

Bradley E. Grose, Mayor
William "Wes" Nance, Vice Mayor
I. Douglas Adams, Jr., Council Member
Robert R. Altice, Council Member
Matthew S. Hare, Council Member



Vinton Municipal Building
311 South Pollard Street
Vinton, VA 24179
(540) 983-0607

**Vinton Town Council
Regular Meeting
Council Chambers
311 South Pollard Street
Tuesday, April 15, 2014**

AGENDA

Consideration of:

A. 6:00 p.m. - WORK SESSION-BUDGET PRESENTATIONS

1. Finance
2. Human Resources
3. Economic Development
4. Vinton Business Center
5. Public Transportation
6. Town Manager
 - a. Operating Budget
 - b. Building and Grounds
7. Town Council
 - a. Operating Budget
 - b. Community Contributions
 - c. Joint Local Government Services

B. 7:00 p.m. - ROLL CALL AND ESTABLISHMENT OF A QUORUM

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE TO THE U. S. FLAG

E. UPCOMING COMMUNITY EVENTS/ANNOUNCEMENTS

F. CONSENT AGENDA

G. AWARDS, RECOGNITIONS, PRESENTATIONS

1. Officer of the Month for March 2014 – Officer Michael Byrd
2. Proclamation for Arbor Day
3. Proclamation for National Drinking Water Week
4. Proclamation for National Public Safety Telecommunicators Week

H. PUBLIC HEARINGS

JOINT PUBLIC HEARING WITH THE VINTON PLANNING COMMISSION

1. Consideration of public comments regarding the repeal of Division 11, FO Floodplain Overlay District, Sections 4-56 through 4-61, of Article IV, District Regulations, of Appendix B, Zoning, and the repeal of Chapter 42, Floods, of the Town Code in their entirety and the adoption of Division 13, FO Floodplain Overlay District, Sections 4-65 through 4-73, of Article IV, District Regulations, of Appendix B, Zoning for the purpose of enacting comprehensive changes to the Town's current floodplain overlay district regulations as recommended and required by the Virginia Department of Conservation and Recreation acting on behalf of and in cooperation with the Federal Emergency Management Agency. Provisions proposed for adoption as Division 13, include General Provisions [Section 4-65], Definitions [Section 4-66], Administration [Section 4-67], Boundary and Floodplain Overlay District Changes [Section 4-68], Establishment of Floodplain Overlay Districts [Section 4-69], District Provisions [Section 4-70], Permitted Uses by Right and By Special Use [Section 4-71], Existing Structures in Floodplain Areas [Section 4-72], and Variances: Factors to be Considered [Section 4-73]. Adoption of a conforming ordinance is required for the continued eligibility of the Town of Vinton's participation in the National Flood Insurance Program.
 - a. Report from Staff
 - b. Open Public Hearing
 - Receive public comments
 - Close Public Hearing
 - c. Council/Planning Commission discussion and questions
 - d. Planning Commission recommendation
 - e. Council to consider adoption of an Ordinance repealing Division 11, FO Floodplain Overlay District, Sections 4-56 through 4-61, of Article IV, District Regulations, of Appendix B, Zoning, and adopting Division 13, FO Floodplain Overlay District, Sections 4-65 through 4-73, of Article IV, District Regulations, of Appendix B, Zoning.
 - f. Council to consider adoption of Ordinance repealing Chapter 42, Floods.

2. PUBLIC HEARING

Receive comments concerning amendments to Division 4, Accessory Buildings and Temporary Buildings, Section 5-17.2, Temporary Family Health Care Structures., of Article V, Supplementary Regulations, of Appendix B, Zoning, of the Town Code.

- a. Report from Staff
- b. Open Public Hearing
 - Receive public comments
 - Close Public Hearing
- c. Council discussion and questions
- d. Council to consider adoption of an Ordinance

I. **CITIZENS' COMMENTS AND PETITIONS** - This section is reserved for comments and questions for issues not listed on the agenda.

J. **TOWN ATTORNEY**

K. TOWN MANAGER

ITEMS REQUIRING ACTION

1. Consider adoption of a Resolution appropriating funds in the amount of \$613.70 for the receipt of a check received for scrap metal property.
2. Consider adoption of a Resolution approving the 2014-2015 operating budget of the Roanoke Valley Resource Authority.
3. Consider items relating to 24-hour Fire/EMS services:
 - a. Building Renovations
 - b. Update on Fire/EMS services

BRIEFING

1. Overview of Town Manager's Recommended Budget

UPDATE ON OLD BUSINESS

L. MAYOR

1. Consider nominations for the 2014 VML Policy Committees

M. COUNCIL

N. ADJOURNMENT

NOTICE OF INTENT TO COMPLY WITH THE AMERICANS WITH DISABILITIES ACT. Reasonable efforts will be made to provide assistance or special arrangements to qualified individuals with disabilities in order to participate in or attend Town Council meetings. Please call (540) 983-0607 at least 48 hours prior to the meeting date so that proper arrangements may be made.

NEXT TOWN COMMITTEE/COUNCIL MEETINGS/EVENTS:

April 17, 2014 – 4:00 p.m. – Town of Vinton Arbor Day Celebration – Craig Avenue Recreation Center

April 29, 2014 – 6:00 p.m. – Special Meeting – Budget Work Session – Council Chambers



Town Council Agenda Summary

Meeting Date

April 15, 2015

Department

Administration

Issue

Budget Presentations:

1. Finance
2. Human Resources
3. Economic Development
4. Vinton Business Center
5. Public Transportation
6. Town Manager
 - a. Operating Budget
 - b. Building and Grounds
7. Town Council
 - a. Operating Budget
 - b. Community Contributions
 - c. Joint Local Government Services

Summary

Council will be briefed on these budget items.

Attachments

None

Recommendations

No action required



Town Council Agenda Summary

Meeting Date

April 15, 2014

Department

Police

Issue

Officer of the Month for March 2014 - Officer Michael Byrd

Summary

Officer Byrd was selected as Officer of the month for March and will be recognized at the meeting

Attachments

Memo from Chief Cook

Recommendations

Read Memo



Vinton Police Department

311 SOUTH POLLARD STREET
VINTON, VIRGINIA 24179

PHONE (540) 983-0617
FAX (540) 983-0624

BENJAMIN L. COOK
CHIEF OF POLICE

A State Accredited Agency

To: Michael Byrd, Police Officer

From: Benjamin L. Cook, Chief of Police BLC

Date: April 4, 2014

Subject: Officer of the Month – March 2014

Congratulations! You have been nominated and selected as Officer of the Month for March, 2014. On March 15th, you stopped a vehicle for fail to maintain lane. During the course of the investigation, you arrested the vehicle operator for driving under the influence of drugs. The suspect also had an 8 year old child with him which greatly added to the seriousness of this incident. In addition, there were many items located in the suspect's car, and further investigation by Officers Quesinberry and Spence who were also on scene, found that the property had just been stolen from the Bonsack Walmart. Roanoke County Police were contacted to take over this portion of the investigation. You charged the suspect with DUID, contributing to the delinquency of a minor, and driving suspended. Roanoke County PD subsequently charged the subject with theft.

This traffic stop came at the very end of a special assignment shift you were working which was focused on drunk and drugged driving enforcement. Your diligence and response to what seemed to be a traffic infraction led to the arrest of this suspect who was endangering others on the road as well as the small child in the vehicle with him. Additionally, a theft case was solved in another jurisdiction. I want to thank you for your continued good work and you are well deserving of this recognition.



Town Council Agenda Summary

Meeting Date

April 15, 2014

Department

Planning and Zoning Department

Issue

The Town of Vinton has been designated as a Tree City USA for the past 12 years. In order to retain the Tree City USA designation, the Town is required to hold an Arbor Day Celebration, along with tree plantings and tree education outreach.

Staff has been responsible for securing grant funding for the past 13 years from Valley Beautiful Foundation, Inc., with the Town providing the required matching funds. These funds have enabled the Town to plant trees on public properties, including area elementary schools, the Wolf Creek Greenway, M.A. Banks Park, the Vinton Public Works grounds, the Vinton War Memorial grounds, and the Vinton Municipal Building grounds.

For this year's 2014 Arbor Day Celebration, five Allee Elm trees will be planted in the open space area behind the Craig Avenue Recreation Center to provide shade for the recreation center users and their parents. Additionally, for the matching funds requirements, additional trees were planted in the Fall of 2013 in the area adjacent to the Town's drive-thru for the enjoyment of our customers during their financial transactions with Town employees.

We will be holding the 2014 Arbor Day Celebration on Thursday, April 17th at 4:00 p.m. at the Craig Avenue Recreation Center, which will include a ceremonial tree planting with the after-school children who attend the Center. Please make plans to join us. Refreshments will be served after the program and ceremonial tree planting.

Summary

None

Attachments

Arbor Day Proclamation
Invitation
Program for the Vinton 2014 Arbor Day Celebration

Recommendations

Read Proclamation



PROCLAMATION

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees are a renewable source giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our town increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW, THEREFORE, I, Bradley E. Grose, Mayor of the Town of Vinton, and on behalf of Town Council and all our citizens, do hereby proclaim April 17, 2014, as "**ARBOR DAY**" in the Town of Vinton, and urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

IN WITNESS WHEREOF, I have set my hand and caused the seal of the Town of Vinton, Virginia to be affixed on this 15th of April, 2014.

Bradley E. Grose, Mayor

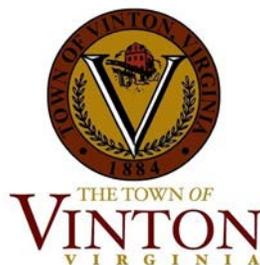


You are Cordially Invited to
Attend the Town of Vinton's
Arbor Day Celebration
on Thursday, April 17, 2014,
from 4 p.m. to 5 p.m.
at the Craig Avenue Recreation
Center, 900 Chestnut Street
IN VINTON.

For More Information:
Call 540-983-0601

PLAY
VINTON

ARE YOU IN?



ARBOR DAY 2014 CELEBRATION

Craig Avenue Recreation Center

Thursday, April 17, 2014

4:00 P.M.

PROGRAM

WELCOME AND INTRODUCTION OF GUESTS

Chris Lawrence, Town Manager
Town of Vinton

RECOGNITION OF CONTRIBUTORS AND VOLUNTEERS

Chris Lawrence, Town Manager

Clean Valley Council, Valley Beautiful, Craig Avenue Recreation Center
After-School Children and Personnel, and Vinton Planning/Zoning and
Roanoke County Parks, Recreation, and Tourism Departments

ARBOR DAY PROCLAMATION

Bradley E. Grose, Mayor, Town of Vinton

GUESTS' REMARKS

Bradley E. Grose, Mayor, Town of Vinton
Doug Blount, Director, Roanoke County Parks,
Recreation and Tourism

ARBOR DAY PROGRAM

Craig Avenue Recreation Center After-School Children
Denny McCarthy, Senior Area Forester
With Special Guest, Smokey Bear
Virginia Department of Forestry

CLOSING REMARKS AND CEREMONIAL TREE PLANTING

Chris Lawrence, Town Manager





Town Council Agenda Summary

Meeting Date

April 15, 2014

Department

Public Works

Issue

Proclamation – National Drinking Water Week

Summary

The American Water Works Association (AWWA) advocates the recognition and celebration of Drinking Water Week in all cities, counties, and towns across the U.S. This week has been recognized by AWWA for more than 35 years. The value of water should not be underestimated.

- Water delivers Public Health Protection. The first obligation of any waterworks is to provide safe water. In the United States, we can drink from any public tap with a high assurance of safety. An estimated 3 million people around the world die every year from waterborne diseases such as cholera and dysentery.
- Water delivers Support for the Economy. Businesses or housing developments do not succeed without a safe and sustainable water supply. Tap water is critical to businesses' day-to-day operations and is often a primary ingredient in the products they create. The incredible value of water is magnified during times of drought and when populations expand into arid climates.
- Water delivers Fire Protection. A well-maintained water system is critical in protecting our community from the ever present threat of fire. A system that provides reliable water at adequate pressure can be the difference between a small fire and an urban inferno. The ability to suppress fires also influences new home construction, business location decisions, and insurance rates.
- Water delivers Quality of Life. We too often take for granted that safe water is always accessible to drink, to wash clothes, to water lawns, and for a myriad of other purposes. When water service is interrupted, we are reminded of the extraordinary value of water.

We in Vinton are blessed with an abundant supply of safe water. We are also the beneficiaries of past generations who made the sacrifices to drill the wells, erect the storage tanks, and build the distribution system that delivers water to us today. We have an obligation to future generations of citizens to make the necessary infrastructure investments to assure the long-term delivery of safe and reliable water.

Attachments

Proclamation

Recommendations

Read Proclamation



PROCLAMATION

WHEREAS, water is one of our most valuable resources; and

WHEREAS, only tap water delivers public health protection, fire protection, support for our economy, and the quality of life we enjoy; and

WHEREAS, any measure of a successful society – low mortality rates, economic growth and diversity, productivity, and public safety – are in some way related to access to safe water; and

WHEREAS, we are all stewards of the water infrastructure upon which future generations depend; and

WHEREAS, each citizen of our community is called upon to help protect our source waters from pollution, to practice water conservation, and to get involved in local water issues.

NOW, THEREFORE, I, Bradley E. Grose, Mayor of the Town of Vinton, and on behalf of Town Council and all our citizens, do hereby proclaim May 4 to May 10, 2014 as “**NATIONAL DRINKING WATER WEEK**” in the Town of Vinton.

IN WITNESS WHEREOF, I have set my hand and caused the seal of the Town of Vinton, Virginia to be affixed on this 15th day of April, 2014.

Bradley E. Grose, Mayor



Town Council Agenda Summary

Meeting Date

April 15, 2014

Department

Mayor/Police

Issue

Proclamation for National Public Safety Telecommunicators week

Summary

The week of April 13 through April 19, 2014 has been declared "National Public Safety Telecommunicators Week" by the Senate and House of Representatives of the United States of America. The Town of Vinton would like to recognize the Communications Officers of the Roanoke County Emergency Communications Center, who serve the Town of Vinton and Roanoke County faithfully and professionally with a proclamation for their service.

Attachments

Proclamation

Recommendations

Read and present Proclamation



PROCLAMATION

WHEREAS, the week of April 13 through 19, 2014, has been declared "National Public Safety Telecommunicators Week" by the Senate and House of Representatives of the United States of America; and

WHEREAS, the President of the United States issued a proclamation calling upon the people of the United States to observe that week with appropriate ceremonies and activities; and

WHEREAS, problems of crime, fire and other disasters touch and affect all segments of our society, and if unabated, can undermine and erode both moral and economic strengths of our community; and

WHEREAS, men and women are engaged in the operation of emergency response systems for the Town of Vinton; and

WHEREAS, these professionals are responsible for responding to stressful telephone calls from the general public for police, fire, and emergency medical assistance, and for calmly and professionally dispatching appropriate assistance to help save the lives and property of our citizens; and

WHEREAS, our Communications Officers daily serve the public in countless ways without recognition by the beneficiaries of their services.

