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Chesapeake Bay Preservation Area

CBPA REVIEW COMMITTEE APPLICATION INSTRUCTIONS

PROCESS

This application pertains to encroachment within the 50-foot landward portion of the 100-foot Resource Protection Area (RPA) buffer. It is intended for new development OR additions/alterations on pre-existing “grandfathered” lots (lots recorded prior to January 21, 1992).

All development occurring in the Resource Protection Area (RPA) of the Chesapeake Bay Preservation Area district buffer must be approved by the CBPA Review Committee. Development occurring in the Resource Management Area (RMA) of the CBPA district is reviewed by the Planning Department at the time of building permit application.

The CBPA Review Committee consists of staff members from the Departments of Planning, Zoning, City Arborist, Public Works, Public Utilities and Economic Development. The Committee meets twice a month to review applications for development within the limits of the Resource Protection Area (RPA). A CBPA Committee schedule and associated application deadlines can be obtained from the Planning Department.

All applicants should review the City’s CBPA Ordinance in Chapter 26, Article X of the City Code as well as the current CBPA Specifications Manual for additional information on district requirements. The following types of activities within the 50-foot landward portion of the 100-foot RPA require review by the CBPA Review Committee:

- Addition(s) to the principle structure;
- Addition of accessory structure(s), pool (inground or above ground), shed, etc.;
- New or expanded water-dependent activities (such as docks, piers, shoreline stabilization structures, and boathouses);
- Redevelopment activities outside the IDA;
- Roads or driveways;
- Redevelopment activities within an IDA;
- Flood control or stormwater management facilities;
- Bona fide agricultural activities; and
- Wetland restoration activities.

NATURE OF REQUEST

When an applicant can demonstrate that the application of the CBPA standards to a lot or parcel located within the CBPA Overlay District would unreasonably restrict the utilization of the property under its existing zoning classification, the applicant can submit a written request for an exception to the Planning Department. Please specify the proposed CBPA exception. Provide the total square footage of disturbance within the Resource Protection Area (RPA) of the CBPA Overlay District. Please provide the types of development proposed within the RPA. Provide the limits of disturbance on the lot or parcel on the survey or site plan. Any disturbance within the RPA, including filling, excavating, clearing, dredging, grading or drilling needs to be included with the request. Please label all trees and/or areas to be protected on the lot or parcel and label the trees and/or areas to be disturbed on the survey or site plan. A landscape plan, according to Section 26-520.B.3 of the Chesapeake City Code is also required with the submittal of the site plan.

APPLICATION INSTRUCTIONS

GENERAL INFORMATION:

1. The applicant is usually the homeowner.
2. The agent, when listed, is usually the company contracted to accomplish the work for the homeowner.
3. The owner of property information is provided if the owner is different from the applicant or agent.
4. The applicant is required to sign the application at the bottom of page 1.

DESCRIPTION OF PROPERTY:

1. The 13-digit tax map number is available in the Real Estate office on the 4th floor of the City Hall building.
2. Address of the project is self explanatory.
3. The subdivision with lot number is found on the plat of the property or in the legal description of the property.
4. The "watershed" is the major river into which runoff flows. It is determined by a review of a city map to determine the property's proximity to either the Western, Southern, or Eastern Branch of Elizabeth River.
5. The total existing impervious area should be determined by a profession engineer, or surveyor. All impervious areas as they are, excluding your new proposal, must be included, such as buildings, driveways, decks, sidewalks, pools, accessory structures, concrete slabs, etc. in square feet.

APPLICATION INSTRUCTIONS (continued)

6. The total property size in square feet and acreage is sometimes found on the survey, plat, or site plan. If not known, this will need to be determined by a professional engineer, surveyor, or authorized individual preparing the plan.
7. The total lot area within the Resource Protection Area (RPA) should be determined by a profession engineer, surveyor, or authorized individual preparing the plan.
8. The date the lot was recorded and the Deed Book number and page number can be found in the Real Estate office on the 4th floor of the City Hall building, or in the Deeds and Records room on the 3rd floor of the Chesapeake Circuit Courthouse or on the Chesapeake Real Estate Assessor's website: <http://cityofchesapeake.net/services/depart/real-est/index.shtml>.

DESCRIPTION OF PROJECT:

9. The total proposed additional impervious area of the proposed project should be determined by a profession engineer or authorized individual preparing the plan.
10. The description of the project should include the square footage of the proposed encroachment and whether the application is for a pre-existing lot, CBPA Ordinance, 26-520.B.7.; non-conforming use or structure, 26-525; IDA, 26-521; or exempt activity, 26-526. Include all details as relevant to the proposal.
11. The description of the project should include the square footage of the proposed encroachment and whether the application is for a pre-existing lot, CBPA Ordinance, 26-520.B.7.; non-conforming use or structure, 26-525; IDA, 26-521; or exempt activity, 26-526. Include all details as relevant to the proposal.
12. If the property has been previously reviewed for CBPA encroachment, please provide the CBPA application number and date of action.
13. The Water Quality Assessment is usually required for new development only. For additions or alterations to existing structures, silt fencing (SF) must be installed along the 50-foot RPA buffer with appropriate BMP practices, as necessary. Sample worksheets can be found in Chapter 6 of the Public Facilities Manual (PFM), Volume I, or on the following website:

<http://www.cityofchesapeake.net/services/depart/pub-wrks/engineer-publicfacilitiesmanual.shtml>

DELINEATION OF THE RESOURCE PROTECTION AREA (RPA)

The RPA delineation is required on the site plan utilized for all development within the Chesapeake Bay Preservation Overlay District. The RPA delineation is part of the required environmental assessment. The CBPA Review Committee has determined three methods to be utilized for all RPA delineations within the City of Chesapeake.

1. All tidal areas shall measure the 100-foot RPA buffer from the four-foot (4') elevation mark, based upon 1929 National Geodetic Survey (NGS) vertical datum, 1972 adjustment. The RPA delineation shall follow this four-foot elevation line and the 100-foot buffer shall be measured from that line. If using the NAVD 88 datum, the three-foot (3') elevation mark must be indicated on the plan and used as a reference to delineate the RPA.
2. From all perennial water bodies with no surface flow connection to non-tidal wetlands, the RPA buffer shall be measured from the top edge of the active channel, stream, or ditch or the top of bank.
3. From all non-tidal wetland areas connected by surface flow to tidal wetlands or to a perennial water body, the RPA shall be based on an approved delineation, with the 100-foot buffer being measured from the landward edge of the delineated wetlands area. All field delineations will be subject to staff verification and will be handled on a case-by-case basis.

The delineation of the RPA shall also include any necessary determinations of "perennial water bodies," using the most recent U.S. Geological Survey (7½ minute topographic quadrangle map (scale 1:24,000)); or scientifically valid system of field indicators of perennial flow, approved by the City Manager's Designee. The determination shall also conform to the Chesapeake Bay Local Assistance Board (CBLAB) regulations and guidance documents.

The RMA area is the area adjacent to the RPA, as designated on the CBPA map found in the Chesapeake Planning Department. The RMA area must be delineated on the site plan utilized for all development within the CBPA district.

All lots greater than 12,000 square feet in total lot area created by recordation of a subdivision plat on or after March 1, 2002, shall have at least seventy-five (75%) of the required lot area located landward of the 100-foot RPA buffer. All lots 12,000 square feet or less in total lot area created by recordation of a valid subdivision plat on or after March 1, 2002 shall have at least eighty percent (80%) of the required lot area located landward of the 100-foot RPA buffer.