

A G E N D A
JAMES CITY COUNTY BOARD OF SUPERVISORS
READING FILE
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
October 13, 2015
6:30 PM

A. FOR YOUR INFORMATION

1. Clean Copy of Ordinances
2. ZO-0001-2015, Article VI, Division 3 - Floodplain Area Regulations
3. Case No. ZO-0005-2015. Article VIII-Appeals
4. Floodplain Management Plan - Annual Report

ITEM SUMMARY

DATE: 10/13/2015
TO: The Board of Supervisors
FROM: Michelle M. Gowdy, County Attorney
SUBJECT: Clean Copy of Ordinances

ATTACHMENTS:

	Description	Type
▣	Chapter 6	Ordinance
▣	Chapter 10	Ordinance
▣	Chapter 11	Ordinance
▣	Chapter 20	Ordinance

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	10/6/2015 - 10:52 AM

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 6, DANCE HALLS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY REPEALING CHAPTER 6, DANCE HALLS, BY DELETING ARTICLE I, IN GENERAL, SECTION 6-1, DEFINITION OF PUBLIC DANCE HALL; SECTION 6-2, PERMIT REQUIRED; SECTION 6-3, APPLICATION FOR PERMIT, SECTION 6-4, INVESTIGATION PRIOR TO HEARING OR TO ISSUANCE OF PERMIT; SECTION 6-5, HEARING GRANT OR REFUSAL; SECTION 6-6, PROCURING BY FRAUD, ETC.; SECTION 6-7, REVOCATION; SECTION 6-8, PREREQUISITE TO OPERATION OF DANCE HALL; AND BY DELETING ARTICLE II, CONDITIONS AND RESTRICTIONS, SECTION 6-9, TRANSFER OF PERMIT; SECTION 6-10, CHANGE OF OWNERSHIP, MANAGEMENT OR LOCATION; SECTION 6-11, CLOSING HOURS; SECTION 6-12, OCCUPANCY ALLOWANCE; SECTION 6-13, SEATING; SECTION 6-14, OFF-STREET PARKING; SECTION 6-15, PLUMBING FIXTURES; AND SECTION 6-16, RIGHT OF ENTRY OF POLICE DEPARTMENT.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 6, Dance Halls, is hereby repealed by deleting Article I, In General, Section 6-1, Definition of public dance hall; Section 6-2, Permit required; Section 6-3, Application for permit, Section 6-4, Investigation prior to hearing or to issuance of permit; Section 6-5, Hearing grant or refusal; Section 6-6, Procuring by fraud, etc.; Section 6-7, Revocation; Section 6-8, Prerequisite to operation of dance hall; and by deleting Article II, Conditions and Restrictions, Section 6-9, Transfer of permit; Section 6-10, Change of ownership, management or location; Section 6-11, Closing hours; Section 6-12, Occupancy allowance; Section 6-13, Seating; Section 6-14, Off-street parking; Section 6-15, Plumbing fixtures; and Section 6-16, Right of entry of police department.

Chapter 6 Reserved.

Ch6DanceHalls-ord-final

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 10, GARBAGE AND REFUSE, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, REFUSE REMOVERS, BY DELETING SECTION 10-10, IDENTIFICATION OF VEHICLES; SECTION 10-11 PERIODIC INSPECTION OF VEHICLES; SECTION 10-12, TRANSFER OF REFUSE FROM ONE VEHICLE TO ANOTHER; SECTION 10-14, VEHICLES TO BE EMPTIED COMPLETELY AND CLEANED; AND SECTION 10-15, NOTICE REQUIRED PRIOR TO TERMINATION OF BUSINESS; BY REPEALING ARTICLE III, REFUSE PERMIT, BY DELETING SECTION 10-16, REFUSE PERMIT REQUIRED; SECTION 10-17, APPLICATION PROCEDURE; SECTION 10-18, INSPECTION OF APPLICANT'S VEHICLES; SECTION 10-19, ISSUANCE OR DENIAL OF REFUSE PERMIT; SECTION 10-20, ASSIGNMENT OF PERMIT NUMBER TO VEHICLES; SECTION 10-21 EXPIRATION; RENEWAL; AND SECTION 10-22, SURRENDER UPON TERMINATION OF BUSINESS; AND BY REPEALING ARTICLE IV, SOLID WASTE RECYCLING REPORT, BY DELETING SECTION 10-24, PURPOSE; SECTION 10-25, DEFINITIONS; SECTION 10-26, ANNUAL REPORT; SECTION 10-27, CONTENTS OF ANNUAL REPORT; SECTION 10-28, VOLUME OR WEIGHT REPORTED; SECTION 10-29, PROPRIETARY INFORMATION; AND SECTION 10-30, SCOPE.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 10, Garbage and Refuse, is hereby amended and reordained by amending Article II, Refuse Movers, by deleting Section 10-10, Identification of vehicles; Section 10-11 Periodic inspection of vehicles; Section 10-12, Transfer of refuse from one vehicle to another; Section 10-14, Vehicles to be emptied completely and cleaned; and Section 10-15, Notice required prior to termination of business; by repealing Article III, Refuse Permit, by deleting Section 10-16, Refuse permit required; Section 10-17, Application procedure; Section 10-18, Inspection of applicant's vehicles; Section 10-19, Issuance or denial of refuse permit; Section 10-20, Assignment of permit number to vehicles; Section 10-21 Expiration; renewal; and Section 10-22, Surrender upon termination of business; and by repealing Article IV, Solid Waste Recycling Report, by deleting Section 10-24, Purpose; Section 10-25, Definitions; Section 10-26, Annual report; Section 10-27, Contents of annual report; Section 10-28, Volume or weight reported; Section 10-29, Proprietary information; and Section 10-30, Scope.

Chapter 10. Administration

Article II. - Refuse Removers

Sec. 10-8. General regulations for removing and transporting refuse.

