

**ORDINANCE #O-2022-35**

**AN ORDINANCE AMENDING THE POWHATAN COUNTY CODE OF ORDINANCES TO AMEND SECTIONS OF CHAPTER 83 (ZONING ORDINANCE) TO CREATE A NEW ZONING DISTRICT CALLED THE PLANNED DEVELOPMENT DISTRICT (PDD). THE PLANNED DEVELOPMENT DISTRICT WILL CREATE A ZONING DISTRICT FOR MASTER PLANNED COMMUNITIES AND WILL DIRECTLY CORRESPOND TO THE ECONOMIC OPPORTUNITY FUTURE LAND USE DESIGNATION.**

**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 #22-09-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 June 27, 2022, in accordance with Section 83-123(b)(2)(c) of the Powhatan County Zoning Ordinance; and

**WHEREAS**, the proper advertisement and public hearing was 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; and

**WHEREAS**, Objective 4.1 of the *2020 Strategic Plan* states that Powhatan County will create a business-friendly economic environment; and

**WHEREAS**, Objective ED.1.b of the *2021 Long-Range Comprehensive Plan* recommends that Powhatan County “Continue to monitor and/or modify design standards outlined in the County’s Zoning Ordinance to ensure clarity of requirements, cost-effective implementation and opportunities (pg. 26).”

**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:

**CODE OF THE COUNTY OF POWHATAN, VIRGINIA  
CHAPTER 83. ZONING ORDINANCE**

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**ARTICLE IV. – VILLAGE GROWTH AREA DISTRICTS**

**DIVISION 2 – VILLAGE GROWTH AREA PLANNED DEVELOPMENT DISTRICTS**

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## Sec. 83-314. Planned Development District. (PDD)

A. Purpose.	
The purpose of the Planned Development District is to create large, cohesive master-planned developments that incorporate commercial and light industrial uses, with complementary residential uses. This district must be utilized in the areas denoted Economic Opportunity in the Powhatan County Long Range Comprehensive Plan for any Planned Development rezoning request.	
B. Use Standards.	
Principal uses allowed in a PDD district shall be established as part of a proposed PDD plan. The PDD district is subject to the regulations found in the use-specific standards found in Article VII: Use Standards.	
C. Intensity and Dimensional Standards. <sup>1</sup>	
Density, minimum	none
Density, maximum	4 du/ac <sup>3</sup>
Floor area ratio (FAR), maximum	To be established in the PDD plan
Lot area, minimum (s.f.)	
Lot width, minimum (s.f.)	
Impervious surfaces, maximum (% of district area)	
Individual building size, maximum (s.f.)	
Building height, maximum (ft.)	
Yard depths or setbacks, minimum (ft.)	
Setback from abutting single-family residential zoning district or existing single-family dwelling use, minimum (ft.)	
Notes: [ac = acres; s.f. = square feet; ft. = feet; du/ac = dwelling units/acre]	
D. Development Standards.	
The development standards in Article VIII shall apply to all development in PDD districts, but those standards may be modified as part of the PD plan if consistent with the general purpose of the PDD district and the comprehensive plan, and in accordance with the means of modification noted below.	
Development Standard	Means of Modifying
Access and circulation	Specify in the PDD plan
Off-street parking and loading	Specify in a master parking plan
Landscaping, buffers, screening, and tree protection <sup>1</sup>	Specify in a master landscaping plan
Environmental protection	Modifications prohibited
Open space set-aside <sup>2</sup>	Specify in a master landscaping plan
Fences and walls	Specify in a master fencing plan
Exterior lighting	Specify in a master lighting plan
Multifamily residential design	Specify in the PDD plan
Commercial design	
Industrial design	
Residential compatibility	
Sustainable design	Specify in the PDD plan
Signage	Specify in a master sign plan
Notes:	
1. Internal uses may not necessarily be required to provide perimeter buffers.	
2. Where the PDD district includes nonresidential or mixed-use development, the required percentage of open space set-aside shall be calculated based on the total amount of land used for residential, nonresidential, or mixed-use purposes, respectively (see open-space set-asides in Article VIII).	
3. The maximum density for the Route 711 Village Special Area Plan is 9 dwelling units per acre.	

Sec. 83-315. - Permitted residential uses.

- (1) Dwelling, multifamily<sup>4</sup>
- (2) Dwelling, single-family detached;
- (3) Dwelling, townhouse;

<sup>4</sup> Dwelling, multifamily shall only be applicable to the Route 711 Village Special Area Plan.

