

INTRODUCED: February 9, 2026

AN ORDINANCE No. 2026-039

To amend City Code §§ 14-181, concerning definitions related to land use and development performance criteria in Chesapeake Bay Preservation Areas, 14-263, concerning general performance criteria, and 14-264, concerning criteria for resource protection areas for the purpose of aligning the City Code with state law.

Patron – Mayor Avula

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: FEB 23 2026 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That sections 14-181, 14-263, and 14-264 of the Code of the City of Richmond (2020) be and are hereby **amended** as follows:

Sec. 14-181. Definitions.

The following words and terms used in this article have the following meanings, unless the context clearly indicates otherwise. In addition, some terms not defined herein are defined in Code of Virginia, § 62.1-44.15:68 and are incorporated by reference herein.

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: FEB 23 2026 REJECTED: _____ STRICKEN: _____

Act means the Chesapeake Bay Preservation Act found in Code of Virginia, Title 62.1, Ch. 3.1, Art. 2.5 (Code of Virginia, § 62.1-44.15:67 et seq.).

Adaptation measure means a project, practice, or approach to mitigate or address an impact of climate change including sea-level rise, storm surge, and flooding including increased or recurrent flooding.

Administrator means the Director of Public Utilities or his or her designee. For purposes of this article, the Administrator is also responsible for reviewing and approving or disapproving the site plan required by this chapter and determining whether to grant exceptions from the requirements of this chapter.

Best management practice means schedules of activities, prohibitions of practices, including both structural and nonstructural practices, maintenance procedures, and other management practices to prevent or reduce the pollution of surface water and groundwater systems from the impacts of land-disturbing activities.

Buffer area means an area of natural or established vegetation managed to protect other components of a resource protection area and State waters from significant degradation due to land disturbances.

Canopy tree means a tree that typically reaches 35 feet in height or taller when mature.

Chesapeake Bay Preservation Area means any land designated by the City pursuant to Division 3 of this article and Code of Virginia, § 62.1-44.15:74. A Chesapeake Bay Preservation Area ~~[shall consist]~~ consists of a resource protection area and a resource management area.

Chesapeake Bay Preservation Areas Map means the map adopted by City Council that shows the general location of designated resource ~~[preservation]~~ protection areas, resource management areas and intensely developed areas.

Chesapeake Bay Site Plan means a site plan required for any zoning, subdivision or other land development review process that shows any of the following features which are present on the site: tidal wetlands, nontidal wetlands, water bodies with perennial flow, floodplains, highly erodible soils, steep slopes, and highly permeable soils. The plan shall also display the following information: north arrow, scale, acreage of site, limits of Chesapeake Bay Preservation Areas on the property, limits of existing and proposed clearing and grading, areas of existing and proposed impervious cover, existing and proposed topography, and all existing and proposed stormwater management facilities. Site plans submitted to show compliance with the requirements of this article shall also contain:

- (1) The location of any sewage disposal systems or reserve drain fields;
- (2) The location of all significant plant material, including all trees on-site six inches or greater in diameter at breast height (groups of trees may be outlined);
- (3) A description of the impact the development will have on existing vegetation;
- (4) All trees to be removed and a description of all steps to be taken to mitigate the impact on existing vegetation; and
- (5) A description, including location and design, of all measures to be taken to meet the requirements of Sections 14-263 and 14-264.

City means the City of Richmond.

Department of Environmental Quality means the Virginia Department of Environmental Quality.

Development means land disturbance and the resulting landform associated with the construction of residential, commercial, industrial, institutional, recreation, transportation or utility facilities or structures or the clearing of land for non-agricultural or non-silvicultural purposes.

Director means the Director of Public Utilities or his or her designee.

Floodplain means all lands that would be inundated by floodwater as a result of a storm event of a 100-year return interval.

