



Exceptions to the Chesapeake Bay Preservation Area Ordinance

What is an Exception?

An Exception is a formal release from certain requirements or standards of the Chesapeake Bay Preservation Area Ordinance (CBPAO). Usually this relates to Section 4000 (General Performance Standards) or Section 4002 (Performance Standards in Resource Protection Areas).

When is an Exception appropriate?

The criteria for an Exception are as follows:

- When the strict application of the Ordinance would create an undue hardship;
- When the request is NOT based on circumstances that are self-created or self-imposed;
- The exception request is the minimum necessary to afford relief;
- The exception request will be in harmony with the purpose and intent of the Ordinance and does not substantially harm water quality; and
- When reasonable and appropriate conditions are imposed that will protect water quality.

How do I obtain an Exception?

File a formal application with the Department of Planning and Zoning. Provide all required supplementary materials, including Water Quality Impact Assessment, Site Plans, and Buffer Mitigation Plans.

What is the review process for an Exception?

The Exception is reviewed by planning staff, state and federal agencies, the Planning Commission and the Board of Supervisors. The process includes one hearing by the Planning Commission and a second hearing by the Board of Supervisors.

The Planning Commission is appointed by the Board of Supervisors and makes advisory recommendations. The Board of Supervisors holds the power to make the final decision on whether to grant an Exception.

What key issues must I address when I request an Exception?

Key issues include:

- Taking all steps possible to minimize impacts to the Resource Protection Area Buffer. These include size and placement of the structure and possible appeals to adjust zoning setbacks;
- Landscaping to mitigate for ALL impacts to the RPA Buffer. This includes mitigation for the house and yard AND mitigation to restore as much of the 100-foot Buffer as possible;
- Providing for a septic system as needed, including possible use of advanced secondary treatment (a smaller size system), if this will help reduce the amount of encroachment into the Buffer.

What does an Exception application cost?

\$750 for the application, plus all other costs for the WQIA and related engineering and costs for development of the plans.