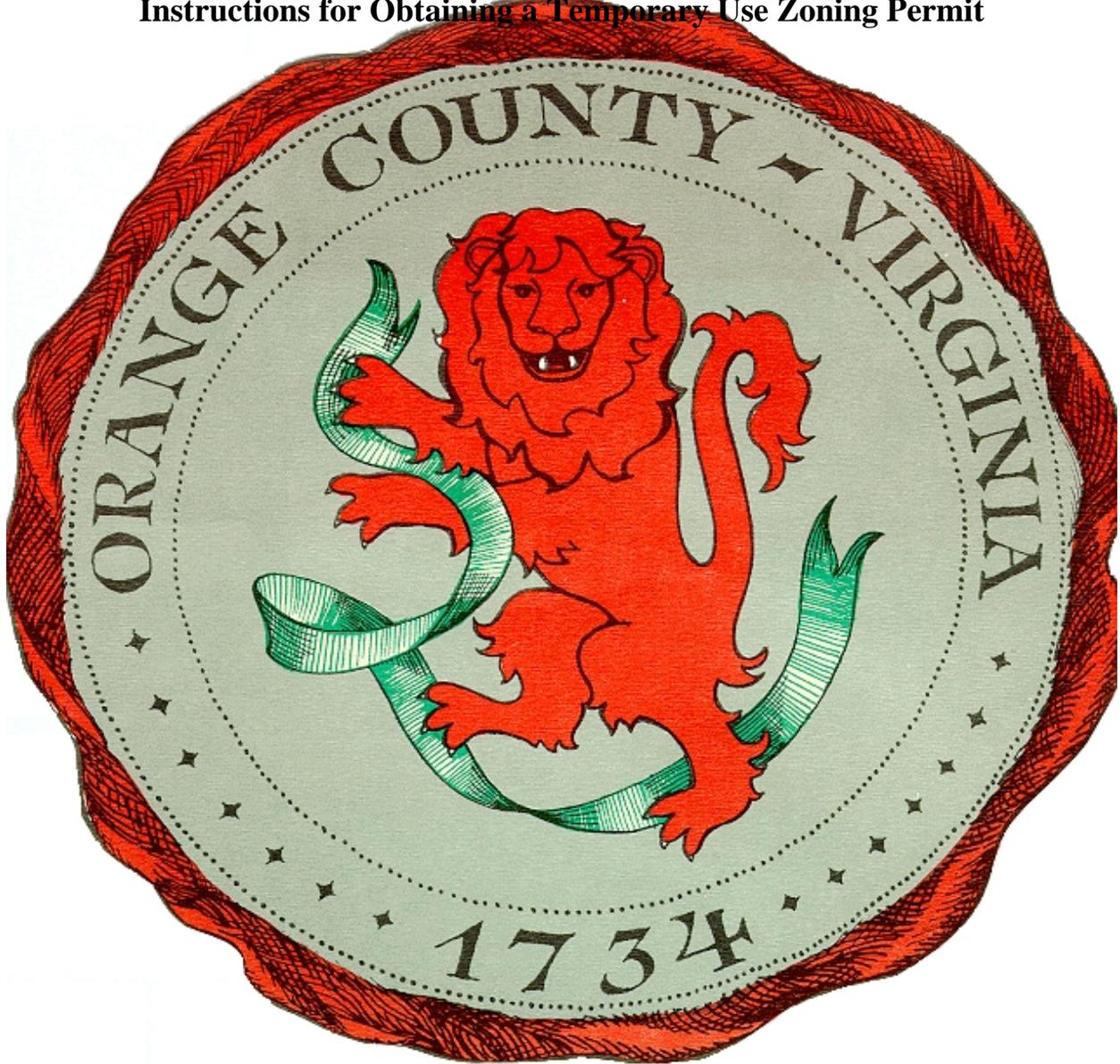


NEW!

