

ORANGE COUNTY
PLANNING COMMISSION

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



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

Regular Meeting
Gordon Building Meeting Room
112 W. Main St, Orange, VA, 22960
Thursday, December 18th, 2014
AGENDA

1. Call to order and determination of quorum
2. Approval of agenda
3. Approval of minutes:
 - A. October 16th, 2014 regular meeting
 - B. November 20th, 2014 regular meeting
4. Work session
5. Public comment
6. Old business:
 - A. Board of Supervisors report – Jim Crozier
 - B. Planning & Zoning report – Josh Frederick
 - C. Route 3 Steering Committee report – George Yancey/Nigel Goodwin
7. Public hearings:
 - A. Zoning Ordinance Articles 1 & 4: New definitions for *agritourism, bed and breakfast homestay, private cultural use, private recreational use and private institutional use*; revised definitions for *bed and breakfast inn and camp*. The amendment also proposes changes to the permitted and special uses in the Agricultural (A), Limited Residential (R-1), General Residential (R-2), Limited Commercial (C-1) and General Commercial (C-2) zoning districts and adds additional permitted uses.
 - B. Zoning Ordinance Sec. 70-368: An amendment (signs in the General Residential (R-2) district) which would permit civic organizations to replace an existing sign with a digital sign of up to sixteen square feet in area.
8. New business:
 - A. For discussion, input and scheduling of a public hearing:
 - i. Text amendment – Subdivision Ordinance Sec. 54-167: Road standards for major subdivisions on existing roads.
9. Commissioner comments
10. Next meeting – Cancellation of January 1st, 2015 regular meeting
11. Adjourn

**Orange County Planning Commission
Regular Meeting
Gordon Building Meeting Room
112 W. Main Street, Orange, VA 22960
Thursday, October 16, 2014**

Present: Donald Brooks, George Yancey, Nigel Goodwin, Crystal Hale,
James Crozier, BOS Representative

Absent: Jason Capelle

Staff Present: Gregg Zody, Director; Tom Lacheney, County Attorney; Susan Crosby,
Senior Administrative Assistant

All discussion and comment made during this meeting was captured via digital audio recording. The minutes as written below are intended to be a summary of this discussion and comment. Anyone desiring detailed information about comment or discussion made during the meeting is referred to the recording.

1. Call to Order

2. Determination of Quorum

Chairman Brooks called the meeting to order at 7:01 p.m., and stated a quorum was present to conduct business.

3. Approval of Agenda

Chairman Brooks asked if there were any additions to or deletions from the agenda.

A motion was made by Mr. Goodwin that the agenda be approved as presented, seconded by Mr. Yancey. Motion carried 4-0.

4. Approval of Minutes:

A. Sept 18, 2014

B. Oct 2, 2014

Mr. Yancey moved to approve both sets of minutes, motion was seconded by Mr. Goodwin. Motion carried 4-0, minutes approved.

C. Work Session

Mr. Zody wanted to follow up on the public hearing sign. He gave the information to the County Administrator, Bryan David, and indicated that an additional appropriation would be needed to get it all set up.

Chairman Brooks closed work session.

5. Public Comment

Chairman Brooks opened the floor for public comment.

There were no speakers.

Chairman Brooks closed the public comment period.

6. Old Business

A. Board of Supervisors Report – Jim Crozier

Mr. Crozier informed the Commissioners that at the last board meeting they decided to put the application for the Yates Dog Kennel on hold until the next meeting because the applicant wanted to make changes. The applicant did not have his original math correct and was asking for 36 more square feet because he had the wrong dimensions. Board of Supervisors' main concern was safety coming in and out of Rte. 20 but feels it could be made better with a median strip. They are waiting on a report back from VDOT.

Chairman Brooks saw where the state was making more cuts. However, Mr. Crozier said the information they had was that revenues were up and things were a lot better than they thought and the county was at 1½% for the remainder of this year and 3% for next year. Until the county gets something in writing it is best to remember the state is not our friend.

Chairman Brooks would like for Tommy Miller, the new Director of Economic Development, to come up and introduce himself. Chairman Brooks welcomed him onboard. He also said he had already spoken with Mr. Miller as well as the County Administrator about once a new Director of Planning & Zoning was on board he asked that they all work together. He thinks the two directors working together could be very beneficial.

B. Planning and Zoning Report – Gregg Zody

Chairman Brooks asked Mr. Zody to come forward to accept a Resolution of Appreciation. Mr. Zody thanked everyone for the honor of serving Orange County.

7. 7:15 Public Hearings

A. Sup 14-06 – Deborah Huso / Bed & Breakfast

Mr. Zody explained the application/petition and said it is near the village future land use category and it does comply with the Comprehensive Plan. Staff recommends approval and that staff has received no comments from the public. There were some comments from Fire & EMS stating they may need a fire and evacuation plan as well as the Health Dept. to apply for a B&B permit. The CSWCD had some comments as well. Chairman Brooks asked if it was a requirement from the Fire Dept. Mr. Crozier said if it comes from the state yes but there is nothing in our ordinance that requires it. It would be in their best interest, would benefit for insurance and liability, but agrees it should be a requirement. Chairman Brooks will recommend putting in for installing an evacuation plan for fire. Mr. Zody read the conditions staff recommended. Approval shall be transferable to future property owners but any expansion of the use beyond the original application will require an amendment to be done. Secondly, a letter from on authorized onsite soil evaluator stating the existing septic / drain field can handle the proposed use will need to be supplied prior to the issuance of a Zoning permit for a Bed & Breakfast. Third, an annual food service permit will need to be obtained from the VA Dept. of Health and must be maintained as long as the B&B is in operation. Lastly, a single onsite sign will be allowed

up to a maximum of 16 sq. ft. after the issuance of a sign permit. VDOT has suggestions but nothing required.

