

AGENDA

FRANKLIN CITY COUNCIL
MONDAY, January 25, 2016 – CITY HALL COUNCIL CHAMBERS – 207 W. SECOND AVE.

6:00 P.M.

Work Session

- CALL TO ORDER MAYOR RAYSTINE D. JOHNSON-ASHBURN
- ZONING ORDINANCE AMENDMENTS WORK SESSION
 - A. Repeal and Re-Adopt Flood Plain Regulations
 - B. FEE Changes to Cover Advertising Costs of Public Hearing Notices
- ADJOURNMENT

7:00 P.M.

Regular Meeting

- CALL TO ORDER MAYOR RAYSTINE D. JOHNSON-ASHBURN
- PLEASE TURN OFF CELL PHONES MAYOR RAYSTINE D. JOHNSON-ASHBURN
- PLEDGE OF ALLEGIANCE
- CITIZENS' TIME
- AMENDMENTS TO AGENDA
- SPECIAL RECOGNITION: INTRODUCTION OF NEW HIRES
 - 1. CONSENT AGENDA
 - A. Minutes: January 11, 2016 Regular Meeting
 - B. Departmental Reports: December, 2015 (Separate File)
 - 2. PUBLIC HEARING – Joint Meeting with City Planning Commission
 - A. Call To Order – Planning Commission
 - B. Joint Public Hearing: Zoning Ordinance Amendments # 2016 – 01 & # 2016 – 02
 - 1. Repeal & Re-Adopt Flood Plain Regulations (# 2016 – 01)
 - 2. Fee Changes to Cover Advertising Costs of Public Hearing Notices (# 2016 – 02)
 - C. Planning Commission Recommendation Action
 - D. Council Consideration of Ordinance Amendments # 2016 – 01 & # 2016 - 02
 - 3. FINANCE
 - A. FY 2014 – 2015 CAFR/AUDIT Presentation – Davis & Associates (Separate File)
 - B. FY 2015 – 2016 City Budget Ordinance Amendment # 2016 – 12
 - 4. OLD/NEW BUSINESS
 - A. Franklin Business Incubator Name Change Recommendation
 - B. City Manager’s Report
 - 5. COUNCIL/STAFF REPORTS ON BOARDS & COMMISSIONS
 - 6. CLOSED SESSION
Closed Session - I move that the Franklin City Council meet in Closed Session to discuss the disposition of publicly held real property, where discussion in an open meeting would affect the bargaining position or negotiating strategy of the public body; and for the discussion and consideration of the performance, appointment, salaries and resignation of city employees and the evaluation of departments when the discussion will involve performance of specific individuals pursuant to Virginia Code Section 2.2 – 3711 (A) (1) and (3).
Motion Upon Returning to Open Session- I move that the only matters discussed during the session were those lawfully exempted from open meeting requirements and identified in the motion by which the closed session was convened.
 - 7. ADJOURNMENT

UPCOMING ITEMS TO BE SCHEDULED

The items below are intended to be reflective, and not inclusive of all subjects staff is working on to bring forward to City Council in the next two months. Both the time lines and subject matter are subject to change and should not be considered final.

SUBJECT**TENTATIVE TIME LINE****Joint City/County Utility Study Presentation****TBD: February, 2016 Projected**

CONSENT AGENDA

- A. Minutes: January 11, 2016 Regular Meeting
- B. Departmental Reports: December, 2015 (Separate File)

The Franklin City Council held its regular meeting on Monday, January 11, 2016 at 7:00 p.m. in the Council Chambers at City Hall.

Council Members in Attendance: Mayor Raystine D. Johnson-Ashburn Barry Cheatham, Vice-Mayor; Benny Burgess, Mary Hilliard, Frank Rabil and Greg McLemore tardy (Mona Murphy absent).

Staff in Attendance: Randy Martin, City Manager; Taylor Williams, City Attorney; Mark Bly, Director of Power and Light; Chief Vince Holt, Director of Emergency Services; Russ Pace, Director of Public Works; Carolyn Joyner, Human Resource Manager; Jennifer Maynard, Voter Registrar; Alan Hogge, Director of Social Services; and Chief Phil Hardison, Police Department.

Others in Attendance: Officer Kevin Muse, Franklin Police Department; Dan Howe, Executive Director of Downtown Franklin Association (DFA) and Teresa Rose-McQuay; Administrative Assistant and Acting Secretary, Recording Minutes.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited by everyone in attendance.

CITIZENS' TIME

No one signed up for Citizens' Time.

AMENDMENTS TO AGENDA

There were no amendments to the agenda.

Consent Agenda

Minutes: December 14, 2015 Regular Meeting

Mayor Johnson-Ashburn asked if there were any corrections or changes to the minutes. There being none, Councilman Rabil made the motion to adopt the minutes as presented and Vice-Mayor Cheatham seconded it.

The motion was approved by a vote of 5 – 0 (Councilman McLemore had not arrived and Councilwoman Murphy absent).

Departmental Reports

There were no questions or comments concerning the finance report.

Finance

Monthly Financial Report: November, 2015

Mayor Johnson-Ashburn recognized Manager Martin to present the monthly Financial Report. Manager Martin reviewed highlights of the Financial Report for November, 2015.

Revenue Summary

- Collection of delinquent real estate tax revenues has improved significantly over prior year period
- Current real and personal property tax collections are tracking similar in comparison to the prior year.
- Other local tax revenue including economic indicators have remained consistent with prior year period (some economic growth in meals taxes; lodging taxes is down).
- Year to date revenue is on target with budgeted projections.

Overall General Property Taxes collected are \$2.44 million (33.1% of budget); which is a 21% increase over FY15 collections of \$2.01 million (28.2% of budget).

- **Current Real Estate taxes** - \$1.15 million (21.2% of budget) are 11.0% higher than FY15 collections of \$1.04 million.
- **Delinquent Real Estate taxes** - \$348,000 higher than the prior year reaching over 100% of the total budgeted projections.
- **Delinquent Personal Property taxes** – Nearly \$19,000 less than the prior year period.
- **Penalty and Interest** – revenue is slightly higher than the prior year period reaching 39.0% of the total budget.

Other Significant Revenue Events for FY 15 – 16

- Fees from Inspections and Planning Services decreased as anticipated.
- Increased miscellaneous revenue real estate sales transactions and late penalty fees.
- Boost in Isle of Wight Annexation Payment (\$80,000 more than the prior year period)
- Increase in revenue from ambulance billing

There was no significant change from the prior month.

Revenue Summary

Overall, total current general fund revenue reported at \$7.63 million (38.2% of budget) is \$473,000 or 7.0% more when compared to the \$7.15 million (36.0% of budget) realized at 11/30/15.

General Fund Expenditure Highlights

- General Fund expenditures excluding transfers overall are \$454,000 higher than the prior year period (excludes the revenue sharing payment to the County of \$500,000 made in 11/14 but as of 11/15). Expenditures of \$5.86 mil is 39.1 % of the current budget compared to \$5.4 mil or 35.8% of the budget spent at 10/31/14.
- Increases are primarily the result of increased capital project expenditures, jail administration costs and grant funded expenditures in public safety.

Airport Fund Summary

- Fuel sales of nearly \$23,000 at 11/30/15 are less than the prior year period.
- Other local revenue consists primarily of airport rental fees and is also slightly less than the revenue realized during the prior year period.
- Operating Expenditures at 11/30/15 are tracking the same as the prior year period with only 27% of the total budget expended
- A negative cash balance is shown at \$86,843 as the budgeted General Fund Transfer to support airport operations has not been transferred as of 11/30/15.

