

ORDINANCE O-2019-19

Adopted June 24, 2019

CODE OF THE COUNTY OF POWHATAN, VIRGINIA
CHAPTER 68. SUBDIVISION ORDINANCE

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ARTICLE III – SUBDIVISION STANDARDS

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Sec. 68-220. - Conservation subdivision.

- (a) *Purpose.* The purpose of this section is to provide landowners in certain zoning districts a development option that provides additional development flexibility to build on smaller lots when additional open space set-asides are provided, and the development is designed and located in a way that protects the agricultural activities or natural and historic features on the site. This is done in order to:
- (1) Conserve open land, including those areas containing productive agricultural soils and unique and sensitive natural features such as floodplains, wetlands, river and stream corridors, steep slopes, and significant stands of mature hardwood trees;
 - (2) Retain and protect existing environmental, natural, and cultural resources;
 - (3) Create a linked network of open lands;
 - (4) Promote existing rural character within the agricultural portions of the county; and
 - (5) Provide reasonable economic use of the property.
- (b) *Applicability.* This conservation subdivision option may be used for single-family detached subdivisions in the Agricultural-20 (A-20), Agricultural-10 (A-10), Rural Residential (RR), Rural Residential-5 (RR-5), and Single-Family Residential-2 (R-2) zoning districts.
- (c) *Procedure.*
- (1) *General.* Development utilizing the conservation subdivision option shall require approval in accordance with the procedures and standards in section 68-110, Major subdivisions.
 - (2) *Note on Plat.* The final plat shall include a note stating that the project is a conservation subdivision designed to adhere to standards set forth in Sec. 68-220 of the Powhatan County Subdivision Ordinance.
- (d) *Conservation subdivision standards.*
- (1) *Location.* A conservation subdivision shall be located within the Agricultural-20 (A-20), Agricultural-10 (A-10), Rural Residential (RR), Rural Residential-5 (RR-5), and Single-Family Residential-2 (R-2) zoning districts.
 - (2) *Minimum subdivision size.* A conservation subdivision shall be at least 50 acres in area. The minimum subdivision size may be reduced to 40 acres, if a minimum of 50 percent of the total acreage of the site is set aside as conservation area open space.
 - (3) *Minimum open space.* A conservation subdivision shall set aside a minimum of 40 percent of the total acreage of the site as conservation area open space to be permanently

maintained and protected, except that conservation subdivisions that are 40 or more acres in size, but less than 50 acres in size, shall set aside a minimum of 50 percent of the total acres of the site as conservation area open space.

(4) *Maximum density; bonus densities.*

- a. Except as otherwise provided in subsection b. below, the gross density of single-family lots or dwelling units within a conservation subdivision shall not exceed the maximum density established in the zoning ordinance for the zoning district applied to the subject property.
- b. The maximum density of single-family lots or dwelling units within a conservation subdivision may be increased from that established for the zoning district applied to the subject property, in accordance with Table 68-220(d)(4).

TABLE 68-220(d)(4): Bonus Densities For Additional Open Space	
Minimum Percentage Of Total Subdivision Site Area Set Aside As Permanent Conservation Area Open Space	Percentage Increase Of Maximum Density From That Established For The Zoning District
60%	Properties Zoned A-20, A-10, and RR: 20% Properties Zoned RR-5: 10%
70%	Properties Zoned A-20, A-10, and RR: 25% Properties Zoned RR-5: 15%
Note: Conservation subdivisions located on properties zoned R-2 are not eligible to receive a density bonus.	

(5) *Modified lot area, lot width, lot coverage, and yard depth standards.*

- a. The minimum lot area for individual lots within a conservation subdivision shall be 40,000 square feet, if neither public/community water or sewer service are available. If either public/community water or sewer service are available, the minimum lot area for individual lots within a conservation subdivision shall be 15,000 square feet.
- b. The minimum lot width for individual lots within a conservation subdivision shall be 100 feet if neither public/community water or sewer service are available. If either public/community water or sewer service are available, the minimum lot width for individual lots within a conservation subdivision shall be 70 feet.
- c. The maximum lot coverage standards for individual lots within a conservation subdivision shall be 90 percent.
- d. The minimum yard depth standards for individual lots within a conservation subdivision shall be as listed in Table 68-220(d)(5). These standards shall be noted on the final plat.

Table 68-220(d)(5): Minimum Yard Depth Standards within Conservation Subdivisions	
Front yard depth, minimum	35 ft. ¹
Side yard depth, minimum	10 ft. ²
Rear yard depth, minimum	25 ft. ²
Notes: ft. = feet 1. Any front-loading garage shall be set back at least 5 ft. to the rear of the dwelling's front façade. 2. Three ft. for accessory uses and structures.	

- (6) *Maintain compatibility.* Conservation subdivisions shall comply with section 83-485 of the zoning ordinance, Farmland compatibility standards, to the extent the subdivision site abuts land used for agricultural purposes. Farmland compatibility standards shall not apply within the conservation subdivision.
- (7) *Separation and buffering.* Perimeter buffers shall be provided in accordance with Table 68-220(d)(7) and incorporated into the conservation area open space. Other than agricultural or historic structures, no portion of any lots or structures shall be located within the required perimeter buffers. Existing vegetation within the perimeter buffer shall be maintained to the greatest extent practicable, and the director may require existing vegetation be supplemented with native trees, native shrubs, and/or fencing to maintain the rural character of the site as seen from adjacent roadways, properties, and/or historic structures.

