

ORANGE COUNTY, VIRGINIA  
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ORDINANCE OF APPROVAL

MOTION: FRAME  
SECOND: GOODWIN

August 27, 2019  
Regular Meeting  
Ord. No. 190827 – PH1

RE: ORDINANCE APPROVING AMENDMENTS TO ARTICLE IV (DISTRICT REGULATIONS), SECTION 70 (ZONING), OF THE ORANGE COUNTY CODE OF ORDINANCES CONCERNING THE PLANNED DEVELOPMENT - MIXED USE (PDM) DISTRICT

**WHEREAS**, staff previously initiated Planning Commission action on amendments to Article IV (District Regulations), Section 70 (Zoning), of the Orange County Code of Ordinances concerning the Planned Development - Mixed Use (PDM) District; and

**WHEREAS**, staff 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 August 1, 2019; and

**WHEREAS**, after discussing the proposed text amendments, the Planning Commission recommended approval 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 August 27, 2019, to receive public comment; and

**WHEREAS**, following discussion at the Public Hearing, the Board of Supervisors hereby supports the proposed text amendments, as presented 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 27<sup>th</sup> day of August, 2019, that the Orange County Board of Supervisors hereby **approves** the proposed amendments to Article IV (District Regulations), Section 70 (Zoning), of the Orange County Code of Ordinances concerning the Planned Development - Mixed Use (PDM) District, as presented and attached.

**Votes:**

**Johnson: Aye**  
**White: Aye**  
**Goodwin: Aye**  
**Crozier: Aye**  
**Frame: Aye**

**Attachment: Adopted Amendments to the Orange County Code of Ordinances**

**For Information: Thomas E. Lacheney, County Attorney**  
**Sandra Thornton, Planning Services Manager**

**CERTIFIED COPY**



**Clerk to the Board of Supervisors**



## Amendments to the Orange County Code of Ordinances

As adopted in Ord. No. 190827 – PH1  
by the Orange County Board of Supervisors  
on August 28, 2019

### Chapter 70 - Zoning

#### Article IV - District Regulations

##### PLANNED DEVELOPMENT – MIXED USE (PDM)

###### **Sec. 70-567A. – Purpose and Intent.**

1. The Planned Development – Mixed Use district implements the policies, objectives, and purposes of the Comprehensive Plan, the Germanna-Wilderness Area Plan, and the Code of Virginia § 15.2-2283 by allowing for interrelated and compatible commercial, institutional, residential, and recreational uses within an interconnected pedestrian-oriented neighborhood.
2. The intent of this district is to permit flexibility and a focus on high-quality design for mixed-use developments which:
  - a) Provide a level of density and intensity in order to promote a dynamic and convenient neighborhood;
  - b) Exemplify traditional communities that are pedestrian-oriented and offer a variety of transportation, housing, commercial and recreational options;
  - c) Take a creative approach in preserving and protecting natural site features through innovative site planning and the use of low impact development (LID) principles for stormwater management, as may be permitted by the Virginia Department of Environmental Quality; and
  - d) Provide for the efficient use of land which preserves open space and limits impacts to surrounding properties.

**Sec. 70-567B. – Applicability.** Any property qualifying for a zoning map amendment to the PDM district shall be identified as being within the *Germanna-Wilderness Area* on the Future Land Use Map of the Comprehensive Plan.

###### **Sec. 70-567C. – Development plans.**

- (a) *Form.* Any PDM district shall be regulated by an overall development plan or master plan, as otherwise required as part of the zoning map amendment submittal requirements specified in Article II of this Chapter. Such plans shall be prepared by a licensed surveyor, engineer, or architect, and in addition to said submittal requirements shall also include:
  - (1) Design guidelines and generalized elevation drawings for the overall site;
  - (2) A circulation/transportation plan, including a transportation impact analysis (TIA);
  - (3) An open space and recreational facilities plan;
  - (4) A master signage plan;
  - (5) A generalized land use plan and list of proposed uses;
  - (6) A Landscaping plan; and
  - (7) A public utilities plan.
- (b) *Major Revisions.* Requests for major revisions to an approved PDM development plan shall follow procedural requirements for zoning map amendments. A major revision shall be characterized by all or any of the following:
  - (1) Significant changes in density;
  - (2) Substantial changes in vehicular circulation or access;
  - (3) Substantial changes in the types of land uses proposed;

