

ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY REPEALING §§ 19-7-2, 22-4-10, 22-4-10.1, 22-4-10.2 AND 22-4-10.3, AND AMENDING §§ 19-8-1, 19-8-6, 22-4-2.1, AND 22-4-3, TO ELIMINATE RURAL CLUSTER SUBDIVISION REGULATIONS AND USE

BE IT ORDAINED by the Board of Supervisors of Fluvanna County:

- (1) *That the Code of the County of Fluvanna, Virginia is amended by repealing §§ 19-7-2, 22-4-10, 22-4-10.1, 22-4-10.2, and 22-4-10.3, and amending §§ 19-8-1, 19-8-6, 22-4-2.1, and 22-4-3, as follows:*

CHAPTER 19 SUBDIVISIONS

ARTICLE 7. – SUBDIVISION DESIGN STANDARDS

~~Sec. 19-7-2. — Rural cluster subdivisions.~~

~~All subdividers shall strive to conserve the noteworthy features of the parcel to be subdivided and the rural landscape, in accordance with the Comprehensive Plan and the purpose of this chapter. To achieve these objectives, the subdivider shall follow the process set forth below in developing rural cluster subdivisions for the subdivision of a tract. All major subdivisions in the A-1 Agricultural General Zoning District Classification shall be Rural Cluster subdivisions and subject to this section.~~

- ~~(A) Determine the number of lots desired, not exceeding the number allowed to be subdivided from the tract under the density provisions of Chapter 22;~~
- ~~(B) Delineate areas of the tract to be conserved due to their noteworthy features and value to the continued rural character of the county, including, but not limited to, lands with high value for continued agricultural or forestry production, high scenic value including riparian corridors and wildlife habitat; high environmental sensitivity such as steep slopes, wetlands, floodplains; high recreational value and/or having noteworthy historical, natural, or cultural features;~~
- ~~(C) Locate potential house sites on the area of the tract not delineated as conservation areas, with due consideration for topography, soil suitability for construction and septic system use, and efficient service by public or central water and/or sewerage systems, as applicable;~~
- ~~(D) Align streets to serve house sites, with due consideration for topography and connections to existing, planned or potential streets in adjacent areas, and align pedestrian trails if planned; and~~

~~(E) Delineate boundaries of individual residential lots and any residue, in accordance with the lot size, dimension, setback, and yard requirements of Chapter 22.~~

ARTICLE 8. – REQUIRED IMPROVEMENTS

Sec. 19-8-1. – Streets.

An adequate system of streets shall be constructed to provide access from all lots to the state highway system.

- (A) In any major subdivision, as defined herein, all streets shall be designed and constructed in conformance with the Virginia Department of Transportation's subdivision street requirements. Preliminary plans for all such streets shall have been approved by the Virginia Department of Transportation prior to approval of the preliminary plat.
- (B) Proposed street names shall be shown on the preliminary plat, and may be changed by the Subdivision Agent. Names of new streets shall not duplicate names of existing streets, irrespective of suffixes. Any street that is a continuation of an existing street shall bear the name of the existing street. The governing body may institute a fee in order to acquire and install all street identification signs. Where a street is planned for future extension, and a stub street serving three or more (≥ 3) lots is proposed for construction as part of a subdivision, a temporary turnaround shall be provided on such stub street. Such turnaround shall be of adequate location, size and design as determined by the Subdivision Agent. All stub streets shall be marked with a metal sign clearly providing public notice that the street is subject to future extension.
- (C) Any private road in a subdivision which will not be constructed to Virginia Department of Transportation standards shall be located in a right-of-way or easement at least fifty (50) feet in width and shall be so designed and built as to provide adequate access by ordinary passenger vehicles in all weather, in accordance with the provisions of this section as set forth hereinafter. All lots that are within a subdivision which is served by any private road shall be prohibited direct vehicular access from an existing public road by deed restriction or other means. Except in the case of lots intended, designed and used ~~(a)~~ for attached single-family, two-family or multi-family dwellings; ~~(b)~~ for rural cluster lots; or ~~(c)~~ for commercial or industrial uses, no lot served by a private road may be less than ten (10) acres in area, and no such private road shall serve more than five (5) lots. The plat, and each deed, shall clearly state that the county and Commonwealth are not responsible for the maintenance of the roads. A road maintenance agreement, approved by the County Attorney and the Subdivision Agent, shall be filed with the deeds of all lots to be served by such private road. Such agreement shall require the landowners, jointly and severally, to cooperate in and pay for the maintenance of the road such that emergency vehicles and other necessary traffic can reach all of the lots with reasonable ease. Each plat showing any such private road shall contain a certification from a registered surveyor or engineer in substantially the following form: "The private road shown on this plat will provide reasonable access to all lots served by

such road by emergency vehicles and ordinary passenger vehicles as required by Section 19-8-1 of the Fluvanna County Code." Private roads shall conform to the following minimum specific construction standards:

| Number of Lots | Right-of-Way Width | Minimum Width of Travelway | Surface Treatment | Minimum Ditchline | Maximum Grade |
|----------------|--------------------|----------------------------|---|--|---------------|
| 1-5 | 50 feet | 14 feet | Gravel (#25 or #26), 3 inches in depth over suitable base | 4 feet in width, with a minimum of 4% slope from the travelway and ditches a minimum of 18 inches in depth | 9% |

Sec. 19-8-6. – Recreation.

