

ORDINANCE NO. 1735

AN EMERGENCY ORDINANCE to amend and reordain subsections (e) and (f), Section 42-25.2, Article IV-A, to amend Section 42-25.2 of said Article by adding thereto a new subsection lettered (g), to amend said Article IV-A by adding thereto new sections numbered 42-25.3, 42-25.4, 42-25.5, 42-25.6 and 42-25.7, all of Chapter 42 of The Code of the City of Alexandria, Virginia, 1963, as amended; which Chapter 42 relates to ZONING, which Article IV-A now relates to and adopts A FLOOD PLAIN DISTRICT IN THE CITY IN THE VICINITY OF FOUR MILE RUN AND SPECIAL REGULATIONS APPLICABLE THERETO, but will now in addition relate to FLOOD PLAIN DISTRICTS THROUGHOUT THE CITY, which Section 42-25.2 adopts SPECIAL REGULATIONS FOR THE FOUR MILE RUN DISTRICT, which subsection (e) thereof relates to FLOOD PREVENTION PROJECTS, which subsection (f) thereof relates to EXCEPTIONS, which new subsection (g) relates to VARIANCE OR WAIVER, which new Section 42-25.3 relates to and adopts EIGHT REGULAR FLOOD PLAIN DISTRICTS IN OTHER FLOOD PRONE AREAS THROUGHOUT THE CITY, which new Section 42-25.4 relates to and adopts REGULATIONS FOR SAID EIGHT DISTRICTS, which new Section 42-25.5 relates to FLOOD PREVENTION PROJECTS IN SAID EIGHT DISTRICTS, which new Section 42-25.6 relates to VARIANCE OR WAIVER, and which new Section 42-25.7 relates to EXCEPTIONS to said new sections.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That subsection (e) of Section 42-25.2 of Article IV-A of Chapter 42 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

(e) Flood prevention projects. Nothing in Sections 42-25.1 and 42-25.2 shall be construed to prohibit the city or any person from undertaking lawful filling, draining, construction or other improvements that are intended to eliminate or reduce the danger of flooding provided:

(1) The improvement is in accord with the city flood improvement plan for the district and the director of public works of the city has issued a certificate to that effect.

(2) The improvement is under the general supervision of the director of public works.

Section 2. That subsection (f) of Section 42-25.2 of Article IV-A of Chapter 42 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

(f) Exceptions. Notwithstanding the provisions of Sections 42-25.1 and 42-25.2, any and all buildings and structures for which a preliminary site plan has been approved or a building permit has been issued prior to June 10, 1970, may be completed in accordance with the building permit or preliminary site plan, but after completion any such building or structure and the land on which it is situated shall be subject to the provisions of Sections 42-25.1 and 42-25.2.

Section 3. That Section 42-25.2 of Article IV-A of Chapter 42 of The Code of the City of Alexandria, Virginia, 1963, as amended be and the same hereby is amended by adding thereto a new subsection lettered (g) to read as follows:

(g) Variance or Waiver. The City Council may, for good cause shown, permit the remodeling, refurbishing, or redevelopment of existing uses by waiving the provisions of Sections 42-25.1 and 42-25.2, provided:

- (1) Written application is made.
- (2) A public hearing is held.
- (3) The decision is made by a majority vote of the entire membership of City Council.

(4) The Director of Public Works states in writing that such variance or waiver will not result in increased danger to life, limb or property or violate the general principles of good flood plain management and control.

Section 4. That Article IV-A, Chapter 42 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended by adding thereto a new section numbered 42-25.3 to read as follows:

Sec. 42-25.3. Regular Flood Plain Districts - Established.

There are hereby established eight (8) regular flood plain districts in the City of Alexandria to be known as:

Potomac River District
Cameron Run District
Holmes Run District
Backlick Run District
Taylor Run District
Fort Williams Parkway District
Timber Branch Parkway District
South Lucky Run District

The boundaries of each district are shown on a map numbered "PW-FPM-71" dated December 28, 1971, signed by the Director of the Department of Public Works, the Mayor and the Chairman of the Planning Commission of the City, which map is on file in the office of the Director of the Department of Planning and Regional Affairs in City Hall and which is hereby made a part of this article of the City Code and such map and all notations, references and other data shown thereon are by this reference made a part hereof as if fully described herein. A copy of said map shall also be kept on file in the office of the Director of Public Works.

