COUNTY of ROCKINGHAM

Department of Community Development

William L. Vaughn
Director

PLANNING COMMISSION AGENDA

Wednesday, January 2, 2013
Rockingham County Administration Center

PUBLIC HEARING
6:30 p.m.
Board of Supervisors Room

I. Call to Order

II. Pledge of Allegiance and Invocation: Jon Ritenour

III. Approval of Minutes from December 4, 2012

IV. Rezoning Requests

REZ-251, Lakeview Development Corporation, 4101 Shen Lake Drive, Harrisonburg, VA 22801, to rezone 11.586 acres from R-2 (Medium Density Residential) to R-3 (General Residential) and 3.119 acres from R-2 to B-1 (General Business), totaling 14.705 acres of tax parcel 126-(A)-L44. The 11.586-acre portion is located northeast of the intersection of Massanetta Springs Road (Rt. 687) and Shen Lake Drive (Rt. 689); the 3.119-acre portion is located northwest of the intersection of Shen Lake Drive and Lakeview Circle (Rt. 1025) in Election District 3. The Comprehensive Plan designates this area as Community Residential. The applicant plans to construct townhouses on the 11.586-acre portion and an event center on the 3.119-acre portion.

V. Ordinance Amendment Requests

OA-288, An amendment to Chapter 17 (Zoning), Article X (Violation and Penalty), Section 17-225 (Complaints regarding violations) to remove the word "written" and to change the word "file" to "lodge" and the word "filed" to "lodged" in this section of the County Code.

OA-289, Amendment to Chapter 17 (Zoning), Article X (Violation and Penalty), add new Section 17-225.1 (Inspection warrants) to allow the magistrate to grant an inspection warrant to enter a residence when there is probable cause that a zoning violation has occurred and the owner or tenant refuses entry to zoning staff.

OA-305, Amendment to Chapter 17 (Zoning), Article VII, Use Regulations to remove Division 6C, Farm Winery and delete Section 17-147 through Section 17-147.02 requirements for farm wineries from the County Code; amend Article VI, Uses in Districts, Division 2, Section 17-22 Permitted Uses in A-1 to permit farm wineries and related activities by right; amend Division 3, Section 17-26 Permitted Uses in A-2 to permit farm wineries and related activities by right; amend Division 2, Section 17-23 Special Uses in A-1 to remove farm wineries; and amend Division 3, Section 17-27 Special Uses in A-2 to remove farm wineries.

20 E. Gay Street
Harrisonburg, VA 22802

Telephone (540) 564-3030
Fax (540) 564- 2922
Web site: www.rockinghamcountyva.gov

PO Box 1252
Harrisonburg, VA 22803

VI. Miscellaneous:
   A. Planning Commission 2013 Meeting Schedule
   B. Appointment of Liaison to the City Planning Commission

VII. Site Visit: Tentatively set for January 11, 1:00 p.m.

VIII. Staff Report Overview

IX. Adjournment

PLANNING COMMISSION PUBLIC HEARINGS
RULES OF PROCEDURE

1. Review the public hearing process and guidelines with the public at the beginning of each public hearing.

2. Unless varied by the Chairman, the order of presentation at public hearings shall be as follows:

   A. Staff's report
   B. Applicant's presentation
   C. Comments or presentations from members of the public. Those in support of the matter will speak first; those with questions or concerns will speak next; those opposed will close the public comment period.
   D. Questions from members of the Commission

3. The presentation by the applicant shall be limited to 15 minutes. Additional time may be granted at the discretion of the Chairman, if requested in advance of the hearing to the Director of Planning.

4. A sign-up sheet will be placed at the speaker's podium for each speaker to PRINT his/her name.

5. Speakers are encouraged to make their presentations in a brief and pertinent manner and not repeat remarks of other speakers. All comments shall be directed to the members of the Planning Commission, not the audience. Anyone who wants his speech verbatim in the official record must give a copy to the secretary.

6. When a large group is anticipated, a speaker's sign-up sheet will be located outside the hearing room. Individuals who do not sign up, but decide during the hearing they wish to speak, will be recognized at the discretion of the Chairman.

7. Following discussion of all matters considered in the public hearing, the members will consider one of three actions regarding each matter:
   - Recommendation to the Board for approval, denial, or modification. (The Board will hold another public hearing and make the final decision.)
   - Table for further review.
   - Continue public hearing to another date.

8. Once the public comment period has been closed, no further public input will be permitted, unless clarification is requested by a Commission member. The response shall address only those questions raised by the member.

Adopted 11/2/93
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PLANNING COMMISSION MINUTES

December 4, 2012

The Rockingham County Planning Commission met on Tuesday, December 4, 2012, in the Board of Supervisors Room in the Rockingham County Administration Center. Members present were Chairman Chris Runion and Vice Chairman Steve Pence, Brent Trumbo, Jon Ritenour, and Rodney Burkholder. Staff members present were Director of Community Development, William Vaughn; Planning Director, Rhonda H. Cooper; Planner, James May; and Secretary, Betty Gayle Cole.

Mr. Burkholder offered the Pledge of Allegiance and Invocation.

Chairman Runion called the meeting to order at 6:30 p.m.

Mr. Ritenour motioned to remove OA-227 from the table for discussion.

There being no second to the motion, the motion failed.

Mr. Trumbo asked if the item could be re-tabled or would a decision have to be made to move OA-227 to the Board of Supervisors.

Ms. Cooper explained the item could be re-tabled.

On motion by Mr. Ritenour to remove OA-227 from the table for discussion, and seconded by Mr. Trumbo, the motion carried on a 5-0 vote.

Mr. Trumbo stated he does not think this request is a small issue and does not want the Commission to make a knee jerk decision.

Mr. Pence stated he has some of the same concerns and questions that Mr. Trumbo has. He does not want to jump into making an uneducated decision.

Mr. Trumbo said his main concerns were (1) if A1 and A2 districts become basically the same, why bother having the two, (2) fragmentation of A1 land, and (3) "the County may lose control" of what is happening on A1 land. Examples would include several acre parcels being carved out that may create accessory buildings not tied to farming, and the fact the County only monitors problems that are complaint driven.

Mr. Burkholder stated he had stopped by to speak with staff as he is still learning the zoning regulations.

Ms. Cooper explained there is "merit" in the Commissioners wanting to keep a distinction between the A1 and A2 zonings. Part of the problem is that you do end up with scattered businesses. Staff met with Diana Stultz, the Zoning Administrator, and looked at options that may help address some of the Commissioners' concerns. Some of the options discussed include keeping some of the parameters of accessory use by special use: keeping them part of special uses but tying them to land use taxation, requiring it to be part of the farming operation, and limiting the use to two off-site employees.

Mr. Trumbo asked if these examples would require a farm to be seven acres.

Ms. Cooper said it would require six acres. One acre could be dedicated to the house if one existed. The operation must be tied to the farm and operated by a full time resident of the farm.

Mr. Trumbo stated the current regulations allow a farmer to sell, but not to divide.

Ms. Cooper stated the farmer can divide if he meets the criteria required to so.

Mr. Ritenour pointed out that if approved this would create a tax advantage for the County. The revenue from the operation is also an advantage to the County.

Ms. Cooper further explained some discussion she had with Ms. Stultz. In item "aq" of the proposed ordinance amendment there is a section for "hand crafts and cottage industries". According to Ms. Stultz some of the items listed could meet the requirements of the current home occupation permit ordinance. Home occupation permits are not typically a walk-in business.

Chairman Runion asked if the home occupation permit is viewed as being more restrictive.

DRAFT

Ms. Cooper said "yes".

Chairman Runion asked if it is the most restrictive category.

Ms. Cooper said "yes" and explained that it is limited in square footage and can have no outside displays.

Mr. Trumbo stated it is hard to make a connection between agriculture and the list in "aq", including taxidermy and gunsmith.

Ms. Cooper explained that more of the items could be eliminated if that is what the Commissioners would like.

Chairman Runion asked if there was anything else that staff would like to bring up.

Ms. Cooper explained that staff would like to remain neutral and have provided a document that hopefully eases the concerns that have been raised.

Mr. Ritenour would like for farms to be more viable for farmers.

Mr. Pence stated his concerns had been cleared up and he was ready to move forward with staff's recommendations.

Mr. Burkholder explained he does not want farm land divided, but changes are needed to achieve viability.

On motion by Mr. Ritenour to recommend approval with the modifications recommended by staff, and seconded by Mr. Pence, the motion carried on a 4-1 vote with Mr. Trumbo dissenting.

The original ordinance amendments and the proposed modifications are part of the official minutes.

MISCELLANEOUS

There were no miscellaneous items.

SITE VISITS AND WORK SESSION

The Commissioners determined that because they had taken action on OA-227 the scheduled work session for December 14, 2012, would not be held. However, the site visit to the Lakeview Development Corporation rezoning will be held that day at 3:00 p.m.

STAFF REPORT OVERVIEW

Ms. Cooper gave an overview of the staff report.

ADJOURMENT

Having no further business the Commission adjourned at 8:03 p.m.

DRAFT

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Chris Runion, Chairman

_____

Betty Gayle Cole, Secretary

ARTICLE VI. USES IN DISTRICTS
Division 2. Prime agricultural A-1

~~Sec. 17-24.1. - Accessory uses by special use permit.~~ Reserved

~~Limited businesses conducted in conjunction with agricultural operations may be permitted, by special use permit, as an accessory use in this district. ("Agricultural," throughout this section, includes "forestall").~~

~~*(P.C. Ord. No. 3-88, (part), 5-11-88; P.C. Ord. No. 95-3, 3-22-95)*~~

~~Sec. 17-24.2. - Same—Intent.~~

~~It is the intent of this section that these businesses operate only on a very limited basis, for the sole purpose of strengthening existing agricultural operations and ensuring their continued economic viability. It is not the intent of this section to sanction, encourage or promote, in any way, the establishment of freestanding businesses separate from an agricultural operation, which might displace or diminish agricultural uses.~~

~~*(P.C. Ord. No. 3-88, (part), 5-11-88; P.C. Ord. No. 95-3, 3-22-95)*~~

~~Sec. 17-24.3. - Same—Restrictions.~~

~~The following restrictions shall apply to all business uses permitted in this district as accessory uses by special use permit:~~

~~(a) The business shall be located on a property where there is an ongoing agricultural operation that qualifies for land use taxation.~~

~~(b) The business shall be permitted to operate only as long as the agricultural operation continues on the property.~~

~~(1) The business shall occupy an area equal to no more than five percent (5%) of the total acreage in agricultural production on the property, but in no case more than two (2) aces.~~

~~(2) Of the land area eligible for business use, five percent (5%) may be enclosed under roof for business purposes, but in no case more than three thousand five hundred (3,500) square feet. For example:~~

~~Acres in Agricultural Use~~	~~Acreage for Business~~	~~Area Under Roof (Rounded to Nearest 100 sq. ft.)~~
~~10~~	~~.5~~	~~1100~~
~~15~~	~~.75~~	~~1600~~

20	1.00	2200
25	1.25	2700
30	1.50	3200
35	1.75	3500
40 and above	2.00(max.)	5000(max.)

