments shall be inspected and approved by the agent before any improvements are accepted by the governing body. Concrete monuments 4 inches in diameter or square, 3 feet long, with a flat top, shall be set at all street corners, at all points where the street line intersects the exterior boundaries of the subdivision, and at right angle points, and points of curve in each street. The top of the monument shall have an appropriate mark to identify properly the location and shall be set 6 inches above finished grade. All other lot corners shall be marked with iron pipe not less than 3/4 inch in diameter and 24 inches long and driven so as to be flush with the finished grade. When rock is encountered, a hole shall be drilled 4 inches deep in the rock, into which shall be cemented a steel rod 1/2 inch in diameter, the top of which shall be flush with the finished grade line.

(2) Streets shall be constructed in compliance with the requirements of the Virginia Department of Highways and Transportation.

(3) Where required by the Highway Engineer, a drainage system shall be provided for by means of culverts, ditches, catch basins and any other facilities that are necessary to provide adequate drainage and disposal of surface and storm waters from or across all streets and adjoining properties.

(4) Street identification signs approved by the agent shall be installed at all street intersections in any subdivision by the subdivider.

(5) When required by this chapter, water supply and distribution facilities and/or sewers and sewage disposal facilities shall be installed.

(B) The subdivider shall furnish a cash bond or equivalent, a surety bond of a surety company, or a certified check payable to the Treasurer of the Town of Clarksville in an amount equal to the total construction cost plus maintenance for the period as hereinafter provided. If construction is not completed in accordance with division (A)(2) above within the period as may be designated by the agent but not more than 3 years from the date of approval of the final plat, the aforesaid bond shall be forfeited. In the event that construction is completed within the designated period, the aforesaid bond shall nevertheless remain in full force and effect until the time as all streets in the subdivision have been incorporated into the Virginia state system of secondary highways. The bond or check shall accompany the final plat, as provided in § 151.112, when it is submitted to the agent.

(C) In the absence of a performance bond, or check, no final plat shall be approved or recorded until the required improvements have been installed and approved by the agent, nor until a maintenance bond has been posted.

(D) Before undertaking any improvements required in divisions (A)(2), (3), (4) and (5) above, the subdivider shall submit 4 copies of his or her proposed plans and specifications to the agent, and receive written approval thereof by the agent by the return of 1 copy with the approval endorsed thereon. No approval shall be given without prior written approval of the Highway Engineer and/or the Health Official, as may be appropriate. The plans and specifications shall have been prepared by a qualified surveyor or engineer. Of the copies retained, 1 shall be forwarded to the Highway Engineer and 1 to the Health Official, when appropriate, and the remaining copy or copies be filed with the agent's copy of the final plat.

(E) The agent may make inspections during and after final installation of the improvements required herein as shall be deemed necessary, and no installation shall be accepted as completed until approved by the agent.

(F) All bonds required by this chapter shall have a cost of living escalation clause.  
(Prior Code, § 16-6-9)

#### **§ 151.074 SEWERAGE SERVICE.**

(A) Where public sewerage facilities are available, the service shall be extended by the subdivider or developer to all lots and individual septic tanks shall not be permitted.

(B) Where the tap-on is not possible, the subdivider or developer shall be encouraged to provide a central sewerage system.

(C) If neither of the above is possible, and the subdivider proposes individual septic tanks, then the subdivider shall provide sufficient technical information to allow the determination that each and every lot is suitable for an individual septic tank.

(D) No subdivision or development shall be approved without an acceptable sewerage facilities plan, which provides sewerage service to each lot.  
(Prior Code, § 16-6-10)

#### **§ 151.075 WATER SERVICE.**

(A) Where public water is available, the service shall be extended to all lots within the subdivision by the subdivider or developer.

(B) Where this is not possible, the subdivider or developer shall be encouraged to provide a central water supply system.

(C) If neither of the above is possible, the subdivider or developer may propose individual wells.

(D) No subdivision of development shall be approved without an acceptable water supply plan, which provides water service to each lot.

(E) In all subdivisions being serviced by a central water supply system, an acceptable system of fire hydrants shall be installed.  
(Prior Code, § 16-6-11)

#### **§ 151.076 BLOCKS.**

(A) The maximum length of blocks shall be 1,200 feet and the minimum length shall be 500 feet.

(B) Blocks shall be wide enough to allow 2 tiers of lots of minimum depth except where prevented by topographical conditions or size of property, in which case the agent may alter the size.

(C) Where a subdivision adjoins a major road, the agent may require a shift in orientation to avoid unnecessary ingress and egress from major roads.