Barbara Huso came forward and questioned whether or not the soil/septic test is really necessary since the original septic permit did include the cottage. Chairman Brooks said the Zoning Director would be the one to answer that but if she did have it checked at least she would know for sure. There was some additional discussion on whether it should be removed as a requirement. Mr. Zody said he would see if he could get a letter from the Health Dept. waiving the requirement. Ms. Huso stated she spoke with the Health Dept. and they said she would not need the food permit since they will not be providing any food service. Mr. Goodwin wanted to know if the entrance met the low volume commercial standard. Ms. Huso said yes it should because it would be the same as if she were married and they both had cars. Mr. Crozier said the max is 30 trips a day and Ms. Huso assured them there would not be that many. The drain field is good until 2027. Chairman Brooks wanted to know why there was the condition for the drain field. Mr. Zody stated it was a condition from the Health Dept. Mr. Yancey believes it is an overkill. It is a drain field that was previously approved for 4 bedroom. Mr. Lacheney says that staff can strike it and it will have no bearing on state laws. If state law requires her to do it, she will still need to do it, so the county does not need to put it in their requirements.

Chairman Brooks opened the floor to public hearing. No one came forward, the public hearing was closed.

Motion was made by Mr. Goodwin to approve application, striking the requirement for the drain field, seconded by Ms. Hale. Motion carried 4-0.

B. SUP 14-07 – Germanna Foundation for Library / Museum

Staff explains application and proposed library / museum. Staff does recommend approval. There were a few comments and recommendations from the application review committee. Mr. Zody feels it would be a great addition for the corridor. Mr. Zody read the recommended conditions. Minimum parking requirements including 1 space per employee. If it is determined a fire suppression system is required then they will be required to hook up to public water. If connection to public sewer is not established then there must be an adequate septic/drain field installed in accordance with the VA Health Dept. Lastly, a digital sign will be not be permitted to maintain the historical integrity of the area.

Mr. Steve Hein, the Chief Operating Officer, comes forward for the Germanna Foundation. He introduces several trustees of the foundation including Marc Wheat, president and co-applicant, Dr. Michael Frost and Cathi Clore Frost.

Mr. Hein stated it was being dedicated to the memory of Alexander Spotswood. Mr. Hein explains why it is being brought to Orange County. Dr. Frost is a descendant of Alexander Spotswood and last year the foundation acquired the property that contains the archeological site of the original Fort Germanna constructed over 300 years ago and contains the partially excavated remains of Alexander Spotswood's mansion known as the Enchanted Castle. The Foundation is investing significant resources from its members to restart the archeological exploration of that site. They expect to have a full time archeologist on site by the end of year to supervise the work.

Chairman Brooks wanted to know how long Mr. Hein thinks it will take to complete the project and Mr. Hein replied the next year or two. Chairman Brooks also wanted to know if there was any of the conditions they couldn't live with. Mr. Hein responded no but was hoping they would not have to incur the cost of public water and sewage hookup if it is not needed. But they are prepared to undertake whatever the county requires. Mr. Crozier spoke of having different options for the fire suppression. He does feel, for insurance purposes, it would benefit them to have some kind of protection even if it was a dry system. Mr. Goodwin would like to add the suggestions noted in Culpeper Water & Soil comments and make them conditions. He feels that it would be a good practice to start...should go "green" whenever possible. Also, Mr. Goodwin has questions about the parking requirements. Chairman Brooks believes the employee parking spaces are too strict. Discussion ensued over how many spaces should be required. It was determined it should be 1 space per on site employee.

Chairman Brooks opened the floor to public hearing. Cathi Clore Frost came forward for the Foundation to say thank you for considering the application. Chairman Brooks closed the public hearing.

Mr. Goodwin made a motion to approve with the 2 recommendations from Culpeper Water & Soil added and the verbiage changed to 1 parking space per on site employee, seconded by Mr. Yancey. Motion carried 4-0.

C. Amendments to Definitions:

Mr. Zody explained why the amendments are being done. He stated staff took them to the Board of Supervisors about a month ago. Mr. Zody stated the Board had an issue with the pre-submission conference. It is already in the existing preliminary plat section and staff moved it to the final plat review. Staff feels it is good to have the meeting so any problems or concerns can be pointed out early on and save time and money for the developer. Chairman Brooks wanted to know what the Board said. Mr. Zody stated it currently states "...subdivider shall confer with the subdivision agent..." The board feels it should say "...staff shall avail themselves to confer with subdivider..." Chairman Brooks asks Mr. Lacheney for legal clarification on the "shall" language. Mr. Lacheney explains the reason the "shall" is in there now is to cover the county so no one can come back later and say they were not told of something that needed to be done. Mr. Yancey stated lenders say you must have a meeting with localities so he agrees with the "shall confer". He thinks it protects all parties and feels it should be required, not "shall avail". Mr. Goodwin doesn't see a downside to the county for the language to stay as written. Does it have to be face to face or can it be done over the phone. Not required but Mr. Zody feels it would be best. Ms. Hale thinks the County should play it safe and have it remain "shall confer". Chairman Brooks feels it should be left as "shall avail" that way the County is clear and put on the citizen. He stated the problem goes way back and feels it keeps the control of government down. Mr. Goodwin would like to put it to a vote after the public hearing.

Mr. Zody said staff would like to remove the language of the '1 & 4' division policy that was voided by the Circuit Court in October 2012. Some definitions were added to gain some consistency between the Subdivision and Zoning Ordinances. There are also a few corrections where things need to be struck under family subdivisions. Also, some renumbering to correct erroneous numbering from previous ordinance authors. One in particular is 54-147, at the end of the wording it references Sec 54-160. That Section is reserved, it does not exist. Discussion ensued.

