



COUNTY OF PRINCE WILLIAM

5 County Complex Court, Prince William, Virginia 22192-9201
MAIN (703) 792-7615 FAX (703) 792-4758

www.pwcgov.org/Planning

PLANNING
OFFICE

Christopher M. Price, AICP
Director of Planning

April 24, 2015

TO: Planning Commission

FROM: Nick Evers
Zoning Administrator

RE: Zoning Text Amendment #DPA2015-20013, Flood Hazard Overlay District -
Countywide

I. Background is as follows:

- A. Purpose of the Zoning Ordinance – Section 15.2-2283 of the Code of Virginia states that zoning ordinances shall be for the general purpose of promoting the health, safety, or general welfare of the public.
- B. Purpose of Amendment – The proposed amendment is necessary to implement the Federal Emergency Management Administration (FEMA) regulations pertaining to riverine and coastal flood management and meet the requirements of the National Flood Insurance Program. FEMA recently updated the Flood Insurance Study and Flood Insurance Rate Map (FIRM) for the County. In order to coordinate with the updated study and map, the County needs to amend its floodplain management standards as reflected in the Design and Construction Standards Manual (DCSM) and Flood Hazard Overlay District regulations (Part 501) of the Zoning Ordinance. This amendment to the Zoning Ordinance references changes to Part 730 – Floodplain Management of the DCSM which contain regulations mandated by FEMA. The Amendment is also intended to address the new Coastal Flood Zone District, incorporate updated definitions, regulate the platting of lots within the one hundred year floodplain, and clarify waivers and variances. There is a companion DCSM amendment #DPA2015-20012, Floodplain Management, which seeks to amend provisions of the DCSM in relation to the floodplain regulations. Part 501, the Flood Hazard Overlay District, will officially adopt the Flood Insurance Rate Map (FIRM) dated August 3, 2015 for the County. In order to accommodate that date for the publication of the FIRM, the zoning text amendment and amendment to the DCSM must be adopted by the Board of County Supervisors by August 3, 2015.
- C. Proposed Remedy – The proposed text amendment establishes consistency of the terms, definitions, regulations, and standards applicable to floodplain

management regulations in the Zoning Ordinance and DCSM and updates those standards in conformance with FEMA requirements,

II. Current Situation is as follows:

- A. Application of Current Language –The Flood Hazard Overlay District (Part 501) provides for regulations pertaining to land disturbance activity in areas that are susceptible to flooding under FEMA standards. The Overlay District refers to, and applies, the requirements for floodplain management as established in Section 730 of the DCSM. The current language contains definitions that do not comply with current FEMA definitions associated with floodplain management, does not reference the new Coastal Flood Zone District, does not reference the platting of lots within the 100 year floodplain, reference severability from other portions of the ordinance, or require notification to affected adjacent jurisdictions and other state and federal agencies. The proposed ordinance language also further clarifies the responsibilities of the Floodplain Administrator and the variance process.

Provision	Existing	Proposed
Statutory Authority	Not provided	Reference VA Code
Purpose	Finding of fact re: impacts of flooding	Identify purpose of establishing Overlay District
Definitions	Includes definitions that are also established in the DCSM	Remove definitions of terms that are not used in Part 501 but are included in Sec. 730 of the DCSM
Floodplain Administrator	Not designated	Designates Director of Public Works who functions as assistant zoning administrator for purposes of flood hazard overlay district only
Areas of Applicability	Describes areas included in definition/application of flood hazard overlay district.	Adds coastal flood zone district as applicable area.
Severability	Not included	Add severability to separate sections that may be declared invalid from remainder of ordinance.
Effects of Overlay District Map	References designated areas provided in definition section and outlines process for revising delineation.	Adds clarification as to which requirements are applicable in case of conflict and establishes severability between overlay and underlying districts.
Platting of Lots within Floodplain	Does not address.	Includes current DCSM standards for platting of lots within 100 year floodplain.
Variances	Identifies the parameters for issuing variances through the Board of Zoning Appeals	Adds notification requirements to the Applicant and reporting requirements to FEMA
Alteration of Watercourse	Provides for approval from state or federal agencies prior to alteration	Describes the specific agencies from which a permit is to be obtained and requires notification to adjacent jurisdictions.