Highly erodible soils means soils (excluding vegetation) with an erodibility index from sheet and rill erosion equal to or greater than eight. The erodibility index for any soil is defined as the product of the formula $RKLS/T$, where K is the soil susceptibility to water erosion in the surface layer; R is the rainfall and runoff; LS is the combined effects of slope length and steepness; and T is the soil loss tolerance.

Highly permeable soils means soils with a given potential to transmit water through the soil profile. Highly permeable soils are identified as any soil having a permeability equal to or greater than six inches of water movement per hour in any part of the soil profile to a depth of 72 inches (permeability groups “rapid” and “very rapid”) as found in the National Soil Survey Handbook of November 1996, in the “Field Office Technical Guide” of the United States Department of Agriculture Natural Resources Conservation Service.

Impervious cover means a surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil. Impervious surfaces include, but are not limited to, roofs, buildings, streets, parking areas, and any concrete, asphalt or compacted gravel surface.

Infill means utilization of vacant land in previously developed areas.

Intensely developed areas means those areas designated by the City pursuant to Section 14-233.

Mature tree means a canopy tree with a diameter at breast height (DBH) of 12 inches or greater or from an understory tree with a DBH of four (4) inches or greater.

Nature-based solution means an approach that reduces the impacts of sea-level rise, flooding, and storm events through the use of environmental processes and natural systems.

Nontidal wetlands means those wetlands other than tidal wetlands that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the United States Environmental Protection Agency pursuant to Section 404 of the Federal Clean Water [~~Pollution Control~~] Act.

Plan of development, for the purposes of this article, means ~~[any]~~ the process for site plan review in ~~[local zoning and land development regulations]~~ Chapter 30, Article X, Division 4 designed to ensure compliance with Code of Virginia, § 62.1-44.15:74 and with this article, prior to issuance of a building permit.

Public road means a publicly owned road designed and constructed in accordance with water quality protection criteria at least as stringent as requirements applicable to the Virginia Department of Transportation, including regulations promulgated pursuant to[:

(1) ~~The Erosion and Sediment Control Law (Code of Virginia, § 62.1-44.15:51 et seq.);~~
and

(2) ~~The Virginia Stormwater Management Act (Code of Virginia, § 62.1-44.15:24 et seq.);~~ the Virginia Erosion and Stormwater Management Act (Code of Virginia, § 62.1-44.15:51 et seq.).

This definition includes those roads where the Virginia Department of Transportation exercises direct supervision over the design or construction activities, or both, and cases where secondary roads are constructed or maintained, or both, by the City.

Redevelopment means the process of developing land that is or has been previously developed.

Resource management area means that component of the Chesapeake Bay Preservation Area that is not classified as the resource protection area.

Resource protection area means that component of the Chesapeake Bay Preservation Area comprised of lands adjacent to water bodies with perennial flow that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of State waters.

Silvicultural activities means forest management activities, including, but not limited to, the harvesting of timber, the construction of roads and trails for forest management purposes, and the preparation of property for reforestation, that are conducted in accordance with the silvicultural best management practices developed and enforced by the State Forester pursuant to Code of Virginia^[5] § 10.1-1105 and are located on property defined as real estate devoted to forest use under Code of Virginia^[5] § 58.1-3230.

Site plan, for the purposes of this article, shall have the same meaning as “plan of development.”

State Water Control Board means the Virginia State Water Control Board.

Substantial alteration means expansion or modification of a building or development that would result in a disturbance of land exceeding an area of 2,500 square feet in the resource management area only.

Tidal shore or *shore* means land contiguous to a tidal body of water between the mean low water level and the mean high water level.

Tidal wetlands means vegetated and nonvegetated wetlands as defined in Code of Virginia[5] § 28.2-1300.

Understory tree means a tree that typically reaches 12 to 35 feet in height when mature.

Use means an activity on the land other than development, including, but not limited to, agriculture, horticulture and silviculture.

Water-dependent facility means 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:

- (1) Ports;
- (2) The intake and outfall structures of power plants, water treatment plants, sewage treatment plants and storm sewers;
- (3) Marinas and other boat docking structures;
- (4) Beaches and other public water-oriented recreation areas; and
- (5) Fisheries or other marine resource facilities.

