

ORANGE COUNTY PLANNING COMMISSION

COMMUNITY DEVELOPMENT BUILDING
128 WEST MAIN STREET
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Regular Meeting Auditorium of the Orange County High School 201 Selma Road, Orange, VA 22960 Thursday, March 15, 2012

AGENDA

7:00 p.m.

1. Call to Order
2. Determination of Quorum
3. Approval of Agenda
4. Public Comment
5. Old Business
 - A. Board of Supervisors Report – Jim White
 - B. Planning and Zoning Report – Gregg Zody
 - C. Action on PROF MOD 11-04: Village Motorsports – tabled from the February 16, 2012 public hearing
 - D. Action on Alternative Division Policy – tabled from the February 16, 2012 public hearing – to be considered with Alternative 2 (public hearing item)

7:15 P.M. PUBLIC HEARING:

SUMMARY – The proposed changes repeal Sec. 54-27 of the Subdivision Ordinance and replace it with provisions in the Chapter 70, the Zoning Ordinance, primarily Sec. 70-304, which keeps a minimum lot size of 2 acres in the Agricultural District and allows 1 division per year. The newly created lot may not be further subdivided. Boundary line changes must yield lots which comply with the lot size requirements. The rest of the proposed revisions accommodate the foregoing changes.

DRAFT SUBDIVISION ORDINANCE LANGUAGE

Sec. 54-5.

Contiguous means abutting, adjoining or touching and having a boundary, or portion thereof, which is coterminous or located immediately across the street.

Parent Parcel means:

- a) In the Agricultural zoning district, a parcel of land of ~~ten~~ four (4) or more acres that is of record upon the effective date of this ordinance;
- b) In any Residential zoning district, a parcel of land that is of record upon the effective date of this ordinance, or
- c) For the purposes of continued division, the residue as defined herein.

Residue means the remainder of a lot after a subdivision has detached one or more lots.

Right-of-way means either a fee simple strip or other parcel of land owned by VDOT or others for the purpose of constructing and maintaining a road.

Street means a thoroughfare for vehicular traffic, including all of the area within an ~~easement or~~ right-of-way, and is interchangeable with the terms alley, avenue, boulevard, court, drive, highway, lane, road, or any similar term.

Subdivider means any individual, partnership, corporation or group, owning or having an interest in land, or representing the owners of any land proposing to subdivide such land.

Subdivision means the division of any lot of record into two or more lots, parcels or building sites, including residue, for the purpose of recordation in the county land records, transfer of ownership, or building development. Where a tract of land is bisected by the dedication of fee simple right-of-way, that lot is effectively subdivided, and not contiguous. As the context requires, the term "subdivision" may mean the land divided, the process of division, or both.

Sec. 54-25. Compliance with other laws, rules, regulations and conditions.

No plan or plat of subdivision shall be approved unless all lots and other features shown thereon are in conformity with the following laws, rules, and regulations:

1. All applicable provisions of the Code of Virginia.
2. Chapter 70 (~~z~~Zoning) of the Orange County Code of Ordinances.
3. The special requirements of these regulations and any rules of the health department and appropriate agencies.
4. The rules of VDOT if the subdivision or any lot contained therein abuts a public street.

5. Conditions proffered and accepted as part of the zoning of any land which are included in the proposed subdivision.

(Statutory Reference: § 15.2-2241; 15.2-2254 VA Code Ann.)

Sec. 54-27. Divisions of land in the agricultural zoning district. Repealed.

The division of land in the agricultural zoning district is allowed as follows:

~~(1) No more than one lot may be subdivided from any parent parcel within any four-year period.~~

~~(2) Phased division.~~

~~a. Any lot divided from the parent tract pursuant to this section may be further divided one time every four years as counted from the date of county approval of the initial division. However, the tract divided from the parent tract shall not be further divided into tracts smaller than 50 acres. The following note shall be shown on the plat and in the corresponding deed:~~