(D) Blocks intended for business or industrial use shall be designed specifically for these purposes with adequate space set aside for off-street parking and delivery facilities.  
(Prior Code, § 16-6-12)

#### **§ 151.077 VACATING PLAT.**

Any plat of record may be vacated in accordance with the provisions of VA Code §§ 15.2-2200 *et seq.*, as amended.  
(Prior Code, § 16-12-1)

#### **§ 151.078 FEES.**

To compensate the town for costs incurred for administration, examining plats, making investigations, advertising, travel, and other work

incidental to the approval of plats, fees in an amount set by Council from time to time are payable to the Treasurer for deposit in the general fund.  
(Prior Code, § 16-13-1)

### ***PRELIMINARY PLAT***

#### **§ 151.090 PRELIMINARY CONFERENCE.**

Before the preparation of a preliminary plan or plat, a subdivider should confer with the agent relative to the details contained in this chapter, the town's Comprehensive Plan, and other applicable plans and ordinances. The purpose of a conference is to assure that the applicant is made fully aware of all the requirements and interpretations of existing plans and ordinances plus any amendments which are pending at the time of the subdivision plan or plat preparation.  
(Prior Code, § 16-7-1)

#### **§ 151.091 PURPOSE OF PRELIMINARY PLAT.**

Any person proposing a subdivision of land under this chapter shall submit to the agent a preliminary plat showing the general design and layout of the area proposed to be subdivided. The purpose of this requirement is to enable the subdivider to ascertain whether his or her plans are in general accordance with the provisions of this chapter and to obtain general approval of his or her proposal before he or she undertakes development and construction of improvements.  
(Prior Code, § 16-7-2)

#### **§ 151.092 PRELIMINARY PLATS TO BE SUBMITTED.**

Five copies of the preliminary plat shall be submitted by the subdivider to the agent. The agent shall promptly deliver copies thereof, as required, to the health official and the highway engineer, retaining the other copies for use by the agent.  
(Prior Code, § 16-7-3)

#### **§ 151.093 PRELIMINARY PLAT REQUIREMENTS.**

(A) The preliminary plat shall adhere to the following requirements of this section.

(B) It shall be legibly drawn and may be on 1 or more numbered sheets. The scale shall be as follows:

(1) With lots smaller than 1 acre, 1 inch equals 100 feet.

(2) With lots 1 acre or larger, 1 inch equals 200 feet.

(C) It shall show the following information:

(1) Date of plat and name of the surveyor or engineer preparing the same;

(2) Scale;

(3) Number of streets comprising the plat;

(4) North meridian, designated true or magnetic and direction oriented to the top of the sheet and each sheet comprising plat shall be so oriented;

(5) Name and signature of owner;

(6) Name of subdivision. The name shall not duplicate nor too closely approximate that of any existing subdivision in this or neighboring counties;

(7) Magisterial district, town, county, and state;

(8) Sources of data used in preparing the plat, particularly the deed book and page number of the last instrument in the chain of title;

(9) Names of all adjoining property owners and the location of each of their common boundaries including established roadways and waterways;

(10) All pertinent natural and historical features and landmarks;

(11) The boundary lines of the proposed subdivision and of any larger tract of which the subdivision forms a part, shown on a reduced scale insert;

(12) All adjoining roads and streets with their numbers and/or names;

(13) All subdivisions, town boundary lines, public highways and other landmarks, if any, within 2,000 feet shown on a reduced scale insert;

(14) Boundary lines and total acreage of the proposed subdivision and the acreage remaining in the original tract, if any. In case only a part of a tract of land is proposed for subdivision, the agent may require the preliminary plat to show a proposed future subdivision of the remaining acreage or a part thereof to make certain that proper orientation of future streets may be developed with the platted streets;

(15) Location of existing buildings within the subdivision and within 200 feet thereof;

(16) Location and description of all existing monuments;

(17) Contour lines, existing and finished, as required for approval of drainage and sewer facilities;

(18) Proposed locations, widths, and names of all streets and alleys;

(19) The approximate location, number, and the proposed use of all lots and other areas, including water courses, marshes, impoundments, lakes, and

those areas to be used for parking, recreation, commercial purposes, or for public or governmental use, and existing utility installation;

(20) Proposed lot numbers and block letters; and

(21) If the proposed subdivision consists of land acquired from more than 1 source of title, the outlines of the several tracts shall be included on the preliminary plat by broken lines and identification of the respective tracts shall be shown on the preliminary plat.

(Prior Code, § 16-7-4)

#### **§ 151.094 ITEMS TO ACCOMPANY PRELIMINARY PLAT.**

(A) Items as described in the following paragraphs of this section shall accompany the preliminary plat at the time the latter is submitted to the agent, or, in any event, not later than 12 days thereafter.

(B) A statement by the health official that the subdivider has consulted with him or her with respect to providing water supply and sewerage handling facilities and a tentative proposal for providing each building lot with a safe water supply and an adequate means of sewerage.

(C) A statement by the subdivider acknowledging that requirements of the health official will be carried out at the expense of the subdivider.