It shall be unlawful for any refuse remover to fail to comply with the following provisions:

- (1) Refuse shall be removed in such a manner that it does not create a nuisance or adversely affect public health.
- (2) Refuse shall be removed in such a manner and transported so that it does not spill or fall into a street, nor shall it be dumped, spilled, thrown or leaked into any street, sewer inlet or vacant lot.
- (3) No known harmful material, including, but not limited to, materials which are explosive, toxic, radioactive, highly combustible by nature or burning, shall be removed for disposal except with the written permission of the county administrator, requested in writing, with a copy thereof sent to the manager. This provision is not applicable to materials loaded and carried at the

direction of public officials, public employees or public servants executing their duties in emergencies.

(Ord. No. 131A-3, 2-5-90; Ord. No. 131A-5, 11-28-00)

Sec. 10-9. Requirements for refuse removal vehicle construction and equipment.

It shall be unlawful for any vehicle used by refuse removers for removing and transporting refuse to fail to meet the following requirements:

- (1) The bodies of all such vehicles shall be constructed so as to prevent the refuse from spilling, leaking or being blown or hurled from the vehicle or deposited upon any street during loading or while in transit.
- (2) Nonwatertight vehicle bodies may be used; provided, that any liquid or semiliquid refuse transported shall be in watertight containers.
- (3) The vehicle body shall be so constructed that no refuse can be carried at any place other than in the enclosed body.
- (4) All vehicles, other than those which are completely enclosed, shall be equipped with a tarpaulin or other cover which shall be constructed and employed so as to prevent refuse from falling from the vehicle onto the street.

(Ord. No. 131A-3, 2-5-90)

Sec. 10-10 - 10-12. Reserved.

Sec. 10-13. Where vehicles to be emptied.

It shall be unlawful for any vehicle used by a refuse remover to be emptied of refuse or any other materials, including, but not limited to, liquid materials, in the county on any ground or location other than a sanitary landfill or other approved duly licensed disposal facility. However, in a bona fide emergency, such as a fire in the truck, the refuse remover may empty the truck in a clear area so as not to endanger life or property. The refuse remover shall be responsible for cleaning up the refuse immediately upon resolving the emergency.

(Ord. No. 131A-3, 2-5-90; Ord. No. 131A-5, 11-28-01)

Sec. 10-14 - 10-30. Reserved.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 11, HEALTH AND SANITATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY DELETING ARTICLE II, LANDFILL ORDINANCE, BY DELETING SECTION 11-8, IN GENERAL; SECTION 11-9, HOUSEHOLD WASTE; SECTION 11-10, INDUSTRIAL REFUSE; SECTION 11-10.1, BUILDING DEMOLITION AND LAND CLEARING DEBRIS; SECTION 11-11, INSTITUTIONAL/GOVERNMENTAL WASTE; SECTION 11-12, PROHIBITED WASTE; SECTION 11-13, USER CHARGES BY VOLUME; SECTION 11-14, COUNTY REFUSE CONTAINERS; SECTION 11-15, BILLING PROCEDURE; AND SECTION 11-16, VIOLATION.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 11, Health and Sanitation, is hereby repealed by deleting Article II, Landfill Ordinance, by deleting Section 11-8, In general; Section 11-9, Household waste; Section 11-10, Industrial refuse; Section 11-10.1, Building demolition and land clearing debris; Section 11-11, Institutional/governmental waste; Section 11-12, Prohibited waste; Section 11-13, User charges by volume; Section 11-14, County refuse containers; Section 11-15, Billing procedure; and Section 11-16, Violation.

Chapter 11 Health and Sanitation

Article II.

Sec. 11-8 – 11-16. Reserved.

Ch11HealthSanitation-ord-final

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, TAXATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY REPEALING ARTICLE X, TAX ON LOCAL TELECOMMUNICATION SERVICE, BY DELETING SECTION 20-70, DEFINITIONS; AND SECTION 20-71, LEVY; AMOUNT OF TAX ON LOCAL TELECOMMUNICATION SERVICE.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Taxation, is hereby amended and reordained by repealing Article X, Tax on Local Telecommunication Service, by deleting Section 20-70, Definitions; and Section 20-71, Levy; amount of tax on local telecommunication service.

Chapter 20. Taxation

Secs. 20-70. -20-71. Reserved.

Ch20LocalTelecommunTax-ord-final

ITEM SUMMARY

DATE: 10/13/2015

TO: The Board of Supervisors

FROM: Christy H. Parrish, Deputy Zoning Administrator

SUBJECT: ZO-0001-2015, Article VI, Division 3 - Floodplain Area Regulations

Please find attached the final version of the proposed ordinance changes as discussed in Case No. ZO-0001-2015.

ATTACHMENTS:

	Description	Type
▣	Clean Copy of Ordinance - ZO-0001-2015 Article VI, Overlay Districts, Division 3 Floodplain Area Regulations revisions	Ordinance
▣	Clean Copy of Ordinance - ZO-0001-2015 Section 24-2 Definitions revisions	Ordinance

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	9/24/2015 - 2:10 PM
Development Management	Kinsman, Adam	Approved	9/25/2015 - 2:20 PM
Publication Management	Burcham, Nan	Approved	9/25/2015 - 2:43 PM
Legal Review	Gowdy, Michelle	Approved	9/25/2015 - 3:27 PM
Board Secretary	Fellows, Teresa	Approved	9/25/2015 - 4:15 PM
Board Secretary	Kinsman, Adam	Approved	9/28/2015 - 2:11 PM
Board Secretary	Fellows, Teresa	Approved	9/28/2015 - 2:53 PM

