BRISTOL VIRGINIA PLANNING COMMISSION
REGULAR MEETING

Monday, June 17, 2019

A special meeting of the Bristol Virginia Planning Commission will be held at 12 Noon on Monday, June 17, 2019 in the City Council Chambers in City Hall, 300 Lee Street.

AGENDA

I. Call to Order

II. Consideration of Minutes of April 15, April 30, May 20, and June 3 Meetings

III. New Business – None Scheduled

IV. Old Business
   A. Update on Proposed Zoning Ordinance Amendments for Overnight Recreational Development standards
   B. Work Session – Zoning Ordinance Revision Project (Note: Please Bring Your Zoning Notebooks)
      1. Division 5 – Floodplain District
      2. Division 18 – Definitions

V. Adjournment

Next Regular Meeting – Monday, July 15, 2019
BRISTOL VIRGINIA PLANNING COMMISSION  
Monday, April 15, 2019  
12:00 pm

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I. Call to Order

Mr. Pennington called the meeting to order at 12:00 pm.

II. Approval of the Minutes of March 4 Work Session, March 18 Regular Meeting, and April 1 Called Meeting.

Mr. Long made a motion to approve the meeting minutes of March 4 Work Session, March 18 Regular Meeting, and April 1 Called Meeting. Motion was seconded by Mr. Buchanan and carried by the following votes:

Ayes: Buchanan, B. Long, S. Long, Pollard, Wingard and Pennington
Abstentions: S. Long – March 4, 2019 minutes
            Wingard – April 1, 2019 minutes

III. Public Comment (for items not on the agenda)

No comments were made for items not on the agenda.

IV. New Business – None Scheduled

V. Old Business

A. Consideration of Recommendation on Special Exception Application 02-2019 for a concrete block production operation and associated concrete plant at 200 Bob Morrison Boulevard (Zoned M-1)

Ms. Morgan, City Planner, presented the staff report on the application for a concrete block production operation at 200 Bob Morrison Boulevard. She reported that the joint public hearing had been held with the City Council on April 9 and seven adjoining property owners had been property notified about the public hearing. She noted that only one adjoining property owner had inquired about the application and had voiced no concerns after learning more about the request.
Ms. Morgan recommended approval of the Special Exception with two conditions:

1. The applicant shall comply with all state and local requirements for storm water management and for air pollution control
2. The hours of operation for the concrete plant shall be limited to 7 a.m. to 6 p.m.

Ms. Morgan stated that the air pollution permit is ready but the company is waiting for zoning permission. Ms. Morgan also stated that she was recommending the hours limitation due to the homes nearby and that the condition on hours of operation was acceptable to the applicant.

There was discussion about the proposed second condition regarding the hours of operation. Mr. Buchanan stated that most of the noise will be limited to inside of the building. Mr. Wingard recommended that the prescribed hours be extended as he did not want to limit their operation from growing in the future. Mr. Pennington said that the second condition related to the hours is not necessary because it is a manufacturing business and not a construction business.

Mr. Pollard questioned the need for the first condition, however Ms. Long stated that the first condition is necessary because it provides an additional layer of assurance to the City, such that if there are problems with the state permitting, the City could void the special exception permit.

Mr. Pollard made a motion to approve special exception application with the condition that the applicant complies with the state and local requirements for storm water management and for air pollution control. Motion was seconded by Ms. Long and carried by the following votes:

Ayes: Buchanan, B. Long, S. Long, Pollard, Wingard and Pennington

B. Consideration of Approval for Activity in the Flood Hazard Zone (Floodplain) – 200 Bob Morrison Boulevard

Ms. Morgan stated that the property proposed for the concrete plant is located in a Special Flood Hazard Zone (Zone AE) which is also known as the 100-year floodplain. She stated that Section 50-138(c) requires Planning Commission to approve any activity in the floodplain.

Ms. Morgan stated that property improvements associated with the concrete and block making operation is the installation of the concrete plant equipment including a mixer and conveyor. Ms. Morgan stated that the city engineering department provided her with information to show that the elevation at the ground at the location is approximately equal to the base flood elevation of 1674 feet. Ms. Morgan stated that the height above ground of the piers for the mixer are 2 feet, the height of the piers for the conveyor are 4’5”, and the height of the electrical
controls is 5 feet. Ms. Morgan recommends that Planning Commission approve the proposed activity in the 100-year floodplain.

Mr. Pollard made a motion to approve the proposed activity in the 100-year floodplain. Motion was seconded by Ms. Long and carried by the following votes:

AYES: Buchanan, B. Long, S. Long, Pollard, Wingard and Pennington

C. Consideration of Recommendation on Future Land Use Map Revisions to Comprehensive Plan

Ms. Morgan reported that there was a joint public hearing with City Council regarding the proposed changes on the Future Land Use Map of the Comprehensive Plan. Ms. Morgan stated that she made revisions to the map regarding Pittstown and Island Road that were recommended by the Planning Commission. Ms. Morgan stated that Planning Commission had earlier identified the area at the interstate just east of Island Road as light industrial land use category due to its current zoning and historical use as industrial. Ms. Morgan stated that that revision had been made on the draft map, and there were no other changes since the public hearing. Ms. Morgan stated that maps were made available to the public and no comments were made at the joint public hearing.