(3) However, businesses described in this section as handicrafts or cottage industries shall be limited to one-half (.5) acre and eligible to enclose up to one thousand five hundred (1,500) square feet under roof.

(4) Existing buildings, with a total area of no more than five thousand (5,000) square feet may be converted to a permitted business use.

(c) The special use permit under which the business operates shall be reviewed for administrative revalidation every thirty-six (36) months. If acreage which was in agricultural use at the time the permit was last validated is found to have been taken out of production or divided off from the property, the permit shall be revalidated only after the acreage eligible for business use and the area eligible for enclosure under roof have been recalculated according to the acreage remaining in agricultural use on the property at the time of review. No business permitted under this section shall continue to operate unless it has sufficient acreage in agricultural use to qualify it for the area in business use and the area enclosed under roof for business purposes on the property.

(d) The business shall be conducted by a person in full-time residence on the property, and may employ no more than two (2) off-farm workers.

(e) The business shall be located in close proximity to existing farm buildings, so as to maintain the open, agricultural character of the property and neighborhood. No business operation, equipment or materials (except in the case of display and sale of farm products, as permitted under this section) shall be located closer than existing farm buildings to a public roadway or private right-of-way, and in no event closer than permitted by the setback requirements of this district.

(f) Each business shall be limited to one (1) sign no larger than four (4) square feet, meeting the requirements for professional nameplates, as set forth in subsection 17-133(b).

~~*(P.C. Ord. No. 3-88, (part), 5-11-88; P.C. Ord. No. 95-3, 3-22-95; P.C. Ord. No. 00-2, 1-26-00)*~~

~~**Sec. 17-24.4. - Same—Uses.**~~

~~When, after review of an application and hearing thereon, in accordance with article VIII herein, the board of supervisors finds as a fact that the proposed use if compatible with surrounding uses, is not detrimental to the character of the surrounding land or the district as a whole, is consistent with the intent of this section, and is in the public interest, the following accessory uses may be permitted with special use permit:~~

~~(a) Farm equipment repair, including fabrication of parts;~~

~~(b) Greenhouse, open to public for retail sales;~~

~~(c) Processing of farm products grown on the same land or land lying within two (2) miles of the property on which the business is located;~~

~~(d) Sawmill, for processing timber grown on the same land or land lying within two (2) miles of the property on which the business is located;~~

~~(e) Fruit packing plant, for packing fruit grown on the same land or land lying within two (2) miles of the property on which the business is located;~~

~~(f) Custom slaughter house;~~

~~(g) Custom feedmill;~~

~~(h) Display and/or sale of farm products, provided that:~~

~~(1) At least fifty (50) percent of all products sold are raw food,~~

~~(2) All products have been grown on the same land or land lying within two (2) miles of the property on which the business is located.~~

~~(i) Poultry litter service or brokerage operation;~~

~~(j) Veterinary practice for livestock;~~

~~(k) Reserved.~~

~~(l) Handicrafts and cottage industries, limited to those identified below, provided that all products and services offered are manufactured and/or performed on premises:~~

~~(1) Woodworking shop;~~

~~(2) Blacksmithing or metal working shop;~~

~~(3) Leather working shop;~~

~~(4) Upholstery shop;~~

~~(5) Furniture repair or refinishing shop;~~

~~(6) Glassworks including making of glass and stained glass artifacts;~~

~~(7) Seamstress or tailor shop;~~

~~(8) Knitting, weaving or quilting shop;~~

~~(9) Pottery shop;~~

~~(10) Basketmaking shop;~~

~~(11) Meat curing, canning and preserving operation;~~

~~(12) Taxidermy shop;~~

~~(13) Gunsmithing shop;~~

~~(14) Artist studio.~~

~~*(P.C. Ord. No. 3-88, (part), 5-11-88; P.C. Ord. No. 95-3, 3-22-95)*~~

ARTICLE VI. USES IN DISTRICT
Division 2. Prime Agricultural District A-1
Section 17-23. Special uses.

Sec. 17-23. - Special uses.

When, after review of an application and hearing thereon, in accordance with article VIII, herein, the board of supervisors finds as a fact that the proposed use is compatible with surrounding uses, is not detrimental to the character of the adjacent land, is consistent with the intent of this chapter, and is in the public interest, the following uses may be permitted with a special use permit:

(a) Single-family dwelling, single-family dwelling with independent living quarters or manufactured home (not including manufactured home parks or subdivisions) involving a non-family division of land in accordance with chapter 16 of this Code. The special use permit must be granted and the division of land must be approved by the subdivision agent and recorded prior to the issuance of a building permit for the dwelling or manufactured home.
(b) Country inn.
(c) Governmental, administrative, or service building.
(d) Church or house of worship, cemetery adjunctive.
(e) Cemetery, located no less than fifty (50) feet from any lot line.
(f) Church camp or retreat.
(g) School, public or private.
(h) Child care center.
(i) Reserved.
(j) Animal shelter.
(k) Game farm.
(l) Quarry, gravel, shale or sand pit operation in which the area mined is less than five (5) acres and in which there is no use of explosives.
(m) Well drilling and related pump station and pipeline.
(n) Telecommunications facility as provided by article VII, division 6A of this chapter.
(o) Telephone exchange with above-ground dimension exceeding one hundred ninety-two (192) cubic feet; telephone exchange building; electric generation substation, or transmission tower. As a part of the special use permit application, a landscaping and maintenance plan for the site shall be included, and the site

shall be landscaped and maintained pursuant to such plan (or amended plan as approved by the board of supervisors as a part of the special use permit approval).

(p) Campground.

(q) Circus, carnival, fair, sideshow, tent meeting, music festival of a temporary nature, or flea market.

(r) Shooting range.

(s) Railroad station or yard.

(t) Reserved.

(u) Signs as provided for in article VII, division 5.

(v) Dormitory housing for farm workers.

(w) Slaughterhouse, which shall not exceed two thousand (2,000) square feet of enclosed work space, excluding holding pens.

(x) Uses which in the opinion of the zoning administrator are similar to the foregoing uses, either permitted uses or special uses.

(y) Water filling station, confined source.

(z) Agriculturally related laboratory.

(aa) Raising fur-bearing animals and pelt processing.

(ab) Riding stable or horse show ring.

(ac) Storage in an agricultural structure at least three (3) years old not otherwise allowed as a permitted use.

(ad) Reserved.

(ae) Produce auction.

(af) Farm winery, open to the public and allowing activities as listed under section 17-147.02(c)

(ag Kennel operation.

(ah) Large scale wind energy systems as provided by article XII, division 2 of this chapter.

(ai) Airport, heliport, or flight strip

(aj) Farm equipment repair, including fabrication of parts;

(ak) Processing of farm products grown on the same land or land lying within two (2) miles of the property on which the business is located;

(al) Sawmill;

(am) Fruit packing plant;

(an) Feedmill;

(ao) Poultry litter service or brokerage operation;

(ap) Veterinary practice;

(aq) Handicrafts and cottage industries, limited to those identified below, provided that all products and services offered are manufactured and/or performed on premises:

(1) Woodworking shop;

(2) Blacksmithing or metal working shop;

(3) Leather working shop;

(4) Upholstery shop;

(5) Furniture repair or refinishing shop;

(6) Glassworks including making of glass and stained glass artifacts;

(7) Seamstress or tailor shop;

(8) Knitting, weaving or quilting shop;

(9) Pottery shop;

(10) Basketmaking shop;

(11) Meat curing, canning, and preserving operation

(12) Taxidermy shop

(13) Gunsmith shop

(14) Artist studio

ARTICLE VI. USES IN DISTRICTS
DIVISION 3.GENERAL AGRICULTURAL A-2
Section 17-27. Special uses.

Sec. 17-27. - Special uses.

When, after review of an application and hearing thereon, in accordance with article VII, in this chapter, the board of supervisors finds as a fact that the proposed use is compatible with surrounding uses, is not detrimental to the character of the adjacent land, is consistent with the intent of this chapter, and is in the public interest, the following uses may be permitted with a special use permit:

(a) Cemetery;

(b) Child care center;

(c) Taxidermy, accessory to residence;

(d) Sawmill, temporary or permanent, or commercial wood yard;

(e) Livestock sales pavilion;

(f) Quarry, gravel, shale, or sand operation;

(g) Well drilling and related pumping stations and pipelines;

(h) Telecommunications facility as provided by Article VII, Division 6A of this chapter.

(i) Telephone exchange with above-ground dimension exceeding one hundred ninety-two (192) cubic feet; telephone exchange building; electric generation substation, or transmission tower. As a part of the special use permit application, a landscaping and maintenance plan for the site shall be include, and the site shall be landscaped and maintained pursuant to such plan (or amended plan as approved by the board of supervisors as a part of the special use permit approval).

