

ORANGE COUNTY, VIRGINIA
BOARD OF SUPERVISORS

R. MARK JOHNSON, DISTRICT ONE
JAMES K. WHITE, DISTRICT TWO
KEITH F. MARSHALL, DISTRICT THREE
VACANT, DISTRICT FOUR
LEE H. FRAME, DISTRICT FIVE



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THEODORE L. VOORHEES
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orangecountyva.gov

MOTION: WHITE
SECOND: MARSHALL

July 11, 2023
Regular Meeting
Res. No. 230711 – 5B

RE: RESOLUTION TO RESCIND ZONING TEXT AMENDMENT (ZTA 23-03)

WHEREAS, on March 14, 2023, the Board of Supervisors adopted Res. No. 230314–8A initiating Planning Commission action on amendments to Sections 70-567C and 70-567F of the Orange County Zoning Ordinance, as attached, referred to as ZTA 23-03; and

WHEREAS, pursuant to Section 15.2-2285 (B) of the Code of Virginia, the Board of Supervisors may prescribe the time period during which the Planning Commission may review said proposed amendments; and

WHEREAS, the Board of Supervisors prescribed that the Planning Commission consider and act upon said proposed amendments within 30 days, as reflected in the attachment; and

WHEREAS, the Board of Supervisors did not conduct a public hearing on the reduction of the prescribed time to 30 days for the Planning Commission’s review, as required by Section 15.2-2285 (B) of the Code of Virginia; and

WHEREAS, the Board views the recommendation and approval of ZTA 23-03 to have been made contrary to the requirements of Virginia law and said adoption is therefore void;

NOW, THEREFORE, BE IT RESOLVED, on this 11th day of July, 2023, that the Orange County Board of Supervisors, pursuant to public necessity, convenience, general welfare, and/or good planning and zoning practice, declares ZTA 23-03, adopted on April 25, 2023, void and hereby rescinded.

Votes:

Johnson: Aye
White: Aye
Marshall: Aye
Frame: Aye

Attachment: Res. No. 230314–8A

For Information: Thomas Lacheney, County Attorney
Josh Frederick, Planning and Zoning Services Manager

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Clerk to the Board of Supervisors

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Res. No. 230711 – 5B



ORANGE COUNTY, VIRGINIA
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JAMES P. CROZIER, DISTRICT FOUR
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MOTION: CROZIER

March 14, 2023
Regular Meeting

SECOND: MARSHALL

Res. No. 230314 – 8A

RE: RESOLUTION TO INITIATE PLANNING COMMISSION ACTION ON ZONING
TEXT AMENDMENT (ZTA 23-03)

WHEREAS, pursuant to §15.2-2285 and §15.2-2286 of the Code of Virginia, the Orange County Zoning Ordinance may be amended by the Board of Supervisors after it has been reviewed by the Planning Commission; and

WHEREAS, pursuant to §15.2-2285(B) of the Code of Virginia, the Board of Supervisors may prescribe the time period during which the Planning Commission may review said proposed amendment; and

WHEREAS, the Board of Supervisors requests that the Planning Commission consider and act upon the proposed amendments to the Orange County Zoning Ordinance, as attached and referred to as ZTA 23-03;

NOW, THEREFORE, BE IT RESOLVED, on this 14th day of March, 2023, that the Orange County Board of Supervisors hereby initiates Planning Commission action on the proposed amendments to the Orange County Zoning Ordinance, as attached and referred to as ZTA 23-03, and further prescribes that the Planning Commission shall act upon said proposed amendments within thirty (30) days of the adoption of this Resolution, pursuant to §15.2-2285(B) of the Code of Virginia.

Votes:

Johnson: Aye
White: Aye
Marshall: Aye
Crozier: Aye
Frame: Aye

Attachment: Proposed Amendments to the Zoning Ordinance

For Information: Thomas Lacheney, County Attorney
Josh Frederick, Planning and Zoning Services Manager

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Clerk to the Board of Supervisors



Chapter 70 – Zoning

Article IV – District Regulations

Division 13 – Planned Development – Mixed Use (PDM)

Sec. 70-567A - Purpose and Intent

- (a) 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.
- (b) The intent of this district is to permit flexibility and a focus on high-quality design for mixed-use developments which:
- (1) Provide a level of density and intensity in order to promote a dynamic and convenient neighborhood;
 - (2) Exemplify traditional communities that are pedestrian-oriented and offer a variety of transportation, housing, commercial and recreational options;
 - (3) 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,
 - (4) Provide for the efficient use of land which preserves open space and limits impacts to surrounding properties.

(Ordinance of 08/27/2019)

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.

(Ordinance of 08/27/2019)

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 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 70-567D(a), 70-567E(e)(1), and 70-567F(a)(d)(e) are not eligible for removal or modification.
 - (3) Section 70-567F(a) is eligible for modification, but proposed heights above 45' will only be allowed for specifically identified and proffered uses.

(Ordinance of 08/27/2019)

Sec. 70-567D - Area Standards

- (a) Minimum area required to establish a district: Twenty (20) contiguous acres.
- (b) Minimum area devoted to nonresidential development: The site shall have a minimum area devoted to nonresidential development of between ten 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 percent (20%) of the gross acreage of the site.
- (e) Open space criteria:
- (1) Open space 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 percent (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 percent (5%) 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.

(Ordinance of 08/27/2019)

Sec. 70-567E - General Site Layout Guidelines

- (a) Neighborhood core. The site shall have a neighborhood core, of between ten percent (10%) and thirty percent (30%) of the gross project area, which includes a mix of commercial, residential, and open space uses.
- (b) Mixing of uses. Residential and nonresidential land uses 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.
- (c) Access. At least two access points to the project site will 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.
- (d) 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.
- (e) Street criteria.
 - (1) 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.
 - (2) The transportation system 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 are the preferred intersection design subject to VDOT regulations.
 - (3) Cul-de-sacs or dead-end roads will not be permitted unless warranted by topographical or site design constraints, as determined by the Zoning Administrator or designee.
 - (4) Streets within and adjacent to the neighborhood core will utilize well-delineated crosswalks and bulb-outs or other similar facilities to minimize pedestrian crossing distances.
 - (5) Motor vehicle circulation shall be designed to promote pedestrian and bicycle activity.
- (f) Sidewalk criteria.
 - (1) Sidewalks shall be provided on both sides of all streets within the project area unless the Zoning Administrator determines that locating a sidewalk on only one (1) side of the street is reasonable for the specific development.
 - (2) Sidewalks in residential and non-residential areas shall be designed to ensure pedestrian safety.
 - (3) Connections will be made to existing sidewalks if such facilities exist on adjacent properties, unless otherwise prohibited by VDOT regulations.
- (g) Landscaping. Established as part of the development plan, and will at least meet the intent of any landscaping requirements specified in Article V of this Chapter. Street trees 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 will be diversified and indigenous to the area.

- (h) Outdoor lighting criteria. See the Exterior Lighting section of the Supplementary District Regulations section of this chapter.
- (i) Parking criteria.
 - (1) See the Supplementary District Regulations section of this Chapter (Sec. 70-671 et. seq.).
 - (2) 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.
 - (3) 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.
- (j) Signage criteria. Established as part of the development plan.

(Ordinance of 08/27/2019)

Sec. 70-567F - Building Standards

- (a) Maximum height. Forty-five (45) feet, unless otherwise permitted via Special Exception, ~~a of~~ via Special Use Permit for telecommunications facilities, or as allowed in Sec. 70-567C.
- (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.

(Ordinance of 08/27/2019)