ORANGE COUNTY TEMPORARY USE PACKET

Instructions for Obtaining a Temporary Use Zoning Permit



Department of Planning and Zoning

128 W. Main Street, Orange, VA 22960

(540) 672-4347

Allowed with Temporary Use Zoning Permit

On March 9, 2010, the Orange County Board of Supervisors amended the Orange County Zoning Ordinance to allow certain temporary uses in the C-1 (Limited Commercial) and C-2 (General Commercial) zoning districts with the issuance of a temporary zoning permit.

This is a benefit to county citizens!

Previously, these uses were either not addressed (and therefore not allowed) in the zoning ordinance, or they required the issuance of a special use permit that involved several months of review and at least two public hearings. Now, with the submission of a Temporary Use Zoning Permit application and some basic information, you can obtain a permit for your temporary use fairly quickly.

The following are temporary uses that are now allowed by the issuance of a temporary use zoning permit:

- Temporary sales of produce, meals, Christmas trees, fireworks, and other seasonal goods.
- Outdoor Retail Sales Events such as, but not limited to, flea markets.
- Special Events planned for or expected to attract more than 100 persons at a time such as, but not limited to, carnivals, circuses, festivals, fairs, dog shows, horse shows, fireworks shows, tent events or similar meetings.

No permit is required for the following:

- Any temporary use proposed to be located on a government-owned property;
- Operation of a temporary use by a civic or non-profit organization (boy scouts, girl scouts, churches, etc.).
- Special events planned or reasonably expected to attract less than 100 persons at any one time.
- Special events occurring within, or upon the grounds of, a private residence, where the property owner receives no compensation for hosting the event and guests/attendees are not charged an admission fee.
- Any event sponsored in whole or in part by the County or another political subdivision of Virginia;
- Any organized special events conducted at sites or facilities typically intended, used, and designed for such events including, but not limited to, the following:
 - * Sporting events conducted on courses or fields intended and use for such activities such as commercial stables or horse riding facilities;
 - * Historic home museums and adjacent grounds;
 - * Wedding services conducted at churches, country inns, banquet facilities/halls, reception halls, or similar facilities;
 - * Wine tasting and wine tasting dinners at Virginia farm wineries or wineries whose facilities are designed for such events;
 - * Conferences and similar events in facilities designed for such use.

Other permits

Other permits may be needed for the temporary use. These are as follows:

VDOT Entrance Permit

VDOT requires the issuance of an entrance permit for any *new* entrance to access the property on which the temporary use is to be located. Please contact them at 540-829-7616 for more information. This permit has to be obtained prior to the county issuing you a temporary zoning permit, and you need to provide a copy to Planning and Zoning when you apply for your temporary use zoning permit. ****Please allow enough time to apply for this permit as it may take as much as 30 days to obtain.**

Health Permit

The Health Department requires the issuance of a permit for any food vendors. Please contact them at 540-672-0223. You need to apply for this permit before the county can issue to you a temporary zoning permit, and you need to provide a copy of your health permit application to Planning and Zoning when you apply for your temporary use zoning permit.

Building Permit

A building permit may be needed for the erection of any structure related to the temporary use. While you may be able to submit an application for a building permit at the same time that you apply for a Temporary Use Zoning Permit, the building permit cannot be issued until after the temporary use zoning permit has been issued. Please contact the Orange County Department of Building Inspections (540) 672-4574 for more information. ****Application for a building permit may take as much as a week to 14 business days to process before the permit is issued. Please allow enough time to obtain this permit in advance of beginning your proposed temporary use.**

All temporary use zoning permits have a start date and an expiration date pursuant to Sec. 70-940 of the County Zoning Ordinance. These will be noted on the face of the permit.

HOW TO APPLY

Application submission

To apply for a Temporary Use Zoning Permit, please provide the following information to the Department of Planning and Zoning **at least** one week prior to the date on which the permit is to take effect:

- Completed Temporary Use Zoning Permit Application form
- Site Plan or sketch plan and project description narrative (see page 5 for more information)
- Landowner Affidavit if the applicant is not the property owner
- Any other permits needed for the temporary use as stated herein

Initial review and comment

Once the application is submitted, a member of county planning staff will review it. If any inconsistencies and/or conflicts with the Temporary Use provisions are found, the staff will notify you in writing within two (2) business days of when you submitted your application to request revisions or clarifications. Any necessary revisions or clarifications should be provided to the Planning and Zoning office as quickly as possible to ensure continued timely processing of the application.

