

City of Virginia Beach
Development Services Center
DSC INFORMATION NOTICE #69
May 11, 1999

TOPIC : *Site Plan Ordinance Section 5B Floodplain Regulations*

PURPOSE : *Clarification of the City's Site Plan Ordinance Section 5B.*

BACKGROUND : *Section 5B.5.(c) "Floodplains subject to special restrictions" of the Site Plan Ordinance states:*

"Notwithstanding provisions of this section to the contrary, there shall be no filling permitted for the purpose of altering the contour of the land and that would decrease the flood storage capacity or adversely affect storm water flow conditions as determined upon review by the city engineer except for the purpose of roadway construction or other similar public works construction, and except to provide the minimum amount of fill to assure adequate functioning of a septic tank system, in any of the following floodplains:

- (1) North Landing River and its tributaries south of Lynnhaven Parkway;*
- (2) West Neck Creek and its tributaries south of Shipp's Corner Road and London Bridge Road; and*
- (3) Bays, creeks, lakes, guts, coves, wetlands, marshes and swamps and their tributaries comprising the Back Bay watershed south of South Birdneck Road and east of Princess Anne Road and General Booth Boulevard."*

ITEM #1: *Review of Rezoning, Conditional Use Permit and Other Land use Change Applications to City Council*

Requests for rezonings, conditional use permits and/or other amendments involving filling in the "floodplain subject to special restrictions" must be reviewed by staff and a report prepared for City Council. A preliminary floodplain fill mitigation plan must be submitted as part of the application package. The following requirements must include:

- 1) A separate map with the fill area(s) and mitigation area(s) and the existing and proposed floodplain identified. The plan must be prepared on a 1" = 100' or greater scale.*
- 2) The preliminary floodplain mitigation plan must fulfill the following criteria:*
 - a) The floodplain hydrology/hydraulic analysis must be performed by a computer mathematical surface water model in sufficient detail to show the net change (increase or decrease) in flood storage and to stormwater flow conditions of the 100 year storm event.*
 - b) The design of the floodplain mitigation fill plan must be in accordance with the Public Works Specifications and Standards Sections 8.21 and*

12.11. The plan must indicate the proposed floodplain fill area and the proposed floodplain mitigation area. Supporting floodplain mitigation calculations must be submitted.

- c) The floodplain hydrology study and floodplain mitigation fill plan must be certified by a licenced professional engineer.*
- d) The preparer may use data and calculation methods they feel are appropriate given the preliminary nature of the plan. If the application is approved, the detailed analysis will be required at site plan or subdivision construction plan review.*
- 3) The preliminary subdivision fill mitigation plan must follow the guidelines and restrictions outlined in Sections 8.21 and 12.11 of the Public Works Specifications and Standards.*
- 4) The preliminary floodplain fill mitigation plan must be certified by a licensed professional engineer.*

A copy of the Floodplain Variance Application and accompanying information packet may be obtained in the Planning Department from the receptionist (Operations Building - Room 115).

ITEM #2: *Five (5) Step Administrative Review Process*

This process will be used by staff to evaluate requests for site plans, subdivision construction plans, floodplain variances and any other land development related plans or requests involving minor filling in the "floodplain subject to special restrictions." Single family site plans in the Sandbridge area will follow the criteria provided in ITEM #4: Sandbridge Single Family Process. The following guidelines will be used by the Planning Department - Development Services Center staff in their review:

- 1. A floodplain hydrology/hydraulic analysis and floodplain mitigation plan is required.*
 - 2. The floodplain hydrology/hydraulic analysis must be performed by a computer mathematical surface water model in sufficient detail to show the net change (increase or decrease) in flood storage and to stormwater flow conditions of the 100 year storm event.*
 - 3. The design of the floodplain mitigation fill plan must be in accordance with the Public Works Specifications and Standards Sections 8.21 and 12.11. The plan must indicate the proposed floodplain fill area and the proposed floodplain mitigation area. Supporting floodplain mitigation calculations must be submitted.*
 - 4. The floodplain hydrology study and floodplain mitigation fill plan must be certified by a licenced professional engineer.*
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- 1. The proposed fill within the floodplain must be mitigated (100%) to result in no decrease in flood storage. The mitigation must also provide a 1 for 1 replacement for the area of floodplain filled. In addition, the areas of mitigation or replacement must be contiguous to the existing floodplain.*

2. *The proposed fill within the floodplain must be limited to the smallest amount of area and fill possible.*
GUIDELINE: A maximum of 5% of the area within the floodfringe, located on the property, may be disturbed. For example: if the floodfringe on the site is 50 acres, the area shown on the mitigation plan may not exceed 2 acres. The two (2) acres represent one (1) acre of fill and one (1) acre of cut.
3. *All mitigation (100%) must be on-site.*
4. *If the proposed fill is located in a protected area (buffer) identified by the Southern Watershed Management Ordinance, a variance will be required. The review of the proposed variance will be performed concurrently during this administrative review. When the Administrative Review Process is complete the applicant/consultant will receive a letter stating the results of the review. If an administrative approval and variance to the Southern Watersheds Management Ordinance are not granted, the applicant may revise the request and resubmit for another review or they appeal the decision to City Council (see Item #3).*

ITEM #3: Floodplain Variance Process

When it is determined that fill in the floodplain doesn't meet the above Administrative Process, a variance from City Council to the Floodplain section of the Site Plan Ordinance may be required in order to place fill within the floodplain. Each of the five items under the Administrative Process must be addressed, and a completed application submitted to the Planning Department - Planning Operations Division for review. A copy of the Floodplain Variance Application and accompanying information packet may be obtained in the Planning Department from the receptionist (Operations Building - Room 115).

ITEM #4: Sandbridge Single Family Process

Fill proposals within the Sandbridge area for platted and recorded single family lots will be reviewed on a case by case basis. The proposed fill on these lots must be the minimum necessary for the following:

1. *driveway*
2. *on-site parking area*
3. *ensuring proper functioning of a septic system*
4. *ensuring proper lot drainage given the existing and proposed development in the immediate area*
5. *if the dwelling structure is not on pilings, minimum fill around the house to meet BOCA requirements (slab or crawl foundations)*

ITEM #5: Fill within the floodplain outside the area of the "floodplain subject to special restrictions"

The general intent of the Floodplain regulation is that no filling within the floodplain may be allowed. These regulations are designed to protect the natural floodplains in the city by requiring that any fill operation must result in the same or better flood storage capacity and stormwater flow characteristics as naturally existed prior to the fill activity.

However, it should be noted that filling within the floodplain outside the “floodplains subject to special restrictions” may be allowed provided the fill does not raise the flood elevation to an unacceptable level as determined by Public Works/Engineering. Should the DSC Engineer deem necessary, the above five step process may be applied to any site to protect sensitive watersheds. This assessment will be handled through the administrative process, unless the hydrology study shows a detrimental effect to the watershed and/or the fill cannot be mitigated.

EFFECTIVE DATE: IMMEDIATELY

CONTACTS: Items #1, #2 and #4

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