



## NELSON COUNTY PLANNING COMMISSION

Meeting Agenda: October 28, 2015

General District Courtroom, 3<sup>rd</sup> Floor, Nelson County Courthouse, Lovingson

---

– **7:00 – Meeting Convenes / Call to Order**

– **Review of meeting minutes: September 23, 2015**

– **Public Hearing Items:**

- **Special Use Permits #2015-10; -11; -12; -13; and -14 – “Spruce Creek Resort & Market” / Richard Averitt IV**

Consideration of Special Use Permit applications seeking approval to “build a small grocery/market for the sale of local foods and goods; build a banquet hall to be used for weddings, meetings, etc...and provide lodging cottages provisions for overnight stays; build a small spa with a few cabins for guest use and public use; build a restaurant on an A-1 zoning property; and to build a tasting venue for off-site wineries.” These applications have been submitted pursuant to Zoning Ordinance §4-1-35a (“retail store, neighborhood”); §4-1-13a (“conference center”); §4-1-44a (“activity center”); §4-1-34a (“restaurant”); and §4-1-16a (“farm winery permanent remote retail establishment”). The subject property is located on Rockfish Valley Highway and is identified as Tax Map Parcels #21-A-35 and -36, consisting of 98.21-acres zoned Agricultural (A-1).

– **Other Agenda Items:**

- Referral of Amendments from BOS (continued from September 23<sup>rd</sup> meeting):
  - Bed and Breakfast Uses – R2015-66
  - Temporary Events, Festival Grounds, and Out-Of-Door Accessory Uses – R2015-68

– **Other Business** (as determined by Planning Commission members / as applicable)

– **Adjournment**

– **Next Meeting:** November 18, 2015 | 7:00pm

**NELSON COUNTY PLANNING COMMISSION**  
**MEETING MINUTES**  
**September 23, 2015**

**Present:** Chair Philippa Proulx, Commissioners Mike Harman, Linda Russell, Mary Kathryn Allen, and Robert Goad

**Absent:** Larry Saunders (Board of Supervisors Liaison)

**Staff Present:** Tim Padalino, Director of Planning & Zoning and Stormy Hopkins, Secretary

**Call to Order:** Chair Proulx called the meeting to order at 7:01 P. M. in the General District Courtroom, County Courthouse, Lovingson.

Chair Proulx announced that there was an error in the advertising that was placed in the Nelson County Times. She noted that the "Spruce Creek Resort and Market" would not be on tonight's agenda.

**Approval of Minutes – July 22, 2015:** Chair Proulx asked if there were any further corrections to the revised July 22<sup>nd</sup> (draft dated 9/14/2015) meeting minutes.

Commissioner Russell noted the following changes:

Page 9 – last motion should read: Commissioner Russell motioned Draft Revision of the Bylaws for the Nelson County Planning Commission presented June 10, 2015 be adopted.

**Commissioner Harman made a motion that the July 22, 2015 minutes be approved as amended. Commissioner Allen provided a second; the vote 5-0.**

Chair Proulx asked if there were any further corrections/changes to the August 26<sup>th</sup> (draft dated 9/11/2015) meeting minutes. No changes were made.

**Commissioner Harman made a motion that the August 26, 2015 minutes be approved. Commissioner Allen provided a second; the vote 5-0.**

**1. Minor Site Plan for Special Use Permit #2015-04: "Wintergreen Brewery" / Frederick Phillips**

Mr. Padalino noted that a complete application was received on June 19<sup>th</sup>, 2015, seeking approval of a Special Use Permit (SUP) to operate a brewery pursuant to Article 8, Section 1-12a "Brewery" of the Nelson County Zoning Ordinance. He noted that the Staff Report included a detailed project narrative for Mr. Phillips' proposal.

Mr. Padalino noted some of the details from the narrative as follows:

- Three (3) types of beer would be brewed weekly in five (5) gallon batches.
- No food will be prepared or served. (He wishes to provide some home brewed beer to the patrons who are already coming to the property for the Blue Ridge Pig restaurant).
- The brewery will be a one-man operation (no additional employees planned at this time).
- The brewery will contain 12 seats.
- The proposed hours of operation will be from 4:00pm – 8:00pm Thursday, Friday, and Saturday.
- No changes will be made to the existing interior or exterior of the building.

Mr. Padalino further noted the subject property's location, characteristics, and other information. The property is located in Nellysford, where Vallemont Grocery was in the past. The proposed brewery would be located in the building that contains the Blue Ridge Pig restaurant, a barber shop and two (2) residential units. Basic Necessities is also located on this parcel.

Mr. Padalino showed a slide that contained the zoning map as depicted on the Nelson County GIS website. He further noted that in researching the County's records (rezoning from Agricultural (A-1) to Business (B-1) in 1985 and 1993), he has determined that the GIS data is inaccurate and that the property is almost entirely Business (B-1) zoning. He added that there is still a small portion of Agricultural (A-1) zoning on the property.

Mr. Padalino noted that Minor Site Plans are required with all SUP applications; and this Minor Site Plan was prepared by Mr. Morris Foster. He further noted that the original Site Plan was reviewed on July 8, 2015 by the Site Plan Review Committee, and the revised Site Plan was reviewed on September 9, 2015. Detail comments from those meetings can be found in the Staff Report dated September 15, 2015.

Mr. Padalino stated that it is Staff's recommendation to approve SUP #2015-04, conditional that approval is granted from VDOT (highway and road safety) and the Health Department (waste). He suggested that the PC carefully consider conditions, if the PC recommends approval of this SUP, to address the potential for a brewery operation of a much larger magnitude to locate on the subject property in the future.

The following questions were asked by the Commissioners:

1. With the question of future possible expansion and it being a SUP, can the PC recommend conditions involving issues such as the hours of operation, the scale of the operation, etc; is that correct? Mr. Padalino noted that was correct. The PC could recommend conditions to the BOS if the conditions have a nexus with public health, safety, and welfare.
2. Currently the Valleymont Grocery is vacant, what effect would that have if it was rented out, would a revised Site Plan have to be submitted? Mr. Padalino noted that if there's no change in land use, a Site Plan may not be necessary since Site Plans are triggered by land development and new construction.
3. If approved and the applicant decided to expand the brewery to use the entire building, would he be required to apply for a new SUP? Mr. Padalino stated that a new SUP would not be required.

Mr. Phillips pointed out (on the screen) that he is using the old Ambrosia space for the brewery and not the grocery store space. Chair Proulx noted that on the Site Plan the proposed brewery would occupy the old grocery store space. Mr. Phillips responded stating that he intends to have twelve (12) spaces and serve the Blue Ridge Pig customers, which is 1/20<sup>th</sup> of what was there previously. He stated that he, "doesn't plan to expand much more from the three (3) five-gallon containers a week to maybe six (6)". He further noted that the space that will be vacant is roughly 1,000SF and the other grocery store space is roughly 4,000SF, and he has no immediate plans to use that space. He indicated that he did not know he had the option to expand to use the entire building.

The Commissioners had concerns with the fact that what Mr. Phillips is saying does not agree with what is on the Site Plan. The Site Plan indicates that the brewery is going to occupy all of the Valleymont Grocery space and that is not the case.

Mr. Phillips noted that he was unsure as to what it was that he needed for the Site Plan. He further noted that Mr. Morris Foster had been on vacation and Mr. Roger Nelson was busy with the Lockn' Festival. He indicated that Mr. Nelson submitted a favorable report with the uses that he currently has. He further indicated that in regards to the ITE report, the use is going to be 1/20<sup>th</sup> of what he was using previously. He estimates that there are on average twenty-five (25) customers on a weekly basis at the Blue Ridge Pig. He plans to sell forty (40) beers per day, three (3) days a week. He also noted that there is plenty of turning space for vehicles.

Chair Proulx opened the public hearing at 7:25pm. No comments were made and the public hearing was closed.

The Commissioners agreed that the Site Plan needs to be revised to accurately reflect the correct square footage of the areas of the building; it needs to show what space(s) Mr. Phillips intends to use for the brewery; and to show the current zoning. Commissioner Russell noted that the Virginia Department of Transportation (VDOT) recommended the closure of the entrance north of the car wash, which she indicated she supports. She also noted that VDOT recommended that there no parking along the main island. The issue of the canopy was discussed as to whether to remove it or not. Mr. Phillips noted that he has been in contact with Tiger Fuel Company but is not sure if there would be a cost associated with that removal.

**Commissioner Russell made the following motion:**

**I make a motion that the Planning Commission postpone consideration of Special Use Permit #2015-04 for Mr. Frederick Phillips until our October meeting, at which time a corrected Site Plan should be available, as well as reports from VDOT and the Health Department. Commissioner Allen provided the second; the vote 5-0.**

**Other Agenda Items:**

**1. Referral of amendments from BOS – Bed and Breakfast Uses – R2015-66:**

Mr. Padalino noted that this discussion was continued from the last meeting. He provided the Commissioners with a copy of the proposed amendments that contained “track changes” (see attached).

The Commissioners and Mr. Padalino discussed each of the proposed amendments in detail. Changes were made as follows:

1. Boardinghouse: add “permanent or” before semi-permanent
2. Campground: change motor vehicle to “motor home”. Remove last three (3) sentences of definition. Add “Campgrounds require the provision of potable water and sanitary facilities.”
3. Home Occupations: remove the definition.
4. Transient: remove (a short period of time) replace with “thirty (30) days or less.”

The Commissioners asked Mr. Padalino to have Grant Massie revisit the “Vacation House” definition and gather more details. Mr. Padalino then stated that he had been contacted by some county residents with questions about the Site Plan requirements and how they tie into the overnight lodging for farm wineries. Specifically, he noted that currently, if three (3) dwelling units or more are on one (1) parcel, the submittal of a Major Site Plan is required; and he asked if that was appropriate for the different types/combinations of uses that a bona fide farm winery might consider doing? The Commissioners agreed they would think about this and come back with their thoughts. Chair Proulx asked for a new draft of the proposed amendments prior to the October meeting.

**2. Referral of amendments from BOS – Temporary Events, Festival Grounds, and Out-Of-Door Accessory Uses – R2015-68:**

Mr. Padalino provided a copy of the proposed amendments (see attached). He noted that there have been comments from the public since the BOS’ referral and the PCs’ last meeting. He further noted that one of the big concerns is with Section 23-2-1 “Exempt Events” (page 2). Mr. Padalino indicated that he has added some additional suggestions that will not change the policy, but will serve to clarify the full range of exempt events. Mr. Padalino specified that farm wineries and agritourism activities benefit from far-reaching exemptions under State

Code; and stated that he believes it is important to explicitly include them in the list of exempt events. The Commissioners agreed.

The Commissioners and Mr. Padalino discussed Temporary Events, Category 2 (23-2-3-2) and decided that it would be phrased differently to change the number of permits from two (2) to state that no more than twelve (12) events per calendar year. It was noted that there could be more than one (1) date listed on a single permit, but not to exceed six (6).

Chair Proulx noted that in the "Statement of Intent", the last sentence seems redundant. Mr. Padalino indicated that he would check with Phillip Payne on this. Chair Proulx also suggested adding schools to the "Temporary Event, Non-Profit" section. She asked about removing community service from the definition. Mr. Padalino said he would review that further.

Mr. Padalino noted that "Temporary Event" does not have its own definition and feels it needs to be defined. The Commissioners agreed that they would search/gather ideas and have suggestions for the next meeting.

Commissioner Goad indicated that there is an error in the numbering. On page 4, section numbers should be corrected (23-3-2; 23-3-3; and 23-3-4).

Mr. Padalino noted that he would work on the proposed modifications with the assistance of other County Staff and bring a draft back to the PC for the October meeting.

Mr. Padalino further noted that the deadline to get the recommended amendments to the BOS is in early December, and that the PC's public hearing would need to be held in November. Chair Proulx stated that the PC could ask the BOS for an extension if necessary.

Commissioner Russell asked Mr. Padalino if he had an update for the PC regarding SUP for multiple parcels. He noted that he spoke with Mr. Payne. He indicated that he thinks (procedurally) it would be acceptable either of the following ways:

1. Having contiguous properties be permitted under a single SUP; or
2. Requiring each property to obtain a SUP for events that involve multiple parcels; or
3. One property owner (or representative) applies for an SUP with documented permission from all owners.

Staff Updates:

Mr. Padalino reported on the following:

1. Atlantic Coast Pipeline Questionnaire was completed and submitted. Copies were provided to the Commissioners.
2. A Planning Grant application was submitted to the Virginia Department of Agricultural and Consumer Services (VDACS) requesting \$20,000 to restart and finish the Rockfish Valley Area Plan (RVAP). The County has to match the money one-to-one. Copies of the application were provided to the Commissioners.
3. Staff distributed the application materials for the Spruce Creek Resort project (5 SUP applications, Minor Site Plan, and portfolio). The applicants will provide an introduction to the BOS at their October 13<sup>th</sup> meeting.

Chair Proulx stated that she received a call from a constituent very concerned about development activity and the need for the RVAP. She also asked Mr. Padalino to check the zoning on a property that is located behind the old Rockfish Elementary School (near Paul's Creek Subdivision). She believes that may be zoned industrial. Mr. Padalino indicated that he does not think that's correct but he would check the zoning in that area, as well if there is any SUP or rezoning.

**Board of Supervisors Report:** Mr. Saunders was not present.

**Adjournment:**

At 9:02 P.M. Commissioner Allen made a motion to continue to Tuesday, September 29, 2015 at 7:00pm.

Respectfully submitted,

Stormy V. Hopkins  
Secretary, Planning & Zoning

DRAFT



**To:** Chair and Members, Nelson County Planning Commission  
**From:** Tim Padalino | Planning & Zoning Director  
**Date:** October 20, 2015  
**Subject:** Public Hearing for Special Use Permits #2015-10, #2015-11, and #2015-12, #2015-13, and #2015-14 (“Spruce Creek Resort & Market” / Averitt)

<b>Summary of Application(s)</b>	
<u>Site Address / Location:</u>	Rockfish Valley Highway / Nellysford / Central District
<u>Tax Parcel(s):</u>	#21-A-35 and #21-A-36
<u>Parcel Size:</u>	98.21 acres
<u>Zoning:</u>	Agricultural (A-1) with General Floodplain overlay (FP) along Spruce Creek
<u>Applicants:</u>	Mr. Richard Averitt IV and Mr. Richard G. “Dick” Averitt III
<u>Request:</u>	Approval of Special Use Permits #2015-10, -11, -12, -13, and -14
<ul style="list-style-type: none"> <li>▪ <i>Completed Applications Received On:</i> August 26<sup>th</sup>, 2015</li> </ul>	

On August 26<sup>th</sup>, the Department of Planning & Zoning received five (5) Special Use Permit (SUP) applications and supporting materials from Mr. Richard Averitt IV and Mr. Dick Averitt III. Specifically, the application materials include the following submittals:

- Five (5) Special Use Permits as follows:
  - SUP #2015-10 for “neighborhood retail store” (pursuant to §4-1-35a)
  - This requested special use would allow for the construction and operation of “a small grocery/market for the sale of local foods and goods.” Per Zoning Ordinance Article 2, this special use would be limited to a total of 4,000 SF.
  - SUP #2015-11 for “conference center” (pursuant to §4-1-13a)
  - This requested special use would allow for the construction and operation of “a banquet hall to be used for weddings, meetings, etc and to provide overnight lodging accommodations in cottages.” Per the application materials, this special use would be comprised of an event facility as well as approximately 36 cottages which would accommodate approximately 60-80 guests.
  - SUP #2015-12 for “activity center” (pursuant to §4-1-44a)
  - This special use is being requested to “build a small spa...for guest use and public use.”

- SUP #2015-13 for “restaurant” (pursuant to §4-1-34a)...
  - This requested special use would allow for the construction and operation of a restaurant, which is proposed for the upper tract of the subject property (parcel 36).
  - SUP #2015-14 for “farm winery permanent remote retail establishment” (§4-1-16a)
  - This special use is being requested to “build a tasting venue for off-site wineries.”
- **Minor Site Plan**
    - These drawings, prepared by Nelson Byrd Woltz Landscape Architects, portray the proposed configuration of the multiple special uses. The Minor Site Plan includes the following sheets:
      - L000 – Cover Sheet / Existing Conditions / Notes
      - L100 – Proposed Site Plan (1” = 200’ scale)
      - L101 – Area of Disturbance (1’ =200’ scale)
      - L200 – Enlarged Plan: Market Buildings (1” = 30’ scale)
      - L201 – Enlarged Plan: Event Building, Reception, and Teahouse (1” = 30’ scale)
      - L202 – Enlarged Plan: Facilities Management (1” = 30’ scale)
      - L203 – Enlarged Plan: Program Sites – Restaurant, Cottages, Spa (1” = 30’ scale)
- **SUP Portfolio (supplemental packet)**
    - This document provides extensive details using both narrative explanations and graphic exhibits. It contains the applicants’ statements about the proposed project’s concept, programmatic components, operations and projected employment, and details of vehicular access and circulation. The portfolio contains the following pages:
      - Project Narrative
      - Illustrative Plan
      - Site Program
      - 100-Year Floodplain Map
      - Circulation Diagram
      - Photographs of Existing Site Conditions

**Subject Property Location, Characteristics, and Comprehensive Plan Designation:**

The subject property is comprised of two undeveloped parcels located in the Nellysford area on the northwest side of Rockfish Valley Highway, further identified as Tax Map Parcels #21-A-35 and #21-A-36. These two parcels total 98-acres of Agricultural (A-1) zoned property, with an area of General Floodplain overlay district (FP) along Spruce Creek. The subject property is currently undeveloped, and was formerly the location of Waynesboro Nursery. Remnant ornamental trees and shrubs remain throughout the property(s). *Please see maps on pages 7-10.*

With regards to the “Future Land Use Plan” in the *Nelson County Comprehensive Plan*, Nellysford proper is identified as a “Mixed Use Village Development Model,” which “allows for a variety of uses,” and which, “emphasizes a walkable community with many amenities available,” and which “fulfill[s] the diverse needs and interests of nearby residents and visitors to the county.”

Additionally, the South of Nellysford area is designated a “Rural Residential District Model,” which “would allow low density residential and compatible non-residential uses in rural areas where agriculture is not the predominant use.”

