Call to Order, Pledge of Allegiance & Moment of Silence
Determine Presence of a Quorum/Adoption of Agenda
Public Hearing

A) **Case No. RZ-08-21-06:** Madison Land Holdings, LLC (Mr. Powell O’Bannon) have submitted an application to rezone a six (6) acre portion of a thirty-nine and one-tenth (39.1) acre parcel from R1 (limited residential) to M1 (limited industrial) with conditions. The applicant has submitted a proffer letter limiting the M1 zoned area exclusively to a “storage facility” (aka, mini-storage units) use. A conceptual Site Plan has been submitted with the application showing seven (7) mini-storage structures; two (2) structures measure 65’x 200’ and five (5) structures measure 65’ x 150’. If approved, an official Site Plan submittal would be required to be reviewed by the Planning Commission, and approved by the Board of Supervisors. The subject parcel, located on Fishback Road (Rt. 772), to-date does not have a postal address. The parcel is identified on Madison County’s Tax Maps as 40-20.

B) **Case No. OA-08-21-07:** Amending the zoning ordinance, specifically deleting/amending portions of article 14 (general provisions), 14-1-1, 14-1-2, 14-1-3, 14-1-4, 14-1-5, 14-2 and 14-2A. If approved, the result of the proposed amendments would be eliminating the requirement that a water source (i.e. a drilled well) be installed/completed prior to the issuance of a building permit.

C) **Case No. OA-08-21-08:** Amending the zoning ordinance, specifically deleting article 12-1-2 (types of signs), number 11 (political signs). If approved, regulations/restrictions for political signs would be removed from the zoning ordinance.

D) **Case No. OA-08-21-09:** Amending the zoning ordinance, specifically article 14-4 (standards for issuance of special use permits) and 14-4-2. If approved, these amendments would clarify conditional approvals of special use permits by the Planning Commission and Board of Supervisors.

E) Amendments/revisions to Chapter four (4), Article II, Outdoor Musical or Entertainment Ordinance of the Codes of Madison County, Virginia. The ordinance is proposed to be renamed as the “Temporary Events, Outdoor Musical or Entertainment Festivals and Fireworks or Pyrotechnical Displays” ordinance. Specific changes/revisions are proposed for sections 4-19 (purpose), 4-20 (definitions), 4-22 (violations), 4-23 (permit required), 4-24 (application generally), 4-26 (action on application), 4-27 (conditions precedent to granting), 4-28 (restrictions), 4-29 (revocation) and the addition of 4-30 (applications may be forwarded to Board...
of Supervisors). If approved, temporary events, musical/entertainment festivals and fireworks/pyrotechnical displays applications would be administratively approved by County staff. However, if deemed necessary by County staff, or by request of the Chair of the Board of Supervisors, applications may be forward to the Board of Supervisors for review and approval.

Old Business

New Business

1. Resolution: Opioid Litigation

Information/Correspondence

Public Comment

Closed Session

- (Personnel) 2.2-3711(A)(1)

Adjourn
MADISON COUNTY
ZONING REQUEST

☑ Zoning Permit ☐ Subdivision ☐ Family Subdivision ☐ Site Plan
☐ Boundary Line Adjustment ☐ Variance ☐ Special Use Permit ☐ Rezoning

Owner Name: Madison Land Holdings LLC (Mr. Powell O'Bannon)
Address: PO Box 1148
Phone Number: 540-729-2482
City: Culpeper
State: VA
Zip Code: 22701
Email: powell_obannon@culpepperwood.com

Applicant: ☐ Owner  ☑ Agent  ☐ Surveyor
Applicant Name: Mr. Powell O’Bannon
Address: PO Box 1148
Phone Number: 540-729-2482
City: Culpeper
State: VA
Zip Code: 22701
Email: powell_obannon@culpepperwood.com

Property Information
Location/Address of request: The property is located at/near the intersection of US 29 and Fishback Rd. Tax Map: 40-20
Zoning: R1 (limited residential) Lot Size: 39.11 acres
Setbacks: Front: N/A Sides: N/A Rear: N/A
Shrink-Swell Soils: ☐ Yes ☐ No ☐ Moderate ☐ Severe ☐ 24" Footing ☐ N/A
Floodplain on Parcel: ☐ Yes ☐ No Structure located in floodplain?: ☐ Yes ☐ No
Right-of-Way Created?: ☐ Yes ☐ No VDOT entrance permit obtained?: ☐ Yes ☐ No ☐ N/A
Number of lots served by right-of-way: 1

For ROW and entrance info contact Adam Moore @ VDOT Charlottesville Residency (434) 293-0011

Zoning Request Information
The owner/applicant of the described property hereby submits request as required by Article(s) 9-1-25 (moving & storage facility) of the Madison County zoning ordinance.

Purpose of Request: The applicant is requesting to rezone a six (6) acre portion of an existing 39.1 acre R1 zoned parcel to M1 (limited industrial).
The applicant has submitted a signed proffer statement limiting the subject six (6) acres to a storage facility (mini storage units).

Existing Acreage: 39.1 acres Acreage Covered by Request: 6.0 acres Proposed # of Lots: N/A
A Soil & Erosion plan is required for disturbing more than 10,000 sq. ft. Verify with E&S Program Administrator.

Is this request an amendment to an existing permit? If yes, provide type and number: N/A

Surveyor/Engineer Name: Sullivan, Donahoe & Ingalls
Phone Number: 540-898-5878

I hereby certify that I have the authority to make the foregoing application and that the information given is correct. This request will conform to all applicable state and county regulations, Madison County Zoning and Subdivision ordinances.

