

**AN ORDINANCE AMENDING ZONING ORDINANCE SECTIONS 3241, 3246, AND 3249.2  
PERTAINING TO THE TOWN'S FLOODPLAIN REGULATIONS AND UNIVERSITY  
INFRASTRUCTURE PROJECTS**

**WHEREAS**, the Town's current floodplain policy is to retain floodplains in their natural state to mitigate flooding, protect water quality, and provide for open space and wetland habitats;

**WHEREAS**, the provisions of the Zoning Ordinance governing the Floodplain Overlay District generally restrict any use, development or activity that will cause any increase in the 100-year flood elevation, and these provisions apply to the University zoning district;

**WHEREAS**, to promote mobility, access and safety in the Town and the Virginia Polytechnic Institute and State University ("Virginia Tech") campus, the Town of Blacksburg ("Town") is dedicated to constructing a grid network system of roads;

**WHEREAS**, the Town is committed to working with Virginia Tech on key issues such as transportation, implementation of the University Master Plan and the Town's Comprehensive Plan;

**WHEREAS**, the Western Perimeter Road on the Virginia Tech campus will promote better traffic distribution and connectivity for both the Town and Virginia Tech;

**WHEREAS**, the Federal Emergency Management Association ("FEMA") allows modifications to a recorded floodplain based on the implementation of physical measures within the floodplain and has a process of review for all such requests called a Letter of Map Revision;

**WHEREAS**, it may be in the best interests of the Town to consider allowing FEMA to review any floodplain rise requests related to infrastructure proposals within the University zoning district that have limited impacts on the overall floodplain function; and

**WHEREAS**, the public necessity, convenience, general welfare and good zoning practice so require.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Town of Blacksburg:

1. That Town Zoning Ordinance §§ 3241, 3246, and 3249.2 are hereby amended and reordained, as follows:

Sec. 3241 - Applicability.

These provisions shall apply to all lands in the Town of Blacksburg. Floodplain areas shall be identified as follows:

- (a) Areas within the 100-year floodplain, as identified in the Flood Insurance Study Report (FIS) and accompanying maps prepared for the Town by the Federal Emergency Management Agency (*FEMA*), Federal Insurance Administration.
- (b) Areas within the 100-year floodplain of a tributary with a drainage area of one hundred (100) acres or more, except in the Downtown Commercial or General Commercial zoning districts.

*These provisions shall not apply to Infrastructure projects within the University zoning district for which a Conditional Letter of Map Revision has been issued by FEMA.*

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Sec. 3246 - Floodplain boundary changes and interpretation.

- (a) The delineation of any floodplain areas described in Section 3241 above may be revised by Town Council where natural or manmade changes have occurred and /or where more detailed studies 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 of floodplain areas described in [sub]section 3241(a), approval must be obtained from the Federal Insurance Administration.
- (b) Initial interpretations of the boundaries of the floodplain areas shall be made by the Administrator. Should a dispute arise concerning the boundaries of any of the floodplain areas, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the floodplain area boundary shall be given an opportunity to present his or her case to the Board of Zoning Appeals and to submit technical evidence. Procedures for such appeals shall be as outlined in Section 1243 of this ordinance.
- (c) Where floodplain areas described in ~~[sub]section~~ subsection 3241(b) above exist, initial interpretations of the boundary of the floodplain areas shall be made by the Administrator. If the boundary was recorded longer than one (1) year ago, or if floodplain changes have occurred, the Town Engineer may require the applicant to conduct a boundary study.
- (d) *The Town's floodplain boundary maps shall reflect changes made by Final Letters of Map Revision issued by FEMA that are accompanied by "as-built" documentation.*

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Sec. 3249.2 - Supplemental definitions (Floodplain Overlay District only).

For the purposes of this Division, certain terms and words used herein shall be interpreted as follows:

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

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

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

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

**EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION**—The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured 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 water, 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 [paragraph] (1)(a) of this definition;
- (3) Mudflows which are proximately caused by flooding as defined in paragraph (a)(2) 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.

*INFRASTRUCTURE* – As used in Zoning Ordinance § 3241, “infrastructure” includes, but is not limited to roads, trails, and other critical transportation network items.

**MANUFACTURED HOME**—A structure, transportable in one (1) 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. Manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days.

**MANUFACTURED HOME PARK OR SUBDIVISION**—A parcel (or contiguous parcels) or land divided into two (2) 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 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 a community and includes any subsequent improvements to such structures.

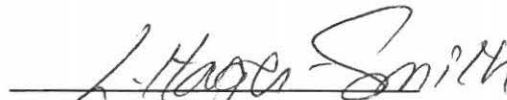
**SHALLOW FLOODING AREA**—A special flood hazard area with base flood depths from one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

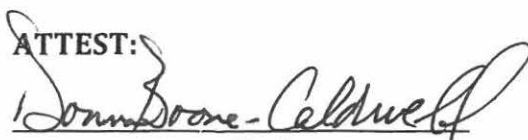
**SPECIAL FLOOD HAZARD AREA**—The land in the floodplain subject to a one (1) percent or greater chance of being flooded in any given year.

**START OF CONSTRUCTION**—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 one hundred eighty (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 building, 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.

**WATERCOURSE**—A lake, river, creek, stream, wash, channel or other topographic feature on or over which water flows at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

2. That this ordinance will be effective on and after the date of its adoption.

  
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Mayor

**ATTEST:**  
  
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Town Clerk

Introduction: September 10, 2019

Public Hearing & Action: November 2, 2019

**APPROVED AS TO CONTENT:**

Randy Jan  
Director of Engineering and GIS

**APPROVED AS TO LEGAL SUFFICIENCY:**

W. Sp  
Town Attorney

