
Botetourt County Planning Commission Agenda

57 South Center Drive, Rooms 226-228, Daleville, VA

May 9, 2016

6:00 PM

Anyone interested in addressing the Planning Commission should complete a "Request to Speak" form and give it to the secretary before the meeting begins. Forms are located with the agendas and at the secretary's table. When your name is called, please go to the podium. Please **state your name and address** before making your comments. All comments must be directed to the Planning Commission members. Comments made to or from the audience during testimony or commission deliberation are not permitted. Recognized speakers and the audience must be courteous at all times. A time limit of five minutes per speaker (unless otherwise provided for by a majority of the Planning Commission members present) will be observed. **All cell phones must be set on the mute or silence mode.**

1. Administrative Business

- A. There will be no June field review.
- B. Review and approval of April 4, 2016 Planning Commission minutes, and April 11, 2016 Joint Work Session minutes.

2. Public Hearings

- A. Amsterdam Magisterial District: Ashley Investments, LLC requests to rezone 32.081 acres of a 35.154-acre parcel from an Agricultural (A-1) Use District to a Residential (R-3) Use District, with possible proffered conditions, to develop 95 residential lots, with a Special Exception Permit and a Commission Permit for a private road, with possible conditions. The development is proposed to be accessed via Scarlet Drive (Route 1129), and is located at 2763 Trinity Road, Troutville, VA. This parcel is located approximately 0.45 miles south of the Roanoke Road (U.S. Route 220)/Trinity Road intersection and is identified on the Real Property Identification Maps of Botetourt County as Section 88, Parcel 82F. *Applicant requests deferral.*
- B. Fincastle Magisterial District: Richard V. and Barbara J. Woodard request a Special Exception Permit for a commercial kennel to breed a maximum of fifteen adult dogs, with possible conditions, at 172 Fire Tower Lane, Eagle Rock, VA, on the portion of the property in the Forest Conservation (FC) Use District. The 100.29-acre parcel is zoned Forest Conservation (FC) Use District and the Agricultural-Rural Residential (AR) Use District. The entrance is located approximately 0.5 miles west of its intersection with Mt. Moriah Road (State Route 681) and is identified on the Real Property Identification Maps of Botetourt County as Section 27, Parcel 39.
- C. Valley Magisterial District: Orchard Hills Church Inc. requests a Special Exception Permit in the Agricultural (A-1) Use District for a daycare center, with possible conditions, on a 9.95-acre parcel, at 6032 Cloverdale Road, Roanoke, VA, located approximately 0.07 miles northwest of its intersection with EastPark Drive (State Route 1499) and is identified on the Real Property Identification Maps of Botetourt County as Section 107, Parcel 244A.
- D. Valley Magisterial District: Summers Properties, LLC requests to amend Chapter 25, Zoning, Article II. District Regulations Generally, Division 6. Residential District R-3 of the Botetourt County Code as follows:

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Sec.25-163 – Uses permissible by special exception, from (5) “Dwelling, multi-family, up to ten (10.0) dwellings per net acre.” to “(5) Dwelling, multi-family, up to sixteen (16.0) dwellings per net acre”; and requests to rezone a 4.73-acre lot from an Agricultural (A-1) Use District and Business (B-2) Use District to a Residential (R-3) Use District, with possible proffered conditions, for the construction of dwellings, multi-family, containing up to 74 dwelling units, with a special exception permit with possible conditions for the use of dwelling, multi-family, up to sixteen (16.0) dwellings per net acre, at 168 Bonny View Lane, approximately 0.16 miles north of its intersection with Read Mountain Road (Route 654), identified on the Real Property Identification Maps of Botetourt County as Section 107, Parcel 200. The development is proposed to be accessed via Summerfield Court (Route 1117).

- E. Proposed amendments to Chapter 25, Article I. General Provisions, Division 3. Interpretation of Zoning Ordinance and Map, and Article V. Process and Administration, Divisions 1. Administration, Enforcement and Public Hearings and 6. Special Development Approvals of the Botetourt County Code. The purpose is to update language relating to the procedures for requesting determinations by the zoning administrator in order to clarify zoning district boundaries, to modify procedures for the tabling of public hearings, as well as updating procedures and timelines for the submission and processing of zoning map amendments, zoning ordinance text amendments, comprehensive plan amendments, and special exception permits. The changes to be considered are as follows: Sec. 25-35. *Zoning map and district boundaries*. Describe procedure for requesting a determination of the zoning map and/or district boundaries. Sec. 25-523. *Public Hearings*. Clarify processes for tabling an application, including tabling indefinitely and tabling to a date and time certain. Remove power to require an oath for speakers at public hearing. Sec. 25-581. *Zoning Amendment*. Repeals existing section and replace with the following sections: 25-581. *Zoning map amendment – owner initiated*. Clarifies application and public hearing process for an owner-initiated zoning map amendment; 25-581.1. *Zoning ordinance text or map amendment – board or planning commission initiated*. Establishes a hearing process for board or planning commission initiated amendments to the zoning map or the zoning ordinance text; 25-581.2 *Zoning ordinance text amendment – owner-initiated*. Establishes application and hearing process for citizen initiated amendments to the zoning ordinance; 25-581.3. *Comprehensive plan amendment – owner-initiated*. Establishes application and hearing process for a citizen initiated amendment to the comprehensive plan; 25-581.4. *Comprehensive plan amendment and review*. Establishes hearing process for board or planning commission initiated amendments to the comprehensive plan; 25-581.5 *Proffered and master planned rezonings*. Establishes the definition and application of proffered conditions. Sec. 25-582. *Rezoning to planned development districts*. Repeals section due to redundancy. Sec. 25-583. *Special exceptions*. Clarifications to the application process, standards for deeming an application complete, timelines for public hearing, ability to withdraw an application. Addition of Sec. 25-583.1. *Special exceptions subject to the Telecommunications Act of 1996*. Establishes new timelines and requirements for special exception applications to which Section 704 of the Telecommunications Act of 1996 (47 U.S.C. § 332(c)(7), as amended) is applicable. Renumbering of Sec. 25-583 (f) to Sec. 25-583.2. *Special exceptions – considerations and conditions*. And clarifies considerations for the granting of special exception as well as granting and imposing conditions.