Ms. Morgan recommended approval of the change to the future land use plan.

Mr. Pollard made a motion to recommend the revisions on Future Land Use Map to City Council. Ms. Long seconded the motion and carried by the following votes:

AYES: Buchanan, B. Long, S. Long, Pollard, Wingard and Pennington

D. Consideration of Zoning Amendment to add new Section 50-177 (Campground and RV Park Standards) and revise existing Section 50-109 (b)

Ms. Morgan stated that at the last regular meeting, Planning Commissioners reviewed a draft of the zoning amendment to add a new Section 50-177 (campground and RV Park Standards) and revise the existing Section 50-109 (b). She stated the city ordinance has no mention of campgrounds and RV parks and there has been an interest expressed by a landowner which prompted the drafting of a proposed amendment to City Code Section 50-177 (Supplemental Regulations) for Campground and RV Park Standards. Ms. Morgan stated that she received comments from two Commission members and has subsequently made some changes to the draft as a result of that input. Ms. Morgan recommends forwarding the proposed changes (with any additional changes agreed upon by the Planning Commission) to City Council for scheduling a joint public hearing on the proposed ordinance.
Ms. Morgan presented some revisions that she had made to the draft amendment based on input from the March meeting, including:

- Lessening the requirements in the application stage, requiring a preliminary site plan for a Special Exception permit and incorporating suggested changes from the city engineer
- Clarifying the time limit in (d) that construction or development has to start within 6 months of site plan approval, not project completion and it can be extended another six months
- The RV pad can be gravel or crushed stone if approved by city engineer
- Buffer area around perimeter can include fencing and signage

Mr. Pennington commented that the initial requirements prior to obtaining a Special Exception permit was still too onerous and suggested making it less complex for the applicant. Ms. Morgan stated that she used Bristol, TN and Washington County, VA ordinances as examples and adapted very similar requirements from these documents.

Mr. Buchanan asked for clarification regarding private streets. Ms. Morgan replied that street standards were defined by VDOT standards. There were concerns expressed about the cost of street paving.

Mr. Pollard requested that 50-109 (b) be modified to add B-3 and A Zones.

Mr. Pennington requested tabling the item until the next regular meeting.

Note: Mr. Pennington left at 1:04 and Mr. Buchanan presided as Vice-Chairman.

E. Zoning Ordinance Revision - Review of Proposed Approach to Update Zoning Map

Ms. Morgan reported that Planning Commission requested at the March regular meeting that the staff begin dividing up the city into specific areas to start working on the updating of the city zoning map. Ms. Morgan reported that staff proposes dividing the city in four work areas:

Work Area 1 – Western city limits to Commonwealth Avenue
Work Area 2 - Central city from Commonwealth to Lee Highway (and Railroad)
Work Area 3 – East city from Railroad to city limits to Bonham Rd./Interstate 81
Work Area 4 – Northeast city from Bonham Rd. and Interstate 81 to Clear Creek

Ms. Morgan recommended Planning Commission to begin discussing Work Area 1 and/or arrange for a work session if desired. A work session has been tentatively scheduled for April 30, 2019.

VI. For Information – Request Regarding Food Trucks on State Street
Ms. Morgan reported that the City has been asked by a new business downtown about whether the city would allow food trucks parked on State Street. Ms. Morgan stated that the request is not in compliance with several city code sections, including the zoning ordinance under Temporary Uses (Section 50-176) which was adopted in 2016. Ms. Morgan asked for input from the Planning Commission on the issue. After much discussion, several Planning Commissioners had concerns that the trucks would take up too much space on State Street and would be a safety and congestion issue. Mr. Wingard stated that food trucks are necessary for the breweries.

VII. Adjournment

There being no further business, the meeting was adjourned at 1:54 pm.

Sally H. Morgan
City Planner
BRISTOL VIRGINIA PLANNING COMMISSION  
Monday, April 30, 2019  
12:00 pm  
Special Meeting

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I. Call to Order

Mr. Pennington called the meeting to order at 12:00 p.m.

*Ms. Morgan reported that a new member of the Planning Commission has been recently appointed to fill the current vacancy and she is Breenne Forbes Hubbard. Ms. Morgan stated that she had met with her and provided a brief orientation session, and that Ms. Hubbard intended to be present today, however had a work commitment in Wytheville.*

A. Consideration of Recommendation on Special Exception Application 03-2019 for pharmaceutical processing at 500 Gate City Highway – Par Ventures, Inc., Tax Map #22-1-15A.

Ms. Morgan reported that Par Ventures Inc., the owner of 500 Gate City Highway, Suite 1007, has submitted a request for a Special Exception for a pharmaceutical processing operation to be located in a proposed building on a 1.1 acre vacant tract of land. Ms. Morgan stated that the proposed location is zoned B-3 which by Bristol Virginia City Code only allows very limited manufacturing. Ms. Morgan reported that Par Ventures submitted a preliminary site plan for the subject property as an alternate proposal to the original proposal for the mall property for the production of cannabidiol oil or THC-A oil from the on-site cultivation of cannabis plants using an extraction process, as authorized pursuant to Code of VA Title 54.1, Chapter 34, Article 4.2

Ms. Morgan stated that staff made an evaluation regarding the impact of the proposed use and the availability of local services for the planned use which includes traffic, utility services, erosion, storm water, and pollution. Ms. Morgan stated staff finds that the proposed use will not negatively impact the surrounding area. Ms. Morgan also stated that certain security measures are
planned and required by the state. Ms. Morgan reported that the property owner has met with the city engineering staff to discuss site development and compliance issues, and the building official.

