

8.0 RURAL AREAS DISTRICT – RA

8.1 INTENT, WHERE PERMITTED

This district (hereafter referred to as RA) is hereby created for the following purposes:

- Preservation of agricultural and forestal lands and activities;
- Water supply and flood impoundment areas protection;
- Limited service delivery to the rural areas; and
- Conservation of natural, scenic, and historic resources.

Residential development not related to preservation of agricultural and forestal lands shall be encouraged to locate in the village residential and mixed use areas as designated in the comprehensive plan where services and utilities are available.

In regard to agricultural and forestal lands preservation, this district is intended to preserve scenic agricultural and forestal lands and lifestyle opportunities by providing lot areas consistent with this preservation.

Roadside strip development is to be discouraged through the various design requirements contained herein.

8.2 PERMITTED USES

8.2.1 BY RIGHT

The following uses shall be permitted in any RA district subject to the requirements and limitations of these regulations:

- a. Detached single-family dwellings, including guest cottages and rental of the same; provided that yard, area and other requirements of section 8.4, conventional development by right, shall be met for each such use whether or not such use is on an individual lot subject to section 8.3.
- b. Side-by-side duplexes subject to the provisions of section 8.4; provided that density is maintained and provided that buildings are located so that each unit could be provided with a lot meeting all other requirements for detached single-family dwellings except for side yards at the common wall. Other two-family dwellings shall be permitted provided density is maintained.
- c. Agriculture, forestry, and fishery uses except as otherwise expressly provided.
- d. Game preserves, wildlife sanctuaries and fishery uses.
- e. Wayside stands for display and sale of agricultural products produced on the premises (reference 5.1.11, *Wayside Stand*).
- f. Electric, gas, oil and communication facilities excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility. Water distribution and sewerage collection lines, pumping stations and appurtenances owned and operated by the Albemarle County Service Authority. Except as otherwise expressly provided, central water supplies and central sewerage systems in conformance with health and sanitation regulations and all other applicable law (reference 5.1.6, *Public Utility Structures, Uses*).

- g. Accessory uses and buildings including home occupation, Class A (reference 5.2, *Regulations Governing Home Occupations*) and storage buildings.
- h. Temporary construction uses (reference 5.1.10, *Temporary Construction Headquarters, Yards*).
- i. Public uses and buildings including temporary or mobile facilities such as schools, offices, parks, playgrounds and roads funded, owned or operated by local, state or federal agencies (reference 20.3.4.5, *Review of Public Uses for Compliance with the Comprehensive Plan*); public water and sewer transmission, main or trunk lines, treatment facilities, pumping stations and the like, owned and/or operated by the Rivanna Water and Sewer Authority (reference 5.1.6, *Public Utility Structures, Uses*). [NOTE: These uses are common to the *Public District – P* (section 14), but also are permitted in other districts.]
- j. Veterinary services – off-site treatment only.
- k. Divisions of land in accordance with section 8.3.
- l. Tourist lodging (reference 5.1.9, *Tourist Lodging*).
- m. Farm winery.
- n. Mobile homes on individual lots (reference 5.3, *Mobile Homes on Individual Lots*).
- o. Bed and breakfast inns.

8.2.2 BY SPECIAL USE PERMIT

The following uses shall be permitted only by special use permit approved by the Town Council pursuant to section 20.3.4, *Special Use Permits*:

- a. Community center.
- b. Clubs, lodges, civic, patriotic, fraternal organizations.
- c. Fire and rescue squad stations (reference 5.1.3, *Fire, Ambulance, Rescue Squad Station (Volunteer)*).
- d. Swim, golf, tennis or similar athletic facilities (reference 5.1.8, *Swimming, Golf, Tennis Clubs*).
- e. Private schools.
- f. Electrical power substations, transmission lines and related towers; gas or oil transmission lines, pumping stations and appurtenances, unmanned telephone exchange centers; micro-wave and radio-wave transmission and relay towers, substations and appurtenances.
- g. Day care, child care or nursery facility (reference 5.1.1, *Day Care, Nursery Facility*).
- h. Horse show grounds, permanent.
- i. Commercial stable.
- j. Commercial kennel (reference 5.1.5, *Commercial Kennel, Veterinary, Animal Hospital*).

