

ORANGE COUNTY

PLANNING COMMISSION

COMMUNITY DEVELOPMENT BLDG.
128 WEST MAIN STREET
ORANGE, VIRGINIA 22960



OFFICE: (540) 672-4347
FAX: (540) 672-0164
orangecountyva.gov

Regular Meeting
Gordon Building Meeting Room
112 W. Main St, Orange, VA, 22960
Thursday, January 7th, 2016
AGENDA

6:00 pm

1. Call to order and determination of quorum
2. Election of chairman and vice chairman; appointment of secretary
3. Approval of agenda
4. Approval of minutes (none)
5. Work session:
 - A. Draft General Industrial (I-2) zoning district rewrite and related definitions
6. Public comment
7. Old business:
 - A. REZ 15-01: Application by Robert Springer, on behalf of Garrett Street LLC, to rezone tax parcels 52A-105 and 115 and 52-26, containing 45.947 acres in Barboursville, from Limited Residential (R-1) and General Residential (R-2), to Planned Residential (R-3) (*action deferred from the December 3rd, 2015 regular meeting and public hearing*)
 - B. Board of Supervisors report – Jim Crozier
 - C. Planning & Zoning report – Josh Frederick
 - D. Route 3 Steering Committee report – Nigel Goodwin
8. Public hearings (none)
9. New business:
 - A. Review of current subcommittee appointments:
 - i. Germanna-Wilderness Area Plan Steering Committee
 - ii. Division Policies Subcommittee
 - B. Annual review of bylaws
10. Commissioner comments
11. Next meeting date – February 4th, 2016
12. Adjourn

The Planning Commission reserves upon itself the right to amend a meeting agenda at any point and with any frequency prior to adoption of said agenda, pursuant to any required public notice.

Any property for which a public hearing is being held will be posted on-site with a notification sign, in accordance with a policy adopted by the Planning Commission.

Orange County Planning Commission

January 7th, 2016 regular meeting

Agenda item 5A

ORANGE COUNTY
DEPARTMENT OF PLANNING AND ZONING

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MEMORANDUM

TO: Orange County Planning Commission
FROM: Josh Frederick, Director of Planning & Zoning
DATE: December 23rd, 2015
RE: Draft Zoning Ordinance general industrial (I-2) district amendment

In November, the Board of Supervisors initiated Planning Commission action to amend the General Industrial (I-2) zoning district to address setback and buffer yard regulations, as well as to codify the applicable Thomas E. Lee Industrial Park covenants and restrictions into the Zoning Ordinance for all I-2 properties. The current setback and buffer yard regulations are overly restrictive and incur upon the county an unnecessary competitive disadvantage when compared to most other counties in the region and in the state. When the county acquired the land for the industrial park and subdivided it into lots, the Board at that time placed covenants and restrictions, in the form of development standards, on all the lots. Although most of these relate to things already required by current ordinances, the current Board has agreed, on the advice of the county attorney and planning staff, that the appropriate place for these types of restrictions is the Zoning Ordinance and not a set of covenants. Furthermore, as a matter of consistency and equity, they agreed that all I-2 properties should be bound by these standards rather than a select few.

As planning staff began to address the Board's amendment requests, the realization was made that the current I-2 district, as a whole, is outdated, inconsistent with other parts of the ordinance, and in need of a rewrite. Attached to this memo you will find a draft amendment to the I-2 district language as well as supporting definition additions/revisions. Lines 149-165 and 178-186 of the I-2 amendment address the setback and buffer revisions initiated by the Board. Furthermore, lines 205, 216-220, 211-215, 226-231, 233-236, and 240-242 incorporate applicable industrial park covenants.

Planning staff strongly recommends the Commission consider the complete rewrite, as attached, as opposed to a piecemeal amendment. However, the specific requests by the Board are identified above, should the Commission wish to only address those at this time. This is being presented as a work session item for your review at the January 7th, 2016 regular meeting, with the soonest possible date for a public hearing being February 4th.

Cc: R. Bryan David, County Administrator
Tom Lacheney, County Attorney
Alyson Simpson, Chief Deputy Clerk to the Board
File

Att: Draft zoning ordinance language

1 **DIVISION 10. - GENERAL INDUSTRIAL ZONING DISTRICT (I-2)**

2 **Sec. 70-541. - Intent.**

3 ~~The general industrial district establishes an area for heavy commercial and industrial uses which may~~
4 ~~create some nuisance, and which are not compatible with residential, institutional or neighborhood~~
5 ~~commercial uses. It encourages heavy commercial and industrial uses by prohibiting residential and~~
6 ~~neighborhood commercial uses, or any other use which would interfere with the development,~~
7 ~~continuation or expansion of commercial and industrial uses in the district. The intent of the general~~
8 ~~industrial district is to provide areas for manufacturing, processing and assembling of parts and~~
9 ~~products, distribution of products at wholesale, and a broad variety of specialized industrial operations,~~
10 ~~and areas which may be conducive to and appropriate for such activities. Because of their potential to~~
11 ~~generate nuisances, an emphasis is placed on adequate buffering and development standards to provide~~
12 ~~reasonable protections for neighboring properties. Industrial uses should be discouraged in situations~~
13 ~~where such uses would incur unmitigated audible or other impacts on neighboring properties,~~
14 ~~particularly those with considerable residential density.~~

15 Typically, general industrial districts should only be located in areas designated for such activities by the
16 comprehensive plan. These districts are generally intended to be located in areas served by public water
17 and sewer, in close proximity to rail lines and/or airports, and where there is quick and convenient
18 access to primary roads.

19 (Ord. of 5-2-1996, § 1001)

20
21 **Sec. 70-542. - Permitted uses.**

22 In the general industrial district, land may be used for the following uses and any customarily incidental
23 accessory use:

24 ~~(1) Automobile sales, repair, storage or service.~~

25 ~~(2) Building materials sales, plumbing and electrical sales and service, lumberyard, or equipment and~~
26 ~~machinery sales and service.~~

27 ~~(3) Manufacturing or processing not involving flammable or explosive materials.~~

28 ~~(4) Signs in accordance with sections 70-546 and 70-696 et seq.~~

29 ~~(5) Utility, fire or rescue station, or maintenance facility.~~

30 ~~(6) Warehouse, wholesale business or freight terminal.~~

31 ~~(7) Office / Office Building~~

32 ~~(8) Vocational Training Facility~~

33 ~~(9) Outdoor Power Equipment Motorcycle. All Terrain Vehicle. Watercraft Repair and Storage~~

34 (1) Accessory retail or office use, not exceeding twenty percent (20%) of the gross floor area of the
35 principal use.

- 36 (2) Brewery.
- 37 (3) Building materials sales establishment.
- 38 (4) Contractor's shop.
- 39 (5) Data center.
- 40 (6) Distillery.
- 41 (7) Feed, grain, and fertilizer sales.
- 42 (8) Greenhouse, commercial.
- 43 (9) Laboratory.
- 44 (10) Lumberyard or sawmill.
- 45 (11) Machine shop.
- 46 (12) Machinery and heavy equipment sales, rental, and service.
- 47 (13) Manufacturing, processing, assembly, and/or packaging of goods within the following
- 48 categories:
- 49 (a) Apparel and other fabricated textile products (SIC Major Group 23*);
- 50 (b) Converted paper and paperboard products (SIC Industry Group 265*);
- 51 (c) Electronics and electrical components;
- 52 (d) Fabricated metal products and machinery, not to include the usage of on-site foundries
- 53 and/or smelting;
- 54 (e) Food products (SIC Major Group 20*), not to include any on-site slaughtering;
- 55 (f) Furniture and fixtures (SIC Major Group 25*);
- 56 (g) Leather products (SIC Major Group 31*);
- 57 (h) Measuring, analyzing, and controlling instruments (SIC Major Group 38*);
- 58 (i) Motor vehicles, motorcycles, travel trailers/campers, and related transportation parts
- 59 and equipment;
- 60 (j) Paperboard containers and boxes (SIC Industry Group 265*);
- 61 (k) Pharmaceuticals, cosmetics, and toiletries;
- 62 (l) Pottery, stone, and glass products;
- 63 (m) Rubber and plastic products (SIC Major Group 30*);
- 64 (n) Soaps, detergents, and specialty cleaners (SIC categories 2841 and 2842*);
- 65 (o) Textile mill products (SIC Major Group 22*); and
- 66 (p) Wood products, including prefabricated structures.
- 67 (14) Materials recovery facility.
- 68 (15) Outdoor power equipment, motorcycle, all-terrain vehicle, and watercraft repair and storage.
- 69 (16) Printing and publishing facility.
- 70 (17) Publicly-owned recreational uses and facilities.
- 71 (18) Self-storage facility.
- 72 (19) Signs in accordance with sections 70-547 and 70-696 et seq.

- 73 (20) Temporary uses, with an approved zoning permit.
- 74 (21) Vehicular repair, storage, and service.
- 75 (22) Vocational training facility.
- 76 (23) Wholesale or distribution center.
- 77 * Includes the stated uses as well as the types of manufacturing categorized under the referenced
- 78 Standard Industrial Classification (SIC) groupings.
- 79 (Ord. of 5-2-1996, § 1002; Ord. of 11-13-2013; Ord of 06-10-14(9))

80

81 **Sec. 70-543. - Uses permitted by special use permit.**

82 In the general industrial district, the following uses may be permitted upon issuance of a special use

83 permit by the board of supervisors:

- 84 ~~(1) Any industrial use involving flammable or explosive materials.~~
- 85 ~~(2) Automobile graveyard or salvage operation.~~
- 86 ~~(3) Any industrial use which is clearly neither a permitted use in this district nor a use permitted by right~~
- 87 ~~in any other district.~~

- 88 (1) Accessory retail or office use exceeding twenty percent (20%) but not greater than fifty percent
- 89 (50%) of the gross floor area of the principal use.
- 90 (2) Airport.
- 91 (3) Brewery or Distillery with on-site food preparation.
- 92 (4) Bulk fuel storage and distribution as a principal use.
- 93 (5) Commercial recreational use.
- 94 (6) Flea market.
- 95 (7) Junkyard or salvage operation.
- 96 (8) Landfill.
- 97 (9) Manufacturing, processing, assembly, and/or packaging of goods within the following
- 98 categories:
 - 99 (a) Any use involving the usage of an on-site foundry and/or smelting processes;
 - 100 (b) Concrete, gypsum, and plaster products (SIC Industry Group 327*);
 - 101 (c) Explosives (SIC category 2892*);
 - 102 (d) Fertilizer, herbicide, pesticide, and other agricultural chemicals (SIC Industry Group
 - 103 287*);
 - 104 (e) Organic and inorganic chemicals (SIC Industry Groups 286 and 281*);
 - 105 (f) Paints, varnishes, lacquers, adhesives, sealants and other similar fluids/compounds;
 - 106 (g) Refined petroleum products (SIC Major Group 29*); and
 - 107 (h) Structural clay products (SIC Industry Group 325*);
 - 108

- 109 (10) Mining, including stone-crushing and immediate on-site processing of mined materials.
- 110 (11) Office/Office building as a principal use.
- 111 (12) Place of worship.
- 112 (13) Public utility facility.
- 113 (14) Rendering plant, tannery, or other similar use of an odorous nature involving the production or
- 114 processing of animal products.
- 115 (15) Telecommunications tower.
- 116 (16) Vehicular sales and rental.

