



POWHATAN COUNTY PLANNING COMMISSION

Agenda: Regular Meeting and Workshop

Tuesday, February 4, 2020

7:00 PM

Powhatan Village Building Auditorium
3910 Old Buckingham Road

1. Call to Order

Andrew Pompei (Planning Director)

2. Invocation

3. Organizational Meeting

- a. Election of Chairman (2020 – 2021) ([p. 2](#))
- b. Election of Vice Chairman (2020 – 2021) ([p. 2](#))
- c. Adoption of the Rules of Order (2020 – 2021) ([p. 3](#))
- d. Adoption of the Meeting Schedule (March 2020 – February 2021) ([p. 8](#))

4. Administrative Items

- a. Request to Postpone Action/Amend the Agenda
- b. Approval of Minutes: January 7, 2020 (Regular Meeting) ([p. 10](#))
- c. Approval of Minutes: January 7, 2020 (Workshop) ([p. 12](#))

5. Public Comment Period

At this time, the Planning Commission will hear citizen comments on unscheduled matters involving the services, policies, and affairs of Powhatan County government related to planning or land use issues.

6. Old Business

None

7. Public Hearings

None

8. New Business

- a. Development Design Pattern Book: Case #20-01-PB ([p. 13](#))
(Tax Map Parcel #43-39A: 1331 Page Road)
- b. Presentation: 2019 Planning Activity Report ([p. 27](#))

9. Workshop (Village Building Conference Room)

- a. Discussion: Case #20-01-REZC (Proffer Amendment: Classic Granite Conceptual Plan) ([p. 28](#))
- b. Training for New Planning Commission Members ([p. 33](#))
- c. Discussion: Amendments to Planned Development Zoning Districts ([p. 34](#))
- d. Discussion: Revisions to the Sign Ordinance (Zoning Ordinance: Sec. 83-488) ([p. 41](#))
- e. Discussion: Elimination of Single Cut Subdivisions (Subdiv. Ordinance: Sec. 68-114) ([p. 63](#))
- f. Discussion: Revisions to Standards for Family Divisions (Subdiv. Ordinance: Sec. 68-125) ([p. 70](#))

10. Adjourn

Next Meeting: Tuesday, March 3, 2020



Powhatan County Planning Commission Agenda Item

Meeting Date: February 4, 2020

Agenda Item Title: Election of Chairman (2020 – 2021)
Election of Vice Chairman (2020 – 2021)

Motion: Mr. Pompei will ask the Planning Commission to nominate one or more of its members for the position of Chairman. After closing the floor for nominations, Mr. Pompei will call for a vote for the position of Chairman. After being elected, the Chairman will conduct the remainder of the meeting.

After the Chairman is elected, he/she will ask the Planning Commission to nominate one or more of its members for the position of Vice Chairman. After closing the floor for nominations, the newly-elected Chairman will call for a vote for the position of Vice Chairman.

Dates Previously
Considered by PC: N/A

Summary of Item: Per its Rules of Order, the Planning Commission must elect a Chairman and Vice Chairman at its annual organizational meeting in February.

The Chairman and Vice Chairman will serve a one-year term, with re-election permitted.

The Chairman is responsible for conducting the meetings and rules on the interpretation of the Rules of Order. The Vice Chairman conducts meetings when the Chairman is absent.

Staff Recommendation: N/A

Attachments: N/A

Staff/Contact: Andrew Pompei: Planning Director
(804) 598-5621 x2006
apompei@powhatanva.gov

If Planning Commission members have questions, please call the staff / contact prior to the meeting.



Powhatan County Planning Commission Agenda Item

Meeting Date: February 4, 2020

Agenda Item Title: Adoption of the Rules of Order (2020 – 2021)

Motion: The Powhatan County Planning Commission hereby adopts the 2020 – 2021 Rules of Order as presented in the agenda packet (or as amended).

Dates Previously Considered by PC: N/A

Summary of Item: The Planning Commission must adopt its Rules of Order at the organizational meeting. Some changes are proposed to the Rules of Order (compared to what was adopted by the Planning Commission for the 2019 – 2020 term). The most significant change proposed by the Department of Community Development is that regular meetings start at 6:00 p.m. (instead of 7:00 p.m.), which is consistent with the start time for Board of Supervisors meetings.

Staff Recommendation: The Department of Community Development recommends that the Planning Commission adopt the Rules of Order (2020 – 2021) as presented.

Attachments: N/A

Staff/Contact: Andrew Pompei: Planning Director
(804) 598-5621 x2006
apompei@powhatanva.gov

If Planning Commission members have questions, please call the staff / contact prior to the meeting.

**RULES OF ORDER
FOR THE
POWHATAN COUNTY PLANNING COMMISSION
2020 - 2021**

Adopted February 4, 2020

GENERAL RULES

1. The rules contained in Roberts Rules of Order Newly Revised shall be the parliamentary authority in all cases not covered by these Rules of Order.
2. The Chairman and Vice Chairman shall be elected at the February meeting of each calendar year to serve a one-year term with re-election permitted. The Chairman shall be responsible for conducting the meetings and shall rule on the interpretation of the Rules of Order. The Vice Chairman shall preside in the absence of the Chairman.
3. The Planning Director ~~of Community Development~~ or a designee of the Commission shall be the Secretary.

MEETINGS

1. Regular meetings of the Commission shall be held in the Village Building Auditorium (3910 Old Buckingham Road) or other location as designated by the Commission or Director of Community Development on the first Tuesday of each month. If such meeting falls on any legal holiday, then it shall be held on another day designated by the Commission.
2. The time for regular meetings shall be ~~7:00~~6:00 p.m. unless otherwise directed by the Commission. Public hearings shall be advertised for ~~7:00-6:00~~ p.m. If a majority of the Commission fails to attend within half an hour after the time appointed for any meeting, the Secretary shall enter into the minute book the names of the members present and note the adjournment for want of a quorum.
3. Workshop meetings of the Commission shall be held in the Village Building Conference Room (3910 Old Buckingham Road), or at another location as designated by the Commission or Planning Director ~~of Community Development~~, and shall be called on an as-needed basis.
4. The time for workshop meetings shall be 6:00 p.m. or immediately following a regular meeting, unless otherwise directed by the Commission, ~~or if they are held immediately following a regular meeting.~~
5. Meetings shall not extend beyond 10:00 p.m. unless extended by resolution of the Commission.
6. If the Chairman, or Vice-Chairman, if the Chairman is unable to act, finds and declares that the weather or other conditions are such that it is hazardous for Commission members and the public to attend a regular meeting, the meeting shall be postponed for a period of two (2) weeks to the same time; however, if the postponement would be a County holiday or the day before a County holiday, the meeting shall be postponed two (2) days before the County holiday. Commission members and the media will be notified as promptly as possible, and notice will be posted on the front doors of the Commission's meeting place. All hearings and other matters

Rules of Order for the Powhatan County Planning Commission (2020 – 2021)

previously advertised will be conducted at the continued meeting, and no further advertisement or notice is required.

7. Special meetings of the Commission and Commission work sessions to discuss planning and land use issues may be called by the Commission or by the Chairman and held at times and places designated at the time of the call of such meetings. All parties having requested notification of meetings pursuant to the Virginia Freedom of Information Act shall be notified of any special meeting.
8. All questions submitted to the Commission shall be determined by oral vote of the majority of the members voting on any such questions. After a tie vote on a motion to approve or deny, the matter shall be deferred without motion to the next scheduled monthly meeting of the Commission for further consideration and vote. If the vote remains tied after the second meeting, the matter is defeated.
9. A motion to reconsider may be made no later than the succeeding regularly-scheduled monthly meeting of the Commission. Such motion can only be made by a member who voted with the majority when the matter was first decided.

CONDUCT OF MEETINGS

1. Members shall address only the Chair, or address each other through the Chair. A member must be recognized by the Chair before he shall proceed. Upon being recognized, a member shall not be interrupted during the time allowed, except when a point of order is called or upon being requested to yield the floor by another member.
2. The applicant or their agent should sit in the front rows nearest the lectern in order to be available to discuss/answer questions concerning their application.
3. Individuals interested in addressing the Commission or staff shall only do so at the lectern in order for their comments to be recorded as part of the record of the meeting, and shall only address the Commission, not the audience or the applicants. Comments of each individual shall be limited to three (3) minutes unless additional time is granted by the Chairman.
4. Neighborhoods should select a spokesperson to present their comments. The spokesperson should ask all persons supporting his or her comments to stand in lieu of repetitive comments.
5. Successive speakers for either the proponents or the opponents should address different issues and should not be repetitive.

REMOTE PARTICIPATION

1. It is the policy of the Planning Commission that individual Commission members may participate in meetings of Planning Commission, to ensure the business of the public may be conducted, by electronic communication means from a remote location that is not open to the public only as permitted by Virginia Code § 2.2-3708.1, as amended, and in compliance with this policy. This policy shall apply strictly and uniformly to the entire membership and without

Rules of Order for the Powhatan County Planning Commission (2020 – 2021)

regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.

2. An individual member may participate from a remote location only if a quorum (3 members) of the Planning Commission is physically assembled at the primary or central meeting location, and the Commission has made arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.
3. Remote participation in a meeting due to an emergency or personal matter may be approved only if, before Noon on the day of the meeting, the requesting member notifies the Chair of the Commission that such member is unable to attend the meeting due to an emergency or personal matter and identifies with specificity the nature of the emergency or personal matter.
4. Remote participation in a meeting due to a temporary or permanent disability or other medical condition may be approved only if, before Noon on the day of the meeting, the requesting member notifies the Chair of the Commission that such member is unable to attend the meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance.
5. As required by law, in the event of any such participation by a member from a remote location, the Commission shall record in its minutes the specific nature of the emergency, personal matter, temporary or permanent disability or other medical condition, and the location from which the Commission member participated remotely.
6. As required by law, remote participation shall be limited in each calendar year for each individual member to two (2) meetings of the meetings of the Commission.
7. Remote attendance shall only be permitted for regularly monthly meetings and shall not be permitted for attendance at workshop meetings.
8. An individual member's request for participation from a remote location under this policy shall be considered approved upon communicating the request to the Chair of the Commission, pending review by the County Attorney for compliance with the Code of Virginia and this policy. If a member's participation from a remote location is disapproved because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity.

AGENDAS

1. The following is the standard regular meeting agenda:
 - a. Call to Order (~~7:00~~6:00 p.m.)
 - b. Invocation
 - c. Administrative Items (including Agenda Amendments and Adoption of Minutes)
 - ~~d. Director's Report~~
 - ~~e.d.~~ Public Comment Period
 - ~~f.e.~~ Public Hearings for Rezonings and Conditional Use Permits
 - ~~g.f.~~ Public Hearings for Ordinance Amendments
 - ~~h.g.~~ Consideration of Proposed Private Roads Development Design Pattern Books
 - ~~i.h.~~ Commission Matters and Miscellaneous

Rules of Order for the Powhatan County Planning Commission (2020 – 2021)

2. Matters may be placed on the Agenda by Resolution of the Commission, by notification to the Secretary by any member of the Commission, or by the Planning Director of Community Development.

- a. Matters submitted within the prescribed filing deadline are automatically added to the agenda in order of date/time of application. Administrative matters not required to be filed by the prescribed filing deadline, but which are requested to be placed on the Commissions agenda, may be accepted for placement until the submission date of publication of advertisement for Commission public hearings. After this date, matters can only be placed on the agenda with the consent of the Chairman.

The Director shall have the authority to delay the placement of an item on the Commission agenda if:

1. The application is not, in the opinion of the Planning Director, complete; or
2. In the case of Applicant-initiated deferral requests as follows:
 - a. For first submissions (those that have not previously been reviewed by the Planning Commission):
 - i. If the deferral request is made by the Applicant prior to the first Public Hearing advertisement, the Planning Director of Community Development has the authority to place the case on a subsequent meeting agenda.
 - ii. If the deferral request is made by the Applicant after the first Public Hearing advertisement, the deferral request must be approved or denied by the Planning Commission.
 - b. For cases that have been previously reviewed by the Commission and have either been deferred by the Commission or remanded to the Commission from the Board of Supervisors, all deferral requests must be approved or denied by the Planning Commission.
3. Agenda and information to be discussed shall be distributed to each member approximately one week prior to the meeting.

COURTESY

Those persons coming before the Commission shall be extended every courtesy by members of the Commission. Visitors at Commission meetings will be asked to extend the same courtesy. The Chairman of the Commission shall determine when the proper courtesies are not being demonstrated.



Powhatan County Planning Commission Agenda Item

Meeting Date: February 4, 2020

Agenda Item Title: Adoption of the Meeting Schedule (March 2020 – February 2021)

Motion: Move that the Powhatan County Planning Commission adopt the 2020 – 2021 Meeting Schedule as presented in the agenda packet (or as amended).

Dates Previously Considered by PC: N/A

Summary of Item: The Planning Commission must adopt its annual meeting schedule at the organizational meeting.

In accordance with the Rules of Order, regular (business) meetings will generally be held the first Tuesday of each month. Due to Election Day, the regular meeting in November will be held on the first Wednesday of that month (November 4, 2020).

Staff Recommendation: The Department of Community Development recommends that the Planning Commission adopt the 2020 – 2021 Meeting Schedule as presented in the agenda packet.

Attachments: Proposed 2020 – 2021 Planning Commission Meeting Schedule

Staff/Contact: Andrew Pompei: Planning Director
(804) 598-5621 x2006
apompei@powhatanva.gov

If Planning Commission members have questions, please call the staff / contact prior to the meeting.

Board of Supervisors
David T. Williams, Chairman
Karin M. Carmack, Vice Chairman
Larry J. Nordvig
Michael W. Byerly
Bill L. Cox



Planning Director
Andrew J. Pompei, AICP, CZA

The County Of
Powhatan

2020 – 2021 Planning Commission Meeting Schedule
Adopted February 4, 2020

Regular Meetings

Held on the First Tuesday of Each Month (6:00 PM)
Village Building Auditorium (3910 Old Buckingham Road)

March 3, 2020
April 7, 2020
May 5, 2020
June 2, 2020
July 7, 2020
August 4, 2020
September 1, 2020
October 6, 2020
November 4, 2020*
December 1, 2020
January 5, 2021
February 2, 2021

*Due to Election Day, this meeting will not be held on the first Tuesday of the month.

Workshop Meetings
Called as Needed

Village Building Conference Room (3910 Old Buckingham Road)

January 7, 2020

VIRGINIA: AT A REGULAR MEETING OF THE PLANNING COMMISSION HELD IN THE POWHATAN VILLAGE BUILDING AUDITORIUM, 3910 OLD BUCKINGHAM ROAD IN POWHATAN COUNTY, VIRGINIA, JANUARY 7, 2020 AT 7:00 PM

Planning Commissioners Present	Karin Carmack, District 1, Chairman David Van Gelder, District 5, Vice-Chairman Amy Kingery, District 2 Donna Moore, District 3
Planning Commissioners Absent	None
Staff Members Present	Andrew Pompei, Planning Director Kelley Kemp, Assistant County Attorney Ed Howland, Principal Planner Alyson Oliver, Planner II Juli Kurnos, Planner I

1. Call to Order

Ms. Carmack called the meeting to order at 7:00 PM.

2. Invocation

Mr. Van Gelder gave the invocation.

