



ROANOKE COUNTY

PLANNING COMMISSION

Mr. Rick James, Chairman
Mr. Wayne Bower, Vice-Chairman
Mr. Troy Henderson
Mr. Kelly McMurray
Mr. Jim Woltz

Vinton District
Hollins District
Catawba District
Cave Spring District
Windsor Hills District

AGENDA

MONDAY, OCTOBER 19, 2020
6:00 P.M. (1st FLOOR BOARD MEETING ROOM)

WORK SESSION

- A. Call to Order
- B. Approval of Agenda
- C. Discussion of Zoning Ordinance Amendments
 - Special Use Permits
 - Multi-family Dwellings
 - Home Beauty/Barber Salon
 - Short-term Rentals
 - Temporary Construction Yards
- D. Citizens' Comments
- E. Comments of Planning Commissioners and Planning Staff
- F. Adjournment



ROANOKE COUNTY

DEPARTMENT OF PLANNING
5204 Bernard Drive, Second Floor, P.O. Box 29800
Roanoke, Virginia 24018-0798
TEL: (540) 772-2068
FAX: (540) 776-7155

Philip Thompson,
DIRECTOR OF PLANNING

PLANNING
TRANSPORTATION
ZONING

Memorandum

TO: Planning Commission

FROM: Philip Thompson, AICP
Director of Planning

DATE: October 15, 2020

SUBJECT: ***Zoning Ordinance Amendments***

At the Planning Commission's October 19th meeting, staff will review and discuss several zoning ordinance amendments with the Planning Commission. These amendments deal with the following topics:

- Special Use Permits
- Multi-family Dwellings
- Home Beauty/Barber Salon
- Short-term Rentals
- Temporary Construction Yards

Individual memorandums on each topic are included in this packet.

If you have any questions, please contact me by phone at (540) 772-2029 or by email at pthompson@roanokecountyva.gov.

PGT:pt



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Memorandum

TO: Planning Commission

FROM: Philip Thompson, AICP
Director of Planning

DATE: October 15, 2020

SUBJECT: ***Zoning Ordinance Amendments – Special Use Permits***

ISSUE:

Two sections, 30-19-2(C) and 30-19-4(A), of the Roanoke County Zoning Ordinance need minor revisions to correct inaccuracies.

BACKGROUND:

In September 2019, the Board of Supervisors adopted Ordinance 091019-4 (attached) amending various sections of the Roanoke County Zoning Ordinance. Included in these amendments were several amendments to Section 30-19 (Special Use Permits; Applicability and Purpose). The amendments to this section were recommended by outside legal counsel associated with the Triple J lawsuit over the County's approval of a special use permit for a special events facility.

Section 30-19-2 deals with the application requirements for a special use permit. Subsection (C) requires a concept plan be submitted with the application. It further requires that if the project is to be phased that all phases shall be shown on the concept plan as approved by the board. At the time of application, the board would not have approved the concept plan, therefore the phrase "as approved by the board" needs to be deleted to correct this inaccuracy.

Section 30-19-4 deals with limitations associated with special use permits. Prior to the amendments in 2019, this section had six (6) subsections (A through F). The 2019 amendments deleted the first two subsections (A & B) and renumbered the

remaining subsections. The new subsection (A) had a reference to the old subsection (F) which no longer remained due to the renumbering. To correct this inaccuracy, subsection (F) needs to be changed to subsection (D).

PLANNING COMMISSION REVIEW & ACTION:

The Planning Commission should consider changing these sections as follows:

Sec. 30-19-2. Application Requirements.

- (C) All applications submitted for special use permits shall include a concept plan showing the nature and extent of the proposed use and development. If the proposed development is to be constructed in phases, all phases shall be shown on the concept plan ~~as approved by the board.~~

Sec. 30-19-4. Time Limitations.

- (A) A special use permit application may be put on hold upon written request of the applicant at any time. This hold shall not exceed six (6) months. The applicant shall make a written request to the zoning administrator to reactivate the special use permit application. Should the application not be reactivated, it shall be considered withdrawn and subject to the requirements of ~~(F)~~ (D) below.

STAFF RECOMMENDATION:

Staff recommends amending sections 30-19-2(C) and 30-19-4(A) as shown above.

ATTACHMENTS:

- Ordinance 091019-4

PGT:pt

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROANOKE COUNTY, VIRGINIA, HELD AT THE ROANOKE COUNTY ADMINISTRATION CENTER ON TUESDAY, SEPTEMBER 24, 2019

ORDINANCE 091019-4 AMENDING APPENDIX A (THE ROANOKE COUNTY ZONING ORDINANCE), ARTICLE 1 (GENERAL PROVISIONS), ARTICLE III (DISTRICT REGULATIONS), ARTICLE IV (USE AND DESIGN STANDARDS), ARTICLE V (DEVELOPMENT STANDARDS) OF THE ROANOKE COUNTY CODE

WHEREAS, it is proposed that Appendix A (the Roanoke County Zoning Ordinance), Article I (General Provisions), Article III (District Regulations), Article IV (Use and Design Standards), Article V (Development Standards) of the Roanoke County Code be amended; and

WHEREAS, the Planning Commission held a public hearing on the proposed amendments on July 9, 2019, and thereafter recommended approval of the proposed amendments; and

WHEREAS, the first reading of this ordinance was held on August 27, 2019, and the second reading and public hearing of this ordinance was held on September 10, 2019.

NOW THEREFORE BE IT ORDAINED by the Roanoke County Board of Supervisors:

1. That Appendix A of the Roanoke County Code be amended as follows (articles and sections not set forth below shall remain without amendment):

ARTICLE I – GENERAL PROVISIONS

SEC. 30-19. SPECIAL USE PERMITS; APPLICABILITY AND PURPOSE.

- (A) The procedures and standards contained in this section shall apply to all uses specifically permitted as special uses in the district regulations found elsewhere in this ordinance.
- (B) This category of uses known as special uses is established in recognition that in addition to uses permitted by right, certain uses may, depending upon their scale, design, location,

and conditions imposed by the board, be compatible with existing and future uses in a district. ~~The board reserves unto itself the right to issue special use permits.~~

- (C) The review and subsequent approval, ~~conditional approval~~, or disapproval of a special use permit by the board ~~shall be considered~~ is a legislative act, and shall be governed by the procedures thereof.

Sec. 30-19-1. General Standards.

- (A) ~~The administrator shall not accept a special use permit application for a lot or parcel that does not comply with the minimum requirements contained in article IV, use and design standards, for that use. In such situations, the applicant shall first seek a variance from the board of zoning appeals. If a variance is granted, the administrator shall thereafter accept the special use permit application for the consideration of the commission and board.~~

In considering their recommendations and in making the final decision of whether to grant, deny, or impose conditions on a special use permit, the administrator, planning commission, and the board shall give the following factors reasonable consideration. The applicant should address all of the following in its statement of justification or concept plan if applicable, in addition to any other standards imposed by this ordinance:

1. Whether the proposed use is consistent with the comprehensive plan.
2. The compatibility of the proposed use with other existing or proposed uses in the neighborhood or on adjacent parcels.
3. The location, area, footprint, nature, and height of existing or proposed buildings, structures, walls, and fences on the site and in the neighborhood.
4. The timing and phasing of the proposed development and the duration of the proposed use.
5. Whether the proposed use will contribute to or promote the welfare or convenience of the public.
6. The traffic expected to be generated by the proposed use, the adequacy of access roads and the vehicular and pedestrian circulation elements (both on-site and off-site) of the proposed use, all in relation to the public's interest in pedestrian and vehicular safety, efficient traffic movement, and access for public safety.
7. Whether the proposed use will be served adequately by essential public facilities and services, including public and private utility facilities.
8. Whether the proposed use will provide desirable employment and enlarge the tax base encouraging economic development activities consistent with the comprehensive plan.

