

1 AN ORDINANCE OF THE BOARD OF SUPERVISORS
2 OF RAPPAHANNOCK COUNTY, VIRGINIA,
3 AMENDING CHAPTER 170, ZONING, OF THE RAPPAHANNOCK COUNTY CODE
4 TO AMEND AND CORRECT A CODE DISCREPANCY REGARDING FAMILY DIVISIONS
5

6 WHEREAS the Board of Supervisors of Rappahannock County, Virginia, pursuant to Rappahannock County
7 Code (RCC) § 170-134 and the Code of Virginia § 15.2-2286.A(7) prepared, reviewed, and considered a
8 zoning ordinance amendment to correct a code discrepancy between the zoning ordinance and the subdivision
9 ordinance; and,

10
11 WHEREAS, the Board of Supervisors authorized the County Administrator and Zoning Administrator to
12 advertise separate public hearings to be held before the Planning Commission and Board at next reasonable
13 opportunity in accordance with Code of Virginia § 15.2-2204 to receive community input on the proposed
14 amendments to RCC § 170-40, Family Subdivisions; and,

15
16 WHEREAS, after having been properly advertised, the Planning Commission held a public hearing on
17 February 21, 2024, and following the public hearing, the Planning Commission voted (7-0) to recommend
18 approval to the Board of Supervisors regarding the proposed ordinance amendments to RCC § 170-40, Family
19 Subdivisions; and,

20
21 WHEREAS, a public hearing by the Board of Supervisors on the proposed amendment was duly advertised
22 pursuant to Code of Virginia 15.2-2204.A and set for March 4, 2024 at the regular monthly meeting of the
23 Board of Supervisors; and,

24
25 WHEREAS, the Board of Supervisors, having conducted the said public hearing on March 4, 2024, as
26 advertised, and having considered the recommendation of the Planning Commission, and finding that the
27 public necessity, convenience, general welfare, and good zoning practice require the proposed amendments,
28 desires to adopt an ordinance amending Chapter 170, Zoning, of the Rappahannock County Ordinance.

29
30 NOW THEREFORE BE IT ORDAINED AND ENACTED, by roll-call vote of the Rappahannock County
31 Board of Supervisors this fourth day of March, 2024, that Chapter 170, Zoning, of the Rappahannock County
32 Code is by this ordinance amended to read as follows with changes identified as such: *italicized and*
33 *underlined* language is language to be added. Language that is ~~stricken through~~ is to be deleted. For clarity,
34 sections not shown have no changes.
35

36 Chapter 170
37 Zoning
38

39 Article IV
40 District Regulations

41 § 170-40 Family subdivisions.

42 A. *A family transfer is exempted from the density limitations contained in § 170-37, provided that it meets*
43 *the requirements of § 147-36. A family transfer is also exempted from the density limitations*
44 *contained in § 170-37, provided that:*

45 ~~(1) The transfer is for the purpose of present or future residency of the family member.~~

- 46 ~~(2) The lot to be transferred has a reasonable right of way existing or to be created of not less than 10 feet~~
47 ~~nor more than 20 feet to a dedicated, recorded street or to an existing right of way not greater than 25~~
48 ~~feet.~~
- 49 ~~(3) The total family transfers and subdivided lots from the parcel of record prior to 1962 shall not exceed~~
50 ~~five, except that a sixth lot may be created by special exception from the Board of Supervisors, after~~
51 ~~review by the Planning Commission, upon an affirmative finding of the following standards:~~
- 52 ~~(a) That a strict application of this chapter would produce substantial injustice or hardship.~~
- 53 ~~(b) That such substantial injustice or hardship is not shared generally by other properties from the same~~
54 ~~parent tract.~~
- 55 ~~(c) That the authorization of such variance shall not be of substantial detriment to adjacent property and~~
56 ~~shall be in keeping with that density which currently exists on other tracts of land deriving from the~~
57 ~~original parent tract of 1962.~~
- 58 ~~(4) No more than one such family division shall be allowed to each lot, parcel or tract of land in any one~~
59 ~~calendar year unless the parcel to be divided represents a single holding from the parcel of record of~~
60 ~~1962 (i.e., there are no other owners of a portion of the parent tract). [Amended 11-6-2000]~~
- 61 ~~(5) Notice shall be mailed to adjacent property owners of the approval of the lot.~~
- 62 ~~(6) No property owner shall qualify for a family subdivision unless and until they shall have owned the~~
63 ~~property for a period of not less than five years. [Added 2-4-1991]~~
- 64 ~~(7) Property may not be divided between joint owners or their heirs, if more than one person (i.e., a~~
65 ~~surviving spouse and children may not divide an inherited property through the application of this~~
66 ~~section), nor shall corporations or partnerships qualify. [Added 2-4-1991]~~
- 67 ~~B. "Family," for the purposes of this section, shall be a parent, child or, in the event of a divorce action~~
68 ~~where division of property is a part of the settlement, spouse, following the issuance of a final divorce~~
69 ~~decree. [Added 2-4-1991]~~
- 70 ~~C. The recipient of a lot created under the terms of this section shall not convey the property to any other~~
71 ~~person or persons for a period of not less than two years, except for purposes of financing~~
72 ~~improvements to the lot created. [Added 2-4-1991]~~
-

73

74

75 The foregoing Ordinance was adopted by the Board of Supervisors of Rappahannock County, Virginia, on
 76 March 4, 2024 at its regular monthly public meeting held at the Rappahannock County Courthouse, 250 Gay
 77 Street, Washington, Virginia, after having advertised that it proposed to do so in accordance with § 15.2-
 78 2204 of the Code of Virginia, and after holding a public hearing. The roll-call vote of the Board of Supervisors
 79 on a motion to adopt the Ordinance was as follows:

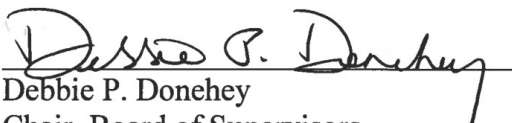
80
81

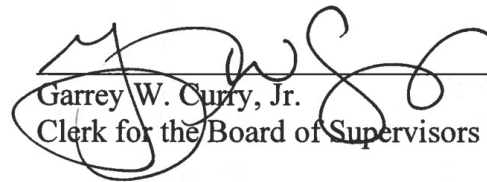
	MOTION	SECOND	ABSENT/ ABSTAIN	AYE	NAY
Debbie P. Donehey				✓	
Keir A. Whitson				✓	
Van C. Carney	✓			✓	
Donna D. Comer		✓		✓	
Christine Smith				✓	

82

83 I certify the foregoing accurately reflects the actions of the Rappahannock County Board of Supervisors taken
 84 at the time and place stated above.

85

86 
 87 _____
 88 Debbie P. Donehey
 89 Chair, Board of Supervisors


 _____ 3/4/2024
 Garrey W. Curry, Jr.
 Clerk for the Board of Supervisors