- B. Zoning Text Amendment Initiated – On October 7, 2014, the Board of County Supervisors initiated through Res. No. 14-618 a Zoning Text Amendment to update the flood insurance rate map for coastal areas and related amendments to the Zoning Ordinance and DCSM. See Attachment B – BOCS Initiating Resolution.
- C. Community Input – A public open house was held on May 15, 2014 during which representatives from FEMA and the Virginia Department of Conservation and Recreation (DCR) were available to answer questions from property owners. Approximately 30 property owners attended and FEMA received no appeals during the allotted appeal period.
- C. Zoning and Development Review Advisory Committee – The County staff met with the Development Ordinance Review Advisory Committee and the Committee's recommendations have been incorporated into the proposal.
- D. Planning Office Recommendation – The Planning Office recommends approval of Zoning Text Amendment #DPA2015-20013, Flood Hazard Overlay District, as proposed in Attachment A.
- E. Planning Commission Public Hearing – A public hearing before the Planning Commission has been advertised for May 6, 2015.

III. Issues in order of importance are:

- A. Policy – Does the amendment further the purposes of the Zoning Ordinance?
- B. Community Input – Have members of the community raised any issues?
- C. Legal – Are there any legal implications associated with this zoning text amendment?
- D. Timing – What are the timing considerations of the zoning text amendment?

IV. Alternatives beginning with the staff recommendation are as follows:

- A. Recommend Adoption of Zoning Text Amendment #DPA2015-20013, Flood Hazard Overlay District Facilities, to the Prince William County Zoning Ordinance.
 - 1. Policy – The proposed text will further the purpose of the Zoning Ordinance and facilitate the implementation of FEMA regulations.
 - 2. Community Input – The Planning Office has not received any comments from the community as of the date of this staff report.

3. Legal – The adoption of the zoning text amendment will incorporate the proposed restrictions and requirements into the Zoning Ordinance, which is enforceable by the County. Legal issues resulting from Planning Commission action would be appropriately addressed by the County Attorney’s Office.
 4. Timing – The County has until August 3, 2015 to adopt the amended Flood Hazard Overlay District ordinance and companion Floodplain Management section of the DCSM or be subjected to the risk of being suspended from the National Flood Insurance Program.
- B. Do Not Recommend Adoption of Zoning Text Amendment #DPA2015-20013, Flood Hazard Overlay District Facilities, to the Prince William County Zoning Ordinance.
1. Policy – The County will not be able to adopt the current FEMA standards, including Coastal Zone regulations, subjecting the County to National Flood Insurance Program risks.
 2. Community Input – The Planning Office has not received any comments from the community as of the date of this staff report.
 3. Legal – Legal issues resulting from Planning Commission action would be appropriately addressed by the County Attorney’s Office.
 4. Timing – The County has until August 3, 2015 to adopt the amended Flood Hazard Overlay District ordinance and companion Floodplain Management section of the DCSM or be subjected to the risk of being suspended from the National Flood Insurance Program..
- V. Recommendation is that the Planning Commission concurs with Alternative A and recommends adoption of Zoning Text Amendment #DPA2015-20013, Flood Hazard Overlay District Facilities.

Staff: Nick Evers, 703-792-6861

Attachments:

- A. Proposed Text Amendment
- B. BOCS Initiating Resolution

Attachment A – Proposed Text Amendment

PART 501. - FLOOD HAZARD OVERLAY DISTRICT

Sec. 32-501.01. – Findings Authorization and Purpose.

The Board of County Supervisors has made the following findings and fact:

~~1. That the flood hazard areas of the county are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce, and other governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base.~~

1. Authority. This ordinance is adopted pursuant to the authority granted to the county by Virginia Code § 15.2 – 2200 et seq.

~~2. That all of the above factors adversely affect the public health, safety and general welfare, and that suitable regulations pertaining to land disturbing activity in such areas should be adopted as an overlay zone, in addition to such zoning regulations as may be applicable to the underlying zoning district.~~

2. Purpose. The Board of County Supervisors has made the following findings of fact:

a) That the flood hazard areas of the County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce, and other governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base in order to:

(1) regulate 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) restrict or prohibit certain uses, activities, and development from locating within districts subject to flooding;

(3) require all those uses, activities, and developments that do occur in flood hazard overlay districts to be protected and/or flood-proofed against flooding and flood damage; and,

(4) protect individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

b) That all of the above factors adversely affect the public health, safety, and general welfare, and that suitable regulations pertaining to land disturbing activity in such areas should be adopted as an overlay zone, in addition to such zoning regulations as may be applicable to the underlying zoning district.