Sec. 83-316. - Permitted Commercial/Industrial uses.

The following uses are allowable as principal uses by right in the Planned Development District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

- (1) Data center
- (2) Warehouse, distribution or storage;
- (3) Educational, scientific, or industrial research and development;
- (4) Assisted living facility;
- (5) Business service establishment;
- (6) Telecommunications facility, collocated;
- (7) Community center;
- (8) Library;
- (9) Museum;
- (10) Adult day care center;
- (11) Child day care center;
- (12) Private school;
- (13) Vocational or trade school;
- (14) Radio or television broadcast studio;
- (15) Winery;
- (16) Greenhouse, nursery, and floriculture production;
- (17) Law enforcement facility;
- (18) Post office;
- (19) Massage clinic;
- (20) Medical or dental clinic;
- (21) Medical or dental lab;
- (22) Medical treatment facility;
- (23) Community garden;
- (24) Park or greenway;

- (25) Club or lodge;
- (26) Place of worship;
- (27) Surface transportation passenger station/terminal;
- (28) Utility use, minor;
- (29) Utility use, major;
- (30) Veterinary clinic;
- (31) Newspaper or magazine publishing;
- (32) Bar or lounge;
- (33) Brewpub;
- (34) Micro-distillery;
- (35) Nightclub;
- (36) Restaurant with drive-through service;
- (37) Restaurant without drive-through service;
- (38) Specialty eating or drinking establishment;
- (39) Contractor's office;
- (40) Professional offices;
- (41) Other office facility;
- (42) Auditorium or stage theater;
- (43) Motion picture theater;
- (44) Recreation facility, commercial indoor;
- (45) Recreation facility, nonprofit;
- (46) Recreation facility, public;
- (47) Recreation facility, commercial outdoor;
- (48) Antique store;
- (49) Art gallery;
- (50) Arts, crafts, music, dance, photography, or martial arts studio/school;
- (51) Auction facility;
- (52) Bank or financial institution with drive-through service;
- (53) Bank or financial institution without drive-through service;
- (54) Animal grooming;
- (55) Convenience store;
- (56) Drugstore or pharmacy with drive-through service;
- (57) Drugstore or pharmacy without drive-through service;
- (58) Farmers' market;
- (59) Manufacturing, assembly, or fabrication, light.

- (60) Grocery store;
- (61) Large retail sales establishment;
- (62) Lawn care, pool, or pest control service;
- (63) Liquor store;
- (64) Personal services establishment;
- (65) Shopping center;
- (66) Tattoo or body piercing establishment;
- (67) Wholesale trade establishment;
- (68) Other retail sales establishment;
- (69) Automotive painting or body shop;
- (70) Automotive repair and servicing;
- (71) Automotive wrecker service;
- (72) Car wash or auto detailing;
- (73) Gas station;
- (74) Parking lot or parking structure (as a principal use);
- (75) Taxi or limousine service facility;
- (76) Tire sales and mounting;
- (77) Vehicle/equipment sales or rental;
- (78) Hotel or motel;
- (79) Hospice Facility;
- (80) Recycling drop-off center;
- (81) Conference or training center;
- (82) Fire or EMS station;
- (83) Artisan food and beverage production.
- (84) Micro-brewery;
- (85) Metal-working, welding, pipe fitting, or woodworking;
- (86) Commercial Industrial services;
- (87) General industrial services;
- (88) Printing or other similar reproduction facility;
- (89) Bottling plant;

#### Sec. 83-317. - Conditional Uses

The following uses are allowable as principal uses in the Planned Development 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) Telecommunications tower;
- (2) College or university;
- (3) Hospital;
- (4) Shooting range, commercial;
- (5) Public square or plaza;
- (6) Civic center,
- (7) Animal shelter;
- (8) Kennel, commercial;
- (9) Arena, stadium, or amphitheater;
- (10) Country club;
- (11) Marina, commercial;
- (12) Flea market;
- (13) Commercial landscape operation ;

Sec. 83-318. - Accessory uses.