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

Mr. Goodwin made a motion to approve as written, seconded by Mr. Yancey. After addition discussion Chairman Brooks called for a vote:

In Favor: Yancey, Hale & Goodwin

Opposed: Brooks

Motion carried 3-1.

6. Old Business (Con't.)

C. Route 3 Steering Committee Report – George Yancey/Nigel Goodwin

Mr. Goodwin stated all subareas have been completed. Mr. Goodwin stated the area that contains most of the Wilderness Battlefield is pretty straight forward since there is not much that can be done in that area, but it does include the shifting of Rte. 20 which will be in the plan as a proposal. Subarea 7 which contains the dog kennel application, at the site between the Library and Battlefield there is a large parcel of about 600 acres of land, which is adjacent to the battlefield. The owner is not planning on developing that, so it could become available as a conservation area or maybe an extension of recreation. Chairman Brooks wanted to know who owned the land and was informed it was owned by a Mr. Purcell but believes it is under the name Purcell Land & Lumber.

Mr. Goodwin said they discussed trying to avoid piecemealing the development of the area between Rte. 20 and Lake of the Woods. It is all sort of backing up to Lake of the Woods and they are trying to find what will be compatible with residential and still stay commercial. Mr. Zody stated that in Subarea 6, they are looking into that area as a potential high school site in the future as well as cluster housing and possibly mixed use zoning. Discussion ensued. Mr. Zody believes they are right on schedule and stated the Steering Committee has done a great job.

8. Commissioner Comments

Mr. Goodwin stated as an FYI, in an area just before Wal-mart heading toward Culpeper, there is a log cabin which does various businesses that has put up all kinds of notices and signs and flags and other things that make it look more like a Virginia Beach seafront. Mr. Zody has written him a letter but so far they have not gotten the tenant to respond. Mr. Goodwin believes it is up to the Commissioners to help keep things like that in reasonable check.

9. Next meeting – November 6, 2014

Mr. Zody stated there was nothing on the agenda for the Nov. 6th meeting and stated the interim Zoning Director would like to ask if they could cancel the Nov 6th meeting. Chairman Brooks asked the other Commissioners if they had any problems with canceling the meeting and none did. Chairman Brooks deemed the Nov. 6th 2014 meeting be canceled.

10. Adjourn

A motion was made by Mr. Goodwin, seconded by Ms. Hale that the meeting be adjourned. Motion carried 4-0. Meeting adjourned at 8:35 pm.

Donald Brooks, Chairman

Gregg B. Zody, Secretary

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**Orange County Planning Commission
Regular Meeting
Gordon Building Meeting Room
112 W. Main Street, Orange, VA 22960
Thursday, November 20, 2014**

Present: Donald Brooks, George Yancey, Nigel Goodwin, Crystal Hale,
Jason Capelle and James Crozier, BOS Representative

Absent: None

Staff Present: Josh Frederick, Acting Director/Senior Planner; Tom Lacheney, County
Attorney; Susan Crosby, Senior Administrative Assistant

All discussion and comment made during this meeting was captured via digital audio recording. The minutes as written below are intended to be a summary of this discussion and comment. Anyone desiring detailed information about comment or discussion made during the meeting is referred to the recording.

1. Call to Order

2. Determination of Quorum

Chairman Brooks called the meeting to order at 7:01 p.m., and stated a quorum was present to conduct business.

3. Approval of Agenda

Chairman Brooks asked if there were any additions to or deletions from the agenda.

Chairman Brooks would like to move the work session to the Amendments portion of the agenda. A motion was made by Mr. Yancey that the agenda be approved as amended, motion was seconded by Mr. Goodwin. Motion carried 5-0.

4. Approval of Minutes:

A. Sept 4, 2014

Mr. Goodwin asked for Ms. Parmelee's name to be spelled correctly. Mr. Goodwin moved to approve minutes as amended, motion was seconded by Ms. Hale. Motion carried 5-0, minutes approved.

5. Public Comment

Chairman Brooks opened the floor for public comment.
There were no speakers.

Chairman Brooks closed the public comment period.

6. Old Business:

A. Board of Supervisors Report – Jim Crozier

Mr. Crozier stated he had attended the VACO Conference and learned of things that could and couldn't be done for farm use in Ag zoning. Local jurisdictions do have some say so. It must be indicative of what farms do. Attorney General and General Assembly stated it is not a free for all. If it is a by-product of the farm, that can then be manufactured and they can sell that but not something first made from another farm. Chairman Brooks asked if a greenhouse was considered a farm use. Mr. Crozier stated that it was. Discussion ensued. Ms. Hale wanted to know if farms have to go by OSHA standards. Mr. Crozier and Chairman Brooks both said no, they don't for production.

Mr. Crozier said the news from the state wasn't good for next year's budget cuts. Bryan David, County Administrator stated the county had just received an invoice for \$70,000 that the county needed to send back to the state. This is money that was originally given to the county by the state. He said for next year all gadgets are gone. They are looking at having to either cut K-12 education or raise taxes. Discussion ensued over what cuts could be made. Mr. David said the state has said they will be late on their budget so once again the county will have to put off the county's budget because of the state. Gas tax will go up first of the year. The county will come to Commissioners for Capital Improvement.

Mr. Yancey wanted to know about the so-called ditch rule. It was explained that any kind of water with the potential of run-off must be fenced off, contained and treated. Mr. Lacheney informed the Commissioners the EPA claims it has regulatory authority over all water...even ditches. Chairman Brooks believes that will die real quick because of so many people being affected.

