

ADOPTED

AUG 8 1977

**BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA**

ORDINANCE NO. 31A-43

AN ORDINANCE TO AMEND CHAPTER 20 OF THE CODE OF THE COUNTY OF JAMES CITY BY ADDING THE FOLLOWING ARTICLE: ARTICLE X, FLOODPLAIN AREA REGULATIONS.

BE IT ORDAINED by the Board of Supervisors of the County of James City that Chapter 20, Zoning, of the Code of the County of James City is, hereby amended by adding Article X, Floodplain Area Regulations.

CHAPTER 20

ZONING

Article X. Floodplain Area Regulations.

Section 20-154. Statement of Intent.

These regulations shall apply to all property located within an area designated as a Floodplain Area, and as such shall supplement the regulations of the zoning district within which such property is located. These regulations are intended to insure the health, safety and general welfare of the public by insuring that inhabitants and property within a designated Floodplain Area are safe from damage due to flooding and will not endanger others. This article complies with the requirements of the National Flood Insurance Program (42 U.S.C. 4001-4128) of the Federal Insurance Administration. These regulations are necessary in order for all property owners within the County to be eligible for the National Flood Insurance Program and thereby purchase such insurance at nominal rates. Where these regulations are at variance with the general regulations of this Chapter, it is intended that these regulations shall apply.

Section 20-155. Applicability.

This article shall only apply to property which is designated as being within a Floodplain Area.

Section 20-156. Designation of Floodplain Areas.

The following areas are hereby designated as Floodplain Areas:

- (1) Property within Zone A of a Flood Hazard Boundary Map (FHBM) published by the Federal Insurance Administrator; or
- (2) Property within Zones A1-30 of a Flood Insurance Rate Map (FIRM) published by the Federal Insurance Administrator.

Such maps shall be available for inspection in the Department of Planning and Development, Department of Public Works and Department of Building Inspections.

Section 20-157. Permits.

No special permits shall be required by this article. An application for subdivision, site plan, rezoning, building permit, conditional use permit, special use permit, sediment and erosion control permit, wetlands permit or other local development permit shall be considered an application for development under this article. The applicant shall be informed of the provisions of this article as they may apply to the property, and no permit shall be issued until the applicant has complied with such provisions.

Section 20-158. Regulations for Construction.

In Floodplain Areas new structures or additions to any existing structure shall have the lowest floor, including the basement, elevated to or above the base flood level (100 Year Floodplain, or the flood having one percent chance of being equalled or exceeded in any given year). This section shall be administered by the Building Official. It shall be the responsibility of the applicant to provide this data, certified by a licensed surveyor or engineer or other source acceptable to the Building Official.

Section 20-159. Regulations for Mobile Homes.

In Floodplain Areas, mobile homes shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors in either of the following arrangements:

- (1) Over-the-top ties at each corner plus one frame tie at the middle of each side; or
- (2) Frame ties at each corner plus no less than five evenly spaced additional frame ties per side.

All ties to the ground shall be able to carry a force of 4,800 pounds.

This section shall be administered by the Building Official. The Zoning Administrator shall not issue a Conditional Use Permit for any mobile home in a Floodplain Area until the applicant has complied with these provisions.

Section 20-160. Regulations for Subdivisions and Site Plans.

The applicant of any subdivision of land with more than 50 lots or an area greater than 5 acres or site plan within the County shall submit with his application a statement by a licensed surveyor or engineer as to whether or not any property shown on the plat or plan is at an elevation lower than the base flood level (100 Year Floodplain or the flood having one percent chance of being exceeded in any given year). Where a base flood level exists the extent of this area shall be shown on the plat or plan. Further, the elevation of the finished surface of the ground at each building location shall be shown. This section shall be administered by the Subdivision Agent.

Section 20-161. Regulations for Mobile Home Parks or Mobile Home Subdivisions.

In all Floodplain Areas, all new mobile home parks or mobile home subdivisions shall have an alternate vehicular access and escape route approved by the Zoning Administrator prior to approval of any Conditional Use Permit or occupancy of the site.

Section 20-162. Regulations for Public Utilities.

Nonessential or improper installation of public utilities and public facilities in Floodplain Areas shall be prohibited.

- (1) Water Supply Systems - New or replacement water supply systems in a Floodplain Area shall be designed to minimize or eliminate infiltration of flood waters.
- (2) Sanitary Sewerage Systems - New or replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters or discharge of effluents into flood waters.
- (3) Septic Tanks - New or replacement septic tank drain fields shall be placed where they shall not be impaired or contaminated by a base flood.

This section shall be administered by the Director of Public Works or Health Official where applicable.

Section 20-163. Regulations for Filling of Floodplain Areas.

Filling of land which has an elevation lower than the elevation of a base flood (100 Year Floodplain or the flood having one percent chance of being exceeded in any given year) shall be prohibited unless:

- (1) Such fill will not increase the level of flooding on any other property; or
- (2) The cubic area of the base floodplain to be filled is equalled by additional cubic area to be added to the base floodplain via dredging or removal of earth.

These requirements are essential to prohibit increased flood hazard to other property and life as a result of such filling. This section shall be administered by the Director of Public Works. The applicant shall provide whatever data is necessary to make such determinations, as certified by a licensed surveyor or engineer.

Section 20-164. Watercourse Modification.

The Federal Insurance Administrator, adjacent jurisdiction and State Coordinating Office shall be notified prior to the alteration or relocation of the main channel of any watercourse. The flood carrying capacity to such watercourse shall be maintained. This section shall be administered by the Director of Public Works.

Section 20-165. Nonconforming Structures.

Any existing structure not in conformity with the floor elevation requirements of this article which is hereafter damaged by flooding to an extent of 50 percent of replacement cost at time of damage may not thereafter be restored except with floor elevations as required herein. This section shall be administered by the Building Official.


Section 20-166. Designated Official.

The Zoning Administrator is designated to coordinate the implementation of this article and to submit an annual report to the Administrator of the National Flood Insurance Program concerning such implementation.

Section 20-167. Amendment.

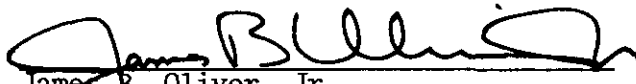
This article shall be amended upon receipt of Flood Insurance Rate Maps from the Flood Insurance Administrator, to include Zones A1-30, A0 or A99; and upon receipt of final base flood elevations within these zones.

This ordinance shall be in full force and effect from the date of its adoption.



John E. Donaldson, Chairman
Board of Supervisors

ATTEST:



James B. Oliver, Jr.
Clerk to the Board

Adopted by the Board of Supervisors, James City County, Virginia, on this 8th day of August, 1977.