

VIRGINIA: At a Regular Monthly Meeting of the Board of Supervisors for the County of Accomack held in the Board of Supervisors Chamber in Accomac, Virginia on the 18th day of March, A.D., 2015 at 5:00 p.m..

Members Present: C. Reneta Major, Chair  
Ron S. Wolff, Vice Chair  
Wanda J. Thornton  
Grayson Chesser  
John Charles "Jack" Gray  
Kay W. Lewis  
Laura Belle Gordy  
Robert D. Crockett  
Donald L. Hart, Jr.

Others Present: Steven B. Miner, County Administrator  
Mark B. Taylor, County Attorney

### **Call to Order**

The meeting was called to order by the Chair and opened with a prayer by Pastor Rob Kelly from the Craddockville United Methodist Church, after which the Pledge of Allegiance to the Flag was recited.

### **Adoption of the Agenda**

Mr. Hart made a motion to adopt the Agenda. Mr. Wolff seconded the motion. The motion was unanimously approved.

### **Public Comment**

County Attorney Mark Taylor read the rules for public comment and stated the rules for Public Comment were not the correct version that as adopted in January.

Comments of opposition concerning the Central Accomack Waste Water Treatment Plant were offered by:

Nancy Peterson, Melfa, VA, representing the Accomack County Democratic Committee  
Josh Bundick, - Onancock, VA, representing Town of Onancock  
Alan Silverman, Onancock, VA  
Joseph Valentine, Onancock, VA

Comments of opposition to the proposed Atlantic Town Center Rezoning were offered by:

Hayden Gordon, Greenbackville, VA  
Ronnie Thomas, Atlantic, VA  
Robert Tittle, Greenbackville, VA

### **Minutes**

Mr. Crockett made a motion to approve the Minutes of the February 9, 18, 23, and February 25, 2015 meetings. Mrs. Lewis seconded the motion. The motion was unanimously approved.

## **Resolution Honoring Fire Companies During Arsonists Spree**

Senator Lynwood Lewis, Jr. and Jody Hopkins, representative for Delegate Robert S. Bloxom, Jr. presented the following resolution honoring each of the fire companies who performed heroically during the arsonist's spree and read it in the record.

**SENATE OF VIRGINIA  
SENATE JOINT RESOLUTION NO. 5071  
Commending Eastern Shore Volunteer Fire Departments  
Patrons – Lewis; Delegate: Bloxom**

**Agreed to by the Senate, September 18, 2014  
Agreed to by the House of Delegates, September 18, 2014**

**WHEREAS**, between November 2012 and April 2013, Eastern Shore volunteer fire departments worked diligently and bravely to respond to a series of arson fires throughout Accomack County; and

**WHEREAS**, over the course of nearly six months, two arsonists set 77 fires, destroying abandoned houses, vehicles, cabins, storage sheds, billboards, tire piles, an airplane hangar, and an abandoned hotel and attempting to destroy other structures, including a church and an occupied home; and

**WHEREAS**, at the height of the incidents, the all-volunteer fire departments of the Eastern Shore were often tasked with responding to multiple fires in one day and modified firefighting methods to ensure that incidents were dealt with safely and efficiently; and

**WHEREAS**, members of the Eastern Shore volunteer fire departments cooperated with local law enforcement and Virginia State Police in an effort to bring the investigation to a successful conclusion; the fires ceased after two suspects were apprehended in April 2013; and

**WHEREAS**, Eastern Shore volunteer fire departments-New Church, Greenbackville, Chincoteague, Atlantic, Saxis, Bloxom, Parksley, Tasley, Onancock, Melfa, Wachapreague, Painter, Community (Exmore), Cheriton, Cape Charles, Northampton (Nassawadox), Eastville, and Onley-exhibited professionalism and dedication while fighting the arson fires or providing support to other volunteer fire companies engaged in fighting the fires; and

**WHEREAS**, the NASA Wallops Flight Facility Fire Department, Oak Hall Rescue, Accomack County Department of Public Safety, Department of Forestry, and Eastern Shore of Virginia 911 Communications Center also played crucial roles in protecting the community during this period; and

**WHEREAS**, this series of events is a reminder of the dangers courageously faced by firefighters, first responders, and law enforcement officers in the fulfillment of their mission to safeguard the lives and property of the citizens of the Commonwealth; now, therefore, be it

**RESOLVED** by the Senate of Virginia, the House of Delegates concurring, That the General Assembly hereby commend these Eastern Shore volunteer fire departments for their coordinated and selfless response to a series of arson fires in Accomack County between November 2012 and April 2013; and, be it

**RESOLVED FURTHER**, that the Clerk of the Senate prepare copies of this resolution for presentation to these Eastern Shore volunteer fire departments as an expression of the General Assembly's admiration for the departments' tireless dedication to the members of the Eastern Shore community.

## **Resolution Recognizing Commitment and Dedication of Volunteer Firefighters**

Chairman Major presented a Resolution recognizing the commitment and dedication of Volunteer Firefighters during the arsonist's spree. Ms. Major read the resolution for the record and presented a copy of the Resolution to Harry Stanley Thornton, Accomack County Fire and Rescue Commission Chairman to give to each fire company, the plaque be placed at the Eastern Shore Fire Training Center.

**A RESOLUTION RECOGNIZING THE COMMITMENT AND DEDICATION  
OF**

## **FIRE-RESCUE COMPANIES/LAW ENFORCEMENT AND AGENCIES**

**WHEREAS**, between November, 2012 and April, 2013, fire-rescue companies/law enforcement and agencies worked selflessly, tirelessly, diligently and bravely to respond to a series of arson fires throughout Accomack County; and

**WHEREAS**, at the height of the incidents, all fire-rescue companies/law enforcement and agencies of the Eastern Shore responded to multiple fires in one day and modified firefighting methods to ensure that incidents were dealt with safely and efficiently; and

**WHEREAS**, members of the Eastern Shore fire companies cooperated with local law enforcement, Virginia State Police, and Federal Bureau of Investigation in an effort to bring the investigation to a successful conclusion; the fires ceased after two suspects were apprehended in April, 2013; and

**WHEREAS**, Eastern Shore fire-rescue companies/law enforcement and agencies exhibited professionalism and dedication while fighting the arson fires or providing support to other volunteer fire companies engaged in fighting the fires; and

**WHEREAS**, this series of events is a reminder of the dangers courageously faced in the fulfillment of their mission to safeguard the lives and property of the citizens of Accomack County; now:

**THEREFORE, BE IT RESOLVED** that the Accomack County Board of Supervisors hereby commends these Eastern Shore fire companies for their coordinated and selfless response to a series of arson fires in Accomack County between November, 2012 and April, 2013; and

**BE IT FURTHER RESOLVED THAT** a copy of this Resolution be placed upon a plaque and placed on the walls of the Eastern Shore of Virginia Fire Training Center and a copy provided to each fire company.

### **Consent Agenda**

Mr. Hart made a motion to approve following items under the Consent Agenda.

Mrs. Thornton seconded the motion. The motion was unanimously approved.

- 5.2 The award of IFB 681 for the construction of Harborton Barge Dock Improvements to the low bidder, Somerset Paving and Marine, Inc. for option #2 in the amount of \$267,777,
- 5.3 To ratify the following Resolution of Recognition and Commendation for Arthur L. (Reds),

### **RESOLUTION OF RECOGNITION AND COMMENDATION**

**WHEREAS**, each year residents and visitors to our community may require fire and emergency services provided by our volunteer fire companies and emergency care personnel, medical responders, EMT's, whether volunteers or paid personnel, who give selflessly of themselves for the welfare of others; and

**WHEREAS**, the citizens of the Greenbackville and surrounding communities benefit from the knowledge, skills, and dedication of these volunteers; and

**WHEREAS**, Arthur L. Hill, affectionately known as "Reds" by his family and friends, joined the Greenbackville Volunteer Fire Department, Inc. in 1965; and

**WHEREAS**, he is a longtime Trustee and Secretary of the Greenbackville Volunteer Fire Department, Inc.; and

**WHEREAS**, he served as an EMT for over twenty (20) years and as Rescue Captain of the Greenbackville Volunteer Fire Department, Inc. being one of its founding members; and

**WHEREAS**, he is a longtime supporter of the Greenbackville Fire Department, Inc. Ladies Auxiliary and can often be found volunteering and working along with them during various functions and events of the fire company; and

**WHEREAS**, he is very active in his church and community: now

**THEREFORE, BE IT RESOLVED** that the Board of Supervisors does hereby recognize and commend the dedicated, distinguished and outstanding service of Arthur L. “Reds” Hill to the Greenbackville Volunteer Fire Department, Inc., citizens of the Greenbackville and surrounding communities, Accomack County and its citizens, and the Commonwealth of Virginia; and

**BE IT FURTHER RESOLVED**, that a copy of this Resolution be spread upon the Minutes and be put upon a plaque to be presented to Arthur L. “Reds” Hill.