B. Planning and Zoning Report – Josh Frederick

Chairman Brooks introduced Josh Frederick as the Acting Planning Director. Josh reported to the Commissioners that subdivision plats are about the same as they were last year but zoning permits are up from last year. He feels this is a good indication things are beginning to pick back up in the county.

Ms. Hale asked Josh to tell them a little more about the joint meeting. Josh stated because of the big undertaking on the Rte. 20 and Rte. 3 corridor, they felt it was in the County's best interest to all meet. All 3 groups will have the same agenda. Chairman Brooks said it would 3 meetings going on at the same time, each working their own part of the whole. Mr. Crozier explained this is the result of a joint meeting about a year and a half ago. Mr. David mentioned how rare it was for 3 bodies to work jointly together. Mr. Yancey said the meeting should be very enlightening and worthwhile. The public hearing portion will be more for listening than talking. Believes it will be important to the future of the county.

C. Route 3 Steering Committee Report – George Yancey/Nigel Goodwin

Mr. Goodwin stated they are preparing for the meeting on December 9th. He also stated is not fond of the break off road at junction on Rte. 3. With so much land being run by the Park Service trying to get something done will take an act of congress to make it happen. Mr. Crozier said down the road he believes the County will have the upper hand to keep them in check and can ultimately win. He reminded Commissioners the National Park Service does not control the former Wal-mart property, it is state not federal. Mr. Yancey

said once GWAP is done the Planning Commission will have lots to do. He asked all to join them down the road.

Chairman Brooks asked staff what was going on with the earth being moved around at the intersection of Rte. 20 & 33. Mr. Frederick explained that Mr. Matt Lam owns the property and is moving the earth to make it more marketable.

7. New Business:

A. For discussion, input and scheduling of public hearings:

- i. Text Amendment – zoning Ordinance definitions for *agritourism, bed and breakfast homestay, private cultural use, private recreational use, private institutional use, bed and breakfast inn, camp* and an update to permitted uses.

Mr. Capelle spoke of renting rooms from owner for day or a week in Europe and owner was not there. He would like to know why the owner has to be there at all times. Discussion ensued. Chairman Brooks agrees with the Bed and Breakfast Homestay language and believes it should be kept, all agree except Mr. Capelle. A discussion ensued over Bed and Breakfast Inn. Chairman Brooks asked staff to take the definitions to Jay Billie on the Tourism Advisory Committee or the local B&B's in the county and get their feedback and to do some additional research including if legally there needs to be someone there at all times. Bryan David, County Administrator, agrees and thinks it is a good idea. Chairman Brooks asked Josh Frederick to email the Commissioners their comments. There were no others comments on the other definitions.

Staff explained that the use changes were done to try to align the Zoning Ordinance with the 2013 Comprehensive Plan. Mr. Goodwin wanted to know why the 5 ac requirement. Josh explained it was a common acreage amount used throughout the county. Discussion ensued over the other uses. Decision was made to add Bed & Breakfast Inn was to be added to R-2 under Special Use Permit.

- ii. Text amendment – to permit digital signage for civic organizations within the R-2 zoning district.

Chairman Brooks commented that digital signs have caused a lot of issues in the past. He opened the floor for comments. Mr. Goodwin asked if everyone could get one. Was told no, only if they already have a sign, he wanted to know why. Chairman Brooks stated it was to retain some type of control. He explained this was to fix a particular sign. He said he didn't have the problem that others have had. He has seen them everywhere. Mr. Goodwin asked why they had to limit it. Chairman Brooks explains that this situation is for just the R-2 zoning. Mr. Yancey stated as per VDOT, it is limited to how long it can be lit. Mr. Capelle wanted to know exactly what a civic organization is. Josh Frederick read the definition. Discussion ensued. Ms. Hale agrees with Mr. Goodwin that it should be all civic organizations not just the ones that currently have one. Mr. Capelle does not want it changed. Mr. Crozier feels we need to get it right now so we don't keep having to address it in the future. Mr. Yancey agrees that it needs to be tidied up. Mr. Capelle stated all this is for the VFW in Gordonsville who bought an expensive sign and now can't use it because they're not permitted in R-2. Discussion ensued. Josh Frederick suggests that if you allow civic use structures by-right then they

have to follow signage regulations. Mr. Crozier and Mr. Goodwin stated they don't think you should give one organization preferential treatment and regulate for just the one. Chairman Brooks said it was not designed for one particular organization but was done to fix a problem. He doesn't feel that anyone will be hurt from it. Mr. Crozier feels it is better to get it on the table. Need to move forward to get an ordinance in place.

A motion by Ms. Hale, seconded by Chairman Brooks to approve text amendment with taking out "replace existing".

In favor: Hale, Brooks

Opposed: Capelle, Yancey, Goodwin

Motion dies 2-3

A motion made by Mr. Yancey, seconded by Mr. Goodwin to approve text amendment as written.

In favor: Capelle, Yancey, Goodwin

Opposed: Brooks, Hale

Motion carried 3-2

8. Commissioner Comments

There were no additional comments.

9. Next Meeting – December 4th, 2014

Josh Frederick mentioned there is nothing scheduled for the Dec 4th meeting.

10. Adjourn

A motion was made by Mr. Yancey, seconded by Mr. Capelle that the meeting be adjourned. Motion carried 5-0. Meeting adjourned at 9:09 pm.

*****Due to equipment malfunction there is no audio recording of the November 20th meeting.*****

Donald Brooks, Chairman

Josh Frederick, Secretary

ORANGE COUNTY
DEPARTMENT OF PLANNING AND ZONING

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



OFFICE: (540) 672-4347
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MEMORANDUM

TO: Orange County Planning Commission
FROM: Josh Frederick, Senior Planner & Acting Director
DATE: December 2nd, 2014
SUBJECT: November 2014 – Department of Planning & Zoning Activity / Information

The following is a list of activity/information for the Department of Planning & Zoning for the month of November, 2014:

ARC

No ARC meeting was held.

