

Proposed changes to Chapter 170: ZONING

[HISTORY: Adopted by the Board of Supervisors of the County of Rappahannock 12-1-1986. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 71.

Erosion and sediment control — See Ch. 98.

Stormwater Management – See Ch. 145.

Subdivision of land — See Ch. 147.

ARTICLE III General Regulations

§ 170-21. Bulk regulations.

- E. Setbacks from streets shall be measured from the center line of such street as it exists at the time of issuance of the zoning permit. However, when a right-of-way plan for such a street (existing or planned) has been recommended by the Virginia Department of Highways and Transportation and approved by resolution of the Board of Supervisors, setbacks shall be measured from the center line of the planned road. (On Route 211, the center line of the nearest lane, existing or planned, shall be used for setback determination.)
- F. Clustering. Clustering of structures on lots within a subdivision to meet open space requirements may be encouraged by the Zoning Administrator.

§ 170-23. Open space.

- A. The open space requirements presented for a given zoning district shall be considered as a minimum, and such open space shall be located on the same lot as the primary use or structure, except as specifically provided otherwise in this chapter. Open space requirements shall be expressed as a percentage of the gross area of the lot. No part of the open space in any development shall be subsequently reduced below the minimum requirements of this chapter.
- B. The computation of open space areas shall be based on the following rules:
- (1) In cases where the balance of land not contained in lots and streets is needed by the County for school sites, parks, recreational areas or stream valleys and such land is suitable in location, size, shape, condition and topography for such purposes, then such land shall be deeded to the County for such purposes. Such land shall be referred to as dedicated open space, and shall be given full credit in satisfying the open space requirements for a given district.
 - (2) In cases where the balance of land not contained in lots and streets is not needed by the County for such purposes as set forth in § 170-23B-1, then the County may approve such lands or parts thereof to be conveyed to a non-profit organization as provided for in §170-23B6 or to an individual as provided for in § 170-23B7. Such land shall be referred to as common open space, or non-common open space, respectively, and shall be given full credit in satisfying the open space requirements for a given district.
 - (3) At least twenty (20) percent of the area required to meet the open space requirements of a given district shall be lands other than those lying in a floodplain. In subdivision approved for cluster development, such lands outside the established floodplain shall be comprised of a contiguous parcel not less than one (1) acre in size having no

dimensions less than fifty (50) feet. In cases where open space requirements exceed five (5) acres, a minimum of three (3) acres will be so located and shall have dimensions and topography as to be open space usable for active recreation.

- (4) Fifty (50) percent of the area which lies within a major utility easement or right-of-way may be calculated as open space, but only if the remaining rights of the easements or rights-of-way are dedicated for recreational or open space use. In no instance, however, shall lands which lie within a major utility easement or right-of-way represent more than thirty (30) percent of the total land area needed to satisfy the open space requirements for a given district. For the purpose of this sub-section a major easement or right-of-way shall be located entirely outside a street right-of-way.
- (5) In no instance shall open space credit be given for lands which are included in or reserved for the right-of-way of any street, or for any public facility except as qualified in the sub-sections above.
- (6) In subdivisions requiring open space, such open space shall be used to establish a 100 foot buffer adjacent to Conservation Districts (C), Agriculture Districts (A), Rural Residential Districts (RR-5), and Residential-Village Districts (RV). However, the Board may modify this buffer requirement adjacent to Village Districts during subdivision approval, when it determines that the proposed development is architecturally compatible with the Village.
- (7) In the administration of these provisions, the Zoning Administrator shall have the authority to determine whether lands qualify as open space and the authority to determine whether such lands are dedicated open space, common open space or non-common open space.

ARTICLE IV District Regulations

§ 170-37. Use regulations. [Amended 4-6-1987; 8-1-1988; 9-19-1988; 1-5-2000; 11-6-2000; 1-3-2007]

The requirements in the following chart and the footnotes pertaining thereto are established as indicated.