## **Review Process Overview:**

- August 26<sup>th</sup> – official submission
- September 9<sup>th</sup> – Site Plan Review Committee meeting
- October 13<sup>th</sup> – project introduction to Board of Supervisors
- October 28<sup>th</sup> – Planning Commission public hearing
- November 12<sup>th</sup> – Board of Supervisors public hearing

## **Site Plan Review Committee Comments:**

The Site Plan Review Committee reviewed the Minor Site Plan (dated August 28) for these SUP applications on September 9<sup>th</sup>, which produced the following review comments:

- **VDOT:** Mr. Jeff Kessler, Virginia Department of Transportation representative, initially provided review comments in writing on September 3<sup>rd</sup>. Mr. Kessler’s initial review comments included the following:
  - “In order to access the potential traffic impacts from this proposed development, we will need a Traffic Impact Statement (TIS) in accordance with 24VAC30-155-60.”
  - “The required elements of the TIS are dependent on vehicle trips per peak hour and vary incrementally up to 1,000+. One of the first items to address would be concurrence on the potential vehicle trips generated by the development based on ITE’s Trip Generation. This will in turn guide us as to what elements will be required or requested in the TIS as well as to rule out the need for a full Traffic Impact Analysis.”

After attending the September 9<sup>th</sup> Site Plan Review Committee, Mr. Kessler then provided written review comments on September 10<sup>th</sup>. Mr. Kessler noted that the required Traffic Impact Statement can be partially addressed during the SUP review process, and then fully resolved during the Major Site Plan process (subsequent to any SUP approvals the County may grant). Mr. Kessler’s review comments from September 10<sup>th</sup> are as follows:

- “While a Traffic Impact Statement will be needed to assess the potential traffic impacts, entrance requirements, and roadway improvements to the state highway system by the proposed development, at a minimum, the following items are [to] be addressed in order for VDOT to provide comments to both the Developer and Nelson County. The remaining items of the Traffic Impact Statement may be delayed to the site plan process.”
  - “ITE Trip Generation and distribution for the proposed development based on the preliminary plan (to include banquet hall traffic).”
  - “Turn lane analysis for entrances onto Route 151 and the Route 151/627 intersection based on the highest peak hour traffic (may be weekend peaks).”
  - “Intersection (ISD) and Stopping Sight (SSD) distances at the proposed entrances on Route 627, and ISD-Right and SSD-NBL for the Horizon Village Road entrance.”
  - “Measured distance in feet between the Horizon Village Road entrance and the proposed development entrance to the north.”

Mr. Kessler and the applicants (through their consultant Mr. Scott Dunn, AICP, PTP, of Timmons Group) then exchanged correspondence during September and October. Then, on October 13<sup>th</sup>, Mr. Kessler provided an email confirming the applicant team's methods for the requested transportation analysis, and providing minor clarifications and reminders. Mr. Kessler's comments include the following:

- "...the premise of the Traffic Impact Statement is to inform all parties of the potential traffic impacts and possible transportation improvements due to the proposed development. Realizing we are at the conceptual phase for the requested Special Use Permits, we will need to rely on your professional judgement (as the Developer's Engineer) in responding to [ITE Trip Generation & distribution]. This item as well as the others below will need to be re-evaluated at the time the site plans are submitted when more information is known."

The applicant team members have been continuing to focus on these issues and performing field work inclusive of close coordination with VDOT. The applicant team will be prepared to receive questions from Commissioners and address these transportation and traffic issues at the hearing. Additionally, copies of VDOT correspondence are included in the meeting materials packet.

- **TJSWCD:** Mrs. Alyson Sappington of the Thomas Jefferson Soil & Water Conservation District noted in writing on September 9<sup>th</sup> that a full Erosion & Sediment Control Plan will need to be included in the Major Site Plan submittal, review, and approval process (subsequent to any SUP approval by the BOS). Mrs. Sappington also noted that the proposed project would also need an approved Stormwater Management Plan and Virginia Stormwater Management Program permit.
- **VDH:** Mr. Tom Eick of the Nelson County Health Department did not attend the meeting and provided written comments as follows:
  - "Spruce Creek will need to have an engineered proposal for their sewage needs."

**Staff Evaluation and Recommendation(s):**

Per Zoning Ordinance Article 12, Section 3-2, the following criteria must be evaluated when reviewing all requests for Special Use Permits:

- A. *The use shall not tend to change the character and established pattern of development of the area or community in which it proposes to locate;*
- B. *The use shall be in harmony with the uses permitted by right in the zoning district and shall not affect adversely the use of neighboring property;*
- C. *The proposed use shall be adequately served by essential public or private services such as streets, drainage facilities, fire protection and public or private water and sewer facilities; and*
- D. *The proposed use shall not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic or historic importance.*

The opinion of Staff is that the proposed project, as detailed in the application materials for SUP #2015-10, #2015-11, #2015-12, #2015-13, and #2015-14 and as depicted on the accompanying Minor Site Plan and in the Portfolio, seems to be satisfactory relative to all four evaluation criteria. Specifically, my evaluation of the proposed project relative to each criterion is as follows:

- A. The proposed project's mixture of uses, as well as the carefully crafted site planning and design concepts, seem highly compatible with the character and established pattern of development in the subject property's vicinity. The subject property is located in between Nellysford, Beech Grove, and Wintergreen – areas in which tourism and agritourism, transient lodging, events, and retail sales of local products are predominant land uses. The Spruce Creek Resort & Market is both compatible with, and complimentary to, the existing character and patterns of development in the Rockfish Valley and the Central District – including Bold Rock Hard Cider, which is located immediately across Rockfish Valley Highway.
- B. The proposed project does not seem to create any inherent conflicts with the surrounding A-1 district, which contains a variety of land uses including a cidery (Bold Rock) and a residential subdivision (Horizons Village). The immediate vicinity also includes a publicly-accessible trailhead (Rockfish Valley Foundation trails) and natural history center (Spruce Creek Gallery), although those are located in an Industrial District (M-2).

The applicant team has thoughtfully planned and designed a project layout which intentionally attempts to minimize any impacts to immediate neighbors. For example, the parking lot is carefully sited to utilize existing overgrown nursery stock in order to provide significant screening; and the on-site vehicular traffic circulation would be restricted from a major portion of the proposed resort. Additionally, the project would include the restoration and reuse of an existing pond near Horizons Village Road, which the applicant has stated would then become available to Horizons Village as a dry hydrant for firefighting purposes.

- C. The applicant team has prepared very thoughtful plans for on-site vehicular and pedestrian circulation and stormwater management practices, and will benefit from the restored pond as a dry hydrant for fire protection.

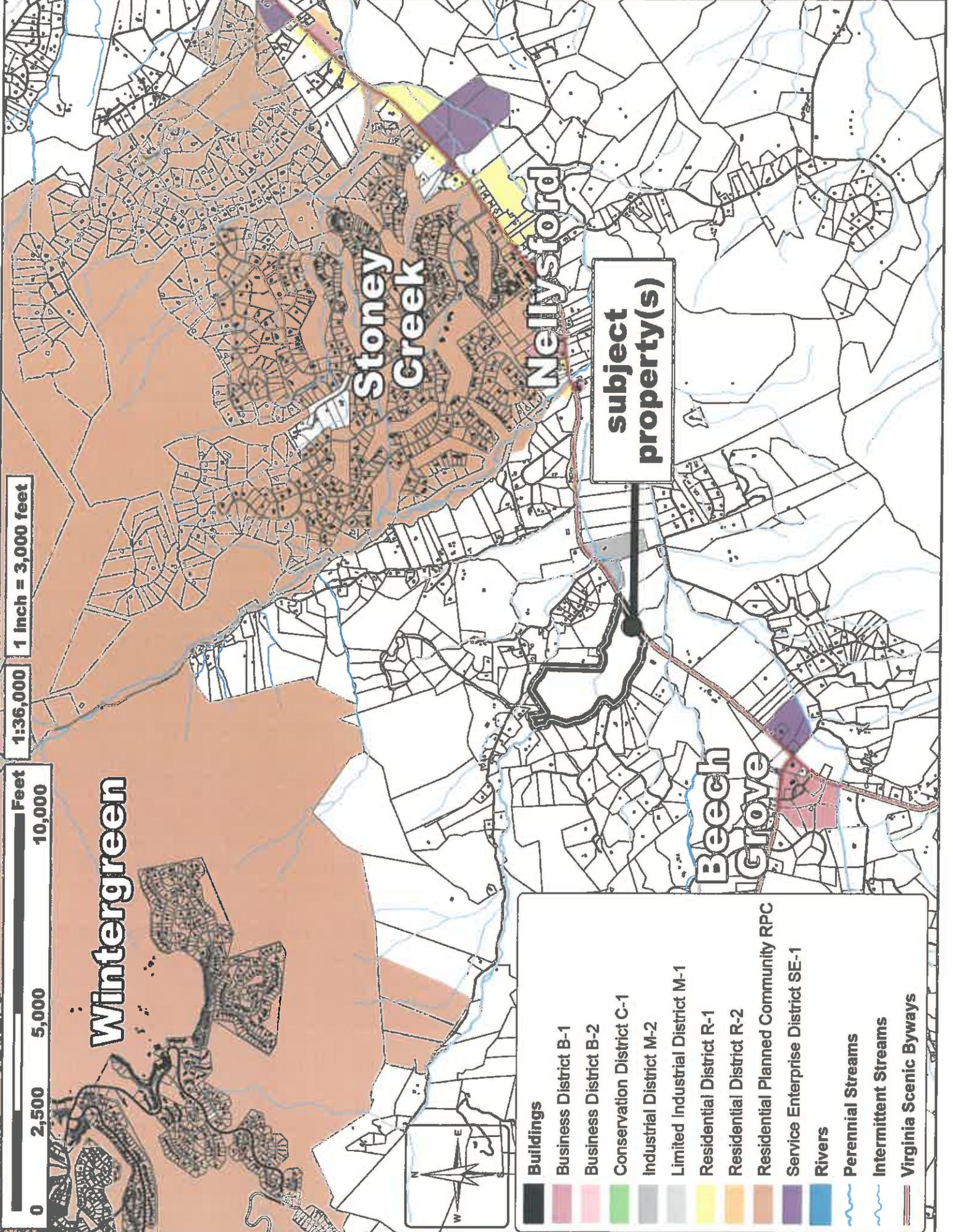
The proposed project will need to be self-sufficient with regards to private septic systems and private water supply. If the SUP requests are approved, the Major Site Plan process must include careful resolution of issues such as waste management (as regulated by the Virginia Department of Health), public vehicular access, and emergency vehicle access and service vehicle access (as regulated by Virginia Dept. of Transportation, since the conceptual plan is to restrict vehicles from accessing a large portion of the site and to utilize Spruce Creek Road on a very limited basis for service vehicle access to the restaurant).

- D. The proposed project is composed in a very thoughtful configuration, with extensive landscape analysis yielding a context-sensitive plan and design that will minimize site alterations and which will maximize the existing qualities and features of the site. If the subject property were to experience “destruction, loss, or damage of any feature determined to be of significant ecological, scenic or historic importance,” it would most likely be a function of the possible construction of the proposed Atlantic Coast Pipeline, which currently is routed directly through the upper tract (parcel 36).

Therefore, with consideration of all of the above factors, the Planning & Zoning Director recommends approval of Special Use Permits #2015-10, #2015-11, #2015-12, #2015-13, and #2015-14. Please also carefully consider the following comments:

- If the applicants obtain BOS approval for their five (5) Special Use Permit applications, they would then have to address numerous important project details through the submission, review, and approval of a Major Site Plan. These details include signage, lighting, landscaping, and other specifications and design details; as well as important regulatory details pertaining to VDOT and VDH. The applicants are aware of these issues and details, and have conveyed their intentions for all aspects of the proposed project to be appropriate and compliant with all applicable requirements and regulations.

In conclusion, please contact me with any questions, concerns, or requests for assistance leading up to the October 28<sup>th</sup> Planning Commission public hearings for Special Use Permits #2015-10, #2015-11, #2015-12, #2015-13, and #2015-14. Thank you very much for your time and attention to these applications.



1:36,000 1 inch = 3,000 feet

Feet  
0 2,500 5,000 10,000

Wintergreen

Stoney Creek

Nellysford

subject property(s)

Beech Grove

- Buildings
- Business District B-1
- Business District B-2
- Conservation District C-1
- Industrial District M-2
- Limited Industrial District M-1
- Residential District R-1
- Residential District R-2
- Residential Planned Community RPC
- Service Enterprise District SE-1
- Rivers
- Perennial Streams
- Intermittent Streams
- Virginia Scenic Byways



1:36,000 1 inch = 3,000 feet

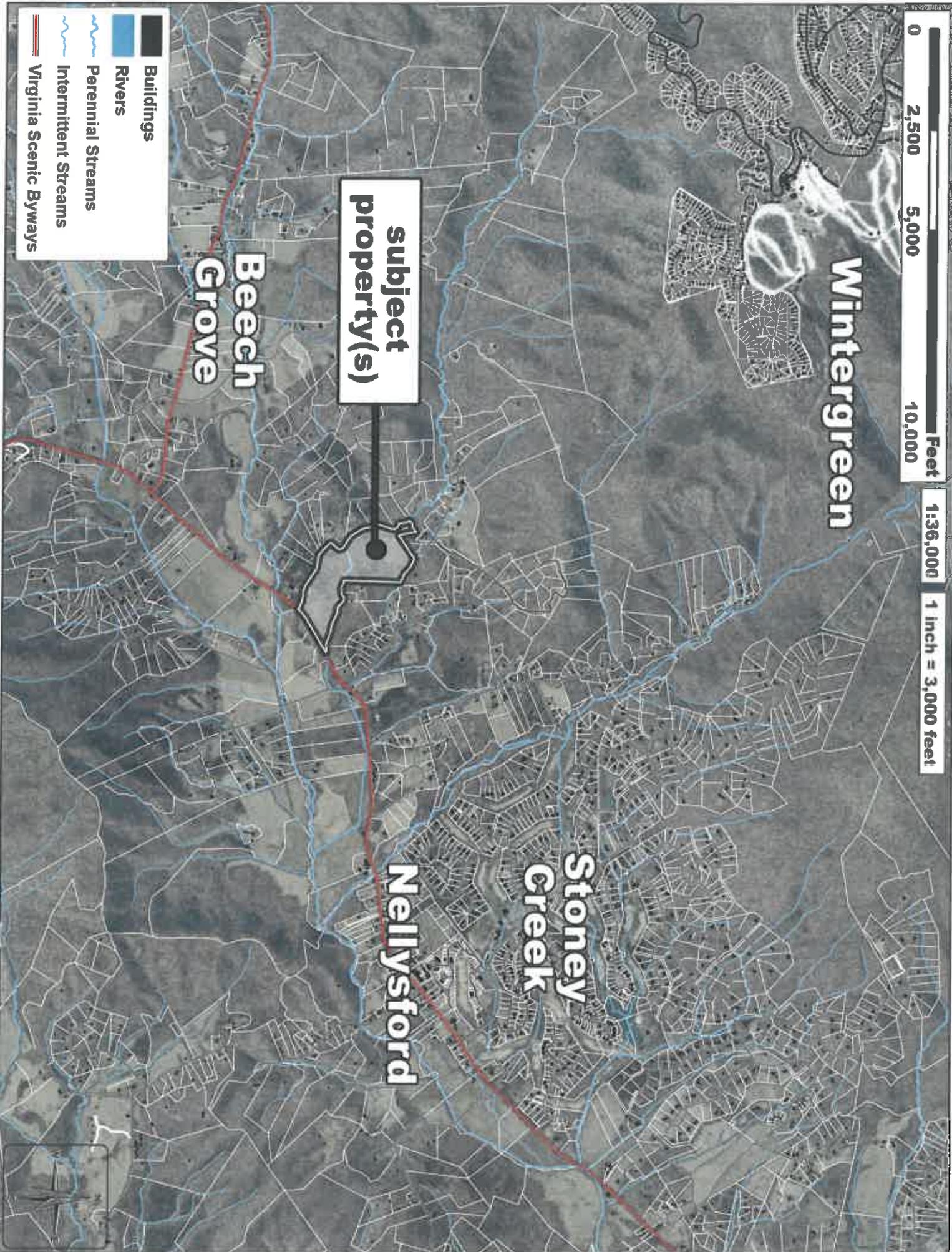
Wintergreen

subject property(s)

Beech Grove

Stoney Creek  
Nellysford

- Buildings
- Rivers
- Perennial Streams
- Intermittent Streams
- Virginia Scenic Byways

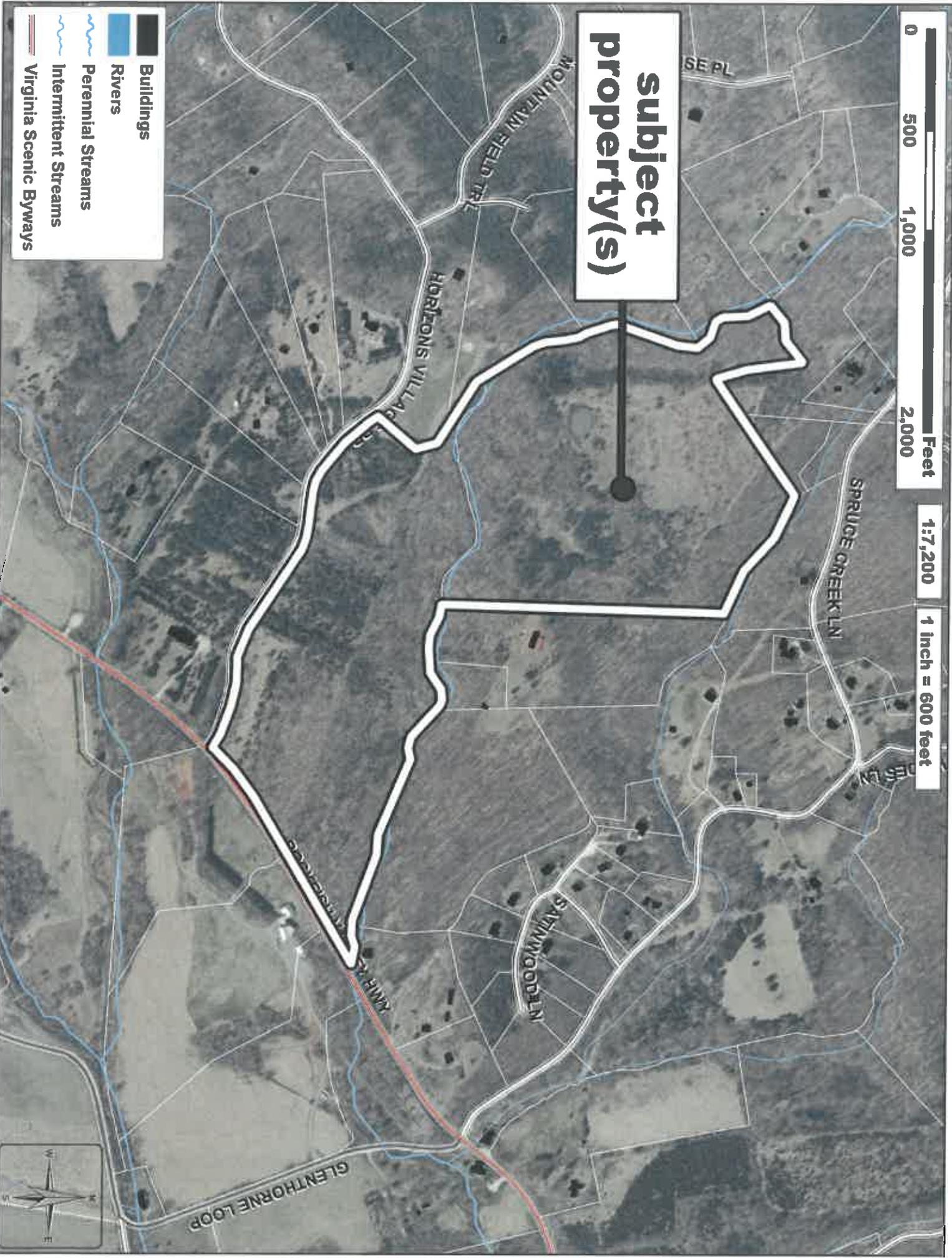




1:7,200

1 inch = 600 feet

**subject  
property(s)**



- Buildings
- Rivers
- Perennial Streams
- Intermittent Streams
- Virginia Scenic Byways



