

AN ORDINANCE to repeal Article IV-A, Chapter 42 of The Code of the City of Alexandria, Virginia, 1963, as amended, and to amend said Chapter 42 of said Code by adding thereto a new article numbered IV-B; which Chapter 42 relates to ZONING, which Article IV-A relates to FLOOD PLAIN DISTRICTS and which new Article IV-B relates to FLOOD PLAIN DISTRICTS, PROVIDES FOR THE ESTABLISHMENT OF NEW FLOOD PLAIN DISTRICTS, ADOPTS A NEW FLOOD PLAIN DISTRICT MAP FOR THE CITY, ESTABLISHES FLOOD PLAIN MANAGEMENT REGULATIONS INCLUDING RESTRICTIONS, PROHIBITIONS, CONDITIONS, VARIANCES, WAIVERS AND PROCEDURES FOR BUILDING IN FLOOD PLAIN DISTRICTS IN ACCORDANCE WITH FEDERAL REGULATIONS, PROVIDES FOR REVIEW OF PROPOSED LAND DEVELOPMENT AND BUILDING IN FLOOD PLAIN DISTRICTS BY THE DIRECTOR OF TRANSPORTATION AND ENVIRONMENTAL SERVICES, PROHIBITS TRAILER CAMPS, MOBILE HOMES AND INSTALLATIONS OF SEPTIC TANK SYSTEMS IN FLOOD PLAIN DISTRICTS, SETS FORTH REGULATIONS AND REQUIRES NOTIFICATIONS FOR FLOOD PREVENTION PROJECTS AND PROVIDES FOR A TRANSITION PERIOD BETWEEN THE APPLICABILITY OF EXISTING REGULATIONS AND THE PROPOSED REGULATIONS.

WHEREAS, the Federal Insurance Administration of the United States Department of Housing and Urban Development promulgated regulations relating to the National Flood Insurance Program on October 26, 1976; and

WHEREAS, said regulations require local communities to adopt flood plain management regulations and a flood insurance rate map in accordance with the federal regulations to maintain eligibility for participation in the federal flood insurance program; and

WHEREAS, the Federal Insurance Administration notified the City of Alexandria that the city must adopt revised flood plain management regulations and a new flood insurance rate map to remain eligible for participation in the federal flood insurance program; and

WHEREAS, city officials have negotiated with officials of the Federal Insurance Administration concerning the text of the proposed ordinance and map; and

WHEREAS, city council is of the opinion that a new flood plain district ordinance is required for the city to retain eligibility in the federal flood insurance program and has determined that the existing flood plain district ordinance should be repealed and the proposed new ordinance should be adopted; and

WHEREAS, the planning commission has recommended approval of the proposed ordinance; now therefore

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Article IV-A, Chapter 42 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is repealed.

Section 2. That Chapter 42 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended by adding thereto new Article IV-B to read as follows:

Article IV-B. Flood Plain Districts.

Sec. 42-25.8. Flood plain districts.

There are hereby established flood plain districts throughout the City of Alexandria, Virginia, as shown on a map entitled "Flood Plain Districts Within the City of Alexandria, Virginia," dated May 24, 1977, signed by the mayor, the chairman of the planning commission and the director of transportation and environmental services, which map is on file in the offices of the director of transportation and environmental services and director of planning and community development, respectively. Said flood plain district map is hereby made a part of this article, 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. Any changes in said map are subject to approval by the Federal Insurance Administration of the United States Department of Housing and Urban Development prior to becoming effective and such approval shall be evidenced by notice in writing from the Federal Insurance Administrator or his authorized representative.

Any uncertainty on said map with respect to the boundary of any flood plain district, either A or B zone as hereinafter defined, shall be determined by the director of transportation and environmental services by scaling and computation from the map.

Sec. 42-25.9. Regulations required.

The flood plain management regulations in this article are adopted in compliance with flood plain management criteria set forth in regulations promulgated by the Federal Insurance Administration of the United States Department of Housing and Urban Development.

Should any uncertainty occur with respect to the definition of any word, term or phrase used in this article, the definitions adopted by the Department of Housing and Urban Development in Sec. 1909.1, Federal Register, Vol. 41, No. 207, promulgated on October 26, 1976, or any amendment, addition or supplement thereto, shall apply.