Table 68-220(d)(7): Required Perimeter Buffers	
Adjacent to Other Principal Arterial, Minor Arterial, Major Collector, and Minor Collector Streets (As Designated by VDOT)	300 ft. ¹
Adjacent to Scenic Byways Designated by the Commonwealth Transportation Board	300 ft. ¹
Adjacent to Local Streets (As Designated by VDOT)	75 ft. ²
Adjacent to Sides and Rear of the Conservation Subdivision (Where No Streets Abut Property Lines)	75 ft. ²
Adjacent to Historic and Archeological Sites (as Designated by the Historic Overlay (H) District or as Designated on the Virginia Landmarks Register or National Register of Historic Places)	200 ft. ³
Adjacent to the Upland Edge of the 100-Year Floodplain	30 ft.
Adjacent to Perennial Streams, Intermittent Streams, and Wetlands	As Required Per Sec. 83-471

Notes: ft. = feet

1. May be reduced to 200 ft. if the director finds that topography, vegetation, and other features, such as split-rail fences or stone walls, exist or are provided between lots or structures and adjacent major thoroughfare(s) to maintain the rural character of the site as seen from the adjacent major thoroughfare(s).
2. May be reduced to 50 ft. where the conservation subdivision abuts another conservation subdivision or parcels zoned to a Village Growth Area District or a Transition Base District.
3. As measured from the edge of any historic structure or site that is located within the conservation subdivision or on an adjacent parcel, or from the edge of a parcel within the H district.

- (8) *Roads*. In the conservation subdivision streets otherwise required to be made public may be maintained privately provided that the streets are built to VDOT standards for public roads and would otherwise be eligible to be accepted into the state system of highways for maintenance; except that VDOT standards related to interconnectivity do not need to be met.
- (9) *Access*. Lots created in a conservation subdivision must access an internal road system. No lots may directly access existing public streets.
- (10) *Proximity of Open Space to Lots*. All lots within a conservation subdivision that are two (2) acres in size or less must be located within 500 feet of conservation area open space, as measured from the property line for each lot, unless a sidewalk or paved trail at least five (5) feet in width is provided on at least one (1) side of streets within the conservation subdivision. (11) *Conservation areas and development areas*.

a. Conservation areas.

The following features should be located within the conservation area open space, to the greatest extent practicable:

- i. The 100-year floodplain (as designated by the Floodplain (FP) Overlay district);
- ii. Wetlands (as designated by the U.S. Army Corps of Engineers or the Virginia Department of Environmental Quality in accordance with Section 404 of the Clean Water Act);
- iii. Areas containing prime farmland soils (as classified by the USDA Natural Resources Conservation Service);
- iv. Areas containing soils susceptible to accelerated erosion (as classified by the USDA Natural Resources Conservation Service);
- v. Historic and archeological sites (as designated by the Historic Overlay (H) district or as designated on the Virginia Landmarks Register or National Register of Historic Places); and
- vii. Lands designated as *Priority Conservation Areas* in the adopted long-range comprehensive plan.

- b. *Allowable uses.* Uses located within the conservation area open space shall be limited to:
 - i. Agricultural uses permitted in the zoning district applied to the subject property in accordance with article VII of the zoning ordinance, use standards;
 - ii. Pedestrian trails and walkways (either unpaved or paved);
 - iii. Docks and other water-dependent features as allowed in this ordinance;
 - iv. Above ground and below ground public utilities and associated easements, provided no feasible alternative exists;
 - v. Streets and driveway crossings, provided such crossings do not violate this ordinance or other state or federal laws; and
 - vi. Repair, rehabilitation, restoration, or reconstruction of historic structures.
 - vii. Community wells and septic systems.
 - iv. Stormwater management systems.
- (12) *Ownership, management, and maintenance.* The conservation area open spaces shall be considered open space set-asides, and shall comply with the ownership, management, and maintenance standards in section 83-470(c)(6) of the zoning ordinance, Ownership, management, and maintenance of open-space set-asides.

(Ord. No. O-2016-50, § 1, 1-23-17)

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CHAPTER 83. ZONING ORDINANCE

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ARTICLE III – RURAL DISTRICTS

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Sec. 83-150. – Agricultural-20 (A-20) District.

