

ORANGE COUNTY

PLANNING COMMISSION

JASON CAPELLE, DISTRICT 1
GEORGE YANCEY, DISTRICT 2
DONALD BROOKS, DISTRICT 3
CRYSTAL HALE, DISTRICT 4
NIGEL GOODWIN, DISTRICT 5

JOSH FREDERICK
DIRECTOR OF PLANNING & ZONING



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ORANGECOUNTYVA.GOV

Regular Meeting
Gordon Building Meeting Room
112 W. Main St, Orange, VA, 22960
Thursday, June 2nd, 2016
AGENDA

6:00 pm

1. Call to order and determination of quorum
2. Approval of agenda
3. Approval of minutes:
 - A. May 5th, 2016 regular meeting
4. Work session:
 - A. Proposed Zoning Ordinance amendment – Barboursville Village Overlay District
5. Public comment
6. Old business:
 - A. Board of Supervisors report – Jim Crozier
 - B. Planning & Zoning report – Josh Frederick
 - C. Germanna-Wilderness Area Plan Steering Committee report – Nigel Goodwin & George Yancey
 - D. Proposed rewrite of the Planning Commission bylaws
7. Public hearings:
 - A. Proposed Zoning Ordinance amendment – the addition of *pyrotechnics testing/manufacturing* as a special use in the Agricultural zoning district
 - B. Proposed Zoning Ordinance amendment – repeal of Sec. 70-937 which requires bonding for removal of abandoned telecommunications towers
8. New business:
 - A. Discussion – future work to establish consistency between the Zoning Ordinance and the Comprehensive Plan
9. Commissioner comments
10. Next meeting date – July 7th, 2016
11. Adjourn

Unless otherwise indicated, agenda items will be taken in the order in which they appear above. 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. Time limits may be imposed by the Chairman for speakers addressing the Commission.

Orange County Planning Commission

June 2nd, 2016 regular meeting

Agenda item 3A

**Orange County Planning Commission
Regular Meeting
Gordon Building Meeting Room
112 W. Main Street, Orange, VA 22960
Thursday, May 5, 2016**

Present: Nigel Goodwin; Donald Brooks; Jason Capelle; James Crozier, BOS Representative

Absent: George Yancey, Crystal Hale

Staff Present: Josh Frederick, Planning Director; Thomas Wysong, Planner; Susan Crosby, Senior Administrative Assistant; Tom Lacheny, County Attorney

1. Call to order and determination of quorum

Chairman Brooks called the meeting to order at 6:00 p.m.

2. Approval of agenda

Mr. Goodwin made a motion to approve the agenda; motion was seconded by Mr. Capelle. Motion carried 3-0.

3. Approval of minutes:

A. April 7th, 2016 regular meeting

Mr. Goodwin made a motion to approve the minutes; motion was seconded by Mr. Capelle. Motion carried 3-0.

4. Work session:

A. Proposed Zoning Ordinance amendment – Route 20 setback requirement reduction in the Barboursville village area

Mr. Frederick explained that this was an action initiated by the Board. He further explained the intent was to include setback reductions and other commercial site/building design standards as part of a zoning overlay consistent with the Barboursville village area, as designated in the Comprehensive Plan. Discussion ensued.

Following discussion, by consensus of the Commissioners, it was decided they would have a town hall style meeting at the Barboursville Firehouse for the public hearing on August 4, 2016.

B. Proposed Zoning Ordinance amendment – the addition of *pyrotechnics testing/manufacturing* as a special use in the Agricultural zoning district

Mr. Frederick explained that this amendment was initiated by the Board, at the request of the county attorney, to have this use as a Special Use Permit in the

Agricultural zoning district. Mr. Lacheney stated there is a company who is currently doing pyrotechnics manufacturing of fireworks in Locust Grove and then testing them. He stated the county has been issuing the company a series of firework display permits, which is not a proper application of that permit. Mr. Lacheney further stated the Board wanted to add this as a special use in order to provide a reasonable way for the operation to continue. Discussion ensued.

Following discussion, it was the consensus on the Commission to move forward. Mr. Frederick stated the public hearing would be set for the June 2nd regular meeting.

C. Proposed Zoning Ordinance amendment – removal of Sec. 70-937 which requires bonding for removal of abandoned telecommunications towers

Mr. Frederick explained the purpose of the proposed amendment. Commissioners agreed upon a public hearing set for the June 2nd regular meeting.

5. Public comment

Chairman Brooks opened the floor to public comments. No one came forward. Chairman Brooks closed the floor to public comments.

6. Old business:

A. Board of Supervisors report – Jim Crozier

Mr. Crozier spoke of the Board's Broadband Initiative, the E-phones program and the P25 radio system and how they relate to public education, public safety and open communications.

B. Planning & Zoning report – Josh Frederick

Mr. Frederick spoke of the uptrend in new lots being created as well as the Board's denial of the Garret Street rezoning (REZ 15-01).

C. Germanna-Wilderness Area Plan Steering Committee report – Nigel Goodwin & George Yancey

Mr. Goodwin stated that at the last meeting it was an Economic Development meeting with the director, Tommy Miller. Incentives and grants to help encourage economic development was the main discussion.

D. Proposed rewrite of the Planning Commission bylaws.

Mr. Frederick stated with not all 5 Commissioners being present they could not take any action to adopt it at the night's meeting, and he would put it as an action item at the next meeting.

E. Commissioner reports - consultation with respective Board members on direction of land use policies

On a consensus from the Board members, they are not ready to look at new subdivision policies at this time. The commissioners were encouraged to turn their focus toward the Comp Plan. It was suggested that implementation of the A1 & A2 future land use designations would be an agreeable focus for the near term.

7. Public hearings (none)

8. New business:

A. Discussion – avenues moving forward for Comprehensive Plan consistency

Chairman Brooks stated he would like to wait to have all commissioners present to further discuss.

9. Commissioner comments

Commissioners discussed Planning and Land Use matters.

10. Next meeting date – June 2nd, 2016

11. Adjourn

Mr. Goodwin made a motion to adjourn; motion seconded by Mr. Cappelle. Meeting adjourned at 8:07 p.m.

Donald Brooks, Chairman

Josh Frederick, Secretary

The events of this meeting were captured via digital audio recording. These written minutes shall serve as the official record of actions taken during the meeting.

