

**BOARD OF SUPERVISORS MINUTES**

**July 26, 2011**

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, July 26, 2011, beginning at 7:00 p.m., in the Meeting Room of the Gordon Building, 112 West Main Street, Orange, Virginia. Present: Lee H. Frame, Jr., Chairman; Shannon Abbs, Vice-Chairman; S. Teel Goodwin; Grover Wilson; and Zack Burkett. Absent: None. Also present: Kurt Hildebrand, Acting County Administrator; Sharon Pandak, County Attorney; and Ashley Jacobs, Chief Deputy Clerk.

RE: ADOPTION OF AGENDA

Mrs. Abbs moved, seconded by Mr. Burkett and carried, to adopt the agenda as modified. Ayes: Abbs, Goodwin, Wilson, Frame, Burkett. Nays: None.

RE: CONSENT AGENDA

Mr. Goodwin moved, seconded by Mr. Burkett and carried, to approve the consent agenda as presented.

RE: MINUTES

The Board approved the following minutes:

- July 12, 2011 Regular Meeting

Ayes: Abbs, Goodwin, Wilson, Frame, Burkett. Nays: None.

RE: PUBLIC COMMENT

Chairman Frame opened the floor for Public Comment. The following individual spoke:

- Sharon Cooper, 11359 Kendall Road, Orange, Virginia, commented on the response of the Emergency Services Department.

Supervisor Burkett indicated that he would contact Ms. Cooper the following day via telephone to follow-up with her comments.

RE: BOARD COMMENT

No comments were made at this time.

RE: ACTION ITEMS

RE: ORANGE YOUTH SPORTS FOUNDATION (OYSF) REQUEST

Joe Rodish, Procurement Technician, explained that the Finance Department had researched various types of infield drags and presented to the Orange Youth Sports Foundation (OYSF) a piece of equipment that could be used to maintain the playing fields. He stated that the members of OYSF voted unanimously on the Infield Rascal Maintenance Tool 4.5' with a 6x3 Drag Mat costing \$3,200.55.

Mr. Rodish stated that the equipment comes with a four (4) year warranty and a 60 day money back guarantee, if not satisfied with the product.

Mr. Goodwin moved, seconded by Mr. Burkett and carried, to authorize staff to purchase the Infield Rascal Maintenance Tool in the amount of \$3,200.55, for use by Orange Youth Sports Foundation.

Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: CONTRIBUTION TO THE SOMERSET STEAM & GAS ENGINE ASSOCIATION FOR FEE DONATION

Kurt Hildebrand, Acting County Administrator, explained to the Board that the Somerset Steam and Gas Engine Association is requesting a fee donation for landfill fees associated with the 35<sup>th</sup> Annual Pasture Party being held on September 9-11, 2011. Mr. Hildebrand stated that if the Board wished to proceed, staff's recommendation is a donation, not to exceed \$1,200.00, which would likely cover the proposed landfill fees associated with the event.

Mrs. Abbs moved, seconded by Mr. Burkett and carried, to approve a fee donation request, up to \$1,200.00, for Landfill fees associated with the 35<sup>th</sup> Annual Steam and Gas Engine Pasture Party, which is scheduled to be held on September 9-11, 2011.

Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: EASTERN AVIATION FUELS, INC. CONTRACT EXTENSION

Kurt Hildebrand, Acting County Administrator, explained to the Board that Orange County entered into an Aviation Fuels Contract with Eastern Aviation Fuels, Inc., August 1, 2003, and that the contract held an initial term of five (5) years and allows for successive twelve (12) month extensions thereafter. Mr. Hildebrand stated that Eastern Aviation Fuels continues to provide competitive pricing and with the anticipation of the fuel farm relocation occurring within the upcoming fiscal year, staff believes it to be advantageous to continue with Eastern Aviation Fuels through that transition.

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to authorize the County Administrator, to execute amendments to renew the contract with Eastern Aviation Fuels, Inc., extending the agreement date to July 31, 2011, as provided in the original contract, dated August 1, 2003.

Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: SCHEDULE PUBLIC HEARING – RE-CHARTERING OF RAPIDAN SERVICE AUTHORITY (RSA)

Kurt Hildebrand, Acting County Administrator, explained to the Board that Orange County had received a memo and resolution from Dudley Pattie, Rapidan Service Authority (RSA), regarding the Rapidan Service Authority Corporate Life Extension.

Discussion ensued about the need for RSA to re-charter.

Mr. Burkett moved, seconded by Mr. Wilson and carried, to authorize the County Administrator to schedule a public hearing on September 13, 2011, to receive comments on the adoption of a Concurrent Resolution of the Boards of Supervisors of Orange, Madison and Greene County, Virginia, to Amend the Articles of Incorporation of the Rapidan Service Authority. The proposed amendment will extend the term for the existence of the Rapidan Service Authority as a Corporation to December 31, 2061.

Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: AGREEMENT WITH KEITH MARSHALL REGARDING TAX MAP NO. 33-57 DESIGNATION OF ZONING ISSUE

Sharon Pandak, County Attorney, presented the agreement with Keith Marshall and recommended to the Board that they enter into the proposed agreement to resolve any outstanding issues that may occur.

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to approve the following resolution as presented:

APPROVE AGREEMENT WITH KEITH MARSHALL REGARDING ZONING  
DESIGNATION OF 14.4166 ACRES OF TAX MAP NO. 33-57

WHEREAS, Keith Marshall and the Board of Supervisors have reached agreement to resolve issues related to the zoning designation of 14.4166 acres of Tax Map Parcel No. 33-57, as set forth in the attached Agreement; and

WHEREAS, the Zoning Administrator concurs with said agreement and the Commissioner of Revenue agrees to the provisions of the Agreement which relate to valuation of the property;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Orange County does hereby approve the Agreement with Keith Marshall; and authorizes its Chairman to sign on its behalf.

Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

Barry Pendleton was nominated for reappointment as the District One representative on the Orange County Youth Commission, for a four year term, with said term expiring on September 30, 2015.

Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: DISCUSSION ITEMS

RE: LOCUST GROVE CHILD CARE SITE

Alisha Vines, Office on Youth Director, explained that at the June 14, 2011, Board meeting, Julie Jordan, County Administrator, presented to the Board a petition signed by a number of the parents from the Locust Grove Schools, to reconsider the closing of the Child Care Program. She stated that she had contacted the parents by letter, asking them to fill out a commitment letter that was provided to them, and return it to the Office on Youth, if they were interested in keeping the program open.

Mrs. Vines explained to the Board that as of July 18, 2011, the Office on Youth had received only twelve (12) commitment letters from the parents. She stated that it appeared at this time they would not have enough enrollments to keep the program open and self-supporting.

Discussion ensued including: the program's breakeven point; staffing requirements and the schools providing child care program for parents.

By consensus, the Board approved to close the site as intended, because of the lack of enrollments in the child care program for FY 2012.

RE: LAHORE GRANGE HALL

Kurt Hildebrand, Acting County Administrator, explained to the Board that staff had looked at the Lahore Grange Hall site and determined that it was in need of costly repairs. He gave the Board a brief overview of the state of the building and grounds, and he suggested that to preserve the building from any further damage, they should consider boarding it up. He provided the Board with an estimate of materials only, stating it would cost the County approximately

\$467.00 to complete the project.

Discussion ensued including: preserving the building; whether to keep the building or tear it down; the future use of the building; mowing the site more than twice a year; boarding it up compared to demolishing it; and the condition of the roof.

By consensus, the Board agreed to secure and board up Lahore Grange Hall, and directed staff to research the cost to paint the roof to sustain it from any further damage.

RE: RECESS

At 7:28 p.m. the Board took a short recess to allow the Planning Commission members to join the Board of Supervisors for a Joint Public Hearing regarding CPA 11-01 and REZ 11-03, property owned by John Y. Faulconer.

RE: RECONVENE

At 7:32 p.m. the Planning Commission and the Board of Supervisors reconvened in open meeting.

RE: PLANNING COMMISSION - CALL TO ORDER/DETERMINATION OF QUORUM

Nigel Goodwin, Chairman of the Planning Commission, called the meeting to order at 7:32 p.m. He stated that a quorum was present to conduct business.

RE: PLANNING COMMISSION MEMBERS AND STAFF PRESENT

Andy Hutchison, District One; Walter Smith, District Two; Donald Brooks, District Three; James P. Tucker, III, District Four; Nigel Goodwin, District Five; Gregg Zody, Director of Planning; and Janet Jones; Permit Technician and Secretary.

RE: ADOPTION OF THE PLANNING COMMISSION AGENDA

Mr. Smith moved, seconded by Mr. Hutchison and carried, to approve the Planning Commission agenda as presented.

Ayes: Hutchison, Smith, Brooks, Tucker, Goodwin. Nays: None.

RE: JOINT PUBLIC HEARING WITH PLANNING COMMISSION

Chairman Frame called the Board of Supervisors meeting back to order joining the Planning Commission for a Joint Public Hearing to receive comments on the following:

RE: PUBLIC HEARING (#1)

- **CPA 11-01:** Amendment of the Future Land Use Map 2005 for property totaling ±31.48 acres, owned by John Y. Faulconer, and located at 13325 Highlands Drive, Orange, VA. The Future Land Use Map amendment would change the designation from Residential Land Use designation to Agricultural or Agricultural Conservation Land Use designation. The properties are identified on County maps as tax map number 28-48 consisting of 29.36 acres and tax map number 28-48C consisting of 2.12 acres.
- **REZ 11-03:** An application initiated by the Board of Supervisors to amend the Zoning Map for property totaling ±31.48 acres, owned by John Y. Faulconer, located at 13325 Highlands Drive, Orange, VA. The Zoning Map amendment would change the zoning of the properties from Limited Residential (R-1) to Agricultural (A). The

properties are identified on County maps as tax map number 28-48 consisting of 29.36 acres and tax map number 28-48C consisting of 2.12 acres.

Mr. Gregg Zody, Planning Director, gave a brief overview of the application received by Mr. Faulconer for CPA 11-01 and REZ 11-03. Mr. Zody concluded his overview by stating that staff recommended approval of the application(s) as presented.

Chairman Frame opened the floor for public comment at 7:36 p.m.

There being none, Chairman Frame closed the public hearing at 7:36 p.m.

RE: DISCUSSION/ACTION REGARDING CPA 11-01 BY THE PLANNING COMMISSION

Chairman Frame turned the floor over to Mr. Goodwin, Chairman of the Planning Commission for discussion and action.