3. Administrative Items

a. Request to Postpone Action/Amend the Agenda

Mr. Pompei, at the request of the applicant, requested that Case #19-06-REZC be deferred until the March Planning Commission meeting.

Seeing as no other changes to the agenda were proposed, the Planning Commission voted to approve the request to amend the agenda and defer case #19-06-REZC.

b. Approval of Minutes

Ms. Carmack motioned to approve the minutes, as amended, from the regular meeting on December 3, 2019.

Ms. Carmack, Mr. Van Gelder, Ms. Kingery, Ms. Moore, and Mr. Cox voted AYE.

**VOTE 5-0
MOTION Passed**

4. Public Comment Period

Ms. Carmack opened the public comment period.

Carl Schwendeman (1727 Theresa Lane) addressed the Planning Commission to request that the county consider projects to expand the sidewalks in the village area.

Seeing as there were no speakers, the public comment period was closed by Ms. Carmack.

January 7, 2020

5. Old Business

None

6. Public Hearings

- a. **Case #20-01-AZ:** The **County of Powhatan** requests the amendment and reenactment of provisions set forth in Chapter 83 (Zoning Ordinance), Article XI (Definitions) by adding definitions for the terms *attached*, *comprehensive plan*, *contractor's storage yard*, *detached*, *independent cooking facility*, *residential kitchen*, *corner lot line*, *pet*, *right-of-way*, *outdoor shed sales*, and *corner yard*; adding language to clarify differences between *duplex dwellings*, *three- or four-family dwelling*, and *townhouse dwelling*; modifying the definition for the term *private kennel*, clarifying that permitted fowl includes chickens and ducks; modifying the definition for the term *livestock*, clarifying that goats, bison, ponies, alpacas, and llamas are all considered livestock; modifying the definition for the term *flag lot* to align with the definition for that term in the subdivision ordinance; modifying the definition of *medical and dental lab* to better reflect activities associated with that use; removing the term *large lot development*; correcting grammatical errors; removing incorrect references to other portions of the zoning ordinances; and adding references to certain definitions that identify related terms.

Mr. Pompei provided an overview of this request.

Ms. Carmack opened the public hearing.

Carl Schwendeman (1727 Theresa Lane) asked the Planning Commission a question about the scope of the ordinance and whether or not it would impact future sidewalk development.

Seeing as there were no speakers, the public comment period was closed by Ms. Carmack.

After brief discussion, Ms. Carmack made a motion to **recommend approval** of this request.

Ms. Carmack, Mr. Van Gelder, Ms. Kingery, and Ms. Moore voted AYE.

VOTE 4-0
MOTION Passed

7. New Business

None

8. Adjourn

There being no further business, Ms. Carmack adjourned the meeting at 7:09 PM.

Karin Carmack
Chairman

Andrew Pompei
Planning Director

January 7, 2020

VIRGINIA: AT A WORKSHOP OF THE PLANNING COMMISSION HELD IN THE POWHATAN VILLAGE BUILDING AUDITORIUM, 3910 OLD BUCKINGHAM ROAD IN POWHATAN COUNTY, VIRGINIA, JANUARY 7, 2020 AT 7:12 PM

Planning Commissioners Present	Karin Carmack, District 1, Chairman David Van Gelder, District 5, Vice-Chairman Amy Kingery, District 2 Donna Moore, District 3
Planning Commissioners Absent	None
Staff Members Present	Andrew Pompei, Planning Director Kelley Kemp, Assistant County Attorney Ed Howland, Principal Planner Alyson Oliver, Planner II Juli Kurnos, Planner I

1. Call to Order

Ms. Carmack called the meeting to order at 7:12 PM, following adjournment of the regular Planning Commission meeting held on January 7, 2020.

2. Discussion: Amendments to Planned Development Zoning Districts

Ms. Carmack provided a brief overview of the intent behind the proposed changes to the Planned Development Zoning District standards, which is being proposed to encourage higher quality development in exchange for the added flexibility of the Planned Development District.

3. Discussion: Revisions to the Sign Ordinance

Mr. Pompei provided a brief overview of the proposed changes to the sign ordinance. The Planning Commission briefly discussed the proposed ordinance amendment.

4. Adjourn

Ms. Carmack adjourned the workshop at approximately 7:25 PM.

Karin Carmack
Chairman

Andrew Pompei
Planning Director



Powhatan County Planning Commission Agenda Item

Meeting Date: February 4, 2020

Agenda Item Title: Case #20-01-PB: Development Design Pattern Book (Tax Map Parcel #43-39A)

Motion: The Planning Commission (*approves / approves with conditions / denies / defers*) the request submitted by 1331 Page Road LLC for a Development Design Pattern Book (Case #20-01-PB) applicable to Tax Map Parcel #43-39A.

Dates Previously Considered by PC: None

Summary of Item: In accordance with Sec. 83-477(f), an application for a *Development Design Pattern Book* has been submitted for Tax Map Parcel #43-39A (1331 Page Road). A site plan application (Case #19-09-SPA) has been submitted for review, which proposes construction of a new building for a commercial landscape business. The proposed building would be located behind an existing all-brick structure (formerly used as a residence).

Staff Recommendation: The Department of Community recommends **approval** of this request. See the attached memo for more details.

Attachments: Memo
Application

Staff/Contact: Andrew Pompei: Planning Director, AICP, CZA
(804) 598-5621 x2006
apompei@powhatanva.gov

If Planning Commission members have questions, please call the staff / contact prior to the meeting.

Board of Supervisors
David T. Williams
Larry J. Nordvig
Michael W. Byerly
William L. Cox
Karin M. Carmack



Planning Director
Andrew J. Pompei, CZA, AICP

The County Of
Powhatan

TO: Planning Commission
FROM: Andrew Pompei (Planning Director)
DATE: January 27, 2020
SUBJECT: Development Design Pattern Book (Tax Map Parcel #43-39A)

Project Overview

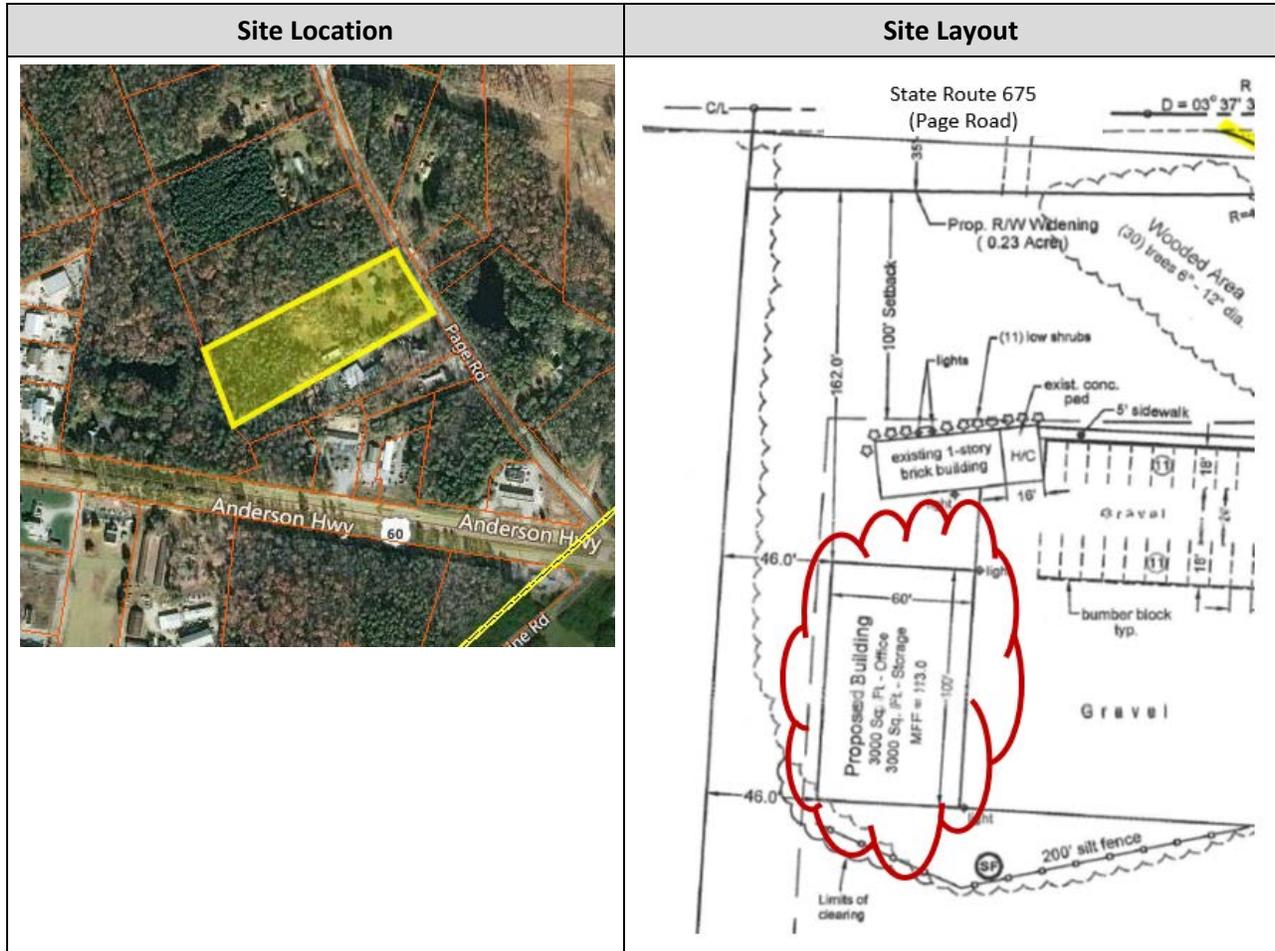
An application for a *Development Design Pattern Book* has been submitted for Tax Map Parcel #43-39A (1331 Page Road). A site plan application (Case #19-09-SPA) has been submitted for review, which proposes construction of a new building for a commercial landscaping business.¹ The proposed building would be located behind an existing all-brick structure (formerly used as a residence).

The application and supporting documents follow this memo.

Design Analysis

Design Element	Related Features
Architecture, Design, and Façade Articulation	Due to existing vegetation, topography, and an existing structure on the property, the proposed building will be largely screened from view of State Route 675 (Page Road). An existing all-brick dwelling will remain and be converted to commercial uses, helping shield the proposed building from view and retaining the residential character of the area. The applicant has proposed additional evergreen plantings to further screen the proposed building, which will be located approx. 160 feet from the front property line.
Materials	All facades will feature gray metal siding (vertical). While metal siding is generally discouraged, the proposed building will be screened from view of State Route 675 (Page Road) by an existing all-brick dwelling, topography, and vegetation (existing and proposed).
Colors	The proposed exterior materials incorporate neutral, earth-tone shades.
Roofs	The building features a pitched gable roof, which will be gray standing-seam metal.

¹ On May 20, 2019, a conditional use permit (CUP) (Case #19-01-CUP) was approved to permit a *commercial landscape operation* on the subject property (Tax Map Parcel #43-39A). Eleven (11) conditions were approved with the CUP, which address site access; right-of-way dedication; setbacks; and maximum building size. The subject property was rezoned to Commerce Center (CC) as part of O-2018-38 (Case #18-09-AZ), which was approved April 24, 2019. Previously, the property was zoned Residential-Commercial (R-C) with proffered conditions (Case #05-05-REZC).



Site Layout



View of Existing Structure from State Route 675 (Page Road)
(Proposed Building to Be Located Behind Right Side of Existing Structure)

Recommended Action

The Planning Commission may:

- Approve this request (as presented);
- Approve this request with conditions; or
- Defer this request (identifying components of the application that should be improve).

The Department of Community Development recommends that the Planning Commission **approve** this request for the following reasons:

- While metal siding is generally discouraged and is not appropriate at all locations, the proposed building will be screened from view of State Route 675 (Page Road) by an existing all-brick structure, topography, and existing/proposed vegetation.
- The proposed building will utilize neutral, earth-tone shades that will help the building blend with the surrounding landscape.
- The proposed building will be similar to what was constructed on the adjoining property (1325 Page Road), where a metal building housing a business was constructed behind residential-scaled structures.

Final building elevations must adhere to requirements set forth in Sec. 83-477 prior to final site plan approval.

Attachment

#1: Case #20-01-PB - Application for Development Design Pattern Book



**County of Powhatan,
Virginia**

**Application:
Development Design
Pattern Book**

For Office Use Only	
Case Number	20-01-PB
Date of Approval	

Powhatan County, Virginia
Department of Community Development
3834 Old Buckingham Road: Suite F
Powhatan, VA 23139

In accordance with Sec. 83-477(f) of the Powhatan County Zoning Ordinance, a *Development Design Pattern Book* must be reviewed and approved by the Planning Commission for all commercial and mixed-use development (prior to site plan approval).

For ideas regarding recommended design elements, review the *Countywide Development Guidebook*, which is available online at www.powhatanva.gov.

Applicant Information	
Name of Applicant	1331 Page Road LLC
Mailing Address	1710 Douthit Court Powhatan, VA 23139
Phone Number	804-399-5375
Email Address	bdavis@arborscapesllc.com
Owner Information	
(Complete this section if the applicant is not the current property owner)	
Name of Owner	
Mailing Address	
Phone Number	
Email Address	
Parcel Information	
Tax Map Number(s)	43-49A
Physical Address	1331 Page Road
General Description of Property Location	Page Road near Rt. 60

Project Description	
Ordinance Requirements	<p>Sec. 83-477(f) states that:</p> <ul style="list-style-type: none"> The Development Design Pattern Book shall include: Written descriptions and graphics explaining how the development complements existing development in the surrounding area and relates to recommendations made in the comprehensive plan and Countywide Development Guidebook; and Written descriptions and graphics explaining the theme and physical form of the project's architectural design. The written description shall identify specific materials, colors, and architectural details that are permitted within the development.
Explanations	
<p>Describe the architectural theme and physical form of the development.</p> <p>Additional information regarding building materials, roofing, and other design elements will be provided on the following pages.</p> <p>An existing brick dwelling will remain on the property with the new building behind it. Retaining the house will help keep the residential character of the area and shield the new building from view. Natural colors will be used to help the building blend with the wooded surroundings.</p>	

Tips

The Countywide Development Guidebook identifies and describes preferred architectural styles, including:

- | | |
|-------------------------------|--------------------------------|
| <u>Georgian</u> | <u>Craftsman Inspired</u> |
| <u>Classical Revival</u> | <u>Rustic Revival Inspired</u> |
| <u>Cape Cod Inspired</u> | <u>Folk Victorian</u> |
| <u>Main Street Commercial</u> | <u>Piedmont Vernacular</u> |

The styles and associated design elements should be referenced in this application

Relationship with Surrounding Development and County Policies

Ordinance Requirements

Sec. 83-477(f) states that:

- The Development Design Pattern Book shall include:
Written descriptions and graphics explaining how the development complements existing development in the surrounding area and relates to recommendations made in the comprehensive plan and Countywide Development Guidebook; and
Written descriptions and graphics explaining the theme and physical form of the project's architectural design. The written description shall identify specific materials, colors, and architectural details that are permitted within the development.

Explanations

Describe how the architectural design of the proposed development complements existing development and/or the character of the surrounding area. Identify architectural features and materials used on nearby buildings and how these features will be incorporated into building(s) that are part of the proposed project.

Attach photos of nearby buildings, particularly those that include design elements similar to those that will be used within the proposed development.