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE IV, OVERLAY DISTRICTS; DIVISION 3, FLOODPLAIN AREA REGULATIONS, SECTION 24-586 STATEMENT OF INTENT; BY AMENDING AND RENAMING SECTION 24-588, COMPLIANCE AND LIABILITY, WITH NEW NAME COMPLIANCE, LIABILITY, ABROGATION AND SEVERABILITY; BY AMENDING AND RENAMING SECTION 24-589, DEFINITIONS, WITH NEW NAME DEFINITIONS AND ADMINISTRATOR; AND BY AMENDING SECTION 24-590, DESIGNATION OF FLOODPLAIN DISTRICTS; SECTION 24-591, OFFICIAL MAP; SECTION 24-592, PERMITS; SECTION 24-594, PROHIBITED USES; SECTION 24-595, REGULATIONS FOR CONSTRUCTION; SECTION 24-596, REGULATIONS FOR SUBDIVISION AND SITE PLANS; SECTION 24-597, REGULATIONS FOR REPLACEMENT MANUFACTURED HOMES; SECTION 24-599, DESIGN CRITERIA FOR UTILITIES AND FACILITIES; SECTION 24-600, REGULATIONS FOR FILLING IN FLOOD FRINGE AND APPROXIMATED FLOODPLAIN DISTRICTS; SECTION 24-601, WATERCOURSE MODIFICATION; SECTION 24-602, EXISTING STRUCTURES IN FLOODPLAIN DISTRICTS; AND SECTION 24-603, VARIANCES; FACTORS TO BE CONSIDERED.

BE IT ORDAINED by the Board of Supervisors of the County of James City County, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article IV, Overlay Districts; Division 3, Floodplain Area Regulations, Section 24-586, Statement of intent; Section 24-588, Compliance, liability, abrogation and severability; Section 24-589, Definitions and administrator; Section 24-590, Designation of floodplain districts; Section 24-591, Official map; Section 24-592, Permits; Section 24-594, Prohibited uses; Section 24-595, Regulations for construction; Section 24-596, Regulations for subdivision and site plans; Section 24-597, Regulations for replacement manufactured homes; Section 24-599, Design criteria for utilities and facilities; Section 24-600, Regulations for filling in flood fringe and approximated floodplain districts; Section 24-601, Watercourse modification; Section 24-602, Existing structures in floodplain districts; and Section 24-603, Variances; factors to be considered.

This ordinance shall be effective on December 16, 2015.

Chapter 24

ARTICLE VI. OVERLAY DISTRICTS

DIVISION 3. FLOODPLAIN AREA REGULATIONS

Sec. 24-586. Statement of intent.

(a) This ordinance is adopted pursuant to the authority granted to localities by Virginia Code § 15.2-2280. These regulations are intended 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:

- (1) Regulating uses, activities and development which, alone or in combination with other existing or future uses, activities and development, may cause unacceptable increases in flood heights, velocities and frequencies;
- (2) Restricting or prohibiting certain uses, activities and development within districts subject to flooding;
- (3) Requiring 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) These regulations comply with the requirements of the National Flood Insurance Program (42 USC 4001-4128) of the Federal Insurance Administration. These regulations are necessary in order for all property owners within the county to be eligible for the National Flood Insurance Program and thereby purchase such insurance at nominal rates.

Sec. 24-587. Applicability.

These regulations shall apply to all property located within an area designated as a floodplain area, and as such shall supplement the regulations of the zoning district within which such property is located. Where these regulations are at variance with other provisions of this chapter, it is intended that these regulations shall apply. These regulations shall only apply to property which is designated as being within a floodplain area.

Sec. 24-588. Compliance liability, abrogation and severability.

(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 these regulations and any other applicable ordinances and regulations; including, but not limited to: the Virginia Uniform Statewide Building Code (USBC), the Virginia Industrialized Building Safety Regulations (IBSR), and the Manufactured Home Safety Regulations (MHSR).

(b) The degree of flood protection sought by the provisions of these regulations is for reasonable 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. These regulations do not imply that districts outside the floodplain district or that land uses permitted within such district will be free from flooding or flood damage.

(c) Records of actions associated with administering these regulations shall be kept on file and maintained by the development manager or his designee.

(d) These regulations shall not create liability on the part of the county or any officer or employee thereof for any flood damages that result from reliance on these regulations or any administrative decision lawfully made thereunder.

(e) Any person who fails to comply with any requirement or provision of this article shall be guilty of the appropriate violation and subject to penalties set forth in section 24-22 of this chapter.

(f) To the extent that the provisions are more restrictive than previous requirements, this ordinance supersedes any ordinance currently in effect in flood-prone districts. To the extent that any other existing law or regulation is more restrictive or does not conflict, it shall remain in full force and effect. These regulations are not intended to repeal or abrogate any existing ordinances including subdivision regulations, zoning ordinances, or building codes. In the event of a conflict between these regulations and any other ordinances, the more restrictive shall govern.

(g) If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatever, 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.

Sec. 24-589. Definitions and administrator.

The terms used in these regulations are defined in section 24-2 of this chapter except for the board of zoning appeals, which is defined in section 24-645. The administrator of these regulations is set forth in section 24-5 of this chapter.

Sec. 24-590. Designation of floodplain districts.

(a) The various floodplain districts shall include areas subject to inundation by waters of the one (1%) percent annual chance (100-year) flood. The minimum basis for the delineation of these districts shall be, but not be limited to, the December 16, 2015 flood insurance study and flood insurance rate maps prepared by the Federal Emergency Management Agency (FEMA), Federal Insurance Agency (FIA) and subsequent revisions or amendments thereto, since other flood-prone areas exist in James City County which are not shown on the floodplain maps. To determine these areas, the one (1%) percent annual chance (100-year) flood elevations and floodways from federal, state, and local sources may be used when available. Where the specific one (1%) percent annual chance (100-year) flood elevation cannot be determined for an area by using available sources of data, then the applicant for the proposed use, development and/or activity shall determine this elevation to the satisfaction of the development manager or his designee 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, etc., shall consider full development of the watershed and shall be submitted in sufficient detail to allow a thorough review by the development manager or his designee.

Where flood elevations are provided by the FIA, these elevations shall not be changed except with FEMA approval. Local sources of flood-prone area data include, but are not limited to, the *Mill Creek-Lake Powell Watershed Study*, GKY and Associates, 1988 report, locally approved watershed management plans and comprehensive drainage studies.