- 5.4 To schedule a Public Hearing at Metompkin Elementary School on April 15, 2015 at 7:30p.m. to afford interested persons the opportunity to be heard or to present written comments concerning the proposed Riverside Shore Memorial Hospital Conditional Use Permit Amendment, and
- 5.5 To schedule a Public Hearing at Metompkin Elementary School on April 15, 2015 at 7:30p.m. to afford interested persons the opportunity to be heard or to present written comments concerning the proposed Dollar General Conditional Rezoning Request

#### **Wallops Flight Facility Regarding Resiliency Plan for Wallops Flight Facility**

Caroline Massey, Assistant Director for Management Operation at Wallops Flight Facility gave a presentation and explained the Shoreline Protection Plan. She told the Board about the Wallops Shoreline Protection Plan which was instituted after Hurricane Irene to stabilize the shoreline and protect the launch pads and vital structures from damage during hurricanes. She explained the overall coastal resiliency plan which takes into effect models on climate change and other possible threats to the coastline going forward and responded to questions.

Mrs. Massey gave her response to the email concerning Atlantic Town Center and stated NASA was completely in favor of planned development and recognized the need for development. She said a portion of the Atlantic Town Center was located underneath the accident potential zone associated with the field carrier landing practice. She said one of the challenges was airplanes did not know lines necessarily every time and if it was not residential it probably would be more compatible; that because it was a densely populated residential area with apartments and town homes NASA felt it was incompatible from a NASA prospective usage, but felt if it were agricultural they would not have a problem. She responded to questions.

Mrs. Thornton complimented NASA on stabilizing the beach but stated the dredging may be the cause of problems that have developed from sand filling the channel in Chincoteague Inlet making it difficult for boats to get in and out. Mrs. Thornton asked

the Board to request NASA take into consideration possible effects on the inlet during future efforts to stabilize the Wallops Shoreline.

### **Proposed Atlantic Town Center Conditional Rezoning**

Rich Morrison gave a brief overview on the property in question and stated it was currently zoned agricultural and general business and that the 77 acres conditional rezoning request from agricultural to residential by Atlantic Town Center was to allow a multiple-family residential development in Wattsville and responded to questions.

Mr. Mark Baumgartner, Pender & Coward, commented on behalf of the applicant and discussed the APZ Zone and wanted it to be known the limit of the units was a maximum of 432 units not 600 to 800 units. He said Atlantic Town Center had complied with every request of the Board and asked for approval of the rezoning of the project and responded to questions.

Mrs. Thornton made a motion to approve the Atlantic Town Center conditional rezoning request from agriculture to residential. Mrs. Lewis seconded the motion.

A discussion ensued.

The vote on the motion: Ayes: Mrs. Thornton, Mrs. Lewis, Mrs. Gordy Nays: Mr. Chesser, Mr. Wolff, Mr. Gray, Mr. Crockett, Ms. Major, Mr. Hart.

### **Town Center Utility Facility Conditional Use Permit Amendment**

Mrs. Thornton made a motion to approve the Atlantic Town Center Utility Facility Conditional Use Permit Permit request to increase the capacity of the sewage plan from 10,000 gallons to 30,000 gallons per day. Mrs. Lewis seconded the motion. A discussion ensued.

The vote on the motion: Ayes: Mrs. Thornton, Mrs. Gordy, Ms. Lewis. Nays: Mr. Chesser, Mr. Wolff, Mr. Gray, Mr. Crockett, Ms. Major, Mr. Hart.

### **Recess**

It was the consensus of the Board to recess for 5 minutes.

### **Call to Order**

The Chair called the meeting back to order.

### **Public Hearing - Joynes Neck Agricultural and Forestal District**

The Chair opened the Public Hearing to afford interested persons the opportunity to be heard or to present written comments concerning the Joynes Neck Agricultural and Forestal District.

Kristen Tremblay, Planner, gave a brief overview of the Joynes Neck Agricultural and Forestal District parcels that were requested for removal.

No public comments were offered and the Chair closed the Public Hearing.

**Sec. \_\_-\_\_. Joynes Neck Agricultural and Forestal District.**

The Joynes Neck Agricultural and Forestal District, established pursuant to Ordinance No. \_\_\_\_\_ and adopted by the Board of Supervisors on \_\_\_\_\_, shall consist of all of that real property more particularly described below, and shall be in accordance with the Accomack County Agricultural and Forestal District Ordinance, Chapter \_\_\_\_, as may be hereafter amended from time to time by the Board. It shall be continued for a period of four (4) years.

**Properties:**

Owner Name 1	Owner Name 2	Tax Parcel
BARBER, THOMAS AMOS		95-A-35C
BARBER, THOMAS AMOS		95-A-35C1
BINGHAM, JOHN W	OR DIANNE W BINGHAM	95-A-35B
BINGHAM, JOHN W	OR DIANNE W BINGHAM	95-A-B1
BRENNAN, GREGORY W	OR PATRICIA B BRENNAN	95-A-36
BRENNAN, GREGORY W	OR PATRICIA B BRENNAN	95-A-36A1
BRENNAN, GREGORY W	OR PATRICIA B BRENNAN	95-A-36A2
COVATTA, ROBIN RINACA		96-A-3
COVATTA, ROBIN RINACA		96-A-4
CROPPERVILLE FARMS LTD PTN	C/O JACKSON MASON	96-1-1
EVANS, ESTHER J		95-2-A
EVANS, ESTHER J		95-2-B1
EVANS, ESTHER J		95-2-C1
GILBERT, JOHN BRUCE	SUZANNE H GILBERT	96-1-2
HOWELL, WAYNE C	ANNE E HOWELL	96-A-2B
MASON, A JACKSON III	CYNTHIA D MASON	96-1-3
MASON, EUGENE A	TAMMY V MASON	96-A-2
MASON, JOHN E II	OR SUSAN H MASON	96-A-1A
MASON, THOMAS BLACKSTONE	OR LISA T MASON	96-A-2A
NEEDELS, CHRISTOPHER	& CONYA C NEEDELS	88-A-24
NEEDELS, CHRISTOPHER	& CONYA C NEEDELS	88-A-25A
NEEDELS, CHRISTOPHER		88-A-25
PARKS, RICHARD B		88-A-29A
PARKS, RICHARD B		88-A-29D
PARKS, RICHARD B		88-A-31
PARKS, RICHARD B	NORA LEE PARKS	88-A-30A
STERLING, JERRY M	& DIANE L STERLING	88-A-26
STERLING, JERRY M	& DIANE L STERLING	88-A-29B
SUTHERLAND, MARTHA S TR	BARNABY CONRAD III	88-A-29

Mr. Crockett made motion to continue with Joynes Neck Agricultural and Forestal District with modifications, to remove tax map numbers 88-A-29A1, 88-1-29A2, 88-A-29F, 88-A-29H and 88-A-29I from the Joynes Neck District as recommended by the Agricultural and Forest District. Mr. Wolff seconded the motion. The motion was unanimously approved.

**Flood Hazard Overlay District Regulations Public Hearing**

The Chairman opened the Public Hearing.

Tom Brockenbrough gave a presentation on Flood Hazard Overlay District Regulations and responded to questions regarding same and responded to questions from the Board.

Comments were offered by J. Davenport of Onancock – flood insurance increase

The Chair closed the public Hearing.

Mr. Crockett made a motion to adopt the Planning Commission and Staff recommendations to repeal Article XV of the Zoning Ordinance and replace it with the proposed language and to incorporate a freeboard requirement of 2 feet. Mr. Chesser seconded the motion. Ayes: Mr. Wolff, Mr. Chesser, Mr. Gray, Mrs. Lewis, Mr. Crockett, Mrs. Gordy, Mr. Hart, Ms. Major. Nays: None. Abstentions: Mrs. Thornton.