9. Whether the proposed use considers the needs of agriculture, industry, and businesses in future growth.
10. For residential uses, the impact on the affordability of housing in accordance with state law.
11. The proposed days or hours of the operation.
12. The impact of the proposed use on environmentally sensitive land or natural features, wildlife habitat and vegetation, water quality, and air quality.
13. The impact of the proposed use on any topographic or physical, natural, scenic, archaeological, or historic feature of significant importance.
14. Any other matter reasonably related to the public health, safety, and general welfare.

In granting a special use permit, the administrator and planning commission may recommend and the board may attach any conditions necessary to ensure that the proposal meets the specific and general standards for the proposed use, as well as the general purpose and intent of this chapter.

(B) Where warranted, for the purpose of compliance with the general standards for special uses, such conditions may exceed the specific standards for the use found elsewhere in this ordinance. ~~No special use permit shall be issued except upon a finding of the board that in addition to conformity with any standards set forth in article IV, use and design standards, the proposed special use conforms with the following general standards. These standards shall be met either by the proposal made in the original special use permit application, or by the proposal as modified or amended as part of the review of the application by the commission and the board:~~

- ~~1. The proposal as submitted or modified shall conform to the comprehensive plan of the county, or to specific elements of the plan, and to official county policies adopted in relation thereto, including the purposes of the zoning ordinance.~~
- ~~2. The proposal as submitted or modified shall have a minimum adverse impact on the surrounding neighborhood or community. Adverse impact shall be evaluated with consideration to items such as, but not limited to, traffic congestion, noise, lights, dust, drainage, water quality, air quality, odor, fumes and vibrations. In considering impacts, due regard shall be given to the timing of the operation, site design, access, screening, or other matters which might be regulated to mitigate adverse impact.~~

(C) The issuance of a special use permit shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of

applications for any permits or approvals which may be required by law, including, but not limited to, a building permit, a certificate of occupancy, site plan and subdivision approval, and a zoning permit, as appropriate.

Sec. 30-19-2. Application Requirements.

- (A) An application for a special use permit may be initiated by:
1. Resolution of the board, or;
 2. Motion of the commission, or;
 3. Petition of the owner, contract purchaser with the owner's written consent, or the owner's agent, of the property for which a special use permit is requested.
- (B) The applicant for a special use permit shall provide ~~at the time of application,~~ information ~~and~~ and/or data to demonstrate that the proposed use will be ~~in harmony~~ consistent with the purposes of the specific zoning district in which it will be located. Further, the applicant shall have the responsibility to demonstrate that the proposed use will ~~not~~ have ~~minimum~~ an adverse impact on ~~adjoining~~ neighboring properties and the ~~surrounding neighborhood~~ public that exceeds an impact which would be caused by those uses permitted by right in terms of the public health, safety, or general welfare.
- (C) All applications submitted for special use permits shall ~~include a concept plan~~ showing the nature and extent of the proposed use and development. If the proposed development is to be constructed in phases, all phases shall be shown ~~at the time of the original application~~ on the concept plan as approved by the board. ~~The applicant shall have the responsibility to show that the proposal meets all of the applicable specific and general standards for the use.~~
- (D) The administrator shall establish and maintain the special use permit application materials. At a minimum these materials shall require the submittal of a concept plan. ~~Standards for concept plans are found in a document entitled Land Development Procedures, available in the department of community development.~~

Sec. 30-19-3. Review and Action.

- (A) ~~The department of community development shall review all special use permit applications submitted. This review shall evaluate the proposal against the comprehensive plan and the specific and general standards for the requested use. The department shall make a report of its findings to the commission. This report shall contain all information pertinent to the evaluation of the request.~~ Upon submission of an application for a special use permit to the administrator, including any application fee, the administrator shall, within ten (10) days, determine whether it is substantially complete. If the application is not substantially complete, then the administrator shall notify the applicant in writing of the materials that must be submitted to complete the application.

Nothing herein shall be construed to prohibit the administrator, planning commission, or board from requesting, or the applicant from submitting, such other and further information as may be necessary to analyze the application fully.

(B) ~~The commission shall review and make recommendations to the board concerning the approval or disapproval of any special use permit. No such recommendation shall be made until after a public hearing is held in accordance with section 15.2-2204 of the Code of Virginia, as amended. Posting of the property shall be in accord with section 30-14-3 of this ordinance. The commission shall base its recommendation upon the review of the submitted application materials, the specific and general criteria for the special use, public comment received at the hearing, and the information and evaluation of the department of community development. In making a recommendation to the board, the commission may recommend any conditions necessary to insure that the proposal meets the specific and general standards for the proposed use. Any such conditions shall be related to the design, scale, use, or operation of the proposed special use. Where warranted, for the purpose of compliance with the general standards for special uses, such conditions may exceed the specific standards for the use found elsewhere in this ordinance.~~ The administrator shall transmit the application to the planning commission, along with a staff report analyzing and making a recommendation on the application. The planning commission shall hold a public hearing and make a recommendation on the application, including recommendations of such changes and conditions as it might deem appropriate, not later than one hundred (100) days following its next meeting following submission of a complete application to the administrator, unless such time period is extended by written agreement between the applicant and the planning commission.

(C) ~~The board may grant or deny any applicant a special use permit after notice is given and a public hearing is held in accordance with section 15.2-2204 of the Code of Virginia, as amended. No action on any special use permit shall be taken until the board has received the recommendation of the planning commission.~~ The planning commission shall transmit its recommendation to the board of supervisors. The administrator may revise any staff report previously submitted to the planning commission and make a recommendation to the board. The board shall hold a public hearing and make a final decision on the application, including making appropriate changes to the application and imposition of conditions thereon, not later than twelve (12) months following submission of a complete application to the administrator, unless such time period is extended by written agreement of the applicant. ~~In granting a special use permit, the board may attach any conditions necessary to insure that the proposal meets the specific and general standards for the proposed use. Any such conditions shall be related to the:~~

~~(1) Design,~~

~~(2) Scale,~~

~~(3) Use, or~~

~~(4) Operation of the proposed special use.~~

~~Where warranted, for the purpose of compliance with the general standards for special uses, such conditions may exceed the specific standards for the use found elsewhere in this ordinance.~~

Sec. 30-19-4. ~~Time~~ Limitations.

~~(A) Within ninety (90) days from the date that the proposed special use permit application is referred to the commission, unless a longer period shall have been established by mutual agreement between the board and the commission in a particular case, the commission shall review the proposed application and report its findings and recommendation to the board along with any appropriate explanatory materials. Failure of the commission to report to the board within ninety (90) days shall be deemed a recommendation of approval. If the commission does not report within ninety (90) days, the board may act on the application without the recommendation of the commission.~~

~~(B) The board shall hold a public hearing and approve or deny any special use permit application within twelve (12) months after receiving the commission's recommendation. Failure to act on any permit within this twelve-month period shall be deemed denial of the permit.~~

(CA) A special use permit application may be put on hold upon written request of the applicant at any time. This hold shall not exceed six (6) months. The applicant shall make a written request to the zoning administrator to reactivate the special use permit application. Should the application not be reactivated, it shall be considered withdrawn and subject to the requirements of (F) below.

(DB) Any special use permit granted shall be null and void two (2) years after approval by the board if the use or development authorized by the permit is not commenced to a degree that, in the opinion of the administrator, clearly establishes the intent to utilize the granted special use permit in a period of time deemed reasonable for the type and scope of improvements involved.

(EC) Special uses which are approved by the board shall run with the land, except that

1. Activities or uses approved by a special use permit which are discontinued for a period of more than two (2) consecutive years shall not be reestablished on the same property unless a new special use permit is issued in accord with this ordinance.
2. A special use permit shall be void, if at the time of the commencement of the authorized use, activity, or structure, the site for which the permit has been granted contains other uses or activities not in place at the time of the issuance of the special use permit.

(FD) If any special use permit application is withdrawn at the request of the applicant subsequent to the commission's recommendation on the permit, or if the board denies any

application submitted for its review, the county shall not consider any application for the same special use, on the same property, within one year of the permit withdrawal or the board's action.

ARTICLE III – DISTRICT REGULATIONS

SEC. 30-32. AG-3 AGRICULTURAL/RURAL PRESERVE DISTRICT.

Sec. 30-32-2. Permitted Uses.

(A) The following uses are permitted by right subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates additional, modified or more stringent standards as listed in article IV, use and design standards, for those specific uses.

4. *Commercial Uses*

*Bed and Breakfast **

*Kennel, Commercial **

SEC. 30-34. AR AGRICULTURAL/RESIDENTIAL DISTRICT.

Sec. 30-34-2. Permitted Uses.

(B) The following uses are allowed only by special use permit pursuant to section 30-19. An asterisk (*) indicates additional, modified or more stringent standards as listed in article IV, use and design standards, for those specific uses.

3. *Commercial Uses*

*Special Events Facility **

ARTICLE IV – USE AND DESIGN STANDARDS

SEC. 30-83. CIVIC USES.

Sec. 30-83-0.5. Camps.

(A) General standards:

5. One year-round residence, including a manufactured home *or recreational vehicle*, may be constructed/*installed* as a caretaker's home *or residence* in addition to other facilities on the property.

Sec. 30-83-8. Public Parks and Recreational Areas.

(A) General standards:

2. Year-round residence(s), including a manufactured home or recreational vehicle, may be constructed/installed as a caretaker's home or residence in addition to other facilities on the property.

SEC. 30-85. COMMERCIAL USES.

Sec. 30-85-9. Campground.

(A) General standards in the AG-3 and AG-1 districts:

6. One year-round residence, including a manufactured home or recreational vehicle, ~~established pursuant to this ordinance,~~ may be ~~located~~ constructed/installed in a campground as a caretaker's home or residence.

Sec. 30-85-24.6. Special Events Facility.

(B) Additional standards in the AR District:

1. The minimum acreage for a special events facility shall be 10 acres.

ARTICLE V – DEVELOPMENT STANDARDS

SEC. 30-92. SCREENING, LANDSCAPING, AND BUFFER YARDS.

Sec. 30-92-6. Applicability of Regulations and Requirements.

(A) Screening, landscaping and buffer yards.

1. Requirements of screening, landscaping and buffer yards between zoning districts shall be determined by using the following charts. See the buffer yard illustrations in the Roanoke County Design Handbook for more detail.
2. The zoning administrator shall have final review of all buffer yards and will determine whether more screening is necessary based on site specific information such as terrain.
3. If the buffer yard area is smaller than the typical buffer yard section denoted in the following illustrations, the landscaping required shall equal a proportion of the typical buffer yard landscaping. Where a fraction is calculated, the number shall be rounded up to the next whole number.

Adjoining Zoning	Site Zoning					
	R-3	R-4	C-1	C-2	I-1	I-2
AG-3	D	D	D	D	D	E
AG-1	D	D	D	D	D	E
AR	B	B	B or C	B or C	D	E
AV	A	A	A	A	D	E
R-1	A	A	B	C	D	E
R-2	A	A	B	C	D	E
R-3		B	B	B	D	E
R-4			A	B	D	E
PRD					D	E
NC					B	C
C-1					B	C
C-2					B	B

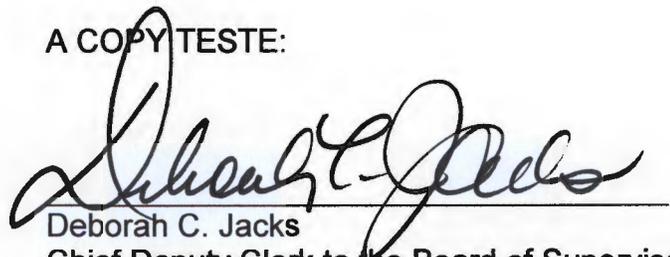
2. That this ordinance shall be in full force and effect immediately.

On motion of Supervisor Peters to adopt the ordinance, seconded by Supervisor Hooker and carried by the following recorded vote:

AYES: Supervisors Assaid, Hooker, Radford, Peters, North

NAYS: None

A COPY TESTE:



Deborah C. Jacks
Chief Deputy Clerk to the Board of Supervisors

cc: Peter Lubeck, Acting County Attorney
Philip Thompson, Acting Director of Planning



ROANOKE COUNTY

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Memorandum

TO: Planning Commission

FROM: Philip Thompson, AICP
Director of Planning

DATE: October 15, 2020

SUBJECT: ***Zoning Ordinance Amendments – Multi-family Dwelling***

ISSUE:

Clarify a Use and Design Standard - Sec. 30-82-11 (F)1 – in the C-1 and C-2 zoning districts for multi-family dwelling.

BACKGROUND:

In September 2015, the Board of Supervisors adopted Ordinance 092215-9 (attached) amending various sections of the Roanoke County Zoning Ordinance. Included in these amendments were amendments to Section 30-82-11(F). The amendments to this section removed the requirement that a multi-family use had to be in the same structure as an associated civic, office or commercial use, and allowed for a multi-family use to account for more than 50 percent of the gross floor area on site through the special use permit process.

The intent of the 2015 amendments was to allow a process for the consideration of a multi-family use greater than 50% including allowing a 100% residential project in the C-1 and C-2 zoning districts.

PLANNING COMMISSION REVIEW & ACTION:

The Planning Commission should consider clarifying this section as follows:

Sec. 30-82-11. Multi-family Dwelling.

- (F) General standards in the C-1 and C-2 districts, independent of the general standards above:
1. The multi-family use shall be allowed in conjunction with a civic, office or commercial use type **or as a stand-alone residential project.**
 2. The multi-family use may account for up to fifty (50) percent of the gross floor area on the site. A special use permit shall be required if the multi-family use accounts for more than fifty (50) percent of the gross floor area on the site.