Any uncertainty on said map with respect to the boundaries of any of the regular flood plain districts, the flood flow areas, the moderate flood flow areas, the restricted areas, or the allowable building elevations shall be determined by the Director of Public Works by scaling and computations from the map.

For the purposes of Section 42-25.3 through Section 42-25.7 inclusive, the words "residential buildings" shall be construed to mean single-family buildings, two-family buildings, row house buildings, apartment buildings containing not more than four (4) dwelling units per building or their accessory buildings or structures. All other buildings or structures shall be deemed to be nonresidential.

Section 5. That Article IV-A, Chapter 42 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended by adding thereto a new section numbered 42-25.4 to read as follows:

Sec. 42-25.4. Regulations.

(a) Flood flow areas. Notwithstanding the provisions of this chapter or any other provisions of the City Code:

(1) No building or structure of any kind, either temporary or permanent, shall be built, set up or constructed within the boundaries of any flood flow areas in any district shown on said map numbered "PW-FPM-71", which was adopted in Section 42-25.3.

(2) No filling of any kind shall be allowed within the boundaries of said flood flow areas in any district.

The provisions of this section shall not be construed to prevent the remodeling, maintenance or flood proofing of buildings and structures now existing, provided any such remodeling, maintenance or flood proofing shall not constitute an extension or enlargement. The provisions shall also not be construed to prevent the surfacing or resurfacing of existing streets or parking lots within two (2) inches of the existing grade. The provisions shall be construed to prohibit the construction of walls, fences or other outdoor obstructions above the existing ground grade, unless such construction is primarily for flood proofing purposes, conforms to good flood proofing practice and is first approved as such by the Director of Public Works.

(b) Moderate flood flow areas. Within the boundaries of any moderate flood flow areas in any district shown on said map numbered "PW-FPM-71", which was adopted in Section 42-25.3, buildings or structures and their extensions and accessory buildings or structures, may be constructed provided:

(1) The lowest part of any such building, structure, extension or accessory thereto, except for piles, columns, elevator shafts and stairwells, shall be located above the 100 year flood level. Such piles, columns, elevator shafts and stairwells shall have a gross cross-sectional area not greater than 10% of the gross cross-sectional area of the building or structure and extensions and accessories thereto immediately above said flood level. Curtain walls (non-bearing) may be used below the 100 year flood level, but when so used, shall be designed and constructed so as to permit the free flow of water into and out of the space enclosed by said walls. Prior to construction any such curtain wall shall be approved as to free water flow by the Director of Public Works. The cross-sectional area of curtain walls shall be included in determining the 10% limitation mentioned above.

(2) Water heaters, furnaces, electrical distribution panels and other critical mechanical or electrical installations shall not be installed below the 100 year flood level. Separate electrical circuits shall serve areas below the 100 year flood level and shall be dropped from above.

(3) All other applicable provisions of law are complied with.

(4) No use, construction or repair shall be permitted if the proposed use, construction or repair, in conjunction with all other uses, existing or possessing a valid permit for construction under this section, would increase the water surface elevation of the 100 year flood, more than 0.5 feet. Persons proposing such land use shall furnish specific engineering data and information as to the effect of his proposed action on future flood heights and obtain approval from the Director of Public Works prior to use.

(5) Applicants for a building permit shall first submit certification from a duly registered architect or engineer that the proposed construction (including prefabricated and mobile homes):

(a) Is protected against flood damage;

(b) Is designed (or modified) and anchored to prevent flotation, collapse or lateral movement of the building or structure;

(c) Uses construction materials and utility equipment that are resistant to flood damage;

(d) Uses construction methods and practices that will minimize flood damage; and

(e) The certification required in this subsection ((5) (a) thru (d)) shall be based on a water elevation on the site equal to the elevation of the 100 year flood as noted on the map referred to in Section 42-25.3.

No filling of any kind shall be allowed within the boundaries of said moderate flood flow areas.

The provisions of this section shall not be construed to prevent the remodeling, maintenance or flood proofing of buildings and structures now existing. The provisions shall also not be construed to prevent the surfacing or resurfacing of existing streets or parking lots within two (2) inches of the existing grade. The provisions shall be construed to prohibit the construction of walls, fences or other outdoor obstructions above the existing ground grade, unless such construction is primarily for flood proofing purposes, conforms to good flood proofing practice and is first approved as such by the Director of Public Works.

