


City of Alexandria, Virginia

MEMORANDUM

DATE: FEBRUARY 6, 2008

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: JAMES K. HARTMANN, CITY MANAGER 

SUBJECT: CONSIDERATION OF CHANGES TO THE CITY CODE
REGARDING THE REQUIREMENTS FOR SUBMITTING GRADING
PLANS AND THE ENFORCEMENT OF THOSE REQUIREMENTS

ISSUE: Proposed ordinance change to the requirements for submitting grading plans.

RECOMMENDATION: That City Council approve second reading and final passage of the attached ordinance.

DISCUSSION: City Council approved the first reading of the proposed ordinance on December 11, 2007 and held a public hearing on the ordinance on December 15. On December 15, Council closed the public hearing, deferred action on the ordinance and sent it to the Infill Task Force for its consideration and recommendation.

T&ES staff attended the January 17, 2008, meeting of the Infill Task Force and presented the proposed changes. T&ES staff presented the issues faced by the City relating to drainage and storm water runoff associated with the construction of new homes or large additions. The Task Force devoted substantial time to the discussion. The members generally indicated that the concerns were legitimate and the proposed requirements were reasonable, but they did ask staff to consider some modifications.

The Task Force agreed that a grading plan should be required when a new home was constructed or when the disturbed land area exceeded 2,500 square feet. These are addressed in section 8-1-22 (d) items (1) and (5) of the proposed ordinance. Several members of the Task Force expressed some concern with requiring a full grading plan for items (2) additions to existing homes meeting certain criteria, (3) changes to existing grade elevation of one foot or greater and (4) changes to existing drainage patterns. These Task Force members believed that while in some cases the specific topography and proposed activities might warrant a full grading plan, there may be some cases that would not create drainage impacts to adjacent properties or the public right-of-way.

The Task Force recommended that in these cases (criteria 2, 3 and 4), the Director of T&ES should have the discretion to waive the requirement for a grading plan if he was presented with sufficient information to demonstrate that no drainage impacts would

occur. T&ES is comfortable with adding this discretion to the ordinance. The City Attorney has prepared the necessary changes to the ordinance.

While one member of the Task Force expressed concern regarding the \$500 fee associated with the review of the grading plan, the Task Force chose not to take a position on the fee because the Task Force believed it was not within their purview.

FISCAL IMPACT: Staff recommends a \$500 fee for the review and processing of the grading plans. About \$20,000 per year should be collected under this new fee.

ATTACHMENTS:

Attachment 1. Revised ordinance

Attachment 2. Original docket item from December 11, 2007 and December 15, 2007 Council meetings.

STAFF:

Richard J. Baier, P.E., Director, T&ES

Emily A. Baker, P.E., City Engineer

Christopher Spera, Assistant City Attorney

1	Introduction and first reading:	1/12/2007
2	Public hearing:	1/15/2007
3	Second reading and enactment:	2/12/2008

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to amend and reordain Section 8-1-22 (METHOD OF STORM AND SUBSURFACE WATER DISPOSAL) and Section 8-1-30 (VIOLATIONS AND PENALTIES), of Article B (MISCELLANEOUS CONDITIONS OF PERMITS), Chapter 1 (BUILDING CODE), Title 8 (BUILDING CODE REGULATIONS), of the Code of the City of Alexandria, Virginia, 1981, as amended.

Summary

The proposed ordinance provides for the submission, review and approval of grading and drainage plans as part of the development review process for infill development.

Sponsor

Staff

Richard Baier, Director, T&ES
Christopher Spera, Assistant City Attorney

Authority

§§ 2.04(b), 2.04(m), Alexandria City Charter

Estimated Costs of Implementation

See memorandum from the City Manager

Attachments in Addition to Proposed Ordinance and its Attachments (if any)

None

AMENDMENT PROPOSED ON SECOND READING AND FINAL PASSAGE
SHOWN IN DOUBLE UNDERLINING

AN ORDINANCE to amend and reordain Section 8-1-22 (METHOD OF STORM AND
SUBSURFACE WATER DISPOSAL) and Section 8-1-30 (VIOLATIONS AND
PENALTIES), of Article B (MISCELLANEOUS CONDITIONS OF PERMITS), Chapter 1
(BUILDING CODE), Title 8 (BUILDING CODE REGULATIONS), of the Code of the
City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 8-1-22 of The Code of the City of Alexandria, 1981 as amended,
be, and the same hereby is, amended and reordained to read as follows:

Sec. 8-1-22 Method of storm and subsoil water disposal.

