BOARD OF SUPERVISORS
COUNTY OF NEW KENT
VIRGINIA

O-10-14

At the regular meeting of the Board of Supervisors of the County of New Kent in the Boardroom of the Administration Building in New Kent, Virginia, on the 23rd day of June, 2014:

Present:	Vote:
James H. Burrell	Absent
Ron Stiers	Aye
W. R. Davis, Jr.	Aye
C. Thomas Tiller	Aye
Thomas W. Evelyn	Aye

Motion was made by Mr. Tiller, which carried 4:0, to adopt the following ordinance:

AN ORDINANCE AMENDING CHAPTER 94, WATERWAYS, ARTICLE II, CHESAPEAKE BAY PRESERVATION AREAS TO THE NEW KENT COUNTY CODE OF ORDINANCES

WHEREAS, the Commonwealth of Virginia is integrating stormwater management and erosion and sediment control into a unified stormwater program; and

WHEREAS, the County has reviewed Chapter 94 and amendments need to be made to comply with the changes to Chapter 82 of the County code and changes in the State Code; and

WHEREAS, the Board of Supervisors desires to protect the health, safety, welfare, and property of New Kent County residents and businesses and the quality of waters within the County;

NOW THEREFORE BE IT ORDAINED that the New Kent County Code be repealed, amended, restated, and readopted as follows:

Sec. 94-39. Development criteria.

The use, development or redevelopment of land the Chesapeake Bay Preservation Areas must meet or exceed the following performance criteria.

(1)

No more land shall be disturbed than is necessary to provide for the proposed use or development.

(2)

Indigenous vegetation shall be preserved to the maximum extent practicable, consistent with the use or development proposed.

(3)

Where the best management practices utilized require regular or periodic maintenance in order to continue their functions, a maintenance agreement from the owner or developer or some other mechanism that achieves an equivalent objective will be required by the county.

(4)

All development exceeding 2,500 square feet of land disturbance shall be accomplished through a plan of development review process consistent with this article and the applicable subdivision and zoning requirements of chapters 90 and 98 of this Code.

(5)

Land development shall minimize impervious cover consistent with the proposed use or development.

(6)

Any land-disturbing activity that exceeds an area of 2,500 square feet (including construction of all single family houses, septic tanks and drainfields, or otherwise as required in Code of Virginia, § 10.1-560) shall comply with the applicable erosion and sediment control requirements of chapter 82, article II of this Code.

(7)

On site sewage treatment systems not requiring a Virginia Pollutant Discharge Elimination System (VPDES) permit shall have pump-out accomplished for all such systems at least once every five years, however, in lieu of requiring proof of septic tank pump-out every five years,

owners of on-site sewage treatment systems may submit documentation every five years, certified by a sewage handler permitted by the state department of health, that the septic system has been inspected, is functioning properly, and the tank does not need to have the effluent pumped out of it.

(8)

Compliance with the New Kent County Stormwater Management Ordinances as outlined in New Kent County Code Chapter 82 is required. ~~criteria consistent with the water quality protection provisions of the Virginia Stormwater Management Regulations 4 VAC 3-20-10 et seq. shall be satisfied. The following stormwater management options shall be considered to comply with this article:~~

~~a.~~

~~Incorporation on the site of best management practices that meet the water quality protection requirements set forth in the regulations. For the purposes of this subsection, the "site" may include multiple projects or properties that are adjacent to one another or lie within the same drainage area where a single best management practice will be utilized by those projects to satisfy water quality protection requirements;~~

~~b.~~

~~Compliance with any regional stormwater management program adopted by the county, which may include a Virginia Pollution Discharge Elimination System (VPDES) permit issued by the department of environmental quality to the county for its municipally owned separate storm sewer system discharges, that is reviewed and found by the board to achieve water quality protection equivalent to that required by the Chesapeake Bay Regulations; and~~

~~c.~~

~~Compliance with a site-specific VPDES permit issued by the department of environmental quality, provided that the board specifically determines that the permit requires measures that collectively achieve water quality protection equivalent to that required by state law.~~

~~d.~~

~~Any maintenance, alteration, use or improvement to an existing structure that does not degrade the quality of surface water discharge, as determined by the county, may be exempted from the requirements of this subsection.~~

~~e.~~

~~Stormwater management criteria for redevelopment shall apply to any and all redevelopment.~~

~~f.~~

~~The procedure for calculating stormwater management pre- and post-development loads must be the same so that comparable numbers may be obtained.~~

(9)

Land upon which bona fide agricultural activities are being conducted, including but not limited to crop production, pasture, and dairy and feedlot operations, or lands otherwise defined as agricultural land by the county, shall have a soil and water quality conservation assessment conducted by a qualified professional that evaluates the effectiveness of existing practices pertaining to soil erosion and sediment control, nutrient management, and management of pesticides and, where necessary, results in a plan that outlines additional practices needed to ensure that water quality protection is being accomplished consistent with the Act, the regulations and the requirements of this article.

(10)

Silvicultural activities in Chesapeake Bay Preservation Areas are exempt from this article provided that the silvicultural operations adhere to all other applicable provisions of this Code and provided water quality protection procedures prescribed by the state department of forestry in the current edition of "Forestry Best Management Practices for Water Quality in Virginia Technical Guide." The state department of forestry will oversee and document installation of best management practices and will monitor in-stream impacts of forestry operations in Chesapeake Bay Preservation Areas.

(11)

Evidence of all wetlands permits required by law are required before the director of planning will authorize grading or other on-site activities to begin.

(Ord. No. O-04-03(R1), 3-10-2003; Ord. No. O-13-05, 6-13-2005)

This Ordinance to be effective July 1, 2014.

Rodney A. Hathaway
County Administrator

Thomas W. Evelyn
Chairman