

ORDINANCE 15-02 BED AND BREAKFAST AS A SPECIAL EXCEPTION IN THE AR-1 AND AR-2 ZONING DISTRICTS



Ordinance Amendment Report
PC Meeting Date: March 19, 2015

Executive Summary

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.

Planning Analysis

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.

Staff's Recommendation

Staff recommends **APPROVAL** of draft Ordinance Amendment 15-02, Bed and Breakfast as a Special Exception in the AR-1 and AR-2 Zoning Districts. A draft Ordinance is attached for the Planning Commission's consideration of the requested amendment.

DPM/sm/pn:ordinances

Attachments

- Blackline of Existing Ordinance

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)

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.