

Article V, Part 501 Table of Changes

Zoning Ordinance Section

PART 501. FLOOD HAZARD OVERLAY DISTRICT*

[fn * Editor's note--Ordinance No. 95-10, adopted Jan. 17, 1995, amended this part to read as herein set out. Formerly, Part 501 consisted of §§ 32-501.01--32-501.12, which pertained to the flood hazard overlay district and derived from No. 92-59, adopted June 16, 1992; No. 92-72, adopted July 21, 1992; and No. 94-67, Oct. 4, 1994.]

Sec. 32-501.01. Findings.

The board of county supervisors has made the following findings of 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.

(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. (No. 95-10, 1-17-95)

Sec. 32-501.03. 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:

(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.

(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) *Flood*. 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.

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

(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.

(6) *Flood fringe*. That portion of the 100-year floodplain outside the floodway.

(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 flood fringe.

(8) *Flood profile*. A graph or a longitudinal profile showing the relationship of the water surface

Zoning Ordinance Section

elevation of a flood event to locations along a stream or river.

(9) *Floodproofing.* A combination of structural provisions, changes or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures and contents of buildings.

(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, either 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) *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, 1-17-95)

Sec. 32-501.04. Areas of Applicability.

(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:

(a) The Flood Insurance Study (FIS) for Prince William County prepared by the Federal Emergency Management Agency, Federal Insurance Administration dated January 5, 1995, as amended.

(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 § 730.03(A) and (B) of the Design and Construction Standards Manual which have been approved by the department of public works.

(2) Areas comprising the flood hazard overlay district shall be in one (1) 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 § 731.04(B) of the Design and Construction Standards Manual.

(b) *Flood Fringe District.* The Flood Fringe District shall include that area of the 100-year floodplain established in the Flood Insurance Study which is not included in the Floodway District and the 100-year floodplain area established in accordance with section 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 § 730.03(C) of the Design and Construction Standards Manual shall be part of the Approximated Floodplain District. (No. 95-10, 1-17-95)

Sec. 32-501.05. Effect of Flood Hazard Overlay District Map.

(1) Designation of land included in the flood hazard overlay district is made by text, as provided in section 32-501.04. The maps and studies referred to in section 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

Zoning Ordinance Section

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. (No. 95-10, 1-17-95)

Sec. 32-501.06. Boundary Disputes.

Should a dispute concerning any flood hazard district boundary arise, resolution of such dispute shall be made by the zoning administrator, based upon advice of the director of public works. 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)

Sec. 32-501.07. Use Regulations--Generally.

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

(2) Permitted uses and activities. The following uses and activities and other uses determined by the director of public works to pose equal or less risk of impairing floodflows, and uses excepted in accordance with subsection (3) below, 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 flood 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 § 731.04, paragraph E. 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 ~~loading and~~ 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, 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) 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 in accordance with § 730.06 of the Design and Construction Standards Manual. (No. 95-10, 1-17-95)

Sec. 32-501.08. Other Regulations.

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. (No. 95-10, 1-17-95)

Sec. 32-501.09. Nonconforming Uses, ~~and Structures and Lots.~~

(1) A structure, or the use of a structure or premises, which ~~was permitted by right~~ lawfully existed before

Zoning Ordinance Section

September 23, 1975, or the date of adoption of an applicable amendment to this Part 501, ~~but which is not in conformity with the provisions of this part,~~ may be continued only in accordance with the provisions of section 32-601.55 ~~et. seq~~ and § section 730.07 700 of the Design and Construction Standards Manual. (No. 95-10, 1-17-95)

(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.

Sec. 32-501.10. Review by the Director of Planning, Public Works.

(1) The director of planning shall not approve any site plan, except for permitted uses or activities set forth by section 32-501.07(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.

(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.

(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)

Sec. 32-501.11. Application and Approval.

(1) The application to the office of planning 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 in the administration of the provisions of the flood hazard district may appeal as provided in Part 900 of this chapter. (No. 95-10, 1-17-95)

Sec. 32-501.12. 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.

Variances shall be issued only after the board of zoning appeals has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

Variances shall be issued only after the board of zoning appeals has determined that variance will be the minimum required to provide relief from any hardship to the applicant. (No. 95-10, 1-17-95)

Sec. 32-501.13. 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, approval therefor shall be obtained from the state or federal agencies, before any land disturbing activity shall be permitted. (No. 95-10, 1-17-95)