- (1) Amateur radio antenna;
- (2) Automatic teller machine (ATM);
- (3) Canopy, nonresidential drive-through;
- (4) Clubhouse;
- (5) Parking or storage of large vehicles (see section 83-438(r));
- (6) Electric vehicle (EV) level 1 or 2 charging station;
- (7) Electric vehicle (EV) level 3 charging station;
- (8) Family day care home;
- (9) Fuel oil or bottled gas distribution or storage, limited;
- (10) Home garden;
- (11) Office (as accessory to multifamily dwelling or commercial use);
- (12) Open space, park, playground, or recreational facility;
- (13) Outdoor display and sale of merchandise;
- (14) Outdoor storage (as an accessory use);
- (15) Rainwater cistern;
- (16) Residential care facility;
- (17) Private recycling bins;
- (18) Satellite dish;
- (19) Small wind energy system;
- (20) Solar energy collection system;
- (21) Swimming pool, spa, or hot tub;

- (22) Television or radio antenna.

Sec. 83-319. - General standards for the planned development district (PDD).

A Planned Development District (PDD) shall be applied for by submitting a PDD Plan.

- (a) *PDD plan.* The PDD plan shall:

- (1) Include a statement of planning and marketing objectives for the district;
- (2) Identify the general location of individual development areas, identified by land use(s) and/or development density or intensity;
- (3) Identify for the entire PDD district and each development area the acreage, types and mix of land uses, number of residential units (by use type and number of bedrooms), nonresidential floor area (by use type), residential density, and nonresidential intensity;
- (4) Identify the general location, amount, and type (whether designated for active or passive recreation) of open space;
- (5) Identify the location of environmentally sensitive lands, wildlife habitat, and waterway corridors;
- (6) Identify the on-site transportation circulation system, including the general location of all public streets and private roads, existing or projected transit corridors, and pedestrian and bicycle pathways, and how they will connect with existing and planned county and state systems;
- (7) Identify the general location of on-site potable water and wastewater facilities, and how they will connect to county systems;
- (8) Identify the general location of on-site stormwater management facilities, and how they will connect to county systems;
- (9) Identify the general location of all other on-site public facilities serving the development, including but not limited to parks, schools, and facilities for fire protection, police protection, EMS, stormwater management, and solid waste management; and
- (10) Development Phasing Plan. If development is proposed to be phased, the PDD plan shall include a development phasing plan that identifies the general sequence or phases in which the district is proposed to be developed, including how residential and nonresidential development will be timed, how infrastructure (public and private) and open space will be provided and timed, and how development will be coordinated with the county's capital improvements program.

- (b) *Consistency with county plans.* The PDD Zoning District designation, the PDD plan, and the PDD terms and conditions shall be consistent with the comprehensive plan.
- (c) *Phasing Schedule.* The master plan shall include a plan for no more than 30% of the overall parcel(s) acreage(s) dedicated to residential units constructed west of State Route 288. Prior to any residential development receiving a certificate of occupancy, 30% of the total gross square footage of commercial/industrial must be completed with a certificate of occupancy(C.O.) issued accordingly.
- (d) *Compatibility with surrounding areas.* Development along the perimeter of a PDD district shall be compatible with adjacent existing or proposed development. Where there are issues of compatibility, the PDD plan shall provide for transition areas at the edges of the PDD district that provide for appropriate buffering and/or ensure a complementary character of uses. Determination of complementary character shall be based on densities/intensities, lot size and dimensions, building height, building mass and scale, hours of operation, exterior lighting, and siting of service areas.
- (e) *Conversion schedule.* The PDD plan may include a conversion schedule that identifies the extent to which one type of residential use may be converted to another type of residential use and one type of

nonresidential use may be converted to another type of nonresidential use. Such conversions may occur within development areas and between development areas if they occur within the same development phase, as identified by the approved development phasing plan, and are consistent with established extents of conversion set down in the conversion schedule.

(f) *On-site public facilities.*

- (1) Design and construction. The PDD plan shall establish the responsibility of the developer/landowner to design and construct or install required and proposed on-site public facilities in compliance with the applicable county, state, and federal regulations.
- (2) Dedication. The PDD plan shall establish the responsibility of the developer/landowner to dedicate to the public the rights-of-way and easements necessary for the construction or installation of required and proposed on-site public facilities in compliance with the applicable county, state, and federal regulations.
- (3) Modifications to street standards. In approving a PDD plan, the board of supervisors may approve modifications or reductions of private road design standards—including those for right-of-way widths, pavement widths, required materials, and turning radii—on finding that:
  - a. The PDD plan provides for the separation of vehicular, pedestrian, and bicycle traffic;
  - b. Access for emergency service vehicles is not substantially impaired;
  - c. Adequate off-street parking is provided for the uses proposed; and
  - d. Adequate space for public utilities is provided within the street right-of-way.