The existing house will remain shielding the new structure and helping retain the residential character of the area. This layout is similar to that at 1325 Page Road where a large commercial building is behind a residential scaled structure.

Describe how the architectural design of the proposed development relates to policies identified in the current comprehensive plan (refer to specific land use policies listed in Chapter 8 for the appropriate land use designation) and recommendations made in the Countywide Development Guidebook.

Commerce Center: Development design (community character)
- wooded buffers and topography block building
- building colors and siting help structures blend with surroundings (p.98)

Building Materials and Colors

Ordinance Requirements

Sec. 83-477(h) states that:

- Building façade materials shall be limited to wood, brick, stone, decorative block, stucco, or other materials with a similar appearance, durability, and quality. The use of metal or vinyl siding is subject to review and approval by the director.
- At least 70 percent of building façades visible from existing or planned roadways shall be constructed of wood, brick, stone, and/or other materials with a similar appearance, durability, and quality.
- No more than 30 percent of building facades visible from existing or planned roadways shall be adorned with stucco or decorative block.

Sec. 83-477(i) states that:

- Façade colors for all portions of the building shall be low reflectance, subtle, neutral or earth-tone colors (no primary colors). Building trim and accent areas may feature brighter colors that complement the building’s overall appearance.

List materials that will be used on building facades, including permitted colors.

Attach photos and/or samples of these materials to this application.

(Note: Information regarding roofing materials will be provided on p. 5).

Material Type (Ex.: Wood, Brick, Stone)	Material Color	Material Location (Ex.: Foundation, Front Façade, Front Accent)
Metal vertical siding	gray	all facades

Roofing	
Ordinance Requirements	<p>Sec. 83-477(j) states that:</p> <ul style="list-style-type: none"> Principal buildings shall incorporate roof pitches between 3:12 and 12:12, or incorporate a parapet at least three feet high with a three-dimensional cornice around a flat roof. Alternative roof forms or pitches may be allowed for small roof sections over porches, entryways, or similar features. Any roof visible from an adjoining street or property shall be constructed of wood, tile, standing seam metal, heavy-grade architectural fiberglass shingles, slate, or other materials with a similar appearance, durability, and quality. All roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) shall be located on the rear elevations or otherwise be configured, to the maximum extent practicable, to have a minimal visual impact as seen from the street. Buildings with multiple uses or in excess of 25,000 square feet shall have alternating roof structures to give the appearance of multiple buildings unless a different design is approved by the director.
<p>List materials that will be used on roofs, including permitted colors. Attach photos and/or samples of these materials to this application.</p>	
Material Type (Ex.: Wood, Tile, Slate)	Material Color
Standing seam metal roof	gray
Permitted Roof Pitches	
3:12 - 6:12	
Permitted Roof Types (Ex.: Gable, Hip, Mansard, Flat)	
gable	
Roof Features (Ex. Dormers, Cupolas, Chimneys, etc.)	
none	

Design Features: Windows and Transparency

Ordinance Requirements

Sec. 83-477(l) states that:
At least 30 percent of the street-facing façade area of the ground-level floor of buildings (as measured from the grade to the underside of the eave, top of the parapet, or the story line denoting the second floor) shall be occupied by doorways or transparent windows. Upon request by the property owner or applicant, the director may approve modifications to this subsection, provided that other architectural features are incorporated into street-facing façades to add visual interest, and such approval is in writing with justification for the modification.

Attach photos and/or samples of permitted windows and doors to this application.

Question	Explanation
Will windows on front and side facades have muntins or dividers?	none (match existing house)
What color(s) will be used for window trim?	black
Will doors that serve as public entrances be transparent?	yes
What colors will be used for doors?	off-white

Other Design Features

List and describe other specific design features that will be incorporated into the proposed development. Examples of other design features include porches, pergolas, awnings, shutters, specially-designed exterior lighting, and other building components that add interest to the building's exterior.

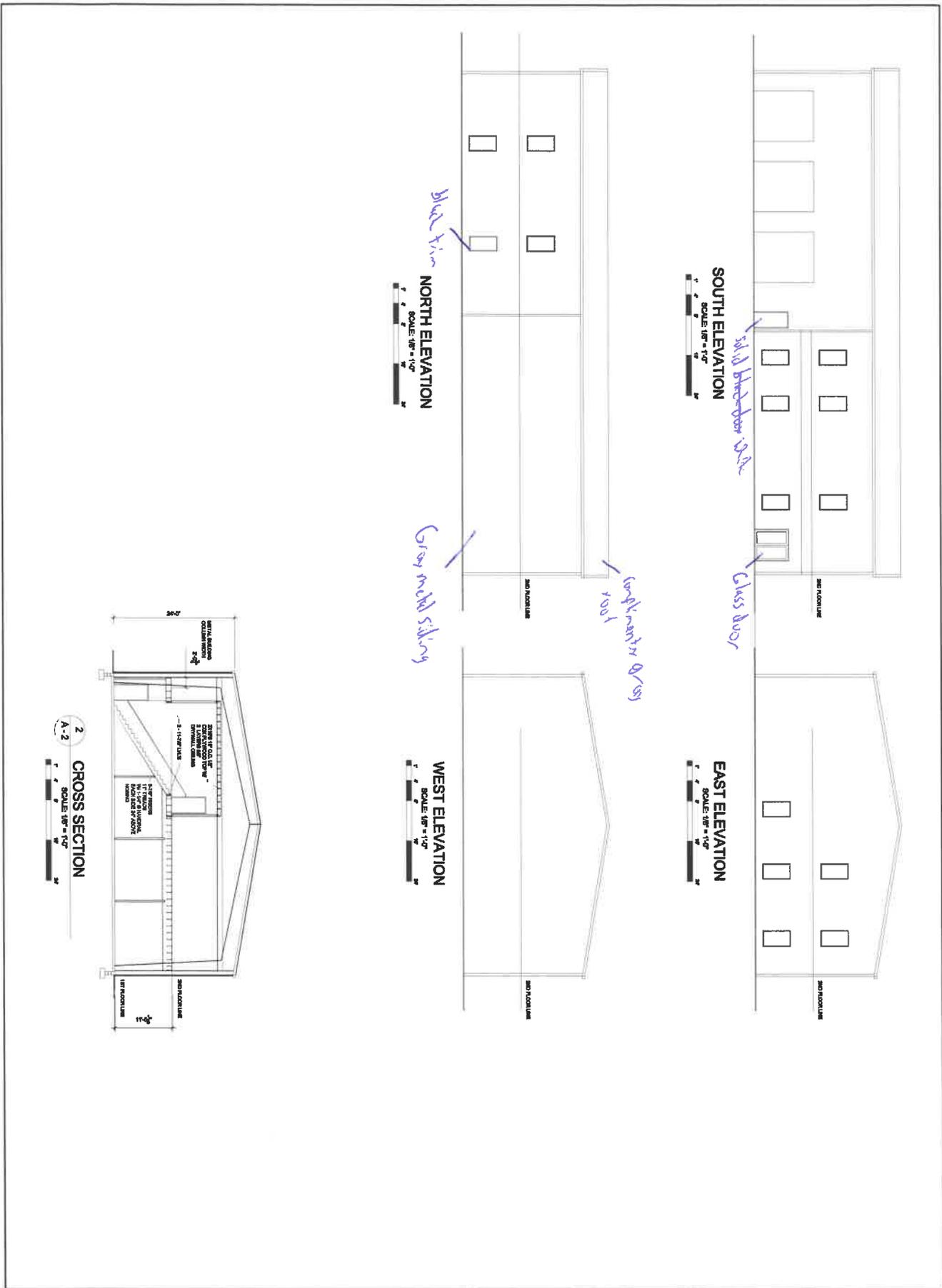
Attach photos and/or samples of these features to this application.

Feature Number	Feature Type	Description
Example	Covered Porches	Covered porches with metal roofs will be constructed at each entrance to the building that is located on the front and side facades. Each porch shall be at least 8 ft. wide and 8 ft. deep with the roof supported by square white columns.
Feature #1	screening new building	- retain existing house to screen new buildings - plant additional evergreen trees to further screen building
Feature #2		
Feature #3		
Feature #4		
Feature #5		

Attachments	
Submit the following materials and documentation with this application for review by the Planning Commission.	
<input type="checkbox"/>	Photos of Existing Nearby Buildings
<input type="checkbox"/>	Proposed Elevations (or Photos of Similar Existing Buildings)
<input type="checkbox"/>	Photos and/or Samples of Building Materials and Colors
<input type="checkbox"/>	Photos and/or Samples of Roofing Materials
<input type="checkbox"/>	Photos of Windows and Doors
<input type="checkbox"/>	Photos of Other Design Features (If Applicable)

Applicant Signature	
<p>By signing this application, the applicant:</p> <ul style="list-style-type: none"> • Acknowledges that they are the owner or lessee of the property, or an authorized representative of the owner or lessee. • Acknowledges that they have familiarized themselves with the rules and regulations pertaining to preparing and completing this application. • Declares that all statements provided throughout the various sections of this application are in all respects true and correct to the best of their knowledge. • Understands that a Development Design Pattern Book must be approved by the Planning Commission prior to approval of any site plan within the development, and that all structures within the development must adhere to guidelines established by the approved Development Design Pattern Book. 	
Signature of Applicant	
Name of Applicant (Printed)	William C. Duns
Date	1-23-2020

Last Updated: April 3, 2019



APPLICIA
ARCHITECTS
 appliciaarchitects.com
 14321 Winder Ridge Lane
 Middletown, VA 23101
 P 804.378.9908
 F 804.378.9909
 M 804.389.7217
 member of contract architects

ARBORSCAPES
 1331 PAGE ROAD
 POWHATAN, VIRGINIA



PROJECT NUMBER: 1934
 DATE: OCTOBER 21, 2019
 DRAWN BY: CWA

A-2
 ELEVATIONS





Powhatan County Planning Commission Agenda Item

Meeting Date: February 4, 2020

Agenda Item Title: Presentation: 2019 Planning Activity Report

Motion: N/A (No Action Required)

Dates Previously
Considered by PC: N/A

Summary of Item: The *2019 Planning Activity Report* provides a high-level overview of actions taken by the Powhatan County Department of Community Development, the Planning Commission, and the Board of Supervisors that relate to growth and development. This report is intended to satisfy requirements set forth in §15.2-2221 of the Code of Virginia, which states that the Planning Commission must compile an annual report concerning the status of planning within Powhatan County.

Go to www.powhatanva.gov/DocumentCenter/View/5154/2019-Planning-Activity-Report to view the report online. Hard copies of the report will be distributed to members of the Planning Commission with the agenda packet.

Previously-published reports are available online at www.powhatanva.gov/1631/Informational-Documents.

Staff Recommendation: N/A

Attachments: N/A

Staff/Contact: Andrew Pompei: Planning Director
(804) 598-5621 x2006
apompei@powhatanva.gov

If Planning Commission members have questions, please call the staff / contact prior to the meeting.



Powhatan County Planning Commission Agenda Item

Meeting Date: February 4, 2020

Agenda Item Title: Discussion: Case #20-01-REZC (Proffer Amendment: Classic Granite Conceptual Plan)

Action Requested: None (Discussion Only)

Dates Previously
Considered by PC: None

Summary of Item: As part of Case #18-04-REZC (Approved September 24, 2018), Tax Map Parcels #43-33, 43-33A, and 43-35 were rezoned from General Commercial (C) with proffered conditions (Case #08-01-REZC) to Commerce Center (CC) with proffered conditions (10.64 acres) and Light Industrial (I-1) with proffered conditions (10.72 acres). These properties are located at the southwest corner of the U.S. Route 60 (Anderson Highway)/State Route 671 (County Line Road) intersection. Proffered conditions relate to a conceptual plan; building materials; dedication of a site for a pump station; and landscaping.

The applicant is proposing to amend Proffered Condition #1, which states the following:

Development of the I-1 parcel shall be limited to 10.72 acres and shall be in substantial accord with the exhibit titled "Classic Granite and Marble Zoning Exhibit" prepared by Balzer and Associates, Inc. last revised August 22, 2018.

The applicant is requesting that this proffered condition be amended to reference an updated conceptual plan/zoning exhibit, which shows the proposed site entrance farther west along U.S. Route 60 (Anderson Highway). As this is a significant deviation from the originally-proffered conceptual plan/zoning exhibit, a proffer amendment must be approved by the Board of Supervisor prior to approval of a site plan showing an entrance at the proposed location.

Attachments: Approved Proffered Conditions (Case #18-04-REZC)
Current Conceptual Plan/Zoning Exhibit: August 22, 2018
Proposed Conceptual Plan/Zoning Exhibit: December 20, 2019

Staff/Contact: Andrew Pompei: Planning Director
(804) 598-5621 x2006
apompei@powhatanva.gov

If Planning Commission members have questions, please call the staff / contact prior to the meeting.

Board of Supervisors
Carson L. Tucker, Chairman
Angela Y. Cabell, Vice Chairman
William E. Melton
Laurence J. Nordvig
David T. Williams



Director of Planning
Andrew J. Pompei, AICP, CZA

The County Of
Powhatan

October 1, 2018

Balzer and Associates, Inc.
ATTN: Chris Shust
15871 City View Drive: Suite 200
Midlothian, VA 23113

RE: Board of Supervisors Review of 18-04-REZC
[Tax Map 43-33, 43-33A, and 43-35]

Mr. Shust:

The request by Berk and Alp LLC to rezone Tax Map 43-33, 43-33A, and 43-35 from General Commercial (C) with proffered conditions to Commerce Center (CC) and Light Industrial (I-1) with proffered conditions was reviewed by the Board of Supervisors on September 24, 2018. After holding a public hearing, the Board of Supervisors **approved** this request (5-0) with the following proffered conditions:

1. Development of the I-1 parcel shall be limited to 10.72 acres and shall be in substantial accord with the exhibit titled "Classic Granite and Marble Zoning Exhibit" prepared by Balzer and Associates Inc. last revised August 22, 2018.
2. Building development on the I-1 parcel shall have exterior wall surfaces constructed of glass, aluminum composited (ACM) panels; architectural CMU; metal panels; cementitious siding; stucco; E.I.F.S.; or other materials of comparable quality.
3. Prior to the issuance of the first Certificate of Occupancy for a new commercial, industrial, or mixed-use structure within the project, the owner shall dedicate 0.25 acres of land within the development to Powhatan County for a pump station at a location mutually agreed upon between the owner and the Department of Public Works, along with associated utility easements necessary to serve the site of the pump station.
4. Within the portion of the project zoned Commerce Center (CC), a minimum 30-foot-wide landscape buffer shall be provided along the perimeter of the development adjacent to the right-of-way of U.S. Route 60 (Anderson Highway). With an application for a Development Design Pattern Book (described in Sec. 83-477 of the zoning ordinance) for the portion of the project zoned CC, the applicant shall submit a conceptual design of the aforementioned landscape buffer (including the layout and planting schedule) that will be approved by the Planning Commission prior to site plan approval.

3834 Old Buckingham Road · Suite F ·
Powhatan, VA 23139
Phone: 804-598-5612
www.powhatanva.gov

If you have any questions, please contact me at apompei@powhatanva.gov or (804) 598-5621 ext. 2006.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andrew J. Pompei', with a long horizontal line extending to the right.

