

ORANGE COUNTY

PLANNING COMMISSION

JASON CAPELLE, DISTRICT 1
GEORGE YANCEY, DISTRICT 2
DONALD BROOKS, DISTRICT 3
CRYSTAL HALE, DISTRICT 4
JIM HUTCHISON, DISTRICT 5

JOSH FREDERICK, AICP
DIRECTOR OF PLANNING & ZONING



MAILING ADDRESS:
128 WEST MAIN STREET
ORANGE, VIRGINIA 22960

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

Regular Meeting
Gordon Building Meeting Room
112 W. Main St, Orange, VA, 22960
Thursday, December 1st, 2016
AGENDA
6:00 pm

1. Call to order and determination of quorum
2. Approval of agenda
3. Approval of minutes
4. Work session
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 – George Yancey & Jim Hutchison
 - D. Presentation of the Germanna-Wilderness Area Historic & Cultural Assets Inventory Matrix – Zann Nelson
7. Public hearings:
 - A. Proposed Zoning Ordinance amendment – addition of the Montpelier District (MD) as a new district in the Ordinance
 - B. REZ 16-02 – application by the Board of Supervisors to rezone tax parcels 42-20, 42-25, and 42-25A, being owned by the National Trust for Historic Preservation and containing approximately 2,560 acres, from Agricultural (A) to the Montpelier District (MD).
 - C. Proposed Zoning Ordinance amendment – a revisit of recently-amended regulations pertaining to home-based businesses
 - D. Proposed Zoning Ordinance amendment – self-storage facilities as a special use in the C-2 district
 - E. Proposed Zoning Ordinance amendment – Article III – Nonconformities regulations pertaining to expansions of nonconforming structures
 - F. Proposed Zoning Ordinance amendment – Multifamily Residential (R-4) setback adjustments
8. New business
9. Commissioner comments
10. Next meeting date – TBD
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

December 1st, 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
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orangecountyva.gov

MEMORANDUM

TO: Orange County Planning Commission
FROM: Josh Frederick, Director of Planning & Zoning
DATE: November 22nd, 2016
RE: December 1st public hearing #1 – addition of the Montpelier District (MD) as a new district in the Zoning Ordinance

To briefly recap, several months ago the Board authorized the creation of a unique zoning district, the intent of which is to apply to the approx. 2,560-acre area owned by the National Trust for Historic Preservation and leased to the Montpelier Foundation for their operations. This district has two primary objectives: 1. To reasonably permit Montpelier to conduct operations which align with its mission, especially in light of its importance in generating tourism income and notoriety for the county; and 2. To allow Montpelier and the county to capitalize on the findings and recommendations of the grant-funded AFID study that was recently completed as a means of economic development. The Montpelier property is currently zoned Agricultural (A), which is not entirely consistent with the property's use or future goals. Reasonable restrictions have been included in the district language in order to provide protections for the surrounding properties and for the area.

Following up on the 11/3 work session, the draft Montpelier District has been edited as follows:

- Line 50 – the number of single-family dwellings was capped at 15
- Line 51 – the threshold for the temporary use zoning permit requirement for special events was lowered to 10,000 attendees (from 25,000)
- Line 75 – the area and frontage sections were replaced with a new section that prohibits subdivisions
- Line 97 – “north” was removed so that design standards apply to structures on both sides of Route 20
- Line 109 – black standing seam metal was added as a permitted roofing material

Creation of this zoning district is supported by the Comprehensive Plan (page 18). Planning Staff recommend approval as presented.

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 #16-09 with attachment

ORANGE COUNTY
PLANNING COMMISSION

JASON CAPELLE, DISTRICT 1
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DRAFT RESOLUTION RECOMMENDING APPROVAL / DENIAL

MOTION: December 1st, 2016
SECOND: Regular Meeting
Res. No. 16-09

Amendment to the Zoning Ordinance: New district – Montpelier District (MD)

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 December 1st, 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 planning/zoning practice, that the Orange County Board of Supervisors **approve / deny** the proposed amendment adopting a new zoning district in the Zoning Ordinance known as the Montpelier District, 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, dated 11/14/16 (4 pages)

CERTIFIED COPY

Secretary to the Planning Commission

1
2
3 **MONTPELIER DISTRICT – (MD)**

4 **Sec. 70-***. – Purpose and Intent.**

5 The purpose of the Montpelier District (hereinafter referred to as the “MD”) is to recognize the
6 importance of James Madison’s Montpelier as a historic, civic, cultural, and educational asset to
7 Orange County, to encourage its preservation and vitality, as well as to support its significance in
8 promoting tourism, agriculture, and economic development in Orange County. For the purposes
9 of this Ordinance, all uses and structures permitted within the MD shall be considered accessory
10 to the operation of Montpelier as a historic house and museum, which shall be considered the
11 principal use and structure. The intent of the MD as a unique zoning district is to:

- 12 a) Permit activities and uses which align the land use policies and goals of Orange County
13 with the mission and operation of Montpelier as a historic house museum and historic site;
- 14 b) Allow avenues for Montpelier, as a historic site unique to Orange County and the nation,
15 to preserve, interpret, and enhance its historical significance, as well as to encourage the
16 adaptive reuse of historic structures;
- 17 c) Emphasize the importance of Montpelier to the reputation and economy of Orange County;
- 18 d) Preserve significant agricultural and forestal land via active agricultural uses, forestry uses,
19 and conservation easements; and
- 20 e) Regulate uses and activities only to the extent necessary to protect the public health, safety,
21 and general welfare and to comport with good planning and zoning practice.