Orange County Planning Commission

June 2nd, 2016 regular meeting

Agenda item 4A

ORANGE COUNTY
DEPARTMENT OF PLANNING AND ZONING

COMMUNITY DEVELOPMENT
128 WEST MAIN STREET
ORANGE, VIRGINIA 22960



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MEMORANDUM

TO: Orange County Planning Commission
FROM: Josh Frederick, Director of Planning & Zoning
DATE: May 26th, 2016
RE: Draft Barboursville Village Overlay District – June 2nd work session

In March the Board initiated Planning Commission action to review the current Route 20 setback requirements with respect to the Barboursville village future land use designation in the Comprehensive Plan. Based on further guidance received since then, Planning Staff have incorporated setback changes along with nonresidential design standards as part of a larger zoning overlay for the Barboursville village. The draft overlay district language is attached to this memo, along with two maps showing the current extent of the Barboursville village area as designated in the 2013 Comprehensive Plan and a current zoning map.

This overlay is intended to align with the purpose of the *village* future land use designation established by the Comprehensive Plan, which is to *retain small village and community living and identity, with local services for convenience*. The boundaries of the overlay district need to be clearly delineated, and should also align with the *village* definition, which is a *concentration of residential development with adjacent areas of commercial services for residents and businesses near primary intersections*.

Setback changes and design standards for commercial development are necessary to accomplish these objectives. The main purpose of this overlay is to protect the area from incompatible development, given the history of the area and its unique characteristics. It is also to encourage the furtherance of the existing pattern of development (i.e. a rural village).

To summarize, an overlay:

- Is a zoning district by itself, but does not change the underlying zoning district(s). It exists “on top” of the underlying district.
- May prohibit specific uses that may otherwise be permitted by individual zoning districts.
- Establishes requirements in addition to the requirements of the underlying zoning district.
- May modify specific requirements of the underlying district (e.g. setbacks).
- Typically serves a narrow purpose, such as highway corridor management, historic preservation, or to regulate development within a floodplain.
- Can be used to require different procedural or review criteria not otherwise required outside of the overlay district.
- Can be used to designate an area where economic development incentives apply.

ORANGE COUNTY
DEPARTMENT OF PLANNING AND ZONING

- Is best used in areas where there are several different zoning districts and the overlay has a very clear objective which is not specific to one zoning district (as is the case here).

The tasks before the Commission are to:

- Clearly define the boundaries of the proposed overlay district.
- Achieve consensus on the district language.
- Achieve consensus on the public hearing schedule.

As indicated by the Commission, the intention is to hold a public hearing on this proposal at the Barboursville Volunteer Fire Department on August 4th. There will be an additional review period prior to this during the July 7th regular meeting.

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

Att: Draft Barboursville Village Overlay District
Barboursville village boundary map, dated 5/26/16
Barboursville zoning map, dated 5/26/16

BARBOURSVILLE VILLAGE OVERLAY DISTRICT

Purpose and Intent.

- a) The Barboursville Village Overlay District (BVOD) implements the policies, objectives, and purposes of the Comprehensive Plan and the Code of Virginia § 15.2-2283 by providing additional regulations to complement the requirements of the underlying zoning districts. These regulations are intended to foster a higher standard of nonresidential building design and site design which is respectful of the cultural and historic nature of Barboursville, and produces development that complements, rather than detracts, from the character of the area. These regulations are further intended to retain the small village and community identity while not inhibiting the functionality of the arterial highways traversing the area. Finally, the village boundaries are arranged such that development will be encouraged within them and discouraged outside of them.

Establishment and Applicability.

- a) *Applicability.* These overlay district regulations shall apply to the area designated as the Barboursville village on the Recommended Land Use Map of the adopted 2013 Comprehensive Plan, and more specifically as shown on the map adopted by the Board of Supervisors as part of resolution number XXXXXXXXXX.
- b) *Overlay concept.* Unless otherwise stated herein, the permitted uses and other regulations of the underlying zoning districts and all other sections of this Zoning Ordinance shall continue to apply. All development within the district shall conform to these provisions, unless specifically exempted.
- c) *Zoning Map.* The boundaries of this district shall be clearly delineated on the county's zoning maps.

Administration.

- a) *Review procedures.* All development within the BVOD shall conform to the zoning permit and site plan requirements set forth in Article II of this Chapter.
- b) *Nonconformities.* Unless otherwise stated herein, nonconforming uses and structures shall be regulated by Article III of this Chapter.

Uses.

- a) Except as provided in the following subsection, all by-right permitted uses and all special uses in the underlying zoning districts shall be permitted within the BVOD in accordance with individual district regulations.
- b) The following uses shall not be permitted within the BVOD.
 - 1) Adult-oriented business.
 - 2) Outdoor power equipment, motorcycle, all-terrain vehicle, watercraft repair and storage.
 - 3) Public utility facility.
 - 4) Self-storage facility.
 - 5) Vehicular sales and/or rental.
 - 6) Wholesale or distribution center.
 - 7) Any use utilizing drive-through facilities.

Area and Frontage Requirements.

Minimum lot area and frontage requirements shall be regulated by the underlying zoning districts.

Minimum Setback Requirements.

The specific requirements provided in this section shall supersede those found elsewhere in this Ordinance, but only within the boundaries of the BVOD. Setback distances not modified by this section shall be regulated by the underlying zoning district.

- a) Constitution Highway (Route 20) and Spotswood Trail (Route 33): minimum setback of fifty (50) feet from the right-of-way, which shall apply to all buildings, structures, and paved parking areas. Freestanding signs shall have a minimum setback distance which is equal to the height of the sign.
- b) Governor Barbour Street (Route 678): no minimum setback requirement for structures or signs.
- c) Old Barboursville Road (Route 738): minimum setback of twenty-five (25) feet from the centerline of the road for structures and signs.
- d) Adjacent to the railroad right-of-way: no minimum setback requirement.

Height Requirements.

No building or structure within the BVOD shall exceed forty (40) feet in height.

Nonresidential Building Standards.

- a) *Applicability.* The standards set forth in this section shall apply to all new nonresidential development within the BVOD. For the purposes of this section, “new” shall refer to any building or structure built after adoption of this overlay district. For any existing building whereby the footprint is expanded by fifty percent (50%) or greater, the entire building and site shall be brought into compliance with these standards.
- b) *Building design.* Buildings shall incorporate the architectural treatments and design considerations established below.
 - 1) Building façades visible from a public road shall incorporate variations in materials and/or colors as well as substantial recesses and projections in order to avoid architectural monotony.
 - 2) In order to promote consistency with the architectural character of the area, building facades visible from a public road shall substantially incorporate two (2) or more of the following: arches, bay windows, columns, dormer windows, exterior cornice molding, a front porch or other prominent covered front entryway feature, and/or windows which have visually-prominent sills, lintels, shutters, and other forms of framing/trim.
 - 3) Building and roofing colors shall be subtle, neutral and/or earth tones, and shall be of low-reflectance.