(j) Raising fur-bearing animals and pelt processing;

(k) Circus, carnival, fair, sideshow, tent meeting, music festival of a temporary nature, flea market or book fair;

(l) Shooting range;

(m) Two-family dwelling, but only if converted from a single-family residential structure existing on a parcel at the time of enactment of this chapter;

(n) Railroad station or yard;

(o) Animal hospital;

(p) Auction sales or auction house;

(q) Boarding house operation;

(r) Family day-care home;

(s) Group home;

(t) Home for adults or nursing home;

(u) Kennel operation;

(v) Feed mill or seed and feed store;

(w) Recreation or amusement enterprise, outside a building, for profit and not otherwise listed;

(x) Riding stable or horse show ring;

(y) Airport, heliport, or flight strip;

(z) Auto graveyard or junkyard;

(aa) Auto service station;

(ab) Machine, welding, or blacksmith shop;

(ac) Beauty or barber shop;

(ad) Ceramic shop;

(ae) Clinic service;

(af) Club;

(ag) Community center;

(ah) Funeral home;

(ai) General country or convenience store;

(aj) Bulk storage of fuels or explosives;

(ak) Public garage;

(al) Signs as provided for in article VII, division 5;

(am) Dormitory housing for farm workers;

(an) Slaughterhouse, which shall not exceed two thousand (2,000) square feet of enclosed work space, excluding holding pens;

(ao) Uses which in the opinion of the zoning administrator are similar to the foregoing uses, either permitted uses or special uses;

(ap) Gun shop, accessory to residence or shooting range;

(aq) Country inn;

(ar) Water filling station, confined source;

(as) Storage in an agricultural structure at least three (3) years old not otherwise allowed as a permitted use;

(at) Agriculturally related laboratory;

(au) Small contractor's business;

(av) Production, storage, and sale of biodiesel fuel that shall not exceed one thousand five hundred (1,500) gallons per day as calculated on an annual basis;

(aw) Reserved.

(ax) Game farm;

(ay) Animal shelter;

(az) Catering services;

(ba) Heritage center;

(bb) Reserved.

(bc) Produce auction;

(bd) Farm winery open to the public and allowing activities as listed under section 17-147.02(c)

(be) Campground.

(bf) Large scale wind energy systems as provided by article XII, division 2 of this chapter.

(bg) Any use allowed by special use permit in the A-1 zoning District and not otherwise listed herein.

STAFF RECOMMENDATION APPROVAL 9/11/12

In the slower economy we have experienced for the last several years, many landowners who obtained special uses in the A-1 zoning district for businesses under Section 17-24.1 – 17.24.4 have found it necessary to sell some of their farmland. However, the restrictions of theses sections (such as amount of acreage they must keep because of the size building they have) has hampered the landowner and caused financial hardship. These amendments would remove the above mentioned sections and make those uses by special use permit in A-1, but they would not be tied a farming operation. Adding it to the A-2 zoning district allows those property owners the same opportunities allowed in the A-1 zoning district. The Board would look at each request on its own merit to determine if it is an appropriate use.

PLANNING COMMISSION RECOMMENDATION TABLED 10/2/12

Citing concerns of moving this forward and piece-mealing the zoning ordinance while working on a zoning ordinance rewrite; and also citing how this would impact the zoning ordinance rewrite for the A1 zoning district, with a vote of 5 to 0, the Planning Commission tabled the amendment.

PLANNING COMMISSION RECOMMENDATION APPROVAL WITH MODIFICATIONS 12/4/12

On a vote of 4 to 1, the Planning Commission recommended approval with the attached modifications.

ARTICLE VI. USES IN DISTRICTS
Division 2. Prime agricultural A-1

~~Sec. 17-24.1. - Accessory uses by special use permit.~~ Reserved

~~Limited businesses conducted in conjunction with agricultural operations may be permitted, by special use permit, as an accessory use in this district. ("Agricultural," throughout this section, includes "forestall").~~

~~(P.C. Ord. No. 3-88, (part), 5-11-88; P.C. Ord. No. 95-3, 3-22-95)~~

~~Sec. 17-24.2. - Same—Intent.~~

~~It is the intent of this section that these businesses operate only on a very limited basis, for the sole purpose of strengthening existing agricultural operations and ensuring their continued economic viability. It is not the intent of this section to sanction, encourage or promote, in any way, the establishment of freestanding businesses separate from an agricultural operation, which might displace or diminish agricultural uses.~~

~~(P.C. Ord. No. 3-88, (part), 5-11-88; P.C. Ord. No. 95-3, 3-22-95)~~

~~Sec. 17-24.3. - Same—Restrictions.~~

~~The following restrictions shall apply to all business uses permitted in this district as accessory uses by special use permit:~~

~~(a) The business shall be located on a property where there is an ongoing agricultural operation that qualifies for land use taxation.~~

~~(b) The business shall be permitted to operate only as long as the agricultural operation continues on the property.~~

~~(1) The business shall occupy an area equal to no more than five percent (5%) of the total acreage in agricultural production on the property, but in no case more than two (2) aces.~~

~~(2) Of the land area eligible for business use, five percent (5%) may be enclosed under roof for business purposes, but in no case more than three thousand five hundred (3,500) square feet. For example:~~

~~Acres in Agricultural Use~~	~~Acreage for Business~~	~~Area Under Roof (Rounded to Nearest 100 sq. ft.)~~
~~10~~	~~.5~~	~~1100~~
~~15~~	~~.75~~	~~1600~~

20	1.00	2200
25	1.25	2700
30	1.50	3200
35	1.75	3500
40 and above	2.00(max.)	5000(max.)

(3) However, businesses described in this section as handicrafts or cottage industries shall be limited to one-half (.5) acre and eligible to enclose up to one thousand five hundred (1,500) square feet under roof.

(4) Existing buildings, with a total area of no more than five thousand (5,000) square feet may be converted to a permitted business use.

(c) The special use permit under which the business operates shall be reviewed for administrative revalidation every thirty-six (36) months. If acreage which was in agricultural use at the time the permit was last validated is found to have been taken out of production or divided off from the property, the permit shall be revalidated only after the acreage eligible for business use and the area eligible for enclosure under roof have been recalculated according to the acreage remaining in agricultural use on the property at the time of review. No business permitted under this section shall continue to operate unless it has sufficient acreage in agricultural use to qualify it for the area in business use and the area enclosed under roof for business purposes on the property.

(d) The business shall be conducted by a person in full-time residence on the property, and may employ no more than two (2) off-farm workers.

(e) The business shall be located in close proximity to existing farm buildings, so as to maintain the open, agricultural character of the property and neighborhood. No business operation, equipment or materials (except in the case of display and sale of farm products, as permitted under this section) shall be located closer than existing farm buildings to a public roadway or private right-of-way, and in no event closer than permitted by the setback requirements of this district.

(f) Each business shall be limited to one (1) sign no larger than four (4) square feet, meeting the requirements for professional nameplates, as set forth in subsection 17-133(b).

~~*(P.C. Ord. No. 3-88, (part), 5-11-88; P.C. Ord. No. 95-3, 3-22-95; P.C. Ord. No. 00-2, 1-26-00)*~~

~~**Sec. 17-24.4. - Same—Uses.**~~

~~When, after review of an application and hearing thereon, in accordance with article VIII herein, the board of supervisors finds as a fact that the proposed use if compatible with surrounding uses, is not detrimental to the character of the surrounding land or the district as a whole, is consistent with the intent of this section, and is in the public interest, the following accessory uses may be permitted with special use permit:~~

~~(a) Farm equipment repair, including fabrication of parts;~~

~~(b) Greenhouse, open to public for retail sales;~~

~~(c) Processing of farm products grown on the same land or land lying within two (2) miles of the property on which the business is located;~~

~~(d) Sawmill, for processing timber grown on the same land or land lying within two (2) miles of the property on which the business is located;~~

~~(e) Fruit packing plant, for packing fruit grown on the same land or land lying within two (2) miles of the property on which the business is located;~~

~~(f) Custom slaughter house;~~

~~(g) Custom feedmill;~~

~~(h) Display and/or sale of farm products, provided that:~~

~~(1) At least fifty (50) percent of all products sold are raw food,~~

~~(2) All products have been grown on the same land or land lying within two (2) miles of the property on which the business is located.~~

~~(i) Poultry litter service or brokerage operation;~~

~~(j) Veterinary practice for livestock;~~

~~(k) Reserved.~~

~~(l) Handicrafts and cottage industries, limited to those identified below, provided that all products and services offered are manufactured and/or performed on premises:~~

~~(1) Woodworking shop;~~

~~(2) Blacksmithing or metal working shop;~~

~~(3) Leather working shop;~~

~~(4) Upholstery shop;~~

~~(5) Furniture repair or refinishing shop;~~

~~(6) Glassworks including making of glass and stained glass artifacts;~~

~~(7) Seamstress or tailor shop;~~

~~(8) Knitting, weaving or quilting shop;~~

~~(9) Pottery shop;~~

~~(10) Basketmaking shop;~~

~~(11) Meat curing, canning and preserving operation;~~

~~(12) Taxidermy shop;~~

~~(13) Gunsmithing shop;~~

~~(14) Artist studio.~~

~~*(P.C. Ord. No. 3-88, (part), 5-11-88; P.C. Ord. No. 95-3, 3-22-95)*~~

ARTICLE VI. USES IN DISTRICT
Division 2. Prime Agricultural District A-1
Section 17-23. Special uses.

Sec. 17-23. - Special uses.

When, after review of an application and hearing thereon, in accordance with article VIII, herein, the board of supervisors finds as a fact that the proposed use is compatible with surrounding uses, is not detrimental to the character of the adjacent land, is consistent with the intent of this chapter, and is in the public interest, the following uses may be permitted with a special use permit:

(a) Single-family dwelling, single-family dwelling with independent living quarters or manufactured home (not including manufactured home parks or subdivisions) involving a non-family division of land in accordance with chapter 16 of this Code. The special use permit must be granted and the division of land must be approved by the subdivision agent and recorded prior to the issuance of a building permit for the dwelling or manufactured home.
(b) Country inn.
(c) Governmental, administrative, or service building.
(d) Church or house of worship, cemetery adjunctive.
(e) Cemetery, located no less than fifty (50) feet from any lot line.
(f) Church camp or retreat.
(g) School, public or private.
(h) Child care center.
(i) Reserved.
(j) Animal shelter.
(k) Game farm.
(l) Quarry, gravel, shale or sand pit operation in which the area mined is less than five (5) acres and in which there is no use of explosives.
(m) Well drilling and related pump station and pipeline.
(n) Telecommunications facility as provided by article VII, division 6A of this chapter.
(o) Telephone exchange with above-ground dimension exceeding one hundred ninety-two (192) cubic feet; telephone exchange building; electric generation substation, or transmission tower. As a part of the special use permit application, a landscaping and maintenance plan for the site shall be included, and the site

shall be landscaped and maintained pursuant to such plan (or amended plan as approved by the board of supervisors as a part of the special use permit approval).

(p) Campground.

(q) Circus, carnival, fair, sideshow, tent meeting, music festival of a temporary nature, or flea market.