Sec. 14-263. General performance criteria.

Through its applicable land use ordinances, regulations and enforcement mechanisms, the City shall require that any use, development or redevelopment of land in Chesapeake Bay Preservation Areas meet the following performance criteria:

- (1) No more land shall be disturbed than is necessary to provide for the proposed use or development.
- (2) Indigenous vegetation shall be preserved to the maximum extent practicable, consistent with the use or development proposed. Indigenous vegetation may

be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion and filtering nonpoint source pollution.

(3) Mature trees shall be protected during development and only removed where necessary, including to provide for the proposed use or development.

~~[(3)]~~ (4) Where the best management practices are utilized that require regular or periodic maintenance to continue their functions, such maintenance shall be ensured through a maintenance agreement with the owner or developer or some other mechanism approved by the City that achieves an equivalent objective. Maintenance agreements submitted for best management practices installed or used in areas of the City served by the municipal separate storm sewer system pursuant to Section 14-331 will be accepted if consistent with the requirements above.

~~[(4)]~~ (5) All development exceeding 2,500 square feet of land disturbance shall be accomplished through a ~~[plan of development]~~ site plan review process consistent with Code of Virginia, § 15.2-2286(A)(8) and subdivision (1)(e) of 9VAC25-830-240 of the Virginia Administrative Code.

~~[(5)]~~ (6) Land development shall minimize impervious cover consistent with the proposed use or development.

~~[(6)]~~ (7) Any land-disturbing activity that exceeds an area of 2,500 square feet (including construction of all single-family houses, septic tanks and drain fields, but otherwise as defined in Code of Virginia, § 62.1-44.15:51) shall comply with the requirements of Article V of this chapter.

~~[(7)]~~ (8) Where applicable, stormwater management criteria consistent with the water quality protection provisions of the Virginia Stormwater Management Program Regulations shall be satisfied.

(a) Subject to the foregoing, the following stormwater management options shall be considered to comply with this subsection:

(1) Incorporation on the site of best management practices that meet the water quality protection requirements set forth in this subsection. For the purposes of this subsection, the site may include multiple projects or properties that are adjacent to one another or lie within the same drainage area where a single best management practice will be utilized by those projects to satisfy water quality protection requirements;

(2) Compliance with a locally adopted Regional Stormwater Management Program, which may include a Virginia Pollution Discharge Elimination System (VPDES) permit issued by the Commonwealth of Virginia to the City for its municipally-owned separate storm sewer system discharges, that is reviewed and found by the Commonwealth to achieve water quality protection equivalent to that required by this subsection; and

(3) Compliance with a site-specific VPDES permit issued by the Commonwealth of Virginia, provided that the City specifically determines that the permit requires measures that collectively achieve water quality protection equivalent to that required by this subsection.

(b) Any maintenance, alteration, use or improvement to an existing structure that does not degrade the quality of surface water discharge, as determined by the City, may be exempted from the requirements of this subsection.

(c) Stormwater management criteria for redevelopment shall apply to any redevelopment, whether or not it is located within an intensely developed area designated by the City.

~~[(8)]~~ (9) Silvicultural activities in Chesapeake Bay Preservation Areas are exempt from this article, provided that silvicultural operations adhere to water quality protection procedures prescribed by the Virginia Department of Forestry in the January 1997 edition of “Forestry Best Management Practices for Water Quality in Virginia Technical Guide.” The Virginia Department of Forestry will oversee and document installation of best management practices and will monitor in-stream impacts of forestry operations in Chesapeake Bay Preservation Areas.

(10) A living shoreline, as defined by Code of Virginia, § 28.2-104.1 may be exempt from additional performance criteria requirements of Section 14-264, including a water quality impact assessment, provided the project minimizes land disturbance, maintains or establishes a vegetative buffer inland of the living shoreline, complies with the fill conditions in section 14-264(5)(f)(4) of this article, and receives approval from the VMRC or the local wetland board, as applicable.