- k. Veterinary services, animal hospital (reference 5.1.5, *Commercial Kennel, Veterinary, Animal Hospital*).
- l. Day camp, boarding camp.
- m. Country store.
- n. Commercial fruit or agricultural produce packing plants.
- o. Flood control dams and impoundments.
- p. Restaurants and inns located within an historic landmark or designated as an historic landmark pursuant to section 18, provided such structure has been used as a restaurant, tavern or inn; in such case the structure shall be restored as faithfully as possible to the architectural character of the period and shall be maintained consistent therewith. Provisions of section 18, *Historic Overlay District – H*, applies to all such structures and uses.
- q. Divisions of land as provided in section 8.5.
- r. Permitted residential uses as provided in section 8.5.
- s. Home occupations, Class B (reference 5.2, *Regulations Governing Home Occupations*).
- t. Cemetery.
- u. Crematorium.
- v. Multi-crypt mausoleum.
- w. Church building and adjunct cemetery.
- x. Gift, craft and antique shops.
- y. Public garage.
- z. Borrow area, borrow pit.
- aa. Convent, Monastery.
- bb. Temporary events sponsored by local nonprofit organizations which are related to, and supportive of the RA, rural areas, district (reference 5.1.14, *Temporary Events Sponsored by Local Nonprofit Organizations*).
- cc. Agricultural Museum.
- dd. Theater, outdoor drama.
- ee. Agricultural service occupation (subject to standards in 4.13, *Performance Standards*).
- ff. Mobile homes, individual, qualifying under the following requirements (reference 5.3, *Mobile Homes on Individual Lots*):

1. A property owner residing on the premises in a permanent home wishes to place a mobile home on such property in order to maintain a full-time agricultural employee.
2. Due to the destruction of a permanent home an emergency exists. A permit can be issued in this event not to exceed twelve (12) months.

The Zoning Administrator, in coordination with the Town Council, shall be authorized to issue permits in accordance with the intent of this ordinance and shall be authorized to require or seek any information which may be necessary in making a determination of section 8.2.2.ff.1 and 2 of the aforementioned uses.

gg. Borrow area, borrow pit, not exceeding an aggregate volume of fifty thousand (50,000) cubic yards including all borrow pits and borrow areas on any one parcel of record on the adoption date of this provision (reference 5.1.15, *Borrow, Fill or Waste Areas*).

8.3 APPLICATION OF REGULATIONS FOR DEVELOPMENT BY RIGHT

The following provisions shall apply to any parcel of record as of the date of adoption of this ordinance.

8.3.1 CONVENTIONAL DEVELOPMENT

Development by right, regulated by section 8.5, shall apply to the division of a parcel which:

- a. Has an area not exceeding thirty-one (31) acres, except in such case where this limitation is precluded by other provisions of this ordinance;
- b. Is subdivided into five (5) or fewer lots, each of less than twenty-one (21) acres in area; and
- c. Has five (5) or fewer dwelling units located thereon at the time of adoption of this ordinance.

8.3.2 ALTERNATE DEVELOPMENT

In addition to the foregoing, there shall be permitted by right any division of land into parcels each of which shall be twenty-one (21) acres or more in area. No such parcel shall be included in determining the number of parcels which may be created by right pursuant to section 8.3.1; provided that

- a. No such division shall affect the number of parcels which may be divided pursuant to section 8.3.1;
- b. There may be located not more than one (1) dwelling unit on any parcel created pursuant to this section;
- c. At the time of any such division, the owner of the parcel so divided shall designate the number of parcels into which each parcel so divided may be further divided pursuant to section 8.3.1 together with aggregate acreage limitations in accordance with section 8.3.1; and
- d. No such division shall increase the number of parcels which may be created pursuant to section 8.3.1.

8.3.3 RURAL PRESERVATION DEVELOPMENT

8.3.3.1 DEFINITIONS

The following definitions shall apply to any rural preservation development created under the provision of section 8, *Rural Areas District – RA*:

Development Lot. A lot within a rural preservation development, other than a rural preservation tract, created for the purpose of residential or other permitted usage.

Rural Preservation Development. A subdivision of land consisting of development lots together with a rural preservation tract.

Rural Preservation Tract. A lot, the usage and diminishment of which is restricted and protected by legal arrangements to ensure its maintenance and preservation for the purpose of: preservation of agricultural and forestal land and activity; water supply and flood impoundment area protection; and/or conservation of natural, scenic or historic resources.

