

Town of Cape Charles

ARTICLE VI

Flood Plain District FH-1

Statement of Intent

This district is established under the authority of Sections 15.2-2283 and 15.2-2284 of the Code of Virginia of 1950, as amended, for the purpose of providing safety from floods, prevention of property damage and loss, and all other related dangers and of promoting the health, safety, and general welfare by regulating and restricting areas in the tidal flood plains of the Chesapeake Bay, the Atlantic Ocean, and all creeks and streams which are subject to overflowing of their banks. The provisions of this Article shall apply in zoning districts within the Town, a portion of which is located within a flood plain area, the boundaries of which are indicated on the official zoning map, which is an integral part of this ordinance, and are shown as overlapping other zoning districts. The regulations set forth in this district shall be construed to qualify or supplement, as the case may be, the district regulations appearing elsewhere in this ordinance.

Through the regulation of existing or future uses, activities, and development, it is the intent of this Article to: (1) prevent unacceptable increases in flood heights, velocities, and frequencies; (2) restrict or prohibit placement of uses, activities, and development within areas subject to flooding; (3) require all uses, activities, and development within flood-prone areas to be protected and/or flood proofed against flooding and flood damage; (4) protect individuals from buying lands and structures which are unsuited for specific purposes because of flood hazards.

Section 6.1 Interpretation and Application of Article

Applicability. This Article shall apply to all lands within the jurisdiction of the Town of Cape Charles which are shown on the zoning map of the Town of Cape Charles to be located in the Flood Plain District (FH-1) as interpreted under Section 6.3.

Compliance. 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 ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of the ordinance.

Abrogation and Greater Restrictions. This ordinance supersedes any ordinance currently in effect in flood-prone areas. However, any underlying ordinance shall remain in full force and effect to the extent that those provisions are more restrictive than this ordinance.

Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance. The remaining portions shall remain in

full force and effect, and for this purpose the provisions of this ordinance are hereby declared to be severable.

Interaction of Related Documents. The application of zoning laws within the Town, the zoning map as heretofore constituted, and the map sheets referred to in Section 6.3 which depict flood plain districts shall be read and construed together.

Section 6.2 Definitions

APPURTENANT STRUCTURE means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

AREA OF SPECIAL FLOOD PLAIN means the land in the flood plain within a community subject to a 1 percent or greater chance of flooding in any given year. This area is designated on the Flood Insurance Rate Map (hereinafter as FIRM) as Zones A-5, A-7, and V-7.

BASE FLOOD/100-YEAR FLOOD means a flood that on the average is likely to occur once every 100 years (i.e., that has a 1 percent chance of occurring each year, although the flood may occur in any year).

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

COASTAL HIGH HAZARD AREA means an area subject to high velocity waters including but not limited to hurricane wave wash. The area is designated on the FIRM as V-7.

DEVELOPMENT means any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, the placement of manufactured homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, drilling operations, or storage of equipment or materials.

EXISTING CONSTRUCTION means, for the purpose of determining rates, structures for which the start of construction commenced before the effective date of the FIRM. EXISTING CONSTRUCTION may also be referred to as **EXISTING STRUCTURES**.

FLOOD or **FLOODING** means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of inland or tidal waters.
 - b. The unusual and rapid accumulation or runoff of surface waters from any source.

- c. Mudslides (i.e., mudflows) which are approximately caused or precipitated by accumulations of water on or under the ground.
2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in 1.a of this section.

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

FLOOD PLAIN means (1) a relatively flat land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation; (2) an area subject to the unusual and rapid accumulation of runoff of surface water from any source.

FLOOD PLAIN MANAGEMENT means the operation of an overall program of corrective and preventive measures for reducing flood damage including but not limited to emergency preparedness plans, flood control works, and flood plain management regulations.

FLOOD PROOFING means any combination of structural and nonstructural additions, changes, or adjustments to structure which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HISTORIC STRUCTURES means 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 the 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 Interior in the states without approved programs.

MANUFACTURED HOME means a structure subject to Federal regulations, which is transportable in one or more sections, is eight body feet or more in width and forty body feet in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation when connected to the required facilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

MANUFACTURED HOME PARK/SUBDIVISION means a parcel (or contiguous parcels) of land divided into two or more lots for rent or sale.

MAP means the Flood Insurance Rate Map (FIRM) for the community issued by the Federal Insurance Administration.