**ORDINANCE OF THE BOARD OF SUPERVISORS OF  
ACCOMACK COUNTY, VIRGINIA TO REPEAL AND REPLACE CHAPTER  
106,**

**ZONING, ARTICLE XV, FLOOD HAZARD OVERLAY DISTRICT**

WHEREAS, FEMA has issued new Flood Insurance Rate Maps for Accomack County to be effective May 18, 2015; and

WHEREAS, the Commonwealth of Virginia has updated the Model Flood Ordinance to conform to new FEMA requirements; and

WHEREAS, the Department of Planning and Community Development has prepared proposed changes designed to bring the County Ordinance into compliance with requirements of FEMA and the guidelines of the Commonwealth of Virginia; and

WHEREAS, the Planning Commission has recommended and the Board of Supervisors concurs with the recommendation of the Planning Commission to repeal and replace the existing language in the Ordinance; and

WHEREAS, the Board of Supervisors wishes to establish a freeboard requirement of 2 feet), and

WHEREAS, after public hearing held on March 18, 2015, the Board of Supervisors desires to repeal and replace Chapter 106, Zoning, Article XV, Flood Hazard Overlay District, in its entirety; and

NOW, THEREFORE, be it enacted as follows:

~~ARTICLE XV. FLOOD HAZARD OVERLAY DISTRICT~~

~~Sec. 106-351. Statement of intent.~~

- ~~(a) The flood hazard overlay district is established pursuant to the authority of the Code of Virginia, §§ 15.2-2283 and 15.2-2284 for the purposes of providing safety from floods, prevention of property damage and loss and all other related dangers; and of promoting the health, safety and general welfare by regulating and restricting areas in the tidal floodplains of the Chesapeake Bay, the Atlantic Ocean, and all creeks and streams which are subject to overflowing of their banks.~~
- ~~(b) The flood hazard districts created and described herein shall be overlays to the existing underlying districts as shown on the official zoning ordinance map, and as such, the provisions for the floodplain districts shall serve to supplement or qualify the underlying zoning district provisions. Any conflict between the provisions or requirements of the flood hazard districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the flood hazard districts shall apply. In the event any provision concerning a flood hazard district is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.~~

~~Sec. 106-352. Definitions.~~

~~For the purpose of this article words and terms used herein shall be defined as follows:~~

~~*Base flood/100-year flood* means a flood that has a one percent chance of occurring each year.~~

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

~~*Existing manufactured home park/subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the initial effective date of the ordinance from which this article is derived.~~

~~*Expansion to an existing manufactured or mobile home park or subdivision* means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured/mobile homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads).~~

~~*Flood* means a general and temporary inundation of normally dry land areas.~~

~~*Floodplain* means:~~

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

~~*Floodprone area* means any land area susceptible to being inundated by water from any source.~~

~~*Historical structure* means any structure that is:~~

- ~~(1) Listed individually in the National Register of Historic Places (a listing maintained by the department of interior) or preliminary determined by the secretary of the interior as meeting the requirements for individual listing on the National Register;~~
- ~~(2) Certified or preliminary determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminary determined by the Secretary of the Interior 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;~~
  - ~~b. Directly by the secretary of the interior in states without approved programs.~~~~

~~*Manufactured or mobile home park/subdivision* means a parcel (or contiguous parcels) of land divided into two or more lots for rent or sale.~~

~~*New construction* means, for the purpose of determining insurance rates, structures for which the start of construction commenced on or after the effective date of applicable flood hazard regulations adopted by the board of supervisors, 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 initial floodplain management regulations adopted by the county board of supervisors, and includes any subsequent improvements to such structures.~~

~~*New manufactured or mobile home park/subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the initial effective date of these regulations.~~

~~*Start of construction* means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as pouring of slab and 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 foundation 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 construction means the first alteration on any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.~~

~~*Substantial damage* means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.~~

~~*Substantial improvement* means 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 of correct existing violations of state of 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.~~

**Cross reference**—Definitions generally, § 1-2.

~~Sec. 106-353. Establishment of flood hazard districts.~~

- ~~(a) For the purpose of establishing the flood hazard districts and for delineation of such areas, the flood insurance study and flood insurance rate maps prepared for Accomaek County dated March 16, 2009 by the Federal Emergency Management Agency establishing such zones and any subsequent revision, shall apply. The areas indicated on such maps as zones VE and zones AE shall constitute the flood hazard area for the purpose of this article. The coastal high hazard areas are designated as zones VE. The coastal floodplain areas are designated as zones AE. Any proposed changes in the delineation of the flood hazard areas are subject to approval by the Federal Insurance Administrator, Federal Emergency Management Agency.~~
- ~~(b) The boundaries of the flood hazard districts are established as shown on the above flood insurance rate map, which is declared to be part of this article, and which shall be kept on file at the department of building and zoning. The provisions of this article, the official zoning map, and the flood insurance rate maps shall be read and construed together in the application of this article.~~
- ~~(c) This article shall apply to all unincorporated areas of the county, including the barrier islands, identified as being in the 100 year floodplain by the Federal Insurance Administration.~~

Sec. 106-354. General regulations.

- ~~(a) Permitted uses, activities and development occurring within any floodplain district shall be as provided for in the underlying zoning district, and shall be undertaken only upon the issuance of a zoning and a building permit. Such development shall be undertaken only in strict compliance with the provisions of this chapter and with all other applicable codes and ordinances such as the Uniform Statewide Building Code. Prior to the issuance of any such permit, the building official shall require all applications to include compliance with all other applicable local ordinances and state and federal laws.~~
- ~~(b) Any proposed development in the flood hazard district requiring review and approval of a site plan or subdivision plat, in accordance with section 106-386, or chapter 78, shall include on such site plan or plat the following:~~
- ~~(1) The established elevations of the 100-year floodplain;~~
  - ~~(2) The lowest and highest elevations above mean sea level for each proposed building site;~~
  - ~~(3) For structures to be elevated, the elevation of the lowest floor (including basement);~~
  - ~~(4) Topographic information showing existing and proposed ground elevations;~~
  - ~~(5) For nonresidential structures to be floodproofed, the elevation to which the structure will be floodproofed.~~
- ~~(c) In coastal high hazard areas, VE, all new construction shall be located landward of the reach of mean high tide.~~
- ~~(d) In coastal high hazard areas, VE, the manmade alteration of sand dunes which would increase potential flood damage is prohibited.~~
- ~~(e) Base flood elevation. Where a residential building is to be located in any flood hazard area, the lowest floor (including basement) of all new construction, or substantial improvements to existing buildings, shall be constructed to a minimum of one foot above the base flood level. "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking 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 this chapter. For all new residential construction and substantial improvements to residential buildings in flood zones, AE, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:~~
- ~~(1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.~~
  - ~~(2) The bottom of all openings shall be no higher than one foot above grade.~~
  - ~~(3) Openings may be equipped with screens, louvers, or other coverings or devices provided they permit the automatic entry and exit of floodwater.~~
- ~~(f) All new or substantial improvements to non-residential buildings in VE must have the lowest floor (including basement) elevated or floodproofed to a minimum of one foot above the base flood elevation. Under the floodproofing option, structures must be made tight, with walls substantially impermeable to the passage of water and with structural components that are able to resist floatation, collapse, lateral movement, or other forces associated with a 100-year flood. Specific floodproofing plans must be submitted to the plan approving authority. Such plans must be certified by a registered professional engineer or architect as meeting the minimum requirements of the National Flood Insurance Program.~~
- ~~(g) All new construction and substantial improvements in zone VE shall be elevated on pilings and columns so that (1) the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is a minimum of one foot above the base flood level; and (2) the pile-column foundation and structure attached thereto is anchored to resist floatation, collapse and lateral movement due to the~~

~~effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval). A registered professional engineer or architect shall develop or review the structural design.~~

- ~~(h) All new construction and substantial improvements, within zone VE and shall have the space below the lowest floor either free of obstruction or constructed with nonsupporting breakaway walls, open wood latticework, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than ten and no more than 20 pounds per square foot. Use of breakaway walls which exceed design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:~~
- ~~(1) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood;~~
  - ~~(2) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval); and~~
  - ~~(3) Such enclosed space shall be designed and usable solely for parking of vehicles, building access, or storage.~~
- ~~(i) Manufactured and mobile homes:~~
- ~~(1) Manufactured and mobile homes that are placed or substantially improved on sites:
    - ~~a. Outside of a manufactured home park or subdivision;~~
    - ~~b. In a new manufactured home park or subdivision;~~
    - ~~c. In an expansion to an existing manufactured home park or subdivision; or~~
    - ~~d. In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood; shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to a minimum of one foot above the base flood elevation and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapses, and lateral movement.~~~~
  - ~~(2) Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the provisions of subsection (i)(1), above, of this section shall be elevated so that either:
    - ~~a. The lowest floor of the manufactured home is a minimum of one foot above the base flood elevation, or~~
    - ~~b. The manufactured home chassis is supported by reinforced piers or other foundation elements of a least equivalent strength that are no less than 36 inches in height above grade and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.~~~~
  - ~~(3) Recreational vehicles placed on sites shall either:
    - ~~a. Be on the site for fewer than 180 consecutive days, and be fully licensed and ready for highway use; or~~
    - ~~b. Meet the permit requirements for placement and all elevation and anchoring requirements for manufactured homes as above in this section.~~~~

