



PLANNING COMMISSION REGULAR MEETING

Tuesday, January 16, 2024 at 7:00 PM

AGENDA

CALL TO ORDER AND ESTABLISHMENT OF A QUORUM.

NEW BUSINESS.

1. The Planning Commission will elect the Chair, Vice Chair, and Secretary to serve for the 2024 calendar year.

ADOPTION OF MINUTES.

2. December 19, 2023 Draft Planning Commission Minutes

HEARING OF PUBLIC HEARING ITEMS.

3. ZOTA 2023-03 FDP Zoning Ordinance Text Amendment Article 3-5.1 of the Town of Warrenton Zoning Ordinance and Floodplain Maps to reflect the Federal Emergency Management Agency's model ordinance and map changes. A Letter of Final Determination was issued to the Town of Warrenton on October 25, 2023 from FEMA which provides notification that the floodplain changes will take effect on April 25, 2024. Adoption of the changes allows the Town to maintain eligibility in the National Flood Insurance Program.

WORKSESSION ITEMS.

4. Public Utilities will present to the Planning Commission an update on water and sewer facilities.
5. The Planning Commission will receive an overview from the Town Attorney regarding the Virginia Commission on Local Governments and State Code 15.2 - 3203.

COMMENTS FROM THE COMMISSION.

6. The Planning Commission will review the proposed 2024 meeting schedule and review annual goals.

COMMENTS FROM THE COMMISSION.

COMMENTS FROM THE STAFF.

ADJOURN.



PLANNING COMMISSION REGULAR MEETING

21 Main Street

Tuesday, December 19, 2023, at 7:00 PM

MINUTES

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE TOWN OF WARRENTON, VIRGINIA, WAS HELD ON December 19, 2023, at 7:00 PM

Regular Meeting
PRESENT

Mr. James Lawrence, Chair; Mr. Ryan Stewart, Vice Chair; Mr. Steve Ainsworth, Secretary; Mr. Terry Lasher; Ms. Darine Barbour; Ms. Denise Harris, Planning Manager; Ms. Heather Jenkins, Zoning Administrator; Ms. Casey Squyres, Planner.

ABSENT

None

The minutes laid out will be a brief recap of the agenda items. Please see recorded video for more in-depth information.

REGULAR MEETING - 7:00 PM

At 7:00 PM on Tuesday, December 19, 2023. The Planning Commission meeting was called to order by the Chair.

APPROVAL OF THE MINUTES.

November 28, 2023, Draft Planning Commission Minutes.

With minor corrections on page 4 by Commissioner Lasher, Chair Lawrence asked for approval of the minutes. Commissioner Lasher motioned and Commissioner Stewart seconded. Minutes were adopted 5-0.

PUBLIC HEARINGS.

1. ZOTA 2023-01 A Zoning Ordinance Text Amendment to Reduce the Setback Requirement for Telecommunication Towers in the PSP (Public Semi Public) Zoning District. Zoning Ordinance Section 9-18.10 - *Setbacks* requires that all telecommunication towers in all zoning districts be set back from property lines at a distance no less than the height of the tower. The applicant is requesting that the setback requirement be reduced within the PSP – Public Semi Public Zoning District to allow a setback that is less than the height of the tower, with certification provided from an engineer that a lesser setback is appropriate due to the design of the tower. Arcola Towers LLC (Applicant)/James P. Downey (Representative)

Ms. Heather Jenkins gave a brief presentation and provided an update on developments since the work session.

Commissioner Lasher asked for clarification of the proposed setback on the specific VDOT site for the tower proposed by Arcola. The plans indicate 75'.

Mr. James Downey, Applicant's Representative, spoke to the proposed Zoning Text Amendment request. He reviewed State Code and the 1996 Federal Telecommunications Law, while questioning the interpretation provided by the Town's telecommunication consultant Cityscape. Mr. Downey brought up a 1998 Virginia Beach case law and argued the idea of "discrimination" applies to individual carriers, not the way the zoning ordinance treats different zoning districts. He introduced Mr. Jonathon Yates, Attorney for Arcola Towers, and Alex Leadore, an engineer for Morris & Richie Associates, Inc. Mr. Leadore reviewed his technical memo on structural standards for antenna supporting structures. Mr. Yates argued the Cityscape memo was faulty in its legal interpretation.

Secretary Ainsworth inquired how towers are designed to break or fall, and spoke to Cityscape memo indicating a 110% fall zone.

The Applicant explained the engineering theory behind fall zones.

Chair Lawrence indicated there are a lot of outstanding questions and differing legal opinions. He stated the Planning Commission would like more information to make an informed decision.

Chair Lawrence opens the Public Hearing at 7:36 PM.

No one from the public spoke to the application.

Chair Lawrence closed the Public Hearing at 7:37 PM.

The Applicant requested the Public Hearing be held open until the Planning Commission's February meeting due to being unavailable on the January date.

The Chair stated the Public Hearing is held open until the February Planning Commission meeting.

(Chair Lawrence discloses the next Public Hearing is his property, recuses himself, and leaves the room. Vice Chair Stewart takes the gavel.)

2. The Applicant, Jim and Nell Lawrence, are seeking a Special Use Permit to construct an Accessory Dwelling Unit (ADU) by converting an existing barn into a residence. The 1.3 acre property is zoned R6 (Residential) and is located within the Historic District at 226 E. Lee Street. The Future Land Use Map designates the property in the Old Town Character District as Medium Density. The motion passed 5-0.

Ms. Casey Squyres gave a brief presentation.

Vice Chair Stewart opens the public hearing at 7:43 PM.

Peter Lawrence, Applicant's relative from Berryville in Clarke County, read a brief statement asking for approval and explaining this application is to allow their elderly parents to move on to the property of a family member.

David Norden, 318 Falmouth Street, spoke to he is neither for nor against this specific application, however, he has found for properties located on Falmouth Street that if the owner does not live on site problems arise with renters. He asked if there was a means to require owner occupied housing with ADUs.

A citizen comment from Cather LLC at 236 E. Lee Street was submitted electronically asking for postponement of the application due to his inability to attend the public hearing.

Vice Chair Stewart closed the Public Hearing at 7:47 PM.

Secretary Ainsworth inquired about notice requirements.

Ms. Harris explained the Town follows State Code public notice requirements that lays out specific timeframes.

Commissioner Lasher asked about policies related to percentage of materials required in adoptative reuse.

Ms. Squyres explained there are no policies related to specific percentages of materials, instead the preservation community looks to the Secretary of Interior's guidance on best practices to maintain and reuse materials.

Vice Chair Stewart stated he had no issues with the application and found it to be consistent with the comprehensive plan's goals to allow people to age in place with dignity.

Secretary Ainsworth clarified the application will have a second public hearing before the Town Council for any interested citizens.

Secretary Ainsworth moved to recommend approval of the application with draft conditions of approval to Town Council; the motion was seconded by Commissioner Lasher.

Ayes: Mr. Ryan Stewart, Vice Chair; Mr. Steve Ainsworth, Secretary; Mr. Terry Lasher; Ms. Darine Barbour

Nays:	N/A
Abstention:	N/A
Absent:	Mr. James Lawrence, Chair (Recused/Disqualified from voting)

The motion passed 4-0-1 (Lawrence recused)

(Vice Chair Stewart calls Chair Lawrence back into the room.)

WORKSESSION ITEMS.

1. Zoning Ordinance Text Amendment (ZOTA) Article 3-5 to Reflect Recently Updated FEMA Maps.
Ms. Heather Jenkins gives a brief presentation on the federal process to update the FEMA maps.

Vice Chair inquired about the FEMA maps along Broadview for review.

Commissioner Lasher asked if the 110 properties that received the mailing were new properties or all inclusive of existing and new.

Ms. Jenkins indicated the notice was all inclusive of existing and new parcels.

Commissioner Lasher asked for more information on how many acres of increase; of that how many acres are located on public land; impacts to stormwater; impacts to economic development for redevelopment.

Ms. Jenkins indicated staff would look into these questions.

Chair Lawrence asked how structures at Rady Park are impacted and for clarification of how notice was conducted.

Ms. Jenkins explained the notice was mailed in 2020 during FEMA's appeal comment period.

Public Hearing will be scheduled for January Planning Commission meeting.

COMMENTS FROM THE COMMISSION.

Each member of the Planning Commission expressed their appreciation of staff, thanks to have the opportunity to give back to the community, and happy holidays to all.

Chair Lawrence specifically thanked the other members of the Commission by stating that Commissioners Barbour and Lasher are welcome additions and his thanks for the continued work of his more experienced colleagues.

COMMENTS FROM THE STAFF.

Ms. Harris reminds the Planning Commission of its organizational meeting in January and Annual Report photo. Chair Lawrence also raises the need for the Planning Commission to review the Bylaws and examine the Code of Ethics in the coming year.

Ms. Harris reviews the draft PC meeting schedule for calendar year 2024.

Ms. Harris indicates the request for a water and sewer work session is scheduled for the January meeting.

ADJOURN.

Chair Lawrence moves to adjourn, seconded by Commissioner Lasher. Chair Lawrence, with no further business, this meeting was adjourned at 8:18 PM.

I hereby certify that this is a true and exact record of actions taken by the Planning Commission of the Town of Warrenton on December 19, 2023.

Steve Ainsworth, Secretary
Planning Commission



STAFF REPORT

Planning Commission Meeting Date:	January 16, 2024
Agenda Title:	ZOTA-23-3 Zoning Ordinance Text Amendment to Update Section 3-5.1 of the Zoning Ordinance and the Associated Floodplain Maps Pertaining to FEMA Floodplain.
Requested Action:	Hold a Public Hearing
Department / Agency Lead:	Community Development
Staff Lead:	Rob Walton, Director of Community Development

EXECUTIVE SUMMARY

The Federal Emergency Management Agency (FEMA) recently issued a Letter of Final Determination to the Town of Warrenton on October 25, 2023 (attached). There are approximately 110 properties in the Town of Warrenton that contain floodplain. In December 2020, Town Staff contacted property owners letting them know of the proposed changes to the floodplain limits. After notice was sent, staff was approached by approximately five (5) individuals who were interested in seeing the proposed mapping changes. Since that time, FEMA has heard appeals by property owners who disagree with the proposed floodplain limit changes and issued a Letter of Final Determination to jurisdictions accordingly. The Town is now tasked with adopting FEMA's updated regulations and revised maps as part of the final determination.

BACKGROUND

In September 2020, FEMA issued proposed changes to the Special Flood Hazard Areas (SFHA). SFHA replaces the previously used term "100-Year Floodplain". There are approximately 110 properties in the Town of Warrenton that contain floodplain. In December 2020, Town Staff contacted property owners letting them know of the proposed changes to the floodplain limits. After notice was sent, staff was approached by approximately five (5) individuals who were interested in seeing the proposed mapping changes. Since that time, FEMA gave property owners the chance to appeal who disagree with the proposed floodplain limit changes and subsequently issued a Letter of Final Determination to jurisdictions once the appeal period was over.

After the appeal period ended, FEMA recently issued a Letter of Final Determination to the Town of Warrenton on October 25, 2023. The revised SFHA become effective on April 25, 2024. Town staff has been working closely with FEMA to ensure the changes to the Zoning Ordinance text meets the agency's model ordinance language that is proposed with this text amendment.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission hold the public hearing and consider recommending approval to the Town Council. The Planning Commission held a work session on December 19, 2023. A Resolution is attached to this agenda item for your consideration.