(a) Buildings shall have drainage provision for conveying storm water from roofs, paved
areas and areaway drains, Subsoil water, condensate, cooling water, etc., on the premise
to a public storm sewer: except that where a public storm sewer is not available, an
approved method of disposal shall be provided to the satisfaction of the director of
transportation and environmental services.

(b) Availability.

(1) For a one-and two-family dwelling, a public storm sewer shall be deemed
available when such sewer is within 100 feet of the premises on which the
dwelling is located, measured along a street, and a connection may be made
lawfully thereto.

(2) For any other buildings, a public storm sewer shall be deemed available
when such sewer is within 500 feet of the premises on which the building is
located, measured along a street, and a connection may be made lawfully thereto.

(c) Area drains are prohibited from entering septic tanks or public or private sewer
systems unless specifically approved in writing by the director of transportation and
environmental services.

(d) Prior to the issuance of any building permit for any proposed improvement to real
property involving (1) the construction of a new home (2) construction of an addition
to an existing home where either (A) the addition exceeds the area of the existing
building footprint by 100% or more; or (B) the construction of the addition results in
less than 50% of the existing first floor exterior walls, in their entirety, remaining; (3)
changes to the existing grade elevation of 1 foot or greater; (4) changes to existing
drainage patterns; or (5) land disturbance of 2,500 square feet or greater, a grading

1 and drainage plan prepared by a professional engineer or land surveyor licensed by
2 the Commonwealth of Virginia shall be submitted for review and approval by the
3 Director of Transportation & Environmental Services or his designee. Such plan
4 shall demonstrate that post-development drainage will have no greater impact on
5 adjacent or down-stream property than pre-development conditions. The
6 requirements for such plans, including without limitation form, content, methods of
7 calculation, and procedures for review and approval, shall be established by
8 regulations promulgated by the Director of Transportation & Environmental
9 Services. A plan review fee in the amount of \$500 shall accompany such plan,
10 except that in instances where the proposed improvement is already subject to the
11 erosion and sediment control requirements set forth in section 5-4-1, et seq. of this
12 Code, and a fee has already been paid pursuant to those requirements, no additional
13 fee shall be required. No building permit for improvements subject to this subsection
14 shall be issued until after the grading and drainage plan has been approved. When a
15 grading and drainage plan is required pursuant to subsections (d)(2), (3) or (4) hereof,
16 the requirement may be waived by the Director of Transportation & Environmental
17 Services or his designee when such a waiver is requested by the property owner and
18 such request is accompanied by sufficient information to demonstrate to the
19 satisfaction of the Director or his designee, in his sole and absolute discretion, that no
20 drainage impacts will occur due to the proposed construction.

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22 Section 2. That Section 8-1-30 of The Code of the City of Alexandria, 1981 as amended,
23 be, and the same hereby is, amended and reordained to read as follows:

24
25 Sec. 8-1-30 Violations and penalties.

26
27 (a) With the exception of violations of section 8-1-22, a violation of any section or
28 provision of this article shall be a misdemeanor, and any person found guilty of any such
29 violation shall, upon conviction, be punished by a fine of not more than \$500. Each day a
30 violation of any section or provision of this article continues shall be deemed a separate
31 violation. Notwithstanding the foregoing, if the violation of a section or provision of this
32 article is also a violation of a section or provision of article A of this chapter, then section
33 8-1-6 shall apply to the violation in lieu of this section.

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35 (b) A violation of any section or provision of this article may, in addition to and
36 notwithstanding the penalty provided for in subsection (a) (c) or (d), be restrained,
37 prohibited or enjoined by appropriate proceedings in a court of competent jurisdiction.

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39 (c) Notwithstanding the provisions of subsection (a) and (b), any action or omission
40 constituting a violation of a section or provision of this article which also constitutes a
41 violation of a section or provision of article A shall only be subject to the penalties in
42 section 8-1-6.