22 **Sec. 70-***. – Permitted Uses.**

23 In the MD, land may be used for the following uses, and any accessory use that is customarily
24 incidental to such uses.

- 25 1) The following uses related to the operation of Montpelier as both a historic house museum
26 and historic site:
 - 27 a) Educational and research uses such as, but not limited to, tours, exhibitions, classes
28 and classrooms, residential educational programs, conferences, workshops, lectures
29 and lecture halls, day programs, day camps, and archaeology activities and
30 facilities;
 - 31 b) Historical interpretation facilities and displays;
 - 32 c) Administrative support uses such as, but not limited to, visitor ticketing and
33 programming, shuttle bus operations, security facilities, general maintenance
34 facilities, vehicle maintenance and refueling facilities, and general administrative
35 offices; and
 - 36 d) Visitor amenities such as, but not limited to, stand-alone parking areas, picnic
37 facilities, walking paths and trails, and equine trails.
- 38 2) Agriculture.
- 39 3) Agritourism.
- 40 4) Brewery with production of up to 15,000 barrels per calendar year.
- 41 5) Cemetery.
- 42 6) Distillery with production of up to 36,000 gallons per calendar year.
- 43 7) Farmers market.

- 44 8) Farm enterprise.
- 45 9) Farm stand.
- 46 10) Lodging uses within permanent structures.
- 47 11) Restaurant without drive-through facilities up to 7,500 sq. ft. gross floor indoor/outdoor
- 48 area (no more than 4).
- 49 12) Retail store up to 4,000 sq. ft. gross floor area (no more than 4).
- 50 13) Single-family detached dwelling, including rentals of such (no more than 15).
- 51 14) Temporary uses/events which are related to or supportive of the historic and civic
- 52 importance of Montpelier such as, but not limited to, the Montpelier Hunt Races,
- 53 Constitution Day Celebration, Fall Fiber festival, Working Woods Walk, wine festivals,
- 54 musical performances, and commemorative events. A temporary use/event permitted under
- 55 this use category shall not be required to obtain a temporary use zoning permit as may be
- 56 required elsewhere in this Ordinance, provided that any single-day attendance of such an
- 57 event does not exceed 10,000 attendees.
- 58

59 **Sec. 70-***. – Uses Permitted by Special Use Permit.**

60 In the MD, the following uses may be permitted upon issuance of a special use permit by the Board
61 of Supervisors:

- 62 1) Any restaurant in excess of what is permitted by-right.
- 63 2) Any retail store in excess of what is permitted by-right.
- 64 3) Public utility facility.
- 65 4) Telecommunications tower.
- 66

67 **Sec. 70-***. – Nonconformities.**

68 Any structure which is nonconforming due to encroaching on the minimum setback requirement
69 for Constitution Highway (Route 20) and/or Montpelier Road (Route 693) may be expanded or
70 enlarged provided the new portion of the structure is no closer to the affected property line(s) than
71 the nonconforming portion(s). Such an expansion may be up to fifty percent (50%) of the footprint
72 of the building that exists at the time of adoption of these district regulations. Nonconforming
73 situations not referenced herein shall be otherwise regulated by Article III of this Chapter.

74
75 **Sec. 70-***. – Subdivisions of Land.**

76 Subdivisions of land within the MD shall not be permitted.

77
78 **Sec. 70-***. – Setbacks and Yards.**

- 79 a) The setback from Constitution Highway (Route 20) right-of-way shall be three-hundred
- 80 (300) feet, pursuant to section 70-646 et seq.
- 81 b) Except as provided for in the above subsection, there shall be no minimum required
- 82 setbacks from property lines or minimum yards in the Montpelier District (MD). Setbacks
- 83 and yards notwithstanding, a minimum buffer of one-hundred (100) feet shall be
- 84 maintained around the entire perimeter of the district in which there shall be no structures.
- 85 c) No structures, other than bridges, may be placed or constructed within fifty (50) feet from
- 86 any naturally-occurring watercourse.

87 **Sec. 70-***. – Height Regulations.**

88 In the MD, structures shall not exceed forty (40) feet in height except for telecommunications
89 towers and bona fide agricultural structures. The Board of Supervisors may grant special
90 exceptions to allow other structures taller than forty (40) feet.