Service Level / Collaborative Impact

Adoption of the Zoning Ordinance Text Amendment and associated maps allows Town properties to maintain eligibility in the National Flood Insurance Program.

Fiscal Impact

By maintaining eligibility in the National Flood Insurance Program, property owners are able to purchase flood insurance to help offset the cost of losses occurred during a flood event.

Legal Impact

The proposed changes apply to all parcels within the Town of Warrenton that contain floodplain.

ATTACHMENTS

1. Draft Text Amendment
2. Letter of Final Determination dated October 25, 2023
3. Sample Letter Sent to Property Owners dated, December 2020
4. Spreadsheet Listing All Properties in the Town of Warrenton Containing Floodplain
5. FEMA Adopted FIRM
6. Resolution

Article 3 Zoning Districts and Map

Amended by Town Council: March 11, 2008
February 12, 2013
April 12, 2016
June 14, 2016
August 9, 2016
December 11, 2018
August 11, 2020
August 10, 2021
April 12, 2022
September 13, 2022
March XX, 2024

Contents (Sections)

- 3-1 Zoning Districts Established**
 - 3-1.1 Base Districts
 - 3-1.2 Overlay Districts
- 3-2 Zoning Map**
- 3-3 Zoning District Boundaries**
- 3-4 Requirements for Base Zoning Districts**
 - 3-4.1 R-15 Residential District
 - 3-4.2 R-10 Residential District
 - 3-4.3 R-6 Residential District
 - 3-4.4 RT Residential Townhouse District
 - 3-4.5 RMF Residential Multifamily District
 - 3-4.6 R-40 Residential District
 - 3-4.7 R-E Residential District
 - 3-4.8 RO Residential Office District
 - 3-4.9 PSP Public-Semi-Public Institutional District
 - 3-4.10 C Commercial District
 - 3-4.11 CBD Central Business District
 - 3-4.12 I Industrial District
- 3-5 Requirements for Overlay Zoning Districts**
 - 3-5.1 FPD - Floodplain District
 - 3-5.2 PUD - Planned Unit Development District
 - 3-5.3 HD - Historic District

Article 3 Zoning Districts and Map

3-5 Requirements for Overlay Zoning Districts

3-5.1 FPD - Floodplain District

3-5.1.1 Statutory Authorization and Purpose

Va. Code § 15.2-2283 specifies that 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 § 15.2-2200 which encourages localities to improve the public health, safety, convenience, and welfare of their citizens. To these ends, flood ordinances shall be designed to provide for safety from flood, to facilitate the provision of flood protection, and to protect against loss of life, health, or property from flood.

In accordance with these directed provisions, this ordinance is specifically adopted pursuant to the authority granted to localities by Va. Code § 15.2 - 2280.

The purpose of these provisions is to prevent: the loss of life, health, or 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 floodproofed against flooding and flood damage; and,
- D. Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

3-5.1.2 Applicability

These provisions shall apply to all privately and publicly owned lands within the jurisdiction of **the Town of Warrenton** and identified as areas of special flood hazard shown

on the flood insurance rate map (FIRM) or included in the flood insurance study (FIS) that are provided to the **Town of Warrenton** by FEMA.

- 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 Town of Warrenton** or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Records

Records of actions associated with administering this ordinance shall be kept on file and maintained by or under the direction of the Floodplain Administrator in perpetuity.

Abrogation and Greater Restrictions

To the extent that the provisions are more restrictive, this ordinance supersedes any ordinance currently in effect in flood-prone districts. To the extent that any other existing law or regulation is more restrictive or does not conflict it shall remain in full force and effect.

These regulations are not intended to repeal or abrogate any existing ordinances including subdivision regulations, zoning ordinances, or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall govern.

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.

Penalty for Violations

Any person who fails to comply with any of the requirements or provisions of this article or directions of the Director of Community Development or any authorized employee of the **Town of Warrenton** shall be guilty of the appropriate violation and subject to the penalties thereof.

The VA USBC addresses building code violations and the associated penalties in Section 104 and Section 115.

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

Any person, firm, or corporation, whether as principal, owner, lessee, agent, employee or otherwise, who violates, causes or permits the violation of any of the provisions of this Ordinance shall be guilty of a Class 2 misdemeanor. Such person, firm, or corporation shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this Ordinance is committed, continued, or permitted by such person, firm, or corporation, and shall be punishable as herein provided.

The Zoning Administrator of the Town of Warrenton may institute any appropriate action of proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, or conversion of any building or structure, or the unlawful use of land; to restrain, correct, or abate such violation; to prevent the occupancy of said building, structure, or land; or to prevent any illegal act, conduct business, or use in or about such premises. The remedies provided for in this section are cumulative and not exclusive and shall be in addition to any other remedies provided by law.

3-5.1.3 Administration

Designation of the Floodplain Administrator

The *Floodplain Administrator* is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator. The Floodplain Administrator may:

- A. Do the work themselves. In the absence of a designated Floodplain Administrator, the duties are conducted by the **Town of Warrenton's** Director of Community Development or his/her designee.
- B. Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees.
- C. Enter into a written agreement or written contract with another community or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

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; in particular, permits from state agencies for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction (including bridges, culverts, structures), any alteration of a watercourse, or any change of the course, current, or cross section of a stream or body of water, including any change to the 100-year frequency floodplain of free-flowing non-tidal waters of the State.

- E. Verify that applicants proposing an alteration of a watercourse have notified adjacent communities, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), and other appropriate agencies (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 **Town of Warrenton**, 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, inspection records, 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. 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 **Town of Warrenton** 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).

Use and Interpretation of FIRMs

The Floodplain Administrator shall make interpretations, where needed, as to the exact location of special flood hazard areas, floodplain boundaries, and floodway boundaries. The following shall apply to the use and interpretation of FIRMs and data:

- A. Where field surveyed topography indicates that adjacent ground elevations:
1. Are below the base flood elevation in riverine SFHAs, or below the 1% storm surge elevation in coastal SFHAs, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as special flood hazard area and subject to the requirements of these regulations;
 2. Are above the base flood elevation and the area is labelled as a SFHA on the FIRM, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the SFHA.
- B. In FEMA-identified special flood hazard areas where base flood elevation and floodway data have not been identified and in areas where FEMA has not identified SFHAs, any other flood hazard data available from a Federal, State, or other source shall be reviewed and reasonably used.
- C. Base flood elevations and designated floodway boundaries on FIRMs and in FISs shall take precedence over base flood elevations and floodway boundaries by any other sources if such sources show reduced floodway widths and/or lower base flood elevations.
- D. Other sources of data shall be reasonably used if such sources show increased base flood elevations and/or larger floodway areas than are shown on FIRMs and in FISs.
- E. If a Preliminary Flood Insurance Rate Map and/or a Preliminary Flood Insurance Study has been provided by FEMA:

1. Upon the issuance of a Letter of Final Determination by FEMA, the preliminary flood hazard data shall be used and shall replace the flood hazard data previously provided from FEMA for the purposes of administering these regulations.
2. Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall be deemed the best available data pursuant to Article III, Section 3.1.A.3 and used where no base flood elevations and/or floodway areas are provided on the effective FIRM.
3. Prior to issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data is permitted where the preliminary base flood elevations or floodway areas exceed the base flood elevations and/or designated floodway widths in existing flood hazard data provided by FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.

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, the governing body shall 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.

District Boundary Changes

The delineation of any of the Floodplain Districts may be revised by the **Town of Warrenton** 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. A completed LOMR is a record of this approval.

Interpretation of District Boundaries

Initial interpretations of the boundaries of the Floodplain Districts shall be made by the Zoning Administrator. 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.

Submitting Model Backed 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. The community may submit data via a LOMR. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

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)*.

3-5.1.4 Establishment of Floodplain Districts

Description of Special Flood Hazard Districts

A. Basis of Districts

The various special flood hazard districts shall include the SFHAs. The basis for the delineation of these districts shall be the FIS and the FIRM for **the Town of Warrenton** prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated **April 25, 2024**, and any subsequent revisions or amendments thereto.

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

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

1. The **Floodway District** is in an **AE Zone** and is delineated, for purposes of this ordinance, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the one percent annual chance flood without increasing the water surface elevation of that flood at any point. The areas included in this District are specifically defined in the above-referenced FIS and shown on the accompanying FIRM.

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

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

community during the occurrence of the base flood discharge. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator.

Development activities which increase the water surface elevation of the base flood may be allowed, provided that the applicant first applies – with the **Town of Warrenton's** endorsement – for a Conditional Letter of Map Revision (CLOMR), and receives the approval of the Federal Emergency Management Agency.

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. The following provisions shall apply within an AE or AH zone [44 CFR 60.3(c)] where FEMA has provided base flood elevations:

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, 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 at any point within the **Town of Warrenton**.

Development activities in Zones A1-30, AE, or AH on the **Town of Warrenton'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 of Warrenton's** endorsement – for a Conditional Letter of Map Revision, and receives the approval of the Federal Emergency Management Agency.

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. For these 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 percent annual chance floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the FIS. 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 practices, 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 to eighteen (18) inches above the base flood level.

During the permitting process, the Floodplain Administrator shall obtain:

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

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.

Overlay Concept

The Floodplain Districts described above 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.

District Provisions and Procedures

3-5.1.4.1 Permit Requirements

3-5.1.4.1.a - Permit Requirements

All uses, activities, and development occurring within any floodplain district, including placement of manufactured homes, shall be undertaken only upon the issuance of a 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 **Town of Warrenton** 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.

3-5.1.4.1.b - Site Plans and Permit Applications

All applications for development within any floodplain district and all permits issued for the floodplain shall incorporate the following information:

- i. The elevation of the Base Flood at the site.
- ii. For structures to be elevated, the elevation of the lowest floor (including basement).
- iii. For structures to be floodproofed (non-residential only), the elevation to which the structure will be floodproofed.
- iv. Topographic information showing existing and proposed ground elevations.

3-5.1.4.1.c - General Standards

The following provisions shall apply to all permits:

- A. New construction and substantial improvements shall be built according to this ordinance and the VA USBC, and anchored to prevent flotation, collapse, or lateral movement of the structure.
- B. The placement of manufactured homes is prohibited.
- 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.

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

- I. 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.
- J. The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

- K. 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.

3-5.1.4.1.d - Elevation and Construction Standards [44 CFR 60.3]

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

Substantial improvement of any residential structure (including manufactured homes) in Zones A1-30, AE, AH, and A with detailed base flood elevations shall have the lowest floor, including basement, elevated to at least eighteen (18) inches above the base flood level.

B. Non-Residential Construction

1. 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 at least eighteen (18) inches above the base flood level.
2. Non-residential buildings located in all A1-30, 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 two feet are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to mean sea level) to which such structures are floodproofed, shall be maintained by the Director of Community Development.

C. Space Below the Lowest Floor

In zones A, AE, AH, AO, and A1-A30, 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 be used solely 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. Accessory Structures

Accessory structures of any size shall be prohibited, unless approved by Town Council per Section 3-5.1.4.4.3 below, within the SFHA and no variance shall be granted for accessory structures.

3-5.1.4.2 Floodplain District

Within any Special Flood Hazard Area, no development, 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.

3-5.1.4.3 Permitted Uses in the Floodplain District

In the Floodplain District the following uses and activities are permitted provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance and provided that they do not require structures, fill, or storage of materials and equipment:

1. Public and private recreational uses and activities such as parks, day camps, picnic grounds, and golf courses.
2. Accessory residential uses such as yard areas, gardens, play areas, and pervious loading areas.
3. Accessory industrial and commercial uses such as yard areas, pervious parking and loading areas, airport landing strips, etc.
4. Public utilities including poles, wires, transformers, underground pipelines or conduits but not those facilities listed as requiring a special use permit. Site Plan Review is required.