117 * Includes the stated uses as well as the types of manufacturing categorized under the referenced
118 Standard Industrial Classification (SIC) groupings.
119 (Ord. of 5-2-1996, § 1003)

120

121 **Sec. 70-544. - ~~Setback and yards~~ Site development standards.**

122 ~~(a) In the general industrial district, the regulations in this section shall apply to all buildings, all~~
123 ~~structures that require building permits, and all temporary or portable buildings greater than 150 square~~
124 ~~feet in floor area or greater than eight feet, six inches in height.~~

125 ~~(b) For setbacks from primary highways, see section 70-646 et seq.~~

126 ~~(c) The setback from any secondary road or subdivision street shall be 35 feet from the right-of-way.~~

127 ~~(d) The minimum side or rear yard width adjacent to a residential or agricultural district shall be 100~~
128 ~~feet. The side or rear yard shall be suitably fenced or landscaped, or both, to protect the adjacent use~~
129 ~~from any adverse impact. Fencing shall be at least eight feet in height as measured from grade and shall~~
130 ~~consist of a solid material such that the industrial use is effectively screened from view. Landscaping~~
131 ~~shall at least consist of two rows of evergreen trees, at least eight feet in height and located 20 feet~~
132 ~~apart and staggered. The suitability of the fencing or landscaping shall be reviewed and approved as part~~
133 ~~of the site plan review before a zoning permit is issued. See section 70-116 et seq. The property owner~~
134 ~~shall be responsible for maintaining landscaping and fencing, including the replacement of dead trees~~
135 ~~and shrubs and the repair of any damaged or broken fencing, in a manner consistent with the provisions~~
136 ~~of this section.~~

137 ~~(e) The minimum side or rear yard width adjacent to a commercial or industrial district shall be 50 feet.~~

138 ~~(f) For corner lots, the minimum side yard width adjacent to the side street shall be 50 feet. For double-~~
139 ~~frontage lots, the minimum rear yard width shall be 50 feet.~~

140 (a) *Lot requirements.*

141 (1) *Minimum lot size.* Lot size shall be large enough to adequately accommodate all
142 requirements of this ordinance and any other regulations affecting site development
143 (e.g. stormwater).

144 (2) *Minimum lot frontage.* One-hundred, twenty-five (125) feet along a state primary or
145 secondary road; fifty (50) feet for lots fronting on a cul-de-sac. For corner lots and

- 146 double frontage lots, the minimum frontage shall be provided on each abutting state
147 primary or secondary roads.
- 148 (3) *Minimum lot width.* One-hundred, twenty-five (125) feet at any given point.
- 149 (b) *Setback/Yard requirements.*
- 150 (1) *Front yard.* Thirty-five (35) feet from any secondary road or fifty (50) feet when the
151 opposing frontage is within an agricultural or residential district. For setbacks from
152 primary road rights-of-way, see section 70-646 et seq.
- 153 (2) *Side yard.* Ten (10) feet when adjacent to an industrial or commercial district; fifty (50)
154 feet when adjacent to an agricultural or residential district; zero (0) feet when adjacent
155 to a railroad right-of-way.
- 156 (3) *Rear yard.* Ten (10) feet when adjacent to an industrial or commercial district; fifty (50)
157 feet when adjacent to an agricultural or residential district; thirty-five (35) feet for
158 double-frontage lots; zero (0) feet when adjacent to a railroad right-of-way.
- 159 (4) *Corner lot yards.* Thirty-five (35) feet adjacent to both frontages; fifty (50) feet when
160 adjacent to or opposite from an agricultural or residential district.
- 161 (5) *Waterways.* Structures shall be setback a minimum of fifty (50) feet from any naturally-
162 occurring waterways and/or waterbodies.
- 163 (6) *Signs.* Signs shall have no minimum setback distances unless otherwise required along
164 primary highways pursuant to Sec. 70-649. Signs shall not interfere with the provision of
165 adequate sight distances at driveways and intersections.
- 166 (c) *Height requirements.* A maximum of sixty (60) feet. This may be increased up to one-hundred
167 (100) feet provided the minimum setbacks for the structure are increased one-and-a-half (1.5)
168 feet for each additional foot above sixty (60). The board of supervisors may permit variations of
169 this requirement via special exception or, for telecommunications towers, as a condition of a
170 special use permit.
- 171 (d) *Lot coverage requirements.* The total footprint of all physical improvements on any lot, including
172 structures, shall not exceed eighty percent (80%) of the total acreage of the lot.
- 173 (e) *Buffer requirements.* These buffer requirements shall apply to all new development, additions
174 and expansions, and any redevelopment whereby any structure is demolished in order to
175 accommodate new development. For any addition or expansion of fifty percent (50%) or more
176 of the gross floor area of the principal use, the entire site shall be brought into compliance with
177 these buffer requirements.
- 178 (1) Any lot abutting an agricultural or residential district, irrespective of road rights-of-way,
179 shall retain within the required yard(s) abutting said districts an undisturbed wooded
180 buffer at least twenty-five (25) feet in width. Where a natural buffer does not exist or
181 does not meet the width requirement, the buffer shall be established or supplemented
182 adjacent to all elements of the use on the property. Any new buffer or buffer
183 supplement shall be a mix of evergreen trees, deciduous trees, and other native plants
184 such that it equals at least twenty-five (25) feet in width and adequately obscures all
185 elements of the use. The suitability of any required buffer shall be determined by the
186 zoning administrator as part of the site plan review process.
- 187 (2) There shall be no buffer requirement adjacent to a railroad right-of-way.

- 188 (3) Required buffers may contain utilities and supporting infrastructure such as pump
189 stations and electric transformer boxes, driveway entrances, pedestrian passageways,
190 signs, and stormwater facilities except for retention ponds.
- 191 (4) Any buffer required by this section may be used to provide compliance with any
192 landscaping standards contained elsewhere in this code.
- 193 (5) Property owners shall be responsible for maintaining any required buffers in a manner
194 consistent with the standards set forth in this section.

195 (Ord. of 5-2-1996, § 1004; Ord. of 8-11-1998, § 1004.03)

196

197 **Sec. 70-545. –~~Height regulations~~ Design and performance standards.**

198 ~~In the general industrial district, structures shall be 100 feet or less in height. The board of supervisors~~
199 ~~may grant a special exception to allow a structure taller than 100 feet. See section 70-67(a).~~

200 (a) *Building design requirements.* These requirements shall apply to all new development, additions
201 and expansions, and any redevelopment whereby any structure is demolished in order to
202 accommodate new development. The requirements below, unless otherwise stated, shall apply
203 to any portion of a structure fronting on a public right-of-way or any portion which, given the
204 orientation of the building, could be readily seen from a public right-of-way.

205 (1) *Materials.* Unadorned concrete block and unarticulated panel siding is prohibited. Metal
206 siding on any exterior wall may be permitted provided at least the bottom four (4) feet
207 of any such wall is adorned or constructed with brick, stone, or other similar masonry.

208 (2) *Massing.* Vertical wall expanses taller than twenty (20) feet and horizontal wall
209 expanses longer than forty (40) feet shall be broken up with recesses, projecting
210 elements, offsets, varying building materials and colors, and other design techniques.

211 (3) *Mechanical equipment.* Roof-mounted mechanical equipment shall be screened by
212 parapet walls or other opaque material similar to the primary building material(s).
213 Ground-mounted mechanical equipment shall not be located in the front yard of any
214 lot. All mechanical equipment shall be maintained in a rust-free and corrosion-free
215 state.

216 (4) *Prefabricated structures.* Prefabricated accessory structures which are built to be mobile
217 and/or temporary in nature are prohibited for permanent use or occupancy on any lot.
218 Temporary use of these structures may be permitted with an approved zoning permit
219 only during periods of active construction up to the point of issuance of a certificate of
220 occupancy.

221 (b) *Site design requirements.* These requirements shall apply to all new development and any
222 redevelopment whereby any structure is demolished in order to accommodate new
223 development. For any addition or expansion of fifty percent (50%) or more of the gross floor
224 area of the principal use, the entire site shall be brought into compliance with these
225 requirements.

226 (1) *Public water and sewer.* Connections to public water and/or sewer service shall be
227 required where such services are available to the property being developed.