Attachment A – Proposed Text Amendment

Sec.32-501.02. - Definitions.

For the purposes of this Part 501, the following words and phrases shall have the meanings respectively ascribed to them by this section; provided that unless specifically defined below, words and phrases used in this section shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this section its most reasonable application: A more comprehensive set of definitions are contained in Section 730.02 of the Design and Construction Standards Manual.

~~1. Channel. A natural or artificial watercourse of perceptible extent, with a definite bed and banks to confine and conduct continuously or periodically flowing water. "Channel flow," thus, is that water which is flowing within the limits of the defined channel~~

~~1. A Zone. An area for which no detailed flood profiles or elevations are provided, but the one percent annual chance floodplain boundary has been approximated.~~

1.

~~1.2. Development. Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.~~

~~3. 2. AE Zone - An area inundated by the one percent annual chance flooding, for which base flood elevations have been determined.~~

~~3. Flood means a general and temporary condition of partial or complete inundation of normally dry land areas from:~~

~~(a) The unusual and rapid accumulation of runoff of surface waters.~~

~~(b) A temporary rise in stream flow or stage that results in water overtopping its banks and inundating areas adjacent to the channel.~~

~~3. Base Flood. The flood having a one percent chance of being equaled or exceeded in any given year.~~

~~4. Floodplain. Any land area that would be inundated by floodwater as a result of the regulatory flood.~~

~~4. Coastal A Zone. Flood hazard areas, as defined by the VA-USBC that have been delineated as subject to wave heights between 1.5 feet and 3 feet.~~

Attachment A – Proposed Text Amendment

~~5. *Floodway.* The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.~~

5. Flood or flooding means (a) A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. the overflow of inland or tidal waters;

2. the unusual ~~and rapid~~ accumulation or runoff of surface waters from any source; or

3. mudflows which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

4. (b). The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents or water exceeding anticipated cyclical levels of or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

~~6. *Floodfringe* means that portion of the 100-year floodplain outside the floodway.~~

6. *Flood Insurance Rate Map (FIRM).* An official map of Prince William County, on which the Federal Emergency Management has delineated both the special hazard areas and the risk premium zones applicable to Prince William County adopted by the Board of County Supervisors, with an effective date of ~~January 5, 1995~~ and revised August 3, 2015. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

~~7. *Flood hazard area.* Any normally dry area that is susceptible to being inundated by water. The flood hazard areas include, but are not limited to, lands subject to the 100-year flood and shall include both floodway and floodway fringe.~~

7. *Flood Insurance Study (FIS)* means a report by FEMA that examines, evaluates, and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudflow and/or flood-related erosion hazards, adopted by the Board of County Supervisors, with an effective date of August 3, 2015.

Attachment A – Proposed Text Amendment

- ~~8. *Flood profile.* A graph or a longitudinal profile showing the relationship of the water surface elevation of a flood event to locations along a stream or river.~~
8. *Floodplain or flood-prone area.* Any land area that would be inundated by floodwater as a result of the base flood. The limits of the floodplain shall be established in accordance with the Design and Construction Standards Manual. See also section 32-504.04.
9. *Floodproofing.* A combination of structural provisions, and non-structural additions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages to properties which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents of buildings.
10. ~~(5) *Floodway.*—~~The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height of one foot per FEMA study streams.
- ~~10. *Obstruction.* Any wall, dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or regulatory flood hazard area, which may impede, retard or change the direction of the flow of water, wither in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.~~
11. ~~(6) *Floodway fringe* means that portion of the 100-year floodplain outside the floodway.~~
- ~~11. *Base Regulatory/100 year flood.* A flood that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a one percent chance of occurring each year, although the flood may occur in any year). (No. 95-10, 01-17-95)~~
12. *Floodway District.* Includes all areas delineated as floodways in the flood insurance study and shown on the accompanying Flood Insurance Rate Map and all floodways delineated from studies.