STAFF RECOMMENDATION:

Staff recommends amending Section 30-82-11(F)1 as shown above.

ATTACHMENTS:

- Ordinance 092215-9

PGT:pt

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROANOKE COUNTY, VIRGINIA HELD AT THE ROANOKE COUNTY ADMINISTRATION CENTER ON TUESDAY, SEPTEMBER 22, 2015

ORDINANCE 092215-9 AMENDING ARTICLE II (DEFINITIONS AND USE TYPES), ARTICLE III (DISTRICT REGULATIONS), AND ARTICLE IV (USE AND DESIGN STANDARDS) OF THE ROANOKE COUNTY ZONING ORDINANCE

WHEREAS, beginning in January of 2013, the Planning Commission and Community Development staff identified several areas of the zoning ordinance to review and update resulting in the proposal of amendments to the Roanoke County Zoning Ordinance; and

WHEREAS, on August 18, 2015, after proper notice, the Roanoke County Planning Commission held a public hearing on various amendments to the Zoning Ordinance and recommended said amendments to the Board of Supervisors for adoption; and

WHEREAS, public necessity, convenience, general welfare and good zoning practice are valid public purposes for such recommendations by the Planning Commission and action by the Board of Supervisors; and,

WHEREAS, the first reading of this ordinance was held on September 8, 2015, and the second reading and public hearing was held on September 22, 2015.

NOW THEREFORE BE IT ORDAINED by the Board of Supervisors of Roanoke County as follows:

1. That the Zoning Ordinance is hereby amended to read and provide as follows:

ROANOKE COUNTY CODE

APPENDIX A – ZONING ORDINANCE

ARTICLE II – DEFINITIONS AND USE TYPES

SEC. 30-29. USE TYPES; GENERALLY.

Sec. 30-29-5. Commercial Use Types.

Personal improvement services: Establishments primarily engaged in the provision of informational, instructional, personal improvements and similar services. Typical uses include driving schools, health or physical fitness studios and centers, reducing salons, dance studios, handicraft and hobby instruction.

ARTICLE III – DISTRICT REGULATIONS

SEC. 30-42. R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT.

Sec. 30-42-2. Permitted Uses.

(A) The following uses are permitted by right subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates additional, modified or more stringent standards as listed in article IV, use and design standards, for those specific uses.

3. *Commercial Uses*

*Bed and Breakfast **

~~34.~~ *Miscellaneous Uses*

SEC. 30-61. I-1 LOW INTENSITY INDUSTRIAL DISTRICT.

Sec. 30-61-2. Permitted Uses.

(A) The following uses are permitted by right subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates additional, modified or more stringent standards as listed in article IV, use and design standards, for those specific uses.

3. *Office Uses*

Medical Office

4. *Commercial Uses*

Agricultural Services *

Automobile Repair Services, Minor *

Automobile Parts / Supply, Retail *

Communication Services

Construction Sales and Services *

Consumer Repair Services

Garden Center *

Personal Improvement Services

Veterinary Hospital / Clinic

(B) The following uses are allowed only by special use permit pursuant to section 30-19. An asterisk (*) indicates additional, modified or more stringent standards as listed in article IV, use and design standards, for those specific uses.

1. *Commercial Uses*

Automobile Dealership *

Automobile Rental / Leasing

Convenience Store *

Fuel Center *

Gasoline Station *

Manufactured Home Sales *

Recreational Vehicle Sales and Service *

SEC. 30-62. I-2 HIGH INTENSITY INDUSTRIAL DISTRICT.

Sec. 30-62-2. Permitted Uses.

(A) The following uses are permitted by right subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates additional, modified or more stringent standards as listed in article IV, use and design standards, for those specific uses.

3. *Office Uses*

Medical Office

4. *Commercial Uses*

Personal Improvement Services

ARTICLE IV – USE AND DESIGN STANDARDS

SEC. 30-81. AGRICULTURAL AND FORESTRY USES.

Sec. 30-81-5. Stable, Private.

(A) General standards:

2. ~~A private stable shall be permitted only when accessory to a single family dwelling.~~ A shelter shall be required for the keeping of a horse or pony.
3. No more than one (1) horse or pony shall be permitted for every two (2) ~~acres~~ **fenced** ~~of pasture area.~~
4. Stables, corrals, and other confined areas shall be setback at least fifty (50) feet from any property line. For the purpose of this section, perimeter fencing of a yard shall not be considered a confined area. ~~All confined areas and fencing shall be securely constructed.~~
6. A plot plan shall be required showing the location of ~~the single family dwelling, the location of the required horse or pony shelter,~~ all structures and the location and type of fencing, ~~and the acreage of pasture.~~

SEC. 30-82. RESIDENTIAL USES.

Sec. 30-82-1. Accessory Apartments.

(B) General standards:

2. An accessory apartment may be located in an **accessory structure** ~~other than the principal structure~~ on the lot ~~if a special use permit has been obtained by the property owner.~~ **provided:**

- a. The parcel meets the minimum lot size requirement of the zoning district it is located in.
- b. The accessory building shall comply with all applicable zoning requirements for a principal building.

If these standards cannot be met, the applicant shall obtain a special use permit to locate an accessory apartment in an accessory structure.

3. Maximum floor area: Upon completion of the construction, the accessory apartment shall not contain more than fifty (50) percent of the finished floor area of the principal dwelling unit located on the same lot, but in no case shall the accessory apartment exceed one thousand **five hundred** (1,0**500**) square feet.

~~(C) Additional standards in the AG-3 and AG-1 districts:~~

- ~~1. An accessory apartment may be permitted by right in a building other than the principal building provided:~~
 - ~~a. The parcel contains a minimum of three (3) acres.~~
 - ~~b. The building in which it is located complies with all applicable zoning requirements for a principal building.~~

~~(D) Additional standards in the AV, AR and residentially zoned districts:~~

- ~~1. A detached accessory apartment may be permitted in a building other than the principal building with a special use permit provided:~~
 - ~~a. The parcel meets the minimum lot size requirement of the zoning district it is located in.~~
 - ~~b. The accessory building shall comply with all applicable zoning requirements for a principal building.~~
 - ~~c. A separate driveway shall be permitted for a detached accessory apartment on parcels larger than two (2) acres.~~

~~(E)~~ General standards in the C-1 and C-2 districts, independent of the general standards above:

1. The accessory apartment shall be allowed ~~only in the same structure as, and~~ in conjunction with ~~an associated~~ a civic, office or commercial use type.

2. The civic, office or commercial use type must occupy at least fifty (50) percent of the gross floor area ~~of the structure on the site.~~

Sec. 30-82-11. Multi-family Dwelling.

(F) General standards in the C-1 and C-2 districts, independent of the general standards above:

1. The multi-family use shall be allowed ~~only in the same structure as, and~~ in conjunction with ~~, an associated~~ a civic, office or commercial use type.
2. The ~~civic, office or commercial use type must occupy at least~~ multi-family use may account for up to fifty (50) percent of the gross floor area ~~of the structure on the site.~~ A special use permit shall be required if the multi-family use accounts for more than fifty (50) percent of the gross floor area on the site.