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44 (d) Any violation of section 8-1-22 of this article shall be a civil violation that shall be
45 enforced through the levying of a civil penalty, pursuant to section 1-1-11 of this
46 code, of \$100 for a person's first violation and of \$150 for each subsequent violation
47 of the same section or provision. Each day during which a violation exists shall
48 constitute a separate violation. However, a series of violations arising from the same

operative set of facts shall not give rise to the levying of a civil penalty more frequently than once in any 10-day period, and shall not result in civil penalties exceeding a total of \$3,000.

(e) In addition to the foregoing penalties, in the event that any person obtains a building permit based on representations that exempt the proposed construction from the grading and drainage plan requirements of Section 8-1-22(d), and those representations prove to be incorrect, the Director of Transportation & Environmental Services or his designee may issue a written order stopping all work at the site until such time as a grading and drainage plan has been submitted for review and approved pursuant to Section 8-1-22(d).

Section 3. That this ordinance shall become effective on the date and at the time of final passage.

William D. Euille
Mayor

Introduction:	12/11/07
First Reading:	
Publication:	
Public Hearing:	
Second Reading	
Final Passage:	

EXHIBIT NO. 1

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12-15-07

~~14~~
~~12-11-07~~

City of Alexandria, Virginia

MEMORANDUM

DATE: DECEMBER 4, 2007

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: JAMES K. HARTMANN, CITY MANAGER *J*

SUBJECT: CONSIDERATION OF CHANGES TO THE CITY CODE REGARDING THE REQUIREMENTS FOR SUBMITTING GRADING PLANS AND THE ENFORCEMENT OF THOSE REQUIREMENTS

ISSUE: Clarification of the requirements for submitting grading plans, and providing for better enforcement of these requirements.

RECOMMENDATION: That City Council approve the attached ordinance on first reading and set it for public hearing, second reading and final passage on December 15, 2007.

DISCUSSION: T&ES has the responsibility for ensuring that storm water and groundwater runoff on private properties does not create a nuisance on adjacent properties or within the public right of way. T&ES frequently receives complaints from adjacent property owners with concerns relating to grading and storm water runoff associated with the construction of new homes or large additions on neighboring properties. These complaints are often made while the construction activity is ongoing, although some complaints aren't received until after the construction is completed. The complaints are generally associated with changes to drainage patterns on the site as a result of re-grading, installation of new roof drains and sump pumps, and denuding of vegetated areas on the property. Given lot sizes and topography in Alexandria, changes in drainage systems and patterns on one lot can have a negative impact on neighboring properties.

These complaints have increased in recent years due to infill with its increase in volume of sizeable additions and new homes being constructed throughout the City.

T&ES has always required a grading plan to be submitted for new homes, but has used administrative discretion regarding large additions to existing homes. There are about 40 cases per year where grading plans have been administratively requested but now would be mandated by Code. Because of the volume of permit applications that have been processed in recent years and because many recent additions have been quite large, T&ES is proposing to standardize the requirements for grading plans. Staff is proposing that in addition to new homes, grading plans

be required for additions that increase the building footprints by 100% or more; an addition that results in less than 50% of the existing exterior walls remaining (essentially demolishing most of the house to construct a new house); changes the existing grade on the property by one foot or greater; changes the existing drainage patterns on the property; or creates a land disturbance of greater than 2,500 square feet.

A grading plan is an engineered plan that is simpler than a site plan. It shows existing and proposed topography, drainage patterns and drainage outfalls, as well as the footprint of the existing and proposed structures. This required information is necessary for T&ES engineers to evaluate the drainage patterns on the property and onto adjacent properties or public rights-of-way. The cost for an engineered grading plan to be developed would run about \$5,000 to \$10,000 per plan.

T&ES staff has reviewed the requirements for similar type plans in neighboring jurisdictions and has used similar requirements in the attached ordinance. In addition, T&ES is proposing the charge of a \$500 fee for the review and processing of these plans. At this time, no fee is charged even though these plans often require several rounds of review and individual meetings with the applicants. This fee is similar in magnitude to the adjacent jurisdictions.