NOW, THEREFORE, I, Bradley E. Grose, Mayor of the Town of Vinton, and on behalf of Town Council and all our citizens, do hereby proclaim **April 13-19, 2014** as "**NATIONAL PUBLIC SAFETY TELECOMMUNICATORS WEEK**" in the Town of Vinton, and call upon the citizens of the County of Roanoke to observe this week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have set my hand and caused the seal of the Town of Vinton, Virginia to be affixed on this 15th of April, 2014.

Bradley E. Grose, Mayor



Town Council Agenda Summary

Meeting Date

April 15, 2014

Department

Planning and Zoning

Issue

Hold a joint public hearing with the Vinton Planning Commission to receive comments concerning the repeal of Division 11, FO Floodplain Overlay District, Sections 4-56 through 4-61, of Article IV, District Regulations, of Appendix B, Zoning, and the repeal of Chapter 42, Floods, of the Town Code in their entirety and the adoption of Division 13, FO Floodplain Overlay District, Sections 4-65 through 4-73, of Article IV, District Regulations, of Appendix B, Zoning for the purpose of enacting comprehensive changes to the Town's current floodplain overlay district regulations as recommended and required by the Virginia Department of Conservation and Recreation (VA DCR) acting on behalf of and in cooperation with the Federal Emergency Management Agency (FEMA). Provisions proposed for adoption as Division 13, include General Provisions [Section 4-65], Definitions [Section 4-66], Administration [Section 4-67], Boundary and Floodplain Overlay District Changes [Section 4-68], Establishment of Floodplain Overlay Districts [Section 4-69], District Provisions [Section 4-70], Permitted Uses by Right and By Special Use [Section 4-71], Existing Structures in Floodplain Areas [Section 4-72], and Variances: Factors to be Considered [Section 4-73]. Adoption of a conforming ordinance is required for the continued eligibility of the Town of Vinton's participation in the National Flood Insurance Program (NFIP).

Summary

During a joint Town Council and Planning Commission work session held on March 4th, members were briefed of the need to amend the Town's zoning ordinance to conform and meet the requirements of the National Flood Insurance Program (NFIP). During a Community Assistance Visit (CAV) with FEMA and VA DCR personnel on July 18, 2013, staff was informed that our current floodplain ordinance does not meet the requirements of the NFIP program. The town was given until April, 2014, to bring the ordinance into compliance or risk not being able to participate in the NFIP.

Due to the nature of the amendments, the current floodplain ordinance in Division 11 is being repealed and will be re-enacted as Division 13.

Also, at the time that *Division 11, FO Floodplain Overlay District, Sections 4-56 through 4-61, of Article IV, District Regulations, of Appendix B, Zoning*, was adopted in 2007, Chapter 42, Floods, should have been repealed. This Chapter is also being repealed by a separate Ordinance.

Attachments

Ordinance
Ordinance repealing Chapter 42, Floods

Recommendations

Separate motions to adopt Ordinances

ORDINANCE NO.

AT A REGULAR MEETING OF THE VINTON TOWN COUNCIL, HELD ON TUESDAY, APRIL 15, 2014, AT 7:00 P.M., IN THE COUNCIL CHAMBERS OF THE VINTON MUNICIPAL BUILDING, 311 SOUTH POLLARD STREET, VINTON, VIRGINIA.

AN ORDINANCE TO REPEAL DIVISION 11, FO FLOODPLAIN OVERLAY DISTRICT, OF ARTICLE IV, DISTRICT REGULATIONS, OF APPENDIX B, ZONING, OF THE TOWN CODE, AND REPLACE DIVISION 11 IN ITS ENTIRETY BY ADOPTING AND ENACTING DIVISION 13, FO FLOODPLAIN OVERLAY DISTRICT, OF ARTICLE IV, DISTRICT REGULATIONS, OF APPENDIX B, ZONING, OF THE TOWN CODE.

WHEREAS, the Town of Vinton is a participating community in the National Flood Insurance Program, which allows property owners to purchase flood insurance to protect their property against the hazard of flooding; and

WHEREAS, the Town must maintain a floodplain management ordinance that meets the regulations mandated by the Federal Emergency Management Agency; and

WHEREAS, the Town was informed on July 19, 2013, by the Federal Emergency Management Agency that the Town's current floodplain management ordinance does not comply with their regulations; and,

WHEREAS, the Town's Planning and Zoning Department reviewed and prepared an ordinance to update the floodplain regulations contained in the Town's Zoning Ordinance, and briefed the Planning Commission and Town Council during a joint work session on March 4, 2014 concerning same; and,

WHEREAS, the Planning Commission and Town Council held a joint public hearing on April 15, 2014, after giving notice in accordance with §15.2-2204, Code of Virginia, as amended.

NOW, THEREFORE, BE IT ORDAINED that the Vinton Town Council does hereby repeal Division 11, FO Floodplain Overlay District, of Article IV, District Regulations, of Appendix B, Zoning, of the Town Code and replaces Division 11 in its entirety by adopting and enacting Division 13, FO Floodplain Overlay District, of Article IV, District Regulations, of Appendix B, Zoning, of the Town Code, as follows:

APPENDIX B – ZONING

* * *

ARTICLE IV. – DISTRICT REGULATIONS

* * *

~~DIVISION 11. FO FLOODPLAIN OVERLAY DISTRICT~~

~~Sec. 4-56. General provisions.~~

- ~~(a) Purpose. The purpose of these provisions is 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, will cause unacceptable increases in flood heights, velocities, and frequencies;~~
 - ~~(2) Restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding;~~
 - ~~(3) Requiring all those uses, activities, and developments that do occur in floodprone districts to be protected and/or floodproofed 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) Applicability and administration.~~
- ~~(1) These provisions shall apply to all lands within the jurisdiction of the town and identified as being within a floodplain by the Federal Insurance Administration, as stipulated in this division.~~
 - ~~(2) These provisions shall supersede any regulations currently in effect in floodplain areas. Where conflict exists between these provisions and those of any underlying zoning districts, the more restrictive provisions shall apply.~~
 - ~~(3) In the event any provision concerning a floodplain area is declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the basic underlying zoning district provisions shall remain applicable.~~
- ~~(c) Compliance and liability.~~
- ~~(1) 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 division and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this division.~~
 - ~~(2) The degree of flood protection sought by the provisions of this division 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 manmade or natural causes, such as ice jams and bridge openings restricted by debris.~~

~~This division does not imply that areas outside the floodplain areas or that land uses permitted within such areas will be free from flooding or flood damages.~~

~~(3) Records of actions associated with administering this division will be kept on file and maintained by the administrator.~~

~~(4) This division shall not create liability on the part of the town or any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.~~

~~(d) Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this division shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this division. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this division are hereby declared to be severable.~~

Sec. 4-57. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Base flood. The flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation (BFE). The 100-year water surface elevation of the one percent annual chance flood designated by the Federal Emergency Management Agency.

Basement. Any area of the building having its floor subgrade (below ground level) on all sides.

Board of zoning appeals. The board appointed to review appeals made by individuals with regard to decisions of the zoning administrator in the interpretation of this division.

Development. Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

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

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

Flood or flooding. A general or temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters; or the unusual and rapid accumulation or runoff of surface waters from any source; or the collapse or subsistence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by

~~waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood, or by some similarly unusual and unforeseeable event which results in flooding as defined in this definition.~~

~~*Floodplain or floodprone area.* Any land area susceptible to being inundated by water from any source.~~

~~*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 a designated height.~~

~~*Freeboard.* A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.~~

~~*Historic structure.* 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 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 the Interior in states without approved programs.~~~~

~~*Lowest floor.* The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of Federal Code 44CFR §60.3.~~

~~*Recreational vehicle.* A vehicle which is:~~

- ~~(1) Built on a single chassis;~~
- ~~(2) Four hundred square feet or less when measured at the largest horizontal projection;~~

- ~~(3) Designed 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 temporary living quarters for recreational camping, travel, or seasonal use.~~

~~*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 the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.~~

~~*Special flood hazard area.* The area in the floodplain subject to a one percent or greater chance of being flooded in any given year as determined in section 4.58 of this division.~~

~~*Start of construction.* The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation on the property of accessory 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 the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.~~

~~*Substantial damage.* 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 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.~~

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

Sec. 4-58. Delineation of areas.

~~(a) *Basis of areas.* The various floodplain districts shall include areas subject to inundation by waters of the 100-year flood. The basis for the delineation of these districts shall be the flood insurance study for the town prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated September 28, 2007. These areas are more specifically defined as follows:~~

- ~~(1) The floodway area is delineated for purposes of this division, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the 100-year flood without increasing the water surface elevation of that flood more than one foot at any point. The areas included in this district are specifically defined and shown on the flood boundary and floodway map accompanying the flood insurance study.~~
- ~~(2) The flood fringe area shall be those areas of the 100-year floodplain not included in the floodway; identified as an AE zone on the maps accompanying the flood insurance study that are not included in the floodway area.~~

~~(b) *Creation of overlay concept.*~~

- ~~(1) The floodplain areas described above shall be an overlay to the existing underlying zoning districts as shown on the official zoning map, and, as such, the provisions for the floodplain areas shall serve as a supplement to the underlying zoning district provision.~~
- ~~(2) Any conflict between the provisions or requirements of the floodplain areas and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain areas shall apply.~~
- ~~(3) In the event any provision concerning a floodplain area is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.~~
- ~~(4) The boundaries of the floodplain areas are established as shown on the flood insurance rate map which is declared to be part of this division and which shall be kept on file in the office of the administrator.~~

~~(c) *Floodplain boundary changes and interpretation.*~~

- ~~(1) The delineation of any of the floodplain areas may be revised by the town council where natural or manmade changes have occurred and/or where more detailed studies have been conducted or undertaken by the U.S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change.~~

~~However, prior to any such change, approval must be obtained from the Federal Insurance Administration.~~

- ~~(2) Initial interpretations of the boundaries of the floodplain areas shall be made by the administrator. Should a dispute arise concerning the boundaries of any of the areas, the board of zoning appeals shall make the necessary determination. The person questioning or contesting the location of the floodplain area boundary shall be given an opportunity to present his case to the board and to submit his/her own technical evidence. Procedures for such appeals shall be as outlined in article IX, division 2, section 9-11 of the zoning ordinance.~~

Sec. 4-59. Area provisions.

~~(a) Floodplain Area General Provisions.~~

- ~~(1) *Permit requirement.* All uses, activities, and development occurring within any floodplain area shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of this division and with all other applicable codes and ordinances, such as the Virginia Uniform Statewide Building Code and the town subdivision regulations. Prior to the issuance of any such permit, the administrator shall require all applications to include compliance with all federal and state laws. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways or any watercourse, drainage ditch, or any other drainage facility or system.~~
- ~~(2) *Alteration or relocation of watercourse.* Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within the town, a permit shall be obtained from the U.S. Corps of Engineers, the Virginia Department of Environmental Quality (DEQ), and the Virginia Marine Resources Commission (a joint permit application is available for any of these organizations). Furthermore, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, Division of Dam Safety and Floodplain Management, and the Federal Emergency Management Agency.~~
- ~~(3) The lowest floor elevation of any new residential structures constructed within a floodplain area shall be at least two feet above flood elevation. The lowest floor elevation of any new nonresidential structure constructed within a floodplain area shall be at least one foot above base flood elevation, unless such structure is floodproofed. In addition, no existing structure shall be modified, expanded or enlarged unless the new construction complies with this standard.~~
- ~~(4) *Site plans and permit applications.* All applications for development in the floodplain area and all building permits issued for the floodplain shall incorporate the following information:
 - a. For structures to be elevated, the elevation of the lowest floor, including basement.
 - b. For structures to be floodproofed (nonresidential only), the elevation to which the structure will be floodproofed.
 - c. The elevation of the 100-year flood.
 - d. Topographic information showing existing and proposed ground elevations.~~
- ~~(5) For all new subdivisions which adjoin or include floodplain areas identified in the flood insurance study, the base flood elevation shall be shown on the final record plat.~~
- ~~(6) *Recreational vehicles.* All recreational vehicles located in a Federal Emergency Management Agency designated floodplain shall either:
 - a. Be on the site for fewer than 180 consecutive days, be fully licensed and inspected, and ready for highway use; or~~

- ~~b. Meet the minimum permit requirements for placement and the elevation and anchoring requirements for manufactured homes as contained in the Virginia Uniform Statewide Building Code.~~
- ~~c. 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.~~

~~(b) Floodway area.~~

- ~~(1) In the floodway, no development shall be permitted except where the effect of such development on flood heights is fully offset by accompanying improvements which have been approved by all appropriate authorities as required above.~~
- ~~(2) The placement of any manufactured home, except in an existing manufactured home park within the floodway is specifically prohibited.~~
- ~~(3) In the floodway, the following uses, types, and activities are permitted, provided that they are in compliance with the provisions of the underlying zoning district and are not prohibited by any other ordinance and provided that no specific land use requires any type of structure, fill, or storage of materials and equipment:~~
 - ~~a. Agricultural uses, such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.~~
 - ~~b. Public and private recreational uses and activities, such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, horseback riding and hiking trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges, and hunting and fishing areas.~~
 - ~~c. Accessory residential uses, such as yard areas, gardens, play areas, and pervious loading areas.~~
 - ~~d. Accessory industrial and commercial uses, such as yard areas, pervious parking and loading areas, airport landing strips, etc.~~
 - ~~e. Mobile homes are permitted only in an existing mobile home park.~~
- ~~(4) The following uses and activities may be permitted by special use pursuant to article VII, division 4 of the town zoning ordinance provided that they are in compliance with the provisions of the underlying zoning district and are not prohibited by this or any other ordinance:~~
 - ~~a. Structures (except for manufactured homes) accessory to the uses and activities by right, above.~~
 - ~~b. Certain utilities and public utilities and improvements such as pipelines, water and sewage treatment plants, and other similar or related uses.~~
 - ~~c. Water related uses and activities such as marinas, docks, wharves, piers, etc.~~
 - ~~d. Extraction of sand, gravel and other materials (where no increase in level of flooding or velocity is caused thereby).~~

- e. ~~Storage of materials and equipment provided that they are not buoyant, flammable or explosive, and are not subject to major damage by flooding, or provided that such material and equipment is firmly anchored to prevent floatation or movement, and/or can be readily removed from the area within the time available after flood warning.~~
- f. ~~Other similar uses and activities provided they cause no increase in flood heights and/or velocities. All uses, activities, and structural development, shall be undertaken in strict compliance with the floodproofing provisions contained in all other applicable codes and ordinances.~~