MEAN SEA LEVEL means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which base flood elevations shown on the Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION means, for the purpose of determining insurance rates, structures for which the start of construction commenced on or after the effective date of the initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For flood management purposes, NEW CONSTRUCTION means structures for which the start of construction commenced on or after the effective date of a flood plain management regulation adopted by a community and includes any subsequent improvement to such structures.

PERSON means any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies.

PRINCIPALLY ABOVE GROUND means that at least 51 percent of the actual cash value of the structure, less land value, is above ground.

RECREATIONAL VEHICLE means a vehicle which is:

1. built on a single chassis;

2. 400 square feet or less when measured at the largest horizontal projection;
3. designated 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 a temporary living quarters for recreational camping, travel, or seasonal use.

SAND DUNES means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

START OF CONSTRUCTION means the date the building permit was issued, provided the actual START OF CONSTRUCTION, repair, reconstruction, rehabilitation, addition, placement, 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 state of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation of property or 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 CONSTRUCTION means the first alteration on any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

STRUCTURE means, 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.

SUBSTANTIAL DAMAGE means 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 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENTS means any construction, rehabilitation, addition, or other improvements of a structure, the cost of which equals or exceeds 50 percent 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 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 as continued designation as a historic structure.

VARIANCE means a grant of relief by the community from the terms of a flood plain management regulation.

Section 6.3 Identification of the Flood Plain District

Identification. For the purpose of establishing the Flood Plain Districts and for delineation of such districts, the Flood Insurance Study (hereinafter as FIS) prepared by the Federal Emergency Management Agency (hereinafter as FEMA) dated August 2, 1982, and the Flood Insurance Rate Map prepared by the Federal Emergency Management Agency dated February 2, 1983, establishing said zones shall apply. The areas indicated on such maps as Zones V-7 and A-7 shall constitute the Flood Plain Districts for the purpose of this Article. The Coastal High Hazard Area is that area of the 100-year flood plain subject to high velocity water, including but not limit to, hurricane wave wash or tsunamis. Such area is delineated by the above-reference Flood Insurance Study and is show on the accompanying Flood Insurance Rate Map as Zone V-7. The Coastal Flood Plain Area is that area of the 100-year flood plain not included in the Coastal High Hazard Area. The basis for the outermost boundary of the Coastal Flood Plain Area shall be the 100-year flood elevations contained in the above-reference Flood Insurance Study. Such area is delineated on the accompanying Flood Insurance Rate Map as Zones A-5 and A-7.

District Boundary Changes. The delineation of any of the Flood Plain Districts may be revised by the Town Council of the Town of Cape Charles where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the U.S. Army Corps of Engineers or other qualified agencies or individuals substantiate the necessity for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.

Interpretation of District Boundaries. Initial interpretations of the boundaries of the Flood Plain Districts shall be made by the zoning officer. Should a dispute arise concerning the boundaries of any of the districts, the zoning hearing board 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 case to the board and to submit his own technical evidence if he so desires.

Section 6.4 District Provisions

The Flood Plain District described above shall be overlay to the existing underlying area as shown on the official zoning ordinance map, and as such, the provisions for the Flood Plain District shall serve as a supplement to the underlying district provisions. Any conflict between the provisions or requirements of the Flood Plain District and any underlying district, the more restrictive provisions and/or those pertaining to the Flood Plain District shall apply. In the event any provision concerning a Flood Plain District is declared inapplicable as a result of any legislative or administrative action or judicial decision, the basic underlying provisions shall remain applicable.

Section 6.4.1 Permit Requirement

All uses, activities, and development occurring within any Flood Plain 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 the ordinance and with all other applicable codes and ordinances, such as the Virginia Uniform Statewide Building Code and the Town of Cape Charles' Subdivision Regulations. Prior to the issuance of any such permit, the zoning office shall require all applications to include compliance with all applicable state and federal laws. All permits shall be accompanied by an elevation certificate for residential structures and a flood-proofing certificate shall be required for non-residential structures. The use of these certificates do not provide a waiver of the flood insurance purchase requirement. The form is used only to provide elevation information necessary to ensure compliance with applicable community flood plain management ordinances, to determine the proper insurance premium rate, and/or to support a request for a letter of map amendment or revision. (See Exhibit "A," elevation certificate, and Exhibit "B," flood proofing certification)

Section 6.4.2 Site Plans and Permit Applications

All applications for development in the Flood Plain District and all building permits issued for the flood plain shall incorporate the following information:

1. for structures to be elevate, 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. the elevation of the 100-year flood
4. topographic information showing existing and proposed ground elevations

Section 6.5 General Regulations for the Flood Plain District

Within the Flood Plain District, which is composed of the Coastal High Hazard Area and the Coastal Flood Plain, the following regulations shall apply in addition to the special regulations found in Section 6.6.