Sec. 32-501.03 Areas of Applicability- Designation of the Floodplain Administrator.

~~1. The various flood hazard overlay districts shall include areas subject to inundation by the waters of the 100 year flood. The basis for the delineation of these districts shall be:~~

1. The Director of Public Works is designated and shall serve as the floodplain administrator, shall enforce the requirements of the flood hazard overlay district ordinance, and shall perform the duties and responsibilities as set forth in Section 730 of the design and construction standards manual. For purposes of the flood hazard overlay district ordinance only, the director of public works is designated and shall serve as a deputy zoning administrator, and shall have all authority necessary for the enforcement of the requirements

Attachment A – Proposed Text Amendment

of the flood hazard overlay district ordinance and the applicable provisions of the Design and Construction Standards Manual. Duties and responsibilities of the Floodplain Administrator are described in section 730 of the Design Construction Standards Manual.

Sec. 32-501.04 Effect of Flood Hazard Overlay District. Areas of Applicability.

~~1. Designation of land included in the flood hazard overlay district is made by text, as provided in section 32-501.03. The maps and studies referred to in section 32-501.03 should be consulted prior to undertaking any regulated activity (collectively, the flood hazard overlay district map).~~

1. These flood provisions shall apply to all privately and publicly owned lands within the jurisdiction of the County and identified as areas of special flood hazard according to the FIRM that is provided to by FEMA. The various flood hazard overlay districts shall include areas subject to inundation by the waters of the 100-year flood. The basis for the delineation of these districts shall be:

(a) The Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) for Prince William County, prepared by the Federal Emergency Management Agency, Federal Insurance Administration dated January 5, 1995, and Coastal Study dated as revised on August 3, 2015, and any subsequent revisions or amendments thereto.

(b) Engineering studies by the U.S. Army Corps of Engineers, the U.S. Soil Conservation Service, other County, state and federal agencies.

(c) Floodplain studies conducted by professional engineers or surveyors in accordance with the provisions of section 700 of the design and construction standards manual which have been approved by the Department of Public Works.

~~2. The delineation of any floodplain districts may be revised by Prince William County 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 Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.~~

2. Areas comprising the flood hazard overlay district shall be in one of the following subdistricts.

(a) Floodway District. The Floodway District includes all areas delineated as floodways in the above-referenced Flood Insurance Study and shown on the accompanying Flood Boundary and Floodway Map or Flood Insurance Rate Map and all floodways delineated from studies required by section 700 of the Design and Construction Standards Manual.

(b) Floodway Fringe District. The floodway fringe district shall include that area of the 100-year floodplain established in the flood insurance study which is not

Attachment A – Proposed Text Amendment

included in the floodway district and the 100-year floodplain area established in accordance with section ~~32-501.03.1~~ 32-501.04.1(b) and (c) ~~above~~ which are not included in the floodway district.

(c) *Approximated Floodplain District.* The Approximated Floodplain District shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a 100-year floodplain boundary has been approximated. Areas shown as zone A on the maps accompanying the Flood Insurance Study and identified in paragraph (a) above, and minor floodplain areas determined in accordance with section 700 of the Design and Construction Standards Manual shall be part of the Approximated Floodplain District. (No. 95-10, 1-17-95) **(From Section 501.03, Areas of Applicability.)**

(d) *Coastal High Hazard District.* The coastal high hazard flood zone district delineated as Zone VE in the Flood Insurance Study and shown on the Flood Insurance Rate Map.

(e) *Non-Tidal Flood Zone District (Zone AE without floodway).* The riverine flood zone district delineated as Zone AE without floodway in the Flood Insurance Study and shown on the Flood Insurance Rate Map.

(f) *Tidal Flood Zone District.* The flood zone along tidally influenced watercourses, located just landward, and adjacent to VE Zones, delineated as Zone AE in the Flood Insurance Study and shown on the Flood Insurance Rate Map.

Sec. 32-501.05. – ~~Boundary Disputes.~~ Effects of Flood Hazard Overlay District Map.