When base flood elevations have increased or decreased resulting from physical changes affecting flooding conditions, technical or scientific data shall be submitted to FEMA no later than six (6) months after the date such information becomes available. Such submission is necessary so that, upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirement will be based upon current data.

(b) The floodway district, minimally shown on the maps accompanying the flood insurance study, is established for purposes of these regulations using the criterion that certain areas within the floodplain must be kept free of encroachment in order that the one (1%) percent annual chance (100-year) flood be conveyed without increasing the water surface areas included in this district.

(c) The flood-fringe district shall be that area of the one (1%) percent annual chance (100-year) flood not included in the floodway district. The basis for the outmost boundary of the district shall be the one (1%) percent annual chance (100-year) elevations minimally shown as Zones AE and AO on the maps accompanying the flood insurance study.

(d) The approximated floodplain district shall be that floodplain area for which no detailed flood profiles or elevations are provided but where a one (1%) percent annual chance (100-year) flood boundary has been approximated. Such areas are minimally shown as Zone A on the maps accompanying the flood insurance study. Consider other available data such as presented in subsection (a) of this section as the basis for elevating residential structures to or above base flood level, and for floodproofing or elevating nonresidential structures to or above base flood level.

(e) Coastal A zones shall be those areas as defined by the Virginia Uniform Statewide Building Code that are subject to wave heights between 1.5 feet and 3 feet and identified on the FIRM as AE areas that are seaward of the Limit of Moderate Wave Action (LiMWA) line.

(f) Coastal high-hazard area districts shall be those portions of land within the coastal floodplain subject to inundations by high velocity waters and wave action greater than three (3) feet. Such areas are minimally shown as Zones V and VE.

Sec. 24-591. Official map.

The boundaries of floodway, flood-fringe and approximated floodplain districts in section 24-590(b), (c) and (d) above are established as minimum areas, as shown on the flood insurance rate map dated December 16, 2015, which is declared to be a part of these regulations and which shall be kept on file at the office of the development manager.

Sec. 24-592. Permits.

An application for subdivision, site plan, rezoning, building permit, special use permit, Virginia Erosion and Sediment Control Program / Virginia Stormwater Management Program permit, wetlands permit or other local development permit shall be considered an application for development under these regulations. The applicant shall be informed of the provisions of this article as they may apply to the property and no permit shall be issued until the applicant has complied with such provisions.

Sec. 24-593. Permitted uses.

Permitted uses, special permit uses, accessory uses, dimensional standards and special requirements shall be as established by the underlying zoning district except as specifically modified herein.

Sec. 24-594. Prohibited uses.

- (a) The following uses shall be specifically prohibited within all floodplain districts:
- (1) Sanitary landfills, junkyards, outdoor storage of inoperative vehicles.
 - (2) Manufactured homes.
 - (3) Surface mines and borrow pits.
 - (4) Manufacture, bulk storage, transformation or distribution of petroleum, chemical or asphalt products or any hazardous materials as defined in either or both of the following:

- a. Superfund Amendment and Reauthorization Act of 1986.
- b. Identification and Listing of Hazardous Wastes, 40 CFR section 261 (1987).

The following products shall be specifically included:

- i. Oil and oil products including petrochemicals.
 - ii. Radioactive materials.
 - iii. Any material transported or stored in large commercial quantities (such as 55-gallon drums) which is a very soluble acid or base, causes abnormal growth of an organ or organism, or is highly biodegradable, exerting a strong oxygen demand.
 - iv. Biologically accumulative poisons.
 - v. Substances containing the active ingredients of poisons that are or were ever registered in accordance with the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 USC 135 et seq.).
 - vi. Substances highly lethal to mammalian or aquatic life.
- (5) Storage or land application of industrial wastes.
- (6) Outdoor storage of equipment, materials or supplies which are buoyant, flammable or explosive.
- (b) Nonconforming uses of this chapter notwithstanding, no expansion of any of the above uses located within the floodplain district shall be permitted.

Sec. 24-595. Regulations for construction.

- (a) The construction or placement of any structure or obstruction, filling or changing the cross-section or flow characteristics within the one (1%) percent annual chance (100-year) flood shall not be permitted unless the project is in conformance with the following requirements:
- (1) All construction shall use methods that minimize flood damage and which are in accordance with the Virginia Uniform Statewide Building Code. Structures shall be constructed with materials and equipment resistant to flood damage and shall be anchored to prevent floatation, collapse, or lateral movement.
 - (2) The finished elevation of the lowest floor, including the basement or cellar of any building, shall have at least two feet freeboard above the one (1%) percent annual chance (100-year) flood elevation. For nonresidential structures, watertight floodproofing up to the level of two feet freeboard in accordance with the Virginia Uniform Statewide Building Code may be provided in lieu of the finished grade requirement described herein.
 - (3) Utility and sanitary facilities, including but not limited to mechanical, plumbing and electrical systems and gas lines, shall be floodproofed up to the level of two feet freeboard above the one (1%) percent annual chance (100-year) base flood elevation.
 - (4) Encroachments, including fill, new construction, substantial improvements and other development are prohibited within the floodway or any floodplain district unless it has been demonstrated through hydrologic and hydraulic analyses that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge. Hydrologic and hydraulic analyses shall

be undertaken by a professional engineer and shall be submitted in sufficient detail to allow a thorough review by the development manager or his designee. Hydrologic and hydraulic analyses shall not be required for properties affected only by coastal (tidal) flooding.

