

**BOARD OF SUPERVISORS MINUTES**

**JANUARY 24, 2017**

At a worksession of the Orange County Board of Supervisors held on Tuesday, January 24, 2017, beginning at 4:00 p.m., in the Meeting Room of the Gordon Building, 112 West Main Street, Orange, Virginia. Present: S. Teel Goodwin, Chairman; Lee H. Frame, Vice Chairman; R. Mark Johnson; James K. White, and James P. Crozier. Also present: R. Bryan David, County Administrator; Thomas E. Lacheney, County Attorney; and Alyson A. Simpson, Chief Deputy Clerk.

RE: AMENDMENTS TO THE ZONING ORDINANCE REGARDING HOME-BASED BUSINESSES (TABLED FROM THE DECEMBER 20, 2016 PUBLIC HEARING)

R. Bryan David, County Administrator, and Josh Frederick, Planning and Zoning Director, reviewed the history of the Zoning Ordinance amendments regarding home-based businesses, specifically home occupations and home enterprises. They indicated that the most recent amendments had been scheduled for Public Hearing on December 20, 2016, but the Board had deferred action to this worksession.

Discussion ensued among the Board regarding: a typo error contained in condition 9 of the home enterprise definition; the desire to include a list of exemptions recommended by the Planning Commission, with the addition of convenience store; whether or not to include the "accessory use" language; the desire to identify and eliminate potential impacts of the home-based businesses; addressing the requirement that the business owner live on-site; traffic counts and noise levels; a review of desired modifications to the proposed language; and direction on the application packet and certificate process.

On the motion of Mr. Johnson, seconded by Mr. Crozier, which carried by a vote of 5-0, the Board adopted the following ordinance, as modified:

ORDINANCE APPROVING AMENDMENTS TO ARTICLE I (IN GENERAL) AND ARTICLE II (ADMINISTRATION), SECTION 70 (ZONING), OF THE ORANGE COUNTY CODE OF ORDINANCES CONCERNING HOME-BASED BUSINESSES

WHEREAS, the Board of Supervisors previously initiated Planning Commission action on amendments to Article I (In General) and Article II (Administration), Section 70 (Zoning), of the Orange County Code of Ordinances concerning home-based businesses; and

WHEREAS, the Board of Supervisors prepared recommended language for the text amendments, which was presented to the Planning Commission for consideration; and

WHEREAS, the Planning Commission advertised and held a Public Hearing on the proposed text amendments on December 1, 2016; and

WHEREAS, after discussing the proposed text amendments, the Planning Commission recommended denial of the proposed text amendments to the Board of Supervisors, as presented during its meeting; and

WHEREAS, the Board of Supervisors conducted a duly advertised Public Hearing on December 20, 2016, to receive public comment, but deferred action on the matter until a worksession on January 24, 2017; and

WHEREAS, following discussion at the Public Hearing and worksession, the Board of Supervisors hereby supports the proposed text amendments, as modified; and

WHEREAS, public necessity, convenience, general welfare, and/or good zoning practice also support approval of the proposed text amendments;

NOW, THEREFORE, BE IT ORDAINED, on this 24<sup>th</sup> day of January, 2017, that the Orange County Board of Supervisors hereby approves the proposed amendments to Article I (In General) and Article II

(Administration), Section 70 (Zoning), of the Orange County Code of Ordinances concerning home-based businesses, as modified and shown below.

Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

### **Adopted Amendments to the Orange County Code of Ordinances**

**As adopted in Ord. No. 170124 – WS2A  
by the Orange County Board of Supervisors  
on January 24, 2017**

#### **Chapter 70 - Zoning**

#### **Article I - In General**

#### **Sec. 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 of 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 fifty (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, and 8 will apply cumulatively, i.e.: a total of four (4) non-family employees and one (1) sign for all home enterprises combined.
- 10) The following uses are specifically prohibited from permitted home enterprises:
  - a. Vehicle or equipment rental.
  - b. Camps and campgrounds.
  - c. Adult-oriented businesses.
  - d. Veterinary services (not including pet grooming).
  - e. Animal rescues/kennels.
  - f. Recreational uses.
  - g. Medical offices.
  - h. Junkyards.
  - i. Salvage operations.
  - j. Convenience stores.

~~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, in which all of the following conditions are met:

- 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) Total vehicle trips per day will generally not exceed ten (10).
- 5) All parking will be situated on the interior of the property and not along any public road or property line.
- 6) Any mechanical equipment that produces sound levels in excess of fifty (50) decibels, such as air compressors and air guns, will be confined to interior use.
- 7) Except for one (1) sign, there is no evidence during non-business hours that would indicate from the exterior that the building is used for non-residential purposes.
- 8) If there is more than one (1) home occupation on a single parcel, the numerical limitations listed above in lines 2, 4, and 7 will apply cumulatively, i.e.: a total of one (1) non-family employee and one (1) sign for all home occupations combined.
- 9) The following uses are specifically prohibited from permitted home occupations:
  - a. Vehicle or equipment rental.
  - b. Camps and campgrounds.
  - c. Adult-oriented businesses.
  - d. Veterinary services (not including pet grooming).
  - e. Animal rescues/kennels.
  - f. Recreational uses.
  - g. Medical offices.
  - h. Junkyards.
  - i. Salvage operations.
  - j. Convenience stores.

[...]

## **Chapter 70 - Zoning**

### **Article II - Administration**

#### **Division 4. - Zoning permits and site plans**

##### **Sec. 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.

[...]

RE: ADJOURN

The Board concluded its Worksession and continued to its Regular Meeting at 4:56 p.m.

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S. Teel Goodwin, Chairman

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R. Bryan David, County Administrator