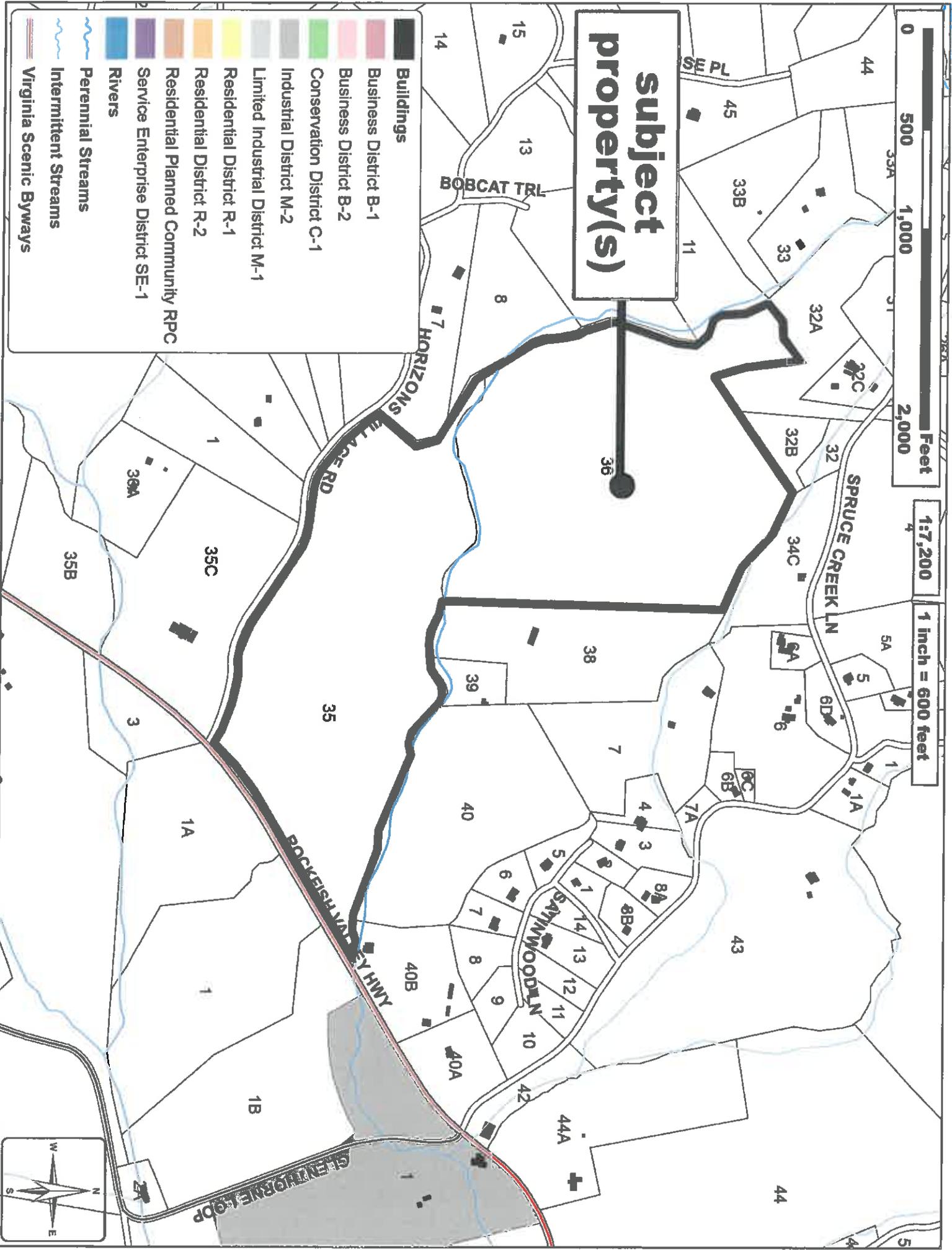


1:7,200

1 inch = 600 feet

**subject property(s)**

- Buildings
- Business District B-1
- Business District B-2
- Conservation District C-1
- Industrial District M-2
- Limited Industrial District M-1
- Residential District R-1
- Residential District R-2
- Residential Planned Community RPC
- Service Enterprise District SE-1
- Rivers
- Perennial Streams
- Intermittent Streams
- Virginia Scenic Byways





# COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION  
4219 CAMPBELL AVENUE  
LYNCHBURG, VIRGINIA 24501  
VDOT.Virginia.gov

CHARLES A. KILPATRICK, P.E.  
COMMISSIONER

September 3, 2015

VIA EMAIL SENT SEPTEMBER 3, 2015

Mr. Tim Padalino  
Director of Planning & Zoning  
PO Box 558  
Lovingston, VA 22949

RE: Nelson County September 2015 Site Plan Review Committee  
Spruce Creek Resort and Market Special Use Permit Application

Dear Mr. Padalino: *Tim*

Thank you for providing an advance copy of the preliminary minor site plan associated with the Nelson County Special Use Permit application for Spruce Creek Resort and Market along Route 151 just south of the community of Wintergreen. In order to access the potential traffic impacts from this proposed development, we will need a Traffic Impact Statement (TIS) in accordance with 24VAC30-155-60. I have attached a copy of the TIS requirements which may also be found on VDOT's website at <http://law.lis.virginia.gov/admincode/title24/agency30/chapter155/section60>.

The required elements of the TIS are dependent on vehicle trips per peak hour and vary incrementally up to 1000+. One of the first items to address would be concurrence on the potential vehicle trips generated by the development based on ITE's Trip Generation. This will in turn guide us as to what elements will be required or requested in the TIS as well as to rule out the need for a full Traffic Impact Analysis.

Also to be included as part of the TIS is the intersection spacing between the two proposed points of entry from Route 151, a turn lane analysis for both entry points, and site distances (stopping & intersection) for both proposed access points. The preliminary minor site plan dated August 28, 2015 has identified these two entry points as the existing entrance to Horizons Village Road and a proposed new entrance to be located to the north. Information regarding entrance spacing and sight distances requirements may also be found in VDOT's Road Design Manual, Appendix F at

**WE KEEP VIRGINIA MOVING**

Mr. Tim Padalino  
September 3, 2015  
Page 2 of 2

<http://www.virginiadot.org/business/locdes/rdmanual-index.asp>. VDOT's traffic count information may also be found on our website at <http://www.virginiadot.org/info/ct-TrafficCounts.asp>.

I look forward to learning more about this proposed development at the upcoming Nelson County Site Plan Review Committee Meeting on Wednesday, September 9, 2015.

Sincerely,



Jeffery B. Kessler, P.E.  
Area Land Use Engineer  
(434) 856-8293  
[jefferyb.kessler@vdot.virginia.gov](mailto:jefferyb.kessler@vdot.virginia.gov)  
Attachments

CC: Linda Russell  
Alisha Savage  
Matthew D. Clark

## Tim Padalino

---

**From:** Kessler, Jeffery B., P.E. (VDOT) <JefferyB.Kessler@VDOT.Virginia.gov>  
**Sent:** Thursday, September 10, 2015 2:29 PM  
**To:** Tim Padalino  
**Cc:** Stormy Hopkins; 'Linda Russell'; 'asavage@nbwla.com'; 'bgastinger@nbwla.com'; Clark, Matthew D. (VDOT)  
**Subject:** Spruce Creek Resort & Market SUP and Minor Site Plan 2015-10, 11, 12, 13 & 14

Tim,

In follow up to yesterday's Nelson County Site Plan Review Committee meeting, I would like to summarize my statements which are in supplement to my previous comments (attached).

While a Traffic Impact Statement will be needed to assess the potential traffic impacts, entrance requirements and roadway improvements to the state highway system by the proposed development, at a minimum, the following items are to be addressed in order for VDOT to provide comments to both the Developer and Nelson County. The remaining items of the Traffic Impact Statement may be delayed to the site plan process.

- ITE Trip Generation and distribution for the proposed development based on the preliminary plan. (to include banquet hall traffic)
- Turn lane analysis for entrances onto Route 151 and the Route 151/627 intersection based on the highest peak hour traffic (may be weekend peaks)
- Intersection (ISD) and Stopping Sight (SSD) distances at the proposed entrances on Route 627, and ISD-Right and SSD-NBL for the Horizon Village Road entrance.
- Measured distance in feet between the Horizon Village Road entrance and the proposed development entrance to the north.

Please let me know if you have any questions or if I may be of further assistance.

Thank you,  
Jeff

Jeffery B. Kessler, P.E.  
Area Land Use Engineer  
VDOT - Lynchburg  
434.856.8293  
[JefferyB.Kessler@VDOT.Virginia.gov](mailto:JefferyB.Kessler@VDOT.Virginia.gov)

---

**From:** Kessler, Jeffery B., P.E. (VDOT)  
**Sent:** Thursday, September 03, 2015 5:07 PM  
**To:** 'Tim Padalino'  
**Cc:** 'Stormy Hopkins'; 'Linda Russell'; 'asavage@nbwla.com'; Clark, Matthew D. (VDOT); Youngblood, Rick D. (VDOT)  
**Subject:** RE: Spruce Creek SUP and Minor Site Plan

Tim,

On further review of the preliminary minor site plan, we noticed a proposed connection to Route 627 (Spruce Creek Lane). As you are aware, this section of Spruce Creek Lane is a narrow and windy secondary road with limited sight

distance at its intersection with Route 151, which is one intersection location the 2013 Route 151 Corridor Study reviewed. Points of interest include how the developer plans to use this entrance, and the traffic impacts it will have on both Spruce Creek Lane and at the Route 151 intersection. These are additional items the requested Traffic Impact Statement is to address.

Thank you,  
Jeff

Jeffery B. Kessler, P.E.  
Area Land Use Engineer  
VDOT - Lynchburg  
434.856.8293  
[JefferyB.Kessler@VDOT.Virginia.gov](mailto:JefferyB.Kessler@VDOT.Virginia.gov)

---

**From:** Kessler, Jeffery B., P.E. (VDOT)  
**Sent:** Thursday, September 03, 2015 2:33 PM  
**To:** 'Tim Padalino'  
**Cc:** 'Stormy Hopkins'; Linda Russell; 'asavage@nbwla.com'; Clark, Matthew D. (VDOT)  
**Subject:** RE: Spruce Creek SUP and Minor Site Plan

Tim,

Attached are VDOT's comments pertaining to the special use permit application for the Spruce Creek Resort & Market that will be discussed at our September Site Plan Review Committee meeting.

Please let me know if you have any questions or if I may be of further assistance.

Thank you,  
Jeff

Jeffery B. Kessler, P.E.  
Area Land Use Engineer  
VDOT - Lynchburg  
434.856.8293  
[JefferyB.Kessler@VDOT.Virginia.gov](mailto:JefferyB.Kessler@VDOT.Virginia.gov)

---

**From:** Stormy Hopkins [<mailto:shopkins@nelsoncounty.org>]  
**Sent:** Thursday, September 03, 2015 11:38 AM  
**To:** Kessler, Jeffery B., P.E. (VDOT); Eick, Thomas (VDH); [alyson.sappington@tjswcd.org](mailto:alyson.sappington@tjswcd.org); Linda Russell; David Thompson  
**Subject:** FW: Spruce Creek SUP and Minor Site Plan

Good morning! Please find attached some supplemental information regarding the upcoming "Spruce Creek Resort & Market" materials that will be a part of the Site Plan Review Committee meeting on Wednesday, September 9<sup>th</sup>.

The Site Plan Review Committee materials were mailed yesterday.

Should you have any questions before the meeting, please let me or Tim know.

Thank you!

*Stormy V. Hopkins*  
Secretary  
Planning & Zoning Department  
PO Box 558  
Lovingson, VA 22949  
434-263-7090 (Phone)  
434-263-7086 (Fax)

---

**From:** Tim Padalino  
**Sent:** Tuesday, September 01, 2015 3:14 PM  
**To:** Stormy Hopkins <[shopkins@nelsoncounty.org](mailto:shopkins@nelsoncounty.org)>  
**Subject:** FW: Spruce Creek SUP and Minor Site Plan

**Tim Padalino**  
[434]-263-7090

---

**From:** Alisha Savage [<mailto:asavage@nbwla.com>]  
**Sent:** Tuesday, August 25, 2015 11:12 AM  
**To:** Tim Padalino  
**Cc:** Zuzana Ponca; Breck Gastinger  
**Subject:** Spruce Creek SUP and Minor Site Plan

Hi Tim,

Attached are the e-mail size versions of the SUP documents.

At this link, you will find the high res documents. <https://www.dropbox.com/sh/rfglcuhtq0asc9e/AAAXuERRy46KnFWn6agaGicaa?dl=0>

Thank you again for your help throughout this process. We look forward to interacting further with you and with the county.

**Alisha Savage**, Designer  
Nelson Byrd Woltz Landscape Architects

[asavage@nbwla.com](mailto:asavage@nbwla.com) | [www.nbwla.com](http://www.nbwla.com)  
310 East Market St, Charlottesville VA 22902  
t 434.984.1358

## Tim Padalino

---

**From:** Kessler, Jeffery B., P.E. (VDOT) <JefferyB.Kessler@VDOT.Virginia.gov>  
**Sent:** Tuesday, October 13, 2015 3:31 PM  
**To:** 'Scott Dunn'; Clark, Matthew D. (VDOT)  
**Cc:** Thomas Ruff; Tim Padalino  
**Subject:** RE: Spruce Creek Resort & Market SUP and Minor Site Plan - Traffic Work

Hi Scott!

As shared in prior communications with Nelson County and the Developer, the premise of the Traffic Impact Statement is to inform all parties of the potential traffic impacts and possible transportation improvements due to the proposed development. Realizing we are at the conceptual phase for the requested Special Use Permits, we will need to rely on your professional judgement (as the Developer's Engineer) in responding to Item #1 (ITE Trip Generation & distribution). This item as well as the others below will need to be re-evaluated at the time the site plans are submitted when more information is known.

Item #2 (Turn Lane Analysis), we concur with your approach. The O'Reilly turning movement analysis is provided as an example template that may be used.

Item #3 As earlier conveyed, these are the areas of primary concern; however, all applicable sight distance measurements will be required with the site plan submission stage. Be sure to include the location (offset from closest street intersection) for the Route 627 entrances.

Item #4 Noted; please confirm offset distance satisfies the Access management Spacing Requirements found in the VDOT Road Design Manual, Appendix F.

Please let me know if you have any questions or if I may be of further assistance.

Thank you,  
Jeff

Jeffery B. Kessler, P.E.  
Area Land Use Engineer  
VDOT - Lynchburg  
434.856.8293  
[JefferyB.Kessler@VDOT.Virginia.gov](mailto:JefferyB.Kessler@VDOT.Virginia.gov)

---

**From:** Scott Dunn [<mailto:scott.dunn@timmons.com>]  
**Sent:** Tuesday, October 13, 2015 1:37 PM  
**To:** Kessler, Jeffery B., P.E. (VDOT); Clark, Matthew D. (VDOT)  
**Cc:** Thomas Ruff  
**Subject:** RE: Spruce Creek Resort & Market SUP and Minor Site Plan - Traffic Work

Jeff,

We are getting ready to proceed with our field work and additional requested analysis and I just wanted to confirm the items below and those we discussed on the phone. Please respond and confirm that you are in agreement with the assumptions listed below.

1. ITE Trip Generation and distribution for the proposed development based on the preliminary plan. (to include banquet hall traffic)
  - a. *Trip generation estimates will be prepared using the ITE Trip Generation Manual, 9<sup>th</sup> Edition assuming the following uses:*
    - i. *All Suites Hotel (# rooms; for the cabins) assuming full occupancy;*
    - ii. *Health/Fitness Club (square footage; for the spa);*
    - iii. *Specialty Retail (square footage);*
    - iv. *Quality Restaurant (# seats); and*
    - v. *Recreational Community Center (square footage; for the banquet facilities).*
  - b. *Trip Distribution for the site will be as follows:*
    - i. *10% of site traffic will enter/exit via Spruce Creek Lane (primarily staff);*
    - ii. *75% of site traffic will enter/exit via Main Entrance; and*
    - iii. *15% of site traffic will enter/exit via Horizon Village Road.*
2. Turn lane analysis for entrances onto Route 151 and the Route 151/627 intersection based on the highest peak hour traffic (may be weekend peaks)
  - a. *Analyses will be conducted using the AM/PM peak volumes from the Route 151 Corridor Study (2013);*
  - b. *Volumes will be projected ahead to 2016 using a 1% annual growth rate;*
  - c. *Turn lane analysis will be conducted using the appropriate nomographs from the VDOT Road Design Manual and using the provided O'Reilly's go-by for guidance; and*
  - d. *For the requested weekend analysis, PM peak volumes will be used in conjunction with the Saturday ITE Trip Generation estimates.*
3. Intersection (ISD) and Stopping Sight (SSD) distances at the proposed entrances on Route 627, and ISD-Right and SSD-NBL for the Horizon Village Road entrance.
  - a. *Please see the attached PDF and verify that the correct locations/measurements are identified.*
4. Measured distance in feet between the Horizon Village Road entrance and the proposed development entrance to the north.
  - a. *Preliminary measurements indicate a distance of 675; this will be verified with the site designer.*

If you would like to discuss any of the aforementioned items further, feel free to call me.

