

ARTICLE XX. RURAL RESIDENTIAL DISTRICT “RR”

Sec. 106-501. Statement of intent.

The rural residential district is intended to allow low density and clustered rural residential development on relatively large tracts of land near the county’s existing villages and existing areas of residential development, as generally shown on the Future Land Use Map of the Comprehensive Plan, in order to conserve natural resources including open, agricultural and forest land, ground water, shellfish waters, and to preserve rural character by facilitating residential development that reflects and perpetuates Accomack County’s existing, historic land use pattern and appearance of the landscape as viewed from private land and the public road system.

Sec. 106-502. Uses permitted by right.

The following uses shall be permitted subject to all the other requirements of this chapter as a matter of right in the Rural Residential District "RR".

- (1) Single-family dwellings;
- (2) Manufactured homes, category II;
- (3) Professional offices within occupant's dwelling;
- (4) Home occupations conducted by occupant;
- (5) Private and noncommercial small boat docks;
- (6) Accessory uses as defined;
- (7) Recreational facilities which are to be used in connection with single-family dwellings and available only to the family of the householder and his private guests;
- (8) Public or private playgrounds, parks and similar community recreational facilities without outdoor lights for nighttime use;
- (9) Public utilities: poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, except for public water and sewerage facilities;
- (10) Recreational livestock, including horses, sheep, goats, rabbits, chickens and other poultry, on lots 3 acres or greater. Recreational livestock shall be permitted at a density of one animal unit per acre. One animal unit shall equal the following: One horse, two sheep, two goats, two dozen chickens or other poultry, or two dozen rabbits.
- (11) General agricultural and forestry uses on conservation lots, including pick-your-own fruit, vegetable, and Christmas tree farms, but not intensive agriculture, as defined herein.
- (12) Small wind energy systems, as defined, on lots three acres or greater in size.

Sec. 106-503. Uses permitted by special exceptions – special use permits.

The following uses shall be permitted in the Rural Residential District "RR", subject to all the other requirements of this chapter, only upon obtaining a special exception-special use permit from the board of zoning appeals:

- (1) Dwelling, two-family, on lots with a minimum of 30,000 square feet (see section 106-230 “off-street parking”);
- (2) Dwelling, accessory, up to 650 square feet, on lots with a minimum area of 30,000 square feet. Accessory dwellings shall be 1) limited to one per lot and 2) permitted with an occupied main dwelling (see section 106-230 “off-street parking”);
- (3) Schools;
- (4) Churches;
- (5) Post Offices;
- (6) Public Safety Facilities;
- (7) Farm stands and seafood stands;
- (8) Bed and Breakfast Inns with up to 5 guest rooms;
- (9) Small wind energy systems, as defined, on lots one acre or greater in size.

Sec. 106-504. Uses permitted by conditional use permits.

The following uses shall be permitted in the Rural Residential District "RR", subject to all the other requirements of this chapter, only upon obtaining a conditional use permit from the board of supervisors, in accordance with Sec. 106-234 of this chapter.

- (1) Apartment houses, with up to four dwelling units, on lots with a minimum area of one (1) acre (see section 106-230 “off-street parking”);
- (2) Retail stores and shops up to 3,000 square feet of internal floor area;
- (3) Restaurants with up to 3,000 square feet of internal floor area;
- (4) Farm markets and seafood markets;
- (5) Public or semi-public recreational facilities, including main and accessory buildings and parking areas with or without outdoor lights for nighttime use;
- (6) Waterfront businesses, such as wholesale and retail marine activities, commercial marinas, yacht clubs and servicing facilities for the same;
- (7) Public or community water or sewerage facilities.

Sec. 106-505. Area and density regulations.