- ~~(j) *Mechanical and utility equipment.* Electrical heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or located in conformance with the Virginia Uniform Statewide Building Code, as amended.~~
- ~~(k) *Elevation certificate.* A professional engineer, architect, or surveyor licensed by the Commonwealth of Virginia, shall be required to establish and certify the elevations above mean sea level at the property location where the building or manufactured home is to be constructed. He shall certify that the lowest floor of the building or manufactured home has been constructed to a minimum of one foot above the base flood level as established by the Federal Insurance Rate Maps. The engineer, architect, or surveyor, shall fill and execute the elevation certificate form and deliver it to the county building official.~~
- ~~(l) *Alteration or relocation of watercourse.* 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 state water control board and the state marine resources commission (a joint permit application is available from any of these organizations). Furthermore, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Division of Soil and Water Conservation (Department of Conservation and Recreation), and the Federal Insurance Administration.~~

~~Sec. 106-355. Existing structures in floodplain districts.~~

~~A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to article XI of this chapter, and to the following conditions:~~

- ~~(1) 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; or~~
- ~~(2) The 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 chapter and the Uniform Statewide Building Code.~~

~~Sec. 106-356. Design criteria for utilities and facilities.~~

- ~~(a) *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 the 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.~~
- ~~(b) *Water facilities.* All new or replacement water facilities shall be designed to minimize or eliminate the infiltration of floodwaters into the system and be located and constructed to minimize or eliminate flood damages.~~
- ~~(c) *Drainage facilities.* All storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The systems shall ensure drainage away from buildings and on-site waste disposal sites. 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.~~
- ~~(d) *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.~~
- ~~(e) *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. 106-357. Variances.~~

- ~~(a) In reviewing and acting upon applications for variances, the board of zoning appeals shall satisfy all relevant factors and procedures specified in article XI of this chapter, as well as the following provisions:~~

- ~~(1) 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.~~
- ~~(2) Variances shall be issued only after the board of zoning appeals has determined that the granting of such will not result in unacceptable or prohibited increases in flood heights, additional threats to public safety, extraordinary public expense, and will not create nuisances, cause fraud or victimization of the public, or conflict with other local laws or ordinances.~~
- ~~(3) Variances shall be issued only after the board of zoning appeals has determined that variance will be the minimum required to provide relief from exceptional hardship to the applicant.~~
- ~~(4) 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 increases the risks to life and property and will result in increased premium rates for flood insurance.~~
- ~~(5) In granting any variance, the board of zoning appeals may attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety and welfare and to achieve the objectives of this article.~~
- ~~(6) A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. Any variances which are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.~~
- ~~(b) In its deliberations to dispose of variance requests under this article, the board of zoning appeals shall consider the following additional factors:~~
  - ~~(1) The danger of life and property due to increased flood heights or velocities caused by encroachments.~~
  - ~~(2) The danger that materials may be swept on to other lands or downstream to the injury of others.~~
  - ~~(3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.~~
  - ~~(4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.~~
  - ~~(5) The importance of the services provided by the proposed facility to the community.~~
  - ~~(6) The requirements of the facility for a waterfront location.~~
  - ~~(7) The availability of alternative locations not subject to flooding for the proposed use.~~
  - ~~(8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.~~
  - ~~(9) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.~~
  - ~~(10) The safety of access by ordinary and emergency vehicles to the property in time of flood.~~
  - ~~(11) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site that variance will be the minimum required to provide relief from any hardship to the applicant.~~
  - ~~(12) The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.~~
  - ~~(13) Such other factors which are relevant to the purposes of this article.~~

~~Sec. 106-358. Warning and disclaimer of liability.~~

~~The degree of flood protection required by this flood hazard overlay district is considered reasonable for regulatory purposes and is based on~~

~~engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes. This article does not imply that areas outside the flood hazard districts, or that land uses permitted within such districts, will be free from flooding or flood damage. This article shall not create any liability on the county or any officer, agency or employee thereof for any flood damage that may result from reliance on this article, or an administrative decision lawfully made thereunder.~~

~~Secs. 106-359—106-375. Reserved.~~

## **ARTICLE XV. FLOOD HAZARD OVERLAY DISTRICT**

### **Section 106-351 – Statutory Authorization and Purpose**

This ordinance is adopted pursuant to the authority granted to localities by Va. Code § 15.2 – 2280 for the purposes of preventing 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

- A. 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;
- B. restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding;
- C. 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,
- D. protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

The Floodplain Districts described in Section 106-364A shall be overlays to the existing underlying 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 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 106-352 – Definitions**

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

*Base flood elevation* means the Federal Emergency Management Agency designated one percent annual chance water surface elevation and the elevation determined per Section 4.6. The water surface elevation of the base flood in relation to the datum specified on the community's Flood Insurance Rate Map. For the purposes of this ordinance, the base flood is one hundred (100) year flood or 1% annual chance flood.

*Basement* means any area of the building having its floor sub-grade (below ground level) on all sides.

*Coastal A Zone* means flood hazard areas that have been delineated as subject to wave heights between 1.5 feet and 3 feet.

*Coastal Barrier Resources System Areas (CBRS Areas, COBRA Areas)* means an undeveloped portion of coastal barriers designated by the Coastal Barrier Resources Act and shown on the Flood Insurance Rate Map. In these areas Federal government is removed from financial involvement associated with building and development. NFIP flood insurance is unavailable in these areas for properties built or substantially improved after the area received COBRA designation.

*Development* means 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.

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

*Existing construction* means 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."

*Flood or flooding* -

1. A general or temporary condition of partial or complete inundation of normally dry land areas from
  - a. the overflow of inland or tidal waters; or,
  - b. the unusual and rapid accumulation or runoff of surface waters from any source.
2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph 1 (a) of this definition.

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

*Flood Insurance Study (FIS)* means 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.

*Flood proofing* means 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.

*Floodplain* means any land area subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Section 106-364 B. of this ordinance.

*Floodway* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

*Freeboard* means 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.

*Highest adjacent grade* means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

*Historic structure* means any structure that is

1. listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. individually listed on a state inventory of historic places in 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.

*Letters of Map Change (LOMC)* means 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:

*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 *special flood hazard area*.

*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.

*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 *Flood Insurance Rate Map* or *Flood Insurance Study*.

*Lowest adjacent grade* means the lowest natural elevation of the ground surface next to the walls of a structure.

*Lowest floor* means 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.

*Manufactured home* means a structure, transportable in one 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 180 consecutive days, but does not include a recreational vehicle.

*Manufactured home park or subdivision* means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

*New construction* means, for the purposes of determining insurance rates, structures for which the "start of construction" commenced after June 1, 1984, 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.

*Otherwise Protected Areas (OPAs)* means areas established under federal, state or local law or held by a qualified organization, primarily for wildlife refuge, sanctuary, recreational or natural resource conservation purposes. Such areas are indicated on the Flood Insurance Rate Map and have a federal spending prohibition on federal flood insurance.

*Post-FIRM structures* means a structure for which construction or substantial improvement occurred after June 1, 1984.

*Pre-FIRM structures* means a structure for which construction or substantial improvement occurred on or before June 1, 1984.

*Primary frontal dune* means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

*Recreational vehicle* means vehicle which is

1. built on a single chassis;
2. 400 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.

*Repetitive Loss Structure* means a building covered by a contract for flood insurance that has incurred flood-related damages on two occasions during a 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 25 percent of the market value of the building at the time of each flood event.

*Severe Repetitive Loss Structure* means a structure that:

1. is covered under a contract for flood insurance made available under the NFIP and
2. has incurred flood related damage
  - a. For which 4 or more separate claims payments have been made under flood insurance coverage with the amount of each claim exceeding \$5,000, and with the cumulative amount of such claims payments exceeding \$20,000; or
  - b. For which at least 2 separate claims payment have been made under such coverage, with the cumulative amount of such claims exceeding the market value of the insured structure.

*Shallow flooding area* means 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* means land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Section 106-364 B. of this ordinance.

*Start of construction* means 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 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.

*Structure* means 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.

*Substantial damage* means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

*Substantial improvement* means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the *start of construction* of the improvement. This term includes structures which have incurred *substantial damage* regardless of the actual repair work performed. The term does not, however, include either:

1. any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
2. any alteration of a *historic structure*, provided that the alteration will not preclude the structure's continued designation as a *historic structure*.
3. Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined above, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of 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.

*Violation* means 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 3.7 B11, Section 4.3 B, Section 4.4 A, Section 4.5, and section 4.8 is presumed to be in violation until such time as that documentation is provided.

*Watercourse* means 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 106-353 - Applicability**

These provisions shall apply to all privately and publicly owned lands within the unincorporated area of Accomack County and identified as areas of special flood hazard according to the flood insurance rate map (FIRM) that is provided to Accomack County by FEMA.

#### **Section 106-354 - Compliance and Liability**

- A. No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance.
- B. 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 or land uses permitted within such district will be free from flooding or flood damages.
- C. This ordinance shall not create liability on the part of the County or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.
- D. Records of actions associated with administering this ordinance shall be kept on file and maintained by the Floodplain Administrator.

