

Zoning Ordinance Update

Supplemental Regulations for Animal and “Other” Uses

PC/BOS Joint Meeting

November 9, 2020



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Supplementary Regulations Review Agenda

Completed

- Residential
- Civic & Institutional
- Agriculture
- Animal
- Outdoor
- Consumer Projects & Services
- Industrial
- Utilities

Discussed at previous joint meetings.

Tonight's Agenda

Finalizing

- Animal (follow-up disc.)
- Regulations applicable to all districts
- Temporary Uses

Next Joint Meeting

- Fire Range (follow-up)
- Residential (open space & density)
- General Dev. Standards
- Screening & Buffering

Jan. or Feb. 21



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Animal Uses (Tab F-3)



Animal Uses – Livestock

Animal Care

Min. acreage
required per
animal

-vs- Land Use

Min. acreage
required to have
animals



2 acres/animal



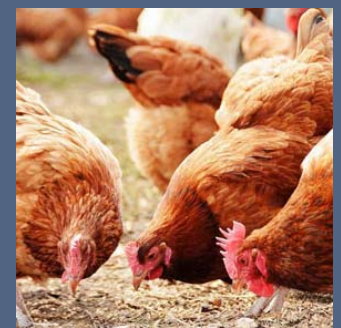
1.5 acres/animal



2 acres/5 animals



1 acre/animal



No requirement

Animal Uses – Livestock

Animal Care

Min. acreage
required per
animal

-vs-

Land Use

Min. acreage
required to have
animals

* The minimum acreage required shall:

- Not include the area occupied by the primary or accessory structures and associated yards, and/or areas of wetlands.
- Be suitable for grazing, if appropriate for livestock, when the use is initiated or, if the property owner has obtained approval of a **livestock management plan from the Tidewater Soil and Water Conservation District**, then within eighteen (18) months of initiation of the use. (Soil / water conservation district does not want to do these anymore.)



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Animal Uses –Livestock

Animal Care

-vs-

Land Use

Leave to Animal Welfare
& Control Ordinance

Min. acreage
required to have
animals



-----Minimum of 2 acres required-----

No req.

Livestock, personal use or enjoyment

Article 9 – Supplemental Use Regulations (p. 5 in Tab F-3)

1. Acreage requirements: 2 acre minimum (not including wetlands or ~~RPA~~)
 - * Can utilize 2 or more parcels provided they are within 150' and not separated by a state r-o-w wider than 50'.
2. Number of livestock (excluding poultry):
 - 2 or more acres but less than 4 acres – up to five (5)
 - 4 or more acres but less than 6 acres – up to ten (10)
 - 6 or more acres but less than 8 acres – up to fifteen (15)
 - 8 or more acres but less than 10 acres – up to twenty (20)
 - 10 or more acres – no limit

* Current Req.

Use	Districts											
	Conserv.	Agriculture		Residential					Mixed Use	Business		Industrial
	C-1	AG-1 (RC-1)	AG-2 (RC-2)	R-BC (C-2)	R-SC (SC-1)	R-SF (SF-1)	R-MF (MF-1)	R-MH (MH-1)	VMX (RMX/B2)	B-G (B-1)	B-R (B-4)	I-1
Livestock, personal use		P	P	P	P						<u>P</u>	
Livestock personal use of enjoyment, w/ less than req. acres		SE	SE	SE	SE						<u>SE</u>	

Livestock, personal use or enjoyment

Article 9 – Supplemental Use Regulations, cont.

3. * All animals shall be contained within a fence or enclosure.



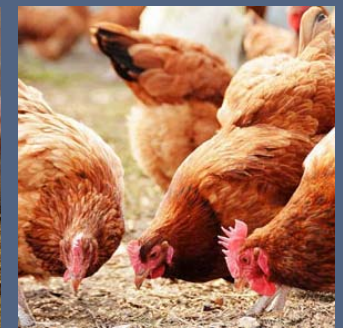
4. * Setbacks

- a. Animal structures – must meet accessory setbacks
- b. Pasture fencing – no setback
- c. Composting piles - minimum of 100 feet from all property lines, watercourses, and water wells

Livestock, personal use or enjoyment

Article 9 – Supplemental Use Regulations, cont.

5. Owners/operators shall comply with all applicable regulations in Chapter 3 Animal Control and all applicable state, federal and local provisions.
 - a. Provisions shall be made for the collection, storage, and disposal of animal waste (3-7).
 - b. Use shall ensure adequate care in compliance with Section 3-15.1.



