

ORDINANCE NO. 3610

AN ORDINANCE to amend and reordain Sections 13-103 (DEFINITIONS), 13-105 (DESIGNATION OF CHESAPEAKE BAY PRESERVATION AREA OVERLAY DISTRICT), 13-106 (INCORPORATION OF CBPA MAP), 13-107 (DEVELOPMENT AND USES PERMITTED IN RPAs), 13-109 (GENERAL PERFORMANCE REQUIREMENTS FOR DEVELOPMENT AND REDEVELOPMENT IN RPAs), 13-111 (STANDARDS FOR WATER QUALITY IMPACT ASSESSMENT), 13-115 (REQUIRED INFORMATION), 13-117 (STORMWATER MANAGEMENT PLAN), 13-118 (WATER QUALITY IMPACT ASSESSMENT), 13-121 (APPEALS) and 13-123 (DETERMINATION OF UNDUE HARDSHIP EXEMPTION), of Article XIII (ENVIRONMENTAL MANAGEMENT) of the City of Alexandria Zoning Ordinance.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That subsection (H) of Section 13-103 of the City of Alexandria Zoning Ordinance be, and the same hereby is, repealed, and the subsection heading lettered (H) is reserved.

Section 2. That subsection (V) of Section 13-103 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

(V) Water-Dependent Facility. A development of land that cannot exist outside of the Resource Protection Area and must be located on the shoreline by reason of the intrinsic nature of its operation. These facilities include, but are not limited to: (i) ports; (ii) the intake and outfall structures of power plants, water treatment plants, sewage treatment plants, and storm sewers; (iii) marinas and other boat docking facilities; (iv) beaches and other public water-oriented recreation areas, and (v) fisheries or other marine resources facilities.

Section 3. That paragraph (4) of Section 13-105(B) of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

(4) Tributary streambeds, not owned by the Commonwealth of Virginia; and

Section 4. That the CBPA Map, adopted by Section 13-106(A) of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended by:

1. Deleting in its entirety the RPA located north of Seminary Road and west of Quaker Lane in map quadrants F-6, F-7, G-6 and G-7.

2. Deleting in its entirety the RPA located along the railroad right-of-way south of Wheeler Avenue and west of South Quaker Lane, in map quadrants J-6, J-7, K-6 and K-7.

Section 5. That paragraph (1) of Section 13-107(C) of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

(1) construction, installation, operation and maintenance of electric, gas, and telephone lines, railroads and public roads constructed by VDOT or by or for the City of Alexandria in accordance with VDOT standards, and their appurtenant structures, in accordance with regulations promulgated pursuant to the Erosion and Sediment Control Law (sections 10.1-560 et seq. of the Code of Virginia and the Stormwater Management Act (sections 10.1-603.1 et seq. of the Code of Virginia); an erosion and sediment control plan and a stormwater management plan approved by the Department of Conservation and Recreation or by the City of Alexandria under local water quality protection criteria at least as stringent as the above state requirements shall be deemed to constitute compliance with these regulations;

Section 6. That paragraphs (6) and (7) of Section 13-109(A) of the City of Alexandria Zoning Ordinance be, and the same hereby are, amended, and further that said Section 13-109(A) be, and the same hereby is, amended by adding thereto a new paragraph (8), all to read as follows:

(6) the non-water dependent portion of a development encompassing both a RPA and RMA is located outside of a RPA;

(7) access for development or redevelopment is provided with the minimum disturbance necessary; where possible, only a single point of access shall be provided; and

(8) the regulated activity is consistent with the 1992 Master Plan for the City of Alexandria, Virginia.

Section 7. That subparagraph (a) of Section 13-109(B)(3) of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

(a) The buffer may be reduced to 50 feet if the director of transportation and environmental services determines that a combination of a smaller buffer and appropriate BMPs located landward of the buffer achieves a 75% reduction of sediment and 40% reduction in nutrients and achieves water quality protection, pollutant removal and water resource conservation.