- (a) Total Site Area; Permitted Lots. The minimum initial contiguous land area required to qualify for rezoning to the Rural Residential District "RR" is twenty (20) acres.
- (b) Minimum Lot Area: The minimum lot area in the district shall be three acres, unless the cluster option is used, as set forth in subsection 106-505(d). Every lot in the RR District must be either a conventional lot as set forth in Section 106-505 (c), a cluster lot as set forth in Section 106-505 (d) (1), or a conservation lot as set forth in Section 106-505 (d) (2). Tidal wetlands, non-tidal wetlands, resource protection area, velocity flood zones, and slopes 25 percent or greater shall not be counted toward the calculation of the minimum lot area for the purposes of meeting the density requirements set forth herein.
- (c) Conventional Lots: The minimum lot area for conventional lots is three (3) acres. The maximum length/width ratio of a conventional lot is 5:1, as measured by the average length and average width of the lot.

- (d) Cluster option: Lots may be clustered at a maximum density of one lot per two acres. A 50-foot vegetative buffer, consisting of existing woods, hedgerows, or fields, shall be provided abutting all existing public roads. Any existing indigenous woody vegetation within this buffer must be preserved.

(1) Cluster lots. A maximum of forty percent (40%) of the total initial tract area may be established as cluster lots, as defined herein, including all internal roads, streets and alleys. The minimum lot area for each cluster lot is 20,000 square feet. The maximum lot area for each cluster lot is two (2) acres.

(2) Conservation Lots. A minimum of sixty percent (60%) of the initial tract area must be established as one or more conservation lots, as defined herein. The minimum lot area for a conservation lot is ten (10) acres. At least eighty (80) percent of the existing public road frontage of the initial tract must be fronted by one or more conservation lots. The maximum length/width ratio of a conservation lot is 5:1, as measured by the average length and average width of the lot. The 5:1 length/width ratio shall not apply to the part of a conservation lot that is required as a vegetative buffer along an existing public road, is tidal wetlands or non-tidal wetlands, or is resource protection area.

- (e) Cluster lots adjacent to Resource Protection Area (RPA) shall have a minimum of 30,000 square feet outside of the RPA.

- (f) Notwithstanding the foregoing provisions, the minimum lot area for any lot created pursuant to a family subdivision under section 78-12 of the Subdivision Ordinance shall be 30,000 square feet.

Sec. 106-506. Frontage regulations.

- (a) Conventional Lots

The minimum frontage (lot width) shall be one-hundred fifty (150) feet at the "setback line", however, conventional lots may front either on a public or private street right-of-way or another lot line. If fronting on a lot line, an access easement of at least twenty (20) feet in width must be provided from the lot to a public street right-of-way.

- (b) Cluster Lots

The minimum frontage (lot width) shall be one-hundred (100) feet at the "setback line." At least eighty (80) feet of the front lot line of a cluster lot must front on a public street right-of-way.

- (c) Conservation Lots

The minimum frontage (lot width) shall be three-hundred (300) feet at the "setback line", however, conservation lots may front either on a public or private street right-of-way or another lot line. If fronting a lot line, an access easement of at least

twenty (20) feet in width must be provided from the lot to a public street right-of-way.

Sec. 106-507. Setback regulations.

(a) Conventional Lots

The minimum setback for structures is fifty (50) feet from the front lot line or right-of-way.

(b) Cluster Lots

The minimum setback for structures is thirty (30) feet from the front lot line or right-of-way.

(c) Conservation Lots

The minimum setback for structures is fifty (50) feet from the front lot line.

(d) Residential structure setbacks from boundaries of adjacent properties.

All residential structures in a Rural Residential District must be set back a minimum of two-hundred (200) feet from the boundary line of any adjacent tract that is zoned agriculture.

Sec. 106-508. Yard regulations.

(a) Conventional lots.

- (1) *Side.* The minimum side yard for each main structure is thirty (30) feet. The minimum side yard for accessory structures is fifteen (15) feet. On conventional lots that include Resource Protection Area (RPA), side yard setbacks for main structures shall be measured from the landward side of the 100-foot RPA buffer.
- (2) *Rear.* Each main structure shall have a rear yard of at least thirty-five (35) feet. Each accessory structure shall have a rear yard of at least ten (10) feet. On conventional lots that include Resource Protection Area (RPA), rear yard setbacks for main structures shall be measured from the landward side of the 100-foot RPA buffer.