~~Should a dispute concerning any flood hazard district boundary arise, resolution of such dispute shall be made by the Zoning Administrator, based upon advice from of the Director of Public Works. The Floodplain Administrator. Any party aggrieved by this decision may request an interpretation by the board of zoning appeals as specified in Part 900 of this chapter. (No. 95-10, 1-17-95)~~

1. *Designation of land included in the flood hazard overlay district is made by text, as provided in section ~~32-501.03~~ 32-501.04. The maps and studies referred to in section ~~32-501.03~~ 32-501.04 should be consulted prior to undertaking any regulated activity (collectively, the flood hazard overlay district map).*

2. *The delineation of any floodplain districts may be revised by Prince William County 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 Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration-FEMA.*

~~e)~~ **(Previously in Sec. 32-501.04, Effect of Flood Hazard Overlay District)**

3. *The flood hazard district overlay ordinance is not intended to repeal or abrogate any other County ordinance, including, but not limited to, provisions of the underlying zoning district. If there is any conflict between the flood hazard overlay district ordinance and any*

Attachment A – Proposed Text Amendment

underlying zoning district, the more restrictive provision shall apply. In the event that any provision of the flood hazard overlay district ordinance is declared invalid, unenforceable, or inapplicable to a particular property(ies) as a result of any legislative, administrative, or judicial action or decision, all applicable underlying zoning district provisions shall remain in full force and effect.

Sec. 32-501.06. —~~Use Regulations.~~ Boundary Disputes.

~~1. A flood hazard use permit shall be required for all development (as defined herein) in the flood hazard district.~~

- .
- .
- .
- .

Should a dispute concerning any flood hazard district boundary arise, resolution of such dispute shall be made by the Zoning Administrator, based upon advice from of the ~~Director of Public Works.~~ The Floodplain Administrator. Any party aggrieved by this decision may request an interpretation by the board of zoning appeals as specified in Part 900 of this chapter. (No. 95-10, 1-17-95) (Previously in Sec. 32-501.05, Boundary Disputes)

Sec. 32-501.07 - ~~Other Regulations~~ Permit Requirements.

~~This section shall be administered and plans and profiles reviewed in accordance with the specific provisions there established by the Board of County Supervisors as set forth in the duly adopted Design Construction Standards Manual. (No. 95 10, 1 17 95)~~

All uses, activities, and development occurring within any floodplain district, including placement of manufactured homes, shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with this flood hazard overlay district ordinance and with all other applicable codes and ordinances, including, but not limited to, the Virginia Uniform Statewide Building Code (USBC) and county code chapter 25. Prior to the issuance of any such permit, the Floodplain Administrator shall require all applications to include compliance with all applicable federal, state, and county laws, codes, ordinances, regulations, and requirements, and shall review all sites to assure they are reasonably safe from flooding. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system. The Floodplain Administrator shall forward his recommendations regarding the application to the Zoning Administrator prior to the issuance of any zoning permit for uses, activities, or development within any floodplain district.

Attachment A – Proposed Text Amendment

Sec. 32-501.08. - Non-conforming uses, structures, and ~~lots.~~ Platting lots. Platting lots within the one hundred–100-year floodplain.

~~1. A structure, or the use of a structure or premises, which lawfully existed before September 23, 1975, or the date of adoption of an applicable amendment to this Part 501, may be continued only in accordance with the provisions of sections 32-601, et seq., and section 700 of the design and construction standards manual.~~

1. Residential lots in zoning districts where the required lot area is 10,000 square feet or less shall not be platted within the 100-year floodplain as established in accordance with this section. This includes lots with no minimum area requirements.

~~2. Residentially zoned unimproved lots of record that are nonconforming with respect to the flood hazard provisions may be developed provided that they meet all other zoning requirements and building codes for construction within a flood area.~~

2. In all other residential zoning districts (other than those listed in subsection 1. of this section), lots may be platted within the 100-year floodplain provided that all primary and accessory structures and onsite sewage disposal systems, including septic tanks and drainfields, are located outside of the floodplain and:

(a) For lots where the minimum lot area is five acres or less; the minimum lot area required by the zoning district or one acre, whichever is less, shall be located outside the limits of the 100-year floodplain; or

(b). For lots where the minimum required area is greater than five acres, a minimum of two acres shall be located outside the limits of the 100-year floodplain.

Sec. 32-501.09. - Review by the Director of Planning Use Regulations; Generally.