~~(c) *Flood fringe, special floodplain, and approximated floodplain areas.*~~

- ~~(1) In the flood fringe, special floodplain, and approximated floodplain areas, the development and/or use of land shall be permitted in accordance with the regulations of the underlying zoning district, provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the floodproofing and related provisions contained in the Virginia Uniform Statewide Building Code and all other applicable codes and ordinances.~~
- ~~(2) However, in the special floodplain and the approximated floodplain areas, the applicant and/or developer shall evaluate the effects of the proposed development and/or use of land on the floodplain with current hydrologic and hydraulic engineering techniques. The applicant and/or developer shall submit studies, analysis, computations, etc. to show the delineation of a floodway based on the requirement that all existing and future development not increase the 100-year flood elevation more than one foot at any one point. The engineering principle, equal reduction of conveyance, shall be used to make the determination of increased flood heights.~~

~~(d) *Procedures for special uses in floodways.*~~

- ~~(1) Any use listed as permitted with special use in a floodway shall be allowed only after application to the town council. All such applications shall be reviewed pursuant to the procedures outlined in article VII, division 4 of the town zoning ordinance. In addition to information required by article VII, division 4, all application shall include the following:~~
 - ~~a. Plans in triplicate drawn to scale of not less than one inch to 100 feet horizontally showing the location, dimension, and contours (at five foot intervals) of the lot, existing and proposed structures, fill, storage areas, water supply, sanitary facilities, and relationship of the floodway to the proposal.~~
 - ~~b. A typical valley cross section as necessary to adequately show the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and 100-year flood elevation.~~
 - ~~c. A profile showing the slope of the bottom of the channel or flow line of the stream.~~
 - ~~d. A summary report, prepared by professional engineers or others of demonstrated qualifications, evaluating the proposed project in relation to flood heights and velocities; the seriousness of flood damage to the use; and other pertinent technical matters.~~

- e. ~~A list of names and addresses of adjoining property owners.~~
- (2) ~~In acting upon such applications, the planning commission and the town council shall consider all relevant factors specified in other sections of this article and:~~
 - a. ~~The danger to life and property due to increased flood heights or velocities caused by encroachments. No special use shall be granted for any proposed use, development, or activity within the floodway that will cause any increase in flood levels during the 100-year flood.~~
 - b. ~~The danger that materials may be swept on to 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 and the effect of such damage on the individual owners.~~
 - e. ~~The importance of the services provided by the proposed facility to the town.~~
 - 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 floodplain management program for the town.~~
 - j. ~~The safety of access to the property in times of flood for ordinary and emergency vehicles.~~
 - k. ~~Such other factors which are relevant to the purpose of this division.~~
- (e) ~~*Design criteria for utilities and facilities:*~~
 - (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 floodwaters into the systems and discharges from the systems into the floodwaters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.~~
 - (2) ~~*Water facilities.* All new or replacement water facilities shall be designed to minimize or eliminate infiltration of floodwaters into the system and be located and constructed to minimize or eliminate flood damages.~~
 - (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 on-site waste disposal sites. The town 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.~~

- ~~(4) *Utilities.* All utilities, such as gas lines, electrical and telephone systems being placed in floodprone areas should be located, elevated (where possible), and constructed to minimize the chance of impairment during a flooding occurrence.~~
- ~~(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.~~

Sec. 4-60. Variances.

- ~~(a) The board of zoning appeals may consider variances to the requirements of this section, under the following guidelines and conditions and shall satisfy relevant factors and procedures specified in other sections of this appendix:
 - ~~(1) The danger to life and property due to increased flood heights or velocities caused by encroachments. Variances may not be considered within any floodway area if any increase in flood levels during the 100-year flood would result.~~
 - ~~(2) Variance requests may be granted for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or a State Inventory of Historic Places without regard to the procedures set forth in this section.~~
 - ~~(3) Variances may be considered for new construction and substantial improvements to be erected on a lot contiguous and surrounded by lots with existing structures constructed below the 100-year flood level using the guidelines set forth in subsection [4-59\(d\)\(2\)b.](#) above.~~~~
- ~~(b) 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. Variances shall be issued only after the board of zoning appeals has determined that the granting of such will not result in:
 - ~~(1) Unacceptable or prohibited increases in flood heights;~~
 - ~~(2) Additional threats to public safety;~~
 - ~~(3) Extraordinary public expense;~~
 - ~~(4) Creation of nuisances;~~
 - ~~(5) Fraud on or victimization of the public; or~~
 - ~~(6) Conflict with local laws or ordinances.~~~~
- ~~(c) Variances shall be issued only after the board of zoning appeals has determined that the variance will be the minimum required to provide relief from any hardship to the applicant. 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 100-year flood elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance. 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 Administration.~~

~~Sec. 4-61. Existing structures in floodplain areas.~~

~~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) Existing structures and/or uses located in the floodway area 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 or enlargement on flood heights is fully offset by accompanying improvements.~~
- ~~(b) Any modifications, alteration, repair, reconstruction, or improvement of any kind to a 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 and/or floodproofed to the greatest extent possible.~~
- ~~(c) Any modification, alteration, repair, reconstruction, or 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 this division and the Virginia Uniform Statewide Building Code.~~

* * *

DIVISION 13. FO FLOODPLAIN OVERLAY DISTRICT

Section 4-65. General provisions

- (a) Statutory Authorization and Purpose. This ordinance is adopted pursuant to the authority granted to localities by § 15.2-2280, Code of Virginia. The purpose of these provisions is 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, will cause unacceptable increases in flood heights, velocities, and frequencies;
 - (2) Restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding;
 - (3) Requiring all those 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 unsuitable for their intended purpose because of flood hazards.
- (b) Applicability. These provisions shall apply to all privately and publicly owned lands within the jurisdiction of the Town of Vinton (hereafter referred to as “town”) and identified as areas of special flood hazard according to the flood insurance rate map (FIRM) that is provided to the town by the Federal Emergency Management Agency (FEMA).
- (c) Compliance and Liability.
 - (1) 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 this ordinance.
 - (2) 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, but does not imply total flood protection. 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 districts outside the floodplain district areas or land uses permitted within such district will be free from flooding or flood damages.
 - (3) The provisions herein shall not create liability on the part of the town or any officer or employee thereof for any flood damage that may result from reliance on these regulations or any administrative decision lawfully made thereunder.
- (d) Records. Records of actions associated with administering this ordinance shall be kept on file and maintained by the floodplain administrator.
- (e) Abrogation and Greater Restrictions.
 - (1) These floodway overlay district ordinance supersedes any ordinance currently in effect in flood-prone areas. Any underlying zoning district regulations, however, shall remain in full force and effect to the extent that its provisions are more restrictive.
 - (2) In the event any provision concerning a floodplain area is declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the basic underlying zoning district provisions shall remain applicable.
- (f) Severability. 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.

- (g) Penalty for Violations. Any person who fails to comply with any of the requirements or provisions of this article or directions of the floodplain administrator or any authorized employee of the town shall be guilty of the appropriate violation and subject to the penalties therefore.

The Virginia Uniform Statewide Building Code (VA USBC) addresses building code violations and the associated penalties in Section 104 and Section 115. Violations and associated penalties of the zoning ordinance of the town are addressed in Division 5, Sections 7-38 through 7-41 of the zoning ordinance.

In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this article. The imposition of a fine or penalty for any violation of, or noncompliance with, this article shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this article may be declared by the town to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this article.

Section 4-66. Definitions

- (1) Appurtenant or accessory structure - Accessory structures not to exceed two hundred (200) square feet.
- (2) Base flood - The flood having a one percent (1%) chance of being equaled or exceeded in any given year.
- (3) Base flood elevation - The FEMA designated one percent (1%) annual chance water surface elevation and the elevation determined per Section 4-69. The water surface elevation of the base flood in relation to the datum specified on the community's FIRM. For the purposes of this ordinance, the base flood is a one hundred (100)-year flood or one percent (1%) annual chance flood.
- (4) Basement - Any area of the building having its floor sub-grade (below ground level) on all sides.
- (5) Board of Zoning Appeals - The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this ordinance.
- (6) Development - Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- (7) Existing construction - Structures for which the "start of construction" commenced before

the effective date of the FIRM or before January 1, 1975 for FIRMs effective before that date. “Existing construction” may also be referred to as “existing structures.”

(8) Flood or flooding –

(a) A general or temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; or,
2. The unusual and rapid accumulation or runoff of surface waters from any source.
3. Mudflows which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(b) 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 paragraph (a)(2) of this definition.

(9) Flood Insurance Rate Map (FIRM) - An official map of a community, on which the Federal Emergency Management Agency FEMA 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).

(10) Flood Insurance Study (FIS) – A report by FEMA 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.

(11) Floodplain or flood-prone area - Any land area susceptible to being inundated by water from any source.

(12) Floodproofing - 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.

(13) 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 (1) foot.

- (14) Freeboard - A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed. When a freeboard is included in the height of a structure, the flood insurance premiums may be less expensive.
- (15) Highest adjacent grade - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- (16) Historic structure - Any structure that is:
- (a) 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;
 - (b) 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;
 - (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
 - (c) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - 1. By an approved state program as determined by the Secretary of the Interior; or,
 - 2. Directly by the Secretary of the Interior in states without approved programs.
- (17) Hydrologic and Hydraulic Engineering 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.
- (18) Letters of Map Change (LOMC) - A Letter of Map Change is an official FEMA determination, by letter, that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:
- (a) Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a land as defined by meets and bounds or structure is not located in a SFHA.
 - (b) Letter of Map Revision (LOMR): A revision based on technical data that may show

- changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. A Letter of Map Revision Based on Fill (LOMR-F) is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
- (c) Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective FIRM or FIS.
- (19) Lowest floor - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.
- (20) Manufactured home - A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred and eighty (180) consecutive days, but does not include a recreational vehicle.
- (21) Manufactured home park or subdivision - A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- (22) New construction - For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after March 15, 1978, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.
- (23) Post-FIRM structures - A structure for which construction or substantial improvement occurred on or after March 15, 1978.
- (24) Pre-FIRM structures - A structure for which construction or substantial improvement occurred before March 15, 1978.
- (25) Recreational vehicle - A vehicle which is:
- (a) Built on a single chassis;

- (b) Four hundred (400) square feet or less when measured at the largest horizontal projection;
 - (c) Designed to be self-propelled or permanently towable by a light duty truck; and,
 - (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.
- (26) Repetitive Loss Structure – A building covered by a contract for flood insurance that has incurred flood-related damages on two (2) occasions during a ten (10)-year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded twenty-five percent (25%) of the market value of the building at the time of each flood event.
- (27) Shallow flooding area – A special flood hazard area with base flood depths from one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
- (28) Special flood hazard area (SFHA) - The land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year as determined in Section 4-63(b) of this ordinance.
- (29) Start of construction - For other than new construction and substantial improvement, under the Coastal Barriers Resource Act (P.L. – 97-348), means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within one hundred and eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation 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 on the property of 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 the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- (30) Structure - For floodplain 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.
- (31) Substantial damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent

(50%) of the market value of the structure before the damage occurred.

- (32) Substantial improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) 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:
- (a) 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
 - (b) Any alteration of a historic structure, provided that notification from the Register of Historic Places or the State Inventory of Historic places determines that the alteration will not preclude the structure's continued designation as a historic structure.
 - (c) 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 the 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.
- (33) Violation - The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 4-70 is presumed to be in violation until such time as that documentation is provided.
- (34) Watercourse - A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Section 4-67. Administration

- (a) Designation of the Floodplain Administrator. The Town Manager, or his/her designee, is hereby appointed to administer and implement these regulations and is referred to herein as the floodplain administrator. The floodplain administrator may:
- (1) Do the work themselves. In the absence of a designated floodplain administrator, the duties are conducted by the planning and zoning director, or his/her designee.

- (2) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees.
- (3) Enter into a written agreement or written contract with another community or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program (NFIP).

(b) *Duties and Responsibilities of the Floodplain Administrator*

- (1) The duties and responsibilities of the floodplain administrator shall include, but are not limited to:
 - a. Review applications for permits to determine whether proposed activities will be located in the Special Flood Hazard Area (SFHA);
 - b. Interpret floodplain boundaries and provide available base flood elevation and flood hazard information;
 - c. Review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of these regulations;
 - d. Review applications to determine whether all necessary permits have been obtained from the federal, state or local agencies from which prior or concurrent approval is required; in particular, permits from state agencies for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction (including bridges, culverts, structures), any alteration of a watercourse, or any change of the course, current, or cross section of a stream or body of water, including any change to the one hundred (100)-year frequency floodplain of free-flowing non-tidal waters of the State.
 - e. Verify that applicants proposing an alteration of a watercourse have notified adjacent communities, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), and other appropriate agencies (Virginia Department of Environmental Quality, U.S. Army Corps of Engineers) and have submitted copies of such notifications to FEMA.
 - f. Approve applications and issue permits to develop in flood hazard areas if the provisions of these regulations have been met, or disapprove applications if the provisions of these regulations have not been met.
 - g. Inspect or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with these regulations or to determine if non-compliance has occurred or violations have been committed.

- h. Review Elevation Certificates and require incomplete or deficient certificates to be corrected.
- i. Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering analyses prepared by or for the town, within six months after such data and information becomes available if the analyses indicate changes in base flood elevations.
- j. Maintain and permanently keep records that are necessary for the administration of these regulations, including:
 - 1. Flood Insurance Studies (FIS), Flood Insurance Rate Maps (FIRMs, including historic studies and maps and current effective studies and maps) and Letters of Map Change; and
 - 2. Documentation supporting issuance and denial of permits, Elevation Certificates, documentation of the elevation (in relation to the datum on the FIRM) to which structures have been floodproofed, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations.
- k. Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action.
- l. Advise the Board of Zoning Appeals regarding the intent of these regulations and, for each application for a variance, prepare a staff report and recommendation.
- m. Administer the requirements related to proposed work on existing buildings:
 - 1. Make determinations as to whether buildings and structures that are located in flood hazard areas and that are damaged by any cause have been substantially damaged.
 - 2. Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct, and prohibit the non-compliant repair of substantially damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a building or structure to prevent additional damage.
- n. Undertake, as determined appropriate by the floodplain administrator due to the circumstances, other actions which may include but are not limited to:

1. Issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures;
 2. Coordinating with other federal, state, and local agencies to assist with substantial damage determinations;
 3. Providing owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas; and
 4. Assisting property owners with documentation necessary to file claims for Increased Cost of Compliance coverage under NFIP flood insurance policies.
- o. Notify the Federal Emergency Management Agency FEMA when the corporate boundaries of the town have been modified and:
1. Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to these regulations has either been assumed or relinquished through annexation; and
 2. If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.
- p. Upon the request of FEMA, complete and submit a report concerning participation in the NFIP which may request information regarding the number of buildings in the SFHA, number of permits issued for development in the SFHA, and number of variances issued for development in the SFHA.
- q. It is the duty of the floodplain administrator to take into account flood, mudslide and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land management and use throughout the entire jurisdictional area of the Community, whether or not those hazards have been specifically delineated geographically (e.g. via mapping or surveying).
- (c) Use and Interpretation of FIRMs. The floodplain administrator shall make interpretations, where needed, as to the exact location of SFHAs, floodplain boundaries, and floodway boundaries. The following shall apply to the use and interpretation of FIRMs and data:
- (1) Where field surveyed topography indicates that adjacent ground elevations:

- a. Are below the base flood elevation, even in areas not delineated as a SFHA on a FIRM, the area shall be considered as SFHA and subject to the requirements of these regulations;
 - b. Are above the base flood elevation, the area shall be regulated as SFHA unless the applicant obtains a Letter of Map Change that removes the area from the SFHA.
- (2) In FEMA-identified special flood hazard areas SFHAs where base flood elevation and floodway data have not been identified and in areas where FEMA has not identified SFHAs, any other flood hazard data available from a federal, state, or other source shall be reviewed and reasonably used.
 - (3) Base flood elevations and designated floodway boundaries on FIRMs and in FISs shall take precedence over base flood elevations and floodway boundaries by any other sources if such sources show reduced floodway widths and/or lower base flood elevations.
 - (4) Other sources of data shall be reasonably used if such sources show increased base flood elevations and/or larger floodway areas than are shown on FIRMs and in FISs.
 - (5) If a Preliminary FIRM and/or a Preliminary FIS has been provided by FEMA:
 - a. Upon the issuance of a Letter of Final Determination by FEMA, the preliminary flood hazard data shall be used and shall replace the flood hazard data previously provided from FEMA for the purposes of administering these regulations.
 - b. Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall be deemed the best available and used where no base flood elevations and/or floodway areas are provided on the effective FIRM.
 - c. Prior to issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data is permitted where the preliminary base flood elevations or floodway areas exceed the base flood elevations and/or designated floodway widths in existing flood hazard data provided by FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.