Signature of Owner or Agent

7/6/2021 Date

Office Use Only: ☐ Approved ☐ Denied

Ligon Webb County Planner
Date

April Clements Zoning Technician
Date

Have all necessary statements, plats, plans or other pertinent information been submitted: ☐ Yes ☐ No

Planning Commission: ☐ Approved ☐ Denied Date: Date:
Board of Supervisors: ☐ Approved ☐ Denied Date: Date:

Conditions, if any:

Payment Amount $2,000 Date: 7/6/2021 Payment Type: Check

410 N. Main St. * PO Box 1206 * Madison, VA 22727 * Phone (540) 948-6102
July 6, 2021

To: Ligon Webb, County Planner

From: Powell O’Bannon

RE: Limiting Proposed Six (6) Acre R1 to M1 Rezoning Request Exclusively to a Storage Facility (mini-storage units)

Mr. Webb –

I have applied to rezone a 6 (six) acre portion of an existing 39.1 acre parcel from R1 (limited residential) to M1 (limited industrial). A joint public hearing before the Planning Commission and Board of Supervisors is scheduled for Wednesday, August 4, 2021.

I hereby limit the by-right use(s) of the subject six (6) acre portion exclusively to a “storage facility” (mini-storage units); and therefore eliminate all other by-right uses from consideration. If the rezoning request is approved, I understand utilizing the subject 6 (six) acres for other by-right uses (i.e. all uses other than a storage facility) would require a rezoning request. Of course, all “special uses” would remain available via a special use permit request.

The subject property is identified on Madison County’s Tax Maps as 40-20 and is owned by Madison Land Holding LLC. The property does not currently have a postal address.

If approved, a Site Plan will subsequently be submitted in accordance to Madison County’s Site Plan Ordinance.

Regards,

[Signature]
July 15, 2021

Dear Neighbor,

You are hereby informed that Madison Land Holdings, LLC (Mr. Powell O’Bannon) has submitted an application to rezone a portion of a property. The submitted application has been reviewed by County staff and a public hearing is scheduled for an upcoming joint meeting of the Planning Commission and Board of Supervisors. This public hearing will take place on Wednesday, August 4th, 2021 at the Madison County Volunteer Fire Station located at 1223 North Main Street, Madison, Virginia. Notice of this hearing will be advertised in the Madison Eagle July 22nd and July 29th (advertisement attached); the text of this advertisement states the following:

Case No. RZ-08-21-06: Madison Land Holdings, LLC (Mr. Powell O’Bannon) have submitted an application to rezone a six (6) acre portion of a thirty-nine and one-tenth (39.1) acre parcel from R1 (limited residential) to M1 (limited industrial) with conditions. The applicant has submitted a proffer letter limiting the M1 zoned area exclusively to a “storage facility” (aka, mini-storage units) use. A conceptual Site Plan has been submitted with the application showing seven (7) mini-storage structures; two (2) structures measure 65’x 200’ and five (5) structures measure 65’ x 150’. If approved, an official Site Plan submittal would be required to be reviewed by the Planning Commission, and approved by the Board of Supervisors. The subject parcel, located on Fishback Road (Rt. 772), to-date does not have a postal address. The parcel is identified on Madison County’s Tax Maps as 40-20.

In addition, the Planning Commission will be holding a work session on Wednesday, July 21st, 2021 (6:30 p.m.) where this application will be discussed. Though this meeting is not a public hearing, you are invited to attend. This meeting will also be held at the Madison County General District Court (War Memorial Building), 2 South Main Street, Madison, Virginia.

If you have any question, concerns or comments you are encouraged to attend the joint public hearing or work session. Also, please feel free to contact me at the number (or email) below for assistance.

Sincerely,
Mr. Ligon Webb
County Planner
(540) 948-7513
lwebb@madisonco.virginia.gov
July 15, 2021

Updated: July 28, 2021

To: Planning Commission

From: Ligon Webb, County Planner

RE: Request to rezone a six (6) acre portion of a thirty-nine and one-tenth (39.1) acre parcel from R1 (limited residential) to M1-C (limited industrial with conditions).

Background – On behalf of Madison Holdings, LLC, Mr. Powell O’Bannon has submitted a rezoning request to rezone a six (6) acre portion of a R1 (limited residential) zoned parcel to M1 (limited industrial) with conditions. Through submitted proffers, if approved, the applicant has limited the potential use of the property exclusively to a “storage facility” (mini-storage units); all other by-right M1 uses have therefore voluntarily been removed. In order to utilize the property for (other) by-right uses in the M1 zoning district, the applicant would be required to amend the proffers via a public hearing. A map showing the proposed area to be rezoned is attached to a subsequent page (see Exhibit A), as is a conceptual Site Plan for the development of mini-storage units is attached too (see Exhibit B). In total, the conceptual Site Plan is showing seven (7) total mini-storage structures containing an aggregate “under roof” square footage of roughly 74,750 square feet.

Each structure would a single story and contain individual storage units. These units would vary in size. Sizes of individual unit would be 10’ x 10’, 5’ x 10’ and 10’ x 20’. Other larger size units could be accommodated as well, depending on the needs of the customer. At build-out, the County Planner estimates the total number of individual units could range between 600 – 800 units.

The proposed mini-storage unit development would contain an office area and a bathroom.
Location & Access - The parcel is roughly thirty-nine and one-tenth (39.1) acres and is located near the intersection of N. Seminole Trail (Rt. 29) and Fishback Road (Rt. 722). The applicant is proposing to construct a road to the proposed mini-storage site. Initially, the internal road is proposed to be a graded and graveled road; an engineered plan would be required to be submitted to the Erosion and Sediment Control Program Administrator. The applicant would improve the internal road (asphalt) as this subject portion of the parcel is built-out. Improvements to this internal road could be reviewed and evaluated by County staff, the Planning Commission and Board of Supervisors during the Site Plan(s) submittal process.