T&ES is coordinating with the departments of Code Enforcement and Planning & Zoning to ensure that property owners who are considering construction projects that will meet these thresholds are advised of these requirements early in the planning stages.

Both Arlington County and Fairfax County have similar grading plan requirements and fees for new homes and large home additions.

FISCAL IMPACT: The \$500 fee, while it will increase revenues to some degree, will offset costs related to review and approval of grading plans. About \$20,000 per year should be collected under this new fee.

ATTACHMENT: Proposed Ordinance.

STAFF:

Richard J. Baier, P.E., Director, T&ES
Emily A. Baker, P.E., City Engineer
Christopher Spera, Assistant City Attorney

1 Introduction and first reading: 12/11/2007
2 Public hearing: 12/15/2007
3 Second reading and enactment: 12/15/2007
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6 INFORMATION ON PROPOSED ORDINANCE
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8 Title
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10 AN ORDINANCE to amend and reordain Section 8-1-22 (METHOD OF STORM AND
11 SUBSURFACE WATER DISPOSAL) and Section 8-1-30 (VIOLATIONS AND
12 PENALTIES), of Article B (MISCELLANEOUS CONDITIONS OF PERMITS), Chapter 1
13 (BUILDING CODE), Title 8 (BUILDING CODE REGULATIONS), of the Code of the
14 City of Alexandria, Virginia, 1981, as amended.
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16 Summary
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18 The proposed ordinance provides for the submission, review and approval of grading and
19 drainage plans as part of the development review process for infill development.
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21 Sponsor
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24 Staff
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26 Richard Baier, Director, T&ES
27 Christopher Spera, Assistant City Attorney
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29 Authority
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31 §§ 2.04(b), 2.04(m), Alexandria City Charter
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33 Estimated Costs of Implementation
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35 See memorandum from the City Manager
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37 Attachments in Addition to Proposed Ordinance and its Attachments (if any)
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ORDINANCE NO. _____

AN ORDINANCE to amend and reordain Section 8-1-22 (METHOD OF STORM AND SUBSURFACE WATER DISPOSAL) and Section 8-1-30 (VIOLATIONS AND PENALTIES), of Article B (MISCELLANEOUS CONDITIONS OF PERMITS), Chapter 1 (BUILDING CODE), Title 8 (BUILDING CODE REGULATIONS), of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 8-1-22 of The Code of the City of Alexandria, 1981 as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 8-1-22 Method of storm and subsoil water disposal.

(a) Buildings shall have drainage provision for conveying storm water from roofs, paved areas and areaway drains, Subsoil water, condensate, cooling water, etc., on the premise to a public storm sewer: except that where a public storm sewer is not available, an approved method of disposal shall be provided to the satisfaction of the director of transportation and environmental services.

(b) Availability.

(1) For a one-and two-family dwelling, a public storm sewer shall be deemed available when such sewer is within 100 feet of the premises on which the dwelling is located, measured along a street, and a connection may be made lawfully thereto.

(2) For any other buildings, a public storm sewer shall be deemed available when such sewer is within 500 feet of the premises on which the building is located, measured along a street, and a connection may be made lawfully thereto.

(c) Area drains are prohibited from entering septic tanks or public or private sewer systems unless specifically approved in writing by the director of transportation and environmental services.

(d) Prior to the issuance of any building permit for any proposed improvement to real property involving (1) the construction of a new home (2) construction of an addition to an existing home where either (A) the addition exceeds the area of the existing building footprint by 100% or more; or (B) the construction of the addition results in less than 50% of the existing first floor exterior walls, in their entirety, remaining; (3) changes to the existing grade elevation of 1 foot or greater; (4) changes to existing drainage patterns; or (5) land disturbance of 2,500 square feet or greater, a grading and drainage plan prepared by a professional engineer or land surveyor licensed by the Commonwealth of Virginia shall be submitted for review and approval by the Director of Transportation & Environmental Services or his designee. Such plan