Thanks,  
Scott

**Scott Dunn, AICP, PTP**  
*Senior Project Manager*

**TIMMONS GROUP** | [www.timmons.com](http://www.timmons.com)  
1001 Boulders Parkway, Suite 300 | Richmond, VA 23225  
Office: 804.200.6955 | Fax: 804.560.1016  
Mobile: 804.402.0830 | [scott.dunn@timmons.com](mailto:scott.dunn@timmons.com)  
LinkedIn: [www.linkedin.com/in/wsdunn](http://www.linkedin.com/in/wsdunn)  
*Your Vision Achieved Through Ours*

To send me .zip files or files greater than 20MB [click here](#)

**From:** Kessler, Jeffery B., P.E. (VDOT) [<mailto:JefferyB.Kessler@VDOT.Virginia.gov>]  
**Sent:** Monday, September 14, 2015 12:02 PM  
**To:** Scott Dunn  
**Subject:** RE: Spruce Creek Resort & Market SUP and Minor Site Plan 2015-10, 11, 12, 13 & 14

Scott,

Thank you for the opportunity to discuss the Spruce Creek Resort project this morning. It is my understanding from the developer's preliminary site plan and the discussion during last week's Nelson County Site Plan Review Committee meeting that the proposed new entrance on Route 151 opposite the Bold Rock commercial entrance will be the main entry point and the Route 627 entrances will be utilized as service entrances.

As discussed, an acceptable ITE land use to determine traffic generation by the proposed banquet hall is **Recreational Community Center [495]**. For your use, I have attached a copy of the Route 151/627 Intersection turning movements from 2013 Route 151 Corridor Study, Appendix A along with an example turning movement analysis. VDOT's latest traffic counts along with K & D factors for Route 151 may be found on our website <http://www.virginiadot.org/info/ct-TrafficCounts.asp> A growth rate of 1% per year is normal.

Please let me know if you have any questions or if I may be of further assistance.

Best Jeff

Jeffery B. Kessler, P.E.  
Area Land Use Engineer  
VDOT - Lynchburg  
434.856.8293  
[JefferyB.Kessler@VDOT.Virginia.gov](mailto:JefferyB.Kessler@VDOT.Virginia.gov)

**From:** Kessler, Jeffery B., P.E. (VDOT)  
**Sent:** Thursday, September 10, 2015 2:02 PM  
**To:** 'Tim Padalino'  
**Cc:** 'Stormy Hopkins'; 'Linda Russell'; 'asavage@nbwla.com'; 'bgastinger@nbwla.com'; Clark, Matthew D. (VDOT)  
**Subject:** Spruce Creek Resort & Market SUP and Minor Site Plan 2015-10, 11, 12, 13 & 14

Tim,

In follow up to yesterday's Nelson County Site Plan Review Committee meeting, I would like to summarize my statements which are in supplement to my previous comments (attached).

While a Traffic Impact Statement will be needed to assess the potential traffic impacts, entrance requirements and roadway improvements to the state highway system by the proposed development, at a minimum, the following items are to be addressed in order for VDOT to provide comments to both the Developer and Nelson County. The remaining items of the Traffic Impact Statement may be delayed to the site plan process.

- ITE Trip Generation and distribution for the proposed development based on the preliminary plan. (to include banquet hall traffic)
- Turn lane analysis for entrances onto Route 151 and the Route 151/627 intersection based on the highest peak hour traffic (may be weekend peaks)
- Intersection (ISD) and Stopping Sight (SSD) distances at the proposed entrances on Route 627, and ISD-Right and SSD-NBL for the Horizon Village Road entrance.

- Measured distance in feet between the Horizon Village Road entrance and the proposed development entrance to the north.

Please let me know if you have any questions or if I may be of further assistance.

Thank you,  
Jeff

Jeffery B. Kessler, P.E.  
Area Land Use Engineer  
VDOT - Lynchburg  
434.856.8293  
[JefferyB.Kessler@VDOT.Virginia.gov](mailto:JefferyB.Kessler@VDOT.Virginia.gov)

TO THE ZONING ADMINISTRATOR:

1. The undersigned hereby petitions the Planning Commission and/or Board of Supervisors for approval of the following (check appropriate box):

- Re zoning from, Special Use Permit, Site Plan - Preliminary, Site Plan - Final, Amend text of Zoning Ordinance, Subdivision - Regular Preliminary, Subdivision - Regular Final, Site Plan - Minor, Site Plan - Major, Other

Pursuant to Article 4, Section 1-35A of the Nelson County Zoning Ordinance. Pursuant to Section, Subsection of the Nelson County Subdivision Ordinance.

Reason(s) for request: Would like to build a small grocery/Market for the sale of local foods and goods.

2. Applicant(s) and Property Owner(s): (Please print names of applicants and property owners and indicate applicable title. If applicant is not the property owner, show relationship, i.e. lessee, contract purchaser, etc.)

Applicant Property Owner Name: Richard Averitt IV Address: 88 Grace Glen Nellysford, VA 22958 Tel. No.: 361-0927 Cell No. 424-262-3418 E-mail addr. Richard@raveritt.com Relationship (if applicable):

Property Owner Name: Richard G. Averitt III "Dick" Address: 35 Grace Glen Nellysford VA 22958 Tel. No.: 361-1084 Cell No. 727-698-6856 E-mail addr. Dick@averittconsulting.com Relationship (if applicable): partner

Applicant Property Owner Name: Address: Tel. No.: Cell No. E-mail addr. Relationship (if applicable):

Applicant Property Owner Name: Address: Tel. No.: Cell No. E-mail addr. Relationship (if applicable):

(Use reverse if more space is needed.)

3. Location and Characteristics of Property:

a. Address of property including specific location, route numbers, street names, direction (NSEW), Magisterial District, etc.: N/A

Official tax map number: 21-A Parcel 35/parcel 36

b. Acreage of property: 98.21

c. Present use: none

d. Present zoning classification: A1

e. Zoning classification of surrounding properties:

4. Names of Adjacent Property Owners: Randy Reed, Aubrey McClain,  
William and Jennifer Seale, Caryl Fischer, Rebecca Meeks,  
Daniel and Cynthia Corbin.

5. Affidavit: The undersigned applicant(s) and/or property owner(s) certifies that this application and the foregoing answers, statements, and other information herewith submitted are, in all respects, true and correct to the best of their knowledge and belief. Also, the applicant(s) and/or property owner(s) gives permission for members of the Planning Commission, Board of Supervisors, and County Staff to visit and view the subject property.

Signature: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Signature: \_\_\_\_\_

6. Additional information: See supplemental Narrative Packet  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Please note: In the event of cancellation or postponement at your request after the initial newspaper advertisement for this application, an additional fee will apply for re-advertisement. The fee will be based on the actual cost of the ad, and will not apply in cases of Planning Commission or Board of Supervisor deferments.

100.00 SUP  
100.00 Site Plan

\*\*\*\*\*TO BE COMPLETED BY PLANNING & ZONING OFFICE\*\*\*\*\*

Completed application and fee (\$ 1,100.00 ) received on 8-26-15  
Hearing Notice published on October 15 & 22, 2015  
Planning Commission action: Date of Hearing: October 28, 2015  
Recommendation: \_\_\_\_\_

Board of Supervisor action: Date of Hearing: \_\_\_\_\_  
Date of Decision: \_\_\_\_\_  
Action: \_\_\_\_\_

Special Use Permit No. 2015-11

**TO THE ZONING ADMINISTRATOR:**

1. The undersigned hereby petitions the Planning Commission and/or Board of Supervisors for approval of the following (check appropriate box):

- |   |  |
|---|--|
| <input type="checkbox"/> Rezoning from _____ to _____       | <input type="checkbox"/> Subdivision – Regular Preliminary |
| <input checked="" type="checkbox"/> Special Use Permit      | <input type="checkbox"/> Subdivision – Regular Final       |
| <input type="checkbox"/> Site Plan – Preliminary (Optional) | <input type="checkbox"/> Site Plan - Minor                 |
| <input type="checkbox"/> Site Plan – Final                  | <input type="checkbox"/> Site Plan - Major                 |
| <input type="checkbox"/> Amend text of Zoning Ordinance     | <input type="checkbox"/> Other - _____                     |

Pursuant to Article 4, Section 1-13A of the Nelson County Zoning Ordinance.  
Pursuant to Section \_\_\_\_\_, Subsection \_\_\_\_\_ of the Nelson County Subdivision Ordinance.

Reason(s) for request: We would like to build a Banquet Hall to be used for weddings, meetings etc... and provide lodging ~~at~~ cottages provisions for overnight stays.

2. Applicant(s) and Property Owner(s): (Please print names of applicants and property owners and indicate applicable title. If applicant is not the property owner, show relationship, i.e. lessee, contract purchaser, etc.)

Applicant     Property Owner    Name: Richard G. Averitt III  
Address: 88 Grace Glen Nellysford VA 22958  
Tel. No.: 361-6127 Cell No. 434-262-3418 E-mail addr. Richard@raveritt.com  
Relationship (if applicable): \_\_\_\_\_

Applicant     Property Owner    Name: Richard G. Averitt III "Dick"  
Address: 35 Grace Glen Nellysford VA 22958  
Tel. No.: 361-1084 Cell No. 727-648-6856 E-mail addr. dick@averittconsulting.com  
Relationship (if applicable): partner

Applicant     Property Owner    Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Tel. No.: \_\_\_\_\_ Cell No. \_\_\_\_\_ E-mail addr. \_\_\_\_\_  
Relationship (if applicable): \_\_\_\_\_

Applicant     Property Owner    Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Tel. No.: \_\_\_\_\_ Cell No. \_\_\_\_\_ E-mail addr. \_\_\_\_\_  
Relationship (if applicable): \_\_\_\_\_

(Use reverse if more space is needed.)

3. Location and Characteristics of Property:

a. Address of property including specific location, route numbers, street names, direction (NSEW), Magisterial District, etc.: N/A

Official tax map number: 21-A Parcel 35/Parcel 36

b. Acreage of property: 98.21 total

c. Present use: none

d. Present zoning classification: A1

e. Zoning classification of surrounding properties: \_\_\_\_\_

(Continued on reverse.)

4. Names of Adjacent Property Owners: Randy Reed, Aubrey McClain,  
William and Jennifer Seale, Carolyn Fischer, Rebecca Mehs,  
Daniel and Cynthia Corbin.

5. Affidavit: The undersigned applicant(s) and/or property owner(s) certifies that this application and the foregoing answers, statements, and other information herewith submitted are, in all respects, true and correct to the best of their knowledge and belief. Also, the applicant(s) and/or property owner(s) gives permission for members of the Planning Commission, Board of Supervisors, and County Staff to visit and view the subject property.

Signature: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Signature: \_\_\_\_\_

6. Additional information: See ~~the~~ supplemental Narrative Packet  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Please note: In the event of cancellation or postponement at your request after the initial newspaper advertisement for this application, an additional fee will apply for re-advertisement. The fee will be based on the actual cost of the ad, and will not apply in cases of Planning Commission or Board of Supervisor deferments.

\$ 200.00 - sup  
100.00 minor ~~off time fee~~  
Side Plan

**\*\*\*\*\*TO BE COMPLETED BY PLANNING & ZONING OFFICE\*\*\*\*\***

Completed application and fee (\$ 1100.00 ) received on 8-26-15  
Hearing Notice published on October 15 & 22, 2015  
Planning Commission action: Date of Hearing: October 28, 2015  
Recommendation: \_\_\_\_\_

Board of Supervisor action: Date of Hearing: \_\_\_\_\_  
Date of Decision: \_\_\_\_\_  
Action: \_\_\_\_\_

TO THE ZONING ADMINISTRATOR:

1. The undersigned hereby petitions the Planning Commission and/or Board of Supervisors for approval of the following (check appropriate box):

- Rezoning from \_\_\_\_\_ to \_\_\_\_\_
- Special Use Permit
- Site Plan - Preliminary (Optional)
- Site Plan - Final
- Amend text of Zoning Ordinance
- Subdivision - Regular Preliminary
- Subdivision - Regular Final
- Site Plan - Minor
- Site Plan - Major
- Other - \_\_\_\_\_

Pursuant to Article 4, Section 1-44A of the Nelson County Zoning Ordinance.  
Pursuant to Section \_\_\_\_\_, Subsection \_\_\_\_\_ of the Nelson County Subdivision Ordinance.

Reason(s) for request: Would like to build a small spa with a few cabins for guest use and public use.

2. Applicant(s) and Property Owner(s): (Please print names of applicants and property owners and indicate applicable title. If applicant is not the property owner, show relationship, i.e. lessee, contract purchaser, etc.)

Applicant  Property Owner Name: Richard G. Averitt IV  
Address: 88 Grace Glen Nellysford VA 22958  
Tel. No.: 361-0127 Cell No. 434-262-3418 E-mail addr. Richard@raveritt.com  
Relationship (if applicable): \_\_\_\_\_

Applicant  Property Owner Name: Richard G. Averitt III "Dick"  
Address: 35 Grace Glen Nellysford VA 22958  
Tel. No.: 361-1084 Cell No. \_\_\_\_\_ E-mail addr. dick@averittconsulting.com  
Relationship (if applicable): partner

Applicant  Property Owner Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Tel. No.: \_\_\_\_\_ Cell No. \_\_\_\_\_ E-mail addr. \_\_\_\_\_  
Relationship (if applicable): \_\_\_\_\_

Applicant  Property Owner Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Tel. No.: \_\_\_\_\_ Cell. No. \_\_\_\_\_ E-mail addr. \_\_\_\_\_  
Relationship (if applicable): \_\_\_\_\_

(Use reverse if more space is needed.)

3. Location and Characteristics of Property:

a. Address of property including specific location, route numbers, street names, direction (NSEW), Magisterial District, etc.: N/A

Official tax map number: Tax Map 21-A Parcel 35 / Parcel 36

b. Acreage of property: 98.21 total

c. Present use: nothing

d. Present zoning classification: A1

e. Zoning classification of surrounding properties: \_\_\_\_\_

(Continued on reverse.)

4. Names of Adjacent Property Owners: Randy Reed, Aubrey McClain,  
William and Jennifer Seale, Carolyn Fisher, Rebecca Meeks,  
Daniel and Cynthia Corbin.

5. Affidavit: The undersigned applicant(s) and/or property owner(s) certifies that this application and the foregoing answers, statements, and other information herewith submitted are, in all respects, true and correct to the best of their knowledge and belief. Also, the applicant(s) and/or property owner(s) gives permission for members of the Planning Commission, Board of Supervisors, and County Staff to visit and view the subject property.

Signature: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Signature: \_\_\_\_\_

6. Additional information: See supplemental narrative packet.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Please note: In the event of cancellation or postponement at your request after the initial newspaper advertisement for this application, an additional fee will apply for re-advertisement. The fee will be based on the actual cost of the ad, and will not apply in cases of Planning Commission or Board of Supervisor deferments:

200.00-SUP  
100.00 - Minor  
Site Plan (one-time fee)  
\*\*\*\*\*TO BE COMPLETED BY PLANNING & ZONING OFFICE\*\*\*\*\*  
Completed application and fee (\$ 1,100.00 ) received on 8-26-15  
Hearing Notice published on October 15 & 22, 2015  
Planning Commission action: Date of Hearing: October 28, 2015  
Recommendation: \_\_\_\_\_  
\_\_\_\_\_  
Board of Supervisor action: Date of Hearing: \_\_\_\_\_  
Date of Decision: \_\_\_\_\_  
Action: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Special Use Permit No. 2015-13

**TO THE ZONING ADMINISTRATOR:**

1. The undersigned hereby petitions the Planning Commission and/or Board of Supervisors for approval of the following (check appropriate box):

- |   |  |
|---|--|
| <input type="checkbox"/> Rezoning from _____ to _____       | <input type="checkbox"/> Subdivision – Regular Preliminary |
| <input checked="" type="checkbox"/> Special Use Permit      | <input type="checkbox"/> Subdivision – Regular Final       |
| <input type="checkbox"/> Site Plan – Preliminary (Optional) | <input type="checkbox"/> Site Plan - Minor                 |
| <input type="checkbox"/> Site Plan – Final                  | <input type="checkbox"/> Site Plan - Major                 |
| <input type="checkbox"/> Amend text of Zoning Ordinance     | <input type="checkbox"/> Other - _____                     |

Pursuant to Article 4, Section 1-34A of the Nelson County Zoning Ordinance.  
Pursuant to Section \_\_\_\_\_, Subsection \_\_\_\_\_ of the Nelson County Subdivision Ordinance.

Reason(s) for request: Would like to build a restaurant on an A-1 zoning property.

2. Applicant(s) and Property Owner(s): (Please print names of applicants and property owners and indicate applicable title. If applicant is not the property owner, show relationship, i.e. lessee, contract purchaser, etc.)

Applicant  Property Owner Name: Richard G. Averitt IV  
Address: 88 Grace Glen Nellysford VA 22958  
Tel. No.: 361-6127 Cell No. 434-262-3418 E-mail addr. Richard@raveritt.com  
Relationship (if applicable): \_\_\_\_\_

Applicant  Property Owner Name: Richard G. Averitt III "Dick"  
Address: 35 Grace Glen Nellysford, VA 22958  
Tel. No.: 361-1084 Cell No. \_\_\_\_\_ E-mail addr. dick@averittconsulting.com  
Relationship (if applicable): partner

Applicant  Property Owner Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Tel. No.: \_\_\_\_\_ Cell No. \_\_\_\_\_ E-mail addr. \_\_\_\_\_

Relationship (if applicable): \_\_\_\_\_

Applicant  Property Owner Name: \_\_\_\_\_

Address: \_\_\_\_\_

Tel. No.: \_\_\_\_\_ Cell. No. \_\_\_\_\_ E-mail addr. \_\_\_\_\_

Relationship (if applicable): \_\_\_\_\_

(Use reverse if more space is needed.)

3. Location and Characteristics of Property:

a. Address of property including specific location, route numbers, street names, direction (NSEW), Magisterial District, etc.: N/A

Official tax map number: Tax Map 21-A Parcel 35 / Parcel 36

b. Acreage of property: 98.21 total

c. Present use: nothing

d. Present zoning classification: A-1

e. Zoning classification of surrounding properties: \_\_\_\_\_

(Continued on reverse.)