- 4) Permitted exterior materials and finishes for any building façade shall be in accordance with the following chart:

Permitted	Prohibited
Brick	Plain vinyl siding
Stone, natural or synthetic	Concrete block (painted or unadorned)
Split-faced concrete block	Panelized vertical siding
Horizontal siding, cement or wood	Pre-cast concrete panels
Shake or shingle siding	Exterior insulation finishing systems (EIFS)
Glass (not as the predominant material)	Stucco
Architectural vinyl siding	Metal

- c) *Mechanical equipment.* Roof-mounted mechanical equipment shall be opaquely screened from view at grade by parapet walls or other similar structures that reflect the architecture of the building. Ground-mounted mechanical equipment shall not be located in any yard adjacent to a public road, and shall be opaquely screened from view by walls or structures that are a continuation of the principal structure’s architecture.
- d) *Waste receptacles.* Dumpsters and other waste receptacles shall not be located in any yard adjacent to a public road, and shall be opaquely screened from view by fencing and/or evergreen landscaping. This standard shall retroactively apply to any lot upon any new development or redevelopment.

Off-street Parking and Landscaping.

Off-street parking, loading, and landscaping shall be regulated by Article V of this Chapter.

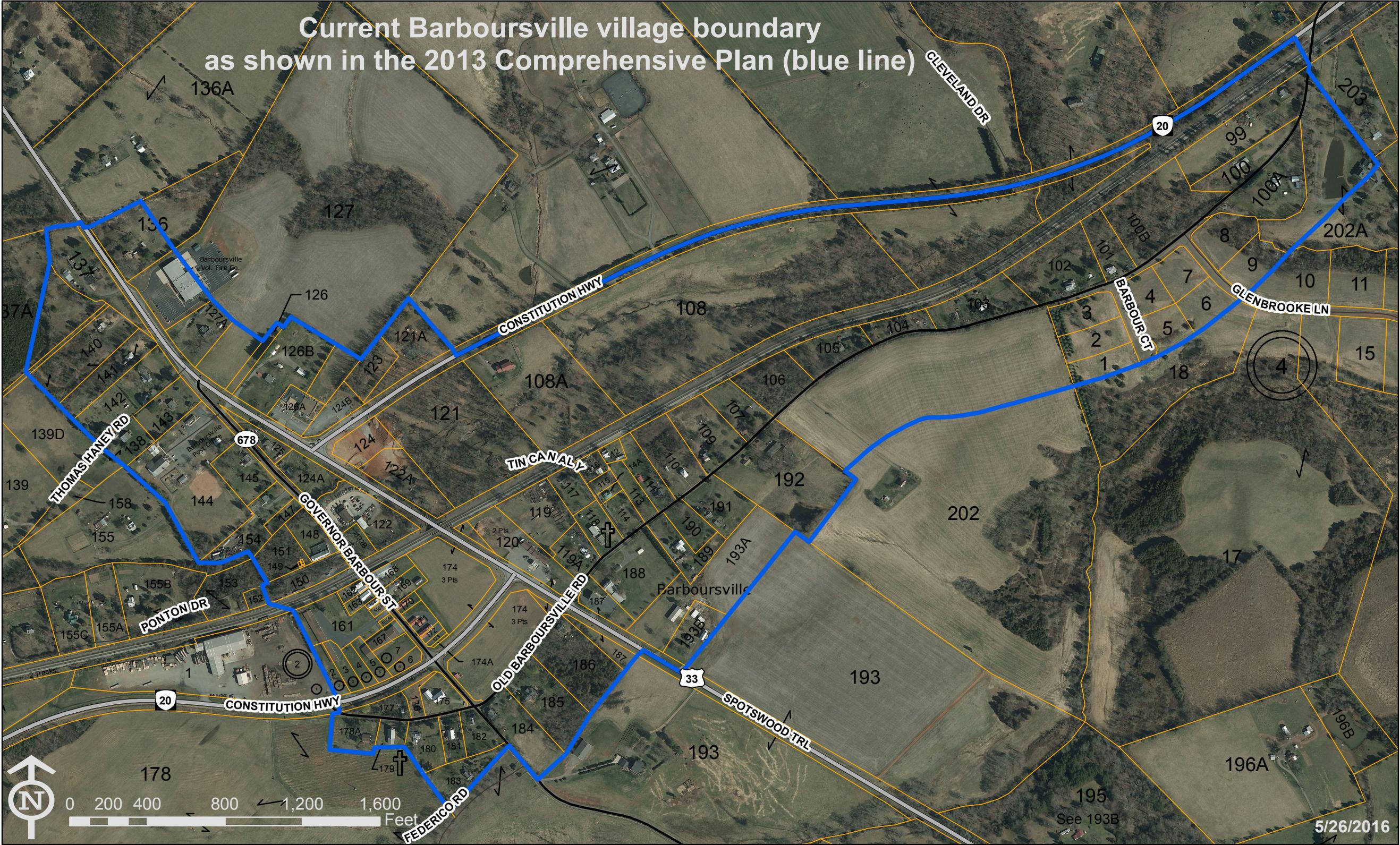
Outdoor Storage.

Outdoor storage of goods and materials related to any nonresidential use shall not be located in any yard adjacent to a public road. Any outdoor storage shall be opaquely screened by fencing and/or evergreen landscaping, or shall be within an approved accessory building.