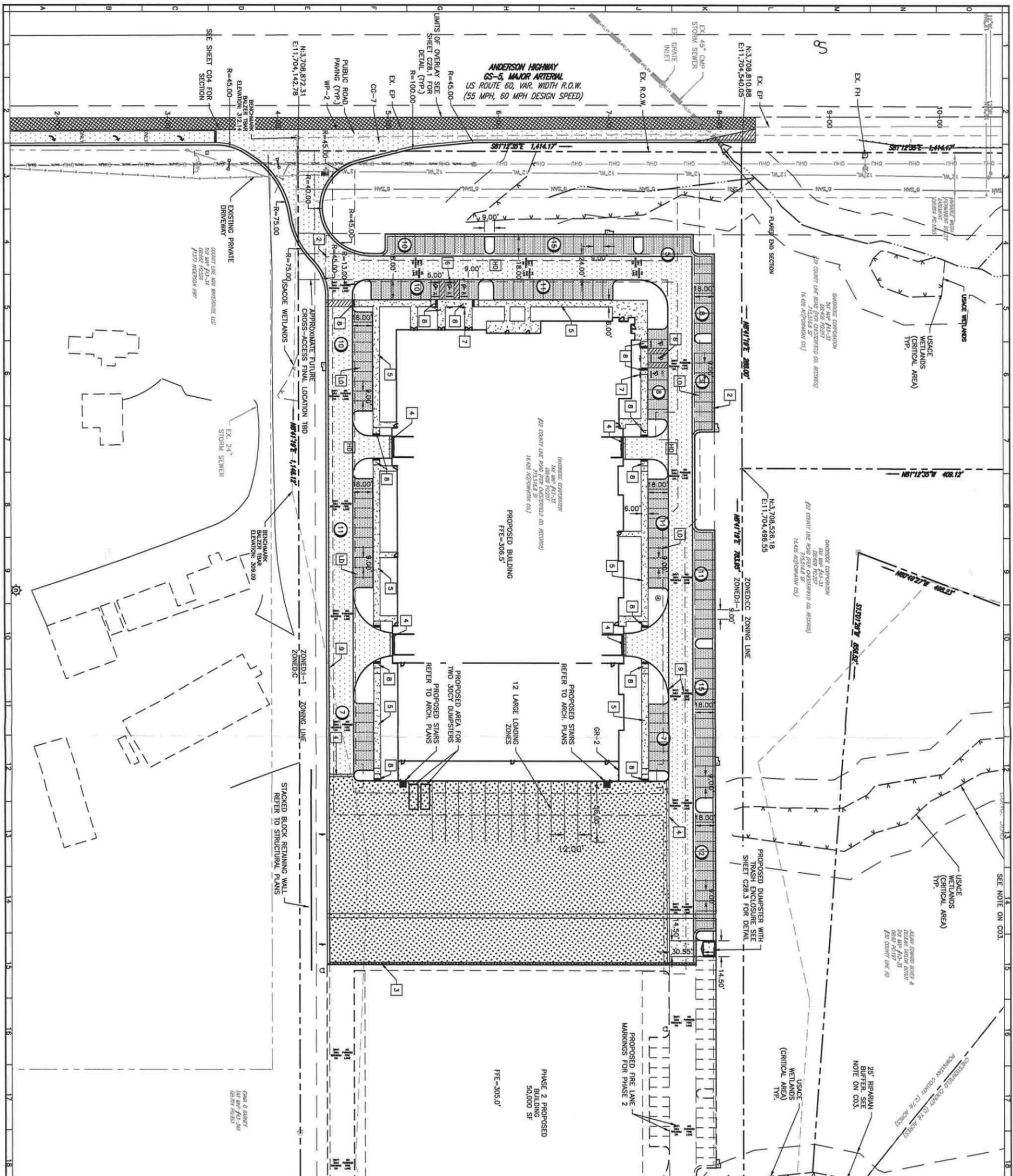
Andrew J. Pompei, AICP, CZA
Director of Planning

CC:

Berk and Alp LLC
14301 Justice Road
Midlothian, VA 23113

Oakbridge Corporation
1475 Oakbridge Court
Powhatan, VA 23139

*3834 Old Buckingham Road · Suite F ·
Powhatan, VA 23139
Phone: 804-598-5612
www.powhatanva.gov*



PAVEMENT HATCHING LEGEND

	CONCRETE DRIVE
	CONCRETE SIDEWALK
	HEAVY DUTY ASPHALT
	LIGHT DUTY ASPHALT
	GRAVEL

- NOTES:**
1. STOP SIGNS WITHIN THE R.O.W. REQUIRE A SEVEN FOOT HEIGHT FROM THE GROUND TO SIGN TOP POSITION BASED ON THE CURB WALLS. SUBJECT TO MODIFICATION BASED ON THE CURB WALLS. SUBJECT TO MODIFICATION BASED ON THE CURB WALLS.
 2. ALL GUARDRAIL IS CONSIDERED PRELIMINARY AND SUBJECT TO REVIEW BY CENTRAL REGION TRAFFIC ENGINEERING.
 3. CURBING ADJACENT TO HANDICAP PARKING TO HAVE A 4% SLOPE AND GREATER CLEARANCES ON SHEET C28.2.
 4. PER POWHATAN FIRE MARSHAL COMMENTS ADDRESS NUMBERS FOR THE FACILITY SHALL BE A MINIMUM 10 INCHES IN HEIGHT; ILLUMINATED OR REFLECTIVE AND LOCATED SO THEY ARE HIGHLY VISIBLE FROM THE STREET.
 5. PER POWHATAN FIRE MARSHAL, A KNOX BOX IS TO BE INSTALLED ON EACH BUSINESS AT A DESIGNATED LOCATION TO BE COORDINATED BETWEEN THE FIRE DEPARTMENT AND FACILITY MANAGER.
 6. A CERTIFIED COPY OF THE GBR REPORT IS TO BE OF THE RECORD AND APPROVED FROM THE POWHATAN HIGHWAY AND PAVEMENT DESIGN SHALL BE THE GREENER OF THE EXISTING PAVEMENT DEPTH AND THE PAVEMENT DESIGN BASED UPON THE GBR TESTS IN ACCORDANCE WITH THE PAVEMENT DESIGN GUIDE FOR SUBDIVISION AND SECONDARY ROADS IN VIRGINIA.
 7. ALL NEW STAIRS REQUIRES THE USE BASED ON THE EXISTING PAVEMENT DEPTH AND THE PAVEMENT DESIGN GUIDE FOR SUBDIVISION AND SECONDARY ROADS IN VIRGINIA.
 8. ALL NEW STAIRS REQUIRES THE USE BASED ON THE EXISTING PAVEMENT DEPTH AND THE PAVEMENT DESIGN GUIDE FOR SUBDIVISION AND SECONDARY ROADS IN VIRGINIA.
 9. ALL NEW STAIRS REQUIRES THE USE BASED ON THE EXISTING PAVEMENT DEPTH AND THE PAVEMENT DESIGN GUIDE FOR SUBDIVISION AND SECONDARY ROADS IN VIRGINIA.
 10. ALL CURBING INSTALLED ON ROADWAYS OR IN PARKING AREAS AND ARE WITHIN THE MARKED FIRE LANE SHALL BE PAINTED YELLOW. LETTERING TO BE ADDED.
 11. CONTRACTOR TO COORDINATE WITH FIRE MARSHAL PRIOR TO INSTALL.
 12. SOME BUILDING CONSTRUCTION AND/OR SIZE OF THE STRUCTURE DETERMINATES PUBLIC SAFETY. THIS LOSS IS USUALLY NOT DISCOVERED UNTIL THE BUILDING IS PUBLIC. CONTRACTOR TO COORDINATE WITH THE STRUCTURE DOES NOT MEET STANDARDS THE BUILDING OWNER IS RESPONSIBLE FOR INSTALLING THE NECESSARY EQUIPMENT TO BRING COMMUNICATIONS UP TO STANDARD.

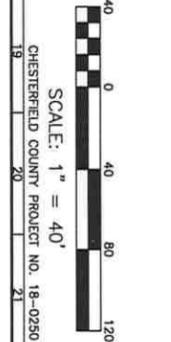
CLASSIC GRANITE AND MARBLE

LAYOUT PLAN

HUGUENOT DISTRICT
POWHATAN COUNTY, VIRGINIA

SCALE: 1" = 40'

CHESTERFIELD COUNTY PROJECT NO. 18-0250



<p>BAITZ/PC</p> <p>ARCHITECTURAL FIRM</p> <p>15871 City View Drive Suite 200 Mechanicville, VA 23113 804-794-0571 804-794-2835</p> <p>Baitz and Associates, Inc.</p>	<p>PROFESSIONAL ENGINEER</p> <p>CHRISTOPHER M. SMITH Lic. No. 54028 12/20/2019</p>	<p>REVISIONS:</p> <p>8/22/2018 03/06/2019 05/01/2019 12/20/2019</p>	<p>SCALE:</p> <p>AS NOTED</p>	<p>CHECKED BY:</p> <p>CMS</p>	<p>DESIGNED BY:</p> <p>CMS</p>	<p>DRAWN BY:</p> <p>JMT</p>	<p>SHEET NO.:</p> <p>C03.1</p>	<p>JOB NO.:</p> <p>56170086</p>



Powhatan County Planning Commission Agenda Item

Meeting Date: February 4, 2020

Agenda Item Title: Training for New Planning Commission Members

Motion: N/A

Dates Previously
Considered by PC: N/A

Summary of Item: Representatives from the Department of Community Development and County Attorney's Office will provide an overview of planning/zoning principles and practices for newly-appointed members of the Planning Commission.

A copy of the Planning Commission Welcome Packet can be found online at <http://powhatanva.gov/DocumentCenter/View/5158/Planning-Commission-Welcome-Packet>.

Staff Recommendation: N/A

Attachments: N/A

Staff/Contact: Andrew Pompei: Planning Director
(804) 598-5621 x2006
apompei@powhatanva.gov

If Planning Commission members have questions, please call the staff / contact prior to the meeting.



Powhatan County Planning Commission Agenda Item

Meeting Date: February 4, 2020

Agenda Item Title: Discussion: Amendments to Planned Development Zoning Districts

Action Requested: Discussion Only

Dates Previously Considered by PC: At its meeting on November 6, 2019, the Planning Commission requested that possible amendments to language/requirements related to *Village Growth Area Planned Development (PD) Districts* be prepared.

There was additional discussion regarding this issue at workshops held on December 3, 2019 and January 4, 2020.

Summary of Item: The Planning Commission does not feel that previously-proposed planned developments have provided exceptional design features and/or public benefits (considering the degree of design flexibility requested by applicants).

Sec. 83-280 does not provide clear guidance as to when a *Village Growth Area Planned Development (PD) District* is appropriate versus application of a *Village Growth Area Base District*.

A possible ordinance amendments has been prepared that could help address the aforementioned concerns.

Attachments: Memo
Possible Ordinance Amendment

Staff/Contact: Andrew Pompei: Planning Director
(804) 598-5621 x2006
apompei@powhatanva.gov

If Planning Commission members have questions, please call the staff / contact prior to the meeting.

Board of Supervisors
David T. Williams, Chairman
Karin M. Carmack, Vice Chairman
Larry J. Nordvig
Michael W. Byerly
Bill L. Cox



Planning Director
Andrew J. Pompei, CZA, AICP

The County Of
Powhatan

TO: Planning Commission
FROM: Andrew Pompei (Planning Director)
DATE: January 24, 2020
SUBJECT: Amendments to Language Regarding Planned Development Zoning Districts

Problem

The Planning Commission does not feel that previously-proposed planned developments have provided exceptional design features and/or public benefits (considering the degree of design flexibility requested by applicants).

Sec. 83-280 does not provide clear guidance as to when a *Village Growth Area Planned Development (PD) District* is appropriate versus application of a *Village Growth Area Base District*.

Possible Solutions

Based upon discussion at the Planning Commission workshop on December 3, 2019 and January 7, 2020, possible amendments to Sec. 83-280 and Sec. 83-282 have been prepared (attached):

- Proposed revisions to Sec. 83-280 explain how the *Village Growth Area Planned Development (PD) Districts* are intended to promote high-quality design and innovative planning.
- A new subsection has been added to Sec. 83-282 that identifies what types of projects are an appropriate application of the PD districts. Several design elements are listed, which are based upon recommendations made in the 2019 Long-Range Comprehensive Plan and described within the intent of the individual PD districts. Each PD plan must include language identifying which of the design elements will be incorporated into the proposed PD district.

Next Steps

- The Planning Commission is scheduled to discuss possible amendments at its workshop on February 4, 2020.
- If the Planning Commission would like to move forward with these amendments, a public hearing can be scheduled for March 3, 2020.

Draft Amendments to Sec. 83-280/83-282

(Planning Commission Workshop: February 4, 2020)

DIVISION 2. - VILLAGE GROWTH AREA PLANNED DEVELOPMENT DISTRICTS

Sec. 83-280. - General purpose.

A planned development is a development that is planned and developed under unified control in accordance with more flexible standards and procedures that are conducive to creating more mixed-use, pedestrian-oriented, and otherwise higher-quality development than could be achieved through base zoning district regulations. The purpose of this division is to provide a uniform means for amending the official zoning district map to establish any of the three planned development (PD) zoning districts allowed by this chapter: the VR-PD village residential planned development; the VC-PD village center planned development; and the CC-PD commerce center planned development.

The village growth area planned development (PD) districts are established and intended to encourage innovative land planning and site design concepts that support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency, and other county goals and objectives by:

- (1) Allowing greater design flexibility than permitted through application of the village growth area base districts.
- (2) Accommodating a well-integrated mix of residential and/or nonresidential land uses within the same development, including (for residential projects) a mix of housing types, lot sizes, and densities.
- (3) Promoting quality design and environmentally-sensitive development that aligns with recommendations made in the long-range comprehensive plan, reflects the character of the surrounding area, and takes advantage of a site's natural and manmade features, such as mature trees, wetlands, surface waters, floodplains, and historic features.
- ~~(1) Reducing or diminishing the inflexibility or uniform design that sometimes results from strict application of zoning and development standards designed primarily for individual lots;~~
- ~~(2) Allowing greater freedom in selecting the means of providing access, open space, and design amenities;~~
- ~~(3) Allowing greater freedom in providing a well integrated mix of residential and nonresidential land uses in the same development, including a mix of housing types, lot sizes, and densities;~~
- ~~(4) Providing for efficient use of land resulting in smaller networks of utilities and streets and thereby lowering development and housing costs; and~~
- ~~(5) Promoting quality design and environmentally sensitive development that respects surrounding established land use character and respects and takes advantage of a site's natural and man-made features, such as trees, wetlands, surface waters, floodplains, and historic features.~~

Commented [AP1]: Revised language explains how the Village Growth Area Planned Development (PD) Districts are intended to promote high-quality design and innovative planning.

(Ord. No. O-2013-06, 9-16-13)

Sec. 83-281. - Classification of planned development zoning districts.

Land shall be classified into a planned development zoning district only in accordance with the procedures and requirements set forth in Article II (Administration) and this chapter.

(Ord. No. O-2013-06, 9-16-13)

Sec. 83-282. - General standards for all planned development districts.