Chairman Goodwin, asked the members of the Planning Commission for any changes or discussion pertaining to CPA 11-01. There being none, the Planning Commission made the following motion:

Mr. Tucker moved, seconded by Mr. Hutchison and carried, to approve the following resolution as presented:

CPA 11-01 – AMEND THE COMPREHENSIVE PLAN FUTURE LAND USE MAP TO DESIGNATE TAX MAP NOS. 28-48 AND 28-48C AGRICULTURAL CONSERVATION

WHEREAS, the Orange County Board of Supervisors initiated an amendment to the Comprehensive Plan Future Land Use Map 2025 to change the proposed land use designation of Tax Map Nos. 28-48 and 28-48C, totaling ±31.48 acres, from Residential to Agricultural Conservation, and

WHEREAS, this proposed amendment has been advertised and a special joint public hearing with the Board of Supervisors on the proposed Comprehensive Plan Map Amendment was held on July 26, 2011; and

WHEREAS, the Department of Planning and Zoning staff have recommended approval of this amendment to the Comprehensive Plan; and

WHEREAS, public necessity, convenience, general welfare, and/or good land use practice support approval of this plan amendment;

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Planning Commission hereby recommends that the Orange County Board of Supervisors approve CPA 11-01 to amend the Comprehensive Plan Future Land Use Map 2025 to change the land use designation of Tax Map Nos. 28-48 and 28-48C from Residential to Agricultural Conservation.

Ayes: Hutchison, Smith, Brooks, Tucker, Goodwin. Nays: None.

RE: DISCUSSION/ACTION REGARDING REZ 11-03 BY THE PLANNING COMMISSION

Chairman Goodwin, asked the members of the Planning Commission for any changes or discussion pertaining to REZ 11-03. There being none, the Planning Commission made the following motion:

Mr. Hutchison moved, seconded by Mr. Tucker and carried, to approve the following resolution as presented:

REZ 11-03 – REZONING APPROXIMATELY 31.48 ACRES FROM LIMITED RESIDENTIAL (R-1) TO AGRICULTURE (A): JOHN Y. FAULCONER (TAX MAP NOS. 28-48 AND 28-48C)

WHEREAS, John Y. Faulconer has asked the Orange County Board of Supervisors to rezone his properties, Tax Map Nos. 28-48 and 28-48C, totaling ±31.48 acres from Limited Residential (R-1) to Agricultural (A); and

WHEREAS, the Board of Supervisors initiated this rezoning and the Planning Commission advertised and held a special joint public hearing with the Board of Supervisors on the proposed rezoning on July 26, 2011; and

WHEREAS, this rezoning is consistent with the Comprehensive Plan Amendment, initiated by the Board of Supervisors, which will change the land use designation of the land from Residential to Agricultural Conservation; and

WHEREAS, the Department of Planning and Zoning has recommended approval of the rezoning; and

WHEREAS, public necessity, convenience, general welfare, and/or good zoning practice support approval of this rezoning;

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Planning Commission hereby recommends that the Orange County Board of Supervisors approve REZ 11-03 to downzone Tax Map Nos. 28-48 and 28-48C of ±31.48 acres from Limited Residential (R-1) to Agriculture (A).

Ayes: Hutchison, Smith, Brooks, Tucker, Goodwin. Nays: None.

RE: REGULAR MEETING RESUMES

Chairman Goodwin turned the floor back over to Chairman Frame, to continue the discussion and to vote on CPA 11-01 and REZ 11-03.

RE: DISCUSSION/ACTION REGARDING CPA 11-01 BY THE BOARD OF SUPERVISORS

Chairman Frame asked the members of the Board of Supervisors for any changes or discussion pertaining to CPA 11-01. There being none, the Board of Supervisors made the following motion:

Mr. Burkett moved, seconded by Mrs. Abbs and carried, to approve the following resolution as presented:

CPA 11-01 – AMEND THE COMPREHENSIVE PLAN FUTURE LAND USE MAP TO DESIGNATE TAX MAP NOS. 28-48 AND 28-48C AGRICULTURAL CONSERVATION

WHEREAS, the Orange County Board of Supervisors initiated an amendment to the Comprehensive Plan Future Land Use Map 2025 to change the proposed land use designation of Tax Map Nos. 28-48 and 28-48C, totaling ±31.48 acres, from Residential to Agricultural Conservation, and

WHEREAS, this proposed amendment has been advertised and a public hearing has been held jointly with the Planning Commission; and

WHEREAS, the Department of Planning and Zoning staff and Planning Commission have recommended approval of this amendment to the Comprehensive Plan; and

WHEREAS, public necessity, convenience, general welfare, and/or good land use practice

support approval of this plan amendment;

NOW, THEREFORE, BE IT ORDAINED, that the Orange County Board of Supervisors hereby approves CPA 11-01 and amends the Comprehensive Plan Future Land Use Map to change the land use designation of Tax Map Nos. 28-48 and 28-48C from Residential to Agricultural Conservation.

Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: DISCUSSION/ACTION REGARDING REZ 11-03 BY THE BOARD OF SUPERVISORS

Chairman Frame asked the members of the Board of Supervisors for any changes or discussion pertaining to REZ 11-03. There being none, the Board of Supervisors made the following motion:

Mrs. Abbs moved, seconded by Mr. Burkett and carried, to approve the following resolution as presented:

REZ 11-03 – REZONING APPROXIMATELY 31.48 ACRES FROM LIMITED RESIDENTIAL (R-1) TO AGRICULTURE (A): JOHN Y. FAULCONER (TAX MAP NOS. 28-48 AND 28-48C)

WHEREAS, the Orange County Board of Supervisors requested John Y. Faulconer to consider rezoning approximately 31.48 acres of his properties, Tax Map Nos. 28-48 and 28-48C, from Limited Residential (R-1) to Agricultural (A); and

WHEREAS, the Board of Supervisors advertised and held a public hearing on the proposed rezoning on July 26, 2011 jointly with the Planning Commission; and

WHEREAS, the Department of Planning and Zoning staff and the Planning Commission have recommended approval of the rezoning; and

WHEREAS, the Board of Supervisors has determined that this rezoning is consistent with the recommended Comprehensive Plan future land use designation of the subject property as Residential; and

WHEREAS, public necessity, convenience, general welfare, and/or good zoning practice support approval of this rezoning.