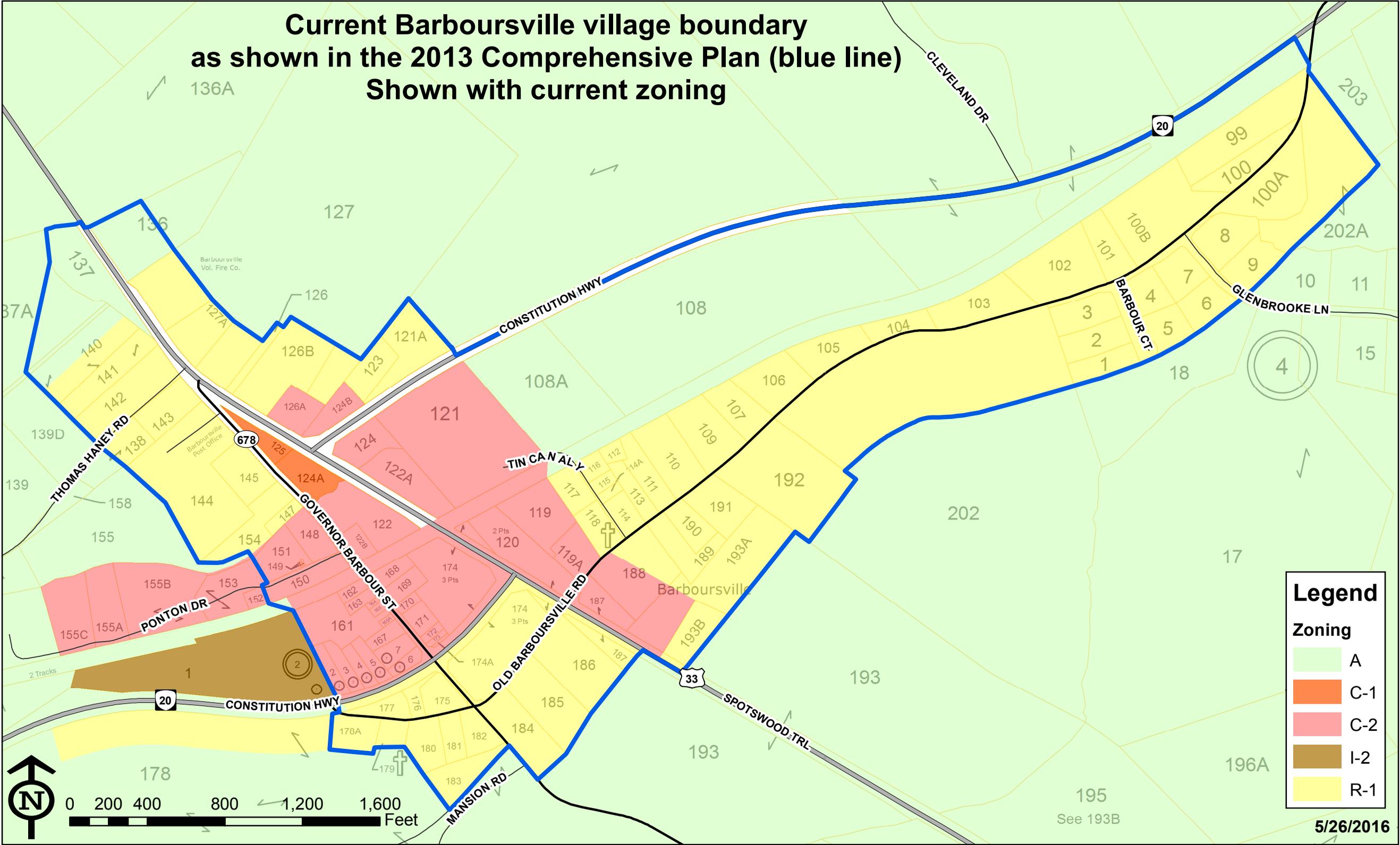
Signage.

- a) *Area.* Maximum allowable area of signage shall be regulated by the underlying zoning district.
- b) *Height.* Freestanding signs within the BVOD shall not exceed eight (8) feet in height. Building signs shall not extend above the highest point of the building to which they’re attached.
- c) *Style.* Monument signs are the only style of freestanding sign permitted in the BVOD.
- d) *Digital signs.* Except for the digital display of gas station pump prices, digital signs shall be prohibited within the BVOD.
- e) *Nonconformities.* Article II of this Ordinance notwithstanding, any sign within the BVOD which has been deemed a nonconformity may not be further modified or “re-faced” except in full compliance with these overlay regulations and this Ordinance.

Current Barboursville village boundary as shown in the 2013 Comprehensive Plan (blue line)



Current Barboursville village boundary as shown in the 2013 Comprehensive Plan (blue line) Shown with current zoning



Legend	
Zoning	
	A
	C-1
	C-2
	I-2
	R-1

Orange County Planning Commission

June 2nd, 2016 regular meeting

Agenda item 6D

ORANGE COUNTY
DEPARTMENT OF PLANNING AND ZONING

COMMUNITY DEVELOPMENT
128 WEST MAIN STREET
ORANGE, VIRGINIA 22960



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MEMORANDUM

TO: Orange County Planning Commission
FROM: Josh Frederick, Director of Planning & Zoning
DATE: May 26th, 2016
RE: Rewrite of the Planning Commission bylaws – June 2nd regular meeting

With the direction of the Commission Chair and the County Attorney, Planning Staff have prepared a rewrite of the Commission's bylaws. The proposed bylaws do not fundamentally change any procedural or administrative aspects of the Commission's conducting of business, but they are much more concise than the current bylaws.

Because the current bylaws are rather dated and have been amended several times, the decision was made to produce a new document rather than a redlined strikeout version as is typically done. Both documents are attached to this memo.

In order to avoid the requirement for a 30-day notice to Commissioners, if the Commission is so-willing, a super-majority (i.e. 4/5 of the Commission) is needed to adopt the new bylaws at the June 2nd regular meeting.

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

Att: Current Commission bylaws, dated 9/3/15
Draft Commission bylaws rewrite



Orange County, Virginia

Bylaws

of the

Orange County Planning Commission

Adopted by the Orange County Planning Commission on December 4, 1990

Amended September 3, 2002
Amended October 4, 2002
Amended August 5, 2004
Amended December 10, 2009
Amended July 1, 2010
Amended January 26, 2012

Amended September 3, 2015

By-laws
Planning Commission of Orange County, Virginia¹

Article 1: Establishment

- 101 This Planning Commission was established in April 1966, repealed and created in April 2004, and reconstituted March 23, 2010, by ordinance of the Board of Supervisors of Orange County, Virginia pursuant to §15.2-2210 VA Code Ann. Its official title shall be the Planning Commission of the County of Orange, Virginia (hereinafter, "Commission").
- 102 This Commission's purpose shall be to promote the orderly development of the County and its environs. The Commission shall serve primarily in an advisory capacity to the Board of Supervisors in accomplishing the objectives set forth within §15.2-2200 VA Code Ann. The Commission shall make recommendations to the Board and shall assist the Board in the administration of the Zoning and Subdivision Ordinances, the Comprehensive Plan, other County policies and matters affecting the development and growth of the County, and other matters as directed by the Board.
- 103 The Commission shall have the duties set forth within §15.2-2221, §§1 5.2-2223 et seq. and such other duties as may be prescribed within Title 15.2, Chapter 22, §§15.2-2200 et seq., VA Code Ann.

Article 2: Membership

Membership is set forth in Sec. 2-62 of the Orange County Code.

