

PROPOSED ORDINANCE

Proposed by: Town Attorney

A proposed ordinance to amend Chapter 18, Zoning, Article 21.1, Chesapeake Bay Preservation Area, amending §18-216.1.3, General Provisions, of the Code of the Town of Vienna.

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF VIENNA, VIRGINIA THAT:

Section 1: The Town Code, Chapter 18, Zoning, Article 21.1, Chesapeake Bay Preservation Area, amending §18-216.1.3, General Provisions, to read as follows:

§ 18-216.1.3 General Provisions.

A. Application: The regulations in this section shall apply to all lands located within Chesapeake Bay Preservation Areas (CBPA), both Resource Management Areas and Resource Protection Areas as defined above and as depicted on the official CBPA maps for the Town of Vienna.

B. Delineation of RPA (Resource Protection Area) Boundaries: An applicant for a building, clearing or grading permit, or subdivision or site plan review shall conduct an evaluation to locate the boundary of the RPA (100-foot buffer area) on the applicant's property as well as the boundary of the 50-foot portion of the buffer area that is directly adjacent to the water body with perennial flow. *All plans shall clearly delineate the buildable areas on each lot and based on the performance criteria, identify the front and side yard setbacks and any other relevant easements or limitation regarding lot coverage.* The applicant shall submit the results of the evaluation to the Town for review. The Town may provide such assistance to an applicant, as the Town deems necessary, to conduct such evaluation.

C. Dispute of Resource Protection Area Boundaries: An applicant for a building, clearing or grading permit, or subdivision or site plan review for land within an RPA who disputes the boundaries on the CBPA Map, a delineation of boundaries pursuant to Section 18-216.1.3(B), or the inclusion of the applicant's property within an RPA shall submit to the Zoning Administrator a site specific evaluation with supporting evidence to determine where such boundaries are or whether a water body on or adjacent to the applicant's property is a water body with perennial flow. The existence and location of a water body with perennial flow that is on or adjacent to the development site must be identified in the evaluation, including any non-tidal wetlands connected by surface flow or contiguous to such a water body. The applicant shall submit to the Zoning

Administrator surveys or drawings, which indicates a precise delineation of the RPA boundary, including buffer area. The Zoning Administrator will review and confirm that the boundaries of the RPA (Resource Protection Area) are adjusted, as necessary, based on the evaluation of the site.

Section 2: This Ordinance shall become effective ten (10) days following notice of adoption by the Town Council.

Passed and approved this _____ day of _____, 2011.

M. Jane Seeman, Mayor

ATTEST:

Town Clerk