

ADOPTED

APR 14 2020

ORDINANCE NO.: 183A-10

Board of Supervisors
James City County, VA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 23, CHESAPEAKE BAY PRESERVATION, OF THE CODE OF JAMES CITY COUNTY BY AMENDING SECTION 23-15, APPLICATIONS FOR EXCEPTIONS BY DELETING REFERENCES TO FEES AND ADDING THAT ADMINISTRATIVE FEES ARE SET FORTH IN COUNTY CODE APPEDIX A - FEE SCHEDULE FOR DEVELOPMENT RELATED PERMITS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 23, Chesapeake Bay Preservation, is hereby amended and reordained by amending Section 23-15, Applications For exceptions.

Chapter 23. Chesapeake Bay Preservation^{III}

Footnotes:

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Cross reference - Erosion and sediment control, Ch. 8; health and sanitation, Ch. 11; public parks and recreation facilities, Ch. 16; sewers and sewage, Ch. 17; subdivisions, Ch. 19; wetlands, Ch. 22; zoning, Ch. 24.

Sec. 23-1. Short title.

This chapter shall be known and may be cited as "The Chesapeake Bay Preservation Ordinance" (ordinance).

Sec. 23-2. Statement of intent.

The Chesapeake Bay Preservation Act (Act), chapter 3.1 of title 62.1 of the Code of Virginia, recognizes that healthy state and local economies are integrally related to each other and the environmental health of the Chesapeake Bay. The purpose of this chapter is to control and regulate runoff at the source to protect against and minimize pollution and deposition of sediment in wetlands, streams and lakes in James City County which are tributaries of the Chesapeake Bay. This chapter is intended to assist in protection of the Chesapeake Bay and its tributaries from nonpoint source pollution from land uses or appurtenances within the Chesapeake Bay drainage area. Regulations in this chapter are necessary for:


- (1) Protection of existing high quality state waters and restoration of all other state waters to a condition or quality that will permit all reasonable public uses and will support the propagation and growth of all aquatic life, including game fish, which might reasonably be expected to inhabit them;
- (2) Safeguarding the clean waters of the commonwealth from pollution;
- (3) Prevention of any increase in pollution;
- (4) Reduction of existing pollution; and
- (5) Promotion of water resource conservation in order to provide for the health, safety and welfare of present and future citizens of the commonwealth.

This chapter establishes criteria used by James City County in granting, denying or modifying requests to subdivide or develop land in Chesapeake Bay Preservation Areas.

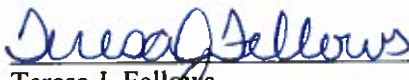
Sec. 23-15. Applications for exceptions.

Applications for exceptions shall be made in writing to the board or the manager as appropriate in accordance with sections 23-14(a) and (e), and shall include the following:

- (1) Name and address of applicant and property owner;
 - (2) Legal description of the property and type of proposed use and development;
 - (3) A sketch of the dimensions of the lot or parcel, location of buildings and proposed additions relative to the lot lines, the RPA, slopes greater than 25 percent and all wetlands;
 - (4) Location and description of any existing private water supply or sewage system;
 - (5) A water quality impact assessment completed in accordance with section 23-11 of this chapter and guidelines established by the manager;
 - (6) For exceptions that must be granted by the Chesapeake Bay Board, a nonrefundable processing fee of ~~\$125~~ set forth in *Appendix A – Fee Schedule for Development Related Permits* shall accompany each application to cover the cost of processing;
 - (7) For exceptions that must be granted by the manager, a nonrefundable processing fee of ~~\$25~~ set forth in *Appendix A - Fee Schedule for Development Related Permits* shall accompany each application to cover the cost of processing. This fee shall be collected for any administrative approval, waiver, exception, exemption, variance and buffer modification which may be necessary through the plan of development process as outlined in sections 23-5, 23-7(a), 23-7(c), 23-9, 23-10, 23-12, 23-13, and 23-14(e).
 - (8) Payment of any permit fees established in section 23-15 shall be waived for the county, any entity created solely by the county and those regional entities to which the county is a party provided that: (1) The other parties to the regional entity similarly waive fees; and (2) The regional entity has locations in more than one locality.
- (c) The board may impose conditions to the granting of any waiver, exception or appeal as it may deem necessary in the public interest, and may, to ensure compliance with the imposed conditions, require a cash escrow, bond with surety, letter of credit or other security as is acceptable to the county attorney.
- (d) An owner of a property subject to a board decision, order or requirement may appeal to the circuit court of James City County no later than 30 days from the rendering of such decision, order or requirement.


James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:


Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
HIPPLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LARSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SADLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MCGLENNON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ICENHOUR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of April, 2020.

Ch23Sec1-2-15CBPres-ord