#### **Section 106-355 - Abrogation and Greater Restrictions**

This ordinance supersedes any ordinance currently in effect in flood-prone districts. Any ordinance, however, shall remain in full force and effect to the extent that its provisions are more restrictive.

#### **Section 106-356 - 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.

#### **Section 106-357 - Penalty for Violations**

Any person who fails to comply with any of the requirements or provisions of this article or directions of the Zoning Administrator or any authorized employee of Accomack County shall be guilty of a class 3 misdemeanor as specified under Section 106-277 and subject to the penalties therefore.

The 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 Accomack County are addressed in Section 106-277.

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 Accomack County to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this article.

#### **Section 106-358 - Designation of the Floodplain Administrator**

The Zoning Administrator, or their designee, is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.

#### **Section 106-359 - Duties and Responsibilities of the Floodplain Administrator**

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.
- 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 (VADEQ, USACE) and have submitted copies of such notifications to FEMA.
- F. Advise applicants for new construction or substantial improvement of structures that are located within an area of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act that Federal flood insurance is not available on such structures; areas subject to this limitation are shown on Flood Insurance Rate Maps as Coastal Barrier Resource System Areas (CBRS) or Otherwise Protected Areas (OPA).
- G. 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.
- H. 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.
- I. Review Elevation Certificates and require incomplete or deficient certificates to be corrected.
- J. 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 County within six months after such data and information becomes available if the analyses indicate changes in base flood elevations.

- K. Maintain and permanently keep records that are necessary for the administration of these regulations, including:
  - 1. Flood Insurance Studies, Flood Insurance Rate Maps (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.
- L. Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action.
- M. 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.
- N. 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.
- O. Undertake, as determined appropriate by the Floodplain Administrator due to the circumstances, other actions which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with other Federal, State, and local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas; and assisting property owners with documentation necessary to file claims for Increased Cost of Compliance coverage under NFIP flood insurance policies.
- P. Notify the Federal Emergency Management Agency when the corporate boundaries of the County 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.
- Q. 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.
- R. It is the duty of the Community 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).

**Section 106-360 - Boundary Changes**

A. Jurisdictional Boundary Changes

The County 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 National Flood Insurance Program. 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 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.

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 Flood Insurance Rate Maps 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 Districts may be revised by the County 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 the Federal Emergency Management Agency.

#### **Section 106-361 - Interpretation of District Boundaries**

Initial interpretations of the boundaries of the Floodplain Districts shall be made by the Zoning Administrator or their 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 case to the Board and to submit his own technical evidence if he so desires.

#### **Section 106-362 – 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 the Federal Emergency Management Agency 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 flood plain management requirements will be based upon current data.

#### **Section 106 363 – Letters of Map Revision**

When development in the floodplain will cause or 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 and then a Letter of Map Revision.

Example cases:

- Any development that causes a rise in the base flood elevations within the floodway.
- 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.
- Alteration or relocation of a stream (including but not limited to installing culverts and bridges) 44 Code of Federal Regulations §65.3 and §65.6(a)(12)

#### **Section 106-364 - Description of Special Flood Hazard Districts and Official Floodplain Map**

##### A. Basis of Districts

The various special flood hazard districts shall include the SFHAs subject to a one (1%) percent or greater chance of being flooded in any given year. The basis for the delineation of these districts shall be the FIS and the FIRM for Accomack County prepared by the Federal Emergency Management Agency, Federal Insurance Administration, to become effective May 18, 2015, and any subsequent revisions or amendments thereto.

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 County offices.

1. The **Floodway Zone** 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. **According to the May 18, 2015 FIRM, the County does not contain a Floodway.**
2. The **AE, or AH Zones** on the FIRM accompanying the FIS shall be those areas for which one-percent annual chance flood elevations have been provided and the floodway has **not** been delineated. **According to the May 18, 2015 FIRM, the County does not contain any**

**areas designated as AH.** The following provisions shall apply within an AE or AH zone [44 CFR 60.3(c)]\*:

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 A1-30 and 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 County.

Development activities in Zones A1-30 and AE or AH, on the County's FIRM which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the applicant first applies – with the County's endorsement – for a Conditional Letter of Map Revision, and receives the approval of the Federal Emergency Management Agency.

\* The requirement in 63.3(c)(10) only applies along rivers, streams, and other watercourses where FEMA has provided base flood elevations. The requirement does not apply along lakes, bays and estuaries, and the ocean coast.

The following provisions shall apply within an AE or AH zone:

The Floodplain Administrator reserves the right to require a hydrologic and hydraulic analysis for any development. When such base flood elevation data is utilized, the lowest floor shall be elevated to two feet above the base flood level.

During the permitting process, the Floodplain Administrator shall obtain:

- 1) The elevation of the lowest floor (including the basement) of all new and substantially improved structures; and,
- 2) if the structure has been flood-proofed in accordance with the requirements of this article, the elevation (in relation to mean sea level) to which the structure has been flood-proofed.

Base flood elevation data shall be obtained from other sources or developed using detailed methodologies comparable to those contained in a FIS for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser.

3. The **A Zone** on the FIRM accompanying the FIS shall be those areas for which no detailed flood profiles or elevations are provided, but the one percent annual chance floodplain boundary has been approximated. Within A Zone areas, the following provisions shall apply [44 CFR 60.3(b)]:

The Approximated Floodplain District shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a one hundred (100)-year floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the FIS. **According to the May 18, 2015 FIRM, the County does not contain any areas designated as A Zone.** For these areas, the base flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific one percent annual chance flood elevation cannot be determined for this area using other sources of data, such as the U. S. Army Corps of Engineers Floodplain Information Reports, U. S. Geological Survey Flood-Prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this base flood elevation. For development proposed in the approximate floodplain the applicant must use technical methods that correctly reflect currently accepted non-detailed technical concepts, such as point on boundary, high water marks, or detailed methodologies hydrologic and hydraulic analyses. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator.

The Floodplain Administrator reserves the right to require a hydrologic and hydraulic analysis for any development. When such base flood elevation data is utilized, the lowest floor shall be elevated two feet above the base flood level.

During the permitting process, the Floodplain Administrator shall obtain:

- 1) The elevation of the lowest floor (including the basement) of all new and substantially improved structures; and,
- 2) If the structure has been flood-proofed in accordance with the requirements of this article, the elevation (in relation to mean sea level) to which the structure has been flood-proofed.

Base flood elevation data shall be obtained from other sources or developed using detailed methodologies comparable to those contained in a FIS for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser. (9)

4. The **AO Zone** on the FIRM accompanying the FIS shall be those areas of shallow flooding identified as AO on the FIRM. **According to the May 18, 2015 FIRM, the County does not contain any areas designated as AO.** For AO areas, the following provisions shall apply [44 CFR 60.3(c)]:

- a. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above the flood depth specified on the FIRM, above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no flood depth number is specified, the lowest floor, including basement, shall be elevated no less than two feet above the highest adjacent grade.
- b. All new construction and substantial improvements of non-residential structures shall
  - 1) have the lowest floor, including basement, elevated to or above the flood depth specified on the FIRM, above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least two feet above the highest adjacent grade; or,
  - 2) together with attendant utility and sanitary facilities be completely flood-proofed to the specified flood level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- c. Adequate drainage paths around structures on slopes shall be provided to guide floodwaters around and away from proposed structures.

5. The **Coastal A Zone** shall be those areas, as defined by the VA USBC, that are subject to wave heights between 1.5 feet and 3 feet, and identified on the FIRM by the **Limit of Moderate Wave Action (LiMWA)** line. For these areas, the following provisions shall apply:

Buildings and structures within this zone shall have the lowest floor elevated to or above the base flood elevation plus two feet of freeboard, and must comply with the provisions in Section 106-364.A.2 and Sections 106-366 and 367.

6. The **VE Zones** on FIRMs accompanying the FIS shall be those areas that are known as **Coastal High Hazard Zones**, extending from offshore to the inland limit of a primary frontal dune along an open coast. For these areas, the following provisions shall apply [44 CFR 60.3(e)]:

- a. All new construction and substantial improvements in VE Zones shall be elevated on pilings or columns so that:
  - 1) The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to two feet above the base flood level if the lowest horizontal structural member is parallel to the direction of wave approach or elevated at least two feet above the base flood level if the lowest horizontal structural member is perpendicular to the direction of wave approach; and,
  - 2) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equalled or exceeded in any given year (one-percent annual chance).
- b. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of Section 106-364.6.A.
- c. The Floodplain Administrator shall obtain the elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in VE Zones. The Floodplain Management Administrator shall maintain a record of all such information.
- d. All new construction shall be located landward of the reach of mean high tide.
- e. All new construction and substantial improvements shall have the space below the lowest floor either free of obstruction or constructed with nonsupporting breakaway walls, open wood-lattice work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local codes) may be permitted only if a registered professional engineer or architect

certifies that the designs proposed meet the following conditions:

- 1) Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and
  - 2) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equalled or exceeded in any given year.
- f. The enclosed space below the lowest floor shall be used solely for parking of vehicles, building access, or storage. Such space shall not be partitioned into multiple rooms, temperature-controlled, or used for human habitation.
  - g. The use of fill for structural support of buildings is prohibited. When non-structural fill is proposed in a coastal high hazard area, appropriate engineering analyses shall be conducted to evaluate the impacts of the fill prior to issuance of a development permit.
  - h. The man-made alteration of sand dunes, which would increase potential flood damage, is prohibited.