- (5) All new construction and substantial improved structures in zone AO shall meet the following requirements:
 - (a) The lowest floor, including basements, shall be at or above the highest adjacent grade and two (2) feet above the FIRM's depth number.
 - (b) Nonresidential structures may use watertight floodproofing in accordance with the Virginia Uniform Statewide Building Code in lieu of the finished grade requirement described herein.
 - (c) Adequate drainage paths around structures on slopes shall be provided to guide floodwaters around and away from proposed structures.
- (6) All new construction and substantial improvements in zones V, VE, and Coastal A shall meet the following requirements:
 - (a) The structure shall be elevated on pilings or columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated at least two (2) feet above the base flood level. The pile of column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to effects of wind and water loads acting simultaneously on all building components. A registered design professional engineer or architect shall develop and seal the structural design, specifications and plans for the construction, and shall certify the design and methods of construction.
 - (b) The space below the lowest floor shall be either free of obstruction or constructed with nonsupporting 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. Breakaway walls shall collapse from water loads that are less than that which would occur during the base flood.
 - (c) New construction shall be landward of reach of mean high tide.
 - (d) Fill for structural support and alterations of sand dunes are prohibited.
- (7) The enclosed space below the lowest floor shall be used solely for parking of vehicles, building access or storage, have permanent openings designed to allow the exit of floodwaters in accordance with the Virginia Statewide Building Code and Federal Code 44CRF Section 60.3 approved by the director of building safety and permits.
- (8) Prior to issuance of a certificate of occupancy, the owner of any structure located in a floodplain district shall submit a completed elevation certificate or floodproofing certificate from a registered professional engineer or architect, as appropriate, to the director of building safety and permits.

(9) All other federal and state permits shall be obtained by the applicant before a building permit can be issued.

(b) It shall be the responsibility of the applicant to provide this data, certified by a licensed surveyor or engineer or other source acceptable to the director of building safety and permits.

Sec. 24-596. Regulations for subdivisions and site plans.

The applicant of any subdivision of land or site plan within the county shall submit with his application a statement by a licensed surveyor or engineer as to whether or not any property shown on the plat or plan is at an elevation lower than the one (1%) percent annual chance (100-year) flood level. Where a one (1%) percent annual chance (100-year) flood level exists, the extent of this area shall be shown on the plat or plan. Further, the elevation of the finished surface of the ground at each building location shall be shown. Lots created after February 6, 1991, which are within a non-coastal (non-tidal) floodplain district, shall contain a natural, unfilled building site at least one foot above the one (1%) percent annual chance (100-year) flood elevation adequate to accommodate all proposed buildings. All buildings shall be constructed solely within such building site and outside of the one (1%) percent annual chance (100-year) flood plain. All proposals shall be consistent with the need to minimize flood damage.

Sec. 24-597. Regulations for replacement manufactured homes.

(a) Replacement manufactured homes shall be elevated on a permanent foundation so that the lowest floor has two (2) feet freeboard above the level of the one (1%) percent annual chance (100-year) flood elevation.

(b) In floodplain areas, replacement manufactured homes shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors in either of the following arrangements:

- (1) Over-the-top ties at each corner plus one frame tie at the middle of each side; or
- (2) Frame ties at each corner plus no less than five evenly spaced additional frame ties per side.
- (c) All ties to the ground shall be able to carry a force of 4,800 pounds.

Sec. 24-598. Recreational vehicles.

Recreational vehicles placed on sites must either be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use or meet requirements for placement, elevation and anchoring requirements for manufactured homes.

Sec. 24-599. Design criteria for utilities and facilities.

(a) *Sanitary sewer facilities.* All new or replacement sanitary sewer facilities shall be designed to eliminate infiltration of floodwaters into the systems up to the one (1%) percent annual chance (100-year) flood level and discharges from the systems into the floodwaters in accordance with the Commonwealth of Virginia, Department of Health, Sewage Collection and Treatment Regulations. In addition, they should be located and constructed to eliminate flood damage and impairment.

(b) *Water facilities.* All new or replacement water facilities shall be designed to eliminate infiltration of floodwaters into the systems and shall be located and constructed to minimize or eliminate flood damages.

(c) *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 on site waste disposal sites.

(d) *Septic tanks.* New or replacement septic tank drain fields shall be placed where they shall not be impaired or contaminated by a base flood. The Virginia Department of Health shall be consulted to verify compliance with this requirement.

(e) *Utilities.* All utilities, such as gas lines, electrical and telephone systems, being placed in floodprone areas should be located and constructed to eliminate the chance of impairment during a flooding occurrence.

(f) *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.

Sec. 24-600. Regulations for filling in flood fringe and approximated floodplain districts.

No permit shall be issued or approved until the site development plan for such fill meets the following requirements:

- (1) The filling of land shall be designed and constructed to minimize obstruction to and effect upon the flow of water and more particularly that:
 - a. Such fill will not result in any increase in flood levels during the occurrence of a one (1%) percent annual chance (100-year) flood discharge.
 - b. The flood-carrying capacity of the watercourse shall be maintained.
- (2) Fill shall be effectively protected against erosion by vegetative cover, riprap, gabions, bulkhead or other acceptable method. Any structure, equipment or material permitted shall be firmly anchored to prevent dislocation due to flooding;
- (3) Fill shall be of a material that will not pollute surface water or groundwater;
- (4) Where, in the opinion of the development manager or his designee additional topographic, engineering and other data or studies are necessary to determine the effects of flooding on a proposed structure or fill and/or the effect of such structure or fill on the flow of water in flood stage, the applicant shall submit such data or studies.

Sec. 24-601. Watercourse modification.

The Federal Insurance Administrator, adjacent jurisdictions and the Department of Conservation and Recreation, Division of Dam Safety and Floodplain Management shall be notified and all federal and state permits shall be obtained prior to the alteration or relocation of any watercourse. The flood-carrying capacity to such watercourse shall be maintained.

Sec. 24-602. Existing structures in floodplain districts.

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

- (1) Existing structures in the floodway district shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed expansion would not result in any increase in the one (1%) percent annual chance (100-year) flood elevation flood elevation;
- (2) Any modification, alteration, repair, reconstruction or improvement of any kind to an existing structure and/or use located in any floodplain area to an extent or amount of less than 50 percent of its market value shall be elevated to conform to the Virginia Uniform Statewide Building Code; and,
- (3) The substantial improvement of any kind to a structure and/or use, regardless of its locations in a floodplain area, to an extent or amount of 50 percent or more of its market value shall be undertaken only in full compliance with the provisions of these regulations and the Virginia Uniform Statewide Building Code and shall require that the entire structure be brought into full compliance with these provisions.