Water & Sewer Fund**Revenue Analysis**

- Revenue from the sale of water and sewer service charges of \$1.13 million at November 30 is less than the prior year period.
- An adjustment occurred in December of 2014 for the prior period (November 2015 billing).

Expenditure Analysis

- Expenditures in the Fund are slightly less than the prior year.

Cash Balance

- The cash balance in the Fund at the end of the month is \$2.03 million, a slight increase from the \$1.98 million reported at November 2014.

Solid Waste Fund**Revenue Analysis**

- Revenue for the Solid Waste Fund is on target with projections reaching 41% of budget and is comparable to the prior year period.

Expenditure Analysis

- Total expenditures of \$258,763 are slightly less than the prior year period expenses and represents 26% of the total budget.

Councilman McLemore entered the Council meeting at 7:13 p.m.

Electric Fund Summary**Revenue Analysis**

- Revenue from energy sales is \$5.25 million or 36.9% of budget; FY 14 – 15 revenue was \$4.99 million or 35.4% of budget

Expenditure Analysis

- Expenditures associated with the sale of energy (excluding fuel adjustment) at \$3.6 million are 6.7% higher than the prior year period costs of \$3.3 million. Cost is within the budgeted projections.

Cash Balance

FY 2015 – 2016 Cash Balance as a percentage of Annual Revenues (excluding fuel adjustment) at FYE 11/30/15 was \$919,275 or 6.4%. In the Policy evaluation, Cash is below minimum policy guideline of \$1.44 million by \$524,000. Cash in the Electric Fund decreased by \$37,000 from the prior month period.

Mayor Johnson-Ashburn asked if anyone had any questions or comments concerning the November, 2015 Financial report and hearing none Manager Martin presented the 2016 -11 Budget Ordinance Amendment.

FY 2015 – 2016 City Budget Ordinance Amendment # 2016 – 11

Manager Martin noted that the City has received (1) the following grant awards in the General Fund 100 category.

- Police Department – Federal grant funds from the Office of Justice Programs under the Justice Assistance Grant/Bulletproof Vest program were received in the amount of \$1,288.40.

The request is to amend the FY 15-16 Budget Police Department (Uniforms and Apparel) and to appropriate the funds for expenditure.

(2) In order to address security concerns at the City's court facility, the access control system was upgraded to include functional key cards for secure entry by authorized personnel and additional cameras. The cost for the upgrade (\$6,000) was not included in the FY 15-16 budget. It was cost effective and necessary to meet security needs to complete this work when the police department security enhancements were recently completed with budgeted funds.

The request is to support the cost of completing the work via a transfer of available funds from one line item (juvenile detention) of the budget to the Police Department budget where the additional expenditure was made.

FUND 220 -CAMP FOUNDATION

- Grants funds were received from the Camp Family Foundations in the amount of \$100,500 to support the operations of the City's Police Department and Franklin & Hunterdale (Pass through funding) Fire Departments as follows:

CAMP FAMILY FOUNDATION	
Franklin Police Department	\$40,000
Franklin Fire and Rescue	\$45,000
Hunterdale Fire & Rescue	\$15,500
Total	\$100,500

- Franklin Southampton Charities awarded \$20,000 in grant funds to support the operations of the Franklin Police and Fire Department. In July 2015, the City received \$10,000 which is included in this amendment request.

FRANKLIN SOUTHAMPTON CHARITIES	
Franklin Police Department	\$10,000
Franklin Fire and Rescue	\$10,000
Total	\$20,000

Mayor Johnson-Ashburn asked if there were any questions or comments concerning the budget ordinance amendment.

Mayor Johnson-Ashburn asked if the grant awards from the charities are amounts that we request.

Manager Martin deferred to Director Holt of the Department of Emergency Services and Police Chief Hardison to respond to the question.

Director Holt said the amounts vary according to the rates in the stock market and the amount of revenue received by the charities as to how much they can donate each year. Chief Hardison concurred that the amounts typically match closely with requests despite investment fluctuations.

Vice-Mayor Cheatham wanted clarification about the amounts. The City received \$120,500 in funds; we are going to expend another \$40,000 and the difference of \$80,500 is already spent.

Councilman Burgess noted that the difference seemed to be the amount of the Franklin Fire and Rescue grant from the Camp Foundation.

Manager Martin stated that would balance the amendment but he would confirm with Finance Director Melissa Rollins, who is in training,

to make sure. Manager Martin stated that it must be balanced. Manager Martin asked that the motion include the adjustment to the budget ordinance amendment to ensure a balanced budget as noted.

The required action from City Council is to accept the various local and federal grant awards and amend the additional revenue to the FY 15 - 16 budget and appropriate the funds for expenditure as outlined and authorize the transfer of \$6,000 from the juvenile detention care budget to the Police Department budget

to cover the cost of security system upgrades at the court facility by adopting budget ordinance amendment # 2016 - 11.

Vice-Mayor Cheatham made the motion to accept and authorize Budget Ordinance Amendment 2016 - 11 as amended and Councilman Rabil seconded it.

The amendment was approved by a vote of 6 - 0 (Councilwoman Murphy absent).

OLD/NEW BUSINESS

City Manager's Report

Joint Public Hearing – January 25, 2016 City Council Meeting with the Planning Commission

Manager Martin informed Council members as well as the public that at the next City Council meeting on January 25, 2016 there is a scheduled joint meeting with the Planning Commission. Manager Martin distributed the Notice of Public Hearing to the Council members. He reminded Council that this was not the first time that they had a joint meeting with the Planning Commission. This was done to save cost on advertising. The purpose of the public hearing is to consider the following:

- 1) A proposed amendment of the Zoning Ordinance for the repeal and re-adoption of the following article of the ordinance: Article XXI Flood Plain Regulations; and
- 2) Proposed text amendments to Article XXVII: Board of Zoning Appeals, Sections 27.8 (a) and 27.8 (b) and Article XXVIII: Changes and Amendments, Section 28.6 and 28.8 to increase the fees to cover the cost of advertising public hearing notices as required by Code of Virginia, Section 15.2-2204 and to process applications or appeals.

Upon adoption, the flood plain changes will satisfy new federal & state code requirements and will help lower the premiums for flood insurance for the affected properties which are paid by businesses and citizens of the City of Franklin.

Mayor Johnson-Ashburn asked if the public hearing would be posted on the website, PEG channel, in the lobby of City Hall.

Manager Martin said that it would be posted in the usual places and also in the newspaper.

Joint Meeting with Franklin City Council and Franklin City School Board

Manager Martin reminded Council that the joint meeting with the Franklin City School Board and the Council is scheduled for Tuesday, January 12, 2016 at the Paul D. Camp Community College Workforce Development Center at 5:30 P.M. He advised Council of the topics scheduled to be discussed.

Audit Presentation – CAFR

Manager Martin informed Council that at the January 25, 2016 council meeting, a representative from the city's independent auditing firm of Davis and Associates was scheduled to present the final audit presentation for FY 2014 – 2015 during the Finance segment of the Agenda given by Finance Director Rollins who will also present the completed Comprehensive Annual Financial report (CAFR).

Elections

Manager Martin recognized Voter Registrar Maynard who informed Council that we have received the new election equipment. Manager Martin commented that with the new equipment we received that this year's election cycle should run smoothly. Ms. Maynard reminded citizens that if they have not registered to vote that they need to contact the Voter Registrar office directly. It was noted that the filing period for the May, 2016 local elections had begun.

Legislative Priorities

Manager Martin distributed a copy of the 2016 Legislative Priorities for the Hampton Roads Transportation Planning Organization (TPO) and the Hampton Roads Planning District Commission (PDC) that are going to be discussed at the upcoming meeting on January 21, 2016. He gave a brief summary of the information that is scheduled to be discussed at that meeting.