~~"The division of property as shown hereon is subject to the provisions of [section 54-27](#) of the Orange County Code of Ordinances. The parent tract, tax map # _____ consisting of (A) _____ acres is being subdivided to create a new tract of (B) _____ acres as shown hereon. A subsequent division of this newly created tract shall not be smaller than 50 acres and shall not occur until four years have elapsed from the date of the county's approval of this plat as signed hereon." ((A) is the total acreage of the parent parcel prior to subdivision and (B) is the acreage of the parcel being subdivided off.)~~

~~b. The residue may continue to be subdivided at a rate of one lot every four years. The following note shall be shown on the plat and in the corresponding deed:~~

~~"Further division of the _____ acre residue as shown hereon shall not occur until four years have elapsed from the date of approval by the county."~~

~~c. Where a tract of land was simultaneously divided into four lots during the four years prior to the effective date of this chapter, further division of those four lots shall not occur until four years from the date of approval on the plat, or until one year has elapsed from the effective date of this chapter, whichever is later.~~

~~(3) Simultaneous division. Parcels of land in the Agricultural zoning district may be simultaneously divided into an unlimited number of tracts 50 acres or larger in size. Divisions of land in accordance with this provision are not subject to the limit on divisions as stated in subsection (1) above. However, further division of tracts created under this provision is prohibited. For such divisions, the following note shall be shown on the plat and in the corresponding deed:~~

~~"The simultaneous division of land into tracts 50 acres or larger in size as shown hereon is not subject to the limit on divisions as stated in section 54-27(1) of the Orange County Code of Ordinances. However, further division of these newly created tracts as shown hereon is~~

prohibited pursuant to section 54-27(3) of the Orange County Code of Ordinances."

~~(4)The following divisions of land are exempt from this section: family subdivisions, court-ordered subdivisions, part-and-parcel subdivisions, and the division of property for the purposes of boundary line adjustment.~~

~~(Statutory References: §§15.2-2241; 15.2-2242 VA Code Ann.)~~

Sec. 54-28. Family Subdivision.

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~~17. Family subdivisions are exempt from the provisions of section 54-27.~~

Sec. 54-30. Boundary Line Adjustment Survey.

....

Divisions of property for the purposes of a boundary line adjustment are exempt from the provisions of section ~~54-27~~ 70-304 of Chapter 70 (Zoning) but the resulting lots shall have a minimum lot size of two (2) acres.

Sec. 54-36. Court-ordered subdivisions.

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Court-ordered subdivisions are exempt from the provisions of section ~~54-27~~ 70-304 of Chapter 70 (Zoning).

Sec. 54-37. Family Subdivisions.

....

Family subdivisions ~~are exempt from the provisions of section 54-27~~ shall otherwise comply with section 70-304 of Chapter 70 (Zoning).

Sec. 54-42. Part-and-Parcel Subdivisions.

Part-and-Parcel subdivisions require the submission of a final plat pursuant to the requirements of Division 5, Final Plats, of this ordinance. Land divided pursuant to this section and made a bona fide portion of an adjoining tract through the vacation of a common boundary line shall not

count as a division of property in the Agricultural zoning district ~~pursuant to section 54-27~~. Staff approval of part-and-parcel subdivisions shall be given within 30 working days of submission by the owner or designated agent unless the plat is: (a) incomplete; (b) review by other agencies, e.g. VDOT and VDH, is not completed; or (c) the subdivision does not meet the requirements of this ordinance or Chapter 70 (Zoning).

Sec. 54-94. Certificates.

The following certificates shall appear on the final plat, and shall be executed as appropriate:

....

(6) For divisions of land in the Agricultural zoning district, the plat shall clearly state the following:

"The division of property as shown hereon is subject to the provisions of section ~~54-27~~ 70-304 of Chapter 70 (Zoning) of the Orange County Code of Ordinances. The parent tract/residue, tax map # _____ consisting of (A) _____ acres is being subdivided to create a new tract of (B) _____ acres as shown hereon. ~~A There shall be no subsequent division of the this newly created tract(s) shall not be smaller than 50 acres and shall not occur until four years have elapsed from the date of the county's approval of this plat as signed hereon. Further division of the _____ acre parent parcel/residue as shown hereon shall not occur until one (1) year has elapsed from the date of approval by the county.~~" ((A) is the total acreage of the parent parcel/residue prior to subdivision and (B) is the acreage of the parcel being subdivided off.)