Article 3: Officers

- 301 At its first regular meeting of each calendar year, the Commission shall elect from among its members a chairman and a vice-chairman. Nominations shall be received from the floor, and election of officers shall follow immediately thereafter. A roll call vote shall be taken and recorded in the minutes of the meeting. Candidates receiving votes from a majority of the membership shall be declared elected and shall take office immediately. The new chairman shall then appoint a secretary.
- 302 Once elected, the chairman and vice-chairman shall each serve (i) a term of one year, or (ii) until such time as his term of appointment expires, whichever first occurs. If a successor is appointed by the board of supervisors, the successor shall not automatically assume the officer's role—the office held by the person whose term expired shall be treated as being vacant. However, if the member is re-appointed by the board, he may continue in the office to which he was elected. If the chairmanship becomes vacant during the year, the vice-chairman shall fill the

¹ These Bylaws are intended to be gender neutral. If the masculine gender is used, it is intended to include the feminine gender.

unexpired term of the chairman and the membership shall elect a new member to fill the unexpired term of the vice-chairman. If the vice-chairmanship becomes vacant during the year, the membership shall elect a new vice-chairman to fill the unexpired term. If the position of secretary becomes vacant during the year, the chairman shall appoint a new secretary to fill the unexpired term.

303 The chairman shall:

- A. preside at all meetings of the Commission,
- B. have the authority to call special meetings in accordance with §15.2-2214 VA Code Ann.,
- C. have authority to prescribe a time limit for presentations made to the Commission,
- D. rule on all procedural questions and parliamentary disputes,
- E. appoint committees, and be an ex officio member thereof,
- F. sign and authenticate official documents of the Commission including the minutes,
- G. correspond with the Board of Supervisors on behalf of the Commission; and
- H. carry out other duties, as set forth within these bylaws or as assigned by majority vote of the Commission.

Additionally, the Chairman may speak, make motions, and vote on all questions.

304 The vice-chairman shall, in case of the absence or inability of the chairman to act, assume the powers and duties of the chairman.

305 The secretary shall advertise and provide notice of meetings as required by law; distribute to the members the meeting notice, agenda and support materials for each regularly scheduled meeting; maintain files and public records of all Commission business; record and prepare minutes of meetings; handle all official correspondence of the Commission; handle funds allocated to the Commission as specifically authorized by the Commission; and transmit to the Board of Supervisors the annual report of the Commission, as required by law.

Article 4: Meetings

401 The Commission shall meet at 6:00 p.m. on the first Thursday of each month, in the Meeting Room of the Gordon Building at 112 W. Main Street in Orange. A second meeting time/date shall be reserved for 6:00 p.m. on the third Thursday of each month, but shall not be held unless there is consensus among the majority of the members present at the prior meeting that there is sufficient agenda material to warrant holding the second monthly meeting. On the first Thursday in January of each year, the Commission shall conduct an annual organizational meeting, at which time officers will be elected and a regular meeting schedule shall be established for the remainder of the calendar year.

402 Special meetings may be called by the chairman or by two members upon written request to the secretary. Notice of special meetings shall be given to the members of the Commission as set forth within §15.2-2214 VA Code Ann. and to the public

as set forth within §2.2-3707(D) VA Code Ann.

403 All meetings shall be open to the public as required by the Virginia Freedom of Information Act, §§ 2.2-3700 *et seq.* VA Code Ann. Closed meetings may be held pursuant to § 2.2-3711 VA Code Ann. Notice of the Commission's meetings shall be posted in public locations, and County offices, as required by §2.2-3707(C) VA Code Ann., at least 3 working days prior to such meetings; provided, however, that notice, reasonable under the circumstances, of special or emergency meetings shall be given contemporaneously with the notice provided to members of the Commission.

404 A majority of the members shall constitute a quorum. No official action shall be taken at a meeting unless a quorum is present, and no action of the Commission shall be valid unless authorized by a majority vote of those present and voting.

Each member who knows that he will be unable to attend a scheduled meeting shall notify the secretary at the earliest possible opportunity, but no later than 4:30 p.m. on the date of a meeting. The secretary shall notify the chairman immediately in the event that the absences of which she is aware will result in the lack of a quorum.

405 Reserved.

406 Procedural matters shall be settled in accordance with applicable provisions of the Code of Virginia and, where the Virginia Code does not address the issue, the most recent edition of Robert's Rules of Order. It shall be the responsibility of the chairman to maintain order and decorum throughout each meeting.

A. In cases of breach of decorum, in order to restore order, the chairman or acting chairman may stop a presentation, refuse to recognize a speaker, order that a matter be carried over to the next meeting, or take other appropriate action.

B. Any person addressing the Commission shall limit his remarks to the time allotted by the chairman, unless the Commission extends the time by unanimous consent.

C. Only persons recognized by the chairman may speak.

D. Questions shall be addressed to the chairman during a meeting; answers and follow-up questions by Commission members shall be reserved until the end of a public hearing or other presentation.

E. Staff shall make notes of questions asked, in order to assist with later response(s).

407 Meeting agendas

A. The secretary, in conjunction with the chairman, shall finalize the agenda for a regular meeting, seven (7) days prior to the meeting. After that

deadline, no new matters will be placed on the agenda except with the permission of the chairman. Once the agenda has been finalized, the secretary shall transmit it to each Commission member. When an agenda item involves a particular lot, parcel or tract of land, each Commission member shall visit the subject property prior to the meeting date.

- B. Any non-County entity or person requesting that a matter be placed on a Commission agenda shall provide written materials explaining the specific action(s) it seeks from the Commission, and background material and information sufficient to allow the Commission to allow a meaningful review of the matter. No matter initiated by application shall be placed on an agenda until all of the information and submissions required by or in connection with the application have been received.
- C. Any written staff report shall be submitted to the secretary: (i) 7 days prior to the meeting; or (ii) for matters which require advertisement of a public hearing, the date on which notice of a public hearing is first published in the newspaper.
- D. One copy of the Commission's agenda packet and, unless exempt by a provision of the Freedom of Information Act, all materials furnished to members of the Commission for a meeting, shall be made available for public inspection within the Office of Planning and Zoning at the same time such documents are furnished to the members of the Commission.
- E. The order of business for a regular meeting shall be as follows:
 - 1) Call to order
 - 2) Determination of quorum
 - 3) Approval of agenda
 - 4) Discussion/approval of minutes of prior meetings
 - 5) Public comment (matters not scheduled for public hearing at the same meeting)
 - 6) Old business
 - a. Board of Supervisors' report
 - b. Planning and Zoning report
 - 7) Public hearings
 - 8) New business
 - 9) Commission members' comments and reports
 - 10) Next meeting date
 - 11) Adjournment
- F. Unless otherwise announced by the chairman prior to opening a public hearing, the following procedure shall apply to the conduct of a public hearing:
 - 1) Chairman will read a summary of the agenda item
 - 2) Staff will present a report and recommendations of the Office of Planning and Zoning. An applicant, or applicant's representative, will be given an opportunity to make a presentation. If the applicant fails to appear in person or by representative at any

hearing called for the purpose of consideration of his application, his failure to appear may be considered by the Commission as grounds for recommendation of denial.

