

ORDINANCE #O-2022-25

AN ORDINANCE AMENDING THE PROVISIONS SET FORTH IN CHAPTER 83 (ZONING ORDINANCE) ARTICLE IV (VILLAGE GROWTH AREA DISTRICTS) SEC. 83-210. - SINGLE-FAMILY RESIDENTIAL-2 (R-2) DISTRICT, ARTICLE III (RURAL DISTRICTS) SEC. 83-160. - AGRICULTURAL-10 (A-10) DISTRICT, SEC. 83-180. - RURAL RESIDENTIAL-5 (RR-5) DISTRICT, AND ARTICLE V (TRANSITION BASE DISTRICTS) SEC. 83-350 - RESIDENTIAL UTILITY (R-U) DISTRICT, TO AMEND THE BY RIGHT ACCESSORY USES AND CONDITIONAL ACCESSORY USES INVOLVING ACCESSORY DWELLING UNITS (DETACHED). THIS PROVISION WILL ELIMINATE THE NEED FOR A CONDITIONAL USE PERMIT FOR AN ACCESSORY DWELLING UNIT (DETACHED) AND MAKE THE USE BY RIGHT AS AN ACCESSORY USE IN THE GIVEN DISTRICT.

WHEREAS, Sections 15.2-1427 and 15.2-1433 of the Code of Virginia, 1950, as may be amended from time to time, enable a local governing body to adopt, amend, and codify ordinances or portions thereof; and

WHEREAS, Sections 15.2-2280, 15.2-2285, and 15.2-2286 of the Code of Virginia, 1950, as amended, enables a local governing body to adopt and amend zoning ordinances; and

WHEREAS, this amendment of the Powhatan County Zoning Ordinance (Case #22-06-AZ) is required to serve the public necessity, convenience, general welfare, and good zoning practice pursuant to Section 15.2-2286(A)(7) of the Code of Virginia, as amended; and

WHEREAS, this ordinance amendment was initiated by the Board of Supervisors at its meeting on April 25, 2022, in accordance with Section 83-123(b)(2)(c) of the Powhatan County Zoning Ordinance; and

WHEREAS, the Board of Supervisors has tasked staff with creating an amendment to shift accessory dwelling unit approvals from conditional use permit to administrative approval.

WHEREAS, the proper advertisement and public hearing were conducted as required by law; and

WHEREAS, the full text of this amendment was available for public inspection in the Department of Community Development, Powhatan County Administration Building, 3834 Old Buckingham Road, Powhatan, Virginia 23139.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF POWHATAN that several sections of the Zoning Ordinance of the County of Powhatan are amended and reenacted as follows:

Chapter 83- Zoning Ordinance

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Sec. 83-160. - Agricultural-10 (A-10) District.

(b) Conditional accessory uses. The following uses are allowable as accessory uses that are incidental and customarily subordinate to principal uses in the A-10 District only on approval of a conditional use permit and subject to any referenced use-specific standards and all other applicable regulations of this chapter:

~~(1) Accessory dwelling unit (detached) greater than 50 percent of the square footage of the main dwelling;~~

~~(2) Home-based business;~~

~~(3) Home-based truck hauler business.~~

...

Sec. 83-180. - Rural Residential-5 (RR-5) District.

Sec. 83-183. - Accessory uses.

(a) Permitted accessory uses. The following uses are allowable as accessory uses that are incidental and customarily subordinate to principal uses in the RR-5 District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(23) Accessory dwelling unit (detached), up to 35 percent of square footage of the main dwelling;

(b) Conditional accessory uses. The following uses are allowable as accessory uses that are incidental and customarily subordinate to principal uses in the RR-5 District only on approval of a conditional use permit and subject to any referenced use-specific standards and all other applicable regulations of this chapter:

~~(1) Accessory dwelling unit (detached);~~

~~(2) Home-based business;~~

~~(3) Home-based landscaping business;~~

~~(4) Accessory apartment, over 35 percent of total gross floor area of principal dwelling.~~

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Sec. 83-210. - Single-family Residential-2 (R-2) District.

Sec. 83-213. - Accessory uses.

(a) Permitted accessory uses. The following uses are allowable as accessory uses that are incidental and customarily subordinate to principal uses in the R-2 District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(21) Accessory dwelling unit (detached), up to 35 percent of square footage of the main dwelling;

(b) Conditional accessory uses. The following uses are allowable as accessory uses that are incidental and customarily subordinate to principal uses in the R-2 District only on approval of a conditional use permit and subject to any referenced use-specific standards and all other applicable regulations of this chapter:

~~(1) Accessory dwelling unit (detached);~~

~~(2) Kennel, private, for parcels under two acres (see section 83-438(n)).~~

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Sec. 83-350 - Residential Utility (R-U) District.

Sec. 83-353. - Accessory uses.

(a) Permitted accessory uses. The following uses are allowable as accessory uses that are incidental and customarily subordinate to principal uses in the R-U District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

(20) Accessory dwelling unit (detached), up to 35 percent of square footage of the main dwelling;

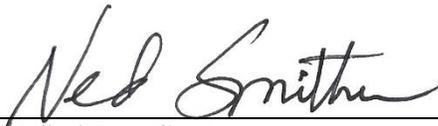
(b) Conditional accessory uses. The following uses are allowable as accessory uses that are incidental and customarily subordinate to principal uses in the R-U District only on approval of a conditional use permit and subject to any referenced use-specific standards and all other applicable regulations of this chapter:

~~(1) Accessory dwelling unit (detached);~~

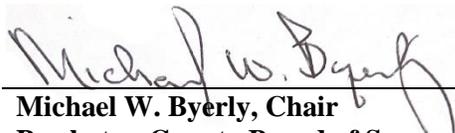
~~(2) Kennel, private (for parcels less than two acres in size; see section 83-438(n)).~~

ADOPTED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON JUNE 27, 2022.

ATTEST:



Ned Smither, Clerk
Powhatan County Board of Supervisors



Michael W. Byerly, Chair
Powhatan County Board of Supervisors

Recorded Vote:

<i>David T. Williams</i>	AYE
<i>Steve W. McClung</i>	AYE
<i>Michael W. Byerly</i>	AYE
<i>Bill L. Cox</i>	NO
<i>Karin M. Carmack</i>	AYE