(D) A statement by the highway engineer that the subdivider has consulted with him or her as to the plans and specifications of any streets or public parking areas that are included in the subdivision and as to any special treatment which will be required in their construction, including the drainage system which will be required.

(E) A statement by the subdivider acknowledging that requirements of the highway engineer will be carried out at the expense of the subdivider.

(F) A statement by the subdivider as to whether or not he or she proposes to dedicate or reserve land (other than for streets) for public use or for the common use of future property owners in the subdivision and, if so, a statement giving an outline of the terms proposed and acreage involved.

(G) A statement summarizing proposed restrictive covenants and reservations.

(H) A check payable to the Town Treasurer to cover the required fees.  
(Prior Code, § 16-7-5)

#### **§ 151.095 PUBLIC HEARING.**

The Commission shall not make any recommendations to the concerning of the preliminary plat of any proposed subdivision which contains more than 20 lots until it shall have first held a public hearing to consider the plat. The Commission shall cause notice of the hearing to be published for 2 successive weeks in a newspaper published, or having general circulation, in the Town of Clarksville, giving the date, time and place of the hearing, the magisterial district in which the proposed subdivision is located and a brief identification thereof. All hearings held pursuant to this section shall be open to the public and all interested persons may appear and state their views.  
(Prior Code, § 16-7-6)

#### **§ 151.096 COMMISSION ACTION ON PRELIMINARY PLAT.**

(A) Within 60 days after submission of the 5 copies of the preliminary plat to the agent and the items that are required to accompany the plat by the provisions of this section, the Commission shall recommend approval of the preliminary plat to the Council if it finds that the plat has been properly drawn and that it is accompanied by the aforesaid items in proper form and that the proposed subdivision conforms to the requirements and purposes of this chapter.

(B) Otherwise, the Commission shall recommend disapproval of the same to the Council (stating its reasons for the disapproval); or, if only minor changes are required for approval, conditional approval may be recommended by writing the requirements on the plat; or by placing a reference upon it to an accompanying statement; or an extended time may be given the subdivider for submission of revised plans.  
(Prior Code, § 16-7-7)

#### **§ 151.097 COUNCIL ACTION ON PRELIMINARY PLAT.**

(A) Within 60 days after receipt of the Commission recommendations, the Council shall approve, approve with conditions, or disapprove the preliminary plat and accompanying documents, and shall so notify the subdivider in writing.

(B) Approval or conditional approval of a preliminary plat shall not be valid for more than 6 months unless extended by the Council.  
(Prior Code, § 16-7-8)

#### **§ 151.098 DISPOSITION OF PRELIMINARY PLAT AFTER COUNCIL ACTION.**

One copy of the preliminary plat with the action of the Council noted thereon shall thereupon be returned to the subdivider, and an annotated copy shall be returned to the agent for comparison with future plats submitted by the subdivider.  
(Prior Code, § 16-7-9)



**§ 151.099 PREMATURE SUBDIVISIONS.**

(A) Any preliminary plat of a proposed subdivision deemed premature for development by the Commission shall not be recommended for approval to the Council.

(B) The Commission, in reviewing preliminary plats, shall determine whether any proposed subdivision constitutes premature development. In considering questions of prematurity, the Commission shall take into account the following:

(1) The nature, extent, and size of the subdivision in question;

(2) The estimated increase in population which would result if the subdivision were developed;

(3) Whether development of the subdivision can be expected to occur immediately or over an extended period of time;

(4) The extent of development of areas surrounding the tract in question;

(5) Whether and to what extent development of the area of tract in question will require additional public services, and whether provision of the additional services is provided for in adopted capital improvements, budgets, or plans, and whether the provision of the services would require a disproportionate expenditure of public funds compared to tax revenues to be obtained from the development, taking into account the relationship of public expenditure to tax revenues for similar development elsewhere in the town;

(6) The impact that the proposed subdivision will have on surrounding areas in light of its size, nature, and-number of units; and

(7) The nature of the proposed subdivision shall be compatible and in no way detrimental to the existing uses of adjoining areas.  
(Prior Code, § 16-7-10)

***FINAL PLATS*****§ 151.110 FINAL PLATS TO BE SUBMITTED.**

After approval of the preliminary plat by the Council, 6 copies of the final plat drawn in accordance with § 151.111 and 2 copies of the final plat reduced in size to approximately 8 inches by 14 inches shall be submitted to the agent. The copies shall be photographic copies of original tracings and shall be of semipermanent quality.  
(Prior Code, § 16-8-1)

**§ 151.111 FINAL PLAT REQUIREMENT.**

(A) The final plats shall adhere to the following requirements of this section.

(B) The final plat shall be prepared by a surveyor or civil engineer, who shall endorse upon the plat a certificate signed by him or her setting forth the source of title of the land subdivided and the place of record of the last instrument in the chain of title.