3-5.1.4.4 Permissible Uses in the Floodplain District

The following uses and activities may be permitted by the Town Council by special use permit, subject to the provisions of Article 11, provided that they are in compliance with the provisions of the underlying district and are not prohibited by this or any other Ordinance and that all uses, activities, and structural developments shall be undertaken in strict compliance with the flood-proofing provisions contained in all other applicable codes and ordinances:

1. Active and passive recreation and recreational facilities

2. Inside/Outside storage of materials and equipment provided that they are not buoyant, flammable, or explosive, and are not subject to major damage by flooding, or provided that such material and equipment is firmly anchored to prevent flotation or movement, and/or can be readily removed from the area within the time available after flood warning.
3. Structures, except for manufactured homes, accessory to the uses and activities in Section 3-5.1.4.3 above.
4. Temporary uses such as circuses, carnivals, and similar activities
5. Utilities and public facilities and improvements such as railroads, streets, bridges, transmission lines, pipe lines, water and sewage treatment plants, and other similar or related uses.
6. Other similar uses and activities provided they cause no increase in the one hundred (100) year flood heights and/or velocities.

3-5.1.4.5 Use Limitations

The placement of any manufactured home, recreational vehicle, or dwelling unit, within the Special Flood Hazard Area, is specifically prohibited.

3-5.1.4.6 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.

3-5.1.4.7 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. Any structure or use of a structure or premises must be brought into conformity with these provisions when it is changed, repaired, or improved unless one of the following exceptions is established before the change is made:

- A. The floodplain manager has determined that:
 - 1. Change is not a substantial repair or substantial improvement AND
 - 2. No new square footage is being built in the floodplain that is not complaint AND
 - 3. No new square footage is being built in the floodway AND
 - 4. The change complies with this ordinance and the VA USBC AND
- B. The changes are required to comply with a citation for a health or safety violation.
- C. The structure is a historic structure and the change required would impair the historic nature of the structure.

3-5.1.5 Design Criteria for Facilities

3-5.1.5.1 Drainage Facilities

All storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The systems shall ensure drainage away from buildings and on-site waste disposal sites.

The Town Council may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.

3-5.1.8 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) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

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

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

In passing upon applications for variances, the 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. Variances will not be issued for any accessory structure within the SFHA.
- N. 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) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

Variances shall be issued only after the 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 percent (1%) chance flood elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.

A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. Any variances that are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

3-5.1.9 Glossary

- A. Appurtenant or accessory structure - A non-residential structure which is on the same parcel of property as the principal structure and the use of which is incidental

to the use of the principal structure.

- B. Base flood - The flood having a one percent chance of being equaled or exceeded in any given year.
- C. Base flood elevation - The water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year. 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 the 1% annual chance flood.
- D. Basement - Any area of the building having its floor sub-grade (below ground level) on all sides.
- E. Board of Zoning Appeals - The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this ordinance.
- F. Coastal A Zone - Flood hazard areas that have been delineated as subject to wave heights between 1.5 feet and 3 feet.
- G. Development - Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, temporary structures, mining, dredging, filling, grading, paving, excavation, drilling or other land-disturbing activities.
- H. Elevated building - A non-basement building built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, or columns (posts and piers).
- I. Encroachment - The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.
- J. Existing construction - For the purposes of the insurance program, 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" and "pre-FIRM."
- K. 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.
 - c. Mudflows which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

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.
- L. Flood Insurance Rate Map (FIRM) - an official map of a community, on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).
- M. Flood Insurance Study (FIS) - a report by FEMA that examines, evaluates and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.
- N. Floodplain or flood-prone area - Any land area susceptible to being inundated by water from any source.
- O. Floodproofing - any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- P. Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point within the community.
- Q. Freeboard - A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.
- R. Functionally dependent use - A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.
- S. Highest adjacent grade - the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- T. Historic structure - Any structure that is:
 1. Listed individually in the National Register of Historic Places (a listing

- maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
 4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior; or,
 - b. Directly by the Secretary of the Interior in states without approved programs.
- U. Hydrologic and Hydraulic Engineering Analysis - Analyses performed by a licensed professional engineer, in accordance with standard engineering practices that are accepted by the Virginia Department of Conservation and Recreation and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.
- V. Letters of Map Change (LOMC) - A Letter of Map Change is an official FEMA determination, by letter, that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:
- 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.

- W. Lowest adjacent grade - the lowest natural elevation of the ground surface next to the walls of a structure.
- X. Lowest floor - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.
- Y. Manufactured home - 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.
- Z. Manufactured home park or subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- AA. Mean Sea Level – for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988 to which base flood elevations shown on a community's FIRM are referenced.
- BB. New construction - Structures for which the start of construction commenced on or after the effective start date of this floodplain management ordinance and includes any subsequent improvements to such structures. Any construction started after effective date of community's first floodplain management ordinance adopted by the community and before the effective start date of this floodplain management ordinance is subject to the ordinance in effect at the time the permit is issued, provided the start of construction was within 180 days of permit issuance..
- CC. Post-FIRM structures - A structure for which construction or substantial improvement occurred **on or after August 1, 1979**.
- DD. Pre-FIRM structures - A structure for which construction or substantial improvement occurred **before August 1, 1979**.
- EE. Primary frontal dune - 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.
- FF. Recreational vehicle - A 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.
- GG. Repetitive Loss Structure - A building covered by a contract for flood insurance that has incurred flood-related damages on two occasions in a 10-year period, in which the cost of the repair, on the average, equalled or exceeded 25 percent of the market value of the structure at the time of each such flood event; and at the time of the second incidence of flood-related damage, the contract for flood insurance contains increased cost of compliance coverage.
- HH. Severe repetitive loss structure - a structure that: (a) Is covered under a contract for flood insurance made available under the NFIP; and (b) Has incurred flood related damage - (i) For which 4 or more separate claims payments have been made under flood insurance coverage with the amount of each such claim exceeding \$5,000, and with the cumulative amount of such claims payments exceeding \$20,000; or (ii) For which at least 2 separate claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the market value of the insured structure.
- II. Shallow flooding area - A special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
- JJ. Special flood hazard area - The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Article 3, Section 3-5.1.4 of this ordinance.
- KK. Start of construction - For other than new construction and substantial improvement, under the Coastal Barriers Resource Act (P.L. – 97-348), means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 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.
- LL. Structure - for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as

a manufactured home.

- MM. Substantial damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- NN. Substantial improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. 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.
- OO. Violation - the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.
- PP. Watercourse - A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

January 16, 2024
Planning Commission
Public Hearing

A RESOLUTION TO RECOMMEND APPROVAL OF TEXT AMENDMENT ZOTA-23-3 PURSUANT TO SECTION 3-5.1 OF THE ZONING ORDINANCE OF THE TOWN OF WARRENTON FOR A ZONING ORDINANCE TEXT AMENDMENT TO ARTICLE 3 FPD – FLOODPLAIN DISTRICT TO ADOPT THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) MODEL ORDINANCE CHANGES AND ASSOCIATED FLOOD MAPS IN ACCORDANCE WITH A LETTER OF FINAL DETERMINATION ISSUED ON OCTOBER 25, 2023

WHEREAS, Warrenton, VA (Hereinafter "the Town") is a municipal corporation located within the County of Fauquier; and

WHEREAS, the Warrenton Town Council may, by ordinance, amend, supplement, or change the regulations of the Zoning Ordinance of the Town whenever the public necessity, convenience, general welfare or good zoning practice may require such an amendment; and

WHEREAS, Zoning Ordinance Article 3, Section 3-5.1 FPD – Floodplain District regulates areas within the Town encumbered by Special Flood Hazard Areas (SFHA's); and

WHEREAS, the Federal Emergency Management Agency (FEMA) has issued a Letter of Final Determination to the Town placing the revised SFHA's into effect on April 25, 2024; and

WHEREAS, the proposed changes adopt revise text per FEMA's model Ordinance and revised SFHA maps; and

WHEREAS, adopting the changes allows the Town to maintain eligibility in the National Flood Insurance Program; and

WHEREAS, the Warrenton Planning Commission held a work session to discuss amending Zoning Ordinance Section 3-5.1 FPD – Floodplain District on December 19, 2023; and

WHEREAS, the Warrenton Planning Commission held a public hearing on this matter on January 16, 2024; and

WHEREAS, the Warrenton Planning Commission finds that per the Code of Virginia Section 15.2-2286.A.7, the text amendment is for the good of public necessity, convenience, general welfare, and good zoning practice; and

NOW THEREFORE BE IT RESOLVED, that the Warrenton Planning Commission recommends to the Warrenton Town Council for their review and decision proposed ordinance language as set forth herein.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

For Information:

Community Development Director

Town Attorney

ATTEST: _____
Town Recorder

Article 9 Supplemental Use Regulations

9-18 Telecommunications Facilities

9-18.10. Setbacks.

Towers shall be set back a distance of at least one hundred (100) percent of the height of the tower from the boundaries of the property on which the tower is located. On properties located in a PSP District (Public-Semi-Public Institutional District), towers shall only be required to be setback a distance of at least one hundred (100) percent of the certified fall zone, as certified by a Virginia Professional Engineer in a letter which includes the Professional Engineer's signature and seal.



Federal Emergency Management Agency

Washington, D.C. 20472

October 25, 2023

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
19P

The Honorable Carter Nevill
Mayor, Town of Warrenton
21 Main Street
Warrenton, Virginia 20186

Community Name: Town of Warrenton
Fauquier County,
Virginia
Community No.: 510057
Map Panels Affected: See FIRM Index

Dear Mayor Nevill:

This is to notify you of the final flood hazard determination for Fauquier, Virginia and Incorporated Areas, in compliance with Title 44, Chapter I, Part 67, Section 67.11, Code of Federal Regulations (CFR). This section requires that notice of final flood hazards shall be sent to the Chief Executive Officer of the community, all individual appellants, and the State Coordinating Agency, and shall be published in the *Federal Register*.

The statutory 90-day appeal period that was initiated for your community when the Department of Homeland Security's Federal Emergency Management Agency (FEMA) published a notice of proposed flood hazard determinations for your community in the local newspaper has elapsed. FEMA did receive appeals of the proposed flood hazard determinations during that time. The technical data submitted in support of the appeals has been evaluated and the appeals have been resolved in accordance with the requirements of 44 CFR Part 67. We determined that changes were warranted based on the submitted data and have incorporated the applicable changes on the final copies of the Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) for your community.

Accordingly, the flood hazard determinations for your community are considered final. The final notice for flood hazard determinations will be published in the *Federal Register* as soon as possible. The FIS report and FIRM for your community will become effective on April 25, 2024. Before the effective date, we will send your community final printed copies of the FIS report and FIRM. For insurance purposes, the community number and new suffix code for the panels being revised are indicated on the FIRM and must be used for all new policies and renewals.

Because the FIS report for your community has been completed, certain additional requirements must be met under Section 1361 of the National Flood Insurance Act of 1968, as amended, within 6 months from the date of this letter.

