

9/1/2009



CHECKLIST FOR ADVISORY REVIEW OF LOCAL ORDINANCES

LOCALITY: _____
DATE OF REVIEW: _____
REVIEWER: _____

GENERAL PERFORMANCE CRITERIA IMPLEMENTATION OPTIONS

PART 1 – MINIMIZE LAND DISTURBANCE: _____ PROVISIONS

PART 2 – PRESERVE INDIGENOUS VEGETATION: _____ PROVISIONS

PART 3 – MINIMIZE IMPERVIOUS COVER: _____ PROVISIONS

PART 4 - GENERAL WATER QUALITY PROTECTION PROVISIONS _____ PROVISIONS

_____ PROVISIONS

SUPPLEMENTAL REVIEW INFORMATION

LOCAL DOCUMENTS REVIEWED: _____

TRACKING SHEET:

General Performance Criteria Implementation Options	61 questions

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1B – Clearing and Grading Requirements:	_____
1C – Utility and Easement Requirements:	_____
1D – LID/ Better Site Design Concepts:	_____
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2B – Vegetation and Tree Protection Requirements:	_____
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CHECKLIST DESCRIPTION AND PURPOSE

Phase III of local government implementation of the [Chesapeake Bay Preservation Act](#) requires the 84 Tidewater local governments to review local land development ordinances, and revise them if necessary, in order to ensure these ordinances adequately address the protection of the quality of state waters. The [Chesapeake Bay Preservation Area Designation and Management Regulations](#) (Regulations) require local governments to have provisions in their ordinances to ensure, that as land development occurs, three performance criteria are addressed: 1) land disturbance is minimized; 2) indigenous vegetation is preserved; and, 3) impervious cover is minimized.

There are two sections of this Checklist; *General Performance Criteria Implementation Options* and *General Water Quality Protection and Improvement Provisions*. These sections will be used for the advisory evaluation of local ordinances in preparation for the second round of compliance evaluations and to provide technical assistance to localities who choose to add provisions to address the three performance criteria.

General Performance Criteria Implementation Options evaluates existing local land development ordinances to see what specific language which promotes or requires minimizing land disturbance (Part 1), maximizes the protection of indigenous vegetation (Part 2) and minimizes impervious cover (Part 3) within Chesapeake Bay Preservation Areas (CBPAs) as required under 9 VAC 10-20-120 Subsections 1, 2 and 5. The Regulations identify these three performance criteria as required measures to protect the quality of state waters. This Section includes possible measures that implement the three general performance criteria that may be contained within a locality's land development ordinances. There is also space for a local government to reference specific measures that are included in an ordinance, but which are not included in this portion of the Checklist.

Part 4: General Water Quality Protection Provisions includes practices and programs that may not fit into a general performance criterion, but which can be important to protecting and improving water quality. Section 9 VAC 10-20-191 B seeks to promote the protection of state waters in these ordinances.

In completing all sections of this Checklist, Department staff will review local government ordinances and other documents that have been adopted by the local governing body to determine which of the measures within the Checklist are included in local ordinances. While the Department intends to undertake the review of ordinances and other adopted mechanisms using this Checklist, local governments are encouraged to do so themselves if they so choose. If a local government does review their ordinances and adopted documents and completes this Checklist, Department staff will review the completed Checklist.

In order to complete the advisory local ordinance review using this Checklist, the Department will review copies of pertinent land development ordinances and other adopted documents. For the purpose of this review, the Department recommends that other adopted documents include only those documents that are adopted by the local governing body and which outline specific requirements related to the development and use of land.

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The land development ordinances and other adopted documents that are provided for review by the Department should include specific standards that would address one or more of the three general performance criteria. When providing these ordinances and other adopted documents, local governments are encouraged to indicate which of the three performance criteria the contents of a particular ordinance or adopted document may address. For instance, a landscape ordinance may include standards that would address the requirement to maximize the protection of indigenous vegetation.

GENERAL PERFORMANCE CRITERIA IMPLEMENTATION OPTIONS

PART 1: MINIMIZE LAND DISTURBANCE – 9 VAC 10-20-120 1 - 18 QUESTIONS

The minimization of land disturbance can be accomplished through the application of four general techniques included below as four sections. Each of these general techniques is presented below, with examples of more specific requirements that minimize land disturbance. Additionally, space has been provided for the locality to include other options not currently listed.

Section 1A - Open Space Requirements – 3 questions

What is the definition of “open space” used by the locality and where is this definition located?

Definition: _____

Ordinance name and citation: _____

1. Is there an ordinance provision, or other adopted document that requires a certain portion or percentage of undisturbed open space as part of zoning district requirements?