91

92 **Sec. 70-***. – Building Design Standards.**

93 In consideration of the vernacular architecture which characterizes many of the buildings within
94 the MD, it is essential to the purpose of the MD and of the Comprehensive Plan to require all
95 readily-visible construction to be complementary of and consistent with this Montpelier
96 vernacular. Accordingly, the standards contained within this section shall apply to: 1. All new
97 construction within six-hundred (600) feet of the Constitution Highway (Route 20) right-of-way;
98 2. All new construction within six-hundred (600) feet of Montpelier Road (Route 693) right-of-
99 way; and 3. Any rehabilitation or expansion of any existing structure within the areas listed above
100 which was originally constructed in this vernacular. The main elements of this vernacular, which
101 shall constitute the minimum design standards, are as follows:

- 102 a) The architectural style shall be consistent with and
103 complement the predominantly Federal and Folk
104 Victorian architecture present in the MD.
- 105 b) The roof construction style may be either gable,
106 cross-gable, bonnet, or gambrel. Dormers are
107 permitted.
- 108 c) Roofing materials may be dark asphalt shingles,
109 slate tile, silver/black standing-seam metal, or any
110 roofing material that substantially simulates these.
- 111 d) Exterior siding materials shall be either clapboard
112 or board-and-batten siding in the characteristic
113 Montpelier/DuPont green or the characteristic
114 Montpelier golden yellow.
- 115 e) Exterior trim elements shall be white.
- 116 f) Operable windows shall be double-hung in a 9-
117 over-9 or 6-over-6 pattern. Inoperable windows
118 shall simulate these patterns.
- 119 g) Foundation elements shall be either in brick/stone
120 of a red/brown palette or painted in a medium gray
121 palette.

122

123 **Sec. 70-***. – Signs.**

124 There shall be no regulations regarding dimensional requirements for signage within the MD
125 except along the right-of-way for Constitution Highway (Route 20) and Montpelier Road (Route
126 693). Along these roads, signs may be permitted upon issuance of a zoning permit and as follows:

- 127 a) Permanent freestanding signs may be placed no more frequently than one (1) per two-
128 hundred (200) linear feet. Such signs shall not exceed eight (8) feet in height or twenty (20)
129 square feet in area. Notwithstanding other requirements elsewhere in this Ordinance, there



Figure 1: Montpelier Vernacular Example 1



Figure 2: Montpelier Vernacular Example 2

- 130 shall be no minimum setback from the right-of-way for such signs. However, under no
131 circumstances shall they block sight distances at any road intersection.
- 132 b) For temporary signs, refer to the Supplementary District Regulations section of this
133 Chapter.
- 134 c) Building signs may not exceed one (1) square foot per linear foot of building frontage on
135 which the sign is installed, and may not project above the roofline of the building.

DRAFT

Orange County Planning Commission

December 1st, 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: November 22nd, 2016
RE: December 1st public hearing #2 – REZ 16-02

Public hearing #2 is for the consideration of REZ 16-02, which is an application by the Board of Supervisors for a zoning map amendment for tax parcels 42-20, 42-25, and 42-25A, containing approximately 2,560 acres, from Agricultural (A) to Montpelier District (MD). The property is owned by the National Trust for Historic Preservation and leased to the Montpelier Foundation for the operations of James Madison's Montpelier. This public hearing is a follow-up to the 1st public hearing, which is for the consideration of adopting the Montpelier District (MD) into the Zoning Ordinance as a new district.

The aforementioned property is within the Agricultural A1 classification on the recommended future land use map in the 2013 Comprehensive Plan, and this proposal is largely consistent with the stated purpose and characteristics of the A1 category (pages 25 and 27). Furthermore, this zoning map amendment (and the MD, by association) is consistent with Goal 1 of the Comprehensive Plan (page 14), which is to *promote and preserve our unique historic and environmental resources*, as well as Goal 1, Objective B (page 15) to *permit and encourage...uses based on cultural, natural, or historic resources or open spaces, and accessory uses in direct support of these uses*. Accordingly, this proposed zoning map amendment would be consistent with the Plan. Planning Staff recommend approval as presented.