Budget Amendment for New Radio Frequency Equipment for the Police Department

Manager Martin reminded Council that it would be necessary to approve a Budget Amendment for the City's new radio frequency equipment discussed for purchase in November, 2015. Manager Martin stated that he and Chief Hardison have met several times to discuss how to expedite this action. Manager Martin stated that the budget amendment could be considered at the next meeting.

Mayor Johnson-Ashburn how long it would take to get everything up and running once the equipment is received.

Chief Hardison stated that it would take approximately 60 days for everything to be operational.

Employee Commendations

Manager Martin stated that he wanted to start the year off with a feel good item. He distributed to Council two letters received by the Public Works Department and the Police Department. The letter for the Public Works Department referenced comments received from a local business commending Mike Artis for going above and beyond by helping an elderly citizen cross the street safely to an awaiting vehicle. The other commendation came from a visitor who frequents Franklin that had been assisted by a Franklin Police Officer and who in subsequent visits had seen other officers assisting people. She commended the professional and courteous members of the police department without naming the individual officers.

Mayor Johnson-Ashburn commended Mr. Artis for his job. She stated that she as a business owner of Wm. M. Johnson & Sons Funeral Home, appreciates the Police Department for their service to the City. All in attendance applauded.

COUNCIL/STAFF REPORTS ON BOARDS & COMMISSIONS

Councilman Burgess reported on the efforts of the City/County Shared Services Management Team regarding the joint utility study and the progress they are making on condensing a summary of the lengthy engineering study to a more manageable size for presentation. The subcommittee will be meeting on Tuesday, January 12, 2016 to further condense the presentation. They are hoping to present the report to the elected bodies soon.

Councilman Rabil informed Council that there is a DFA Board Meeting on Tuesday, January 12, 2016 at 5:30 p.m. at the train depot. He stated that they would be scheduling a meeting for the Business Friendly Committee sometime in February.

Closed Session

Councilwoman Hilliard made the motion that the Franklin City Council meet in Closed Session to discuss and consider appointments to boards and commissions; a discussion of the disposition of publicly held real property, where discussion in an open meeting would affect the bargaining position or negotiating strategy of the public body; and consultation with the City Attorney pertaining to actual litigation, where such consultation or briefing in open meeting would adversely affect the litigating posture of the public body pursuant to Virginia Code Section 2.2 – 3711 (A) (1), (3) and (7). Vice-Mayor Cheatham seconded the motion.

The motion was approved by a 6 – 0 vote (Councilwoman Murphy absent).

The Council entered into closed session at 7:44 p.m.

Mayor Johnson-Ashburn reconvened the open session at the conclusion of the closed session.

Councilman Rabil made a motion certifying that the only matters discussed during the closed session were those lawfully exempted from open meeting requirements and identified in the motion by which the closed session was convened. The motion was seconded by Vice-Mayor Cheatham.

The motion was approved by a 6 – 0 vote (Councilwoman Murphy absent).

Adjournment

Councilman Rabil made a motion to adjourn the meeting which was seconded by Councilman McLemore.

The motion was approved by a 6 – 0 vote (Councilwoman Murphy absent).

Mayor Johnson-Ashburn declared the meeting adjourned at 7:51 p.m.

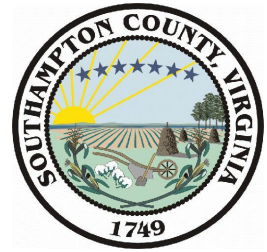
These Minutes for the January 11, 2016 City Council Meeting were adopted on the 25th day of January, 2016.

Mayor

Clerk to City Council

PUBLIC HEARING

- A. Call To Order – Planning Commission**
- B. Joint Public Hearing: Zoning Ordinance Amendments # 2016 – 01 & # 2016 – 02**
 - 1. Repeal & Re-Adopt Flood Plain Regulations (# 2016 – 01)**
 - 2. Fee Changes to Cover Advertising Costs of Public Hearing Notices (# 2016 – 02)**
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**DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING - BUILDING INSPECTIONS – ZONING**

TO: MEMBERS OF THE PLANNING COMMISSION AND CITY COUNCIL
From: Donald E. Goodwin, CBO, CFM, Director of Community Development
Subject: Staff Report for the Amendments to Article XXI: Flood Plain Regulations
Date: January 13, 2016

REQUEST

This request comes to Council as a result of the City's last Community Assistance Visit (CAV) from the Virginia Department of Conservation and Recreation (DCR) conducted on site May 24, 2013. It was noted that the City's flood plain ordinance had not been updated to reflect the changes that had been made to the Code of Federal Regulation. In developing floodplain management ordinances, communities who want to participate in the national Flood Insurance program must at least meet minimum regulatory standards in Title 44 of the Code of Federal Regulation (44 CFR) administered by the Federal Emergency Management Agency (FEMA). National Flood Insurance Program (NFIP) standards and policies are reviewed periodically and revised when appropriate. When such administrative changes are made or when flood insurance rate maps (FIRMs) are updated, community floodplain management ordinances also must be revised and updated accordingly.

HIGHER STANDARDS

The NFIP regulatory standards are minimums. They may not be all of the necessary measures to protect health, safety and welfare in our community. Therefore, we are encouraged to enact more restrictive requirements where needed to better protect people and properties from the local flood hazard. Many of these more restrictive requirements are eligible for credit under the Community Rating System (CRS), a program which provides insurance premium discounts to policyholders in communities with more restrictive floodplain management programs. The most common higher standard is a freeboard requirement. A 24" or 2 foot freeboard requirement is being recommended in this amended ordinance. The attached FEMA flier defines freeboard and provides an overview of the flood insurance premium savings for a single family home.

PUBLIC NOTICE

Notice has been properly advertised in accordance with Virginia Code Section 15.2-2204.

RECOMMENDED ACTION:

1. Motion to repeal and readopt Article XXI: Flood Plain Regulations of the City of Franklin Zoning Ordinance to include the twenty four (24) inch freeboard higher standard per the Planning Commission's recommendation.

FRANKLIN 6 SOUTHAMPTON
DEPARTMENT OF COMMUNITY DEVELOPMENT
207 WEST SECOND AVENUE, FRANKLIN VIRGINIA 23851
OFFICE: 757-562-8580 FAX: 757-562-0870



Building Higher in Flood Zones: Freeboard – Reduce Your Risk, Reduce Your Premium

One way flood risk is communicated is through maps that show base flood elevations (BFEs), or the height floodwaters would reach during a 1-percent-annual-chance flood in any given year.

Freeboard is a term used by FEMA’s National Flood Insurance Program (NFIP) to describe a factor of safety usually expressed in feet above the 1-percent-annual-chance flood level. The NFIP requires the lowest floor of structures built in Special Flood Hazard Areas (SFHAs) to be at or above the BFE, so a structure built with freeboard would have its lowest floor 1 foot or more above the BFE. Adding freeboard will reduce NFIP insurance premiums.

Benefits of Freeboard

There are many benefits to incorporating freeboard into new construction plans, the most important being safety (Figure 1). Freeboard provides a margin of safety against extraordinary or unknown flood risk. BFEs reflect estimates of flood risk, but there are many unknown factors that can cause flood heights to rise above the BFE, such as wave action, bridge and culvert openings being blocked by debris, and development in the floodplain. It is important to remember that floods more severe than the 1-percent-annual-chance event can and do occur.

