

ADOPTED

Oct 13 2015

Board of Supervisors
James City County, VA

ORDINANCE NO. 31A-299

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/100-year flood. A flood that, on the average, is likely to occur once every 100 years (i.e., that has a one percent chance of occurring each year although the flood may occur in any year). 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 100-year 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) 100-year storm event (FEMA zones A and, 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.

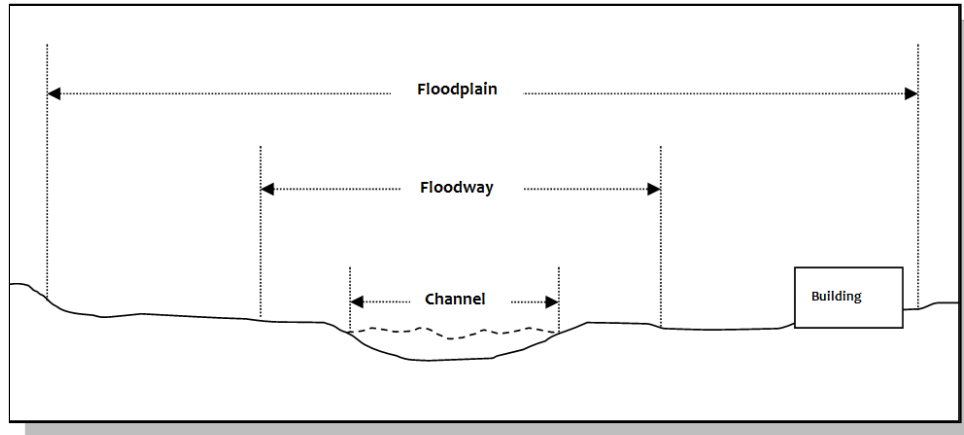
Existing Structure. Solely for the purposes of Article VI, Overlay District, Division 3, Floodplain Area Regulations, this term shall mean structures for which the start of construction commenced before the effective date of the FIRM on or before February 6, 1991.

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).

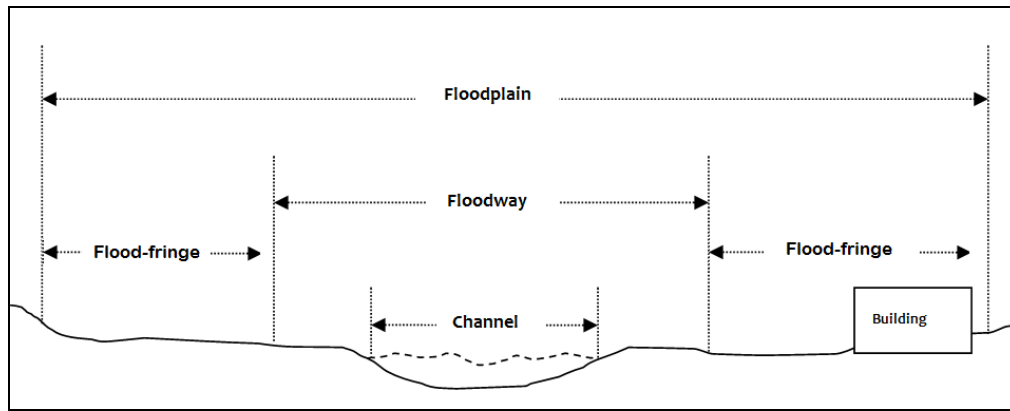
Flood Insurance Study (FIS). A report by the Federal Emergency Management Agency that examines, evaluates and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudflow and/or flood-related erosion hazards.

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.



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 ~~100-year~~ one (1%) percent annual chance (100-year) storm event (FEMA zones ~~A and AE~~ 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.

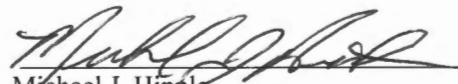
(3) Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined above, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement 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.*

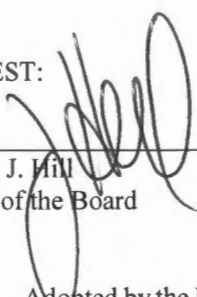
Virginia Erosion and Sediment Control Program (VESCP). A program approved by the State Water Control Board that has been established by a VESCP authority for the effective control of soil erosion, sediment deposition, and nonagricultural runoff associated with a land-disturbing activity to prevent the 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.


Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:



Bryan J. Hill
Clerk of the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
JONES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MCGLENNON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ONIZUK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
KENNEDY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HIPPLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of October, 2015.

ZO-01-2015Definitions-ord