- 228 (2) *Underground utilities.* All permanent utility connections shall be made underground to
229 the nearest available source.
- 230 (3) *Curb and gutter.* The installation of curb and gutter shall be required in conjunction with
231 any hard-surfaced entrance, driveway, or parking area.
- 232 (c) *General performance standards.*
- 233 (1) *Outdoor storage.* All outdoor storage of materials, inventory, and equipment shall be
234 contained within storage yards, which shall not be located in any required front yard. All
235 outdoor storage shall be obscured from view from a public right-of-way by fencing,
236 buffers, and/or landscaping in accordance with an approved site plan.
- 237 (2) *Burning and emissions.* No open burning or other emission of particulate matter into the
238 air shall be allowed unless permitted by the Virginia Department of Environmental
239 Quality or other state or federal regulatory authority.
- 240 (3) *Fencing.* Chain-link fencing shall be prohibited from being located adjacent to any public
241 right-of-way except if such fencing contains privacy slats/inserts and/or is obscured by a
242 required buffer or by landscaping installed in accordance with an approved site plan.
- 243 (4) *Refuse containment.* Dumpsters and other refuse containers shall be prohibited in the
244 front yard of any lot, and shall be enclosed on at least three (3) sides by opaque walls at
245 least as tall as the receptacle(s).
- 246 (5) *Parking, loading/unloading, and landscaping.* See Article 5, Division 5 of this chapter.
- 247 (d) *Performance standards for specific uses.*
- 248 (1) *Above-ground storage tanks.* For any above-ground tanks for the storage of fuels and
249 other flammable substances, minimum separation distances from structures, as
250 provided in the Uniform Statewide Building Code, shall be shown on any site plan.
- 251 (2) *Accessory office and retail uses.* Accessory office and retail uses shall be located as close
252 to the front of the lot as practicable given the nature of the principal use. Parking areas
253 for such uses shall be separated from any internal truck traffic so as to remove potential
254 conflicts.
- 255 (3) *Breweries and distilleries.*
- 256 i. Production waste (e.g. spent grains) may be stored in silos and other accessory
257 structures provided they are completely enclosed.
- 258 ii. Temporary events including live music and other entertainment shall be limited
259 to weekends and holidays.
- 260 (4) *Incineration on-site.* Any use utilizing on-site incineration of solid waste shall locate such
261 facilities no closer than five-hundred (500) feet to any property line.
- 262 (5) *Lumberyards, sawmills, and other lumber cutting/surfacing operations.*
- 263 i. All cutting, sawing, grinding, or other processing shall occur within a fully-
264 enclosed structure.
- 265 ii. Structures shall be oriented such that openings and other service entrances do
266 not directly face any existing dwelling units or a residential district. This
267 standard may be waived if such structures are setback at least two-hundred
268 (200) feet from the property lines.

- 269 (6) *Non-domestic waste and wastewater.* Industrial waste lagoons and other open-air
270 wastewater and general waste containment areas shall be located no closer than five-
271 hundred (500) feet to any property line.
- 272 (7) *Repair and service operations.* All repair and service of vehicles, equipment, and
273 machinery shall be conducted within fully-enclosed structures.
- 274 (8) *Self-storage facilities.*
- 275 i. Each externally-accessible unit shall have a minimum of ten (10) feet in front of
276 it for loading and unloading, in addition to a drive aisle as required by Article 5,
277 Division 5 of this chapter.
 - 278 ii. Auctions and garage sales shall be prohibited.
 - 279 iii. Outdoor storage of vehicles shall be limited to automobiles, automobile trailers,
280 recreational vehicles, and watercraft.
 - 281 iv. Individual unit openings shall not face any residentially-zoned property.
- 282 (9) *Testing.* Areas dedicated to outdoor testing of manufactured goods, pre-assembly or
283 pre-fabrication components, and/or machinery used in a production process shall not
284 be located adjacent to any residential district. The board of supervisors may grant
285 special exceptions to this provision.

286 (Ord. of 5-2-1996, § 1005)

287

288 **Sec. 70-546. – Signs Signage standards.**

289 (a) In the general industrial district, signs are permitted as set forth in this section. In granting a special
290 use permit, the board of supervisors may allow signs that exceed these ~~guidelines~~ standards.

291 (a) *Permanent on-site signs.*

- 292 (1) *Permitted types.* Building sign; monument sign; pylon sign with two (2) or more
293 supporting posts.
- 294 (2) *Setbacks.* See Sec. 70-544(b) and Sec. 70-649.
- 295 (3) *Maximum height.* Ten (10) feet for monument and pylon signs; building signs may not
296 project above the maximum height of the principal use.
- 297 (4) *Maximum area per lot.* One (1) square foot of signage for each linear foot of building
298 frontage.
- 299 (5) *Illumination.* Signs may be internally or externally illuminated. Sources of external
300 illumination shall be shielded and arranged so that glare is minimized for passing
301 motorists and adjacent properties.

302 (b) *Permanent off-site signs.*

- 303 (1) *Permitted types.* Monument sign; pylon sign with two (2) or more supporting posts.
- 304 (2) *Setbacks.* See Sec. 70-544(b) and Sec. 70-649.
- 305 (3) *Maximum height.* Ten (10) feet.

306 (4) *Maximum area per lot.* Thirty-two (32) square feet; sixty-four (64) square feet for signs
307 for industrial parks and other projects under a common plan of development for which
308 the sign provides advertising space for all lots or tenants. However, off-site signs shall
309 not exceed the regulations of the zoning district in which they are located.

310 (5) *Maximum number.* One (1) per lot; see Sec. 70-699.

311 (6) *Illumination.* Signs may be externally illuminated. Sources of external illumination shall
312 be shielded and arranged so that glare is minimized for passing motorists and adjacent
313 properties.

314 (c) *Temporary signs.* One (1) per lot may be permitted at any given time for seasonal and
315 temporary activities. Such signs shall not exceed thirty-two (32) square feet in area or eight (8)
316 feet in height pursuant to Sec. 70-697.

317 ~~(b) The total area of permanent signs on any improved lot shall not exceed one square foot of sign for~~
318 ~~each linear foot of building frontage. The total area of signs shall be distributed among building, pylon~~
319 ~~and monument signs such that pylon signs make up no more than half the total.~~

320 ~~(c) The total area of signs on any unimproved lot shall not exceed 32 square feet.~~

321 ~~(d) The height of on-site pylon signs shall not exceed 18 feet. Building signs shall not project above the~~
322 ~~top of the building more than one-third of the total height of the building. The height of off-site signs~~
323 ~~shall not exceed eight feet.~~

324 ~~(e) Signs may be lighted so that they are illuminated from within or have one or more lights shining on~~
325 ~~them so that each face of the sign is illuminated. Lights used to internally and externally illuminate each~~
326 ~~face of a sign shall be directed so as to minimize glare to passing motorists or pedestrians.~~

327 ~~(f) Digital signs are permitted as set forth in section 70-701.~~

328 (Ord. of 5-2-1996, § 1006; Ord. of 7-26-2011)

329

330 **Secs. 70-547—70-580. - Reserved.**

1 **ARTICLE I - IN GENERAL**

2 **Sec. 70-1. - Definitions.**

3 **New definitions.**

4 *Brewery* means any establishment engaged in the production and packaging of fermented, non-distilled
5 alcoholic beverages (e.g. beer and cider) for distribution, retail, or wholesale purposes, meeting all laws
6 related to alcoholic beverage control. A brewery may provide on-site tastings and samples to patrons,
7 and provide for on-site retail sales.

8 *Building materials sales establishment* means a retail or wholesale store of up to sixty-thousand (60,000)
9 square feet in which lumber, millwork, masonry products, tile, stone, soil and other bulk landscaping
10 materials, fencing, plumbing, electrical, paint, roofing, and other similar materials are sold which are
11 used to construct or maintain structures and accessory facilities. Such an establishment is separate from
12 a *large retail use* and does not include the sale of appliances, home furnishings, decorations, and other
13 similar consumer goods.

14 *Contractor's shop* means an establishment primarily engaged in the on-site or off-site provision of
15 services for the construction, maintenance, cleaning, or repair of buildings, building components, and
16 properties on a fee or contractual basis. Such services may include, but are not limited to, plumbing,
17 electrical, heating and air conditioning, landscaping, roofing, painting, general construction, and
18 landscaping.

19 *Data center* means a facility used primarily for the storage, management, processing, and transmission
20 of digital data, which houses computer and/or network equipment, systems, servers, appliances and
21 other associated components related to digital data operations.

22 *Distillery* means a facility engaged in the production and packaging of distilled alcoholic beverages for
23 distribution, retail, or wholesale purposes, meeting all laws related to alcoholic beverage control. A
24 distillery may provide on-site tastings and samples to patrons, and provide for on-site retail sales.

25 *Laboratory* means an establishment devoted to research, testing, and development of new products and
26 substances, the process for which involves controlled experimentation, specialized machinery, and/or
27 specialized processes. Included in this definition are medical laboratories engaged in professional
28 analytic and diagnostic services and/or the manufacture of custom prosthetics and medical devices.

29 *Landfill* means a publicly-owned, engineered land burial facility used for the purpose of disposing of
30 solid waste which is operated and maintained such that it poses no substantial threat to the
31 environment or to public health, safety, and general welfare.

32 *Machine shop* means a commercial facility in which solid raw materials are formed into a desired final
33 shape and size via a controlled material-removal or subtractive manufacturing process.

34 *Materials recovery facility* means an operation engaged in the removal and/or reclamation of recyclable
35 materials from solid waste and other previously-manufactured items.

36 *Printing and publishing facility* means an establishment engaged in the production of printed and digital
37 media such as, but not limited to, books, magazines, newspapers, architectural drawings, engravings,
38 music, photos, and movies.

39 *Self-storage facility* means a building or group of buildings, having controlled access, which contain
40 individually-leasable and individually-accessible units for the general safe keeping of items by lessees. A
41 self-storage facility may have a single dwelling unit with an interior floor area no larger than six-hundred
42 (600) square feet, attached to a main office, for a resident manager.

43

44 **Revised existing definitions:**

45 *Sign, monument* means any free-standing sign permanently affixed to a wall or fence which is less than
46 three feet in height and built of brick, stone, treated lumber or similarly durable materials, other than a
47 pylon sign, erected on the existing grade or on a solid base constructed of durable materials which is
48 visually integral to the design of the sign.

49 *Vocational Training Facility* means a privately-operated, post-secondary school providing education
50 and/or training for a specific occupation, business, trade, or profession. ~~Offices and classroom facilities~~
51 ~~are by right, where permitted. Other facilities are permitted with a Special Use permit. This~~
52 ~~classification, but excludes accessory residential uses, establishments providing training for a use that is~~
53 ~~not otherwise permitted in the zone zoning district, and paramilitary-type training facilities. Incidental~~
54 ~~instructional services in conjunction with another primary use shall not be included in this definition.~~
55 ~~Privately operated and/or owned military-oriented training facilities or uses of a similar private military-~~
56 ~~style training (paramilitary) nature are not permitted in any zoning district.~~

Orange County Planning Commission

January 7th, 2016 regular meeting

Agenda item 7A

ORANGE COUNTY
DEPARTMENT OF PLANNING AND ZONING

COMMUNITY DEVELOPMENT BLDG.
128 WEST MAIN STREET
ORANGE, VIRGINIA 22960



OFFICE: (540) 672-4347
FAX: (540) 672-0164
orangecountyva.gov

MEMORANDUM

TO: Orange County Planning Commission
FROM: Josh Frederick, Director of Planning & Zoning
DATE: December 23rd, 2015
RE: Deferred action on the REZ 15-01 (Winterberry Creek) public hearing

If the Commission will recall, a public hearing for REZ 15-01 was held during the December 3rd, 2015 regular meeting. However, action was deferred in order for the applicant to address the ambiguous ownership of a portion of the property, as well as to address the Commission's comments regarding the 11/17/15 proffers. The following items are attached for your consideration.