BZA

No BZA meeting was held. A public hearing was scheduled for AV14-03 to be held on December 17th, 2014.

Code Enforcement

There were 2 complaints received related to either zoning or E&S. Follow-up inspections were also conducted on past/active complaints.

Current Planning Activity (2014)

New lots created in November: 7

New lots created in 2014 through November: 23

New lots created in 2013 (year total): 32

Subdivision Plats Submitted

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD TOTAL
2014	4	2	3	7	3	8	7	3	5	5	0		47
2013	7	5	5	2	7	6	4	2	2	5	5	4	54

Subdivision Plats Approved

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD TOTAL
2014	1	3	3	4	5	7	5	5	1	7	4		45
2013	4	4	3	3	6	6	4	4	1	5	7	5	52

Zoning Permits Issued

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD TOTAL
2014	28	30	23	26	33	***37	28	28	24	29	19		305
2013	25	20	20	31	38	34	25	20	27	21	14	6	281

Zoning Permits Issued (for construction of Single Family Dwellings)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD TOTAL
2014	7	5	11	6	4	***14	9	10	8	10	5		89
2013	17 *	3	4	10	6	12	8	5	**12	8	4	2	91

- * (Jan.) Total consist of 1 – 4 unit townhome building and 1 – 6 unit townhome building
- * and 7 Single family dwellings
- ** (Sept.) Total consist of 1 – 4 unit townhome building
- ** and 8 single family dwellings
- ***(June) Total consist of 1 – 6 unit townhome building and 8 single family dwellings

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

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD TOTAL
2014	11	6	2	11	8	11	9	10	9	9	4		90
2013	7	6	9	4	5	6	6	9	9	14	6	11	92

Building Permits Issued (data provided by Building Dept.)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD TOTAL
2014	61	44	55	82	79	95	67	61	80	77	54		755
2013	53	68	45	87	98	69	81	74	71	98	67	41	852

Erosion and Sediment Control

Erosion & sediment control permits issued: 8

Erosion & sediment control project inspections conducted: 21

Project completed and Erosion & Sediment Control Bonds released: 1

Site Plans

Site plan received: 0

Miscellaneous

Biosolids spread: 0

Other Activity

The GWAP steering committee met with the National Park Service on November 6th as a means of stakeholder involvement in the process of working toward adoption of the plan. This involvement has been and will continue to be crucial to “buy-in” and the success of the plan. Staff began preparing for the December 9th joint meeting and public comment period kick-off, as well.

The Board of Supervisors issued a corrected ordinance of approval for SUP 14-04 (Yates Kennel) which reflected the additional square footages requested by the applicant during the public hearing.

The Board also scheduled a public hearing for REZ 14-02 (the proposed Dollar General) for January 13th following a meeting with VDOT representatives on November 6th. VDOT provided clarification and more information on their calculations and the variables that affect them (regarding transportation improvements), as well as the types of submittal information that make their review of applications more efficient.

Cc: R. Bryan David, County Administrator
Thomas E. Lacheney, County Attorney
Tommy Miller, Economic Development Director
Board of Supervisors

Public Hearing #1
Zoning Ordinance Articles 1 & 4

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MEMORANDUM

TO: Orange County Planning Commission

FROM: Josh Frederick, Senior Planner &
Acting Director of Planning & Zoning

DATE: November 10th, 2014 (updated December 4th, 2014)

RE: Zoning Ordinance definitions and permitted uses

At the Commission's 10/2/14 regular meeting, Staff introduced the attached definitions (with the exception of *bed and breakfast homestay* and the *revised bed and breakfast inn* definition) and solicited comments. The Commission instructed Staff to bring the matter before the Board of Supervisors during a work session to seek input on a course of action. The Board subsequently considered the proposed language and initiated Planning Commission action on the definitions as well as updating the permitted uses in the Zoning Ordinance for said definitions.

To reiterate, in order to more clearly identify and define uses that are either present, being proposed and/or are consistent with the County's vision and 2013 Comprehensive Plan, Staff suggests the following:

- A new definition for agritourism (although this is not currently a permitted use in the Zoning Ordinance, it is clearly supported by the Comprehensive Plan)
- A new definition for private cultural use
- A new definition for private recreational use with sub-categories
- A new definition for private institutional use
- A new definition for bed and breakfast homestay
- A revised definition for bed and breakfast inn to distinguish between the less intensive homestay and to better define the use
- A revised definition for camp that more accurately reflects the nature of the use.

Staff also suggests an update to permitted uses in several of the zoning districts in order to better encourage small business development, to better support tourism activities and to provide better consistency throughout the ordinance. The attached language reflects input from and changes requested by the Planning Commission at their November 20th regular meeting (additions are underlined in blue text; deletions are blue strikethrough text). Staff recommends approval as presented.

New Definitions:

Agritourism means any activity carried out on a farm that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching, historical, cultural, harvest-your-own activities, or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate, but does not include commercial competitions. The commercial hosting of weddings, corporate retreats, celebrations and other similar events within facilities dedicated for such uses is considered agritourism if the parcel on which they are hosted is of a bona fide agricultural use.

Bed and Breakfast Homestay means a building or buildings on one parcel, or portion of a building, where, for compensation, lodging is provided for 30 or fewer days in 3 or fewer guest rooms or suites. The property owner must reside in a building on the parcel and manage the homestay. Bed and breakfast homestays are considered accessory to the property's primary residential use, and shall have no dedicated commercial food service facilities.

Private Cultural Use means a property and/or facility that is used for the commercial practice and furthering of the arts and sciences, or continual display and promotion of items or events related to anthropological, historical or intellectual achievements. Private cultural uses include, but are not limited to, theaters, studios, artist retreats, libraries, museums, galleries, botanical/zoological gardens and the like.

