

BOARD OF SUPERVISORS MINUTES

MARCH 8, 2016

At a worksession of the Orange County Board of Supervisors held on Tuesday, March 8, 2016, beginning at 4:00 p.m., in the Meeting Room of the Gordon Building, 112 West Main Street, Orange, Virginia. Present: Lee H. Frame, Chairman; S. Teel Goodwin, Vice Chairman; R. Mark Johnson; and James K. White. Absent: James P. Crozier. Also present: R. Bryan David, County Administrator; Thomas E. Lachenev, County Attorney; and Alyson A. Simpson, Chief Deputy Clerk.

RE: EQUIPMENT STORAGE AT BOOSTER PARK

Tim Moubray, Parks and Recreation Director, presented a PowerPoint Presentation to the Board, which included information on the following topics: a map of the planned location at Booster Park selected for the equipment storage; eight (8) different construction options identified for potential storage; price estimates; and recommendations from the Board.

Discussion ensued among the Board regarding: equipment sizes compared to door sizes; what components were included in the pricing estimates; materials to be used; and the desire to obtain pricing estimates to construct a traditional pole barn storage.

By consensus, the Board requested that staff present information at the March 22, 2016 Worksession regarding pricing estimates for construction of a traditional pole barn storage at Booster Park.

RE: GENERAL INDUSTRIAL (I-2) ZONING DISTRICT AMENDMENTS (Tabled from the February 9, 2016 Public Hearing)

Josh Frederick, Planning and Zoning Director, reminded the Board that a request for these amendments had been sent to the Planning Commission for consideration and recommendation. He explained that the Planning Commission held its Public Hearing, and recommended approval of the amendments, as modified. The Board of Supervisors held its Public Hearing on February 9, 2016, and tabled this matter until the March 8, 2016 Worksession. Mr. Frederick reviewed the proposed language with the Board, and provided maps of the Industrial property throughout the County as a reference.

Discussion ensued among the Board regarding: buffers and setbacks for various neighboring zoning classifications; consideration of protecting existing residential areas that may be located next to industrial property; the idea that internal setbacks could be reduced for properties within an industrial park; changes to definitions and permitted uses; and the proposed amendments that the Board would and would not adopt at this time.

On the motion of Mr. White, seconded by Mr. Goodwin, which carried by a vote of 4-0, with Mr. Crozier being absent, the Board adopted the following ordinance, as modified during the meeting:

ORDINANCE APPROVING AMENDMENTS TO ARTICLE I (IN GENERAL) AND ARTICLE IV (DISTRICT REGULATIONS), SECTION 70, OF THE ORANGE COUNTY ZONING ORDINANCE CONCERNING DEFINITIONS AND GENERAL INDUSTRIAL ZONING DISTRICT (I-2) REGULATIONS

WHEREAS, the Board of Supervisors previously initiated Planning Commission action on amendments to Article I (In General) and Article IV (District Regulations), Section 70, of the Orange County Zoning Ordinance concerning definitions and General Industrial Zoning District (I-2) Regulations; and

WHEREAS, the Planning and Zoning Director and County Attorney drafted recommended language for the text amendments, which were presented to the Planning Commission for consideration; and

WHEREAS, the Planning Commission advertised and held a Public Hearing on the proposed text amendments on February 4, 2016; and

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

WHEREAS, the Board of Supervisors conducted a duly advertised Public Hearing on February 9, 2016, to consider the proposed text amendments; and

WHEREAS, following discussion at the Public Hearing, the Board of Supervisors voted to defer action on the matter until the March 8, 2016, meeting; and

WHEREAS, following additional discussion on March 8, 2016, the Board of Supervisors hereby supports the proposed text amendments, as modified during its meeting; 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 8th day of March, 2016, that the Orange County Board of Supervisors hereby approves the proposed amendments to Article I (In General) and Article IV (District Regulations), Section 70, of the Orange County Zoning Ordinance concerning definitions and General Industrial Zoning District (I-2) Regulations, as modified and attached.

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

Adopted Amendments to the Orange County Zoning Ordinance

**As adopted in Ord. No. 160308 – WS2B
by the Orange County Board of Supervisors
on March 8, 2016**

Article I – In General

Sec. 70-1. – Definitions.

