

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
(December 2006 Draft; proposed language in bold italics)

25.14 *Additional Buffers and Setbacks Along Streams and Wetlands*

- A. *Buffers from Streams.* 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. *Buffers from Wetlands.* A fifty (50) 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. *Best management practices may be substituted in part for such buffers, provided that no buffer shall be reduced by more than 50%.*
- D. *No part of any structure shall be constructed closer than 25 feet from the terminus of any stream or wetland buffer, unless a greater distance is required by zoning district yard setbacks.*
- E. *Roads, driveways, and utilities may be constructed across or within buffers if:*
1. *The Director determines that there are no reasonable alternatives to aligning the road, drive, or utility within or across the buffer; and*
 2. *The alignment and design of the road, driveway, or utility are optimized to be consistent with other applicable requirements to minimize encroachment in the buffer and to minimize adverse effects on water quality.*
 3. *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- F. *These regulations may be superseded by State or Federal law.*
- G. *Developers shall install signs identifying the landward boundary of the buffer. Signs shall be obtained, installed, and maintained in accordance with guidelines established by the Director.*

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.

An Ordinance to amend §4.2-2.12, Other Conditions, of the Powhatan County Subdivision Ordinance. The purpose of the amendment is to add language to require wetland buffers and additional setbacks from jurisdictional wetlands to be shown on preliminary subdivision plats and, by reference, on final subdivision plats per §4.4-2.11. Wetland buffers and setback requirements are proposed for addition to §25.14 of the Zoning Ordinance in Case #06-04-AZ.

SUBDIVISION ORDINANCE AMENDMENT (06-06-AS)

Article 4, Specifications for Plans and Plats

§4.2-2.12, Other Conditions

(August 2006 Draft; proposed language in bold italics)

4.2-2.12 Other Conditions. Other conditions on the tract to be shown on the preliminary plat will include the information required below.

4.2-2.12.4 ~~*A 50-foot natural vegetative buffer shall be maintained along all intermittent streams. A 100-foot natural vegetative buffer shall be maintained along all perennial streams. Stream buffers, wetland buffers, and wetland buffer setbacks shall be shown as required by Article 25 of the Zoning Ordinance.*~~