(r) Shooting range.

(s) Railroad station or yard.

(t) Reserved.

(u) Signs as provided for in article VII, division 5.

(v) Dormitory housing for farm workers.

(w) Slaughterhouse, which shall not exceed two thousand (2,000) square feet of enclosed work space, excluding holding pens.

(x) Uses which in the opinion of the zoning administrator are similar to the foregoing uses, either permitted uses or special uses.

(y) Water filling station, confined source.

(z) Agriculturally related laboratory.

(aa) Raising fur-bearing animals and pelt processing.

(ab) Riding stable or horse show ring.

(ac) Storage in an agricultural structure at least three (3) years old not otherwise allowed as a permitted use.

(ad) Reserved.

(ae) Produce auction.

(af) Farm winery, open to the public and allowing activities as listed under section 17-147.02(c)

(ag Kennel operation.

(ah) Large scale wind energy systems as provided by article XII, division 2 of this chapter.

(ai) Airport, heliport, or flight strip

(aj) The following uses when located on a property where an ongoing agricultural operation is under land use taxation, and operated by a full-time resident of the farm, and limited to no more than 2 off-farm employees.

(1) Farm equipment repair, including fabrication of parts;

(2) Processing of farm products grown on the same land or land lying within two (2) miles of the property on which the business is located;

(3) Sawmill;

(4) Fruit packing plant;

(5) Feedmill;

(6) Poultry litter service or brokerage operation;

(7) Veterinary practice;

(8) Uses limited to those identified below, provided that all products and services offered are manufactured and/or performed on premises:

(a) Woodworking shop;

(b) Blacksmithing or metal working shop;

(c) Leather working shop;

~~(d) Upholstery shop;~~

~~(e) Furniture repair or refinishing shop;~~

~~(f) Glassworks including making of glass and stained glass artifacts;~~

~~(g) Seamstress or tailor shop;~~

~~(h) Knitting, weaving or quilting shop;~~

~~(i) Pottery shop;~~

~~(j) Basketmaking shop;~~

(d) Meat curing, canning, and preserving operation

(e) Taxidermy shop

(f) Gunsmith shop

~~(n) Artist studio~~

ARTICLE VI. USES IN DISTRICTS
DIVISION 3.GENERAL AGRICULTURAL A-2
Section 17-27. Special uses.

Sec. 17-27. - Special uses.

When, after review of an application and hearing thereon, in accordance with article VII, in this chapter, the board of supervisors finds as a fact that the proposed use is compatible with surrounding uses, is not detrimental to the character of the adjacent land, is consistent with the intent of this chapter, and is in the public interest, the following uses may be permitted with a special use permit:

(a) Cemetery;

(b) Child care center;

(c) Taxidermy, accessory to residence;

(d) Sawmill, temporary or permanent, or commercial wood yard;

(e) Livestock sales pavilion;

(f) Quarry, gravel, shale, or sand operation;

(g) Well drilling and related pumping stations and pipelines;

(h) Telecommunications facility as provided by Article VII, Division 6A of this chapter.

(i) Telephone exchange with above-ground dimension exceeding one hundred ninety-two (192) cubic feet; telephone exchange building; electric generation substation, or transmission tower. As a part of the special use permit application, a landscaping and maintenance plan for the site shall be include, and the site shall be landscaped and maintained pursuant to such plan (or amended plan as approved by the board of supervisors as a part of the special use permit approval).

(j) Raising fur-bearing animals and pelt processing;

(k) Circus, carnival, fair, sideshow, tent meeting, music festival of a temporary nature, flea market or book fair;

(l) Shooting range;

(m) Two-family dwelling, but only if converted from a single-family residential structure existing on a parcel at the time of enactment of this chapter;

(n) Railroad station or yard;

(o) Animal hospital;

(p) Auction sales or auction house;

(q) Boarding house operation;

(r) Family day-care home;

(s) Group home;

(t) Home for adults or nursing home;

(u) Kennel operation;

(v) Feed mill or seed and feed store;

(w) Recreation or amusement enterprise, outside a building, for profit and not otherwise listed;

(x) Riding stable or horse show ring;

(y) Airport, heliport, or flight strip;

(z) Auto graveyard or junkyard;

(aa) Auto service station;

(ab) Machine, welding, or blacksmith shop;

(ac) Beauty or barber shop;

(ad) Ceramic shop;

(ae) Clinic service;

(af) Club;

(ag) Community center;

(ah) Funeral home;

(ai) General country or convenience store;

(aj) Bulk storage of fuels or explosives;

(ak) Public garage;

(al) Signs as provided for in article VII, division 5;

(am) Dormitory housing for farm workers;

(an) Slaughterhouse, which shall not exceed two thousand (2,000) square feet of enclosed work space, excluding holding pens;

(ao) Uses which in the opinion of the zoning administrator are similar to the foregoing uses, either permitted uses or special uses;

(ap) Gun shop, accessory to residence or shooting range;

(aq) Country inn;

(ar) Water filling station, confined source;

(as) Storage in an agricultural structure at least three (3) years old not otherwise allowed as a permitted use;

(at) Agriculturally related laboratory;

(au) Small contractor's business;

(av) Production, storage, and sale of biodiesel fuel that shall not exceed one thousand five hundred (1,500) gallons per day as calculated on an annual basis;

(aw) Reserved.

(ax) Game farm;

(ay) Animal shelter;

(az) Catering services;

(ba) Heritage center;

(bb) Reserved.

(bc) Produce auction;

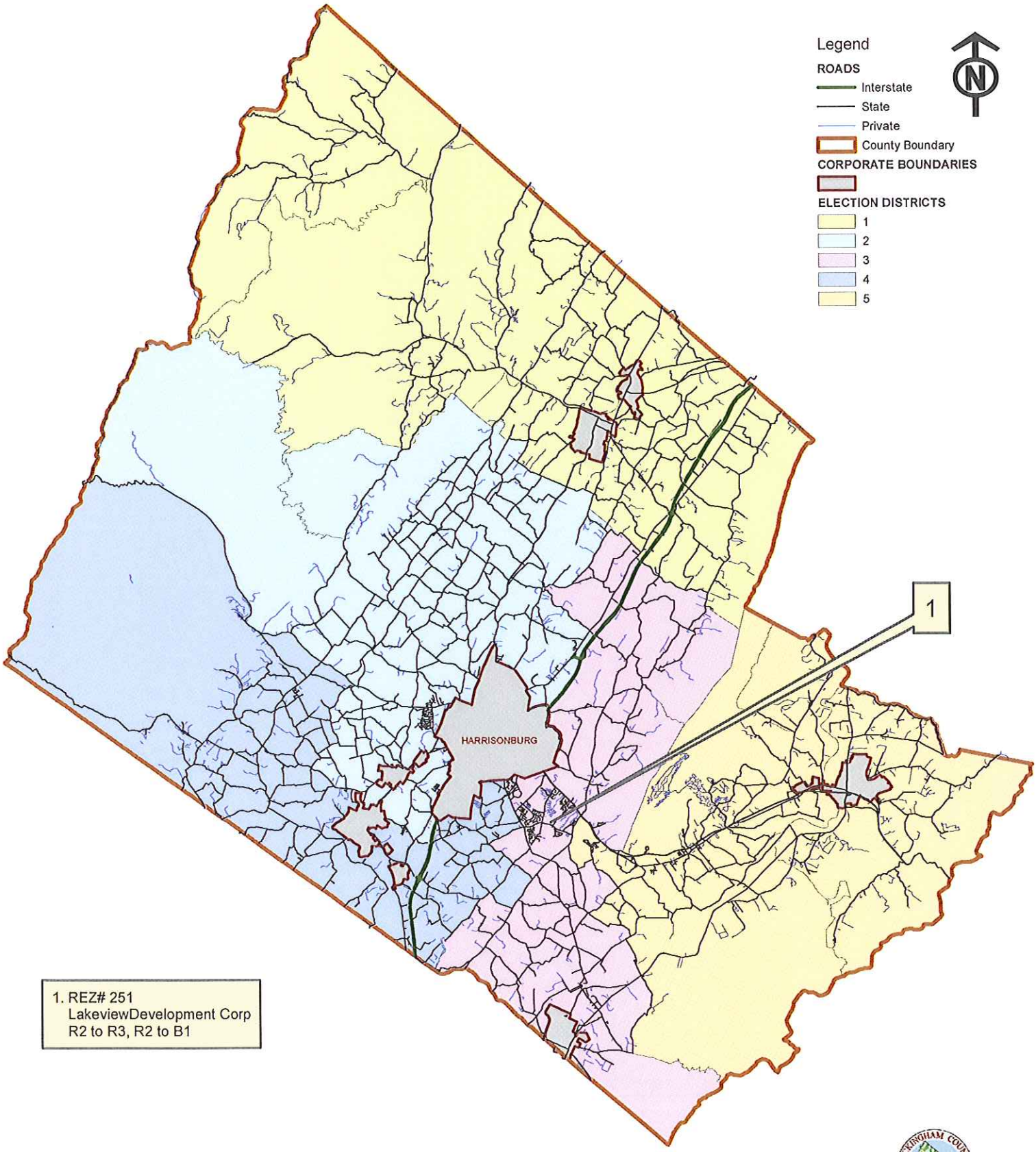
(bd) Farm winery open to the public and allowing activities as listed under section 17-147.02(c)

(be) Campground.

(bf) Large scale wind energy systems as provided by article XII, division 2 of this chapter.

(bg) Any use in the A-1 zoning District allowed by special use permit and which is required to be located on a property where an ongoing agricultural operation is under land use taxation, and operated by a full-time resident of the farm, and limited to no more than 2 off-farm employees shall be allowed by special use permit in this district without those restrictions.

