

An Ordinance to amend §25.14, Buffers Along Streams, and Article 44, Definitions, of the Powhatan County Zoning Ordinance. The purpose of the amendment is to add language to require buffers and additional setbacks from jurisdictional wetlands, and to define the term “wetlands.” Specifically, the amendment would require a 35 foot buffer to be measured from all jurisdictional wetlands, and an additional 25 foot building setback to be measured from the terminus of this buffer. The Zoning Ordinance does not currently impose buffer or setback requirements from jurisdictional wetlands, and does not define the term “wetlands.” The proposed language would apply to all zoning districts.

ZONING ORDINANCE AMENDMENT #06-04-AZ
Article 25, Supplementary District Regulations
§25.14, Buffers Along Streams
(August 2006 Draft; proposed language in bold italics)

25.14 *Additional Buffers and Setbacks Along Streams and Wetlands*

- A. A one hundred (100) foot ~~natural-vegetative~~ buffer shall be maintained along all perennial streams. A fifty (50) foot ~~natural-vegetative~~ buffer shall be maintained along all intermittent streams. Best management practices may be substituted in whole or in part for such buffers.
- B. *A thirty-five (35) foot buffer shall be maintained from the upland boundary of all jurisdictional wetlands as determined by Federal law that are contiguous to intermittent or perennial streams.*
- C. *No part of any structure shall be constructed closer than 25 feet from the terminus of the buffer, unless a greater distance is required by zoning district yard setbacks.*
- D. *This section applies to all zoning districts.*
- E. *Roads, drives, and utilities may cross buffers at right angles. Primary or reserve drainfields may not be located in a stream buffer or a wetland buffer.*
- F. *These regulations may be superseded by State or Federal law.*

Article 44 – Definitions

Wetlands: *Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.*