NOW, THEREFORE, BE IT ORDAINED, that the Orange County Board of Supervisors hereby approves REZ 11-03 to rezone approximately 31.48 acres of Tax Map Nos. 28-48 and 28-48C from Limited Residential (R-1) to Agricultural (A).

Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: PLANNING COMMISSION ADJOURNS

Mr. Brooks made a motion, seconded by Mr. Hutchison, to adjourn the Planning Commission meeting at 7:40 p.m.

Ayes: Hutchison, Smith, Brooks, Tucker, Goodwin. Nays: None.

RE: PUBLIC HEARING (#2)

Chairman Frame asked Ms. Pandak for her comments on the following public hearing:

- The adoption of proposed amendments to County Code Chapter 70, Zoning, in order to comprehensively revise the zoning provisions relating to signs. Specifically:

- Sec. 70-1 Definitions.
  - Sign, monument: This proposed amendment would amend the definitions of Sign, Monument, Sign, building, and
  - Adds definitions for Sign, Canopy and Sign, Digital.

The following amendments remove the ability of the Board of Zoning Appeals to grant special exceptions for the use of signs, and add the requirement that building signs may not project more than one third of the total height of the building above the building or the sides of the building, and addressing the number, size and lighting of signs:

- Sec. 70-308 Agricultural Zoning District (A): Signs
- Sec. 70-338 Limited Residential Zoning District (R-1): Signs
- Sec. 70-368 General Residential Zoning District (R-2): Signs
- Sec. 70-400 Planned Residential Zoning District (R-3): Signs
- Sec. 70-431 Multifamily Residential Zoning District (R-4): Signs
- Sec. 70-456 Limited Commercial Zoning District (C-1): Signs
- Sec. 70-486 General Commercial Zoning District (C-2): Signs
- Sec. 70-516 Limited Industrial Zoning District (I-1): Signs
- Sec. 70-546 General Industrial Zoning District (I-2): Signs
  
- Sec. 70-696 Hazardous signs prohibited: This proposed amendment would restrict the use of signs affixed to fences, balloons, banners, pennants or inflated devices, and signs located within the public right-of-way or on public property.
- Sec. 70-697 Portable, mobile signs: This proposed amendment would change and add time limitations for portable, mobile or temporary signs, including but not limited to political signs.
- Sec. 70-698 Pylon signs. This proposed amendment would treat pylon signs like other signs for purposes of square footage calculation, and address the calculation of area requirements for canopy signs.
- Sec. 70-699 Off-site advertising signs: This proposed amendment would place restrictions on the size and type of signs used for off-site advertising.
- The adoption of proposed new Sec. 70-701 Digital Signs: This proposed new ordinance would place restrictions on the use of digital signs.

Ms. Pandak explained that the Board held a public hearing on the proposed changes to the Zoning Ordinance sign provisions on June 28, 2011, and the foregoing proposed changes are part of the Board's ongoing consideration.

Ms. Pandak reviewed the revisions made by the Board of Supervisors at its June 28, 2011, meeting and suggested amendments to the Board's revisions.

Chairman Frame asked the Planning Director, Gregg Zody, if he had any questions or concerns with the proposed revisions. Mr. Zody explained that he was in support of the proposed amendments to the zoning ordinance.

Chairman Frame opened the floor for public comment at 7:50 p.m.

The following individual spoke:

- Kenny Dotson, 33225 Constitution Highway, Locust Grove, Virginia

There being no other speakers, Chairman Frame closed the Public Hearing at 7:54 p.m.

Discussion ensued including: internally lighted vs. externally lighted signs; balloons and banners, having forms available online for temporary use permits; citizens being able to e-mail or mail temporary

use permits to the Planning Department for review; removing section 70-696 hazardous signs; and the adoption of Ms. Pandak's suggested language.

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to approve the following resolution and revised amendments to Chapter 70, Zoning Ordinance:

ADOPT THE FOLLOWING AMENDMENTS TO COUNTY CODE CHAPTER 70, ZONING ORDINANCE:

- Article I. In General: Sec. 70-1 Definitions.
- Article IV. District Regulations:
  - Division 2, Sec. 70-308 Signs;
  - Division 3, Sec. 70-338 Signs;
  - Division 4, Sec. 70-368 Signs;
  - Division 5, Sec. 70-400 Signs;
  - Division 6, Sec. 70-431 Signs;
  - Division 7, Sec. 70-456 Signs;
  - Division 8, Sec. 70-486 Signs;
  - Division 9, Sec. 70-516 Signs;
  - Division 10, Sec. 70-546 Signs.
- Article V. Supplementary District Regulations:
  - Division 6:
    - Sec. 70-696 Hazardous signs prohibited;
    - Sec. 70-697 Portable, mobile signs;
    - Sec. 70-698 Pylon and canopy signs;
    - Sec. 70-699 Off-site advertising signs.

AND ADOPT NEW ORDINANCE SEC. 70-701, DIGITAL SIGNS

WHEREAS, the Board of Supervisors initiated certain zoning ordinance amendments pertaining to signs; and

WHEREAS, the Planning Commission, after a duly noticed public hearing, recommended approval of the amendments as modified by the Planning Commission; and

WHEREAS, a public hearing has been duly advertised and held by the Board; and

WHEREAS, the Board of Supervisors has made further modifications to the amendments; and

WHEREAS, public necessity, convenience, general welfare, and good zoning practice support approval of the attached zoning ordinance amendments;

NOW, THEREFORE, BE IT ORDAINED, that the Board of Supervisors does, effective immediately, hereby amend the Zoning Ordinance as attached.