Other benefits of freeboard include incurring less damage, easier and faster cleanup after a flood event, and lower flood insurance rates. Incorporating freeboard into building plans can result in substantial savings in flood insurance premiums each year, especially for buildings located in Zone V (a coastal flood zone at risk from wave action). Figure 2 shows potential flood insurance rates based on the amount of freeboard in both riverine (Zone AE) and coastal (Zone VE) environments.

Communities that incorporate freeboard into their local floodplain ordinances can earn discounts on flood insurance by participating in the NFIP’s Community Rating System (CRS) program. CRS rewards communities that engage in floodplain management activities that exceed NFIP standards by offering discounts of up to 45 percent on flood insurance policies written for SFHAs in NFIP-participating communities.



Figure 1: House elevated above the BFE with 1 foot of freeboard

What is Floodplain Management?

Floodplain management is the operation of a program of preventive and corrective measures for reducing flood damage. FEMA helps communities develop floodplain management regulations that comply with NFIP regulations. Communities may adopt more restrictive regulations. Community officials may have knowledge of local conditions that require higher standards than the NFIP regulations, particularly for human safety.

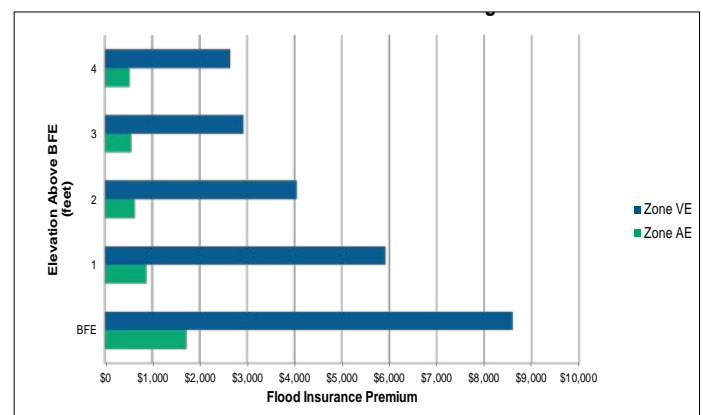


Figure 2: Maximum coverage for a \$250,000 residential building and \$100,000 contents

Benefit-Cost Comparison

Incorporating freeboard into new construction is extremely cost effective. The up-front costs are generally only about 0.25 to 1.5 percent of the total construction costs for each foot of freeboard. However, the long-term savings on flood insurance will more than offset these costs.

For example, adding 2 feet of freeboard to a new home might add \$20 a month to the mortgage payment, or \$240 per year. The resulting flood insurance savings could be more than \$1,000 a year for a building in Zone AE (for instance, in a riverine flood zone not affected by wave action) and \$2,000 a year in Zone VE.

Many States and communities have incorporated freeboard requirements into the elevation and floodproofing requirements stipulated by the NFIP. Freeboard requirements can range from 6 inches to 4 feet, and it would be up to the community to decide what is most appropriate given their location and other community conditions.

Historically Speaking...

Freeboard was (and still is) a nautical term. It refers to the height of a ship's deck above the waterline. If you think of the lowest floor of your house as the deck of your ship, and the BFE as the height of the sea, freeboard is the extra height that keeps the larger waves off your deck.

FOR MORE INFORMATION...

FEMA's Floodplain Management Branch

About floodplain management's role in the NFIP:
<http://www.fema.gov/floodplain-management>

FEMA 347 – Above the Flood: Elevating Your Floodprone House:

<http://www.fema.gov/media-library/assets/documents/725?id=1424>

FEMA 312 – Homeowner's Guide to Retrofitting:

<http://www.fema.gov/media-library/assets/documents/480?id=1420>

Homebuilder's Guide to Coastal Construction:

A series of fact sheets providing information about responsible building practices including freeboard.
<http://www.fema.gov/library/viewRecord.do?id=2138>

FloodSmart

Information for consumers and insurance agents about flood insurance and the NFIP.
www.FloodSmart.gov



Updated Freeboard by locality

Locality	Freeboard
Chesapeake	1.5'
Franklin	None (2' proposed)
Gloucester	2'
Hampton	3' (also 1.5' above grade in x500/shaded X)
Isle of Wight	1.5'
James City	2'
Newport News	2'
Norfolk	3' (also 1.5' above grade in x500/shaded X)
Poquoson	3'
Portsmouth	3'
Southampton	1'
Suffolk	1' (Coastal A and VE Zones only; BFE all other SFHA)
Surry	None
Virginia Beach	2'
Williamsburg	None
York	3' (4' in Coastal AE)

Resource: Hampton roads Planning District Commission 9-23-15

ORDINANCE NO.2016 - 01

THE CITY COUNCIL OF THE CITY OF FRANKLIN, VIRGINIA DOES ORDAIN AS FOLLOWS:

TO AMEND APPENDIX B OF THE CITY CODE; THE CITY OF FRANKLIN ZONING ORDINANCE TO REPEAL AND READOPT ARTICLE XXI: FLOOD PLAIN REGULATIONS TO COMPLY WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY OF THE DEPARTMENT OF HOMELAND SECURITY TO READ AS FOLLOWS.

CHAPTER I - GENERAL PROVISIONS

Section 1.1 ó Statutory Authorization and Purpose [44 CFR 59.22(a)(2)]

This ordinance is 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 and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by

- A. regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies;
- B. restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding;
- C. requiring all those uses, activities, and developments that do occur in flood-prone districts to be protected and/or flood-proofed against flooding and flood damage; and,
- D. protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

Section 1.2 ó Applicability

These provisions shall apply to all privately and publicly owned lands within the jurisdiction of the City of Franklin 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 City by FEMA.

Section 1.3 - Compliance and Liability

- A. No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with

the terms and provisions of this ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance.

- B. The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study, but does not imply total flood protection. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that districts outside the floodplain district or land uses permitted within such district will be free from flooding or flood damages.
- C. This ordinance shall not create liability on the part of the City or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Section 1.4 6 Records [44 CFR 59.22(a)(9)(iii)]

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.

Section 1.5 - Abrogation and Greater Restrictions [44 CFR 60.1(b)]

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.

Section 1.6 - Severability

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

Section 1.7 - Penalty for Violations [44 CFR 60.2(e)]

Any person who fails to comply with any of the requirements or provisions of this article or directions of the director of planning or any authorized employee of the City of Franklin 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. Violations and associated penalties of the Zoning Ordinance of the City of Franklin are addressed in appropriate sections of the Zoning Ordinance.

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

CHAPTER II - ADMINISTRATION

Section 2.1 - Designation of the Floodplain Administrator [44 CFR 59.22(b)]

The Zoning 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 a Floodplain Manager who has received Certification as a Certified Floodplain Manager from the Association of State Floodplain Managers, Inc. or other state accredited program.
- (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.

Section 2.2 - Duties and Responsibilities of the Floodplain Administrator [44 CFR 60.3]

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 City, 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 City 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 Floodplain Administrator to take into account flood, mudslide and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land management and use throughout the entire jurisdictional area of the Community, whether or not those hazards have been specifically delineated geographically (e.g. via mapping or surveying).

Section 2.3 - Use and Interpretation of FIRMs [44 CFR 60.3]

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, 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, 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

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.

Section 2.4 - Jurisdictional Boundary Changes [44 CFR 59.22, 65.3]

The City floodplain ordinance in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements for participation in the National Flood Insurance Program. Municipalities with existing floodplain ordinances shall pass a resolution acknowledging and accepting responsibility for enforcing floodplain ordinance standards prior to annexation of any area containing identified flood hazards. If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.