January 2013 Rezoning Request Area Map



Community Development
Rezoning Report
REZ-251

Planning Commission
January 2, 2013

Board of Supervisors
January 23, 2012

Applicant	Lakeview Development Corp.
Tax Map Id	Portions of parcel 126-(A)- L44
Present Zoning	R-2 (Medium Density Residential)
Proposed Zoning	R-3C (General Residential with Conditions) and B-1C (General Business with Conditions)
Location	North of the intersection of Shen Lake Drive (Rt. 689) between Massanetta Springs Road (Rt 687) and Lakeview Drive (Rt 1025)
Acreage	14.705 acres of a 177.753-acre parcel
Election District	3
Comprehensive Plan	Community Residential (within the Urban Development Area)

Staff Recommendation:	December 14, 2012: Approval
Planning Commission:	January 2, 2013:
Board of Supervisors:	January 23, 2013:

GENERAL INFORMATION

BACKGROUND

The majority of parcel 126-(A)- L44 has been dedicated to the golf course, and is intended to remain under that use. Bounded to the west by Massanetta Springs Road and bisected by Shen Lake Drive, the parcel has one access point from Shen Lake Drive where several accessory structures surround a house and commercial building. To the east of these structures, Lakeview Drive bounds the property and provides access to Shen Lake Road for five residential properties.

PROPOSED PROJECT OVERVIEW

The applicant proposes to rezone 11.586 acres located northeast of the intersection of Massanetta Springs Road (Rt. 687) and Shen Lake Drive (Rt. 689) from R-2 (Medium Density Residential) to R-3C (General Residential with Conditions) for the construction of townhouses, and 3.119 acres located northwest of the intersection of Shen Lake Drive and Lakeview Drive (Rt. 1025) from R-2 to B-1C (General Business with Conditions) for the construction of an event center, totaling 14.705 acres from a 177.753-acre tax parcel 126-(A)-L44.

Lakeview Townhouses

The proposed development consists of townhouses along a curvilinear roadway that follows the topography of the site. A new access point from Massanetta Springs Road would be constructed and a traffic circle would be placed near the entrance of the development.

Lakeview Event Center

The proposed development entails the removal of existing structures replaced by a single unit and an enhanced parking area with more spaces and medians. The access from Shen Lake Drive would be restricted to the cart path only and a new entrance would be constructed from Lakeview Circle.

PROFFERS[1]

The applicant has proffered several limitations on the use and design of the acreage rezoned to R-3C as well as to the acreage rezoned to B-1C. The R-3C development shall be restricted to townhouse style development with a maximum of seventy-six townhouses at full build-out. A sidewalk will traverse the R-3C area and a traffic circle will be constructed near the entrance to provide room for buses to turn around. The parking areas for both the R-3C and B-1C portions will be landscaped with a variety of vegetation equal no less than fifteen (15) percent of the total area of each parking lot. The complete proffer letter is enclosed.

[1] Proffers are voluntary contributions made by developers to the County through the conditional zoning process. Proffers are binding commitments which become a part of the County's zoning ordinance as it pertains to a specific property.

COMPREHENSIVE PLAN

The Comprehensive Plan designates the area as Community Residential. The proposed rezoning site is also located within the Urban Development Area.

ZONING AND EXISTING LAND USE

The land is zoned R-2. One single family detached unit, currently used for office space by Lakeview Development Corporation, and several commercial structures currently occupy a small portion of the total parcel. The remainder is Lakeview Golf Course.

Adjoining Properties and Uses

Direction From Site	Zoning	Existing Land Use
North	R-5 R-3	Sunnyside Retirement Community Single family detached residences
East	R-2	Single family detached residence
South	R-2	Lakeview Golf Course Single family detached residences
West	R-2	Lakewood Subdivision (single family detached residences)

STAFF AND AGENCY ANALYSIS

UTILITIES

Public Works

County water is available for both portions of the proposed rezoning and Rockingham County has adequate capacity to serve both sites. There is an existing meter that serves the current pro-shop which potentially could be used for the proposed event center. However, if the service line needs to be upgraded, the County water-main is on the same side of the road and a road crossing would not be necessary for any new taps. For the townhouses, the County water-main is located across Massanetta Springs Road and a road crossing would be required for any connections.

For County sewer, the event center would need to connect to a force main which is located across Shen Lake Drive. The force main would need to be evaluated to determine if adequate capacity is available to handle the proposed flows from the event center. If adequate, the center would need to have its own private pump station. For the townhouses, County sewer options would need to be

evaluated. A sewage pump station for the entire development would not be allowed unless an existing County station could be taken out of service. It is unclear if the entire townhouse area would be able to gravity feed to the County system. The sewer main is located across Massanetta Springs Road. One option may be obtaining an easement to gravity the sewage to the Lakewood sewage pump station.

Health Department
The Health Department has no comments due to the site being served by public water and sewer.

ENVIRONMENTAL

Soils
According to the soil survey, the area under consideration has slopes ranging from 0 percent to 45 percent and a depth to a root-restrictive layer of more than 60 inches throughout. For the majority of the area the natural drainage classification is well drained, water movement in the most restrictive layer is moderately high, and the shrink-swell potential is moderate. This soil does not meet hydric criteria. However, the soil around Congers Creek is classified as poorly drained, water movement is moderately low, and while the shrink-swell potential is low, the soil is occasionally to frequently flooded. The soil immediately adjacent to Congers Creek meets hydric criteria.

Floodplain
According to FEMA mapping, the parcel is not located within a 100-year floodplain.

PUBLIC FACILITIES

Schools
Following initial comments from Rockingham County Public Schools regarding the safety and access for school bus loading and unloading, the applicant resubmitted the design proposal to include a roundabout near the entrance from Massanetta Springs Road. Rockingham County Public Schools claims "The addition of the turnaround circle at the entrance will greatly improve the safety of any potential bus stops for students." Additionally, they suggested providing sidewalks or a designated walking lane throughout the townhouse area.

Emergency Services
Harrisonburg Volunteer Rescue Squad (5 miles away) and the Port Road station of Hose Company #4 (2 miles away) serve this site. The Fire and Rescue Department has no concerns.

TRANSPORTATION

Traffic Counts

Road	Classification	Traffic Count*
Massanetta Springs Road	Urban Collector	2,300
Lakeview Drive	Local	60
Shen Lake Drive	Urban Collector	4,100

* Based on vehicles per day

VDOT

A new commercial entrance off of Massanetta Springs Road is being proposed for the townhouse development site. It appears that an entrance in the location shown on the rezoning request will be acceptable. A new commercial entrance off of Lakeview Drive is being proposed to serve the event center site. The proposed entrance does not accommodate the 225' corner clearance standard. If this spacing can't be obtained, a VDOT Access Management exception will be required.

SUMMARY

Considerations

1. The Comprehensive Plan designates this area as Community Residential.

2. The rezoning site also lies within the Urban Development Area (UDA). The UDA is intended for compact residential development designed to incorporate a mix of housing types and to accommodate "pedestrian and vehicular traffic with a full complement of services and amenities."

3. A goal of the Comprehensive Plan is to "achieve a balance of compatible land uses and communities in which people can live, work, and play." (p. 2-100) To accomplish this the Plan notes that:
   a. "the County will take the necessary measures to ensure that new development will be concentrated mainly in areas served by public water and sewer (designated as Urban Growth Areas), including areas in and around the incorporated towns and adjacent to major road corridors," and that
   b. "80% of new housing will be located in compact growth areas served by community facilities, by allowing higher residential densities with traditional design elements." (pp. 2-7 & 2-101)

4. The R-3 General Residential District is intended to provide for maximum residential development flexibility, utilizing a variety of residential alternatives. While allowing for a variety of uses, this district is still primarily residential and uses should be compatible with the basic nature of the district. The proposed townhouses adjacent to the golf course fit within these criteria.

5. The B-1 General Business District is designed to provide a wide range of retail sales and services while preventing scattered or strip development incompatible with adjoining existing uses. As a permitted use and situated on an existing golf course, the proposed event center fits within these criteria.

6. Denial of this rezoning application would result in the entire parcel retaining the R-2 Medium Density Residential zoning. Although townhouses are not permitted in R-2, duplexes are a permitted use at a density of up to 7.2 units per acre. The proposed townhouse development has a density of 6.6 units per acre.

7. Similarly, the R-2 Medium Density Residential District allows golf courses as a permitted use along with accessory buildings and structures. While denial of this application would not prevent the applicant from moving forward, the use of the accessory buildings could only be subordinate and incidental to the golf course.