County of Orange, Virginia - Zoning Ordinance (2000)

Excerpt from Orange County Zoning Ordinance pertaining to signs (Modified to reflect revisions for LED and lighted signs and to incorporate useful provisions from Zoning Ordinance update section on signs)

#### ARTICLE I. IN GENERAL

Sec. 70-1. Definitions.

Sign, means any display of letters, numerals, symbols, or combinations, visible from a public right-of-way, for the purpose of making anything known. The following are excluded from this definition provided they

do not have commercial connotations: directional signs, flags or insignia of governments, displays erected by government agencies, architectural features, memorial cornerstones, and commemorative plaques.

Sign, building, means any sign that is permanently attached to a building wall and does not extend beyond the side or top of such wall, except in commercial and industrial zoning districts. The term includes wall, window, marquee, bulletin board, changeable copy, and projecting signs, except for traffic control signs.

Sign, monument, means any sign permanently affixed to a wall or fence which is less than 3 feet in height and built of brick, stone, treated lumber or similarly durable materials.

Sign, off-site, means a sign that directs attention to a product or service not available on the premises on which the sign stands.

Sign, on-site, means a sign that directs attention to a product or service available on the premises on which the sign stands.

Sign, portable or mobile, means any sign which is not permanently attached to the ground or a permanent structure, such as trailer signs, sandwich boards, posters and banners.

Sign, pylon, means any sign supported by one or more posts permanently set in the ground.

Sign, temporary, means a sign applying to a seasonal or brief activity such as a political campaign, summer camp, horse show, or auction that is displayed for a short period of time and then removed.

Sign area, means the total area of a sign within a perimeter ~~defined by convex regular polygons~~ enclosing the display, together with any material or color which is an integral part of the display or which is used to differentiate the display from the background against which it is placed. If both sides of a single structure are used for signs, only one side shall be counted.

Sign, digital. Any portable or permanent sign or part of a sign on which characters, letters or images can be changed or rearranged electronically by light, digital LED or other display.

#### \*ZONING DISTRICTS\*

#### DIVISION 2. AGRICULTURAL ZONING DISTRICT (A)

##### Sec. 70-302. Permitted uses.

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) Single-family dwelling.
- (3) Two-family dwelling.
- (4) Manufactured home.
- (5) Place of worship.
- (6) Cemetery or graveyard.
- (7) Sign subject to sections 70-308 and 70-696.

##### Sec. 70-308. Signs.

- (a) In the agricultural district, signs are permitted within the guidelines as set forth in this section. In granting a special use permit, the board of supervisors may allow signs that exceed these guidelines. See also section 70-696 et seq.
- (b) One permanent sign for every 200 feet of road frontage shall be permitted. The total area of permanent signs ~~on any lot~~ shall be ~~46~~ 32 square feet or less.
- (c) Monument signs and pylon signs shall be 8 feet or less in height. Building signs shall not project above the top or sides of the building.
- (d) Signs may be lighted so that they are illuminated from within or have one or more lights shining on them so that each face of the sign is illuminated. Lights used to internally and externally illuminate each face of a sign shall be directed so as to minimize glare to passing motorists and pedestrians.

#### DIVISION 3. LIMITED RESIDENTIAL ZONING DISTRICT (R-1)

Sec. 70-332. Permitted uses.

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) Agriculture, except keeping of any animals other than those customarily kept as household pets.
- (3) Place of worship.
- (4) Public use such as school, park, library, fire and rescue station, public utility, or maintenance facility.
- (5) Sign subject to sections 70-338 and 70-696 et seq.

Sec. 70-338. Signs.

- (a) In the limited residential district, signs are permitted as set forth in this section. In granting a special use permit, the board of supervisors may allow signs that exceed these guidelines. See also section 70-696 et seq.
- (b) The total area of permanent signs on any lot shall be 6 square feet or less.
- (c) Monument signs and pylon signs shall be 8 feet or less in height. Building signs shall not project above the top or sides of the building.
- (d) ~~Signs shall not be lighted except for places of worship or as approved as part of a special use permit.~~ Signs may be lighted so that they are illuminated from within or have one or more lights shining on them so that each face of the sign is illuminated. Lights used to internally and externally illuminate each face of a sign shall be directed so as to minimize glare to passing motorists and pedestrians.

DIVISION 4. GENERAL RESIDENTIAL ZONING DISTRICT (R-2)

Sec. 70-362. Permitted uses.

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) Place of worship.
- (3) Public use such as school, park, library, fire and rescue station, public utility, or maintenance facility.
- (4) Signs subject to sections 70-368 and 70-696 et seq.

Sec. 70-368. Signs.

- (a) In the general residential district, signs are permitted as set forth in this section. In granting a special use permit, the board of supervisors may allow signs that exceed these guidelines. See also section 70-696 et seq.
- (b) The total area of permanent signs on any lot shall be 6 square feet or less.
- (c) Monument signs and pylon signs shall be 8 feet or less in height. Building signs shall not project above the top or sides of the building.
- (d) ~~Signs shall not be lighted except for places of worship or as approved as part of a special use permit.~~ Signs may be lighted so that they are illuminated from within or have one or more lights shining on them so that each face of the sign is illuminated. Lights used to internally and externally illuminate each face of a sign shall be directed so as to minimize glare to passing motorists and pedestrians.

DIVISION 5. PLANNED RESIDENTIAL ZONING DISTRICT (R-3)

Sec. 70-392. Permitted uses.