Revised Submission

If you have to provide revised information, county staff will review it as quickly as possible once you turn it in. Once the proposed temporary use is found to be in conformance with the Zoning Ordinance and all required items have been submitted, staff will approve your application.

Permit Issuance

Once the proposed temporary use is approved, you will be issued a Temporary Use Zoning Permit. This permit must be posted on site at all times that the use is active. If you needed a building permit or a health permit for your temporary use, contact those departments to see if those permits are ready to be picked up now that you have your zoning permit.

Denial Letter

If an application for a Temporary Use Zoning Permit is denied by the Zoning Administrator, you may take any of the following actions:

1. Revise the application to satisfy the stated reason for denial, in which event it shall be handled as a new application;
2. Appeal the determination to the Board of Zoning Appeals pursuant to Sec. 70-69 of the Zoning Ordinance;
3. Apply for a Special Use Permit in accordance with Sec. 70-141 of the Zoning Ordinance.

Rest assured that planning staff will make every attempt to enable your temporary use through these provisions.

TEMPORARY USE PROVISIONS

The following outlines the zoning ordinance provisions that pertain to temporary uses. Refer to this information for guidance as you write your project description narrative and prepare your site or sketch plan that must be submitted with your application.

Temporary or Seasonal Sales

- ✓ A temporary zoning permit for temporary sales shall be valid for a period not to exceed 45 days, unless extended, and shall require that all structures and materials be removed within such time period.
- ✓ Structures for temporary sales, which may include portable trailers, may not exceed 500 square feet in floor area and shall be setback a minimum of 35 feet from public roads.
- ✓ Entrances and exits must be clearly delineated and located to provide safe ingress and egress from roads.
- ✓ One sign is permitted for each temporary use, which shall be displayed only during the period approved for the temporary use.
- ✓ Project description narrative and sketch/site plan (drawn to scale) must be submitted with the temporary use zoning permit application. It must describe the nature and scope of the temporary use and include provisions for adequate on-site parking (including parking for the handicapped in accordance with ADA requirements), public safety, fire safety, days and hours of operation, number of employees, structure locations, provisions for sewage or other waste disposal, ingress/egress to the property, refuse disposal, signage, lighting, bathroom facilities, vendor locations, seating areas, etc.
- ✓ Outdoor Retail Sales Events are allowed every weekend, including one 3-day event every 30 days.

Special Events

- ✓ A temporary zoning permit shall be required for special events that are planned for or which reasonably may be expected to attract more than 100 persons at any one time, and shall be issued for no more than two occasions and not more than 10 days on a specific property in any six month period.
- ✓ No such activity shall be located closer than 50 feet from the property line of a residential use, unless the owner of the residential use grants and files express written permission in a form that can be reviewed and validated by the zoning administrator.
- ✓ Project description narrative shall be submitted with the temporary use zoning permit application. It must describe the nature and scope of the special event and include adequate provisions for off-street parking, security, safe ingress and egress, refuse

disposal, sanitary facilities as appropriate and approved by the zoning administrator.

- ✓ Special events are permitted only between the hours of 7:00 a.m. and 12:00 midnight. The zoning administrator may require that no activity, including set-up or knockdown of any such use, be permitted between 12:00 midnight and 7:00 a.m.
- ✓ Night operations shall be permitted only if the zoning administrator determines that the proposed lighting protects the public safety and will not cause excessive glare into residential areas or onto public streets.
- ✓ Prior to issuance of a zoning permit, outdoor or music festivals must also obtain an Entertainment Permit from the County Administrator's office.
- ✓ Prior to issuance of a zoning permit, fireworks shows must also obtain a Fireworks Display Permit, which sets forth the days and hours of the show, from the County Administrator's office.