Section 8. That subparagraph (i) of Section 13-111(A)(2) of the City of Alexandria Zoning Ordinance be, and the same hereby is, repealed, and further that subparagraph (h) of said Section 13-111(A)(2) be, and the same hereby is, amended to read as follows:

(h) proposed revegetation of disturbed areas will provide adequate erosion and sediment control benefits, as determined by the director of transportation and environmental services.

Section 9. That paragraph (6) of Section 13-115(A) of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

(6) For all development or redevelopment within an RPA, or within an environmentally sensitive area as determined by the director of transportation and environmental services pursuant to section 13-118(C) or 13-118(D), or for an exception under section 13-120, a Water Quality Impact Assessment as detailed in section 13-118.

Section 10. That subsection (G) of Section 13-117 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

(G) All engineering calculations must be certified by a professional engineer or a licensed class IIIB surveyor and performed in accordance with procedures, consistent with good engineering practice, established by the director of transportation and environmental services pursuant to section 13-104(C).

Section 11. That the flush language of subsection (C) of Section 13-118 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

(C) A Water Quality Minor Impact Assessment is required for development or redevelopment within RPAs or under an exception which involves 5,000 or less square feet of land disturbance; or for any development or redevelopment within the RMA which involves 5,000 or less square feet of land disturbance adjacent to an RPA, if required by the director of transportation and environmental services due to the presence or proximity of wetlands, potential for harmful discharge of contaminants from the property, or slopes greater than 15 percent which are proposed to be disturbed. A minor impact assessment shall demonstrate, through acceptable calculations, that the remaining buffer area and necessary BMPs will result in removal of 75% of sediments and 40% of nutrients from post-development/redevelopment stormwater runoff. Such an assessment shall include a site plan which shows the following:

Section 12. That the flush language of subsection (D) of Section 13-118 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

(D) A Water Quality Major Impact Assessment is required for development or redevelopment within RPAs or under an exception which involves more than 5,000 square feet of land disturbance; or for any development or redevelopment within the RMA which involves more than 5,000 square feet of land disturbance adjacent to an RPA, if required by the director of transportation and environmental services due to the presence or proximity of wetlands, potential for harmful discharge of contaminants from the property, or slopes greater than 15 percent which are proposed to be disturbed. The following elements shall be included in a water quality major impact assessment:

Section 13. That Section 13-121 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended by adding thereto a new subsection (E) to read as follows:

(E) Notwithstanding the provisions of subsections (A) through (D) above, an applicant or any aggrieved party who elects to appeal shall appeal the director's decision of approval or disapproval of a stormwater management plan application by filing a notice of appeal with the director within 30 days after service of such decision. The filing of such notice, and proceedings thereafter, shall be governed by Part 2A of the Rules of the Supreme Court of Virginia, and judicial review shall be had in the Circuit Court of the City of Alexandria on the record previously established, and shall otherwise be in accordance with the Administrative Process Act, Virginia Code sections 9-6.14:1 et seq.

Section 14. That subsection (G) of Section 13-123 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

(G) In granting an exemption pursuant to this section 13-123, the director of transportation and environmental services shall require that the previously approved development comply with the provisions of this article XIII to the maximum extent feasible, and the director may specify any conditions and safeguards deemed necessary to further the purpose and intent of this article.

Section 15. That Sections 13-103, 13-105, 13-106, 13-107, 13-109, 13-111, 13-115, 13-117, 13-118, 13-121 and 13-123 of the City of Alexandria Zoning Ordinance, as amended by this ordinance, be, and the same hereby are, reordained as part of the City of Alexandria Zoning Ordinance.

Section 16. That this ordinance shall become effective upon the date and at the time of its final passage, and shall apply to all applications for development review provided for under Article XIII of the City of Alexandria Zoning Ordinance, which on such date are pending before any city department, agency or board, or before city council, or are on judicial review, and to all applications which may be filed after such date.

PATRICIA S. TICER
Mayor

Final Passage: December 12, 1992