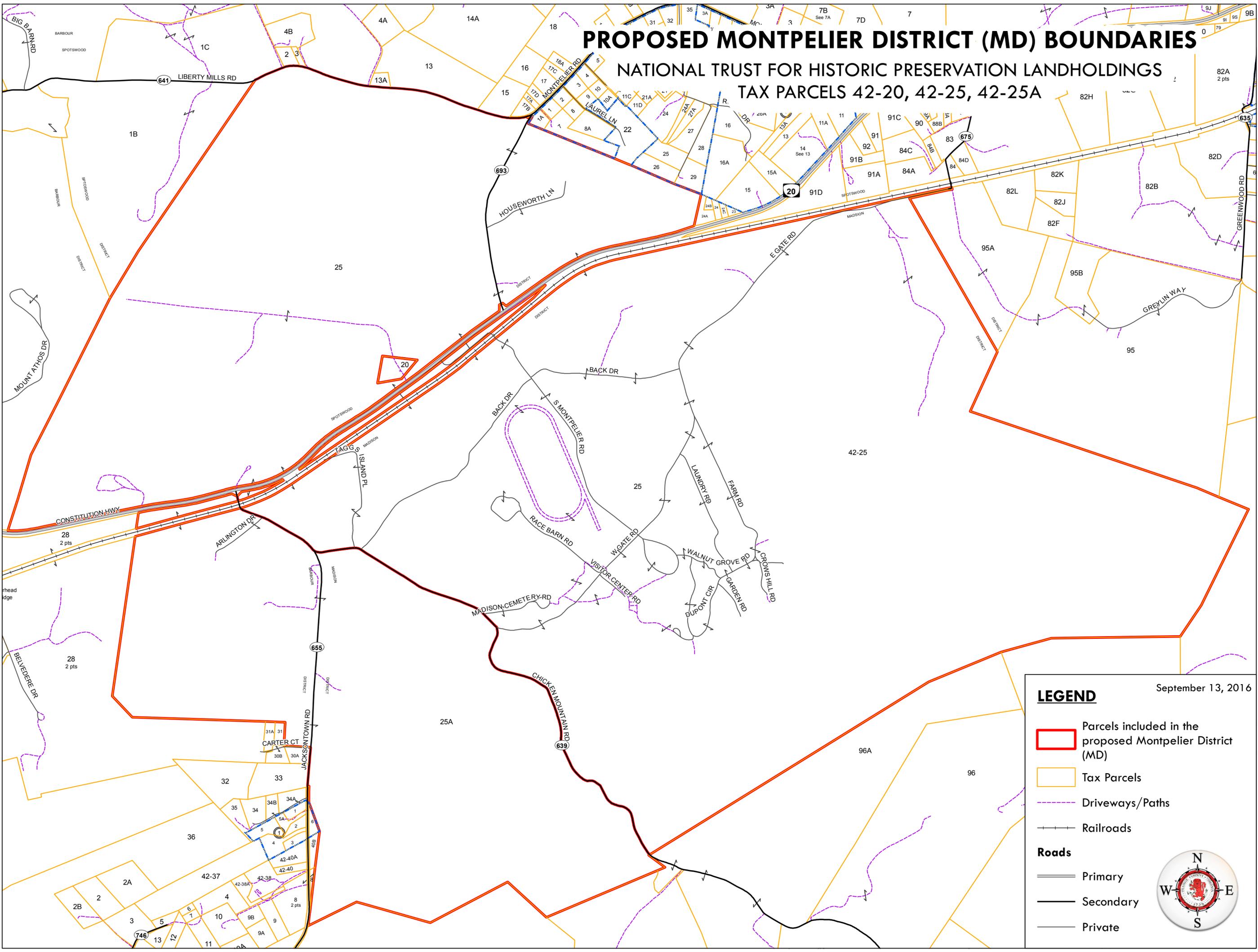
Cc: Board of Supervisors
R. Bryan David, County Administrator
Tom Lacheney, County Attorney
Alyson Simpson, Chief Deputy Clerk to the Board
File

Att: Property reference map, dated 9/13/16
Agricultural District / Montpelier District comparison fact sheet, dated 11/14/16
Draft Resolution #16-10

PROPOSED MONTPELIER DISTRICT (MD) BOUNDARIES

NATIONAL TRUST FOR HISTORIC PRESERVATION LANDHOLDINGS

TAX PARCELS 42-20, 42-25, 42-25A



September 13, 2016

LEGEND

- Parcels included in the proposed Montpelier District (MD)
- Tax Parcels
- Driveways/Paths
- Railroads

Roads

- Primary
- Secondary
- Private

Zoning District Summary Comparison: Agricultural (A) & Montpelier District (MD)

| | <i>Agricultural (A) District</i> | <i>Proposed Montpelier District (MD)</i> |
|-----------------------|--|---|
| | LAND USES | |
| Permitted Uses | <ol style="list-style-type: none"> 1) Agriculture. 2) Agritourism. 3) Bed and breakfast inn. 4) Short-term lodging facility. 5) Single-family dwelling. 6) Two-family dwelling. 7) Manufactured home. 8) Place of worship. 9) Cemetery or graveyard. 10) Sign subject to sections 70-308 and 70-696 et seq. 11) Farm enterprise, farm stand, wayside stand. 12) Farmer's market of up to 4,000 square feet gross floor area. 13) Temporary uses, with a zoning permit pursuant to sections 70-309 and 70-122, limited to the following: <ol style="list-style-type: none"> a. Temporary or seasonal sales. b. Special events. 14) Accessory Apartment. 15) Commercial Kitchen or Smokehouse. | <ol style="list-style-type: none"> 1) The following uses related to the operation of Montpelier as both a historic house museum and historic site: <ol style="list-style-type: none"> a) Educational and research uses such as, but not limited to, tours, exhibitions, classes and classrooms, residential educational programs, conferences, workshops, lectures and lecture halls, day programs, day camps, and archaeology activities and facilities; b) Historical interpretation facilities and displays; c) Administrative support uses such as, but not limited to, visitor ticketing and programming, shuttle bus operations, security facilities, general maintenance facilities, vehicle maintenance and refueling facilities, and general administrative offices; and d) Visitor amenities such as, but not limited to, stand-alone parking areas, picnic facilities, walking paths and trails, and equine trails. 2) Agriculture. 3) Agritourism. 4) Brewery with production of up to 15,000 barrels per calendar year. 5) Cemetery. 6) Distillery with production of up to 36,000 gallons per calendar year. 7) Farmers market. 8) Farm enterprise. 9) Farm stand. 10) Lodging uses within permanent structures. 11) Restaurant without drive-through facilities up to 7,500 sq. ft. gross floor indoor/outdoor area (no more than 4). 12) Retail store up to 4,000 sq. ft. gross floor area (no more than 4). 13) Single-family detached dwelling, including rentals of such. 14) Temporary uses/events which are related to or supportive of the historic and civic importance of Montpelier such as, but not limited to, the Montpelier Hunt Races, Constitution Day Celebration, Fall Fiber festival, Working Woods Walk, wine festivals, musical performances, and commemorative events. A temporary use/event permitted under this use category shall not be required to obtain a temporary use zoning permit as may be required elsewhere in this Ordinance, provided that any single-day attendance of such an event does not exceed 25,000 attendees. |

