

# HAMPTON VA

## FOR THE RECORD

### Bay protection zones limit some back yards

Before you cut down trees on your own property or build a shed or deck, you need to be aware of Chesapeake Bay regulations. Protection zones extend 200 feet from certain wetlands and waterways -- sometimes even things you don't think of as waterways, like ditches that flow into the bay.

For the record, it's the property owners' responsibility to know if their land falls into one of the three protection zones ... whether they've owned the property for decades or are buying new.

City staff can advise you on how best to achieve your goals for your property - whether it's how to improve your view without cutting down trees or bushes, or what and where you can build and stay within the law.

These buffer zones are important because the natural vegetation that grows there helps filter out pollutants, control erosion and retain some of the water before it flows into the bay.

Read more at [hampton.gov/ForTheRecord](http://hampton.gov/ForTheRecord)

#### FAQ

##### **Q: When did this happen ?**

A: The Chesapeake Bay Preservation Act was enacted by the General Assembly in 1988. It was designed to improve the water quality in the Chesapeake Bay and other waterways by requiring **effective land management and land use planning**. "At the heart of the Bay Act is the concept that land can be used and developed to minimize negative impacts on water quality," says the Virginia Department of Environmental Quality. The act required local governments to protect and control areas that affect waterways that flow into the bay. Localities had a few years to develop their plans and adopt them.

##### **Q: What are the protected areas?**

A: The lands that make up Chesapeake Bay Preservation Areas are those that have the potential to impact water quality most directly. Generally, there are two types of environmentally sensitive lands:

- **Resource Protection Areas.** These are tidal wetlands, non-tidal wetlands and tidal shores with a buffer area of 100 feet around them. This area is the most strictly regulated because it has the greatest effect on the bay's water quality.
- **Resource Management Areas.** This buffer starts from the Resource Protection Areas and goes another 100 feet.

Then, there's another designation for lands that are in these protection areas but were already developed when the changes went into effect: **Intensely Developed Areas** are what lands are called if they are within the two buffer zones, but already had dense housing, paved surfaces or manmade drainage, water or sewer systems before the new regulations were passed.

**Q: If I'm buying a home, should the builder or seller let me know if any part of the property is in a protection zone?**

A: The Virginia Residential Property Disclosure Act governs the information that sellers must disclose to prospective purchasers of residential real property. One of the mandatory disclosures requires sellers to put buyers on notice that the property **may** contain a Resource Protection Area subject to the Chesapeake Bay Preservation Act, but the only way to confirm the presence of a protected Chesapeake Bay area is for the buyer to perform due diligence work, such as contacting the Planning & Zoning Division of the Community Development Department, examining the property on the City's Geographic Information System (GIS), and acquiring an environmental resource delineation.

**Q: How do I know if I'm in one of these protection zones?**

A: If you have computer access, go to <http://www.hampton.gov/gis>. In the web portal, type in your address can call up your property. Click on "map" on the top set of tabs. Hit the + and click in the box beside "Zoning" to expand the options. You can uncheck the other boxes within zoning, but leave "Ches. Bay Preservation District" box checked. If your property has any pink, green, yellow or white with blue marks showing, you are affected. Importantly, the buffer areas shown on GIS are just an estimate. Development, land disturbance, or clearing of vegetation on a parcel impacted by the Chesapeake Bay Preservation Act usually requires a site-specific resource delineation performed by a surveyor or environmental consultant before work can commence. If you don't have internet access, call 311 and ask them to look for you.

**Q: Does this only include things I should be getting a building permit for?**

A: Most, but not all. You would be required to get a permit for building a home, addition or shed; installing a pool or deck; You would not normally need a permit to add a driveway or patio; cut down trees; or remove bushes, grasses and other vegetation unless you are disturbing more than 10,000 square feet of land. However, you do on land that falls into these zones.

**Q: Has the city actually cited people for doing these things?**

A: Yes. And if you do something that violates this law, you will face legal action. City staff are obligated to report things they see while cleaning ditches or clearing drainage outfalls. It is cheaper to do things correctly the first time than to tear down structures that aren't legal or replace vegetation that has been illegally removed. The Chesapeake Bay Preservation Act is enforced as part of the City's zoning ordinance, violation of which constitutes a misdemeanor. Upon a conviction, a homeowner may be required by the court to pay up to \$1,000.00 per violation.