8.3.3.2 INTENT; DESIGN STANDARDS

The rural preservation development option is intended to encourage more effective land usage in terms of the goals and objectives for the rural areas as set forth in the comprehensive plan than can be achieved under conventional development. To this end, application for rural preservation development shall be reviewed for:

- a. Preservation of agricultural and forestal lands and activities;
- b. Water supply and flood impoundment area protection; and/or
- c. Conservation of natural, scenic or historic resources.

More specifically, in accordance with design standards of the comprehensive plan and where deemed reasonably practical by the Planning Commission:

- d. Development lots shall not encroach into prime, important or unique agricultural or forestal soils as the same shall be shown on the most recent published maps of the United States Natural Resource Conservation Service or other source deemed of equivalent reliability by the Conservation Service;
- e. Development lots shall not encroach into areas of critical slope or flood plain and shall be situated as far as possible from public drinking water supply tributaries and public drinking water supply impoundments;
- f. Development lots shall be so situated and arranged as to preserve historic and scenic settings deemed to be of importance to the general public and natural resource areas whether such features are on the parcel to be developed or adjacent to such parcel;
- g. Development lots shall be confined to one area of the parcel and shall be situated so that no portion of the rural preservation tract shall intrude between any development lots;
- h. All development lots shall have access restricted to an internal street in accordance with the Town subdivision ordinance;

i. Nothing stated herein shall be deemed to obligate the Planning Commission to approve a rural preservation development upon finding in a particular case that such proposal does not forward the purposes of rural preservation development as set forth hereinabove and that the public purpose to be served would be equally or better served by conventional development.

8.3.3.3 SPECIAL PROVISIONS

In addition to design standards as set forth in section 8.3.3.2 and other regulation, the following special provisions shall apply to any rural preservation development:

- a. The maximum number of lots within a rural preservation development shall be the same as may be achievable pursuant to section 8.3.1 and section 8.3.2 and other applicable law. Each rural preservation tract shall count as one (1) lot. In the case of any parcel of land which, prior to application for rural preservation development, has been made subject to a conservation, open space or other similar easement which restricts development on the parcel, the total number of lots available for rural preservation development shall not exceed the number available for conventional development as limited by any such previously imposed easement or easements;
- b. Section 8.3.3.3.a notwithstanding, no rural preservation development shall contain more than twenty (20) development lots; except that the Town Council may authorize more than twenty (20) development lots by issuance of a special use permit pursuant to section 8.5.2;
- c. Provisions of section 8.3.3, rural preservation development, shall be applied to the entire parcel. Combination of conventional and rural preservation development within the parcel shall not be permitted, provided that the total number of lots achievable under section 8.3.1 and section 8.3.2 shall be permitted by authorization of more than one (1) rural preservation tract. Nothing contained herein shall be deemed to preclude the Planning Commission from approving a rural preservation development for multiple tracts of adjoining land, or on land divided or otherwise altered prior to the effective date of this provision; provided that, in either case, the provisions of section 8.3.3 shall be applicable;
- d. The area devoted to development lots together with the area of roadway necessary to provide access to such lots shall not exceed the number of development lots multiplied by a factor of six (6) expressed in acres;
- e. No rural preservation development shall contain less than one (1) rural preservation tract. The Planning Commission may authorize more than one (1) rural preservation tract in a particular case pursuant to the various purposes of rural preservation development as set forth in section 8.3.3.2 or in accord with section 8.3.3.3.c, as the case may be;
- f. No rural preservation tract shall consist of less than forty (40) acres. Except as specifically permitted by the Planning Commission at time of establishment, not more than one (1) dwelling unit shall be located on any rural preservation tract or development lot. No rural preservation tract shall be diminished in area. These restrictions shall be guaranteed by perpetual easement accruable to the Town. The Town Attorney shall serve as agent for the Town Council to accept such easement. Thereafter, such easement may be modified or abandoned only by mutual agreement of the grantees to the original agreement.

8.4 AREA AND BULK REGULATIONS

REQUIREMENTS	DIVISIONS BY RIGHT AND SPECIAL USE PERMITS
Gross density	0.5 du/ac
Minimum lot size	2.0 acres
Minimum frontage existing public roads	250 feet
Minimum frontage internal public or private roads	150 feet
Yards, minimum:	
Front (existing public roads)	75 feet
Front (internal public or private road)	25 feet
Side	25 feet
Rear	35 feet
Maximum structure height	35 feet

8.5 SPECIAL PROVISIONS FOR MULTIPLE SINGLE-FAMILY DWELLING UNITS

8.5.1 LIMITATIONS ON DIVISIONS PERMITTED BY RIGHT

Divisions of land shall be permitted as provided hereinabove; except that no parcel of land of record on the date of the adoption of this ordinance may be divided into an aggregate of more than five (5) parcels except as provided in section 8.3.2 and section 8.5.2 hereof nor shall there be constructed on any such parcel an aggregate of more than five (5) units.