(C) The final plat shall be substantially in accordance with the preliminary plat (together with any changes or additions required by the Council as a condition for its approval), except that a final plat may include all or any part of the area covered by the preliminary plat.

(D) The plats shall be legibly and accurately drawn upon sheets not less than 16 inches by 24 inches in size, nor more than 18 inches by 26 inches in size, including a margin of 1/2 inch outside ruled border lines, and with a 2-inch binding strip on the left end. The plats shall be drawn at a scale of 1 inch equals not more than 200 feet. The Council may, in its discretion, permit different suitable scales for plats of dedication or other special plats. If the subdivision is shown on more than 1 sheet, the sheet number, total number of sheets and subdivision name shall be shown on each sheet, and match lines shall clearly indicate where the several sheets join.

(E) It shall show accurately all the information required in § 151.093(C), except divisions (10), (14), (15), (17), (18), (19), (20), and (21) thereof.

(F) It shall also show the following details:

(1) A boundary survey;

(2) Location and dimensions of all lot and street lines and center-lines of all streets, both within and adjoining the subdivision; names and widths of all streets; and boundaries of all easements, school sites, parks or other public areas;

(3) Building setback lines shown as dashed lines with dimensions to front property line along each street, and length of the back line within each lot;

(4) All dimensions shown in feet and decimals of a foot to the closest 1/100 of a foot; and all bearings and degrees, minutes and seconds, to the nearest 10 seconds;

(5) Curve data showing radius, delta and arc either at the curve or in a curve data table;

(6) Location and approximate bearing of all property lines intersecting the subdivision perimeter boundary; and

(7) Area, dimensions, and number of each lot.

(G) If any land or water areas are being dedicated or reserved for streets, alleys, parking space, or for other public use, or for the common use of future property owners of the subdivision, the final plat shall so state and indicate which.

(H) The final plat shall have appended to it an unexecuted copy of a proposed certificate of owners' consent to subdivision suitable for recording, containing a statement to the effect that the subdivision is with the free consent and in accordance with the desire of the owners, proprietors, trustees and lien holders thereof, as applicable, and setting forth in full all restrictive covenants, reservations and dedications applicable to the proposed subdivision.

(I) The final plat shall provide on the first sheet space for:

(1) The surveyor's certificate, as to title;

(2) The surveyor's certificate, as to monuments;

(3) All restrictive covenants, or reference thereto;

(4) Space for approval of the Council;

(5) Space for approval by the governing body of Mecklenburg County, if applicable; and

(6) A form for the above may be obtained from the Secretary.  
(Prior Code, § 16-8-2)

#### **§ 151.112 DOCUMENTS TO ACCOMPANY FINAL PLATS.**

When delivered to the agent, all final plats shall be accompanied by the following:

(A) Certification signed by the local health official that the water supply and sewerage handling facilities plan are acceptable and in conformity with current requirements and that each building lot will have a safe water supply and an adequate means of handling sewerage.

(B) Certificate signed by the highway engineer that the plans for all streets, street signs and drainage systems are acceptable and in conformity with current requirements and, if any improvements have already been installed, a certificate by the highway engineer approving these installations.

(C) If all improvements required under this chapter are not completed, a cash bond, certified check, or surety performance bond as required in § 151.073.

(D) A check payable to the Town Treasurer to cover all required fees.

(E) An unexecuted copy of the proposed deed of dedication, accompanied by a certificate signed by the subdivider and duly acknowledged before some officer authorized to take acknowledgments of deeds, to the effect that this is a true copy of the proposed deed of dedication which will be presented for recordation. The copy shall:

(1) Contain a correct description of the land subdivided and state that the subdivision is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any.;

(2) Contain language that when the deed is recorded it shall operate to transfer in fee simple to the Town of Clarksville the portion of the platted premises as is on the plat set apart for streets, alleys, easements or other public use and to create a public right of passage over same;

(3) Contain all protective or restrictive covenants, including those referred to in § 151.111(I)(3) hereof.

(F) An Erosion and Sedimentation Control Plan approved by the appropriate agent in accordance with the town's Erosion and Sedimentation Control Ordinance.

(Prior Code, § 16-8-3)

#### **§ 151.113 COMMISSION ACTION ON FINAL PLAT.**

(A) Within 30 days after any final plat and the accompanying documents required by this section shall have been submitted to the agent, the Commission shall determine whether they comply with the provisions of this section.

(B) When the aforesaid determination has been made, the Commission shall forward the final plat and accompanying documents to the Council with a report of the Commission's recommendation thereon.

(Prior Code, § 16-8-4)

#### **§ 151.114 COUNCIL ACTION ON FINAL PLAT.**

Within 30 days after receipt of the Commission's recommendation, the Council shall act to approve or disapprove the final plat and accompanying documents.