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

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

Section 2.5 - District Boundary Changes

The delineation of any of the Floodplain Districts may be revised by the City 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.

Section 2.6 - 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.

Section 2.7 ó Submitting Model Backed Technical Data [44 CFR 65.3]

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 flood plain management requirements will be based upon current data.

Section 2.8 ó 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)*

CHAPTER III - ESTABLISHMENT OF ZONING DISTRICTS

Section 3.1 - Description of Special Flood Hazard Districts [44 CFR 59.1, 60.3]

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 City of Franklin prepared by the Federal Emergency Management Agency, Federal Insurance Administration, revised and dated September 4, 2002, and any subsequent revisions or amendments thereto.

The City 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 Franklin Southampton Department of Community Development office.

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 more than one (1) foot at any point. The areas included in this District are specifically defined in Sections 4.0 and 5.0 of the above-referenced FIS and shown on the accompanying FIRM.

The following provisions shall apply within the Floodway District of an AE zone [44 CFR 60.3(d)]:

- a. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the community during the occurrence of the base flood discharge. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator.
- b. Permitted Uses: In the floodway 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 they do not require structures, fill, or storage of materials and equipment:
 - Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting
 - Public and private recreational uses and activities such as park, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking and horseback trails, wildlife and nature preserves, game farms, fish hatcheries and hunting and fishing areas
 - Accessory residential uses such as yard areas, gardens, play areas and pervious loading areas
 - Accessory industrial and commercial uses such as yard areas, pervious parking and loading areas, airport landing strips, etc.
- c. Uses permitted by Conditional Use Permit when authorized by the Board of Zoning Appeals: The following uses and activities may be permitted by conditional use permit, provided that they are in compliance with the provisions of the underlying district and are not prohibited by this article or any other

ordinance:

- Utilities and public facilities and improvements such as railroads, streets, bridges, transmission lines, pipelines, water and sewage treatment plants and other similar or related uses
 - Water-related uses and activities such as marinas, docks, wharves, piers, etc
 - Extraction of sand, gravel and other materials, where no increase in level of flooding or velocity is caused thereby
 - 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
 - Other similar uses and activities, provided they cause no increase in flood heights and/or velocities. All uses, activities and structural development shall be undertaken in strict compliance with the floodproofing provisions contained in all other applicable codes and ordinances
- d. Development activities which increase the water surface elevation of the base flood may be allowed, provided that the applicant first applies to the locality for its endorsement and for a Conditional Letter of Map Revision (CLOMR), and receives the approval of the Federal Emergency Management Agency.
- e. The placement of manufactured homes (mobile homes) is prohibited, except in an existing manufactured home (mobile home) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring, elevation, and encroachment standards are met.
- f. Conditional use permits, special exceptions and variances

In passing applications for conditional use permits and special exceptions, the board of zoning appeals, shall satisfy all relevant factors and procedures specified in other sections of this chapter and the following factors:

- The danger to life and property due to increased flood heights or velocities caused by encroachments. No special use permit or special exception shall be granted for any proposed use, development, or activity within the floodway district that will cause any increase in flood levels during the one percent annual chance flood.
- The danger that materials may be swept onto other lands or downstream to the injury of others.
- The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
- The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- The importance of the services provided by the proposed facility to the community.

- The availability of alternative locations not subject to flooding for the proposed use.
- The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- The safety of access to the property in time of flood of ordinary and emergency vehicles.
- The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site.
- Such factors which are relevant to the purposes of this article.

The board of zoning appeals may refer any application and accompanying documentation pertaining to any request for a special exception 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 protection and other related matters.

Conditional use permits and/or special exceptions shall only be issued after the board of zoning appeals has determined that the granting of such will not (1) result in unacceptable or prohibited increases in flood heights, (2) result in additional threats to public safety, (3) result in extraordinary public expense, (4) create nuisances, (5) cause fraud or victimization of the public, or (6) conflict with local laws or ordinances.

The board of zoning appeals shall notify the applicant for a conditional use permit and/or special exception, in writing, that the issuance of a conditional use permit and/or special exception to construct a structure below the freeboard height from the one percent chance per year flood event (1) increases the risks to life and property, and (2) will result in increased premium rates for flood insurance. A record of such notification, as well as all permit and variance actions, including justification for their issuance, shall be maintained, and any permit variances which are issued shall be noted in the annual report submitted to the federal insurance administrator. If Article III Section 3.1 A 1 a is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 4.

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.

The current FIRM/FIS shows no AH Zones within the jurisdiction.

The current FIRM/FIS shows the Floodway District and it has been delineated in all AE zones.

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 or above the base flood level plus the height of community freeboard. Community freeboard height can be found in the definition for freeboard.

During the permitting process, the Floodplain Administrator shall obtain:

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

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

4. The **AO Zone** on the FIRM accompanying the FIS shall be those areas of shallow flooding identified as AO on the FIRM.

The current FIRM/FIS shows no AO Zones within the jurisdiction.

5. The **Coastal A Zone** is labelled as AE on the FIRM; it is those areas that are shoreward of the limit of moderate wave action (LiMWA) line. As defined by the VA USBC, these areas are subject to wave heights between 1.5 feet and 3 feet.

The current FIRM/FIS shows no LiMWA lines within the jurisdiction.

6. The **VE or V Zones** on FIRMs accompanying the FIS shall be those areas that are known as Coastal High Hazard areas, extending from offshore to the inland limit of a primary frontal dune along an open coast or other areas subject to high velocity waves.

The current FIRM/FIS shows no V or VE Zones within the jurisdiction.

Section 3.2 - 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.

CHAPTER IV - DISTRICT PROVISIONS [44 CFR 59.22, 60.2, 60.3]

Section 4.1 ó Permit and Application Requirements

A. Permit Requirement

All uses, activities, and development occurring within any floodplain district, including placement of manufactured homes, shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of this Ordinance and with all other applicable codes and ordinances, as amended, such as the Virginia Uniform Statewide Building Code (VA USBC) and the City of Franklin Zoning and Subdivision Regulations. Prior to the issuance of any such permit, the Floodplain Administrator shall require all applications to include compliance with all applicable state and federal laws and shall review all sites to assure they are reasonably safe from flooding. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

B. Site Plans and Permit Applications

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

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

Section 4.2 - 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. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state anchoring requirements for resisting wind forces.
- C. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- D. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- E. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- F. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- G. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- H. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

In addition to provisions A ó 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.

Section 4.3 - 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 in accordance with Section 3.1 A 3, the following provisions shall apply:

A. Residential Construction

New construction or 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 or above the base flood level plus twenty-four inches. See Section 3.1.5 and Section 3.1.6 for requirements in the Coastal A and VE zones.

B. Non-Residential Construction

- 1) New construction or substantial improvement of any commercial, industrial, or non-residential building shall have the lowest floor, including basement, elevated to or above the base flood level plus twenty-four inches. See Section 3.1.5 and Section 3.1.6 for requirements in the Coastal A and VE zones.
- 2) Non-residential buildings located in all A1-30, AE, and AH zones may be flood-proofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to one foot above the BFE plus twenty-four inches 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 Floodplain Administrator.

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. Standards for Manufactured Homes and Recreational Vehicles

1. In zones A, AE, AH, and AO, all manufactured homes placed, or substantially improved, on individual lots or parcels, must meet all the requirements for new construction, including the elevation and anchoring requirements in Article 4, section 4.2 and section 4.3.

2. All recreational vehicles placed on sites must either
 - a. be on the site for fewer than 180 consecutive days, be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); or
 - b. meet all the requirements for manufactured homes in Article 4.3(D)(1).

Section 4.4 - 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 five lots or five acres, whichever is the lesser.