- 3) Staff may provide additional comment
- 4) The applicant, or applicant's representative, may offer rebuttal, limited to points and information not previously covered.
- 5) The chairman will announce that the public hearing is opened, and shall invite public comment. In cases where a large number of speakers are anticipated at the public hearing, a sign-up list may be made available and the secretary will call persons to the podium in the order in which they signed up. Other persons may be allowed to speak, after each person on the sign-up sheet has completed their comments.
- 6) The chairman shall announce his intention to close the public hearing and shall inquire whether there is anyone who has not yet spoken who wishes to address the Commission. If there is no such person, then the chairman shall declare the public hearing to be concluded.
- 7) The chairman shall invite discussion by the Commission members and, in applicable cases, shall take action as set forth in Section 409, following below.

G. Meetings of the Commission shall normally be concluded by 10:00 p.m., or as soon thereafter as matters already opened for discussion may be concluded. No further agenda items shall be taken up after 10:00 p.m., except (i) advertised public hearings or (ii) other matters, by unanimous consent of the Commission.

408 Cancellation or re-scheduling of meetings

- A. Upon a finding by the chairman, or the vice-chairman if the chairman is unable to act, that weather or other conditions are such that it would be hazardous for members to attend a meeting, the chairman, or vice chairman, if applicable, may cancel a meeting. Such finding shall be communicated to the members and the press as promptly as possible. In the event of such cancellation the Commission shall, by resolution adopted at its next regular meeting, fix the day or days to which the cancelled meeting shall be continued. All hearings and other matters previously advertised for the cancelled meeting shall be conducted at the continued meeting and no further advertisement is required. The Commission shall cause a copy of its resolution to be published in a newspaper having general circulation in the County at least seven (7) days prior to the continued meeting (or, if matters were continued to more than one meeting, at least 7 days prior to the first meeting held pursuant to the schedule set forth within the resolution).

- B. The chairman, in his discretion, may cancel a regularly-scheduled meeting for lack of a quorum, lack of sufficient business, or other good cause.
 - C. Notwithstanding any cancelled meetings, the Commission shall meet not less than once every two (2) months.
 - D. No advertised public hearing shall be postponed by the chairman based on a request from a non-County government entity or person, absent mitigating circumstances. The chairman shall determine when such circumstances exist. If mitigating circumstances exist and if the entity or person making the request agrees to bear the County's costs, then the chairman may grant the request. Following any such postponement, the Commission shall, by motion or by resolution, fix the date to which the public hearing shall be continued.
- 409 Following the conclusion of any public hearing required by law, the Commission shall take one of the following actions:
- A. Following discussion by Commission members, and a motion, adopt a resolution setting forth a report and recommendation to the Board of Supervisors. A member will reference any draft resolution provided by staff, and will articulate amendments to such draft, as part of the member's motion to approve or deny an application; or
 - B. Defer discussion and/or action until its next regular meeting, or to a special meeting date and, if desired, request additional information, in the form of a written report, from: staff, an applicant, or an advisory committee appointed by the chairman. At its discretion, the Commission may schedule an additional public hearing for the subsequent meeting;

When action is deferred, the Commission shall ensure that its final action will be taken within time limits established by state law or the County zoning ordinance.

Article 5: Voting; transaction of business

- 501 An affirmative vote of a majority of the members present and voting shall be required for official action to be taken. No vote of any kind of the membership, or any part of the membership, shall be taken to authorize the transaction of any business of the Commission, other than a vote taken at a meeting conducted in accordance with the provisions of the Freedom of Information Act.
- 502 Following a motion and discussion, the chairman shall call for a voice vote or a roll-call vote, at his discretion or as may be required by law. All votes shall be recorded. The Commission may not vote by secret or written ballot. In the event that a motion does not obtain an affirmative majority vote, that particular motion "fails" and no action has been taken. A subsequent motion, approved by affirmative

majority vote, is necessary in any matter on which the Commission is required to take action.

503 Once the Commission has voted on a matter, motions to reconsider, to rescind, or to amend such action taken shall only be considered in accordance with the procedures set forth in Robert's Rules of Order.

504 The State and Local Government Conflicts of Interest Act ("COIA") prohibits certain conduct by members of the Commission, relating to the performance of their public duties. Each Commission member is required by law to read and familiarize himself with the provisions of COIA. A member who has a personal interest in a transaction of the Commission may be required to disqualify himself from participating in the transaction and to make certain disclosures as a matter of public record. If a member has any question about whether he has a personal interest in a transaction, or whether he is required to disqualify himself, he should seek an advisory opinion from the County Attorney.

Article 6: Committees

601 The following committees may be appointed at the discretion of the chairman:

Comprehensive Plan Committee: develops, updates, and revises the comprehensive plan and coordinates the work of other committees which relate to the plan development.

Ordinance Development Committee: drafts amendments and supplements to the zoning and subdivision ordinances.

Capital Improvements Committee: prepares and annually updates a capital improvements program (CIP) in conjunction with Orange County administrative officials and assures that the CIP is in conformity with the comprehensive plan.

602 The chairman may appoint special committees for purposes and terms approved by the Commission.

603 The chairman shall be an ex-officio member of every committee.

604 Committee meetings shall be open to the public, and shall be noticed and conducted in accordance with §2.2-3707 VA Code Ann. and other applicable provisions of the Freedom of Information Act.

Article 7: Amendments

These by-laws may be amended by an affirmative vote of a majority of the members of the Commission, provided that each member is notified that an amendment will be considered and is provided with the text of the proposed amendment at least 30 days in advance of the meeting at which such vote is taken. This 30-day notice requirement may be waived by a super majority (two-thirds plus one) in an open

meeting at which all members of the Commission are present.

Article 8: Validity

Should any section, subsection or provision of the bylaws be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of these bylaws as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.



ORANGE COUNTY PLANNING COMMISSION
BYLAWS
ADOPTED XX/XX/XXXX

Article I: Establishment and Authority

- A. The Orange County Planning Commission is established pursuant to § 15.2-2210 of the Code of Virginia and to Article II, Division 3 of the Orange County Code of Ordinances. This body was first established in April 1966, reestablished in April 2004, and reconstituted as a 5-member body in March 2010 by the Orange County Board of Supervisors (hereinafter referred to as the “Board”).
- B. The official title of this body shall be the Orange County Planning Commission (hereafter referred to as the “Commission”).
- C. The primary purpose of the Commission shall be to advise the Board on planning-related and land use-related matters in the county in order to promote orderly development, the public health, safety, and general welfare, and good zoning practice. The Commission shall carry out its duties pursuant to all authority bestowed upon it by the Code of Virginia and by the Board.

Article II: Membership

- A. Membership of the Commission shall be as set forth in Sec. 2-62 of the Orange County Code of Ordinances.
- B. A Commissioner may be removed from office in the event he/she is absent from any 3 consecutive meetings of the Commission, or is absent from any 4 meetings within a 12-month period.