(a) Project eligibility. Development within the PD district should incorporate innovative, high-quality design concepts that provide significant public benefits. Exemplary projects appropriate within a PD district include those that incorporate at least two (2) of the following:

- (1) Context-sensitive infill development or redevelopment: Enable pedestrian-oriented infill development or redevelopment designed to reflect the scale and architecture of surrounding development.
- (2) Historic rehabilitation and reuse: Include the rehabilitation and reuse of historic buildings (constructed prior to 1940).
- (3) Exceptional pedestrian and bicycle infrastructure: Provide pedestrian and/or bicycle infrastructure (sidewalks, shared-use paths, etc.) that exceeds minimum development standards and/or facilitates implementation of a regional trail network.
- (4) Exceptional streetscape improvements: Create an attractive streetscape along adjacent major thoroughfares and other roadways by providing decorative street lighting, decorative benches (street furniture), and/or enhanced landscaping that exceeds minimum development standards; limiting freestanding signage to monument signs with a brick or stone base; and/or limiting the size, color, and lighting of all commercial signage.
- (5) Exceptional corridor buffers: Provide buffers at least 75 feet in width along adjacent major thoroughfares, which are maintained in their natural state (if wooded) and/or planted at a rate that exceeds minimum development standards.
- (6) Exceptional open space protection: Protect an exceptional amount of open space (30 percent or more of the site) or preserve a unique natural feature or habitat.
- (7) High-quality architecture and site design: Incorporate high-quality architecture, building materials, and site design to create an attractive pedestrian-friendly streetscape, with buildings that relate to the street and are scaled to maintain a “small town feel” (guaranteed with proffered conditions).
- (8) Workforce housing: Integrate workforce housing (as defined by local policy) with market-rate units, with at least ten percent of the total number of residential units classified as workforce housing.
- (4) Mix of housing options: Provide diverse housing options (or single-family dwellings on lots of varying sizes), with no single housing type exceeding 80 percent of the total number of residential units.

The PD plan shall identify which of the aforementioned elements are reflected within the design of projects within the PD district, with related terms and conditions within the PD plan assuring that the elements identified will be implemented.

(b) PD plan. The PD 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;

Commented [AP2]: For development within the *Commerce Center* and *Village Center* land use designations, the 2019 Long-Range Comprehensive Plan recommends that projects “have a coordinated architectural form and spatial feel, which should relate to surrounding developments” (p. 93, p. 98).

Commented [AP3]: Relates to Strategy CR.1.a in the 2019 Long-Range Comprehensive Plan: “Encourage property owners to preserve historic structures and landscapes” (p. 50).

Commented [AP4]: Relates to Strategy TR.5.a in the 2019 Long-Range Comprehensive Plan: “Encourage pedestrian and bicycle improvements, especially in new developments, to enhance walkability . . .” (p. 132).

Commented [AP5]: The 2019 Long-Range Comprehensive Plan recommends that wooded or landscaped buffers be provided between major thoroughfares and new development within the *Village Residential* and *Commerce Center* land use designations (p. 85, p. 97). Sec. 83-461(f) requires corridor buffers in certain zoning districts that are 30’ wide.

Commented [AP6]: This language is similar to that used in the intent of the VC-PD zoning district in the zoning ordinance [Sec. 83-300(A)].

Commented [AP7]: The 2019 Long-Range Comprehensive Plan recommends that affordable and workforce housing provided within the *Village Residential* and *Village Center* land use designations be blended with other units of varying styles, sizes, and prices throughout a given development, with affordable units indistinguishable on the exterior from other units (p. 87, 93).

Commented [AP8]: Relates to Strategy HS.2.b of the 2019 Long-Range Comprehensive Plan: “As part of major rezoning requests, encourage developers to provide a mixture of housing types. Work with developers to ensure different housing types are visually compatible with one another” (p. 25). This language also aligns with the intent of the VR-PD zoning district [Sec. 83-290(A)].

- (3) Identify for the entire PD district and each development area the acreage, types and mix of land uses, number of residential units (by ~~use-dwelling 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~~

Commented [AP9]: Residential development (particularly single-family detached units and townhouses) is generally measured in the number of units, not the number of bedrooms.

~~(10)~~ Include a development phasing plan in accordance with section 83-282(~~de~~), development phasing plan if phasing of PD development is proposed; ~~and-~~

~~(40)(11)~~ Identify which elements listed in section 83-282(a), project eligibility will be reflected within the design of projects within the PD district.

- (c) *Consistency with county plans.* The PD Zoning District designation, the PD plan, and the PD terms and conditions shall be consistent with the comprehensive plan and any functional plans and small area plans adopted by the county.
- (d) *Compatibility with surrounding areas.* Development along the perimeter of a PD district shall be compatible with adjacent existing or proposed development. Where there are issues of compatibility, the PD plan shall provide for transition areas at the edges of the PD 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) *Development phasing plan.* If development in the PD district is proposed to be phased, the PD 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.
- (f) *Conversion schedule.* The PD 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 as long as 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.
- (g) *On-site public facilities.*

- (1) Design and construction. The PD 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 applicable county, state, and federal regulations.
 - (2) Dedication. The PD 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 applicable county, state, and federal regulations.
 - (3) Modifications to street standards. In approving a PD 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 PD plan provides for 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.
- (h) *PD terms and conditions.* The PD terms and conditions shall include, but not be limited to:
- (1) Conditions related to approval of the application for the PD Zoning District classification;
 - (2) The PD plan, including any density/intensity standards, dimensional standards, and development standards established in the PD plan;
 - (3) Conditions related to the approval of the PD plan, including any conditions related to the form and design of development shown in the PD 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 PD in accordance with applicable standards and requirements of this chapter.
- (i) *Uses.* The principal, accessory, and temporary uses allowed in each type of PD district are identified in the use tables in Article VII: Use Standards. Allowed principal uses in a particular PD district shall be established in the PD plan, subject to conversion in accordance with a schedule incorporated in the PD plan in accordance with section 83-282(e)(f): Conversion schedule. Allowed uses shall be consistent with the comprehensive plan and the purpose of the particular type of PD district, and subject to applicable use-specific standards in Article VII: Use Standards, and any additional limitations or requirements set forth in this division for the particular type of PD district.
- (j) *Densities/intensities.* The densities for residential development and the intensities for nonresidential development applicable in each development area of a PD district shall be as established in the PD plan, and shall be consistent with the comprehensive plan, other adopted special area and county plans, and the purpose of the particular type of PD district.
- (k) *Dimensional standards.* The dimensional standards applicable in each development area of a PD district shall be as established in the PD plan, and shall be consistent with the purpose of the particular type of PD District. The PD 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.
- (1) *Development standards.* All development in a PD district shall comply with the development standards of Article VIII: Development Standards, and Powhatan County Code chapter 68 (Subdivisions), or any modifications of those standards established in the PD 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 PD district, and any additional limitations or requirements set forth in this division for the particular type of PD district.

(Ord. No. O-2013-06, 9-16-13)



Powhatan County Planning Commission Agenda Item

Meeting Date: February 4, 2020

Agenda Item Title: Discussion: Revisions to the Sign Ordinance (Sec. 83-488)

Action Requested: The Department of Community Development requests feedback and direction regarding possible revisions to the sign ordinance (Sec. 83-488) (see attachment).

Dates Previously Considered by PC: May 7, 2019 (Workshop)
June 4, 2019 (Workshop)
December 3, 2019 (Workshop)
January 7, 2020 (Workshop)

Summary of Item: Based on discussion at previous workshops, the Department of Community Development has drafted possible amendments to standards regarding the placement and design of temporary and permanent signage (Sec. 83-488).

The goal of this ordinance rewrite is to:

- Revise standards to align with guidance provided by the U.S. Supreme Court in *Reed v. Town of Gilbert* (2015) regarding the regulation of sign content;
- Refine design requirements (area, height, illumination, etc.) to better reflect recommendations set forth in the 2010 Long-Range Comprehensive Plan; and
- Revise and simplify language to provide greater clarity regarding certain requirements and practices.

Additional Information: In *Reed v. Town of Gilbert* (2015), the U.S. Supreme Court determined that content-neutral sign regulations best protect freedom of speech (U.S. Constitution: First Amendment). Local regulations may address such issues as the size and placement of signage, but should not regulate signage based on its content (i.e. sign messaging). Other localities in Virginia have recently revised sign regulations to address guidance provided by the U.S. Supreme Court in *Reed v. Town of Gilbert*, including [York County](#) and [Fairfax County](#).

Attachments: DRAFT: Sign Ordinance Rewrite

Staff/Contact: Andrew Pompei: Planning Director
(804) 598-5621 x2006
apompei@powhatanva.gov

If Planning Commission members have questions, please call the staff / contact prior to the meeting.

DRAFT: Sign Ordinance Rewrite

Presented to Planning Commission: February 4, 2020

Exemptions

The following signs may be erected, altered, or maintained without obtaining a sign permit, provided that such signs comply with all applicable standards of this section:

1. *Signage erected by governmental entity or required by regulation.* Signs erected and maintained pursuant to and in discharge of any federal, state, or county governmental function, or as may be required by law, ordinance, or governmental regulation, including official traffic signs and signals, warning devices and other similar signs, and street signs and addresses required to be posted pursuant to the terms of Code of the County of Powhatan.
2. *Signage erected by a public utility.* Signs erected and maintained a public utility and required by law.
3. *Traffic control and safety-related signs.* Traffic control and safety-related signs within parking areas and/or along vehicle access driveways or aisles, when not exceeding three (3) square feet in area and three feet (3') in height, provided that such signs are not illuminated. A permit shall be secured for any such signs that are illuminated. Such signs shall be exempt from minimum setback requirements.
4. *Grave stones and memorials within a cemetery.* Grave stones, memorial tablets, or similar monuments located within a cemetery;
5. *Small-scale permanent signage on parcels occupied by single-family dwellings, duplexes, and townhouses.* For each single-family detached dwelling, duplexes, and townhouse, one (1) permanent non-illuminated wall sign not exceeding one (1) square foot in area and one (1) permanent non-illuminated freestanding sign not exceeding one (1) square foot in area and four (4) feet in height. Such signage shall count towards the maximum cumulative sign area for permanent signs permitted in Sec. _____.
6. *Small-scale permanent signage on parcels occupied by multi-family dwellings.* For each building containing multi-family dwellings, one (1) permanent non-illuminated wall sign not exceeding four (4) square feet in area and one (1) permanent non-illuminated freestanding sign not exceeding four (4) square feet in area and four (4) feet in height shall be permitted. Such signage shall count towards the maximum cumulative sign area for permanent signs permitted in Sec. _____.
7. *Small-scale, non-illuminated temporary signs on lots used for residential purposes.* Up to a cumulative total of sixteen (16) square feet in area of signage on property used for residential purposes within any zoning district, provided that such signs are non-illuminated and each sign is not displayed for more than sixty (60) days at a time. Such signage shall count towards the maximum cumulative sign area for temporary signs permitted in Sec. _____.
8. *Cornerstones.* Cornerstones or plaques, when incorporated within or affixed to façade materials of a building and not exceeding six (6) square feet in area.
9. *Noncommercial flags.* Flags up to sixty (60) square feet in area and limited to two (2) per parcel whether on a freestanding flagpole or a pole or staff mounted on a building. The height of flagpoles shall not exceed the maximum building height specified for the zoning district in which located. Flags shall be mounted such that the lowest point of the flag at rest is above the finished grade directly beneath it and below the roofline of the building to which it is mounted. The flag's horizontal projection from the pole shall not impede vehicular travel.
10. *Signage on active development sites.* Non-illuminated signs on property for which building permits or land development approvals are active, not exceeding thirty-two (32) square feet in area and six (6) feet in height and limited to one sign per street frontage. No such signs shall be permitted unless a building permit has been issued or unless a site plan, preliminary plat, or final plat for the proposed development has been submitted to Powhatan County for official review. Such signs shall be removed at the completion of

construction. Such signage shall count towards the maximum cumulative sign area for temporary signs permitted in Sec. _____.

11. *Signs on properties for sale, lease, or rent.* Non-illuminated signs on property for sale, lease, or rent, not exceeding six (6) square feet in area and four (4) feet in height within agricultural and residential districts (as defined in this section) and thirty-two (32) square feet and six (6) feet height in commercial, industrial, and mixed-use districts (as defined in this section), and limited to one sign for each street frontage. Such signage shall count towards the maximum cumulative sign area for temporary signs permitted in Sec. _____.
12. *Window signs.* Signs displayed in the windows of establishments permitted in commercial, industrial, and mixed-use districts (as defined in this section), provided, however, that if such signs occupy more than ten percent (10%) of the total area of the window in which they are displayed, the area in excess of the 10% limit shall count towards the maximum signage allowance for the subject property/building.
13. *Illegible signs.* Signs that are not legible from adjacent public streets or adjacent properties.
14. *Historical markers.* Historical markers erected by duly constituted and authorized public authorities or nonprofit organizations.
15. *A-frame signs.* A-frame signs that are located within ten feet of a principal structure.

Prohibited Sign Types: General Prohibitions

1. Any sign attached to trees, bushes, shrubberies, or other plants or vegetation.
2. Any sign located within the public rights-of-way, except those posted by or on behalf of a governmental body.
3. Any sign simulating, or which is likely to be confused with, a traffic control sign, any other sign displayed by a public authority, or the lights or markings on an emergency vehicle.
4. Any unauthorized sign located at the intersection of any streets in such a manner as to create a traffic hazard by obstructing vision between heights of two-and-one-half (2.5) and eight (8) feet.
5. Any sign obstructing safety equipment, openings required for proper light and ventilation, or openings used as a means of ingress or egress for public safety purposes.
6. Any sign displayed on a stationary vehicle or trailer that is used for the purpose of a mobile or portable sign, including the parking of a vehicle for a period of more than 24 hours in such a manner that it is within 100 feet of and plainly visible from the public right-of-way and not parked within a designated parking space.
7. Any building-mounted sign that faces the side lot of an adjoining residential property.

Prohibited Sign Types: Based on Construction

1. Any sign with parts that rotate or move, or appear to rotate or move, either by movement of the atmosphere or by mechanical, electrical, or other means, including but not limited to: flags (other than those listed in Sec. _____), adversails, feathers, pennants, posters, propellers, discs, ribbons, balloons, streamers, and spinners.
2. Any sign displaying flashing, scrolling, or intermittent lights or lights of changing degrees of intensity.
3. Searchlights.
4. Any sign consisting primarily of exposed illuminated tubing or strings of lights, except in windows or when used for temporary decorations not to exceed 90 days in any calendar year.
5. Any sign that emits sound or smoke, flame, scent, mist, aerosol, liquid, or gas.
6. Inflatable signs, devices, and balloons.
7. Any wall sign projecting above the roofline.
8. Awning signs.

Permanent Signage Permitted by Zoning District

The following tables indicate the area, height, location, and type of illumination of permanent signs permitted within each of the zoning districts prescribed by this chapter. All such signs shall be in accordance with the general provisions established in _____.