Private Recreational Use means a property and/or facility used for commercial sports or amusement operations under the following categories:

Indoor: Such as bowling, skating, swimming, therapeutic activities, athletic courts and related facilities, paintball, shooting ranges and the like. This does not include facilities offering table games, billiards, having amusement rides or any use involving motorized vehicles.

Outdoor, non-vehicular: Such as golf driving ranges, miniature golf, batting cages, paintball, athletic courts and related facilities, pools, commercial competitions, and the like. This does not include fairgrounds, camps, amusement rides, shooting ranges, regular live entertainment or farm enterprises.

Outdoor, vehicular: Such as go-carts, race tracks and the like. This does not include motorized watercraft.

Private Institutional Use means a property and/or facility that is used for education, assisted living and group homes containing greater than 8 clients/occupants, family day homes serving greater than 5 children, and the like. This does not include vocational training facilities or places of worship and those uses customarily accessory to them.

Amended Existing Definitions (new language in blue)

Bed and breakfast inn means a building **or buildings on one parcel**, or portion of a building, where, for compensation, lodging **and meals are is** provided for 30 or fewer days in **between 4 and 12** ~~or fewer~~ guest rooms or suites. **A manager must be utilized to operate the inn. A manager, which may be the property owner, must reside within the building or one of the buildings on the parcel.** Bed and breakfast inns may only have food service facilities for guests and/or in connection to the use (i.e. catering for on-site events).

Camp means an area containing not less than ten acres, owned and/or operated privately for profit or by a charitable, religious or civic organization, where patrons are provided seasonal/temporary lodging in permanent structures and where instruction in outdoor activities, crafts, sports, religious retreat activities, and similar pursuits is furnished.

Use Changes (new in blue; changes in ~~strikethrough~~ or underlined):

Sec. 70-302. - Permitted uses. (A)

In the agricultural district, land may be used for the following uses, and any accessory use that is customarily incidental to such uses, including home occupations:

- 1) Agriculture.
- 2) Agritourism.
- 3) Bed and breakfast homestay.
- 4) Bed and breakfast inn on a parcel containing 5 or more acres.
- 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
- 11) Farm enterprise, farm stand, wayside stand.
- 12) Farmer's market of up to 4,000 square feet gross floor area.
- 13) Private, indoor recreational use.
- 14) Private cultural use of up to 4,000 square feet gross floor area.
- 15) Temporary uses, with a zoning permit pursuant to sections 70-309 and 70-122, limited to the following:
 - a. Temporary or seasonal sales.
 - b. Special events.
- 16) Accessory Apartment
- 17) Commercial Kitchen or Smokehouse

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:

- 1) Agricultural equipment sales or service, or both.
- 2) Airport.
- 3) Bed and breakfast inn on a parcel containing fewer than 5 acres.
- 4) Boarding kennel or commercial breeding kennel.
- 5) Camp, campground or recreational vehicle park.
- 6) ~~Carnival, circus~~, fairground ~~or similar temporary activity~~.
- 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 ~~of less than~~ not exceeding 4,000 square feet gross floor area, including professional or contracting office.
- 12) Private cultural use ~~not~~ exceeding 4,000 square feet gross floor area, ~~recreational or institutional use.~~
- 13) Private outdoor recreational use.
- 14) Private institutional use.
- 15) Public garage.
- 16) Public use such as school, park, library, fire and rescue station, public utility, or maintenance facility.
- 17) Retail store ~~of less than~~ not exceeding 4,000 square feet gross floor area, including, ~~farmer's market,~~ 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) ~~Bicycling, horseback riding, carriage rides, and other similar transient recreational uses which involve overnight night stays on private property.~~
- 22) Outdoor Power Equipment Motorcycle. All-Terrain Vehicle. Watercraft Repair and Storage

Sec. 70-332. - Permitted uses. **(R-1)**

In the limited residential district, land may be used for the following uses, and any customarily incidental accessory use, including home occupations:

- 1) Single-family dwelling.
- 2) Two-family dwelling.
- 3) Bed and breakfast homestay.
- 4) Bed and breakfast inn on a parcel containing 5 or more acres.
- 5) Agriculture, except keeping of any animals other than those customarily kept as household pets.
- 6) Agritourism.
- 7) Place of worship.
- 8) Public use such as school, park, library, fire and rescue station, public utility, or maintenance facility.
- 9) Sign subject to sections 70-338 and 70-696 et seq.
- 10) Accessory Apartment.
- 11) Farm stand, wayside stand.

Sec. 70-333. - Uses permitted by special use permit.

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

- 1) Elder care center, child day care center, or nursery school.
- 2) [Bed and breakfast inn on a parcel containing fewer than 5 acres.](#)
- 3) Keeping of animals other than those customarily kept as household pets.
- 4) Office ~~of less than~~ [not exceeding](#) 4,000 square feet gross floor area, including professional or contracting office.
- 5) Private cultural, ~~recreational~~ or institutional use.
- 6) Farmer's Market

Sec. 70-362. - Permitted uses. (R-2)

In the general residential district, land may be used for the following uses, and any customarily incidental accessory use, including home occupations:

- 1) Single-family dwelling.
- 2) [Bed and breakfast homestay.](#)
- 3) Place of worship.
- 4) Public use such as school, park, library, fire and rescue station, public utility, or maintenance facility.
- 5) Signs subject to sections 70-368 and 70-696 et seq.

Sec. 70-363. - Uses permitted by special use permit.