CHAPTER V – EXISTING STRUCTURES IN FLOODPLAIN AREAS

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
 - a. change is not a substantial repair or substantial improvement AND
 - b. no new square footage is being built in the floodplain that is not complaint AND
 - c. no new square footage is being built in the floodway AND
 - d. the change complies with this ordinance, the underlying zoning district 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.

CHAPTER VI - VARIANCES: FACTORS TO BE CONSIDERED [44 CFR 60.6]

Variations 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 variations 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. Variations 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.

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

- A. The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any Floodway District that will cause any increase in the one percent (1%) chance flood elevation.
- B. The danger that materials may be swept on to other lands or downstream to the injury of others.
- C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- E. The importance of the services provided by the proposed facility to the community.
- F. The requirements of the facility for a waterfront location.
- G. The availability of alternative locations not subject to flooding for the proposed use.

- H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- I. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- J. The safety of access by ordinary and emergency vehicles to the property in time of flood.
- K. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- L. The historic nature of a structure. Variances for repair or rehabilitation of historic structures may be granted upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- M. Such other factors which are relevant to the purposes of this ordinance.

The Board of Zoning Appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

Variances shall be issued only after the Board of Zoning Appeals has determined that the granting of such will not result in (a) 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.

GLOSSARY [44 CFR 59.1]

- A. Appurtenant or accessory structure - Accessory structures not to exceed 200 sq. ft.
- 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, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- 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) ó 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. Flood proofing - 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. òFreeboardö 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. The City of Franklin requires BFE plus twenty-four inches of freeboard.
- 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 ó 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 - is an elevation point that represents the average height of the ocean's surface (such as the halfway point between the mean high tide and the mean low tide) which is used as a standard in reckoning land elevation.

- BB. New construction - For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after August 15, 1980, and includes any subsequent improvements to such structures. For floodplain management purposes, *new construction* means structures for which the *start of construction* commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures. Such structure is also referred to as "post-FIRM."

- CC. Post-FIRM structures - A structure for which construction or substantial improvement occurred on or after August 15, 1980.

- DD. Pre-FIRM structures - A structure for which construction or substantial improvement occurred before August 15, 1980.

- 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.

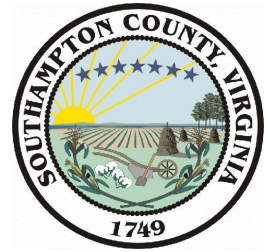
- FF. Recreational vehicle - A vehicle which is
1. built on a single chassis;
 2. 400 square feet or less when measured at the largest horizontal projection;
 3. designed to be self-propelled or permanently towable by a light duty truck; and,
 4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.
- GG. Repetitive Loss Structure ó 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 ó (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 ó 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 3.1 of this ordinance.
- KK. Start of construction - For other than new construction and substantial improvement, under the Coastal Barriers Resource Act (P.L. ó 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. This term includes structures which have incurred *repetitive loss* or *substantial damage* regardless of the actual repair work performed. The term does not, however, include either:
1. any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
 2. any alteration of a *historic structure*, provided that the alteration will not preclude the structure's continued designation as a *historic structure*.
 3. Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined above, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.
- 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.

This ordinance shall be effective from the date of its adoption.

Certified copy of ordinance adopted by the City of Franklin City Council at its meeting held on January 25, 2016.

Clerk to City Council



**DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING - BUILDING INSPECTIONS – ZONING**

TO: MEMBERS OF THE PLANNING COMMISSION AND CITY COUNCIL
From: Donald E. Goodwin, CBO, CFM, Director of Community Development
Subject: Staff Report for the Amendments to Article XXI: Flood Plain Regulations
Date: January 13, 2016

REQUEST

This request comes to you as a result of increased cost associated with the various landuse applications that come before the various governmental bodies' for consideration as outlined below.

1. The Planning Commission and City Council hear applications on zoning map amendments and proposed text amendments to the zoning and subdivision ordinances.
2. The Board of Zoning Appeals hear applications for any appeal to the board from any order, requirement, decision, or determination of the zoning administrator or other administrative officer, interpretation of the zoning map, variances and special exceptions.

Prior to any action by the aforementioned bodies a public hearing or hearings are required to be held by Code of Virginia Section 15.2-2204. In addition, a notice of public hearing shall be advertised for two consecutive weeks in a newspaper of local circulation. The current fees were last amended in July 2004. These fees in most cases barely cover the cost of the administrative tasks involved with processing and reviewing the applications for consistency with the City's various landuse regulations. This proposal does not recommend increasing those fees, only to add the cost of advertising. When a proposed action is initiated by the City or the Planning Commission that requires a public hearing such as this one, the City incurs the cost of advertising. This proposed amendment is simply passing on the cost of the required advertising on to the applicant.

PUBLIC NOTICE

Notice has been properly advertised in accordance with Virginia Code Section 15.2-2204.

RECOMMENDED ACTION:

1. Motion to amend the text of the Zoning Ordinance Article XXVII: BOARD OF ZONING APPEALS, Section 27.8 (a) and (b) - Fee for application or appeal, Article XXVIII CHANGES AND AMENDMENTS Section 28.6 – Fees and Section 28.8 – Fees for conditional zoning to include the cost of advertising in accordance with Code of Virginia Section 15.2-2204 per the Planning Commission's recommendation.

FRANKLIN 6 SOUTHAMPTON
DEPARTMENT OF COMMUNITY DEVELOPMENT
207 WEST SECOND AVENUE, FRANKLIN VIRGINIA 23851
OFFICE: 757-562-8580 FAX: 757-562-0870

ORDINANCE NO: 2016 - 02

THE CITY COUNCIL OF THE CITY OF FRANKLIN, VIRGINIA DOES ORDAIN AS FOLLOWS:

TO AMEND THE TEXT OF APPENDIX D OF THE CITY CODE; THE ZONING ORDINANCE ARTICLE XXVII: BOARD OF ZONING APPEALS, SECTION 27.8 (A) AND (B) - FEE FOR APPLICATION OR APPEAL, ARTICLE XXVIII CHANGES AND AMENDMENTS SECTION 28.6 ó FEES AND SECTION 28.8 ó FEES FOR CONDITIONAL ZONING TO READ AS FOLLOWS:

Article XXVII: BOARD OF ZONING APPEALS

Sec. 27.8 - Fee for application or appeal.

(a) Any application for interpretation of the zoning map, special exception or variance or shall be accompanied by a fee of \$500.00 to cover the cost of expenses incidental to processing and reviewing such application plus the cost of advertising as required by Virginia Code Section 15.2-2204 to cover the cost of advertising of public notices. ~~and expenses incidental to processing and reviewing such application.~~

(b) Any appeal to the board from any order, requirement, decision, or determination of the zoning or other administrative officer in the administration of this ordinance shall be accompanied by a fee of \$300.00 to cover the cost of expenses incidental to processing and reviewing such appeal plus the cost of advertising as required by Virginia Code Section 15.2-2204 to cover the cost of advertising of public notices. ~~and expenses incidental to processing and reviewing such appeal.~~

Article XXVIII CHANGES AND AMENDMENTS

Sec. 28.6 - Fees.

Any property owner, contract purchaser with the owner's written consent, or the owner's agent therefor, who makes an application to amend the district boundaries or zoning classification of property shall pay a processing and review fee of \$500.00 plus the cost of advertising as required by Virginia Code Section 15.2-2204 to cover the cost of advertising of notices. ~~and processing such application.~~

Sec. 28.8 - Fees for conditional rezoning.