Section 4-68. Boundary and Floodplain Overlay District Changes

- (a) *Jurisdictional Boundary Changes.* The town floodplain ordinance in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements for participation in the NFIP. Municipalities with existing floodplain ordinances shall pass a resolution acknowledging and accepting responsibility for enforcing floodplain ordinance

standards prior to annexation of any area containing identified flood hazards. If the FIRM for any annexed area includes SFHAs that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.

In accordance with the Code of Federal Regulations, Title 44 Subpart (B) Section 59.22 (a) (9)(v), all NFIP participating communities must notify the Federal Insurance Administration and optionally the State Coordinating Office in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area.

In order that all FIRMs accurately represent the community's boundaries, a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority must be included with the notification.

- (b) *District Boundary Changes.* The delineation of any of the Floodplain Overlay Districts may be revised by town council where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the U. S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from FEMA.
- (c) *Interpretation of District Boundaries.* Initial interpretations of the boundaries of the floodplain districts shall be made by the floodplain administrator, or his or her designee. Should a dispute arise concerning the boundaries of any of the districts, the Board of Zoning Appeals 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/her case to the Board and to submit his/her own technical evidence if he/she so desires. Procedures for such appeals shall be as outlined in Article IX, Division 2, Section 9-11 of the zoning ordinance.
- (d) *Submitting Technical Data.* A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify FEMA of the changes by submitting technical or scientific data. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

- (e) Letters of Map Revision. When development in the floodplain causes a change in the base flood elevation, the applicant, including state agencies, must notify FEMA by applying for a Conditional Letter of Map Revision (CLOMR) or a Letter of Map Revision (LOMR).

Examples:

- (1) Any development that causes a rise in the base flood elevations within the floodway.
- (2) Any development occurring in Zones A1-30 and AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation.
- (3) Alteration or relocation of a stream (including but not limited to installing culverts and bridges).

Section 4-69. ESTABLISHMENT OF FLOODPLAIN OVERLAY DISTRICTS

(a) Basis of Districts

The various special flood hazard districts shall include the SFHAs. The basis for the delineation of these districts shall be the FIS and the FIRM for the town prepared by FEMA, Federal Insurance Administration, dated September 28, 2007, and any subsequent revisions or amendments thereto.

The town may identify and regulate local flood hazard or ponding areas that are not delineated on the FIRM. These areas may be delineated on a “Local Flood Hazard Map” using best available topographic data and locally derived information such as flood of record, historic high water marks or approximate study methodologies.

The boundaries of the SFHA Districts are established as shown on the FIRM which is declared to be a part of this ordinance and which shall be kept on file at the town offices.

- (1) The Floodway Overlay District is in an AE Zone and is delineated, for purposes of this ordinance, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the one percent annual chance flood without increasing the water surface elevation of that flood more than one (1) foot at any point.

The following provisions shall apply within the Floodway Overlay District of an AE zone:

- a. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the community during the

occurrence of the base flood discharge. 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 be submitted in sufficient detail to allow a thorough review by the floodplain administrator.

Development activities which increase the water surface elevation of the base flood may be allowed, provided that the applicant first applies – with the town’s endorsement – for a Conditional Letter of Map Revision (CLOMR), and receives the approval of FEMA.

If Section 4-69(a)(1)(a) this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 4-70.

- b. The placement of manufactured homes (mobile homes) is prohibited, except in an existing manufactured home (mobile home) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring, elevation, and encroachment standards are met.
- (2) The Flood-fringe Overlay District shall be those areas of the one hundred (100)-year floodplain not included in the floodway; identified as AE Zone on the maps accompanying the FIS that are not included in the floodway area.
- (3) The AE or AH Zone on the FIRM accompanying the FIS shall be those areas for which one percent (1%) annual chance flood elevations have been provided and the floodway has not been delineated. The following provisions shall apply within an AE or AH Zone:

Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as zones AE or AH on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the town.

Development activities in zones AE or AH on the town FIRM which increase the water surface elevation of the base flood by more than one (1) foot may be allowed, provided that the applicant first applies – with the town endorsement – for a Conditional Letter of Map Revision (CLOMR), and receives the approval of FEMA.

- (b) Overlay Concept. The floodplain districts described above shall be overlays to the existing underlying zoning districts as shown on the Official Zoning Ordinance Map, and as such,

the provisions for the floodplain districts shall serve as a supplement to the underlying zoning district provisions.

If there is any conflict between the provisions or requirements of the floodplain districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.

In the event any provision concerning a floodplain district is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

Section 4-70. District Provisions

(a) *Permit and Application Requirements*

(1) *Permit Requirement.* All uses, activities, and development occurring within any floodplain district, including placement of manufactured homes, shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of this ordinance and with all other applicable codes and ordinances, as amended, such as the VA USBC and the town's subdivision regulations. Prior to the issuance of any such permit, the floodplain administrator shall require all applications to include compliance with all applicable state and federal laws and shall review all sites to assure they are reasonably safe from flooding. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

(2) *Site Plans and Permit Applications.* All applications for development within any floodplain district and all building permits issued for the floodplain shall incorporate the following information:

(a) The elevation of the base flood (100-year flood) at the site.

(b) The elevation of the lowest floor (including basement) or, in V zones, the lowest horizontal structural member.

(c) For structures to be flood-proofed (non-residential only), the elevation to which the structure will be flood-proofed.

(d) Topographic information showing existing and proposed ground elevations.

(b) *General Standards.* The following provisions shall apply to all permits:

(1) New construction and substantial improvements shall be according to the VA USBC, and anchored to prevent flotation, collapse or lateral movement of the structure.

- (2) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state anchoring requirements for resisting wind forces.
- (3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (4) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- (5) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (6) New and replacement water supply systems 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.
- (7) New and replacement sanitary sewage 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 flood waters.
- (8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (9) 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. The town 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.
- (10) 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.

In addition to provisions (1) – (10) above, in all special flood hazard areas, the additional provisions shall apply:

- (11) Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the U. S. Corps of

Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, in riverine areas, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), other required agencies, and FEMA.

- (12) The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.
- (c) *Elevation and Construction Standards.* In all identified flood hazard areas where base flood elevations have been provided in the FIS or generated by a certified professional in accordance with Section 4-69(a)(3), the following provisions shall apply:
- (1) *Residential Construction.* New construction or substantial improvement of any residential structure (including manufactured homes) in zones AE and AH with detailed base flood elevations shall have the lowest floor, including basement, elevated to or above two (2) feet above the base flood level.
 - (2) *Non-Residential Construction.* New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated to or above one (1) foot above the base flood level. Buildings located in AE and AH zones may be flood-proofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the base flood elevation plus one (1) foot are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to mean sea level) to which such structures are floodproofed, shall be maintained by the floodplain administrator.
 - (3) *Space Below the Lowest Floor.* In zones AE and AH, fully enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:
 - a. Not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator).
 - b. Be constructed entirely of flood resistant materials below the regulatory flood protection elevation;

- c. Include measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:
1. Provide a minimum of two (2) openings on different sides of each enclosed area subject to flooding.
 2. The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.
 3. If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
 4. The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.
 5. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
 6. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

(4) *Standards for Manufactured Homes and Recreational Vehicles*

- (a) All manufactured homes placed, or substantially improved, on individual lots or parcels, must meet all the requirements for new construction, including the elevation and anchoring requirements in Section 4-70 (b) and Section 4-70 (c).
- (b) All recreational vehicles placed on sites must either:
1. Be on the site for fewer than one-hundred and eighty (180) consecutive days, be fully licensed and ready for highway use (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); or
 2. Meet all the requirements for manufactured homes in Section 4-70 (b) and Section 4-70 (c).

(5) *Standards for Subdivision Proposals*

- (a) All subdivision proposals shall be consistent with the need to minimize flood

damage;

- (b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and
- (d) Base flood elevation data shall be obtained from other sources or developed using detailed methodologies, hydraulic and hydrologic analysis, comparable to those contained in a Flood Insurance Study FIS for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty (50) lots or five (5) acres, whichever is the lesser.

Section 4-71. Permitted Uses by Right and by Special Use

(a) Floodplain area.

- (1) The development and/or use of land shall be permitted in accordance with the regulations of the underlying zoning district, provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the floodproofing and related provisions contained in the VA USBC and all other applicable codes and ordinances.
 - a. In the floodplain area, the applicant and/or developer shall evaluate the effects of the proposed development and/or use of land on the floodplain with current hydrologic and hydraulic engineering technologies. The applicant and/or developer shall submit studies, analysis, computations, etc. to show the delineation of a floodway based on the requirement that all existing and future development not increase the one hundred (100)-year flood elevation more than one (1) foot at any point. The engineering principle, equal reduction of conveyance, shall be used to make the determination of increased flood heights.

(b) Floodway area.

- (1) The following uses, types, and activities are permitted, provided that they are in compliance with the provisions of the underlying zoning district and are not prohibited by any other ordinance and provided that no specific land use requires any type of structure, fill, or storage of materials and equipment:
 - a. Agricultural uses, such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.

- b. Public and private recreational uses and activities, such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, horseback riding and hiking trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges, and hunting and fishing areas.
 - c. Accessory residential uses, such as yard areas, gardens, play areas, and pervious loading areas.
 - d. Accessory industrial and commercial uses, such as yard areas, pervious parking and loading areas, airport landing strips, etc.
 - e. Manufactured homes are permitted only in an existing manufactured home park, and must meet all the requirements for manufactured homes in Section 4-70 (b) and Section 4-70 (c).
- (2) The following uses and activities may be permitted by special use pursuant to Article VII, Division 4 of the town zoning ordinance, provided that they are in compliance with the provisions of the underlying zoning district and are not prohibited by this or any other ordinance:
- a. Structures (except for manufactured homes) accessory to the uses and activities by right, above.
 - b. Certain utilities and public utilities and improvements, such as pipelines, water and sewage treatment plants, and other similar or related uses.
 - c. Water-related uses and activities, such as marinas, docks, wharves, piers, etc.
 - d. Extraction of sand, gravel and other materials (where no increase in level of flooding or velocity is caused thereby).
 - e. Storage of materials and equipment provided that they are not buoyant, flammable or explosive, and are not subject to major damage by flooding, or provided that such material and equipment is firmly anchored to prevent floatation or movement, and/or can be readily removed from the area within the time available after flood warning.
 - f. Other similar uses and activities provided they cause no increase in flood heights and/or velocities. All uses, activities, and structural development, shall be undertaken in strict compliance with the floodproofing provisions contained in all other applicable code and ordinances.

(c) Procedures for Special Uses in Floodways

- (1) Any use listed as permitted with special use in a floodway shall be allowed only after application to the town council. All such applications shall be reviewed pursuant to

the procedures outlined in Article VII, Division 4 of the town zoning ordinance. In addition to information required by Article VII, Division 4, all applications shall include the following:

- a. Plans in triplicate drawn to scale of not less than one (1) inch to one hundred (100) feet horizontally showing the location, dimension, and contours (at five-foot intervals) of the lot, existing and proposed structures, fill, storage areas, water supply, sanitary facilities, and relationship of the floodway to the proposal.
 - b. A typical valley cross-section as necessary to adequately show the channel of the stream, elevation of land and areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development and one hundred (100)-year flood elevation.
 - c. A profile showing the slope of the bottom of the channel or flow line of the stream.
 - d. A summary report, prepared by professional engineers or others of demonstrated qualifications, evaluating the proposed project in relation to flood heights and velocities; the seriousness of flood damage to the use; and other pertinent technical matters.
 - e. A list of names and addresses of adjoining property owners.
- (2) In acting upon such applications, the planning commission and the town council shall consider all relevant factors specified in other sections of this article and:
- a. The danger to life and property due to increased flood heights or velocities caused by encroachments. No special use shall be granted for any proposed use, development, or activity within the floodway that will cause any increase in flood levels during the one hundred (100)-year flood.
 - b. The danger that materials may be swept on to 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 and the effect of such damage on the individual owners.
 - e. The importance of the services provided by the proposed facility to the town.
 - 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 floodplain management program for the town.
- j. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- k. Such other factors which are relevant to the purpose of this division.

Section 4-72. Existing Structures in Floodplain Areas.

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) Existing structures in the floodway area shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed expansion would not result in any increase in the base flood elevation.
- (b) Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any floodplain areas to an extent or amount of less than fifty percent (50%) of its market value shall conform to the VA USBC.
- (c) The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its location in a floodplain area to an extent or amount of fifty percent (50%) or more of its market value shall be undertaken only in full compliance with this ordinance and shall require the entire structure to conform to the VA USBC.

Section 4-73. Variances: Factors To Be Considered.

Applications for a variance of the requirements of Floodplain Overlay District shall be accepted and reviewed pursuant to the procedures outlined in Article IX, Division 3 of the town zoning ordinance.

Variances shall be issued only upon:

- (a) A showing of good and sufficient cause,
- (b) After the Board of Zoning Appeals (BZA) has determined that failure to grant the variance would result in exceptional hardship to the applicant, and

- (c) After the BZA has determined that the granting of such variance will not result in:
- (1) Unacceptable or prohibited increases in flood heights,
 - (2) Additional threats to public safety,
 - (3) Extraordinary public expense; and will not:
 - a. Create nuisances,
 - b. Cause fraud or victimization of the public, or
 - c. Conflict with local laws or ordinances.

