

ADOPTED

SEP 10 2024

**Board of Supervisors
James City County, VA**

ORDINANCE NO. 183A-12

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 23, CHESAPEAKE BAY PRESERVATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING SECTION 23-14, EXCEPTIONS.

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 23-14, Exceptions.


Chapter 23. Chesapeake Bay Preservation

Sec. 23-14. Exceptions.

Exceptions to the requirements of section 23-7 of this chapter may be granted, provided that:

- (a) A request for an exception to the requirements of this section shall be made in writing to the Chesapeake Bay Board (Board), which is comprised of the members of the James City County Wetlands Board. The request shall identify the impacts of the proposed exception on water quality and on lands within the RPA through the performance of a water quality impact assessment which complies with the provisions of section 23-11.
- (b) No later than 60 days after receipt of a complete exception request, the board shall hold a public hearing on the request. The board shall notify the affected public of any such exception requests and shall consider these requests in a public hearing in accordance with section 15.2-2204 of the Code of Virginia, except that only one hearing shall be required. Also, when giving any required notice to the owners, their agents, or the occupants of abutting property and property immediately across the street or road from the property affected, the notice shall be given by first-class mail to the last known address as shown on the current real estate tax assessment book or records.
- (c) The board shall review the request for an exception and the water quality impact assessment and may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of this chapter if the board finds that:
 - (1) The exception request is the minimum necessary to afford relief;
 - (2) Granting the exception will not confer upon the applicant any special privileges denied by this chapter to other property owners similarly situated in the vicinity;
 - (3) The exception request will be in harmony with the purpose and intent of this chapter, and is not of substantial detriment to water quality;
 - (4) The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels; and
 - (5) Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.

- (d) ~~If the board cannot make the required findings or refuses to grant the exception, the board shall return the request for an exception together with the water quality impact assessment and the written findings and rationale for the decision to the applicant.~~
- (e) A request for an exception to the requirements of provisions of this chapter other than sections 23-7 shall be made in writing to the manager. The manager may grant these exceptions provided that:
 - (1) Exceptions to the requirements are the minimum necessary to afford relief; and
 - (2) Reasonable and appropriate conditions are placed upon any exception that is granted, as necessary, so that the purpose and intent of this chapter is preserved.
 - (3) Exceptions to section 23-9 may be made provided the findings as noted in section 23-14(c) are made.



 Ruth M. Larson
 Chair, Board of Supervisors

ATTEST:


 Teresa J. Saeed
 Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of September, 2024.