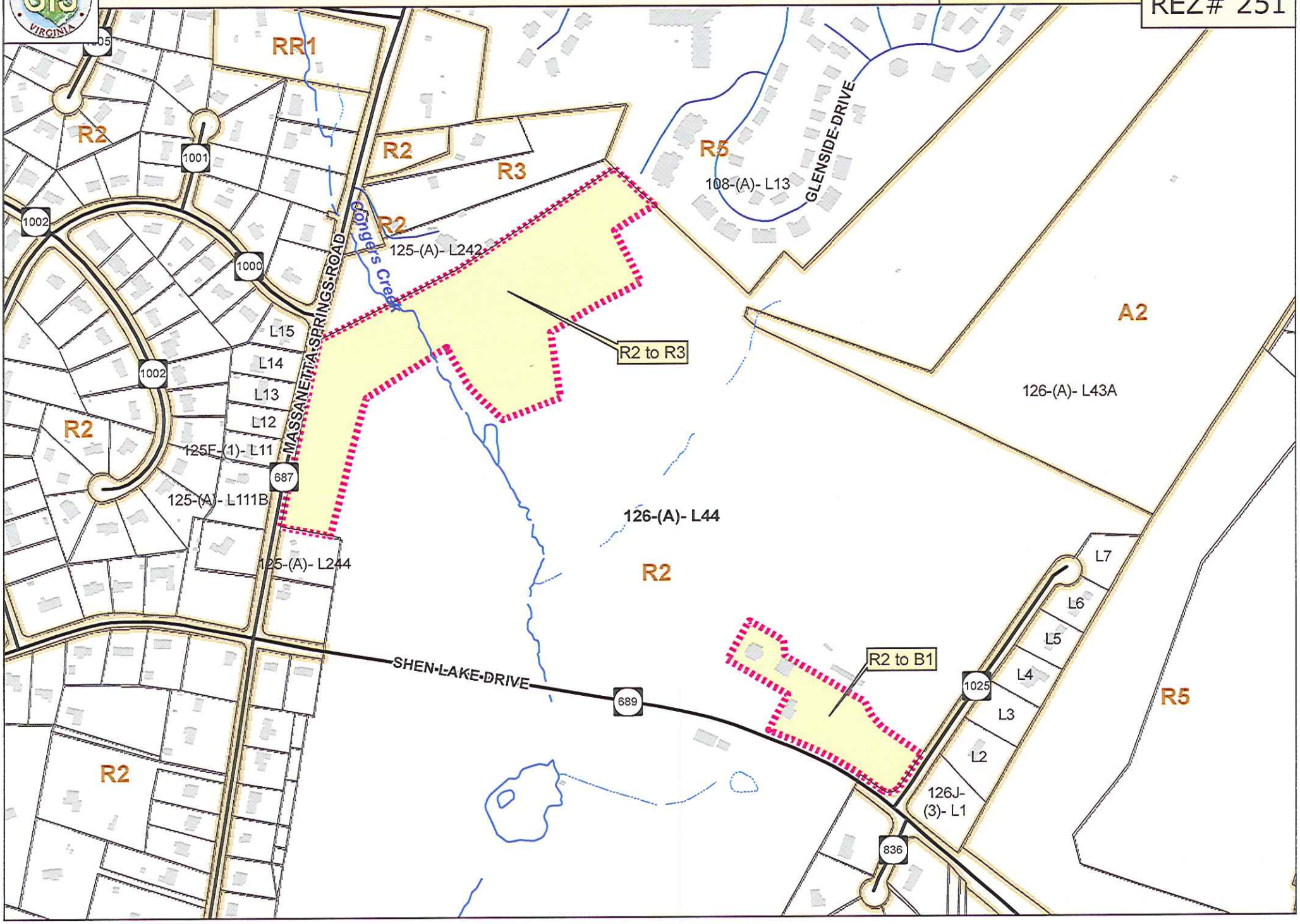
RECOMMENDATIONS & ACTION

Staff Recommendation: Approval December 13, 2012
This rezoning request is compatible with the Comprehensive Plan designation of Community Residential and furthers the goals and strategies of the Plan.

Lakeview Development Corp. Rezoning Request

PC Hearing Date: 1/02/2013
BOS Hearing Date: 1/23/2013

REZ# 251



ROCKINGHAM COUNTY REZONING APPLICATION

#REZ-251

Prior to submitting this application, the applicant must have a preliminary meeting with a planner in the Department of Community Development. No application can be accepted until this meeting is held. Call 540-564-3033 for an appointment.

APPLICANT'S CHECKLIST:

X Complete this application and sign the front and back.

X Enclose a boundary map of the property, showing a metes and bounds description of the area to be rezoned. The map cannot be larger than 11" x 17".

FOR OFFICE USE ONLY

Applicant Meeting Date: 10-23-12	Planner: Rhonda + James	
Application Fee: $900.00	Receipt #	Date Received:
Taxes Paid: yes	Staking Given:	
Deadline Date:	PC Hearing Date:	BOS Hearing Date:

Check if: Owner: ✓ Contract Purchaser ____

APPLICANT: Lakeview Development Corp

MAILING ADDRESS: 4101 Shen Lake Drive, Harrisonburg, VA 22801 EMAIL: dave.seiholt@gmail.com

CONTACT PERSON: David Holt DAYTIME PHONE: 540-434-8937

Send notices to you? Yes If so, include postal and email address: Same as above

LOCATION: (N) ~~S E W~~) of (Road Name) Shen Lake Drive (Route #) 689

approximately 0 ~~miles~~ (feet) ~~(N S E~~ (W) of (Road Name) Lakeview Circle

(Route #) 836 in Election District # 3.

TAX MAP(S) #: 126-A-L44 PRESENT USE: Golf Course

NUMBER OF ACRES IN REZONING REQUEST: Townhouses-11.586± FROM R2 ZONING TO R3-C
Pro-Shop/Restaurant/Event Center - 3.119± FROM R2 ZONING TO B1-C

INDICATE METHOD OF:

Water Supply	Sewage Disposal
(County Water)	(County Sewer)
City Water *	City Sewer *
Community System	Community System
Well	Septic System
Cistern	Alternative (Specify)____

*** If City water and/or sewer are selected, applicant must have full approval by City and County prior to submitting this rezoning application.**

Virginia law permits the landowner to offer conditions (proffers) governing the use of the property. The conditions (proffers) would add to, or modify, the use of the property that the landowner is requesting to be rezoned. These conditions (proffers) must be presented to the Community Development Office in letter form.

David H. Holt, President Lakeview Development Corp.

Signature of Landowner Signature of Applicant or Agent

ADJOINING LANDOWNERS:
Provide the names and complete mailing addresses of all adjoining landowners, including landowners across any road, railroad, stream, or river. Also include any adjoining landowners within the City of Harrisonburg, a town, or in another county. Attach additional sheets, if necessary.

Names and addresses of adjoining County landowners are available at http://rockingham.gisbrowser.com and in the Real Estate and Land Use Office located in the Rockingham County Administration Center.

Remember: If the property in this rezoning request adjoins the City of Harrisonburg, a town, or another county, it is your responsibility to supply this office with the names and current addresses of the adjoining properties within the City, town, or other county.

NAME	ADDRESS
Separate sheet	

ADJOINING PROPERTY OWNER VERIFICATION

AS APPLICANT FOR THIS REZONING, I DAVID H. HOLT
Applicant *(PLEASE PRINT NAME)*

hereby acknowledge that I have faithfully and correctly provided names and complete mailing addresses of all my adjoining property owners and those directly across the street or road. I understand that failure to do so will leave me liable for additional costs for re-advertising and that my request could be delayed until proper notification has been given to all adjoining property owners.

Signature of Applicant David H. Holt Date: Oct. 23, 2012

PROPERTY PROPOSED TO BE REZONED

LAKEVIEW TOWNHOUSES

	ZONING		OWNER	OWNER ADDRESS		ACRES
TM#	Current	Rezoned as:				
126-(A)-L44	R-2	R-3C	LAKEVIEW DEVELOPMENT CORP	4101 SHEN LAKE DRIVE	HARRISONBURG, VA 22801	11.586±

ADJACENT PROPERTIES

	TM#	ZONING	OWNER	OWNER ADDRESS		
1	125-(A)-L244	R-2	LOUISE GILCHRIST	1461 MASSANETTA SPRINGS RD	HARRISONBURG, VA 22801	
2	125-(A)-L111A	R-2	FRED & K MARTIN ZIMMERMAN	1458 MASSANETTA SPRINGS RD	HARRISONBURG, VA 22801	
3	125-(A)-L111B	R-2	RODNEY HELERT	1448 MASSANETTA SPRINGS RD	HARRISONBURG, VA 22801	
4	125F-(1)-L11	R-2	JON & LORI OLIVER	1404 MASSANETTA SPRINGS RD	HARRISONBURG, VA 22801	
5	125F-(1)-L12	R-2	SCOTT & CHRISTINA GLOVER	1380 MASSANETTA SPRINGS RD	HARRISONBURG, VA 22801	
6	125F-(1)-L13	R-2	TUTWILER FAMILY REVOCABLE TRUST	1368 MASSANETTA SPRINGS RD	HARRISONBURG, VA 22801	
7	125F-(1)-L14	R-2	ANDREW FORWARD	1344 MASSANETTA SPRINGS RD	HARRISONBURG, VA 22801	
8	125F-(1)-L15	R-2	WILEY & LENA OSBORNE	1322 MASSANETTA SPRINGS RD	HARRISONBURG, VA 22801	
9	125F-(1)-L216	R-2	MAMES & LINDA FAILES JR	3390 LAKEWOOD DRIVE	HARRISONBURG, VA 22801	
10	125-(A)-L242	R-2	LYNN SMITH	3470 WALNUT SPRINGS LANE	HARRISONBURG, VA 22801	

LAKEVIEW GOLF COURSE - PRO-SHOP/RESTAURANT/EVENT CENTER

	ZONING		OWNER	OWNER ADDRESS		ACRES
TM#	Current	Rezoned as:				
126-(A)-L44	R-2	R-3C	LAKEVIEW DEVELOPMENT CORP	4101 SHEN LAKE DRIVE	HARRISONBURG, VA 22801	3.119±

ADJACENT PROPERTIES

	TM#	ZONING	OWNER	OWNER ADDRESS		
1	126J-(3)-L2	R-2	DANIEL & CATHERINE HOSTETTER	1270 LAKEVIEW DRIVE	HARRISONBURG, VA 22801	
2	126J-(3)-L1	R-2	LAKEVIEW DEVELOPMENT CORP	4101 SHEN LAKE DRIVE	HARRISONBURG, VA 22801	
3	126J-(2)-L1	R-2	ROLAND & PATRICIA WINDMILLER	1310 LAKEVIEW CIRCLE	HARRISONBURG, VA 22801	
4	126J-(2)-L5	R-3C	ELIZABETH BALDWIN	1315 LAKEVIEW CIRCLE	HARRISONBURG, VA 22801	

December 17, 2012

Ms. Rhonda Cooper
Rockingham County
Community Development

DRAFT

Ref: Lakeview Rezoning – R-2 to R-3c and B-1c

Dear Mrs. Cooper,

The following proffers are intended to be a part of the rezoning request for the Lakeview Golf townhouse and event center:

I. R-3c Property Proffers:

1. The proposed R-3 property shall be used for townhouses only.
2. There shall not be more than seventy six (76) townhouses developed on the proposed R-3C property.
3. A sidewalk shall be constructed on one side of the proposed roadway within the subdivision.
4. All existing healthy pine trees along Massanetta Springs Road that are not in the construction limits shall be retained.
5. An internal traffic circle shall be constructed to enable traffic flow and provide for school busses to turn around and reenter Massenatta Springs Road.

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II. B-1c Property Proffers:

1. An event center accommodating up to 300 people shall be constructed and will include a golf club house, pro-shop, restaurant, cart storage and associate golf course activities.
2. Each terminus of a parking bay, unless adjacent to a landscaping border, shall have a landscaping island. A single row parking bay shall have an island with a minimum of one hundred forty (140) square feet. A double row parking bay shall have an island with a minimum of two hundred eighty (280) square feet.
3. Rows of parking spaces shall be divided at intervals of no more than sixteen (16) parking spaces by a landscaping island of no less than one hundred forty (140) square feet.
4. Each required landscaping island, shall have and maintain at least one (1) large deciduous tree, one (1) small/ornamental deciduous tree, or one evergreen tree., At the time of planting, tree sizes shall meet the requirements as defined in item III-2. The planting of evergreen trees shall not exceed fifty (50) percent of the number of trees planted in landscaping islands In addition, at least two (2) deciduous or evergreen shrubs, at least twelve (12) inches tall at the time of planting, shall be planted and maintained within each required landscaping island.
5. Parking lots shall have landscaping of at least nine (9) feet in width for the entire length of every other interior parking bay connecting the landscaping islands required above. Trees shall be provided at no less than one (1) large deciduous tree planted for every forty (40) linear feet of island length, or fraction thereof; no less than one (1) small/ornamental deciduous tree, planted for every twenty-five (25) linear feet of island length, or fraction thereof; no less than one (1) evergreen tree planted for every twenty-five 25) linear feet of

DRAFT

DRAFT

island length, or fraction thereof; or no less than a combination to the above mentioned proportions. The planting of evergreen trees shall not exceed fifty (50) percent of the number of trees planted in this landscaping area. At the time of planting, tree sizes shall meet the requirements as defined in item III-2. Tree locations within this landscaping area are at the discretion of the property owner/developer. Parking lots with two (2) or less internal parking bays are exempt from this requirement.

