

## **Bloxom, VA Bay Act Locality Report**

Bloxom, 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:**

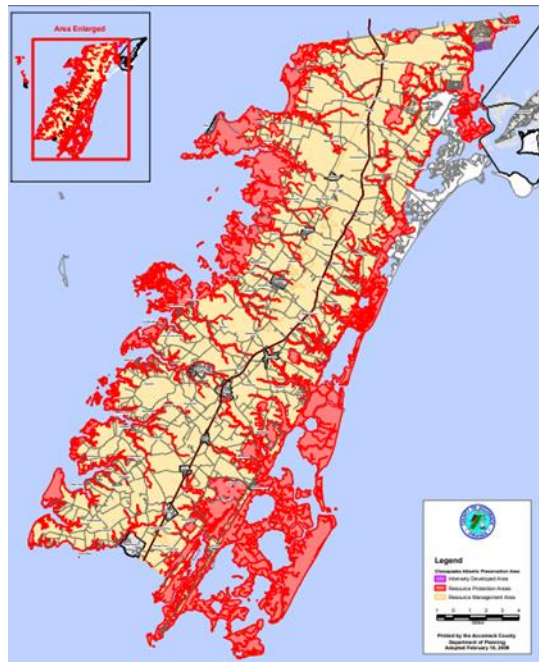
Chesapeake Bay Preservations Areas include Resource Management Areas and Resource Protection Areas. The Resource Protection Area (RPA) includes all tidal wetlands; tidal waters; non-tidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow; shorelines; 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 Bloxom, Virginia has been designated to include land adjacent to and landward of RPAs. The purpose of the RMA is to provide additional water quality protection and to minimize pollution Impact to the RPAs. RMAs include land types that, if improperly developed,

have the potential for causing significant water quality degradation or for diminishing the functional value to RPAs. RMA components include floodplains, non-tidal wetlands not included in the RPA, sensitive soil types, and other lands necessary to protect water quality. In Bloxom, Virginia all of the land which does not lie within the RPA is classified as an RMA.

In an RMA, any land use which is allowed under the existing zoning ordinance is permitted. All development and redevelopment activities in a RMA must meet the general performance criteria of the Bay Act, which includes preserving natural vegetation, minimizing land disturbance, minimizing impervious cover, and controlling a stormwater runoff. Additionally, Bloxom, Virginia has identified as an Intensely Developed Area (IDA) which overlies portions of the RPA.

Part of the Chesapeake Bay Preservation Area that is not classified as an RPA with the exception of a small area of Captain's Cove development classified as an Intensely Developed Area (IDA).

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



### Provisions for Activities in Chesapeake Bay Preservation Areas:

Under the Bay Act framework, Bloxom, VA is responsible for implementing its Bay Act program. Bloxom, Virginia has adopted ordinance provisions that incorporate the

performance criteria required by the Bay Act. Those provisions shall be known and referenced as the “Chesapeake Bay Preservation Area Overlay District” of the Town of Bloxom, Virginia and can be found at [Link to Bloxom, VA ordinances](#)

III-6.2 Findings of Fact. The Chesapeake Bay and its tributaries is one of the most important and productive estuarine systems in the world, providing economic and social benefits to the citizens of the Town of Bloxom and the Commonwealth of Virginia. The health of the Bay and the Ocean is vital to maintaining the Town of Bloxom’s economy and the welfare of it’s citizens.

The Chesapeake Bay waters have been degraded significantly by many sources of pollution, including nonpoint source pollution from land uses and development. Existing high quality waters are worthy of protection from degradation to guard against further pollution. Certain lands that are proximate to shorelines have intrinsic water quality value due to the ecological and biological processes they perform. Other lands have severe development constraints from flooding, erosion, and soil limitations. With proper management, they offer significant ecological benefits by providing water quality maintenance and pollution control, as well as flood and shoreline erosion control. These lands together, designated by the Bloxom Town Council as Chesapeake Bay Preservation Areas (hereinafter “CBPAs”), need to be protected from destruction and damage in order to protect the quality of water in the Bay and consequently the quality of life in the Town of Bloxom and the Commonwealth of Virginia.

III-6.3 Authority. This Article is enacted under the authority of Section 10.1-2100 et seq. (The Chesapeake Bay Preservation Act) and Section 15.2-2283 of the Code of Virginia. Section 15.2-2283 states that zoning ordinances may “also include reasonable provisions, not inconsistent with applicable state water quality standards, to protect surface and groundwater as defined in Section 62.1-255.

III-6.4 Conflict with Other Regulations. In any case where the requirements of this Article conflict with any other provision of the Town of Bloxom Code or existing state or federal regulations, whichever imposes the more stringent restrictions shall apply.