In the planned 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) Multifamily dwelling.
- (4) Community services such as office, day care center, elder care center, or security facility.
- (5) Place of worship.
- (6) Private cultural, recreational or institutional use.
- (7) Public or private use such as school, park, library, fire/rescue station, utility or maintenance facility.
- (8) Signs subject to sections 70-400 and 70-696 et seq.

Sec. 70-400. Signs.

- (a) In the planned residential district, signs are permitted as set forth in this section. In granting a special use permit, the board of supervisors may allow signs that exceed these guidelines. See also section 70-696 et seq.
- (b) Multifamily dwellings shall be permitted one square foot of sign area for every 2 linear feet of building frontage. The total area in signs shall be distributed among building, pylon and monument signs such that pylon signs make up no more than half the total.
- (c) Other uses and unimproved lots shall be limited to 6 square feet of permanent signs.
- (d) Monument signs and pylon signs shall be 8 feet or less in height. Building signs shall not project above the top or sides of the building.
- (e) ~~Signs shall not be lighted except for places of worship or as approved as part of a special use permit.~~ Signs may be lighted so that they are illuminated from within or have one or more lights shining on them so that each face of the sign is illuminated. Lights used to internally and externally illuminate each face of a sign shall be directed so as to minimize glare to passing motorists and pedestrians.

DIVISION 6. MULTIFAMILY RESIDENTIAL ZONING DISTRICT (R-4)

Sec. 70-422. Permitted uses.

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

- (1) Single-family dwellings.
- (2) Two-family dwellings.
- (3) Multifamily dwellings.
- (4) Elder care center, child day care center, or nursery school.
- (5) Place of worship.
- (6) Public uses such as schools, parks, playgrounds, libraries, public utilities and maintenance facilities.
- (7) Recreational, administrative and service facilities that are an integral part of a housing complex.
- (8) Signs subject to sections 70-431 and 70-696 et seq.

Sec. 70-431. Signs.

- (a) In the multifamily residential district, signs are permitted as set forth in this section. In granting a special use permit, the board of supervisors may allow signs that exceed these guidelines. See also section 70-696 et seq.
- (b) The total area of permanent signs on any lot occupied by multifamily dwellings shall be one square foot of sign area for every 2 linear feet of building frontage. The total area shall be distributed among building, pylon and monument signs such that pylon signs make up no more than one-half of the total.
- (c) The total area of permanent signs on any lot not occupied by multifamily dwellings shall be

- limited to ~~6~~ 10 square feet.
- (d) Pylon signs shall be 8 feet or less in height. Building signs shall not project above the top or sides of the building.

#### DIVISION 7. LIMITED COMMERCIAL ZONING DISTRICT (C-1)

##### Sec. 70-452. Permitted uses.

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.

##### Sec. 70-456. Signs.

- (a) In the limited commercial district, signs are permitted as set forth in this section. In granting a special use permit, the board of supervisors may allow signs that exceed these guidelines.
- (b) The total area of permanent signs on any improved lot shall not exceed 2 square feet of sign for each linear foot of building frontage. The total shall be distributed among building, pylon and monument signs such that pylon signs make up no more than half the total.
- (c) The total area of permanent signs on any unimproved lot shall not exceed 32 square feet.
- (d) The height of on-site pylon signs shall not exceed 18 feet. ~~The height of building~~ Building signs shall not project above the top of the building above the top of the building more than one-third (1/3) of the total height of the building.
- (e) The total area of off-site advertising signs on any lot shall not exceed 32 square feet. The height of off-site advertising signs shall not exceed 8 feet.
- (f) Signs may be lighted so that they are illuminated from within or have one or more lights shining on them so that each face of the sign is illuminated. Lights used to internally and externally illuminate each face of a sign shall be directed so as to minimize glare to passing motorists or pedestrians.
- (g) ~~Electronic message signs and digital display~~ Digital signs are permitted as set forth in Section 70-701.

#### DIVISION 8. GENERAL COMMERCIAL ZONING DISTRICT (C-2)

##### Sec. 70-482. Permitted uses.

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 building.
- (4) Place of worship.
- (5) Private cultural, recreational or institutional use.
- (6) Public use such as school, park, library, fire or rescue station, public utility, or maintenance facility.
- (7) Restaurant.

- (8) Retail store.
- (9) Signs in accordance with sections 70-486 and 70-696 et seq.
- (10) Up to four dwelling units attached to any permitted commercial use.
- (11) Temporary uses, with a zoning permit pursuant to section 70-940, limited to the following:
  - a. Temporary or seasonal sales.
  - b. Special events.

Sec. 70-486. Signs.

- (a) In the general commercial district, signs are permitted as set forth in this section. In granting a special use permit, the board of supervisors may allow signs that exceed these guidelines.
- (b) The total area of permanent signs on any improved lot shall not exceed 2 square foot of sign for each linear foot of building frontage. The total shall be distributed among building, pylon and monument signs such that pylon signs make up no more than half the total.
- (c) The total area of permanent signs on any unimproved lot shall not exceed 32 square feet.
- (d) The height of on-site pylon signs shall not exceed 18 feet. ~~The height of building~~ Building signs shall not project ~~above the building to which they are attached~~ above the top of the building more than one-third (1/3) of the total height of the building.
- (e) The total area of off-site signs on any lot shall not exceed 32 square feet. The height of off-site signs shall not exceed 8 feet.
- (f) Signs may be lighted so that they are illuminated from within or have one or more lights shining on them so that each face of the sign is illuminated. Lights used to internally and externally illuminate each face of a sign shall be directed so as to minimize glare to passing motorists or pedestrians.
- (g) ~~Electronic message signs and digital display~~ Digital signs are permitted as set forth in Section 70-701.

DIVISION 9. LIMITED INDUSTRIAL ZONING DISTRICT (I-1)

Sec. 70-512. Permitted uses.