III. R-3c and B-1c

1. A well maintained landscaping area equal to at least fifteen (15) percent of the total area of the parking lot shall be provided contiguous to the parking lot..
2. Trees shall be planted and maintained within landscaping borders adjacent to public street rights-of-way according to one (1) of the following:
   a. No less than one (1) large deciduous tree planted for every forty (40) linear feet of parking lot street frontage, or fraction thereof. At the time of planting, tree sizes shall be at least two (2) inches in caliper and be a minimum of eight (8) feet in height. Tree locations within the border are at the discretion of the property owner/developer.
   b. No less than one (1) small/ornamental deciduous tree, planted for every twenty-five (25) linear feet of parking lot street frontage, or fraction thereof. At the time of planting, tree sizes shall be at least one (1) inch in caliper and be a minimum of five (5) feet in height. Tree locations within the border are at the discretion of the property owner/developer.
   c. No less than one (1) evergreen tree may be planted for every twenty-five (25) linear feet of parking lot street frontage, or fraction thereof. Evergreen trees shall not exceed fifty (50) percent of the number trees planted within the border. At the time of planting, trees shall be at least four (4) feet in height. Tree locations within the border are at the discretion of the property owner/developer.
   d. No less than a combination of large and small/ornamental deciduous and/or evergreen trees proportionate to item 6.a.,b.,c. Tree locations within the border are at the discretion of the property owner/developer.
   e. Where existing trees meet or exceed the requirements of a, b, c, or d above, they may remain and count towards the totals of trees along public streets.

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3. All landscaping shall be located as to not interfere with the adequate sight distance standards.
4. Owner(s) and their agent(s), heirs, or assigns shall be responsible for the installation, preservation and maintenance of all planting and physical features required to satisfy the conditions of there proffer. Any dead or missing vegetation shall be replaced (with like or similar vegetation) within one (1) calendar year of the vegetation's death.

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David H. Holt
President
Lakeview Development Corp.

CHAPTER 17. ZONING
ARTICLE X. Violation and Penalty
Sec. 17-225. - Complaints regarding violations.

Whenever a violation of this chapter occurs, or is alleged to have occurred, any person may ~~file~~lodge a ~~written~~ complaint. Such complaint, stating fully the cause and basis thereof, shall be ~~filed~~lodged with the zoning administrator. He shall record properly such complaint, investigate, and take action thereon provided by this chapter.

STAFF RECOMMENTDATION APPROVAL November 30, 2012

Most complaints regarding violations are by phone and are not written complaints. Many people filing a complaint wish to keep their identity unknown. County staff has always responded to a complaint that was called in because once we know of a possible violation, we feel we have an obligation to check on it. We do not want to run the risk of going into court and having some attorney try to get a violation thrown out because our ordinance says we must have a written complaint, and it was one that was called into us. The words lodge and lodged were suggested by the Assistant County Attorney as filed sounds like paper/writing; and we are trying to get away from written complaints.

CHAPTER 17. ZONING
ARTICLE X. Violation and Penalty
SEC. 17-225.1. Inspection warrants.

The Zoning Administrator, or agent, may present sworn testimony to a magistrate or court of competent jurisdiction, and if such sworn testimony establishes probable cause that a zoning ordinance violation has occurred, request that the magistrate or court grant the Zoning Administrator an inspection warrant to enable the Zoning Administrator, or agent, to enter the subject dwelling for the purpose of determining whether violations of the zoning ordinance exist. The Zoning Administrator, or agent, shall make a reasonable effort to obtain consent from the owner or tenant of the subject dwelling prior to seeking the issuance of an inspection warrant under this section.

STAFF RECOMMENDATION: APPROVAL November 30, 2012

In cases of violation complaints regarding such things as apartments in a single-family dwelling, etc., this would give staff the ability to access the residence to determine if such violation does exist. It could only be used when consent cannot be obtained from the owner or tenant of the dwelling; and the magistrate would have to be satisfied there is probable cause that a violation has occurred.

ARTICLE VI. USES IN DISTRICTS
Division 2. Prime Agricultural District A-1
Section 17-22. Permitted uses.

Sec. 17-22. - Permitted uses.

Within prime agricultural district A-1, land to be used or structures to be erected for one (1) or more of the following uses with parking as required in article VII:

(a) Agriculture;
(b) Animal husbandry;
(c) Silviculture;
(d) Orchard;
(e) Nursery operation;
(f) Aquaculture;
(g) Flood control or watershed structure;
(h) Greenhouse, but not open to the public;
(i) Park, pond, lake, pedestrian trail, walkway, bikeway, playground, or bridle path (public or private);
(j) Intensive poultry facility, as permitted by article VII, division 9 of this chapter;
(k) Hog operation, no closer than three hundred (300) feet to a property line;
(l) Fish hatchery;
(m) Hunting or fishing club;
(n) Domestic animals;
(o) Public utilities (not including telephone exchange cabinets) unless special use permit required in this district;
(p) Signs as provided for in article VII, division 5;
(q) Single-family dwelling, single-family dwelling with independent living quarters, or manufactured home, (not including manufactured home parks or subdivisions) unless special use permit required under subsection 17-23(a);
(r) Water filling station, natural source;
(s) Water hauling;
(t) Storage of agricultural products, supplies or equipment in an agricultural structure at least three (3) years old, by no more than one (1) noncommercial user other than the landowner;
(u) Reserved.
(v) Telephone exchange cabinet with above-ground dimension no greater than one hundred ninety-two (192) cubic feet; provided, however, prior to issuance of final zoning approval for a building permit, a landscaping and maintenance plan for the cabinet site shall be approved by the community development department,

and the site shall be landscaped and maintained pursuant to such plan (or amended plan, as approved by the community development department).

(w) Farm winery and related activities, ~~not open to the public,and with no on-site tours with special events or~~

(x) Small wind energy systems as provided by article XII, division 1 of this chapter.

(y) Farm First Enterprise Program as provided by article XIII of this chapter.

ARTICLE VI. USES IN DISTRICT
Division 2. Prime Agricultural District A-1
Section 17-23. Special uses.

Sec. 17-23. - Special uses.

When, after review of an application and hearing thereon, in accordance with article VIII, herein, the board of supervisors finds as a fact that the proposed use is compatible with surrounding uses, is not detrimental to the character of the adjacent land, is consistent with the intent of this chapter, and is in the public interest, the following uses may be permitted with a special use permit:

(a) Single-family dwelling, single-family dwelling with independent living quarters or manufactured home (not including manufactured home parks or subdivisions) involving a non-family division of land in accordance with chapter 16 of this Code. The special use permit must be granted and the division of land must be approved by the subdivision agent and recorded prior to the issuance of a building permit for the dwelling or manufactured home.
(b) Country inn.
(c) Governmental, administrative, or service building.
(d) Church or house of worship, cemetery adjunctive.
(e) Cemetery, located no less than fifty (50) feet from any lot line.
(f) Church camp or retreat.
(g) School, public or private.
(h) Child care center.
(i) Reserved.
(j) Animal shelter.
(k) Game farm.
(l) Quarry, gravel, shale or sand pit operation in which the area mined is less than five (5) acres and in which there is no use of explosives.
(m) Well drilling and related pump station and pipeline.
(n) Telecommunications facility as provided by article VII, division 6A of this chapter.
(o) Telephone exchange with above-ground dimension exceeding one hundred ninety-two (192) cubic feet; telephone exchange building; electric generation substation, or transmission tower. As a part of the special use permit application, a landscaping and maintenance plan for the site shall be included, and the site

shall be landscaped and maintained pursuant to such plan (or amended plan as approved by the board of supervisors as a part of the special use permit approval).

(p) Campground.

(q) Circus, carnival, fair, sideshow, tent meeting, music festival of a temporary nature, or flea market.

(r) Shooting range.

(s) Railroad station or yard.

(t) Reserved.

(u) Signs as provided for in article VII, division 5.

(v) Dormitory housing for farm workers.

(w) Slaughterhouse, which shall not exceed two thousand (2,000) square feet of enclosed work space, excluding holding pens.

(x) Uses which in the opinion of the zoning administrator are similar to the foregoing uses, either permitted uses or special uses.

(y) Water filling station, confined source.

(z) Agriculturally related laboratory.

(aa) Raising fur-bearing animals and pelt processing.

(ab) Riding stable or horse show ring.

(ac) Storage in an agricultural structure at least three (3) years old not otherwise allowed as a permitted use.

(ad) Reserved.

(ae) Produce auction.

~~(af) Farm winery, open to the public and allowing activities as listed under section 17-147.02(c)~~ Reserved

(ag) Kennel operation.

(ah) Large scale wind energy systems as provided by article XII, division 2 of this chapter.

(ai) Airport, heliport, or flight strip

ARTICLE VI. USES IN DISTRICTS
DIVISION 3. GENERAL AGRICULTURAL A-2
SECTION 17-26. Permitted uses.

Sec. 17-26. - Permitted uses.