Sec. 30-82-15. Two-family Dwelling.

(C) General standards in the C-1 and C-2 district:

1. The two-family dwelling use shall be allowed ~~only in the same structure as, and~~ in conjunction with ~~, an associated~~ a civic, office or commercial use type.
2. The ~~civic, office or commercial use type must occupy at least~~ two-family dwelling use may account for up to fifty (50) percent of the gross floor area ~~of the structure on the site.~~ A special use permit shall be required if the two-family use accounts for more than fifty (50) percent of the gross floor area on the site.

SEC. 30-85. COMMERCIAL USES.

Sec. 30-85-1. Agricultural Services.

(B) In the C-1, ~~and~~ C-2, ~~and~~ I-1 districts any outdoor storage area for agricultural equipment awaiting repair shall be placed in a storage yard. The storage yard shall be fully screened from public view and shall be set back at least one hundred (100) feet from any adjoining residential district.

Sec. 30-85-8. Bed and Breakfast.

(A) General standards:

~~9. A special use permit shall be required on lots less than five (5) acres in an R-1 zoning district.~~

(B) In the R-1 and R-2 zoning districts, the following additional standards shall apply:

1. One (1) guest sleeping room or accommodation shall be allowed as a by-right use provided the maximum number of guest occupants shall not exceed four (4) guests.
2. For two (2) or more guest sleeping rooms, a special use permit shall be required on lots less than five (5) acres. Lots that are five (5) acres or greater in size, a bed and breakfast shall be considered a by-right use.

SEC. 30-88. ACCESSORY USES AND STRUCTURES.

Sec. 30-88-2. Accessory Uses: Residential Use Types.

- (A) Residential use types may include the following accessory uses, activities or structures on the same site or lot:
10. Residential chicken keeping including coops and chicken enclosures provided that:
 - (b) Coops shall provide at least two (2) square feet of interior space per chicken and chicken enclosures shall provide at least ten (10) square feet of exterior space per chicken with a maximum total area of ~~one~~ two hundred fifty (~~±~~250) square feet for both the coop and chicken enclosure. Neither the coop nor chicken enclosure shall exceed ten (10) feet in height.

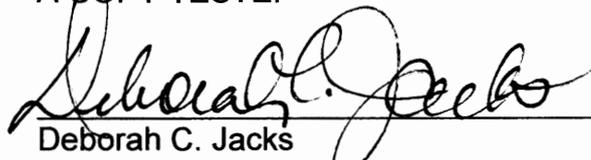
2. That this ordinance shall be in full force and effect from and after its adoption.

On motion of Supervisor Peters to adopt the ordinance, and carried by the following roll call and recorded vote:

AYES: Supervisors Moore, Bedrosian, Church, McNamara, Peters

NAYS: None

A COPY TESTE:

A handwritten signature in black ink, appearing to read "Deborah C. Jacks", written over a horizontal line.

Deborah C. Jacks
Chief Deputy Clerk to the Board of Supervisors

cc: Arnold Covey, Director of Community Development
Philip Thompson, Deputy Director of Planning
Tarek Moneir, Deputy Director of Development
John Murphy, Zoning Administrator
Paul M. Mahoney, County Attorney



ROANOKE COUNTY

DEPARTMENT OF PLANNING
5204 Bernard Drive, Second Floor, P.O. Box 29800
Roanoke, Virginia 24018-0798
TEL: (540) 772-2068
FAX: (540) 776-7155

Philip Thompson,
DIRECTOR OF PLANNING

PLANNING
TRANSPORTATION
ZONING

Memorandum

TO: Planning Commission

FROM: Philip Thompson, AICP
Director of Planning

DATE: October 15, 2020

SUBJECT: ***Zoning Ordinance Amendments – Home Beauty/Barber Salon***

ISSUE:

Consider expanding the services allowed under the home beauty / barber salon use.

BACKGROUND:

The Roanoke County Zoning Ordinance defines a *home beauty/barber salon* as an "incidental use of a single family dwelling for hair styling or barbering". A home beauty/barber salon is considered a home occupation. The County's Zoning Ordinance defines a home occupation as "an accessory use of a dwelling unit for gainful employment involving the production, provision, or sale of goods and/or services". There are two types of home occupations:

- *Type I:* A home occupation of an intensity suitable for the more densely established residential areas typically found in the urban service areas of the county. (R-1, R-2, R-3, R-4, C-1, C-2)
- *Type II:* A home occupation of an intensity suitable for agricultural and rural areas of the county. (AG-3, AG-1, AR, AV)

A home beauty/barber salon is a by-right use in all agricultural zoning districts, all residential zoning districts, and the C-1 and C-2 zoning districts. Both home

beauty/barber salon and home occupations, type I and type II have use and design standards (attached).

Over the past several years, many citizens have expressed interest in having a home salon in order to offer salon services other than hair styling or barbering. The most commonly requested services from citizens to provide are spray tanning and lash extensions.

PLANNING COMMISSION REVIEW & ACTION:

Does the Planning Commission want to allow additional salon services under either the Home Beauty/Barber Salon use or the Home Occupation use?

If yes, what salon services would the Planning Commission want to allow under this use?

- Tanning (spray tanning or tanning bed)
- Nail manicures and pedicures
- Facials
- Temporary hair removal (waxing, threading, tweezing)
- Eyelash extensions and eyelash lifts
- Eyelash and eyebrow tinting
- Eyebrow lamination
- Massage, acupuncture, cupping therapy
- Similar small-scale services designed for one customer at a time
- Other (language to allow Zoning Administrator to make decision)?

STAFF RECOMMENDATION:

Staff recommends amending the Zoning Ordinance to allow additional salon services under the home beauty/barber salon use which would include amending the existing definition and amending the use and design standards.

ATTACHMENTS:

- Sec. 30-82-2 Home Beauty/Barber Salon Use and Design Standards
- Sec. 30-82-3 Home Occupation Use and Design Standards

PGT:pt

Sec. 30-82-2. Home Beauty/Barber Salon.

- (A) Intent. A small-scaled beauty and/or barber shop may be permitted within a residential dwelling. The standards for establishing such uses are intended to limit the scope and nature of such uses and insure compatibility with the adjoining properties.
- (B) In the AG-3, AG-1, and AR districts and in all residential districts the following standards shall apply:
 - 1. The salon shall be limited to one (1) chair only.
 - 2. The retail sale of beauty and barber supplies shall be allowed as an accessory use to the permitted beauty/barber salon use.
- (C) In the AV, C-1 and C-2 districts a home beauty/barber salon shall be limited to no more than two (2) chairs.

(Ord. No. 111213-15, § 1, 11-12-13)

Sec. 30-82-3. Home Occupations, Type I and Type II.

- (A) Intent. These provisions are adopted in recognition that certain small-scaled commercial activities may be appropriate accessory uses within residential dwellings. The character and scale of such commercial activities must be subordinate and incidental to the principal use of the premises for dwelling purposes, and must be consistent with the predominant residential character of the property and/or surrounding neighborhood. In addition, these provisions are intended to limit the size of such home occupations so as to not create an unfair competitive advantage over businesses located in commercially zoned areas.
- (B) General standards:
1. More than one (1) home occupation may be permitted provided the total floor area used for all home occupations do not exceed the applicable Type I or Type II standard.
 2. No dwelling or structure shall be altered, occupied or used in a manner which would cause the premises to differ from a character consistent with a residential use. The use of colors, materials, construction, lighting, or other means inconsistent with a residential use shall be prohibited.
 3. There shall be no outside storage of goods, products, equipment, or other materials inconsistent with a residential use associated with the home occupation. No toxic, explosive, flammable, radioactive, or other hazardous materials used in conjunction with the home occupation shall be used, sold, or stored on the site. The sale of firearms as a home occupation shall be prohibited.
 4. The type and volume of traffic generated by a home occupation shall be consistent with the traffic generation characteristics of other dwellings in the area. In addition, the lot or property on which the home occupation is conducted shall not have any parking spaces added to it during the time the home occupation is being conducted, nor shall any parking space be used that was not customarily or regularly used prior to that time.
 5. Deliveries related to the home occupation shall be limited to the United States Postal Service, parcel delivery services, and messenger services. The commercial delivery by tractor trailer of materials or products to or from the premises shall be prohibited.
 6. The home occupation shall not increase demand on water, sewer, or garbage collection services to the extent that the combined demand for the dwelling and home occupation is significantly more than is normal to the use of the property for residential purposes.

7. No equipment or process shall be used in a home occupation which creates noise in excess of 60 dB(A) measured at the property line, or vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises or through common walls. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or through common walls.
8. No activity in conjunction with a home occupation shall be conducted before 7:00 a.m. or after 10:00 p.m. that adversely impacts or disturbs adjoining property owners.
9. Temporary portable storage containers shall not be used in conjunction with a Type I or Type II home occupation or used as a principal use or principal building or structure.

(C) Additional standards for all Type I home occupations:

1. The maximum floor area permitted for a home occupation shall be ten (10) percent of the finished floor area of the dwelling unit. Storage of goods or products shall not exceed five (5) percent of the finished floor area.
2. Home occupations shall be confined to the primary dwelling. To conduct a home occupation in an accessory building, a special use permit shall be obtained from the board of supervisors pursuant to Section 30-19
3. No one (1) other than permanent residents of the dwelling shall be engaged or employed in such occupation.
4. There shall be no display or storage of goods or products visible from the public right-of-way or adjacent property.
5. The sale of goods or products or providing services which involve the consumer coming to the premises shall be limited to no more than ten (10) customers or clients per day. Baby sitting for five (5) or less children shall be permitted.
6. Lessons in the applied arts shall be permitted, provided the class size for any lesson does not exceed five (5) students at any one (1) time and shall not exceed ten (10) students per day.
7. No sign may be placed on the property advertising the home occupation.
8. No advertising through local media, including telephone books, flyers, and the internet shall call attention to the residential address of the home occupation.

(D) Additional standards for all Type II home occupations:

1. The maximum floor area permitted for a home occupation shall be twenty-five (25) percent of the finished floor area of the dwelling unit. Storage of goods or products shall not exceed ten (10) percent of the finished floor area.
2. One (1) person who is not a permanent resident of the dwelling may be engaged or employed in the home occupation.
3. An accessory building or structure may be used with the home occupation, provided that the total floor area devoted to the home occupation in the accessory structure and dwelling unit does not exceed twenty-five (25) percent of the finished floor area of the dwelling unit.
4. Lessons in the applied arts shall be permitted, provided the class size for any lesson does not exceed five (5) students at any one (1) time and shall not exceed ten (10) students per day.
5. One (1) non-illuminated sign, a maximum of two (2) square feet in area, shall be permitted per dwelling, regardless of the number of home occupations within the dwelling. Any sign must conform with the provisions of section 30-93 of the zoning ordinance.

(Ord. No. 62293-12, § 4, 6-22-93; Ord. No. 052609-22, § 1, 5-26-09; Ord. No. 052411-9, § 1, 5-24-11, Ord. No. 111213-15, § 1, 11-12-13)



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Philip Thompson,
DIRECTOR OF PLANNING

PLANNING
TRANSPORTATION
ZONING

Memorandum

TO: Planning Commission

FROM: Philip Thompson, AICP
Director of Planning

DATE: October 15, 2020

SUBJECT: ***Zoning Ordinance Amendments – Short-term Rental of Property***

ISSUE:

Consider developing regulations for the short-term rental of property.

BACKGROUND:

Short-term rentals are growing in popularity in Virginia and in Roanoke County. Currently, the Roanoke County Zoning Ordinance does not adequately address the short-term rental of residential property. Pursuant to the Virginia state code, "short-term rental" means the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy.

In the Roanoke County Zoning Ordinance there are several uses that provide for overnight accommodations for compensation. These include bed and breakfast, bed and breakfast inn, boarding house, country inn, and hotel/motel/motor lodge (definitions attached). The bed and breakfast, bed and breakfast inn, and country inn also have use and design standards associated with them (standards attached). All of these uses require either the property owner or a manager to be on-site.

Recently, the County has received complaints about the short-term rental of residential properties, where the entire house is rented out typically on a daily or weekly basis with no property owner or manager on-site (see attached letter).

On September 8, 2020, the Board of Supervisors adopted a resolution (attached) directing the Planning Commission to review and make recommendations on the regulation of short-term rental properties.

PLANNING COMMISSION REVIEW & ACTION:

Regarding short-term rental of residential properties, does the Planning Commission want to:

- Develop a new use type for short-term rentals, including design standards; or
- Expand the bed and breakfast use and design standards to adequately address short-term rentals?

In developing or amending use and design standards, which of the following items should be addressed by the standards:

- Owner occupancy
- Allowance of whole house vs. a portion thereof
- Minimum lot size
- Maximum number of guests per night
- Parking
- Lighting
- Frequency
- Registration with the Commissioner of the Revenue's Office
- Compliance with Virginia Uniform Statewide Building Code (Development Services)
- Enforcement
- Other?

STAFF RECOMMENDATION:

Staff recommends developing a separate short-term rental use type with appropriate use and design standards.

ATTACHMENTS:

- Use Definitions
- Permitted Use Table for Commercial Uses
- Use and Design Standards
- Letter from Hunting Hills HOA
- BOS Resolution

PGT:pt

Sec. 30-29-5. Commercial Use Types.

Bed and breakfast: A dwelling in which not more than five (5) bedrooms are provided for overnight guests for compensation, on daily or weekly basis, with or without meals.

Bed and breakfast inn: A single family dwelling, or portion thereof, where short-term lodging is provided for compensation to transient guests only. The operator may or may not live on the premises. Meals may be provided to guests only. Up to fifteen (15) guest rooms may be provided.

Boarding house: A dwelling unit, or part thereof, in which lodging is provided by the owner or operator who resides on the premises to three (3) or more but less than fourteen (14) boarders. Included in this use type are rooming houses and tourist homes.

Country inn: A business which offers accommodations and dining in a rural area. Overnight lodging of up to thirty (30) rooms is available and a full-service restaurant may provide meals to guests and the general public.

Hotel/motel/motor lodge: A building or group of attached or detached buildings containing lodging units intended primarily for rental or lease to transients by the day, week or month. Such uses generally provide additional services such as daily maid service, restaurants, meeting rooms and/or recreation facilities.

Permitted Use Table

Uses	AG-3	AG-1	AR	AV	R-1	R-2	R-3	R-4	PRD	R-MH	NC	C-1	C-2	PCD	I-1	I-2	PTD	EP
Commercial Uses																		
Adult business													S*	R			R	
Agricultural services	R*	S*		R*								R*	R*	R	R*		R	
Antique shops	S*	S*	S*	R*								R	R	R			R	R
Automobile dealership													R*	R	S*		R	
Automobile rental / leasing												S	R	R	S		R	S*
Automobile repair services, major													S*	R	R*	R*	R	
Automobile repair services, minor				S*									R*	R	R*		R	R*
Automobile parts / supply, retail				S*									R*	R	R*		R	
Bed and breakfast	R*	R*	R*	R*	R*	R*						R*	R*	R			R	
Bed and breakfast inn	S*	S*		S*														
Boarding house				S		S	R	R					R	R			R	
Business support services				S								R	R	R	R	R	R	R*
Business or trade schools												R*	R*	R	R*	R*	R	
Campgrounds	S*	S*												R			R	R
Car wash													S*	R			R	
Commercial indoor amusement													S	R			R	R
Commercial indoor entertainment													R	R			R	R
Commercial indoor sports and recreation												S	R	R	S	S	R	R
Commercial outdoor entertainment													R	R			R	R
Commercial outdoor sports and recreation				S									R	R			R	R
Communication services												R	R	R	R		R	R
Construction sales and services				S*									R*	R	R*		R	
Consumer repair services				R								R	R	R	R		R	
Convenience store				S*					R*		R*		R*	R	S*		R	R*
Country inn	S*	S*		S*														
Dance hall													S	R			R	
Equipment sales and rental				S*									S*	R	R*	R*	R	
Fuel center				S*					R*		S*		R*	R	S*	S*	R	
Funeral services				S									R	R			R	
Garden center				S*									R*	R	R*		R	
Gasoline station				S*					R*		S*		R*	R	S*		R	R*
Golf course	S*	S*	S*		S*	S*			R*					R			R	R*
Hospital													R	R			R	
Hotel / motel / motor lodge													R	R			R	R
Kenel, commercial	R*	S*	S*	S*									R*	R			R	
Laundry														R	R	R	R	
Manufactured home sales													S*	R	S*		R	
Marina														R				
Mini-warehouse				S*									S*	R	S*	S*	R	
Outpatient mental health and substance abuse center													S	R			R	
Pawn shop													R	R			R	
Personal improvement services				R								R	R	R	R	R	R	
Personal services				R					R		R	R	R	R			R	
Recreational vehicle sales and service													S*	R	S*		R	
Restaurant, drive-in or fast food				S*								S*	R*	R			R	R*
Restaurant, general				R*					R		R	S	R	R	R		R	R
Retail sales				S*								S	R	R	R		R	R*
Special events facility	S*	S*		S*														
Studio, fine arts	S	S	S	R							S	R	R	R			R	R
Surplus sales													S	R	S	S	R	
Truck stop													S*	R	S*	S*	R	
Veterinary hospital / clinic	R	R	R	R							S	R	R	R	R		R	

SEC. 30-85. COMMERCIAL USES.

Sec. 30-85-8. Bed and Breakfast.

(A) General standards:

1. The owner or owner's family shall reside on the same parcel occupied by the bed and breakfast establishment.
2. No more than five (5) guest sleeping rooms shall be utilized for a bed and breakfast establishment. The maximum number of guest occupants shall not exceed sixteen (16) guests.
3. Any building erected, enlarged or modified to accommodate a bed and breakfast shall maintain the appearance of a single family residence. No rooms shall have direct entrance or exit to the outside of the building, except that emergency exits when required by the fire marshal may be provided for emergency purposes only.
4. Guests may stay no more than thirty (30) consecutive nights in any one calendar year. The operator of the bed and breakfast shall maintain a log of all guests, including their name, address, license plate number, and length of stay, and shall make the log available to county staff upon request.
5. Meals shall be provided only to overnight guests and no cooking shall be permitted in guest rooms.
6. Required parking areas for guests and employees shall be provided on-site.
7. Health department approval for sewage disposal, water supply and kitchen facilities shall be submitted prior to issuance of a certificate of zoning compliance.
8. The site shall front directly on and have direct access to a publicly owned and maintained street.

(B) In the R-1 and R-2 zoning districts, the following additional standards shall apply:

1. One (1) guest sleeping room or accommodation shall be allowed as a by-right use provided the maximum number of guest occupants shall not exceed four (4) guests.
2. For two (2) or more guest sleeping rooms, a special use permit shall be required on lots less than five (5) acres. Lots that are five (5) acres or greater in size, a bed and breakfast shall be considered a by-right use.

(Ord. No. 111213-15, § 1, 11-12-13, Ord. No. 092215-9, § 1, 09-22-15)

Sec. 30-85-8.1. Bed and Breakfast Inn.

(A) General Standards:

1. The owner or manager shall provide full-time management of the establishment at all times when the facility is occupied by one (1) or more guests.
2. The establishment shall not contain restaurant facilities, but may provide meal service for transient, overnight guests only.
3. Up to fifteen (15) guestrooms may be provided for paying guests.
4. Outdoor events such as weddings, receptions, and similar activities may be conducted as accessory uses.
5. The establishment shall front on a public road and the site shall have direct access from the public road.

(Ord. No. 062816-4, § 1, 6-28-16)

Sec. 30-85-13.1. Country Inn.

(A) General Standards:

1. The owner or manager shall provide full-time management of the establishment at all times when the facility is occupied by one (1) or more guests.
2. The establishment may contain restaurant facilities that provide meal service to overnight guests and the general public.
3. Up to thirty (30) guestrooms may be provided for paying guests.
4. Outdoor events such as weddings, receptions, and similar activities may be conducted as accessory uses.
5. The establishment shall front on a public road and the site shall have direct access from the public road.

(Ord. No. 062816-4, § 1, 6-28-16)



Roanoke County

Attention: Richard Caywood, P.E.

It has come to our attention that a particular home in our neighborhood has been the source of many complaints and issues. This home is listed on Airbnb, rental, <https://www.airbnb.com/rooms/38582238>, operating under an LLC. The complaints have been on going dating back to last year with the first letter from the board sent in February of 2020 citing the issues then. I have personally seen the gatherings and trash left behind from the "parties" these renters are having.

As you all know, Hunting Hills is not a party destination or a destination that offers amenities such as a cabin rental in Pigeon Forge for example. This is a residential neighborhood of families and young kids, who like their privacy while feeling safe. This rental has become a danger to our homes, families, and children. Most recently a party was held on 9-11 through 9-13 and there were multiple sightings of marijuana use. One particular individual got out his car screaming and yelling at one of our neighbors for merely checking things out after they smelled marijuana usage. This party went on into the late hours of the night and early morning with some of the renters yelling from the decks outside.

On another occasion the house was rented out to young adults and minors where minors were seen drinking off the back deck. Cans of beer were seen everywhere the next day overflowing onto the main road on Huntcamp.