1 shall demonstrate that post-development drainage will have no greater impact on
2 adjacent or down-stream property than pre-development conditions. The
3 requirements for such plans, including without limitation form, content, methods of
4 calculation, and procedures for review and approval, shall be established by
5 regulations promulgated by the Director of Transportation & Environmental
6 Services. A plan review fee in the amount of \$500 shall accompany such plan,
7 except that in instances where the proposed improvement is already subject to the
8 erosion and sediment control requirements set forth in section 5-4-1, et seq. of this
9 Code, and a fee has already been paid pursuant to those requirements, no additional
10 fee shall be required. No building permit for improvements subject to this subsection
11 shall be issued until after the grading and drainage plan has been approved.
12

13 Section 2. That Section 8-1-30 of The Code of the City of Alexandria, 1981 as amended,
14 be, and the same hereby is, amended and reordained to read as follows:
15

16 Sec. 8-1-30 Violations and penalties.
17

18 (a) With the exception of violations of section 8-1-22, a violation of any section or
19 provision of this article shall be a misdemeanor, and any person found guilty of any such
20 violation shall, upon conviction, be punished by a fine of not more than \$500. Each day a
21 violation of any section or provision of this article continues shall be deemed a separate
22 violation. Notwithstanding the foregoing, if the violation of a section or provision of this
23 article is also a violation of a section or provision of article A of this chapter, then section
24 8-1-6 shall apply to the violation in lieu of this section.
25

26 (b) A violation of any section or provision of this article may, in addition to and
27 notwithstanding the penalty provided for in subsection (a) (c) or (d), be restrained,
28 prohibited or enjoined by appropriate proceedings in a court of competent jurisdiction.
29

30 (c) Notwithstanding the provisions of subsection (a) and (b), any action or omission
31 constituting a violation of a section or provision of this article which also constitutes a
32 violation of a section or provision of article A shall only be subject to the penalties in
33 section 8-1-6.
34

35 (d) Any violation of section 8-1-22 of this article shall be a civil violation that shall be
36 enforced through the levying of a civil penalty, pursuant to section 1-1-11 of this
37 code, of \$100 for a person's first violation and of \$150 for each subsequent violation
38 of the same section or provision. Each day during which a violation exists shall
39 constitute a separate violation. However, a series of violations arising from the same
40 operative set of facts shall not give rise to the levying of a civil penalty more
41 frequently than once in any 10-day period, and shall not result in civil penalties
42 exceeding a total of \$3,000.
43

44 (e) In addition to the foregoing penalties, in the event that any person obtains a building
45 permit based on representations that exempt the proposed construction from the
46 grading and drainage plan requirements of Section 8-1-22(d), and those
47 representations prove to be incorrect, the Director of Transportation & Environmental
48 Services or his designee may issue a written order stopping all work at the site until

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such time as a grading and drainage plan has been submitted for review and approved pursuant to Section 8-1-22(d).

Section 3. That this ordinance shall become effective on the date and at the time of final passage.

William D. Euille
Mayor

Introduction: 12/11/07
First Reading:
Publication:
Public Hearing:
Second Reading
Final Passage:

3 / 6
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Docket Item 29
February 12, 2008
Grading Plan Ordinance

Proposed amendments by Councilman Smedberg:

Page 5, line 17:

After "Services or"

Strike "his designee" and

Insert "Deputy Director/City Engineer"

Page 5, lines 19 and 20:

After "satisfaction of the Director"

Strike "or his designee, in his sole and absolute discretion, that no drainage impacts will occur due to the proposed construction." and

Insert: "Deputy Director/City Engineer, in his or her reasonable engineering discretion, that no adverse drainage impacts to abutting or adjacent property will occur as a result of the proposed construction. The Director shall promulgate rules and regulations for the application, consideration, grant or denial of such waiver requests, including without limitation rules and regulations specifying the minimum information required for applications, and reasonable criteria and standards for the consideration of such requests. The decision on such requests shall be in writing, and shall state the grounds thereof. The decision to grant or deny a waiver request is committed to the discretion of the Director or Deputy Director/City Engineer, and shall not be subject to judicial review.

Page 6, Line 14:

After "passage"

Insert "provided, however, that the provisions of this ordinance shall not apply to any complete building permit application pending before any City board, tribunal, department, agency, or bureau on the effective date.