Zoning District Summary Comparison: Agricultural (A) & Montpelier District (MD)

| | <i>Agricultural (A) District</i> | <i>Proposed Montpelier District (MD)</i> |
|---|---|---|
| Special Uses | <ol style="list-style-type: none"> 1) Agricultural equipment sales or service, or both. 2) Airport. 3) Bed and breakfast inn with a restaurant open to non-guests. 4) Boarding kennel or commercial breeding kennel. 5) Camp, campground or recreational vehicle park. 6) Fairground 7) Elder care center, child day care center, or nursery school. 8) Livestock auction or farmer's market of greater than 4,000 square feet gross floor area. 9) Manufactured home park. 10) Mine or quarry. 11) Office not exceeding 4,000 square feet gross floor area, including professional or contracting office. 12) Cultural use. 13) Commercial recreational use. 14) Institutional use. 15) Public garage. 16) Public use such as school, park, library, or fire and rescue station. 17) Retail store not exceeding 4,000 square feet gross floor area, including, a farm stand greater than 1,000 square feet gross floor area, flea market, or retail nursery. 18) Sanitary landfill. 19) Veterinary service, including animal hospital. 20) Cluster housing development (see also article VI). 21) Outdoor power equipment, motorcycle, all-terrain vehicle, watercraft repair and storage. 22) Public utility facility. 23) Pyrotechnics testing/manufacturing on a parcel 50 acres or greater in size. <p>(Note: telecommunications towers are special uses pursuant to a separate ordinance section.)</p> | <ol style="list-style-type: none"> 1) Any restaurant in excess of what is permitted by-right. 2) Any retail store in excess of what is permitted by-right. 3) Public utility facility. 4) Telecommunications tower. |
| Intensive Livestock Facilities | Permitted by-right (e.g. turkey/chicken houses, hog houses, cattle feed lots, dairy facilities, etc.) | Not permitted |
| Temporary Uses (i.e. special events) | Permitted by-right; zoning permit required for single-day attendance of 100 or more people. | Permitted by-right; zoning permit required for single-day attendance of 10,000 or more people. |

Zoning District Summary Comparison: Agricultural (A) & Montpelier District (MD)

| | <i>Agricultural (A) District</i> | <i>Proposed Montpelier District (MD)</i> |
|--|---|---|
| DEVELOPMENT STANDARDS | | |
| Minimum Lot Size | 2 acres | N/A |
| Minimum Frontage | 200 feet | N/A |
| Subdivisions | No limit (public road(s) req. @ 8+ lots and hydrogeologic testing req. @ 13+ lots) | Not permitted |
| Maximum Structure Height | 40 feet | 40 feet |
| Setback from Route 20 (west of Orange) | 300 feet from the right-of-way | 300 feet from the right-of-way |
| Setback from Montpelier Rd (Route 693), Chicken Mountain Rd (Route 639), & Jacksontown Rd (Route 655) | 85 feet from road centerline | None ¹ |
| Building Design Standards | None | Required along Route 20 |
| SIGNS | | |
| Sign Spacing Requirements | 1 sign for every 200 feet of frontage (all types of signs) | 1 permanent freestanding sign for every 200 feet of frontage |
| Maximum Sign Area | 32 square feet per lot for all signs | 20 square feet per freestanding sign; 1 square foot per building frontage for building signs |
| Sign Setback from Route 20 (west of Orange) | 300 feet from the right-of-way | No requirement (cannot be placed within the right-of-way) |
| Sign Setback from Secondary Routes | None ¹ | None ¹ |
| Maximum Freestanding Sign Height | 8 feet | 8 feet |
| PERMITS AND SITE PLANS | | |
| Zoning Permits | Required for all structures and modifications to existing structures; accessory structures under 150 square feet are exempt; bona fide agricultural structures/uses are exempt. | Required for all structures and modifications to existing structures; accessory structures under 150 square feet are exempt; bona fide agricultural structures/uses are exempt. |
| Site Plans | Pursuant to Article II of the Zoning Ordinance. | Pursuant to Article II of the Zoning Ordinance. |

¹ The setback from secondary routes within prescriptive easements (e.g. Routes 693 and 639) is effectively 15' from the road centerline. The setback from a secondary route right-of-way (e.g. Route 655) is zero.