| Type of Requirement | Zoning District | | | | | | | | | | Site Plan |
|---|-----------------|------|------|-----|-----|----|-----|-----|-----|-----|-----------|
| | C | A | RR-5 | R-2 | RV | CV | CG | HC | I | MHP | |
| Maximum density (dwelling units/acres)* | 1/25 | 1/25 | 1/5 | 1/2 | 1/1 | -- | -- | -- | -- | 2/1 | |
| Minimum lot size (acres) | | | | | | | | | | | |
| Conventional | 5 | 2 | 5 | 2 | 1 | 1 | 1 | 1 | 2 | 10 | |
| Special exception | | -- | -- | 2 | 1 | -- | -- | -- | -- | -- | -- |
| Minimum lot width (feet) | | | | | | | | | | | |
| Conventional | 500 | 400 | 300 | 200 | 100 | 50 | 150 | 150 | 150 | -- | |

| | | | | | | | | | | |
|---|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Special exception condition or family transfer | 300 | 200 | -- | -- | -- | -- | -- | -- | -- | -- |
| Minimum front yards, measured from center of street or nearest lane of Route 211 (feet)**** | | | | | | | | | | |
| Primary (Route 211) | 200 | 200 | 100 | 75 | 75**** | 50**** | 75 | 75 | 100 | 100 |
| Secondary | 100 | 100 | 75 | 50 | 50 | 50 | 50 | 50 | 75 | 75 |
| Private | 100 | 100 | 75 | 50 | 50 | -- | -- | -- | -- | -- |
| Minimum side and rear yards, principal use (feet) | | | | | | | | | | |
| Residential or resource preservation district | 100 | 50 | 50 | 20 | 20 | -- | -- | -- | -- | -- |
| Commercial or industrial zoning district adjoining a commercial or industrial zoning district | -- | -- | -- | -- | -- | -- | 12 | 25 | -- | -- |
| Commercial or industrial zoning district adjoining a residential or resource preservation zoning district | -- | -- | -- | -- | -- | 15 | 25 | 25 | 25 | -- |
| <u>Maximum building height (feet) (See S 170-30 for exclusions.)</u> | <u>35</u> | <u>35</u> | <u>35</u> | <u>35</u> | <u>35</u> | <u>35</u> | <u>50</u> | <u>50</u> | <u>60</u> | <u>20</u> |
| <u>Minimum open space (%)</u> | <u>85</u> | <u>85</u> | <u>25</u> | <u>35</u> | <u>0</u> | <u>--</u> | <u>--</u> | <u>--</u> | <u>--</u> | <u>30</u> |

NOTES:

* For maximum density, see §§ 170-22 and 170-38.

** See also § 170-40, Family subdivisions.

*** Within a village front yard as shown or equal to a front yard of any existing structure within 100 feet of either side of the property line.

**** Except in the *** footnote above, in no case shall less than 20 feet be within the lot.

ARTICLE V Overlay District Regulations

§ 170-43. Enumeration of overlay districts. [Amended 3-7-1994]

For the purpose of this chapter, the following overlay districts are established:

| Overlay District | Abbreviation |
|-----------------------------------|--------------|
| <u>Floodplain District</u> | <u>FP</u> |
| <u>General Commercial Overlay</u> | <u>GCO</u> |

§ 170-45.1. General Commercial Overlay District (GCO). [Added 3-7-1994]

F. Use limitations.

(7) Resource protection.

- (a) ~~Stream corridors. In addition to Rappahannock County's restriction on development in environmentally sensitive areas identified elsewhere in this chapter, land disturbing activities within designated General Commercial Overlay Districts shall be set back 100 feet from streams and other watercourses and water bodies identified on the current United States Geological Survey (USGS) mapping of Rappahannock County. The one hundred-foot setback could be reduced to 50 feet if best management practices, as outlined by the Commonwealth of Virginia, are reviewed and approved by the Zoning Administrator. Stream crossings should be minimized. Landscaping. All proposed landscaped areas should employ low-impact development techniques, such as bioretention facilities in place of landscaped islands.~~
- (b) Proposed grading. All proposed grading shall not exceed a slope ~~of two to one (2:1). A slope~~ of three to one (3:1) ~~whenever possible is preferred. All slopes of two to one (2:1) or greater and~~ shall be protected from erosion utilizing an appropriate ground cover other than one requiring mowing. ~~The Zoning Administrator shall approve appropriate measures when a slope of 3:1 is not achievable or impractical.~~

G. Design guidelines.

- (2) Natural site amenities. Natural site characteristics such as topography, vegetation, streams and natural drainage corridors and rock outcroppings establish the character of the environment and help to provide continuity between a developed site and the adjacent countryside.
 - (d) Significant views to natural or man-made focal points, both to and from an individual site, should be maintained and enhanced whenever possible.
 - (e) Clearing and grading should be kept to a minimum to preserve open space and meet requirements set for in § 170-37.
 - ~~(d)(f) Significant views to natural or man-made focal points, both to and from an individual site, should be maintained and enhanced wherever possible. The use of native plants and vegetation should be employed when replanting is necessary to foster the preservation of natural site amenities.~~
- (4) Parking. Adequate, convenient parking associated with commercial development should have a minimal visual impact on traditionally agricultural settings.
 - (b) Bioretention facilities or landscaped treatment and plant materials should be used to define vehicular and pedestrian circulation and minimize impervious areas within parking areaspace.