Stables, commercial

A building and/or land where horses (standard and miniature), ponies, donkeys, mules, and the like are kept for remuneration, hire, sale, boarding, riding or show.



Use	Districts											
	Conserv.	Agriculture		Residential					Mixed Use	Business		Industrial
	C-1	AG-1 (RC-1)	AG-2 (RC-2)	R-BC (C-2)	R-SC SC-1	R-SF (SF-1)	R-MF (MF-1)	R-MH (MH-1)	VMX (RMX/B2)	B-G (B-1)	B-R (B-4)	I-1
Stables, commercial		P	P	P (SE/ CUP?)	P (SE/ CUP?)							

Stables, commercial

Article 9 – Supplemental Use Regulations

1. Acreage requirements: 2 acre minimum (currently 1.5 acres/horse)
 - * Can utilize 2 or more parcels to meet acreage req. provided they are within 150' and not separated by a state r-o-w wider than 50'.
 - * Can not include wetlands
 - ~~Can not include RPAs~~
2. * All animals must be contained in a fence or enclosure.

Lots of discussion related to keeping the req. of 1.5 acres / horse.



Stables, commercial

Article 9 – Supplemental Use Regulations, cont.

3. * Access

- a. Private road w/out exclusive access to state road
 - 5 boarded horse maximum (exclusive of owner's horses)
 - No horse shows
- b. Public road frontage or exclusive access and entrance meeting VDOT standards
 - No limit on # of horses
 - Horse shows permitted



Stables, commercial

Article 9 – Supplemental Use Regulations, cont.

4. * Horse shows
 - 10 acre minimum lot size ~~(not including wetlands/RPA)~~
 - ~~4 horse shows / year – 10-20 acres~~
 - ~~4+ horse shows / year – 20+ acres~~

5. * Setbacks
 - a. Activity areas & ~~accessory~~ structures – 100'
 - 50' if converting private stable to commercial stable
 - b. Pasture fencing – no setback
 - c. Composting piles – 100' from property lines, watercourses, & wells



Stables, commercial

Article 9 – Supplemental Use Regulations, cont.

6. Owners/operators shall comply with all applicable regulations in Chapter 3 Animal Control and all applicable state, federal and local provisions.
 - a. Provisions shall be made for the collection, storage, and disposal of animal waste (3-7).
 - b. Use shall ensure adequate care in compliance with Section 3-15.1.

Proposed
regulations include
references to
Animal Control
Ordinance.

Stables, private

A building and/or land that shelters horses (standard and miniature), ponies, donkeys, mules, and the like for noncommercial purposes.



Use	Districts											
	Conserv.	Agriculture		Residential				Mixed Use	Business		Industrial	
	C-1	AG-1 (RC-1)	AG-2 (RC-2)	R-BC (C-2)	R-SC SC-1)	R-SF (SF-1)	R-MF (MF-1)	R-MH (MH-1)	VMX (RMX/B2)	B-G (B-1)	B-R (B-4)	I-1
Stables, private		P	P	P	P	P					<u>P</u> <u>SE</u>	
Stable, private requesting acreage reduction / animal increase		SE	SE	SE	SE	SE					<u>SE</u>	

Stables, private

Article 9 – Supplemental Use Regulations

1. Acreage requirements: 2 acre minimum (currently 1.5/animal)
 - a. * Can utilize 2 or more parcels to meet acreage req. provided they are within 150' and not separated by a state r-o-w wider than 50'.
 - b. * Can not include wetlands; ~~can not include RPA.~~
2. Number of livestock:
 - 2 or more acres but less than 4 acres – up to five (5)
 - 4 or more acres but less than 6 acres – up to ten (10)
 - 6 or more acres but less than 8 acres – up to fifteen (15)
 - 8 or more acres but less than 10 acres – up to twenty (20)
 - 10 or more acres – no limit

Stables, private

Article 9 – Supplemental Use Regulations, cont.

3. * All animals shall be contained within a fence or enclosure.
4. * Setbacks
 - a. Composting piles - minimum of 100 feet from all property lines, watercourses, and water wells
 - b. Animal fencing – no setback
 - c. Animal structures – must meet accessory setbacks



Stables, private

Article 9 – Supplemental Use Regulations, cont.

5. ~~Owners/operators shall comply with all applicable regulations in Chapter 3 Animal Control and all applicable state, federal and local provisions.~~
 - a. ~~Provisions shall be made for the collection, storage, and disposal of animal waste (3-7).~~
 - b. ~~Use shall ensure adequate care in compliance with Section 3-15.1.~~



Animal Uses Questions / Comments?