Section 6.5.1 Sanitary Sewer Facilities

All new or replacement sanitary sewer facilities and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.

Section 6.5.2 Water Facilities

All new or replacement water facilities shall be designed to minimize or eliminate infiltration of flood waters into the system and be located and constructed to minimize or eliminate flood damages.

Section 6.5.3 Drainage Facilities

All storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The systems shall ensure drainage away from buildings and onsite waste disposal sites. The Town of Cape Charles may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.

Section 6.5.4 Utilities

All utilities, such as gas lines, electrical and telephone systems, being placed in flood-prone areas should be located, elevated (where possible), and constructed to minimize the chance of impairment during a flooding occurrence.

Section 6.5.5 Streets and Sidewalks

Streets and sidewalks should be designed to minimize their potential for increasing and aggravating the levels of flood flow. Drainage openings shall be required to sufficiently discharge flood flows without unduly increasing flood heights.

Section 6.5.6 New Construction/Substantial Improvements

All new construction and substantial improvements shall (1) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effect of buoyancy, (2) be constructed with materials resistant to flood damage, (3) be constructed by methods and practices that minimize flood damages, and (4) be constructed with electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities that are designed and/or located so as to prevent water entering or accumulating within the components during conditions of flooding.

Section 6.6 Special Flood Plain District Management Regulations

The Flood Plain District is divided into two sub-zones: See Section 6.3. The following requirements shall apply to all structures as indicated for the respective sub-zones.

Section 6.6.1 Coastal High Hazard Area (V Zones)

- A. As set forth in this section, all manufactured homes to be placed or substantially improved on sites within the V-Zones shall comply with the requirements of this section.
- B. Man-made alterations of sand dunes or wetlands which would increase potential flood damage are prohibited.
- C. The use of fill for structural support of buildings is prohibited.

- D. All new construction must be located landward of the reach of mean high tide. Those uses which may be classified as a “functionally dependent use” are exempt from this requirement.

- E. All new construction and substantial improvements within Zone V-7 on the Town’s FIRM shall have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For purposes of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or state codes) may be permitted only if a registered professional engineer or architect certified that the designs proposed meet the following conditions:
 - 1. breakaway wall collapse shall result from a water load less than that which would occur during the base flood and
 - 2. the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Maximum wind and water loading values to be used in this determination shall each have 1 percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval). Such enclosed space shall be usable solely for parking of vehicles, building access, or storage.

- F. Nonconforming structures cannot be expanded.

- G. Within V-Zones on the Flood Insurance Rate Map, obtain the elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings and columns) of all new substantially improved structures, whether or not such structures contain a basement.

- H. All new construction and substantial improvements shall be elevated on pilings or columns and must have the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) elevated to or above the base flood level and the pile or column foundation and structure attached thereto must be anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state or local building standards. A registered professional engineer or architect shall develop or review the structural design and methods of construction and shall

certify that design and methods of construction to be used are in accordance with accepted standards.

- I. All recreational vehicles placed in V-Zones either should be on site for fewer than 180 consecutive days, be fully licensed and ready for highway use, or comply with the requirements of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by a quick disconnect type utilities and security devices, and has no permanently attached additions.

Section 6.6.2 Coastal Flood Plain Areas (A Zones)

- A. All new construction and substantial improvements of residential structures within Zone A-5 and A-7 on the Town of Cape Charles FIRM shall have the lowest floor (including basement) elevated to or above the base flood level.
- B. Manufactured homes that are placed or substantially improved on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- C. Recreational vehicles placed on sites either:
 1. be on site for fewer than 180 consecutive days, be fully licensed and ready for highway use, or
 2. meet the permit requirements for placement and the elevation and anchoring requirements for manufactured homes in Section 6.6.2.B. 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.
- D. All new construction and substantial improvements of nonresidential structures within Zone A-5 and A-7 on the Cape Charles FIRM shall: (1) be designed, together with utility and sanitary facilities, so that below the base flood level the structure 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 effect of buoyancy, or (2) have the lowest floor (including basement) elevated to or above the base flood level.