III-6.5 Definitions. The words and terms used in the Overlay District have the meanings which are defined in Article II, Definitions, of the Town of Bloxom Zoning Ordinance, unless the context clearly indicates otherwise.

III-6.6 Purpose and Intent.

- A. This ordinance is enacted to implement the requirements of Section 10.2-2100 et seq. of the Code of Virginia (The Chesapeake Bay Preservation Act) as part of the Town of

Bloxom Zoning Ordinance. The intent of the Bloxom Town Council and the purpose of the Overlay District is to: (1) protect existing high quality state waters; (2) restore 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; (3) safeguard the clean waters of the Commonwealth from pollution; (4) prevent any increase in Pollution; (5) reduce existing pollution; and (6) promote water resource conservation in order to provide for the health, safety, and welfare of the present and future citizens of the Town of Bloxom.

- B. This district shall be in addition to and shall overlay all other zoning districts where they are applied so that any parcel of land lying in the Chesapeake Bay Preservation Area Overlay District shall also lie in one or more of the other zoning districts provided for by the Zoning Ordinance. Unless otherwise stated in the Overlay District, the review and approval procedures provided for in the Town of Bloxom Zoning Ordinance Article XII, Plan of Development Requirements, the Accomack County Erosion and Sediment Control Ordinance, and the Accomack County Building Code, including all grading permits and building permits, shall be followed in reviewing and approving development, redevelopment, and uses governed by this Article.

#### III-6.7 Application of CBPA District.

- A. The Chesapeake Bay Preservation Area Overlay District shall apply to all lands identified as CBPAs as designated by the Bloxom Town Council and as shown on the Town of Bloxom Zoning Map as the Chesapeake Bay Preservation Area Overlay District. The Chesapeake Bay Preservation Area Overlay District is composed of a Resource Protection Area and a Resource Management Area.

(1) Resource Protection Areas include the following land categories, the protection of which is necessary to protect the quality of state waters:

- a. Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow;
- b. A 100-foot vegetated buffer area located adjacent to and landward of the components listed in subsection a. above, and along both sides of any water bodies with perennial flow.

- (2) Resource Management Areas are generally composed of the following land categories: floodplains; highly erodible soils, including steep slopes; highly permeable soils; nontidal wetlands not included in the RPA; and hydric soils.
- B. The Town of Bloxom Chesapeake Bay Preservation Areas Map shows the general location of CBPAs and should be consulted by persons contemplating activities within the Town of Bloxom prior to engaging in a regulated activity.

#### III-6.8 Interpretation of Resource Protection Area Boundaries.

- A. Delineation by the Applicant.

The site-specific boundaries of the Resource Protection Area shall be delineated by the applicant through the performance of an environmental site assessment or through the review of a water quality impact assessment as required under Section III-6.13, subject to approval by the Zoning Administrator and in accordance with Article XII, Plan of Development Requirements, of this Zoning Ordinance.

As outlined in the ordinance and required by the Bay Act and Regulations, land development disturbance in a Resource Protection Area is limited and the Bloxom, VA requires:

- A. A request for an exception to the requirements Sections III-6.11 and III-6.12.C shall be made in writing to the Board of Zoning Appeals. It 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 III-6.13.
- B. The Town of Bloxom shall notify the affected public of any such exception requests and shall consider these requests in a public hearing in accordance with 15.2-2204 of the Code of Virginia, except that only one hearing shall be required.
- C. The Board of Zoning Appeals shall review the request for an exception and the water quality impact assessment and may grant the exception with such conditions and safeguards as deems necessary to further the purpose and intent of this Article if the Board of Zoning Appeals 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 is not of substantial detriment to water quality; 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 of Zoning Appeals cannot make the required findings or refuses to grant the exception, the Board of Zoning Appeals 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. Request for exceptions to provisions within this Article not listed in Section III-6-12.A above may be made in writing to the Zoning Administrator. The Zoning Administrator 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 Article is preserved.
  3. Exceptions to Section III-6.12.B may be made provided that the findings noted in Section III-6.15.C are made.

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 Water Quality Impact Assessment Online Permit](#)

The Bloxom, Virginia Bay Act program is implemented within the Accomack 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 Bloxom, Virginia's comprehensive plan which can be found here: [Link to Accomack County 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 Bloxom, Virginia [here](#).

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

**Contact:** Accomack County Building Planning & Economic Development Department  
Location - 23296 Courthouse Avenue, Suite 105 Accomac, VA 23301  
Mailing - P. O. Box 93 Accomac, VA 23301  
(757) 787-5721 Phone (757) 787-8948 Fax]  
building@co.accomack.va.us