(b) Cluster Lots.

- (1) *Side.* The minimum side yard for each main structure is fifteen (15) feet. The minimum side yard for accessory structures is five (5) feet. On cluster lots that include Resource Protection Area (RPA), side yard setbacks shall be measured from the landward side of the 100-foot RPA buffer.
- (2) *Rear.* The minimum rear yard for each main structure is thirty-five (35) feet. The minimum rear yard for accessory structures is five (5) feet. On cluster lots that include Resource Protection Area (RPA), rear yard setbacks shall be

measured from the landward side of the 100-foot RPA buffer.

(c) Conservation Lots.

- (1) *Side.* The minimum side yard for each main structure is thirty (30) feet. The minimum side yard for accessory structures is fifteen (15) feet. On conservation lots that include Resource Protection Area (RPA), side yard setbacks for main structures shall be measured from the landward side of the 100-foot RPA buffer.
- (2) *Rear.* Each main structure shall have a rear yard of at least thirty-five (35) feet. Each accessory structure shall have a rear yard of at least ten (10) feet. On conservation lots that include Resource Protection Area (RPA), rear yard setbacks for main structures shall be measured from the landward side of the 100-foot RPA buffer.

Sec. 106-509. Height regulations.

Buildings may be erected up to thirty-five (35) feet in height except that:

- (1) Dwellings may be erected to a height of forty-five (45) feet provided that both required side yard setbacks are increased one foot for each foot in height by which the dwelling exceeds thirty-five (35) feet.
- (2) A public or semi-public building such as a school or church may be erected to a height of sixty (60) feet from grade provided that required front, side and rear yards shall be increased one foot for every foot in height by which the building exceeds thirty-five (35) feet.
- (3) Public utility structures, church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, television antennae and radio aerials are exempt from these height regulations. Parapet walls may be up to four feet above the height of the building on which the walls rest.
- (4) No accessory building which is within thirty (30) feet of any lot line shall be more than one-story or twelve (12) feet high.
- (5) Small wind energy system towers shall not exceed a height of 65 feet on a parcel of less than 5 acres, or a maximum height of 80 feet on a parcel of five acres or more. Small wind energy system towers shall be set back one foot from adjacent property lines for every one foot of tower height.

Sec. 106-510. Special provisions for corner lots.

Of the two sides of a corner lot, the front is the shorter of the two sides fronting on streets. See Sec. 78-8-C-3.

Sec. 106-511. Sign regulations.

Sign regulations shall conform to article VIII of this chapter.

Sec. 106-512. Off-street parking regulations.

Off-street parking regulations shall conform to section 106-230 of this chapter.

Sec. 106-513. Development standards.

- (a) Any residential subdivision creating fifty (50) or more lots is subject to resource quality protection plan requirements as specified in section 106-235 of this chapter.
- (b) Accessory structures shall be subject to the following limitations.
 - (1) The total Floor Area Ratio (FAR) of accessory structures shall not exceed 0.05 FAR.
- (c) Accessory dwellings are subject to the following limitations.
 - (1) The maximum size of the accessory dwelling unit is six hundred fifty (650) square feet of total floor area.
 - (2) Only one (1) accessory dwelling unit or apartment is permitted on any single lot, unless allowed by Conditional Use Permit.
 - (3) An accessory dwelling unit may be located as an accessory building, within an accessory building or agricultural structure, or in the principal structure.
 - (4) An accessory unit may not, in any manner, be subdivided from the lot on which the principal or main dwelling is located, either by subdivision, boundary line adjustment or vacation of a lot line.
- (d) Septic drainfields and wells may be located on lots adjacent to the lot they serve, provided that such drainfield or well *is located within the parent parcel of the proposed development*, is approved by the Virginia Department of Health, and that an easement is established at the time of the final plat for such lot, which shall run to the benefit of the lot served. The responsibility for maintaining, repairing or replacing such drainfields or wells shall be borne by the lot owner served by such easement.
- (e) A conservation lot may not have total development, including main structures and accessory structures, in excess of 0.075 Floor Area Ratio (FAR). The open space conservation easement required in Section 106-515 must establish such limitations on each conservation lot.
- (f) General agricultural and forestry uses are permitted only on conservation lots. Intensive agricultural uses, as defined herein, are not permitted in the Rural

Residential “RR” district.