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DRAFT RESOLUTION RECOMMENDING APPROVAL / DENIAL

MOTION: December 1st, 2016
Regular Meeting
SECOND: Res. No. 16-10

REZ 16-02 – National Trust for Historic Preservation (Montpelier)

WHEREAS, Planning Commission action was initiated by the Board of Supervisors to consider a zoning map amendment for tax parcels 42-20, 42-25, and 42-25A, containing approximately 2,560 acres, from Agricultural (A) to Montpelier District (MD); and

WHEREAS, the Planning Commission held a duly advertised public hearing during the December 1st, 2016 regular meeting; and

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

WHEREAS, the Planning Commission has reviewed this proposal and found it to be **consistent / inconsistent** with the 2013 Comprehensive Plan, and desires to recommend **approval / denial** of the proposed zoning map amendment from (A) to (MD).

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 16-02 for tax parcels 42-20, 42-25, and 42-25A.

Votes

Ayes:

Nays:

Abstained from Vote:

Absent from Meeting:

For Information: Clerk to the Board of Supervisors
County Attorney

CERTIFIED COPY

Secretary to the Planning Commission

Orange County Planning Commission

December 1st, 2016 regular meeting

Agenda item 7C

ORANGE COUNTY
DEPARTMENT OF PLANNING AND ZONING

COMMUNITY DEVELOPMENT
128 WEST MAIN STREET
ORANGE, VIRGINIA 22960



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orangecountyva.gov

MEMORANDUM

TO: Orange County Planning Commission
FROM: Josh Frederick, Director of Planning & Zoning
DATE: November 22nd, 2016
RE: December 1st public hearing #3 – revisit of recently-amended regulations pertaining to home-based businesses

You may recall that the Commission drafted a comprehensive amendment pertaining to home occupations and home enterprises earlier this year. The amendment was recommended for approval to the Board, but at that time they chose to remove most of the requirements out of the Commission’s proposal. What was ultimately adopted was a new definition for “home enterprises” as well as the listing of “home enterprise” as a permitted accessory use in the Agricultural (A) zoning district. “Home occupation” requirements were unchanged.

The Board has initiated Commission action on this topic again, and have drafted specific language for your consideration. That language is included as part of the attached draft resolution. One notable change is the elimination of the zoning permit requirement for home occupations and home enterprises.

Planning Staff take no position on this proposed amendment, but we note the following:

- The phrase “is an accessory use to a dwelling” should remain as part of the definitions in order to avoid interpretation issues in the future. This is an important distinction that should be explicit and without ambiguity.
- Decibel limits on noise are not realistically enforceable.
- The zoning permit requirement (technically a “certificate”) affords a simple check-and-balance system for property owners. These certificates are easy to obtain (especially compared to other counties) and offer an affirmative approval for home-based businesses, which is useful for insurance purposes, state-required proof of local approval, compliance with the Building Code and other laws, etc. They also afford property owners a basic protection against neighboring properties establishing unmitigated business practices in otherwise residential areas. Planning Staff strongly encourage the Planning Commission to retain this part of the code as a simple matter of 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 #16-11

ORANGE COUNTY
PLANNING COMMISSION

JASON CAPELLE, DISTRICT 1
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DRAFT RESOLUTION RECOMMENDING APPROVAL / DENIAL

MOTION:

December 1st, 2016

Regular Meeting

SECOND:

Res. No. 16-11

Amendment to the Zoning Ordinance: *home occupation and home enterprise regulations*

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 December 1st, 2016 regular meeting; and

WHEREAS, Staff of the Department of Planning and Zoning have taken no position on 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 planning/zoning practice, that the Orange County Board of Supervisors **approve / deny** the proposed amendment regarding home occupation and home enterprise regulations, as attached.

Votes

Ayes:

Nays:

Abstained from Vote:

Absent from Meeting:

For Information: Clerk to the Board of Supervisors
County Attorney

Attached: Draft amendment language (2 pages)

CERTIFIED COPY

Secretary to the Planning Commission

ORANGE COUNTY

PLANNING COMMISSION

Proposed Amendment Language:

Chapter 70 – Zoning

Article I – In General

Section 70-1. – Definitions.

[...]

~~*Home enterprise* means a low impact, home-based business that is conducted within a single-family dwelling and/or accessory structure on a parcel at least 2 acres in size, along with the passive, incidental use of immediately adjacent land. For the purpose of this chapter, a home enterprise is intended to be more intensive than a home occupation, but remains an accessory use to a dwelling.~~

Home enterprise means any occupation conducted within a dwelling unit or accessory structure(s) such as a garage or a barn, along with the incidental use of adjacent land, in which all the following conditions are met:

1. The business owner resides on the premises.
2. No more than four (4) non-family employees work on site at a time (employees who report to the site for job assignment and staging purposes in preparation for off-site activity do not count toward this number).
3. The parcel size is a minimum of two (2) acres of Agricultural Zoned land.
4. Retail sales conducted on the premises are not the primary purpose or function of the business.
5. Total vehicle trips per day will generally not exceed twenty-five (25).
6. All parking will be situated on the interior of the property and not along any public road or property line.
7. Any mechanical equipment that produces sound levels in excess of 50 decibels such as air compressors and air guns will be confined to interior use.
8. Except for one (1) sign, there is no evidence during non-business hours that would indicate from the exterior that the building and/or land is used for purposes not generally found in the Agricultural District.
9. If there is more than one (1) Home Enterprise on a single parcel, the numerical limitations listed above in lines 2, 5, & 8 will apply cumulatively.