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

- 1) Elder care center, day care center, or nursery school.
- 2) Keeping of animals other than those customarily kept as household pets.
- 3) Office ~~of less than~~ [not exceeding](#) 4,000 square feet gross floor area, including professional or contracting office.
- 4) Private cultural [use not exceeding 4,000 square feet gross floor area.](#) ~~recreational or institutional use.~~
- 5) [Private institutional use.](#)
- 6) [Bed and breakfast inn.](#)

Sec. 70-452. - Permitted uses. (C-1)

In the limited commercial district, land may be used for the following uses and any customarily incidental accessory use, provided that no merchandise, materials, tractor-trailers, or equipment are stored outdoors:

- 1) Office not exceeding 4,000 square feet of gross floor area.
- 2) Place of worship.
- 3) Public use such as school, park, library, fire or rescue station, public utility or maintenance facility.

- 4) Retail store not exceeding 4,000 square feet of gross floor area.
- 5) Signs in accordance with sections 70-456 and 70-696 et seq.
- 6) Up to four dwelling units attached to an office or a retail store.
- 7) Temporary uses, with a zoning permit pursuant to section 70-940, limited to the following:
 - a. Temporary or seasonal sales.
 - b. Special events.
- 8) Outdoor Power Equipment Motorcycle. All-Terrain Vehicle. Watercraft Repair and Storage
- 9) [Private cultural use.](#)
- 10) [Private indoor recreational use.](#)
- 11) [Private institutional use.](#)

Sec. 70-453. - Uses permitted by special use permit.

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

- 1) Any commercial use compatible with residential surroundings, that is not permitted in any other district.
- 2) Bed and breakfast inn.
- 3) Private ~~cultural~~, [outdoor](#) recreational ~~or institutional~~ use.

Sec. 70-482. - Permitted uses. (C-2)

In the general commercial district, land may be used for the following uses and any accessory use:

- 1) Automobile sales, service, storage or rental.
- 2) Commercial assembly plant, such as a printing or framing shop.
- 3) Office / Office building.
- 4) Place of worship.
- 5) Private cultural, ~~recreational or institutional~~ use.
- 6) [Private indoor or non-vehicular outdoor recreational use.](#)
- 7) [Private institutional use.](#)
- 8) Public use such as school, park, library, fire or rescue station, public utility, or maintenance facility.
- 9) Restaurant.
- 10) Retail store.
- 11) Signs in accordance with sections 70-486 and 70-696 et seq.
- 12) Up to four dwelling units attached to any permitted commercial use.
- 13) Temporary uses, with a zoning permit pursuant to section 70-940, limited to the following:
 - a. Temporary or seasonal sales.
 - b. Special events.
- 14) Vocational Training Facility

15) Outdoor Power Equipment Motorcycle. All-Terrain Vehicle. Watercraft Repair and Storage

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) Limited manufacturing and processing.
- 3) Manufactured home sales and service.
- 4) Theater, video game parlor, or other recreational use.
- 5) Wholesale distribution or warehouse.
- 6) Adult-oriented business.
- 7) [Private outdoor vehicular recreational use.](#)
- 8) Any commercial use which is not expressly permitted in any district.

Cc: R. Bryan David, County Administrator
Tom Lacheney, County Attorney
Board of Supervisors
File

ORANGE COUNTY
PLANNING COMMISSION

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



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

DRAFT RESOLUTION RECOMMENDING APPROVAL

MOTION: December 18th, 2014
Regular Meeting
SECOND: Res. No. 14-16

Amendments to County Code Chapter 70, Zoning Ordinance Articles 1 & 4

WHEREAS, the Board of Supervisors initiated Planning Commission action to consider certain Zoning Ordinance amendments; and

WHEREAS, the Planning Commission held a duly advertised public hearing on these proposed amendments on December 18th, 2014; and

WHEREAS, Staff of the Department of Planning and Zoning have recommended approval of these proposed amendments; and

WHEREAS, the Planning Commission discussed the proposed amendments, considered comments received during the public hearing and desires to recommend approval 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** the proposed amendments to Zoning Ordinance Articles 1 & 4, as attached.

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

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



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

DRAFT RESOLUTION RECOMMENDING DENIAL

MOTION: December 18th, 2014
SECOND: Regular Meeting
Res. No. 14-16

Amendments to County Code Chapter 70, Zoning Ordinance Articles 1 & 4

WHEREAS, the Board of Supervisors initiated Planning Commission action to consider certain Zoning Ordinance amendments; and

WHEREAS, the Planning Commission held a duly advertised public hearing on these proposed amendments on December 18th, 2014; and

WHEREAS, Staff of the Department of Planning and Zoning have recommended approval of these proposed amendments; and

WHEREAS, the Planning Commission discussed the proposed amendments, considered comments received during the public hearing and desires to recommend 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 **deny** the proposed amendments to Zoning Ordinance Articles 1 & 4, as attached.

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

Public Hearing #2
Zoning Ordinance Sec. 70-368

ORANGE COUNTY
DEPARTMENT OF PLANNING AND ZONING

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



OFFICE: (540) 672-4347
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MEMORANDUM

TO: Orange County Planning Commission

FROM: Josh Frederick, Senior Planner &
Acting Director of Planning & Zoning

DATE: November 13th, 2014 (Updated December 10th, 2014)

RE: Signage for existing civic organizations in the R-2 zoning district

It has been brought to Staff's attention that the Zoning Ordinance does not accommodate existing civic organizations located within the General Residential (R-2) zoning district that wish to modify their existing signs to incorporate a digital element. The following language has been suggested to Staff for inclusion in the Zoning Ordinance in order to accommodate such a use:

Sec. 70-368. - Signs. **(R-2)**

[...]

(e) Signs with a digital display area of up to sixteen (16) square feet per side or less are allowed when used by a civic organization to replace an existing sign that is lit by conventional methods, provided the sign display is static with no changes more frequent than every 60 seconds, and that the replacement sign has no greater footprint, and contains no more square footage, than the sign that is being replaced.