B. Official floodplain map

The boundaries of the Special Flood Hazard Area and Flood Hazard Overlay Districts are established as shown on the Flood Insurance Rate Map which is declared to be a part of this ordinance which shall be kept on file at County Offices.

**Section 106-365 – Permit and Application Requirements**

A. 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 Virginia Uniform Statewide Building Code (VA USBC) and the Accomack County 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.

B. 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:

1. The elevation of the Base Flood at the site.
  2. The elevation of the lowest floor (including basement) or, in V zones, the lowest horizontal structural member.
  3. For structures to be flood-proofed (non-residential only), the elevation to which the structure will be flood-proofed.
  4. Topographic information showing existing and proposed ground elevations.
- (i) **Section 106-366 - General Standards**

The following provisions shall apply to all permits:

- A. New construction and substantial improvements shall be according to the VA USBC and this ordinance, and anchored to prevent flotation, collapse or lateral movement of the structure.
- B. 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.
- C. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- D. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- E. 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.

- F. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- G. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- H. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- I. All new, replaced, or existing oil, and propane tanks must be anchored against flotation, collapse and lateral movement under flood conditions by means of an approved anchorage system or shall be installed a minimum of three feet above base flood elevation and shall be set upon a firm foundation and supports to prevent these occurrences during flood conditions.

In addition to provisions A – I above, in all special flood hazard areas, the additional provisions shall apply:

- J. 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 the Federal Emergency Management Agency.
- K. The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

#### **Section 106-367 - 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, the following provisions shall apply:

##### **A. Residential Construction**

New construction or substantial improvement of any residential structure (including manufactured homes) in AE Zones with detailed base flood elevations shall have the lowest floor, including basement, elevated to 3 feet or the base flood level.

##### **B. 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 a minimum of 3 feet above the base flood level. Buildings located in all AE zones may be flood-proofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the BFE plus one 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 (title of community administrator).

##### **C. Space Below the Lowest Floor**

In AE zones, fully enclosed areas of new construction or substantially improved structures which are below the regulatory flood protection elevation shall:

1. 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).
2. be constructed entirely of flood resistant materials below the regulatory flood protection elevation;
3. 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:
  - a. Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
  - b. 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.

- c. If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
- d. The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.
- e. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
- f. 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.

D. Standards for Manufactured Homes and Recreational Vehicles

1. 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 Sections 106-364.A.6, 106-366 and 367.
2. All recreational vehicles placed on sites must either
  - a. be on the site for fewer than 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
  - b. meet all the requirements for manufactured homes in Section 106-367 D.1.

**Section 106-368 - 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 for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser.

**Section 106-369 – 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. 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 (50%) percent of its market value shall conform to the VA USBC and this ordinance.
- B. 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 (50%) percent 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 and this ordinance.

**Section 106-370 – Variances: Factors to be Considered**

Variances shall be issued only upon (i) a showing of good and sufficient cause, (ii) after the Board of Zoning Appeals has determined that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) after the Board of Zoning Appeals has determined that the granting of such variance will not result in (a) additional threats to public safety, (b) extraordinary public expense; and will not (c) create nuisances, (d) cause fraud or victimization of the public, or (e) conflict with local laws or ordinances.

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 Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in other sections of the zoning ordinance and consider the following additional factors:

- A. The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any Floodway District that will cause any increase in the one percent (1%) chance 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 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 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, (a) additional threats to public safety, (b) extraordinary public expense; and will not (c) create nuisances, (d) cause fraud or victimization of the public, or (e) conflict with local laws or ordinances.

Variances shall be issued only after the Board of Zoning Appeals has determined that the variance will be the minimum required to provide relief.

The Board of Zoning Appeals shall notify the applicant for a variance, in writing that the issuance of a variance to construct a structure below the one hundred (100)-year flood elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.

**Sections 106-371 - 106-375 Reserved**

**Closed Meeting**

Mr. Wolff made a motion that the Board go into closed meeting for the following purposes pursuant to Section 2.2-3711 of the Code of Virginia of 1950, as amended.

Mrs. Thornton seconded the motion. The motion passed unanimously.

1. Pursuant to paragraph (A) (3) for discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body,
2. Pursuant to paragraph (A) (6) for discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected, and
3. Pursuant to paragraph (A) (7) for consultation with legal counsel and briefings by

staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. (being the County Attorney).

### **Open Session**

The Chair declared the meeting open to the public.

### **Certification of Closed Meeting**

Mr. Hart made a motion, seconded by Mr. Wolff, to reconvene in Open Meeting and to Certify by roll call vote, pursuant to Section 2.2-3712 (D) of the Code of Virginia, that to the best of each member's knowledge the only matters heard, discussed, or considered during the Closed Meeting were (i) public business matters lawfully exempted from Open Meeting requirements under this chapter and (ii) such public business matters as were identified in the motion by which the Closed Meeting was convened.

Ayes:	Mrs. Thornton	Mr. Wolff	Mr. Chesser	Nays:	None
	Mrs. Lewis	Mr. Crockett	Mrs. Gordy		
	Mr. Hart	Ms. Major	Mr. Gray		

### **Discussion on Mid-County Sewer**

Mr. Hart made a motion to direct County Attorney Mark Taylor to draft a proposed sewer contract between the County and the Town of Onancock including or based on the information known to date for presentation to the Town Council following approval of the Board of Supervisors. Mr. Crockett seconded the motion. Ayes: Mr. Chesser, Mr. Wolff, Mr. Gray, Mr. Crockett, Mrs. Gordy, Ms. Major, Mr. Hart. Nays: Mrs. Thornton and Mrs. Lewis

### **Atlantic Town Center Conditional Rezoning and Atlantic Town Center Utility Facility Conditional Use Permit Amendment**

Mr. Wolff made a motion that the requests from Atlantic Town Center for the Conditional Rezoning and Utility Facility Conditional Use Permit Amendment Application be denied. Mr. Chesser seconded the motion. Ayes: Mr. Chesser, Mr. Wolff, Mr. Gray, Mrs. Gordy, Mr. Crockett, Ms. Major, Mr. Hart. Nays: Mrs. Thornton, Mrs. Lewis, Mrs. Gordy.

### **Continuation of Full Time Attorney**

Mr. Chesser made a motion to continue with a full time attorney. Mr. Wolff seconded the motion. A discussion ensued. The motion was unanimously approved.

Mr. Chesser made a motion to accept the advice of Dr. Miner for the Board to hire a firm to go through the process of hiring a County Attorney. Mr. Crockett seconded the

motion. Ayes: Mrs. Thornton, Mr. Chesser, Mr. Wolff, Mr. Gray, Mrs. Lewis, Mr.

Crockett, Ms. Major, Mr. Hart Nays: Mrs. Gordy

Mr. Hart made a motion that the Board empowers Dr. Miner, while in interim of the selection process, to seek the services of an attorney to represent and protect Accomack County as need. Mr. Crockett seconded the motion. The motion was unanimously approved.

### **Southern Tip Partnership and Nature Conservancy Plans**

Mrs. Thornton made a motion to invite the Nature Conservancy and any other state agencies to appear before the Board who were involved to brief the Board on the Southern Tip Partnership and Nature Conservancy Plans.

### **Recommended Priorities of the Capital Improvements Committee (CIP)**

Mr. Wolff and Mrs. Lewis gave a report from the CIP Committee Meeting been held on Tuesday, March 17, 2015 and stated they would be holding a second meeting on Wednesday, March 25, 2015. They gave a priority list to the Board and updates on each. A discussion ensued on the priorities.

### **County Administrator's Report**

#### **Update on Shared Services**

Dr. Miner informed the Board of shared services and said he had been speaking with Dr. Cuellar concerning these services and hoped when the Joint Meeting with the School Board was held, it could be addressed further.

#### **Draft County Newsletter Update**

Dr. Miner handed out a rough draft of the County Newsletter and stated it was being analyzed by staff to see the best way to handle inserting it in the newspaper.

#### **Update on Committee Research**

Dr. Miner said he had made an inquiry to the Institute of Government to try to obtain information on how other counties structured the formation of committees, but that he received had a limited amount of information from them. He said that he and Mike Mason had several discussions about an Audit Committee which would put a direct connection between the Board of Supervisors and the Auditors and that suggestion would probably be made in the final recommendations. He also related about a committee being instituted to deal with finances relative to salaries, budgets, etc.