(Prior Code, § 16-8-5)

#### **§ 151.115 DISPOSITION OF PLAT AFTER FINAL APPROVAL.**

(A) (1) Following approval, 2 copies of the final plat measuring 16 inches by 24 inches and 1 copy of the reduced size plat (approximately 8 inches by 14 inches) shall be returned to the subdivider.

(2) One copy of the reduced size plat shall be submitted by the subdivider to the Clerk of Recordation and 1 copy of the full size final plat shall be submitted to the same office for filing in the subdivision plat book.

(3) One additional copy of the full size plat shall be delivered to the Commission of Revenue of Mecklenburg County, and the remaining copies thereof, with the accompanying documents, shall be retained in the files of the Commission.

(4) Any surety bond to be posted by the subdivider pursuant to the requirements of this section shall be delivered to, and approved by, the Council.

(5) The cash bond, or check, if any, shall be delivered to the Town Treasurer.

(B) Following disapproval of a plat, all copies of the plat and accompanying documents shall be returned to the agent and the Council shall return the surety bond to the subdivider and notify him or her in writing of the reasons for disapproval.

(Prior Code, § 16-8-6)

**§ 151.999 PENALTY.**

(A) It shall constitute a violation of this chapter for any person or agent to disobey, neglect, or refuse to comply with or resist the enforcement of any of the provisions of this chapter.

(B) Any violation of this chapter for which a fine is not already set out shall be subject to § 10.99

(C) Any person who knowingly and intentionally makes any false statement relating to a material fact for the purpose of complying with the requirements of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished in accordance with the statutes of the Commonwealth of Virginia existing at the time for misdemeanor violations.

(D) All departments, officials and public employees of the Town of Clarksville vested with the duty or authority to issue permits or licenses shall conform to the provisions of the Subdivision Chapter of the Town of Clarksville and shall issue no permit or license for uses, structures, or purposes where the same would be in conflict with the provisions of this chapter, and any permit or license if issued in conflict with the provisions of this chapter shall be null and void.

(Prior Code, § 16-10)

## CHAPTER 152: TECHNOLOGY ZONE

### Section

#### *General Provisions*

- 152.01 Purpose
- 152.02 Administration
- 152.03 Definitions
- 152.04 Boundaries
- 152.05 Non-waiver

#### *Tax Rebates and Exemptions*

- 152.20 Taxes eligible for rebate
- 152.21 Amount of rebate or exemption
- 152.22 Procedure for rebate or exemption

#### *Exemption from Land Development Fees*

- 152.35 Water and sewer connection fees
- 152.36 Zoning Code fees

### **GENERAL PROVISIONS**

#### **§ 152.01 PURPOSE.**

The Town of Clarksville finds that the development of its commercial and industrial tax base requires incentives, and determines that the most appropriate method of offering incentives for the area described below is to create a technology zone in that area, as guided and authorized by the VA Code § 58.1-120. The town finds that the establishment of a technology zone will improve the economic conditions of the town which will in turn, benefit the welfare of the citizens of Clarksville.  
(Prior Code, § 22-1-1)

#### **§ 152.02 ADMINISTRATION.**

The Administrator of the Clarksville Technology Zone shall be the Town Manager. The Administrator shall determine the procedure for obtaining the benefits created by this chapter.  
(Prior Code, § 22-1-2)

#### **§ 152.03 DEFINITIONS.**

For the purposes of this chapter, the following words and phrases shall have the following meanings, unless clearly indicated to the contrary.

**QUALIFIED TECHNOLOGY BUSINESS.** To qualify, a company must employ a minimum of 10 people and have an investment of at least \$1,000,000 in the site. The investment may be established by the value of personal property; real estate owned; or the value of a lease of real property for the operation of the technology business.

**QUALIFIED ZONE RESIDENT.** An owner or tenant of real property located in the technology zone who expands or rehabilitates such property primarily to facilitate the operation of a qualified technology business within the technology zone.  
(Prior Code, § 22-1-3)

#### **§ 152.04 BOUNDARIES.**

The technology zone shall be that area identified as Lake Country Industrial Park.  
(Prior Code, § 22-1-4)

**§ 152.05 NON-WAIVER.**

This subchapter shall not be construed to waive the requirement of any application, permit or approval from the town as mandated by other code sections. Nothing in this subchapter shall be construed as waiving the right of the Town of Clarksville to collect any fines or penalties imposed by other sections of the Code.

(Prior Code, § 22-3-2)

***TAX REBATES AND EXEMPTIONS*****§ 152.20 TAXES ELIGIBLE FOR REBATE.**

Qualified technology businesses may receive a rebate of a percentage of the following local taxes:

(A) Machinery and tools tax; and

(B) Real estate tax.