Table 83-488 _____: Permanent Signage in Agricultural Districts				
Agricultural-20 (A-20), Agricultural-10 (A-10), Agricultural/Animal Confinement (A-C)				
Land Use	Freestanding Signs		Building-Mounted Signs	
Residential	Number of Signs Permitted	1 per dwelling unit	Maximum Cumulative Sign Area (per façade)	3 square feet
	Maximum Sign Area (per sign)	4 square feet		
	Maximum Sign Height	5 feet		
	Setback	5 feet from property line	Illumination	External
	Illumination	External		
	Electronic Message Center (EMC)	Prohibited		
Entrance to a Residential Subdivision	Number of Signs Permitted	1 per entrance	Prohibited	
	Maximum Sign Area (per sign)	36 square feet		
	Maximum Sign Height	6 feet		
	Setback	15 feet from property line		
	Illumination	External		
	Electronic Message Center (EMC)	Prohibited		
Non-Residential	Number of Signs Permitted	1 per street frontage	Maximum Cumulative Sign Area (per façade)	12 square feet
	Maximum Sign Area (per sign)	16 square feet ¹		
	Maximum Sign Height	8 feet		
	Setback	5 feet from property line	Illumination	External
	Illumination	External		
	Electronic Message Center (EMC)	Prohibited		
¹ The maximum sign area for an individual sign may increase to 24 square feet, if the sign is designed as a monument sign with a base of brick or stone that complements the appearance of the main building.				

Table 83-488 _____ : Permanent Signage in Residential Districts
 Rural Residential (RR), Rural Residential-5 (RR-5), Single-Family Residential-2 (R-2), Village Residential (VR),
 Village Residential Planned Development (VR-PD), Residential Utility (R-U)

Land Use	Freestanding Signs		Building-Mounted Signs	
Residential	Number of Signs Permitted	1 per dwelling unit	Maximum Cumulative Sign Area (per façade)	3 square feet
	Maximum Sign Area (per sign)	4 square feet		
	Maximum Sign Height	5 feet		
	Setback	5 feet from property line	Illumination	Prohibited
	Illumination	Prohibited		
	Electronic Message Center (EMC)	Prohibited		
Entrance to a Residential Subdivision	Number of Signs Permitted	2 per entrance	Prohibited	
	Maximum Sign Area (per sign)	36 square feet		
	Maximum Sign Height	6 feet		
	Setback	15 feet from property line		
	Illumination	External		
	Electronic Message Center (EMC)	Prohibited		
Non-Residential	Number of Signs Permitted	1 per street frontage	Maximum Cumulative Sign Area (per façade)	12 square feet
	Maximum Sign Area (per sign)	16 square feet ¹		
	Maximum Sign Height	8 feet		
	Setback	10 feet from property line (including public right-of-way)	Illumination	External
	Illumination	External		
	Electronic Message Center (EMC)	Prohibited		

¹The maximum sign area for an individual sign may increase to 24 square feet, if the sign is designed as a monument sign with a base of brick or stone that complements the appearance of the main building.

Table 83-488 _____ : Permanent Signage in Commercial Districts

Commerce Center (CC), General Commercial (C), Office (O)

Land Use	Freestanding Signs		Building-Mounted Signs	
Any Use	Number of Signs Permitted	1 per street frontage ¹	Maximum Cumulative Sign Area (per façade)	25 square feet + ½ square foot per 1 foot of façade length, with a maximum of 200 square feet on a single facade ^{6,7}
	Maximum Sign Area	36 square feet ^{2,3}	Illumination	External Internal Halo Illumination
	Maximum Sign Height	10 feet ⁴		
	Setback	10 feet from public right-of-way ⁵ 5 feet from other property lines		
	Illumination	External Halo Illumination		
	Electronic Message Center (EMC)	Up to 1 per parcel with street frontage on U.S. Route 60		

¹ One additional freestanding sign may be permitted, if the parcel has 400 feet or more of road frontage. Each sign located along the same street frontage must be spaced at least 400 feet apart.

² The maximum sign area for an individual sign may increase to 48 square feet, if the sign is designed as a monument sign with a base of brick or stone that complements the appearance of the main building.

³ If the sign is a unified development sign, as described in Sec. _____, the maximum sign area may increase to 72 square feet.

⁴ If the sign is a unified development sign, as described in Sec. _____, the maximum sign height may be increased to 12 feet.

⁵ The minimum setback may be reduced to five feet, if the sign is designed as a monument sign with a base of brick, stone, or a similar material that complements the appearance of the main building.

⁶ The maximum cumulative sign area per façade may increase by 20 percent, if the sign is externally illuminated or features halo illumination.

⁷ For multi-tenant buildings, the maximum cumulative sign area on a single façade may be modified to allow 40 square feet per individual unit with a separate publicly-accessible entrance on that façade.

Table 83-488 _____ : Permanent Signage in Industrial Districts
 Light Industrial (I-1), Heavy Industrial (I-2), Mining and Mineral Extraction (M)

Land Use	Freestanding Signs		Building-Mounted Signs	
Any Use	Number of Signs Permitted	1 per street frontage	Maximum Cumulative Sign Area (per façade)	1 square foot per 1 foot of façade length (up to 50 square feet on a single facade) ^{5,6}
	Maximum Sign Area	24 square feet ^{1,2}	Illumination	External Internal Halo Illumination
	Maximum Sign Height	10 feet ³		
	Setback	10 feet from public right-of-way ⁴ 5 feet from other property lines		
	Illumination	External Halo Illumination		
	Electronic Message Center (EMC)	Up to 1 per parcel with street frontage on U.S. Route 60		

¹ The maximum sign area for an individual sign may increase to 36 square feet, if the sign is designed as a monument sign with a base of brick or stone that complements the appearance of the main building.
² If the sign is a unified development sign, as described in Sec. _____, the maximum sign area may increase to 72 square feet.
³ If the sign is a unified development sign, as described in Sec. _____, the maximum sign height may be increased to 12 feet.
⁴ The minimum setback may be reduced to five feet, if the sign is designed as a monument sign with a base of brick, stone, or a similar material that complements the appearance of the main building.
⁵ The maximum cumulative sign area per façade may increase by 20 percent, if the sign is externally illuminated or features halo illumination.
⁶ For multi-tenant buildings, the maximum cumulative sign area on a single façade may be modified to allow 40 square feet per individual unit with a separate publicly-accessible entrance on that façade.

Table 83-488 _____ : Permanent Signage in Mixed Use Districts
 Crossroads (CR), Village Center (VC), Village Center Planned Development (VC-PD), Courthouse Square Center (CHSC)

Land Use	Freestanding Signs		Building-Mounted Signs	
Residential	Number of Signs Permitted	1 per dwelling unit	Maximum Cumulative Sign Area (per façade)	3 square feet
	Maximum Sign Area (per sign)	6 square feet		
	Maximum Sign Height	6 feet	Illumination	Prohibited
	Setback	3 feet from property line		
	Illumination	Prohibited		
	Electronic Message Center (EMC)	Prohibited		
Non-Residential	Number of Signs Permitted	1 per street frontage ¹	Maximum Cumulative Sign Area (per façade)	25 square feet + ½ square foot per 1 foot of façade length, with a maximum of 200 square feet on a single facade ⁵
	Maximum Sign Area (per sign)	24 square feet ^{2, 3}	Illumination	External
	Maximum Sign Height	8 feet ⁴		
	Setback	3 feet from property line		
	Illumination	External		
	Electronic Message Center (EMC)	Prohibited		

¹ One additional freestanding sign may be permitted, if the parcel has 400 feet or more of road frontage. Each sign must be spaced at least 400 feet apart.
² The maximum sign area for an individual sign may increase to 36 square feet, if the sign is designed as a monument sign with a base of brick or stone that complements the appearance of the main building.
³ If the sign is a unified development sign, as described in Sec. _____, the maximum sign area may increase to 72 square feet.
⁴ If the sign is a unified development sign, as described in Sec. _____, the maximum sign height may be increased to 12 feet.
⁵ The maximum cumulative sign area per façade may increase by 20 percent, if the sign is externally illuminated.

Additional Design Standards for Permanent Signage

Monument signs. Monument signs shall be permitted as follows:

1. Monument signs shall have a base (support structure) of brick, stone, or another masonry material that is the same as at least one of the materials as the principal building on the property.
2. The height of the base shall be no more than 50 percent of the total height of the monument sign.

Changeable copy sign. Changeable copy signs shall be permitted as follows:

1. Changeable copy signs shall adhere to the standards for a monument sign.
2. Up to 50 percent of the allowed sign area of a monument sign may be occupied by a changeable copy sign.

Electronic message centers. Electronic message centers (EMCs) shall be permitted as follows:

1. EMCs shall adhere to the standards for a monument sign.
2. Up to 50% of the allowed sign area of a monument sign may be occupied by an EMC.
3. Lighting from the EMC shall not exceed 0.3 foot candles as measured from the sign's face. The EMC shall have automatic dimmer software or solar sensors to control brightness. The intensity of the light source shall not produce glare. Documentation shall be provided from the sign manufacturer which verifies compliance with auto dimming and brightness requirements.
4. The transition duration between messages shall not exceed one (1) second, and the message hold time shall be a minimum of ten (10) seconds.

Outdoor drive-through message boards. Outdoor drive-through message boards, which is signage associated with and oriented towards drive aisles that accommodate drive-through service, shall be permitted as follows:

1. Up to one menu board up to 24 square feet in area per drive-through lane.
2. Up to one pre-order board up to 12 square feet in area per drive-through lane.
3. The rear of the pre-order and menu boards shall be painted to match the color of the primary building.

Signs within a multi-tenant development.

Unified development sign. Unified development signs are permitted at the entrance of a multi-tenant development as follows:

1. The unified development sign shall include the name of the development.
2. The number of signage spaces available on the unified development sign shall not exceed the maximum number of tenants in the development. The letter style and graphic display of all individual tenant signs on the unified development sign shall be similar.
3. Lots within the multi-tenant development shall be permitted one additional monument sign, up to 18 square feet in area, with an overall height of 6 feet.

Directional signage within a multi-tenant development. Directional signage within a multi-tenant development is permitted as follows:

1. Such signage shall include a directional arrow and either the tenant name or logo.
2. Signage shall not exceed 4 square feet in area and 5 feet in height.
3. Signage shall be placed at internal intersections within the multi-tenant development and at shared entrances serving two or more tenants. Signage shall not be permitted at any other internal locations or external entrances to the multi-tenant development.

Bracket Signs. Bracket signs are permitted as part of a multi-tenant development as follows:

1. The sign shall be located beneath a canopy over a pedestrian walkway.
2. There shall be a minimum clearance of 8 feet between the ground and the bottom of the sign.
3. The sign shall not exceed 4 square feet in area.
4. The sign shall be oriented perpendicular to the building façade.

Projecting signs. Projecting signs shall be permitted as follows:

1. No structural element of a projecting sign shall be located less than eight (8) feet above finished grade.
2. Projecting signs shall not be higher than the wall from which the sign projects, if attached to a single-story building. If attached to a multi-story building, projecting signs shall not be higher than the bottom of any second-story window.
3. Projecting signs shall not extend more than four (4) feet from the face of a supporting building, and shall be no closer than two (2) feet to a curb line.
4. Projecting signs shall not be illuminated.

Canopy signs. Canopy signs shall be permitted as follows:

1. Signage displayed on or attached to a canopy, including stripes and logos, shall not cover more than ten (10) percent of the area of any one canopy side.

Roof signs. Roof signs shall be permitted as follows:

1. Roof signs shall be permitted only on buildings with pitched or mansard roofs where the placement of windows, doors, and other architectural features on the building severely limits the placement of other types of building-mounted signs, as determined by the director.
2. Roof signs shall be placed at a plane parallel to the building wall and the structural support of the roof sign shall be screened from view.
3. Roof signs shall only be placed atop those areas within the boundaries of the tenant space.
4. Roof signs shall not extend above the height of the roof ridgetop.
5. An individual roof sign shall not exceed 50 square feet in area.

Temporary Signage Permitted by Zoning District

The following tables indicate the area, height, location, and type of illumination of temporary signs permitted within each of the zoning districts prescribed by this chapter. All such signs shall be in accordance with the general provisions established in _____.

Table 83-488 _____ : Temporary Signage in All Zoning Districts		
Land Use	Standards for Temporary Signage	
Residential	Number of Signs Permitted	1 per street frontage
	Maximum Cumulative Sign Area	16 square feet
	Maximum Sign Height	5 feet
	Setback	5 feet from property lines
	Maximum Total Duration	Up to 60 days per calendar year
	Illumination Permitted	None
Non-Residential	Number of Signs Permitted	2 per street frontage
	Maximum Cumulative Sign Area	32 square feet
	Maximum Sign Height	6 feet
	Setback	5 feet from property lines
	Maximum Total Duration	Up to 60 days per calendar year
	Illumination Permitted	None

Additional Design Standards for Temporary Signage

A-frame signs. A-frame signs shall adhere to the following standards:

1. A-frame signs may be located on a public sidewalk, provided that at least 48 inches of unobstructed pedestrian space is maintained.
2. A-frame signs may not be located in any grass or landscape strip located between a sidewalk and a public street.
3. A-frame signs shall only be displayed when the establishment is open for business.

Yard signs. Yard signs shall adhere to the following standards:

1. The maximum sign area for a yard sign shall be four square feet.

Sign Measurement

Computation of Sign Area. The area of a sign shall be calculated as follows:

1. *Building-mounted signs.*
 - a. The area of a wall sign made up of individually mounted letters or logos shall be calculated by measuring the sum of the area within a series of rectangles that encompass each individual letter or logo.
 - b. The sign area for other wall signs and projecting signs (not including signs comprised of individually mounted letter or logos) shall be calculated by measuring the area within a rectangle that encompasses the limits of all letters, logos, advertising surfaces, background, framing, ornamentation, or sign can.
 - c. The maximum permitted area of a wall sign shall be calculated based on the length of each building façade, excluding any canopy.
2. *Freestanding signs.* The area of a freestanding sign shall be calculated by means of the smallest square, circle, rectangle, or triangle that will encompass the limits of the writing, emblem, color, or other display, but not including any supporting framework, decorative wall, or fence clearly incidental to the sign display itself.
3. *Temporary signs.* The area of a temporary sign shall be calculated by measuring the area within a rectangle that encompasses the limits of the entire sign.
4. *Determination of sign faces to be calculated towards total area.*
 - a. For a sign consisting of two (2) sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and are part of the same sign structure, the sign area shall be calculated by the measurement of one of the two (2) sign faces.
 - b. For a sign consisting of two or more sides where the interior angle of any of the sides exceeds sixty degrees, the third and each succeeding sign face shall be counted when calculating sign area.

Computation of Sign Height. The height of a sign shall be calculated as follows:

1. *Freestanding signs:* The height of a freestanding sign shall be measured from the street grade or the normal finished grade of the site, whichever allows for the greater height, to the top of the highest attached component of the sign or structure.

DRAFT: Definitions Related to Signs

Presented to the Planning Commission: November 6, 2019

Flag means any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device. Such signs are distinguishable by virtue of the shorter dimension of the flag being the side attached to the pole/staff.

Pennants means multiple pieces of cloth, plastic, or flexible material, generally triangular or rectangular in shape, and which are strung together in a series on lines which are hung from poles, between buildings, or in other arrangements for the purpose of decoration or attracting attention.

Illumination, external means illumination by floodlights, spotlights, or other external sources which are focused directly on the face of a sign.

Illumination, internal means illumination by a light source which is concealed or contained within the sign itself and which shines through a translucent surface, except as defined under *electronic message center*.

Illumination, halo means illumination by a light source originating from behind the sign that shines around an opaque surface, creating a halo effect around the sign face.

Sign means any written copy, display, illustration, insignia, or illumination used to communicate a message or idea which is displayed or placed in view of a public right-of-way or adjoining property.

Sign, a-frame means a type of temporary sign consisting to two display faces mounted to supports that are connected at the top and separated at the base, forming an "A" shape not more than four (4) feet in height. An a-frame sign is also known as a *sidewalk sign* or a *sandwich board sign*.