- (4) Substantial changes in building design or site design; and
- (5) Any other change the Zoning Administrator determines is a major divergence from the approved development plan.
- (c) *Minor revisions.* All other changes to an approved PDM development plan shall be considered minor and may be administratively approved by the Zoning Administrator. Requests for minor revisions shall be in writing by the owner. If the Zoning Administrator denies such a request, the matter may be brought before the Board of Supervisors for a public hearing and decision to approve or deny.
- (d) *Implementation.* All properties for which a PDM development plan is approved shall be under common ownership ~~before construction may begin at the time of rezoning prior to the issuance of either a Land Disturbing Permit(s) or site plan approval.~~
- (e) *Alternative Form.* Any overall development plan or master plan for a PDM district may integrate or consolidate, remove, or modify any guidance or requirement as set forth herein, provided such alternative form supports and furthers the PDM district as set forth in Section 70-567A (Purpose and Intent), subject to the following:
  - (1) Such integration or consolidation, removal, or modification along with information supporting the alternative form shall be included as part of the zoning map amendment submittal requirements specified in Article II of this chapter.
  - (2) Sections 70-567(D)a, 70-567(e)(1), and 70-567 F (a)(d)(e) are not eligible for removal or modification.

**Sec. 70-567D. – Area Standards.**

- (a) *Minimum area required to establish a district:* Twenty (20) contiguous acres.
- (b) *Minimum area devoted to nonresidential development:* ~~Thirty (30) percent of the gross acreage of the site, or 100 acres, whichever is less. This area may include residential uses above the first floor nonresidential use(s). The site shall have a minimum area devoted to nonresidential development of between 10 percent (10%) and thirty percent (30%) of the gross project area.~~
- (c) *Maximum gross residential density:* Six (6) dwelling units per acre. A PDM district shall have at least two (2) different types of dwelling units, and no more than seventy (70) percent of the total number of units provided shall be any one type of dwelling unit.
- (d) *Minimum area devoted to common open space:* Twenty (20) percent of the gross acreage of the site.
- (e) *Open space criteria:*
  - (1) Open space ~~shall~~ may be in the form of plazas, squares, commons, recreational areas such as playgrounds, ballfields, trails, and bike paths, picnic areas, and natural/wooded areas.
  - (2) A minimum of eighty-five (85) percent of dwelling units shall be within one-thousand (1,000) feet of a usable, common open space area at least ten thousand (10,000) contiguous square feet in size.
  - (3) All common open space shall be protected by covenants and open space easements setting forth the provisions for its ownership and maintenance.
- (f) *Open space density bonuses:* For each additional five (5) percent of open space provided above the required minimum, the maximum gross residential density may be increased by two (2) dwelling units per acre. The maximum gross residential density shall not exceed twelve (12) dwelling units per acre.

**Sec. 70-567E. – General Site Layout Guidelines.**

- 1. *Neighborhood core:* The site shall have a neighborhood core, of between 10% and 30% of the gross project area, which includes a mix of commercial, residential, and open space uses.
- 2. *Mixing of uses:* Residential and nonresidential land uses ~~shall~~ must be sufficiently mixed horizontally across the project and vertically within buildings to facilitate a truly pedestrian-oriented environment. Multi-family and single-family attached housing shall

