



***DOCKET ITEM # 5***  
***Zoning Text Amendment #2023-00005***  
***Floodplain Ordinance Update***

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<p>Issue: (A) Initiation of a text amendment and (B) public hearing and consideration of a text amendment to the zoning ordinance to amend various sections of Article VI to: revise the effective date of Federal Emergency Management Agency's (FEMA) updated Flood Insurance Rate Maps (FIRMs) for the City; revise existing and add new definitions relevant to floodplain management and development in floodplain districts; to revise existing and add new sections to 6-301 through 6-315 to update language related to floodplain management and regulations on development in the floodplain districts in compliance with federal regulations related to the city's participation in the National Flood Insurance Program (NFIP); and to correct typographical errors.</p>	<p>Planning Commission Hearing:</p>	<p>November 6, 2023</p>
	<p>City Council Hearing:</p>	<p>November 18, 2023</p>
<p><b>Staff:</b> William Skrabak, Deputy Director Jesse Maines, Division Chief Lindsay Dubin, Assistant City Attorney Brian Rahal, CE IV / Floodplain Administrator</p>		

## **I. Issue**

The existing Zoning Ordinance dates to 2011 when changes were last made to this section. Section 6-300 is where the City complies with the Federal Emergency Management Agency's (FEMA) requirements for participation in the National Flood Insurance Program (NFIP) and garners points towards the Community Rating System (CRS) class rating for the City. Participation in the NFIP allows residents and property owners to purchase federal flood insurance, while the City's participation in CRS can allow for reduced premiums. Properties located in the FEMA Special Flood Hazard Areas (SFHA) that have a federally backed mortgage are required to purchase flood insurance. As of April 2023, there are 1,343 policies in force in the City.

The purpose of the proposed zoning text amendments is to amend section 6-300 of the City's Zoning Ordinance to update the FEMA Flood Insurance Rate Map (FIRM) effective dates of the new maps, correct errors, add federal standards for FEMA Special Flood Hazard Area not previously found in Alexandria (FLOODWAY), modernize and update regulations as required by Virginia Department of Cultural Resources (VA DCR) and Virginia's model ordinance for floodplain management. The following is a summary list of the proposed zoning ordinance changes discussed in detail in this report with the specific text changes shown in Attachment 1. Attachment 2 is the approval checklist from VA DCR's review.

- (A) Technical errors
- (B) Revise effective FEMA map date from June 16, 2011 to January 11, 2024
- (C) Added Floodplain District Regulations
- (D) The following changes are in compliance with VA DCR requirements for Floodplain Management
  - 1. Amend definitions
  - 2. Multiple text amendments throughout in compliance with VA DCR requirements
- (E) Changes to Regulations
- (F) The City's higher standards from the NFIP minimum standards

## **II. Background**

The current Zoning Ordinance Section 6-300 was last amended in 2011 and requires another update to be current with FEMA's regulations and FEMA's floodplain map effective dates, which is essential for the City to continue participation in the National Flood Insurance Program (NFIP). The City's participation in the NFIP allows city residents to purchase flood insurance. The City has participated continuously in the NFIP since its inception in 1969.

The City also has a few instances of higher standards than the NFIP minimum standards for floodplain management. Those higher standards are preserved.

### III. Discussion of Proposed Text Changes

(A) *Technical Errors*

Staff have identified two typographical errors. Staff proposes the following amendments.

6-301(1) the use of “frequencies” was changed to “frequency”

6-303(L) the use of “subsistence” was changed to “subsidence”

(B) *Revise effective FEMA map date from June 16, 2011 to January 11, 2024*

Dates updated in several subsections

6-302(A), (D), (E), (F), (G)

6-303(N), (O), (DD)

6-304(A)

(C) *Added Floodplain District Regulations*

The FEMA revised FIRMs now include a “floodway.” As per federal regulations [44 CFR 60.3(d)], communities with FEMA delineated “floodway” must include additional regulations on development in this area.

6-304(A)(1)

(D) *The following changes are in compliance with VA DCR requirements for Floodplain Management*

1. *Amended definitions.*

The following updates to definitions were necessary to comply with federal and Virginia standard definitions for this section.

a. *New definitions*

6-303(C.1) *Appurtenant or accessory structure*

6-303(E.1) *City Vertical Datum*

6-303(H.1) *Flood Damage-Resistant Material*

6-303(P.1) *Functionally dependent use*

6-303(R.1) *Hydrologic and Hydraulic Engineering Analysis*

6-303(R.2) *Letters of Map Change (LOMC)*

6-303(Z) *Lowest adjacent grade*

6-303(W.1) *Pre-Firm structures*

6-303(W.2) *Post-Firm structures*

6-303(X.1) *Repetitive Loss Structure*

6-303(Y.1) *Severe Repetitive Loss Structure*

6-303(SS) *Watercourse*

b. *Amended definitions*

6-303(A), (B), (D), (F), (G), (H), (I), (K), (L), (N), (O), (T), (V), (Y), (AA),(BB), (CC), (EE), (FF)

c. *Deleted definitions*

6-303(M) – incorporated into 6-303(P)

2. *Multiple text amendments throughout in compliance with VA DCR requirements*

Several text amendments included in 6-304 through 6-315 are in compliance with VA DCR requirements in the Virginia model ordinance. All amendments in this section are clarifications and/or further details on floodplain management and regulations the city is already enforcing.