It must be emphasized that all the standards specified in 44 CFR Part 60.3(d) of the National Flood Insurance Program (NFIP) regulations must be enacted in a legally enforceable document. This includes adoption of the current effective FIS report and FIRM to which the regulations apply and other modifications made by this map revision. Some of the standards should already have been enacted by your community in order to establish initial eligibility in the NFIP. Your community can meet any additional requirements by taking one of the following actions in this Paragraph of the NFIP regulations:

1. Amending existing regulations to incorporate any additional requirements of 44 CFR Part 60.3(d);
2. Adopting all the standards of 44 CFR Part 60.3(d) into one new, comprehensive set of regulations; or
3. Showing evidence that regulations have previously been adopted that meet or exceed the minimum requirements of 44 CFR Part 60.3(d).

Also, prior to the effective date, your community is required, as a condition of continued eligibility in the NFIP, to adopt or show evidence of adoption of the floodplain management regulations that meet the standards of 44 CFR Part 60.3(d) of the NFIP regulations by the effective date of the FIRM. These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.

Many states and communities have adopted building codes based on the International Codes (I-Codes); the model I-Codes (2009 and more recent editions) contain flood provisions that either meet or exceed the minimum requirements of the NFIP for buildings and structures. The model codes also contain provisions, currently found in an appendix to the International Building Code, that apply to other types of development and NFIP requirements. In these cases, communities should request review by the NFIP State Coordinator to ensure that local floodplain management regulations are coordinated (not duplicative or inconsistent) with the State or Local building code. FEMA's resource, *Reducing Flood Losses through the International Code: Coordinating Building Codes and Floodplain Management Regulations, 5th Edition (2019)*, provides some guidance on this subject and is available at <https://www.fema.gov/emergency-managers/risk-management/building-science/building-codes/flood>.

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the Flood Disaster Protection Act of 1973 (Public Law 93-234) as amended, and 44 CFR Part 59.24.

To assist your community in maintaining the FIRM, we have enclosed a Summary of Map Actions (SOMA) to document previous Letters of Map Change (LOMC) actions (i.e., Letters of Map Amendment, Letters of Map Revision) that will be affected when the revised FIRM panels referenced above become effective. If no LOMCs were issued previously for your community, you are receiving a SOMA for informational purposes only.

Once the FIS report and FIRM are printed and distributed, the digital files containing the flood hazard data for the entire county can be provided for use in a computer mapping system. These files can be used in conjunction with other thematic data for floodplain management purposes, insurance requirements, and many other planning applications. Copies of the digital files of the FIRM panels may be obtained by calling our FEMA Mapping and Insurance eXchange (FMIX), toll free, at (877) 336-2627 (877-FEMA MAP) or by visiting the Map Service Center at <https://www.msc.fema.gov>. In addition, your community may be eligible for additional credits under our Community Rating System if you implement your activities using digital mapping files.

For assistance with your floodplain management ordinance or enacting the floodplain management regulations, please contact Angela Davis, NFIP State Coordinator for Virginia by telephone at 804-371-6135. If you should require any additional information, we suggest that you contact the Director, Mitigation Division of FEMA, Region III at (215) 931-5512 for assistance. If you have any questions concerning mapping issues in general or the enclosed SOMA, please call our FMIX at the telephone number shown above. Additional information and resources you may find helpful regarding the NFIP and floodplain management can be found on our website at <https://www.fema.gov/flood-maps>. Copies of these documents may also be obtained by calling our FMIX.

Sincerely,



Luis Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration

Enclosure:
Final SOMA

cc: Community Map Repository
Rob Walton, Director of Community Development, Town of Warrenton

FINAL SUMMARY OF MAP ACTIONS

Community: WARRENTON, TOWN OF

Community No: 510057

To assist your community in maintaining the Flood Insurance Rate Map (FIRM), we have summarized below the effects of the enclosed revised FIRM panels(s) on previously issued Letter of Map Change (LOMC) actions (i.e., Letters of Map Revision (LOMRs), Letter of Map Revision based on Fill (LOMR-Fs), and Letters of Map Amendment (LOMAs)) that will be affected when the revised FIRM becomes effective on April 25, 2024.

1. LOMCs Incorporated

The modifications effected by the LOMCs listed below will be reflected on the revised FIRM. In addition, these LOMCs will remain in effect until the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
			NO CASES RECORDED		

2. LOMCs Not Incorporated

The modifications effected by the LOMCs listed below will not be reflected on the revised FIRM panels or will not be reflected on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lot(s) or structure(s) involved were outside the Special Flood Hazard Area, as shown on the FIRM. These LOMCs will remain in effect until the revised FIRM becomes effective. These LOMCs will be revalidated free of charge 1 day after the revised FIRM becomes effective through a single revalidation letter that reaffirms the validity of the previous LOMCs.

2A. LOMCs on Revised Panels

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
			NO CASES RECORDED		

2B. LOMCs on Unrevised Panels

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
			NO CASES RECORDED		

FINAL SUMMARY OF MAP ACTIONS

Community: WARRENTON, TOWN OF

Community No: 510057

3. LOMCs Superseded

The modifications effected by the LOMCs listed below have not been reflected on the Final revised FIRM panels because they are being superseded by new or revised flood hazard information or the information available was not sufficient to make a determination. The reason each is being superseded is noted below. These LOMCs will no longer be in effect when the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Reason Determination Will be Superseded
LOMR	13-03-0051P	05/02/2013	HITCHCOCK PROPERTY AT LEE STREET AND WALKER DRIVE	4

1. Insufficient information available to make a determination.
2. Lowest Adjacent Grade and Lowest Finished Floor are below the proposed Base Flood Elevation.
3. Lowest Ground Elevation is below the proposed Base Flood Elevation.
4. Revised hydrologic and hydraulic analyses.
5. Revised topographic information.
6. Superseded by another LOMC.

4. LOMCs To Be Redetermined

The LOMCs in Category 2 above will be revalidated through a single revalidation letter that reaffirms the validity of the determination in the previously issued LOMC. For LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures is no longer valid, the LOMC cannot be revalidated through this administrative process. Therefore, we will review the data previously submitted for the LOMC requests listed below and if appropriate issue a new determination for the affected properties after the effective date of the revised FIRM.

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
			NO CASES RECORDED		

**TOWN OF WARRENTON**

Department of Community Development

PO BOX 341
WARRENTON, VIRGINIA 20188
<http://www.warrentonva.gov>
TELEPHONE (540) 347-1101
FAX (540) 349-2414

December 22, 2020

RE: FEMA Floodplain Map Changes

Dear Property Owner:

I am reaching out to let you know that FEMA has proposed changes to the Flood Insurance Rate Map (FIRM) for the Town of Warrenton. FEMA is currently coordinating with jurisdictions to make them aware of the changes and requesting that citizens are made aware of the proposed changes. A flood map provides information about the local flood risk. It helps set minimum floodplain standards so that the community builds safely. The map also helps determine the cost of flood insurance which helps property owners to financially protect themselves against flooding. The lower the degree of risk, the lower your flood insurance premium will be. To ensure the public knows their flood risk, and that their insurance is priced accurately, FEMA works with communities and property owners at all steps of the process to incorporate the best available data into the flood maps. The maps are developed using the sound science generated by engineering experts, and FEMA always accepts additional, validated flood hazard information from property owners and communities. Through this collaborative process, a community can review, appeal, and contribute to the development of a Flood Map before it is adopted by the community.

Records indicate that your property contains flood hazard areas and I would like to provide you with the opportunity to meet and show you the proposed changes on your property. Should you wish to review and discuss these changes, please feel free to contact me at (540) 316-6396 ext. 311.

Sincerely,

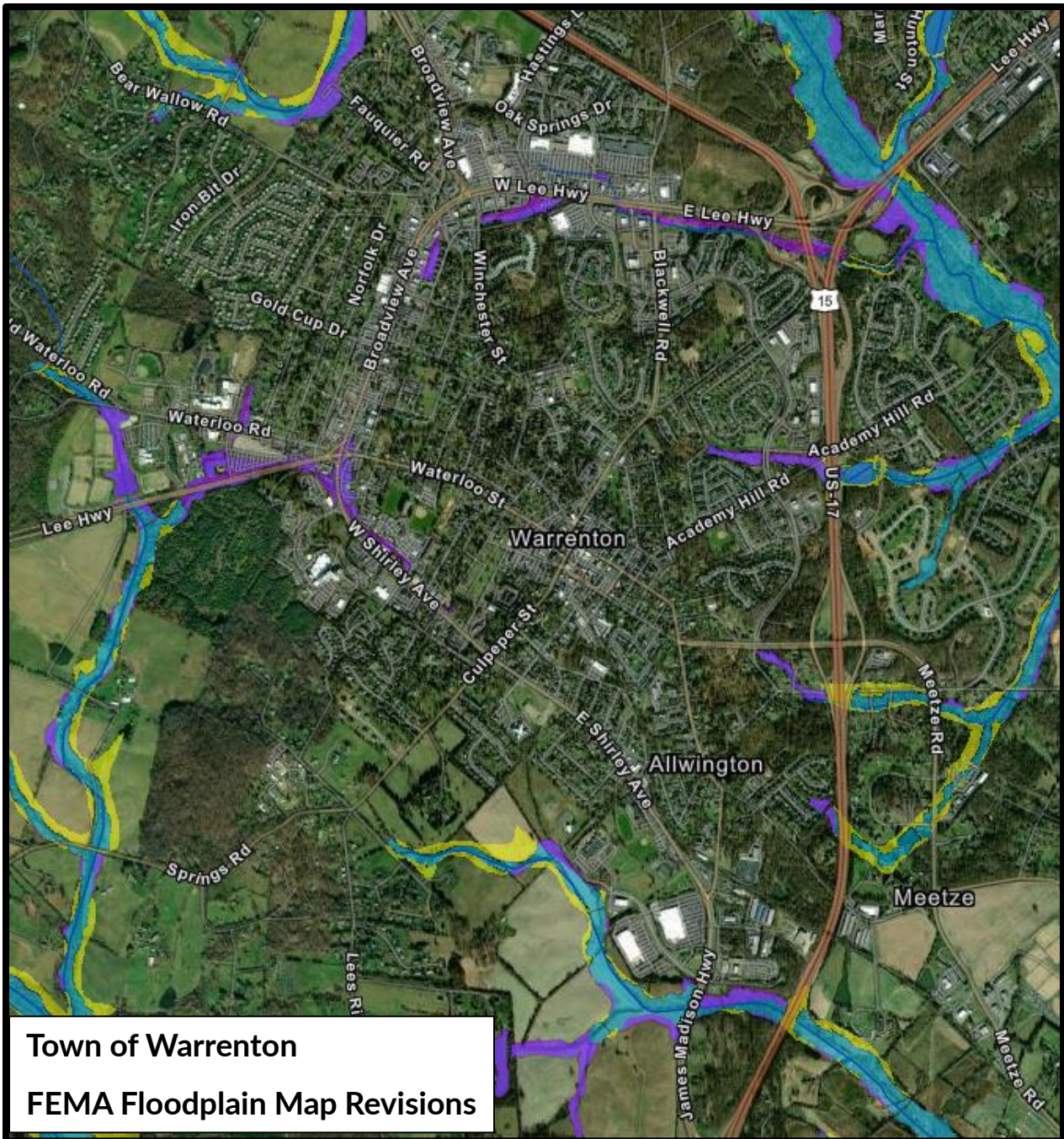
Rob Walton
Zoning Administrator
Town of Warrenton
Community Development Department