§ 170-45.2 Stream Protection Overlay District (SPO).

- A. Purpose and intent. The purpose of the stream protection overlay district is to apply special regulations to the riparian buffer area no less than one hundred feet wide on each side of perennial streams and wetlands adjacent to those streams. The purpose of the buffer is to retard runoff, prevent erosion, filter non-point source pollution from runoff, moderate stream temperature, and provide for the ecological integrity of stream corridors and networks.
- B. Riparian buffer. Except for those land uses listed as exempt, land containing perennial streams, and/or non-tidal wetlands adjacent to these streams shall provide for vegetated riparian buffers of 100 feet, as described below. The minimum riparian buffer width shall be measured horizontally from the top edge of the stream bank or nontidal wetlands. The top edge of the stream bank, also known as bank-full width, is the width of the stream at normal high water events determined by considering differences in vegetation (aquatic vs. typical terrestrial) and physical characteristics of the stream bank. The width of buffers for sloped stream banks shall be increased. For slopes between 15% and 25%, 100-foot buffers shall be increased to 125 feet. For slopes over 25%, 100-foot buffers shall be increased to 150 feet.
- C. Riparian buffer criteria. In order to maintain runoff, non-point source pollution control, stream temperature, and ecological values of the riparian buffer, indigenous vegetation shall be preserved to the maximum extent possible. The target vegetative cover in the riparian buffer shall be an indigenous forest with ground cover, shrub, and tree canopy layers. Removal or preservation of vegetation in the riparian buffer shall be allowed as follows; however, in no case shall vegetation be removed so as to disturb the soil.
- (1) Within a minimum of thirty-five feet of the top of the stream bank and on land classified as non-tidal wetland:
- (a) Existing trees, with the following characteristics, shall be preserved: (i) a diameter of 6 inches or greater (measured 4.5 feet above the ground) if large or medium canopy trees, (ii) a diameter of 4 inches or greater (measured 4.5 feet above the ground) for small canopy trees;
- (b) Invasive non-native species may be removed, regardless of size;
- (c) Dead, diseased, and dying trees may be removed;
- (d) Fallen trees that are blocking stream channels, or trees with undermined root systems in imminent danger of falling, may be removed where stream bank erosion is a current or potential problem that outweighs any positive effects the fallen tree or trees may have on the stream ecosystem;
- (e) Pesticides shall not be applied, except by licensed applicators following pesticide requirements.
- (2) Between a thirty-five feet and one hundred feet from the top of the stream bank and outside of non-tidal wetlands:
- (a) Dead, diseased, and dying trees may be removed;
- (b) Invasive non-native species may be removed, regardless of size;
- (c) Trees six inches in diameter or greater (measured 4.5 feet above the ground) shall be preserved, unless removed as part of a silvicultural thinning operation based upon the best available technical advice of a professional forester.
- (3) The property owner or their agent shall maintain riparian buffer vegetation, and shall be required to replace, in kind, with suitable substitutes any loss of vegetation.
- D. Types of development not required to maintain or establish a riparian buffer, provided that the requirements of this section are satisfied:
- (1) The construction, installation, operation and maintenance of electric, gas, and telephone transmission lines, railroads, and activities of the Virginia Department of Transportation, and their appurtenant structures, which are accomplished in compliance with the Erosion and Sediment Control Law (Virginia Code §§ 10.1-560 et seq.) or an erosion and sediment control plan approved by the Virginia Soil and Water Conservation Board.
- (2) The construction, installation, and maintenance by public agencies of water and sewer lines, including water and sewer lines constructed by private interest for dedication to public agencies, provided that:
- (a) To the extent practical, the location of such water or sewer lines shall be outside of all riparian buffer areas;
- (b) No more land shall be disturbed than is necessary to construct, install and maintain the water or sewer lines; and
- (c) All such construction, installation, and maintenance of such water or sewer lines shall comply with all applicable federal, state, and local requirements.

§ 170-46. Design criteria for utilities and facilities.

- C. Drainage facilities. All storm drainage ~~structures and/or~~ facilities shall be designed ~~to convey the flow of surface waters without damage to persons or property. The system shall ensure drainage away from buildings and on-site waste disposal sites. The Board of Supervisors may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties in accordance with Chapter 145 Stormwater Management of the Rappahannock County Code.~~

ARTICLE IX Off-Street Parking

§ 170-78. General regulations.