~~[(9)]~~ (11) The City shall require evidence of all wetlands permits and delineation approvals required by law prior to authorizing grading or other on-site activities to begin.

~~[(10)]~~ (12) A Chesapeake Bay Site Plan shall be required for any land disturbance, development or redevelopment within a designated Chesapeake Bay Preservation Area. No Richmond Erosion and Stormwater Management Program Permit, building permit, or land-

disturbing permit issued pursuant to Article V of this chapter shall be issued for any activity until the City has approved a Chesapeake Bay Site Plan in accordance with the requirements of this section and Section 14-264.

~~[(11)]~~ (13) On-site sewage treatment systems not requiring a Virginia Pollutant Discharge Elimination System permit shall, for new construction, provide a reserve sewage disposal site with a capacity at least equal to that of the primary sewage disposal site. This reserve sewage disposal site requirement shall not apply to any lot or parcel recorded prior to October 1, 1989, if the lot or parcel is not sufficient in capacity to accommodate a reserve sewage disposal site, as determined by the local Health Department. Building shall be prohibited on the area of all sewage disposal sites until the structure is served by public sewer or an on-site sewage treatment system which operates under a permit issued by the State Water Control Board. All sewage disposal site records shall be administered to provide adequate notice and enforcement.

~~[(12)]~~ (14) On-site sewage treatment systems not requiring a Virginia Pollutant Discharge Elimination System permit shall be pumped and maintained at least once every five years. Such pumping and maintenance shall be performed in a manner approved by the District Health Department. Immediately upon having the sewage treatment system pumped and maintained, the owner of a sewage treatment system shall certify on a form approved by the District Health Department or an on-site service professional that such pumping and maintenance was performed. The pumping and maintenance required by this section shall be performed only by an individual or entity approved by the District Health Director or licensed by the Virginia Department of Professional and Occupational Regulation. However, in lieu of the mandatory pump-out, the District Health Department shall, consistent with 9VAC25-830-130(7)(a), allow (i) installation and maintenance of a plastic filter in the sewage treatment system tank outflow pipe or (ii)

documentation every five years, certified by an operator or on-site soil evaluator licensed or certified under Code of Virginia, Title 54.1, Ch. 23 (Code of Virginia, § 54.1-2300 et seq.) as being qualified to operate, maintain, or design on-site sewage systems, demonstrating that the sewage treatment system has been inspected and maintained, that the sewage treatment system is functioning properly, and that the tank does not require pumping.

Sec. 14-264. Development criteria for resource protection areas.

In addition to the general performance criteria set forth in Section 14-263, the criteria in this section are applicable in resource protection areas.

(1) *Approval required.*

a. Land development may be allowed in the resource protection area, subject to approval by the City, only if it:

1. Is water-dependent;
2. Constitutes redevelopment;
3. Constitutes development or redevelopment within a designated intensely developed area;
4. Is a new use established pursuant to subsection ~~[(1)e.1]~~ (1)f.1 of this section;
5. Is a road or driveway crossing satisfying the conditions set forth in subsection ~~[(1)e.4]~~ (1)f.4 of this section; or
6. Is a flood control or stormwater management facility satisfying the conditions set forth in subsection (5) of this section.

b. A water quality impact assessment in accordance with subsection (6) of this section shall be required for any proposed land disturbance.

c. A resiliency assessment in accordance with subsection (7) of this section shall be required for any proposed land disturbance in the resource protection area.

[e-] d. A new or expanded water-dependent facility may be allowed, provided that the following criteria are met:

1. It does not conflict with the comprehensive plan;
2. It complies with the performance criteria set forth in Section 14-263;
3. Any nonwatery-dependent component is located outside of resource protection areas; and
4. Access to the water-dependent facility will be provided with the minimum disturbance necessary. Where practicable, a single point of access will be provided.