Ms. Morgan recommended that the Special Exception application #03-2019 be recommended for approval by the Planning Commission with the following conditions:

1) All state and local requirements for storm water management and air pollution control shall be met; and adequate odor control techniques shall be utilized inside the facility to avoid off-site odors.

(Note: Ms. Morgan stated that she had made contacts with city planners in three communities that had similar facilities to ask about odor issues. She stated that none of the businesses have had any complaints from the community and had used a carbon filtration system to control the odor within the facility).

2) A landscape buffer be provided between the proposed facility and the adjacent restaurant to the satisfactory of the city engineer and city planner; and

3) If parking is approved for the facility across the private entrance road that the property owner or business shall provide safe and accessible pedestrian access, including a crosswalk and sidewalk, as approved by the city engineer.

Mr. Long asked if the road adjacent to the site intersecting Gate City Highway is private or public. Ms. Morgan replied that it was a private road also serving the nearby shopping center as well as the former mall property. Mr. Pollard stated that he understood the first condition to mean that if the applicant receives complaints regarding the odor that are deemed valid, then the applicant would be in violation of the special exception. Ms. Morgan stated that that was a correct interpretation.

Ms. Long made a motion to recommend to the City Council the approval of the Special Exception application #03-2019 with the recommended conditions. Motion was seconded by Mr. Long and carried by the following votes:

Ayes: Buchanan, B. Long, S. Long, Pollard, Wingard and Pennington

B. Consideration of Recommendation on Special Exception Application 04-2019 for pharmaceutical processing at 500 Gate City Highway – Dharma Pharmaceuticals LLC (Par Ventures, Inc, property owner), Tax Map #22-1-5 and #414-A-11.
Ms. Morgan reported that Dharma Pharmaceuticals LLC has submitted an application for a Special Exception for a pharmaceutical processing operations to be located in the former Bristol Mall, specifically the former J.C. Penny and Ekerd Drug Store spaces. The application was also signed by Par Ventures, Inc., the owner of the property. Ms. Morgan stated the proposed location is zoned B-3 (Intermediate Business) which by Bristol Virginia City Code only allows very limited manufacturing and the proposed pharmaceutical processing activity will be the production of cannabidiol oil or THC-A oil from the on-site cultivation of cannabis plants using an extraction process, as authorized pursuant to Code of VA Title 54.1, Chapter 34, Article 4.2. Ms. Morgan stated the size of the location is approximately 40,000 square feet with over an acre for a proposed parking lot which will be enclosed with a security fence, as shown in a photo in her presentation. Ms. Morgan stated that both building official and fire marshal have been to the building and conferred with the applicant and owner as far as compliance with fire and safety codes.

Ms. Morgan stated that impact and compatibility were studied by the city staff and found that the proposed project was not anticipated to have negative impacts on adjoining property as long as adequate air handling systems are installed to avoid off-site odors. Ms. Morgan stated that another issue identified by the staff report is the compatibility of the proposed use with the Comprehensive Plan which recommends a mix of well-blended uses for the former mall and the concern that the industrial use of the building will not be complementary to the possible future uses of the rest of the building.

Ms. Morgan recommended that Planning Commission approve the Special Exception application with the following conditions:

1) The Special Exception permit shall terminate twelve (12) months after a written contract or agreement is signed by the property owner committing to the development of the entire mall with “a master plan blend of uses” as recommended by the city Comprehensive Plan; and
2) All state air pollution control requirements shall be met, and adequate odor control techniques shall be utilized inside the facility to avoid off-site odors.

Ms. Long asked for clarification about what the 12-month period means and how it would work. Ms. Morgan stated that an executed written commitment or contract for the development of the entire mall property (not just a portion) would begin the 12 month time clock. Mr. Pennington asked who would submit the master plan and if the owner was separate and distinct from the applicant for this particular special exception application. Ms. Morgan stated that the property owner/developer would be the entity to submit the master plan, and that this special exception application came jointly from Par Ventures, Inc. (the owner) and Dharma Pharmaceuticals LLC.
City Manager, Mr. Eads, explained that in this specific request, both Par Ventures and Dharma Pharmaceuticals are asking for this special exception and Par Ventures also owns the mall and if at some point there is a master plan that encompasses the entire mall property then that is the time that the 12-month time clock would start.

Ms. Long asked what would happen if the pharmaceutical processing was a part of the proposed master plan. Mr. Eads said that it could either come back to the Planning Commission to extend the Special Exception, or there is a possibility that it might not have to come back to the Commission but he would need to research that question further. Mr. Pollard stated that he thought the way the condition was worded that even if a master plan was developed that included the pharmaceutical company along with other uses that it would still have to come back to the Commission for a new special exception. Mr. Eads reminded the Commission that there may never be a master plan developed for the mall and the owner could incrementally lease out spaces. Ms. Long said she was concerned about compatibility with future uses and uncertainty in the process.