For any major subdivision, as defined in this chapter, if the average lot size for that subdivision is five acres or less (≤ 5), ~~except for Rural Cluster Subdivisions~~, the subdivider shall provide space and facilities for recreation. Such space shall be clearly labeled on the plat, and shall be dedicated to an entity approved by the county for ownership and maintenance.

(A) Space for recreation shall be provided at the rate of 5,000 square feet per lot in the subdivision or 15 percent of the total acreage of the subdivision, whichever is more. This area shall not be developed for parking, roadways, refuse collection, or similar use. An area of one-half ($\frac{1}{2}$) acre or more shall be located within one-half ($\frac{1}{2}$) mile of each proposed dwelling unit as part of the recreation area, and shall be improved with facilities for sports, picnicking, tot lot equipment, active playground with equipment, or similar uses.

(B) Each area reserved for recreation shall be of a size and shape conducive to the proposed recreational use.

CHAPTER 22 ZONING

ARTICLE 4. – AGRICULTURAL, GENERAL, DISTRICT A-1

Sec. 22-4-2.1. – Uses permitted by right.

The following uses shall be permitted by right:

Agricultural Uses

Agriculture

Conservation areas

Equestrian facilities

Farm sales

Hunt clubs

Hunting preserves

Civic Uses

Public parks and recreational areas

Public uses

Commercial Uses

Family daycare homes

Home occupations

Studios, fine arts

Industrial Uses

Sawmills, temporary

Miscellaneous Uses

Accessory uses

Cemeteries, non-commercial

Greenhouses, non-commercial

Kennels, private

Marinas, private non-commercial

~~Rural cluster developments~~

Shooting, private recreational

Small scale solar generation facility

Utilities, minor

Wood storage, temporary

Residential Uses

Dwellings, accessory

Dwellings, two-family

Farm tenant housing

Group homes

Manufactured homes

Mobile homes, as defined in Section 22-4-2.3

Single-family detached dwellings, including family subdivisions and conventional minor subdivisions, but excluding conventional major subdivisions recorded after April 5, 2004

Short-term rental of a residential dwelling

Sec. 22-4-3. – Residential density; minimum lot size; dimensional requirements.

Maximum gross residential density and minimum lot size and minimum dimensional requirements for conventional development, ~~but not for Rural Cluster Subdivisions~~, shall be as follows:

(A) Gross residential density: one (1) dwelling unit per two (2) acres. In order to construct more than one dwelling on any one parcel, a sketch plan must be submitted that would demonstrate that all dwellings could be lawfully subdivided so as to be on their own lots.

(B) Minimum lot size: two (2) acres

(C) Minimum frontage required:

(1) Existing or proposed public roads, except as otherwise provided:

- (a) U.S. Route 250, U.S. Route 15, VA. Primary Routes 6, 53, and VA. Secondary Route 616: 500 feet
- (b) All other public roads: 300 feet
- (2) Private roads: 200 feet
- (D) Minimum lot width at minimum required setback shall be equal to the minimum required frontage.
- (E) Minimum setback required (as measured from edge of right-of-way):
 - (1) U.S. Route 250, U.S. Route 15, VA. Primary Routes 6, 53, and VA. Secondary Route 616: 200 feet
 - (2) All other public roads: 125 feet
 - (3) Private Roads: 100 feet
- (F) Minimum side yard: 50 feet
- (G) Minimum rear yard: 75 feet

~~Sec. 22-4-10. Rural cluster development.~~

~~It shall be the policy of the County to promote the preservation of open space and the rural character of the County, while at the same time accommodating growth and protecting the value of property. To implement such policy, development of property according to rural cluster principles shall be encouraged throughout the County in accordance with the provisions of this section.~~

~~Sec. 22-4-10.1. Definitions~~

~~For purposes of this Section 22-4-10, the following terms shall be deemed to have the following meanings:~~

~~*Building lot* shall mean any lot which is sold or intended for use for the construction of one or more residential units.~~

~~*Existing public road* shall mean any road which is maintained as part of the Virginia Highway System or the Virginia Secondary Highway System at the time of the final approval for any rural cluster development; provided that no road which is dedicated to public use in connection with the approval of any cluster option development, whether by depiction on a subdivision plat or otherwise, shall be deemed to be an existing public road for purposes of this section.~~

~~*Open space parcel* shall mean any parcel which is restricted from further residential, commercial or industrial development as provided herein.~~

Rural cluster development shall mean any subdivision or other development for sale or use for residential purposes as provided in this section.

Sec. 22-4-10.2. — Compliance with zoning and subdivision regulations.

Each rural cluster development shall comply with the provisions of this Section 22-4-10, and, to the extent that the provisions of this section shall conflict with other provisions of this chapter, the provisions of this section shall control. Except to the extent of such conflict, the provisions of this chapter shall control every rural cluster development. In addition, every rural cluster development shall comply with the provisions of Chapter 19 of the Code.

