

**AN ORDINANCE OF THE COUNCIL FOR THE TOWN OF ABINGDON, VIRGINIA
AMENDING CHAPTER 44. ARTICLE 5. SECTION 5-7-17-1 & 5-7-17-3. ADDING
LANGUAGE CONCERNING FLOOD HAZARD OVERLAY DISTRICT, FLOOD
HAZARD AREA ZONE A.**

WHEREAS, pursuant to the Code of Virginia § 15.2-2283, zoning ordinances shall be for the general purpose of promoting the health, safety, or general welfare of the public and of further accomplishing the objectives of planning to facilitate the creation of a convenient, attractive, and harmonious community; and

WHEREAS, pursuant to the Code of Virginia § 15.2-2240, every locality shall adopt an ordinance to assure the orderly subdivision of land and its development; and

WHEREAS, the Town Council has determined to amend the Town's zoning ordinance and subdivision ordinance to ensure compliance with state regulations, promote good economic development and zoning practices, and to streamline and reorganize for improved readability and understanding; and

WHEREAS, the Planning Commission held a public hearing on July 22, 2024, after notice in accordance with Section 15.2-2204 of the Code of Virginia, during which the public had the opportunity to speak regarding the proposed amendments to the Zoning and Subdivision Ordinance; and

WHEREAS, pursuant to the Code of Virginia § 15.2-2223, the Planning Commission finds that the proposed draft will promote the health, safety, or general welfare of the public and assure the orderly subdivision of land and its development, and recommend approval; and

WHEREAS, the Town Council held a public hearing on August 6, 2024, after notice in accordance with Section 15.2-2204 of the Code of Virginia, during which the public had the opportunity to speak regarding the proposed amendments to the Zoning and Subdivision Ordinance; and

WHEREAS, the Town Council finds that the proposed amendment of the Town of Abingdon Zoning and Subdivision Ordinance will promote the health, safety, or general welfare of the public and assure the orderly subdivision of land and its development, in accordance with the Code of Virginia.

WHEREAS, § 15.2-1425 and § 15.2-1429 of the Code of Virginia 1950, as amended, grants the local governing body in the performance of its duties, obligations and function may

adopt, as appropriate ordinances and resolutions and motions; and

WHEREAS, the Town's current Code, Chapter 44. Land Use. Article 5. Section 5-7-17-1 and 5-7-17-3, the Town Council has found it in the best interest to repeal, amend, and reenact the ordinance; and

NOW, THEREFORE BE IT ORDAINED by the council of the Town of Abingdon that:

1. Should any section or provision of this ordinance be decided to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of any other section or provision of this ordinance or the Code of the Town of Abingdon; and

2. The Town's current Chapter 44. Land Use. Article 5. Section 5-7-17-1 and 5-7-17-3, that are proposed for amendment currently appear as follows:

Chapter 44. Article 5. Section 5-7-17-1 and 5-7-17-3

Section 5-7-17. Elevation and construction standards.

In all identified flood hazard areas where base flood elevations have been provided in the FIS or generated by a certified professional in accordance with Section 5-7-15(b), the following provisions shall apply:

(1) In general:

a. Within any Category 1 area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the community during the occurrence of the base flood discharge. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator.

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

2. If Subsection (1)a1 above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 5-7-17.

- b. Within any Category 2 area, until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as Zones AE or AH on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the Town.
- c. Development activities in Zones AE or AH on the Town of Abingdon'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 Town's endorsement) for a CLOMR, and receives the approval of FEMA.

(3) Nonresidential construction:

- a. New construction or substantial improvement of any commercial, industrial, or nonresidential building shall have the lowest floor, including basement, elevated to or above the base flood level plus 12 inches.
- b. Nonresidential buildings located in all AE and AH Zones may be floodproofed in lieu of being elevated, provided that all areas of the building components below the elevation corresponding to the BFE plus one foot are watertight with walls substantially impermeable to the passage of water and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to mean sea level) to which such structures are floodproofed, shall be maintained by the Administrator.

BE IT FURTHER ORDAINED, that upon the recommendation of the Council for the Town of Abingdon Code, Chapter 44, Land Use, Article 5, Section 5-7-17-1 & 5-7-17-3 be repealed, amended, and reenacted as follows:

Section 5-7-17. Elevation and construction standards.

In all identified flood hazard areas where base flood elevations have been provided in the FIS or generated by a certified professional in accordance with Section 5-7-15(b), the following provisions shall apply:

(1) In general:

- a. Within any Zone AE Category 1 area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the community during the occurrence of the base flood discharge. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical

methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator.

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

2. If Subsection (1)a1 above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 5-7-17.

b. Within any Zone AE Category 2 area, or Zone A area, until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as Zones AE or AH on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the Town.

c. Development activities in Zones A, AE or AH on the Town of Abingdon'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 Town's endorsement) for a CLOMR, and receives the approval of FEMA.

(3) Nonresidential construction:

a. New construction or substantial improvement of any commercial, industrial, or nonresidential building shall have the lowest floor, including basement, elevated to or above the base flood level plus 12 inches.

b. Nonresidential buildings located in all A, AE and AH Zones may be floodproofed in lieu of being elevated, provided that all areas of the building components below the elevation corresponding to the BFE plus one foot are watertight with walls substantially impermeable to the passage of water and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to mean sea level) to which such structures are floodproofed, shall be maintained by the Administrator.

BE IT FURTHER ORDAINED that upon adoption by the Town Council, the amendments herein listed will be added to Chapter 44 Land Use; and

BE IT FURTHER ORDAINED that the Town Council authorizes Town staff to make non-substantive edits, including correction of punctuation, numbering, internal cross-references, citations to any statutes, and any related clerical-type changes to the text and exhibits as necessary to ensure internal consistency of the newly adopted Town of Abingdon Zoning and Subdivision

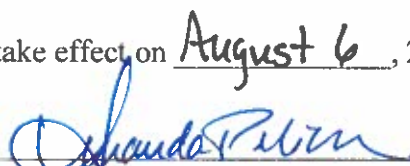
Ordinance and, add language as may be necessary for clarification of information and correct any factual errors.

CERTIFICATE

Pursuant to Section 2-100 of the Code of the Town of Abingdon, Virginia, I hereby certify that I have reviewed the foregoing proposed ordinance amendment to update to Chapter 44, and find it to be in correct form, as set forth above, on _____, 2024.

Cameron Bell, Counsel

This ordinance was adopted on 8-6, 2024, to take effect on August 6, 2024.



Mayor Amanda Pillion

The undersigned Clerk of the Town of Abingdon, Virginia (the "Town"), hereby certifies that the foregoing constitutes a true and correct copy of an ordinance duly adopted at a meeting of the Council held on August 6, 2024. I hereby certify that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing ordinance, a quorum was present. I further certify that the minutes of meeting was a regularly scheduled meeting and that, during the consideration of the foregoing ordinance, a quorum was present. I further certify that the minutes of such meeting reflect the attendance of the members and the voting on the foregoing ordinance was as follows:

MEMBERS	ATTENDANCE	VOTE
Amanda Pillion, Mayor	Yes	Aye
Dwyane Anderson, Vice Mayor	Yes	Aye
Derek Webb	Yes	Aye
Donna Quetsch	Yes	Aye
Wayne Austin	Yes	Aye

WITNESS MY HAND and the seal of the Town of Abingdon as of August 6, 2024.

(SEAL)



Kimberly Kingsley, Clerk

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