Sign, awning means a sign that is mounted, painted, or otherwise applied on or attached to an awning or other fabric, plastic, or structural protective cover over a door, entrance, or window of a building. A canopy is not an awning.

Sign, banner means a type of temporary sign made of cloth, plastic, or other flexible material that is generally rectangular in shape and which is suspended for display from temporary poles.

Sign, building-mounted means a sign that is mounted, painted, or otherwise applied on or attached to a building, including but not limited to: roof signs, projecting signs, and wall signs.

Sign, bracket means a small, pedestrian-oriented sign that is hung beneath a canopy.

Sign, canopy means a sign that is mounted, painted, or otherwise applied on or attached to a freestanding canopy or structural protective cover over an outdoor service or pedestrian area. An awning is not a canopy.

Sign, changeable copy means a sign designed to allow the changing of copy through manual, mechanical, or electrical means including time and temperature.

Sign, directional means any sign on a parcel that directs the movement or placement of pedestrian or vehicular traffic with or without reference to, or inclusion of, the name of a product sold or service performed on the lot or in a building, structure, or business enterprise occupying the same parcel.

Electronic message center (EMC) means a type of changeable copy sign with a fixed or changing display composed of a series of lights that may be changed through electronic means.

Sign face means the area or display surface used for the message.

Sign, feather means a type of temporary sign made of cloth, plastic, or other flexible material attached to a pole or staff that is inserted into the ground or supported by means of an individual stand. Such signs are distinguishable by virtue of the longer dimension of the banner being the side attached to the pole/staff.

Sign, flashing means a sign which contains intermittent or sequential flashing light used primarily to attract attention. Such motion does not refer to transition methods or duration of changing copy used with an electronic message center.

Sign, freestanding means any sign that is attached to, erected on, or supported by a permanent structure (such as a pole, mast, frame, or other structure) that is not attached to a building.

Sign, monument is a type of freestanding sign where the entire width of the base of the sign structure is on the ground, and where the width of the top of the sign structure is no more than 120 percent and no less than 80 percent of the width of the base.

Sign, permanent means a sign located on a parcel fabricated from metal, rigid plastic, stone, brick, wood, or other durable materials, or having been painted directly on such materials, typically anchored in the ground or affixed to a building, and whose presence on the site is not limited in duration.

Sign, projecting means a two-sided building mounted sign that is mounted perpendicularly to a vertical building wall, and that project more than 12 inches from the wall.

Sign, roof means a building-mounted sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top walk or edge of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

Sign, temporary means a sign that is not permanently affixed to the ground or other structure, that is designed or constructed in such a manner that it can be moved or relocated without any structural or support changes. These signs are typically made of light materials with limited durability, such as lightweight fabric, cardboard, plywood, and/or paper.

Sign, unified development means a freestanding sign used to identify multiple business uses within a shopping center, office park, or industrial park.

Sign, wall means a building-mounted sign permanently attached to, painted on, inscribed upon, or deriving its major support from a wall, and which projects less than 12 inches from the wall. If a wall sign projects more than 12 inches from the wall, it is classified as a projecting sign.

Sign, wayfinding means a sign authorized by a governmental body for placement in the public right-of-way that is designed to orient and navigate the general public from place to place.

Sign, window means a sign which is applied or attached to either the interior or exterior of a window and intended to be viewed from outside the building or structure.

Sign, yard means a type of temporary sign less than four (4) square feet in area that is portable and constructed of paper, vinyl, plastic, wood, metal, or other comparable material, and designed or intended to be displayed for a limited period of time on a parcel.

Works of art means a sculpture, painting, graphic, or other type of art that does not advertise or promote a particular business, service, or product and is intended for the enjoyment of the general public.

Examples of Existing Freestanding Signs

Freestanding Sign #1



Location	1950 Anderson Highway
Case #	12-04-SA
Type	Monument
Area	64 sq. ft. (Current Allowable: 50 sq. ft.)
Height	12.5 ft. (Current Allowable: 15 ft.)
Illumination	Internal

Freestanding Sign #2



Location	4135 Old Buckingham Road
Case #	Unavailable
Type	Monument with Electronic Message Center (EMC)
Area	32 sq. ft. (Current Allowable: 32 sq. ft.)
Height	8 ft. (Current Allowable: 15 ft.)
Illumination	None (EMC)

Freestanding Sign #3



Location	2624 Anderson Highway
Case #	16-07-SA
Type	Monument
Area	42 sq. ft. (Current Allowable: 50 sq. ft.)
Height	15 ft. (Current Allowable: 15 ft.)
Illumination	Internal

Examples of Existing Freestanding Signs

Freestanding Sign #4		
	Location	1860 Stavemill Crossing Lane
	Case #	15-27-SA
	Type	Monument
	Area	17.71 sq. ft. (Current Allowable: 50 sq. ft.)
	Height	4.5 ft. (Current Allowable: 15 ft.)
	Illumination	Internal

Freestanding Sign #5		
	Location	2625 Anderson Highway
	Case #	09-36-SA
	Type	Monument (Unified Sign for Shopping Center)
	Area	96.74 sq. ft. (Current Allowable: 100 sq. ft.)
	Height	20 ft. (Current Allowable: 20 ft.)
	Illumination	None

Freestanding Sign #6		
	Location	2625 Anderson Highway
	Case #	09-37-SA
	Type	Monument (Outparcel for Shopping Center)
	Area	32 sq. ft. (Current Allowable: 36 sq. ft.)
	Height	10 ft. (Current Allowable: 10 ft.)
	Illumination	Internal

Examples of Existing Freestanding Signs

Freestanding Sign #7



Location	4100 Old Buckingham Road
Case #	Unavailable
Type	Pole Sign
Area	20 sq. ft. (Current Allowable: 50 sq. ft.)
Height	15 ft. (Current Allowable: 15 ft.)
Illumination	Internal

Freestanding Sign #8



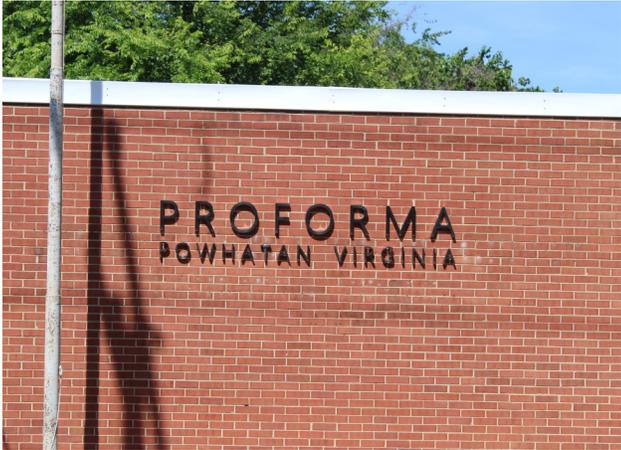
Location	3844 Old Buckingham Road
Case #	Unavailable
Type	Mast Arm Sign
Area	12 sq. ft. (Current Allowable: 50 sq. ft.)
Height	6 ft. (Current Allowable: 15 ft.)
Illumination	External

Freestanding Sign #9



Location	3841 Old Buckingham Road
Case #	18-11-SA
Type	Mast Arm Sign
Area	6 sq. ft. (Current Allowable: 20 sq. ft.)
Height	6 ft. (Current Allowable: 8 ft.)
Illumination	External

Examples of Existing Building Signs

Building Sign #1		
	Location	3895 Old Buckingham Road
	Case #	17-08-SA
	Type	Individually Mounted Flat Cut Out Letters
	Area	13 sq. ft. (Current Allowable: 75 sq. ft.)
	Illumination	None

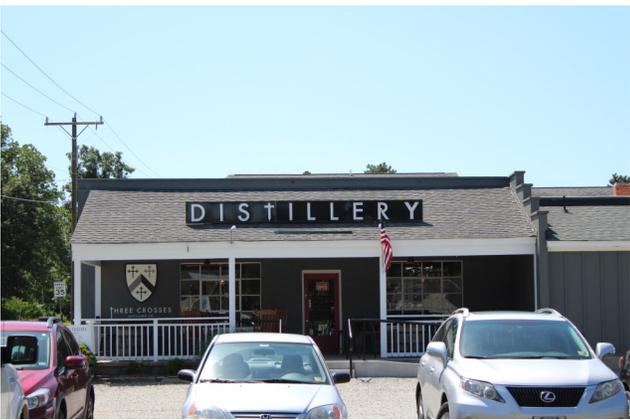
Building Sign #2		
	Location	4140 Anderson Highway
	Case #	17-33-SA
	Type	Wall Sign (Paint)
	Area	134 sq. ft. (Current Allowable: 150 sq. ft.)
	Illumination	External

Building Sign #3		
	Location	1800 South Creek One
	Case #	17-03-SA
	Type	Individually Mounted Pan Channel Letters
	Area	95.55 sq. ft. (Current Allowable: 150 sq. ft.)
	Illumination	Internal

Examples of Existing Building Signs

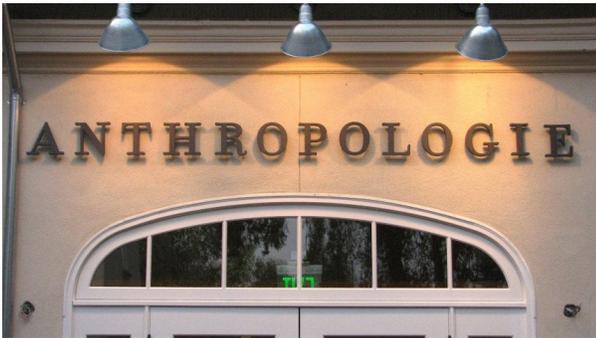
Building Sign #4		
	Location	1790 South Creek One
	Case #	05-30-SA
	Type	Pan Channel Letters on Raceway
	Area	50 sq. ft. (Current Allowable: 130 sq. ft.)
	Illumination	Internal

Building Sign #5		
	Location	1799 South Creek One
	Case #	Unavailable
	Type	Roof Mounted Pan Channel Sign
	Area	40 sq. ft. (Current Allowable: 95 sq. ft.)
	Illumination	Internal

Building Sign #6		
	Location	3835 Old Buckingham Road
	Case #	Unavailable
	Type	Roof Mounted Sign
	Area	30 sq. ft. (Current Allowable: 50 sq. ft.)
	Illumination	External

Examples of Illumination

External Illumination



Building Mounted



Freestanding (Monument)

Internal Illumination

Building Mounted



Freestanding (Monument)

Halo Illumination (Reverse Pan Channel)



Building Mounted



Freestanding (Monument)

Examples of Temporary Signage

Banner **Yard Sign**



Feather/Flag Sign **Portable Message Center Sign**



A-Frame/Sidewalk Sign **Balloon Sign**



Definitions

Term	Definition
Raceway	An aluminum channel box that pan channel letters can be attached to. The raceway contains all electrical components.
Pan Channel Sign	Custom-made plastic or metal enclosures shaped like letters. The pan holds the electrical components and the face of the letter is translucent allowing the sign to be illuminated. These signs can either be internally or externally illuminated and are typically building mounted, either directly to the wall or on a raceway.
Halo Lit or Reverse Pan Channel	Pan channel letters that are lit from behind to create a halo effect. The letters are pegged off of the wall at least one inch.
Flat Cut Out	Custom letters or symbols that are cut from metal sheets. These are typically mounted as individual letters flat against a wall or pegged off of a wall to add dimension. They are either not illuminated or externally illuminated.



Powhatan County Planning Commission Agenda Item

Meeting Date: February 4, 2020

Agenda Item Title: Discussion: Elimination of Single Cut Subdivisions (Subdiv. Ordinance: Sec. 68-114)

Action Requested: The Department of Community Development requests feedback regarding the elimination of *single cut subdivisions* (Subdiv. Ordinance: Sec. 68-114). The Planning Commission may choose to initiate a text amendment to repeal provisions within Sec. 68-114 (and related language in other parts of the County Code) that allow *single cut subdivisions*.

Dates Previously Considered by PC: None

Summary of Item: *A single cut subdivision* involves the division of a *parent tract*, which is a parcel platted prior to April 18, 1988 [Sec. 68-301/Sec. 83-521]. If a parcel created prior to that date has not been divided, one lot (at least two acres in size) may be created as part of a *single cut subdivision*. In most other instances (except for *family subdivisions*), the minimum lot area within the Agricultural-10 (A-10) zoning district (where most *single cut subdivisions* occur) is ten acres.

Both the Powhatan County Subdivision Ordinance (Chapter 68) and the Powhatan County Zoning Ordinance (Chapter 83) establish requirements for *single cut subdivisions*. If Sec. 68-114 is repealed, references to *single cut subdivisions* (and some references to *parent tract*) in other parts of the County Code would have to be eliminated:

- Sec. 68-103(1)(i) (Director of Community Development)
- Sec. 68-108 (Certification and Recordation)
- Sec. 68-109(a) (Effect)
- Sec. 68-111(b)(1)(b) (Private Roads: Eligibility)
- Sec. 68-125 (Family Division)
- Sec. 68-236 (Subdivision Plat Requirements for Single Cut, Minor, and Family Div.)
- Sec. 68-301 (Definitions)
- Sec. 83-107(b) (Use Districts: Minimum Lot Size Reference Chart)
- Sec. 83-521 (Definitions)

Attachments: Proposed Ordinance Amendment

Staff/Contact: Andrew Pompei: Planning Director
(804) 598-5621 x2006
apompei@powhatanva.gov

If Planning Commission members have questions, please call the staff / contact prior to the meeting.

ORDINANCE #O-2020-__

Draft (Planning Commission): February 4, 2020

AN ORDINANCE AMENDING THE POWHATAN COUNTY CODE OF ORDINANCES TO AMEND PROVISIONS SET FORTH IN SEVERAL SECTIONS OF CHAPTER 68 (SUBDIVISION ORDINANCE) AND CHAPTER 83 (ZONING ORDINANCE) TO ELIMINATE SINGLE-CUT SUBDIVISIONS; REMOVE REFERENCES TO SINGLE-CUT SUBDIVISIONS WITHIN CHAPTER 68 (SUBDIVISION ORDINANCE) AND CHAPTER 83 (ZONING ORDINANCE); AND TO REMOVE LANGUAGE WITHIN CHAPTER 68 (SUBDIVISION ORDINANCE) AND CHAPTER 83 (ZONING ORDINANCE) REFERRING TO PARENT TRACTS AS PARCELS LAWFULLY RECORDED PRIOR TO APRIL 18, 1988.

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

WHEREAS, Section 15.2-2240 of the Code of Virginia, 1950, as amended, mandates each local governing body to adopt a subdivision ordinance, pursuant to Sections 15.2-2240 through 15.2-2279 (Land Subdivision and Development) to assure the orderly subdivision of land and its development; 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, the proposed amendments to Chapter 68 (Subdivision Ordinance) are intended to ensure that subdivisions and other development promote the health, safety, convenience, order, prosperity, and welfare of the present and future residents of the County; and

WHEREAS, the proposed amendments to Chapter 83 (Zoning Ordinance) are 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, the proposed amendment is intended to prevent the creation of non-conforming lots within rural areas, helping protect Powhatan County’s traditionally-rural character; 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.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF POWHATAN that the following sections of Chapter 68 (Subdivision Ordinance) and Chapter 83 (Zoning Ordinance) of the Code of the County of Powhatan, Virginia are amended and reenacted as follows:

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

...

