

ORDINANCE NUMBER 17-O-066**AN ORDINANCE TO AMEND CHAPTER 31, UNIFIED DEVELOPMENT ORDINANCE, ARTICLE 4, ZONING, SECTION 31-406, USE REGULATIONS, TABLE 406-1: PRINCIPAL USES PERMITTED IN ZONING DISTRICTS; ARTICLE 7, SUPPLEMENTAL USE REGULATIONS, SECTION 31-701, ACCESSORY USES AND STRUCTURES; AND APPENDIX A, DEFINITIONS; OA03-17, AS AMENDED**

WHEREAS, the City of Suffolk, Virginia has initiated the aforementioned amendments to Chapter 31, Unified Development Ordinance, for the purpose of improving clarity and consistency among the definitions that pertain to accessory dwelling units, and to change the supplemental use regulations and criteria that pertain to permitting accessory dwelling units; and

WHEREAS, the specified amendments to the Unified Development Ordinance as shown in Exhibit "B" are in compliance with the 2035 Comprehensive Plan, as adopted; and

WHEREAS, the Planning Commission has made a recommendation as stated in Exhibit "A"; and

WHEREAS, the procedural requirements for the consideration of this request by the Planning Commission have been met.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Suffolk, Virginia, that:

- Section 1. That Exhibit "A," "Planning Commission Recommendation," and Exhibit "B," "Amendments to Chapter 31, Unified Development Ordinance, Article 4, Zoning, Section 31-406, Use Regulations, Table 406-1: Principal Uses Permitted in Zoning Districts; Article 7, Supplemental Use Regulations, Section 31-701, Accessory Uses and Structures; and Appendix A, Definitions of the Code of the City of Suffolk, Virginia," which are attached hereto, are hereby incorporated as part of this ordinance.
- Section 2. That Chapter 31, Unified Development Ordinance, Article 4, Zoning, Section 31-406, Use Regulations, Table 406-1: Principal Uses Permitted in Zoning Districts; Article 7, Supplemental Use Regulations, Section 31-701, Accessory Uses and Structures; and Appendix A, Definitions of the Code of the City of Suffolk, Virginia, is hereby amended to read as referenced in Exhibit "B," attached.
- Section 3. All phrases, clauses, sentences, paragraphs, subsections, sections and chapters of the Code not amended hereby remain in full force and effect.

This ordinance shall be effective upon passage and shall not be published.

READ AND PASSED: JULY 19, 2017

TESTE: *Erika S. Dawley*
Erika S. Dawley, MMC, City Clerk

A TRUE COPY

Marey C. Sapsal
Deputy City Clerk

**CITY OF SUFFOLK PLANNING COMMISSION
A RESOLUTION TO PRESENT A REPORT AND RECOMMENDATION
TO CITY COUNCIL RELATING TO AN ORDINANCE TO AMEND
CHAPTER 31, UNIFIED DEVELOPMENT ORDINANCE OF THE CODE
OF THE CITY OF SUFFOLK, ARTICLE 4, ZONING, SECTION 31-406,
USE REGULATIONS, TABLE 406-1: PRINCIPAL USES PERMITTED IN
ZONING DISTRICTS; ARTICLE 7, SUPPLEMENTAL USE
REGULATIONS, SECTION 31-701, ACCESSORY USES AND
STRUCTURES; AND APPENDIX A, DEFINITIONS; OA03-17**

WHEREAS, the City Council of the City of Suffolk, Virginia has initiated the aforementioned amendments to Chapter 31 of the Unified Development Ordinance for the purpose of improving clarity and consistency among the definitions that pertain to accessory dwelling units, and to change the supplemental use regulations and criteria that pertain to permitting accessory dwelling units in the City of Suffolk; and

WHEREAS, the specified amendments to the Unified Development Ordinance as shown in Exhibit "B" are in compliance with the 2035 Comprehensive Plan, as adopted; and

WHEREAS, the procedural requirements for the consideration of this request by the Planning Commission have been met.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Suffolk, Virginia, that:

Section 1. Findings.

The Suffolk Planning Commission finds that the proposed ordinance amendments are reasonable and warranted.

Section 2. Recommendation to City Council.

The Planning Commission recommends to the City Council of the City of Suffolk, Virginia that the proposed amendments be;

- a. Adopted as submitted without modification.
- b. Denied, and that Council not pass the proposed ordinance.
- c. Adopted with the modifications set forth on the attached listing of specific recommendations, and that Council adopt the proposed Ordinance with such modifications.