Sec. 42-25.10. Definitions.

For the purposes of this article the following terms and words are defined as follows:

a. "Residential buildings" shall be construed to mean single-family dwellings, two-family dwellings, row dwellings and multi-family dwellings containing not more than four dwelling units per building or their accessory buildings or structures. All other buildings or structures shall be deemed to be nonresidential.

b. "A Zones" shall refer to areas of one hundred year flood as shown on the flood plain district map adopted by section 42-25.8 of this article.

c. "B Zones" shall refer to the areas between limits of one hundred year flood and five hundred year flood, or areas of one hundred year shallow flooding where depths are less than one (1) foot, all as shown on the flood plain district map adopted by section 42-25.8 of this article.

Sec. 42-25.11. Flood proofing.

Wherever flood proofing is utilized within the scope of this article, such flood proofing shall be done by approved methods. A registered professional engineer or architect shall certify the adequacy of the flood proofing design to withstand the stresses of the base flood and such plan shall cite the elevation to which the structure is flood proofed. Designs meeting the requirements of the W1 and W2, without human intervention, technique as outlined in Flood Proofing Regulations of the Office of The Chief of Engineers, U.S. Army, June 1972, shall be deemed to comply with this requirement. The director of building and mechanical inspections shall maintain a file of such certifications.

Sec. 42-25.12. Director's review.

The director of transportation and environmental services shall review all site plans submitted pursuant to Chapter 30 of this Code, plats of subdivision submitted pursuant to Chapter 34 of this Code and applications for building permits to construct or make substantial improvements within any flood plain district. No such site plan, subdivision or building permit for property within any flood plain district shall be approved by any agency of the city without certification by the director of transportation and environmental services that any such site plan, subdivision or building permit meets the requirements of this article. The director shall insure that all other required permits from state or federal governmental agencies have been obtained.

Sec. 42-25.13. Prohibitions--Trailer camps, mobile homes and septic tank systems.

a. Trailer camps and mobile homes are not permitted in any flood plain district shown on the map adopted pursuant to section 42-25.8 of this article. For purposes of this section, "mobile home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities.

b. Installations of septic tank systems in any flood plain district shown on the map adopted pursuant to section 42-28.8 of this article are prohibited.

Sec. 42-25.14. Special regulations.

Within the boundaries of any A or B Zone in any flood plain district as shown on the map adopted pursuant to section 42-25.8 of this article, buildings or structures and their extensions and accessory buildings or structures may be constructed, provided:

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

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

c. Within any A or B Zone as shown on said map all new and replacement public utilities, water mains and sanitary sewers shall be designed to minimize or eliminate infiltration and exfiltration and to insure their structural integrity under flood conditions to the satisfaction of the director of transportation and environmental services.

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

e. 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, would increase the water surface elevation of the one hundred year flood more than 0.5 feet. Any person 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 transportation and environmental services prior to use.

f. Applicants for a building permit shall first submit to the department of building and mechanical inspection certification from a duly registered architect or engineer that the proposed construction (including prefabricated homes) meets the following requirements:

(1) That said construction is protected against flood damage;

(2) That said construction is designed (or modified) and anchored to prevent flotation, collapse or lateral movement of the building and structure;

(3) That said construction shall be built using materials and utility equipment that are resistant to flood damage;

(4) That said construction shall be built using methods and practices that will minimize flood damage; and

(5) That certification required in (f)(1) and (f)(2) of this subsection shall be based on the elevation of the one hundred year flood as noted on the map adopted in section 42-25.8.

g. It shall be a condition of the granting of any building permit for making substantial improvements to any existing nonresidential structure that together with attendant utility and sanitary facilities such existing structure shall have the lowest floor (including basement) elevated to or above the base flood level. Should this not be feasible, such existing structure shall be flood proofed in all areas below the base flood elevation to the classification designated by the director of transportation and environmental services.

h. It shall be a condition to the granting of any building permit for making substantial improvements to any existing residential structure that such existing structure shall have the lowest floor (including basement) elevated to or above the base flood level.

i. Substantial improvements, as used in this section, shall mean any improvement, alteration or repair made within a period of twelve months, costing in excess of 50% of current market value of the structure.

j. All other applicable provisions of law are complied with.