Notwithstanding the provisions of the preceding paragraphs or any other provisions of the City Code:

(1) Open mesh wire fences of not less than #9 wire, with mesh openings of not less than 6" x 6", whose supports shall be securely anchored in concrete and whose wire shall be securely fastened to the supports, may be erected within 1500 feet of the boundary of any flood flow areas shown on said map numbered "PW-FPM-71". Any such open mesh wire fence shall be deemed to meet the requirements of Chapter 7 of the City Code (Building Code) with respect to construction operations and subsection (3) of subsection (a) of Section 42-21 of Chapter 42 of the City Code with respect to certain uses which must be enclosed.

(2) Standard open mesh chain link fences may be erected provided they are located at least 1500 feet distant from the boundary of any flood flow areas shown on said map numbered "PW-FPM-71". Any such standard open mesh chain link fence shall be deemed to meet the requirements of Chapter 7 of the City Code (Building Code) with respect to construction operations and subsection (3) of subsection (a) of Section 42-21 of Chapter 42 of the City Code with respect to certain uses which must be enclosed.

(c) Restricted areas. Within the boundaries of any restricted areas in any district shown on said map numbered "PW-FPM-71" buildings or structures and their extensions and accessory buildings or structures may be constructed provided:

(1) The lowest floor elevation, including basements, for any residential building or structure or extension or accessory thereto shall be at or above the 100 year flood level as noted on said map.

(2) The lowest floor elevation, including basements, for all other buildings or structures and their extensions or accessories shall be at or above the 100 year flood level as noted on said map, unless all floors below said 100 year flood level, together with their attendant utility and sanitary facilities are adequately flood proofed up to said 100 year flood level and the building or structure and their extensions or accessories are designed to resist uplift and/or horizontal water pressure; provided further that no floor below the 100 year flood elevation shall be used for human or animal habitation, food storage or food preparation.

(3) Water heaters, furnaces, electrical distribution panels and other critical mechanical or electrical installations shall not be installed below the 100 year flood level. Separate electrical circuits shall serve areas below the 100 year flood level and shall be dropped from above.

(4) All other applicable provisions of law are complied with.

(5) No use, construction or repair shall be permitted if the proposed use, construction or repair, in conjunction with all other uses, existing or possessing a valid permit for construction under this section, would increase the water surface elevation of the 100 year flood, more than 0.5 feet. Persons proposing land use shall furnish specific engineering data and information as to the effect of his proposed action on future flood heights and obtain approval from the Director of Public Works prior to use.

(6) Applicants for a building permit shall first submit certification from a duly registered architect or engineer that the proposed construction (including prefabricated and mobile homes):

(a) Is protected against flood damage;

(b) Is designed (or modified) and anchored to prevent flotation, collapse or lateral movement of the building or structure;

(c) Uses construction materials and utility equipment that are resistant to flood damage;

(d) Uses construction methods and practices that will minimize flood damage; and

(e) The certification required in this subsection ((6) (a) thru (d)) shall be based on a water elevation on the site equal to the elevation of the 100 year flood as noted on the map referred to in Section 42-25.3.

No filling of any kind shall be allowed within the boundaries of said restricted areas except where such filling, when considered in conjunction with all other uses existing and proposed, will not increase the water surface elevation of the 100 year flood more than 0.5 feet. Persons proposing such filling shall be required to furnish specific engineering data and information as to the effect of their proposed action on future flood heights and obtain approval from the Director of Public Works prior to making such fill.

The provisions of this section shall not be construed to prevent the remodeling, maintenance or flood proofing of buildings and structures now existing. The provisions shall also not be construed to prevent the surfacing or resurfacing of existing streets or parking lots within two (2) inches of the existing grade. The provisions shall be construed to prohibit the construction of walls, fences or other outdoor obstructions unless such construction is first approved as such by the Director of Public Works.

Notwithstanding the provisions of the preceding paragraphs or any other provisions of the City Code:

(1) Open mesh wire fences of not less than #9 wire, with mesh openings of not less than 6" x 6", whose supports shall be securely anchored in concrete and whose wire shall be securely fastened to the supports, may be erected within 1500 feet of the boundary of any flood flow areas shown on said map numbered "PW-FPM-71". Any such open mesh wire fence shall be deemed to meet the requirements of Chapter 7 of the City Code (Building Code) with respect to construction operations and subsection (3) of subsection (a) of Section 42-21 of Chapter 42 of the City Code with respect to certain uses which must be enclosed.

(2) Standard open mesh chain link fences may be erected provided they are located at least 1500 feet distant from the boundary of any flood flow areas shown on said map numbered "PW-FPM-71". Any such standard open mesh chain link fence shall be deemed to meet the requirements of Chapter 7 of the City Code (Building Code) with respect to construction operations and subsection (3) of subsection (a) of Section 42-21 of Chapter 42 of the City Code with respect to certain uses which must be enclosed.