Sec. 106-514. Submission Requirements

In addition to the requirements for zoning map amendments as set forth in Article XIII of this chapter, the applicant shall submit the following as part of the application for rezoning to the Rural Residential District:

- (a) A map of existing features, at a scale of 1” = 200’, unless an alternative scale is approved by the Director of Planning, which shall show the major environmental features of the site, including but not limited to existing conservation easements, tidal wetlands, non-tidal wetlands, perennial streams, floodzones, slopes 25 percent or greater, vernal pools, resource protection areas, groundwater recharge areas, soil types (including prime agricultural soils), agricultural fields, woodlands, agricultural and forestal districts, hedgerows, fences, existing buildings, historic and cultural features (including cemeteries and military earthworks), power lines, underground pipes, geologic features, and areas of the property that are visible from any adjacent public right-of-way.
- (b) A concept development plan for the property, drawn at a scale of 1” = 200’, unless an alternative scale is approved by the Director of Planning, which shall show the proposed development of the property, including the proposed general relationships of uses within and adjacent to the site, structures, uses, streets, parking areas, utilities, stormwater management facilities, open space areas, vegetation, sidewalks and trails, and means of access to the existing public road system.

The concept development plan must be prepared by using the following five-step process. The applicant must provide the evidence of the results of each of these five steps as part of the concept development plan or as an attachment thereto.

Step One. The applicant must identify Conservation Areas, which is land area that will be permanently protected by a conservation easement. Such land may include all or portions of major environmental features shown in the existing features map and as identified in the Accomack County Comprehensive Plan. The remaining land on the site is designated as Potential Development Areas.

Step Two. The applicant must locate sites for individual houses within the Potential Development Areas so that their views of the open space are maximized.

Step Three. The applicant must show streets and trails that will connect the house sites.

Step Four. The applicant must show lot lines for each individual lot that will encompass each house site.

Step Five. The applicant must identify septic drainfield sites sufficient to serve every house site identified. The septic field sites are not required to be located on

the lot which they serve, in accordance with the provisions of Sec. 106-513 (d).

- (c) Applications proposing to create 50 or more lots shall submit a resource quality protection plan, in accordance with the requirements set forth in Sec. 106-235 of this ordinance.
- (d) Applications proposing to create 50 or more lots shall submit a traffic impact study to determine the proper design and configuration of new streets and public road entrances, which shall include the following:
 - (1) Clearly stated assumptions.
 - (2) A summary table or tables listing each type of land use, the number and type of dwelling units proposed, the trip rates used (daily as well as peak periods), and the resultant trip generation.
 - (3) A site map showing the location within the site of each type of proposed land use and of all dwelling units.
 - (4) Existing and projected traffic volumes (including turning movements), facility geometry (including storage lengths), and traffic controls where appropriate, including A.M. and P.M. peak hour site traffic, A.M. and P.M. peak hour total traffic, total daily traffic, distribution and assignment of trips generated by the project, and projected level of service (LOS) and warrant analyses, including existing conditions and cumulative conditions at build-out. Projections will be for five (5) years following the date of proposed project build-out. The base volume for non-site traffic shall be the latest forecasts available from the Virginia Department of Transportation. The source for trip generation rates shall be "Trip Generation" published by the Institute of Transportation Engineers (ITE), most recent edition.
 - (5) Mitigation phasing plan including dates of proposed mitigation measures.
 - (6) All final submittals for traffic impact studies must be signed and sealed by a Virginia Registered Civil Engineer.

Sec. 106-515. Restrictions on Conservation Lots.