Any property owner, contract purchaser with the owner's written consent, or the owner's agent therefor, who makes an application to conditionally amend the district boundaries or zoning classification of property shall pay a fee of \$600.00 for processing such application and indexing and tracking the conditions plus the cost of advertising as required by Virginia Code Section 15.2-2204 to cover the cost of advertising of notices. ~~processing such application and indexing and tracking the conditions.~~

This ordinance shall be effective from the date of its adoption.

Certified copy of ordinance adopted by the City of Franklin City Council at its meeting held on January 25, 2016.

Clerk to City Council

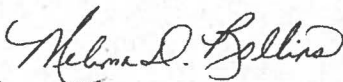
FINANCE

- A. **FY 2014 – 2015 CAFR/AUDIT Presentation – Davis & Associates (Separate File)**
- B. **FY 2015 – 2016 City Budget Ordinance Amendment # 2016 – 12**



January 20, 2016

To: Randy Martin
City Manager

From: Melissa D. Rollins 
Director of Finance

Re: City of Franklin Comprehensive Annual Financial Report (CAFR) 6/30/15

The audit firm of Davis & Associates is scheduled to be present on Monday, January 25th to present the City's Comprehensive Annual Financial Report (CAFR) for the period ending June 30, 2015. We are pleased to report that the City has received an unmodified or "clean" opinion from the auditing firm. No material weaknesses or significant deficiencies were identified.

The following sections of the report provide a general overview of the contents of the audit. Readers are encouraged to read these documents in addition to the enclosed statements.

- o Transmittal Letter – pages xiv-xix of the document
- o Management Discussion & Analysis – pages 3-15 of the document

A copy of the CAFR (pdf file) along with the auditor's presentation will be forwarded under separate cover. Hard copies will be available for distribution to Council at the City Council meeting.

We believe that the City's CAFR meets the criteria set forth under GFOA's standards for excellence in financial reporting and the report has been submitted to GFOA for consideration of the Certificate of Achievement for Excellence in Financial Report for the fourth consecutive year.



DEPARTMENT OF FINANCE

January 20, 2016

TO: Randy Martin
City Manager

FROM: Melissa D. Rollins 
Director of Finance

RE: **Budget Amendment/Transfer FY15-16 – #2016-12**

FUND 100 – GENERAL FUND

During the November City Council meeting, City Council was advised of the critical need to upgrade the City's Portable Communication Channel Radio equipment. The cost as submitted by the Police Chief for a portion of the equipment upgrade is \$30,602.50 to include replacement of combiner cans at \$25,602.50 and isolators at \$5,000. The request at this time is to use available funds in the City's Contingency Fund to cover the cost of this equipment.

Required Action from City Council:

Authorize a budget transfer from the Contingency Fund to the Police Department budget (communication equipment) in the amount of \$31,000 to cover the cost of essential emergency communication equipment as noted.

BUDGET AMENDMENT 2016-12

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FRANKLIN, VIRGINIA that the 2015-16 City Budget is hereby amended transfer funds exceeding \$10,000 from one line item of the budget to another line item in accordance with required policy on budgetary transfers.

#100 GENERAL FUND

2015-2016 Budget	Amended Budget	Increase (Decrease)
---------------------	-------------------	------------------------

BUDGET TRANSFER

100	11010	7000	Contingency Fund	\$	53,121	\$	22,121	\$	(31,000)
100	31100	8103	Communication Equipment	\$	4,000	\$	35,000	\$	31,000
							\$		-

*Certified copy of resolution adopted by
Franklin City Council*

Clerk to the City Council

OLD/NEW BUSINESS

- A. Franklin Business Incubator Name Change Recommendation**
- B. City Manager's Report**



*Office Of The City Manager
R. Randy Martin*

Franklin Business Incubator Name Change
Prepared: January 20, 2016

To: Mayor & Council Members

From: R. Randy Martin, City Manager

Subject: Franklin Business Incubator Name Change Recommendation

As reported by Councilman Burgess at a previous council meeting under Boards & Commissions, the Franklin Business Incubator Board of Directors has for some time discussed the possibility of a change in the name associated with the facility. Enclosed is documentation from FSEDI on behalf of the Advisory Board concerning their recommendation to change the name to the "Franklin Business Center". Also enclosed is information from the City Attorney on his assessment of the necessary actions if Council desires to approve the change and the history of the facility's name as reflected in excerpts of previous Council minutes.

For comparison, an example of the current and proposed marketing brochure is enclosed.

Action Recommended: Consider action to approve the name change as recommended by the Advisory Committee.

Enclosures

Teresa L. Rose-McQuay

From: Robert Randy Martin
Sent: Wednesday, January 20, 2016 5:29 PM
To: Teresa L. Rose-McQuay
Subject: FW: Franklin Business Incubator Name Change

From: Amanda Jarratt [mailto:ajarratt@franklinsouthamptonva.com]
Sent: Wednesday, January 20, 2016 4:55 PM
To: Robert Randy Martin
Subject: Franklin Business Incubator Name Change

Good afternoon.

Please be advised that the Franklin Business Incubator Advisory Board has recommended that the name of the Franklin Business Incubator be changed to the **Franklin Business Center**. The issue of potentially changing the name of the Franklin Business Incubator has been discussed at length in recent months. Upon discussion with various stakeholders and research, staff would recommend that if the name were to be changed that it be changed to, "Franklin Business Center". Upon research of City Council minutes it has been discovered that the original name of the facility was "City of Franklin Center for Business Development" and was changed to "Franklin Business Incubator in 2004" prior to opening to clients.

The City Attorney has indicated that there are no legal impediments to changing the name of the building and that it would only impact the sign outside and internal marketing materials. (See attached letter and information.)

Some comments from clients about regarding a potential name change can be found below:

- FBI is a snappy abbreviation, but it does not have a positive vibe, who wants a call from the FBI?
- "Business Incubator" has meaning to those associated with economic development circles, but could be nebulous to others, as many in the public only associate incubators with eggs.
- As a new business we seek to establish credibility with our customers. Often times when providing our mailing address or providing clients with directions, the conversation abruptly stops after "Incubator" and then we are asked questions ranging from "What is an incubator" to "Are you raising chickens (asked both sincerely and often in jest)?". Inevitably, we end up quickly recovering by explaining "It is a great environment for businesses starting out etc.." It is still something to overcome. There are some savvy customers that understand business incubators, but in general it leads to a discussion that moves from our product and services to our status. Not that we hide the fact we are a startup,, we just don't want it to be the focus or highlighted unnecessarily. We have enough challenges as a startup already! The Franklin Business Center is a name that adds to our credibility and we would love to proudly provide when asked for directions or our mailing address! Thanks for considering this name and continuing to doing a wonderful job by giving us the opportunity to succeed.
- FBI has a very negative connotation and means nothing to people in surrounding communities. If we want to be taken seriously we should consider changing the name.
- We will continue to operate successfully whether or not the name is changed, but should a name like "Franklin Business Center" be considered, it may helpful to newer startups.

If City Council is inclined to take action on this item please let me know so that staff can move forward with the implementing the change in our new marketing materials and efforts. Should you have any questions please do not hesitate to reach out.

Best regards,
Amanda

Amanda C. Jarratt
President & CEO
Franklin Southampton Economic Development Inc.
601 N. Mechanic Street, Suite 300
Franklin, Virginia 23851
Phone: (757) 562-1958
Fax: (757) 562-0486
Email: ajarratt@franklinsouthamptonva.com
Web: www.franklinsouthamptonva.com



December 17, 2015

Amanda C. Jarratt, President & CEO
Franklin Southampton Economic Development Inc.
601 N. Mechanic Street, Suite 300
Franklin, VA 23851

Re: Naming the building at 601 N. Mechanic Street

Dear Amanda:

I have been asked to give an opinion on whether or not there are any legal impediments to be considered if the name of the building located at 601 N. Mechanic Street were to be changed. At present the building is named "the Franklin Business Incubator".