FEMA Floodplain Changes

PIN#:	Owner:	Increase or Decrease:	Site Address:	Mailing Address:
6983-57-2206-000	HD Development of MD Inc.	Both	267 Alwington Blvd.	2455 Paces Ferry Road, Atlanta, GA 30339
6983-66-3731-000	819 JMH LLC	Decrease	819 James Madison Hwy.	819 James Madison Hwy, Warrenton, VA 20186
6983-66-9788-000	Drew Corporation	Decrease		127 Culpeper Street, Warrenton, VA 20186
6983-79-8068-000	Miller, Charles & Shirley	Decrease	679 Old Meetze Road	P.O. Box 3181, Warrenton, VA 20188
6983-79-9615-000	Monroe Estates HOA	Increase		11290 Balls Ford Road, Manassas, VA 20109
6984-70-7966-000	David Dobson	Decrease		9198 North Cliff Lane, Rixeyville, VA 22737
6984-71-5256-000	Foster, Mollie E. Heirs; Allen Haley	Decrease	460 Oliver City Road	P.O. Box 476, The Plains, VA 20198
6984-71-3279-000	Goodrich, Samantha; Teigen, Michael	Decrease	438 Oliver City Road	438 Oliver City Road, Warrenton VA 20186
6984-71-3547-000	Smith, Bruce & James	Decrease	433 Oliver City Road	P.O. Box 1255, Warrenton, VA 20188
6984-71-2624-000	Ford, Betty & Joe	Decrease	411 Oliver City Road	411 Oliver City Road, Warrenton, VA 20186
6984-71-1735-000	Cespedes, Yenny; Taborga, Martin	Both	391 Oliver City Road	391 Oliver City Road, Warrenton, VA 20186
6984-71-0835-000	Marshall, Sue & Thomas	Both	377 Oliver City Road	377 Oliver City Road, Warrenton, VA 20186
6984-61-8996-000	The Drew Corporation	Both		127 Culpeper Street, Warrenton, VA 20186
6984-71-2993-000	Wormley, Freida & Stanton	Both	455 Oliver City Road	P.O. Box 257, The Plains, VA 20198
6984-71-4940-000	McDonald, Lisa	Both	459 Oliver City Road	459 Oliver City Road, Warrenton, VA 20186
6984-74-9610-000	Walters, Elaine H Revocable Trust	Decrease		8307 Kines Road, Warrenton, VA 20187
6984-74-7799-000	Walters, Elaine H Revocable Trust	Both	341 Academy Hill Road	8307 Kines Road, Warrenton, VA 20187
6984-74-6947-000	Town of Warrenton	Increase		
6984-74-1892-000	Commonwealth of Virginia, VDACS	Increase	272 Academy Hill Road	P.O. Box 1163, Richmond VA 23218
6984-65-6014-000	Ridges of Warrenton HOA	Both		P.O. Box 606, Warrenton VA 20188
6984-65-2197-000	Ridges of Warrenton HOA	Decrease		P.O. Box 606, Warrenton VA 20188
6984-65-7135-000	Ridges of Warrenton HOA	Decrease		P.O. Box 606, Warrenton VA 20188
6984-65-2209-000	Spector Family Trust, Spector Susan	Decrease	222 Cannon Way	222 Cannon Way, Warrenton VA 20186
6984-65-1324-000	Gaige, Diane & Tony	Decrease	226 Cannon Way	226 Cannon Way, Warrenton VA 20186
6984-65-1019-000	Dabney, John	Decrease		P.O. Box 41025, Fredericksburg, VA 22404
6984-68-7335-000	Highlands of Warrenton Comm Assoc Inc	Both		11130 Main Street, Suite 100, Fairfax, VA 22030
6984-68-2681-000	Highlands of Warrenton Comm Assoc Inc	Both		11130 Main Street, Suite 100, Fairfax, VA 22030
6984-58-8445-000	Town of Warrenton	Decrease		
6984-58-7618-000	Highlands Land Development LLC	Decrease		501 Blackwell Road, Warrenton, VA 20186
6984-58-5386-000	Highlands Land Development LLC	Decrease	501 Blackwell Road	501 Blackwell Road, Warrenton, VA 20186
6984-58-0645-000	Blackwell Park LLC	Both	510 Blackwell Road	1945 Old Gallows Road, Suite 300, Vienna, VA 22182
6984-48-9821-000	Blackwell Park LLC	Both		1945 Old Gallows Road, Suite 300, Vienna, VA 22182
6984-48-5705-000	Northrock Center LLC	Decrease	521 Fletcher Drive	7501 Wisconsin Ave, #1500E, Bethesda, MD 20814
6984-49-8187-000	Wayland Corner LC	Decrease	612 Blackwell Road	29 Culpeper Street, Attn: PBMARES LLP, Warrenton, VA 20186
6984-49-7221-000	Warrenton Development Company	Decrease		200 Old Forge Lane, Suite 201, Kennett Square, PA 19348
6984-49-5173-000	KSP Commercial LLC	Decrease	73 W. Lee Hwy.	17273 Berkshire Drive, Jeffersonton, VA 22724
6984-49-6209-000	Warrenton Development Company	Decrease	85 W. Lee Hwy.	200 Old Forge Lane, Suite 201, Kennett Square, PA 19348
6984-49-3295-000	The Fauquier Bank	Both	87 W. Lee Hwy.	10 Courthouse Square, Warrenton, VA 20186
6984-49-0774-000	Seritage SRC Finance LLC	Both	141 W. Lee Hwy.	500 5th Avenue #1530, New York, NY 10110
6984-49-1231-000	C&C Johnson Inc	Decrease	105 W. Lee Hwy.	17312 W. Willard Road, Poolesville, MD 20837
6984-39-9244-000	White Horse Wash LLC	Decrease	111 W. Lee Hwy.	P.O. Box 460, Fairfax, VA 22038

6984-39-7331-000	Warrenton Village LLC	Decrease	127 W. Lee Hwy.	1945 Old Gallows Road, Suite 300, Vienna, VA 22182
6984-39-5343-000	Warrenton Village LLC	Decrease	127 W. Lee Hwy.	1945 Old Gallows Road, Suite 300, Vienna, VA 22182
6984-39-4764-000	Warrenton Village LLC	Decrease	127 W. Lee Hwy.	1945 Old Gallows Road, Suite 300, Vienna, VA 22182
6984-38-6914-000	Navdurga Inc	Increase	150 W. Lee Hwy.	150 W. Lee Hwy., Warrenton, VA 20186
6984-38-9605-000	Northrock Center LLC	Increase	530 Fletcher Drive	7501 Wisconsin Ave, #1500E, Bethesda, MD 20814
6984-38-4963-000	Blalock, Barbara Ann Trust of	Both	170 W. Lee Hwy.	8016 Old Waterloo Road, Warrenton, VA 20186
6984-38-3938-000	Town of Warrenton	Decrease	204 W. Lee Hwy.	
6984-38-1917-000	Warrenton Crossroads LLC	Decrease		P.O. Box 167, Winston Salem, NC 27102
6984-28-8927-000	Warrenton Crossroads LLC	Decrease	256 W. Lee Hwy.	5200 Buffington Road, Atlanta, GA 30349
6984-28-6912-000	SPS Group LLC	Decrease	254 W. Lee Hwy.	P.O. Box 1159, Deerfield, IL 60015
6984-38-0755-000	Warrenton Crossroads LLC	Increase		4457 Ringwood Road, Nokesville, VA 20181
6984-28-5680-000	Wood Village LLC	Increase	549 Winchester Street	7600 Rogues Road, Warrenton, VA 20187
6984-28-7643-000	Wood Village LLC	Increase	549 Winchester Street	7600 Rogues Road, Warrenton, VA 20187
6984-18-8456-000	McDonalds Corporation	Both		P.O. Box 182571, Columbus, OH 43218
6984-18-7352-000	RHC Associates	Decrease	351 Broadview Avenue	P.O. Box 182571, Columbus, OH 43218
6984-18-7224-000	RHC Associates	Both	351 Broadview Avenue	P.O. Box 182571, Columbus, OH 43218
6984-18-6195-000	331 LLC	Decrease	331 Broadview Avenue	184 Broadview Avenue, Warrenton, VA 20186
6984-18-6067-000	331 LLC	Decrease	331 Broadview Avenue	184 Broadview Avenue, Warrenton, VA 20186
6984-18-6000-000	Broadview Properties LLC	Both	319 Broadview Avenue	7260 Periwinkle Ct., Warrenton VA 20186
6984-17-5973-000	Broadview Properties LLC	Increase	319 Broadview Avenue	7260 Periwinkle Ct., Warrenton VA 20186
6984-17-5857-000	Broadview Properties LLC	Increase	319 Broadview Avenue	7260 Periwinkle Ct., Warrenton VA 20186
6984-17-5842-000	Broadview Properties LLC	Increase	319 Broadview Avenue	7260 Periwinkle Ct., Warrenton VA 20186
6984-17-7723-000	Kingston Warrenton LTD Partnership	Increase	296 Jackson Street	1930 Isaac Newton Sq., Suite 200B, Reston, VA 20190
6984-17-7852-000	Kingston Warrenton LTD Partnership	Increase	308 Jackson Street	1930 Isaac Newton Sq., Suite 200B, Reston, VA 20190
6984-17-7982-000	Kingston Warrenton LTD Partnership	Increase	318 Jackson Street	1930 Isaac Newton Sq., Suite 200B, Reston, VA 20190
6984-18-8021-000	Kingston Warrenton LTD Partnership	Increase	328 Jackson Street	1930 Isaac Newton Sq., Suite 200B, Reston, VA 20190
6984-18-8049-000	Kingston Warrenton LTD Partnership	Increase	338 Jackson Street	1930 Isaac Newton Sq., Suite 200B, Reston, VA 20190
6984-18-8188-000	Kingston Warrenton LTD Partnership	Increase	348 Jackson Street	1930 Isaac Newton Sq., Suite 200B, Reston, VA 20190
6984-18-9216-000	Kingston Warrenton LTD Partnership	Increase	358 Jackson Street	1930 Isaac Newton Sq., Suite 200B, Reston, VA 20190
6985-00-1454-000	Town of Warrenton	Increase	Rady Park	
6985-00-3546-000	Town of Warrenton	Increase	710 Fauquier Road	
6985-00-2836-000	Town of Warrenton	Increase	550 Evans Ave	
6985-00-3904-000	Reid, Julia Mae	Increase	560 Evans Ave	560 Evans Ave, Warrenton, VA 20186
6985-01-3080-000	Quinn, Grace & John	Increase	570 Evans Ave	570 Evans Ave, Warrenton, VA 20186
6985-01-4047-000	Eller, Arnold	Increase	580 Evans Ave	580 Evans Ave, Warrenton, VA 20186
6985-01-5125-000	Moffett, Stephen & Suela	Increase	590 Evans Ave	590 Evans Ave, Warrenton, VA 20186
6985-01-6211-000	Poston, Jerry & Paula	Increase	600 Evans Ave	600 Evans Ave, Warrenton, VA 20186
6985-01-7218-000	Hines, Madeline J Trustee	Increase	610 Evans Ave	610 Evans Ave, Warrenton, VA 20186
6974-64-6885-000	Town of Warrenton (WARF)	Both	800 Waterloo Road	
6974-83-8686-000	St Leonards Farm Inc	Both		P.O. Box 814, Warrenton, VA 20188
6974-94-2535-000	Capan, Jeffrey	Increase	552 Frost Ave	552 Frost Avenue, Warrenton, VA 20186
6974-84-0739-000	Town of Warrenton (WWTP)	Both	731 Frost Ave	
6974-85-3273-000	Commonwealth of Virginia	Both	692 Waterloo Street	Bldg 316 Fort Picket, Blackston, VA 23824
6974-84-4737-000	Commonwealth of Virginia	Both	675 Van Roijen Street	470 George Dean Drive, Charlottesville, VA 22903
6974-85-8166-000	Kalis Holdings LLC	Both	641 Frost Ave	1420 Spring Hill Road, Suite 600, McLean, VA 22102

