

# Chesapeake Bay Preservation Ordinance

## Waiver and Exception Process Guidance for Activities in the Resource Protection Area (RPA)

Property owners interested in working in the Resource Protection Area (RPA) may be required to request a variance through the Waiver or Exception process. The following are general guidelines and are not intended to represent every possible activity within the RPA. Please contact the Environmental Division of Codes Compliance for specific inquiries @1-804-693-1217, stop by the Office at 6582 Main Street, Gloucester, or visit our Web Site at <http://www.gloucesterva.info/codes/Environment/envhome.htm>.

**Waiver Process (Staff Review)**, defined in Sec. 5.5-12; for variance to requirements of Sec. 5.5-9B (may include areas beyond the RPA); \$50 application review fee. Applications available on-line or in the Codes Compliance Office.

1. Additions to or modifications of a non-conforming principle structure (existing before County adoption of the Bay Act October 15, 1991), outside the seaward 50 feet of RPA (between 50 & 100 feet).
2. New construction on an undeveloped, non-conforming lot (existing before October 15, 1991) with no other buildable area outside of the Resource Protection Area, outside the seaward 50 feet of RPA (between 50 & 100 feet).
3. Passive recreational uses / structures such as trails, community/instructional gazebos (e.g. Gloucester Point Beach), community trail system (e.g. Riverwatch Community).

**Exception Process (Preservation and Erosion Commission)**, defined in Sec. 5.5-14; for variance to requirements of Sec. 5.5-7B and 5.5-9C, requiring Public Hearing: \$275 application fee. Reviews Waiver Appeals, violations, and Staff decisions. Meets 2<sup>nd</sup> Wednesday of each month, each meeting day is application deadline for following meeting. Applications available on-line or in the Codes Compliance Office.

1. New construction on an undeveloped, non-conforming lot (existing before October 15, 1991) with buildable area outside of the Resource Protection Area.
2. Construction of, additions to, accessory structures (garage, pools, sheds, pads, impervious areas, grade alteration, etc.).
3. Construction of, additions to, principle structures within the seaward 50 feet of RPA (between 0 & 50 feet).

### **Administrative (Staff) Review**

1. Reasonable sight lines; access paths; woodlot management; and Best Management Practices.
2. Removal of diseased, dead, dying trees and tree thinning (Sec. 5.5-9C1c).
3. Shoreline erosion control projects.
4. Casualty loss replacement of principle structure with no increase in impervious area and no advancing encroachment.

A Water Quality Impact Assessment is required for review of all activity in the RPA (Sec. 5.5-11).