While the granting of variances generally is limited to a lot size less than one-half (0.50) acre, deviations from that limitation may occur. However, as the lot size increases beyond one-half (0.50) acre, the technical justification required for issuing a variance increases. Variances may be issued by the BZA for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of this section.

Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of this section are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

In passing upon applications for variances, the BZA 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. No variance shall be granted for any proposed use, development, or activity within any floodway area that will cause any increase in the one hundred (100)-year flood elevation;
- (b) The danger that materials may be swept on to 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 and 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 floodplain 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 historic nature of a structure. Variances for repair or rehabilitation of historic structures may be granted upon a determination and notification from the Register of Historic Places or the State Inventory of Historic places 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.

The BZA 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.

Variances shall be issued only after the BZA has determined that the granting of such will not result in:

- (a) Unacceptable or prohibited increases in flood heights;
- (b) Additional threats to public safety;
- (c) Extraordinary public expense; and will not
- (d) Create nuisances;
- (e) Cause fraud or victimization of the public; or
- (f) Conflict with local laws or ordinances.

Variances shall be issued only after the BZA has determined that the variance will be the minimum required to provide relief.

The BZA shall notify the applicant for a variance, in writing that the issuance of a variance to construct a structure below the one hundred (100)-year flood elevation:

- (a) Increases the risks to life and property, and
- (b) Will result in increased premium rates for flood insurance.

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 that are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

BE IT FURTHER ORDAINED, that this Ordinance shall become effective upon its adoption.

This Ordinance adopted on motion made by Council Member _____, seconded by Council Member _____, with the following votes recorded:

AYES:

NAYS:

APPROVED:

Bradley E. Grose, Mayor

ATTEST:

Susan N. Johnson, Town Clerk

ORDINANCE NO.

AT A REGULAR MEETING OF THE VINTON TOWN COUNCIL, HELD ON TUESDAY, APRIL 15, 2014, AT 7:00 P.M., IN THE COUNCIL CHAMBERS OF THE VINTON MUNICIPAL BUILDING, 311 SOUTH POLLARD STREET, VINTON, VIRGINIA.

AN ORDINANCE TO REPEAL IN ITS ENTIRETY CHAPTER 42, FLOODS, VINTON TOWN CODE.

BE IT ORDAINED that the Vinton Town Council does hereby repeal in its entirety Chapter 42, Floods, of the Vinton Town Code.

VINTON TOWN CODE

CHAPTER 42. FLOODS*REPEALED

~~ARTICLE I.~~

~~IN GENERAL~~

~~Secs. 42-1--42-20. Reserved.~~

~~—ARTICLE II.~~

FLOODPLAIN MANAGEMENT

~~Sec. 42-21. Definitions.~~

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:—~~

~~*Development* means any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.—~~

~~*Floodproofed* means watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.—~~

~~*Mobile home* means a structure, transportable in one or more sections, which is eight body feet or more in width and is 32 body feet or more in length, and which is built on a permanent chassis and designed to be used, with or without permanent foundation, when connected to the required utilities. The term includes the plumbing, heating, air conditioning and electrical systems contained therein.~~

~~*Substantial improvements* means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure, either before the improvement is started or, if the structure has been damaged and is being restored, before the damage occurred.~~

~~(Code 1982, § 8-1)~~

~~—————**Cross References:** Definitions generally, § 1-2.~~

~~**Sec. 42-22. Application of article; conflicts with zoning ordinance and subdivision regulations.**~~

~~—————(a)———— The National Flood Insurance Program provides that the floodplain management measures prescribed in this article shall be applicable in those floodplain areas identified as being inundated by the 100-year flood, as shown in the flood insurance study, as prepared by the Federal Emergency Management Agency for the town. The floodplain area shall be considered an overlay and supplement to the existing zoning map.~~

~~—————(b)———— In case of conflict between the provisions of this article and those contained in the zoning ordinance or the subdivision regulations, or any other chapter of this Code, the more restrictive provisions applicable to the floodplain shall apply. Any change in the delineation in the floodplain will be subject to the review of the Federal Emergency Management Agency.~~

~~(Code 1982, § 8-2)~~

~~**Sec. 42-23. General requirements.**~~

~~—————(a)———— Permits shall be required for all proposed construction and other development, including placement of prefabricated buildings and mobile homes, on properties in any special flood hazard area (i.e., zones A1-30 on the town's flood insurance rate map.) Such permits shall be obtained from those governmental agencies whose approval is required under federal or state law.~~

~~—————(b)———— New construction and substantial improvements, including prefabricated buildings and mobile homes, shall be anchored to prevent flotation and lateral movement and flood-resistant materials and methods shall be utilized in their construction. Each mobile home shall be constructed and anchored in accordance with the provisions of the "Virginia Industrialized Building Unit and Mobile Home Safety Regulations Part One."~~

~~—————(c)———— Subdivision proposals and proposals for other developments, including their proposed utilities and drainage facilities, shall specify locations and designs consistent with the need to minimize flood damage.~~

~~———— (d) — All subdivision proposals and other proposed new developments greater than 50 lots or five acres, whichever is less, shall include base flood elevation data.~~

~~———— (e) — New and replaced water and sewer systems, including on-site systems, shall be located and designed to avoid impairment.~~

~~———— (f) — Records of elevations and floodproofing levels for all new or substantially improved structures shall be maintained. Such records shall indicate whether or not such structures contain a basement.~~

~~———— (g) — In riverine situations, adjacent communities and the state coordinating office shall be notified prior to any alterations or relocation of a watercourse. Copies of such notifications shall be submitted to Federal Emergency Management Agency.~~

~~———— (h) — The flood-carrying capacity within the altered or relocated portion of any watercourse shall be maintained.~~

~~(Code 1982, § 8-3)~~

~~Sec. 42-24. Requirements in specific areas.—~~

~~The following requirements apply only in those areas specified as follows:~~

~~———— (1) — For new residential structures and substantial improvements of existing structures in zones A1-30, the lowest floor (including the basement) shall be elevated to or above the base flood level, unless an exception for the allowance of basements or storm cellars is granted by the Federal Emergency Management Agency.~~

~~———— (2) — For new nonresidential structures and substantial improvements of existing structures in zones A1-30, the lowest floor (including the basement) shall be elevated to or above the base flood level or be floodproofed to or above the base flood level.~~

~~———— (3) — In zones A1-30, where floodproofing is used in lieu of elevation, a registered professional engineer or architect shall record and certify that the floodproofing methods used are adequate to withstand the forces associated with the base flood or, in lieu thereof, local regulations containing detailed floodproofing specifications which meet the watertight performance standards shall be submitted to the Federal Emergency Management Agency for approval.~~

~~———— (4) — In zones A1-30, for new or substantially improved mobile home parks or subdivisions and for mobile home placement not in existing mobile home parks and subdivisions, stands or lots shall be elevated to or above the base flood level, adequate access and drainage shall be provided and, if applicable, construction standards for elevation on pilings shall be met in accordance with section~~

~~1910.3(c)(5), part II of the Federal Register, Department of Housing and Urban Development, National Flood Insurance Program, October 26, 1976.~~

~~(5) Any development or encroachment (including fill) which would result in any increase in flood levels during the base flood discharge shall be prohibited within the regulatory floodway.~~

~~(6) The placement of mobile homes, except in existing mobile home parks or mobile home subdivisions, shall be prohibited within the regulatory floodway.~~

~~(7) No variance or special exception shall be allowed, if it would cause any rise in flood elevation of the 100-year flood.~~

~~(Code 1982, § 8-4)~~

BE IT FURTHER ORDAINED, that this Ordinance shall become effective upon its adoption.

This Ordinance adopted on motion made by Council Member _____, seconded by Council Member _____, with the following votes recorded:

AYES:

NAYS:

APPROVED:

Bradley E. Grose, Mayor

ATTEST:

Susan N. Johnson, Town Clerk



Town Council Agenda Summary

Meeting Date

April 15, 2014

Department

Planning and Zoning

Issue

Conduct a Public Hearing to consider public comments concerning amendments to Division 4, Accessory Buildings and Temporary Buildings, Section 5-17.2, Temporary Family Health Care Structures., of Article V, Supplementary Regulations, of Appendix B, Zoning, of the Town Code.

Summary

During Town Council work session held on March 18th, members were briefed of the need to amend the Town's zoning ordinance to conform and be consistent with the Code of Virginia. During the 2013 legislative session, the General Assembly amended § 15.2-2292.1, *Zoning provisions for temporary family health care structures*, of the Code of Virginia. The amendments are to clarify definitions and to increase the number of days allowed to remove the structure once it is no longer needed from thirty (30) days to sixty (60) days.

On March 25th, the Planning Commission held a public hearing to consider comments regarding the proposed amendment and voted unanimously to recommend approval of the proposed ordinance to amend Article V, Supplementary Regulations, Division 4 Accessory Buildings and Temporary Buildings, Sections 5-15 through 5-17.2.

Attachments

Ordinance

Recommendations

Motion to adopt Ordinance

ORDINANCE NO.

AT A REGULAR MEETING OF THE VINTON TOWN COUNCIL HELD ON TUESDAY, APRIL 15, 2014, AT 7:00 P.M., IN THE COUNCIL CHAMBERS OF THE VINTON MUNICIPAL BUILDING, 311 SOUTH POLLARD STREET, VINTON, VIRGINIA.

AN ORDINANCE to amend the **Vinton Zoning Ordinance No. 634** dated December 19, 1995, Appendix B of the Vinton Town Code, **ARTICLE V. SUPPLEMENTARY REGULATIONS, DIVISION 4. ACCESSORY BUILDINGS AND TEMPORARY BUILDINGS. Section 5-17.2. Temporary family health care structures.**

THEREFORE, BE IT ORDAINED by the Council of the Town of Vinton, Virginia that the **ARTICLE V. SUPPLEMENTARY REGULATIONS, DIVISION 4. ACCESSORY BUILDINGS AND TEMPORARY BUILDINGS. Section 5-17.2. Temporary family health care structures, be amended as follows:**

**AMENDMENT TO APPENDIX B
OF THE TOWN OF VINTON ZONING ORDINANCE**

ARTICLE V. SUPPLEMENTARY REGULATIONS

DIVISION 4. ACCESSORY BUILDINGS AND TEMPORARY BUILDINGS

Sec. 5-17-2. Temporary family health care structures.

- (a) In all residential districts, temporary family health care structures shall be allowed to be placed on a lot, provided that:
 - (1) The primary use of the property is a single-family detached dwelling;
 - (2) The occupant of the temporary family health care structure meets the qualifications of a mentally or physically impaired person as defined in sub-section (b) below, and a letter of certification, written by a physician licensed in Virginia, has been provided to the zoning administrator;
 - (3) The property is occupied by the caregiver as his/her residence;
 - (4) The temporary family health care structure shall comply with all setback requirements that apply to the primary structure, and with any maximum floor area ratio limitations that may

apply to the primary structure;

- (5) Only one temporary family health care structure shall be allowed on a lot or parcel of land;
- (6) The proper permits shall be obtained before a temporary family health care structure may be placed on a lot or parcel of land. Required permits may include, but are not limited to, zoning permit, building permit, electrical permit, mechanical permit, and plumbing permit.

* * * * *

(b) For purposes of this section:

- (1) "Activities of daily living" or "ADLs" means bathing, dressing, toileting, transferring, bowel control, bladder control, and eating/feeding.
- (2) "Assistance" means aid that is required to be provided by another person in order to safely complete the activity.
- (3) ~~(4)~~ "Caregiver" means an adult who provides care for a mentally or physically impaired person within the Commonwealth. A caregiver shall be either related by blood, marriage, or adoption to, or be the legally appointed guardian of the mentally or physically impaired person for whom he/she is caring;
- (4) ~~(2)~~ "Mentally or physically impaired person" means a person who is a resident of Virginia and who requires assistance with two or more activities of daily living, as defined in § 63.2-2200, as certified in a writing provided by a physician licensed by the Commonwealth;
- (5) ~~(3)~~ "Temporary family health care structure" means a transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person or, in the case of a married couple, two occupants, one of whom is a mentally or physically impaired person, and the other requires assistance with one or more activities of daily living as defined in § 63.2-2200, as certified in writing by a physician licensed in the Commonwealth. (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the Industrialized Building Safety Law (§ 36-70 et seq.) and the Uniform Statewide Building Code (§ 36-97 et seq.). Placing the temporary family health care structure on a permanent foundation shall not be required or allowed.

* * * * *

(c) Any temporary family health structure installed pursuant to this section may be required to connect to any water, sewer, and electric utilities that are serving the primary residence on the property and shall comply with all applicable codes and requirements, including permits, for such connection.

* * * * *

(d) Any temporary family health care structure installed pursuant to this section shall be removed within ~~30~~ 60 days in which the mentally or physically impaired person is no longer receiving or is no longer in need of the assistance provided for in this section.

* * * * *

(e) A letter of certification, written by a licensed physician, shall be provided to the zoning administrator on an annual basis to ensure continued compliance with this section. The zoning administrator may inspect the temporary family health care structure at reasonable times convenient to the caregiver, not limited to any annual compliance inspection.

* * * * *

(f) No signage advertising or otherwise promoting the existence of the temporary family health care structure shall be permitted either on the exterior of the structure or elsewhere on the property.

BE IT FURTHER ORDAINED, that this Ordinance shall become effective upon its adoption.

This Ordinance adopted on motion made by Council Member _____, seconded by Council Member _____, with the following votes recorded:

AYES:

NAYS:

APPROVED:

Bradley E. Grose, Mayor

ATTEST:

Susan N. Johnson, Town Clerk



Town Council Agenda Summary

Meeting Date

April 15, 2014

Department

Public Works

Issue

Consider adoption of a Resolution appropriating funds in the amount of \$613.70 for the receipt of a check received for scrap metal property.

Summary

A check in the amount of \$613.70 has been received from D. H. Griffin Wrecking Company, Inc and deposited in Revenue Account 200.1901.001 Recoveries and Rebates. This check is for scrap metal property from the Public Works Department.

It is necessary to appropriate the \$613.70 to Public Works Operating Budget Account Number 200.1221.350 Town Garage, Maintenance and Repairs Building.

Attachments

Resolution

Recommendations

Motion to adopt Resolution



Town Council Agenda Summary

Meeting Date

April 15, 2014

Department

Administration

Issue

Consider adoption of a Resolution approving the 2014-2015 operating budget of the Roanoke Valley Resource Authority.

Summary

Council was furnished a copy of the RVRA 2014-2015 operating budget at its April 1st meeting. In accordance with the Member Use Agreement dated October 23, 1991, the annual budget of the Authority must be submitted for approval by each of the governing bodies after approval by the RVRA Board. Dan Miles will be present at the meeting to make comments and answer any questions.