New Definitions:

Brewery means any establishment engaged in the production and packaging of fermented, non-distilled alcoholic beverages (e.g. beer and cider) for distribution, retail, or wholesale purposes, meeting all laws related to alcoholic beverage control. A brewery may provide on-site tastings and samples to patrons, and provide for on-site retail sales.

Building materials sales establishment means a retail or wholesale store of up to sixty-thousand (60,000) square feet in which lumber, millwork, masonry products, tile, stone, soil and other bulk landscaping materials, fencing, plumbing, electrical, paint, roofing, and other similar materials are sold which are used to construct or maintain structures and accessory facilities. Such an establishment is separate from a *large retail use* and does not include the sale of appliances, home furnishings, decorations, and other similar consumer goods.

Contractor's shop means an establishment primarily engaged in the on-site or off-site provision of services for the construction, maintenance, cleaning, or repair of buildings, building components, and properties on a fee or contractual basis. Such services may include, but are not limited to, plumbing, electrical, heating and air conditioning, landscaping, roofing, painting, general construction, and landscaping.

Data center means a facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer and/or network equipment, systems, servers, appliances and other associated components related to digital data operations.

Distillery means a facility engaged in the production and packaging of distilled alcoholic beverages for distribution, retail, or wholesale purposes, meeting all laws related to alcoholic beverage control. A distillery may provide on-site tastings and samples to patrons, and provide for on-site retail sales.

Laboratory means an establishment devoted to research, testing, and development of new products and substances, the process for which involves controlled experimentation, specialized machinery, and/or specialized processes. Included in this definition are medical laboratories engaged in professional analytic and diagnostic services and/or the manufacture of custom prosthetics and medical devices.

Landfill means a publicly-owned, engineered land burial facility used for the purpose of disposing of solid waste which is operated and maintained such that it poses no substantial threat to the environment or to public health, safety, and general welfare.

Machine shop means a commercial facility in which solid raw materials are formed into a desired final shape and size via a controlled material-removal or subtractive manufacturing process.

Materials recovery facility means an operation engaged in the removal and/or reclamation of recyclable materials from solid waste and other previously-manufactured items.

Printing and publishing facility means an establishment engaged in the production of printed and digital media such as, but not limited to, books, magazines, newspapers, architectural drawings, engravings, music, photos, and movies.

Self-storage facility means a building or group of buildings, having controlled access, which contain individually-leasable and individually-accessible units for the general safe keeping of items by lessees. A self-storage facility may have a single dwelling unit with an interior floor area no larger than six-hundred (600) square feet, attached to a main office, for a resident manager.

Revised Existing Definitions:

Sign, monument means any free-standing sign permanently affixed to a wall or fence which is less than three feet in height and built of brick, stone, treated lumber or similarly durable materials, other than a pylon sign, erected on the existing grade or on a solid base constructed of durable materials which is visually integral to the design of the sign.

Vocational Training Facility means a privately-operated, post-secondary school providing education and/or training for a specific occupation, business, trade, or profession. ~~Offices and classroom facilities are by right, where permitted. Other facilities are permitted with a Special Use permit. This classification, but excludes accessory residential uses, establishments providing training for a use that is not otherwise permitted in the zone zoning district, and paramilitary-type training facilities. Incidental instructional services in conjunction with another primary use shall not be included in this definition. Privately operated and/or owned military-oriented training facilities or uses of a similar private military-style training (paramilitary) nature are not permitted in any zoning district.~~

Article IV – District Regulations

Division 10 – General Industrial Zoning District (I-2)

Sec. 70-541. – Intent.

~~The general industrial district establishes an area for heavy commercial and industrial uses which may create some nuisance, and which are not compatible with residential, institutional or neighborhood commercial uses. It encourages heavy commercial and industrial uses by prohibiting residential and neighborhood commercial uses, or any other use which would interfere with the development, continuation or expansion of commercial and industrial uses in the district. The intent of the general industrial district is to provide areas for manufacturing, processing and assembling of parts and products, distribution of~~

products at wholesale, and a broad variety of specialized industrial operations, and areas which may be conducive to and appropriate for such activities. Because of their potential to generate nuisances, an emphasis is placed on adequate buffering and development standards to provide reasonable protections for neighboring properties. Industrial uses should be discouraged in situations where such uses would incur unmitigated audible or other impacts on neighboring properties, particularly those with considerable residential density.