The real estate on which the building is located was acquired by the City of Franklin, Virginia by deed dated August 29, 1985 from Birdsong Corporation and recorded September 9, 1985 in Deed Book 285 at page 571. The City of Franklin is still the owner of the building and the real estate.

I have looked back through old minutes and have found some of the history of the building following the 1999 flood. In the recovery after the flood much thought was given to how to utilize the building. The best idea brought forth was to create a business incubator. Various grant applications were utilized to obtain funds to renovate the building following years of neglect and then the flood. As the renovation work was completed the next step was to name the building.

At a City Council meeting held on October 27, 2003, a motion was made and adopted to name the building "City of Franklin Center for Business Development". I have attached a copy of a portion of the minutes where this motion is recorded. Subsequently, at a City Council meeting held on April 12, 2004, a discussion was held about renaming the building for ease of recognition. On motion made and unanimously adopted it was "RESOLVED that the Franklin City Council hereby renames the Franklin Center of Business Development as the Franklin Business Incubator". Likewise I have attached a copy of a portion of the minutes where this motion is recorded.

*Taken from minutes
on Oct 27, 2003*

On motion made by Mr. Wrenn and seconded by Mr. Scislowicz it was unanimously RESOLVED to authorize the negotiation and execution of a contract with Barcita & Barcita of Chesapeake for marketing services with expenditures not to exceed the amount available in the budget of the economic department of economic development.

The vote on this motion was as follows: AYES: Mr. Scislowicz, Mr. Wrenn, Mr. Fetherolf, Mr. Council. NO: none. ABSENT: Mr. Pope, Ms. Johnson, Mrs. Hilliard.

Setting Date & Time for a "Town Meeting"

The Town Meeting was set for 7:00 pm on Monday, November 10, 2003 in the Council Chambers, City Hall, 207 W. Second Avenue. Council will hold their regular meeting at 5:30 pm just prior to the Town Meeting.

Incubator Project

On motion made by Ms. Scislowicz and seconded by Mr. Wrenn it was unanimously RESOLVED that City Council hereby approves the following mission statement and facility name for the Incubator, both as recommended by the Franklin Incubator Development Board.

Mission Statement – To promote successful development by providing facilities and an array of advisory services that will assist emerging businesses to grow and reach their highest potential to benefit the surrounding community.

Facility Name – City of Franklin Center for Business Development

The vote on this motion was as follows: AYES: Mr. Scislowicz, Mr. Wrenn, Mr. Fetherolf, Mr. Council. NO: none. ABSENT: Mr. Pope, Ms. Johnson, Mrs. Hilliard.

Funding Strategies Involving Issuance of Bonds for City & School Projects

Mr. Courtney Rogers of Davenport & Company presented Council with funding strategies for funding the additional balance needed for the Incubator, for repairs needed at the Martin Luther King Center, for construction of a gymnasium at the J.P. King School, for payment of the modular units at the S.P. Morton School, for construction of a new well at Hunterdale, for payment of flood related work to be reimbursed by FEMA and for renovations and repairs at S. P. Morton School, J. P. King School and Franklin High School (QZAB debt). The goal is to structure the financing to minimize the cash-flow impact on the City. The rate(s) would be locked in for up to 15 years and reset for the balance of years, if any. The financing would include short term note(s) for FEMA reimbursement and eventual Literary Loan Takeout by Virginia Department of Education for the J.P. King gymnasium debt. The QZAB issuance will be separately issued through Bank of America.

On motion made by Mr. Scislowicz and seconded by Mr. Fetherolf it was unanimously RESOLVED to set a public hearing for Monday, November 10, 2003 for consideration of the issuance of the necessary bonds for the projects set forth above as recommended by Courtney Rogers of Davenport and Company.

The vote on this motion was as follows: AYES: Mr. Scislowicz, Mr. Wrenn, Mr. Fetherolf, Mr. Council. NO: none. ABSENT: Mr. Pope, Ms. Johnson, Mrs. Hilliard.

Closed Session

On motion made by Mr. Fetherolf and seconded by Mr. Wrenn it was unanimously RESOLVED that Council meet in closed session to consider the location of a prospective industry in the City where no public announcement has been made of the industry's interest in locating in Franklin as permitted by Virginia Code Section 2.2-3711 A. 5.

*taken from minutes
dated April 12, 2004*

commissions, boards, committees and authorities appointed or recommended for appointment by city council; and

WHEREAS, the Act sets forth only minimum standards of conduct with respect to the financial interests of officers and employees of such entities; and

WHEREAS, the City of Franklin City Council wishes to encourage officers and employees of such entities to maintain the highest standards of conduct in their deliberations, voting and other actions with respect to matters in which such persons or members of such persons' families have financial interests.

NOW, THEREFORE, BE IT RESOLVED by the City of Franklin City Council that it requests and encourages its members and officers and employees of entities to which it either appoints members or recommends the appointment of members (1) to uphold the highest standards of conduct in their deliberations, voting or other actions with respect to matters in which such persons or members of such persons' families have financial interests and (2) to deliberate, vote and take other actions with respect to matters in which such persons or members of such persons' families have financial interests in such a way that such deliberations, votes or actions avoid any appearance of impropriety which could affect the confidence of the public in such entities.

The vote on this motion was as follows: AYES: Mr. Scislowicz, Mr. Wrenn, Mrs. Hilliard, Mr. Fetherolf, Mr. Council. NO: none. ABSENT: Mr. Pope, Ms. Johnson.

Renaming the Incubator

At the request of Mr. Wrenn Council considered renaming the Franklin Center of Business Development to Franklin Business Incubator for ease of recognition and use.

On motion made by Mr. Scislowicz and seconded by Mr. Wrenn it was unanimously RESOLVED that the Franklin City Council hereby renames the Franklin Center of Business Development as the Franklin Business Incubator.

The vote on this motion was as follows: AYES: Mr. Scislowicz, Mr. Wrenn, Mrs. Hilliard, Mr. Fetherolf, Mr. Council. NO: none. ABSENT: Mr. Pope, Ms. Johnson.

Comprehensive Services for Youth and Families Supplemental Allocation

Mr. Cornwell reported to Council that there is a shortfall in CSA funding in the amount of \$123,530 of which the State is to pay \$77,700 and the Local contribution is \$43,830. This funding is for mandated services. The amount requested will pay for services through the end of the fiscal year.

On motion made by MR. Scislowicz and seconded by Mr. Wrenn it was unanimously RESOLVED to authorize the City Manager to submit application for the local match of the CSA funds.

The vote on this motion was as follows: AYES: Mr. Scislowicz, Mr. Wrenn, Mrs. Hilliard, Mr. Fetherolf, Mr. Council. NO: none. ABSENT: Mr. Pope, Ms. Johnson.

Adjournment

On motion made by Mr. Wrenn and seconded by Mr. Fetherolf and duly voted on it was unanimously RESOLVED to adjourn the meeting at 7:40 p.m.

Clerk to City Council

Mayor

FRANKLIN BUSINESS INCUBATOR



CLIENT BUSINESS DIRECTORY

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757-562-1958
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FRANKLIN BUSINESS CENTER

601 N. MECHANIC STREET, FRANKLIN, VA 757-562-1958



CLIENT HANDBOOK

COUNCIL/STAFF REPORTS ON BOARDS & COMMISSIONS