Attachments

RVRA Board Resolution
RVRA Board Notice of Public Hearing
RVRA Budget Summary
Resolution

Recommendations

Motion to adopt Resolution

RESOLUTION OF THE ROANOKE VALLEY RESOURCE AUTHORITY

Adopted this 26th day of March 2014

RA#2014-657

A RESOLUTION SETTING FORTH AND PROVIDING FOR PUBLIC NOTICE AND HEARING ON THE AUTHORITY'S PRELIMINARY SCHEDULE OF REVISED RATES, FEES, AND CHARGES TO BE EFFECTIVE JULY 1, 2014.

WHEREAS, the Roanoke Valley Resource Authority ("Authority"), in accordance with the provisions of the Virginia Water and Waste Authorities Act, intends to establish a revised schedule of rates, fees, and charges to be charged by the Authority to users of the Authority's garbage and refuse collection and disposal system and related facilities ("System"), providing for the following changes in the Authority's rates, fees, and charges:

- (i) increase the Municipal Waste fee from \$47.00/ton to \$48.00/ton;
- (ii) increase the Commercial Waste fee from \$57.00/ton to \$58.00/ton;
- (iii) increase the Construction and Demolition Waste fee from \$57.00 to \$58.00;
- (iv) increase the Asbestos (Non-Friable) fee from \$57.00 to \$58.00;
- (v) increase the Dead Animals fee from \$57.00 to \$58.00;

NOW, THEREFORE, BE IT RESOLVED by the Roanoke Valley Resource Authority as follows:

1. Fees and Charges. The Authority hereby adopts the preliminary schedule of revised rates, fees, and charges to be charged by the Authority effective July 1, 2014, for the use of the System are as set forth on Exhibit A, which is attached to and incorporated in this resolution.

2. Public Comment Hearing. A Public Comment Hearing conducted by Authority Staff is hereby scheduled for 6:00 p.m. on June 19, 2014 at the Authority's Tinker Creek Transfer Station on the preliminary schedule of revised rates, fees, and charges.

3. Public Hearing. A Public Hearing is hereby scheduled for the Authority's regularly scheduled June Board Meeting at 12:00 p.m. on June 25, 2014 at the

Authority's Tinker Creek Transfer Station on the preliminary schedule of revised rates, fees, and charges.

4. Notice of Public Hearing. The Chief Executive Officer and Secretary of the Authority are authorized and directed to publish the required Notice of Public Hearing setting forth the preliminary schedule of revised rates, fees, and charges to be given by two publications, at least 6 days apart, in a newspaper having general circulation in the area to be served by the Authority at least 60 days before the date fixed in such notice for the hearing. The Authority Secretary is authorized and directed to mail a copy of such Notice of Public Hearing, including this Resolution, to the Board of Supervisors of Roanoke County, the Town Council of the Town of Vinton, and the City Council of the City of Roanoke. After such public hearing, the preliminary schedule, either as originally adopted or as amended, may be adopted and put into effect.

5. Effective Date. This Resolution shall take effect immediately.

On motion of Mr. Bengtson to approve resolution RA2014-657 setting forth the Authority's preliminary schedule of revised rates, fees, and charges, seconded by Mr. Lawrence and carried by the following recorded roll call vote:

AYES: Ms. Green, Mr. Bengtson, Mr. Lawrence, Mr. Nalley and Ms. Owens

NAYS:

ABSENT: Mr. Garman, Mr. Harkness

ATTEST.



Peggy L. Bishop
RVRA Board Secretary

**NOTICE OF PUBLIC HEARING
ON PRELIMINARY FEE SCHEDULE FOR
ROANOKE VALLEY RESOURCE AUTHORITY**

Notice is hereby given that the Roanoke Valley Resource Authority ("Authority") will hold a public hearing in accordance with Section 15.2-5136 of the Code of Virginia, as amended, on the Authority's preliminary schedule of fees and charges to be assessed in connection with the use of the Authority's garbage and refuse collection and disposal system and related facilities. The public hearing, which may be continued or adjourned, will be held at 12:00 noon, or as soon thereafter as may be practicable, on June 25, 2014, at the Authority's offices at 1020 Hollins Road, N.E., Roanoke, Virginia. The resolution adopted by the Authority on March 26, 2014, establishing the preliminary fees and charges is set forth below:

RESOLUTION OF THE ROANOKE VALLEY RESOURCE AUTHORITY

Adopted this 26th day of March 2014

RA#2014-657

A RESOLUTION SETTING FORTH AND PROVIDING FOR PUBLIC NOTICE AND HEARING ON THE AUTHORITY'S PRELIMINARY SCHEDULE OF REVISED RATES, FEES, AND CHARGES TO BE EFFECTIVE JULY 1, 2014.

WHEREAS, the Roanoke Valley Resource Authority ("Authority"), in accordance with the provisions of the Virginia Water and Waste Authorities Act, intends to establish a revised schedule of rates, fees, and charges to be charged by the Authority to users of the Authority's garbage and refuse collection and disposal system and related facilities ("System"), providing for the following changes in the Authority's rates, fees, and charges:

- (i) increase the Municipal Waste fee from \$47.00/ton to \$48.00/ton;
- (ii) increase the Commercial Waste fee from \$57.00/ton to \$58.00/ton;
- (iii) increase the Construction and Demolition Waste fee from \$57.00 to \$58.00;
- (iv) increase the Asbestos (Non-Friable) fee from \$57.00 to \$58.00;
- (v) increase the Dead Animals fee from \$57.00 to \$58.00;

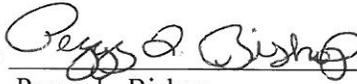
NOW, THEREFORE, BE IT RESOLVED by the Roanoke Valley Resource Authority as follows:

1. Fees and Charges. The Authority hereby adopts the preliminary schedule of revised rates, fees, and charges to be charged by the Authority effective July 1, 2014, for the use of the System are as set forth on Exhibit A, which is attached to and incorporated in this resolution.
2. Public Comment Hearing. A Public Comment Hearing conducted by Authority Staff is hereby scheduled for 6:00 p.m. on June 19, 2014 at the Authority's Tinker Creek Transfer Station on the preliminary schedule of revised rates, fees, and charges.

3. Public Hearing. A Public Hearing is hereby scheduled for the Authority's regularly scheduled June Board Meeting at 12:00 p.m. on June 25, 2014 at the Authority's Tinker Creek Transfer Station on the preliminary schedule of revised rates, fees, and charges.
4. Notice of Public Hearing. The Chief Executive Officer and Secretary of the Authority are authorized and directed to publish the required Notice of Public Hearing setting forth the preliminary schedule of revised rates, fees, and charges to be given by two publications, at least 6 days apart, in a newspaper having general circulation in the area to be served by the Authority at least 60 days before the date fixed in such notice for the hearing. The Authority Secretary is authorized and directed to mail a copy of such Notice of Public Hearing, including this Resolution, to the Board of Supervisors of Roanoke County, the Town Council of the Town of Vinton, and the City Council of the City of Roanoke. After such public hearing, the preliminary schedule, either as originally adopted or as amended, may be adopted and put into effect.
5. Effective Date. This Resolution shall take effect immediately.

On motion of Mr. Bengtson to approve resolution RA2014-657 setting forth the Authority's preliminary schedule of revised rates, fees, and charges, seconded by Mr. Lawrence and carried by the following recorded roll call vote:

AYES: Ms. Green, Mr. Bengtson, Mr. Lawrence, Mr. Nalley and Ms. Owens
NAYS:
ABSENT: Mr. Garman, Mr. Harkness

ATTEST: 
Peggy L. Bishop
RVRA Board Secretary

REVENUE		2014-2015	
	Disposal Fees	\$	7,932,050
	Interest Income	\$	32,000
	Transfer from Contingency Reserve Fund	\$	456,323
	Sale of Recyclable Material	\$	35,000
	Miscellaneous	\$	46,830
	Transfer - Rutrough Road	\$	-
		Total	\$ 8,502,203
EXPENSES			
	Personnel		
	Administrative	\$	624,972
	Transfer Station	\$	727,795
	Smith Gap	\$	773,880
	Totals		\$ 2,126,646
	Operating		
	Administrative	\$	396,850
	Transfer Station	\$	2,534,693
	Smith Gap	\$	1,329,014
	Totals		\$ 4,260,556
	Capital		
	Administrative	\$	5,000
	Transfer Station	\$	10,000
	Smith Gap	\$	-
	Totals		\$ 15,000
	Reserves		
	Administrative	\$	-
	Transfer Station	\$	495,170
	Smith Gap	\$	1,604,830
	Totals		\$ 2,100,000
	Debt Service		
	Totals		
	Administrative	\$	1,026,822
	Transfer Station	\$	3,767,657
	Smith Gap	\$	3,707,723
		Total	\$ 8,502,203

	2009-10	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015
REVENUE						
Disposal Fees	\$ 7,964,100	\$ 7,786,670	\$ 7,594,400	\$ 7,326,600	\$ 7,729,480	\$ 7,932,050
Interest Income	\$ 336,000	\$ 200,000	\$ 45,000	\$ 28,000	\$ 28,000	\$ 32,000
Transfer from Contingency Reserve Fund	\$ 2,053,044	\$ 1,629,080	\$ 1,596,087	\$ 490,991	\$ 405,405	\$ 456,323
Sale of Recyclable Material	\$ 12,700	\$ 44,640	\$ 50,600	\$ 55,000	\$ 35,000	\$ 35,000
Miscellaneous	\$ 44,260	\$ 38,000	\$ 59,800	\$ 39,450	\$ 39,450	\$ 46,830
Transfer - Rutrough Road	\$ -	\$ 125,000	\$ 125,000	\$ -	\$ -	\$ -
TOTAL	\$10,410,104	\$ 9,823,390	\$ 9,470,887	\$ 7,940,041	\$ 8,237,335	\$ 8,502,203

EXPENSES

Personnel	\$ 1,775,973	\$ 1,818,943	\$ 1,863,655	\$ 1,972,540	\$ 2,004,856	\$ 2,126,646
Operating	\$ 4,159,985	\$ 3,907,661	\$ 3,828,652	\$ 3,995,501	\$ 4,118,479	\$ 4,260,556
Capital	\$ -	\$ 15,000	\$ -	\$ 12,000	\$ 14,000	\$ 15,000
Transfer to Reserves	\$ 1,710,000	\$ 1,310,000	\$ 1,010,000	\$ 1,960,000	\$ 2,100,000	\$ 2,100,000
Debt Service	\$ 2,764,146	\$ 2,771,786	\$ 2,768,580	\$ -	\$ -	\$ -
TOTAL	\$10,410,104	\$ 9,823,390	\$ 9,470,887	\$ 7,940,041	\$ 8,237,335	\$ 8,502,203

DISPOSAL FEES

Municipal \$ per ton	45	45	45	45	47	48
Private \$ per ton	55	55	55	55	57	58
% INCREASE in expenses	0.3%	-5.6%	-3.6%	-16.2%	3.7%	3.2%

RESOLUTION NO.

AT A REGULAR MEETING OF THE VINTON TOWN COUNCIL HELD ON TUESDAY, APRIL 15, 2014, AT 7:00 PM IN THE COUNCIL CHAMBERS OF THE VINTON MUNICIPAL BUILDING, 311 SOUTH POLLARD STREET, VINTON, VIRGINIA 24179

WHEREAS, the Town of Vinton, along with Roanoke County and Roanoke City are the governing bodies of the Roanoke Valley Resource Authority (RVRA); and

WHEREAS, in accordance with the Member Use Agreement dated October 23, 1991, the annual budget of the Authority must be submitted for approval by each of the governing bodies after approval by the RVRA Board; and

WHEREAS, on March 26, 2014, the RVRA Board approved the 2014-2015 annual budget in the amount of \$8,502,203.

NOW THEREFORE BE IT RESOLVED, that the Vinton Town Council does hereby approve the 2013-2014 operating budget in the amount of \$8,502,203 to operate and maintain the Roanoke Valley Resource Authority.

This Resolution shall be effective from and after the date of its adoption.

This Resolution adopted on motion made by Council Member _____, seconded by Council Member _____, with the following votes recorded:

AYES:

NAYS:

APPROVED:

Bradley E. Grose, Mayor

ATTEST:

Susan N. Johnson, Town Clerk



Town Council Agenda Summary

Meeting Date

April 15, 2014

Department

Administration

Issues

Consider items relating to 24-hour Fire/EMS services:

- a. Building Renovations
- b. Update on Fire/EMS services

Summary

The Town Manager will present these items to Council at the meeting.

Attachments

None

Recommendations

Consensus of Council to proceed with building renovations



Town Council Agenda Summary

Meeting Date

April 15, 2015

Department

Administration

Issue

Overview of Town Manager's Recommended Budget

Summary

The Town Manager will present his overview of the recommended budget that was presented at the Special Meeting-Budget Work Session on April 10, 2014 during the regular meeting.

Attachments

None

Recommendations

No action required



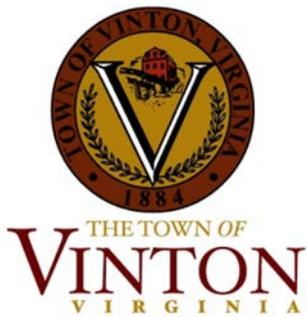
Town Council Special Budget Work Session

Fiscal Year 2014/2015

Proposed Operating Budget

Town Council Work Session

April 10, 2014



Budget Priorities

- Maintain core services with minimal reductions
- Develop funding plan for 5-year capital improvement program
- Maintain competitive employee benefits and compensation
- Maintain focus on Economic Development and implementation of Downtown Revitalization Initiative



FY2015 Recommended Budget Expenditures

General Fund	\$ 8,557,951
Water and Sewer Fund	<u>\$ 3,449,935</u>
Total	\$12,007,886