Yes No

Ordinance name and citation: _____

Other adopted document _____

Zoning Districts and required percentages: _____

2. Is there a cluster ordinance, other ordinance provision, or other adopted document that allows flexibility for development intensity or density (through cluster developments, height flexibility, density bonus, etc.) in exchange for increased resource protection (open space, preservation of natural, undisturbed buffers, etc.)?

Yes No

Ordinance name and citation: _____

Other adopted document: _____

3. Do open space or other requirements within an ordinance, or other adopted document, protect land, other than RPAs?

- Wetlands Yes No
- Steep slopes Yes No
- Intermittent streams Yes No
- Highly erodible soils Yes No
- Floodplains Yes No

Ordinance name and citation: _____

Other adopted document: _____

Section 1B - Clearing and Grading Requirements – 8 questions

4. Is there an ordinance provision, or other adopted document, that requires that all clearing and grading plans or equivalent (including individual lots) specify limits of clearing and restricts clearing to the minimum necessary for the construction of the project?

Yes No

Ordinance name and citation: _____

Other adopted document: _____

5. Is there an ordinance provision, or other adopted document, that authorizes staff to establish limits on clearing and grading?
Yes No
Ordinance name and citation: _____
Other adopted document: _____
6. Is there an ordinance provision, or other adopted document, that includes a definition of “construction footprint” and limits clearing and grading to the construction footprint?
Yes No
Ordinance name and citation: _____
Other adopted document: _____
7. Is there an ordinance provision, or other adopted document that requires the RPA be physically marked on-site prior to any clearing and/or grading and throughout the development process?
Yes No
Ordinance name and citation: _____
Other adopted document: _____
8. Is there an ordinance provision, or other adopted document that requires the limits of clearing and grading to be physically marked on-site?
Yes No
Ordinance name and citation: _____
Other adopted document: _____
9. Is there an ordinance provision, or other adopted document, that requires documentation of the condition of the RPA to be provided before and after development?
Yes No
Ordinance name and citation: _____
Other adopted document: _____
10. Is there an ordinance provision, or other adopted document, that prohibits clearing and grading on sensitive lands (i.e. steep slopes, highly erodible soils, etc.) in addition to required RPA features?
Yes No
Ordinance name and citation: _____
Other adopted document: _____
Other lands: _____
11. Is there an ordinance provision that designates other sensitive lands, such as steep slopes, highly erodible soils, non-RPA nontidal wetlands, etc. as RPA features?
- Wetlands Yes No
 - Steep slopes Yes No
 - Intermittent streams Yes No
 - Highly erodible soils Yes No
 - Floodplains Yes No
 - Other lands _____ Yes No
- Yes No

Ordinance name and citation: _____

Other adopted document: _____

Section 1C - Utility and Easement Requirements (Public and Private) – 3 questions

For the purposes of this checklist, public utilities mean those outlined under Section 9 VAC 10-20-150 B 2 of the Regulations: “Construction, installation and maintenance of water, sewer, natural gas, and underground telecommunications and cable television lines, owned, permitted or both by a local government or regional service authority...”

12. Is there an ordinance provision, or other adopted document, that requires approval of utility installation plans, including temporary construction areas, prior to land disturbance?

Yes No

Ordinance name and citation: _____

Other adopted document: _____

13. Is there an ordinance provision, or other adopted document, that requires a replanting plan, other than stabilization required for erosion and sediment control, when vegetation is removed for temporary construction easements?

Yes No

Ordinance name and citation: _____

Other adopted document: _____

14. Is there an ordinance provision, or other adopted document, that allows or requires the placement of public utilities within the right-of-way for public or private roads or alleys, when present? .

Yes No

Ordinance name and citation: _____

Other adopted document: _____

Section 1D - Low Impact Development /Better Site Design Concepts – 3 questions

For the purposes of this checklist, Low Impact Development (LID) includes those practices that combine hydrologically functional site designs with pollution prevention measures to compensate for land development impacts on hydrology and water quality.

15. Does the locality provide incentives for retaining natural, undisturbed open space on a site? These incentives may include intensity or density bonuses, stormwater credit, etc.

- Wetlands Yes No
- Intermittent streams Yes No
- Steep slopes Yes No
- Highly erodible soils Yes No
- Floodplains Yes No
- Other lands _____ Yes No

Types of incentives provided: _____

Ordinance name and citation: _____

Other adopted document: _____

16. Do local ordinance provisions, or other adopted documents, allow flexibility in practices to enable the implementation of LID practices that limit land disturbance?