29
2-12-08



Jane Quill <lmay@nvar.com>

02/12/2008 11:50 AM

Please respond to
Jane Quill <lmay@nvar.com>

To <alexvamayor@aol.com>, <timothylovain@aol.com>, <councilmangaines@aol.com>, <council@krupicka.com>, <delpepper@aol.com>, <paulcsmedberg@aol.com>,

cc

bcc

Subject COA Contact Us: Comments on Grading Plan Requirements

Time: [Tue Feb 12, 2008 11:50:26] **IP Address:** [74.8.133.66]

Issue Type: Mayor, Vice Mayor, and Council Members
First Name: Jane
Last Name: Quill
Street Address: Northern Virginia Association of Realtors
8411 Arlington Blvd
City: Fairfax
State: VA
Zip: 22031
Phone: 703-207-3201
Email Address: lmay@nvar.com
Subject: Comments on Grading Plan Requirements
Dear Mayor Euille, Vice Mayor Pepper and Members of the City Council,
On
behalf of the Northern Virginia Association of Realtors®, an organization
representing 11,000 Realtors® in our area, I am writing to you regarding
the City's grading plan submission proposal.
NVAR appreciates the
efforts of the City to protect the properties surrounding an infill
development project from the effects of stormwater runoff both during
construction and after completion. We believe it is entirely appropriate to
require homeowners that are making major additions to their homes or that
are disturbing large areas of land to submit a grading plan to city
officials when applying for the proper permits.
We are also encouraged
that city staff has included the recommendation of the Infill Development
Task Force, of which NVAR is a member, to allow for an administrative

waiver of the grading plan submission requirements. We believe this is an appropriate way for staff to grant relief to medium-sized projects or to properties that do not pose drainage problems.

However, our concern

with the proposal as currently drafted is that grading plans would be required for minor projects as well. The language in Sec. 8-1-22 (d)(4), which states that grading plans would be required for projects that include “changes to existing drainage patterns,” could apply to any number of small remodeling projects that would have no effect on surrounding properties.

Comments:

Given that such grading plans can run several thousand dollars, in addition to the fees charged by the city to review the plans, the city runs the risk of discouraging homeowners from improving their properties. In addition, while an administrative waiver could be granted in these instances, navigating this process can seem daunting to the typical homeowner. If it appears that Alexandria’s regulations are overbearing, it will deter current homeowners from undertaking projects to improve the value of their homes and their neighborhoods. It may also discourage those wishing to move to the city from doing so.

In closing, we ask members of

the Alexandria City Council to carefully consider the scope of these regulations, particularly the language in Sec. 8-1-22 (d)(4), to ensure that a proper balance is maintained between controlling runoff from large-scale projects and protecting the ability of homeowners to make small improvements efficiently and affordably.

Sincerely,
Jane Quill, CIPS,

GRI, SRES
Chairman of the Board

ORDINANCE NO. 4517

AN ORDINANCE to amend and reordain Section 8-1-22 (METHOD OF STORM AND SUBSURFACE WATER DISPOSAL) and Section 8-1-30 (VIOLATIONS AND PENALTIES), of Article B (MISCELLANEOUS CONDITIONS OF PERMITS), Chapter 1 (BUILDING CODE), Title 8 (BUILDING CODE REGULATIONS), of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 8-1-22 of The Code of the City of Alexandria, 1981 as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 8-1-22 Method of storm and subsoil water disposal.

(a) Buildings shall have drainage provision for conveying storm water from roofs, paved areas and areaway drains, Subsoil water, condensate, cooling water, etc., on the premise to a public storm sewer: except that where a public storm sewer is not available, an approved method of disposal shall be provided to the satisfaction of the director of transportation and environmental services.

(b) Availability.

(1) For a one-and two-family dwelling, a public storm sewer shall be deemed available when such sewer is within 100 feet of the premises on which the dwelling is located, measured along a street, and a connection may be made lawfully thereto.

(2) For any other buildings, a public storm sewer shall be deemed available when such sewer is within 500 feet of the premises on which the building is located, measured along a street, and a connection may be made lawfully thereto.

(c) Area drains are prohibited from entering septic tanks or public or private sewer systems unless specifically approved in writing by the director of transportation and environmental services.