- An executed and recorded quitclaim deed to the piece of property in question (the “reserved area” shown on the original subdivision plat). The applicant has also confirmed in the cover letter that this piece is included in the rezoning application. This deed removes the question of ownership.
- A letter from Rapidan Service Authority (dated 12/16/15) confirming water availability for the proposed number of lots. Planning staff confirmed that “110 lots” included in RSA’s original letter attached to the staff report was a misprint.
- A revised proffer statement (dated 12/23/15). Revisions include:
 - A minimum lot size has been declared.
 - Minimum square footages have been increased (proffer 3b).
 - The applicant has added additional proffers related to architectural treatments, architectural styles, building materials, and roof styles in order to address concerns previously expressed by the Commission (proffers 3e, 3f, 3g, 3h, and 3i). Planning staff questions the realistic enforcement possibility of some of these (e.g. the minimum material thicknesses), but agrees with the intent to proffer a minimum standard for architecture.
 - Proffer #5 is new and it addresses access to public water. It has been expressed to planning staff that before Winterberry Creek may connect to public water, RSA will require the applicant to complete offsite water line improvements along Route 670 in Greene County. These improvements are to address a future lack of water capacity for fire protection as anticipated by RSA. The Commission expressed concerns over the usage of groundwater to supply this development, which is a possibility if an agreement is not reached with RSA. Planning staff echoes these concerns due to the potential impacts to the water table at full buildout of the development.
- The 11/17/15 proffered application plan. There have been no changes to this plan.

ORANGE COUNTY
DEPARTMENT OF PLANNING AND ZONING

You may also refer to the materials previously provided for the public hearing as part of the 12/3/15 agenda packet. Planning staff maintains their recommendation of approval for this application.

Cc: R. Bryan David, County Administrator
Tom Lacheney, County Attorney
Alyson Simpson, Chief Deputy Clerk to the Board
File

Att: Recorded quitclaim deed INST #150008747
RSA letter, dated 12/16/15
Draft approval/denial resolution #16-01
Revised proffer statement, dated 12/23/15
Proffered application plan, dated 11/17/15

Robert Springer

79 Garrett Street
Martinsville, VA 24106
Phone: (540) 272-1000

Josh Frederick
Director of Planning and Zoning
Orange County
128 West Main Street
Orange, VA 22960

December 16, 2015

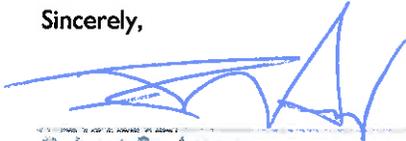
RE: Rezoning Application #REZ 15-01

Dear Mr Frederick,

As discussed in the Planning Commission meeting earlier this month, attached please find a corrected Deed clarifying any ambiguity regarding ownership of the 50' "Reserved Area" envisioned for the entrance to the Winterberry Creek subdivision. As owner of this parcel, we would like to make it clear that our above-referenced rezoning application includes this parcel as part of the property we are requesting be rezoned to Planned Residential (R-3). If you have questions or require further information, please feel free to contact me.

Thank you for your assistance with this matter.

Sincerely,



Robert Springer
Managing Member
Garrett Street LLC

Cc: Thomas E. Lacheney
County Attorney, Orange County, VA

Prepared by: Thomas James Ross II, Esquire
VSB#22360
TAX MAP/PIN NO: 52-A-15 and 52-26
Title Insurance Underwriter: Unknown to preparer
Grantees' Mailing Address:
79 Garrett Street
Warrenton, Virginia 20186

150008747

Correcting ownership of 50' Easement for Instrument #050008667

THIS DEED OF CORRECTION

made and entered into this 15 day of December, 2015, by and between ANGELA'S PROPERTIES, L.C., a Virginia limited liability company, also known of record as ANGELA'S PROPERTIES, L.L.C., A Virginia limited liability company, Grantor; and GARRETT STREET, L.L.C., a Virginia limited liability company, Grantee;

WITNESSETH:

THAT WHEREAS, by Deed from ANGELA'S PROPERTIES, L.L.C., a Virginia limited liability company, dated July 20, 2005, and recorded in Instrument Number 050008667, in the Clerk's Office of the Circuit Court of Orange County, Virginia, Parcel 1, containing 43.9 acres, more or less, and Parcel 2, containing 10.099 acres, more or less, was conveyed to the Grantee; and

WHEREAS, the aforementioned Deed to GARRETT STREET, L.L.C., a Virginia limited liability company, contained an error in the legal name of the Grantor and a possible ambiguity in the property descriptions; and

WHEREAS, the Grantor and the Grantee are desirous of correcting the name of the Grantor and clearing up the ambiguity contained in the Deed recorded in Instrument Number 050008667, and, specifically to expressly include the "Reserved Area" containing 21,608 square feet, more or less, as shown on the plat recorded in Plat Book 3 at Page 108A as a part of the property conveyed to the Grantee.

NOW, THEREFORE, this Deed further witnesseth that for and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, the GRANTOR does hereby GRANT and CONVEY with GENERAL

WARRANTY and with ENGLISH COVENANTS OF TITLE unto the GRANTEE, the following described real estate.

PARCEL 1: ALL THOSE two certain contiguous tracts or parcels of land, together with all buildings and improvements thereon and privileges and appurtenances thereunto belonging, situated, lying and being in Barbour Magisterial District, Orange County, Virginia, containing in the aggregate 59.686 acres, more or less, fronting on the east sides of State Secondary Routes 613 and 670, which tracts or parcels of land are more particularly shown on a plat of survey made by Milton Terry Estes, C.L.S. dated May 4, 1972, and recorded in the Clerk's Office of Orange County, Virginia in Map Book 3 at Page 88 wherein Tract One is designated as "Lee Duke Estate," containing 21.368 acres, more or less, and wherein Tract Two is designated as "Esther Johnson Estate," containing 38.318 acres, more or less.

LESS AND EXCEPT therefrom Lots 101 through 116, inclusive, Sections 1 and 2 of Eheart Subdivision (a.k.a. Oaklawn Subdivision) as more particularly shown on Survey by John C. Mackie, C.L.S., recorded in Map Book 3 at Page 108, in the aforesaid Clerk's Office, leaving a residue of 43.9 acres, more or less herein conveyed.

This conveyance expressly includes the "Reserved Area" containing 21,608 square feet, more or less, as shown on the aforementioned survey by John C. Mackie, C.L.S., recorded in Map Book 3 at Page 108, in the aforesaid Clerk's Office.

AND BEING the same property conveyed to Angela's Properties, L.L.C., a Virginia limited liability company, by Deed from Jefferson Homebuilders, Inc., (formerly Joseph R. Daniel Construction Company, Inc.), dated September 10, 2001 and recorded September 27, 2001, in Instrument Number 010007653, in the aforesaid Clerk's Office.

PARCEL 2: ALL THAT certain lot or parcel of land, together with all improvements thereon and privileges and appurtenances thereunto belonging, situated, lying and being in Barbour Magisterial District, Orange County, Virginia, containing 1.099 acres, more or less, being Lot 115 of the Eheart Subdivision (a.k.a. Oaklawn Subdivision) and being

more particularly shown and described on a plat of a survey made by Milton Terry Estes, C.L.S., dated February 23, 1983, recorded in the Clerk's Office of the Circuit Court of Orange County, Virginia in Deed Book 346 at Page 7.

AND BEING the same property conveyed to Angela's Properties, L.C., a Virginia limited liability company, by Deed from Roy C. Trucksess and Eileen H. Trucksess, husband and wife, dated December 11, 2000 and recorded December 11, 2000, in Deed Book 694 at Page 150, in the aforesaid Clerk's Office.

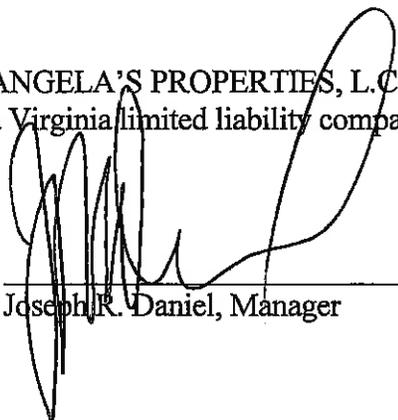
This conveyance is made expressly subject to easements, restrictions and rights-of-way of record.

TO HAVE AND TO HOLD the said land and premises, together with all rights, ways, appurtenances and easements thereto belonging, or in anywise appertaining unto the said Grantee and its successors in fee simple, forever.

The Grantor covenant that it is seized of the aforesaid land, that it has the right to convey said land, that the Grantee will have quiet possession of the same, free from all encumbrances, that the Grantor will execute such further assurances as may be deemed requisite, and that they have done no act to encumber the said land.

WITNESS the following signature and seal:

ANGELA'S PROPERTIES, L.C.,
a Virginia limited liability company

By:  _____ (SEAL)
Joseph R. Daniel, Manager

STATE OF VIRGINIA
COUNTY OF Culpeper, to-wit:

The foregoing instrument was acknowledged before me this 15 day of December, 2015, by Joseph R. Daniel, Manager, on behalf of Angela's Properties, L.C., a Virginia limited liability company

Lisa B. Harris
Notary Public

My Commission Expires: 6/30/17



INSTRUMENT #150008747
RECORDED IN THE CLERK'S OFFICE OF
ORANGE ON
DECEMBER 16, 2015 AT 11:13AM

TERESA T. CARROLL, CLERK
RECORDED BY: LBM

A COPY TESTE:

Teresa T. Carroll, Clerk
Orange County Circuit Court

By: [Signature], Dep. Clerk

RAPIDAN SERVICE AUTHORITY
11235 SPOTSWOOD TRAIL
PO BOX 148
RUCKERSVILLE, VA 22968
TEL 434-985-7811
FAX 434-985-6075



RAPIDAN SERVICE AUTHORITY
3489 GERMANNA HWY
PO BOX 736
LOCUST GROVE, VA 22508
TEL 540-972-2133
FAX 540-972-7065

Serving the Counties of Greene, Madison and Orange

December 16, 2015

Mr. Josh Frederick, Director of Planning and Zoning
Orange County
P. O. Box 111
Orange, Virginia 22960

RE: Eheart Subdivision Rezoning Request (REZ 15-01)

Dear Mr. Frederick:

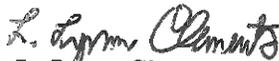
Rapidan Service Authority has reviewed the rezoning request for a residential subdivision on Ridgeway Drive called Winterberry Creek dated 8/3/15 by Garrett Street, LLC. This subdivision has an R-2 zoning and the request is for an R-3 zoning.