Ms. Morgan and Mr. Eads pointed out that the wording of the condition purposely did not mention resort casino as it is yet undetermined whether casino gambling will be legally approved, so the condition would allow flexibility for other plans for the mall. Mr. Pollard expressed his concern that if a family resort was developed for the mall that it may not be considered compatible with the cannabidiol processing operation.

*Mr. Eads asked for a brief recess of the meeting at 12:28 pm.*

There was continued discussion about compatibility of uses under one roof and whether any subsequent action would come back to the Commission as other uses were proposed for the mall. It was noted that the owner will be required to apply for another Special Exception permit if any use proposed for the mall was not permitted in the B-3 zone. Ms. Morgan reiterated that, as proposed, the Special Exception permit would terminate only if a master plan for the entire property was committed to in writing by the property owner.

Mr. Wingard and Mr. Long made comments supporting the need to move forward on voting for this request.

Mr. Wingard made a motion to recommend approval of the Special Exception application #04-2019 for pharmaceutical processing at 500 Gate City Highway as presented. Mr. Long seconded the motion and the motion was carried by the following votes:

Ayes: Buchanan, B. Long, Pollard, Wingard and Pennington
Nays: S. Long
C. Consideration of Zoning Amendment to add new Section 50-177 (Campground and RV Park Standards); revise existing Section 50-109 (b); and add Definitions to Section 50-28.

Ms. Morgan stated that the draft zoning amendment was discussed at the March 18 and April 15 meetings resulting in several revisions recommended by commissioners. She presented a summary of the latest changes that have been made on the draft:

- Eliminated density requirements, but maintained setbacks, pointing out that in section (f) 1. that although “RV spaces” was eliminated because they are considered a type of campsite that “cabins” need to be added
- Eliminated specific sizes on pads and parking spaces, but included a minimum site width
- Reduced internal street standards in terms of width and pavement requirements
- Eliminated requirements for individual utility connections recognizing that some site can be designed to be full hook-ups while others are not
- Omitted phrase in (h) 3 “and internal to the development”

Mr. Pollard recommended a simplification on the definition of “Recreational Vehicle” and read his version.

Ms. Morgan recommended forwarding of the proposed ordinance amendment (with these latest revisions) to City Council for scheduling a joint public hearing.

*A draft amendment to City Zoning Code has been included in the minutes.*

Ms. Long made a motion to approve forwarding the proposed city code changes to City Council for a joint public hearing. Motion was seconded by Mr. Pollard and carried by the following votes:

Ayes: Buchanan, B. Long, S. Long, Pollard, Pennington
Abstain: Wingard

II. Adjournment

There being no further business, the meeting was adjourned at 12:55 pm.

Sally H. Morgan
City Planner
BRISTOL VIRGINIA PLANNING COMMISSION
Monday, May 20, 2019
12:00 pm

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I. Call to Order
Mr. Pollard called the meeting to order at 12:02 p.m  
(NOTE: It was determined there was not a quorum at present, however because the meeting was advertised and the media was present, the meeting continued as unofficial with no actions to be voted on, but minutes were taken).

II. Approval of the Minutes of March 4 Work Session, March 18 Regular Meeting, and April 1 Called Meeting.
No action was taken because the Planning Commission did not have a quorum.

III. Public Comment (for items not on the agenda)
No comments were made for items not on the agenda.

IV. New Business – None Scheduled

V. Old Business – Work Session
Zoning Ordinance Revision Project – Presentation of Draft Chapters

A. Division 9 – Mixed Use Districts
   1. Flexible Redevelopment District (FRD) §50-130
   2. Lee Highway Mixed Use District §50-131

Ms. Morgan made a presentation about mixed uses and how this type of zoning is becoming more of a trend in cities, including both horizontally or vertically mixed uses or both and she showed examples in photographs. She pointed out that the advantages included more compact, walkable places where people live near where they work which often appeals to millennials and empty nesters.

Ms. Morgan reported that the Comprehensive Plan recognized two potential categories of mixed uses with one called “Flex” on the future land use map and the other being the area across from The Falls shopping center – called Lee Highway Mixed Use. The members discussed the draft of Division 9 with two new proposed zoning districts (that correspond with these areas) that had been drafted by staff and mailed out with the agenda packet.
She indicated that the FRD District is designed to implement the Future Land Use map that shows “Flex Use” as a category with those being largely older industrial or business tracts like the former mall and the former Reclaimed Resources industrial site on Williams Street. She also noted that the flex use category on the map was recently expanded to include a former industrial area north of E. Mary St.

There was much discussion regarding the material presented and Commissioners made several recommendations for revisions to the Division 9 draft regarding Flex Use and Mixed Use Districts. Mr. Pollard recommended revising the title names of the Division and/or the districts, so there would be less redundancy and confusion.

Ms. Forbes-Hubbard asked the City Planner why tattoo parlors were specifically excluded under 50-131(b) 2 m. Ms. Morgan stated that there was no particular reason and she would change that by eliminating the exclusion. In addition, Mr. Pollard recommended that it be considered to move the uses listed as needing a special use permit and just including them with permitted use. (Sec. 50-131c, although there was a typo pointed out on the draft that shows this section as 50-132c).