~~1. The planning director shall not approve any site plan, except for permitted uses or activities set forth by section 32-501.06.2 of this chapter, for uses in a floodway area. The director may approve a site plan for any use or activity within the flood fringe area, otherwise permitted in the underlying zoning district, where applicable county ordinances and policies are complied with and where the standards and criteria of the design and construction standards manual are met.~~

1. A flood hazard use permit shall be required for all development (as defined herein) in the flood hazard district. (Previously in Section 32-501.06.01, Use Regulations)

~~2. The burden shall be upon the applicant to establish that the proposal falls within the flood fringe area, and to establish that the proposal meets all county flood hazard policies, ordinances and the standards and criteria of the design and construction standards manual.~~

Attachment A – Proposed Text Amendment

~~2. 2.~~ Permitted uses and activities. The following uses and activities and other uses determined by the ~~Director of Public Works~~ Floodplain Administrator to pose equal or less risk of impairing floodflows, and uses excepted in accordance with subsection 3. ~~Below of this section, where otherwise permitted in the underlying zoning district, having a low flood damage potential and causing no obstruction of flood flows shall be permitted within the floodway fringe to the extent that they are not prohibited by any other provision of this chapter or other ordinance, and provided they do not require the erection or construction of any structure or fences (except two (2) wire fences as identified in section 700 of the Design and Construction Standards Manual; or other fences required to be erected around stormwater management facilities), fill or the storage of materials or equipment and provided further that no use shall adversely affect the water carrying capacity of the channels or floodways of any tributary to the main stream, drainage ditch, or any other drainage facility or system:~~

(a) ~~Agricultural uses and activities, such as farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wildcrop harvesting.~~

(b) ~~Industrial-commercial uses and activities, such as surface parking and loading areas.~~

(c) ~~Private and public recreational uses and activities such as baseball or softball fields, golf courses, tennis courts, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and hiking and horseback riding trails.~~

(d) ~~Residential uses, such as lawns, gardens, surface parking areas, and play areas.~~

(e) ~~Roads, culverts, cable, electrical, sewer; water and storm drainage lines, and other utility lines, if otherwise permitted.~~

~~3. Unless waived by the director of public works in accordance with the requirements of the design and construction standards manual, the limits of the 100-year floodplain shall be depicted upon a plat for any property for which a site plan is required by Part 800 of this chapter or subdivision plat by [Chapter 25](#), and such plat shall be recorded among the land records with the notation that any use of the property lying within the 100-year floodplain shall be consistent with the requirements of Part [501](#) of this chapter. (No. 95-10, 1-17-95)~~

3. ~~Other uses and activities generally prohibited. All uses other than those specified in subsection 2 of this section, otherwise permitted in the underlying zoning district, shall be prohibited unless an exception is allowed. Exceptions are allowed only after the applicable development standards have been waived by the ~~director of public works~~ Floodplain Administrator ~~Director of Public Works~~ in accordance with section 700 of the design and construction standards manual and~~

Attachment A – Proposed Text Amendment

the requirements of section 731.04 of the Design and Construction Standards Manual have been met.
(Previously in Sec. 32-501.06, Use Regulations)

Sec. 32-501.10. - Other regulations. ~~Application and Approval.~~

~~1. The application to the Planning Office shall conform with the requirements established in the design and construction standards manual for any subject or activity which lies wholly or partially within the flood hazard district.~~

1. This section shall be administered and plans and profiles reviewed in accordance with the specific provisions therefor established by the board of county supervisors as set forth in the duly adopted Design and Construction Standards Manual.
(Previously in Section 32-501.07, Other Regulations.)

~~2. Any person aggrieved by a decision of an administrative officer in the administration of the provisions of the flood hazard district may appeal as provided in Part 900 of this chapter.~~

2. No waiver shall be issued for any National Flood Insurance Program minimum standard(s), as determined by the Floodplain Administrator.

Sec. 32-501.11. Non-conforming uses, structures, and lots. ~~Variances.~~

~~Application for and review of variances shall be in accordance with Part 900 of this chapter. The board of zoning appeals may refer any application and accompanying documentation pertaining to any request for a variance to any provision of Part 501 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.~~

- ~~.~~
- ~~.~~
- ~~.~~
- ~~.~~
- ~~.~~
- ~~.~~

1. A structure, or the use of a structure or premises, which lawfully existed before September 23, 1975, or the date of adoption of an applicable amendment to this Part 501, may be continued only in accordance with the provisions of sections 32-601, *et seq.*, and section 700 of the Design and Construction Standards Manual.