Rapidan Service Authority has previously met with the developer and agreed to provide public water for this subdivision from the Greene County water system. The water main must be extended to the subdivision and the developer must upgrade a portion of an existing water main along Preddy Creek Road in Greene County. Once the developer agrees to the extension and the upgrade plans, RSA can approve the subdivision with up to 113 residential connections.

The subdivision is planning a private community sewer system and RSA has no comment on this phase of the project.

If you have any questions, please call me.

Very truly yours,


L. Lynn Clements,
Director of Projects

ORANGE COUNTY
PLANNING COMMISSION

COMMUNITY DEVELOPMENT BLDG.
128 WEST MAIN STREET
ORANGE, VIRGINIA 22960



OFFICE: (540) 672-4347
FAX: (540) 672-0164
orangecountyva.gov

DRAFT RESOLUTION RECOMMENDING APPROVAL / DENIAL

MOTION: January 7th, 2016
Regular Meeting
SECOND: Res. No. 16-01

REZ 15-01 – Garrett Street LLC

WHEREAS, Robert Springer, on behalf of Garrett Street LLC, applied to rezone 45.947 acres contained within tax parcels 52A-105 and 52A-115 from Limited Residential (R-1) and tax parcel 52-26 from General Residential (R-2) to Planned Residential (R-3); and

WHEREAS, the applicant has volunteered proffers, in a signed statement dated December 23rd, 2015; and

WHEREAS, this request is pursuant to Sec. 70-191 of the Zoning Ordinance and §15.2-2296:2303 of the Code of Virginia; and

WHEREAS, the Planning Commission held a duly advertised public hearing during the December 3rd, 2015 regular meeting and deferred action until the January 7th, 2016 meeting; and

WHEREAS, Staff of the Department of Planning and Zoning have recommended approval of this proposed rezoning; and

WHEREAS, the Planning Commission has reviewed the rezoning request and found it to be **consistent / inconsistent** with the 2013 Comprehensive Plan, and desires to recommend **approval / denial** of the proposed rezoning from R-1 and R-2 to R-3.

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Planning Commission hereby recommends, based on public necessity, convenience, general welfare and good planning/zoning practice, that the Orange County Board of Supervisors **approve / deny** REZ 15-01 along with the submitted proffers, as attached to this resolution.

Votes

Ayes:
Nays:
Abstained from Vote:
Absent from Meeting:

Cc: Clerk to the Board of Supervisors
Applicant
File

Attached: 12/23/15 proffer statement

CERTIFIED COPY

Secretary to the Planning Commission

DRAFT PROFFER STATEMENT

Winterberry Creek

Date of Proffer: 09-18-2015
Date of Revision: 10-08-2015
10-23-2015
11-17-2015
12-23-2015

Project Name: Winterberry Creek

Rezoning Number: 15-01

Owner: Garrett Street LLC
79 Garrett Street
Warrenton, VA 20186

Existing Zoning: R-2 (General Residential) - Tax Map 52 Parcel 26 and
R-1 (Limited Residential) - Tax Map 52(a) Parcels 105 and 115

Zoning Requested: R-3 Planned Residential District

Acreage of Parcels: 45.947

Magisterial District: Barbour

Tax Map / Parcel: Tax Map 52 Parcel 26
Tax Map 52 Section A Parcel 105
Tax Map 52 Section A Parcel 115

Legal Reference: Orange County Instrument # 050008667
PC M-320
Instrument #070011510 (Easement Deed)
Plat Book 378 Page 722
Instrument #060013464
Plat Map Book 3-108B
Instrument #050008667
Instrument #150008747 (Deed of Correction for Right-of-Way)

Exhibit(s)/References: 1) Rezoning Application Plan for Winterberry Creek (sheets 1 through 5
dated September 4, 2015 and last revised on November 17, 2015), prepared
by Justin Shimp, P.E.

The Term “Owner” as referenced within this document shall include within its meaning the owner, or owners, of record of the Property, or properties, and their successors in interest.

The Owner hereby voluntarily proffers that if the Orange County Board of Supervisors acts to rezone the 45.947 acre Property from the R-1 (Limited Residential) and R-2 (General Residential) District to the R-3 Planned Residential District as requested, the Owner shall develop the Property in accord with the following proffered development conditions (each, a “Proffer,” and collectively, the “Proffers”), which the Owner acknowledges are reasonable, pursuant to Section 15.2-2303 of the Code of Virginia, 1950, as amended, and pursuant to Section 70-191 of the Orange County Zoning Ordinance. . If rezoning application # 15-01 (Winterberry Creek) is denied, these proffers shall immediately be null and void and of no force and effect.

As used throughout these Proffers, the following capitalized terms shall have the following meanings:

“Application Plan” shall refer to the Rezoning Application Plan for Winterberry Creek (sheets 1-5 dated September 4, 2015 and last revision date November 17, 2015). Prior to development of any phase of the site, a preliminary and/or final plat shall be submitted for review and approval in accordance with Section 54-39 of the Orange County Subdivision Ordinance, as amended.

“Site” shall refer to the total acreage of tax parcels 52-26, 52A-105, and 52A-115 at the time that these proffers are approved along with any future divisions or consolidations thereof.

1) **Site Layout.** Development of the Site will be in General Conformity with the Application Plan and any future amendments to the Application Plan and/or the proffers volunteered herein. The Zoning Administrator shall determine General Conformity. In particular, development of the site shall provide development areas, open space areas, and tree buffers in the general locations as shown on sheets 3 and 4 of the Application Plan.

2) **Permitted Uses.** The following uses along with any customarily incidental accessory uses, including home occupations, shall be permitted within this R-3 Planned Residential District:

- 1) Single-family dwelling.
- 2) Two-family dwelling.
- 3) ~~Multifamily dwelling.~~
- 4) Short-term lodging facility.
- 5) ~~Community services such as office, daycare center, elder care center, or security facility.~~
- 6) ~~Place of worship.~~
- 7) ~~Public use such as school, park, library, fire/rescue station.~~
- 8) Signs subject to sections 70-400 and 70-696 et seq.
- 9) Accessory Apartment.

The strikethrough uses above (numbered 3-7) are not permitted as part of the zoning of this property. Special Use permits shall be allowed in conformance with Section 70-392B of the Orange County Zoning Ordinance along with any future amendments thereto.

3) **Residential Restrictions.**

a) **Maximum Residential Density.**

There shall be no more than 113 principal residential dwelling units permitted for this property. Any subdivision of the property shall provide, in a table format on the subdivision plat(s), the total number of units allowed, the total number of units provided, and the total number of remaining development rights remaining for the property.

b) **Minimum Residential Footprint.**

The minimum gross square footage for single-family detached residential units shall be 1,800 square feet. The minimum footprint for two-family (duplex) units shall be 1,400 square feet per unit.

c) **Minimum Lot Size.**

The minimum allowable residential lot size shall be 4,000 (four thousand) square feet.

d) **Minimum Residential Building Offsets.**

The front façade of two-family units shall be stepped a minimum of 2 feet to provide an architectural and visual break between the two units. Rooflines on attached dwellings shall have a minimum vertical separation of 1 foot.

e) **Minimum Garage Door Setback.**

Front-facing garage doors should be recessed a minimum of 2 feet behind the primary front vertical plane of the dwelling unit (including porch projections) for the purpose of making garage doors less conspicuous from the street view.

f) **Architectural Style (principal and accessory structures).**

- Repetition of architectural designs throughout the neighborhood is permitted; however, if identical building layouts are provided on adjacent lots, this repetition should be hidden from the street view through the use of: separation, mirror reverse of plans, and changes in design elements such as doors, porches, dormers, bays, colors, and material finishes.

g) **Building Materials (principal and accessory structures).**

- Exposed foundations shall be finished in stone, brick or stucco. Formed concrete foundations with brick patterns are permitted but shall be painted.
- Vinyl siding shall be permitted however wall panels shall be a minimum of 0.40 inch thickness, soffit panels shall be a minimum of 0.50 inch thickness, and all vinyl products shall include anti-weathering protection.
- Roofs shall be architectural dimensional shingles, tile, or metal.
- Concrete block, corrugated metal, and un-articulated panel siding (e.g. T1-11 and other flat panels) are not permitted as wall materials.

h) **Colors and Façade Treatment (principal and accessory structures).**

- For brick finishes, windows shall be headed with brick, stone, or similar finish; keystones are optional.
- Buildings with siding shall have trim boards (minimum 5/4 x 4 minimum equivalent widths).

i) Roof Pitch and Design (principal and accessory structures).

- Minimum roof pitch shall be 6:12, except for flat roof sections.
- Flat roofs are not permitted as the principal roof type for any structure.

4) Open Space.

a) Minimum Open Space.

A minimum of 40% (18.4 acres) of the site shall be owned by the property owners' association and reserved for recreation and open space. Any open space not designated to be wooded shall be general open space and may be cleared and/or wooded. No structures shall be permitted in the open space areas except for recreational equipment and/or facilities necessary for the provision of water and sewer service to the Site.

b) Tree Buffers.

A tree buffer with a minimum width of 20 feet shall be provided along the exterior of the site in the general locations as shown on sheet 4 of the Application Plan. Any existing trees which are removed from this location shall be replanted with a mixture of native deciduous and evergreen trees. Where existing trees are not present in these locations, additional native deciduous and evergreen trees shall be planted to create the equivalent screening buffer of a staggered row of trees, planted at 15 feet on center. The tree buffer area defined herein shall be included in the calculation of minimum open space as defined in paragraph 4(a), above.

c) Wooded Open Space.

A minimum of 50% of the Open Space required in the aforementioned paragraph 4(a) shall be preserved as wooded open space and labelled as such on any future plat(s). Any trees removed from within the wooded open space area shall be replanted to provide a minimum of 20% wooded open space area for the entire site.

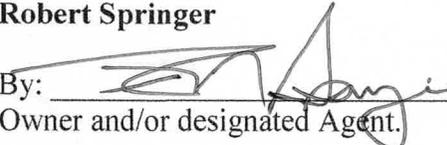
d) Undisturbed Stream Buffer.