[d-] e. Redevelopment, outside designated intensely developed areas, shall be permitted in the resource protection area only if there is no increase in the amount of impervious cover and no further encroachment within the resource protection area, and it shall conform to applicable erosion and sediment control and stormwater management criteria set forth in subsections (6) and (7) of this section, respectively, of Section 14-263, as well as all applicable stormwater management requirements of other State and Federal agencies.

[e-] f. Roads and driveways not exempt under Section 14-292(b)(1) and which, therefore, must comply with the provisions of this article, may be constructed in or across resource protection areas if each of the following conditions is met:

1. The City makes a finding that there are no reasonable alternatives to aligning the road or driveway in or across the resource protection area;

2. The alignment and design of the road or driveway are optimized, consistent with other applicable requirements, to minimize:

- (i) Encroachment in the resource protection area; and
- (ii) Adverse effects on water quality;

3. The design and construction of the road or driveway satisfy all applicable criteria of this article, including submission of a water quality impact assessment; and

4. The City reviews the plan for the road or driveway proposed in or across the resource protection area in coordination with the City's site plan~~;~~ ~~subdivision and plan of development approvals~~ approval.

~~[f.]~~ g. Flood control and stormwater management facilities that drain or treat water from multiple development projects or from a significant portion of a watershed may be allowed in resource protection areas, provided that:

1. The City has conclusively established that location of the facility within the resource protection area is the optimum location;

2. The size of the facility is the minimum necessary to provide necessary flood control or stormwater treatment, or both;

3. The facility must be consistent with a comprehensive stormwater management plan developed and that has been approved in accordance with 9VAC25-870-92 of the Virginia Stormwater Management Program regulations;

4. All applicable permits for construction in State or Federal waters must be obtained from the appropriate State and Federal agencies, such as the

United States Army Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission;

5. Approval [~~must be~~] is received from the City prior to construction;
- and
6. Routine maintenance is allowed to be performed on such facilities to assure that they continue to function as designed.

It is not the intent of this subsection to allow a best management practice that collects and treats runoff from only an individual lot or some portion of the lot to be located within a resource protection area.

(2) *Exemptions in resource protection areas.*

a. The following land disturbances in resource protection areas may be exempt from the criteria of this division provided that they comply with subsections (2)b and (2)c of this section:

1. Water wells;
2. Passive recreation facilities, such as boardwalks, trails and pathways; and
3. Historic preservation and archaeological activities.

b. The City shall establish administrative procedures to review such exemptions.

c. Any land disturbance exceeding an area of 2,500 square feet shall comply with the erosion and sediment control criteria in Section 14-263(6).

(3) *Buffer area requirements.* The 100-foot-wide buffer area shall be the landward component of the resource protection area as set forth in Section 14-231(b)(5). Notwithstanding

permitted uses, encroachments, and vegetation clearing, as set forth in this section, the 100-foot-wide buffer area is not reduced in width. To minimize the adverse effects of human activities on the other components of the resource protection area, State waters, and aquatic life, a 100-foot-wide buffer area of vegetation that is effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff shall be retained if present and established where it does not exist. The planting of trees shall be incorporated into the reestablishment of the 100-foot buffer, as appropriate to site conditions and in such a manner to maximize the buffer function. Inclusion of native species in tree planting is preferred.

a. The 100-foot-wide buffer area shall be deemed to achieve a 75-percent reduction of sediments and a 40-percent reduction of nutrients.

b. Where land uses such as agriculture or silviculture within the area of the buffer cease and the lands are proposed to be converted to other uses, the full 100-foot-wide buffer shall be reestablished. In reestablishing the buffer, management measures shall be undertaken to provide woody vegetation that assures the buffer functions set forth in this article. The planting of trees shall be incorporated into the reestablishment of the 100-foot buffer, as appropriate to site conditions and in such a manner to maximize the buffer function. Inclusion of native species in tree planting is preferred.