(g) *PDD terms and conditions.* The PDD terms and conditions shall include, but not be limited to:

- (1) Conditions related to approval of the application for the PDD Zoning District classification;
- (2) The PDD plan, including any density/intensity standards, dimensional standards, and development standards established in the PDD plan;
- (3) Conditions related to the approval of the PDD plan, including any conditions related to the form and design of development shown in the PDD plan;
- (4) Provisions addressing how transportation, potable water, wastewater, stormwater management, and other public facilities will be provided to accommodate the proposed development;
- (5) Provisions related to environmental protection and monitoring; and
- (6) Any other provisions the board of supervisors determines are relevant and necessary to the development of the PDD in accordance with applicable standards and requirements of this chapter.

(h) *Uses.* Allowed principal uses in a PDD district shall be established in the PDD plan. Allowed uses shall be consistent with the comprehensive plan and the purpose of the particular type of PDD district, and subject to applicable use-specific standards in Article VII: Use Standards, and any additional limitations or requirements established for a particular PDD district.

(i) *Densities/intensities.* The densities for residential development and the intensities for nonresidential development applicable in each development area of a PDD district shall be as established in the



PDD plan, and shall be consistent with the comprehensive plan, other adopted special area and county plans, and the purpose of the particular type of PDD district.

- (j) *Dimensional standards.* The dimensional standards applicable in each development area of a PDD district shall be as established in the PDD plan and shall be consistent with the purpose of the particular type of PDD District. The PDD plan shall include at least the following types of dimensional standards:
  - (1) Maximum dwelling units per acre and/or maximum floor area ratio;
  - (2) Minimum lot area;
  - (3) Minimum lot width;
  - (4) Maximum impervious surface area;
  - (5) Maximum building height;
  - (6) Maximum individual building size;
  - (7) Minimum and maximum yard depths or setbacks; and
  - (8) Minimum buffers and/or setbacks from adjoining residential development or residential zoning districts, from adjacent farm operations, and from environmental features such as watercourses and wetlands.
- (k) *Development standards.* All development in a PDD district shall comply with the development standards of Article VIII: Development Standards, and Powhatan County Code Chapter 68 (Subdivisions), subject to any modifications of those standards established in the PDD plan as consistent with the comprehensive plan and other adopted county plans, the objective of the particular type of development standard, the purpose of the particular PDD district, and any additional limitations or requirements set forth in this division for the particular type of PDD district.
- (l) Lots may front a commercial or gated community private road as part of an approved PDD plan. The number and general location of lots must be specified in the PDD Plan. Any deviation from the approved plan must receive Board of Supervisor's approval.
- (m) *Revisions to the plan.* Major and minor revisions of the PDD plan will be addressed as follows:
  - (1) *Major Revisions.* Requests for major revisions to an approved PDD development plan shall follow procedural requirements for zoning map amendments. A major revision shall be characterized by any of the following:
    - a. Significant changes in density;
    - b. Substantial changes in vehicular circulation or access;
    - c. Substantial changes in the types of land uses proposed;
    - d. Substantial changes in building design or site design; and,
    - e. Any other change the Zoning Administrator determines is a major divergence from the approved development plan.
  - (2) *Minor Revisions.* Other changes to an approved PDD development plan may be considered minor and may be administratively approved by the Zoning Administrator. Requests for minor revisions shall be in writing by the owner. If the Zoning Administrator denies such a request, the matter may be brought before the Board of Supervisors for a public hearing and a decision to approve or deny.
  - (3) If there is any ambiguity or uncertainty as to whether a requested PDD revision is major or minor, it shall be deemed to be major.

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In all other respects said Zoning Ordinance of the County of Powhatan shall remain unchanged and be in full force and effect.

This amendment shall take effect immediately upon passage.

**ADOPTED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON  
FEBRUARY 27, 2023.**

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***Michael W. Byerly, Chair***  
**Powhatan County Board of Supervisors**

**Recorded Vote:**

**ATTEST:**

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**Bret Schardein, Clerk**  
**Powhatan County Board of Supervisors**

<i>David T. Williams</i>	_____
<i>Steve W. McClung</i>	_____
<i>Michael W. Byerly</i>	_____
<i>Bill L. Cox</i>	_____
<i>Karin M. Carmack</i>	_____