January 15, 2020

Agenda: Planning Commission Workshop

1. Call to Order

2. Determine Presence of Quorum & Review/Approval of Agenda

3. Review of Minutes from December 18th Workshop

4. Preview: February’s Joint BOS Session Cases (Public Hearings)
   (To date there are no applications; advertising deadline January 17th)

5. Mr. Brian Daniel, Commissioner of Revenue – Discussion regarding County Revenues

6. Planning Commission Budget (2019-2020 to date)

7. Five (5) Recommended changes/enhances to the County Zoning and/or Subdivision Ordinance

8. Items for Consideration/Discussion
   A. Continued: Review/Study of Potential Event/Venue Ordinance

9. Additional Items from Planning Commission or Public

10. Announcements: Next Joint PC/BoS meeting will be February 5, 2020
    (If Necessary)

11. Adjournment
The Madison County Planning Commission Workshop meeting was called to order by Vice-Chair, Mike Fisher, in the County Administration Building auditorium at 7:00 p.m. A quorum was established with the following members present: Fay Utz, Francoise Seillier-Moiseiwitch, Peter Work, Nan Coppedge, Mike Fisher, Carty Yowell, Mike Mosko, and Steve Carpenter. Pete Elliott was absent, and a moment of silence was observed for his recovery and release from the hospital. Also present were Ligon Webb, County Planner; April Clements, Zoning Tech; Sean Gregg, County Attorney; and Clay Jackson, BOS liaison.

Motion was made by Carty Yowell to approve the agenda, seconded by Mike Mosko, and carried, with all voting aye. Motion was made by Peter Work to approve the minutes of the November 20, 2019 meeting, seconded by Steve Carpenter, and carried, with all members voting aye.

There are no cases scheduled for the January 2, 2020 Joint meeting. Ligon Webb presented the 2020 meeting schedule, changing the July workshop to Thursday, July 16. Mr. Webb asked if the workshop meetings could be changed to begin at 6:00 p.m. There was discussion if this would be a hardship for those working. Per the By-laws, motion was made by Mike Mosko to put discussion of meeting time on the January Joint meeting agenda. Motion was seconded by Steve Carpenter, and carried, with all members voting aye.

Every County must have an official Zoning Map. Madison has used the individual tax maps, with each parcel colored for the corresponding zone. Mr. Webb presented a large poster size map showing the entire county, and it is now on-line as well. As parcel changes are recorded in the Clerk’s office, they are sent to the Commissioner of Revenue, and updated monthly. Mr. Fisher stated there are many 1-acre lots in Residential zones, and asked if owners of 1-acre lots are grandfathered. Mr. Webb said he refers people with 1-acre lots to the BZA routinely for a variance when they request building permits, to insure the lots are “legal.”

Mr. Webb talked about a potential rezoning request, changing a R2 parcel to B1, located at the intersection of Rt. 29 and Rt. 634 (Oak Park Road), northbound lane for a convenience store/gas station. Fay Utz recused herself as relatives own this property. Nan Coppedge stated she likes Sheetz and Wawa, but how would VDOT react to creating a new entrance on the limited access, Rt. 29 By-pass highway, and how does it fit in with the Rt. 29 corridor study. Bill Gentry represents the owners, and replied the owners would present to VDOT the opportunity to “clean up” the current traffic “mess” by donating land for a better turn onto Oak Park Road for tractor trailers. He added that VDOT sometimes makes “exceptions” to their policies. There was no opposition from the Commission at this time, and Mike Fisher asked Mr. Gentry to keep us abreast of the plans.

Event Venue Ordinance – Carty Yowell suggested we remove the acreage requirement from the Rural Resort policy, require a special use permit, and allow it in Conservation zones. Mike Mosko clarified the potential event venue ordinance is not including agritourism events, there needs to be a consistent definition for venue and recreation venue, determining if it is a commercial operation,
he likes the idea of an Event Management Plan, there should be a lot size regulation, and there should be specifics to address potential concerns (public safety, traffic, buffer, parking lot, etc.); some things can be addressed in a special use permit. Peter Work agreed with Mr. Mosko, and says we have not done enough homework to make a decision at this time. He mentioned the Grelen business in Orange County that everyone supported in the beginning, but now neighbors are not happy with the many tent events with music. He asked how the County would capture the potential benefit information. Mr. Webb said people are asking now about having venues, feels we are making the situation more complex and bureaucratic, and people are having events with no governing policy. Fay Utz said people are looking to come into Madison, wanting to have a business operation now. Steve Carpenter says there are currently 12 wedding venues listed on the Internet. Mike Fisher stated he feels we should leave the Rural Resort policy alone, and start new for event venue policy, which would occur on a smaller scale/acreage. He asked Mike Mosko and the Business Committee to have a report/proposed policy for the February workshop meeting; Mr. Webb and April Clements will assist.

Four lots on private drive/right of way - Mr. Webb said family divisions are not counted in the “four on one” policy. There was much discussion on the terminology of four lots, four users, or four houses/dwelling and the impact of each of them; with the fifth user/owner/house the road would have to meet VDOT standards. Discussion moved to the number of acres required per dwelling, and when a special use permit would be required to build an additional dwelling, regardless of the size of the lot. Peter Work moved we table the number of lots on private roads, and the number of houses/dwelling on a parcel, seconded by Mike Mosko, and for Mr. Webb to bring a proposal to the next workshop meeting; motion carried with all members voting aye. Commissioners should send their written comments to Mr. Webb immediately.

Mr. Webb also asked about approving single subdivisions that meet all the requirements be approved administratively. He will bring proposed language to the next meeting.

Mike Fisher commented on two notices in the Eagle. The first regarded a BZA case to build a house on a 1.3-acre lot; Mr. Webb said this is an appropriate case for the BZA. The second involves the CWX LLC proposal for a cell tower in the Uno/Somerset area of Madison. He has had calls from the residents who want a cell tower, and from Orange County landowners who are opposed to it, and that we should be knowledgeable about any restrictions placed on a Scenic By-way.

Pete Elliott, Nan Coppedge, and Mike Fisher will meet as the nominating committee, and present a slate for Chair and Vice-Chair at the January workshop meeting.

The meeting was adjourned at 9:09 p.m.
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>10-08-61-81100-3166</td>
<td>TRAINING SERVICES</td>
<td>-</td>
<td>-</td>
<td>1,500.00</td>
<td>1,500.00</td>
<td>-</td>
<td>-</td>
<td>[1,500.00]</td>
<td>-100.00%</td>
<td>0.00%</td>
<td>-1,500.00</td>
<td>-1,500.00</td>
</tr>
<tr>
<td>10-08-61-81100-3172</td>
<td>PLANNING ASSISTANCE</td>
<td>5,250.00</td>
<td>-</td>
<td>1,500.00</td>
<td>4,500.00</td>
<td>-</td>
<td>-</td>
<td>[4,500.00]</td>
<td>-100.00%</td>
<td>46.59%</td>
<td>-875.00</td>
<td>[5,250.00]</td>
</tr>
<tr>
<td>10-08-61-81100-3213</td>
<td>COMMITTEE MEMBERS</td>
<td>10,285.00</td>
<td>9,505.00</td>
<td>10,400.00</td>
<td>4,500.00</td>
<td>(10,400.00)</td>
<td>-</td>
<td>[10,400.00]</td>
<td>-100.00%</td>
<td>47.27%</td>
<td>-175.00</td>
<td>[720.00]</td>
</tr>
<tr>
<td>10-08-61-81100-3214</td>
<td>COMMITTEE CLERICAL</td>
<td>1,725.00</td>
<td>1,725.00</td>
<td>1,900.00</td>
<td>500.00</td>
<td>(1,900.00)</td>
<td>-</td>
<td>[1,900.00]</td>
<td>-100.00%</td>
<td>47.27%</td>
<td>-175.00</td>
<td>-175.00</td>
</tr>
<tr>
<td>10-08-61-81100-6001</td>
<td>OFFICE SUPPLIES</td>
<td>154.79</td>
<td>297.75</td>
<td>500.00</td>
<td>44.45</td>
<td>(500.00)</td>
<td>-</td>
<td>[500.00]</td>
<td>-100.00%</td>
<td>8.89%</td>
<td>-202.75</td>
<td>[152.96]</td>
</tr>
<tr>
<td>10-08-61-81100-8203</td>
<td>IT EQUIPMENT</td>
<td>1,270.00</td>
<td>300.00</td>
<td>300.00</td>
<td>-</td>
<td>[300.00]</td>
<td>-</td>
<td>[300.00]</td>
<td>-100.00%</td>
<td>0.00%</td>
<td>-300.00</td>
<td>[1,270.00]</td>
</tr>
<tr>
<td></td>
<td></td>
<td>16,664.79</td>
<td>11,587.75</td>
<td>14,640.00</td>
<td>5,944.45</td>
<td>[14,640.00]</td>
<td>-</td>
<td>[14,640.00]</td>
<td>-100.00%</td>
<td>29.92%</td>
<td>-1,052.25</td>
<td>[7,077.04]</td>
</tr>
</tbody>
</table>
January 9, 2020

To: Planning Commission

From: Ligon Webb, County Planner

RE: Five Recommended changes to the County’s Zoning & Subdivision Ordinance

At the January 2, 2020 joint meeting of the Planning Commission and Board of Supervisors current Supervisor Carty Yowell asked if County staff could compile a list of five items that (from staff’s perspective) could improve the existing zoning and subdivision ordinance.

It is the County Planner’s opinion that Madison’s existing zoning and subdivision ordinances do not require a significant re-write or “overhaul”; but could be improved incrementally.

Some of the items below are currently being examined by the Planning Commission, others will require future consideration.

1) **Administrative approval of one (1) lot subdivisions**: County staff believes this is likely the most significant improvement that can be made to the subdivision and zoning ordinances; and numerous constituents have inquired about amending the subdivision ordinance to allow for administrative approvals of single lot subdivision. When a subdivision application is submitted for review, and it meets code requirements (lot size, road requirements, time requirements, etc.) it is required to be approved. Since a significant number of subdivision are indeed single lot subdivision, it is believed making single lot subdivision applications administrative would streamline this process and not compromise the review process. Administrative review and approvals of subdivisions is commonplace in many localities….However, subdivision applications creating two (2) or more lots are still recommended to following the existing process for approval.

This likely could be accomplished by amending the subdivision ordinance as follows *(proposed additions bolded)*:

**Final Approval**: The Board of Supervisors, or its designee, retains unto itself the authority of final approval of final plats. The Planning Commission shall consider final plats and make recommendations to the Board of Supervisors. **Single lot non-family subdivision may be approved administratively provided such subdivision meets all requirements articulated by this ordinance**. The Board of Supervisors shall indicate approval or disapproval of all subdivisions received for consideration as a final plat
within sixty (60) days from the date of its first public hearing, provided, however, the sixty (60) day period may be extended with the consent of the applicant. Approval of the final plat by the Board of Supervisors shall be void unless the approved plat is recorded within six (6) months after approval. All approved final plats shall be filed in the Clerk’s Office of the Circuit Court of Madison County. No such plat of any subdivision shall be recorded by the Clerk of said Court unless it has been approved by the Board of Supervisors, or its designee.

2) **Modifications to the Site Plan Ordinance:** County staff recommends making changes to the existing Site Plan ordinance allowing for administrative approval of certain submittals. Generally speaking, Site Plans under a certain area (i.e., under an acre?) are recommended to be reviewed and approved administratively. In addition, providing County staff with the ability to waive certain Site Plan requirements which are not germane to a specific submittal is also recommended. County staff will need more time to study this matter in order to bring forth a set of recommendations for Planning Commission and Board of Supervisors review.

3) **Removing requirement that no accessory structure may be located closer to the front of a lot than the main structure in the R1 and R2 zoning districts:** The minimum lot size in these districts is one and a half (1.5) acres. Placing accessory structures closer to the front of the lot is reasonable provided the structure (also) meets front setback regulations. It is not uncommon for garages to be located in a front yard.

4) **Consider providing a mechanism for relief from the “four lots on a private drive” when adherence creates an unreasonable hardship or safety issue:** This issue has been discussed before the Planning Commission at length.

5) **Amend the zoning ordinance so to officially allow for multiple dwellings on a single lot provided each dwelling is assigned a minimum acreage/size:** A long standing County policy has allowed a single lot to possesses multiple dwellings provided each dwelling is assigned the minimum lot size of the underlying zoning district (i.e., a six (6) acre agriculturally zoned lot would be allowed to have two dwellings). However, this long standing County policy is not codified in the zoning ordinance. It is recommended that each zoning district where single family dwelling are allowable be amended in order to reflect this longstanding policy.
January 6, 2020

To: Planning Commission Subcommittee

From: Ligon Webb, County Planner

RE: Options Regarding the Adoption of a “Recreational Events and Venues” Ordinance

Considerations regarding adopting a generalized “recreational event and venue” ordinance has been discussed at Madison County’s Planning Commission for several months. These conversations began in response to recent public inquiries regarding County policies towards such events. In some instances, events are conducted without public input or County approval.

The idea is to create a broad ordinance which provides a mechanism for citizens/land owners to potentially utilize properties for uses such as special events (weddings, reunions, retreats) and recreational uses (camping, etc.); with the understanding a potential applicant (via a special use permit) for an event and/or recreational use would require review by the Planning Commission and ultimately approval by the Board of Supervisors.

Of course, a special use permit hearing would entail review by County staff, public comment and potentially be subject to specific terms and conditions as deemed necessary to promote public safety, health and welfare.

Options for amending the County’s code in order to accommodate a “recreational events and venues” ordinance has been a topic of much discussion of late. Below is a list of potential amendment options for adopting such an ordinance, and a short narrative (from County staff perspective) regarding each option:

1) **Amending the existing rural resort ordinance**: This option would simply amend the existing “rural resort” ordinance and eliminate the 100 acre minimum lot size requirement. As written, the rural resort ordinance appears to be broad enough to accommodate a host of “recreational events and venue” activities as discussed. Currently, the rural resort use is listed as a special use in the A1 (general agricultural) zoning district; it is also recommended the rural resort use be added the C1 (conservation) zoning district as a special use as well.

   **Staff Comments**: Because the rural ordinance use is already codified in the County’s zoning ordinance, this option appears to be the most direct and logical approach to incorporate a broad recreational events and venue ordinance. Because the rural resort
ordinance is allowable by special use permit, it would allow County staff (and the Planning Commission, Board of Supervisors) the ability to examine each application event capacity, traffic, fire/safety, access, sanitation, noise, et al. This is the County Planner’s preferred option.

2) **Adding a Comprehensive “stand alone” Recreational Events and Venues ordinance to the County’s zoning ordinance**: Commissioner Mike Mosko has provided a comprehensive amendment. It is proposed that the use be added as a special use in the A1 and C1 zoning districts. In addition, Mr. Mosko proposes amending the zoning ordinance’s parking provision to include recreational events and venues too. The text of Mr. Mosko’s proposed amendment(s) is subsequently attached to this document for review.

**Staff Comments**: Mr. Mosko has provided a comprehensive draft recreational events and venue ordinance (thank you!) which borrows from the existing rural resort ordinance. However, the proposed **Application Requirements (14-19.4)** includes and additional twelve (12) specific topics that applicants would need to address as part of the special use permit application.

The proposed applications requirements are comprehensive and augment the existing rural resort ordinance. However, it is believed that some/many of the proposed “application requirements” would likely not be germane to (some) potential special use permit requests; and the proposed language states each application “shall include” these specific items.

A potential solution to this could be simply changing the word “shall” to “may”.

3) **Hybrid approach**: Amending the existing rural resort ordinance to include the proposed amendments listed in item 1) of this report and also include an abridged version of the items presented by Commissioner Mosko.

This could be achieved by adding the following language to section 14.18.4 of the existing rural resort ordinance (**proposed addition is bolded**)

14-18.4 Application Requirements

1. An application for a rural resort special use permit shall include:
a. A thorough explanation of the scope and variety of buildings, land improvements and uses that would be installed on the property.

b. The anticipated installation timetable or phasing plan.

c. Appropriate concept maps showing lot lines, the location of existing and new land features and improvements and other pertinent information.

2. An applicant should be prepared to address the potential impact on adjacent properties in areas such as noise, lighting, traffic, storm water management, erosion and sediment control.

3. The specifics of any building, land improvements and uses approved under a special use permit for a rural resort shall be documented in the motion by the Board of Supervisors.

4. An applicant should be prepared to address and provide a narrative/documentation regarding site capacity and number of guests, an overall event management plan, considerations for fire protection, medical emergencies, sanitation/garbage disposal, food/beverage service, noise abatement and other items and/or concerns not specifically listed as determined by County staff, Planning Commission or the Board of Supervisors.

Staff Comments: As proposed by Mr. Mosko’s items 1) a - l it is believe this potential additional amendment (number 4 above) could essentially provide the same notice to potential applicants in a condensed manner.
Article 14-9, Minimum Off-Street Parking, currently establishes parking requirements for a multitude of activities conducted in buildings but, no requirements for open air type commercial business such as “Recreational Events and Venues” without structures. This ordinance, to a large extent, dictates lot size based on parking requirements for activities conducted in buildings but not open air type venues. Establishing parking requirements where no buildings are involved would, to a large extent, answer the question of lot size requirements/limitations and address safety issues. The following is proposed for the purpose of covering this void and establishing parking requirements for these types of open air business:

AMEND ARTICLE 14, General Provisions, Sub-paragraph 14-9
Minimum Off-Street Parking to read:

There shall be provided at the time of erection of any main building or at the time any main building is enlarged, or where outdoor recreational events and/or venues are conducted, minimum off street parking.........

AMEND ARTICLE 14-9-8, in part, to read:

For Churches, school auditoriums, theaters, general auditoriums, stadiums, where outdoor recreational events and/or venues are conducted and other similar places of assembly, there shall be provided at least one (1) off-street parking space for every four (4) fixed seats,
Commissioner Mosko’s proposed amendments regarding the adoption of an recreational events and venues ordinance

based on the maximum seating capacity in the main place of assembly for the building. For assembly halls without fixed seats, there shall be provided one (1) parking space for each one hundred (100) feet of gross floor area. *For outdoor recreational events and/or venues without fixed seating, there shall be provided one (1) parking space for every two customers/visitors and one parking space for each staff member or owner.* For elementary and intermediate schools,.............................

Amend Article 20 to add the following definition:

**ADD 20-157-A  Recreational Events and Venues: Any activity typically conducted in a rural setting, with or without permanent structures, utilized for the purpose of providing fee and non-fee based activities to the general public. Activities may include, but are not limited to, hiking, camping, rope courses, river based recreations, paint ball and other similar low impact recreational activities. In addition, private commercial social events, including but not limited to, weddings, wedding rehearsals, wedding parties, corporate functions, reunions, retreats and other similar gatherings with or without live entertainment, where food and drink may be consumed on site.**

(Note: Currently there exist a definition 20-157 Recreation Area, Commercial. However, I do not see where this definition is referenced in the Ordinance. ?? Conflict??)
Commissioner Mosko’s proposed amendments regarding the adoption of an recreational events and venues ordinance

Amend Article 3 CONSERVATION, C-1, Sub-Para 3-2 Special Permit Uses: and

Article 4 AGRICULTURAL, A-1, Sub-Para 4-2 Special Permit Uses:

To ADD “Recreational Events and Venues”

--------------------------------------------------------------------------------------

ORDINANCE TO AMEND THE MADISON COUNTY

ZONING ORDINANCE

ORDINANCE #2020-??

WHEREAS, The Board of Supervisors of Madison County, Virginia finds that the following amendment to the Zoning Ordinance of Madison County, Virginia, would promote the health, safety and general welfare of Madison County, Virginia, and be in accord with the declaration of Legislative intent set Forth in Virginia Code Section 15.2-2200 (1950, as amended) and the Madison County Comprehensive Plan adopted on February 7, 2018.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Madison County, Virginia that the Zoning Ordinance of Madison County, Virginia, be, and it hereby is, amended as follows:

14-19     Recreational Events and Venues
Commissioner Mosko’s proposed amendments regarding the adoption of an recreational events and venues ordinance

14-19.1  Purpose and intent

The purpose of this ordinance is to provide standards and review procedures for the development and operations of recreational events and venues and to require a special use permit for the same. Such uses shall be required to adhere to the Virginia Uniform Statewide Building Code, the Madison County Ordinance, and may be subject to permitting from various state agencies which may include, but not be limited to, the Virginia Department of Health, Transportation and Alcohol Beverage Control.

Given the potential impact on the health, safety and welfare of neighboring property owners, as well as the patrons of these facilities, the Madison County Board of Supervisors find that it is in the public interest to regulate the establishment and operation of recreational events and venues within Madison County.

14-19.2  Structures and Activities to be allowed:

The activities that will be permitted at given recreational event and/or venue will be determined by the Board of Supervisors in consultation with the Planning Commission, and the special use permit applicant, and will be a function of the circumstances of a particular proposed recreational event and/or venue, including without limitation: the overall acreage of the proposed recreational event and/or venue; the existing and anticipated uses of surrounding properties, existing and proposed facilities, and location within the County.
Commissioner Mosko’s proposed amendments regarding the adoption of an recreational events and venues ordinance

At the discretion of the Board of Supervisors, such permissible activities and facilities at a particular proposed recreational event and/or venue may include, (see note below) but are not limited to, hiking, camping (see Articles 15 and 15-A), rope courses, river based recreations, paintball and other similar low impact recreational activities. In addition, private commercial social events, including but not limited to, wedding, wedding rehearsals, wedding parties, corporate functions, reunions, retreats and other similar gatherings with or without live entertainment, where food and drink may be consumed on site.

(NOTE: OR WE COULD SIMPLY SAY AS DEFINED IN ARTICLE 20-157-A.)

14-19.3 Siting Requirements

The requirements for siting and construction of facilities on recreational event and/or venues in the County of Madison, Virginia shall include the following:

1. Area Regulations: The minimum lot area for recreational events and venues shall be based on the requirements established herein and by the Board of Supervisors on a case by case basis.
2. Open Space: A minimum of 50% (percent) of the site shall remain as open space. (See Article 20-133)
3. At the recommendation of the County Planning Commission the Board of Supervisors may impose hours of operations on these types of businesses.
Commissioner Mosko’s proposed amendments regarding the adoption of an recreational events and venues ordinance

4. Building height: No new building shall exceed 48 feet (4 stories) in height from the grade to the highest roof beams or a flat roof, or the mean level of the highest gable or slope of a gable, hip, or other roof.

5. Lodging: All lodging, dining and other facilities for guests use must comply with local and State building codes and Health Department regulations.

6. Any special use permit application for construction and operating a recreational event and/or venue will be subject to Article 14-4-3.

7. Parking and Loading: Parking and loading at recreational events and/or venues will be subject to the requirements set forth in Article 14-9 and 14-10.

8. No event facility shall be located closer than 30 feet from a property line, unless a greater distance is required under the County Zoning Ordinance.

9. Recreational Events and/or Venues shall be operated accessory to the owner’s primary residence or manager’s residence if the manager is responsible for running the business. No recreational events and/or venues shall be permitted where no residential uses exists on the property.

10. For any addition of land to a recreational event and/or venue, the applicant must submit an application to amend its special use permit. No tract of land may be admitted to a recreational event and/or venue business except with the submission of detailed plans as required by this ordinance and/or other documents required by the County in order to enable it to make a comprehensive study of the proposed
Commissioner Mosko’s proposed amendments regarding the adoption of an recreational events and venues ordinance

development. No tract of land may be admitted to the recreational event and/or venue business unless the recreational event and/or venue activities and facilities are a primary part of the overall plan development.

14-19.4 Application Requirements

1. An application for a recreational event and/or venue special use permit shall include:
   a. A statement of the total capacity of the number of guests/visitors/staff that that the proposed recreational event and/or venue will accommodate.
   b. An Event Management Plan. Applicant shall provide and abide by an approved recreational event and/or venue management plan. Applicant shall maintain a management plan that includes but is not limited to all applicable conditions of the approval, approved use SUP and plot plan, traffic management plan, fire and safety. Adequate ingress and egress shall be provided for all emergency vehicles to the satisfaction of the Madison County Fire Department and Public Works Department (Sheriff). A traffic control plan to ensure an orderly and safe arrival, parking, and departure of all vehicles and to ensure that traffic will not back-up or block county roads, intersections, or private driveways.
Commissioner Mosko’s proposed amendments regarding the adoption of an recreational events and venues ordinance

c. A plan for adequate fire protection. This plan shall meet the requirements of all state and local statutes, ordinances and regulations.

d. A plan for providing food, water and lodging for the persons at these businesses. This plan shall meet the requirements of all state and local statutes, ordinances and regulations.

e. A plan for adequate medical facilities for persons at these businesses, approved by the state health department.

f. A plan for adequate sanitation facilities and garbage, trash and sewage disposal for persons at these businesses. This plan shall meet the requirements of state and local statutes, ordinances and regulations, and approved by the state health department.

g. A statement that no music shall be played, either by mechanical devices or live performance, in such a manner that the sound emanating therefrom shall be unreasonably audible beyond the property on which these business are located. (OR should we attempt to establish a sound level based on a specific decibel level and require applicant to maintain a sound monitoring device.)

h. A plot plan showing all property lines, scope and variety of building, land improvements that would be installed on the property.

i. The anticipated installation timetable or phasing plan.

j. Appropriate concept maps showing lot lines, the location of existing and new land features and improvements and other pertinent information.
Commissioner Mosko’s proposed amendments regarding the adoption of an recreational events and venues ordinance

k. 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 officer to go upon the property at any time and make an inspection for the purposes of determining compliance with the provisions of this Article.

l. An applicant will provide a statement addressing the potential impact on adjacent properties in areas such as noise, lighting traffic, storm water management, erosion and sediment control.
Sec. 5.1.43 - Special events.

Each special event authorized by section 10.2.2(50) shall be subject to the following:

a. *Eligibility and applicability*. Special events may be authorized on those parcels in the Rural Areas (RA) zoning district on which there is an existing and ongoing by-right (section 10.2.1) primary use. A special event special use permit issued under section 10.2.2(50) and this section shall not be required for special events associated with farm wineries or historical centers, or for events determined by the zoning administrator to be accessory to a primary use of the parcel.

b. *Information to be submitted with application for special use permit*. In addition to any information otherwise required to be submitted for a special use permit, each application for a special use permit shall include the following:

1. *Concept plan*. A preliminary schematic plan (the "concept plan") satisfying section 32.4.1. The concept plan shall identify the structure(s) to be used for the special event, include the area of the structure(s) in which the proposed special events will be conducted, the parking area, and the entrance to the site from the street. The concept plan shall address, in particular, provisions for safe and convenient access to and from the street, the location of the parking area, the location of portable toilets if they may be required, proposed screening as required by this section for parking areas and portable toilets, and information regarding the exterior appearance of the proposed site. Based on the concept plan and other information submitted, the board of supervisors may then waive the requirement for a site plan in a particular case, upon a finding that the requirement of a site plan would not forward the purposes of this chapter or otherwise serve the public interest.

2. *Information from the Virginia Department of Health*. The applicant shall submit written comments from the Virginia Department of Health regarding the private water supply and the onsite sewage system that will serve the proposed special event site, the ability of the water supply and the onsite sewage system to handle the proposed events, and the need to improve the supply or the system in order to handle the proposed events.

3. *Building and fire safety*. The building official and the county department of fire and rescue shall review and comment on the application, identifying all Virginia Uniform Statewide Building Code and Virginia Statewide Fire Prevention Code issues and requirements.

c. *Zoning clearance*. The applicant shall obtain a zoning clearance under section 31.5 prior to conducting a special event. A single zoning clearance may be obtained for one or more such special events in a calendar year as follows:

1. The zoning administrator may issue a single zoning clearance for more than one special event if: (i) the application submitted by the applicant includes the required information in subsection 5.1.43(c)(3) for each special event to be covered by the zoning clearance; (ii) the zoning administrator determines that each special event is substantially similar in nature and size; and (iii) the zoning administrator determines that a single set of conditions that would apply to each such special event may be imposed with the zoning clearance.

2. The applicant shall apply for a zoning clearance at least 30 days prior to the date of the first special event to be authorized by the zoning clearance. The application shall be submitted to the zoning administrator, who shall forward copies of the application to the county police department, the county building official, the county department of fire and rescue, and the local office of the Virginia Department of Health. As part of his review, the building official shall determine whether the structure(s) proposed to be used for the special events satisfies the requirements of the Virginia Uniform Statewide Building Code for that use.

3. The application shall describe the nature of each special event to be authorized by the zoning clearance, the date or dates and hours of operation of each such special event, the facilities, structures to be used, and the number of participants and support staff expect to attend each special event.
4. Upon a determination that all requirements of the zoning ordinance and all conditions of the special use permit are satisfied, and imposing all conditions of such approval required by the offices identified in subsection 5.1.43(c)(2), the zoning administrator shall issue a zoning clearance for one or more special events. The validity of the zoning clearance shall be conditional upon the applicant's compliance with all requirements of the zoning ordinance, all conditions of the approved special use permit, the approved concept plan or site plan, and all conditions imposed by the zoning clearance.

d. Special events sites and structures. In addition to all other applicable requirements of this chapter, special events sites and structures shall be subject to the following:

1. Structures used for special events. Each structure used for a special event shall satisfy the following: (i) the structure shall have been in existence on the date of adoption of this section 5.1.43, provided that this requirement shall not apply to accessory structures less than 150 square feet in size; (ii) the structure shall be a lawful conforming structure and shall support or have supported a lawful use of the property; and (iii) modifications to farm buildings or farm structures as those terms are defined in Virginia Code § 36-97 shall allow the structure to revert to an agricultural use, as determined by the building official.

2. Minimum yards. Notwithstanding any other provision of this chapter, the minimum front yard shall be 75 feet. The minimum side yard shall be 25 feet. The minimum rear yard shall be 35 feet. All yards shall be measured from structures and off-street parking areas. These minimum yard requirements shall apply to all accessory structures established after the effective date of this section 5.1.43 and all tents, parking areas and portable toilets used in whole or in part to serve special events.

3. Parking. The number of off-street parking spaces for a special event shall be as required in section 4.12.6. Notwithstanding section 4.12.15(a) through (g), the additional parking area(s) for special events shall consist of or be constructed of pervious materials including, but not limited to stabilized turf, approved by the county engineer. Asphalt and impervious materials are prohibited. If the parking area is on grass or in a field, the applicant shall reseed and restore the parking area site as required by the zoning administrator. In addition to the requirements of section 4.12.5, the parking area shall be onsite and screened from abutting parcels by topography, structures or new or existing landscaping. Notwithstanding section 4.12.16(d) and (e), the delineation of parking spaces and the provision of bumper blocks shall not be required.

4. Water and sewer. The private water supply and onsite sewage system serving a special event shall be approved by the Virginia Department of Health.

5. Streets and access. Streets serving the site shall be adequate for anticipated traffic volume for a special event. Access from the street onto the site shall be adequate to provide safe and convenient access to the site, and applicant shall install all required improvements and provide adequate sight distance in order to provide safe and convenient access.

e. Special events operations. In addition to all other applicable requirements of this chapter, special events operations shall be subject to the following:

1. Number of participants. The number of participants at a special event at any one time shall not exceed 150 persons.

2. Number of special events per year. The special use permit shall identify the number of approved special events per calendar year, which number shall not exceed 24.

3. Signs. Permanent and temporary signs advertising a special event shall be permitted as provided in sections 4.15.4, 4.15.4A and 4.15.8.
4. Food service. No kitchen facility permitted by the Virginia Department of Health as a commercial kitchen shall be allowed on the site. A kitchen may be used by licensed caterers for the handling, warming and distribution of food, but not for cooking food, to be served at a special event.
5. Portable toilets. If required, portable toilets are permitted on the site, provided that they comply with the yard requirements in section 5.1.43(d)(2) and shall be screened from that parcel and any street by topography, structures or new or existing landscaping.

f. Prohibition of development to a more intensive use. A parcel subject to a special events special use permit shall not be subdivided so as to create one or more parcels, including the parent parcel, of less than 21 acres in size without first amending the special use permit to expressly authorize the subdivision. If a parcel is so subdivided without first amending the special use permit, special events shall thereafter be prohibited on the resulting parcels unless a new special use permit is obtained.

Culpeper County (Agricultural Enterprises) by Special Use Permit

- ARTICLE 31. - AGRICULTURAL ENTERPRISE USE PERMIT

- 31-1. - Purpose.

   It is the purpose of this Article to allow agriculture-related uses of higher intensities than those defined as agriculture in this Ordinance when they further adopted goals, plans and policies for maintaining and enhancing the agricultural economic base of Culpeper County.
   (Ord. of 1-3-1984)

- 31-2. - General requirements.

   Uses approved under the provisions of this Article shall be considered special uses within agricultural zoning districts. Submission and review must follow the procedures outlined in Article 17 of this Ordinance.
   (Ord. of 1-3-1984)

- 31-3. - Plan requirements.

   Any application filed for an agricultural enterprise use permit shall be accompanied by a detailed, written description of the proposed use. This document shall, along with any reasonable conditions imposed by the governing body and a site plan prepared in accordance with the requirements of Article 20, become the basis for enforcing future compliance with the permit.
   (Ord. of 1-3-1984)

- 31-4. - Function and use regulations.
Uses allowed with an agricultural enterprise use permit shall be convincingly shown by the applicant to promote, preserve and generally relate to the agricultural economy of Culpeper County. For the purposes of making the determination, the governing body shall consider:

31-4-1 Impact: The impact the proposed use will have on the agricultural character and operations of the surroundings;

31-4-2 Benefits: The benefits the proposed use will have towards maintaining or enhancing the agricultural economic base of the property in particular and Culpeper County in general;

31-4-3 Furtherance of adopted goals, etc.: The degree to which the proposed use will further adopted goals, plans and policies of Culpeper County to protect the environment, provide an efficient transportation network and ensure the public's health, safety and welfare; and

31-4-4 Mitigation of potential threats: The success with which the proposed use is designed to mitigate potential threats to the environment and people of Culpeper County.

(Ord. of 1-3-1984)

31-5. - Adherence to requirements.

Height, area, setback, parking, sign and any other requirements for the proposed use shall be those of the district in which the use would normally fall, except that any such regulation may be made more stringent as a reasonable condition of approval.

(Ord. of 1-3-1984)

31-6. - Development plan changes during construction.

After the final development plan has been approved and if, in the course of construction, adjustments or rearrangements of parking areas, entrances, heights, yards or other incidental locational and dimensional criteria are requested by the applicant, they may be approved by the zoning administrator, provided that each and every request conforms to all applicable ordinances.

(Ord. of 1-3-1984)

31-7. - Future additions or alterations.

No structural or use addition or alteration from the approved plan and written description shall be permitted without rendering the permit null and void and inviting legal action as prescribed in this Ordinance.

(Ord. of 1-3-1984)