~~*Home occupation* means any occupation customarily incidental to and conducted within a dwelling unit or accessory structure on site (such as a garage), in which the business owner resides on the premises, no more than one additional nonfamily employee works on site at a time, retail sales conducted on the premises constitute only a minor part of the occupation, no mechanical equipment is used that is not customarily incidental to a residence, and there is no evidence, except one sign, that would indicate from the exterior that the building is used for any nonresidential use. For the purpose of this chapter, a home occupation is an accessory use to a dwelling.~~

Home occupation means any occupation conducted within a dwelling unit or accessory structure(s) such as a garage or a barn, in which all the following conditions are met:

ORANGE COUNTY
PLANNING COMMISSION

1. The business owner resides on the premises.
2. No more than one (1) non-family employee works on site at a time.
3. Retail sales conducted on the premises are not the primary purpose or function of the business.
4. Except for one sign, there is no evidence during non-business hours that would indicate from the exterior that the building is used for non-residential purposes.
5. If there is more than one (1) Home Occupation on a single parcel, the numerical limitations listed above in lines 2 & 4, will apply cumulatively, i.e.: a total of one (1) nonfamily employee and one (1) sign for all Home Occupations combined.

[...]

Chapter 70 – Zoning

Article II – Administration

Division 4. – Zoning Permits and Site Plans.

Section 70-116. – Zoning permit requirements.

[...]

(b) *When not required.* Unless otherwise regulated by approved proffers or county-imposed conditions, a zoning permit shall not be required for:

1. At-grade modifications (e.g. patios, landings, sidewalks, and driveways, but not including pools);
2. Below-grade modifications, not including new well and septic drainfield installations;
3. Building interior modifications not qualified under Sec. 70-116(a);
4. Accessory structures up to one-hundred fifty (150) square feet;
5. Graveyards, including crypts/mausoleums up to fifteen-hundred (1,500) square feet;
6. Sign "refacing" (i.e. the like-for-like replacement of a permanent, conforming sign's advertising message whereby the physical dimensions of the sign do not change);
7. Fences, handrailing, screening walls, and retaining walls; ~~and~~
8. Common residential yard accessories (e.g. LP-gas or oil tanks, air conditioning units, mailboxes, flagpoles, satellite dishes); and,
9. Home enterprises and home occupations.

[...]

Orange County Planning Commission

December 1st, 2016 regular meeting

Agenda item 7D

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: November 22nd, 2016
RE: December 1st public hearing #4 – self-storage facilities as a special use in the C-2 district

Before the Board adopted the I-2 zoning district amendment earlier this year, self-storage facility as a permitted use was never defined or explicitly identified in the Ordinance. With the I-2 amendment, a definition was adopted for *self-storage facility* and it was added as a permitted use in the I-2 district.

These uses have historically been permitted in the C-2 district as a special use under the catchall category: *Any commercial use which is not expressly permitted in any district*. Now that *self-storage facility* is a permitted use in a district (the I-2 district), it is no longer permitted at all in the C-2 district due to the above wording. This has rendered all existing self-storage facilities in the C-2 district as legal nonconforming uses which may not be further expanded.

In order to remediate this issue, the Board has initiated Planning Commission action on the amendment language shown in the attached draft resolution. Planning Staff recommend approval as presented.

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 #16-12

ORANGE COUNTY
PLANNING COMMISSION

JASON CAPELLE, DISTRICT 1
GEORGE YANCEY, DISTRICT 2
DONALD BROOKS, DISTRICT 3
CRYSTAL HALE, DISTRICT 4
JIM HUTCHISON, DISTRICT 5



JOSH FREDERICK, AICP
DIRECTOR OF PLANNING & ZONING

MAILING ADDRESS:
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DRAFT RESOLUTION RECOMMENDING APPROVAL / DENIAL

MOTION:

December 1st, 2016

Regular Meeting

SECOND:

Res. No. 16-12

Amendment to the Zoning Ordinance: *self-storage facility* as a special use in the C-2 district

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 December 1st, 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 planning/zoning practice, that the Orange County Board of Supervisors **approve / deny** the proposed amendment to the General Commercial (C-2) district regulations, as attached.

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:

Chapter 70 – Zoning

Article IV – District Regulations

Division 8. – General Commercial Zoning District (C-2)

[...]

Sec. 70-483. - Uses permitted by special use permit.

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

- 1) Carnival, circus, noncommercial fairground or similar temporary activity.
- 2) Bed and breakfast inn with/without a restaurant open to non-guests.
- 3) Limited manufacturing and processing.
- 4) Manufactured home sales and service.
- 5) Theater, video game parlor, or other recreational use.
- 6) Wholesale distribution or warehouse.
- 7) Adult-oriented business.
- 8) Commercial outdoor vehicular recreational use.
- 9) Public utility facility
- 10) **Self-storage facility**
- 11) Any commercial use which is not expressly permitted in **any this** district.

[...]

