

# NOTICE OF PUBLIC HEARING: 6/22/2016

In accordance with Volume 3A, Title 15.2, Counties, Cities and Towns, of the Code of Virginia, 1950, as amended, and pursuant to §15.2-107, §15.2-2204, §15.2-2285, §15.2-2310, and §15.2-4307, the Nelson County Planning Commission hereby gives notice that a Public Hearing will be held on

**Wednesday, June 22nd at 7:00 p.m.** in the (434) 263-7090 888-662-9400

**General District Courtroom** on the third floor of the Nelson County Courthouse located at 84 Courthouse Square, Lovingston.

The purpose of such public hearing is to receive public input on proposed text amendments to the Code of the County of Nelson, Virginia, Appendix A – Zoning, Article 10 “General Floodplain District (FP),” which would modify the County’s floodplain management regulations and provisions in accordance with the Code of Federal Regulations and the National Flood Insurance Program. The proposed amendments include additions and modifications to the existing text for the purpose of achieving compliance and consistency with the minimum requirements contained in Virginia’s model ordinance (dated February 2015). A descriptive summary follows:

Throughout the Article the term Planning & Zoning Director is replaced with the term Floodplain Administrator.

In Section 10.7, definitions for the following terms have been added: *appurtenant or accessory structure, critical facilities, functionally dependent use, hydrologic and hydraulic engineering analysis, letter of map change, letter of map amendment, letter of map revision, conditional letter of map revision, lowest adjacent grade, post-FIRM structures, pre-FIRM structures, repetitive loss structure, severe repetitive loss structure, and shallow flooding area.* The definitions of *Board of Zoning Appeals, flood insurance rate map, flood insurance study, floodway, manufactured home,*

*and substantial improvement* have been revised. In Section 10.13, “special use permit” is deleted and “zoning permit” substituted therefor. This change is also made in subsequent sections of the Article.

In Section 10.14, additional limitations are imposed on Special Flood Hazard Areas (SFHA):

L. No zoning permit shall be granted for any proposed critical facilities as defined by this ordinance within any SFHA. See 10.15-E.

M. No zoning permit shall be granted for the storage of hazardous materials for any time period longer than 30 days within any SFHA. See 10.15-F.

N. No zoning permit shall be granted for the placement of any non-native fill materials (such as fly ash or other waste by-products) within any SFHA. Only locally-borrowed mineral materials may be used as fill within a SFHA, and all such uses must first obtain the necessary permit approval(s) as required by this ordinance.

Section 10.15A and B are amended by increasing the existing twelve (12) inch freeboard requirement to an eighteen (18) inch freeboard requirement, such that the lowest floor of new structures and substantial improvements to existing structures would have to be located a minimum of one-and-a-half (1.5) feet above the Base Flood Elevation.

Subsection E and F are added. Subsection E prohibits critical facilities from being constructed or operated within a SFHA. Such critical facilities are:

1. Structures or facilities that produce, use, store, or transport highly volatile, flammable, explosive, toxic, and/or water-reactive materials.
2. Hospitals, nursing homes, or other housing likely to have occupants who may not be sufficiently capable of avoiding injury or death during a flood.
3. Police stations, fire departments, rescue squads, and/or emergency operations centers and equipment storage facilities which are needed for flood response activities before, during, and after a flood.
4. Public and private utility facilities that are vital to maintaining or restoring normal services to flooded

areas before, during, and after a flood.

Subsection F prohibits hazardous materials:

1. The storage of Acetone, Ammonia, Benzene, Calcium carbide, Carbon disulfide, Celluloid, Chlorine, Hydrochloric acid, Magnesium, Nitric acid, Oxides of nitrogen, Phosphorus, Potassium, Prussic acid, Sodium, and/or Sulfur is prohibited in a SFHA.

2. The storage of Acetylene gas containers, Storage tanks, Lumber/buoyant items, Gasoline, Charcoal/coal dust, Petroleum products, and/or Natural gas for any time period longer than 30 days is prohibited in a SFHA.

Section 10.17 is revised to state that permitted uses in the floodway may only be non-structural.

Section 10-20D modifies the requirements to report the Base Flood Elevation on subdivision plats, in accordance with the minimum requirements contained in Virginia's model ordinance, by requiring that the Base Flood Elevation be identified and included on a subdivision plat if the plat includes more than eleven (11) lots or more than five (5) acres, whichever is lesser.

Section 10.22 is revised to eliminate the special use permit references thereby achieving consistency with Virginia's model ordinance, clarifying that a variance granted by the Board of Zoning Appeals is the proper procedure for relief from a hardship caused by the Article, and allowing the Board of Zoning Appeals to 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, at the applicant's expense.

Section 24 is added establishing that the Planning and Zoning Director is the Floodplain Administrator and sets out the extensive administrative duties of the administrator and the process for boundary changes and map revisions.

The full text of the proposed ordinance amendments is available for public inspection in the Department of Planning & Zoning, 80 Front Street, Lovingson, VA, 22949, M-F, 9:00 a.m. to 5:00 p.m.

For more information, please call the Dept. of Planning & Zoning, (434) 263-7090, or County Administration, , or toll free, , selections 4 and 1.

Following the hearing, the Planning Commission may vote to forward the proposed text amendments to the Board of Supervisors with a formal recommendation for adoption or adoption with modifications, or may continue their review of the proposed amendments in response to public input received during the hearing.