Article III: Officers

- A. Officers of the Commission shall consist of a Chair, Vice Chair, and a Secretary. The Chair and Vice Chair shall be voting members of the Commission. The Secretary shall be an employee of Orange County Department of Planning & Zoning so appointed by the Chair.
- B. Election of officers shall be made during the first regular meeting of the Commission each calendar year in accordance with the following procedures:
 - 1. The presiding officer shall first solicit nominations from the floor for the position of Chair for the upcoming year.
 - 2. Any Commissioner, after being recognized by the presiding officer, may make 1 or more nominations and discuss his or her opinions on the qualifications of the nominees.

3. When all nominations have been made, the presiding officer shall close the floor to nominations and call for a vote.
 4. The presiding officer shall solicit votes for each nominee in the order nominated. Each member may cast 1 vote per nominee.
 5. The candidate receiving the majority vote of the Commission shall be declared elected. A majority of voting members shall be required to elect the Chair for the upcoming year.
 6. The newly-elected Chair shall take office immediately and repeat the nomination and election procedures in order to elect a Vice Chair.
 7. Upon election of the Vice Chair, the Chair shall then appoint a Secretary for the year.
- C. Officers shall serve until the election of officers is concluded during the first regular meeting the following year, or until his/her term expires, whichever occurs first.
- D. Any mid-year office vacancy shall be filled immediately during the next regular meeting by the above procedures.
- E. The Chair shall:
1. Preside at all meetings of the Commission;
 2. Appoint special and standing committees, for which he/she shall serve as an ex officio member;
 3. Rule on all procedural/parliamentary matters and questions. Such rulings may be reversed by a vote by all other Commissioners present;
 4. Have the authority to speak, make motions, and vote on all matters, unless otherwise recused;
 5. Establish time limits for all presentations and other public input made to the Commission;
 6. Sign and authenticate official documents of the Commission;
 7. Correspond with the Board on behalf of the Commission; and
 8. Carry out other duties assigned by a majority of the Commission.
- F. The Vice Chair shall:
1. Assume the full powers of the Chair in his/her absence or inability to act; and
 2. Carry out duties assigned by a majority of the Commission.
- G. The Secretary shall:
1. Ensure that attendance is recorded at all meetings;
 2. Supervise the keeping of the minutes of the Commission;
 3. Provide notice to all members of all meetings;
 4. Prepare agendas for all meetings;
 5. Maintain official records of the Commission;

6. Handle any funds that may be allocated to the Commission;
7. Coordinate all official correspondence of the Commission;
8. Provide legal notice to the public for all meetings and public hearings; and
9. Provide information to the Board related to all Commission actions and recommendations, including their annual report as required by the Code of Virginia.

Article IV: Meetings, Generally

- A. The Commission shall hold regular meetings at 6:00 p.m. on the first Thursday of each month. An alternative meeting time/date of 6:00 p.m. on the third Thursday of each month shall be reserved to be used as needed. Unless otherwise announced and advertised, all meetings shall be held in the Board meeting room of the R. L. Gordon Building located at 112 W. Main Street in the Town of Orange. The Commission's meeting schedule shall be maintained on the County's website.
- B. Special meetings may be called by the Chair or by 2 Commissioners upon written request to the Secretary, pursuant to the procedural requirements of § 15.2-2214 of the Code of Virginia.
- C. A majority of the Commission membership shall constitute a quorum. Official actions may not be taken at a meeting without a quorum.
- D. Commissioners shall notify the Chair or the Secretary of their pending absence from a meeting at least 24 hours prior to the meeting, unless due to an emergency.
- E. The Secretary, in conjunction with the Chair, shall generally finalize meeting agendas at least 5 calendar days prior to a given meeting. Once the agenda for a given meeting has been finalized, the Secretary shall transmit copies of the agenda and all related materials to the Commission for their review prior to the meeting date. These materials shall also be posted on the county's website for public review and made available in the Department of Planning & Zoning.
- F. Any meeting may be cancelled by the Chair, or Vice-Chair on behalf of the Chair, if situations are present (e.g. weather) which would make travel to or from the meeting hazardous. In such circumstances, all hearings and other materials previously advertised shall automatically be rescheduled for the next meeting (either the first or third Thursday, whichever occurs first), as described in subsection 'A' above.

Article V: Conduct of Business

- A. The agenda for regular meetings shall be generally arranged as presented below. The order of business may be modified by the Chairman or Secretary to facilitate the conduct of business.
 1. Call to order and determination of quorum
 2. Approval of agenda
 3. Discussion/approval of minutes of prior meetings
 4. Work session items
 5. General public comment

6. Old business/Committee reports
 7. Public hearing items
 8. New business
 9. Commissioner comments/reports
 10. Consensus of next meeting date
 11. Adjournment
- B. Meetings shall be generally conducted in accordance with the most recent edition of *Robert's Rules of Order*, but the Chair shall be ultimately responsible for conducting meetings, establishing procedures, and controlling the course of business. Failure to strictly comply with *Robert's Rules of Order* shall not invalidate any actions of the Commission.
- C. The Chair shall be responsible for maintaining order and decorum throughout each meeting, and may take any action necessary to do so, including stopping a presentation, ordering a recess, refusing to recognize a speaker, ordering that a matter be deferred to the next meeting, or any other appropriate action.
- D. The course of business for public hearings shall be controlled by the Chair.

Article VI: Voting on Matters

- A. Unless otherwise required, an affirmative vote of at least a majority voting on an item shall be necessary to represent an official action or recommendation of the Commission. In the event any motion does not obtain an affirmative majority vote, that particular motion fails and no action is taken on it.
- B. A tie vote shall be a rejection of the motion presented. In the event of deadlock, the Chair may order the deferral of the item until the next meeting or when the full membership will be present.
- C. The Chair may utilize either a general voice vote or an individual roll call vote on all matters required for action by the Commission.

Article VII: Bylaw Amendments

- A. These Bylaws may be amended by a majority affirmative vote by the Commission, provided each member is given a 30-day notice of the proposed amendments. This notice requirement may be waived with a 4/5 majority affirmative vote.

Article VIII: Effect of Enactment

- A. Nothing in the foregoing Bylaws shall be deemed as invalidating any official business transacted by the Commission prior to the adoption of these Bylaws.
- B. Unless otherwise required by the Code of Virginia or by the Orange County Code of Ordinances, failure to strictly adhere to these Bylaws shall not be utilized to invalidate any action taken by the Commission.