Sec. 24-603. Variances; factors to be considered.

(a) *Factors in passing upon applications for variance.* 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 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 one (1%) percent annual chance (100-year) flood elevation.
- (2) The danger that materials may be swept onto other lands or downstream to the injury of others.
- (3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
- (4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- (5) The importance of the services provided by the proposed facility to the community.
- (6) The requirements of the facility for a waterfront location.
- (7) The availability of alternative locations not subject to flooding for the proposed use.
- (8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

- (9) The relationship of the proposed use to the Comprehensive Plan and floodplain management program for the area.
 - (10) The safety of access by ordinary and emergency vehicles to the property in time of flood.
 - (11) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site.
 - (12) 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.
 - (13) Such other factors which are relevant to the purposes of this ordinance.
- (b) *Referral to qualified persons or agencies for technical assistance.* 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) *Factors considered in variance application review.* In reviewing all variance applications, the board of zoning appeals shall consider the following factors:
- (1) Increases in flood heights;
 - (2) Additional threats to public safety;
 - (3) Extraordinary public expense;
 - (4) Creation of nuisances;
 - (5) Fraud or victimization of the public; and
 - (6) Conflicts with local laws or ordinances.
- (d) *Issuance.* Variances shall be issued only after the board of zoning appeals has determined that variance will be the minimum required to provide relief from any hardship to the applicant.
- (e) *Notification of increased risk.* 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 one (1%) percent annual chance (100-year) flood elevation increases the risks to life and property and will result in increased premium rates for flood insurance.
- (f) *Records of variance actions.* 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 which are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

Secs. 24-604 - 24-613. Reserved.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-2, DEFINITIONS.

BE IT ORDAINED by the Board of Supervisors of the County of James City County, Virginia, that Chapter 24, Zoning is hereby amended and reordained by amending Article I, In General, Section 24-2, Definitions.

Sec. 24-2. Definitions.

Base flood. The flood having a one (1%) percent chance of being equaled or exceeded in any given year (formerly 100-year flood).

Base flood elevation. The Federal Emergency Management Agency (FEMA) designated one (1%) percent annual chance (100-year) water surface elevation.

Developable area. The total land area of the site minus resource protection area as defined in the Chesapeake Bay Preservation Ordinance, areas subject to flooding under the one (1%) percent annual chance (100-year) storm event (FEMA zones A, AE, AO, V, and VE), and areas of 1,000 square feet or greater containing steep slopes. (Refer to definition of “non-developable area” and “steep slopes.”)

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

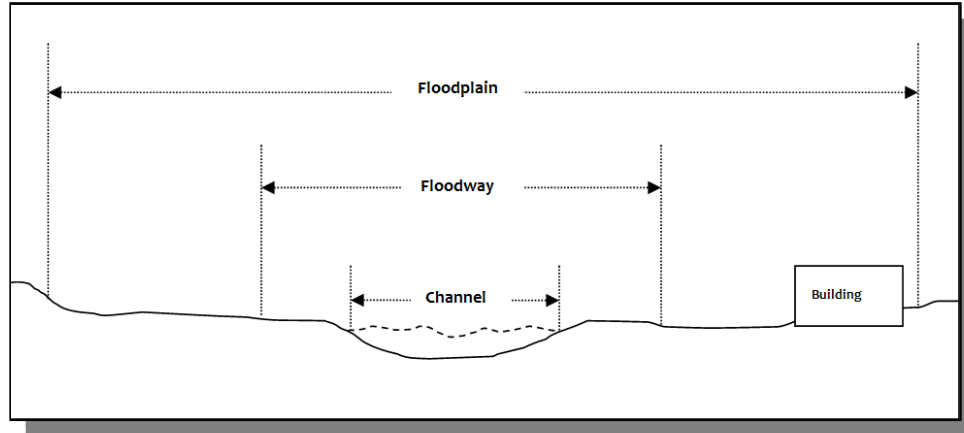
Encroachment. Solely for the purposes of Article VI, Overlay District, Division 3, Floodplain Area Regulations, this term shall mean the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow of capacity of a floodplain.

Existing Structure. Solely for the purposes of Article VI, Overlay District, Division 3, Floodplain Area Regulations, this term shall mean structures for which the start of construction commenced before the effective date of the FIRM on or before February 6, 1991.

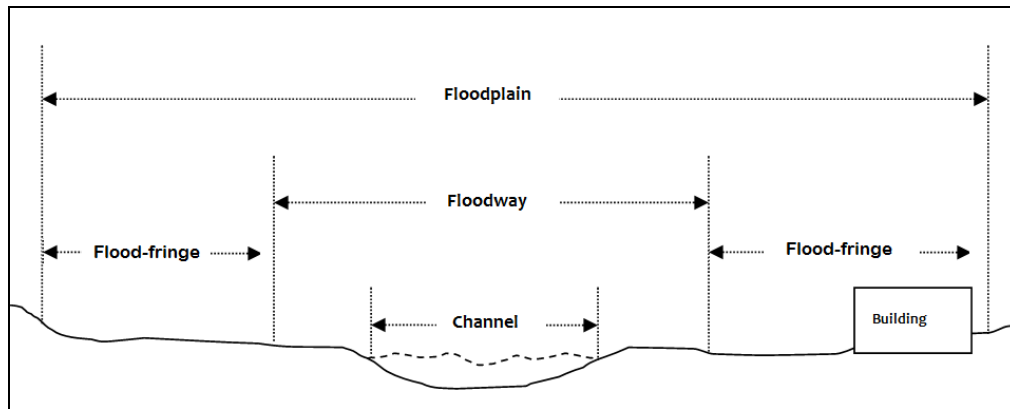
Flood Insurance Rate Map (FIRM). An official map of a community, on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study (FIS). A report by the Federal Emergency Management Agency that examines, evaluates and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudflow and/or flood-related erosion hazards.

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 one foot.



Freeboard. A factor of safety usually expressed in feet above a flood level for purposes of floodplain management also known as the design base flood elevation for building code purposes.