(3) The restrictions of this section relating to walls, fences, or other outdoor above ground obstructions shall not apply to bulkheads nor where the ground elevation existing or approved at the time of such construction is higher than the 100 year flood elevation.

Section 6. That Article IV-A, Chapter 42 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended by adding thereto a new section numbered 42-25.5 to read as follows:

Sec. 42-25.5. Flood prevention projects.

Nothing in Section 42-25.3 through Section 42-25.7 inclusive shall be construed to prohibit the city or any person from undertaking lawful filling, draining, construction, realignment or relocation of stream channels or other improvement that is intended to eliminate or reduce the danger of flooding provided:

(1) The improvement is in accord with the city flood improvement plan for the district involved, and the Director of Public Works of the City has issued a certificate to that effect.

(2) The improvement is under the general supervision of the Director of Public Works.

(3) Realignment or relocation of stream channels is designed and constructed so that there will be no reduction in the natural valley storage capacity of the area with respect to the 100 year flood, unless such relocation or realignment is designed to contain the 100 year flood within its banks.

Section 7. That Article IV-A, Chapter 42 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended by adding thereto a new section numbered 42-25.6 to read as follows:

Sec. 42-25.6. Variance or waiver.

The City Council may, for good cause shown, permit less than full compliance with or waive the provisions of Section 42-25.3 through Section 42-25.7 inclusive, provided:

- (1) Written application is made.
- (2) A public hearing is held.
- (3) The decision is made by a majority vote of the entire membership of City Council.
- (4) The Director of Public Works states in writing that such variance or waiver will not result in increased danger to life, limb or property or violate the general principles of good flood plain management and control.

Section 8. That Article IV-A, Chapter 42 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended by adding thereto a new section numbered 42-25.7 to read as follows:

Sec. 42-25.7. Exceptions.

Notwithstanding the provisions of Section 42-25.3 through Section 42-25.7 inclusive:

All buildings for which a building permit shall have been duly and regularly issued by the Director of Building and Mechanical Inspections on or before December 28, 1971, which permit has not expired, may be completed without the necessity of complying with Section 42-25.3 through Section 42-25.7 inclusive, but after completion, any such building or structure and the land on which it is situated shall be subject to all the provisions of said sections.

All preliminary site plans which have been duly and regularly approved on or before December 28, 1971, and which have not expired, may be completed without the necessity of complying with Section 42-25.3 through Section 42-25.7 inclusive, but after completion, any building or structure on said site plan together with the land included in said site plan shall be subject to all the provisions of said sections.

All final site plans which have been duly and regularly approved and released on or before December 28, 1971, and which have not expired may be completed without the necessity of complying with Section 42-25.3 through Section 42-25.7 inclusive, but after completion, any building or structure on said site plan, together with the land included in said site plan shall be subject to all the provisions of said sections.

Any subdivision of land for which an approved preliminary plat of subdivision has been duly and regularly approved on or before December 28, 1971, which plat has not expired, may be completed without the necessity of complying with Section 42-25.3 through Section 42-25.7 inclusive, but after completion, any building or structure constructed in accordance with said plat and the land embraced in such plat shall be subject to all the provisions of said sections.

Any subdivision of land for which an approved final plat of subdivision has been duly and regularly approved and released on or before December 28, 1971, which approved plat has not expired and for which the guarantee for the required public improvements is in full force and effect may be completed without the necessity of complying with Section 42-25.3 through Section 42-25.7 inclusive, but after completion, any building or structure constructed in accordance with such plat and the land embraced thereon shall be subject to all the provisions of said sections.

Section 9. That in the opinion of council an emergency exists and this is declared an EMERGENCY ORDINANCE in order that flood plain management may be imposed throughout the flood prone areas of the city without delay and the availability of flood insurance under the National Flood Insurance Program preserved.

Section 10. That this ordinance shall be published in a newspaper of general circulation published in the city not later than five days following its introduction together with a notice containing the time and place for a public hearing. The clerk of the council shall note the date of introduction and first reading, the date of publication, the date of the public hearing, and the date of the second reading and final passage in the minutes of the meeting. This ordinance shall become effective the date of its final passage.

Charles E. Beatley, Jr.
Mayor

FINAL PASSAGE: ~~DECEMBER~~ 28, 1971