The Commission authorized a public hearing on the above language to be heard during the December 18th, 2014 regular meeting. Staff takes no position on this amendment.

Cc: R. Bryan David, County Administrator
Tom Lacheney, County Attorney
Board of Supervisors
File

ORANGE COUNTY
PLANNING COMMISSION

COMMUNITY DEVELOPMENT BLDG.
128 WEST MAIN STREET
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DRAFT RESOLUTION RECOMMENDING APPROVAL

MOTION: December 18th, 2014
Regular Meeting
SECOND: Res. No. 14-17

Amendment to County Code Chapter 70, Zoning Ordinance Sec. 70-368

WHEREAS, the Board of Supervisors initiated Planning Commission action to consider a certain Zoning Ordinance amendment; and

WHEREAS, the Planning Commission held a duly advertised public hearing on this proposed amendment on December 18th, 2014; and

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

WHEREAS, the Planning Commission discussed the proposed amendment, considered comments received during the public hearing and desires to recommend approval 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** the proposed amendment to Zoning Ordinance Sec. 70-368, as attached.

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

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DRAFT RESOLUTION RECOMMENDING DENIAL

MOTION: December 18th, 2014
SECOND: Regular Meeting
Res. No. 14-17

Amendment to County Code Chapter 70, Zoning Ordinance Sec. 70-368

WHEREAS, the Board of Supervisors initiated Planning Commission action to consider a certain Zoning Ordinance amendment; and

WHEREAS, the Planning Commission held a duly advertised public hearing on this proposed amendment on December 18th, 2014; and

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

WHEREAS, the Planning Commission discussed the proposed amendment, considered comments received during the public hearing and desires to recommend 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 **deny** the proposed amendment to Zoning Ordinance Sec. 70-368, as attached.

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
DEPARTMENT OF PLANNING AND ZONING

COMMUNITY DEVELOPMENT BLDG.
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MEMORANDUM

TO: Orange County Planning Commission

FROM: Josh Frederick, Senior Planner &
Acting Director of Planning & Zoning

DATE: December 10th, 2014

RE: Private road standards for major subdivisions on existing roads

Back in February the Board of Supervisors held a public hearing on and approved an amendment to the Subdivision Ordinance to relax private road standards for minor subdivisions (7 or fewer lots). There was no change in the existing requirement for major subdivisions (8 or more lots) to construct their roads to state (i.e. VDOT) standards.

Over the course of reviewing proposed subdivision plats since then, Staff have found a loophole in the standards that permits existing minor subdivisions to subdivide additional lots so that they become major subdivisions without complying with the requirement for a state-standard road. In these circumstances, the original intention (as recommended by the Planning Commission and indicated by the Board) was to require the road to be improved up to the lot that is being subdivided. However, the current ordinance language (Sec. 54-167(4)) only requires this if the road is being *created*, which applies to new major subdivisions only.

Staff brought this to the Board during their October 28th and December 2nd work sessions for input. Concerns were raised with regards to requiring landowners to improve existing private roads to state standards (particularly for older roads) as part of a subdivision. In light of these concerns, Staff revised the proposed language which is included on the following page. It is proposed to only introduce this standard for private roads created on or after the date of adoption of the ordinance to approve this amendment. Roads in existence prior to said date would fall under the “any other road not otherwise provided for” clause under 54-167(2).

The Board has initiated Planning Commission action on the proposed amendment, as presented. Staff recommends scheduling a public hearing to be held during the January 15th, 2015 regular meeting.

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

ORANGE COUNTY
DEPARTMENT OF PLANNING AND ZONING

Current Private Road Standards

(proposed language in blue; updated proposed language is underlined or ~~strikethrough~~)

Sec. 54-167. - Construction standards.

Private Streets shall be constructed as follows:

1. Any road created to serve one (1) or two (2) lots, or any family subdivision of up to seven (7) lots, may be privately constructed and maintained.
2. Any road created to serve between three and up to seven lots (i.e. a minor subdivision), or any other road not otherwise provided for in this ordinance, may be privately constructed and maintained, provided the following minimum street construction standards are met:
 - 1) The minimum width of the roadway shall be twelve (12) feet and the minimum vertical clearance shall be fourteen (14) feet;
 - 2) The road surface may be either paved or gravel. Gravel roads shall consist of a minimum of six (6) inches of aggregate; paved roads shall consist of a minimum six (6) inches of gravel and asphalt;
 - 3) The roadway shall provide adequate drainage so as not to promote standing water;
 - 4) All culverts shall be constructed and installed to VDOT standards.
3. Any existing private road upon which property is divided such that the road serves between three and up to seven lots must be improved to meet the private street requirements as referenced in Sec. 54-167(2). Nothing in this paragraph shall be construed to apply to any previously approved lot or subdivision unless a new division occurs which affects said private road.
4. Any road created to serve eight or more lots (i.e. a major subdivision), or any other subdivision road as so desired by the property owner(s), shall be constructed to meet the Virginia Department of Transportation Subdivision Street Requirements (i.e. the public street requirements). Any existing private road Any private road platted and approved on or after < ordinance adoption date > upon which property is divided such that the road cumulatively serves eight eleven or more lots must be improved to meet the public street requirements up to and including the frontage of the subdivided lot(s). ~~Nothing in this paragraph shall be construed to apply to any previously approved lot or subdivision unless a new division occurs which affects said private road.~~
5. Covenants outlining the responsibility of construction and maintenance of any private right-of-way created to serve a subdivision shall be submitted to the county attorney for review with a plat of said subdivision and subsequently recorded with said subdivision plat upon approval.