As shown on the attached visual (Exhibit A), the area of the proposed site’s entrance/exit contains good site distance. On Fishback Road the County Planner estimates to the north (toward N. Seminole Trail) contains slightly over six-hundred feet (600’) of sight distance, and to the south over two-thousand feet (2,000’) of sight distance.

In 2017, VDOT traffic counts estimated this section of Fishback Road (between Restoration Lane and Oak Park Road) had an AADT (Annual Average Daily Traffic) of 1,200 vehicle trips per day. This number (1,200 AADT) appears to be well within the design capacity for this section of Fishback Road.

Summary of VDOT Comments – On Tuesday, July 27th, 2021 the County Planner participated in a conference call with VDOT officials, Adam Moore (Assistant Resident Engineer) and Willis Bedsaul (Senior Right-of-Way Agent) to discuss the proposed rezoning. A summary of this conversation is as follows:

*Once the County receives official Site Plan submittal(s), a copy will be forwarded to VDOT for review and comments, and at that time VDOT will determine entrance requirements (and design) based upon anticipated traffic volumes. Generally speaking, mini-storage units generate low traffic volumes. However, it appears VDOT will require/recommend that the proposed entrance (regardless of design) be paved.*
Visuals –

Looking South on Fishback Road
Looking North on Fishback Road
Recommendation – Approval

July 28, 2021

The six (6) acre portion of the subject parcel proposed to be rezoned adjoins N. Seminole Trail and would be located over 600 feet from Fishback Road. The visuals impacts are expected to be minimal and (even) once the site is completely built-out, traffic impacts on adjacent and adjoining roads will likely be minimal. In addition, the submitted proffers limit the by-right M1 (industrial) uses of the property exclusively to mini-storage units.

The County’s Comprehensive Plan designates the rezoning request’s area as an appropriate place for future residential growth, and the subject site is (currently) zoned R1 (limited residential). However, though rezoning this area would reduce the supply of land identified for potential residential growth, six (6) acres is relatively negligible and ample nearby land for future residential growth exists. Rezoning the subject six (6) acres in order to develop mini-storage units is not expected to negatively impact the surrounding area.

Lastly, if approved the applicant would be required to submit a Site Plan(s) which would be reviewed by County staff, VDOT, the Planning Commission and Board of Supervisors. During the Site Plan review process, details regarding the entrance, internal road design and road surfacing can be determined.
Madison Holdings, LLC: Request to Rezone Six (6) Acres from R1 (limited residential) to M1-C (limited industrial with conditions)

Exhibit A

Area of Tax Map 40-20 requested to be rezoned from R1 to M1-C
Hello Adam & Willis – Attached you will see a marked up survey showing a six (6) acre portion of a 39.1 acre parcel which is proposed to be rezoned here in Madison County. The rezoning is scheduled for a joint public hearing before the Planning Commission and Board of Supervisors on Wednesday, August 4th, 2021.

The parcel is identified on Madison County’s Tax Maps as 40-20. The applicant, Madison Holding, LLC, is proposing to rezone a portion of the parcel from R1 (limited residential) to M1 (limited industrial) with conditions. The proposal is to develop seven (7) mini-storage structures. At build out, I estimate the site could potentially contain 600 – 800 individual storage units varying in size; if approved as shown, a total of 74,750 square feet would be “under roof”.

The applicant is proposing to obviously access the property from Fishback Road (Rt. 722) via a graded and graveled road to the site. I am working with the applicant to develop a list of proffers for the proposal, but at this juncture the access road will be graveled, and eventually paved as the balance of the parcel is built out, not sure of the timing as of yet.

You will notice from the conceptual plan, the applicant would like to eventually develop other portions of the property too (apartments, commercial pad site), but for now the only concrete proposal before the County is the mini-storage units. So, at this juncture I am just evaluating the mini-storage unit and its potential impacts on traffic on Fishback Road.

Of course, if approved the applicant would be required to submit a detailed Site Plan which would be reviewed by the Planning Commission, and approved by the Board of Supervisors. As has been in case the past, this might be the better time (when we have an official Site Plan) to provide specific recommendations concerning access and entrance design.

However, please provide any comment that you wish for the County to consider as this proposal is evaluated. Thanks again for your attention to this, regards – Ligon

Ligon Webb
County Planner
Madison County
414 N. Main Street
Madison, VA 22727
(540) 478-2240 (Cell)
July 20, 2021

Madison County Zoning
Attn: Ligon Webb
P.O. Box 1206
Madison, Virginia 22727-1206

Re: (T.M. #40-20) Madison Holdings, LLC- Rezoning request
Rte. (Route 722 Fishback Road) Madison County, VA

Dear Mr. Webb:

The Department of Transportation, Charlottesville Residency Transportation and Land Use Section has reviewed the Conceptual Development Plan for the above-referenced parcel dated May 12, 2021 as prepared by Sullivan, Donahoe & Ingalls, and offer the following comment.

1. A site plan will be required for the proposed entrance onto Fishback Road, Route 722; please note that the final site plan must show conformance with the VDOT Road Design Manual Appendices B(1) and F, as well as any other applicable standards, regulations or other requirements.
2. At this time no analysis of the signal at Route 29 has been completed, so we cannot advise the County to the transportation impacts.

If you have further questions, please contact Willis Bedsaul at (434) 422-9866.

Sincerely,

Adam J. Moore, P.E.
Area Land Use Engineer
VDOT - Charlottesville Residency
June 10, 2021

Updated: July 28, 2021

To: Planning Commission, Board of Supervisors

From: Ligon Webb, County Planner

RE: Removing requirement for a drilled well prior to issuance of a building permit & amending/removing other sections of sections 14-1 – 14-2 of the zoning ordinance

For many years in Madison County prior to the issuance of a building permit for a dwelling the zoning ordinance has required a drilled well (well log) be established.