Town of Vinton

General Fund



THE TOWN OF
VINTON
VIRGINIA

General Fund Revenues

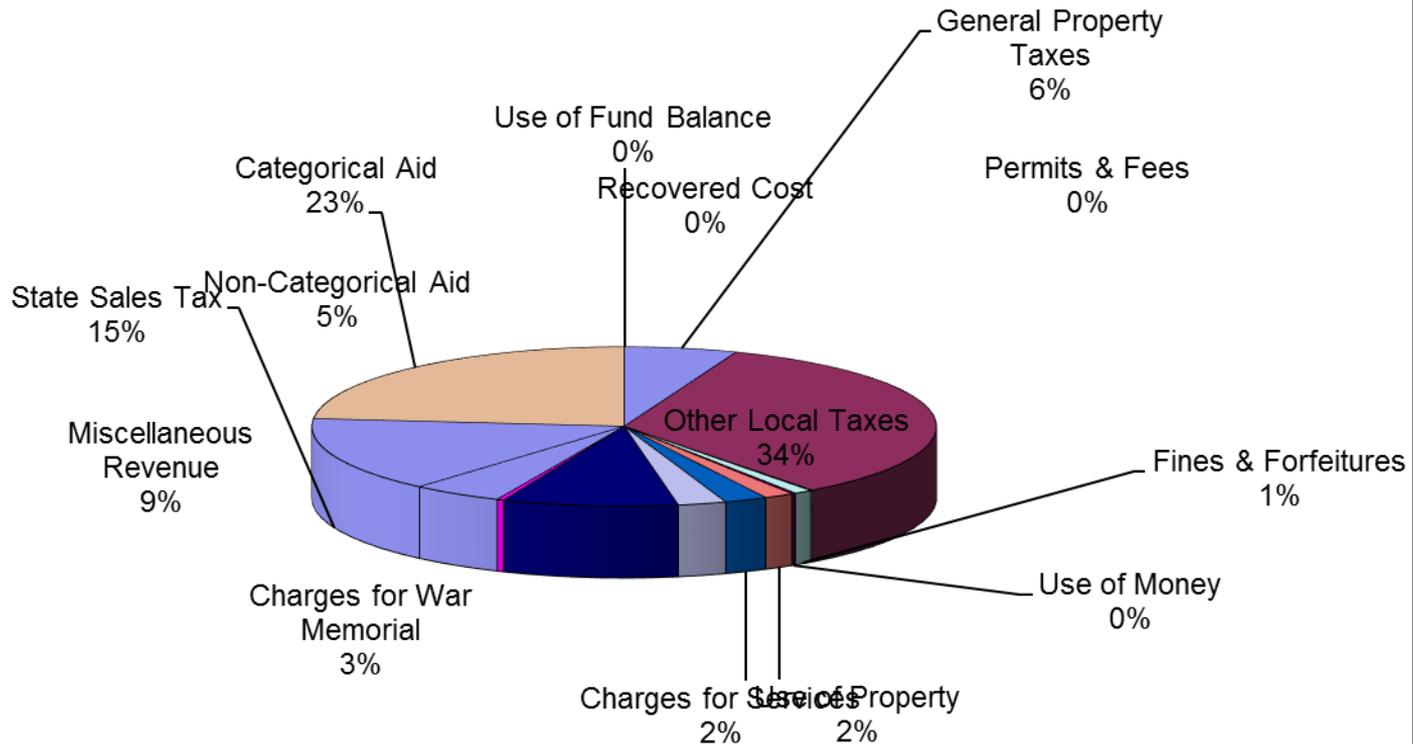
- Maintain Real Estate Tax Rate of \$0.03 per \$100 of assessed valuation
- Maintain Personal Property Tax of \$1.00 per \$100 of assessed valuation
- Maintain Machinery and Tools tax of \$1.00 per \$100 of assessed valuation
- Maintain \$0.25 tax on cigarette packs



THE TOWN OF
VINTON
VIRGINIA

Total Revenues \$8,557,951

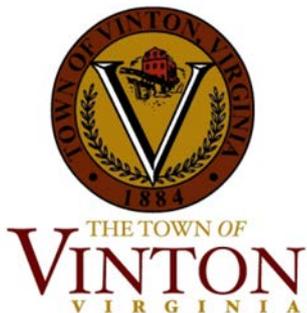
General Fund Revenues





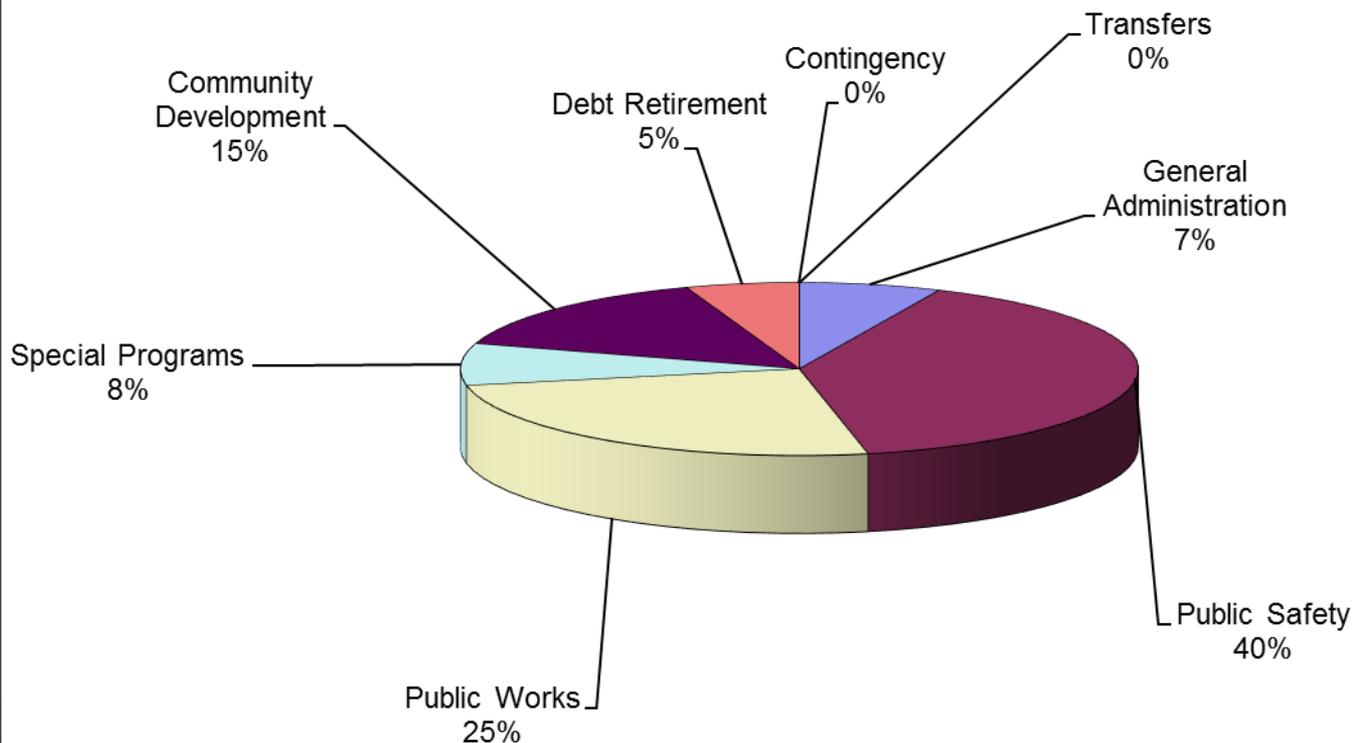
Total Revenues \$8,557,951

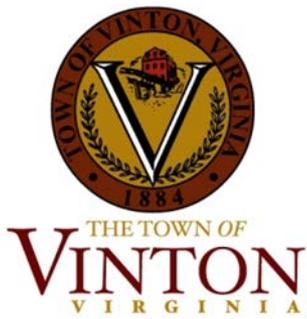
	Adopted Budget FY 13-14	FY 14-15 Manager Recom	% Change From FY 13-14
<u>Summary</u>			
<u>Accounts</u>			
General Property Taxes	498,264	499,915	0.33%
Other Local Taxes	3,006,056	2,900,000	-3.53%
Permits & Fees	11,500	11,000	-4.35%
Fines & Forfeitures	82,125	78,700	-4.17%
Use of Money	4,500	19,000	322.22%
Use of Property	128,150	130,060	1.49%
Charges for Services	222,500	190,500	-14.38%
Charges for War Memorial	146,950	213,000	44.95%
Miscellaneous Revenue	757,000	774,894	2.36%
Recovered Cost	33,650	31,000	-7.88%
Non-Categorical Aid	400,639	402,440	0.45%
State Sales Tax	1,250,000	1,300,000	4.00%
Categorical Aid	1,329,533	2,007,442	50.99%
Use of Fund Balance	35,000	-	-100.00%
Total	7,905,867	8,557,951	8.25%



Total Expenditures \$8,557,951

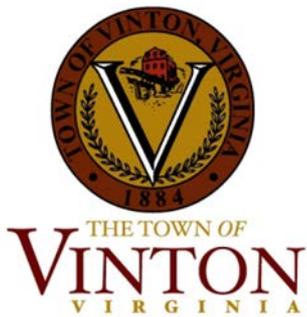
General Fund Expenditures





Total Expenditures \$8,557,951

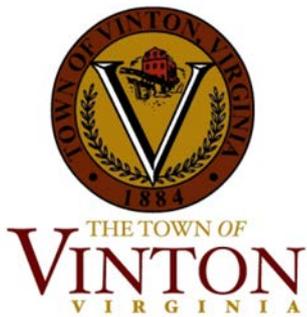
	Adopted Budget FY 13-14	FY 14-15 Manager Recom	% Change From FY 13-14
<u>Summary Accounts</u>			
General Administration	617,358	579,533	-6.13%
Public Safety	3,194,329	3,421,415	7.11%
Public Works	2,215,597	2,153,230	-2.81%
Special Programs	599,061	669,278	11.72%
Community Development	762,536	1,271,015	66.68%
Debt Retirement	457,911	463,480	1.22%
Contingency	60,575	-	100.00%
Transfers	-	-	0.00%
Total	7,907,367	8,557,951	8.23%



Budget Highlights

General Fund

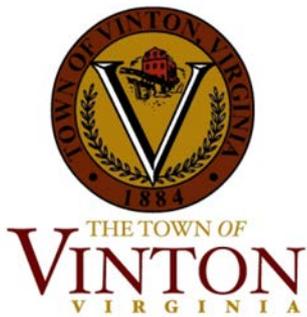
- 8.23% increase over the FY 12-13 Budget in the General Fund or \$650,584
 - \$675,000 – CDBG Grant for Downtown Project
 - \$89,900 – RSTP Walnut Street Improvement Grant
- Funding Capital items - \$38,400
- Milling and Paving - \$229,535 in General Fund – (\$40,000 in Utility Fund – total \$269,535)
 - decrease of \$4,300 from FY 14
- Increase in electricity and fuel expenses
- Contributions to Volunteer Fire & EMS - \$32,600



Budget Highlights

General Fund

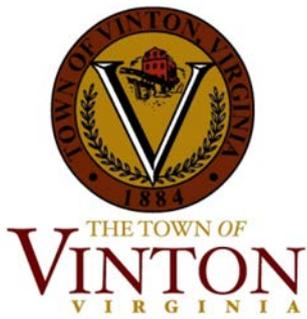
- Economic Development Joint Venture With County – Downtown Library land purchase annual payment - \$50,000
- Downtown Revitalization
 - \$700,000 grant approved
 - Budgeting \$675,000 for Year 2 project expenses
 - Continue expanded Façade Grant Program - \$5,000
- Community/Organization Contributions - \$17,800
- Joint Local Government Services - \$44,240



BUDGET HIGHLIGHTS

Personnel

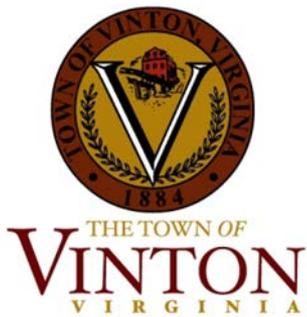
- Health insurance premium increase of 8.6%
 - Maintain same percentage distribution for employee only
 - Employee plus 1 and Family coverage increase
- Promote professional development and tuition reimbursement for team members
- New VRS hybrid plan to be implemented for all new, non-vested employees, January 1, 2014
 - New plan is a combination of defined contribution and defined benefit
 - Actuarial services to be completed and implemented in FY2015
 - New disability premium expenses for new employees hired after 1/1/15 – amount undetermined



Capital Improvement Program General Fund

• Walnut Avenue Corridor	\$ 4,800
• Replace Dumptruck with hooklift & dump body 5-yr lease	25,800
• Painting of Pool Interior	<u>7,800</u>
• Total General Fund	\$ 38,400

Proposed purchase of new ambulance – funding offered by VFAC
joint application for 50/50 grant with Roanoke County



Budget Highlights

- Proposed use of unreserved fund balance
 - \$128,144
- Operating needs are growing
 - Cost of living
 - Competitive salaries to retain and recruit highly qualified employees
 - Public Safety – Fire/EMS
 - Additional staff needs to fully implement 24-hours fire and EMS services at needed level of service
 - Cost share with County part-time EMS employees
 - Hire 2 FY16
 - Additional revenue is required to fulfill this service level
 - Capital Replacement of equipment is essential to providing basic service

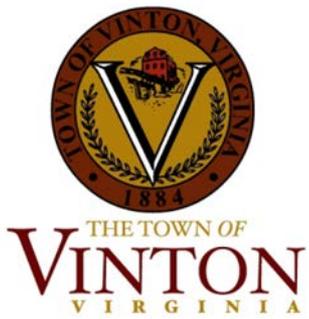
Community Contributions

Vinton Dogwood Festival	2,000
Chamber of Commerce	9,000
Clean Valley Awards	300
Christmas Parade Awards	100
Needy Family	900
Museum	3,000
Bank On	1,500
Mountain View Humane spay/Neuter	500
Tri-County Lake Administration (SML maintenance)	250
WBHS After Prom	250
Total	\$17,800

Vinton Volunteer Fire Department	16,300
Vinton Rescue Squad	16,300
Total	\$32,600

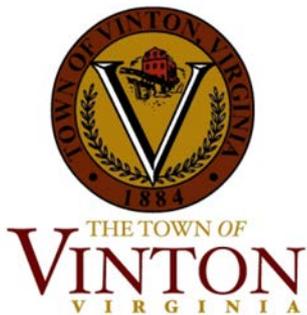
Joint Local Government Services

Roanoke Valley Regional Commission	6,478
Economic Development Partnership	16,751
Roanoke Valley CATV – Channel 3	15,317
Greenway Commission	3,355
AEP Steering Committee	2,339
Total	\$44,240

