

Belle Haven, VA Bay Act Locality Report

Belle Haven, Virginia is subject to the [Chesapeake Bay Preservation Act](#) (Bay Act) and must have specific program elements as established under the Bay Act and the accompanying Chesapeake Bay Preservation Area Designation and Management Regulations. The Regulations provide the required elements and criteria that local governments must adopt and implement in administering their Bay Act programs. The purpose of the Bay Act program is to protect and improve water quality in local waters and the Chesapeake Bay by requiring the implementation of effective land use and development management practices.

Local Bay Act programs must include:

1. A map generally depicting Chesapeake Bay Preservation Areas (CBPAs).
2. Performance criteria applying in CBPAs that pertain to the use, development, and redevelopment of land.
3. A comprehensive plan that incorporates the protection of CBPAs and quality of state waters in the locality.
4. Zoning or other ordinance that incorporates measures to protect the quality of state waters within CBPAs and requires compliance with the performance criteria.
5. A subdivision ordinance that incorporates measures to protect the quality of state waters in CBPAs and assures that all subdivisions in CBPAs comply with the performance criteria.
6. A plan of development process prior to the issuance of a building permit to assure that the use and development of land in CBPAs is accomplished in a manner that protects the quality of state waters.
7. Publishing on its website the elements and criteria adopted to implement their local plan.

Chesapeake Bay Preservation Areas:

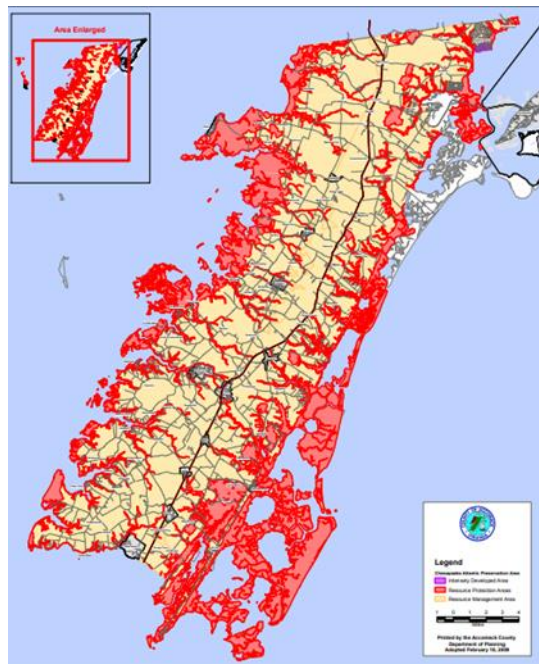
Chesapeake Bay Preservations Areas include Resource Management Areas and Resource Protection Areas. The Resource Protection Area (RPA) includes all tidal wetlands; tidal waters; non-tidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow; shorelines; and a one hundred (100) foot vegetated buffer around such features and around all water bodies with perennial flow. The Resource Management Area (RMA) includes those lands contiguous to the inland boundary of the RPA which have a potential for degrading water quality or diminishing the functional value of the RPA, if not properly managed. The RMA within Belle Haven, Virginia has been designated as a component of the Chesapeake Bay Preservation Area that is not classified as the Resource Protection Area. RMAs include land types that, if improperly used or developed, have the potential for causing mild to

significant water quality degradation or for diminishing the functional value of the Resource Protection Area. The component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline 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.

Virginia's "coastal zone" encompasses 44 Tidewater counties and cities and all of the waters therein, and out to, the three (3) mile Territorial Sea boundary. This area includes all of Virginia's Atlantic coast watershed as well as parts of the Chesapeake Bay and Albemarle - Pamlico Sound watersheds. Although only 29 percent of Virginia's land area lies within our coastal zone (Tidewater, Virginia), this area is called home by more than 60 percent of the Commonwealth's population. The Virginia shoreline is approximately 5,000 miles in length and includes the four tidal rivers of Virginia (the Potomac, Rappahannock, York, and James), the Chesapeake Bay, into which they drain, and the Atlantic Ocean coastline.

Virginia's coastal area is diverse and extensive, with oceanfront shoreline, estuaries, and tidal rivers, which reach as far as 100 miles inland. Within this area, both natural and cultural features range widely from the wild, undeveloped beaches of the barrier islands to the "hard" shoreline of Hampton Roads' port facilities. Additionally, Belle Haven, Virginia has identified as an Intensely Developed Area (IDA) which overlies portions of the RPA.

These CBPAs are identified in the Belle Haven, Virginia's adopted CBPA map which can be found here:



Provisions for Activities in Chesapeake Bay Preservation Areas:

Under the Bay Act framework, Belle Haven, VA is responsible for implementing its Bay Act program. Belle Haven, Virginia has adopted ordinance provisions that incorporate the performance criteria required by the Bay Act. Those provisions include the use of land, buildings, structures, and other premises for agricultural, commercial, industrial, residential, and other specific uses and the size, height, area, bulk, location, erection, construction, reconstruction, alteration, repair, maintenance, razing or removal of structures; and the areas and dimensions of land, water, and air space to be occupied by buildings, structures and uses, and of courts, yards, and other open spaces to be left unoccupied by uses and structures, including variations in the sizes of lots based on whether a public or community water supply or sewer system is available and used; and the excavation or mining of soil or other natural resources. Those provisions include ordinances and can be found here: [Belle Haven, Virginia Ordinances](#).

As outlined in the ordinance and required by the Bay Act and Regulations, land development and disturbance in a Resource Protection Area is limited and Belle Haven, Virginia requires waivers and/or exceptions.

- A. A request for an exception to the requirements of this Overlay District shall be made in writing to the Zoning Administrator. It shall identify the impacts of the proposed performance of a water quality impact assessment which complies with the provisions of Section 111-7.13.
- B. The Zoning Administrator 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 Article the Zoning Administrator finds.
 - (1) Granting the exception will not confer upon the applicant any special privileges that are denied by this Article to other property owners in the Overlay District;
 - (2) The exception request is not based upon 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;
 - (3) The exception request is the minimum necessary to afford relief;

- (4) The exception request will be in harmony with the purpose and intent of the Overlay District, and not injurious to the neighborhood or otherwise detrimental to the public welfare; and
 - (5) Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.
- C. If the Zoning Administrator cannot make the required findings or refuses to grant the exception, the Zoning Administrator 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, with a copy to the Board of Zoning Appeals. The applicant may then apply to the Board of Zoning Appeals for a variance as provided in Article IX Provisions for Appeal.
- D. The Board of Zoning Appeals shall consider the water quality impact assessment and the findings and rationale of the Zoning Administrator in determining consistency with the purpose and intent of this Article.

For example as part of a site plan review, any proposed development in the RPA is reviewed to ensure it meets applicable requirements, including a site-specific RPA delineation using a DEQ - approved protocol and the submission of a Water Quality Impact Assessment which can be found here: [Link to the Water Quality Impact Assessment Form](#)

The Belle Haven, Virginia Bay Act program is implemented within the Northampton County Department of Planning and Zoning Office which should be contacted as early in the project decision making process as possible, including application for a building permit, to determine what steps may need to be taken for compliance with the local Bay Act program.

More Information:

Additionally, as required by the Bay Act, water quality and protection provisions have been included in Belle Haven, Virginia's comprehensive plan which can be found here: [Link to Comprehensive Plan](#)

You can learn more about the Bay Act and [The Virginia Department of Environmental Quality](#) which provides general program oversight and technical assistance to Belle Haven, Virginia [here](#).

[Link to information concerning the local Bay Act program
Comprehensive Land Act Policy Review](#)

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