Highest adjacent grade. Solely for the purposes of Article VI, Overlay District, Division 3, Floodplain Area Regulations, this term shall mean the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure. Solely for the purposes of Article VI, Overlay District, Division 3, Floodplain Area Regulations, this term shall also mean 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 program 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 by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states with approved programs.

Hydrologic and Hydraulic Analysis. Analyses performed by a licensed professional engineer in accordance with standard engineering practices that are accepted by the Virginia Department of Conservation and Recreation and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

Non-developable area. Non-developable areas consist of all resource protection area as defined in the Chesapeake Bay Preservation Ordinance, areas subject to flooding under the one (1%) percent annual chance (100-year) storm event (FEMA zones A, AE, AO, V, VE, and Coastal A) , and areas of 1,000 square feet or greater containing steep slopes. (Refer to definition of “steep slopes.”)

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 a path of flooding is unpredictable and indeterminate and where velocity flows may be evident. Such Flooding is characterized by ponding or sheet flow.

Special flood hazard area. The land in the floodplain subject to one (1%) percent or greater chance (100-year) of being flood in any given year. The area may be designated as Zone A, AE, AO, Coastal A, V, or VE on the official Flood Insurance Rate Map (FIRM) for James City County and defined as follows:

“A” zones are areas subject to inundation by the one (1%) percent annual chance (100-year) flood event generally determined using approximate methodologies. Because detailed hydraulic analyses have not been performed, no base flood elevations or flood depths are shown.

“AE” zones are areas subject to inundation by the one (1%) percent annual chance (100-year) flood event determined by detailed methods. Base flood elevations are shown.

“AO” zones are areas subject to inundation by one (1%) percent annual chance (100-year) shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet.

Coastal A zones are areas that have been delineated as subject to wave heights between 1.5 feet and 3 feet and identified on the FIRM as AE areas that are seaward of the Limit of Moderate Wave Action (LiMWA) line.

“V” zones are areas along coasts subject to inundation by the one (1%) percent annual chance flood (100-year) event with additional hazards associated with storm-induced waves. Because detailed hydraulic analyses have not been performed, no base flood elevations or flood depths are shown.

“VE” zones are areas subject to inundation by the one (1%) percent annual chance flood (100-year) event with additional hazards due to storm-induced velocity wave action three feet or greater. Base flood elevations derived from detailed hydraulic analyses are shown.

Structure. Anything constructed or erected, the use of which required permanent location on the ground or attachment to something having a permanent location on the ground. The term structure shall not refer to fences, walls used as fences, mailboxes, retention walls, street signs, utility pedestals, docks or other features which are constructed or erected as determined by the zoning administrator. Solely for the purposes of Article VI, Overlay District, Division 3, Floodplain Area Regulations, this term shall also mean a walled and roofed building, including a gas or liquid storage tank that is principally above ground as well as a manufactured home.

Substantial improvement. Any reconstruction, rehabilitation, addition, or other improvement 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, 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.
- (3) Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined above, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

Violation. Solely for the purposes of Article VI, Overlay District, Division 3, Floodplain Area Regulations, this term shall mean the failure of a structure or other development to be fully compliant with the community's floodplain area regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required is presumed to be in violation until such time as the document is provided.

Virginia Erosion and Sediment Control Program (VESCP). A program approved by the State Water Control Board that has been established by a VESCP authority for the effective control of soil erosion, sediment deposition, and nonagricultural runoff associated with a land-disturbing activity to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources and shall include such items where applicable such as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan of development review, inspection, enforcement where authorized in the Virginia Erosion and Sediment Control Law and its attendant regulations and chapter 8 of the county code, and evaluation consistent with the requirements of the Virginia Erosion and Sediment Control Law and its attendant regulations and chapter 8 of the county code.

Virginia Stormwater Management Program (VSMP). A program approved by the State Water Control Board after September 13, 2011 that has been established by a VSMP authority to manage the quality and quantity of runoff resulting from land-disturbing activities and shall include such items as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan of development review, inspection, enforcement, where authorized in the Virginia Stormwater Management Act or associated regulations or chapter 8 of the county code, and evaluation consistent with the requirements of the Virginia Stormwater Management Act and associated regulations and chapter 8 of the county code.

CHP/nb
ZO-01-2015Definitions-ord-final

ITEM SUMMARY

DATE: 10/13/2015
TO: The Board of Supervisors
FROM: Jason Purse, Zoning Administrator
SUBJECT: Case No. ZO-0005-2015. Article VII-Appeals

Please find attached the final version of the proposed ordinance changes as discussed in Case No. ZO-0005-2015.

ATTACHMENTS:

Description	Type
Final Ordinance	Ordinance

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	9/24/2015 - 10:20 AM
Development Management	Kinsman, Adam	Approved	9/25/2015 - 2:20 PM
Publication Management	Burcham, Nan	Approved	9/25/2015 - 2:50 PM
Legal Review	Gowdy, Michelle	Approved	9/25/2015 - 4:49 PM
Board Secretary	Fellows, Teresa	Approved	9/28/2015 - 1:33 PM
Board Secretary	Kinsman, Adam	Approved	9/28/2015 - 2:04 PM
Board Secretary	Fellows, Teresa	Approved	9/28/2015 - 2:06 PM

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-2, DEFINITIONS; BY AMENDING ARTICLE VIII, APPEALS, DIVISION 2, BOARD OF ZONING APPEALS, SECTION 24-650, POWERS AND DUTIES; GRANTING OF VARIANCES; AND BY AMENDING ARTICLE VIII, APPEALS, DIVISION 3, REGULATIONS GOVERNING APPEALS, SECTION 24-666, PETITION FOR CERTIORARI TO REVIEW DECISION OF BOARD.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article I, In General, Section 24-2, Definitions; by amending Article VIII, Appeals, Division 2, Board of Zoning Appeals, Section 24-650, Powers and duties; granting of variances; and by amending Article VIII, Appeals, Division 3, Regulations Governing Appeals, Section 24-666, Petition for certiorari to review decision of board.