On to “Other” Supp Regs...



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“Other” Supplemental Regulations Applicable to all Districts (Tab F-6)

CATEGORY	CURRENT SECTION AND TITLE
Other - uses	9.2 Conversion of dwelling to more units
Other - condo	9.12 Condominium development
Other - uses	9.5 Erection of more than one principal structure on a lot
Other - Setbacks	9.10 Exemption to yard regulations
Other - Setbacks	9.6 Architectural projections
Other - Building Heights	9.7 Exception to height regulations
Other - open space	9.15 Common open space within certain major subdivisions
Other - open space	9.16 Common <u>area</u> open space and common improvement regulations
Other - lots	9.11 Family transfers
Other - lots	9.14 Front yard requirements adjacent to substandard rights-of-way Widening of highways and streets

Included in proposed Art 5 – District Regulations

Remain in Art 9 – Supplementary Regulations

“Other” Supplemental Regulations Applicable to all Districts

CATEGORY	CURRENT SECTION AND TITLE
Other - Setbacks	9.4 Visibility clearance at intersections
Other - temporary	9.25 Freight containers
Other - temporary	9.3 Temporary buildings, construction trailers, temporary portable storage containers, temporary portable waste collection containers, manufactured homes and travel trailers
Other - temporary	9.3.1 Temporary offices
Other - temporary	9.24 Temporary family health care structures
Other - Screening/buffering	9.8 Side and rear yard requirements for nonresidential uses abutting residential districts
Other - temporary	Food trucks
Other - temporary	Portable ice machines / snow cone pup-ups
Other - temporary	Portable toilets
Other - temporary	Short term rentals

Remain in Art 9 – Supplementary Regulations

Considered adding regulations to Art 9 – Supplementary Regulations but not recommended by staff or PC

“Other” Supplemental Regulations Applicable to all Districts

CURRENT SECTION AND TITLE	Included in Art 5 – District Regulations
9.2 Conversion of dwelling to more units	Already addressed w/ min. lot sizes and permitted uses in each district
9.12 Condominium development	Added to 5-1 Compliance w/ district regs.
9.5 Erection of more than one principal structure on a lot	<u>Clarified & added to 5-11.200 permitted uses</u>
9.10 Exemption to yard regulations	Fences exempt – added to setback table 5-11.500
9.6 Architectural projections	Exempt / Non-exempt– added to setback table 5-11.500
9.7 Exception to height regulations	Exemptions – added to height table 5-11.600

Regulations Incorporated into Article 5 - District Regulations

Section 9.5 Erection of more than one principal structure on a lot

- In a nonresidential district, more than one (1) structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this ordinance shall be met for each structure as though it were on an individual lot.

Existing Regulations

- Staff is unsure of original intent for this section
- Addresses nonresidential districts... (does that include ag or was it primarily written for ag?) Unclear.

Regulations Incorporated into Article 5 - District Regulations

Conservation, ag, mixed use, business, or industrial districts

- More than one (1) permitted principal use and its associated structures may be established on a single lot, provided that yard and other requirements of this ordinance shall be met.

Residential district

- Only one permitted principal use and its associated structures may be established on a single lot except as otherwise permitted by special exception or conditional use permit (CUP).

Recommendations

- Clarify and add to each of the zoning district regulations under permitted uses.
- Ag districts – need to ensure consistency with Sub. Ord. - max # lots on private roads.
- Res districts –permitted uses such as commercial stables, events, churches, parks, and museums would be accessory to the residence or vice-versa.



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Regulations Incorporated into Article 5 - District Regulations

5-11.500. Setback requirements.

(1) Setback table

	Front	Side	Rear
Principal Building	75 feet	50 feet	100 feet
Accessory Building	75 feet	5 feet	5 feet

(2) Additional Setback Regulations:

- a. For nonconforming lots of record see Section 10-3 Nonconforming lots of record.
- b. There is no setback requirement for fences **or retaining walls**, however ~~fences~~ on corner lots **they** must comply with General Development Regulations “Visibility at Intersections” section x-xx and fences within the Highway Corridor Overlay District must comply with Article 6A Highway Corridor Development District setbacks. **(confirm we don't want fences in the 50' setback area of HCDD).**
- c. Architectural projections, as defined in Article 2, shall be considered parts of the building to which attached and shall not project into the required minimum front, side, or rear yard and shall comply with the requirements of the Virginia Uniform Statewide Building Code.