A minimum of 25% of the Open Space required in the aforementioned paragraph 4(a) shall be preserved as undisturbed stream buffer and labelled as such on any future plat(s). Except as necessary for utility and other required infrastructure this undisturbed stream buffer area shall be contiguous along the stream that is centrally located to the site (refer to sheet 4 of the Application Plan). The undisturbed stream buffer shall be shown on future plats and labelled as such with a note that prohibits the removal of trees greater than 6" in diameter.

5) Public Water. Should access to the Rapidan Service Authority public water system be made available for this development without the requirement for any financial expense by the Owner/Developer for any offsite improvements, including planning costs such as water capacity analysis; the new homes within this project shall connect to public water.

WITNESS the following signature:

Robert Springer

By: 
Owner and/or designated Agent.

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Fauquier, to wit:

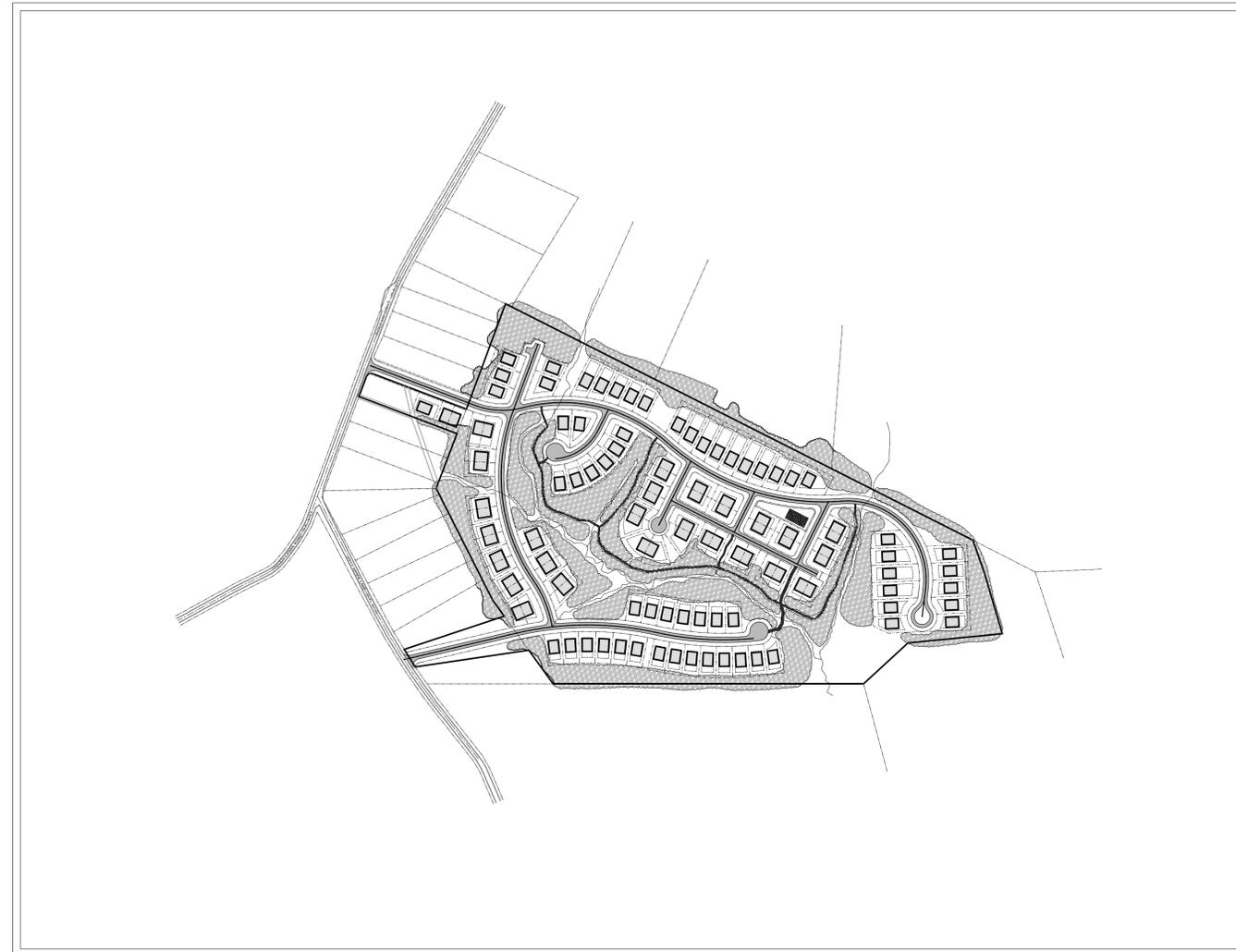
The foregoing instrument was acknowledged before me this 23rd day of December 2015
by Springer, Owner and or designated Agent of Tax Map 52 Parcel 26,
Tax Map 52 Section A, Parcel 105, and Tax Map 52 Section A Parcel 115.

My Commission expires: 12/30/18


Notary Public



REZONING APPLICATION PLAN FOR WINTERBERRY CREEK



ILLUSTRATIVE CONCEPT (not for review or approval)

1" = 300'

REZONING APPLICATION FOR:
TAX MAP 52, PARCEL 26,
TAX MAP 52, SECTION A, PARCEL 105, and
TAX MAP 52, SECTION A, PARCEL 115
BARBOUR MAGISTERIAL DISTRICT,
ORANGE COUNTY, VIRGINIA
SEPTEMBER 4, 2015
Current Revision Date: NOVEMBER 17, 2015



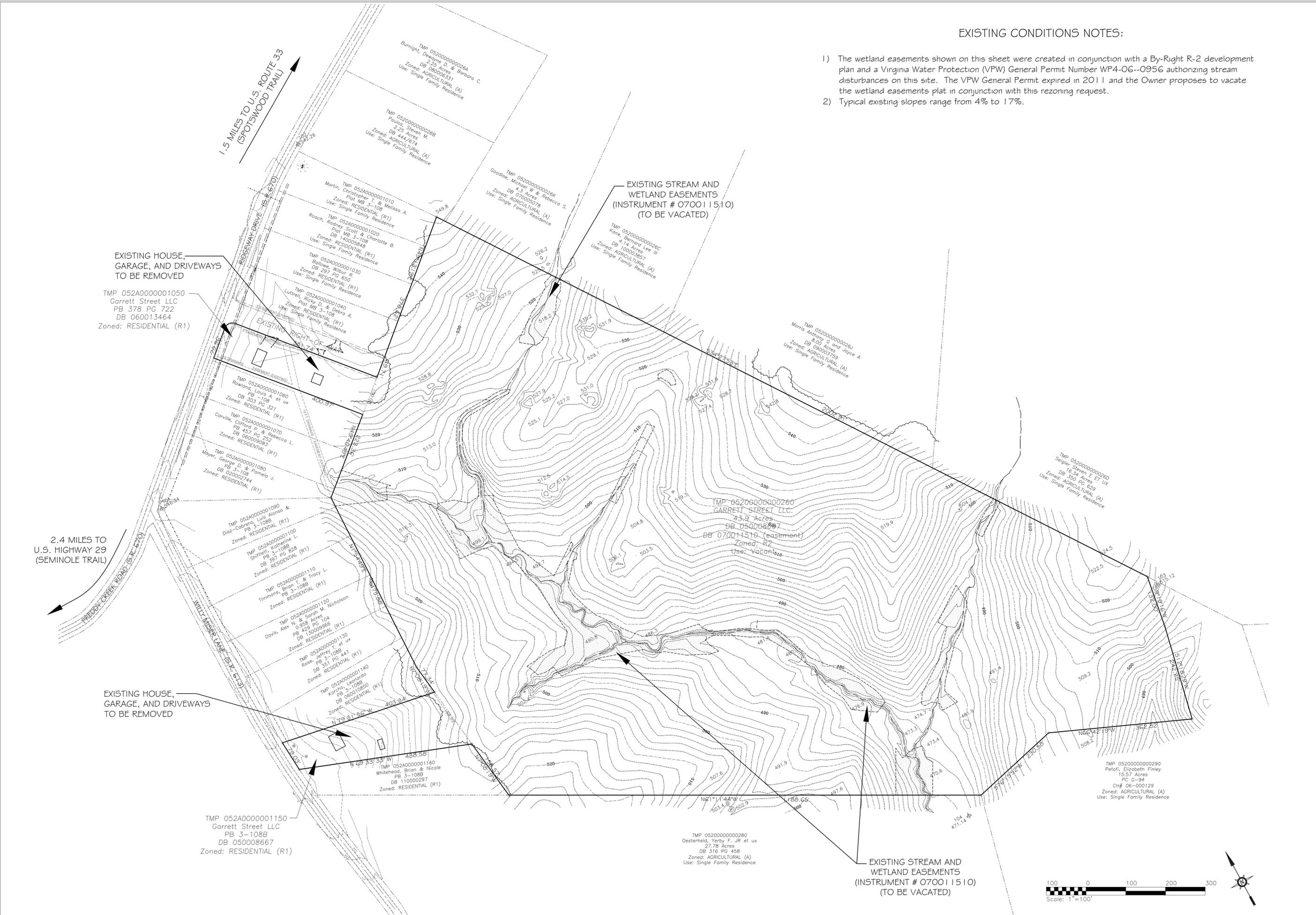
201 EAST MAIN STREET, SUITE M
CHARLOTTESVILLE, VA 22902
(434) 277-5140

SHEET INDEX

- C1 - COVER SHEET
- C2 - EXISTING CONDITIONS
- C3 - PLAN OF DEVELOPMENT - LAYOUT
- C4 - PLAN OF DEVELOPMENT - DETAIL
- C5 - R-2 DEVELOPMENT EXHIBIT

EXISTING CONDITIONS NOTES:

- 1) The wetland easements shown on this sheet were created in conjunction with a By-Right R-2 development plan and a Virginia Water Protection (VPW) General Permit Number WP4-06--0956 authorizing stream disturbances on this site. The VPW General Permit expired in 2011 and the Owner proposes to vacate the wetland easements plat in conjunction with this rezoning request.
- 2) Typical existing slopes range from 4% to 17%.



