

**COUNTY ADMINISTRATOR'S OFFICE  
P. O. BOX 111  
ORANGE, VIRGINIA 22960**

At a worksession of the Orange County Board of Supervisors held on Tuesday, January 24, 2017, the following action was taken:

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**170124 – WS2A**

**RE: AMENDMENTS TO THE ZONING ORDINANCE REGARDING HOME-BASED BUSINESSES (TABLED FROM THE DECEMBER 20, 2016 PUBLIC HEARING)**

On the motion of Mr. Johnson, seconded by Mr. Crozier, which carried by a vote of 5-0, the Board adopted the following ordinance, as modified:

**ORDINANCE APPROVING AMENDMENTS TO ARTICLE I (IN GENERAL) AND ARTICLE II (ADMINISTRATION), SECTION 70 (ZONING), OF THE ORANGE COUNTY CODE OF ORDINANCES CONCERNING HOME-BASED BUSINESSES**

WHEREAS, the Board of Supervisors previously initiated Planning Commission action on amendments to Article I (In General) and Article II (Administration), Section 70 (Zoning), of the Orange County Code of Ordinances concerning home-based businesses; and

WHEREAS, the Board of Supervisors prepared recommended language for the text amendments, which was presented to the Planning Commission for consideration; and

WHEREAS, the Planning Commission advertised and held a Public Hearing on the proposed text amendments on December 1, 2016; and

WHEREAS, after discussing the proposed text amendments, the Planning Commission recommended denial of the proposed text amendments to the Board of Supervisors, as presented during its meeting; and

WHEREAS, the Board of Supervisors conducted a duly advertised Public Hearing on December 20, 2016, to receive public comment, but deferred action on the matter until a worksession on January 24, 2017; and

WHEREAS, following discussion at the Public Hearing and worksession, the Board of Supervisors hereby supports the proposed text amendments, as modified; and

WHEREAS, public necessity, convenience, general welfare, and/or good zoning practice also support approval of the proposed text amendments;

NOW, THEREFORE, BE IT ORDAINED, on this 24<sup>th</sup> day of January, 2017, that the Orange County Board of Supervisors hereby approves the proposed amendments to Article I (In General) and Article II (Administration), Section 70 (Zoning), of the Orange County Code of Ordinances concerning home-based businesses, as modified and attached.

Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

**MOTION APPROVED**

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R. Bryan David  
County Administrator

cc: Glenda Bradley, Assistant County Administrator for Finance and Management Services  
Connie Clark, Accountant  
Thomas Lacheney, County Attorney  
Josh Frederick, Planning and Zoning Director  
File: Board Actions 2017

Attachment: Adopted Amendments to the Orange County Code of Ordinances

**Adopted Amendments to the Orange County Code of Ordinances**

**As adopted in Ord. No. 170124 – WS2A  
by the Orange County Board of Supervisors  
on January 24, 2017**

**Chapter 70 - Zoning**

**Article I - In General**

**Sec. 70-1. - Definitions.**

[...]

~~*Home enterprise means a low-impact, home-based business that is conducted within a single-family dwelling and/or accessory structure on a parcel at least 2 acres in size, along with the passive, incidental use of immediately adjacent land. For the purpose of this chapter, a home enterprise is intended to be more intensive than a home occupation, but remains an accessory use to a dwelling.*~~

*Home enterprise means any occupation conducted within a dwelling unit or accessory structure(s), such as a garage or a barn, along with the incidental use of adjacent land, in which all of the following conditions are met:*