2. Residentially zoned unimproved lots of record that are nonconforming with respect to the flood hazard provisions may be developed provided that they meet all other zoning requirements and building codes for construction within a flood area. (Previously in Section 32-501.08, Non-Conforming uses, structures, and lots.)

Attachment A – Proposed Text Amendment

Sec. 32-501.12. - Review of site plan. Alteration of Waterecourse: Notice to Appropriate Agencies.

In the event that any proposed land disturbing activity will involve alteration or relocation of any channels or floodways of any waterecourse, in accordance with section 32-501.07, approval therefore shall be obtained from the State or federal agencies, before any land disturbing activity shall be permitted. (No. 95-10, 1-17-95)

1. The Planning Director shall not approve any site plan — A site plan may not be approved except for permitted uses or activities set forth by section 32-501.06.2 32-501.08.2 of this chapter, for uses in a floodway area. A site plan may be approved for any use or activity within the floodway fringe area, otherwise permitted in the underlying zoning district, where applicable county ordinances and policies are complied with and where the standards and criteria of the design and construction standards manual are met.

2. The burden shall be upon the applicant to establish that the proposal falls within the floodway fringe area, and to establish that the proposal meets all County flood hazard policies, ordinances, and the standards and criteria of the Design and Construction Standards Manual.

Unless waived by the director of public works Floodplain Administrator in accordance with the requirements of the Design and Construction Standards Manual the limits of the 100-year floodplain shall be depicted upon a plat for any property for which a site plan is required by Part 800 of this chapter or subdivision plat by Chapter 25, and such plat shall be recorded among the land records with the notation that any use of the property lying within the 100-year floodplain shall be consistent with the requirements of Part 501 of this chapter. (Previously in Section 32-501.09, Review of the Director of Planning, Public Works)

Sec. 32-501.13. - Application and Approval.

1. The application to the Planning Office Department of Development Services or Public Works shall conform with the requirements established in the Design and Construction Standards Manual for any subject or activity which lies wholly or partially within the flood hazard district.

2. — Any person aggrieved by a decision of an administrative officer the Floodplain Administrator in the administration of the provisions of the flood hazard district may appeal as provided in Part 900 of this chapter. (Previously in Section 501.10, Application & Approvals)

Attachment A – Proposed Text Amendment

2. _____

Sec. 32-501.14. - Variances.

1. Application for and review of variances shall be in accordance with Part 900 of this chapter. The board of zoning appeals may refer any application and accompanying documentation pertaining to any request for a variance to any provision of Part 501 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. (Previously in Section 32-501.11) Variances shall be processed through the Zoning Administrator after review and comment by the Floodplain Administrator.

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

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

4. In passing upon applications for variances, the Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in other sections of the Zoning Ordinance and consider the following additional factors:

(a) The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any Floodway District that will cause any increase in the one percent (1%) chance flood elevation.

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

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

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

(e) The importance of the services provided by the proposed facility to the community.

Attachment A – Proposed Text Amendment

- (f) The requirements of the facility for a waterfront location.
- (g) The availability of alternative locations not subject to flooding for the proposed use.
- (h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- (i) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- (j) The safety of access by ordinary and emergency vehicles to the property in time of flood.
- (k) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- (l) The historic nature of a structure. Variances for repair or rehabilitation of historic structures may be granted upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (m) Such other factors which are relevant to the purposes of this ordinance.

5. 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.

6. Variances shall be issued only after the Board of Zoning Appeals has determined that the granting of such will not result in a (a) unacceptable or prohibited increase 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. — notifies the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the one percent chance flood elevation (a) increases the risks to life and property, and (b) will result in increased premium rates for flood insurance. A record shall be maintained of the notification as well as all variance actions, including justification for the issuance of the variances.

~~———— Variances shall be issued only after the Board of Zoning Appeals has determined that the variance will be the minimum required to provide relief from any hardship to the applicant.~~

Attachment A – Proposed Text Amendment

7. Any variance that is issued by the Board of Zoning Appeals shall be noted in the annual or biennial report submitted by the county to the Federal Insurance Administrator.