(d) Prior to the issuance of any building permit for any proposed improvement to real property involving (1) the construction of a new home (2) construction of an addition to an existing home where either (A) the addition exceeds the area of the existing building footprint by 100% or more; or (B) the construction of the addition results in less than 50% of the existing first floor exterior walls, in their entirety, remaining; (3) changes to the existing grade elevation of 1 foot or greater; (4) changes to existing drainage patterns; or (5) land disturbance of 2,500 square feet or greater, a grading and drainage plan prepared by a professional engineer or land surveyor licensed by the Commonwealth of Virginia shall be submitted for review and approval by the Director of Transportation & Environmental Services or Deputy Director/City Engineer. Such plan shall demonstrate

that post-development drainage will have no greater impact on adjacent or down-stream property than pre-development conditions. The requirements for such plans, including without limitation form, content, methods of calculation, and procedures for review and approval, shall be established by regulations promulgated by the Director of Transportation & Environmental Services. A plan review fee in the amount of \$500 shall accompany such plan, except that in instances where the proposed improvement is already subject to the erosion and sediment control requirements set forth in section 5-4-1, et seq. of this Code, and a fee has already been paid pursuant to those requirements, no additional fee shall be required. No building permit for improvements subject to this subsection shall be issued until after the grading and drainage plan has been approved. When a grading and drainage plan is required pursuant to subsections (d)(2), (3) or (4) hereof, the requirement may be waived by the Director of Transportation & Environmental Services or his designee when such a waiver is requested by the property owner and such request is accompanied by sufficient information to demonstrate to the satisfaction of the Director or Deputy Director/City Engineer, in his or her reasonable engineering discretion, that no adverse drainage impacts to abutting or adjacent property will occur as a result of the proposed construction. The Director shall promulgate rules and regulations for the application, consideration, grant or denial of such waiver requests, including without limitation rules and regulations specifying the minimum information required for applications, and reasonable criteria and standards for the consideration of such requests. The decision on such requests shall be in writing, and shall state the grounds thereof. The decision to grant or deny a waiver request is committee to the discretion of the Director or Deputy Director/City Engineer, and shall not be subject to judicial review.

Section 2. That Section 8-1-30 of The Code of the City of Alexandria, 1981 as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 8-1-30 Violations and penalties.

(a) With the exception of violations of section 8-1-22, a violation of any section or provision of this article shall be a misdemeanor, and any person found guilty of any such violation shall, upon conviction, be punished by a fine of not more than \$500. Each day a violation of any section or provision of this article continues shall be deemed a separate violation. Notwithstanding the foregoing, if the violation of a section or provision of this article is also a violation of a section or provision of article A of this chapter, then section 8-1-6 shall apply to the violation in lieu of this section.

(b) A violation of any section or provision of this article may, in addition to and notwithstanding the penalty provided for in subsection (a) (c) or (d), be restrained, prohibited or enjoined by appropriate proceedings in a court of competent jurisdiction.

(c) Notwithstanding the provisions of subsection (a) and (b), any action or omission constituting a violation of a section or provision of this article which also constitutes a violation of a section or provision of article A shall only be subject to the penalties in section 8-1-6.

(d) Any violation of section 8-1-22 of this article shall be a civil violation that shall be

enforced through the levying of a civil penalty, pursuant to section 1-1-11 of this code, of \$100 for a person's first violation and of \$150 for each subsequent violation of the same section or provision. Each day during which a violation exists shall constitute a separate violation. However, a series of violations arising from the same operative set of facts shall not give rise to the levying of a civil penalty more frequently than once in any 10-day period, and shall not result in civil penalties exceeding a total of \$3,000.

(e) In addition to the foregoing penalties, in the event that any person obtains a building permit based on representations that exempt the proposed construction from the grading and drainage plan requirements of Section 8-1-22(d), and those representations prove to be incorrect, the Director of Transportation & Environmental Services or his designee may issue a written order stopping all work at the site until such time as a grading and drainage plan has been submitted for review and approved pursuant to Section 8-1-22(d).

Section 3. That this ordinance shall become effective on the date and at the time of final passage provided, however, that the provisions of this ordinance shall not apply to any complete building permit application pending before any City board, tribunal, department, agency, or bureau on the effective date.

William D. Euille
Mayor

Final Passage: February 12, 2008