There was further discussion about the difference between the two districts as well as what made them that much different from existing zones. Mr. Wingard said that he thought this was a good idea in that we needed more businesses close to residential zones, but thought that the minimum acreage on the FRD district was too large. Ms. Morgan stated that she was following the future land use map to only include those larger tracts that had been identified and classified as Flex. Mr. Pollard suggested perhaps having a 3-acre minimum size standard would be better. Ms. Morgan noted that she knew this was new material for everyone and appreciated the discussion. She would make some changes to the draft and present it back to the Commission.

B. Division 17 – Administration and Enforcement

The City Planner informed members that she had drafted Division 17 – Administration and Enforcement to replace Division 11 (which was distributed earlier). She said it was being reviewed by the city attorney.

C. Zoning Map and Proposed Schedule

Ms. Morgan discussed the proposed schedule for the Zoning Revision project:
- June 3 - Work Session for last two sections of ordinance
- June 17 - Regular Meeting with full document draft
- July – September – Zoning Map revision and finalizing draft document
- November – open house for public comments
- December – work on revisions
- January 2020 - Presentation of Final Draft Ordinance and Maps
- February – Joint Public Hearing and March – Adoption

VI. Adjournment. The work session was adjourned at 1:23 pm.
BRISTOL VIRGINIA PLANNING COMMISSION  
Monday, June 3, 2019  
12:00 pm

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I. Call to Order  
Mr. Pennington called the meeting to order at 12:00 pm.

II. Review of the Minutes of May 20, 2019 Meeting (Meeting was without a quorum).

It was a general consensus that the Commission could not act on the minutes until the next regular meeting. It was also pointed out that because there was no quorum at the May 20 meeting that the April 15 and April 30 minutes still need to be approved and should be done at the next regular meeting.

III. Public Comment (for items not on the agenda)  
No comments were made for items not on the agenda.

IV. New Business – None Scheduled

V. Old Business –

A. Consideration of Recommendation to City Council on Proposed Zoning Ordinance Amendments for Overnight Recreational Development standards.

City Planner, Ms. Morgan, reported that the joint public hearing was held on May 28 with the City Council to hear public comments on the proposed draft amendment to the zoning ordinance for overnight recreational development standards. No public comments were received at the hearing. She reported that Mayor Mumpower had made two comments regarding the proposed ordinance with one being an inquiry about the extent and location of the B-3 zoning district due to concerns about proximity to residential areas.

Ms. Morgan recommended that the Commission review and discuss the draft with two proposed revisions – one that will establish a minimum lot area and another to clarify the section regarding road construction.

The commission discussed and reviewed the revision to 50-177 (b) f. to add a minimum lot area of two (2) acres for any development. Mr. Pollard recommended adding minimum total area to the revision to establish that there could be a combination of several lots under a single owner. Ms. Long recommended adding “contiguous” to the revision to clarify that the total minimum acreage needs to be adjoining. Ms. Morgan stated that she
would revise the draft stating that a development requires “a **total contiguous** minimum area lot of two (2) acres.”

Ms. Morgan also reported that a revision is proposed to 50-177 (g) 4.b. adding clarification that “the remaining portion of the internal streets shall be improved with asphalt, concrete, crushed stone, impermeable or permeable pavers, or other material if approved by the City Engineer.” Ms. Morgan stated that this mirrors the same language used for the campsite pads.

The Commission discussed revisions to Section 50-109 (b) adding (44) Overnight Recreational Development as a permitted use in B-3 zone and to Section 50-123 adding (b) 11 Overnight Recreational Development as a permitted use in the A (Agricultural) zone. Ms. Morgan presented a hard copy display of the city zoning map to show the areas that are zoned B-3.

Mr. Pollard made a motion to forward a favorable recommendation to City Council for the adoption of the proposed zoning ordinance amendment for Overnight Recreational Development. Motion was seconded by Ms. Long and carried by the following votes:

**Ayes:** S. Long, Pollard, Pennington

**Abstentions:** Wingard

**B. Work Session - Zoning Ordinance Revision Project**

1. Review of Mixed Use Districts – Division 9

Ms. Morgan reviewed the concept of mixed use development that was initially discussed as the May 20 meeting, indicating that this type of development is often used in plans to revitalize old industrial sites. She showed the four “Flex” use areas on the adopted Future Land Use Map, including the Bristol Mall, the Tenneva property on Fairview St., and newly-added industrial area of Williams and East Mary St. (formerly Reclaimed Resources and BrisBloc properties).

Ms. Morgan reported that after the feedback received at the May 20 regular meeting, she has amended Division 9 to eliminate the Lee Highway Mixed Use District because what was proposed in that district can be achieved through the proposed Division 8 Planned Unit Development (PUD) District. In the new draft Section 50-130, she made wording changes in the purpose paragraph (a) and eliminated the minimum lot size except for residential uses. The commission recommended changing the maximum height requirement to 100 feet to be consistent throughout the ordinance and moving “residential uses” from Section 50-130(e) (7) Permitted uses with special use permit to Section 50-130 (b) (32) Permitted Uses.

