

## Part VI. Land Development Ordinances

### 9VAC25-830-180. Purpose.

The purpose of this part is to assist local governments in the preparation of land use and development ordinances and regulations adopted pursuant to § [62.1-44.15:74](#) and Articles 1 (§ [15.2-2200](#) et seq.), 2 (§ [15.2-2210](#) et seq.), 4 (§ [15.2-2233](#) et seq.), 5 (§ [15.2-2239](#)), 6 (§ [15.2-2240](#) et seq.), and 7 (§ [15.2-2280](#) et seq.) of Chapter 22 of Title 15.2 of the Code of Virginia that are consistent with the Act and this chapter, and to establish guidelines for determining the consistency of such ordinances and regulations with the Act and this chapter. Such ordinances and regulations include, but are not limited to, subdivision ordinances and zoning ordinances.

### Statutory Authority

§§ [62.1-44.15:69](#) and [62.1-44.15:72](#) of the Code of Virginia.

### Historical Notes

Former 4VAC50-90-180 and 9VAC10-20-181 derived from Virginia Register [Volume 18, Issue 9](#), eff. March 1, 2002; Errata, 18:13 VA.R. 1763 March 11, 2002; amended and renumbered, Virginia Register [Volume 29, Issue 4](#), eff. November 21, 2012; amended and renumbered, Virginia Register [Volume 30, Issue 2](#), eff. October 23, 2013.

### 9VAC25-830-190. Land development ordinances, regulations, and procedures.

A. Local governments shall review and revise their land development regulations, as necessary, to comply with § [62.1-44.15:74](#) of the Act. To achieve this:

1. Local zoning ordinances shall ensure that the uses permitted by the local zoning regulations are consistent with the Act and this chapter;
2. Local land development ordinances and regulations shall incorporate either explicitly or by direct reference the performance criteria in Part IV ([9VAC25-830-120](#) et seq.) of this chapter. Specific development standards that implement the performance criteria from subdivisions 1, 2 and 4 of [9VAC25-830-130](#) (minimizing land disturbance and impervious cover and preserving existing vegetation) shall be included;
3. Local land development ordinances and regulations shall protect the integrity of Chesapeake Bay Preservation Areas by incorporating standards to ensure (i) the protection of water quality; (ii) the preservation of Resource Protection Area land categories, as set forth in [9VAC25-830-80](#), including the 100-foot wide buffer area; and (iii) the compatibility of development with Resource Management Area land categories, as set forth in [9VAC25-830-90](#);
4. Local land development ordinances and regulations shall provide for (i) depiction of Resource Protection Area and Resource Management Area boundaries on plats and site plans, including a notation on plats of the requirement to retain an undisturbed and vegetated 100-foot wide buffer area, as specified in subdivision 3 of [9VAC25-830-140](#); (ii) a plat notation of the requirement for pump-out and 100% reserve drainfield sites for onsite sewage treatment systems, when applicable; and (iii) a plat notation of the permissibility of only water dependent facilities or redevelopment in Resource Protection Areas, including the 100-foot wide buffer area; and

5. Local governments shall require, during the plan of development review process, the delineation of the buildable areas that are allowed on each lot. The delineation of buildable areas shall be based on the performance criteria specified in Part IV ([9VAC25-830-120](#) et seq.) of this chapter, local front and side yard setback requirements, and any other relevant easements or limitations regarding lot coverage.

B. Local governments shall undertake the following as necessary, to comply with § [62.1-44.15:74](#) of the Act:

1. Local governments shall evaluate the relationship between the submission requirements, performance standards, and permitted uses in local land development ordinances and regulations to identify any obstacles to achieving the water quality goals of the Act and this chapter as set forth in § [62.1-44.15:74](#) B of the Act, [9VAC25-830-50](#) and [9VAC25-830-120](#). Local governments shall revise these ordinances and regulations, as necessary, to eliminate any obstacles identified in the submission requirements or development standards.

2. Local governments shall review and revise their land development ordinances and regulations adopted pursuant to § [62.1-44.15:74](#) and Articles 1 (§ [15.2-2200](#) et seq.), 2 (§ [15.2-2210](#) et seq.), 4 (§ [15.2-2233](#) et seq.), 5 (§ [15.2-2239](#)), 6 (§ [15.2-2240](#) et seq.), and 7 (§ [15.2-2280](#) et seq.) of Chapter 22 of Title 15.2 of the Code of Virginia to assure that their subdivision ordinances, zoning ordinances, and all other components of their local Chesapeake Bay Preservation Act programs are consistent in promoting and achieving the protection of state waters. In addition, local governments shall identify and resolve any conflicts among the components of the local programs and with other local ordinances, regulations and administrative policies, to assure that the intent of the Act and this chapter is fulfilled.

3. Local governments shall review and revise their land development ordinances and regulations to ensure consistency with the water quality protection goals, objectives, policies, and implementation strategies identified in the local comprehensive plan.

C. Local governments shall update and amend their ordinances and regulations to adopt and incorporate updated requirements in Part IV ([9VAC25-830-120](#) et seq.) of this chapter based upon statutory revisions to Virginia Code § [62.1-44.15:72](#) by September 29, 2024.

#### Statutory Authority

§§ [62.1-44.15:69](#) and [62.1-44.15:72](#) of the Code of Virginia.

#### Historical Notes

Former 4VAC50-90-190 and 9VAC10-20-191 derived from Virginia Register [Volume 18, Issue 9](#), eff. March 1, 2002; Errata, 18:13 VA.R. 1763 March 11, 2002.; amended and renumbered, Virginia Register [Volume 29, Issue 4](#), eff. November 21, 2012; amended and renumbered, Virginia Register [Volume 30, Issue 2](#), eff. October 23, 2013; [Volume 38, Issue 1](#), eff. September 29, 2021.

Website addresses provided in the Virginia Administrative Code to documents incorporated by reference are for the reader's convenience only, may not necessarily be active or current, and should not be relied upon. To ensure the information incorporated by reference is accurate, the reader is encouraged to use the source document described in the regulation.

As a service to the public, the Virginia Administrative Code is provided online by the Virginia General Assembly. We are unable to answer legal questions or respond to requests for legal advice, including application of law to specific fact. To understand and protect your legal rights, you should consult an attorney.