Architectural projections definition:

Unenclosed extensions of a structure such as stoops, landings, decks, porches, canopies, balconies, carports, awnings or other similar elements.

This definition does not include steps, ADA accessible ramps, bay windows, chimneys, and on-grade features such as patios, walkways and driveways.

Exemptions to yard regulations

Architectural projections



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Regulations to Remain in Supplemental Regs. for all Districts

CATEGORY	CURRENT SECTION AND TITLE
Other - open space	9.15 Common open space within certain major subdivisions
Other - open space	9.16 Common <u>area</u> open space and common improvement regulations

Is addressed in Supplementary Regs. for applicable residential uses (finalizing w/ PC)

Minor changes for clarification

Regulations to Remain in Supplemental Regs. for all Districts

CURRENT SECTION AND TITLE

9.11 Family transfers

In Zoning Ordinance for reference only – regulations housed in the Subdivision Ordinance.

9.14 ~~Front yard requirements adjacent to substandard rights-of-way~~ **Widening of highways and streets**

Revised to tie requirements to planned and approve roadway projects.

“Other” Supplemental Regulations Applicable to all Districts

Section 9-11 Family Transfers

- A single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the property owner is permitted in RC-1 and RC-2 rural districts and all residential districts provided the divisions of such lands meet the minimum requirements of the Gloucester County Subdivision Ordinance in effect at the time the request for subdivision is made.
- Not needed in the ZO – Ref only
- State Code addresses Family Transfers under Article 6 Land Subdivision and Development
- Where do we want to permit?

“Other” Supplemental Regulations Applicable to all Districts

Section 9-14 Front yard requirements adjacent to substandard rights of way

When a property being developed abuts a public or private street which:

- has a ROW width of less than 50', or
- which is substandard under VDOT standards, or
- which is less than the width necessary to accommodate future road improvements based on the Comprehensive Plan, VDOT plans, or HRTPO plans,

the normally required front yard and any required front landscape yard depths shall be increased by an amount which is equal to one-half (½) of the total right-of-way deficiency.

This area shall be reserved for future road-way construction.

- Similar to HCDD
- Different in that HCDD has a defined location and established additional setback of 50'.

“Other” Supplemental Regulations Applicable to all Districts



Roaring Springs Road – SC-1 District

- 40' Substandard ROW
- FY24 funded project to develop trail from Main Street to Beaverdam Park
- Development of currently vacant parcels within needed ROW will impede implementation
- However, coordination between funded projects and reviews of private development not formalized

“Other” Supplemental Regulations Applicable to all Districts

~~Section 9-14 Front yard requirements adjacent to substandard rights of way Widening of Improvements to highways and streets~~

~~Wherever there shall be plans in existence, approved by either the Virginia Department of Transportation or by the governing body for the widening of improvements to any street or highway, the commission or governing body may require additional front yard setbacks for any new construction or for any structures altered or remodeled adjacent to the future planned right-of-way, in order to preserve and protect the right-of-way for such planned street or highway widening.~~

Recommendations

- Modeled after Mathews County Regulations
- Tie to approved plans

PC/BOS Comments: Revise the freight container supplementary reg to not allow them in the R-SF (SF-1) district and in all other residential districts don't allow any on lots under 2 acres, allow 1 on lots between 2-5 acres and restrict to a maximum of 3 on lots over 5 acres.

“Other” Supplemental Regulations Applicable to all Districts

CURRENT SECTION AND TITLE	
9.4 Visibility clearance at intersections	Clarified intent & made applicable to all districts (currently just residential)
9.25 Freight containers	One change – cannot be ancillary structure
9.3 Temporary buildings, construction trailers, temporary portable storage containers, temporary portable waste collection containers, manufactured homes and travel trailers	Reorganized and combined for clarity
9.3.1 Temporary offices	
9.24 Temporary family health care structures	State Code requirement - Reduced Regulations related to annual submittals.



“Other” Supplemental Regulations Applicable to all Districts

CURRENT SECTION AND TITLE
9.8 Side and rear yard requirements for nonresidential uses abutting residential districts
Food trucks
Portable ice machines / snow cone pup-ups
Portable toilets
Short term rentals

Remain in Art 9 – Supplementary Regulations – finalizing discussions w/ PC

Considered adding regulations to Art 9 – Supplementary Regulations but not recommended by staff or PC

Temporary Uses Not Currently Regulated Specifically



Food Trucks



Portable Vending



Portable Toilets



Short Term Rentals

Questions/Comments?

Thank you!



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