6974-95-2114-000	Kalis Holdings LLC	Increase	569 Frost Ave	1420 Spring Hill Road, Suite 600, McLean, VA 22102
6974-95-0659-000	Grant, Marsha & Robert	Increase	28 Piedmont Street	28 Piedmont Street, Warrenton, VA 20186
6974-95-0789-000	Waln, Deborah & Edward	Increase	38 Piedmont Street	38 Piedmont Street, Warrenton, VA 20186
6974-95-1828-000	Callahan, Shannon	Increase	48 Piedmont Street	48 Piedmont Street, Warrenton, VA 20186
6974-95-1948-000	Dickerson, John & Sidney	Increase	58 Piedmont Street	58 Piedmont Street, Warrenton, VA 20186
6984-05-5147-000	Frost Properties LLP	Increase	5 Broadview Avenue	98 Dolphin Point Drive, Beaufort, SC 29907
6984-05-6104-000	Frost Properties LLP	Increase		98 Dolphin Point Drive, Beaufort, SC 29907
6984-04-5860-000	ABC and J LLC	Increase	346 Waterloo Street	388 Waterloo Street, Warrenton, VA 20186
6984-04-5468-000	ABC and J LLC	Both	365 W Shirley Ave	388 Waterloo Street, Warrenton, VA 20186
6984-03-6972-000	May, Charlene & Scott	Both	285 W. Shirley Ave	281 W. Shirley Ave, Warrenton, VA 20186
6984-03-7857-000	May, Charlene & Scott	Both	283 W. Shirley Ave	281 W. Shirley Ave, Warrenton, VA 20186
6984-03-7783-000	Garrett Street LLC	Both		79 Garrett Street, Warrenton, VA 20186
6984-03-8942-000	Garrett Street LLC	Both	87 Garrett Street	79 Garrett Street, Warrenton, VA 20186
6984-03-8699-000	Lindsay Holdings LLC	Both		3410 King Street, Alexandria, VA 22302
6984-14-0157-000	Fauquier County School Board	Decrease	86 Manor Court	320 Hospital Drive, Suite 40, Warrenton, VA 20186
6984-13-0556-000	Frost Family LLC	Both	239 W. Shirley Ave	98 Dolphin Point Drive, Beaufort, SC 29907
6984-13-1628-000	Rababeh, Alia & Kheder	Decrease	241 W. Shirley Ave	241 W. Shirley Ave, Warrenton, VA 20186
6984-14-2157-000	Fauquier County School Board	Decrease		320 Hospital Drive, Suite 40, Warrenton, VA 20186
6984-13-1484-000	ABG LLC, JFCJ LLC	Increase	213 W. Shirley Ave	105 W. Shirley Ave, Warrenton, VA 20186
6984-14-5086-000	Fauquier County School Board	Decrease	244 Waterloo Street	320 Hospital Drive, Suite 40, Warrenton, VA 20186
6984-13-2386-000	Second Texland Properties Corp	Both	207 W. Shirley Ave	P.O. Box 711, Dallas, TX 75221
6984-13-3296-000	187 West Shirley Avenue LLC	Both	187 W. Shirley Ave	P.O. Box 885, Warrenton, VA 20188
6984-22-1682-000	Frost Family LLC	Increase		98 Dolphin Point Drive, Beaufort, SC 29907
6983-39-5541-000	Warrenton Baptist Church	Increase		123 Main Street, Warrenton, VA 20186
6983-66-0576-000	Assemblies of God Inc, Potomac District	Decrease		14525 John Marshall Hwy., Gainesville, VA 20155



Legend	
Expanded Flood Zones	Water Areas
Reduced Flood Zones	Special Flood Hazard Areas
	Zone A, AE: With/Without Base Flood Elevation (BFE)
Hydrography Features	Regulatory Floodway
	Jurisdictional Boundary

N

January 3, 2024



TOWN OF WARRENTON

Department of Community Development

PO BOX 341
 WARRENTON, VIRGINIA 20188
<http://www.warrentonva.gov>
 TELEPHONE (540) 347-1101
 FAX (540) 349-1101

January 3, 2024

Dear Property Owner:

The Planning Commission of the Town of Warrenton will hold a public hearing at the following time and location:

Tuesday, January 16, 2024
7:00 PM
Warrenton Town Hall
Council Chambers
21 Main Street, Warrenton, VA

Zoning Ordinance Text Amendment (ZOTA-23-3) to Article 3-5 to Reflect Recently Updated Federal Emergency Management Agency (FEMA) Floodplain Maps.

Over the past several years, FEMA has been working through the process to update floodplain maps to use new, more accurate data to determine floodplain locations and boundaries. A flood map provides information about the local flood risk. It helps set minimum floodplain standards so that the community builds safely. The map also helps determine the cost of flood insurance which helps property owners to financially protect themselves against flooding. The lower the degree of risk, the lower your flood insurance premium will be.

Records indicate that your property contains flood hazard areas; a map showing the location of the updated floodplain areas can be viewed at:

<https://www.arcgis.com/apps/webappviewer/index.html?id=8796ff64d9f246ffa2b2296e8c44d8e1&extent=-8779083.9082%2C4629801.3504%2C-8544269.3573%2C4738953.4268%2C102100>

FEMA issued a Letter of Final Determination to the Town on October 25, 2023, to state that updated floodplain maps will be effective on April 25, 2024. As required by FEMA, the Town of Warrenton must adopt revised floodplain regulations as a part of the Town's Zoning Ordinance. Article 3-5.1 of the Zoning Ordinance regulates how properties may be used or developed within the floodplain area. The Planning Commission will hold a public hearing on January 16, 2024, to review and discuss the amended Zoning Ordinance as well as the updated FEMA floodplain maps.

Section 3-5.1 of the Zoning Ordinance pertaining to floodplain regulations and all related materials are available for review approximately one week before the scheduled meeting date on the Town **Website** at <https://www.warrentonva.gov/295/Agendas-Minutes-Recordings>. If you have any questions concerning the updated FEMA maps or floodplain regulations, please call (540) 347-1101 during normal business hours (8:30 AM and 4:30 PM) Monday through Friday.

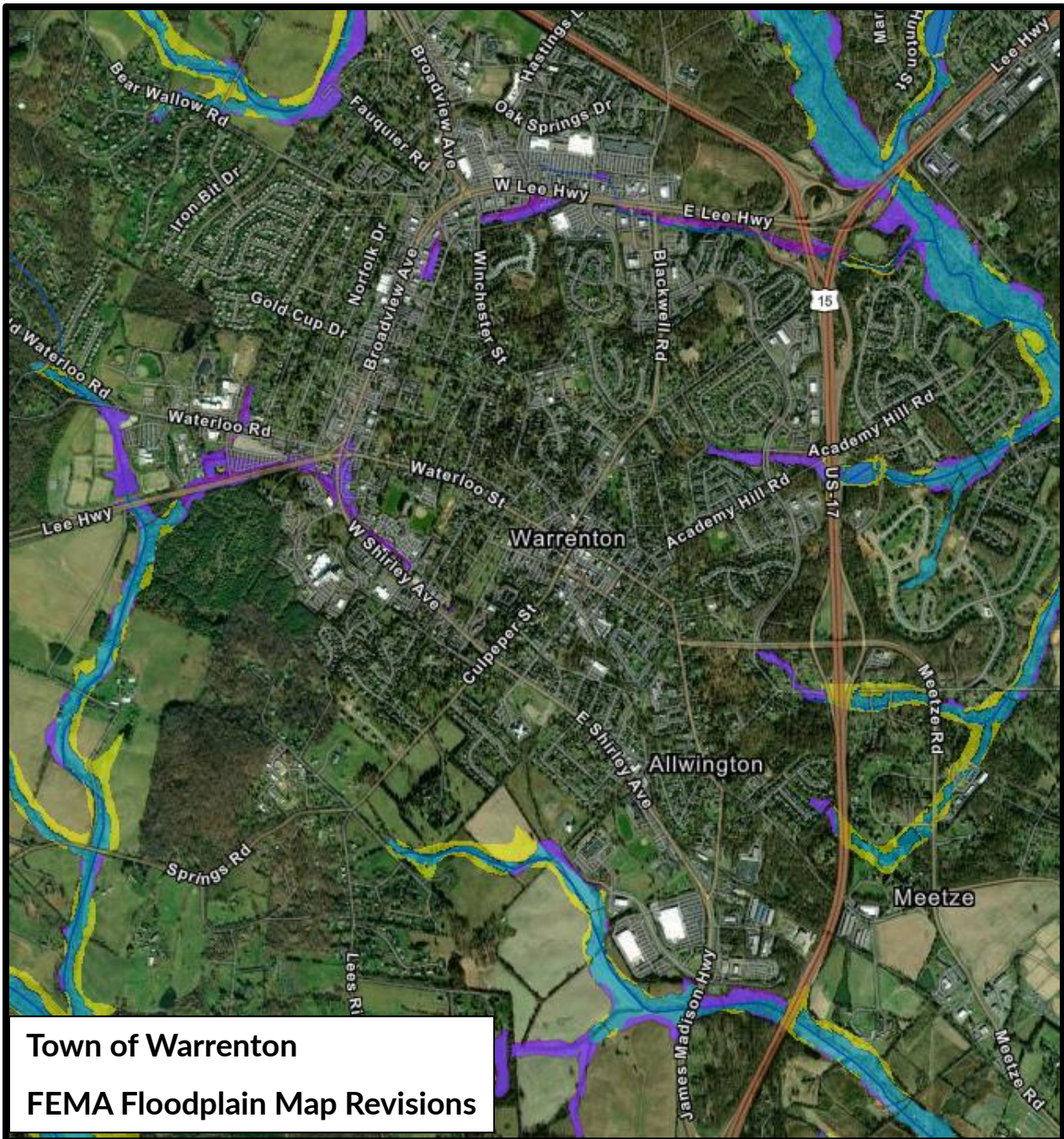
You are invited to appear and address the Planning Commission on this matter. You may also choose to submit written comments through the Town's website or by emailing citizencomment@warrentonva.gov during the public comment period which will end at noon the day of the public hearing.

The Town of Warrenton does not discriminate on the basis of handicapped status in admission or access to its programs and activities. Warrenton Town Hall meeting facilities are fully accessible to the handicapped. Any special accommodations can be made upon request 48 hours prior to the meeting.