Orange County Planning Commission

December 1st, 2016 regular meeting

Agenda item 7E

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: November 23rd, 2016
RE: December 1st public hearing #5 – Sec. 70-244 pertaining to expansions of nonconforming structures

Planning Staff were asked to develop amendment language for the portion of the Zoning Ordinance that deals with expansion and/or enlargement of nonconforming structures (Sec. 70-244(a)). This section currently allows nonconforming structures (i.e. those that encroach into minimum setback distances) to be expanded up to 25% of their original footprints, provided the expansion does not exacerbate the nonconformity. The request for Planning Staff was to increase this amount, and the Board initiated Planning Commission action on the proposed language in the attached draft resolution.

It bears noting again that this expansion limit is needed so that a blanket variance is not granted to all nonconforming structures. Without it, all nonconformities would be granted a special right not otherwise granted to all properties. This amendment should allow some greater flexibility for those wishing to expand their nonconforming homes, while still respecting the intent of nonconformities requirements.

The Board initiated Planning Commission action on the amendment language shown in the attached draft resolution. Planning Staff recommend approval as presented.

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 #16-13

ORANGE COUNTY
PLANNING COMMISSION

JASON CAPELLE, DISTRICT 1
GEORGE YANCEY, DISTRICT 2
DONALD BROOKS, DISTRICT 3
CRYSTAL HALE, DISTRICT 4
JIM HUTCHISON, DISTRICT 5



JOSH FREDERICK, AICP
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DRAFT RESOLUTION RECOMMENDING APPROVAL / DENIAL

MOTION:

December 1st, 2016

Regular Meeting

SECOND:

Res. No. 16-13

Amendment to the Zoning Ordinance: Sec. 70-244 expansion of nonconforming structures

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 December 1st, 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 planning/zoning practice, that the Orange County Board of Supervisors **approve / deny** the proposed amendment to Sec. 70-244 of the Zoning Ordinance, as attached.

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:

Chapter 70 – Zoning

Article III – Nonconformities.

[...]

Sec. 70-244. - Expansion or enlargement.

- (a) A nonconforming structure or use may be expanded or enlarged only in conformance with the requirements of this chapter. If a structure is nonconforming due to encroaching on a setback area or required yard, it may be expanded or enlarged provided the new portion of the structure is no closer to the affected property line than the nonconforming portion. Such an expansion or enlargement **of a residential structure** may be up to ~~25%~~ **50%** of the original footprint of the nonconforming structure. **Such an expansion or enlargement of a nonresidential structure may be up to 25% of the original footprint of the nonconforming structure.**

[...]

Orange County Planning Commission

December 1st, 2016 regular meeting

Agenda item 7F

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: November 23rd, 2016
RE: December 1st public hearing #6 – R-4 zoning district setbacks/yards amendment

In reviewing the R-4 district regulations with respect to existing/proposed developments within the Germanna-Wilderness Area, some oddities have been identified. Namely, the district requires a 35' setback for attached single-family dwellings (i.e. townhouses), which is unusually restrictive. There are some other matters of semantics that have been identified as well which cause interpretation issues. The Board has initiated Planning Commission action to address these matters. Draft amendment language is included in the draft resolution attached to this memo

While the current R-4 district regulations are dated and in need of substantial revisions, this particular amendment addresses some more immediate needs given the considerable amount of R-4 zoning in the Germanna-Wilderness Area.

Planning Staff recommend approval as presented.

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 #16-14

ORANGE COUNTY
PLANNING COMMISSION

JASON CAPELLE, DISTRICT 1
GEORGE YANCEY, DISTRICT 2
DONALD BROOKS, DISTRICT 3
CRYSTAL HALE, DISTRICT 4
JIM HUTCHISON, DISTRICT 5



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JOSH FREDERICK, AICP
DIRECTOR OF PLANNING & ZONING

DRAFT RESOLUTION RECOMMENDING APPROVAL / DENIAL

MOTION:

December 1st, 2016

Regular Meeting

SECOND:

Res. No. 16-14

Amendment to the Zoning Ordinance: multifamily residential district (R-4) setbacks/yards

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 December 1st, 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 planning/zoning practice, that the Orange County Board of Supervisors **approve / deny** the proposed amendment to the Multifamily Residential (R-4) district regulations, as attached.

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:

Chapter 70 – Zoning

Article IV – District Regulations

DIVISION 6. – Multifamily Residential Zoning District (R-4)

[...]

Sec. 70-427. - Setback and yards.

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

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

(c) The setback from any **existing or proposed** secondary road ~~or subdivision street~~ shall be 35 feet from the right-of-way. **The setback from any street internal to the development shall be 20 feet from the right-of-way.**

(d) The setback for any **apartment building** from ~~a~~ its parking lot shall be ~~25~~ 20 feet.

(e) The minimum rear yard for **attached or unattached** single-family dwellings or accessory structures shall be 25 feet.

(f) The minimum side or rear yard for ~~multifamily dwellings~~ **apartment buildings** and commercial buildings shall be 50 feet.

(g) The space between buildings in a ~~multifamily project~~ **apartment complex** shall not be less than 1.5 times the height of the taller of the buildings if windows exist in one or both facing walls. If facing walls have no windows, the distance between buildings shall not be less than the height of the taller of the buildings.

(h) The setback for any new dwelling shall be a minimum of 50 feet from the shoreline of any body of water. Construction proposed to take place within any floodplain shall comply with those provisions as outlined in chapter 34

[...]