

# Powhatan County Planning Commission

welcome packet

2020



**Powhatan County**  
Department of Community Development

# Welcome!

Congratulations on your appointment to the Powhatan County Planning Commission.

This packet was designed to guide you through your four-year term as a member of the Planning Commission. Within the packet you will find information on:

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# Planning Commission

## Overview

The following overview is designed to help get you acquainted with the rules and responsibilities associated with being a member of the Powhatan County Planning Commission. It is intended to be a resource to you as you fulfill your term on the Planning Commission.

### Mission

To make recommendations on planning activities that best promote the health, safety, convenience, and general welfare of the County's citizens.

### The Planning Commission

The Planning Commission is an appointed body charged with promoting the orderly development of the community. Every locality in Virginia is required to have its own Planning Commission [Code of Virginia § 15.2-2210]. Per state law, the Planning Commission is responsible for a variety of tasks:

- Preparing the local comprehensive plan;
- Preparing and reviewing amendments to the zoning and subdivision ordinances;
- Reviewing proposed changes to the zoning map; and
- Reviewing the local Capital Improvement Program (CIP).

The Planning Commission is not a legislative body, but an **ADVISORY COMMITTEE**. It makes recommendations to the Board of Supervisors on legislative matters related to land use, such as the adoption and amendment of the comprehensive plan, zoning ordinance, and subdivision ordinance.

In Powhatan County, the Planning Commission consists of five (5) voting members, with each representing a voting district (County Code Reference: Chapter 62, Article II). Each member is appointed to serve a four year term.

# Department of Community Development

*Staff from the Department of Community Development provide technical support to the Planning Commission. The department's duties are described below.*

## **Current Planning (Development Administration)**

Staff members are responsible for the administration and enforcement of the zoning and subdivision ordinances. Tasks associated with the administration of these ordinances include the processing of subdivision proposals, site plans, rezoning applications, conditional use permit (CUP) applications, and variances. Staff members also respond to general inquiries and other requests. The department serves as the primary staff contact for the Planning Commission and Board of Zoning Appeals, and provides support to the Board of Supervisors as needed or requested.

## **Long-Range Planning (Project/Policy Development and Management)**

Planning recommendations are routinely provided to the Planning Commission and the Board of Supervisors on a wide array of issues. Strategic and long-term planning begins with the preparation and implementation of the comprehensive plan; associated comprehensive plan or zoning text amendments; the annual review of the Capital Improvements Plan (CIP) by the Planning Commission; and other local projects. These planning documents provide the foundation for many of the land use and budgetary decisions implemented by Powhatan County.

Staff members also work with regional and state agencies to address transportation issues and other matters of regional and/or statewide significance, including the Technical Advisory Committee (TAC) for the Richmond Regional Planning District Commission. As the representative for Powhatan County, Andrew Pompei has served as chairman of the TAC during the 2018/2019 fiscal year.

## **Code Compliance**

Code compliance helps ensure that Powhatan County's zoning regulations are enforced consistently and equitably. A variety of code issues related to land use are reported to the department, including possible zoning violations and the storage of inoperable vehicles. Possible violations are investigated as complaints from the public are received.

## **Building Inspections**

The Building Official and other staff members help ensure that structures are built and modified in a safe manner. The department enforces the Uniform Statewide Building Code for new structures, additions, and alterations.

## **Environmental**

Staff members work with the Virginia Department of Environmental Quality (DEQ) to ensure that developing sites are in conformance with Chapter 42: Article III of the County Code (Erosion and Sediment Control) and other local and state regulations.

## **Economic Development**

The staff of the economic development department assist local businesses with growth and development. The department focuses on business retention and expansion, site selection, marketing, business networking, and tourism.

# Zoning Ordinance

The zoning ordinance establishes regulations regarding the use of land. It also establishes design standards for new development. Powhatan County's zoning ordinance was first adopted in July 1965, and it has been amended over time to reflect the changing needs of the community. Localities in Virginia are not required to adopt a zoning ordinance, but most have [Code of Virginia § 15.2-2280].

## Zoning Districts

In Powhatan County, there are 20 different zoning districts, which are classified into three groups. There are also two overlay districts (which, in certain areas, are imposed upon the underlying zoning, establishing supplementary standards). Most of Powhatan County is zoned Agricultural-10 (A-10). An interactive zoning map can be found at [www.powhatanvarealestate.org](http://www.powhatanvarealestate.org).

### Rural Districts

*These zoning districts (listed in Article III) are intended to maintain the rural character of those areas of the county located outside village growth areas designated in the comprehensive plan [Sec. 83-130].*

Agricultural-20 (A-20)	Rural Residential (RR)
Agricultural-10 (A-10)	Rural Residential-5 (RR-5)
Agricultural/Animal Confinement (A-C)	Crossroads (CR)

### Village Growth Area Districts

*These zoning districts (listed in Article IV) are intended to establish within the village growth areas designated in the comprehensive plan a compact pattern of urban and suburban development characterized by mixed-use village centers and commerce centers surrounded by diverse residential neighborhoods. There are two subcategories: Village Growth Area Districts and Village Growth Area Planned Development Districts [Sec. 83-200].*

Single-Family Residential – 2 (R-2)	Village Residential Planned Development (VR-PD)
Village Residential (VR)	Village Center Planned Development (VC-PD)
Village Center (VC)	Commerce Center Planned Development (CC-PD)
Commerce Center (CC)	Mining and Mineral Extraction (M)
Light Industrial (I-1)	Heavy Industrial (I-2)

## Transition Base Districts

These zoning districts (listed in Article V) represent zoning districts established by the previous zoning ordinance and carried forward because of their unique characteristics and standards. They are intended to accommodate the continuation and growth of development that occurred under the previous zoning ordinance. Because the purpose and character of these districts are no longer fully consistent with the most recent comprehensive plan, it is the county's intent that no additional lands be rezoned to a Transition Base District (except in limited situations) [Sec. 83-340].

Residential Utility (R-U)

General Commercial (C)

Office (O)

Courthouse Square Center (CHSC)

## Overlay Districts

Overlay districts may be applied anywhere in Powhatan County, supplementing standards established by the underlying zoning district [Sec. 83-400].

Historic Overlay (H)

Floodplain Overlay (FP)

### Uses within the Zoning Ordinance

Within each zoning district, there are permitted (by-right) uses, conditional uses, accessory uses, and temporary uses. Each use listed is defined within the zoning ordinance [Sec. 83-521].

#### Permitted Uses

These are uses permitted by-right as a principal (primary) use on the property. Permitted uses can take place without any legislative approval from the Board of Supervisors.

An example of a principal use permitted within the A-10 zoning district is a single-family detached dwelling.

#### Conditional Uses

These are uses that are only permitted on a specific property within a specific zoning district with approval of the Board of Supervisors. Conditional uses may be appropriate at certain locations, but not throughout the entire zoning district. With approval of a conditional use permit (CUP), the Board of Supervisors may impose conditions on how the use is operated.

An example of a conditional use permitted within the A-10 zoning district is a country inn.

#### Accessory Uses

These are uses that are "incidental and customarily subordinate to principal uses." A specific accessory use may be permitted by-right or with conditional approval.

An accessory use may not be located on a property unless there is a principal use. For example, a home garden may be a permitted accessory use associated with a single-family dwelling located within the A-10 zoning district.

### Temporary Uses

These are uses that are of limited duration (do not permanently occur at a specific location). A specific temporary use may be permitted by-right or with conditional approval.

An example of a temporary use permitted within the A-10 zoning district is a garage/yard sale.

### **Use Standards**

Use standards govern how a particular use may operate/function, regardless of the underlying zoning district [Article VII].

### **Dimensional Standards**

Within each zoning district, there are dimensional requirements, such as:

- Minimum Lot Area/Size
- Minimum Lot Width
- Maximum Density (Residential Units per Acre)
- Minimum Front, Side, and Rear Yard Depths/Setbacks

### **Development Standards**

Development standards govern certain physical features of a project and the form that development can take, regardless of the underlying zoning district [Article VIII]. These standards address several components of the development, including:

- Vehicular Access and Circulation [Sec. 68-175(e)];
- Off-Street Parking and Loading [Sec. 83-455];
- Landscaping and Buffers [Sec. 83-461];
- Exterior Lighting [Sec. 83-469];
- Open Space [Sec. 83-470]; and
- Signage [Sec. 83-488].

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## **Subdivision Ordinance**

*The subdivision ordinance regulates the division of land by establishing procedures for dividing land and requirements regarding the provision of infrastructure (roads, utilities, etc.) as land is developed.*

Unlike the zoning ordinance, the subdivision ordinance does not address the use of properties, but helps ensure that development occurs in an orderly manner and is served by the necessary infrastructure. The approval of subdivision plats is an administrative process, with the Department of Community Development reviewing subdivision plans to determine whether or not they meet the provisions of the subdivision ordinance.

Virginia Code requires that all localities adopt a subdivision ordinance [Code of Virginia § 15.2-2240].

# Comprehensive Plan

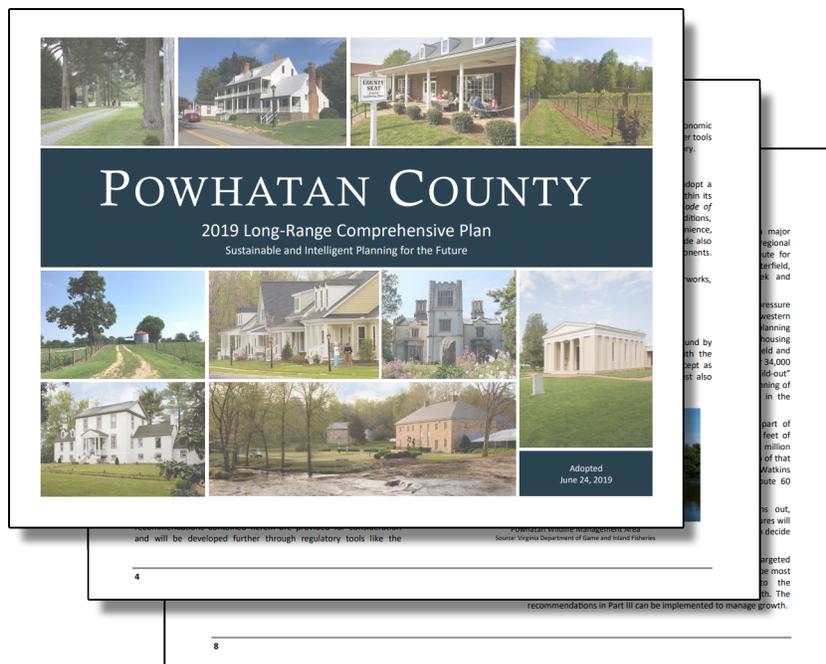
The comprehensive plan establishes a vision of what Powhatan County should look like in 20 to 30 years. It identifies objectives and strategies that can be implemented to realize the community's vision.

The comprehensive plan addresses a variety of topics, including land use, housing, economic development, and natural resources. The document includes the **Countywide Future Land Use Plan** and the **Major Thoroughfare Plan**.

The comprehensive plan is an **ADVISORY** document intended to guide zoning decisions and public investment. The Planning Commission and Board of Supervisors consider the plan's recommendations when evaluating different policies and proposals, including rezoning requests, conditional use permits, and the Capital Improvement Program (CIP).

Per state law, every locality in Virginia must have a comprehensive plan [Code of Virginia § 15.2-2223], and it must be regularly reviewed [Code of Virginia § 15.2-2230].

The current comprehensive plan was adopted in June 24, 2019. Any amendments to the comprehensive plan must be reviewed by the Planning Commission and approved by the Board of Supervisors.



# Different Types of Land Use Cases

The Planning Commission reviews and provides a recommendation on legislative issues related to land use. Below is a list of the types of legislative issues that might be reviewed by the Planning Commission and an explanation of the typical review process.

The Planning Commission reviews and provides a recommendation on the following requests:

- Rezoning (Zoning Map Amendments)
- Conditional Use Permits (CUPs)
- Amendments to the Zoning Ordinance
- Amendments to the Subdivision Ordinance
- Amendments to the Comprehensive Plan

For each of the aforementioned types of cases, a public hearing is held before the Planning Commission and the Board of Supervisors. Prior to each public hearing, a notice is published in the newspaper of record (which is generally *Powhatan Today*) for two consecutive weeks and letters are mailed to adjoining property owners.

After holding a public hearing and discussing the merits of a request, the Planning Commission may:

- Recommend approval of the request;
- Recommend denial of the request; or
- Defer a decision to a later meeting.

Per the Code of Virginia, the Planning Commission generally must make a recommendation regarding a particular request within 100 days of the public hearing. All recommendations are forwarded to the Board of Supervisors, which makes the final decision on all requests (approval or denial).

In Powhatan County, the Planning Commission also reviews Development Design Pattern Books (architectural design within a particular development) and modifications to certain development standards (including deviations from local intersection spacing requirements).

Ministerial actions, such as the review of subdivision plats and site plans, are reviewed administratively by the Department of Community Development to ensure compliance with standards set forth in the subdivision and zoning ordinances (no review by the Planning Commission).

## Rezoning (Zoning Map Amendments)

Rezoning requests are requests to change the zoning of a particular property. Requested rezonings (zoning map amendments) must be reviewed by the Planning Commission and approved by the Board of Supervisors. While these requests generally involve changing the property's zoning classification from one district to another, they may also involve modifications to conditions (proffers) imposed upon a property as part of a previous rezoning case.

A rezoning may or not include proffers, which are voluntary offers made by an applicant/landowner during the rezoning process to perform an act or donate money, a product, or services to justify the appropriateness of a proposed rezoning. These proffers (or conditions) govern the use of the property, imposing additional requirements and restrictions that exceed standards set forth in the subdivision and zoning ordinances. A rezoning request that includes proffers is referred to as conditional zoning [Sec. 83-123].

Rezoning requests are reviewed as follows [Sec. 83-123(c)]:

1. Pre-Application Conference

The applicant must meet with representatives from the Department of Community Development to discuss the rezoning request and the review process.

2. Neighborhood Meeting

If the rezoning request will increase the intensity of uses on the property, a neighborhood meeting will be required. The applicant will invite adjoining property owners and the general public to learn more about their proposal.

3. Application Submittal and Acceptance

A rezoning application may be submitted to the Department of Community Development. Applications are due the first Friday of each month.

4. Staff Review

The application will be reviewed by the Department of Community Development and other local and state agencies.

5. Planning Commission: Public Hearing and Review

The Planning Commission will hold a public hearing and review the request. After discussion, the Planning Commission may recommend approval, denial, or deferral. This recommendation is forwarded to the Board of Supervisors.

6. Board of Supervisors: Public Hearing and Decision

The Board of Supervisors will hold a public hearing and review the request. After discussion, the Board of Supervisors may approve, deny, or defer the request.

An applicant/landowner may request amendments to proffered conditions associated with an approved rezoning request. Proffer amendments follow the same review process as general rezoning requests.

## Conditional Use Permits

Per the zoning ordinance, certain uses may be permitted within select zoning districts with approval of a conditional use permit (CUP). Uses that require a CUP may be appropriate in certain locations, but not throughout the entire zoning district. The Planning Commission and Board of Supervisors review CUP applications to ensure that the proposed use:

- Does not change the character and established pattern of development in the surrounding area;
- Is compatible with uses permitted by-right within the zoning district; and
- Does not adversely affect the use or value of neighboring properties.

The Board of Supervisors may require that applicants adhere to certain conditions, which are intended to offset any potential negative impacts the use may have on the surrounding community. If the approved conditions are not met, the CUP may be revoked.

Conditional Use Permit requests are reviewed as follows [Sec. 83-123(f)]:

1. Pre-Application Conference

The applicant must meet with representatives from the Department of Community Development to discuss the request and the review process.

2. Neighborhood Meeting

Optional: The applicant may choose to hold a neighborhood meeting, where adjoining property owners and the general public are invited to learn more about the proposal.

3. Application Submittal and Acceptance

A CUP application may be submitted to the Department of Community Development. Applications are due the first Friday of each month.

4. Staff Review

The application will be reviewed by the Department of Community Development and other local and state agencies.

5. Planning Commission: Public Hearing and Review

The Planning Commission will hold a public hearing and review the request. After discussion, the Planning Commission may recommend approval, denial, or deferral. This recommendation is forwarded to the Board of Supervisors.

6. Board of Supervisors: Public Hearing and Decision

The Board of Supervisors will hold a public hearing and review the request. After discussion, the Board of Supervisors may approve, deny, or defer the request.

# Commission Logistics

## Virginia Freedom of Information Act

The Virginia Freedom of Information Act (FOIA) provides the public with a right to access meetings of government bodies and access information used to conduct government business.

Any gathering of three or more members of the Planning Commission is considered a meeting. Any meeting (three or more members of the Planning Commission) must be open to the public and advertised at least three working days prior to the meeting.

Emails, text messages, and other correspondence regarding issues associated with your role as a member of the Planning Commission may be considered public documents. This correspondence should be saved/maintained, in case a member of the public requests this information under FOIA.

## Getting Started

Once a new member is appointed to the Planning Commission, the following actions need to be taken (with support from the Department of Community Development):

- Oath

The member must take an oath with the Clerk of the Circuit Court.

- Email

The member must log on to his/her public email account, which will be setup by the Information Technology Department.

- Payroll Forms

The member must submit completed payroll-related forms to the Human Resources Department to receive a stipend. Each member receives \$175 per meeting attended (with the chairman receiving \$250), which is paid monthly. This stipend is deposited directly into the member's designated bank account.

# Additional Resources

## **Land Use Education Program**

The Land Use Education Program (LUEP) at Virginia Commonwealth University (VCU) offers the nationally-recognized Virginia Certified Planning Commissioner Program, which is held several times a year in different parts of the state. It provides detailed information regarding planning processes and practices. For more information, visit:

<https://cura.vcu.edu/land-use-education/>

## **Managing Growth and Development in Virginia: A Review of the Tools Available to Localities**

The Virginia Chapter of the American Planning Association regularly updates this toolkit to keep localities up to date on the most current enabling legislation pertaining to land use planning in Virginia. The toolkit can be accessed at:

<https://virginia.planning.org/policy-and-advocacy/updated-toolkit-released/>

## **Albemarle County Land Use Law Handbook**

The Albemarle County Land Use Law Handbook was created as a resource regarding land use issues and is published online as a convenience to citizens. The handbook can be accessed at:

<http://www.albemarle.org/department.asp?department=ctyatty&relpage=3190>

## **Comprehensive Plan**

The 2019 Long-Range Comprehensive Plan is available on the Powhatan County Website. It can be accessed at:

<http://powhatanva.gov/1631/Informational-Documents>

## **Latest Development Activity Report**

Every year, the Department of Community Development prepares a report to the Planning Commission detailing development and planning activity over the previous year. These reports are available online at:

<http://powhatanva.gov/1631/Informational-Documents>

## **Zoning & Subdivision Ordinance**

The Powhatan County Zoning Ordinance (Chapter 83) and Subdivision Ordinance (Chapter 68) are available online through MuniCode. Both chapters can be accessed at:

[https://library.municode.com/va/powhatan\\_county/codes/code\\_of\\_ordinances](https://library.municode.com/va/powhatan_county/codes/code_of_ordinances)

## **Online GIS**

Powhatan County maintains an online GIS mapping system. It is available to the public at:

<http://powhatanvarealestate.org/>