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C. Intensity and Dimensional Standards. ^{1, 2}		
Lot area, minimum		20 ac ³
Lot width, minimum		215 ft.
Density, maximum		1 du/20 ac ⁴
Lot coverage, maximum (% of lot area)		25% ⁵
Structure height, maximum		35 ft.
	Along limited access and arterial roads	100 ft. ⁶

Front yard depth, minimum	Along collector and local roads	75 ft. ⁶
Side yard depth, minimum		25 ft. ^{7, 8}
Rear yard depth, minimum		40 ft. ^{8, 9}
Corner lot yard depth, minimum		40 ft.
Notes: ac = acre(s) ft. = feet		
<ol style="list-style-type: none"> 1. See measurement rules and allowed exceptions/variations in Article XII (Interpretations). 2. For conservation subdivisions, see Powhatan County Code Chapter 68 (Subdivisions) for applicable lot area, lot width, lot coverage, and yard depth standards. 3. See Powhatan County Code chapter 68 (Subdivisions) for variations applicable to family divisions and large lot subdivisions. 4. For conservation subdivisions, see Powhatan County Code Chapter 68 (Subdivisions) for applicable density bonus for additional open space. 5. Five percent for all farm structures and accessory structures. 6. Thirty-five ft. for flag lots. 7. Twenty-five ft. for principal structures, accessory dwelling units, or accessory structures housing animals. 8. Ten ft. for accessory structures (other than those housing animals). 9. Forty ft. for principal structures, accessory dwelling units, or accessory structures housing animals. 		

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Sec. 83-176. Rural Residential (RR) District.

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C. Intensity and Dimensional Standards¹	
Lot Size	The minimum lot size for dwellings or units shall be ten acres
Lot Width	215 feet in width at the building line except for family exception lots which are 150 feet in width at the building line
Lot Coverage	Accessory buildings shall not exceed 25 percent of the lot area
Building Height	The height of buildings and structures in this district shall not exceed three stories or 35 feet to the cornice line. Silos, water towers, granaries, barns, church spires and similar structures may exceed 35 feet in height.
Yard Requirements:	
Front	100 feet; 35 feet from the front property line for a flag lot
Side ^{2, 3}	25 feet
Rear ^{2, 3}	40 feet
Corner Lot	40 feet

Notes:

1. For conservation subdivisions, see Powhatan County Code Chapter 68 (Subdivisions) for applicable lot area/size, lot width, lot coverage, yard requirements, and applicable density bonus for additional open space.
2. Accessory Buildings, Use or Structures — 10 feet (Side and Rear Yards)
3. Structure housing animals — 25 feet (Side), 40 feet (Rear)

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

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C. Intensity and Dimensional Standards. ^{1, 2, 3}

Lot area, minimum	5 ac ⁴
Lot width, minimum	215 ft.
Density, maximum	1 du/5 ac ⁵
Lot coverage, maximum	n/a
Structure height, maximum	Lesser of 3 stories or 35 ft.
Front yard depth, minimum	75 ft. ⁶
Side yard depth, minimum	25 ft. ^{7, 8}
Rear yard depth, minimum	40 ft. ^{8, 9}
Corner lot yard depth, minimum	40 ft.

Notes: ac = acre(s) ft. = feet

1. See measurement rules and allowed exceptions/variations in the exceptions and variation provisions of Article XII, Interpretations.
2. The keeping of one horse or pony for lots of five acres or more; one additional horse or pony may be kept for each additional acre, for parcels 20 acres or less. A private kennel (as an accessory use) requires a conditional use permit for parcels 2 acres or less.
3. For conservation subdivisions, see Powhatan County Code Chapter 68 (Subdivisions) for applicable lot area, lot width, lot coverage, and yard depth standards.
4. See Powhatan County Code Chapter 68 (Subdivisions) for variations applicable to family divisions and large lot subdivisions.
5. For conservation subdivisions, see Powhatan County Code Chapter 68 (Subdivisions) for applicable density bonus for additional open space.
6. Thirty-five ft. for flag lots.
7. Twenty-five ft. for principal structures or accessory structures housing animals.
8. Ten ft. for accessory structures (other than those housing animals).
9. Forty ft. for principal or accessory structures housing animals.

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ARTICLE IV. – VILLAGE GROWTH AREA DISTRICTS

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DIVISION 1. – VILLAGE GROWTH AREA BASE DISTRICTS

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

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C. Intensity and Dimensional Standards. ^{1,2}	
Lot area, minimum ⁷	2 ac
Lot width, minimum	215 ft.
Density, maximum	1 du/2 ac
Lot coverage, maximum	n/a
Structure height, maximum	Lesser of 3 stories or 35 ft.
Front yard depth, minimum	60 ft. ³
Side yard depth, minimum	25 ft. ^{4, 5}
Rear yard depth, minimum	40 ft. ^{5, 6}
Corner lot yard depth, minimum	30 ft.
Notes: ac = acre(s) ft. = feet	
1. See measurement rules and allowed exceptions/variations in Article XII (Interpretations).	
2. For conservation subdivisions, see Powhatan County Code Chapter 68 (Subdivisions) for applicable lot area, lot width, lot coverage, and yard depth standards.	
3. Thirty-five ft. for flag lots.	
4. Twenty-five ft. for principal or accessory structures housing animals.	
5. Ten ft. for accessory structures (other than those housing animals).	
6. Forty ft. for principal or accessory structures housing animals.	
7. On a lot of three acres or more, not more than one horse or pony may be housed and maintained; for each additional acre in excess of three acres, one additional horse or one additional pony may be housed and maintained with the maximum not to exceed three.	