Typically, general industrial districts should only be located in areas designated for such activities by the comprehensive plan. These districts are generally intended to be located in areas served by public water and sewer, in close proximity to rail lines and/or airports, and where there is quick and convenient access to primary roads.

(Ord. of 5-2-1996, § 1001)

Sec. 70-542. – Permitted uses.

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

- ~~(1) Automobile sales, repair, storage or service.~~
- ~~(2) Building materials sales, plumbing and electrical sales and service, lumberyard, or equipment and machinery sales and service.~~
- ~~(3) Manufacturing or processing not involving flammable or explosive materials.~~
- ~~(4) Signs in accordance with sections 70-546 and 70-696 et seq.~~
- ~~(5) Utility, fire or rescue station, or maintenance facility.~~
- ~~(6) Warehouse, wholesale business or freight terminal.~~
- ~~(7) Office / Office Building~~
- ~~(8) Vocational Training Facility~~
- ~~(9) Outdoor Power Equipment Motorcycle, All-Terrain Vehicle, Watercraft Repair and Storage~~
 - (1) Accessory retail or office use, not exceeding twenty percent (20%) of the gross floor area of the principal use.
 - (2) Brewery.
 - (3) Building materials sales establishment.
 - (4) Contractor's shop.
 - (5) Data center.
 - (6) Distillery.
 - (7) Feed, grain, and fertilizer sales.
 - (8) Greenhouse, commercial.
 - (9) Laboratory.
 - (10) Lumberyard or sawmill.
 - (11) Machine shop.
 - (12) Machinery and heavy equipment sales, rental, and service.
 - (13) Manufacturing, processing, assembly, and/or packaging of goods within the following categories:
 - (a) Apparel and other fabricated textile products (SIC Major Group 23*);
 - (b) Converted paper and paperboard products (SIC Industry Group 267*);
 - (c) Electronics and electrical components;
 - (d) Fabricated metal products and machinery, not to include the usage of on-site foundries and/or smelting;
 - (e) Food products (SIC Major Group 20*), not to include any on-site slaughtering;
 - (f) Furniture and fixtures (SIC Major Group 25*);
 - (g) Leather products (SIC Major Group 31*);
 - (h) Measuring, analyzing, and controlling instruments (SIC Major Group 38*);
 - (i) Motor vehicles, motorcycles, travel trailers/campers, and related transportation parts and equipment;
 - (j) Paperboard containers and boxes (SIC Industry Group 265*);

- (k) Pharmaceuticals, cosmetics, and toiletries;
- (l) Pottery, stone, and glass products;
- (m) Rubber and plastic products (SIC Major Group 30*);
- (n) Soaps, detergents, and specialty cleaners (SIC categories 2841 and 2842*);
- (o) Textile mill products (SIC Major Group 22*); and
- (p) Wood products, including prefabricated structures.
- (14) Outdoor power equipment, motorcycle, all-terrain vehicle, and watercraft repair and storage.
- (15) Printing and publishing facility.
- (16) Publicly-owned recreational uses and facilities.
- (17) Self-storage facility.
- (18) Signs in accordance with sections 70-547 and 70-696 et seq.
- (19) Temporary uses, with an approved zoning permit.
- (20) Vehicular repair, storage, and service.
- (21) Vocational training facility.
- (22) Wholesale or distribution center.

* Includes the stated uses as well as the types of manufacturing categorized under the referenced Standard Industrial Classification (SIC) groupings.

(Ord. of 5-2-1996, § 1002; Ord. of 11-13-2013; Ord of 06-10-14(9))

Sec. 70-543. – Uses permitted by special use permit.