- E. All required off-street parking spaces, ~~and~~ their appurtenant aisles and driveways, ~~and~~ integrated low-impact design stormwater management structures shall be deemed to be required space on the lot on which the same are situated and shall not be encroached upon or be reduced in any manner except upon approval by the Board in accordance with the provisions of this chapter.
- I. All off-street parking areas including aisles and driveways, except those required for single-family detached dwellings, shall be constructed and maintained with a dustless surface. Off-street parking areas, including their related aisles and driveways may, upon approval by the Administrator, be exempted from the provision if such facilities are for a temporary purpose; provided, however, that such areas shall be graveled and maintained in accordance with standards approved by the ZA. Additionally, all off-street parking areas shall provide stormwater management provisions, as specified in § 145, Stormwater Management.
- K. All lighting fixtures used to illuminate off-street parking areas shall be designed to comply with performance standards relative to glare of the zoning district in which such area is located.
- L. Landscape treatment and plant materials should be used to define vehicular and pedestrian circulation and minimize impervious areas within parking space.
- M. Parking should not be located exclusively at the front of building sites; some parking should be located at the sides or rear of the site.
- N. Sites with steep slopes should not be modified to produce a single ground plane for building and parking. In such cases, parking areas should be developed on one or more terraces with site elevations different from that of the building and linked by appropriate barrier-free pedestrian circulation.
- O. Parking spaces required on an employee/person basis in the sections that follow shall be based on the minimum number of employees/persons on duty or residing, or both, on the premises at any one time or the occupancy load of the building, whichever is greater. Overlapping use of parking areas at shift changes shall be considered.
- P. Where a given use or building contains a combination of uses as set forth in the following

sections, parking shall be provided on the basis of the sum of the needs of the various uses. Structured and shared parking is encouraged to minimize impervious area of off-street parking space.

- Q. If there is uncertainty with respect to the amount of parking space required by the provisions of this chapter as a result of an indefiniteness as to the proposed uses of a building or of the land, the maximum requirement for the general type or use that is involved shall govern.
- R. The maximum number of parking spaces allowed for any use shall be 120% of the minimum requirements set forth in the following sections.
- S. Where the required number of parking spaces is not set forth for a particular use in the following paragraphs, and where there is no similar general type of use listed, the Zoning Administrator shall determine the number of spaces to be provided.

§ 170-79. Residential and lodging uses.

Minimum off-street parking spaces accessory to the uses hereinafter designated shall be provided as follows:

- C. Dwelling, single-family, attached:
 - (3) Plus one per each five units for parking of residents' boats, recreational vehicles, etc. One-half (-1/2) of such spaces shall not be less than twelve by thirty (12x30) feet.
- D. Dwelling, multifamily:
 - (3) Plus one space per each five units for parking of residents' boats, recreational vehicles, etc. One-half (-1/2) of such spaces shall not be less than twelve by thirty (12x30) feet.

§ 170-80. Commercial and related uses.

Minimum off-street parking spaces accessory to the uses hereinafter designated shall be provided as follows:

- G. Financial institution with drive-in windows: one space per ~~250-150~~ square feet of net floor area plus sufficient area for ~~eight-five~~ stacking spaces for the first drive-in window and two stacking spaces per each additional window.
- H. Financial institution: one space per ~~250-150~~ square feet of net floor area.
- I. Furniture or carpet store: one space per ~~500-400~~ square feet of net floor area plus one space for each employee.
- S. Theater, auditorium or stadium: one space per ~~th-four~~ seats or similar vantage accommodation provided plus one space per two employees.

§ 170-82. Other uses.

Minimum off-street spaces accessory to the uses hereinafter designated shall be provided as follows:

- G. Funeral chapel: one space per ~~four-three~~ seats in the main chapel or parlor plus one space per two employees plus one space for each vehicle used in connection with the business.

ARTICLE X Off-Street Loading

§ 170-84. General regulations.

- I. All off-street loading areas, including aisles and driveways, shall be constructed and maintained with a dustless surface. All runoff shall be directed to a stormwater management structure, preferably incorporating LID design standards.

ARTICLE XI Private Streets

§ 170-88. Design standards.

Pavement widths shall be the minimum required to support travel lanes, on street parking, and emergency, maintenance, and service vehicle access, as applicable. Alternate street layouts and turn-arounds for residential areas shall be examined to minimize the total length of impervious surface. Cul-de-sacs, when used, shall either incorporate landscaped areas to reduce impervious area, or be designed at the minimum radius required to accommodate emergency and maintenance vehicles. Specific design standards shall be as follows: