IV.-A.

Agenda Item

County of Hanover

Board Meeting: February 11, 2015

Subject: Request for Authorization to Advertise: Ordinance Amendment 15-02, Bed and Breakfast as a Special Exception in the AR-1 and AR-2 Zoning Districts

Summary of Agenda Item: The South Anna District Board of Supervisor was recently approached by an individual inquiring about the feasibility of using an existing AR-2 parcel for a bed and breakfast business. The current AR-1 and AR-2 district regulations do not permit bed and breakfast establishments. It should also be noted that although the AR-1 and AR-2 district regulations remain in effect for existing properties, there is no opportunity for a property owner to seek AR-1 or AR-2 zoning. Both districts were replaced by the AR-6 district in 1996.

Bed and Breakfast establishments are permitted with a Special Exception Permit in the A-1 and AR-6 districts, and such establishments are required to comply with the special regulations found in Section 26-300 of the Hanover County Zoning Ordinance (copy attached). Per 26-300 the minimum lot size for a bed and breakfast business is two acres. The proposed Ordinance also requires compliance with 26-300. The minimum lot size in the AR-1 district is 30,000 square feet while the minimum lot size in AR-2 is 1.5 acres; therefore, it is likely very few AR-1 lots will qualify. For purposes of comparison, the minimum lots size in the AR-6 district ranges from two to five acres, while the minimum lot size in the A-1 district is 10 acres.

County Administrator's Recommended Board Motion: Motion to advertise for Public Hearing – Ordinance Amendment 15-02, Bed and Breakfast as a Special Exception in the AR-1 and AR-2 Zoning Districts

ORDINANCE 15-02

AN ORDINANCE TO AMEND THE HANOVER COUNTY CODE, ZONING ORDINANCE, TO MODIFY THE DISTRICT REGULATIONS FOR THE AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND THE AR-2 AGRICULTURAL RESIDENTIAL DISTRICT TO PERMIT THE OPERATION OF A BED AND BREAKFAST IN THOSE DISTRICTS WITH A SPECIAL EXCEPTION AND IN ACCORDANCE WITH THE STANDARDS SET FORTH IN SECTION 26-300 OF THE ZONING ORDINANCE.

WHEREAS the Hanover County Zoning Ordinance contains regulations providing for where beds and breakfasts are permitted in the County; and

WHEREAS the Zoning Ordinance currently allows for the operation of a bed and breakfast in the A-1 Agricultural District and the AR-6 Agricultural Residential District with a Special Exception and in accordance with the standards set forth in Section 26-300 of the Zoning Ordinance, which provides for the required size of a property used as a bed and breakfast, the required number of parking spaces on the property, the permissible size of signage, and the operation of the bed and breakfast; and

WHEREAS the Board of Supervisors has determined that similar regulations are appropriate in the AR-1 Agricultural Residential District and the AR-2 Agricultural Residential District; and

WHEREAS the Board of Supervisors finds that the public necessity, convenience, general welfare and good zoning practice require that the Zoning Ordinance be amended in accordance with these findings;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County:

1. That the zoning regulations applicable to the AR-1 Agricultural Residential District and the AR-2 Agricultural Residential District be amended to allow use of properties in those districts as a bed and breakfast with a Special Exception, and that such use also be required to comply with the standards set forth in Section 26-300 of the Hanover County Zoning Ordinance.
2. This ordinance shall be effective on the date of adoption.

2. Appropriate fencing and screening from abutting property of all outdoor activity areas shall be required. If parking areas are outside this fencing, then appropriate screening of at least four (4) feet in height shall be constructed around parking areas to protect adjoining property from headlights. The Board may require the applicant to file with the zoning administrator a performance bond during the period of construction, reconstruction, or alteration, such bond to be in an amount determined by the county engineer to be sufficient to insure completion of landscaping and parking plans as submitted.

3. Any pumps and filters which are located above ground shall be at least fifty (50) feet from abutting properties and shall be screened from view by such abutting properties.

4. Outdoor dispensing of food, beverages, and candy shall be from coin-operated machines only, unless otherwise approved.

5. All lights shall be shielded to reflect or direct light away from adjoining property.

6. Parking shall be provided in accordance with 26-251. The parking layout and surfacing shall be approved by the zoning administrator.

(Ord. No. 12-08, § 3, 1-9-13)

Section 26-300. Bed and breakfasts.

The following requirements shall apply to any property used as a bed and breakfast:

1. The use of the property for a bed and breakfast shall be accessory to the use of the property as a single-family dwelling.

2. The subject property must be the principal residence of the owner. The owner-occupant shall be the record owner of no less than fifty (50) percent interest of the subject property.

3. The minimum lot size shall be two (2) acres. The structure shall have at least two thousand five hundred (2,500) square feet of finished floor area, exclusive of accessory buildings or garages.

4. Off-street parking shall be provided at the rate of one parking space for each bedroom within the building, in addition to the spaces required for the single-family dwelling unit.

5. The maximum stay for any occupants of the bed and breakfast other than the owner and family shall be fourteen (14) days.

6. The structure shall remain a residential structure.

7. There shall be no more than two (2) persons, other than family members in residence, employed in the bed and breakfast.

8. One detached sign no larger than two (2) square feet in area shall be permitted on the premises to advertise the bed and breakfast. In addition, one wall sign no larger than two (2) square feet in area shall be permitted. Such signs may be indirectly illuminated.

(Ord. No. 12-08, § 3, 1-9-13)

Section 26-301. Adult Uses.

(a) Intent. It is recognized that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances or located in direct proximity to residential neighborhoods, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this section. The primary control or regulation is for the purpose of preventing the concentration or location of these uses in a manner that would create such adverse effects.

(b) Definitions. For the purposes of this section, the following definitions shall be applicable:

Adult book store: An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals, and other media (such as films, video tapes, video cassettes or video discs) which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" (as defined below) or "specified anatomical areas" (as defined below) or an establishment with a segment or section devoted to the sale or display of such material.

Adult theater: An enclosed building or outdoor facility used for presenting live performances or recorded material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" (as defined below) or "specified anatomical areas" (as defined below), for observation by patrons therein, and including any so-called "peep show" or individual motion picture machines or similar viewing devices.

Adult use: Any adult book store, adult theater, or massage parlor/health club as defined herein.

Massage parlor/health club: Any place, establishment or institution which is operated for the purpose of providing one or more of the following services at such establishment or on a house-call basis: Physical massage of the body of another; steam bath; hot box; electrical, mechanical or chemical magnetic bath and stimulation exercises. Excluded are the following: Hospitals, nursing homes, medical clinics, offices or quarters of duly licensed physicians, chiropractors, osteopaths or facilities operated by federal, state or county agencies, or barbershops and beauty parlors.

Specified anatomical areas:

1. Less than completely and opaquely covered:
   a. Human genitals, pubic region,