Sec. 42-25.15. Other conditions.

a. No filling of any kind shall be allowed within the boundaries of any flood plain district except where such filling, when considered in conjunction with all other uses existing and proposed, will not increase the water surface elevation of the one hundred 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 transportation and environmental services prior to making such fill.

b. No wall, fence or other outdoor obstruction shall be constructed in any flood plain district unless such structure is first approved by the director of transportation and environmental services. Notwithstanding this restriction, open mesh wire fences of not less than No. 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.

c. The provisions of this article shall not be construed to prevent the remodeling, maintenance or flood proofing of buildings and structures now existing. The provisions of this article shall also

not be construed to prevent the surfacing or resurfacing of existing streets or parking lots within two inches of the existing grade.

Sec. 42-25.16. Flood prevention projects.

Nothing in section 42-25.11 through section 42-25.15 of this article 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:

a. The improvement is in accord with the city flood improvement plan for the district involved, and the director of transportation and environmental services of the city has issued a certificate to that effect.

b. The improvement is under the general supervision of the director of transportation and environmental services.

c. The 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 one hundred year flood, unless such relocation or realignment is designed to contain the one hundred year flood within its banks.

Sec. 42-25.17. Same--Notification of other jurisdictions.

The director of transportation and environmental services shall, for any flood prevention project undertaken or approved after June 1, 1977, involving the alteration or relocation of a watercourse, notify the Federal Insurance Administrator of the United States Department of Housing and Urban Development and the counties of Arlington and Fairfax of such plan at least fifteen (15) days prior to commencing work. The director shall assure that the flood-carrying capacity within any such altered or relocated watercourse is maintained.

Sec. 42-25.18. Variance or waiver.

The city council may, for good and sufficient cause shown, permit less than full compliance with or waive the provisions of section 42-25.11 through section 42-25.15 inclusive, provided:

a. Written application is made stating the hardship which will accrue if the variance or waiver is not granted.

b. A public hearing is held.

c. The decision is made by a majority vote of the entire membership of city council upon a finding that the variance is the minimum necessary, considering the flood hazard, to afford relief.

d. The director of transportation and environmental services 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 and will not increase the water surface elevation of the one hundred year flood more than 0.5 feet.

e. The city manager shall notify the applicant in writing that the issuance of a variance to construct a structure below the base flood level will result in increased insurance premium rates for flood insurance and such construction increases risks to life and property.

f. The director of transportation and environmental services shall maintain a record of all variance or waiver actions including justification for their issuance. Such information shall be reported to the Federal Insurance Administration of the United States Department of Housing and Urban Development in the city manager's annual report.

Sec. 42-25.19. Annual report.

It shall be the responsibility of the city manager to submit an annual report on a form provided by the federal government to the Federal Insurance Administration of the United States Department of Housing and Urban Development, the clearing house established by the United States Office of Management and Budget Circular No. A-95 and the Virginia State Water Control Board.

Sec. 42-25.20. Applicability as to transition period construction, etc., generally.

Notwithstanding the provisions of section 42-25.11 through section 42-25.15 inclusive:

a. 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 May 24, 1977, which permit has not expired, may be completed without the necessity of complying with section 42-25.11 through section 42-25.15 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.

b. All preliminary site plans which have been duly and regularly approved on or before May 24, 1977, and which have not expired, may be completed without the necessity of complying with section 42-25.11 through section 42-25.15 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.

c. All final site plans which have been duly and regularly approved and released on or before May 24, 1977, and which have not expired may be completed without the necessity of complying with section 42-25.11 through section 42-25.15 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.

d. Any subdivision of land for which an approved preliminary plat of subdivision has been duly and regularly approved on or before May 24, 1977, which plat has not expired, may be completed without the necessity of complying with section 42-25.11 through section 42-25.15 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.

e. Any subdivision of land for which an approved final plat of subdivision has been duly and regularly approved and released on or before May 24, 1977, 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 42-25.11 through section 42-25.15 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 3. That the title of and an informal memorandum explaining 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 city clerk shall have the full text of this ordinance printed in sufficient numbers to supply copies to meet request. The city clerk 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.

FRANK E. MANN  
Mayor

FINAL PASSAGE: May 24, 1977