(Prior Code, § 22-2-1)

**§ 152.21 AMOUNT OF REBATE OR EXEMPTION.**

The amount of each type of tax rebate and the rebate period shall be determined by the Town Manager based on the number of employees and the investment of the qualified technology business or the qualified zone resident. If a business ceases to be a qualified technology business during a year in which the rebate applies, they shall be pro-rated for the months the business was a qualified technology business.

(Prior Code, § 22-2-2)

**§ 152.22 PROCEDURE FOR REBATE OR EXEMPTION.**

Each business desiring inclusion in the program shall pay the taxes listed in §§ 152.20 and 152.21 in the manner prescribed by the Clarksville Town Code.

The business shall apply to the Administrator for certification as a qualified technology business. Upon certification and proof that no taxes are delinquent, the qualified technology business shall be entitled to the rebates created to this chapter. The schedule for rebating the taxes shall be regulated by the Administrator. Failure of the business to pay in full by the due date any of the taxes listed in this subchapter, or other taxes imposed by the town shall result in forfeiture of the rebate of that tax for that year upon a finding by the Administrator that such delinquency is significant.

(Prior Code, § 22-2-3)

***EXEMPTION FROM LAND DEVELOPMENT FEES*****§ 152.35 WATER AND SEWER CONNECTION FEES.**

Qualified zone residents may be exempt from the connection fee imposed by the Town of Clarksville on water and sewer connections.

(Prior Code, § 22-3)

**§ 152.36 ZONING CODE FEES.**

Qualified zone residents may be exempt from the fees imposed.

(Prior Code, § 22-3-1)

## CHAPTER 153: FLOOD DAMAGE PREVENTION

### Section

#### *General Provisions*

- 153.01 Purpose; application
- 153.02 Compliance and liability
- 153.03 Abrogation and greater restrictions
- 153.04 Definitions

#### *Floodplain Districts*

- 153.15 Establishment of zoning districts
- 153.16 Permit and application requirements
- 153.17 General standards
- 153.18 Specific standards
- 153.19 Standards for approximated floodplain
- 153.20 Standards for the floodway
- 153.21 Standards for the shallow flooding district
- 153.22 Standards for subdivision proposals
- 153.23 Variances
- 153.24 Existing structures in floodplain areas
- 153.99 Penalty

(1) Regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies;

(2) Restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding;

(3) Requiring all those uses, activities, and developments that do occur in flood-prone districts to be protected and/or flood-proofed against flooding and flood damage; and

(4) Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

(B) *Applicability.* These provisions shall apply to all lands within the jurisdiction of the town and identified as being in the 100-year floodplain by the Federal Insurance Administration.  
(Ord. 153, passed 8-18-2009)

### **GENERAL PROVISIONS**

#### **§ 153.01 PURPOSE; APPLICATION.**

(A) *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:

#### **§ 153.02 COMPLIANCE AND LIABILITY.**

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

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

(C) Records of actions associated with administering this chapter shall be kept on file and maintained by the Town Manager.

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

(Ord. 153, passed 8-18-2009) Penalty, see § 153.99

### **§ 153.03 ABROGATION AND GREATER RESTRICTIONS.**

This chapter supersedes any ordinance currently in effect in flood-prone districts. However, any underlying ordinance shall remain in full force and effect to the extent that its provisions are more restrictive than this chapter.

(Ord. 153, passed 8-18-2009)

### **§ 153.04 DEFINITIONS.**

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

**BASE FLOOD ELEVATION.** The Federal Emergency Management Agency designated 100-year water surface elevation.

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

**BOARD OF ZONING APPEALS.** The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this chapter.

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

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

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

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

**EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION.** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).



**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.

(2) The collapse or subsistence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in division (1)(a) of this definition.

(3) Mudflows which are proximately caused by flooding as defined in division (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.

**FLOOD INSURANCE RATE MAP (FIRM).** An official map of a community, on which the Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

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

**FLOOD-PROOFING.** Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate

flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

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

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

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

**HISTORIC STRUCTURE.** Any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(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.

**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 44 CFR § 60.3.

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

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

**NEW CONSTRUCTION.** For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map or on or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, **NEW CONSTRUCTION** means structures for which start of construction commenced on or after the effective date of a floodplain management regulation adopted by the town and includes any subsequent improvements to such structures.

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

**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.

**SHALLOW FLOODING AREA.** A special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**SPECIAL FLOOD HAZARD AREA.** The land in the floodplain subject to a 1% or greater chance of being flooded in any given year as determined in § 153.15(B) of this code.