ARTICLE I. – GENERAL PROVISIONS

...

Sec. 68-103. - Director of community development.

The director is designated by the county administrator to administer and enforce the provisions of the subdivision ordinance. The director, or his designee, shall have the following powers and duties under this subdivision ordinance:

- (1) To review and decide applications for the following:
 - a. Major subdivision plats;
 - b. Subdivision construction plans;
 - c. Final subdivision plats;
 - d. Minor subdivision plats;
 - e. Family divisions;
 - f. Non-subdivision plats;
 - g. Private roads (as permitted by section 68-111(b)(1));
 - h. Interpretations of chapter 68: Subdivisions; and
 - ~~i. Single cut subdivision plats.~~

...

ARTICLE II. – SPECIFIC REVIEW PROCEDURES

...

Sec. 68-108. - Certification and recordation.

If the application for a division is approved, the director shall enter on the plat a signed certification that the plat is approved by the county in accordance with this ordinance and ready for recordation, as well as any other certifications as may be appropriate. For family, ~~single cut~~, minor and major subdivisions, as well as non-subdivision plats, the subdivider shall file an approved and certified plat with the office of the clerk of the circuit court, and shall provide proof of recording to the director.

...

Sec. 68-109. - Effect.

- (a) ~~Single cut, f~~Family, minor subdivisions, final plats and non-subdivision plats approval, certification if required and recordation of the plat allows the subdivider to proceed with conveying the platted lots by reference to the recorded plat.

...

Sec. 68-114. - ~~Single cut subdivision~~Reserved.

- ~~(a) Purpose. The provisions of this article shall apply to single cut subdivisions. It is intended that platting and approval requirements for such subdivisions be restricted to the minimum necessary to ensure compliance with minimum lot size requirements of the zoning ordinance.~~
- ~~(b) Access. A single cut subdivision shall either abut a public road by a minimum of 30 feet or have access to a public road via a dedicated access right of way or easement at least 30 feet in width. Single cut subdivisions shall be prohibited on private roads where the main parcel does not front on a public road, unless provided in accordance with article II, section 68-111(b).~~
- ~~(c) Charitable division. A division of one parcel of land may be permitted for conveyance to a bona fide charitable organization subject to the following:~~

- ~~(1) May only be taken from agricultural zoned parcels;~~
- ~~(2) A charitable division taken from a parent tract shall not count as a division towards the property owner's division rights;~~
- ~~(3) A charitable division parcel shall be a minimum of two acres in size and shall produce a residual parcel of not less than ten acres in size. All other lot requirements shall follow the zoning ordinance provisions; and~~
- ~~(4) No application fee shall be charged for review and/or approval of the plat.~~

~~(d) Expiration. Approval shall expire if the plat is not recorded with the office of the clerk of the circuit court:~~

- ~~(1) Within six months after the date of the approval; or~~
- ~~(2) Within an extension of the applicable time period.~~

...

Sec. 68-111. - Private roads.

...

(b) *Eligibility.*

- (1) The director may approve the use of a private road subject to certification and recordation of a road maintenance agreement, compliant with this chapter, for the following:
 - a. Family divisions of no more than ten-lots; or
 - b. ~~Single cut or m~~Minor divisions of no more than two lots; or
 - c. Internal access roads for a commercial, business or industrial park.

...

Sec. 68-125. - Family division.

...

- (a) *Purpose.* The purpose of this section is to establish the procedure and standards for review of family divisions. Family division review is intended to ensure that proposed lots are appropriately and accurately delineated on a plat that serves as a permanent record of the subdivision.
- (b) *Family division review standards.* An application for family division approval shall be approved on a finding the applicant has demonstrated that:

...

- ~~(3) A family division taken from a parent tract shall not count as a division towards the property owner's division rights;~~

...

ARTICLE IV. – SPECIFICATIONS FOR PLANS AND PLATS

...

Sec. 68-236. - Subdivision plat requirements for ~~single cut,~~ minor and family divisions.

...

ARTICLE V. – DEFINITIONS

...

...

Sec. 68-301. - Definitions.

...

Monuments means markers placed on or in the land.

Parent tract means ~~with respect to the right to a single cut under this chapter, the term parent tract shall mean any lot or parcel which was lawfully recorded by a plat of subdivision and/or deed(s) in the office of the clerk of the circuit court of Powhatan County prior to April 18, 1988. In all other cases, Parent tract shall mean~~ the whole of the property from which a new parcel is being made or subdivided.

Performance guarantee means any security which may be accepted in lieu of a requirement that certain improvements be made before the approving body approves a plan, including performance bonds, escrow agreements, and other similar collateral or surety agreements.

...

Subdivision, preliminary plat (See section 68-110(a), Preliminary plat)

~~*Subdivision, single cut* means a subdivision of only two lots created by a single division of land from a parent tract.~~

Supervisors means the board of supervisors of Powhatan County, Virginia.

...

CHAPTER 83. ZONING ORDINANCE

...

ARTICLE I. – GENERAL PROVISIONS

...

Sec. 83-107. - Use districts.

...

(b) Minimum lot size.

Minimum Lot Size Reference Chart	
Scenario	Result
Minimum Lot Size (A-10 District)	10 acres
Lot Line Adjustment (A-10 District)	2 acres for parent tract on a public road; 10 acres for all other parcels; the result of the lot line adjustment may not create any additional non-conforming parcels

Lot Line Adjustment (RR District)	10 acres; parcels less than 10 acres may be increased but not decreased in size by the lot line adjustment
Single cut subdivision exception; main parcel on public road (A-10 District)	2 acres for the single cut parcel plus 2 acres for the residual parcel (4 acres total)
Single cut subdivision exception; main parcel on private road (A10 District)	2 acres for the single cut parcel plus 10 acres for the residual parcel (12 acres total); private road must be upgraded to state specifications from the state road to the single cut parcel; minimum lot size to be computed outside the 50' right of way
Family member division; main parcel on public road, or access provided to public road via main parcel (A-10 District)	2 acres for the family division parcel plus 2 acres for the residual parcel (4 acres total)

...

ARTICLE XI. – DEFINITIONS

...

Sec. 83-521. - Definitions.

...

~~*Parent tract* means any lot or parcel which was lawfully recorded by a plat of subdivision and/or deed(s) in the Office of the Clerk of the Circuit Court of Powhatan County prior to April 18, 1988. (See: Powhatan County Code, chapter 68 (Subdivisions).)~~

In all other respects the Code 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 _____, 2020.

David T. Williams, Chairman
Powhatan County Board of Supervisors

ATTEST:

Bret Schardein, Clerk
Powhatan County Board of Supervisors

Recorded Vote:

David T. Williams _____
Larry J. Nordvig _____
Michael W. Byerly _____
William L. Cox _____
Karin M. Carmack _____

DRAFT



Powhatan County Planning Commission Agenda Item

Meeting Date: February 4, 2020

Agenda Item Title: Discussion: Revisions to Standards for Family Divisions (Subdiv. Ordinance: Sec. 68-125)

Action Requested: The Department of Community Development requests feedback regarding potential revisions to standards applicable to *family divisions* (Subdiv. Ordinance: Sec. 68-125). The Planning Commission may choose to initiate a text amendment to formally review the revisions proposed.

Dates Previously Considered by PC: None

Summary of Item: §15.2-2244 of the Code of Virginia requires that every locality include provisions in its subdivision ordinance allowing *family divisions*.

Sec. 68-125 (Family Divisions) establishes provisions that allow property owners to create one or more parcels to sell/gift to immediate family members (including a natural or legally-defined offspring, stepchild, spouse, sibling, grandchild, grandparent, or parent).

The County Attorney's Office and the Department of Community Development recommend that the following changes to Sec. 68-125 be considered:

- *Change Holding Period*
Currently, a property owner must own a parcel for at least ten years to be eligible to create a lot through a *family division*. Once the lot is created, the immediate family member receiving that lot must own it for at least five years before selling it.
The proposed provision would reduce the "holding period" for those giving and receiving property through a *family division*. A property owner would have to own a parcel for at least one year to be eligible to create a lot through a *family division*, with the immediate family member receiving the lot being required to own it for at least seven years before selling it.
- *Provide Greater Specificity Regarding Exceptions to Holding Period*
Proposed language identifies instances when the "holding period" may be reduced (job relocation; required foreclosure/bankruptcy sale; and/or death of the owner).
- *Clarify Recipients Must Be Adults*
Proposed language states that any immediate family member receiving a lot as part of a family division must be an adult.

Attachments: Sec. 68-125 (Family Divisions)
Comparison: "Holding Period" for Family Divisions in Other Localities

Staff/Contact: Andrew Pompei: Planning Director
(804) 598-5621 x2006
apompei@powhatanva.gov

If Planning Commission members have questions, please call the staff / contact prior to the meeting.

ORDINANCE #O-2020-__

Draft (Planning Commission): February 4, 2020

AN ORDINANCE AMENDING THE POWHATAN COUNTY CODE OF ORDINANCES TO AMEND THE PROVISIONS OF CHAPTER 68 (SUBDIVISION ORDINANCE), ARTICLE II (SPECIFIC REVIEW PROCEDURES), SECTION 68-125 (FAMILY DIVISION) TO REDUCE THE REQUIRED HOLDING PERIOD BEFORE CREATING A FAMILY DIVISION LOT FROM TEN YEARS TO ONE YEAR; INCREASE THE REQUIRED HOLDING PERIOD AFTER CREATING A FAMILY DIVISION LOT FROM FIVE YEARS TO SEVEN YEARS; CLARIFY THAT ONLY ADULTS MAY RECEIVE A FAMILY DIVISION LOT; AND CLARIFY STANDARDS REGARDING ACCESS.

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

WHEREAS, Section 15.2-2240 of the Code of Virginia, 1950, as amended, mandates that each local governing body adopt a subdivision ordinance, pursuant to Sections 15.2-2240 through 15.2-2279 (Land Subdivision and Development) to assure the orderly subdivision of land and its development; and

WHEREAS, Section 15.2-2244 of the Code of Virginia, 1950, as amended, mandates that local subdivision ordinances include reasonable provisions permitting a single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the property owner; and

WHEREAS, the proposed amendment is intended to ensure that subdivisions and other development promote the health, safety, convenience, order, prosperity, and welfare of the present and future residents of the County; 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.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF POWHATAN that Section 68-125 of the Subdivision Ordinance of the County of Powhatan be amended and reenacted as follows:

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

...

ARTICLE I. – GENERAL PROVISIONS

...

Sec. 68-125. - Family division.

- (a) *Purpose.* The purpose of this section is to establish the procedure and standards for review of family divisions. Family division review is intended to ensure that proposed lots are appropriately and accurately delineated on a plat that serves as a permanent record of the subdivision.
- (b) *Family division review standards.* An application for family division approval shall be approved on a finding the applicant has demonstrated that:
 - (1) Only one such division shall be allowed during the lifetime of each adult family member of the donor or grantor without regard for ownership by the donor or grantor of differing tracts or parcels of ~~land, and~~land and shall not be for the purpose of circumventing this ordinance. Any further

division beyond one cut for each family member shall be considered a subdivision subject to the provisions of this ordinance;

- (2) A family division taken from a parent tract shall not count as a division towards the property owner's division rights;
- (3) The land being divided has been owned by the current owner or member of the owner's immediate family for at least ~~ten~~ consecutive years;
- (4) The owner agrees to place a restrictive covenant on the subdivided lots that would prohibit their transfer to a nonmember of the owner's immediate family for a period of ~~five~~ seven (7) years, unless the county, at its sole discretion, executes and records a document agreeing to a shorter time period where required by changed circumstances;
 - a. The Planning Commission shall make the determination as to whether a reduction in the seven (7) years is warranted. The decision of the Planning Commission may be appealed to the Board of Supervisors within thirty (30) days of a decision; or
 - b. The Subdivision Agent may, at his sole discretion, reduce the seven (7) year period if (i) the owner of the parcel is transferred by his employer to a county more than 50 miles from Powhatan County; (ii) a request to sell the property is made by a bona fide creditor pursuant to a deed of trust, action by a trustee in bankruptcy, or by order of a court of competent jurisdiction; or (iii) the death or legal incompetence of the owner.
- (5) The division results in no lot with an area less than two acres;
- (6) No lot hereby created shall qualify as a family division unless it has a reasonable access right-of-way or easement providing ingress and egress to a publicly maintained street or road as follows (these standards will be calculated in the aggregate regardless of the timing of the divisions). Where practicable, all lots must use the same easement for access, and shall not have separate driveway entrances on the public road.
 - a. Minimum of 20 feet for one to two lots served by a driveway constructed to the residential driveway standard outlined in § 68-175(e)(8)b.1.
 - b. ~~Minimum of 40 feet for three~~ For a three (3)- to ten (10) lots division, the lots must, at a minimum, be served by a private road constructed to standards outlined in § 68-175(e)(8)b.2.
 - c. Divisions resulting in a total of 11 or more lots, served by a public road constructed to standards outlined in § 68-175(e)(8)a.
- ~~(7) The division is not for the purpose of circumventing the county's subdivision regulations.~~
- (78) Family divisions utilizing the private road standards of § 68-175(e)(8)b. shall be reviewed and acted on by the director, subject to certification and recordation of a road maintenance agreement as required by 68-175(e)(8)b.2.vii.
- (89) Procedure for family subdivision of property held in trusts. Property held by a trust may be divided as a family subdivision provided it meets the following requirements:
 - a. All trust beneficiaries must be immediate adult family members of one another, as defined in this section.
 - b. All trust beneficiaries must agree in writing that the property should be subdivided.
 - c. All purchasers or giftees of subdivided parcels must be adult immediate family members of beneficiaries of the trust, although they need not themselves be beneficiaries.
 - d. The division shall comply with all other requirements of this section for family divisions.

- (c) *Non-immediate family members.*
 - (1) No building permit shall be issued on the lot being divided off to any person other than an immediate family member.
 - (2) No structure on the lot being divided off shall be rented to any person other than an immediate family member.
- (d) *Expiration.* Family division approval shall expire if the family division plat is not recorded with the office of the clerk of the circuit court:
 - (1) Within six months after the date of the family division approval; or
 - (2) Where construction or installation of public infrastructure improvements required to serve the area covered by the family division plat has commenced in accordance with the family division approval and their completion is ensured by a performance guarantee in accordance with section 68-215, performance guarantees, within one year after the date of the family division approval or such further time period specified in the performance guarantee; or
 - (3) Within an extension of the applicable time period.

In all other respects the Subdivision 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 _____, 2020.

David T. Williams, Chairman
Powhatan County Board of Supervisors

ATTEST:

Bret Schardein, Clerk
Powhatan County Board of Supervisors

Recorded Vote:

David T. Williams _____
Larry J. Nordvig _____
Michael W. Byerly _____
William L. Cox _____
Karin M. Carmack _____

**Required Holding Period Before and After Creating a Family Division Lot:
Survey of Virginia Localities
January 2020**

Locality	Required Holding Period <u>Before</u> Creating Family Division Lot (Years)	Required Holding Period <u>After</u> Creating Family Division Lot (Years)
Chesterfield	2	5
Culpeper	5	5
Dinwiddie	2	5
Fluvanna	0	3
Goochland	0	0
Hanover	0	3
Henrico	0	5
Louisa	0	15
Prince George	2	5