4. Names of Adjacent Property Owners: Randy Reed, Aubrey McClain, William and Jennifer Seale, Carolyn Fisher, Rebecca Meeks, Daniel and Cynthia Corbin

5. Affidavit: The undersigned applicant(s) and/or property owner(s) certifies that this application and the foregoing answers, statements, and other information herewith submitted are, in all respects, true and correct to the best of their knowledge and belief. Also, the applicant(s) and/or property owner(s) gives permission for members of the Planning Commission, Board of Supervisors, and County Staff to visit and view the subject property.

Signature: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Signature: \_\_\_\_\_

6. Additional information: Please see supplemental narrative packet.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Please note: In the event of cancellation or postponement at your request after the initial newspaper advertisement for this application, an additional fee will apply for re-advertisement. The fee will be based on the actual cost of the ad, and will not apply in cases of Planning Commission or Board of Supervisor deferments.

1200.00 - Sup  
100.00 - Minor  
Site Plan (one time fee)

\*\*\*\*\*TO BE COMPLETED BY PLANNING & ZONING OFFICE\*\*\*\*\*

Completed application and fee (\$ 1,100.00 ) received on 8-26-15

Hearing Notice published on October 15 & 22, 2015

Planning Commission action: Date of Hearing: October 28, 2015

Recommendation: \_\_\_\_\_

Board of Supervisor action: Date of Hearing: \_\_\_\_\_

Date of Decision: \_\_\_\_\_

Action: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

TO THE ZONING ADMINISTRATOR:

1. The undersigned hereby petitions the Planning Commission and/or Board of Supervisors for approval of the following (check appropriate box):

- Rezoning from \_\_\_\_\_ to \_\_\_\_\_
- Special Use Permit
- Site Plan – Preliminary (Optional)
- Site Plan – Final
- Amend text of Zoning Ordinance
- Subdivision – Regular Preliminary
- Subdivision – Regular Final
- Site Plan - Minor
- Site Plan - Major
- Other - \_\_\_\_\_

Pursuant to Article 4, Section 1-16A of the Nelson County Zoning Ordinance.  
Pursuant to Section \_\_\_\_\_, Subsection \_\_\_\_\_ of the Nelson County Subdivision Ordinance.

Reason(s) for request: We would like to build a fasting venue for off-site ministries.

2. Applicant(s) and Property Owner(s): (Please print names of applicants and property owners and indicate applicable title. If applicant is not the property owner, show relationship, i.e. lessee, contract purchaser, etc.)

Applicant  Property Owner Name: Richard G Averitt IV  
 Address: 88 Grace Glen Nellysford VA 22958  
 Tel. No.: 361-6127 Cell No. 434-262-3418 E-mail addr. Richard@raveritt.com  
 Relationship (if applicable): \_\_\_\_\_

Applicant  Property Owner Name: Richard G. Averitt III "Dick"  
 Address: 35 Grace Glen Nellysford VA 22958  
 Tel. No.: 361-1084 Cell No. 727-698-6856 E-mail addr. Dick@averittconsulting.com  
 Relationship (if applicable): partner

Applicant  Property Owner Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Tel. No.: \_\_\_\_\_ Cell No. \_\_\_\_\_ E-mail addr. \_\_\_\_\_  
 Relationship (if applicable): \_\_\_\_\_

Applicant  Property Owner Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Tel. No.: \_\_\_\_\_ Cell No. \_\_\_\_\_ E-mail addr. \_\_\_\_\_  
 Relationship (if applicable): \_\_\_\_\_

(Use reverse if more space is needed.)

3. Location and Characteristics of Property:

a. Address of property including specific location, route numbers, street names, direction (NSEW), Magisterial District, etc.: N/A

Official tax map number: 21-A parcel 35 / parcel 36

b. Acreage of property: 98.21

c. Present use: none

d. Present zoning classification: A1

e. Zoning classification of surrounding properties: \_\_\_\_\_

4. Names of Adjacent Property Owners: Randy Reed, Aubrey Mc Clain  
William and Jennifer Seale, Carolyn Fischer, Rebecca Muhs,  
Daniel and Cynthia Corbin

5. Affidavit: The undersigned applicant(s) and/or property owner(s) certifies that this application and the foregoing answers, statements, and other information herewith submitted are, in all respects, true and correct to the best of their knowledge and belief. Also, the applicant(s) and/or property owner(s) gives permission for members of the Planning Commission, Board of Supervisors, and County Staff to visit and view the subject property.

Signature: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Signature: \_\_\_\_\_

6. Additional information: See supplemental narrative packet  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Please note: In the event of cancellation or postponement at your request after the initial newspaper advertisement for this application, an additional fee will apply for re-advertisement. The fee will be based on the actual cost of the ad, and will not apply in cases of Planning Commission or Board of Supervisor deferments.

\$200.00- Sup  
100.00- Minor Site Plan (one time fee)

\*\*\*\*\*TO BE COMPLETED BY PLANNING & ZONING OFFICE\*\*\*\*\*

Completed application and fee (\$ 1,100.00 ) received on 8-26-15

Hearing Notice published on October 15, 2015 & October 22, 2015

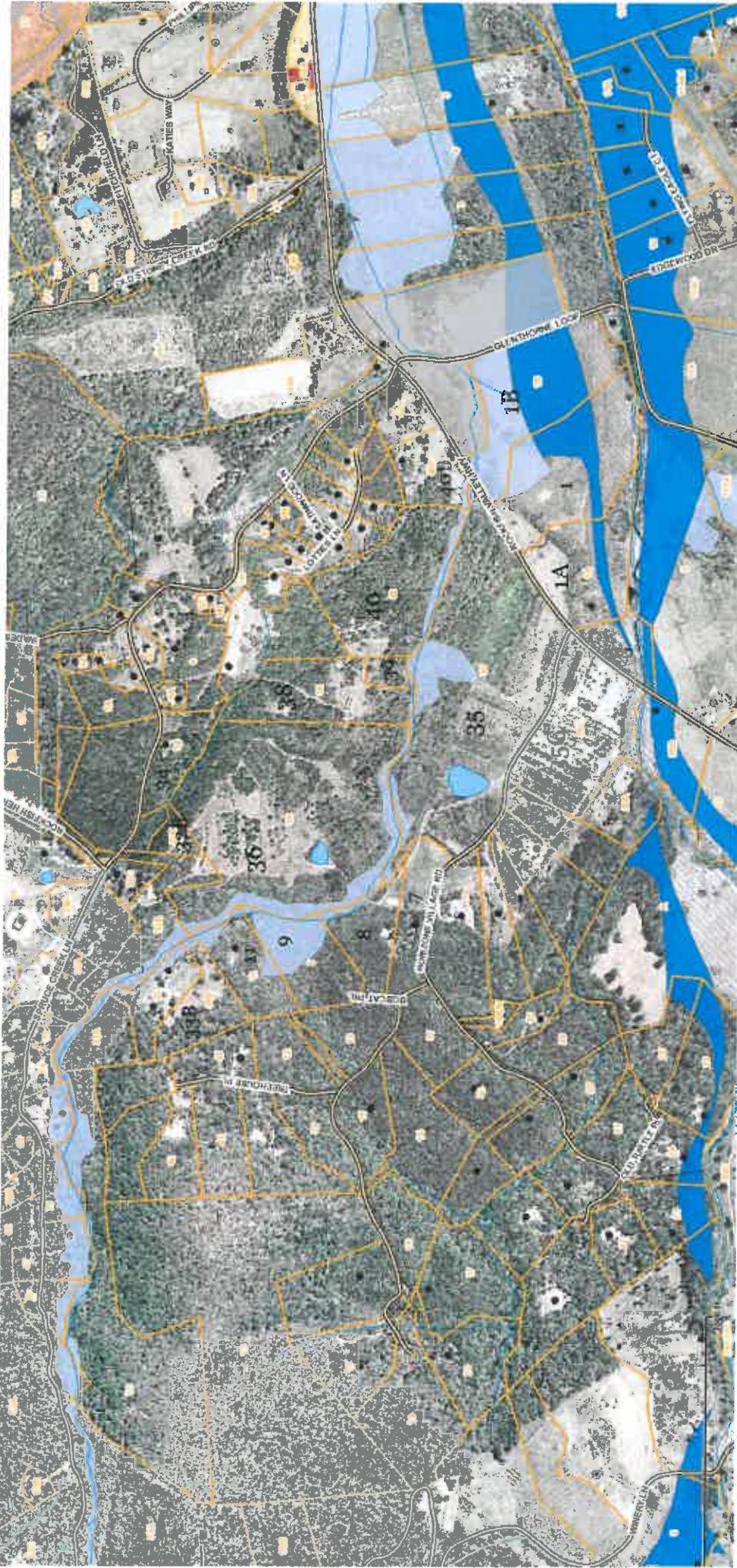
Planning Commission action: Date of Hearing: October 28, 2015

Recommendation: \_\_\_\_\_

Board of Supervisor action: Date of Hearing: \_\_\_\_\_

Date of Decision: \_\_\_\_\_

Action: \_\_\_\_\_



Special Use Permit(s) #2015-10; -11; -12; -13; and -14	Parcel Address	Owner Name
21-A-36		NELSON HILLTOP LLC
21-A-35		ROCK FISH VALLEY INVESTMENTS LLC
Adjoining/Adjacent Property Owner(s):		
21-A-33B; 21-A-32A	1219 ROCKFISH VALLEY HWY	REED RANDY S
21-A-38; 21-A-40B; 21-A-39; 21-A-40	961 SPRUCE CREEK LN	MCCLAIN AUBREY C JR
21-A-32B	184 MOUNTAIN FIELD TRL	SEALE WILLIAM W & JENNIFER
21-16-11	733 SPRUCE CREEK LN	FISCHER CAROLYN L
21-A-34	640 HORIZON VILLAGE LN	MEEKS REBECCA J
21-16-8; 21-16-7	463 HORIZON VILLAGE RD	CORBIN DANIEL P & CYNTHIA H
21-16-9	365 HORIZON VILLAGE RD	BARR WILLIAM E & MELISSA T
21-16-5	309 HORIZON VILLAGE RD	GALJONE ROBERT F & ANN C
21-16-4	825 ROCKFISH VALLEY HWY	PFEFFER RICHARD A & PATRICIA A DANA
21-16-3	1120 ROCKFISH VALLEY HWY	WILSON HAROLD S & HENRIETTA F
21-16-2		SHAFFER STEPHEN J & SIMONA A
21-16-1		BUSCHYNSKI JOSEPH J & ANNE M
21-A-35C		CORCORAN MIRIAM TRUSTEE
21-9-3		ELLIS MICHAEL J & ELIZABETH A
21-9-1A; 21-9-1		BOLD ROCK PARTNERS LP
21-9-1B		WASHBURN JOHN W JR & ROBIN C

**Special Use Permit #2015-10; -11; -12; -13; and -14**

Nelson Hilltop LLC  
88 Grace Glen  
Nellysford, VA 22958

Rock Fish Valley Investments LLC  
88 Grace Glen  
Nellysford, VA 22958

**Adjoining/Adjacent Property Owners:**

Randy S & Heidi A Reed  
1041 Spruce Creek Road  
Nellysford, VA 22958

Aubrey C McClain Jr.  
6490 Rockfish Valley Highway  
Afton, VA 22920

William W & Jennifer Seale  
961 Spruce Creek Lane  
Nellysford, VA 22958

Carolyn L Fischer  
184 Mountain Field Trail  
Nellysford, VA 22958

Rebecca J Meeks  
733 Spruce Creek  
Nellysford, VA 22958

Daniel P & Cynthia H Corbin  
11254 Caisson Court  
Woodbridge, VA 22192

William E & Melissa T Barr  
248 Pelelieu Street  
Beaufort, SC 29902

Robert F & Ann C Galione  
2609 Northfield Road  
Charlottesville, VA 22901

Richard A Pfeffer & Patricia A Dana  
1807 Fairwind Circle  
Richmond, VA 23238

Harold S & Henrietta F Wilson  
626 West Princess Anne Road  
Norfolk, VA 23517

Stephen J & Simona A Shaffer  
PO Box 154  
Nellysford, VA 22958

Joseph J & Anne M Bushynski  
27 Morgan Court  
Dover Plains, NY 12522

Corcoran Miriam Trustee  
Miriam D Corcoran Living Trust  
330 Claremount Lane, Apt. 335  
Crozet, VA 22932

Michael J & Elizabeth A Ellis  
10469 Heritage Bay Blvd  
Naples, FL 34120

Bold Rock Partners LP  
PO Box 528  
Nellysford, VA 22958

John W Washburn Jr & Robin C  
PO Box 751  
Nellysford, VA 22958

**Please publish Thurs., October 15<sup>th</sup> and Thurs., October 22<sup>nd</sup>, 2015 in the Nelson County Times.**

**LEGAL NOTICE  
NOTICE OF PUBLIC HEARING**

In accordance with Volume 3A, Title 15.2, Counties, Cities and Towns, of the Code of Virginia, 1950, as amended, and pursuant to §15.2-107, §15.2-2204, §15.2-2285, §15.2-2310, and §15.2-4307, the Nelson County Planning Commission hereby gives notice that a Public Hearing will start at **7:00 p.m., Wednesday, October 28, 2015** in the **General District Courtroom** on the third floor of the Nelson County Courthouse located at 84 Courthouse Square, Lovingson, Virginia, for the following:

**Public Hearings**

**1. Special Use Permits #2015-10; -11; -12; -13; and -14 – “Spruce Creek Resort & Market” / Richard Averitt IV**

Consideration of Special Use Permit applications seeking approval to “build a small grocery/market for the sale of local foods and goods; build a banquet hall to be used for weddings, meetings, etc...and provide lodging cottages provisions for overnight stays; build a small spa with a few cabins for guest use and public use; build a restaurant on an A-1 zoning property; and to build a tasting venue for off-site wineries.” These applications have been submitted pursuant to Zoning Ordinance §4-1-35a (“retail store, neighborhood”); §4-1-13a (“conference center”); §4-1-44a (“activity center”); §4-1-34a (“restaurant”); and §4-1-16a (“farm winery permanent remote retail establishment”). The subject property is located on Rockfish Valley Highway and is identified as Tax Map Parcels #21-A-35 and -36, consisting of 98.21-acres zoned Agricultural (A-1).

Following the hearing, the Planning Commission may vote to forward the applications to the Board of Supervisors with a recommendation for approval, denial, or approval with recommended conditions. The Board of Supervisors will review the applications and conduct public hearings for these applications at their November meeting, the date for which has not yet been finalized. After public hearing(s) by the Board, the applications may be approved, modified, or rejected.

Copies of the application materials are available for public inspection in the Department of Planning & Zoning, 80 Front Street, and in the Office of the County Administrator, 84 Courthouse Square, both in Lovingson, VA, 22949, from Monday through Friday, between 9:00 a.m. and 5:00 p.m. Telephone inquiries may also be directed to the Dept. of Planning & Zoning, (434) 263-7090, or toll free at 888-662-9400, selections 4 and 1. The items contained in this legal notice will also be available for download on the County Calendar under the October 28<sup>th</sup> Planning Commission meeting event at <http://www.nelsoncounty-va.gov/events/category/county-calendar/>.

## 10/19 Draft Modifications for PC Consideration (without "Track Changes")

(inclusive of Phil Proulx's comments of 9/24)

(inclusive of Phil Payne's comments of 9/30)

### ➤ Article 2: Definitions

Bed and breakfast, Class A: A use composed of transient lodging provided within a single family dwelling and/or one or more structures that are clearly subordinate and incidental to the single family dwelling, having not more than eight (8) guest rooms in the aggregate, and having not more than twenty-four (24) transient lodgers in the aggregate, and which also may include rooms for dining and for meetings for use by transient lodging guests of the bed and breakfast provided that the dining and meeting rooms are accessory to the bed and breakfast use.

Bed and breakfast, Class B: A use composed of transient lodging provided by the resident occupants of a dwelling that is conducted within said dwelling and/or one or more structures that are clearly subordinate and incidental to the single family dwelling, having not more than five (5) guest rooms in the aggregate, and having not more than twelve (12) transient lodgers in the aggregate, and which also may include rooms for dining and for meetings for use by transient lodging guests of the bed and breakfast home occupation provided that the dining and meeting rooms are accessory to the bed and breakfast home occupation use.

~~Boardinghouse, tourist home: A building arranged or used for lodging, with or without meals, for compensation by more than five (5) and not more than fourteen (14) persons and open to transients. A boardinghouse or tourist home shall not be deemed a home occupation. (REPLACED)~~

Boardinghouse: A use composed of a single building in which more than one room is arranged or used for lodging by occupants who lodge for thirty (30) consecutive days or longer, with or without meals, for compensation. A boardinghouse may be occupied by the owner or operator, but may not be operated on the same parcel as a bed and breakfast.

Campground: Any place used for transient camping where compensation is expected in order to stay in a tent, travel trailer, or motor home. Campgrounds require the provision of potable water and sanitary facilities.

Dwelling: Any building which is designed for residential purposes (except apartment houses, boardinghouses, dormitories, hotels and motels).

Dwelling, single-family detached: A building arranged or designed to contain one (1) dwelling unit with not more than (5) lodgers or boarders.

Hotel: Any hotel, inn, hostelry, tourist home or house, motel, rooming house, dwelling, or other place used for overnight lodging which is rented by the room to transients, is not a residence, and where the renting of the structure is the primary use of the property. ~~A building designed or occupied as the more or~~

less temporary abiding place for fifteen (15) or more individuals who are, for compensation, lodged, with or without meals, and in which provision is not generally made for cooking in individual rooms or suites.

Home occupation, class A: An occupation carried on by the occupant of a dwelling as a secondary use in connection with which there is no display, and not more than one (1) person is employed, other than members of the family residing on the premises, such as the tailoring of garments, ~~rental of rooms to tourists~~; the preparation of food products for sale, and similar activities; beauty parlors, professional offices such as medical, dental, legal, engineering, and architectural offices conducted within a dwelling or accessory building by the occupant.

Home occupation, class B: An occupation carried on by the occupant of a dwelling as a secondary use in connection with which there is no display, and not more than four (4) persons are employed, other than members of the family residing on the premises, such as the tailoring of garments, ~~rental of rooms to tourists~~, the preparation of food products for sale, and similar activities; beauty parlors, professional offices such as medical, dental, legal, engineering, and architectural offices conducted within a dwelling or accessory building by the occupant.

Tent: A structure or enclosure, constructed of pliable material, which is supported by poles or other easily removed or disassembled structural apparatus.

Transient: A guest or boarder; one who stays for thirty (30) days or less and whose permanent address for legal purposes is not the lodging or dwelling unit occupied by that guest or boarder.