A registered professional engineer or architect shall certify that the flood-proofing methods are adequate to withstand the flood depths, pressure, velocities, impact, and uplift forces and other factors associated with the base flood. The building official shall maintain a record of such certificates indicating the specific elevation (in relation to mean sea level) to which such structures are flood proofed.

- E. The use of fill for aesthetic purposes for structures is permitted provided piles or piers are first installed as the basic foundation to obtain the proper elevation to raise the lowest floor above the base flood elevation.

Section 6.7 Supplemental Regulations

All subdivisions proposed to be located within the established Flood Plain District shall have indicated on the subdivision plat base flood elevation data to the following extent.

Section 6.7.1

The established 100-year flood line and elevation shall be indicated on the subdivision plat.

Section 6.7.2

The lowest and highest elevation within the proposed subdivision above mean sea level shall be on the subdivision plat as a spot elevation.

Section 6.8 Variances in the Flood Plain District

No variance shall be authorized within any established Flood Plain District unless the Council finds that the requested variance complies with the following:

Section 6.8.1

Variances may be issued by the Cape Charles Board of Zoning Appeals in conformance with the procedures of Section 2.6.4 of this ordinance for new construction and substantial improvements to be erected on a lot which is of a size less than the minimum required for the residential, commercial, or industrial zoning district within which it is located and which is contiguous to and surrounded by lots with existing structures constructed below the base flood level.

Section 6.8.2

Variances shall only be issued by the Board of Zoning Appeals upon: (1) a showing of good and sufficient cause; (2) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and (3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

Section 6.8.3

Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

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:

- A. The danger to life and property due to increased flood heights or velocities caused by encroachments.
- B. The danger that materials may be swept onto other lands or downstream to the injury of others.
- C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- D. The susceptibility of the proposed facility and its contents to flood damage, the effect of such damage on the individual owners.
- E. The importance of the services provided by the proposed facility to the community.
- F. The requirements of the facility for a waterfront location.
- G. The availability of alternative locations not subject to flooding for the proposed use.
- H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- I. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
- J. The safety of access by ordinary and emergency vehicles to the property in time of flood.
- K. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- L. The repair or rehabilitation of historic structure 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.
- M. Such other factors which are relevant to the purposes of this ordinance.

Section 6.8.4

The Board of Zoning Appeals shall notify the applicant in writing over the signature of the Zoning Administrator that: (1) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up

to amounts as high as \$25 per \$100 of insurance coverage and (2) such construction below the base flood level increases risk to life and property. Such notification shall be maintained with a record of all variance actions as required in the next section.

Section 6.8.5

The Board of Zoning Appeals shall: (1) maintain a record of all variance actions, including justification for their issuance and (2) report such variances issued in its annual report submitted to the Federal Insurance Administrator.

Section 6.9 Existing Structures in Flood Plain Districts

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. Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any flood plain area to an extent or amount of less than 50 percent of its market value shall be elevated and/or flood proofed to the greatest extent possible.
- B. The modification, alternation, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its location in a flood plain district, to an extent or amount of 50 percent or more of its market value shall be undertaken only in full compliance with this ordinance and the provisions of the Virginia Uniform Statewide Building Code.

Section 6.10 Administration

The Zoning Administrator shall furnish a written report of his findings to the Planning Commission at such time as the subdivision plat or group housing project site plan comes before the Planning Commission for preliminary approval or for a recommendation for action, as the case may be. The Zoning Administrator shall review plats and site plans prior to the final approval by designated authorities, and he shall communicate his findings to the appropriate authorities in writing. Disapproval of flood control measure by the building official or Zoning Administrator at any stage of review shall be grounds for deferral or disapproval of the development by the Planning Commission, Council, building official, and Zoning Administrator. Such person shall then have the right to have such review in writing within five days of receiving notice of disapproval. The Council shall review the decision of the building official or Zoning Administrator and render its decision at its earliest opportunity.

If the original decision shall be reversed by the Council, the subdivision plat, site plan, or building permit application shall then be deemed approved, insofar as flood control measures are concerned.

Section 6.10.1

The building official shall determine the adequacy of flood-proofing measures, subject to the guidelines stated elsewhere in this ordinance and the Virginia Uniform Statewide Building Code prior to the issuance of building permit.

Section 6.10.2

All building permits, site plans, and subdivisions shall be reviewed by the appropriate authorized authority for compliance with the requirements of the Flood Plain District.

Section 6.10.3

All building permits shall indicate the required elevation needed to provide for flood proofing.

Section 6.11 Warning and Disclaimer of Liability

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

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