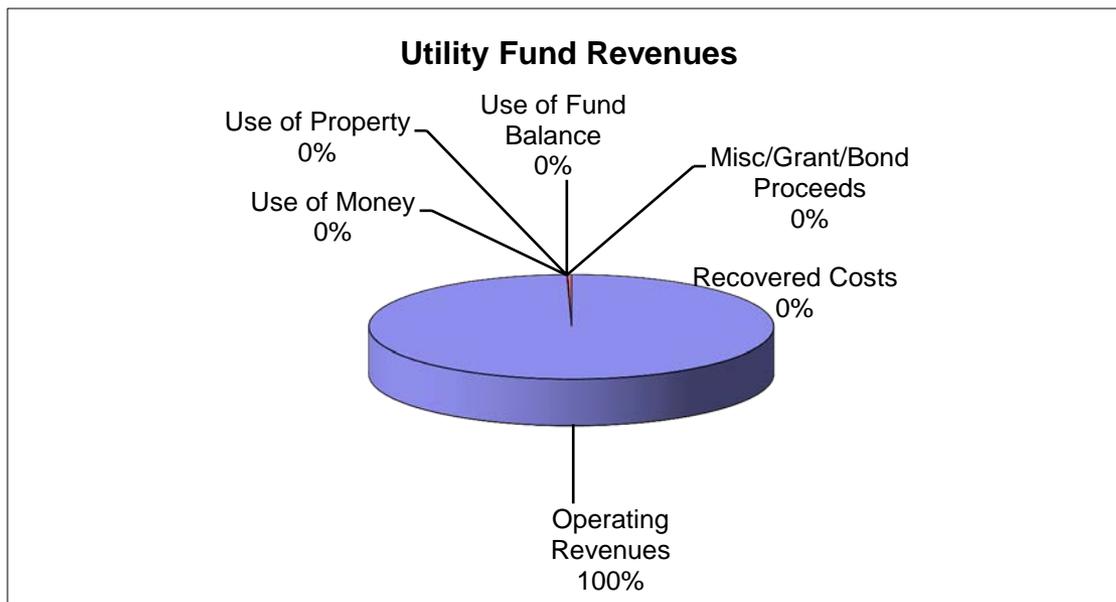


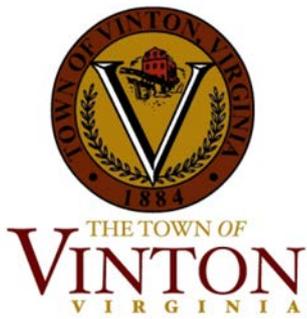
Town of Vinton

Utility Fund



Total Revenues \$3,449,935





Total Revenues \$3,449,935

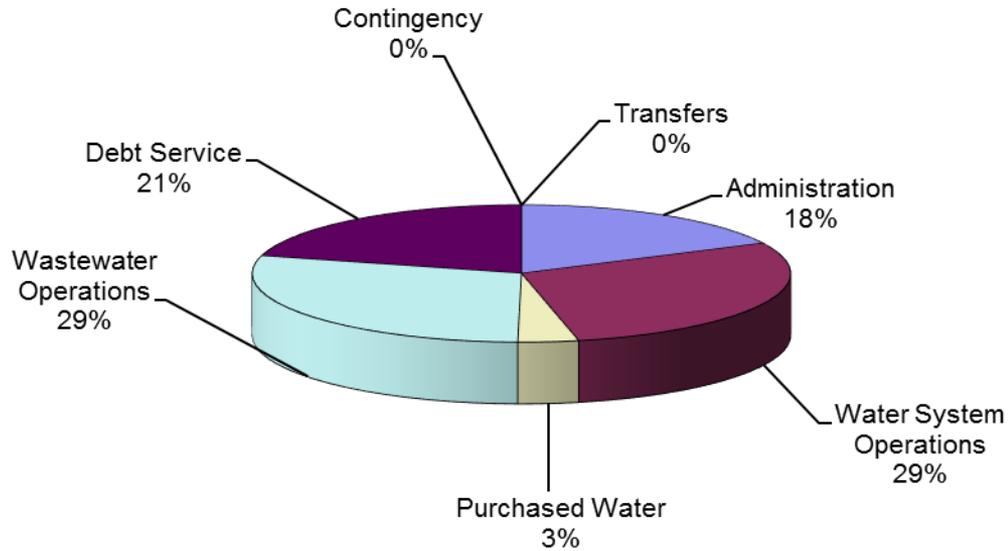
		FY 14-15	% Change
	Adopted	Manager	From
	FY 13-14	Recom	FY 13-14
<u>Summary Accounts</u>			
Operating Revenues	3,317,880	3,432,935	3.47%
Use of Money	1,000	2,500	150.00%
Use of Property	-	-	0.00%
Use of Fund Balance	100,000	-	-100.00%
Misc/Grant/Bond Proceeds	-	-	0.00%
Recovered Costs	<u>10,500</u>	<u>14,500</u>	38.10%
Total	3,429,380	3,449,935	0.60%



THE TOWN OF
VINTON
VIRGINIA

Total Expenditures \$3,449,935

Utility Fund Expenditures

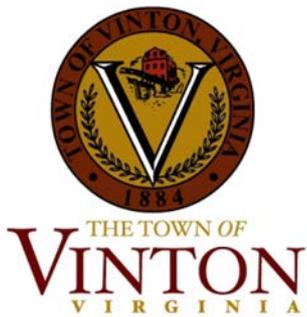




THE TOWN OF
VINTON
 VIRGINIA

Total Expenditures \$3,449,935

		FY 14-15	% Change
	Adopted	Manager	From
	FY 13-14	Recom	FY 12-13
<u>Summary Accounts</u>			
Administration	580,814	611,653	5.31%
Water System Operations	875,167	995,919	13.80%
Purchased Water	125,000	125,000	0.00%
Wastewater Operations	958,757	997,105	4.00%
Debt Service	792,063	720,258	-9.07%
Contingency	97,579	-	-100.00%
Transfers	-	-	0.00%
Total	3,429,380	3,449,935	0.60%



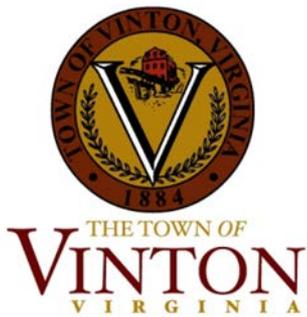
Utility Fund Budget Highlights

- .60% increase over FY 13-14 Budget or \$20,555
- Budget reflects 8.9% rate increase effective July 1, 2014
- Last year's budget reflected use \$100,000 fund balance for the generator which represents the difference in new revenue this year.
- No increase in Water and Sewer System Development Fees except for the Water Meter Setting Fees.
- Water Purchased for resale - \$125,000
- Cost of Wastewater Treatment \$418,385 an increase of \$69,731
 - Represents a 19% rate increase from WVWA which was retroactive to July 2013



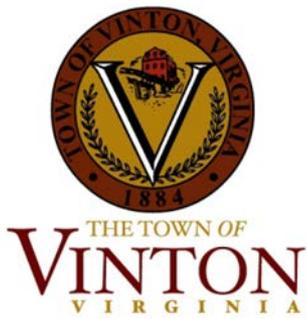
Utility Fund Expenditure Highlights

- Reduced Wastewater maintenance and repair of inflow and infiltration: \$60,000 for total of \$50,000
- Continuing on with recommendation of rate increases from rate study completed by Davenport and Co.
 - 8.9% FY14/15
 - 8.9% FY 15/16
 - Capital focus



Capital Improvement Utility Fund

- Capital Improvement Planned based on rate increase proposal by Davenport and Co. Rate Study
- City Works Asset Management Software \$40,000
- Hand Held Meter Reading Device Upgrade \$14,000
- Construct phase 2 Jefferson & Cleveland Waterline \$100,000
- Design & Replace of Sewer Main on Blandford Ave \$50,000
- Replacement of Water Line – Southampton Drive \$20,000
- Total \$224,000



Budget Schedule

- April 10 – Dept. Presentations
- April 15 – Work Session – Dept. Presentations
- April 29 – Work Session-
 - Water/Sewer Rate Study Recommendations for rate increase for FY 14/15 and 15/16
 - Authorize budget for advertisement
- May 6 – Work Session – Budget – Focus Areas
- May 20 – Regular Business meeting
 - Budget Public Hearing
- June 3 – Consider adopting budget



Town Council Agenda Summary

Meeting Date

April 15, 2014

Department

Town Clerk

Issue

Consider nominations for the 2014 VML Policy Committees

Summary

The Virginia Municipal League is accepting nominations for its 2014 Policy Committees. A description of the Policy Committee process is attached, along with our 2013 list. This information must be submitted to VML no later than Friday, May 2, 2014.

Attachments

2014 VML Policy Committee Information
2013 List

Recommendations

Motion to nominate and approve committee assignments



OFFICERS

PRESIDENT

DAVID P. HELMS
MARION MAYOR

PRESIDENT-ELECT

WILLIAM D. EUILLE
ALEXANDRIA MAYOR

VICE PRESIDENT

RON RORDAM
BLACKSBURG MAYOR

IMMEDIATE PAST PRESIDENT

EDWIN C. DALEY
HOPEWELL

EXECUTIVE DIRECTOR

KIMBERLY A. WINN

MAGAZINE

VIRGINIA TOWN & CITY

April 8, 2014

To: Key Officials of Full Member Local Governments
Council and Board Clerks of Full Member Local Governments

From: Kim Winn, Executive Director

Subject: 2014 VML Policy Committee Nominations

The Virginia Municipal League is now accepting nominations for its 2014 policy committees. A description of the policy committee process is attached, along with a nomination form. **Please complete the enclosed form and return it to VML by May 2. If your community has an election in May, please return this form by the requested date even if you must revise it later.**

Please observe the following guidelines when making your policy nominations:

- Only full-member local governments may participate.
- You may nominate two individuals to a committee; if two are nominated, at least one nominee must be a governing body member.
- **Only members of a council or board of supervisors and appointed officials (i.e., employees of the local government) are eligible to serve.**
- **Individual may serve on only one committee.**
- The chief administrative officer or mayor/board chairman must sign the nomination form.
- **Please return nomination forms by May 2.**

We will forward information about policy committee meeting times and rooms as soon as they are confirmed. Policy committee recommendations that emerge from the July meeting will be forwarded to the Legislative Committee for consideration at its September meeting.

Please call/email Janet Areson (804/523-8522, jareson@vml.org) if you have any questions about the appointment process.

P.O. Box 12164
RICHMOND, VIRGINIA 23241

13 EAST FRANKLIN STREET
RICHMOND, VIRGINIA 23219

804/649-8471
FAX 804/343-3758
e-mail@vml.org
www.vml.org

VML 2014 Policy Committee Nominations

Please return this form by **May 2** to Joni Terry at VML, P.O. Box 12164, Richmond, VA 23241; Fax 804/343-3758; email: jterry@vml.org

Community & Economic Development

Name & Title: _____

Name & Title: _____

Environmental Quality

Name & Title: _____

Name & Title: _____

Finance

Name & Title: _____

Name & Title: _____

General Laws

Name & Title: _____

Name & Title: _____

Human Development & Education

Name & Title: _____

Name & Title: _____

Transportation

Name & Title: _____

Name & Title: _____

Signed: _____ **Locality:** _____
(Mayor/Chair, or Manager/Administrator)

VML's Legislative and Policy Committee Process

Each year the Virginia Municipal League develops two separate documents -- a legislative program and a compilation of policy statements -- through a process that involves the Legislative Committee and six separate policy committees. The Legislative Committee is responsible for developing the legislative program, but it may also rely on input from the policy committees to do so. The policy committees develop broad policy statements, in addition to submitting specific legislative recommendations for consideration by the Legislative Committee.

Legislative Committee

What is the role of the Legislative Committee?

The Legislative Committee is responsible for considering and reporting on existing or proposed state and federal legislation or regulations, and urging the enactment or amendment of, or opposition to, such legislation or regulations.

How is the Legislative Committee appointed?

VML's Constitution spells out the composition of the Legislative Committee. The committee consists of 24 people holding elective or appointed positions, all appointed by VML's President. Of the 24 members, 12 must be representatives of cities and urban counties with populations in excess of 35,000, 6 must be representatives of cities and urban counties with populations of 35,000 or less, and 6 must represent towns.

What is included in VML's Legislative Program?

The legislative program adopted by the Legislative Committee reflects specific legislative objectives that VML hopes to achieve during the upcoming legislative session. It is subject to the approval of VML's membership at the annual conference.

What is the relationship between the legislative committee and VML's policy committees?

The Legislative Committee meets prior to the policy committees to identify issues that it would like the committees to consider for potential inclusion in the league's legislative program. It meets again after the policy committees have met to consider their recommendations.

Policy Committees

What is the role of the policy committees?

Policy committees receive briefings on select statewide issues, consider possible changes to the policy statement, and develop legislative recommendations for the Legislative Committee to consider.

How are policy committees appointed?

Policy committee membership consists of elected and appointed officials of full-member local governments. Nomination information is sent in the spring to each locality, and each local government determines which of its officials will be nominated for each of the six policy committees. Each local government may nominate up to two people per policy committee, at least one of whom must be an elected official.

What are the benefits of serving on a policy committee?

VML policy committees offer members an opportunity to learn about current and emerging statewide issues that affect local governments, to develop through policy statements the broad philosophical framework that guides the league, and to network with local officials with similar policy interests.

How many policy committees are there?

There are six policy committees: community and economic development, environmental quality, finance, general laws, human development and education, and transportation.

What issues does each policy committee cover?

- **Community & Economic Development:** Authority, administration, and funding of local governments to manage a full range of community and economic development issues, including business development and retention, international competitiveness, infrastructure development and investment, planning, land use and zoning, blight, enterprise zones, housing, workforce development and historic preservation.
- **Environmental Quality:** Natural resources and the authority of local governments to manage the environment, including water resources and quality, solid and hazardous waste management, air quality and the Chesapeake Bay.
- **Finance:** Powers, organization and administration of local government financing, including taxing authority, debt financing, state aid to local governments and federal policies affecting local finance issues.
- **General Laws:** Powers, duties, responsibilities, organization and administration of local governments, including state-local and inter-local relations, conflicts-of-interest, freedom-of-information, information management and personnel, telecommunications, utilities and law enforcement, jails and courts issues.
- **Human Development and Education:** Management and funding of social services, education, health, behavioral health, juvenile justice, recreation, rehabilitation and programs for the aging.
- **Transportation:** Development, maintenance, and funding of a comprehensive land, sea and air transportation system for the Commonwealth, and federal, state and local roles in the provision and regulation of transportation.

What is a policy statement?

Each policy committee develops a policy statement that covers issues in its respective area. The policy statement expresses the agreement of VML's membership on matters of interest to local governments. The statement generally addresses broad, long-term, philosophical positions. The VML membership approves the policy statements at its annual meeting.

How do policy statements differ from VML's legislative program?

Policy statements are general in nature. They reflect local governments' positions on a range of issues. The Legislative Program is more specific and immediate. It is limited to legislative positions that VML expects to lobby on during the upcoming legislative session.

VML 2013 Policy Committee Nominations

Please return this form by April 22 to Joni Terry at VML, P.O. Box 12164, Richmond, VA 23241;
Fax 804/343-3758; email: jterry@vml.org

Community & Economic Development

Name & Title: I. Douglas Adams, Council Member

Name & Title: Christopher S. Lawrence, Town Manager

Environmental Quality

Name & Title: Bradley E. Grose, Mayor

Name & Title: Anita McMillan, Planning & Zoning Director

Finance

Name & Title: Matthew S. Hare, Council Member

Name & Title: Barry W. Thompson, Finance Director/Treasurer

General Laws

Name & Title: William W. Nance, Vice Mayor

Name & Title: _____

Human Development & Education

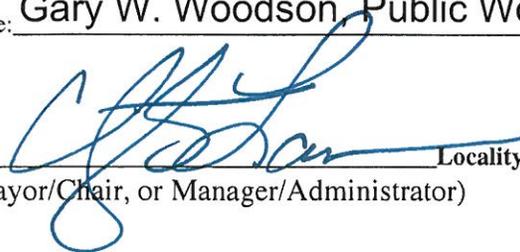
Name & Title: _____

Name & Title: _____

Transportation

Name & Title: Robert R. Altice, Council Member

Name & Title: Gary W. Woodson, Public Works Director

Signed:  _____ Locality: Town of Vinton

(Mayor/Chair, or Manager/Administrator)