Cross reference — Chapter 19 of this Code sets out the provisions adopted as the Subdivision Ordinance of Fluvanna County, Virginia.

Sec. 22-4-10.3. — Rural cluster regulations.

Any parcel of land which is otherwise susceptible to development into building lots may be divided into lots which provide for the preservation of substantial open space as hereinafter provided. Such development shall be known as rural cluster development.

(1) The gross density for any rural cluster development shall not exceed one (1) dwelling unit per two (2) acres, as provided in this district.

(2) Repealed.

(3) Not less than $\frac{3}{4}$ of the area of any rural cluster development shall be permanently restricted to prohibit further residential, commercial or industrial development. Such restriction may be made in the form of a covenant running with the land so restricted and in favor of each building lot in the rural cluster development, and in favor of the County. In the alternative, such restriction may be effected by the conveyance or dedication of such restricted land to the County, the Commonwealth or any other public body which is empowered to accept such conveyance or dedication. The substance of any such restriction, conveyance or dedication shall be subject to the approval of the County to ensure that such restriction shall be permanent and effective, which approval shall be made at the time of final subdivision approval and shall not be unreasonably withheld. The form of each such restriction, conveyance or dedication shall be subject to the approval of the County Attorney at the time of final subdivision approval. Nothing herein shall be deemed to require the acceptance of any conveyance or dedication or land by any public body except as may be approved by the governing body of such public body in its sole discretion.

(4) Nothing contained herein shall be construed to prevent the use or development of any open space parcel for one or more of the following:

~~(A) The construction of a single family residence, provided that such residence shall be included in the calculation of maximum gross density permitted for the cluster option development.~~

~~(B) Agriculture, horticulture, silviculture, including temporary sawmills, but not including any residential, commercial or industrial uses or structures.~~

~~(C) Parks; playgrounds; preserves; conservation areas; hunting and boating clubs and small boat docks; all of which shall be maintained for the use of the residents of the rural cluster development or of the public, but, in any event, not for residential, commercial or industrial use.~~

~~(D) Public utilities: Poles, lines, transformers, pipes, meters and related or similar facilities; water and sewerage distribution and collection lines.~~

~~(E) Cable communications distribution lines.~~

~~(F) Public uses and structures.~~

~~(G) Water wells and other facilities for the production, storage and distribution of water exclusively for the use of the residents and users of uses permitted within the rural cluster development; subject, in the case of any such facility which is a part of a central water system, to the issuance of a special use permit.~~

~~(H) Septic systems and other sewage disposal facilities exclusively for the use of the residents and users of uses permitted within the rural cluster development subject, in the case of any such facility which is a part of a central sewer system, to the issuance of a special use permit.~~

~~(I) Non-commercial cemeteries.~~

~~(5) Each building lot shall be so designed as to provide minimum setbacks and yards. Except for buildings lots fronting on existing public roads, such setbacks and yards shall be not less than the minimum setback and yard requirements of the R-4 residential district which are as follows:~~

~~(A) The minimum frontage for permitted uses shall be sixty (60) feet, and for each additional permitted use there shall be at least ten (10) feet of additional lot width.~~

~~(B) Side. The minimum side yard for each accessory building and main structure, including a group of attached dwelling units, shall be ten (10) feet on each side.~~

~~(C) Rear. Each main structure shall have a rear yard of twenty five (25) feet or more, and no accessory building shall be placed within twenty five (25) feet of any rear line.~~

~~(D) Any lot or parcel fronting on two (2) or more roads shall conform to the frontage, minimum lot width and setback requirements for all such roads.~~

~~(6) Each building lot fronting on an existing public road shall conform to the minimum frontage, setback and yard requirements for conventional development in this district. For purposes of this section, any building lot which is separated from an existing public road by any open space parcel shall be deemed to front on such existing public road for purposes of the application of such minimum frontage, setback and yard requirements unless the distance between the boundary of such open space parcel and any abutting building lot shall be at least equal to the minimum setback requirement applicable to conventional development in this district.~~

~~(7) All building lots shall be designed with due consideration of the topography and soil suitability for the following purposes, in such a manner as to maximize the efficient use and utility of the land; minimize development cost; protect existing scenic quality; discourage congestion in adjacent public roads; and minimize land disturbance, soil erosion and other potentially adverse consequences of development:~~

~~(A) Construction of residential improvements;~~

~~(B) Provision of utilities, including, where applicable, public or common sewer and/or water facilities;~~

~~(C) Provision of roads and other transportation facilities, including pedestrian trails and other facilities designed for non-motorized traffic, and including particularly provisions for connections to existing, planned or potential transportation facilities on adjacent properties;~~

~~(D) Protection of physical features having a recognized architectural, historic, scenic and/or economic value to the County; and~~

~~(E) Provision of open space of a size, shape and character to promote the uses designated for such open space and to protect and promote the rural character of the area, and provide for contiguous greenways and wildlife corridors.~~

(2) *That the Ordinance shall be effective upon adoption.*