### **County Attorney's Report**

Mr. Taylor commented on the following matters:

1. TMDL Certification Regulations,
2. An email from Mr. Blodgett sent to Supervisor Wolff concerning the legality or not of the Supplemental Retirement Plan,
3. Graves that had been discovered at the Airport and that he had advised the Airport Manager of the legal requirements that had to be followed.

Mr. Taylor offered great compliments regarding his Legal Assistant, Shirley Fauber, and strongly recommended that she still maintain her position.

### **Board of Supervisors Comments**

Mr. Chesser offered the following comments:

1. That at last the School Board meeting on March 17<sup>th</sup>, the School Board voted to completely reorganize the Central Office,
2. Complimented Mr. Morrison's Department for their assistance given to a friend of his while building a borrow pit, and that Gracie Milbourne had gone above and beyond the call of duty to help.

Mrs. Gordy stated she had lots of constituents in the audience that wanted to hear the Mid-County Sewer discussion but it was not discussed in open session and she was disappointed about it not being discussed.

Mrs. Thornton talked about the serious situation concerning the Chincoteague Inlet and made a motion for a letter be sent to NASA from the Board asking that any further dredging would include a study to see what the effects there would be on the Inlet. Mr. Crockett seconded the motion. The motion was unanimously approved.

Mr. Wolff thanked Ms. Major and all others for attending his meeting on Monday night. Additionally, he gave thanks to Mrs. Lewis for all help on the CIP Committee.

Ms. Major thanked the Town of Onancock in participating in the Saint Patrick's Day Parade and thanked Mr. Wolff for inviting her to the meeting on Monday night.

### **Budget and Appropriation Items**

#### **FY15 4<sup>th</sup> Quarter Funds Appropriation**

Mr. Crockett made a motion to approve appropriating FY15 4<sup>th</sup> Quarter Funds to all departments. Mr. Chesser seconded the motion. A lengthy discussion ensued regarding the School Boards Appropriations.

Mrs. Thornton made a motion to amend the motion to withhold \$75,000 of the School Board Appropriations for the 4<sup>th</sup> Quarter and to inform the School Board it would be held back and it would be taken away from the early retirement option. Mr. Crockett did not accept the amendment. Mr. Wolff seconded the motion. Ayes: Mrs. Thornton,

Mrs. Lewis, Mr. Wolff, Mrs. Gordy. Nays: Mr. Chesser, Mr. Gray, Mr. Crockett, Ms.

Major. Abstentions: Mr. Hart.

The vote on the main motion: Ayes: Mr. Chesser, Mr. Gray, Mr. Crockett, Ms.

Major, Mr. Hart. Nays: Mrs. Thornton, Mrs. Lewis, Mr. Wolff, Mrs. Gordy.

### **RESOLUTION TO APPROPRIATE FUNDS FOR THE FOURTH QUARTER OF FISCAL YEAR 2015**

WHEREAS, the County and School Board Fiscal Year 2015 Operating and Capital budgets were adopted by the Accomack County Board of Supervisors on April 8<sup>th</sup>, 2015; and,

WHEREAS, pursuant to the Code of Virginia § 15.2-520, no money shall be drawn from the treasury of the county, nor shall any obligation for the expenditure of money be incurred, except pursuant to an appropriation resolution.

WHEREAS, the Code of Virginia § 15.2-2506 allows the County to appropriate on an annual, semiannual, quarterly or monthly appropriation basis; and,

WHEREAS, on June 16, 2014, the Accomack County Board of Supervisors elected to appropriate on a quarterly basis due to the uncertainty of future state funding which was previously pledged to the County by the State and for which the Fiscal Year 2015 County and School Board Adopted Budgets relied upon; and,

WHEREAS, on June 16, 2014, the Accomack Board of Supervisors appropriated funds for the first quarter of Fiscal Year 2015; and,

WHEREAS, on September 17, 2014, the Accomack Board of Supervisors appropriated funds for the second quarter of Fiscal Year 2015; and,

WHEREAS, on November 14, 2014, the County was informed of its share of the \$30M reduction in State aid to localities approved by the General Assembly which amounts to \$87,385 annually beginning with Fiscal Year 2015; and,

WHEREAS, on December 17, 2014, the Board of Supervisors approved a County budget rebalance plan that addressed the \$87,385 in State Aid reductions in addition to an unanticipated \$651,000 property tax refund to Perdue Inc.; and,

WHEREAS, on December 17, 2014, the Accomack Board of Supervisors appropriated funds for the third quarter of Fiscal Year 2015 which incorporated the approved County budget rebalance plan amendments; therefore,

BE IT RESOLVED, by the Accomack Board of Supervisors this 18<sup>th</sup> day of March that budgeted funds be appropriated for the fourth quarter of Fiscal Year 2015 for all County, School Board and Economic Development Authority Funds as set forth in the table below; and,

ALL COUNTY FUNDS						
	FY15 Budget subject to appropriation	FY15 1st QTR Appropriation (approved 6/18/14)	FY15 2nd QTR Appropriation (approved 9/17/14)	FY15 3rd QTR appropriation (approved 12/17/14)	FY15 4th QTR appropriation requested (up for approval 3/18)	Budget Not Appropriated
Expenditures:						
Board of Supervisors	\$ 147,743	36,936	36,936	\$ 36,936	\$ 36,935	\$ -
County Administrator	478,527	129,636	129,636	109,628	109,627	-
Human Resources	25,853	6,463	6,463	6,463	6,464	-
Legal Services	234,685	58,671	58,671	58,671	58,672	-
Commissioner of the Revenue	292,913	73,228	73,228	73,228	73,229	-
County Assessor	569,391	170,915	170,915	113,781	113,780	-
Treasurer	513,806	138,533	138,533	118,370	118,370	-
Finance	419,855	124,649	124,649	85,279	85,278	-
Information Technology	566,655	141,664	141,664	141,664	141,663	-
Risk Management	210,650	210,650	-	-	-	-
Electoral Board	48,628	12,157	12,157	12,157	12,157	-
Registrar	135,496	33,874	33,874	33,874	33,874	-
Circuit Court	85,547	21,387	21,387	21,387	21,386	-
General District Court	9,971	2,493	2,493	2,493	2,492	-
Chief Magistrate	16,938	4,235	4,235	4,234	4,234	-
Juvenile & Domestic Relations Court	13,650	3,413	3,413	3,412	3,412	-
Clerk of the Circuit Court	415,057	103,764	103,764	103,764	103,765	-
Sheriff - Court Services	421,852	105,463	105,463	105,463	105,463	-
Commissioner of Accounts	214	54	54	54	52	-
Commonwealth's Attorney	410,630	102,658	102,658	102,658	102,656	-
Victim & Witness Assistance program	60,283	15,071	15,071	15,071	15,070	-
Sheriff - Law Enforcement Services	2,083,385	520,846	520,846	520,846	520,847	-
Volunteer Fire & Rescue	271,860	67,965	67,965	67,965	67,965	-
Emergency Medical Services	210,775	52,694	52,694	52,694	52,693	-
Sheriff - Jail Operation	2,133,117	533,279	533,279	533,279	533,280	-
Juvenile Probation Office	137,997	34,499	34,499	34,499	34,500	-
Building and Zoning	418,657	124,655	124,655	84,674	84,673	-
Ordinance Enforcement	62,180	15,545	15,545	15,545	15,545	-
Animal Control	101,143	25,286	25,286	25,286	25,285	-
Regional Animal Shelter	110,720	27,680	27,680	27,680	27,680	-
Emergency Management	79,530	19,883	19,883	19,882	19,882	-
S.P.C.A. Operating Subsidy	921	230	230	230	231	-
Storm Drainage	183,935	45,984	45,984	45,984	45,983	-
Litter Control	265,803	66,451	66,451	66,451	66,450	-
Solid Waste	1,970,610	492,653	492,653	492,653	492,651	-
Buildings & Grounds	1,144,413	286,103	316,103	271,104	271,103	-
Health Department Operating Subsidy	500,833	125,208	125,208	125,208	125,209	-
School Dental Program Operating Subsidy	4,971	1,243	1,243	1,243	1,242	-
Community Services Board Operating Subsidy	134,995	33,749	33,749	33,749	33,748	-
Eastern Shore Area Agency on Aging Operating Subsidy	23,430	5,858	5,858	5,857	5,857	-
Tax Relief for Seniors , Disabled and Veterans	134,525	33,631	33,631	33,631	33,632	-
Eastern Shore Community College Operating Subsidy	263,028	65,757	65,757	65,757	65,757	-
Accomack County School Board Subsidy	16,668,344	4,167,086	4,167,086	4,167,086	4,167,086	-
Parks & Recreation	313,100	78,275	78,275	83,054	73,496	-
Translator Television	74,457	18,614	18,614	18,614	18,615	-
Public Boating Docks and Ramps	44,991	11,248	11,248	11,248	11,247	-
Eastern Shore Public Library Operating Subsidy	345,907	86,477	86,477	86,477	86,476	-