Sec. 32-501.15. Alteration of Watercourse; Notice to Appropriate Agencies.

In the event that any proposed land disturbing activity will involve alteration or relocation of any channels or floodways of any watercourse, in accordance with section 32-501.07, approval therefore shall be obtained from the State or federal agencies, before any land disturbing activity shall be permitted.

(Previously in Section 32-501.12, Alteration of Watercourse; Notice to Appropriate Agencies.)

Prior to any proposed alteration or relocation of any channels or of any watercourse, within the jurisdiction of the county, a permit shall be obtained from the U.S. Army Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, in riverine areas, the applicant shall notify all affected adjacent jurisdictions, the Virginia Department of Conservation and Recreation (Department of Dam Safety and Floodplain Management), FEMA, and any other required federal and state department(s) and agency(ies) of the application. (No. 95-10, 1-17-95)

Sec. 32-501.16. – Severability.

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

Attachment B – BOCS Initiating Resolution

MOTION: MAY

**October 7, 2014
Regular Meeting
Res. No. 14-618**

SECOND: PRINCIPI

**RE: INITIATE A FLOOD INSURANCE RATE MAP UPDATE FOR
COASTAL AREAS AND RELATED AMENDMENTS TO THE ZONING
ORDINANCE AND THE DESIGN AND CONSTRUCTION STANDARDS
MANUAL – COUNTYWIDE**

ACTION: APPROVED

WHEREAS, in accordance with Section 15.2-2285 of the Code of Virginia, Ann., the Board of County Supervisors may amend the Zoning Ordinance whenever it determines that public necessity, health, safety, convenience, general welfare and good zoning practice necessitate such change; and

WHEREAS, the Prince William County Design and Construction Standards Manual (DCSM) was adopted to assist the public in knowing the policies, regulations and standards that apply to land development in the County; and

WHEREAS, the Federal Emergency Management Agency (FEMA) has updated the Flood Insurance Rate Maps for Prince William County with additional coastal flood hazard information; and

WHEREAS, the map updates are proposed only for the coastal areas to account for the storm surges and wave actions that affect regulatory flood zone designations and flood elevations; and

WHEREAS, FEMA has established a new flood zone designation applicable to the coastal portions of Prince William County; and

WHEREAS, the new flood zone designation contains additional standards that must be incorporated into the County's floodplain management regulations; and

WHEREAS, the County has been directed by the Virginia Department of Conservation and Recreation and FEMA to amend its local ordinances by early 2015 to ensure its compliance with the National Flood Insurance Program's floodplain regulations; and

WHEREAS, the regulatory changes are required in the DCSM, as well as in the Zoning Ordinance; and

WHEREAS, amending the Zoning Ordinance and the DCSM for the above-referenced issue is required by public necessity, convenience, general welfare and good zoning practice, and is consistent with the intent of Section 15.2-2283 of the Code of Virginia, Ann., and the DCSM; and

Attachment B – BOCS Initiating Resolution

October 7, 2014
Regular Meeting
Res. No. 14-618
Page Two

WHEREAS, the Prince William Board of County Supervisors believes that public general welfare as well as good zoning practices are served by the initiation of these amendments to the Zoning Ordinance and DCSM;

NOW, THEREFORE, BE IT RESOLVED that the Prince William Board of County Supervisors does hereby initiate a Flood Insurance Rate Map update for coastal areas and related amendments to the Zoning Ordinance and the Design and Construction Standards Manual.

Votes:

Ayes: Caddigan, Candland, Jenkins, May, Nohe, Principi, Stewart

Nays: None

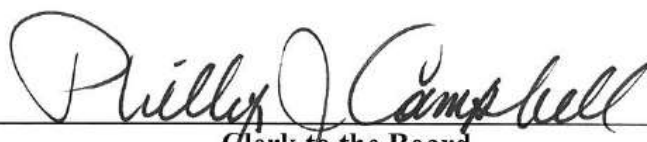
Absent from Vote: None

Absent from Meeting: None

For Information:

Public Works Director
Development Services Director
Planning Director
County Attorney

ATTEST: _____


Clerk to the Board