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- F. Proposed amendments to Chapter 25, Article I. General Provisions, Division 6. Districts Established, and Article IV. Supplemental Regulations, Division 2. Signs, and Division 3. Parking, and Article V. Process and Administration, Division 5. Required Development Approvals, and Article VI. Definitions of the Botetourt County Code. The purpose is to add the Research and Advanced Manufacturing (RAM) Use District to the list of established districts in the zoning ordinance. RAM is also added to the sign regulations, parking, and the site plan review process. The changes to be considered are as follows: Sec 25-57. *Districts established*. Add RAM to the list of established districts. Sec 25-462. *Sign standards and regulations*. Addition of RAM to the sign ordinance. Properties within the RAM district are permitted no more than 150 square feet of signage. Sec. 25-472. *General Standards*. Parking areas within the RAM district shall be paved with hard surface asphalt or concrete. Sec 25-573. *Site plan review*. A site plan shall be required for all uses within the RAM district. Sec 25-601. *Definitions*. An industrial district is defined as any district zoned M-1, M-2, M-3, PIP, RAM.
- G. Proposed amendments to Chapter 25, Article V. Process and Administration, Division 1. Administration, Enforcement and Public Hearings of the Botetourt County Code. The purpose is to enable civil penalties as a method of enforcement within the county and to clarify associated fees and processes with civil and criminal penalties. The changes to be considered are as follows: Sec. 25-522. *Enforcement and Penalties*. Clarifies what constitutes a violation of the zoning ordinance. Establishes civil penalties which may be accrued by parties in violation. Describes the procedure for issuing and collecting a civil penalty. Designates the amount of civil penalty which may be charged and accrued. Establishes which violations will be subject civil penalties. Clarifies enforcement via criminal penalties. Allows for revocation of administrative permits in case of violation on the part of the applicant or owner.
- H. Proposed amendments to Chapter 25, Article II. District Regulations Generally, Division 1. Agricultural District (A-1), Division 2. Forest Conservation District (FC), Division 3. Rural Residential District (RR) [Formerly AR], Division 4. Residential District (R-1), Division 5. Residential District (R-2), Division 6. Residential District (R-3), Division 7. Planned Unit Development (PUD), Division 8. Traditional Neighborhood District (TND), Division 9. Business District (B-1), and Division 10. Business District (B-2), and Article IV. Supplemental Regulations, Divisions 1. Use Regulations and 3. Parking, and Article VI. Definitions of the Botetourt County Code. The purpose is to modify and adopt regulations governing short-term rental establishments within the county. These changes will adopt new uses, remove or change old uses, modify the regulatory structure and definitions. The changes to be considered are as follows: Division 1. Agricultural District (A-1). Changes in permitted uses and uses permissible by special exception. Division 2. Forest Conservation District (FC). Changes in permitted uses and uses permissible by special exception. Division 3. Rural Residential District (RR) [Formerly AR]. Changes in permitted uses and uses permissible by special exception. Division 4. Residential District (R-1). Changes in uses permissible by special exception. Division 5. Residential District (R-2). Changes in uses permissible by special exception. Division 6. Residential District R-3. Changes in uses permissible by special exception. Division 7. Planned Unit Development (PUD). Changes in uses permissible by special exception. Division 8. Traditional Neighborhood District (TND). Changes in uses permissible by special exception. Division 9. Business District (B-1). Changes in permitted uses and uses permissible by special exception. Division 10. Business District

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(B-2). Changes in permitted uses and uses permissible by special exception. Division 12. Shopping Center District (SC). Changes in uses permissible by special exception. Sec. 25-434. *Bed and breakfast and rural lodging establishments*. Renamed "Bed and breakfast and short-term rental establishments." Modify supplemental regulations for short-term rentals. Establish short-term rental permit including requirements and process. Establish or modify specific regulations for homestay, cabin or cottage, cabin or cottage resort, bed and breakfast, rural resort, rural retreat, boardinghouse and recreational vehicle park. Adopt new Sec. 25-435.1. *Rural resort*, Sec. 25-435.2. *Rural retreat*, and 25-435.3. *Recreational vehicle park* to govern short-term rental uses which do not require a short-term rental permit. Sec. 25-473. *Required off-street parking and loading spaces*. Addition to and removal from the use table of short-term rental uses which were modified in other sections. Article VI. Definitions. Add, modify, or remove related short-term rental uses.

3. Other Business

- A. Information regarding June work session agenda.

4. Adjourn

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