(7) ~~Repealed.~~ For divisions of land into 50 acre tracts or larger in the Agricultural zoning district, the plat shall clearly state the following:

~~"The simultaneous division of land into tracts 50 acres or larger in size as shown hereon is not subject to the limit on divisions as stated in section 54-27(1) of the Orange County Code of Ordinances. However, further division of these newly created tracts as shown hereon is prohibited pursuant to section 54-27(3) of the Orange County Code of Ordinances."~~

....

(12) For family subdivisions, the plat shall clearly state the following:

"This is a family subdivision as defined in Section 54-5 of Chapter 54 (Subdivision) of the Orange County Code of Ordinances and pursuant to all requirements of section 54-28 Chapter 54. Each lot created on this plat as a family subdivision shall be titled in the name of the immediate family member for whom the subdivision is made for a period of no less than five (5) years from the date of final plat approval. This subdivision is ~~exempt from the provisions of Section 54-27~~ shall otherwise comply with section 70-304 of Chapter 70 (Zoning) of the Orange County Code of Ordinances."

(13) For part-and-parcel subdivisions, the plat shall clearly state the following:

"This is a part-and-parcel subdivision pursuant to sections 54-5 and 54-42 of Chapter 54 (Subdivision) of the Orange County Code of Ordinances. ~~This subdivision is exempt from the provisions of Section 54-27.~~"

DIVISION 2. GENERAL STREET DESIGN STANDARDS

Sec. 54-171. Minimum widths.

The minimum width of proposed streets right-of-way, measured from lot line to lot line, shall be in accordance with regulations established by VDOT. Except as provided for in section 54-27 28(10), in no case shall a street right-of-way be less than 50 feet in width.

DRAFT ZONING ORDINANCE LANGUAGE

Article I. In General

Sec. 70-1. Definitions

Contiguous means abutting, adjoining or touching and having a boundary, or portion thereof, which is coterminous or located immediately across the street.

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- b) In any Residential zoning district, a parcel of land that is of record upon the effective date of this ordinance, or
- c) For the purposes of continued division, the residue as defined herein.

....

Residue means: the remainder of a lot after a subdivision has detached one or more lots.

Right-of-way means either a fee-simple strip or other parcel of land owned by VDOT or others for the purpose of constructing and maintaining a road.

Street means a thoroughfare for vehicular traffic, including all of the area within an easement or right-of-way, and is interchangeable with the terms alley, avenue, boulevard, court, drive, highway, lane, road, or any similar term.

Article IV. District Regulations

Division 2. Agricultural Zoning District (A)*

Sec. 70-301. Intent.

The agricultural zoning district (A) comprises most of the land area of the county. It preserves the traditional rural character of the county by protecting agricultural, forestal and horticultural uses, and other lands of significance for protection of the environment from

conflicts with incompatible uses and discourages, such as large residential subdivisions not typically found in rural, agricultural areas. Discourage the random scattering of large commercial and industrial uses not associated with agricultural, forestal and horticultural land uses, and residential developments. In addition to agriculture, it permits the traditional rural development pattern of homes in order to protect against the overcrowding of land and undue density of population in relation to the community facilities existing or available and small agricultural-related businesses which maintain and preserve the rural and agricultural character of the area.

Sec. 70-304. - Area regulations.

1. In the agricultural zoning district the minimum lot area shall be two (2) acres or ~~greater~~ larger. One lot per year may be created from a parent parcel. Newly created lots from the parent parcel may not be further divided.
2. Lots shall be developed according to the provisions of this section, except as follows:
 - a) lots in cluster developments subject to article VI shall comply with the requirements of that article, or
 - b) lots within manufactured home parks subject to article VII shall comply with the requirements of that article, or
 - c) lots created pursuant to Section 54-37 of Chapter 54 (Subdivisions) shall have a minimum area of two (2) acres.

(Ord. of 5-2-1996, § 204; and _____)

6. New Business
 - Proffer Amendment Update – Gregg Zody
7. Commissioner Comments
8. Next meeting
9. Adjourn