Yes No

Ordinance name and citation: _____

Other adopted document: _____

17. Are there ordinance provisions or other adopted documents that require the incorporation of existing drainage ways and the integration of natural drainage patterns into site drainage plans?

Yes No

Ordinance name and citation: _____

Other adopted document: _____

Section 1E - Other Standards

18. Are there other ordinance provisions, or other specific standards in other adopted documents that limit land disturbance?

Yes No

Ordinance names and citations: _____

Other adopted document: _____

Other standards: _____

PART 2 - PRESERVE INDIGENOUS VEGETATION – 9 VAC 10-20-120 2 – 18 QUESTIONS

The preservation of indigenous vegetation can be accomplished through the application of three general techniques included below as three sections. Each of these general techniques is presented below, with examples of more specific requirements that minimize land disturbance. Additionally, space has been provided for the locality to include other options not currently listed.

Section 2A - Sensitive Land Protection/Preservation – 9 questions

19. Is there an ordinance provision, or other adopted document, that requires conservation areas or corridors (i.e. greenways, green infrastructure corridors, green belts, etc.)?

Yes No

Ordinance name and citation: _____

Other adopted document: _____

20. Is there an ordinance provision, or other adopted document, that requires riparian vegetated buffers adjacent to non-perennial water bodies or wetlands not required to be included as RPAs?

Wetlands Yes No

Intermittent streams Yes No

Floodplains Yes No

Other lands _____ Yes No

Ordinance name and citation: _____

Other adopted document: _____

21. Is there an ordinance provision, or other adopted document, that requires the permanent marking of the RPA boundaries and if so, to which zoning districts does this apply?

Yes No

Ordinance name and citation: _____

Other adopted document: _____

Zoning Districts: _____

22. Is there an ordinance provision, or other adopted document, that requires a portion of open space, other than RPAs, to be left in a natural, vegetated condition?

Yes No

Ordinance name and citation: _____

Other adopted document: _____

Percentage to be left natural: _____

23. Is there an ordinance provision, or other adopted document, that requires a building setback from the RPA boundary? Yes No

Ordinance name and citation: _____

Other adopted document: _____

Setback width: _____

24. Is there an ordinance provision, or other adopted document, that requires a building setback from other sensitive lands such as intermittent streams and non-RPA nontidal wetlands?

Yes No

Ordinance name and citation: _____

Other adopted document: _____

Setback width: _____

Sensitive lands protected: _____

25. Is there an ordinance provision, or other adopted document, that requires the preservation of indigenous vegetation on sensitive lands other than required RPA land types?

• Steep slopes Yes No

• Highly erodible soils Yes No

• Floodplains Yes No

• Wetlands Yes No

Ordinance name and citation: _____

Land types protected: _____

26. Is there an ordinance provision, or other adopted document, that limits removal of indigenous vegetation for temporary construction easements for utilities?

Yes No

Ordinance name and citation: _____

Other adopted document: _____

27. Is there an ordinance provision, or other adopted document, that limits removal of indigenous vegetation for maintenance of utility easements?

Yes No

Ordinance name and citation: _____

Other adopted document: _____

Section 2B - Vegetation and Tree Protection Requirements – 7 questions

28. Does the locality have a tree protection ordinance that protects existing trees (if permitted by state law)?
Yes No
Ordinance name and citation: _____
29. Are there ordinance provisions, or other adopted documents, that include more specific tree preservation requirements for the preservation of stands of trees or contiguous wooded areas?
Yes No
Ordinance name and citation: _____
Other adopted document: _____
30. Is there an ordinance provision, or other adopted document, that awards credit for maintaining indigenous vegetation when meeting landscaping requirements?
Yes No
Ordinance name and citation: _____
Other adopted document: _____
31. Is there an ordinance provision, or other adopted document, that requires vegetated buffers adjacent to non-RPA wetlands, streams or other water bodies be left undisturbed?
Yes No
Ordinance name and citation: _____
Other adopted document: _____
32. Is there an ordinance provision, or other adopted document, that includes clear language to protect woody vegetation outside of the construction footprint on individual lots or development sites?
Yes No
Ordinance name and citation: _____
Other adopted document: _____
33. Is there an ordinance provision, or other adopted document, that requires a landscape maintenance agreement or similar mechanism to protect indigenous vegetation to be preserved on site throughout the construction process?
Yes No
Ordinance name and citation: _____
Other adopted document: _____
34. Is there an ordinance provision, or other adopted document, that requires the preservation of indigenous vegetation in open space as a component of cluster development?
Yes No
Ordinance name and citation: _____
Other adopted document: _____

Section 2C - Low Impact Development/Better Site Design Concepts – 1 question

35. Is there an ordinance provision, or other adopted document, that requires a natural resources (or environmental) assessment as the initial part of the plan of development review process (i.e. pre-submission/ pre-application requirement for site plans, preliminary subdivision plats, etc.) and uses this information in the review of proposed projects to limit the impacts on natural resources?