Orange County Planning Commission

June 2nd, 2016 regular meeting

Agenda item 7A

ORANGE COUNTY
DEPARTMENT OF PLANNING AND ZONING

COMMUNITY DEVELOPMENT
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: May 26th, 2016
RE: Addition of pyrotechnics testing/manufacturing as a special use in the Agricultural zoning district – June 2nd public hearing

Last month the Board initiated Planning Commission action to add *pyrotechnics testing/manufacturing* as a special use in the Agricultural zoning district. There is currently a professional organization that has been obtaining fireworks display permits from the county to conduct their craft/trade in Locust Grove. They do this several times during the year from spring to fall, and typically draw crowds for the displays. The County Attorney brought to the attention of the Board that this is not an appropriate application of the county's fireworks display permit, and this type of activity should rather be regulated through zoning. This is because it is an actual land use rather than a one-time/seasonal event. The Board has requested that the Commission review possibilities to include this as a special use in the Agricultural zoning district.

Planning Staff and the County Attorney have prepared draft amendment language to accommodate the Board's request, as shown in the attached draft resolution. Planning Staff take no position on this particular proposal, but as has been noted before, zoning amendments to accommodate singular uses or entities generally do not comport with VA Code § 15.2-2286(A7) related to "good zoning practice."

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

Att: Draft Resolution #16-05 w/proposed amendment language

ORANGE COUNTY
PLANNING COMMISSION

JASON CAPELLE, DISTRICT 1
GEORGE YANCEY, DISTRICT 2
DONALD BROOKS, DISTRICT 3
CRYSTAL HALE, DISTRICT 4
NIGEL GOODWIN, DISTRICT 5



MAILING ADDRESS:
128 WEST MAIN STREET
ORANGE, VIRGINIA 22960

PLANNING & ZONING:
OFFICE: (540) 672-4347
FAX: (540) 672-0164
ORANGECOUNTYVA.GOV

JOSH FREDERICK
DIRECTOR OF PLANNING & ZONING

DRAFT RESOLUTION RECOMMENDING APPROVAL / DENIAL

MOTION: June 2nd, 2016
SECOND: Regular Meeting
Res. No. 16-05

Amendments to the Zoning Ordinance: Sec. 70-1 and Sec. 70-303 – pyrotechnics testing/manufacturing special use

WHEREAS, Planning Commission action was initiated to consider certain Zoning Ordinance amendments; and

WHEREAS, the Planning Commission held a duly advertised public hearing during the June 2nd, 2016 regular meeting; and

WHEREAS, Staff of the Department of Planning and Zoning have taken no position on the proposed amendments; and

WHEREAS, the Planning Commission discussed these proposed amendments, considered comments received during the public hearing and desires to recommend **approval / denial** of the proposed Zoning Ordinance amendments.

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Planning Commission hereby recommends, based on public necessity, convenience, general welfare and good zoning practice, that the Orange County Board of Supervisors **approve / deny** the proposed amendments to Sec. 70-1 and Sec. 70-303 of the Zoning Ordinance, as shown in the attachment.

Votes

Ayes:

Nays:

Abstained from Vote:

Absent from Meeting:

For Information: Clerk to the Board of Supervisors
County Attorney

Attached: Draft amendment language (1 page)

CERTIFIED COPY

Secretary to the Planning Commission

ORANGE COUNTY
PLANNING COMMISSION

Proposed amendment language:

Sec. 70-1. - Definitions.

[...]

Pyrotechnics testing/manufacturing means the operations of non-profit entity engaged in the production and testing of fireworks, whereby the entity is licensed and regulated pursuant to 18 U.S.C. Chapter 40.

[...]

Sec. 70-303. - Uses permitted by special use permit.

In the agricultural district the following uses may be permitted upon issuance of a special use permit by the board of supervisors:

[...]

23) Pyrotechnics testing/manufacturing on a parcel 50 acres or greater in size.

[...]

Orange County Planning Commission

June 2nd, 2016 regular meeting

Agenda item 7B

ORANGE COUNTY
DEPARTMENT OF PLANNING AND ZONING

COMMUNITY DEVELOPMENT
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: May 26th, 2016
RE: Proposed deletion of telecommunications tower removal bonding requirements – June 2nd public hearing

As discussed during the May 5th work session, Planning Staff are proposing the repeal of the telecommunications tower removal bonding requirements set forth by Sec. 70-937 of the Zoning Ordinance. Sec. 70-936 of the Ordinance already specifies the requirements and procedures for removal of abandoned towers. Given that it is highly unlikely for a telecommunications tower to ever be completely abandoned, the current bonding requirement is superfluous.

Planning Staff recommend approval as shown in the attached draft resolution.

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

Att: Draft Resolution #16-06 w/proposed amendment language

ORANGE COUNTY
PLANNING COMMISSION

JASON CAPELLE, DISTRICT 1
GEORGE YANCEY, DISTRICT 2
DONALD BROOKS, DISTRICT 3
CRYSTAL HALE, DISTRICT 4
NIGEL GOODWIN, DISTRICT 5



MAILING ADDRESS:
128 WEST MAIN STREET
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ORANGECOUNTYVA.GOV

JOSH FREDERICK
DIRECTOR OF PLANNING & ZONING

DRAFT RESOLUTION RECOMMENDING APPROVAL / DENIAL

MOTION:

June 2nd, 2016

Regular Meeting

SECOND:

Res. No. 16-06

Amendment to the Zoning Ordinance: Repeal of Sec. 70-937 – Bonding for tower removal.

WHEREAS, Planning Commission action was initiated to consider a certain Zoning Ordinance amendment; and

WHEREAS, the Planning Commission held a duly advertised public hearing during the June 2nd, 2016 regular meeting; and

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

WHEREAS, the Planning Commission discussed this proposed amendment, considered comments received during the public hearing and desires to recommend **approval / denial** of the proposed Zoning Ordinance amendment.

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Planning Commission hereby recommends, based on public necessity, convenience, general welfare and good zoning practice, that the Orange County Board of Supervisors **approve / deny** the proposed amendment repealing Sec. 70-937 of the Zoning Ordinance, as shown in the attachment.

Votes

Ayes:

Nays:

Abstained from Vote:

Absent from Meeting:

For Information: Clerk to the Board of Supervisors
County Attorney

Attached: Draft amendment language (1 page)

CERTIFIED COPY

Secretary to the Planning Commission

ORANGE COUNTY
PLANNING COMMISSION

Proposed amendment language:

[...]

Sec. 70-937. - ~~Bonding for tower removal.~~ Repealed

~~A bond must be posted at the time of tower approval in the event the county must remove the tower upon abandonment. This bond shall be equal to the cost to remove the tower, all tower and fence footers, underground cables and support buildings plus 25 percent for surety. The bond shall be renewed annually for the life of the tower.~~

[...]