(4) *Permitted encroachments into the buffer area.*

a. When the application of the buffer area would result in the loss of a buildable area on a lot or parcel recorded prior to October 1, 1989, encroachments into the buffer area may be allowed through an administrative process, in accordance with the following criteria:

1. Encroachments into the buffer area shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities.

2. Where practicable, a vegetated area that will maximize water quality protection, mitigate the effects of the buffer encroachment, and is equal to the area of encroachment into the buffer area shall be established elsewhere on the lot or parcel. Where established, such vegetated area shall include the planting of trees as appropriate to site conditions. Inclusion of native species in tree planting is preferred.

3. The encroachment may not extend into the seaward 50 feet of the buffer area.

b. When the application of the buffer area would result in the loss of a buildable area on a lot or parcel recorded between October 1, 1989, and March 1, 2002, encroachments into the buffer area may be allowed through an administrative process in accordance with the following criteria:

1. The lot or parcel was created as a result of a legal process conducted in conformity with the City's subdivision regulations;

2. Conditions or mitigation measures imposed through a previously approved exception shall be met;

3. If the use of a best management practice was previously required, the best management practice shall be evaluated to determine if it continues to function effectively and, if necessary, the best management practice shall be reestablished or repaired and maintained as required; and

4. The criteria in subsection (4)a of this section shall be met.

(5) *Permitted modifications of the buffer area.* In order to maintain the functional value of the buffer area, existing vegetation may be removed, subject to approval by the City, only to provide for reasonable sight lines, access paths, general woodlot management, and best management practices, including those that prevent upland erosion and concentrated flows of stormwater, as follows:

a. Mature trees shall be preserved and trimmed or pruned in lieu of removal as site conditions permit and removal should be limited to the fewest number of trees feasible. Inclusion of native species in tree planting is preferred.

b. Trees may be pruned or removed as necessary to provide for sight lines and vistas, provided that, where removed, they shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff as specified in the Riparian Buffer Modification & Mitigation Guidance Manual, 2003, published by the Chesapeake Bay Local Assistance Division of the Department of Conservation and Recreation and as may be amended by the State from time to time. When trees are proposed for removal to provide for site lines, vista, and access paths, they shall be replaced with trees as appropriate to site conditions and in such a manner as to maximize the buffer function and to protect the quality of state waters.

~~b.~~ c. Any path shall be constructed and surfaced so as to effectively control erosion.

~~c.~~ d. Dead, diseased, or dying trees or shrubbery and noxious weeds (such as Johnson grass, kudzu, and multiflora rose) may be removed and thinning of trees may be allowed, pursuant to sound horticultural practices.

[d.] e. For shoreline erosion control projects, trees and woody vegetation may be removed, necessary control techniques employed, and appropriate vegetation established to protect or stabilize the shoreline in accordance with the best available technical advice and applicable permit conditions or requirements.

1. The removal of mature trees for the installation and maintenance of proposed shoreline erosion control projects shall only be permitted as necessary and consistent with the best available technical advice, approved project plans, and as applicable permit conditions or requirements.

2. Trees shall be incorporated, as appropriate to the site conditions and the project specifications. Inclusion of native species is preferred.

3. Shoreline erosion control within the resource protection area shall be consistent with the Wetlands Act (Chapter 13, Title 28.2) and the Virginia Marine Resources Commission (VMRC) Tidal Wetlands Guidelines which provide for “minimum standards for the protection and conservation of wetlands,” and “ensure protection of shorelines and sensitive coastal habitat from sea level rise and coastal hazard.”

f. Adaptation measures proposed for location within the resource protection area shall meet the following conditions:

1. The selected adaptation measure shall be a nature-based solution that uses environmental processes, natural systems, or natural features identified as being appropriate for existing site conditions.

2. An identified adaptation measure shall be selected from one of the following sources: Chesapeake Bay program approved BMP list, the Virginia

Stormwater BMP Clearinghouse, the VMRC Tidal Wetlands Guidelines, or be a project that is eligible for funding by the Virginia Community Flood Preparedness Fund Grant. Adaptation measures should consist of trees, vegetation, stone or enhance existing natural elements.