The well log is produced by the well driller and it (well log) confirms the well’s depth and flow rates; the well log is then submitted to the Health Department and to the County’s Building /Zoning Office; once this well log has been established, a building permit will be issued.

Madison County’s requirement that a well be drilled prior to the issuance of a building permit is an anomaly when compared to other jurisdictions. The County Planner and County Building Official are supportive of amending this portion of the zoning ordinance in order to align Madison County with other jurisdictions.

Red = Text proposed to be removed/deleted

Bold = Text proposed to be added/changed

Article 14

General Provisions

14-1    Building Permits

14-1-1 Building permits shall be obtained from the Madison County Building Office. No building permit shall be issued for a structure on land that does not comply with
Madison County zoning, subdivision, site plan, soil erosion and floodplain ordinances. No building permit shall be issued until a zoning permit has been issued by the Madison County Zoning Office provided a zoning permit is required. No building permit for a structure with water and/or sewer facilities shall be issued until applicant obtains written approval from the Madison County Health Department. Each lot shall have (a) one (1) approved sewage disposal system or connection, or (b) one (1) approved drainfield area and one (1) approved reserve drainfield area equal in size to that of the approved drainfield area (100% reserve). No building permit for a structure which will use a well as a water source shall be issued until the well is drilled and produces water. No building permit for a structure on a lot or parcel of land with access by a private road shall be issued until the private road is built. No building permit for a structure on a lot or parcel of land with access by a public road shall be issued until the public road is accepted by the Virginia Department of Transportation or until the applicant has posted a bond or line of credit approved by the Board of Supervisors as security for the construction of the public road. The applicant for a building permit shall obtain all required approvals and shall pay the costs of such approvals.

If a structure requires the permanent or temporary hookup of one or more public utilities, the utilities may not be made operational to the structure until a valid building permit or certification of occupancy for the structure is shown to a utility representative responsible for authorizing the start-up service.

14-1-2 Application for building permits, upon approval or denial by the Building Official, may be appealed to the Building Code Board of Appeals.

Staff Comment: Article 14-1-2 should be changed in order to reflect actual (legal) process; replace “Building Inspector” with “Building Official”, and replace “Board of Zoning Appeals” with “Building Code Board of Appeal”

14-1-3 Any person making application for a building permit shall pay the County Treasurer a fee as indicated on the Fee/Refund Schedule as adopted by resolution of the Madison County Board of Supervisors. Building permits shall be required for any construction, reconstruction, alteration or enlargement of a building. For storage building exceptions, refer to the current Virginia Uniform Statewide Building Code.

Staff Comment: Building Codes are adopted at the state level and chapter eight (8) of the County’s code deals specifically with building regulations. The County’s Building Official recommends deleting all references or requirements related to the Virginia Uniform Statewide Building Code. Therefore, sections 14-1-3 and 14-1-5 through 14-2 (A – G) are recommended to be removed from the zoning ordinance.
14-1-4  **Zoning permits** will be issued for a term of one (1) year. In the event work specified on the permit is not completed prior to the expiration of the term of the permit, a new building permit subject to the Fee/Refund Schedule will be required.

**Staff Comment:** In article 14-1-4 replace “building permits” with “zoning permits”.

14-1-5  Upon issuance of a building permit for a swimming pool, the owner must comply with the current Virginia Uniform Statewide Building Code.

14-2  **Certificate of Occupancy**

Structures may be used or occupied only after a certificate of occupancy has been issued by the Building Inspector. A similar certificate shall be issued for the purpose of maintaining, renewing, changing or extending a nonconforming use. A certificate of occupancy either for the whole or a part of a building shall be applied for simultaneously with the application for a building permit. A certificate of occupancy shall be issued after the erection or structural alteration of such building or part has conformed to the appropriate Building Code(s) and with the provisions of this ordinance, as certified by the Building Inspector, and after the water, septic and electric systems are complete and the dwelling is structurally safe. A certificate of occupancy shall not be issued for a manufactured home unless the home has a HUD inspection label displayed thereon.

14-2A  **Adoption of Building Code Books**

Inspector shall make inspections in accordance with the standards specified in the following building code books which are adopted and incorporated herein:

(A) Current Virginia Uniform Statewide Building Code.
(B) Current Virginia Plumbing Code (VPC).
(C) Current Virginia Mechanical Code (VMC).
(D) Current National Electric Code (NEC).
(E) Current Virginia Fuel Gas Code (VFGC).
(F) Current Virginia Energy Conservation Code (VECC).
(G) Current Virginia Residential Code for One-and-Two Family Dwellings (VRC).

**Staff Comment:** Articles 14-1-5 through 14-2A are part of the Virginia Uniform Residential Building Code (“state building code”), and the state code has been amended since this portion
of the County code was adopted, the Building Official does not think it’s necessary to include this language in the zoning ordinance.

**Potential Motion:** If in agreement regarding the amendments as presented a motion could be as follows:

*I make a motion to amend article 14 of Madison County’s zoning ordinance, specifically amending and deleting texts as presented in articles 14-1-1, 14-1-2 and 14-1-4; and deleting all text in articles 14-1-3, 14-1-5 and 14-2.*
July 28, 2021

Below is a “clean copy” of the amended article 14 of the zoning ordinance (Article 14-1 through Article 14-2A) if approved as presented.

Article 14

General Provisions

14-1 Building Permits

14-1-1 Building permits shall be obtained from the Madison County Building Office. No building permit shall be issued for a structure on land that does not comply with Madison County zoning, subdivision, site plan, soil erosion and floodplain ordinances. No building permit shall be issued until a zoning permit has been issued by the Madison County Zoning Office provided a zoning permit is required. Each lot shall have (a) one (1) approved sewage disposal system or connection, or (b) one (1) approved drainfield area and one (1) approved reserve drainfield area equal in size to that of the approved drainfield area (100% reserve). No building permit for a structure on a lot or parcel of land with access by a private road shall be issued until the private road is built. No building permit for a structure on a lot or parcel of land with access by a public road shall be issued until the public road is accepted by the Virginia Department of Transportation or until the applicant has posted a bond or line of credit approved by the Board of Supervisors as security for the construction of the public road. The applicant for a building permit shall obtain all required approvals and shall pay the costs of such approvals.

If a structure requires the permanent or temporary hookup of one or more public utilities, the utilities may not be made operational to the structure until a valid building permit or certification of occupancy for the structure is shown to a utility representative responsible for authorizing the start-up service.

14-1-2 Application for building permits, upon approval or denial by the Building Official, may be appealed to the Building Code Board of Appeals.

14-1-3 Deleted

14-1-4 Zoning permits will be issued for a term of one (1) year. In the event work specified on the permit is not completed prior to the expiration of the term of the permit, a new building permit subject to the Fee/Refund Schedule will be required.

14-1-5 Deleted

14-2 Deleted

14-2A Deleted
June 10, 2021

Updated: July 28, 2021

To: Planning Commission, Board of Supervisors

RE: Amendments to sections 12-1-2 (Political Signs), 14-4 (Standards for issuance of special use permits) & 14-4-2 (Board of Supervisors, Special Use Permits)

For several months the Planning Commission has worked to clarifying zoning ordinance language regarding political signage and the conditional approval of special use permits. The County Planner recommends publically advertising for the proposed amendments for a July joint public hearing between the Planning Commission and Board of Supervisors.

Red = Text proposed to be removed/deleted

Bold = Text proposed to be changed/added

The exiting code sections are as follows:

12-1-2 Definitions of types and categories of signs regulated by this Article are listed below:

11. Political Sign: A temporary sign, not illuminated, forty (40) square feet or less in area, presenting a candidate or issue, subject to Federal, State or local government plebiscite. Such sign may not be erected more than five (5) months prior to the date of the voting and shall be removed within one (1) month after the date of voting.

Proposed Amendment:

12-1-2 Definitions of types and categories of signs regulated by this Article are listed below:
Staff Comment: The Gilbert v. Town of Reed Supreme Court decision confirmed that local government regulations of signs specifically based on the signs “communicative content” is unconstitutional. Simply put, political signs can’t be regulated any differently than nonpolitical signs. The County Planner believes eliminating political sign regulations altogether from the County’s zoning ordinance is the most appropriate action.

14-4 Standards for issuance of special use permits

Special Use Permits shall be issued by the Board of Supervisors after recommendation from the Planning Commission. Special Use Permits shall comply with terms, purpose and intent of this ordinance, in the districts in which such permits are permitted. Special Use permits may be issued for uses that are in harmony with the purpose and intent of the Madison County Zoning Ordinance. The Commission may attach conditions to such permits. A Special Use Permit shall not be required for any brief activity(ies) in a given Zoning District that is/are (1) consistent with the “by right” or “special use” activities permitted in that District, and (2) conducted for no more than a cumulative fifteen (15) days in any calendar year.

Proposed Amendment:

14-4 Standards for issuance of special use permits

Special Use Permits shall be issued by the Board of Supervisors following consideration by the Planning Commission and the Board of Supervisors of applications for such permits. Special Use Permits must comply and be in harmony with the terms, purposes, and intent of this Zoning Ordinance as it applies to the relevant Zoning District. In acting upon applications for special use permits, the Planning Commission and the Board of Supervisors respectively may recommend/impose conditions to such permits. For special uses which require approval of the Madison County Health Department and/or the Virginia Department of Transportation, such approvals, or evidence of action by the applicant to obtain such approvals, shall be part of application presented to the Planning Commission and the Board of Supervisors. The Planning Commission may conditionally recommend, and the Board of Supervisors may conditionally approve, special use permit applications prior to their receiving Health Department and/or VDOT approval, but a conditionally approved special use

11. Deleted
permit will not become effective until written proof of such approval(s) is submitted to and accepted in writing by the Madison County Zoning Administrator. A Special Use Permit shall not be required for any brief activity(ies) in a given Zoning District that is/are (1) consistent with the “by right” or “special use” activities permitted in that District, and (2) conducted for no more than a cumulative fifteen (15) days in any calendar year.

Staff Comment: The County Planner believes this is an appropriate amendment and provides clarity regarding conditional approval of SUPs.

14-4-2 The Board of Supervisors may grant, conditionally, the application for the special use permit, when in its judgment such special use permit application complies with the following standards.

Proposed Amendment:

14-4-2 The Board of Supervisors, following recommendation by the Planning Commission, may grant, conditionally, the application for the special use permit, when in its judgment such special use permit application complies with the following standards:

Staff Comment: The County Planner believes this is an appropriate amendment and provides clarity regarding conditional approval of SUPs.

Potential Motion: If in agreement regarding the amendments as presented a motion could be as follows:

I make a motion to amend Madison County’s zoning ordinance, specifically deleting article 12-1-2, number eleven (11) political signs, and amending texts as presented in articles 14-4 and 14-4-2 regarding the issuances of special use permits.
PUBLIC NOTICE

Notice is hereby given that Madison County’s Board of Supervisors will hold a public hearing at the Madison County Volunteer Fire Station located at 1223 N. Main Street, Madison, Virginia on Wednesday, August 4th, 2021 at 7:00 p.m. to act on amendments/revisions to Chapter four (4), Article II, Outdoor Musical or Entertainment Ordinance of the Codes of Madison County, Virginia. The ordinance is proposed to be renamed as the “Temporary Events, Outdoor Musical or Entertainment Festivals and Fireworks or Pyrotechnical Displays” ordinance. Specific changes/revisions are proposed for sections 4-19 (purpose), 4-20 (definitions), 4-22 (violations), 4-23 (permit required), 4-24 (application generally), 4-26 (action on application), 4-27 (conditions precedent to granting), 4-28 (restrictions), 4-29 (revocation) and the addition of 4-30 (applications may be forwarded to Board of Supervisors). If approved, temporary events, musical/entertainment festivals and fireworks/pyrotechnical displays applications would be administratively approved by County staff. However, if deemed necessary by County staff, or by request of the Chair of the Board of Supervisors, applications may be forward to the Board of Supervisors for review and approval.

The public is invited to attend the hearing and comment. Written comments may be submitted prior to the meeting; written comments received prior to 1 p.m. on Friday, July 30th will be placed into the official staff packet and distributed to the Board of Supervisor and the public prior to the meeting. The meeting will also be streamed live on the County’s Official YouTube channel. Copies of the County’s ordinances and documents related to these hearings are available for review. The documents can be viewed in person at Madison County’s Building & Zoning Office, 410 North Main Street, Madison, VA 22727; documents can be inspected Monday through Friday from 8:30 a.m. to 4:30 p.m. In addition, document/reports related to this code amendment can be viewed by going to the following web address: www.madisonco.virginia.gov/zoning (bottom of page). Comments or questions can be sent via email to lwebb@madisonco.virginia.gov or by calling 540-948-7513.

Ligon Webb, County Planner
Because the chapter and articles proposed to be amended are not codified in the County’s zoning ordinance, the public hearing for these amendments will only be before the Board of Supervisors for consideration.

Below are the proposed changes (section by section) to the exiting Outdoor Musical or Entertainment Festivals Ordinance

**Bold Texts** are additions and/or changes to existing ordinance

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Chapter 4 - AMUSEMENTS AND ENTERTAINMENT

ARTICLE I. - IN GENERAL

Secs. 4-1—4-18. - Reserved.

ARTICLE II. – TEMPORARY EVENTS, OUTDOOR MUSICAL OR ENTERTAINMENT FESTIVALS AND FIREWORKS OR PYROTECHNICAL DISPLAYS

Sec. 4-19. - Purpose.

This article is enacted pursuant to Code of Virginia, § 15.2-1200 for the purpose of providing necessary regulation for the conduct of musical or entertainment festivals, temporary events and fireworks or pyrotechnical displays in the interest of the public health, safety and welfare of the citizens and residents of the County.

Sec. 4-20. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
Musical or entertainment festival means any gathering of individuals, open to the public, with or without admission charge, for the purpose of listening to or participating in entertainment which consists primarily of musical renditions conducted in open spaces not within an enclosed structure.

Temporary Event means a commercial/fee based event open to the general public located on private property where an admission/registration/hosting fee is collected prior to, or during, the event. Temporary events are occasions and/or gatherings organized for a particular purpose. Events include, but are not limited to, motor sport activities, musical or entertainment festivals, arts/crafts shows, carnivals, circuses, fairs, seasonal festivals, agritourism activities with over five-hundred (500) attendees, weddings, reunions and similar cultural or live entertainment events. Temporary events are classified into two types: Category one (1) Temporary Events and Category (2) Temporary Events.

Exempt Events means events that are exempt from Temporary Event requirements. Exempt Events shall include: any commercial/fee based events on private property with less than five-hundred (500) total attendees, private noncommercial events/gatherings conducted on private property, County Fairs, County sponsored musical events, gatherings and/or festivals, school sporting events, school recreational or music events, political gatherings, religious gatherings and event/venue enterprises or agritourism activities (e.g. wineries and breweries) hosting an event with fewer than five-hundred (500) total attendees.

Category One (1) Temporary Event means any event which is neither an otherwise permitted use, nor an exempt event, for which an admissions/registration/hosting fee is charged, and/or where goods and services are sold. These events are projected to have a minimum of five-hundred (500) total daily attendees, or more, but less than one-thousand (1,000) total daily attendees at any time during the event. Such events shall be required to file a completed Festival or Event Permit Application with the County’s Zoning Administrator a minimum of fourteen (14) days prior to the date of the event.

Category two (2) Temporary Event means any event which is neither an otherwise permitted use, nor an exempt event, for which an admissions/registration/hosting fee is charged, and/or at where goods and services are sold. These events are projected to have a minimum of 1,000 total daily attendees, or more. Category two (2) events shall be required to file a completed Festival or Event Permit Application with the County Administrator a minimum of thirty (30) days prior to the proposed Temporary Event.
**Fireworks or Pyrotechnical Displays** means a public or private display of fireworks or pyrotechnics requiring the operator(s) of said displays to adhere to the Virginia Statewide Fire Prevention Code; such firework or pyrotechnical displays shall complete/file a Fireworks or Pyrotechnical Application with the Zoning Administrator a minimum of ten (10) days before a firework or pyrotechnical display.

Sec. 4-21. - Construction.

The provisions of this article shall be liberally construed in order to effectively carry out the purposes of this article in the interest of the public health, welfare and safety of the citizens and residents of the County.

Sec. 4-22. - Violations.

Violations of this ordinance may result in a suit being brought against the alleged violator(s) by the Board of Supervisors in the Circuit Court of the County to restrain, enjoin or otherwise prevent current, or future, violations of this article.

Sec. 4-23. – Approved application required.

Unless an Exempt Event, no person shall stage, promote, or conduct any temporary event, music or entertainment festival, or fireworks or pyrotechnical display, as defined, in the unincorporated areas of the County and not on lands owned by the County, the County School Board, the County Parks and Recreation Authority, the State, or the United States of America. For Category one (1) Temporary Events, fourteen (14) days prior to the event’s date a Festival and Event Permit Application shall be completed, filed and approved by the Zoning Administrator; and for Category two (2) Temporary Events, thirty (30) days prior to the event’s date a Festival and Event Permit Application shall be completed, filed and approved by the County Administrator. For a fireworks and/or pyrotechnical display ten (10) days prior to the display’s date a Fireworks or Pyrotechnical Display Application shall be completed, filed and approved by the County’s Zoning Administrator.

Sec. 4-24. - Application generally.

Temporary Events requiring a Festival or Event Permit Application, and Fireworks or Pyrotechnical displays requiring a Fireworks or Pyrotechnical Display Application shall do so in writing, on forms provided for such
purposes, and completed and filed with the County’s Zoning Administrator or County Administrator, as set forth in section 4-23 of this ordinance.

Sec. 4-25. - Applicant to furnish right of entry.

No permit shall be issued under this article unless the applicant shall furnish to the board written permission for the board, its lawful agents and duly constituted law enforcement officers to go upon the property at any time and make an inspection for the purpose of determining compliance with the provisions of this article.

Sec. 4-26. - Action on application; granting or denial of applications.

The Zoning Administrator or County Administrator shall act on temporary event applications a minimum of seven (7) days prior to a proposed category one (1) temporary event, and a minimum of fourteen (14) days prior to a proposed category two (2) temporary event. The Zoning Administrator shall act on fireworks or pyrotechnical display applications a minimum of five (5) days prior to a proposed firework or pyrotechnical display. An application may be approved with specific conditions deemed necessary and proper to promote the public health, safety and general welfare, including, but not limited to, the posting of a bond by the applicant in an amount established by the Zoning Administrator or County Administrator to ensure compliance with this article, cleaning of the premises used so as to restore said premises to the same condition as they existed prior to the event or festival, and to ensure payment of any and all damages and legitimate nuisance claims which might arise from the conduct of said event or festival. If granted, the permit shall be issued in writing, on a form for the purpose, and electronically mailed by the Zoning Administrator or County Administrator to the applicant at the address indicated. If denied, the denial shall be in writing and the reasons for such denial stated therein, and electronically mailed by the Zoning Administrator or County Administrator to the applicant at the address indicated; this shall be done so on or before the required notice stated in this section.

Sec. 4-27. - Conditions precedent to granting of Festival or Temporary Event Applications; plans, statements, approvals, etc., to accompany application of permit.

No Festival or Temporary Event Application shall be issued under this article unless the following conditions are satisfactorily met and the following plans, statements and approvals are submitted to the Zoning Administrator, or County
Administrator. Applications for a Festival or Event Permit shall include the following:

Name of Event

Type of Event

Date/Dates of Event

Time/Times of Event

Location where Event is to be held (911 Address and Tax Map Number)

Name of organization/promoter(s)

Address of organization/promoter(s)

Name of Property Owner(s)

Name and addresses of person/organization financially responsible for event

List of names of all performance or groups who will perform at event (if any)

Estimated duration/time of live performances

Maximum number of tickets/registrations offered for sale (attach copy of the ticket, badge or promotional flyer to application)

Number of anticipated attendees

Will temporary short-term lodging be offered

Proof of liability insurance

A plan for adequate sanitation facilities and garbage, trash and sewage disposal for persons at the event

A plan for providing food, water and lodging for persons at the event

A plan for providing adequate medical facilities for persons at the event

A parking and traffic management plan to ensure adequate parking and traffic control at the event
An adequate site plan sketch showing the following: outdoor lighting, location of outdoor camping, proposed method of water supply, location of toilets/sanitation, and the proposed location of parking, entrances and exists to the event.

Sec. 4-28. - Restrictions as to music and entertainment.

No music or entertainment shall be provided between the hours of 12:00 a.m. and 10:00 a.m.

Sec. 4-29. - Revocation.

The Zoning Administrator or County Administrator shall have the right to revoke any permit issued under this article upon noncompliance with any of the provisions and conditions of the permit or the provisions of this article.

Sec. 4-30. – Applications may be forwarded to Board of Supervisors for review and approval.

As deemed necessary by the Zoning Administrator or County Administrator an application for a temporary event, festival and/or fireworks or pyrotechnical display may forward to the Board of Supervisors for review, approval, approval with modifications or denial. At the request of the Chair of the Board of Supervisors, an application shall be forwarded for review, approval with modification or denial by the Board of Supervisors.

Potential Motion: If in agreement regarding the amendments as presented a motion could be as follows:

I make a motion to amend Chapter Four (4) amusements and entertainment ordinance of the Code of Ordinances of Madison County, specifically amending and adding texts as presented in article II, section 4-19 (purpose), section 4-20 (definitions), section 4-22 (violations), sections 4-23 (approved application required), section 4-24 (application generally), section 4-26 (action on application; denial of applications), section 4-27 (conditions), section 4-28 (restrictions), section 4-29 (revocation) and section 4-30 (applications may be forwarded to the Board of Supervisors for review and approval).
Chapter 4 - AMUSEMENTS AND ENTERTAINMENT

ARTICLE I. - IN GENERAL

Secs. 4-1—4-18. - Reserved.

ARTICLE II. – TEMPORARY EVENTS, OUTDOOR MUSICAL OR ENTERTAINMENT FESTIVALS AND FIREWORKS OR PYROTECHNICAL DISPLAYS

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fairs, seasonal festivals, agritourism activities with over five-hundred (500) attendees, weddings, reunions and similar cultural or live entertainment events. Temporary events are classified into two types: Category one (1) Temporary Events and Category (2) Temporary Events.

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Category two (2) Temporary Event means any event which is neither an otherwise permitted use, nor an exempt event, for which an admissions/registration/hosting fee is charged, and/or at where goods and services are sold. These events are projected to have a minimum of 1,000 total daily attendees, or more. Category two (2) events shall be required to file a completed Festival or Event Permit Application with the County Administrator a minimum of thirty (30) days prior to the proposed Temporary Event.

Fireworks or Pyrotechnical Displays means a public or private display of fireworks or pyrotechnics requiring the operator(s) of said displays to adhere to the Virginia Statewide Fire Prevention Code; such firework or pyrotechnical displays shall complete/file a Fireworks or Pyrotechnical Application with the Zoning Administrator a minimum of ten (10) days before a firework or pyrotechnical display.

Sec. 4-21. - Construction.

The provisions of this article shall be liberally construed in order to effectively carry out the purposes of this article in the interest of the public health, welfare and safety of the citizens and residents of the County.
Sec. 4-22. - Violations.

Violations of this ordinance may result in a suit being brought against the alleged violator(s) by the Board of Supervisors in the Circuit Court of the County to restrain, enjoin or otherwise prevent current, or future, violations of this article.

Sec. 4-23. – Approved application required.

Unless an Exempt Event, no person shall stage, promote, or conduct any temporary event, music or entertainment festival, or fireworks or pyrotechnical display, as defined, in the unincorporated areas of the County and not on lands owned by the County, the County School Board, the County Parks and Recreation Authority, the State, or the United States of America. For Category one (1) Temporary Events, fourteen (14) days prior to the event’s date a Festival and Event Permit Application shall be completed, filed and approved by the Zoning Administrator; and for Category two (2) Temporary Events, thirty (30) days prior to the event’s date a Festival and Event Permit Application shall be completed, filed and approved by the County Administrator. For a fireworks and/or pyrotechnical display ten (10) days prior to the display’s date a Fireworks or Pyrotechnical Display Application shall be completed, filed and approved by the County’s Zoning Administrator.

Sec. 4-24. - Application generally.

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No permit shall be issued under this article unless the applicant shall furnish to the board written permission for the board, its lawful agents and duly constituted law enforcement officers to go upon the property at any time and make an inspection for the purpose of determining compliance with the provisions of this article.

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pyrotechnical display applications a minimum of five (5) days prior to a proposed firework or pyrotechnical display. An application may be approved with specific conditions deemed necessary and proper to promote the public health, safety and general welfare, including, but not limited to, the posting of a bond by the applicant in an amount established by the Zoning Administrator or County Administrator to ensure compliance with this article, cleaning of the premises used so as to restore said premises to the same condition as they existed prior to the event or festival, and to ensure payment of any and all damages and legitimate nuisance claims which might arise from the conduct of said event or festival. If granted, the permit shall be issued in writing, on a form for the purpose, and electronically mailed by the Zoning Administrator or County Administrator to the applicant at the address indicated. If denied, the denial shall be in writing and the reasons for such denial stated therein, and electronically mailed by the Zoning Administrator or County Administrator to the applicant at the address indicated; this shall be done so on or before the required notice stated in this section.

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Name of Event
Type of Event
Date/Dates of Event
Time/Times of Event
Location where Event is to be held (911 Address and Tax Map Number)
Name of organization/promoter(s)
Address of organization/promoter(s)
Name of Property Owner(s)
Name and addresses of person/organization financially responsible for event
List of names of all performance or groups who will perform at event (if any)

Estimated duration/time of live performances

Maximum number of tickets/registrations offered for sale (attach copy of the ticket, badge or promotional flyer to application)

Number of anticipated attendees

Will temporary short-term lodging be offered

Proof of liability insurance

A plan for adequate sanitation facilities and garbage, trash and sewage disposal for persons at the event

A plan for providing food, water and lodging for persons at the event

A plan for providing adequate medical facilities for persons at the event

A parking and traffic management plan to ensure adequate parking and traffic control at the event

An adequate site plan sketch showing the following: outdoor lighting, location of outdoor camping, proposed method of water supply, location of toilets/sanitation, and the proposed location of parking, entrances and exists to the event.

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modifications or denial. At the request of the Chair of the Board of Supervisors, an application shall be forwarded for review, approval with modification or denial by the Board of Supervisors.
RESOLUTION OF THE BOARD OF SUPERVISORS OF MADISON COUNTY, VIRGINIA
Date: 08/04/2021

RESOLUTION NO. 18 (2021)

WHEREAS, the County of Madison, through its elected representatives and counsel, and the Commonwealth of Virginia, through the Office of the Attorney General, are separately engaged in litigation seeking to recover costs incurred and to be incurred in abating the opioid addiction epidemic that plagues Virginia communities;

WHEREAS, the County of Madison and the Commonwealth of Virginia share a common desire to abate and alleviate the impacts of the opioid addiction epidemic and to maximize litigation recoveries from those third parties responsible for same;

WHEREAS, in order to advance their common interests, the County of Madison and the Commonwealth of Virginia, through counsel, have extensively negotiated the terms of a memorandum of understanding relating to the allocation and use of such litigation recoveries;

WHEREAS, the County’s outside opioid litigation counsel has recommended that the County/City approve the proposed memorandum of understanding; and

WHEREAS, the County Attorney has reviewed the available information about the proposed memorandum of understanding and concurs with the recommendation of outside counsel;

NOW, THEREFORE, BE IT RESOLVED by the County of Madison, assembled on this day at which a quorum is present, that the County of Madison hereby authorizes and approves, or confirms authorization and approval, of the Virginia Abatement Fund and Settlement Allocation Memorandum of Understanding attached hereto and incorporated herein by reference thereto as Exhibit “A”, and directs the County Administrator or the County Attorney to execute and enter into such Memorandum of Understanding on behalf of the County of Madison.

I, R. Clay Jackson, do hereby certify that the foregoing writing is true, correct copy of a Resolution duty adopted by the Board of Supervisors of Madison County, Virginia, by a vote of _____ to _____, as recorded below, at a meeting held on _____________.

________________________________________
R. Clay Jackson, Chairman
Madison County Board of Supervisors

Attest: ____________________________ Brian Gordon, Clerk of the Board
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