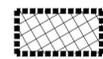
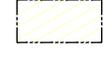
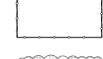
Existing Conditions

Rev. #	Date	Description
1	10-10-2015	Issue
2	11-17-2015	1001 Comments

REZONING APPLICATION PLAN FOR:
Winterberry Creek
 ORANGE COUNTY, VIRGINIA

Date	08/03/2015
Scale	1"=100'
Sheet No.	2 OF 5
File No.	15.028

LEGEND:

-  RESIDENTIAL DEVELOPMENT AREAS
-  OPEN SPACE
-  ROAD RIGHTS-OF-WAY / EASEMENTS
-  SANITARY SEWER PACKAGE PLANT LOCATION
-  25' TREE BUFFER

LAND USE NOTES:

- 1) Development of this property shall be in general accordance with the plan and guidelines as provided on this sheet and sheet 4 along with any proffers provided by the Owner/Developer in conjunction with this zoning request.
- 2) The maximum # of dwelling units permitted for this site = 113. Any subdivision of this property shall provide the total number of existing lots, total number of proposed lots, and total number of remaining subdivision rights for the development.
- 3) In contradiction to **Section 70-392A.-Permitted uses**, only the following uses and customarily incidental accessory uses (including home occupations) are permitted within the development: Single-family dwelling, two-family dwelling, short-term lodging facilities, signs subject to sections 70-400 and 70-696 et seq., and accessory apartment.
- 4) Development of this site shall be in general accordance with the plan shown on this sheet. This General Plan of Development shall be a proffer contingent upon rezoning of this property.
- 5) A minimum of 40% of the area of the site shall be preserved in open space, held in ownership by the Property Owners' Association.
- 6) The following Block Standards shall apply to all residential development areas for this site:
 - a) Minimum lot frontage (except for lots on turnarounds) shall be 40 FT.
Minimum for lots fronting on turnarounds shall be 20'.
 - b) Buildings shall be setback a minimum of 25' from the right-of-way and 20' from the right-of-way for side streets.
 - c) Except for shared lot lines for two-family dwellings (duplexes), minimum side setbacks shall be 10'.
 - d) Minimum rear setback shall be 20'.

Open Space (+/- 1/2 acre)
Landscaped Entrance with signage

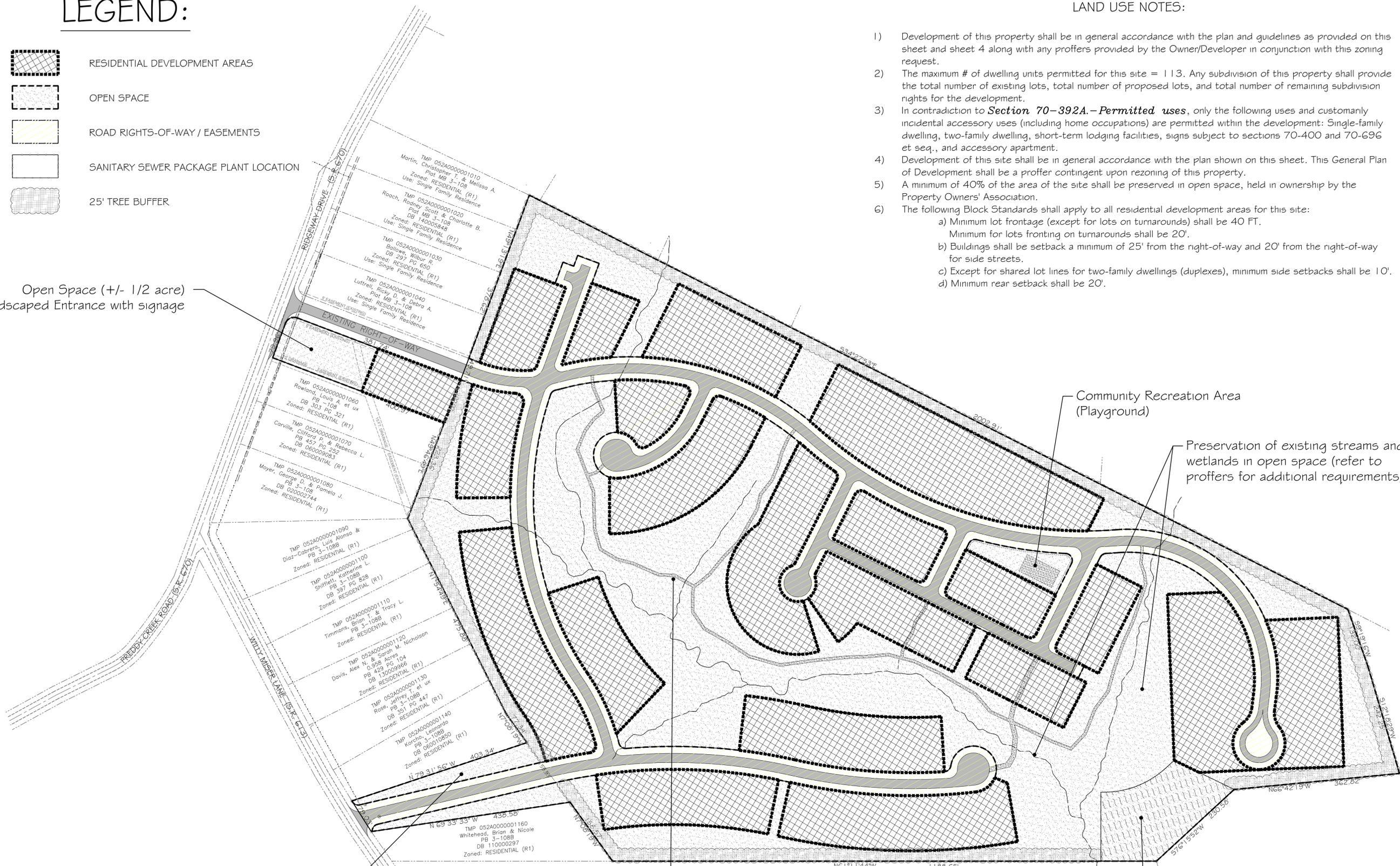
Open Space (+/- 1/2 acre)
Landscaped Entrance with signage

Primitive Trail Network
through Preserved Open
Space

Community Recreation Area
(Playground)

Preservation of existing streams and
wetlands in open space (refer to
proffers for additional requirements)

Sanitary Sewer Lot
(Package Treatment Facility)



Plan of Development - Land Use

Rev #	Date	Description
1	10-10-2015	Community Comments
2	11-17-2015	VOI Comments

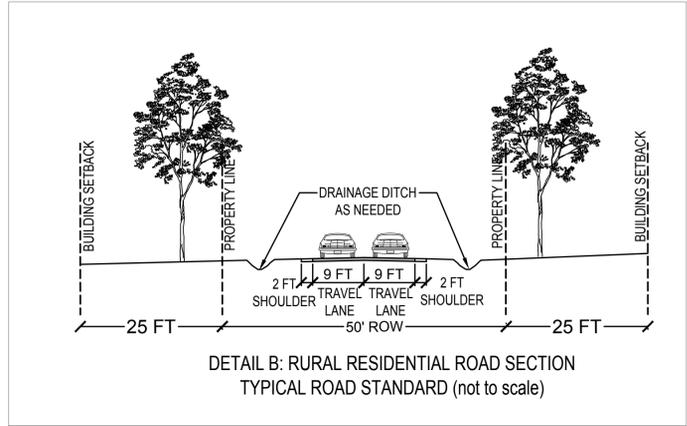
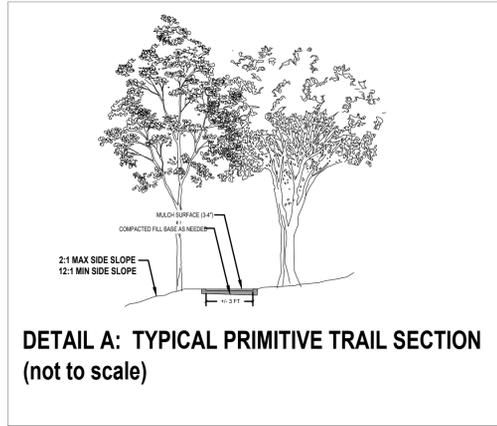
LEGEND:

-  SANITARY SEWER PACKAGE PLANT LOCATION
-  AREAS DESIGNATED FOR POTENTIAL TREE PRESERVATION

Existing trees to be preserved as buffer along property boundary (refer to proffers submitted in conjunction with this plan for additional requirements regarding tree buffers)

Public and/or private roads may be provided. Private roads shall meet VDOT Road Design Guidelines

Existing 8" public waterline (Rapidan Service Authority) may require upgrades in capacity. Owner may also provide private community water system in accordance with Virginia Department of Health Guidelines



Stormwater managment facilities, erosion control measures, and utility conveyance systems (such as sanitary sewer) may be incorporated into open space and disturbance of some trees and wetlands is permitted.

Community Recreation Area (Playground)

Preservation of existing streams and wetlands in open space (refer to proffers submitted in conjunction with this plan)