Transient lodging: Lodging in which the temporary occupant lodges in overnight accommodations for less than thirty (30) consecutive days.

Travel Trailer: A vehicular, portable structure built on a chassis, designed as a temporary dwelling for travel, recreational, and vacation uses. The term "travel trailer" does not include mobile homes or manufactured homes.

Vacation House: A house rented to transients. Rental arrangements are made for the entire house, not by room. Vacation houses with more than five (5) bedrooms are subject to the requirements contained in Article 13, Site Development Plan.

**(Draft) Recommendations for Regulation of Uses:**

---

	A-1	R-1	R-2	B-1	B-2	SE-1
B&B, Class A	By-Right	No	No	By-Right	By-Right	By-Right
B&B, Class B	By-Right	SUP	SUP	By-Right	By-Right	By-Right
Boardinghouse	By-Right	SUP	By-Right	By-Right	By-Right	By-Right
Campground*	SUP	No	No	SUP	SUP	SUP
Hotel	SUP	No	No	By-Right	By-Right	SUP
Vacation House	By-Right	SUP	SUP	By-Right	By-Right	By-Right

*\* "Campground" use is currently permissible in Conservation (C-1) with a Special Use Permit pursuant to Z.O. 3-1-6a.*



renting of the structure is the primary use of the property. ~~A building designed or occupied as the more or less temporary abiding place for fifteen (15) or more individuals who are, for compensation, lodged, with or without meals, and in which provision is not generally made for cooking in individual rooms or suites.~~

Formatted: Strikethrough

Deleted: Hotels are subject to the requirements contained in Article 13, Site Development Plan.

Home occupation, class A: An occupation carried on by the occupant of a dwelling as a secondary use in connection with which there is no display, and not more than one (1) person is employed, other than members of the family residing on the premises, such as the tailoring of garments, ~~rental of rooms to tourists~~, the preparation of food products for sale, and similar activities; beauty parlors, professional offices such as medical, dental, legal, engineering, and architectural offices conducted within a dwelling or accessory building by the occupant.

Formatted: Strikethrough

Formatted: Strikethrough

Home occupation, class B: An occupation carried on by the occupant of a dwelling as a secondary use in connection with which there is no display, and not more than four (4) persons are employed, other than members of the family residing on the premises, such as the tailoring of garments, ~~rental of rooms to tourists~~, the preparation of food products for sale, and similar activities; beauty parlors, professional offices such as medical, dental, legal, engineering, and architectural offices conducted within a dwelling or accessory building by the occupant.

Formatted: Strikethrough

Formatted: Strikethrough

Tent: A structure or enclosure, constructed of pliable material, which is supported by poles or other easily removed or disassembled structural apparatus.

Deleted: ¶

Transient: A guest or boarder; one who stays for ~~thirty (30) days or less~~ and whose permanent address for legal purposes is not the lodging or dwelling unit occupied by that guest or boarder.

Deleted: a short period of time

Transient lodging: Lodging in which the temporary occupant lodges in overnight accommodations for less than thirty (30) consecutive days.

Formatted: Pattern: Clear (Light Yellow)

Travel Trailer: A vehicular, portable structure built on a chassis, designed as a temporary dwelling for travel, recreational, and vacation uses. The term "travel trailer" does not include mobile homes or manufactured homes.

Vacation House: A house rented to transients. Rental arrangements are made for the entire house, not by room. Vacation houses with more than five (5) bedrooms are subject to the requirements contained in Article 13, Site Development Plan.

Deleted:

**(Draft) Recommendations for Regulation of Uses:**

---

	A-1	R-1	R-2	B-1	B-2	SE-1
B&B, Class A	By-Right	No	No	By-Right	By-Right	By-Right
B&B, Class B	By-Right	SUP	SUP	By-Right	By-Right	By-Right
Boardinghouse	By-Right	SUP	By-Right	By-Right	By-Right	By-Right
Campground*	SUP	No	No	SUP	SUP	SUP
Hotel	SUP	No	No	By-Right	By-Right	SUP
Vacation House	By-Right	SUP	SUP	By-Right	By-Right	By-Right

*\* "Campground" use is currently permissible in Conservation (C-1) with a Special Use Permit pursuant to Z.O. 3-1-6a.*

## 9/24 Draft Amendments for PC Consideration

Payne's comments 10/8/15

TP recommendations 10/20/2015

### ARTICLE 23. TEMPORARY EVENTS, FESTIVAL GROUNDS, OUT-OF-DOORS ACCESSORY USES

#### *Statement of Intent*

This Article provides regulations designed to address temporary uses in districts where such uses would not otherwise be permissible, establishes criteria for the approval or disapproval of such temporary uses, and provides requirements for the permitting and conduct of such uses. The Article also requires for the issuance of a special use permit for properties where the intended use envisions large scale events and provides for the regulation of out-of-door activities conducted as an accessory use to certain permitted commercial uses. The Article is not intended to regulate, and does not regulate, the traditional non-commercial use of property by its owners; such use is subject to other provisions of this Ordinance, the Noise Ordinance, and other applicable law.

#### 23-1 *Definitions*

*Agritourism Activity:* any activity carried out on a farm or ranch engaged in bona fide Agricultural Operations that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching, historical, cultural, harvest-your-own activities, or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity.

*Festival Grounds:* The use of land for the hosting and operation of Category 3 Temporary Events, and the construction, erection, or other use of structures or other improvements (temporary or permanent) associated with Category 3 Temporary Events. The minimum acreage for a Festival Grounds is 250 acres. Contiguous parcels under the same or different ownership or control may be aggregated to attain the minimum acreage.

*Out-of-Door, Accessory Use:* The following out-of-door activities are accessory uses to a Banquet Hall, Conference Center, Corporate Training Center, Restaurant, Brewery, and Distillery: receptions, dining, and entertainment, such as musical or small band performances, which (i) are conducted in connection with the primary permitted use, (ii) do not involve amplified sound later than 9:00 p.m. on Sundays through Thursdays or later than 10:00 p.m. on Fridays or Saturdays, and (iii) hosts less than 1,000 attendees at any one time during the activity. Unless otherwise specified in (ii), all such accessory activities are limited to 10:00 p.m. on Sundays through Thursdays, and are limited to 11:00 p.m. on Fridays and Saturdays.

*Temporary Event:* The temporary use of property that is not otherwise a by-right use or use permitted by special or conditional use permit.

*Temporary Event, Historical Property:* An event such as historical reenactments, living history, home tours, or similar activities which are conducted in connection with a property of historical

or natural value when there is either (i) no admission or (ii) a nominal admission dedicated to preservation, restoration, or charitable purposes.

*Temporary Event, Non-Profit:* An event conducted by local non-profit community service organizations such as fire departments, rescue squads, schools, fraternal organizations, faith-based organizations, or community centers.

*Temporary Event, Social:* A one day private social event which is not open to the general public, such as weddings, receptions, and reunions, to which attendance does not exceed 300 people, conducted on property not zoned for commercial uses and for which the landowner charges a fee for the use of his property.

### *23-2 Temporary Event Permits*

A temporary event permit is required for events defined in this subsection as either Category 1, 2, or 3.

#### *23-2-A Exempt Events*

The following temporary events are exempt from Temporary Event Permit requirements and fees:

1. Private non-commercial functions conducted on the property of the host
2. Social Temporary Events where permitted by right
3. Historical Property Temporary Events
4. Non-Profit Temporary Events having or projecting less than 1,000 attendees at any time during the event
5. Athletic and sporting events conducted on sites approved for such events
6. Political gatherings
7. Religious gatherings
8. Out-of-Door Accessory Uses
9. Farm winery and Agritourism activities conducted between the hours of 7:00 a.m. and 7:00 p.m.

#### *23-2-B Temporary Event, Category 1*

A Category 1 Temporary Event is an event which is neither an otherwise permitted use nor exempt and (i) for which admission is charged or at which goods and services are sold, having or projecting less than 1,000 attendees, or, (ii) Non-Profit Temporary Events having or projecting more than 1,000 attendees, or, (iii) Farm winery or Agritourism activities conducted after 7:00 p.m. and having or projecting less than 1000 attendees.. No more than six (6) Category 1 Temporary Events may be conducted in a calendar year by the same applicant or on the subject property or on properties contiguous to or adjacent to the subject property if under the same ownership or control as the subject property.

Each such event may not exceed a maximum duration of four (4) consecutive days open to the attending public, inclusive of an arrival day and a departure day. Amplified sound is not permitted after 11:00 p.m. on any Sunday through Thursday night; nor after 1:00 a.m. on any Saturday or Sunday morning. A Category 1 Temporary Event Requires a Temporary Event Permit.

*23-2-C Temporary Event, Category 2:*

23-2-C-1 A Category 2 Temporary Event is any event which is neither an otherwise permitted use nor exempt, for which admission is charged or at which goods and services are sold, having or projecting 1,000 or more attendees but less than 10,000 attendees. Each such event may not exceed a maximum duration of six (6) consecutive days open to the attending public, inclusive of an arrival day and a departure day. Amplified sound is not permitted after 11:00 p.m. on any Sunday, Monday, Tuesday, or Wednesday night; nor after 11:59 p.m. on any Thursday night; nor after 1:00 a.m. on any Saturday or Sunday morning. A Category 2 Temporary Event Requires a Temporary Event Permit.

23-2-C-2 Except as provided in connection with Festival Grounds, and subject to the criteria for issuance of a Temporary Event Permit provided in Section 23-3, no more than four (4) Category 2 Temporary Events may be conducted in a calendar year by the same applicant or on the subject property or on properties contiguous to or adjacent to the subject property if under the same ownership or control as the subject property. An Agricultural Operation or Farm Winery, the aggregate acreage of which is more than 250 acres, may elect, subject to approval of the Director, to conduct a Category 2 permitted event on non-consecutive days so long as the total number of non-consecutive days is equal to or less than six (6) per permit. Contiguous parcels under the same or different ownership or control may be aggregated to attain the minimum acreage.

*23-2-D Structures for Category 1 and 2 Temporary Events*

Each structure used for either a Category 1 or 2 event (i) shall have been in existence on the date of adoption of this Article, provided that this requirement shall not apply to accessory structures less than 150 square feet in size and (ii) shall be a lawful conforming properly permitted structure and shall support or have supported a lawful use of the property. The installation of temporary structures and facilities, such as tents and portable lavatories, is permissible in connection with approved Temporary Event Permits, subject to all applicable laws and regulations.

*23-2-E Temporary Event, Category 3*

23-2-E-1 A Category 3 Temporary Event is any event having or projecting more than 10,000 attendees and requires a Special Use Permit for Festival Grounds land use be obtained pursuant to Article 12, Section 3 "Special Use Permits" and Article 13 "Site Development Plan" and also a Temporary Event Permit. The erection of permanent structures and/or the installation of permanent infrastructure used in connection with Category 3 Temporary Events is permissible, subject to all other Zoning Ordinance provisions, including but not limited to Article 13 "Site Development Plan."

23-2-E-2 A Festival Grounds Special Use Permit shall automatically terminate five years after its issuance, upon which time a new Festival Grounds Special Use Permit may be applied for.

23-2-E-3 A property granted a Special Use Permit for Festival Grounds use may host no more than four (4) Category 3 Temporary Events and no more than six (6) Category 2 Temporary Events in a calendar year. A Category 3 Temporary Event may not exceed a maximum duration of six (6) consecutive days open to the attending public, inclusive of an arrival day and a departure day. Amplified sound is not permitted after 11:00 p.m. on any Sunday, Monday, Tuesday, or Wednesday night. Without limiting the general authority of the Board of Supervisors under Article 12, the Board of Supervisors may impose additional conditions or further restrict the number of events, days, and times in granting a Special Use Permit pursuant to this subsection.

23-2-F For the purposes of this Article 23, "applicant" includes the members of an applicant's immediate family or an affiliated business entity relationship. An affiliated business entity relationship exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that may be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person owns or manages the two entities, there are common or commingled funds or assets, the business entities share the use of the same offices or employees, or otherwise share activities, resources or personnel on a regular basis, or there is otherwise a close working relationship between the entities.

### *23-3 Issuance of Temporary Event Permits*

23-3-A Whether a temporary event permit will be issued will be determined after consideration of the following factors:

1. If and how the proposed event would result in undue interference with other planned activities in the County;
2. The schedules of churches, schools, governmental operations, and similar public and quasi-public entities;
3. The availability and provision of necessary resources such as transportation infrastructure, law enforcement, emergency services, parking, and similar considerations;
4. The location and operation(s) of other permitted Temporary Events during the same time period as the proposed event;
5. Compliance with the requirements of other agencies and departments; and
6. The prior history of compliance by the applicant or landowner with this article, the zoning ordinance, and applicable conditions. Prior or existing non-compliance shall be grounds for the denial of a permit.

23-3-B In issuing the permit, the Director, may, after consideration of the foregoing factors:

1. Establish or modify times during which activities or amplified sound, or both, may be conducted;
2. Fix the permitted dates for the event;
3. Limit the number of attendees; and

4. Impose such conditions as are necessary to protect the health, safety and welfare of attendees and residents of the County.

23-3-C The Director may issue a Temporary Event Permit for more than one event if he determines that each event is substantially similar in nature and size and that a single set of conditions would apply to each event, provided that, if allowable, no more than six (6) such temporary events in a calendar year may be permitted under a single permit. Such combined event permit shall not have the effect of allowing more events than the limits set forth in the preceding subsections.

23-3-D A Temporary Event Permit application requires the following submissions to be considered a completed application:

1. Temporary Event Permit application signed by the property owner and the sponsor;
2. Temporary Event Permit application fee, as follows:
  - a. Category 1 Temporary Event Permit application = \$100
  - b. Category 2 Temporary Event Permit application = \$500
  - c. Category 3 Temporary Event Permit application = \$2,500
3. Site Plan, drawn to scale and containing all necessary dimensions, annotation, and other details regarding event layout and event operations;
4. Transportation Plan, containing all necessary details regarding vehicular arrival, departure, informational signage, and on-site circulation (as applicable);
5. Safety Plan, containing all necessary details regarding emergency preparedness and emergency response plans, emergency services, medical services, law enforcement and security services, and similar details necessary for ensuring the safety of attendees and the general public; and
6. Any other event information deemed necessary by the Director of Planning and Zoning.

In addition to the proposed introduction of Article 23 (above), the following amendments are also proposed for existing Articles:

➤ **Article 4. Agricultural District (A-1)**

**Remove the following:**

4-11-3 Temporary events not otherwise a permitted use may be allowed pursuant to a Special Events Permit for a specified time period. [...]

**Add the following:**

4-1 Uses – Permitted by right:

Agritourism Activity

Social Temporary Event, provided that there are no more than fifty such events in a calendar year and that any noise generated by the event is not discernible by adjoining landowners.

Category 1 Temporary Event

Category 2 Temporary Event

Category 3 Temporary Event in connection with a Festival Grounds special use permit

4-1a Uses – Permitted by Special Use Permit Only:

Festival Grounds

➤ **Article 8. Business District (B-1)**

Add the following:

8-1 Uses – Permitted by right:

Category 1 Temporary Event

Category 2 Temporary Event

Category 3 Temporary Event in connection with a Festival Grounds special use permit

8-1a Uses – Permitted by Special Use Permit Only:

Festival Grounds

➤ **Article 8A. Business District (B-2)**

Add the following:

8A-1 Uses – Permitted by right:

Category 1 Temporary Event

Category 2 Temporary Event

Category 3 Temporary Event in connection with a Festival Grounds special use permit

8A-1a Uses – Permitted by Special Use Permit Only:

Festival Grounds

Add the following:

8B-1- Permitted by right

Category 1 Temporary Event

Category 2 Temporary Event

LAW:

**§ 15.2-2288.3. Licensed farm wineries; local regulation of certain activities. —**

A. It is the policy of the Commonwealth to preserve the economic vitality of the Virginia wine industry while maintaining appropriate land use authority to protect the health, safety, and welfare of the citizens of the Commonwealth, and to permit the reasonable expectation of uses in specific zoning categories. Local restriction upon such activities and events of farm wineries licensed in accordance with Title 4.1 to market and sell their products shall be reasonable and shall take into account the economic impact on the farm winery of such restriction, the agricultural nature of such activities and events, and whether such activities and events are usual and customary for farm wineries throughout the Commonwealth. Usual and customary activities and events at farm wineries shall be permitted without local regulation unless there is a substantial impact on the health, safety, or welfare of the public. No local ordinance regulating noise, other than outdoor amplified music, arising from activities and events at farm wineries shall be more restrictive than that in the general noise ordinance. In authorizing outdoor amplified music at a farm winery, the locality shall consider the effect on adjacent property owners and nearby residents.

B, C. [Expired.]

D. No locality may treat private personal gatherings held by the owner of a licensed farm winery who resides at the farm winery or on property adjacent thereto that is owned or controlled by such owner at which gatherings wine is not sold or marketed and for which no consideration is received by the farm winery or its agents differently from private personal gatherings by other citizens.

E. No locality shall regulate any of the following activities of a farm winery licensed in accordance with subdivision 5 of § 4.1-207:

1. The production and harvesting of fruit and other agricultural products and the manufacturing of wine;
2. The on-premises sale, tasting, or consumption of wine during regular business hours within the normal course of business of the licensed farm winery;
3. The direct sale and shipment of wine by common carrier to consumers in accordance with Title 4.1 and regulations of the Alcoholic Beverage Control Board;
4. The sale and shipment of wine to the Alcoholic Beverage Control Board, licensed wholesalers, and out-of-state purchasers in accordance with Title 4.1, regulations of the Alcoholic Beverage Control Board, and federal law;
5. The storage, warehousing, and wholesaling of wine in accordance with Title 4.1, regulations of the Alcoholic Beverage Control Board, and federal law; or
6. The sale of wine-related items that are incidental to the sale of wine.

"Agritourism activity" means any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching, historical, cultural, harvest-your-own activities,

or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity. *Virginia Code* § 3.2-6400

**§ 15.2-2288.6. Agricultural operations; local regulation of certain activities.**

A. No locality shall regulate the carrying out of any of the following activities at an agricultural operation, as defined in § 3.2-300, unless there is a substantial impact on the health, safety, or general welfare of the public:

1. Agritourism activities as defined in § 3.2-6400;
2. The sale of agricultural or silvicultural products, or the sale of agricultural-related or silvicultural-related items incidental to the agricultural operation;
3. The preparation, processing, or sale of food products in compliance with subdivisions A 3, 4, and 5 of § 3.2-5130 or related state laws and regulations; or
4. Other activities or events that are usual and customary at Virginia agricultural operations. Any local restriction placed on an activity listed in this subsection shall be reasonable and shall take into account the economic impact of the restriction on the agricultural operation and the agricultural nature of the activity.