- 1) The business owner resides on the premises.
- 2) No more than four (4) non-family employees work on-site at a time (employees who report to the site for job assignment and staging purposes in preparation for off-site activity do not count toward this number).
- 3) The parcel size is a minimum of two (2) acres of Agricultural zoned land.
- 4) Retail sales conducted on the premises are not the primary purpose or function of the business.
- 5) Total vehicle trips per day will generally not exceed twenty-five (25).
- 6) All parking will be situated on the interior of the property and not along any public road or property line.
- 7) Any mechanical equipment that produces sound levels in excess of fifty (50) decibels, such as air compressors and air guns, will be confined to interior use.
- 8) Except for one (1) sign, there is no evidence during non-business hours that would indicate from the exterior that the building and/or land is used for purposes not generally found in the Agricultural district.
- 9) If there is more than one (1) home enterprise on a single parcel, the numerical limitations listed above in lines 2, 5, and 8 will apply cumulatively, i.e.: a total of four (4) non-family employees and one (1) sign for all home enterprises combined.
- 10) The following uses are specifically prohibited from permitted home enterprises:
  - a. Vehicle or equipment rental.
  - b. Camps and campgrounds.
  - c. Adult-oriented businesses.
  - d. Veterinary services (not including pet grooming).
  - e. Animal rescues/kennels.
  - f. Recreational uses.
  - g. Medical offices.
  - h. Junkyards.
  - i. Salvage operations.
  - j. Convenience stores.

~~Home occupation means any occupation customarily incidental to and conducted within a dwelling unit or accessory structure on site (such as a garage), in which the business owner resides on the premises, no more than one additional nonfamily employee works on site at a time, retail sales conducted on the premises constitute only a minor part of the occupation, no mechanical equipment is used that is not customarily incidental to a residence, and there is no evidence, except one sign, that would indicate from the exterior that the building is used for any nonresidential use. For the purpose of this chapter, a home occupation is an accessory use to a dwelling.~~

Home occupation means any occupation conducted within a dwelling unit, in which all of the following conditions are met:

- 1) The business owner resides on the premises.
- 2) No more than one (1) non-family employee works on-site at a time.
- 3) Retail sales conducted on the premises are not the primary purpose or function of the business.
- 4) Total vehicle trips per day will generally not exceed ten (10).
- 5) All parking will be situated on the interior of the property and not along any public road or property line.
- 6) Any mechanical equipment that produces sound levels in excess of fifty (50) decibels, such as air compressors and air guns, will be confined to interior use.
- 7) Except for one (1) sign, there is no evidence during non-business hours that would indicate from the exterior that the building is used for non-residential purposes.
- 8) If there is more than one (1) home occupation on a single parcel, the numerical limitations listed above in lines 2, 4, and 7 will apply cumulatively, i.e.: a total of one (1) non-family employee and one (1) sign for all home occupations combined.
- 9) The following uses are specifically prohibited from permitted home occupations:
  - a. Vehicle or equipment rental.
  - b. Camps and campgrounds.
  - c. Adult-oriented businesses.
  - d. Veterinary services (not including pet grooming).
  - e. Animal rescues/kennels.
  - f. Recreational uses.
  - g. Medical offices.
  - h. Junkyards.
  - i. Salvage operations.
  - j. Convenience stores.

[...]

## **Chapter 70 - Zoning**

### **Article II - Administration**

#### **Division 4. - Zoning permits and site plans**

##### **Sec. 70-116. - Zoning permit requirements.**

- (b) *When not required.* Unless otherwise regulated by approved proffers or county-imposed conditions, a zoning permit shall not be required for:
1. At-grade modifications (e.g. patios, landings, sidewalks, and driveways, but not including pools);
  2. Below-grade modifications, not including new well and septic drainfield installations;
  3. Building interior modifications not qualified under Sec. 70-116(a);

4. Accessory structures up to one-hundred fifty (150) square feet;
5. Graveyards, including crypts/mausoleums up to fifteen-hundred (1,500) square feet;
6. Sign "refacing" (i.e. the like-for-like replacement of a permanent, conforming sign's advertising message whereby the physical dimensions of the sign do not change);
7. Fences, handrailing, screening walls, and retaining walls; **and**
8. Common residential yard accessories (e.g. LP gas or oil tanks, air conditioning units, mailboxes, flagpoles, satellite dishes); and
9. Home enterprises and home occupations.

[...]