ORANGE COUNTY
DEPARTMENT OF PLANNING AND ZONING

COMMUNITY DEVELOPMENT BUILDING
128 WEST MAIN STREET
ORANGE, VIRGINIA 22960

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



APPLICATION FOR TEMPORARY USE ZONING PERMIT

Project: ** _____
(Name)

**** ATTACH PROJECT DESCRIPTION NARRATIVE AND SITE PLAN TO THIS APPLICATION.**

Temporary or Seasonal Sales Outdoor Retail Sales Event Special Event

Location: _____

Tax Map: _____ Property Zoning: _____

Applicant: _____
(Name) (Business Phone)

(Address)

(If not Landowner, letter of authorization to act as agent, or Authorized Agent Affidavit, must be attached)

Landowner: _____
(Name) (Business Phone)

(Address)

**** A COPY OF ALL PERMITS ISSUED MUST ACCOMPANY THIS APPLICATION****

VDOT Entrance Permit yes no N/A

Health Department Permit yes no N/A

Fireworks Display Permit yes no N/A

Entertainment Permit yes no N/A

Structures to be located on site: _____

Proposed Placement of Structure: (to be determined) (see attached)

Setback from R/W _____ Left Side Yard _____

Rear Yard _____ Right Side Yard _____

The following general statements shall apply to all events:

1. All projects shall conform to the standards and specifications and other criteria adopted by Orange County unless a variance has been granted in writing by this locality.
2. A Notice to Comply will be issued by the County for any violations of the plan as approved. Failure to comply within the time as specified on the notice may result in the issuance of a stop work order.
3. Any zoning permit issued for this project may be revoked should the locality determine that the project is not in compliance with the conditions of the approved plan.
4. A temporary zoning permit for temporary sales shall be valid for a period not to exceed 45 days, unless extended, and shall require that all structures and materials be removed within such time period.
5. Structures for temporary sales, which may include portable trailers, may not exceed 500 square feet in floor area and shall be setback a minimum of 35 feet from public roads.
6. Entrances and exits must be clearly delineated and located to provide safe ingress and egress from roads.
7. Special events shall be located no closer than 50 feet from the property line of a residential use, unless the owner of the residential use grants and files express written permission in a form that can be reviewed and validated by the zoning administrator.
8. Notwithstanding other regulations governing signs in the zoning ordinance, only one sign is permitted for each temporary use, which shall be displayed only during the period approved for the temporary use.

APPLICANT CERTIFICATION

I, _____, hereby certify that I fully understand the provisions of the Orange County Zoning Ordinance, and that I accept responsibility for carrying out the Site Plan as approved for the above referenced project.

I further grant the right-of-entry onto this property, as described above, to the designated personnel of Orange County for the purpose of inspecting and monitoring this development for compliance with the aforesaid Ordinance.

I certify that I have read and understand the above requirements of plan approval.

(Applicant Signature) _____
(Date)

OFFICE USE ONLY:

Date of submission: _____

Fee Paid: _____ (Amount) _____
(Date)

Permit Issuance _____ (Date) Permit Expiration _____ (Date)

INTER-AGENCY TRANSMISSION TO:

Check:	DATE:
_____ <u>Orange Office of Environmental Health</u> _____	_____
_____ <u>Virginia Department of Transportation</u> _____	_____
_____ <u>Orange Co. Building Inspections Office</u> _____	_____

NOTES:

**TEMPORARY USE ZONING PERMIT
PROPERTY OWNER AFFIDAVIT**

This _____ day of _____ , _____ ,
(Day) (Month) (Year)

I, _____ ,
(Owner)

owner of _____ give my permission to
(Describe land by address or Tax Map #)

_____ , to make application to the Orange County
(Applicant / Leasee)

Department of Planning and Zoning for a Temporary Use Zoning Permit.

(Owner)

COMMONWEALTH OF VIRGINIA)
)
County / City of _____)

Subscribed and sworn to before me this _____ day of _____ , 20 _____
in my County and State aforesaid, by the aforementioned Owner.

NOTARY PUBLIC

My Commission Expires: _____