<b>ALL COUNTY FUNDS</b>						
	<b>FY15 Budget subject to appropriation</b>	<b>FY15 1st QTR Appropriation (approved 6/18/14)</b>	<b>FY15 2nd QTR Appropriation (approved 9/17/14)</b>	<b>FY15 3rd QTR appropriation (approved 12/17/14)</b>	<b>FY15 4th QTR appropriation requested (up for approval 3/18)</b>	<b>Budget Not Appropriated</b>
<b>Expenditures:</b>						
Planning District Commission Operating Subsidy	70,703	17,676	17,676	17,676	17,675	-
Eastern Shore of Va. Housing Alliance Operating Subsidy	9,215	2,304	2,304	2,304	2,303	-
Planning	599,155	149,789	149,789	149,789	149,788	-
Transportation District Commission Operating Subsidy	19,307	4,827	4,827	4,827	4,826	-
Eastern Shore Tourism Commission Operating Subsidy	86,853	21,713	21,713	21,713	21,714	-
Resource Conserv. & Development Council Operating Sub.	10,183	2,546	2,546	2,546	2,545	-
Soil & Water Conservation District Operating Subsidy	21,154	5,289	5,289	5,288	5,288	-
Star Transit Operating Subsidy	124,867	31,217	31,217	31,217	31,216	-
Eastern Shore Groundwater Committee Operating Subsidy	19,721	4,930	4,930	4,930	4,931	-
E.S. Small Business Dev. Center Operating Subsidy	4,607	1,152	1,152	1,152	1,151	-
ESCADV Operating Subsidy	10,000	2,500	2,500	2,500	2,500	-
Johnsongrass & Gypsy Moth Program	12,166	3,042	3,042	3,041	3,041	-
Wallops Research Park	40,000	10,000	10,000	10,000	10,000	-
Cooperative Extension Service	91,666	22,917	22,917	22,916	22,916	-
Economic Development Authority Operating Subsidy	7,500	1,875	1,875	1,875	1,875	-
Nondepartmental	242,457	60,614	181,843	-	-	-
Debt Service	770,568	-	770,568	-	-	-
<b>Total General Fund</b>	<b>34,902,093</b>	<b>8,779,204</b>	<b>9,490,351</b>	<b>8,321,057</b>	<b>8,311,481</b>	<b>-</b>
Virginia Public Assistance Fund	3,985,519	959,697	959,697	1,033,063	1,033,062	-
Comprehensive Youth Services Fund	1,341,516	346,613	346,613	324,145	324,145	-
Law Library Fund	7,000	1,750	1,750	1,750	1,750	-
Consolidated EMS Fund	2,718,718	679,680	679,680	679,679	679,679	-
Consolidated Fire and Rescue Fund	1,494,751	373,688	373,688	373,688	373,687	-
Greenbackville/Captains Cove Mosquito Control Fund	52,500	13,125	13,125	13,125	13,125	-
Court Security Fee Fund	75,000	18,750	18,750	18,750	18,750	-
Drug Seizures Fund	2,000	500	500	500	500	-
Fire Programs Fund	49,790	12,448	12,448	12,447	12,447	-
Hazardous Materials Response Fund	13,000	-	6,500	3,250	3,250	-
Emergency 911 Fund	558,611	139,653	139,653	139,653	139,652	-
County Capital Projects Fund	387,123	96,781	252,842	18,750	18,750	-
School Debt Service Fund	4,184,143	2,794,255	1,389,888	-	-	-
Parks & Recreation Enterprise Fund	62,000	15,500	15,500	15,500	15,500	-
Airport Fund	464,287	116,072	116,072	116,072	116,071	-
Landfill Enterprise Fund	2,224,268	556,067	556,067	556,067	556,067	-
Water & Sewer Enterprise Fund	220,738	55,185	55,185	55,184	55,184	-
<b>Total Expenditures</b>	<b>52,743,057</b>	<b>14,958,968</b>	<b>14,428,309</b>	<b>11,682,680</b>	<b>11,673,100</b>	<b>-</b>
<b>To Reserves:</b>						
Transfer to Landfill Closure/Post Closure Reserve	503,347	125,837	125,837	125,837	125,836	-
Transfer to Airport Hangar Maintenance Reserve	27,860	6,965	6,965	6,965	6,965	-
Transfer to Rainy Day Reserve	783,305	195,826	195,826	195,826	195,827	-
<b>Total Other Uses</b>	<b>1,314,512</b>	<b>328,628</b>	<b>328,628</b>	<b>328,628</b>	<b>328,628</b>	<b>-</b>
<b>Total Expenditures &amp; Other Uses</b>	<b>\$ 54,057,569</b>	<b>\$ 15,287,596</b>	<b>\$ 14,756,937</b>	<b>\$ 12,011,308</b>	<b>\$ 12,001,728</b>	<b>\$ -</b>

<b>Accomack County School Board</b>						
	<b>FY15 Budget subject to appropriation</b>	<b>FY15 1st QTR Appropriation (approved 6/18/14)</b>	<b>FY15 2nd QTR Appropriation (approved 9/17/14)</b>	<b>FY15 3rd QTR appropriation (approved 12/17/14)</b>	<b>FY15 4th QTR appropriation requested (up for approval 3/18)</b>	<b>Budget Not Appropriated</b>
<b>Appropriations:</b>						
School Operating Fund	\$ 46,067,535	\$ 11,516,884	\$ 11,516,884	\$ 11,516,884	\$ 11,516,883	\$ -
School Food Services Fund	2,780,544	695,136	695,136	695,136	695,136	-
<b>Total Expenditures</b>	<b>\$ 48,848,079</b>	<b>\$ 12,212,020</b>	<b>\$ 12,212,020</b>	<b>\$ 12,212,020</b>	<b>\$ 12,212,019</b>	<b>\$ -</b>

<b>Accomack County Economic Development Authority</b>						
	<b>FY15 Budget subject to appropriation</b>	<b>FY15 1st QTR Appropriation (approved 6/18/14)</b>	<b>FY15 2nd QTR Appropriation (approved 9/17/14)</b>	<b>FY15 3rd QTR appropriation (approved 12/17/14)</b>	<b>FY15 4th QTR appropriation requested (up for approval 3/18)</b>	<b>Budget Not Appropriated</b>
<b>Appropriations:</b>						
Operating Fund	\$ 7,500	\$ 1,875	\$ 1,875	\$ 1,875	\$ 1,875	\$ -

**Resolution to Amend the FY15 Budget and Appropriate Related Funds**

Mr. Crockett made a motion to approve the following Resolution to amend the Fiscal Year 2015 County Budget and Appropriate Related Funds. Mr. Wolff seconded the motion. The motion was unanimously approved.

**RESOLUTION TO AMEND THE FISCAL YEAR 2015 ACCOMACK COUNTY  
BUDGET**

**WHEREAS**, it is the responsibility of the Accomack County Board of Supervisors to approve and maintain the budget for Accomack County; and

**WHEREAS**, on April 8, 2014, the Board of Supervisors adopted the Accomack County Fiscal Year 2015 Budget; and

**WHEREAS**, during the course of the fiscal year certain unanticipated events occur that compel amendments to the budget be made; and

**WHEREAS**, staff has reviewed the following budget amendments and recommends that they be approved; now, therefore,

**BE IT RESOLVED** by the Board of Supervisors of Accomack County, Virginia, that the Fiscal Year 2015 County budget be amended by the amounts listed below and the same amounts appropriated for the purposes indicated.

<b>Requesting Department</b>	<b>Function</b>	<b>Purpose</b>	<b>Funding Source</b>	<b>Amount</b>
Treasurer	General Government Admin	To recognize the expected collection and subsequent expenditure of Vehicle Registration Witholding Fees (aka DMV Stop fees).	Recovered Costs	\$ 30,000
Building & Grounds	Public Works	To recognize the award of a grant from the Port Authority for Harborton Facility repairs.	State Grant	\$ 243,750
<b>Total</b>				<b>\$ 273,750</b>

**Payables**

Upon certification by the County Administrator, Mr. Hart made a motion to approve the payables. Mr. Wolff seconded the motion. The motion was unanimously approved.

**Adjournment**

Mr. Wolff made a motion to adjourn to Monday, March 23, 2015 at 7:30 p.m. at Metompkin Elementary School. Mr. Crockett seconded the motion. The motion was unanimously approved. The meeting adjourned at 10:35 p.m.

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C. Reneta Major, Chair

\_\_\_\_\_  
Date