Chapter 24

ARTICLE I. IN GENERAL

Sec. 24-2. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

V

Variance. Variance means, in the application of the zoning ordinance, a reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land, or the size, height, area, bulk, or location of a building or structure when the strict application of the ordinance would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of the ordinance. It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional zoning.

Chapter 24

ARTICLE VIII. APPEALS

DIVISION 2. BOARD OF ZONING APPEALS

Sec. 24-650. Powers and duties; granting of variances.

The board of zoning appeals shall have the following powers and duties:

- (1) To hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of this chapter or of any ordinance adopted pursuant thereto.
- (2) To grant upon appeal or original application in specific cases a variance as defined in Va. Code § 15.2-2201 and section 24-2 of the county code; provided that the burden of proof shall be on the applicant for a variance to prove by a preponderance of the evidence that his application meets the defined standard for a variance and the following criteria:

- a. A variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of a variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, and
 1. The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;
 2. The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;
 3. The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance;
 4. The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property.
 5. The relief or remedy sought by the variance application is not available through the process for modification of a zoning ordinance pursuant to section 24-644 of the county code at the time of the filing of the variance application.
 - b. No such variance shall be considered except after notice and hearing as required by section 15.2-2204 of the Code of Virginia.
 - c. In granting a variance the board may impose such conditions regarding the location, character and other features of the proposed structure for use as it may deem necessary in the public interest and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.
- (3) To hear and decide appeals from the decision of the zoning.
- (4) To hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by any such question, and after a public hearing with notice as required by Va. Code § 15.2-2204, the board may interpret the map in such way as to carry out the intent and purpose of this chapter for the particular section or district in question. The board shall not have the power, however, to rezone property or substantially to change the locations of district boundaries as established by ordinance.

Sec. 24-651. Rules and regulations; meetings; compulsory attendance of witnesses; records.

The board of zoning appeals shall adopt rules and regulations as it may consider necessary. The meetings of the board shall be held at the call of its chairman or at such times as a quorum of the board may determine. The chairman or, in his absence, the acting chairman may administer oaths and compel the attendance of witnesses. The board shall keep minutes of its proceedings showing the vote of each member upon each question or if absent or failing to vote, indicating such fact. It shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record. All meetings of the board shall be open to the public. A quorum shall be at least three members.

Sec. 24-652. Vote required to reverse any order, etc., or to decide in favor of any appellant.

A favorable vote of three members of the board of zoning appeals shall be necessary to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant on any matter upon which the board is required to pass.

Secs. 24-653 - 24-662. Reserved.

DIVISION 3. REGULATIONS GOVERNING APPEALS

Sec. 24-663. Initiation and effect of appeal; restraining orders.

An appeal to the board of zoning appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the county affected by any decision of the zoning administrator. Such appeal shall be taken within 30 days after the decision appealed from by filing with the zoning administrator, and with the board, a notice of appeal specifying the grounds thereof. The zoning administrator shall forthwith transmit to the board all the papers constituting the record upon which the action appealed was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the zoning administrator certifies to the board that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case proceeding shall not be stayed otherwise than by a restraining order granted by the board or by a court of record, on application and on notice to the zoning administrator and for good cause shown.

Sec. 24-664. Procedure; deposit if public hearing required.

- (a) Appeals shall be mailed to the board of zoning appeals in care of the zoning administrator and a copy of the appeal shall be mailed to the secretary of the planning commission. A third copy should be mailed to the individual, official, department or agency concerned, if any.
- (b) Appeals requiring an advertised public hearing shall be accompanied by a certified check payable to the treasurer for the amount set forth in section 24-7.

Sec. 24-665. Public hearing; authority of board.

The board of zoning appeals shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof as well as due notice to the parties in interest and decide the matter within 90 days. In exercising its powers, the board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from.

Sec. 24-666. Petition for certiorari to review decision of board.

Petition to circuit court. Any person or persons jointly or severally aggrieved by any decision of the board of zoning appeals, or any aggrieved taxpayer or any officer, department, board or bureau of the county may present to the Circuit Court of James City County a petition in accordance with Va. Code § 15.2-2314 within 30 days after the final decision of the board.

ITEM SUMMARY

DATE: 10/13/2015
TO: Board of Supervisors
FROM: Darryl E. Cook, Stormwater Engineer
SUBJECT: Floodplain Management Plan - Annual Report

No action is required for this item. Receipt by the Board of the Floodplain Management Plan's Annual Progress Report is a requirement of the County's participation in the Federal Emergency Management Agency's Community Rating System (CRS). Participation in the CRS program allows County residents to receive flood insurance premium discounts. The current discount rate is 15%.

ATTACHMENTS:

Description	Type
☐ Memorandum	Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
Stormwater	Geissler, Fran	Approved	9/23/2015 - 4:51 PM
General Services	Horne, John	Approved	9/24/2015 - 7:34 AM
Publication Management	Burcham, Nan	Approved	9/24/2015 - 7:42 AM
Legal Review	Gowdy, Michelle	Approved	9/24/2015 - 8:32 AM
Board Secretary	Fellows, Teresa	Approved	9/24/2015 - 10:42 AM
Board Secretary	Kinsman, Adam	Approved	9/25/2015 - 2:20 PM
Board Secretary	Fellows, Teresa	Approved	9/25/2015 - 2:25 PM

MEMORANDUM

DATE: October 13, 2015
TO: The Board of Supervisors
FROM: Darryl E. Cook, Stormwater Engineer
SUBJECT: Floodplain Management Plan – Annual Report

No action is required for this item.

Receipt by the Board of the Floodplain Management Plan's Annual Progress Report is a requirement of the County's participation in the Federal Emergency Management Agency's (FEMA) Community Rating System (CRS). Participation in the CRS program allows County residents to receive flood insurance premium discounts. The current discount rate is 15%.

The Annual Report is available at jamescitycountyva.gov/floodplainreport.

DEC/nb
CRSProgram-mem