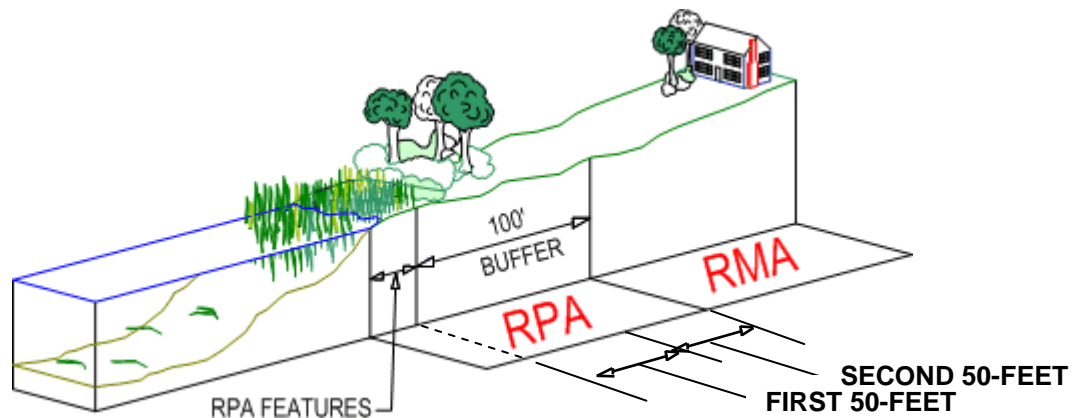


York County Buffer Requirements, Part II

Modified October 8, 2010

In accordance with the provisions of Section 23.2-5 of the York County Code (Chesapeake Bay Preservation Areas), the Board of Supervisors has established the following Guidelines to assist property owners, design consultants and staff in the administration and implementation of the terms of Chapter 23.2. These Guidelines have been developed with an awareness of the need to ensure that the County's administration of the state-mandated Chesapeake Bay Preservation Area requirements is equitable and consistent and that appropriate guidance is provided to those property owners impacted by the requirements.

One of the key components of the Chesapeake Bay Preservation Act is the requirement for a 100-foot vegetated buffer measured from the edge of the water, wetlands or stream. This buffer is known as the RPA (Resource Protection Area). The CBPA regulations allow certain development activities to occur within the RPA subject to an administrative (staff) review and approval process. The following sections are intended to provide guidance for the preparation and review of requests:



All administratively approvable development activity in the RPA buffer must meet the following findings and standards:

- The encroachment of the development activity into the buffer must be the minimum necessary to provide reasonable buildable area;
- No special privileges may be granted, that are denied to other property owners who are subject to these provisions and similarly situated;
- The development is in harmony with the purpose and intent of the CBPA Act and is not of substantial detriment to water quality;
- The request is not based upon conditions or circumstances that are self-created or self-imposed; and
- Reasonable and appropriate conditions can be imposed, as warranted, that will prevent the activity from causing a degradation of water quality.

The Chesapeake Bay Local Assistance Division has provided regulatory guidance on the findings; however, no guidance has been provided regarding the terms “minimum necessary” or “reasonable buildable area”. Therefore, the following provisions are intended to define the parameters which the Board of Supervisors deems appropriate to guide the CBPA Manager in the implementation of the administrative review/approval process. In the event a property owner wishes to seek approval for proposed work or development that exceeds the limits outlined in the following provisions, approval may be sought from the Chesapeake Bay Board. An application fee of \$250.00 and a Water Quality Impact Assessment (WQIA) is required to apply to the Board.

1. Noncomplying Use and Development Waivers Section 23.2-12. Staff may administratively allow alterations and additions to a principal structure in the buffer that existed on September 20, 1990 or a principal structure in the buffer newly affected by an amendment to the Ordinance.

- a) Additions to a noncomplying principal structure may encroach in the RPA up to a maximum of 1250 square feet. This allowance shall be cumulative and shall include any additions allowed through previous waivers (previously called modifications) and exceptions.
- b) The maximum allowable square footage shall be based on the footprint of the proposed structure and shall not include the area associated with roof overhangs that do not exceed 4-feet. The area of any overhang in excess of 4-feet shall be counted in the footprint calculation.
- c) Given that the CBPA regulation prohibit accessory structures in the RPA, proposed additions, (garages, enclosed pools, porches, rooms, etc) must be attached to the principal structure. A breezeway type structure is an allowable method of “attachment” provided it is heated space and that its maximum length is 10-feet.
- d) When renovations to the principal structure cause 50% or more of the principal structure to be replaced, the structure will be considered new and no longer eligible for a Noncomplying Use and Development Waiver.
- e) Sidewalks, a maximum width of 3-feet, are allowed in the RPA to provide access to a maximum of two exterior doors.
- f) Patios, terraces or other impermeable landings are accessory structures and cannot be approved by Staff.

2. Encroachments into the Buffer Section 23.2-9(f) Staff may administratively allow a principal structure in the buffer on a parcel legally created prior to October 1, 1989 subject to the following provisions:

- a) The structure may not extend into the first 50-feet of the buffer.

- b) The maximum area of buffer encroachment for a single family residence approvable by staff shall be 3100 square feet. For lots with buildable area outside the RPA, the maximum allowable encroachment for the residence shall be reduced proportionally.
- c) The 3100 square feet of encroachment allowance shall include all connected architectural and building system features pertaining to the principal structure except the driveways and sidewalks. Roof overhangs exceeding 4-feet shall be counted as part of the footprint.
- d) The attached garage must be situated to minimize the area of the driveway.
- e) Sidewalks, a maximum width of 3-feet, are allowed in the RPA to provide access to a maximum of two exterior doors.
- f) Patios, terraces or other impermeable landings are accessory structures and cannot be approved by Staff.

3. Allowable Land Development in the Buffer Section 23.2-10(e) Staff may administratively allow non-VDOT roads or driveways subject to the following provisions:

- a) Driveways may be constructed of asphalt, concrete, pavers, bricks, gravel, etc. The imperviousness of each material will be based on industry standards. Pervious concrete, pervious asphalt and eco-stone type pavers may be used but must meet State stormwater specifications for infiltration, must be designed by a professional engineer and supported with a geo-technical report.
- b) Driveways may be no wider than 10-feet unless a greater width is required pursuant to some other standard adopted by the Board of Supervisors (e.g. emergency access requirements for long private lanes).
- c) The parking pad for a one or two-car garage may be no larger than 22-feet in width by 18-feet in length.
- d) A single 10-foot x 17-foot turn-around with ten-foot turning radius may be allowed.
- e) Additional parking and turn around area may be allowed using completely pervious and vegetated turf reinforcements such as grass pave installed as per manufacturer's specifications.

4. Signs, Section 23.2-7(d) Signage is required along the RPA boundary to alert property owners of the presence of environmentally sensitive areas. The signage is to protect the RPA from secondary impacts after construction activities are completed. Signage shall be subject to the following provisions:

- a) Signs must be located on property lines at and along the intersection of the landward edge of the RPA buffer and shall be spaced at intervals not exceeding 100-feet.

- b) Where possible, the signs will be mounted to a tree larger than three inches in diameter at breast height. Where it is not possible to mount the sign to the tree, a treated 4 x 4 or a metal signpost must be used. The post must be buried at least 24 inches. The signs must be mounted between four and six feet above the ground surface.
- c) The County will provide the signs for the initial installation on an individual property without charge; however, there will be a \$10.00 per sign charge for signs associated with new subdivisions and for any necessary replacement signs.