Respectfully,



Rob Walton
Community Development Director
Town of Warrenton



Town of Warrenton
FEMA Floodplain Map Revisions

Legend	
Expanded Flood Zones	Water Areas
Reduced Flood Zones	Special Flood Hazard Areas
	Zone A, AE: With/Without Base Flood Elevation (BFE)
Hydrography Features	Regulatory Floodway
	Jurisdictional Boundary

N

January 3, 2024

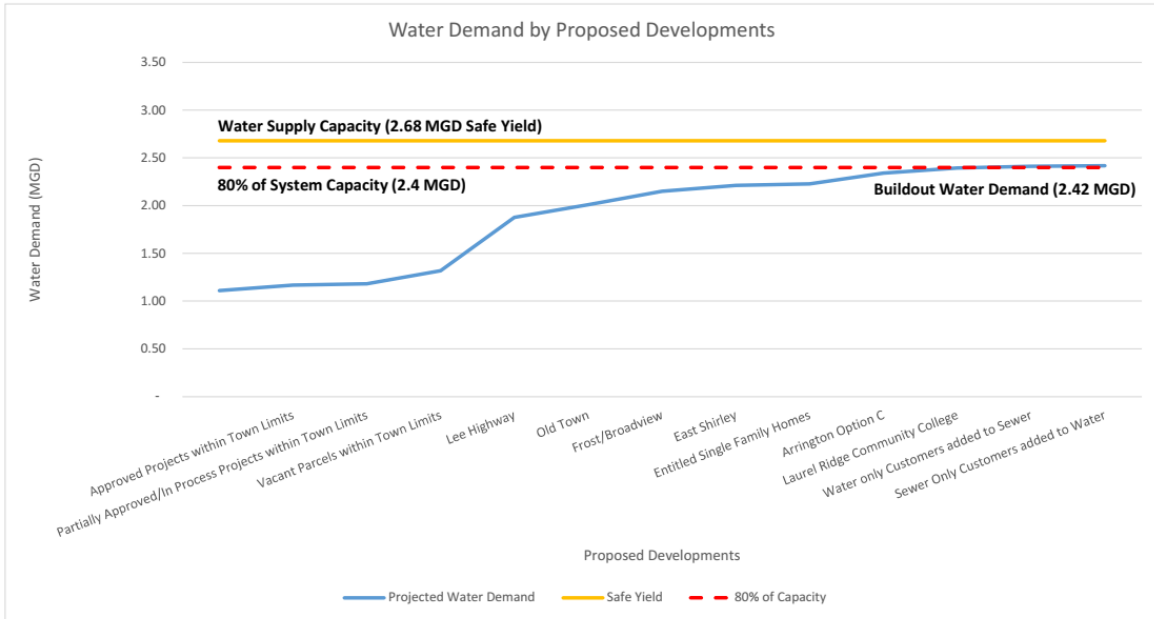


Figure 5.1: Water Demand by Proposed Developments

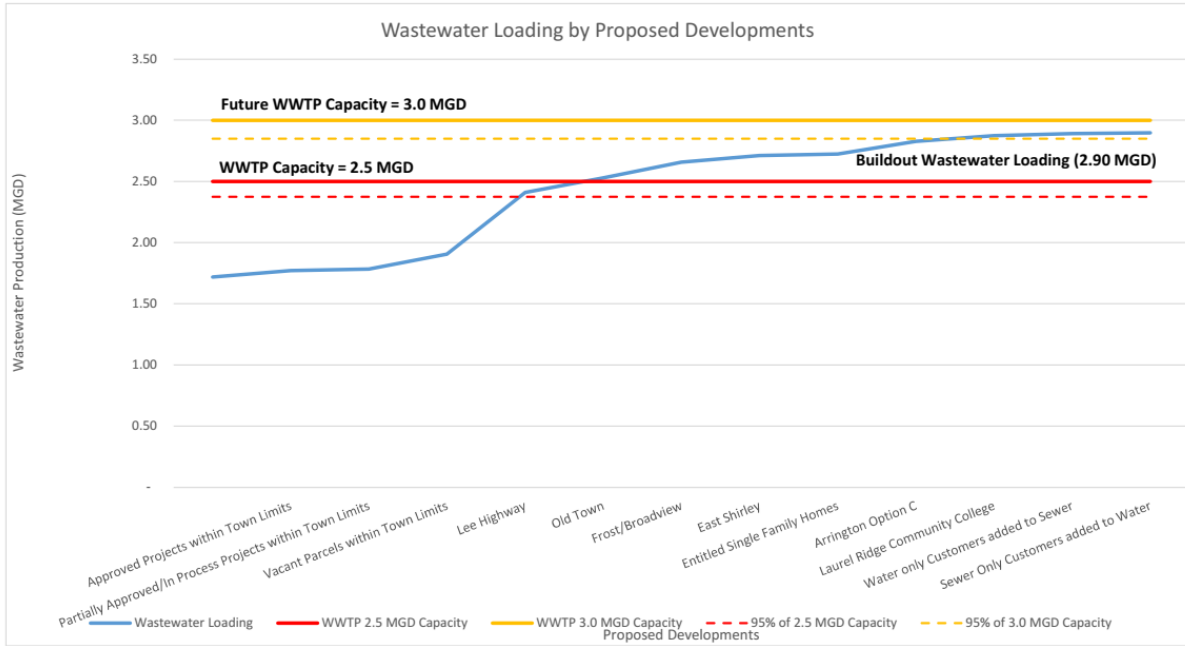


Figure 6.1: Wastewater Loading by Proposed Developments



Function and Capacity of WTP and WWTP

Town Council Work Session
December 13, 2022

Function of WTP and WWTP

*Plan Warrenton 2040-
Community Facilities
Goals: CF4 and CF5*

- Plan Warrenton 2040 adopted by Council
- Community Facilities Goals
- CF-4: Ensure healthy, safe adequate water and wastewater services
- CF-5: To provide fiscally responsible infrastructure that maintains a high quality of life for residents, supports current businesses, and attracts new employers with a stable tax structure

Function of WTP and WWTP

*Plan Warrenton 2040-
Community Facilities
Goals: CF-4 and CF-5*

CF-4: Ensure healthy, safe, adequate water and wastewater services.

- **CF-4.1:** Maintain a reliable and sufficient quantity of wastewater treatment capacity and a sufficient quantity and quality of public water supply to meet the needs of expected long term residential and commercial growth.
- **CF-4.2:** Meet the future infrastructure needs through careful planning and acquisition of required permits.
- **CF-4.3:** Reduce Infiltration and Inflow (I&I) and promote sustainability within the wastewater infrastructure system.
- **CF-4.5:** Evaluate and update the Town of Warrenton – Fauquier County Master Water and Sewer Plan’s Tri-Party Agreement as needed, creating a regional strategy for future needs, and reevaluating the Town boundaries in relationship to its service areas.
- **CF-4.8:** Explore resources to help property owners and promote connection to public water and sewer within the Town boundaries.

Function of WTP and WWTP

*Plan Warrenton 2040-
Community Facilities
Goals: CF-4 and CF-5*

CF-5: To provide a fiscally responsible infrastructure that maintains a high quality of life for residents, supports current businesses, and attracts new employers with a stable tax structure.

- **CF-5.1:** Implement robust maintenance schedules on community facilities to extend the life of investments.
- **CF-5.2:** Support the Town's current and future population through the provision of timely and comprehensive community facilities.

Objective

- Provide an overview to operations at both the Water and Wastewater Treatment Plant
- Provide a holistic overview of current status for better planning
- Outline Challenges moving forward
- Provide an overview as we move forward

Background

- Growth and Capacity studies completed in 2002, 2006, and 2009 with WRA.
- Capacity study in 2014 reports and presentation was provided to Town Council in 2015 identifying several areas of concern
- Town staff has been working with WRA and contractors to move the plan forward
- Budget concerns and restraints have deferred some projects and timelines
- Staff review of 2015 study led to current study: 2022, Completed

2015 Report Highlights from 2015 Presentation to Council

Item 4.

- Water:
 - Buildout between 2028 and 2033
 - At buildout 92% safe yield
- Sewer:
 - Buildout 2029
 - WWTP capacity (95%) in 2022-2024

Actions Taken from 2015 Report

- Engaged in I&I efforts
- Developed a plan of plant improvements with consultants
- Used the developed plan to define CIP and CARP to move forward
- MBBR completed
- Chemical building completed
- Presented plan for current budget
- Working with Community Development to address future growth needs

2015 Report Review– 2022

- Projections were very accurate
- Did not take into consideration current condition of plant equipment
- Based on study review, we are approaching projected capacity levels causing concern
- Updated Capacity Study completed in November 2022

2022 Capacity Report

- Current Study Considered all Future Expansions
- Reviewed current capacities with improvements since 2015 report
- Provided chart analysis based on potential future expansions to include BLA adjustments

2022 Capacity Report

- Projected Build Out in 2040
- WTP 2.42 MGD reached with Build Out
- WWTP 2.92 MGD reached with Build Out
- WWTP 2.5 MGD reached by 2030
- Updated Capacity Study reenforces staying on track with Improvements moving through the next 5-8 years

Current Capacity

- WTP- at 40% of Capacity
- WWTP- at 70% Capacity

BOUNDARY CHANGES OF TOWNS AND CITIES
ARTICLE 1, CHAPTER 32, TITLE 15.2
(Incorporates changes through 2015 General Assembly session)

I. MUNICIPALLY-INITIATED ANNEXATIONS

A. Eligibility

1. This article authorizes any city not located in a county immune from city-initiated annexations or any town to annex territory from an adjacent county.

Effective January 1, 1987, no city can file a notice for the annexation of county territory with the Commission on Local Government. In 2009, the city annexation moratorium was extended from 2010 to 2018.

2. A township created as a result of a consolidation of a city and a county after July 1, 2011 may institute proceedings for annexation if the consolidation agreement permits a township to exercise such authority. While the focus of this document is on the procedures for municipal annexation of territory from an adjacent county, the same process would be available to such townships.

B. Procedure for Initiating Action

(Sec. 15.2-2907, Code of Va.)

Prior to petitioning the circuit court for review of a proposed annexation action, the municipality must first notify the Commission on Local Government of its intention to seek the annexation of territory from an adjacent county.

C. Proceedings of the Commission on Local Government

(Sec. 15.2-2907, Code of Va.)

1. Upon receipt of the notice of the annexation action, the Commission shall meet with representatives of the municipality and the affected county and schedule a review of the proposed annexation. Such review shall include oral presentations and a public hearing in the affected jurisdictions to afford all interested parties an opportunity to present evidence and to offer comment on the proposed annexation.

2. At the conclusion of its review, the Commission shall submit a written report containing its findings of fact and recommendations with respect to the proposed annexation to the affected local governments and to the special three-judge court which must review the annexation.
 - a) The Commission's review of the proposed annexation must be based upon the criteria and standards established for review of annexation actions as set forth in Article 1, Chapter 32, Title 15.2, Code of Virginia.
 - b) The Commission must render its report within six month of the receipt of notice from the municipality, unless the parties agree to an extension of time. The Commission, however, may extend its reporting deadline by 60 days without agreement of the parties.
 - c) The Commission's report is advisory in nature and is not binding on the special three-judge court. The report, however, must be considered in evidence in any subsequent court proceeding.

D. Action by the Municipal Governing Body

(Secs. 15.2-3202, 15.2-3204, and 15.2-3207, Code of Va.)

1. Following the completion of the Commission's review, the municipality may, if it opts to pursue the proposed annexation, petition the circuit court of the affected county by ordinance for review of the annexation action.
2. The ordinance must set forth the necessity for and expediency of the annexation and contain the following elements:
 - a) Metes and bounds and size of the area sought;
 - b) Information as to the current and future land uses of the area proposed for annexation; and
 - c) Statement of the terms and conditions of the proposed annexation and the future improvements, including public utilities and services, the municipality plans to institute in the territory annexed.
3. The city or town must also serve the appropriate county officials with notice of its intended action and a copy of the annexation ordinance, and it must publish the notice and ordinance as required by Section 15.2-3204, Code of Virginia.
4. Upon receipt of the petition from the city or town, the local circuit court judge will request the Virginia Supreme Court to convene a special three-judge panel pursuant to Chapter 30, Title 15.2, Code of Virginia.

E. Proceedings of the Special Court

(Sec. 15.2-3209, Code of Va.)