3. Adaptation measures approved for use in the resource protection area shall be designed, installed, and maintained in accordance with the applicable specifications for the selected adaptation measure.

4. The use of fill as a component of an adaptation measure may be permitted, provided it meets the following conditions:

a. The grading and slope created by the use of fill shall be no greater than necessary based upon the project specifications and implemented in a manner that minimizes the impact of run-off.

b. Fill shall have the necessary biogeochemical characteristics, including sufficient organic content, to support the growth of vegetation and adequate permeability to allow infiltration consistent with project specifications.

c. The use of fill shall not exacerbate stormwater run-off, and lateral flow onto adjacent properties shall be controlled.

d. The use of fill shall not negatively impact septic systems and drainfields located within the RPA.

e. The use of fill shall be consistent with any applicable local, state, or federal floodplain requirements, including federal floodplain management regulations found in Title 40 CFR Part 60.

5. The preservation of existing natural vegetation shall be maximized, including mature trees, and land disturbance consistent with design specifications shall be minimized.

6. Adaptation measures shall comply with all federal, state, and local requirements, including any required permits and conditions such as the need for a Water Quality Impact Assessment.

7. Nothing in these provisions shall be construed to authorize approval or allowance of an adaptation measure in contravention of floodplain management requirements, including Article II of this Chapter, nor shall it be construed to require the City to approve or allow an adaptation measure in contravention of its participation in the National Flood Insurance Program Community Rating System.

(6) *Water quality impact assessment.* A water quality impact assessment shall be required for any proposed development within the resource protection area consistent with this division and for any other development in Chesapeake Bay Preservation Areas that the Administrator determines may warrant such assessment because of the unique characteristics of the site or intensity of the proposed use or development.

a. The purpose of the water quality impact assessment is to identify the impacts of proposed development on water quality and lands in the resource protection areas consistent with the goals and objectives of the Act, this article, and the City's programs, and to determine specific measures for mitigation of those impacts. An approved water quality impact assessment shall demonstrate the following:

1. The absence of significant adverse impacts of nonpoint source pollution on topography, soils, environmentally sensitive areas, hydrology, and the quality of State waters; or

2. That any such adverse impacts are mitigated. Calculations shall be performed in accordance with guidelines developed by the City pursuant to Section 14-263 or in accordance with generally accepted engineering methods approved by the City.

b. The water quality impact assessment shall be of sufficient specificity to demonstrate compliance with the criteria of the City's program.

(7) Resiliency assessment. A resiliency assessment shall be required for any proposed development within the resource protection area consistent with this division and for any other development in Chesapeake Bay Preservation Areas that the Administrator determines may warrant such assessment because of the unique characteristics of the site or intensity of the proposed use or development.

a. The purpose of the resiliency assessment is to consider the potential impacts of sea level rise, storm surge, and flooding on buffer function in light of a proposed resource protection area encroachment. An approved resiliency assessment shall contain the anticipated impacts of sea level rise, flooding, and storm surge on the parcel and the proposed development.

1. To demonstrate the anticipated impacts of sea level rise on the parcel and the proposed development, the applicant shall use the 2017 National Oceanographic and Atmospheric Administration (NOAA) Intermediate-High

scenario project curve, or any subsequently updated version thereof on the project site.

2. To demonstrate the anticipated impacts of flooding on the parcel and the proposed development, the applicant shall use the most up to date Special Flood Hazard Area and the Limit of Moderate Wave Action (LiMWA) model on the project site according to the Virginia Flood Risk Information System (VFRIS) model in conjunction with the requirements and application of Article II of this Chapter.

3. To demonstrate the anticipated impacts of storm surge on the parcel and the proposed development, the applicant shall use the most up to date NOAA hydrodynamic Sea, Lake, and Overland Surges Hurricanes (SLOSH) model on the project site.