**START OF CONSTRUCTION** 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 on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the **ACTUAL START OF THE CONSTRUCTION** means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**STRUCTURE.** For flood plain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. **STRUCTURE**, for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

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

**SUBSTANTIAL IMPROVEMENT.** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred

substantial damage regardless of the actual repair work performed. The term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

**VIOLATION.** The failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR § 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

**WATERCOURSE.** A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. **WATERCOURSE** includes specifically designated areas in which substantial flood damage may occur. (Ord. 153, passed 8-18-2009)

## **FLOODPLAIN DISTRICTS**

### **§ 153.15 ESTABLISHMENT OF ZONING DISTRICTS.**

#### *(A) Description of districts.*

(1) *Basis of districts.* The various floodplain districts shall include special flood hazard

areas. The basis for the delineation of these districts shall be the Flood Insurance Study (FIS) and the Flood Insurance Rate Maps (FIRM) for the Town of Clarksville prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated September 11, 2009, as amended.

(a) The approximated floodplain district shall be those areas identified as an A or A99 Zone on the maps accompanying the Flood Insurance Study. In these zones, no detailed flood profiles or elevations are provided, but the 100-year floodplain boundary has been approximated. For these areas, the 100-year flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific 100-year flood elevation cannot be determined for this area using other sources of data, such as the U.S. Army Corps of Engineers Flood Plain Information Reports, U.S. Geological Survey Floodprone Quadrangles, and the like, then the applicant for the proposed use, development and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. 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, and the like, shall be submitted in sufficient detail to allow a thorough review by the governing body.

(b) The shallow flooding district shall be those areas identified as Zone AO or AH on the maps accompanying the Flood Insurance Study.

(2) *Overlay concept.*

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

(b) If there is any conflict between the provisions or requirements of the floodplain districts and those of any underlying district, the more restrictive provisions and/or those [...]

(c) In the event any provision concerning a floodplain district is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

(B) *Official zoning map.* The boundaries of the special flood hazard area and floodplain districts are established as shown on the Flood Insurance Rate Map which is declared to be a part of this chapter and which shall be kept on file at the town offices.

(C) *District boundary changes.* The delineation of any of the floodplain districts may be revised by the town where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the U. S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.

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

(E) *Submitting technical data.* A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than 6 months after the date such information becomes available, a community shall notify the Federal Insurance Administrator of the changes by submitting

technical or scientific data. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and flood plain management requirements will be based upon current data.

(Ord. 153, passed 8-18-2009)

#### **§ 153.16 PERMIT AND APPLICATION REQUIREMENTS.**

(A) *Permit requirement.* All uses, activities, and development occurring within any floodplain district shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of this chapter, the VA USBC, all other applicable codes and ordinances, as amended, and the town's subdivision regulations. Prior to the issuance of any such permit, the Zoning Officer shall require all applications to include compliance with all applicable state and federal laws. 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) *Alteration or relocation of a watercourse.* Prior to any proposed alteration or relocation of any channel or of any watercourse within this jurisdiction, a permit shall be obtained from the U. S. Army Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any one of these organizations). Further notification of the proposal shall be given to all adjacent jurisdictions, the Division of Dam Safety and Floodplain Management (Department of Conservation and Recreation), and the Federal Insurance Administration.

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

(1) For structures to be elevated, the elevation of the lowest floor (including basement).

(2) For structures to be flood-proofed (non-residential only), the elevation to which the structure will be flood-proofed.

(3) Topographic information showing existing and proposed ground elevations.  
(Ord. 153, passed 8-18-2009) Penalty, see § 153.99

#### **§ 153.17 GENERAL STANDARDS.**

In all special flood hazard areas, the following provisions shall apply:

(A) New construction and substantial improvements shall be according to the VA USBC, and shall be 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 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) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this chapter shall meet the requirements of new construction as contained in this chapter.

(J) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this chapter, shall be undertaken only if the nonconformity is not furthered, extended, or replaced.

(K) Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, and the like, 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, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and the Federal Insurance Administration.

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

(Ord. 153, passed 8-18-2009) Penalty, see § 153.99

## § 153.18 SPECIFIC STANDARDS.

In all special flood hazard areas where base flood elevations have been provided in the Flood Insurance Study or generated according to § 153.19, the following provisions shall apply:

(A) *Residential construction.* New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than 1 foot above the base flood elevation.

(B) *Non-residential construction.* New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than 2 feet above the base flood elevation. Buildings located in all A1-30, AE, and AH zones may be flood-proofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the BFE plus 1 foot are watertight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this division are satisfied.

(C) *Elevated buildings.* 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 only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator);

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

(3) Include, in Zones A, AO, AE, and A1-30, 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 2 openings on different sides of each enclosed area subject to flooding.

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

(c) If a building has more than 1 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 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) All manufactured homes placed, or substantially improved, on individual lots or parcels,

in expansions to existing manufactured home parks or subdivisions, in a new manufactured home park or subdivision or in an existing manufactured home park or subdivision in which a manufactured home has incurred substantial damage as the result of a flood, must meet all the requirements for new construction, including the elevation and anchoring requirements in § 153.17(A) and (B), and division (A) of this section.