1. The special three-judge court must determine "the necessity for and expediency of" the proposed annexation. The question of necessity and expediency requires consideration of:
 - a) The best interest of the people of the county and the city or town;
 - b) The services rendered by the county and the municipality;
 - c) The need for such services in the area proposed for annexation;
 - d) The best interest of the remaining portion of the affected county; and
 - e) The best interest of the State in promoting strong and viable units of local government.

2. In evaluating the general considerations enumerated above, the court is directed to consider specifically:
 - a) The need for urban services in the area proposed for annexation, the level of services provided in the county, city or town, and the ability of the affected jurisdictions to provide services in the area proposed for annexation;
 - b) The current relative level of services provided by the county and the city or town;
 - c) The efforts by the county and the city or town to comply with applicable State service policies relative to such issues as environmental protection, public planning, education, public transportation and housing;
 - d) The community of interest which may exist between the municipality and the area proposed for annexation, in relation to the community of interest that exists between the area and the remaining portion of the affected county;
 - e) Any arbitrary refusal by the governing body of the municipality or the affected county to enter into cooperative agreements providing for joint activities which would have benefited both jurisdictions;
 - f) The need of the city or town to expand its tax resources;

- g) The need of the city or town to obtain vacant land for commercial or industrial use and the adverse effect on the county of the loss of areas suitable and developable for such uses;
 - h) The adverse effect of the loss of tax resources and public facilities on the ability of the county to provide services to the remaining portion of the county; and
 - i) The adverse impact on agricultural operations in the area proposed for annexation.
- 3. In proceedings initiated by a municipality, the petition may not be granted unless the court is satisfied that the city or town has substantially complied with the conditions of the last preceding annexation by such city or town.
 - 4. If the court finds that the annexation is necessary and expedient, and if it finds that the municipality has substantially complied with the terms of the last preceding annexation order, the court shall enter an order granting the petition for annexation.
 - 5. Every annexation order shall be effective on January 1 of the year in which issued, unless the affected parties petition the court to order the annexation at midnight of any other mutually agreed date.

F. Powers of the Special Court

(Secs. 15.2-3211, 15.2-3212, 15.2-3214 and 15.2-3217, Code of Va.)

- 1. The order of the special three-judge court granting the annexation petition is required to set forth in detail the terms and conditions for the annexation. In its order the court has the authority to:
 - a) Determine the metes and bounds of the territory to be annexed, which may exceed or be less than the area sought by the municipality;
 - b) Require the assumption by an annexing city or town of a just proportion of any existing debt of the affected county (courts have consistently refused to require towns to assume a portion of the affected county's debt);
 - c) Require a city or town to compensate the affected county for the value of public improvements owned and maintained by the county in the area annexed which becomes property of the municipality as a result of annexation;

- d) Require a city (but not a town) to compensate the affected county for the prospective loss of net tax revenues during the five year period following annexation due to the loss of taxable values to the city;
 - e) Prescribe what capital improvements shall be made by a city in the territory annexed in order to meet the needs of the annexed area and to bring the level of public services up to a standard equal to that of the remainder of the city;
 - f) Provide that public improvements owned and maintained by the county in the annexed area remain the property of the county in lieu of compensation. Alternatively, if the parties agree, the court may also provide that the affected public improvements may be jointly used by both the county and the annexing municipality; and
 - g) Provide for the protection of agricultural operations in areas annexed.
- 2. In any annexation proceeding initiated by a town, the court may direct the county to reimburse the town for reasonable costs incurred by the town in presenting its case.
 - 3. The special three-judge court remains in existence for 10 years from the effective date of the annexation order to effect compliance with the terms and conditions set forth therein.
 - 4. The court may be reconvened at any time on its own motion, on the motion of the governing body of the county, city or town, or on petition of the voters or property owners in the area annexed to enforce performance of the terms and conditions of the annexation order.

G. Declining to Accept Annexation Award

(Sec. 15.2-3213, Code of Va.)

- 1. With the approval of the special three-judge court, the governing body of a city or town may decline to accept an annexation on the terms and conditions imposed by the court. The ordinance declining such award must be adopted within certain statutorily prescribed time periods.
- 2. If an annexation award is declined, the municipality is required to reimburse the county for the costs incurred during the court proceedings.

H. Limitations on Succeeding Annexation Actions

(Sec. 15.2-3227, Code of Va.)

Except by mutual agreement of the parties, no municipality may seek to annex territory from a county within 10 years after the effective date of the previous annexation or within 10 years after the date of the final court order denying an annexation. Further, except with the consent of the county governing body, no city may institute annexation proceedings against a county which has been subject to an annexation by any other city during the prior 10 years; provided, however, no such restriction shall deny a city the right to annex territory in a county for more than a 13-year period.

I. Moratorium on City-Initiated Annexations

(Sec. 15.2-3201, Code of Va.)

1. Effective January 1, 1987 no city can file a notice for the annexation of county territory with the Commission on Local Government. In 2009, the city annexation moratorium was extended from 2010 to 2018.
2. Proceedings commenced before the Commission on Local Government prior to January 1, 1987 are not subject to the moratorium.

II. CITIZEN-INITIATED ANNEXATIONS

A. Eligibility

County voters or property owners may petition the circuit court to have their property annexed to an adjacent city or town.

B. Procedure for Initiating Action

(Sec. 15.2-3203, Code of Va.)

1. Citizen petitions requesting annexation of territory to an adjacent city or town must contain the signatures of 51% of the voters or 51% of the owners of real estate in number and land area in the area proposed for annexation.
2. The petition must set forth the reasons for the annexation and contain a metes and bounds description of the area proposed for annexation.
3. The petition must be served on the governing body of the affected municipality and county and published as required by Section 15.2-3205, Code of Virginia.

C. Review of Citizen-Initiated Annexations

(Sec. 15.2-3203, Code of Va.)

1. Citizen-initiated annexations are subject to the same review by the Commission on Local Government and the special three-judge court as prescribed for municipally-initiated annexations under the terms of Article 1, Chapter 32, Title 15.2, Code of Virginia.
2. In annexation actions initiated by voters or property owners, however, both the affected county and the municipality are defendants in the proceedings.
3. If the court finds that the annexation is necessary and expedient, it shall enter an order granting the petition for annexation. The court, however, may not increase the area to be annexed beyond that described in the original petition.

D. Declining to Accept Annexation Award

(Sec. 15.2-3203, Code of Va.)

The governing body of the affected city or town may decline the annexation awarded as a result of citizen-initiated proceedings. The ordinance declining such award must be adopted within certain statutorily prescribed time periods.

E. City Petitions to Annex Municipally-Owned Property

(Secs. 15.2-3201 and 15.2-3306, Code of Va.)

1. The moratorium on city-initiated annexations also applies to petitions to annex city-owned land that is located within a county.
2. No city may petition to annex city-owned land that is located within a county that has obtained statutory immunity from annexation.

Staff
Commission on Local Government
December 2015

BOUNDARY LINE ADJUSTMENT BY AGREEMENT
ARTICLE 2, CHAPTER 31, TITLE 15.2
(Incorporates changes through 2015 General Assembly Session)

I. Eligibility

This article authorizes any two contiguous localities to effect a voluntary boundary adjustment.

II. Basis for Adjustment

(Sec. 15.2-3106, Code of Va.)

Agreement by a municipality and a county to relocate or change the boundary line between them.

There are no statutory restrictions as to the size or character of the land area involved, the reason or basis for the agreement, or the frequency of such adjustments.

III. Procedure for Initiating Action

(Secs. 15.2-3107 and 15.2-3108, Code of Va.)

A. Required Notification

1. Each affected locality must advertise their intention to adopt an agreement to relocate or change the boundary between them as follows:
 - a) At least once a week for two successive weeks in a newspaper of general circulation in the locality.
 - b) Notice to the owners of property affected by the agreement.
 - (1) Must be sent first-class mail to the last known address of the owners of parcels as shown in the current real estate tax assessment records.
 - (2) A representative of each governing body shall make affidavit that the notification was mailed.
 - c) A single joint notice can be used to fulfill this requirement, the cost of which shall be split as agreed by the localities.

2. The advertisement shall include:
 - a) A general description of the agreement and a description of the revised boundary line. For the advertisement, the new boundary line description is not required to be a metes and bounds description.
 - b) A statement that a copy of the proposed agreement is available for public review in the office of the clerk of each affected locality.
- B. Public Hearing. After the required public notice, each affected locality holds at least one public hearing on the agreement prior to its adoption.
- C. Petition
 1. After the adoption of the agreement by both localities, each jurisdiction petitions the circuit court of one of the affected political subdivisions to approve the boundary agreement.
 2. Required contents of petition
 - a) Facts pertaining to the desire to relocate the boundary
 - b) Plat or metes and bounds description of the new boundary line as agreed upon by the localities.
 - c) A copy of the affidavits certifying that affected property owners were notified.

IV. Court Proceedings

(Sec. 15.2-3108, Code of Va.)

- A. A single judge, not a special three-judge court, reviews the boundary change petition. Review by the Commission on Local Government is not required if the jurisdictions agree on the location of the new boundary line.
- B. The court, after hearing the evidence, enters an order establishing the new boundary line.
- C. If the owners of one-third of the affected parcels object to the boundary change, they shall be permitted to intervene and show cause why the boundary should not be changed.
- D. The only standards for the court to employ in determining whether the order establishing the new boundary line should be entered are that the affected localities

complied with the advertising requirements of Section 15.2-3107, Code of Virginia and that the petition to the court is in proper order.

V. Authorized Scope of Agreements

Agreements developed under this article are expected to be restricted to boundary adjustments. If agreements for boundary adjustments include provisions regarding revenue sharing or with respect to annexation, immunity, or transition rights of the jurisdictions, they are subject to the review by the Commission on Local Government and by a special three-judge court as set forth in Section 15.2-3400, Code of Virginia.

VI. Limitations on Use

- A. There are no statutorily prescribed intervals between successive uses of this boundary process by localities.
- B. Use of this boundary adjustment process does not restrict or affect a locality's use of the annexation process set forth in Chapter 32, of Title 15.2, Code of Virginia.

Staff
Commission on Local Government
December 2015



2024 Planning Commission Meeting Dates 21 Main Street Warrenton, Virginia		
Month	Regular Meeting 7:00 PM Regular Meeting (3 rd Tuesday of the Month)	Work Session 7:00 PM (4 th Tuesday of Month)
January	16 th	23 rd
February	20 th	27 th
March	19 th	26 th
April	16 th	23 rd
May	21 st	28 th
June	18 th	25 th
July	16 th	23 rd
August	20 th	27 th
September	17 th	24 th
October	15 th	22 nd
November	19 th	26 th
December	17 th	(Don't schedule?) 24 th

NOTE: Per the By-Laws the Chair of the Planning Commission may add work session items to the Regular meeting. Meetings may also be amended, postponed, or a special meeting may be called per the notice requirements of the Code of Virginia.

Draft 2023 Planning Commission Goals

- Provide the Town Council with recommendations on land use applications, policies, and plans that will result in balanced, equitable, orderly growth.
- Ensure recommendations are well informed and legally defensible.
- Be transparent and open to the public on all matters related to land use.
- Base recommendations on the adopted policy and plans that set forth the vision for the Town.
- Develop a best practice process for the adoption of the Capital Improvement Program.
- Be engaged and informed on the Comprehensive Plan goals in reviewing current land use applications.
- Continue to examine and attend training seminars, as permitted under current Health Advisory.
- Collaborate with adjacent Planning Commissions, as permitted under current Health Advisory.
- Perform site visits, as appropriate, for land use applications.
- Be engaged and informed on the activities of the Architectural Review Board.
- Learn from the success stories of other jurisdictions that are applicable to Warrenton.