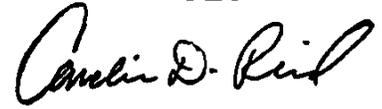
a. The resiliency assessment shall be of sufficient specificity to demonstrate compliance with the criteria of the City's program.

~~[(7)]~~ (8) *Buffer area requirements for intensely developed areas.* In intensely developed areas, the City may exercise discretion regarding whether to require establishment of vegetation in the 100-foot-wide buffer area. However, while the immediate establishment of vegetation in the buffer area may be impractical, the City shall give consideration to implementing measures that would establish vegetation in the buffer in these areas over time in order to maximize water quality protection, pollutant removal, and water resource conservation, and shall encourage the planting of trees, including native species, as a component of such buffer reestablishment measure. Where buffers are to be established, they shall be designed in accordance with the standards established in the Riparian Buffer Modification & Mitigation Guidance Manual, 2003, prepared by the

Chesapeake Bay Local Assistance Division of the Department of Conservation and Recreation and as may be amended by the Commonwealth of Virginia from time to time.

§ 2. This ordinance shall be in force and effect upon adoption.

**A TRUE COPY:
TESTE:**

A handwritten signature in black ink, appearing to read "Carolin D. Reed". The signature is written in a cursive style with a large initial 'C'.

City Clerk

City of Richmond

Intracity Correspondence

O&R Transmittal

DATE: January 12, 2026
TO: The Honorable Members of City Council
THROUGH: The Honorable Danny Avula, Mayor
THROUGH: Odie Donald, II, Chief Administrative Officer
THROUGH: Al Wiggins, Jr., Deputy Chief Administrative Officer, Operations
THROUGH: Scott Morris, DBA, P.E., Director of Public Utilities
FROM: Laura Bendernagel, Senior Deputy Director, Department of Public Utilities
RE: TO AMEND CHAPTER 14, ARTICLE II OF CITY CODE REGARDING
CHESAPEAKE BAY PRESERVATIONS AREAS

ORD. OR RES. No. _____

PURPOSE: To amend City Code §§ 14-181, 14-263, and 14-264 concerning land use and development performance criteria in Chesapeake Bay Preservation Areas, for the purpose of aligning the City Code with state law.

BACKGROUND: In 2021, the Virginia State Water Control Board adopted amendments to the Chesapeake Bay Preservation Area Designation and Management Regulations (9VAC25-830 et seq.) under authority of the Virginia Chesapeake Bay Preservation Act (Va. Code § 62.1-44.15:67 et seq.).

These amendments require all Tidewater localities, including the City of Richmond, to update their local Chesapeake Bay Preservation ordinances to remain in compliance with state law and maintain Department of Environmental Quality (DEQ) program certification.

The revisions strengthen environmental protection and climate resilience within the City's Chesapeake Bay Preservation Areas through the following key updates:

1. Coastal Resilience and Adaptation Assessments

Development proposals within designated Resource Protection Areas (RPAs) must now include an evaluation of potential impacts from sea-level rise, storm surge, and recurrent flooding. This ensures that new projects are designed and constructed to account for changing climate conditions.

2. Preservation of Mature Trees

The ordinance expands requirements for preserving mature trees and authorizes the City to establish standards for tree replacement and planting during land-disturbing activities to enhance urban canopy coverage and improve stormwater management.

3. Promotion of Green Infrastructure

The revisions encourage the use of natural shoreline stabilization measures, such as living shorelines and vegetated buffers, over hardened structures like bulkheads and seawalls, aligning local practices with sustainable watershed management goals.

COMMUNITY ENGAGEMENT: None

STRATEGIC INITIATIVES AND OTHER GOVERNMENTAL: None

FISCAL IMPACT: None

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: February 9, 2029

CITY COUNCIL PUBLIC HEARING DATE: February 23, 2026

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: Land Use, Housing and Transportation

AFFECTED AGENCIES: Department of Public Utilities, Planning and Development Review

RELATIONSHIP TO EXISTING ORD. OR RES.: N/A

ATTACHMENTS: N/A

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