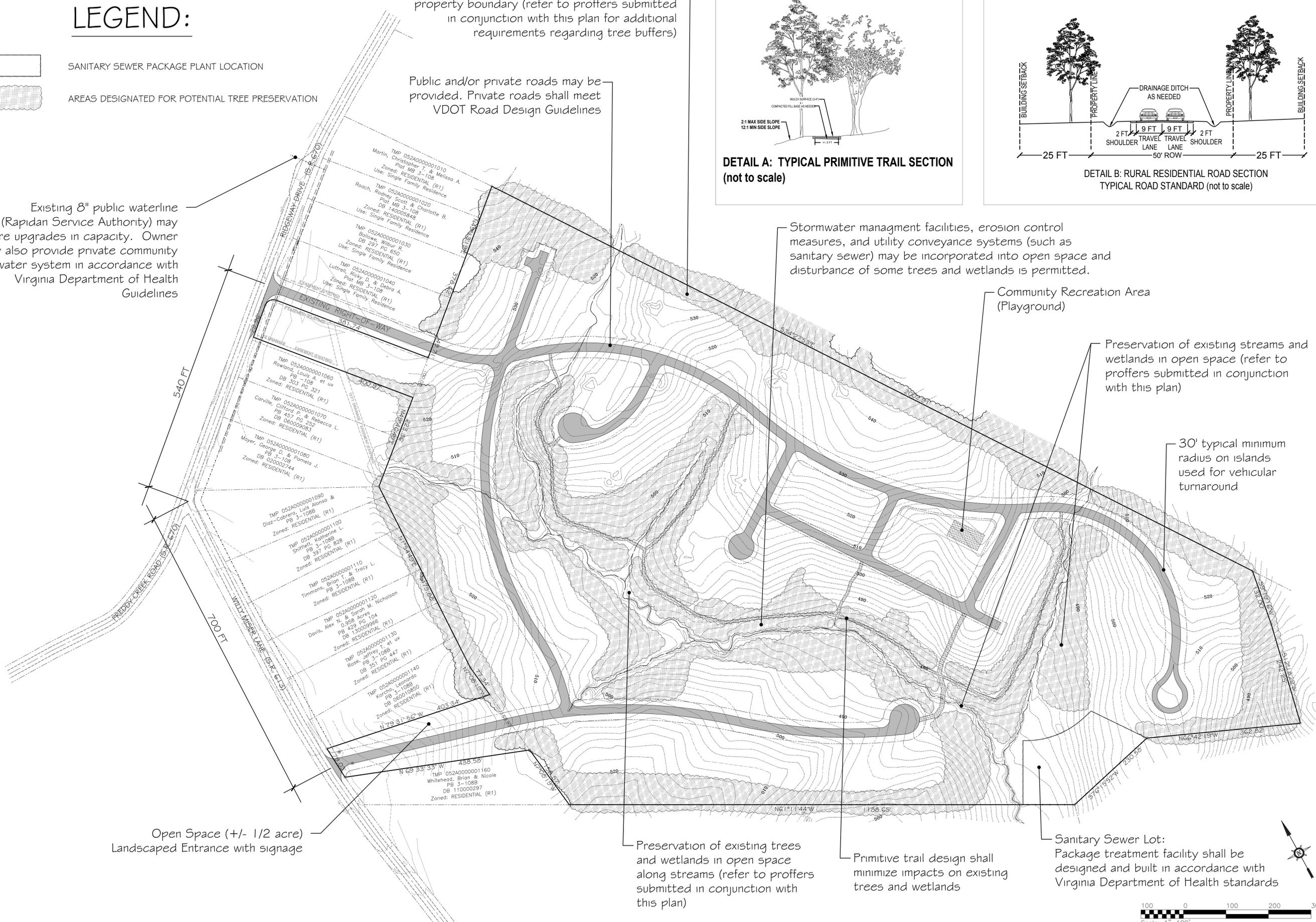
30' typical minimum radius on islands used for vehicular turnaround

Open Space (+/- 1/2 acre)
Landscaped Entrance with signage

Preservation of existing trees and wetlands in open space along streams (refer to proffers submitted in conjunction with this plan)

Primitive trail design shall minimize impacts on existing trees and wetlands

Sanitary Sewer Lot: Package treatment facility shall be designed and built in accordance with Virginia Department of Health standards

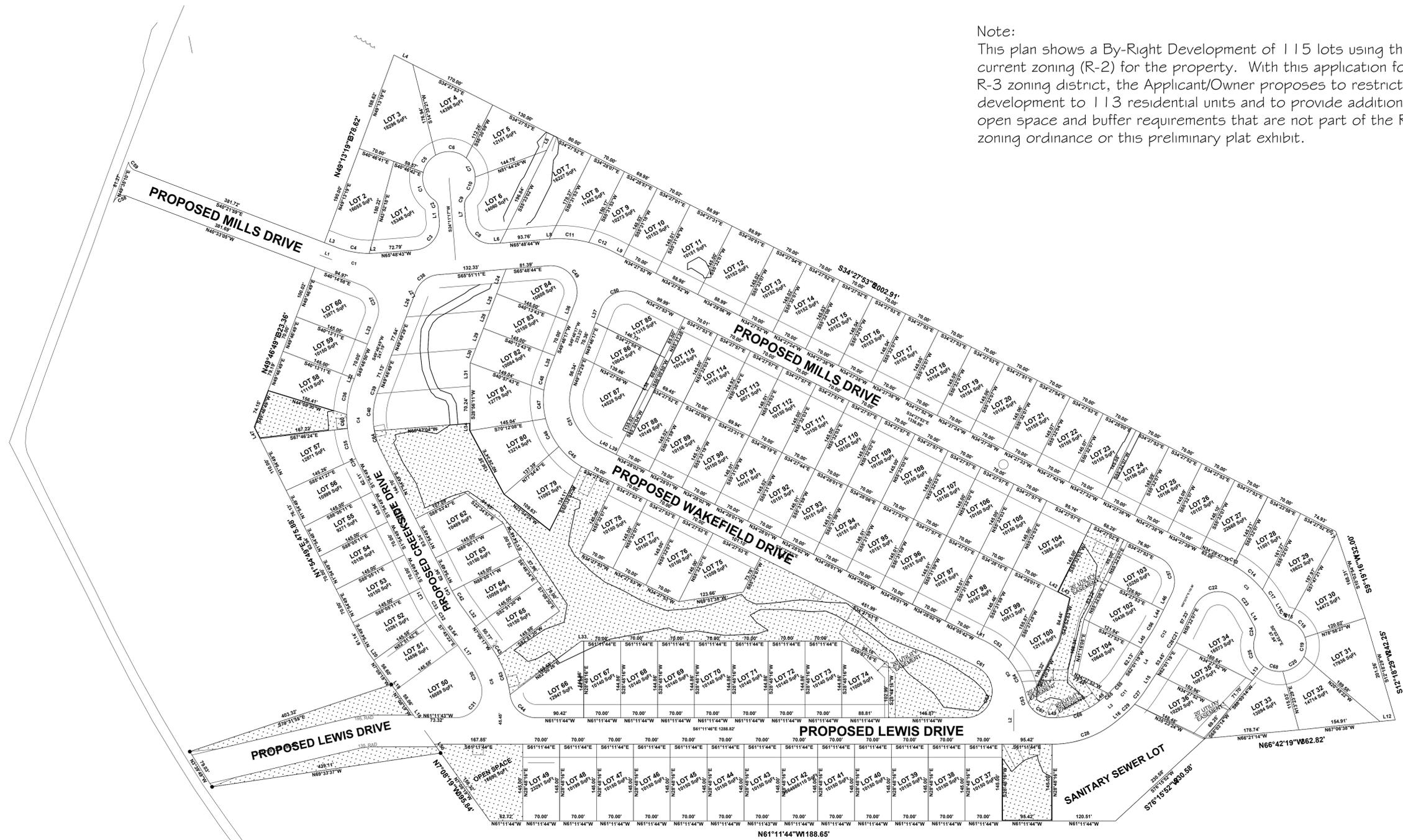


Plan of Development - Infrastructure

Rev #	Date	Description
1	10-17-2015	Clarify Comments
2	11-17-2015	VOOI Comments

REZONING APPLICATION PLAN FOR:
Winterberry Creek
ORANGE COUNTY, VIRGINIA

Date	08/03/2015
Scale	1" = 100'
Sheet No.	4 OF 5
File No.	15.028



Note:
 This plan shows a By-Right Development of 115 lots using the current zoning (R-2) for the property. With this application for an R-3 zoning district, the Applicant/Owner proposes to restrict the development to 113 residential units and to provide additional open space and buffer requirements that are not part of the R-2 zoning ordinance or this preliminary plat exhibit.



Exhibit: R-2 Development Potential

Rev #	Date	Description
1	10-10-2015	County Comments
2	11-17-2015	VOI Comments

REZONING APPLICATION PLAN FOR:
Winterberry Creek
 ORANGE COUNTY, VIRGINIA

Orange County Planning Commission

January 7th, 2016 regular meeting

Agenda item 7C

ORANGE COUNTY
DEPARTMENT OF PLANNING AND ZONING

COMMUNITY DEVELOPMENT BLDG.
128 WEST MAIN STREET
ORANGE, VIRGINIA 22960



OFFICE: (540) 672-4347
FAX: (540) 672-0164
orangecountyva.gov

MEMORANDUM

TO: Orange County Planning Commission

FROM: Josh Frederick, Director of Planning & Zoning

DATE: December 23rd, 2015

SUBJECT: November 2015 – Department of Planning & Zoning Activity / Information

The following is a list of activity/information for the Department of Planning & Zoning for the month of November, 2015:

ARC

No ARC meeting was held.

BZA

The BZA did not meet in October.

Code Enforcement

Follow-up inspections were conducted on past/active complaints. Two new zoning violation complaints were received related to junk vehicles and scrap materials.

Current Planning Activity (2015)

New building lots created in November: 4

New building lots created in 2015 through November: 7 (reflective of various lot consolidations)

New building lots created in 2014 (year total): 22

Plats Submitted

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD TOTAL
2015	4	3	3	1	7	7	9	5	6	4	1		50
2014	4	2	3	7	3	8	7	3	5	5	0	4	51

Plats Approved

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD TOTAL
2015	5	1	3	2	4	9	4	4	8	5	1		46
2014	1	3	3	4	5	7	5	5	1	7	4	3	48

Zoning Permits Issued

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD TOTAL
2015	12	16	33	52	29	39	32	42	33	28	21		337
2014	28	30	23	26	33	37*	28	28	24	29	19	19	324

Zoning Permits Issued (for construction/placement of dwellings)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD TOTAL
2015	2	5	20	15	9	9	9	10	9	9	5		102
2014	7	5	11	6	4	14*	9	10	8	10	5	3	92

*(June '14) Total includes of 1 6-unit townhome building and 8 single family dwellings

Certificates of Occupancy Issued for Dwellings (data provided by Building Dept.)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD TOTAL
2015	7	3	6	9	4	14	14	7	13	6	14		97
2014	11	6	2	11	8	11	9	10	9	9	4	11	101

Building Permits Issued (data provided by Building Dept.)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD TOTAL
2015	66	44	48	87	70	69	78	74	65	88	92		781
2014	61	44	55	82	79	95	67	61	80	77	54	73	828

Erosion and Sediment Control

Erosion & sediment control permits issued: **5** (73 YTD for 2015; 90 total for 2014)

Erosion & sediment control project inspections: **32** (364 YTD for 2015; 551 total for 2014)

Site Plans

Site plans received: **1** (the new Claude Moore Hall building at Montpelier)

Other Activity

The Board held their annual Lake of the Woods meeting on November 18th, during which the Board authorized some necessary amendments to the I-2 zoning district regulations. This will be coming before the Commission in January.

Planning staff continued work on a comprehensive amendment to Article II of the Zoning Ordinance, which provides for the processes for special use permits, conditional zoning, and special exceptions, as well as zoning permits and site plans. This is anticipated to come before the Commission in February.

Planning staff have continued working on assembling a legitimate rezoning and proffer database, which is required by state code. This will eventually be mapped and available on the county's GIS and as a public document in the Department.

Cc: R. Bryan David, County Administrator
 Thomas E. Lacheney, County Attorney
 Alyson Simpson, Chief Deputy Clerk to the Board

Board of Supervisors
 File