B. No locality shall require a special exception, administrative permit not required by state law, or special use permit for any activity listed in subsection A on property that is zoned as an agricultural district or classification unless there is a substantial impact on the health, safety, or general welfare of the public.

C. Except regarding the sound generated by outdoor amplified music, no local ordinance regulating the sound generated by any activity listed in subsection A shall be more restrictive than the general noise ordinance of the locality. In permitting outdoor amplified music at an agricultural operation, the locality shall consider the effect on adjoining property owners and nearby residents.

D. The provisions of this section shall not affect any entity licensed in accordance with Chapter 2 (§ 4.1-200 et seq.) of Title 4.1. Nothing in this section shall be construed to affect the provisions of Chapter 3 (§ 3.2-300 et seq.) of Title 3.2, to alter the provisions of § 15.2-2288.3, or to restrict the authority of any locality under Title 58.1.

**§ 3.2-300. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Agricultural operation" means any operation devoted to the bona fide production of crops, or animals, or fowl including the production of fruits and vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral products; and the production and harvest of products from silviculture activity.

"Production agriculture and silviculture" means the bona fide production or harvesting of agricultural or silvicultural products but shall not include the processing of agricultural or silvicultural products or the above ground application or storage of sewage sludge.

### **§ 3.2-6400. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Agricultural products" means any livestock, aquaculture, poultry, horticultural, floricultural, viticulture, silvicultural, or other farm crops.

"Agritourism activity" means any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching, historical, cultural, harvest-your-own activities, or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity.

#### **Land use tax consideration:**

Real estate upon which recreational activities are conducted for a profit or otherwise shall be considered real estate devoted to agricultural use as long as the recreational activities conducted on such real estate do not change the character of the real estate so that it does not meet the uniform standards prescribed by the Commissioner. Real property that has been designated as devoted to agricultural use shall not lose such designation solely because a portion of the property is being used for a different purpose pursuant to a special use permit or otherwise allowed by zoning, provided that the property, excluding such portion, otherwise meets all the requirements for such designation. The portion of the property being used for a different purpose pursuant to a special use permit or otherwise allowed by zoning shall be deemed a separate piece of property from the remaining property for purposes of assessment. *Virginia Code § 58.1-3230*

State law mandates that day festival-type activities on farms are permitted by right (except, perhaps, Sundays, which is not worth trying to regulate). Night functions on farms can be regulated.

9/24 Draft Amendments for PC Consideration

Payne's comments 10/8/15

TP recommendations 10/20/2015

**ARTICLE 23. TEMPORARY EVENTS, FESTIVAL GROUNDS, OUT-OF-DOORS ACCESSORY USES**

*Statement of Intent*

This Article provides regulations designed to address temporary uses in districts where such uses would not otherwise be permissible, establishes criteria for the approval or disapproval of such temporary uses, and provides requirements for the permitting and conduct of such uses. The Article also requires for the issuance of a special use permit for properties where the intended use envisions large scale events and provides for the regulation of out-of-door activities conducted as an accessory use to certain permitted commercial uses. The Article is not intended to regulate, and does not regulate, the traditional non-commercial use of property by its owners; such use is subject to other provisions of this Ordinance, the Noise Ordinance, and other applicable law.

23-1 *Definitions*

*Agritourism Activity:* any activity carried out on a farm or ranch engaged in **bona fide Agricultural Operations** that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching, historical, cultural, harvest-your-own activities, or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity.

*Festival Grounds:* The use of land for the hosting and operation of Category 3 Temporary Events, and the construction, erection, or other use of structures or other improvements (temporary or permanent) associated with Category 3 Temporary Events. **The minimum acreage for a Festival Grounds is 250 acres. Contiguous parcels under the same or different ownership or control may be aggregated to attain the minimum acreage.**

*Out-of-Door, Accessory Use:* The following out-of-door activities are accessory uses to a Banquet Hall, Conference Center, Corporate Training Center, Restaurant, Brewery, and Distillery: receptions, dining, and entertainment, such as musical or small band performances, which (i) are conducted in connection with the primary permitted use, (ii) do not involve amplified sound **later than 9:00 p.m. on Sundays through Thursdays or later than 10:00 p.m. on Fridays or Saturdays, and (iii) hosts less than 1,000 attendees at any one time during the activity. Unless otherwise specified in (ii), all such** accessory activities are limited to 10:00 p.m. on Sundays through Thursdays, and are limited to 11:00 p.m. on Fridays and Saturdays.

*Temporary Event:* **The temporary use of property that is not otherwise a by-right use or use permitted by special or conditional use permit.**

*Temporary Event, Historical Property:* An event such as historical reenactments, living history, home tours, or similar activities which are conducted in connection with a property of historical

**Deleted:** a

**Deleted:** o

**Comment [TMP1]:** This was added as a recommendation for amplified outdoor music to be conducted no later than 9:00pm on weeknights or 10:00pm on weekend nights, while allowing all other outdoor accessory uses (such as a theater performance, etc.) to be conducted until 10:00pm or 11:00pm on those same nights. The concept is to have amplified music stop earlier in the night as compared to other types of accessory uses, since amplified music may be more likely to cause a nuisance or impact to neighbors and adjoining properties

**Deleted:** comply in all respects with other applicable ordinances and regulations.

**Deleted:** Such

**Deleted:** The temporary outdoor use of property(s) for activities not otherwise permissible and which involve activities and/or structures outside the scope of the properly permitted use(s) of the subject property(s), or which otherwise extend beyond the normal uses and standards allowed by the Zoning Ordinance. Temporary events are subject to the provisions, regulations, and limitations of Article 23 of the Nelson County Zoning Ordinance.

**Deleted:** *Temporary Event, Category 1:* A temporary event as defined in Article 23 Section 2-B. ¶  
*Temporary Event, Category 2:* A temporary event as defined in Article 23 Section 2-C. ¶  
*Temporary Event, Category 3:* A temporary event as defined in Article 23 Section 2-E. ¶

or natural value when there is either (i) no admission or (ii) a nominal admission dedicated to preservation, restoration, or charitable purposes.

*Temporary Event, Non-Profit:* An event conducted by local non-profit community service organizations such as fire departments, rescue squads, schools, fraternal organizations, faith-based organizations, or community centers.

*Temporary Event, Social:* A one day private social event which is not open to the general public, such as weddings, receptions, and reunions, to which attendance does not exceed 300 people, conducted on property not zoned for commercial uses and for which the landowner charges a fee for the use of his property.

### 23-2 Temporary Event Permits

A temporary event permit is required for events defined in this subsection as either Category 1, 2, or 3,

#### 23-2-A Exempt Events

The following temporary events are exempt from Temporary Event Permit requirements and fees:

1. Private non-commercial functions conducted on the property of the host
2. Social Temporary Events where permitted by right
3. Historical Property Temporary Events
4. Non-Profit Temporary Events having or projecting less than 1,000 attendees at any time during the event
5. Athletic and sporting events conducted on sites approved for such events
6. Political gatherings
7. Religious gatherings
8. Out-of-Door Accessory Uses
9. Farm winery and Agritourism activities conducted between the hours of 7:00 a.m. and 7:00 p.m.,

#### 23-2-B Temporary Event, Category 1

A Category 1 Temporary Event is an event which is neither an otherwise permitted use nor exempt and (i) for which admission is charged or at which goods and services are sold, having or projecting less than 1,000 attendees, or, (ii) Non-Profit Temporary Events having or projecting more than 1,000 attendees, or, (iii) Farm winery or Agritourism activities conducted after 7:00 p.m. and having or projecting less than 1000 attendees. No more than six (6) Category 1 Temporary Events may be conducted in a calendar year by the same applicant or on the subject property or on properties contiguous to or adjacent to the subject property if under the same ownership or control as the subject property.

Each such event may not exceed a maximum duration of four (4) consecutive days open to the attending public, inclusive of an arrival day and a departure day. Amplified sound is not permitted after 11:00 p.m. on any Sunday through Thursday night; nor after 1:00 a.m. on any Saturday or Sunday morning. A Category 1 Temporary Event Requires a Temporary Event Permit.

**Deleted:** An event that is not otherwise a permitted use in a district, or which will have or projects having a large number of attendees and is conducted out of doors, in whole or in part, may only be conducted upon the issuance of a Temporary Event Permit.

**Deleted:** ¶

**Deleted:** 1

**Deleted:** o'clock

**Deleted:** 0'clock

**Deleted:** as permissible pursuant to VA Code §15.2-2288.3 and having or projecting less than 400 attendees for properties 5 acres or smaller, or having or projecting less than 1,000 attendees for properties greater than 5 acres

10. Agritourism activities as permissible pursuant to VA Code §15.2-2288.6, §3.2-300 and §3.2-640 and having or projecting less than 400 attendees for properties 5 acres or smaller, or having or projecting less than 1,000 attendees for properties greater than 5 acres

**Deleted:** 2

**Deleted:** o'clock

**Deleted:** activities

**Deleted:** 400

**Deleted:** or more

**Deleted:** for properties 5 acres or smaller, or having or projecting 1,000 or more attendees for properties greater than 5 acres, or, (iv) Agritourism activities having or projecting 400 or more attendees for properties 5 acres or smaller, or having or projecting 1,000 or more attendees for properties greater than 5 acres

**Deleted:** , Monday, Tuesday, or Wednesday night; nor after 11:59 p.m. on any

23-2-C Temporary Event, Category 2:

Deleted: 3

23-2-C-1 A Category 2 Temporary Event is any event which is neither an otherwise permitted use nor exempt, for which admission is charged or at which goods and services are sold, having or projecting 1,000 or more attendees but less than 10,000 attendees. Each such event may not exceed a maximum duration of six (6) consecutive days open to the attending public, inclusive of an arrival day and a departure day. Amplified sound is not permitted after 11:00 p.m. on any Sunday, Monday, Tuesday, or Wednesday night; nor after 11:59 p.m. on any Thursday night; nor after 1:00 a.m. on any Saturday or Sunday morning. A Category 2 Temporary Event Requires a Temporary Event Permit.

Deleted: 3

Deleted: and

23-2-C-2 Except as provided in connection with Festival Grounds, and subject to the criteria for issuance of a Temporary Event Permit provided in Section 23-3, no more than four (4) Category 2 Temporary Events may be conducted in a calendar year by the same applicant or on the subject property or on properties contiguous to or adjacent to the subject property if under the same ownership or control as the subject property. An Agricultural Operation or Farm Winery, the aggregate acreage of which is more than 250 acres, may elect, subject to approval of the Director, to conduct a Category 2 permitted event on non-consecutive days so long as the total number of non-consecutive days is equal to or less than six (6) per permit. Contiguous parcels under the same or different ownership or control may be aggregated to attain the minimum acreage.

Deleted: 3

Deleted: two (2)

**Deleted:** no more than twelve Category 2 Temporary Events may be conducted in a calendar year two (2) Category 2 Temporary Event Permits may be issued in a calendar year to the same applicant or for the same property or for properties contiguous to, or adjacent to, such property

Deleted: 4

23-2-D Structures for Category 1 and 2 Temporary Events

Each structure used for either a Category 1 or 2 event (i) shall have been in existence on the date of adoption of this Article, provided that this requirement shall not apply to accessory structures less than 150 square feet in size and (ii) shall be a lawful conforming properly permitted structure and shall support or have supported a lawful use of the property. The installation of temporary structures and facilities, such as tents and portable lavatories, is permissible in connection with approved Temporary Event Permits, subject to all applicable laws and regulations.

**Deleted:** The installation of structures are permissible in connection with Temporary Events, but are fully subject to the provisions and regulations contained in this Zoning Ordinance, including but not limited to the requirements to obtain county approval for all necessary zoning permits, site plans, building permits, and all other applicable approvals from county, state, or federal agencies.¶

Deleted: 5

Deleted: 5

Deleted: 5

23-2-E Temporary Event, Category 3

23-2-E-1 A Category 3 Temporary Event is any event having or projecting more than 10,000 attendees and requires a Special Use Permit for Festival Grounds land use be obtained pursuant to Article 12, Section 3 "Special Use Permits" and Article 13 "Site Development Plan" and also a Temporary Event Permit. The erection of permanent structures and/or the installation of permanent infrastructure used in connection with Category 3 Temporary Events is permissible, subject to all other Zoning Ordinance provisions, including but not limited to Article 13 "Site Development Plan."

23-2-E-2 A Festival Grounds Special Use Permit shall automatically terminate five years after its issuance, upon which time a new Festival Grounds Special Use Permit may be applied

for. A Festival Grounds Special Use Permit shall be automatically reviewed at a public hearing conducted by the Board of Supervisors every five (5) years after the initial issuance, after which hearing the Board may renew, revoke, or modify the terms and conditions of the Special Use Permit in accordance with Article 12, Section 3 "Special Use Permits."

23-2-E-3 A property granted a Special Use Permit for Festival Grounds use may host no more than four (4) Category 3 Temporary Events and no more than six (6) Category 2 Temporary Events in a calendar year. A Category 3 Temporary Event may not exceed a maximum duration of six (6) consecutive days open to the attending public, inclusive of an arrival day and a departure day. Amplified sound is not permitted after 11:00 p.m. on any Sunday, Monday, Tuesday, or Wednesday night. Without limiting the general authority of the Board of Supervisors under Article 12, the Board of Supervisors may impose additional conditions or further restrict the number of events, days, and times in granting a Special Use Permit pursuant to this subsection.

- Deleted: 5
- Deleted: three (3)
- Deleted: twelve (12)
- Deleted: three (3)
- Deleted: 1 or
- Deleted: Each such
- Deleted: event
- Deleted: ; nor after 11:59 p.m. on any Thursday night; nor after 1:00 a.m. on any Saturday and Sunday morning.

23-2-F For the purposes of this Article 23, "applicant" includes the members of an applicant's immediate family or an affiliated business entity relationship. An affiliated business entity relationship exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that may be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person owns or manages the two entities, there are common or commingled funds or assets, the business entities share the use of the same offices or employees, or otherwise share activities, resources or personnel on a regular basis, or there is otherwise a close working relationship between the entities.

### 23-3 Issuance of Temporary Event Permits

23-3-A Whether a temporary event permit will be issued will be determined after consideration of the following factors:

Deleted: 1

1. If and how the proposed event would result in undue interference with other planned activities in the County;
2. The schedules of churches, schools, governmental operations, and similar public and quasi-public entities;
3. The availability and provision of necessary resources such as transportation infrastructure, law enforcement, emergency services, parking, and similar considerations;
4. The location and operation(s) of other permitted Temporary Events during the same time period as the proposed event;
5. Compliance with the requirements of other agencies and departments; and
6. The prior history of compliance by the applicant or landowner with this article, the zoning ordinance, and applicable conditions. Prior or existing non-compliance shall be grounds for the denial of a permit.

Deleted: and

23-3-B In issuing the permit, the Director, may, after consideration of the foregoing factors:

Deleted: 2-2

1. Establish or modify times during which activities or amplified sound, or both, may be conducted;
2. Fix the permitted dates for the event;
3. Limit the number of attendees; and
4. Impose such conditions as are necessary to protect the health, safety and welfare of attendees and residents of the County.

23-3-C, The Director may issue a Temporary Event Permit for more than one event if he determines that each event is substantially similar in nature and size and that a single set of conditions would apply to each event, provided that, if allowable, no more than six (6) such temporary events in a calendar year may be permitted under a single permit. Such combined event permit shall not have the effect of allowing more events than the limits set forth in the preceding subsections.

Deleted: 2-3

23-3-D A Temporary Event Permit application requires the following submissions to be considered a completed application:

Deleted: 2-4

1. Temporary Event Permit application signed by the property owner and the sponsor;
2. Temporary Event Permit application fee, as follows:
  - a. Category 1 Temporary Event Permit application = \$100
  - b. Category 2 Temporary Event Permit application = \$500
  - c. Category 3 Temporary Event Permit application = \$2,500
3. Site Plan, drawn to scale and containing all necessary dimensions, annotation, and other details regarding event layout and event operations;
4. Transportation Plan, containing all necessary details regarding vehicular arrival, departure, informational signage, and on-site circulation (as applicable);
5. Safety Plan, containing all necessary details regarding emergency preparedness and emergency response plans, emergency services, medical services, law enforcement and security services, and similar details necessary for ensuring the safety of attendees and the general public; and
6. Any other event information deemed necessary by the Director of Planning and Zoning.

Deleted: who shall collectively constitute the "Applicant"

Deleted: , per event

Deleted: , per event

Deleted: , per event

Deleted: 5,000

In addition to the proposed introduction of Article 23 (above), the following amendments are also proposed for existing Articles:

➤ **Article 4. Agricultural District (A-1)**

Remove the following:

4-11-3 Temporary events not otherwise a permitted use may be allowed pursuant to a Special Events Permit for a specified time period. [...]

Add the following:

4-1 Uses – Permitted by right:

Agritourism ~~Activity~~

Social Temporary Event, provided that there are no more than fifty such events in a calendar year and that any noise generated by the event is not discernible by adjoining landowners.

Category 1 Temporary Event

Category 2 Temporary Event

Category 3 Temporary Event in connection with a Festival Grounds special use permit

Deleted: a

4-1a Uses – Permitted by Special Use Permit Only:

Festival Grounds

**➤ Article 8. Business District (B-1)**

Add the following:

8-1 Uses – Permitted by right:

Category 1 Temporary Event

Category 2 Temporary Event

Category 3 Temporary Event in connection with a Festival Grounds special use permit

8-1a Uses – Permitted by Special Use Permit Only:

Festival Grounds

**➤ Article 8A. Business District (B-2)**

Add the following:

8A-1 Uses – Permitted by right:

Category 1 Temporary Event

Category 2 Temporary Event

Category 3 Temporary Event in connection with a Festival Grounds special use permit

8A-1a Uses – Permitted by Special Use Permit Only:

Festival Grounds

Add the following:

8B-1- Permitted by right

Category 1 Temporary Event

Category 2 Temporary Event

LAW:

**§ 15.2-2288.3. Licensed farm wineries; local regulation of certain activities. —**

A. It is the policy of the Commonwealth to preserve the economic vitality of the Virginia wine industry while maintaining appropriate land use authority to protect the health, safety, and welfare of the citizens of the Commonwealth, and to permit the reasonable expectation of uses in specific zoning categories. Local restriction upon such activities and events of farm wineries licensed in accordance with Title 4.1 to market and sell their products shall be reasonable and shall take into account the economic impact on the farm winery of such restriction, the agricultural nature of such activities and events, and whether such activities and events are usual and customary for farm wineries throughout the Commonwealth. Usual and customary activities and events at farm wineries shall be permitted without local regulation unless there is a substantial impact on the health, safety, or welfare of the public. No local ordinance regulating noise, other than outdoor amplified music, arising from activities and events at farm wineries shall be more restrictive than that in the general noise ordinance. In authorizing outdoor amplified music at a farm winery, the locality shall consider the effect on adjacent property owners and nearby residents.