- generally be located closest to the core of the community and/or central commercial area.
3. *Access.* At least two access points to the project site shall be provided. All lots shall front on a public or private street or on a square or plaza. No residential use shall have direct access to any road outside of the district.
  4. *Alleys:* Alleys may be utilized to provide access to lots and shall be the preferred means of access for lots in residential areas in order to facilitate a street-front orientation for the structures.
  5. *Street criteria:*
    - a. Public and private streets may be provided, but all streets shall be designed in accordance with VDOT Secondary Street Acceptance Requirements unless it is determined by the Board of Supervisors at the time of zoning map amendment the public health, safety, and welfare would be better served otherwise.
    - b. The transportation system ~~shall~~ will be generally in the form of a grid of interconnected streets, alleys and paths, modified as necessary to accommodate topography and the extent of the project site. Roundabouts ~~shall be~~ are the preferred intersection design subject to VDOT regulations.
    - c. Cul-de-sacs or dead-end roads ~~shall~~ will not be permitted unless warranted by topographical or site design constraints, as determined by the Planning Director Zoning Administrator or designee.
    - d. Streets within and adjacent to the neighborhood core ~~shall~~ will utilize well-delineated crosswalks and bulb-outs or other similar facilities to minimize pedestrian crossing distances.
    - e. Motor vehicle circulation shall be designed to promote pedestrian and bicycle activity.
  6. *Sidewalk criteria:*
    - a. Sidewalks shall be provided on both sides of all streets within the project area unless the Planning Director Zoning Administrator determines that placing locating a sidewalk on only one (1) side of the street is reasonable for the specific development.
    - b. Sidewalks in residential and non-residential areas ~~and shall have a minimum width of four (4) feet~~ shall be designed to ensure pedestrian safety.
    - ~~c. Sidewalks shall have a minimum width of eight (8) feet within and adjacent to the neighborhood core, and shall be separated from the roadway by a planting strip and/or parking. Where outdoor restaurant seating or similar uses are provided on the sidewalk, sidewalks shall be a minimum of sixteen (16) feet in width. In no case shall the buffer between pedestrians and the roadway be less than five (5) feet VDOT standards.~~
    - d. Connections ~~shall~~ will be made to existing sidewalks if such facilities exist on adjacent properties, unless otherwise prohibited by VDOT regulations.
  7. *Landscaping:* Established as part of the development plan, and which shall will at least meet the intent of any landscaping requirements specified in Article V of this Chapter. Street trees ~~shall~~ will generally be planted throughout the neighborhood core and any other nonresidential or open space areas in order to form a canopy once the trees reach maturity. Tree species ~~shall~~ will be diversified as a precaution against blight and indigenous to the area.
  8. *Outdoor lighting criteria:* See the Exterior Lighting section of the Supplementary District Regulations section of this chapter.
  9. *Parking criteria:*
    - a. See the Supplementary District Regulations section of this Chapter (Sec. 70-671 et. seq.).
    - b. On-street parking may be used to satisfy residential and nonresidential parking requirements, and shall be provided on streets within and adjacent to the neighborhood core.

- c. Detached garages for single-family attached and detached dwellings shall be located only in the rear or side yard. Attached garages shall not extend beyond the front plane of the dwelling by more than six (6) feet.
10. *Signage criteria*: Established as part of the development plan.

**Sec. 70-567F. –Building Standards.**

- (a) *Maximum height*: Forty-five (45) feet, unless otherwise permitted via Special Exception or via Special Use Permit for telecommunications facilities.
- (b) *Minimum lot sizes and yards*: Established as part of the development plan. Build-to lines shall be utilized instead of traditional minimum setback distances or yard widths. In establishing these standards, the following principles shall be used:
  - (1) Fire and rescue access to any property shall not be impaired;
  - (2) Adequacy of light, air, privacy, and access to open space is sufficient for residential uses; and
  - (3) The safety and functionality of the transportation network is not hindered.
- (c) *Principal structures and uses*: Multiple principal uses and/or structures may be allowed on a lot. Where residential uses and nonresidential uses are within a single structure, the residential use(s) shall be considered accessory to the nonresidential use(s).
- (d) *Public utilities required*: Public water and wastewater services shall be required for all development in a PDM district.
- (e) *Underground utilities*: All utilities shall be placed underground.

**Sec. 70-568. - Reserved.**