

Rappahannock County ordinance banning sludge application

litigated in *Welch et al. v. Rappahannock County* 860 F.Supp 328 (WDVa, 1994) and 888 F.Supp 753 (WDVa, 1995)

See sub-section (7).

This ordinance can be found at: <http://www.ecode360.com/8808201?highlight=sludges,sludge#8808201>
It appears to be active.

However, see the new Chap. 68 Biosolids: <http://www.ecode360.com/9404830#9404830>

§ 170-38. Use limitations.

A. All districts.

(1) Except as otherwise qualified in this chapter, all uses shall comply with the performance standards set forth in Article XIII.

(2) In addition to the regulations of this chapter, junkyards shall be subject to the provisions of § 33.1-348 of the Code of Virginia, Automobile Graveyards.

(3) In addition to the regulations of this chapter, all uses requiring a permit from the State Air Pollution Control Board shall obtain the same prior to the issuance of a building or zoning permit.

(4) All construction of, changes to or enhancement of plumbing or sewage disposal systems within the Rappahannock County Water and Sewer Authority service area (as defined by plans dated December 1984, on file in the Rappahannock County Zoning Office) shall obtain a permit for hookup to the Sperryville sanitary sewer system prior to the issuance of a building or zoning permit.

(5) For new residential uses in commercial zones, there shall be maintained a minimum ten-foot side and rear yard setback for principal uses.

[Added 11-6-1989]

(6) Except in the conservation and agricultural zoning districts, subdivision of land into less than twenty-five-acre lots may be allowed (see other applicable provisions of this chapter and of Chapter 147, Subdivision of Land) only where public road rights-of-way are 50 feet in width from the property to be divided to a state primary highway.

[Added 3-5-1990]

(7) The use of sludge for land application is prohibited in all zoning districts in Rappahannock County. Editor's Note: See also Ch. 140, Sewage Sludge.. This prohibited use shall include both surface and subsurface application. The term "sludge" is defined to be any solid, semisolid or liquid waste generated from a public, municipal, commercial, private or industrial wastewater treatment plant, water supply treatment plant, any pollution control facility or any other waste-producing facility, and includes treated sewage, stabilized sewage sludges and stabilized septage. This Subsection A(7) shall not apply to the otherwise lawful:

[Amended 10-3-1994]

(a) Incineration of sludge; or

(b) Disposal of sludge in an approved sanitary landfill.

(8) Any permanent parking area with more than 50 vehicle spaces which shall be illuminated shall be

subject to the lighting requirements of § 170-119 and the approval of a lighting plan if a site plan is not otherwise required; provided that this shall not apply to property owned by the County, the School Board, the commonwealth or the Federal Government.

[Added 9-8-2004]

B. All residential districts. No sale of goods or products shall be permitted, except as accessory and incidental to a permitted, special permit or special exception use.

C. All resource preservation districts. In the resource preservation zoning districts, agriculture and forestry are the preferred uses. The operation at any time of any machinery used in farming and forestry procedures and all other agricultural operations shall be permitted and have preference over all other uses.

D. All commercial and industrial districts.

(1) On a corner lot, no entrance shall be located closer than 60 feet to the right-of-way line of the intersecting streets.

(2) A freestanding use shall have no more than two entrances on any single right-of-way; and such curb cuts shall have a minimum distance of 40 feet between them.

(3) No entrance shall be located closer than 20 feet to a side or rear lot line unless a common entrance serves adjacent uses, and in no instance shall the distance between entrances serving adjacent land uses be less than 40 feet.

(4) Outdoor storage and display areas shall be permitted only on the same lot if ancillary there to a permitted, special permit or special exception use. The outdoor area devoted to storage, loading or display of goods shall be limited to that area so designated on an approved site plan.

(5) All outdoor storage and loading areas shall be enclosed by screening, and areas devoted to outdoor display of goods offered for sale or rental shall be screened when such areas abut a residential district at a side or rear lot line or are separated by an alley.

(6) Motor vehicle storage and impoundment facilities shall be used only for temporary storage of wrecked, inoperable and/or abandoned vehicles, but shall not include the dismantling, wrecking or sale of said vehicles or parts thereof. Such storage and impoundment facilities shall be completely screened from view and shall not be located in any required front yard.

E. All industrial districts. Not more than 25% of the area in a required front yard shall be used for off-street parking and loading, and not less than 50% of a required front yard shall be landscaped.

F. All Mobile Home Park Districts.

(1) No space in a mobile home park shall be rented for residential use except for periods of 30 days or more, and no mobile home shall be located in any park unless it is demonstrated that it meets the requirements of the Mobile Home Manufacturers Association Mobile Home Standards for Plumbing, Heating and Electrical Systems.

(2) All mobile home parks shall meet the requirements set forth in the Virginia Uniform Statewide Building Code. The issuance of zoning and building permits is required prior to the location of each mobile home in a mobile home park.

(3) All mobile home parks shall be subject to approval of a site plan in accordance with the provisions of Article XIV.

(4) Every mobile home space shall be shown on the site plan and clearly defined on the ground by permanent monuments. Such mobile home space shall not be put to record, shall not constitute a division or subdivision of land and shall not be transferred independently. However, streets, drainage, fire hydrants and similar improvements shall be provided in accordance with the standards contained in Chapter 147, Subdivision of Land.

(5) Every mobile home space shall be provided with a mobile home stand, so designed to provide adequate support to the maximum anticipated loads during all seasons and so located as to provide for the practical placement of a mobile home and its accessory structure in such a manner that such mobile home complies fully with all requirements of this chapter.

(6) No structure shall be attached to any mobile home except for mobile home accessory structures as defined in this chapter. Such structures shall not exceed the height of the mobile home to which they are attached, nor shall they exceed a height of 10 feet if detached. The total of all mobile home accessory structures located on any one mobile home space will not exceed 50 square feet.

(7) All areas designated as open space in the site plan shall be reserved for the exclusive use of the mobile home park's residents. The remaining area not available to the residents shall be used only by the mobile home park management for the operation and maintenance of the park.

(8) All mobile home spaces shall abut on a driveway or private street with unobstructed access to a public street.

(9) All private streets and driveways within a mobile home park shall be constructed in accordance with the provisions of Article XI.

G. Attached and multifamily uses.

(1) Not more than four dwelling units shall be located in one row of continuous townhouse units or in one continuous group of cluster homes. They shall not exceed a density of four dwelling units per gross acre and shall be under single ownership unless served by public water and sewer.

(2) Not more than 12 dwelling units shall be contained in a single apartment building. They shall not exceed a density of 10 dwelling units per gross acre and shall be under single ownership unless served by public water and sewer.

(3) A separate entrance to a public street shall be provided for each 30 dwelling units.

(4) Duplex dwellings shall not exceed allowable district density requirements and except for the common wall shall meet all other single-family dwelling requirements.