B, C. [Expired.]

D. No locality may treat private personal gatherings held by the owner of a licensed farm winery who resides at the farm winery or on property adjacent thereto that is owned or controlled by such owner at which gatherings wine is not sold or marketed and for which no consideration is received by the farm winery or its agents differently from private personal gatherings by other citizens.

E. No locality shall regulate any of the following activities of a farm winery licensed in accordance with subdivision 5 of § 4.1-207:

1. The production and harvesting of fruit and other agricultural products and the manufacturing of wine;
2. The on-premises sale, tasting, or consumption of wine during regular business hours within the normal course of business of the licensed farm winery;
3. The direct sale and shipment of wine by common carrier to consumers in accordance with Title 4.1 and regulations of the Alcoholic Beverage Control Board;
4. The sale and shipment of wine to the Alcoholic Beverage Control Board, licensed wholesalers, and out-of-state purchasers in accordance with Title 4.1, regulations of the Alcoholic Beverage Control Board, and federal law;
5. The storage, warehousing, and wholesaling of wine in accordance with Title 4.1, regulations of the Alcoholic Beverage Control Board, and federal law; or
6. The sale of wine-related items that are incidental to the sale of wine.

"Agritourism activity" means any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching, historical, cultural, harvest-your-own activities,

or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity. *Virginia Code* § 3.2-6400

**§ 15.2-2288.6. Agricultural operations; local regulation of certain activities.**

A. No locality shall regulate the carrying out of any of the following activities at an agricultural operation, as defined in § 3.2-300, unless there is a substantial impact on the health, safety, or general welfare of the public:

1. Agritourism activities as defined in § 3.2-6400;
2. The sale of agricultural or silvicultural products, or the sale of agricultural-related or silvicultural-related items incidental to the agricultural operation;
3. The preparation, processing, or sale of food products in compliance with subdivisions A 3, 4, and 5 of § 3.2-5130 or related state laws and regulations; or
4. Other activities or events that are usual and customary at Virginia agricultural operations. Any local restriction placed on an activity listed in this subsection shall be reasonable and shall take into account the economic impact of the restriction on the agricultural operation and the agricultural nature of the activity.

B. No locality shall require a special exception, administrative permit not required by state law, or special use permit for any activity listed in subsection A on property that is zoned as an agricultural district or classification unless there is a substantial impact on the health, safety, or general welfare of the public.

C. Except regarding the sound generated by outdoor amplified music, no local ordinance regulating the sound generated by any activity listed in subsection A shall be more restrictive than the general noise ordinance of the locality. In permitting outdoor amplified music at an agricultural operation, the locality shall consider the effect on adjoining property owners and nearby residents.

D. The provisions of this section shall not affect any entity licensed in accordance with Chapter 2 (§ 4.1-200 et seq.) of Title 4.1. Nothing in this section shall be construed to affect the provisions of Chapter 3 (§ 3.2-300 et seq.) of Title 3.2, to alter the provisions of § 15.2-2288.3, or to restrict the authority of any locality under Title 58.1.

**§ 3.2-300. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Agricultural operation" means any operation devoted to the bona fide production of crops, or animals, or fowl including the production of fruits and vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral products; and the production and harvest of products from silviculture activity.

Deleted: §

"Production agriculture and silviculture" means the bona fide production or harvesting of agricultural or silvicultural products but shall not include the processing of agricultural or silvicultural products or the above ground application or storage of sewage sludge.

**§ 3.2-6400. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Agricultural products" means any livestock, aquaculture, poultry, horticultural, floricultural, viticulture, silvicultural, or other farm crops.

"Agritourism activity" means any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching, historical, cultural, harvest-your-own activities, or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity.

**Land use tax consideration:**

Real estate upon which recreational activities are conducted for a profit or otherwise shall be considered real estate devoted to agricultural use as long as the recreational activities conducted on such real estate do not change the character of the real estate so that it does not meet the uniform standards prescribed by the Commissioner. Real property that has been designated as devoted to agricultural use shall not lose such designation solely because a portion of the property is being used for a different purpose pursuant to a special use permit or otherwise allowed by zoning, provided that the property, excluding such portion, otherwise meets all the requirements for such designation. The portion of the property being used for a different purpose pursuant to a special use permit or otherwise allowed by zoning shall be deemed a separate piece of property from the remaining property for purposes of assessment. *Virginia Code § 58.1-3230*

State law mandates that day festival-type activities on farms are permitted by right (except, perhaps, Sundays, which is not worth trying to regulate). Night functions on farms can be regulated.



*Regional Vision • Collaborative Leadership • Professional Service*

October 2, 2015

Tim Padalino  
County of Nelson  
64 Court House Square  
Lovingson, VA 22949

Re: Resource Guide on Homesharing and Accessory Dwelling Units

Dear Mr. Padalino:

The Thomas Jefferson Planning District Commission (TJPDC), in partnership with Housing Virginia, has developed a concise resource guide for local governments on homesharing and Accessory Dwelling Units (ADUs). The guide describes the need for affordable housing, benefits of using these two approaches, and possible actions for mitigating barriers at the local level. Enclosed are eight (8) copies of the guides – one for each of your Planning Commissioners, one copy for you and one copy for your staff. TJPDC would welcome the opportunity to meet with your Planning Commission or staff, and to provide additional copies of the guide.

As part of this work, TJPDC staff researched a number of publications, articles, and web sites to compile a body of information on homesharing and Accessory Dwelling Units (ADUs). A number of barriers related to ADUs were identified, along with actions taken in other geographic areas to address them. There are few regulatory barriers to homesharing. The primary issues are a lack of awareness of homesharing as an option, and a lack of agency-sponsored match-up programs to reduce the risks associated with bringing someone into a home, particularly when working with a vulnerable population of homeowners.

We look forward to engaging in conversations with you about these options, which can increase the supply of affordable housing while preserving the character of existing neighborhoods. If you have any questions or would like additional information, please contact me at [bcampbell@tjpd.org](mailto:bcampbell@tjpd.org) or (434) 422-4822.

Sincerely

A handwritten signature in black ink that reads "Billie Campbell".

Billie Campbell  
Senior Program Manager

Enclosures: Homesharing and ADUs – a concise resource guide for local governments

HOUSING OPTIONS:

# Homesharing and Accessory Dwelling Units

*A concise resource guide for local governments*



## Introduction

Housing is generally the largest component of a household budget. Housing is considered “affordable” if housing costs take up no more than 30% of a household’s income. Households paying more than 30% of their incomes for housing costs are considered cost-burdened, which can lead to instability and increase the risk of homelessness. These households often need to make tough choices, cutting back on other essential household expenses such as food and health care to make ends meet.



When affordable housing is not available close to jobs and services, many residents will choose to live some distance away from their jobs to reduce housing costs. This increases transportation costs, commuting time, and the risk of getting to work late or missing days of work. Businesses strongly consider workforce issues when deciding where to locate, and look for adequate affordable housing as part of that decision. A range of housing options that provide choice, affordability and accessibility supports community health and prosperity.

## Developing new affordable housing is challenging

This booklet presents two alternatives to new development to provide affordable housing: **Homesharing** and **Accessory Dwelling Units (ADUs)**. Both approaches can improve affordability for the Homeprovider and for the Homesharer or renter, while fitting into existing neighborhoods without changing their character.



Photo: radworld (Creative Commons)

*Homesharing is about connection and interdependence. The Homeprovider contributes affordable rental housing. The Homesharer provides support by handling some household chores and paying rent. Both parties give and receive companionship, security, and a reduction in housing expenses.*



Photo: St. Ambrose Housing Aid Center

*Social isolation and loneliness have an adverse effect on health and wellbeing. Sharing housing is an approach to alleviate isolation, particularly for older people.*



"Golden Girls" (NBC)



Photo: The Oregonian, 2006

*ADUs increase housing supply. They cost less than a new home on its own lot, providing an affordable housing option. ADUs can provide a convenient solution for seniors and people with disabilities who want to live close to family, while maximizing their independence.*



Photo: Nicole Alvarez  
([www.intentionallysmall.com](http://www.intentionallysmall.com))

*ADUs can be designed to blend in with surrounding homes, preserving community character.*



## What is homesharing?

Homesharing is a living arrangement where two or more unrelated people share a home (house, townhouse, apartment, or trailer home). Each resident has his or her own private bedroom, but may share the common areas of the home (living room, kitchen, laundry).



*“living arrangement where two or more unrelated people share a home”*

## What are the benefits of homesharing?

Homesharing offers benefits both to individuals and to the community.

### **Benefits of homesharing for individuals include:**

- Reducing housing expenses
- Supporting aging in place
- Companionship
- Security
- Improved health, by counteracting the debilitating effects of isolation

### **Benefits to the community include:**

- Cost efficient, affordable housing, utilizing existing housing stock
- Neighborhood and community stabilization, through improved property maintenance, foreclosure prevention, and reduction in housing cost burden
- Reduction in health care costs through prevention of premature institutionalization

## Homesharing Barriers and Solutions

- ➊ **Zoning and Land Use Constraints:**  
Restrictive ordinances can disallow renting in single-family zoning. Ordinances frequently limit the number of unrelated people living in a household.



### Successful approaches:

- Allow for one or more lease per owner-occupied property in all residential zones
- 

- ➋ **Impact on Homeowner Eligibility for Other Benefits:**  
Considering the home sharer's income as part of household income could put the homeowner above income-eligibility guidelines

### Successful approaches:

- Revise guidelines to discount the home sharer's income when calculating total household income
- 

- ➌ **Misconceptions and lack of awareness about Homesharing:**  
This can have a negative impact on potential applicants, as well as funders and partners, and necessitate robust marketing efforts by the Homesharing program

### Successful approaches:

- Include Homesharing as a housing strategy in public discussions and documents
- Be a partner in creating pipelines for applicants as Homeproviders or Homesharers through outreach to employees
- Provide support to the local Homesharing program

## What are Accessory Dwelling Units?

An Accessory Dwelling Unit (ADU) is an independent dwelling unit added to, created within or detached from a single-family dwelling.

*"A secondary dwelling unit clearly subordinate to a primary single-family dwelling"*



Hammond, Louisiana

## What are the benefits of ADUs?

ADUs offer benefits both to individuals and to the community.

### Benefits of ADUs for individuals include:

- Low-cost rental housing, providing the advantages of living in established homeownership communities, often with good access to amenities and transit
- Extra income for the homeowner to help cover mortgage payments, property taxes and other costs
- Support for aging in place, with the potential of some services provided by the ADU tenant, or enabling seniors to live in the smaller ADU and rent out the main house.
- Companionship and security

### Benefits to the community include:

- Increased property tax base
- Cost efficient affordable housing, without public subsidy
- Preservation of older housing stock
- Neighborhood stability by enabling current homeowners to stay in place
- Workforce housing for employees within the community, including the public sector
- Compact development, utilizing existing infrastructure and fitting within the neighborhood character
- Retention of population groups that might otherwise be priced out of the housing market



Photo: Nicole Alvarez ([intentionallysmall.com](http://intentionallysmall.com))

**ADUs** are sometimes referred to as “Granny Flats” or “Mother-in-Law Units.” ADUs provide needed housing that utilizes existing infrastructure.

ADUs offer additional choices for affordable housing. A strategy of proactively encouraging ADUs can be combined with other approaches to address community housing needs.



Photo: [seattle.gov](http://seattle.gov)



Photo: [rebiecharlotte.com](http://rebiecharlotte.com)



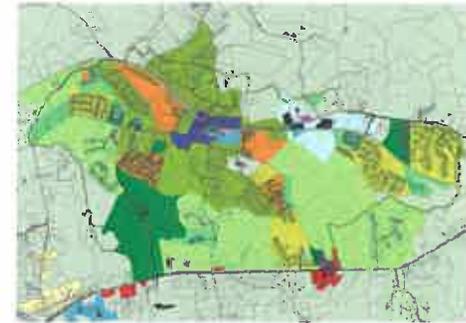
Photo: Brannon Lobdell

## ADU Barriers and Solutions

- ➊ **Zoning and Land Use Constraints:**  
Overly restrictive ordinances can disallow or discourage the development of ADUs

### Successful approaches:

- Adopting ordinances that encourage ADUs through reduced regulatory restrictions.



- ➋ **High Fees or Difficult Administrative Procedures:**  
Special use permits, public hearing requirements, multiple layers of approval, and costly review procedures can discourage ADUs, or result in unpermitted units that do not meet building codes

### Successful approaches:

- Develop materials to assist home owners through the approval, design and construction process, such as an ADU Manual, design guides, model plans, and workshops
- Offer expedited approval process for projects using standard designs

### Public Resistance:

Concerns may surface regarding neighborhood character, traffic, parking, and pressure on public services

#### Successful approaches:

- Public education campaigns to increase awareness and generate community support
- Highlighting communities that have encouraged ADUs without negative consequences

### Financing:

The initial capital cost of developing an ADU may be prohibitive for some home owners

#### Successful approaches:

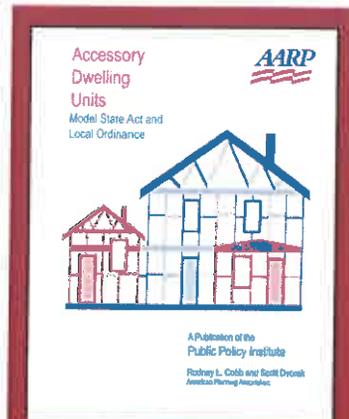
- Provide low or no-interest loans to homeowners
- Waive fees periodically or for units made available for low-income households

### Illegal ADUs:

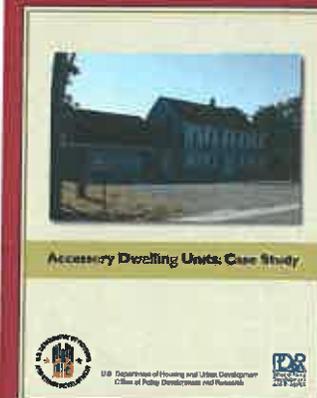
Most existing ADUs have not been permitted by the locality

#### Successful approaches:

- Implement an “amnesty” period to grandfather existing ADUs that comply with zoning laws, but have not been permitted
- Institute a financial assistance program to bring illegal ADUs into compliance with current requirements, coupled with a commitment to rent to low-income tenants
- Waive fees for inspection and provide assistance through the process to bring units into compliance



AARP has published a case study of ADU Model State Act and Local Ordinances.



HUD's Accessory Dwelling Units: Case Study profiles six communities that implemented successful ADU programs.

(listed in resources)

## Conclusion

Homesharing and Accessory Dwelling Units (ADUs) are two approaches to provide affordable housing within a community. Many individuals and households have had roommates or boarders as a way to keep housing costs manageable. Backyard cottages and apartments within a home were common features in the mid-nineteenth century, but have been subject to greater restrictions in recent decades. Informal roommate arrangements and unpermitted accessory units crop up in communities, as practical ways to reduce living expenses.

Communities across the country have taken a more proactive approach to encourage these arrangements as part of their overall housing strategy. These communities have found that there are many advantages in doing so. Homesharing and ADUs both provide inexpensive ways to increase the number of housing units, by leveraging their existing housing supply. Successful programs have provided flexibility, simple guidelines, financial incentives, and a public education component.

---

## Selected Resources

### Online Resources

**Online Guide to State and Local Housing Policy - *Ensure Zoning Policies Allow Housing Diversity, Accessory Dwelling Units***, Center for Housing Policy, 2008, available at:  
[http://www.housingpolicy.org/toolbox/strategy/policies/diverse\\_housing\\_types.html?tierid=42](http://www.housingpolicy.org/toolbox/strategy/policies/diverse_housing_types.html?tierid=42)

**A one-stop source about multigenerational homes and ADU's**, edited by 3 volunteers in Portland, Oregon: [www.accessorydwellings.org](http://www.accessorydwellings.org).

A video on ADUs is available from the home page, or at:  
<http://accessorydwellings.org/video-introduction/>

**A website showcasing well-designed and interesting small houses of all kinds:**  
<http://smallhousebliss.com/category/accessory-dwelling-units-adu/>

**Shared Housing Resources**, The National Shared Housing Resource Center:  
<http://nationalsharedhousing.org/>

## Selected Resources

### Publications

**Accessory Dwelling Units Case Study**, U.S. Department of Housing and Urban Development/Sage Computing, Inc., June 2008. Case study of 6 communities that have successfully implemented ADU programs, available at:  
<http://www.huduser.org/Publications/PDF/adu.pdf>

**Accessory Dwelling Units: Issues & Options**, Municipal Research and Services Center of Washington. MRSC Report No. 33, October 1995, available at:

<http://www.mrsc.org/publications/adu30.pdf>.

Newer examples are available at :

<http://www.mrsc.org/subjects/planning/housing/ords.aspx>

**Accessory Dwelling Unit Manual**, City of Santa Cruz, 2003, available at:

<http://www.cityofsantacruz.com/Modules/ShowDocument.aspx?documentid=8875>

**Accessory Dwelling Units: Model State Act and Local Ordinance**, by: Rodney L. Cobb, American Planning Association, Scott Dvorak, American Planning Association, from: Public Policy Institute (part of the Research Group at AARP), April, 2000, available at:

[http://assets.aarp.org/rgcenter/consume/d17158\\_dwell.pdf](http://assets.aarp.org/rgcenter/consume/d17158_dwell.pdf)

**Accessory Dwelling Units, QuickNotes**, American Planning Association, PAS QuickNotes No. 19, available at: <https://www.planning.org/pas/quicknotes/pdf/QN19.pdf>

**Strategies for Scaling: Shared Housing Best Practices, Challenges & Recommendations**, Affordable Living for the Aging, 2012, available at:

<http://www.alaseniorliving.org/files/attachments/Strategic%20Guide%20Portrait.pdf>

This project was funded through a grant from:



Thomas Jefferson Planning District Commission  
401 East Water Street, Charlottesville, Virginia  
[www.tjpd.com](http://www.tjpd.com) (434) 979-7310

All Rights Reserved • 2014