Within the general agricultural district A-2, land to be used or structures to be erected for one (1) or more of the following uses with parking as required in article VII:

(a) Agriculture;
(b) Animal husbandry;
(c) Silviculture;
(d) Orchard;
(e) Nursery operation;
(f) Single-family dwelling, not including residential subdivisions;
(g) Manufactured home, not including manufactured home parks or subdivisions;
(h) Aquaculture;
(i) Flood control or watershed structure;
(j) Greenhouse;
(k) Park, pond, lake, pedestrian trail, walkway, bikeway, playground, or bridle path (public or private);
(l) Reserved;
(m) Church or house of worship;
(n) Cemetery, if adjunctive to church;
(o) Golf course;
(p) Police, fire, or rescue station;
(q) Fish hatchery;
(r) Hunting or fish club;
(s) Intensive poultry facility as permitted by article VII, division 9 of this chapter;
(t) Church camp or retreat;
(u) Reserved;
(v) School, public or private, located no less than fifty (50) feet from any property line;
(w) Governmental, administrative or service building;
(x) Public utilities (not including telephone exchange cabinets) unless special use permit required in this district;
(y) Signs as provided for in article VII, division 5;
(z) Water filling station, natural source;
(aa) Water hauling;

(ab) Storage of agricultural products, supplies or equipment in an agricultural structure at least three (3) years old, by no more than one (1) noncommercial user other than the landowner;

(ac) Hog operation, no closer than three hundred (300) feet to a property line;

(ad) Domestic animals;

(ae) Reserved;

(af) Telephone exchange cabinet with above-ground dimension no greater than one hundred ninety-two (192) cubic feet; provided, however, prior to issuance of final zoning approval for a building permit, a landscaping and maintenance plan for the cabinet site shall be approved by the community development department, and the site shall be landscaped and maintained pursuant to such plan (or amended plan, as approved by the community development department);

(ag) Single-family dwelling with independent living quarters;

(ah) Farm winery and related activities, ~~not open to the public,and with no on-site tours, with no special events or festivals~~

(ai) Small wind energy systems as provided by article XII, division 1 of this chapter;

(aj) Reserved;

(ak) Farm First Enterprise Program as provided by article XIII of this chapter.

ARTICLE VI. USES IN DISTRICTS
DIVISION 3.GENERAL AGRICULTURAL A-2
Section 17-27. Special uses.

Sec. 17-27. - Special uses.

When, after review of an application and hearing thereon, in accordance with article VII, in this chapter, the board of supervisors finds as a fact that the proposed use is compatible with surrounding uses, is not detrimental to the character of the adjacent land, is consistent with the intent of this chapter, and is in the public interest, the following uses may be permitted with a special use permit:

(a) Cemetery;
(b) Child care center;
(c) Taxidermy, accessory to residence;
(d) Sawmill, temporary or permanent, or commercial wood yard;
(e) Livestock sales pavilion;
(f) Quarry, gravel, shale, or sand operation;
(g) Well drilling and related pumping stations and pipelines;
(h) Telecommunications facility as provided by Article VII, Division 6A of this chapter.
(i) Telephone exchange with above-ground dimension exceeding one hundred ninety-two (192) cubic feet; telephone exchange building; electric generation substation, or transmission tower. As a part of the special use permit application, a landscaping and maintenance plan for the site shall be include, and the site shall be landscaped and maintained pursuant to such plan (or amended plan as approved by the board of supervisors as a part of the special use permit approval).
(j) Raising fur-bearing animals and pelt processing;
(k) Circus, carnival, fair, sideshow, tent meeting, music festival of a temporary nature, flea market or book fair;
(l) Shooting range;
(m) Two-family dwelling, but only if converted from a single-family residential structure existing on a parcel at the time of enactment of this chapter;
(n) Railroad station or yard;
(o) Animal hospital;
(p) Auction sales or auction house;
(q) Boarding house operation;
(r) Family day-care home;
(s) Group home;
(t) Home for adults or nursing home;

(u) Kennel operation;

(v) Feed mill or seed and feed store;

(w) Recreation or amusement enterprise, outside a building, for profit and not otherwise listed;

(x) Riding stable or horse show ring;

(y) Airport, heliport, or flight strip;

(z) Auto graveyard or junkyard;

(aa) Auto service station;

(ab) Machine, welding, or blacksmith shop;

(ac) Beauty or barber shop;

(ad) Ceramic shop;

(ae) Clinic service;

(af) Club;

(ag) Community center;

(ah) Funeral home;

(ai) General country or convenience store;

(aj) Bulk storage of fuels or explosives;

(ak) Public garage;

(al) Signs as provided for in article VII, division 5;

(am) Dormitory housing for farm workers;

(an) Slaughterhouse, which shall not exceed two thousand (2,000) square feet of enclosed work space, excluding holding pens;

(ao) Uses which in the opinion of the zoning administrator are similar to the foregoing uses, either permitted uses or special uses;

(ap) Gun shop, accessory to residence or shooting range;

(aq) Country inn;

(ar) Water filling station, confined source;

(as) Storage in an agricultural structure at least three (3) years old not otherwise allowed as a permitted use;

(at) Agriculturally related laboratory;

(au) Small contractor's business;

(av) Production, storage, and sale of biodiesel fuel that shall not exceed one thousand five hundred (1,500) gallons per day as calculated on an annual basis;

(aw) Reserved.

(ax) Game farm;

(ay) Animal shelter;

(az) Catering services;

(ba) Heritage center;

(bb) Reserved.

(bc) Produce auction;

(bd~~) Farm winery open to the public and allowing activities as listed under section 17-147.02(c)~~ Reserved

(be) Campground.

(bf) Large scale wind energy systems as provided by article XII, division 2 of this chapter.

Article VII. Use Regulations

~~Division 6C. Farm winery~~ Reserved

~~Sec. 17-147. - Purpose and intent.~~ Reserved

~~The purpose of this article is to regulate and facilitate the development of farm wineries.~~

~~*(P.C. Ord. No. 05-17, 12-14-05)*~~

~~Sec. 17-147.01. - Applicability.~~ Reserved

~~The requirements set forth in this division shall govern the development of farm wineries, in conjunction with the applicant additionally meeting all requirements set forth by the state alcoholic beverage control board.~~

~~*(P.C. Ord. No. 05-17, 12-14-05)*~~

~~Sec. 17-147.02. - Site requirements.~~ Reserved

~~Each farm winery shall be subject to the following:~~

~~After obtaining approval from the county the owner shall obtain a farm winery license from the state alcoholic beverage control board. At least fifty-one (51) percent of the fresh fruits or agricultural products used by the owner to manufacture the wine shall be grown or produced on the farm, unless the state alcoholic beverage control board and zoning administrator waives such requirement. If, in the event of drought, natural disaster, disease or other cause beyond the control of the owner there are not sufficient grapes grown on the premises to allow the owner to meet normal annual production the owner may petition in writing for a one-year waiver of the fifty-one (51) percent rule. For the rule to be waived, approval must be given by both the state alcoholic beverage control board, and the zoning administrator and the owner shall be notified in writing by the zoning administrator of such waiver. The fifty-one (51) percent rule shall not be waived for more than three (3) consecutive years.~~

~~a. Facilities for fermenting and/or bottling wine shall not be established until the vineyard, orchard or other growing area has been established and is in production.~~

~~b. The following uses and activities are permitted at a farm winery with the prior approval of a site plan as provided in subsection~~

~~c. (d). Special events and festivals are also subject to the additional requirements set forth in subsection (e):~~

~~1. On-premise sale of wine, associated products and wine tasting. One (1) location may be established on each farm for the on-premise sale~~

~~of wine and associated products and wine tasting. The aggregate total floor area for such sales and wine tasting shall not exceed fifteen hundred (1,500) square feet. A special use permit may authorize the aggregate floor area to exceed fifteen hundred (1,500) square feet;~~

~~2. Daily tours. Daily tours of a farm winery shall be permitted;~~

~~3. Special events. Special events shall be permitted up to twelve (12) times per year. For purposes of this section, a special event is an event conducted at a farm winery on a single day for which attendance is allowed only by invitation or reservation. Special events include, but are not limited to, meetings, conferences, banquets, dinners, wedding receptions, private parties and other events conducted for the purpose of marketing wine. A special use permit may authorize the number of special events per year to exceed twelve (12).~~

~~4 Festivals. Festivals shall be permitted up to four (4) times per year. For purposes of this section, a festival is an event conducted at a farm winery for up to three (3) consecutive days which is open to the general public and conducted for the purpose of marketing wine.~~

~~d. A use or activity identified in subsection (c) is authorized only with the prior approval of a site plan.~~

~~e. Special events and festivals shall be also subject to the following:~~

~~1. The owner shall obtain a special entertainment permit prior to conducting a festival. A single special entertainment permit may be obtained for one (1) or more such festivals as provided herein:~~

~~a. The owner shall apply for a special entertainment permit at least thirty (30) days prior to the date of the first festival to be authorized by the special entertainment permit. The application shall be submitted to the zoning administrator, who shall forward copies of the application to the county sheriff's office, the county fire and rescue division, and the local office of the state department of health;~~

~~b. The application shall describe the nature of each festival to be authorized by the special entertainment permit, the date or dates and hours of operation of each such festival, the facilities, buildings and structures to be used, and the number of participants allowed to attend each festival;~~

~~c. Upon a determination that all requirements of the zoning ordinance are satisfied and upon receiving approval, and any conditions of such approval, from the other county offices receiving copies of the application, the zoning administrator shall issue a special entertainment permit for one or more festivals. The special entertainment permit shall be conditional upon the owner's~~

~~compliance with all requirements of the zoning ordinance and all conditions imposed by the special entertainment permit;~~

~~d. The zoning administrator may issue a single special entertainment permit for two (2) or more festivals if:~~

~~(i) The application submitted by the owner includes the required information for each festival to be covered by the special entertainment permit;~~

~~(ii) The zoning administrator determines that each such festival 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 festival may be imposed with the special entertainment permit.~~

~~2. No kitchen facility permitted by the health department as a commercial kitchen shall be allowed on the farm. 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 such special event or festival;~~

~~3. An outdoor amplified sound system shall be prohibited after midnight.~~

(P.C. Ord. No. 05-17, 12-14-05)

STAFF RECOMMENDATION **APPROVAL** **DECEMBER 18, 2012**

These amendments bring the County Code into compliance with State Code regulations involving farm wineries. It also allows farm wineries more flexibility with regard to events and activities held at the winery by removing the need for a special entertainment permit whenever they wish to hold an event. It also removes the number of events allowed. In addition, this amendment would allow wineries to have on-site catering or restaurant facilities, if other agencies' requirements are met.

Farm wineries are a significant contribution to the agri-tourism economy and, by removing restrictions now placed on farm wineries, the County would benefit from the likely increase in agri-tourism businesses.