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

(a) The lowest floor of the manufactured home is elevated no lower than 2 feet above the base flood elevation; or

(b) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade; and

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

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

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

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

(c) Meet all the requirements for manufactured homes in this division (D).  
(Ord. 153, passed 8-18-2009) Penalty, see § 153.99

### **§ 153.19 STANDARDS FOR APPROXIMATED FLOODPLAIN.**

The following provisions shall apply within the approximated floodplain district:

(A) When base flood elevation data or floodway data have not been provided, the County Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or any other source, in order to administer the provisions of §§ 153.16 - 153.22. When such base flood elevation data are utilized, the County Administrator shall obtain:

(1) The elevation of the lowest floor (including the basement) of all new and substantially improved structures; and

(2) If the structure has been flood-proofed in accordance with the requirements of § 153.18(B) of this code, the elevation to which the structure has been flood-proofed.

(B) When base flood elevation data are not available, the lowest floor (including the basement) of all new and/or substantially improved structures shall be elevated to at least 1 foot above the lowest adjacent grade.

(C) When base flood elevation data are not available and the new and/or substantially improved structure is to be flood-proofed, it shall be flood-proofed to at least 1 foot above the lowest adjacent grade.  
(Ord. 153, passed 8-18-2009) Penalty, see § 153.99

### **§ 153.20 STANDARDS FOR THE FLOODWAY.**

The following provisions shall apply within the floodway when it has been identified as in § 153.19:

(A) (1) Encroachments, including fill, new construction, substantial improvements and other

developments are prohibited unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.

(2) Development activities which increase the water surface elevation of the base flood be allowed, provided that the developer or applicant first applies - with the town's endorsement - for a conditional Flood Insurance Rate Map and floodway revision, and receives the approval of the Federal Emergency Management Agency.

(B) If division (A) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of §§ 153.16 - 153.22.

(C) The placement of manufactured homes (mobile homes) is prohibited, except in an existing manufactured home (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring, elevation, and encroachment standards are met.  
(Ord. 153, passed 8-18-2009) Penalty, see § 153.99

### **§ 153.21 STANDARDS FOR THE SHALLOW FLOODING DISTRICT.**

The following provisions shall apply within the shallow flooding district:

(A) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above the flood depth specified on the Flood Insurance Rate Map, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated no less than 2 feet above the highest adjacent grade.

(B) All new construction and substantial improvements of non-residential structures shall:



(1) Have the lowest floor, including basement, elevated to or above the flood depth specified on the Flood Insurance Rate Map, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least 2 feet above the highest adjacent grade; or

(2) Together with attendant utility and sanitary facilities be completely flood-proofed to the specified flood level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(C) Adequate drainage paths around structures on slopes shall be provided to guide floodwaters around and away from proposed structures.  
(Ord. 153, passed 8-18-2009) Penalty, see § 153.99

#### **§ 153.22 STANDARDS FOR SUBDIVISION PROPOSALS.**

(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) Base flood elevation data shall be provided for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed 50 lots or 5 acres, whichever is the lesser.  
(Ord. 153, passed 8-18-2009)

#### **§ 153.23 VARIANCES.**

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

(1) The showing of good and sufficient cause.

(2) The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any floodway district that will cause any increase in the 100-year flood elevation.

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

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

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

(6) The importance of the services provided by the proposed facility to the town.

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

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

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

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

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

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

(13) The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

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

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

(C) (1) Variances shall be issued only after the Board of Zoning Appeals has determined that the granting of such will not result in: (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, or (c) extraordinary public expense; and will not: (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

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

(D) The Board of Zoning Appeals shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the 100-year flood elevation: (a) increases the risks to life and property, and (b) will result in increased premium rates for flood insurance.

(E) A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. Any variances that are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

(Ord. 153, passed 8-18-2009)

#### **§ 153.24 EXISTING STRUCTURES IN FLOODPLAIN AREAS.**

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

(A) Existing structures in the floodway area shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed expansion would not result in any increase in the base flood elevation.

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

(C) The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its location in a floodplain area, to an extent or amount of 50% or more of its market value shall be undertaken only in

full compliance with this chapter and shall require the entire structure to conform to the VA USBC.

(Ord. 153, passed 8-18-2009) Penalty, see § 153.99

**§ 153.99 PENALTY.**

(A) Any person who fails to comply with any of the requirements or provisions of this chapter or directions of the Director of Planning or any authorized employee of the town shall be guilty of a misdemeanor punishable upon conviction by a fine of not less than \$10 nor more than \$1,000, or such other penalty as may be prescribed by state law and subject to the penalties therefor.

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

(Ord. 153, passed 8-18-2009)