Yes No

Ordinance name and citation: _____

Other adopted document: _____

Section 2D - Other Standards

36. Are there other ordinance provisions, or other specific standards in other adopted documents that preserve indigenous vegetation?

Yes No

Ordinance names and citations: _____

Other adopted document: _____

Other standards:

PART 3 - MINIMIZE IMPERVIOUS COVER – 9 VAC 10-20-120 5 – 25 QUESTIONS

The minimization of impervious cover can be accomplished through the application of five general techniques included below as five sections. Each of these general techniques is presented below, with examples of more specific requirements that minimize land disturbance. Additionally, space has been provided for the locality to include other options not currently listed.

Section 3A - Parking Requirements – 11 questions

For the purposes of this evaluation, the Department considers gravel, asphalt, concrete, and other hard-packed surfaces to be impervious.

37. Is there an ordinance provision, or other adopted document, that sets maximum parking space requirements for some or all zoning districts?

Yes No

Ordinance name and citation: _____

Other adopted document: _____

Applicable zoning districts: _____

38. Is there an ordinance provision, or other adopted document, that allows or requires the use of alternative pervious surfaces for required parking and/or overflow parking areas?

Yes No

Ordinance name and citation: _____

Other adopted document: _____

39. Are there ordinance provisions, or other adopted documents, that allow for shared and off-site parking in certain zoning districts, such as commercial and office districts?

Yes No

Ordinance name and citation: _____

Other adopted document: _____

Districts where allowed: _____

40. Is there an ordinance provision, or other adopted document, that allows or requires a percentage of parking spaces for compact cars or motorcycles?

Yes No

Ordinance name and citation: _____

Other adopted document: _____

Percentage of total: _____

Size of compact car spaces: _____

41. Is there an ordinance provision, or other adopted document, that provides incentives for structural parking versus surface parking?

Yes No

Ordinance name and citation: _____

Other adopted document: _____

42. Is there an ordinance provision, or other adopted document, that limits the width of travel lanes in parking areas to the following chart of minimum widths:

<u>Parking Angle</u>	<u>1-way</u>	<u>2-way</u>
90 degree	20 feet	24 feet
60 degree	16 feet	24 feet
45 degree	14 feet	24 feet
30 degree	12 feet	24 feet
Parallel	12 feet	24 feet

Yes No

Ordinance name and citation: _____

Other adopted document: _____

43. Is there an ordinance provision, or other adopted document, that allows single travel aisles versus double aisles in parking areas?

Yes No

Ordinance name and citation: _____

Other adopted document: _____

44. Is there an ordinance provision, or other adopted document, that limits the size of parking stalls to 9' by 18', for all passenger vehicle parking stalls (non parallel parking) except handicapped stalls?

Yes No

Ordinance name and citation: _____

Other adopted document: _____

45. Is there an ordinance provision, or other adopted document, that allows on-street parking to count towards required minimum parking spaces?

Yes No

Ordinance name and citation: _____

Other adopted document: _____

46. Is there an ordinance provision, or other adopted document, that sets parking space minimums for commercial and office uses to 4 spaces or less per 1000 net square feet?

Yes No

Ordinance name and citation: _____

Other adopted document: _____

47. Is there an ordinance provision, or other adopted document, that sets parking space minimums for churches, schools, theaters, etc. to 1 for every 4 fixed seats or less, or 10 spaces or less per 1000 net square feet?

Yes No

Ordinance name and citation: _____

Other adopted document: _____

Section 3B - Low Impact Development/Better Site Design Concepts – 3 questions

For the purpose of this checklist, “lot coverage” means all impervious surfaces, such as buildings, structures, decks, driveways, patios, parking lots and sidewalks, etc.

48. Is there an ordinance provision, or other adopted document, that sets maximum impervious coverage or lot coverage for lots and/or parcels based on zoning districts?

Yes No

Ordinance name and citation: _____

Other adopted document: _____

Zoning districts and percentage of impervious coverage allowed: _____

49. Is there an ordinance provision, or other adopted document, that allows or encourages increased building height, floor area ratio, density, etc. to limit impervious coverage?