There was more discussion about flexible land uses. Ms. Long asked about adding Virginia Intermont College campus as Flex area, and Mr. Wingard and Mr. Pennington both made comments about using the mixed use district in all business-zoned areas. Ms. Morgan stated that this would entail revising the future land use map of the Comprehensive Plan which was just reviewed and revised.

There was a general consensus to move forward the proposed Division 9 – Mixed Use Districts to City Council for approval and not wait for the rest of the zoning rewrite to be done. Ms. Morgan stated that if this was desired, she would have to find where this should be added into the existing zoning ordinance.
2. Division 5 – Floodplain District
3. Division 18 – Definitions (Partial Completion)

The Commission agreed to move Divisions 5 and 18 and discuss at the next regular meeting.

VI. Adjournment

The meeting was adjourned at 1:00 pm.
BRISTOL, VIRGINIA PLANNING COMMISSION
AGENDA ITEM SUMMARY

Meeting Date: June 17, 2019
Department: Planning/Community Development
Bulk Item: Yes   No   X
Staff Contact: Sally Morgan, City Planner

AGENDA ITEM WORDING:
Update on Proposed Zoning Ordinance Amendments for Overnight Recreational Development standards

BACKGROUND:
City Council tabled action at its meeting on June 12 on the proposed ordinance that was recommended by the Planning Commission. City staff will report on some concerns expressed at the meeting. Those concerns were: 1) the minimum lot acreage in 50-130 (f) 1 may need to be more than two acres, and 2) the duration of occupancy in 50-130 (l) 1 should match the 30-day policy the city has in Sugar Hollow Park campground.

PREVIOUS RELEVANT ACTION:
March 18, 2019 and April 15, 2019 – Planning Commission reviewed and discussed draft ordinance
April 30, 2019 – Planning Commission voted to forward the latest draft to City Council for a joint public hearing.
May 13 and 20 – Joint Public Hearing was advertised in Bristol Herald-Courier
May 28, 2019 – Joint Public Hearing was held
June 3, 2019 – Planning Commission voted to forward amendment to the City Council with a favorable recommendation (incorporating two revisions to the draft)
June 12, 2019 – City Council tabled action on first reading of the ordinance.

STAFF RECOMMENDATION:
To be presented at meeting
Meeting Date: June 17, 2019
Bulk Item: Yes _ No X

Department: Planning/Community Development
Staff Contact: Sally Morgan, City Planner

AGENDA ITEM WORDING:
Zoning Ordinance Revision Project – WORK SESSION

ITEM BACKGROUND:

The Planning Commission will continue its work session from the June 3 special meeting to go over Division 5 Floodplain and Division 18 Definitions.

We will also look at the proposed schedule going forward on this project.

PREVIOUS RELEVANT ACTION:
March 20, 2017 – The Commission discussed and voted to pursue the updating and revising of the Zoning Ordinance using city staff resources.

STAFF RECOMMENDATION:
For information and discussion.
DIVISION 5. - FLOODPLAIN DISTRICT

Section 50-136.66. - General provisions.

(a) Purpose. In accordance with the general purpose and legislative authority for zoning referenced in Sections 50-27 and 50-28, 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, institutional and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

1. 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.
2. Restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding.
3. 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.
4. Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

(b) Applicability. These provisions shall apply to all lands within the jurisdiction of the City of Bristol and identified as being in the 100-year floodplain special flood hazard area (SFHA) by the Federal Insurance Administration.

(c) Compliance and liability.

1. 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 article and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this division.
2. The degree of flood protection sought by the provisions of this division is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This division does not imply that districts outside the floodplain district, or that land uses permitted within such district will be free from flooding or flood damages.
3. This division shall not create liability on the part of the City of Bristol or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.
(a)(4) Any person who fails to comply with any provisions of this division shall be subject to penalties, corrections, and remedies. VA USBC addresses building code violations and associated penalties. Violations and associated penalties of this Article are addressed in Division 17.

(d) Abrogation and greater restrictions. This division supersedes any ordinance currently in effect in flood-prone districts. However, any underlying ordinance shall remain in full force and effect to the extent that its provisions are more restrictive than this division.

(e) 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 division. The remaining portions shall remain in full force and effect and for this purpose, the provisions of this division are hereby declared to be severable.

(f) Administration. The zoning administrator is responsible for administering the provisions of this division and serves as the community Floodplain Administrator with duties including, but not limited to, the following:

1. Review applications for permits to determine whether proposed activities will be located in the Special Flood Hazard Area (SFHA).
2. Approve permits for new construction and substantial improvements that meet the requirements of these regulations.
3. Interpret floodplain boundaries and provide available base flood elevation and flood hazard information.
4. Review applications to determine that all necessary permits have been obtained, and in particular permits from state agencies for 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.
5. Review Elevation Certificates and require incomplete or deficient certificates to be corrected.
6. Submit to the Federal Emergency Management Authority (FEMA), or require applicants to submit to FEMA, data and information necessary to maintain Flood Insurance Rate Maps, including hydrologic and hydraulic engineering analysis prepared by or for the city, within six months after such data and information becomes available if the analyses indicated changes in base flood elevation (BFE).
7. Maintain and permanently keep records that are necessary for the administration of these regulations, including flood insurance studies, flood insurance rate maps, letters of map changes, documentation supporting...
issuance and denial of permits, elevation certificates, variances, and records of enforcement action.