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

- (1) ~~Any industrial use involving flammable or explosive materials.~~
- (2) ~~Automobile graveyard or salvage operation.~~
- (3) ~~Any industrial use which is clearly neither a permitted use in this district nor a use permitted by right in any other district.~~
 - (1) Accessory retail or office use exceeding twenty percent (20%) but not greater than fifty percent (50%) of the gross floor area of the principal use.
 - (2) Airport.
 - (3) Brewery or Distillery with on-site food preparation.
 - (4) Bulk fuel storage and distribution as a principal use.
 - (5) Commercial recreational use.
 - (6) Flea market.
 - (7) Junkyard or salvage operation.
 - (8) Landfill.
 - (9) Manufacturing, processing, assembly, and/or packaging of goods within the following categories:
 - (a) Any use involving the usage of an on-site foundry and/or smelting processes;
 - (b) Carbon fiber and fiberglass products;
 - (c) Concrete, gypsum, and plaster products (SIC Industry Group 327*);
 - (d) Explosives (SIC category 2892*);
 - (e) Fertilizer, herbicide, pesticide, and other agricultural chemicals (SIC Industry Group 287*);
 - (f) Organic and inorganic chemicals (SIC Industry Groups 286 and 281*);
 - (g) Paints, varnishes, lacquers, adhesives, sealants and other similar fluids/compounds;
 - (h) Refined petroleum products (SIC Major Group 29*); and
 - (i) Structural clay products (SIC Industry Group 325*);
 - (10) Materials recovery facility.
 - (11) Mining, including stone-crushing and immediate on-site processing of mined materials.
 - (12) Office/Office building as a principal use.
 - (13) Place of worship.
 - (14) Public utility facility.

- (15) Rendering plant, tannery, or other similar use of an odorous nature involving the production or processing of animal products.
- (16) Telecommunications tower.
- (17) Vehicular sales and rental.

* Includes the stated uses as well as the types of manufacturing categorized under the referenced Standard Industrial Classification (SIC) groupings.

(Ord. of 5-2-1996, § 1003)

Sec. 70-544. – Setback and yards.

- (a) In the general industrial 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 secondary road or subdivision street shall be 35 feet from the right-of-way.
- (d) The minimum side or rear yard width adjacent to a residential or agricultural district shall be 100 feet, or 50 feet for lots within the Thomas E. Lee Industrial Park. The side or rear yard shall be suitably fenced or landscaped, or both, to protect the adjacent use from any adverse impact. Fencing shall be at least eight feet in height as measured from grade and shall consist of a solid material such that the industrial use is effectively screened from view. Landscaping shall at least consist of two rows of evergreen trees, at least eight feet in height and located 20 feet apart and staggered. The suitability of the fencing or landscaping shall be reviewed and approved as part of the site plan review before a zoning permit is issued. See section 70-116 et seq. The property owner shall be responsible for maintaining landscaping and fencing, including the replacement of dead trees and shrubs and the repair of any damaged or broken fencing, in a manner consistent with the provisions of this section.
- (e) The minimum side or rear yard width adjacent to a commercial or industrial district shall be 50 feet.
- (f) For corner lots, the minimum side yard width adjacent to the side street shall be 50 feet. For double-frontage lots, the minimum rear yard width shall be 50 feet.
- (g) **Setback and yard requirements for lots in the Thomas E. Lee Industrial Park:**
 - (1) **Front yard.** Thirty-five (35) feet from any secondary road or fifty (50) feet when the opposing frontage is within an agricultural or residential district. For setbacks from primary road rights-of-way, see section 70-646 et seq.
 - (2) **Side yard.** Ten (10) feet when adjacent to an industrial or commercial district; fifty (50) feet when adjacent to an agricultural or residential district; zero (0) feet when adjacent to a railroad right-of-way.
 - (3) **Rear yard.** Ten (10) feet when adjacent to an industrial or commercial district; fifty (50) feet when adjacent to an agricultural or residential district; thirty-five (35) feet for double-frontage lots; zero (0) feet when adjacent to a railroad right-of-way.
 - (4) **Corner lot yards.** Thirty-five (35) feet adjacent to both frontages; fifty (50) feet when adjacent to or opposite from an agricultural or residential district.

(Ord. of 5-2-1996, § 1004; Ord. of 8-11-1998, § 1004.03)

RE: ADJOURN

The Board concluded its Worksession and continued to its Regular Meeting at 4:46 p.m.

Lee H. Frame, Chairman

R. Bryan David, County Administrator