Any conservation lot created under the provisions of this district must be prohibited from any future subdivision or development in excess of that permitted by these regulations, by the establishment of a permanent open space conservation easement, containing terms satisfactory to the Board of Supervisors, including those required in Section 106-513 (e) and which must be recorded at the time of final subdivision plat approval.

The County shall enforce the permanent open space conservation easement required herein. Such easement shall be in a form approved by the County, and shall provide that, notwithstanding such easement, the eased portion of conservation lots shall be maintained by the owners of such lots, and that the County should bear no responsibility

or liability for such maintenance. However, nothing contained herein shall require that such easement allow public access nor prevent such landowners from leasing such open space for agricultural or other purposes in accordance with the permitted uses of the district.

Sec. 106-516. Road Requirements.

- (a) All new public roads and streets in the district, including entrances to private roads, alleys, and driveways, shall be constructed by the applicant, and shall conform to VDOT standards for acceptance into the VDOT public road system. All new private roads and alleys shall be constructed by the applicant and conform to Accomack County standards. All roads shall be interconnected in a loosely formed grid pattern in keeping with the adjacent existing traditional pattern of development.
- (b) Roads which will serve a combined traffic loading exceeding 250 vehicles per day, shall generally have two (2) access points to the existing public road network.
- (c) The Board of Supervisors may, after receiving a recommendation from the Planning Commission, waive the two (2)-access point requirement upon finding special topographic or other circumstances which preclude implementation, but may in such case require alternative configurations of road design.

Secs. 106-517--106-530. Reserved.

Definitions added to Article I of Chapter 106:

Agriculture, intensive:

The commercial raising, breeding and keeping of animals in concentrated, confined conditions, which may include such operations as swine, veal, sheep, goats; houses and pens for poultry or other fowl; feed lots for beef, dairy cattle, swine, sheep, goats, and other animals. Commercial vegetable plasticulture, including staked tomatoes. Livestock markets and pet farms.

Farm Stand:

A temporary open air stand or place for the seasonal selling of agricultural products produced on the premises. A farm stand is portable and capable of being dismantled or removed from the sales site.

Farm Market:

A permanent building or structure used for the retail sales of fresh fruits, vegetables, flowers, herbs, or plants. May also involve the accessory sales of other unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces, or baked goods, and home-made handicrafts. The floor area devoted to the sales of these accessory items shall not exceed 50 percent of the total sales area.

Floor Area Ratio:

The ratio of the total building floor area on a lot to the total lot area of the lot: Total floor area divided by total lot area equals Floor Area Ratio.

Inn, bed and breakfast:

An owner-occupied residence which has a maximum of five guest rooms within a single-family dwelling, the owners of which serve breakfast to paying guests.

Lot, cluster:

A residential building lot within a rural cluster development that is smaller than the average lot size of the development, so as to allow a majority of the tract to be preserved in conservation lots and/or open space.

Lot, conservation:

A residential building lot within a rural cluster development that is larger than the average lot size of the development and is permanently preserved for agricultural and/or open space uses.

Lot, conventional:

A residential building lot that is the same size or greater than the minimum permitted lot.

Lot, double-frontage (also “through lot”):

A lot that has road frontage at both the front and rear lot lines; a double-front lot. Such lots shall be deemed to have two fronts, subject to setback requirements as defined in the district.

Open Space: An area of land that is valued for natural processes and wildlife, for agricultural and silvicultural production, for active and passive recreation, and/or for providing other public benefits.

Seafood Stand:

A temporary open air stand or place for the seasonal selling of fresh seafood products. A seafood stand is portable and capable of being dismantled or removed from the sales site.

Seafood Market:

A permanent building or structure used for the retail sales of fresh or frozen seafood. May also involve the accessory sales of other items and foodstuffs needed for the preparation of seafood. The floor area devoted to the sales of these accessory items shall not exceed 50 percent of the total sales area.

Wind Energy System, Small: A private wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics that has a maximum power of not more than 50kW, which will be used primarily to reduce on-site consumption of utility power.