8. Prepare staff reports and recommendations to the Board of Zoning Appeals for each application for a variance.

Section 50-137.67 - Establishment of zoning districts.

(a) Description of districts.

(1) Basis of districts. The various floodplain districts shall include areas subject to inundation by waters of the 100-year base flood. The basis for the delineation of these districts shall be the flood insurance study (FIS) and Flood Insurance Rate Map (FIRM) for the City of Bristol prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated February 4, 2004, as amended.

a. The floodway district is delineated, for purposes of this article, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the 100-year base flood without increasing the water surface elevation of that flood more than one foot at any point. The areas included in this district are specifically defined in Table 3 of the above-referenced flood insurance study and shown on the accompanying flood boundary and floodway map or flood insurance rate mapFIRM.

b. The flood-fringe district shall be that area of the 100-year floodplain SFHA not included in the floodway district. The basis for the outermost boundary of the district shall be the 100-year base flood elevations (BFE) contained in the flood profiles of the above-referenced flood insurance study and as shown on the accompanying flood boundary and floodway map or flood insurance rate mapFIRM. The AE zone shown on the FIRM comprises both floodway and flood-fringe districts, although there may be flood-fringe districts without floodway.

c. The approximated floodplain district shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a 100-year SFHA floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the flood insurance study. For these areas, the 100-year flood elevations BFE and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific 100-year flood elevation BFE cannot be determined for this area using other sources of data, such as the U. S. Army Corps of Engineers (USACE) Floodplain Information Reports, U. S. Geological Survey Flood-Prone
Quadrangles, etc., then the applicant for the any proposed use, development and/or activity that exceeds either five acres or five lots shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. 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 city. The city shall require that all new subdivision proposals and other proposed developments to include base flood elevation data.

d. The city reserves the right to require that base flood elevation be provided for development in Other potential flood-prone areas shall be any area within 100 feet of any main drainage channel or stream that is. Where the 100-year flood elevation is not included in the flood insurance study. The BFE, if it shall be determined by the same methods indicated in subsection c, of this subsection.

(2) Overlay concept.

a. 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.

b. 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.

c. 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.

(b) Official zoning map. The boundaries of the floodplain districts are established as shown on the flood boundary and floodway map and/or flood insurance rate map FIRM which is declared to be a part of this article and which shall be kept on file at the City of Bristol offices.

(c) District boundary changes. The delineation of any of the floodplain districts may be revised by the city where natural or manmade changes have occurred and/or where more detailed studies have been conducted or undertaken by the U. S. Army Corps of EngineersUSACE 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 insurance administration.

(d) Interpretation of district boundaries. The zoning administrator shall make initial interpretations of the boundaries of the floodplain districts. 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.
(Ord. No. 04-03, 1-13-04)

Section 50-138.68 - District provisions

(a) General provisions.

(1) Permit requirement. All uses, activities, and development occurring within any
floodplain district shall be undertaken only upon the issuance of the necessary
permit(s). Such development shall be undertaken only in strict compliance with
the provisions of the division and with all other applicable codes and ordinances,
such as the Virginia Uniform Statewide Building Code and the City of Bristol
Subdivision Ordinance. Prior to the issuance of any such permit, the zoning
administrator shall require all applications to include compliance with all
applicable state and federal laws. Under no circumstances shall any use, activity,
and/or development adversely affect the capacity of the channels or floodway of
any watercourse, drainage ditch, or any other drainage facility or system.
(2) Alteration or relocation of watercourse. Prior to any proposed alteration or
relocation of any channels or of any watercourse, stream, etc., within the city a
permit shall be obtained from the U.S. Corps of Engineers (USACE), the Virginia
Department of Environmental Quality (DEQ), 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 Virginia
Department of Conservation and Recreation (Division of Dam Safety and
Floodplain Management), and other appropriate agencies (such as the DEQ and
the USACE) and copies of such notifications shall be submitted to FEMA the
federal insurance administration.

(3) Drainage facilities. Storm drainage facilities shall be designed to convey the
flow of storm water runoff in a safe and efficient manner. The system shall insure
proper drainage along streets, and provide positive drainage away from buildings.
The system shall also be designed to prevent the discharge of excess runoff onto
adjacent properties.

(4) Site plans and permit applications. All applications for development in the
floodplain district and all building permits issued for the floodplain shall
incorporate the following information:

   a. For structures to be elevated, the elevation of the lowest floor (including
      basement), per the requirements of (b) and (c) of this section.

   b. For structures to be flood-proofed, the elevation to which the structure will
      be flood-proofed.

   c. The elevation of the 100-year flood base flood at the site.

   d. Topographic information showing existing and proposed ground elevations.

