

6-1702 Use Regulations in Chesapeake Bay Preservation Areas

- 6-1702.1 Unless an exception is approved by the Exception Review Committee or the Board of Supervisors, as provided for in Chapter 118 of the Code, all newly proposed buildable subdivision lots in or adjacent to an RPA must contain sufficient area of land outside the RPA to allow development of the lot without encroachment upon the RPA.
- 6-1702.2 Land development and redevelopment may be allowed within an RPA if otherwise permitted by the [Zoning Ordinance](#) and subject to the requirements of the PFM and to the performance criteria of [Chapter 118](#) of the Code, if it is water-dependent development as defined as [§ 118-1-6](#) of [Chapter 118](#) of the Code, is considered to be redevelopment, is exempted, or for which an exception allowing the land development is approved in accordance with [Chapter 118](#) of the Code.
- 6-1702.3 No part of any building lot in a cluster subdivision may extend into a Resource Protection Area, except as provided in [subsection 5100.2.O of the Zoning Ordinance](#) for cluster subdivisions in the R-C, R-E and R-1 Districts and for cluster subdivision in the R-3 and R-4 Districts which have a minimum district size of 2 acres but less than 3.5 acres, and [§ 101-2-8](#) of the Code for cluster subdivisions in the R-2 District and cluster subdivisions in the R-3 and R-4 Districts which have a minimum district size of 3.5 acres or greater.
- 6-1702.4 All wetlands permits required by law must be obtained before commencing land disturbing activities. No land disturbing activity shall commence until all such permits have been obtained by the applicant and evidence of such permits has been provided to the [Director](#). For those activities regulated under general permits for which the issuing agencies do not normally provide written confirmation of permit issuance, a copy of the general permit(s) and a statement describing the proposed activity and certifying compliance with all applicable permit conditions will serve as the required evidence. Wetlands permits include both [USACE Permits](#) and [Virginia Water Protection Permits](#).