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

- (1) Automobile and equipment sales, service, storage or rental.
- (2) Laboratory.
- (3) Limited manufacturing and processing.
- (4) Offices.
- (5) Public utility, fire or rescue station, or maintenance facility.
- (6) Signs in accordance with sections 70-516 and 70-696 et seq.
- (7) Wholesale distribution or warehouse.

Sec. 70-516. Signs.

- (a) In the limited industrial district, signs are permitted as set forth in this section. In granting a special use permit, the board of supervisors may allow signs that exceed these guidelines.
- (b) The total area of permanent signs on any improved lot shall not exceed one square foot of sign for each linear foot of building frontage. The total area of signs shall be distributed among building, pylon and monument signs such that pylon signs make up no more than half the total.
- (c) The total area of permanent signs on any unimproved lot shall not exceed 32 square feet.
- (d) The height of on-site pylon signs shall not exceed 18 feet. ~~The height of building~~ Building signs shall not project ~~above the building to which they are attached~~ above the top of the building more than one-third (1/3) of the total height of the building. The height of off-site signs shall not exceed 8 feet.
- (e) Signs may be lighted so that they are illuminated from within or have one or more lights shining on them so that each face of the sign is illuminated. Lights used to internally and externally

illuminate each face of a sign shall be directed so as to minimize glare to passing motorists or pedestrians.

- (f) ~~Electronic message signs and digital display~~ Digital signs are permitted as set forth in Section 70-701.

## DIVISION 10. GENERAL INDUSTRIAL ZONING DISTRICT (I-2)

### 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.

### Sec. 70-546. Signs.

- (a) In the general industrial district, signs are permitted as set forth in this section. In granting a special use permit, the board of supervisors may allow signs that exceed these guidelines.
- (b) The total area of permanent signs on any improved lot shall not exceed one square foot of sign for each linear foot of building frontage. The total area of signs shall be distributed among building, pylon and monument signs such that pylon signs make up no more than half the total.
- (c) The total area of signs on any unimproved lot shall not exceed 32 square feet.
- (d) The height of on-site pylon signs shall not exceed 18 feet. ~~The height of building~~ Building signs shall not project above the building to which they are attached above the top of the building more than one-third (1/3) of the total height of the building. The height of off-site signs shall not exceed 8 feet.
- (e) Signs may be lighted so that they are illuminated from within or have one or more lights shining on them so that each face of the sign is illuminated. Lights used to internally and externally illuminate each face of a sign shall be directed so as to minimize glare to passing motorists or pedestrians.
- (f) ~~Electronic message signs and digital display~~ Digital signs are permitted as set forth in Section 70-701.

## DIVISION 6. SIGNS

### Sec. 70-696. Hazardous signs prohibited.

For the purpose of this chapter, the following types of signs shall be deemed hazardous to motorists or pedestrians, and shall be prohibited:

- (1) Signs that simulate official traffic signs;
- (2) Signs with moving parts;
- (3) Signs with flashing lights;
- (4) Signs that cause dangerous reflections or glare;
- (5) Signs that obstruct motorists' vision;
- (6) Signs displayed on ~~rocks, trees, fences,~~ utility poles ~~or similar features;~~ and
- (7) Signs that overhang a public road right-of-way.
- (8) Signs located within the public right-of-way of streets, highways or other public property.

### Sec. 70-697. Portable, mobile signs or temporary signs. (Note: Subsections (b) (c) and (d) have been completely rewritten and Subsection (e) has become subsection (d))

- (a) Portable or mobile signs shall only be permitted for seasonal or brief activities as provided in this

section. They shall be no more than ~~46~~ 32 square feet in area or 8 feet in height. All other signs shall be permanently attached to the ground or a permanent structure and shall comply with the Virginia Uniform Statewide Building Code.

- (b) Temporary signs advertising specific civic or commercial events such as public festivals, civic events, horse shows, produce stands, grand openings, fire sales, carnivals or other temporary activities may be displayed for no more than 60 days at a time, and no more than 120 days per year per site or per event.
- (c) Temporary signs advertising political campaigns, may be displayed for no more than 60 days prior to the event, nor more than 15 days after the event. ~~There are no limits on the size or height of such signs.~~ Political campaign signs shall be no more than 32 square feet in area and there shall be no height restrictions.
- (d) Signs advertising that the lot on which they stand is for sale or lease shall be displayed no more than 10 days after such real estate is sold or leased.

Sec. 70-698. Pylon and canopy signs.

- (a) No more than one pylon sign shall be permitted on each lot. Pylon signs shall be treated as other signs for the purpose of the square footage calculation for area requirements for each lot.
- (b) For canopy signs, only the area or display surface of the written wording shall be used for calculation of area requirements.

Sec. 70-699. Off-site advertising signs.

No more than one off-site advertising sign shall be permitted on each lot. Off-site advertising signs shall ~~be no more than 32 square feet in area, and no more than eight feet in height.~~ meet the size and height requirements of the zoning classification of the property on which the sign is being located. Digital signs shall not be permitted for off-site advertising.

Sec. 70-700. Setbacks on primary highways.

Permanent signs shall be set back 300 feet from the right-of-way of Constitution Highway (VA Route 20) south of the Town of Orange and north of US Route 33 in Barboursville, and 300 feet from the right-of-way of Blue Ridge Turnpike (VA Route 231) north of the Town of Gordonsville. On other primary highways, each permanent sign shall be set back from the right-of-way a distance equal to its height.