(5) Construction requirements. The building inspector or designated official shall
review all permit applications for new construction or substantial improvements to
determine if the proposed building site(s) will be reasonably safe from flooding. If a proposed site is located in a special flood hazard area, all new construction or substantial improvements shall:

- Be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy,
- Be constructed with materials resistant to flood damage,
- Be constructed by methods and practices that minimize flood damages,
- Be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding,
- For new or replacement water and sanitary sewer system projects, be designed to minimize or eliminate infiltration of flood waters into the system,
- For any on-site waste disposal systems, be located and constructed to avoid impairment or contamination.

(6) 
Recreational vehicles are considered 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. Any such vehicle placed on a site must either:

- Be on the site for fewer than 180 consecutive days, be fully licensed and ready for highway use, or
- Meet the permit requirements for placement and the elevation and anchoring requirements for manufactured homes as contained in the Virginia Uniform Statewide Building Code.

(7) 
Certification. For all new or substantially improved structures located in special flood hazard areas, the applicant shall furnish the following information to the building inspector/official, as determined by a professional engineer, architect, or other qualified professional:

- The as-built elevation (in relation to NGVD, 1988) of the lowest floor (including basement) and include whether or not such structures contain a basement.
- If the structure has been flood-proofed, the as-built elevation to which the structure was flood-proofed.
- Any certification of flood-proofing.

(8) 
Manufactured Homes. All manufactured homes to be placed or substantially improved within special flood hazard areas shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is one foot above the 100-year flood elevation, and be securely anchored to resist floatation, 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.
(9) Newer. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding are permitted provided they meet the following requirements:
1. The enclosed area is unfinished or flood resistant, usable solely for the parking of vehicles, building access or storage,
2. The area is not a basement,
3. The area shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers and other coverings or devices provided that they permit automatic entry and exit of floodwater.

(10) Subdivisions
1. All subdivision proposals shall be consistent with the need to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(11) Accessory Structures. Accessory structures in the SFHA shall comply with the requirements of (b) and (c) below. If not elevated to one foot above BFE or dry floodproofed, the structure shall meet the following requirements:
1. Shall not be used for human habitation;
2. Shall be limited to no more than 600 square feet in total floor area;
3. Shall be used only for parking of vehicles or limited storage, and any electrical or mechanical equipment elevated above the BFE;
4. Shall be constructed with flood damage-resistant materials below the BFE, and be anchored to prevent flotation;
5. Shall meet the design requirements in 50-68 (9) 3 regarding openings to allow entry and exit of floodwaters.

(b) Floodway district. In the floodway district no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted
unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the 100-year flood elevation BFE. Such activity requires city council approval.

(c) Flood-fringe and approximated floodplain districts. In the flood-fringe and approximated floodplain districts, the development and/or use of land shall be permitted in accordance with the regulations of the underlying area provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the flood-proofing and related provisions contained in the Virginia Uniform Statewide Building Code and all other applicable codes and ordinances. In the flood-fringe district, the elevation of the first finished lowest floor of approved residential structures shall be one foot above the base flood elevation. Non-residential structures must have the lowest floor elevated or floodproofed to one foot above the base flood elevation or more. Activities in flood-fringe and approximated floodplain districts require planning commission approval.

Within the approximated floodplain district, all new subdivision proposals and other proposed developments shall include within such proposals base flood elevation data. The applicant shall also delineate a floodway area based on the requirement that all existing and future development does not increase the 100-year flood elevation BFE more than one foot at any one point. Within the floodway area delineated by the applicant, the provisions of subsection (b) shall apply.

(Ord. No. 04-03, 1-13-04)

Sec. 50-139.68 - Variances; factors to be considered.

(a) In passing upon applications for variances, the board of zoning appeals shall satisfy all relevant factors and procedures specified in other sections of the zoning ordinance and consider the following additional factors:

1. 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 100-year flood elevation BFE.

2. The danger that materials may be swept on to other lands or downstream to the injury of others.

3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

5. The importance of the services provided by the proposed facility to the community.

6. The requirements of the facility for a waterfront location.

Commented [SM1]: Does any activity in floodway require property owner to submit a CLOMR? Should language be included here to that effect?
(7) The availability of alternative locations not subject to flooding for the proposed use.
(8) The compatibility of the proposed use with existing development and anticipated in the foreseeable future.
(9) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
(10) The safety of access by ordinary and emergency vehicles to the property in the time of flood.
(11) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
(12) The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
(13) Such other factors which are relevant to the purposes of this division.

(b) 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.

(c) 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.

(d) Variances shall be issued only after the board of zoning appeals has determined that variance will be the minimum required to provide relief from any hardship to the applicant.

(e) The board of zoning appeals shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the 100-year-flood elevation BFE (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.

(f) A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. Any variances which are issued shall be noted in the annual or biennial report submitted to the federal insurance administrator.
Sec. 50-140-70. - Existing structures in floodplain districts.

(a) A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

(1) Existing structures in the floodway district shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed expansion would not result in any increase in the 100-year base flood elevation.

(2) Any modifications, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any floodplain area to an extent or amount of less than 50 percent of its market value, elevation and/or flood-proofing should be considered to the greatest extent possible.

(3) The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its locations in a floodplain area, to an extent or amount of 50 percent or more of its market value shall be undertaken only in full compliance with the provisions of this division and the Virginia Uniform Statewide Building Code.

Secs. 50-141-71—50-166 81. - Reserved.