8.5.2 WHERE PERMITTED BY SPECIAL USE PERMIT

8.5.2.1 The Town Council may authorize the issuance of a special use permit for:

- a. More lots than the total number permitted under section 8.3.1 and section 8.3.2; provided that no such permit shall be issued for property within the boundaries for the watershed of any public drinking water supply impoundment; and/or
- b. More development lots than permitted under section 8.3.3.3.b.

8.5.2.2 The Town Council shall determine that such division is compatible with the neighborhood, with reference to the goals and objectives of the comprehensive plan relating to rural areas including the type of division proposed and specifically, as to this section only, with reference to the following:

- a. The size, shape, topography and existing vegetation of the property in relation to its suitability for agricultural or forestal production as evaluated by the United States Natural Resource Conservation Service or the Virginia Department of Forestry.

- b. The historic commercial agricultural or forestal uses of the property since 1950, to the extent that is reasonably available.
- c. If located in an agricultural or forestal area, the probable effect of the proposed development on the character of the area. For the purposes of this section, a property shall be deemed to be in an agricultural or forestal area if fifty (50) percent or more of the land within one (1) mile of the border of such property has been in commercial agricultural or forestal use within five (5) years of the date of the application for special use permit. In making this determination, mountain ridges, major streams and other physical barriers which detract from the cohesiveness of an area shall be considered.
- d. The relationship of the property in regard to developed rural areas. For the purposes of this section, a property shall be deemed to be located in a developed rural area if fifty (50) percent or more of the land within one (1) mile of the boundary of such property was in parcels of record of five (5) acres or less on the adoption date of this ordinance. In making this determination, mountain ridges, major streams and other physical barriers which detract from the cohesiveness of an area shall be considered.
- e. The relationship of the proposed development to existing and proposed population centers, services and employment centers. A property within areas described below shall be deemed in proximity to the area or use described if within one-half (½) mile roadway distance of a historic overlay district.
- f. The probable effect of the proposed development on capital improvements programming in regard to increased provision of services.
- g. The traffic generated from the proposed development would not, in the opinion of the Virginia Department of Transportation:
1. Occasion the need for road improvement;
 2. Cause a tolerable road to become a nontolerable road;
 3. Increase traffic on an existing nontolerable road.
- h. With respect to applications for special use permits for land lying wholly or partially within the boundaries for the watershed of any public drinking water impoundment or the Mink Creek flood impoundment area, the following additional factors shall be considered:
1. The amount and quality of existing vegetative cover as related to filtration of sediment, phosphorous, heavy metals, nitrogen and other substances determined harmful to water quality for human consumption;
 2. The extent to which existing vegetative cover would be removed or disturbed during the construction phase of any development;
 3. The amount of impervious cover which will exist after development;
 4. The proximity of any paved (pervious or impervious) area, structure, or drain field to any perennial or intermittent stream or impoundment; or during the construction phase, the proximity of any disturbed area to any such stream or impoundment;
 5. The type and characteristics of soils including suitability for septic fields and erodibility;

6. The percentage and length of all slopes subject to disturbance during construction or upon which any structure, paved area (pervious or impervious) or active recreational area shall exist after development;
7. The estimated duration and timing of the construction phase of any proposed development and extent to which such duration and timing are unpredictable;
8. The degree to which original topography or vegetative cover have been altered in anticipation of filing for any permit hereunder;
9. The extent to which the standards of the water and sewers ordinance can only be met through the creation of artificial devices, which devices will:
 - (a) Require periodic inspection and/or maintenance;
 - (b) Are susceptible to failure or overflow for run-off associated with any one hundred year or more intense storm.

8.5.2.3 MATERIALS TO BE SUBMITTED BY THE APPLICANT

The Planning Commission and the Town Council may require the applicant to submit such information as deemed necessary for the adequate review of such application provided that such information shall be directly related to sections 8.5.2.2.a,b,c and h.