READ AND ADOPTED: May 16/17

TESTE: [Signature]

“Exhibit B”

**“Amendments to Chapter 31, Unified Development Ordinance,
Article 4, Zoning, Section 31-406, Use Regulations, Table 406-1: Principal
Uses Permitted in Zoning Districts; Article 7, Supplemental Use Regulations,
Section 31-701, Accessory Uses and Structures; and Appendix A, Definitions
of the Code of the City of Suffolk, Virginia”**

ARTICLE 4 – ZONING, SECTION 31-406, USE REGULATIONS

TABLE 406-1: PRINCIPAL USES PERMITTED IN ZONING DISTRICTS																						
<i>Specific Use Type</i>	<i>Zoning Districts</i>																					
	C	A	RR	RE	RL	RLM	RM	RC	RU	RU-12	RU-18	RU-24	MUC-40	B-1	B-2	VC	CBD	O-1	CP	M-1	M-2	FRRD
RESIDENTIAL DWELLING UNITS AND GROUP LIVING:																						
<u>Accessory apartment Accessory Dwelling Unit, Attached</u> (§ 31-701)	—	EP	EP	EP	EP	EP	EP	—	—	—	—	—	—	—	—	—	—	—	—	—	—	EP
<u>Accessory dwelling unit Accessory Dwelling Unit, Detached</u> (31-701)	—	EP (1)	EP (1)	EP (1)	C	C	C	—	—	—	—	—	—	—	—	—	—	—	—	—	—	EP =

Notes:

(1) Any detached accessory dwelling unit in the A, Agricultural, RR, Rural Residential and RE, Rural Estate zoning districts on lots of less than one (1) acre requires a conditional use permit.

(Ord. No. 13-O-117, 12-18-2013; Ord. No. 14-O-089, 6-18-2014; Ord. No. 14-O-072, 6-18-2014; Ord. No. 15-O-068 (Exh. 1), 6-17-2015; Ord. No. 16-O-014, § 2(Exh. B), 2-17-2016; Ord. No. 16-O-030, § 2(Exh. B), 4-20-2016; Ord. No. 16-O-056, § 1(Exh. A), 6-15-2016)

ARTICLE 7 - SUPPLEMENTAL USE REGULATIONS

SEC. 31-701. - ACCESSORY USES AND STRUCTURES.

- (a) **GENERALLY.** Unless otherwise provided herein, accessory uses and structures shall be permitted in any zoning district, but only in connection with, incidental to, and on the same lot with a principal use or structure which is lawfully permitted within such district. Accessory buildings or uses shall not be constructed or established on a lot until construction of the principal building has been actually commenced or the primary use established. Accessory buildings shall not be used for dwelling purposes, except as provided in Subsection (b) of this Section.
- (1) Detached accessory buildings shall not be located in the required front yard. Detached accessory buildings may be built in the required rear yard but such accessory buildings shall not occupy more than thirty percent (30%) of the required rear yard and shall not be closer than five (5) feet to any side or rear lot line or setback line.
 - (2) Should the accessory building be located within the side yard, said building shall meet all required side yard regulations of the applicable zoning district.
 - (3) Accessory buildings shall not exceed the height regulations of the zoning district within any part of the buildable lot area or exceed by twenty-five percent (25%) the height of the dwelling, whichever is less.
 - (4) Accessory buildings on through lots shall not be closer to either street than a distance equal to the required front yard of such lot.

(b) **ACCESSORY USES PERMITTED IN CONJUNCTION WITH RESIDENTIAL USES.**

The following accessory uses shall be permitted in conjunction with residential uses:

...

- (13) ~~Detached~~ Accessory dwelling units, where permitted pursuant to Section 31-406 of this Ordinance, shall ~~not~~ be established ~~except only on properties developed as detached single-family residences and~~ in accordance with the following criteria:
- A. ~~The detached accessory dwelling unit~~ Accessory dwelling units shall comply with the minimum setback yard and intensity of use regulations for the principal dwelling unit as set forth in Section 31-407 of this Ordinance.
 - B. ~~The apartment shall not contain a gross floor area greater than thirty five percent (35%) of the total living area of the principle dwelling unit; except as provided in Subsection (15) below .~~ On properties that contain a principal dwelling unit of 2,000 square feet or less, the accessory dwelling unit shall not contain a gross floor area greater than fifty percent (50%) of the gross floor area of the principal dwelling unit. On properties that contain a principal dwelling unit greater than 2,000 square feet, the accessory dwelling unit shall not contain a gross floor area greater than 1,000 square feet.
 - C. ~~The detached accessory dwelling unit~~ All accessory dwelling units shall be connected to the principal dwelling unit's primary structure's central water and sewer or septic system. ~~provided, however, that a separate septic system may be utilized where.~~ In the case of detached accessory dwelling units, a separate water

and sewer or septic system may be utilized if the lot contains not less than four (4) acres and the detached accessory dwelling unit is separated from the principal dwelling unit by not less than one hundred (100) feet.