Yes No

Ordinance name and citation: _____

Other adopted document: _____

50. Is there an ordinance provision, or other adopted document, that allows or encourages the use of vegetated bio-retention facilities to meet parking lot landscaping requirements?

Yes No

Ordinance name and citation: _____

Other adopted document: _____

51. Is there an ordinance provision, or other adopted document, that allows or promotes LID practices (e.g. green roof, bio-retention, etc.) for new development projects?

Yes No

Ordinance name and citation: _____

Other adopted document: _____

Section 3C - Redevelopment or Infill Development Concepts – 3 questions

52. Are there ordinance provisions that promote infill or redevelopment through techniques such as tax and other local incentives, or through other methods?

Yes No

Ordinance name and citation: _____

Other adopted document: _____

Promotion methods: _____

53. Is there an ordinance provision, or other adopted document, that allows or promotes LID practices (e.g. green roof, bio-retention, etc.) in redevelopment projects in urban areas?

Yes No

Ordinance name and citation: _____

Other adopted document: _____

54. Is there an ordinance provision, or other adopted document that reduces impervious cover on redevelopment projects?

Yes No

Ordinance name and citation: _____

Other adopted document: _____

Section 3D - Road Design Requirements – 4 questions

55. Is there an ordinance provision, or other adopted document, that establishes a maximum radii of cul-de-sacs that does not exceed VDOT's minimum standards?

Yes No

Ordinance name and citation: _____

Other adopted document: _____

56. Is there an ordinance provision, or other adopted document, that permits the pavement width of private roads to be narrower than VDOT standards?

Yes No

Ordinance name and citation: _____

Other adopted document: _____

57. Is there an ordinance provision, or other adopted document, that limits turn lanes, road widths and other pavement requirements to the minimum VDOT standards?

Yes No

Ordinance name and citation: _____

Other adopted document: _____

58. Is there an ordinance provision, or other adopted document that allows permeable surfaces for required emergency vehicle access lanes (aside from the main roads)?

Yes No

Ordinance name and citation: _____

Other adopted document: _____

Section 3E - Pedestrian Pathways and Residential Driveways – 3 questions

59. Is there an ordinance provision, or other adopted document, that permits shared driveways?

Yes No

Ordinance name and citation: _____

Other adopted document: _____

60. Is there an ordinance provision, or other adopted document, that limits sidewalks and other pedestrian pathways to the minimum VDOT standards or other minimum required standards?

Yes No

Ordinance name and citation: _____
Other adopted document: _____

61. Is there an ordinance provision, or other adopted document, that provides for the use of alternative permeable materials for sidewalks and/or driveways?

Yes No

Ordinance name and citation: _____
Other adopted document: _____

Section 3F - Other Standards

62. Are there other ordinance provisions, or other specific standards in other adopted documents that limit impervious cover?

Yes No

Ordinance names and citations: _____
Other adopted document: _____
Other standards: _____

PART 4 - GENERAL WATER QUALITY PROTECTION PROVISIONS

These questions relate to general water quality protection or improvement provisions or program elements.

63. Does the locally designated CBPA or implementation of all performance criteria cover more than 50 percent of the locality's total land area or greater than 50 percent of the total land area in the Chesapeake Bay watershed? Yes No

Ordinance name and citation: _____
Documentation: _____

64. Does the locally designated CBPA or implementation of all performance criteria include all land area within a locality or all land area within the Chesapeake Bay watershed?

Yes No

Ordinance name and citation: _____

65. Is there an ordinance provision, or other adopted document, that provides incentives or requires low impact development (LID) techniques during the plan review process or mandated when technically feasible?

Yes No

Ordinance name and citation: _____
Other adopted document: _____

66. Is there an ordinance provision, or other adopted document, that requires conservation design to be undertaken before land disturbance is approved?

Yes No

Ordinance name and citation: _____
Other adopted document: _____

67. Is there an ordinance provision, or other adopted document, that permits the Purchase or Transfer of Development Rights?

Yes No

Ordinance name and citation: _____

Other adopted document: _____

68. Is there an ordinance provision, or other adopted document, that provides incentives for or requires the use of vegetated BMPs or additional vegetation as part of traditional BMPs to enhance their pollutant removal function?

Yes No

Ordinance name and citation: _____

Other adopted document: _____

69. Is there an ordinance provision, or other adopted document, that include other standards that provide for general water quality protection or improvement?

Yes No

Ordinance name and citation/ Other adopted document: _____

70. Is there an ordinance provision, or other adopted document, that includes standards to promote the re-vegetation of cleared areas for the purpose of general water quality protection or improvement?

Yes No

Ordinance name and citation/ Other adopted document: _____

Other standards that are included: _____