Sec. 70-701. Digital Signs (Note - New section – edits show changes from original draft)

- (a) ~~Electronic message signs and digital display~~ Digital signs shall not be located along any corridor designated as a Virginia Byway within the County.
- (b) ~~Electronic message signs and digital display~~ Pursuant to §33.1-369 VA Code Ann., digital signs ~~are not~~ *shall not be* permitted to be located within 660 feet of any property owned by the US Department of the Interior or the National Park Service, the National Trust for Historic Preservation, ~~or any property listed on the National Register of Historic Places or the Virginia Landmarks Register, or any public cemetery or public playground.~~
- (c) ~~An electronic message sign or digital display~~ Digital signs ~~shall only be permitted for onsite advertising.~~
- (d) Only one ~~electronic message~~ monument or pylon digital sign shall be allowed per ~~property~~ development.
- (e) Where an ~~electronic message~~ digital sign is to be a part of a pylon or monument sign, the maximum size of the display area shall not exceed 40% of the total area of the sign on which it is to be placed.
- (f) For a stand-alone ~~electronic message~~ digital sign, the sign area shall not exceed 64 square feet.
- (g) ~~Messages~~ Images on an ~~electronic message~~ digital sign shall change as follows:
  - 1. No more frequently than once every ~~10~~ 4 seconds.
  - 2. Message Image transition modes must be consistent for all frames and shall not

- simulate movement through means such as scrolling or rolling.
3. ~~Messages~~ Images shall not employ hold modes such as twinkle or bijou effects and shall not flash or scroll in any direction.
- (h) Brightness levels shall be lowered for night-time display so that the ~~electronic message~~ image does not cause glare that may be distracting to passing motorists or pedestrians.
- (i) ~~Digital display signs shall change no more frequently than once every ten seconds.~~

Ayes: Burkett, Goodwin, Wilson. Nays: Abbs, Frame.

RE: CTE CENTER PRESENTATION

Mr. Goodwin explained that he would like to schedule a presentation to the Board from Grimm and Parker, architects for the proposed Career and Technical Education (CTE) Center, and examine the cost of the project.

Mrs. Abbs shared the perspective that the County would not be able to borrow funding for quite some time for the CTE project, and had Ashley Jacobs, Chief Deputy Clerk, bring up the Orange County Debt Profile Analysis (page 19), which was prepared by Davenport and Company, LLC, on June 22, 2010. Mrs. Abbs explained that it would take at least five years before they can borrow any money.

There was not a consensus from the Board to invite Grimm and Parker to give a presentation regarding the CTE Center.

RE: SUPERVISOR MAIL

Supervisor Abbs commented on mail given to the Supervisors. She suggested that there is certain mail that everyone could get by e-mail instead of by paper copies. She stated that the Chief Deputy Clerk could still print out certain items for the Board, if they so wish. She stated that it would save the County and the citizen's money regarding time, paper and ink in the long run.

By consensus, the Board agreed to have staff PDF and email all mail that comes addressed to the Supervisors, with the exception of Supervisor Wilson, who stated he would like to continue receiving a hard copy placed in his mailbox or faxed to him.

RE: LIBERTY MILLS FARM SPECIAL USE PERMIT

Supervisor Burkett commented on the removal of the one year provision for the Special Use Permit (SUP) for Liberty Mills Farm. He stated that the Board had accomplished what they wanted to accomplish with the adoption of the Temporary Agricultural Uses and that he would like to see this provision of the SUP conditions removed.

Supervisor Abbs explained that she would like to also add the ability for them to sell their own honey and cut flowers on the property.

By consensus, the Board approved to send back to the Planning Commission, the Special Use Permit for Liberty Mills, for the consideration of removing the one year provision, adding the ability to sell their own honey and cut flowers on the property, and for the Board to review the revised conditions, before the Planning Commission schedules its Public Hearing.

RE: INFORMATION ITEMS

The Board received the following correspondence for its information:

- CSA Monthly Report: Alisha Vines, Director of the Office on Youth
- Treasurer's Report: Phyllis Yancey, Treasurer

RE: CALENDAR

The Board received copies of its calendar for the months of July, August and September 2011.

RE: EDA Joint Meeting – Postponed Until Further Notice

The Board was informed that the Economic Development Authority (EDA) had decided to postpone the joint meeting until further notice.

RE: CLOSED MEETING

At 8:26 p.m., Mrs. Pandak read the following motion authorizing Closed Meeting:

WHEREAS, the Board of Supervisors of Orange County desires to discuss in Closed Meeting the following matter(s):

- One matter of legal advice regarding a prospective business or industry;
- One matter regarding consideration of prospective candidates for employment and contract proposals;

WHEREAS, pursuant to §§2.2-3711.A. 1 and 7 VA Code Ann., such discussion(s) may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Orange County does hereby authorize discussion of the aforesated matter(s) in Closed Meeting.

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to approve the resolution as presented.

Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: CERTIFICATION OF CLOSED MEETING

At 8:48 p.m. Mrs. Pandak read the following resolution certifying the closed meeting:

WHEREAS, the Board of Supervisors of Orange County has this day adjourned into Closed Meeting in accordance with a formal vote, and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Freedom of Information Act requires certification that such Closed Meeting was conducted in conformity with the law;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Orange County does hereby certify that to the best of each member's knowledge, i) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed in the Closed Meeting to which this certification applies, and ii) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed or considered by it.

Mr. Goodwin moved, seconded by Mr. Burkett and carried, to approve the resolution as presented.

Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: ADJOURNMENT

There being no further business to discuss, Mr. Goodwin moved, seconded by Mr. Burkett and carried, to adjourn the meeting at 8:48 p.m.

Ayes: Abbs, Goodwin, Wilson, Frame, Burkett. Nays: None.