- a. *Section 6-304 Description of Special Flood Hazard districts*  
This amended section uses specific terms to clarify what is a regulated area rather than a simple term, e.g.: “floodplain” and adds a new district and specific regulations for development in the regulatory “Floodway”. This is the only section that included new regulatory requirements on development.
- b. *Section 6-305 Administration*  
This amended section includes defining the Floodplain Administrator and their duties and responsibilities and updates the use and interpretation expectations of FEMA’s maps and clarifies expectations for any jurisdictional and district boundary changes, and clarifies expectations for development conditions in the Special Flood Hazard districts for FEMA’s Letter of Map Revisions. No new regulations are included in this section.
- c. *Section 6-306 General Standards*  
The general standards section is added to clarify the basic requirements for development in the Special Flood Hazard districts that would apply to all development. No new regulations are included in this section.
- d. *Section 6-307 Special regulations*  
The special regulations are amended to clarify the specific regulations for the differing types of development, i.e.: residential, nonresidential, and mixed-use development. No new regulations are included in this section.
- e. *Section 6-308 Other conditions*  
Amendments to this section added reference to the Floodplain Administrator where applicable. No new regulations are included in this section.
- f. *Section 6-309 Subdivision Requirements*  
Amendments to this section clarify the required documentation for subdivision proposals in the Special Flood Hazard districts. No new regulations are included in this section.
- g. *Section 6-310 Trailer camps, manufactured homes, mobile homes, recreational vehicles, and septic tank systems.*  
Amendments to this section clarify what is meant by “ready for highway use” for recreational vehicles located in any Special Flood Hazard district, with zones listed. No new regulations are included in

this section.

*h. Section 6-311 Projects in Floodplain Areas*

Amendments to this section clarify the requirements for existing structures in any Special Flood Hazard district. No new regulations are included in this section.

*i. Section 6-312 Variances*

Amendments to this section clarify the procedures for variances. No new regulations are included in this section.

*j. Section 6-313 Compliance, liability, severability, and penalties*

Amendments to this section include clarifications. No new regulations are included in this section.

*k. Section 6-314 Abrogation and Greater Restrictions*

This is a new section including clarifications and expectations for this section superseding other Zoning Ordinance sections and greater restrictions in other Zoning Ordinance sections, outside of Section 6-300. No new regulations are included in this section.

*l. Section 6-315 Records and Annual Reports*

Amendments to this section are clarifications for the keeping of administrative and regulatory records. No new regulations are included in this section.

(E) *Changes to regulations*

1. 6-304(A)(1) adds regulations for development in “floodway”. The only “floodway” delineated in the city is for the Four Mile Run floodplain and is contained in the channel. Four Mile Run is a federal flood control project and already restricts any encroachment into the banks of the Run.

(F) *The city’s higher standards from the NFIP minimum standards*

The city has several higher standards from the NFIP minimum standards written into the previous iteration of this ordinance Section. The current text amendments preserve these higher standards for regulation in the FEMA SFHA. The city’s higher standards are:

6-307(B)(5) Defines the criteria for mixed-use buildings in the SFHA to be regulated as nonresidential.

6-307(G) Development cannot raise the water surface elevation of the SFHA more than 0.5-feet at any point in the city.

### **III. Community Engagement**

Staff have worked with the community over the past two years to advise property owners of the coming changes to the FIRM. Multiple mailings have been sent to property owners entering the floodplain, leaving the floodplain, and remaining in the floodplain. Multiple webinar meetings have been held and staff responded to dozens of phone calls and emails. Staff met with NAIOP, the Commercial Real Estate Development Association on October 18, 2023. This outreach has aimed primarily at advising property owners of mandatory Federal requirements for the purchase of flood insurance and how they can purchase a policy with the most favorable premium, and explaining the permitting requirements and limitations that apply to structures within the floodplain. The following list summarizes the key outreach events:

#### **PUBLIC WEBINARS**

FEMA Map Update Open House - March 1, 2021

Four Mile Run - May 19, 2021

Potomac River/Old Town - May 24, 2021

Hoooffs Run - June 2, 2021

Cameron, Backlick, Strawberry, Taylor Runs - June 7, 2021

VA Requirement for Notice of Map Changes - Mailers sent April 2021

Appeals Period 2021 Notice - eNews July 22, 2021

Appeals Period 2022 Notice - eNews December 8, 2022

FEMA Letter of Final Determination Notice -  
eNews – Flood Action Alexandria Newsletter August 1, 2023

NAIOP presentation October 18, 2023

Website updates and Appeals records online - <https://alexandriava.gov/floodmap>

### **IV. Recommendation**

Staff recommends that the text amendments contained in Attachment 1, be initiated and recommends approval of each of the attached Zoning Ordinance text changes.

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