- ~~(i) The lot contains not less than four (4) acres of land area; and~~
- ~~(ii) The detached accessory dwelling unit is separated from the principal structure by not less than one hundred (100) feet.~~

D Only one (1) accessory dwelling unit shall be permitted per lot, ~~unless the lot is at least ten (10) acres in which case two (2) accessory units may be permitted.~~

E. Required parking for the detached accessory dwelling unit shall be located on the property of the principal structure in accordance with the standards established in the parking standards of this Ordinance. One (1) additional off-street parking space shall be required for each permitted accessory dwelling unit in addition to that required for the ~~principle principal~~ dwelling unit. ~~For lots of less than five (5) acres, the parking shall be located to the rear of the principal dwelling unit.~~

F. The apartment accessory dwelling unit shall not be offered to the general public for rental purposes.

G. ~~The conditional use permit shall be reviewed for compliance by the Zoning Administrator on an annual basis.~~ Occupancy of the accessory dwelling unit shall not exceed one (1) person per two hundred (200) square feet of gross floor area.

H. The zoning permit shall be reviewed for compliance by the Zoning Administrator on an annual basis.

I. Any detached accessory dwelling unit in the A, Agricultural, RR, Rural Residential and RE, Rural Estate zoning districts on lots of less than one (1) acre requires a conditional use permit.

~~(14) Accessory apartments, subject to the conditions set forth in Subsection (13), above. Occupancy of the accessory apartment dwelling unit shall not exceed one (1) person per two hundred (200) square feet of gross floor area. RESERVED.~~

(15) Where ~~such units~~ manufactured homes are permitted as a principal permitted use, not more than one (1) manufactured home may be placed on the same lot or parcel as an occupied principal residential dwelling building for the sole purpose of providing housing for an elderly (sixty (60) years or older) or medically disabled member of the family residing in the occupied principal residential dwelling building, subject to the conditions set forth in ~~Subsections a, c, and e through g above.~~ Subsections 31-701 (b) (13) (A), (C), (D), and (E). However, in no case shall the manufactured home contain a gross floor area greater than 1,000 square feet.

(c) **ACCESSORY USES PERMITTED IN CONJUNCTION WITH COMMERCIAL AND INDUSTRIAL USES.** The following accessory uses shall be permitted in conjunction with commercial and industrial uses:

...

APPENDIX "A" - DEFINITIONS

...

ACCESSIBLE: Describes a site, building, facility or portion thereof that complies with this Ordinance and that can be approached, entered and used by a physically disabled person. (Source: Uniform Statewide Building Code)

~~**ACCESSORY APARTMENT:** An independent subordinate dwelling unit attached to or contained within a single family detached dwelling.~~

~~**ACCESSORY DWELLING UNIT:** See "Dwelling, Accessory."~~

ACCESS: A way or means of approach to provide vehicular or pedestrian entrance or exit to a property.

...

DWELLING: A single unit providing complete, independent living facilities for one (1) family, including permanent provisions for living, sleeping, eating, cooking and sanitation. See also, "Dwelling Unit."

~~**DWELLING, ACCESSORY:** A separate and complete housekeeping unit which provides complete living sleeping, sanitation, and cooking facilities, which is detached from and located outside of a primary residence but is clearly secondary to a primary single family dwelling located on the same lot.~~

DWELLING, APARTMENT BUILDING: A building for residential occupancy containing three (3) or more dwelling units which may be rented or occupied by the owner.

DWELLING, ATTACHED: A dwelling unit that is attached to other dwelling units(s) by common vertical walls.

DWELLING, ATTACHED ACCESSORY: A separate and complete housekeeping unit which provides complete living, sleeping, sanitation, and cooking facilities that is suitable for occupancy as a home or residence by one (1) or more persons and which is attached to or located within, and is clearly subordinate to the principal detached single-family dwelling.

DWELLING, DETACHED ACCESSORY: A separate and complete housekeeping unit which provides complete living, sleeping, sanitation, and cooking facilities that is suitable for occupancy as a home or residence by one (1) or more persons, and which is detached from and located outside of, and is clearly subordinate to the principal detached single-family dwelling located on the same lot.

DWELLING, DUPLEX: A dwelling, single-family attached, consisting of two (2) dwelling units separated from each other by a fire resistant wall and designed so that each unit may be sold in fee simple.

...

DWELLING, TWO-FAMILY: A building on a lot containing two (2) dwelling units.

DWELLING UNIT: A structure or part of a structure containing complete living, sleeping, kitchen, and bathroom-sanitation and cooking facilities that is suitable for occupancy as a home or residence by one (1) or more persons.

EASEMENT: A grant by one property owner to another, evidenced by a deed recorded with the clerk of the circuit court, of the right to use the described land for a specific purpose. The term "easement" also includes a grant of a right to use property of an owner for specific, limited use or purpose. (Source: Virginia Administrative Code)

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