Another issue that comes up frequently are the excessive amount of cars parked along the streets causing not only traffic concerns but also a hazard to the kids who play nearby. These are only a few of the issues and concerns we have...

Short term rentals such as this pose not only a safety concern for those nearby but also a violation of privacy. We are an established neighborhood that is quite, clean, and safe. This rental has caused a ruckus, has caused some high levels of anxiety of not knowing who's coming to rent each weekend, is causing safety concerns, and noise violations. Michelle McLeod runs the business of renting out the home, it belongs to her family (no one lives there and she lives in TN), and she once had it listed as a party space but has since taken those words down.

The HOA Board meet a few weeks ago to discuss this and it was unanimous vote to find a way to block short term rentals like this Air BNB to not be permitted in our neighborhood. While our hoa is voluntary

without covenants or bylaws against such rentals, we ask that Roanoke County put in motion measures to stop or restrict such rentals in the area.

Air Bnb has a strict no party policy however as seen from evidence there is no way for them to police it.

Does the rental need a license since she is operating an LLC out of the home while no one actively lives there? What about a permit?

Imagine a party house next door to your private residence, new people almost every weekend coming and going, not knowing who they are, where they are from, who is with them (convicted felon, child molester etc.), people using illegal drugs near and around your kids and family. Trash everywhere the next day. Parties happening on your quiet street into the early hours. Having to call the cops and asking other neighbors do the same only to have the owner of the property not care one bit about the neighborhood, the parties, the illegal drug use, and the privacy and safety of our homes. We believe no one would want this in their neighborhood let alone next door.

The address of the home is 5321 Peregrine Circle Crest.

We appreciate your consideration and prompt attention to this matter. We are happy to come to the county and voice our concerns and vote on provisions to be put in place.

Thank you for your time and look forward to hearing back from you,

Leigh Ann Nabers

Vice President

Hunting Hills Home owners association

540-819-1941

Leighnabers1@outlook.com

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROANOKE COUNTY, VIRGINIA HELD AT THE ROANOKE COUNTY ADMINISTRATION CENTER ON TUESDAY, SEPTEMBER 8, 2020

RESOLUTION 090820-1 DIRECTING THE PLANNING COMMISSION TO REVIEW AND MAKE RECOMMENDATIONS ON THE REGULATION OF (1) SHORT-TERM RENTAL PROPERTIES AND (2) TEMPORARY CONSTRUCTION YARDS FOR PUBLIC INFRASTRUCTURE PROJECTS

WHEREAS, § 30-14 of the Roanoke County Code provides that amendments to the Roanoke County Zoning Ordinance may be initiated by resolution of the Board; and

WHEREAS, during the past year, two issues have been raised to Roanoke County staff that the Roanoke County Zoning Ordinance currently does not address adequately, namely the regulation of (1) short-term rental properties and (2) temporary construction yards for public infrastructure projects; and

WHEREAS, public necessity, convenience, general welfare, or good zoning practice require consideration of amendments to the Roanoke County Zoning Ordinance pertaining to the regulation of (1) short-term rental properties and (2) temporary construction yards for public infrastructure projects.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Roanoke County, as follows:

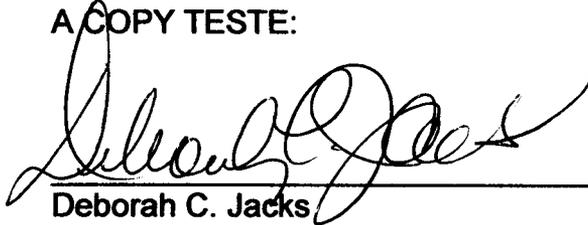
1. That it directs the Planning Commission to review and make recommendations on the regulation of (1) short-term rental properties and (2) temporary construction yards for public infrastructure projects.

On motion of Supervisor North to adopt the resolution, seconded by Supervisor Hooker and carried by the following recorded vote:

AYES: Supervisors Mahoney, Hooker, North, Peters, Radford

NAYS: None

A COPY TESTE:

A handwritten signature in black ink, appearing to read "Deborah C. Jacks", written over a horizontal line.

Deborah C. Jacks
Chief Deputy Clerk to the Board of Supervisors

cc: Philip Thompson, Director of Planning
Rachel Lower, Senior Assistant County Attorney



ROANOKE COUNTY

DEPARTMENT OF PLANNING
5204 Bernard Drive, Second Floor, P.O. Box 29800
Roanoke, Virginia 24018-0798
TEL: (540) 772-2068
FAX: (540) 776-7155

Philip Thompson,
DIRECTOR OF PLANNING

PLANNING
TRANSPORTATION
ZONING

Memorandum

TO: Planning Commission

FROM: Philip Thompson, AICP
Director of Planning

DATE: October 15, 2020

SUBJECT: ***Zoning Ordinance Amendments – Temporary Construction Yard for Public Infrastructure Projects***

ISSUE:

Consider developing regulations for temporary construction yard for public infrastructure projects.

BACKGROUND:

During the past year, the issue of temporary storage yards for public infrastructure projects has been raised as needing to be addressed. The Roanoke County Zoning Ordinance currently does not adequately address this issue. The Zoning Ordinance allows for a construction yard, which is defined as: "establishments housing facilities of businesses primarily engaged in construction activities, including outside storage of materials and equipment. Typical uses are building contractor's yards." Construction yards are allowed as a by-right use in the I-2 zoning district, and as a special use in the AV and I-1 districts. In addition, there are use and design standards associated with a construction yard (attached).

Public infrastructure projects typically are linear in nature involving multiple properties and are located in various zoning districts. Due to the limited amount of appropriately zoned and available property for construction yards, future public infrastructure projects could face additional costs and time delays.

On September 8, 2020, the Board of Supervisors adopted a resolution (attached) directing the Planning Commission to review and make recommendations on the regulation of temporary construction yards for public infrastructure projects.

PLANNING COMMISSION REVIEW & ACTION:

Regarding temporary construction yards for public infrastructure projects, does the Planning Commission want to:

- Develop a new use type for temporary construction yards, including use and design standards; or
- Develop a temporary use section of the Zoning Ordinance that would include additional temporary uses?

The Planning Commission should also consider if this use would be a by-right use or a special use and which districts would be appropriate for temporary construction yards.

In developing use and design standards, which of the following items should be addressed by the standards:

- Location (certain distance from the project)
- Timeframe (tied to the project)
- Screening & Buffering
- Review/Approval process (site plan/plot plan/permits)
- Site reclamation/restoration
- Maximum lot size
- Lighting
- Enforcement
- Other?

STAFF RECOMMENDATION:

Staff recommends developing a separate temporary construction yard use type with appropriate use and design standards.

ATTACHMENTS:

- Use and Design Standards – Construction Yards
- BOS Resolution

PGT:pt

Sec. 30-86-2. Construction Yards.

- (A) In the I-2 district, all materials stored on the premises overnight shall be placed in a storage yard. The storage yard shall be fully screened from surrounding views in accordance with Section 30-92, and shall be set back at least one hundred (100) feet from any adjoining residential district.

- (B) In the AV district, the following standards shall apply:
 - 1. The maintenance and repair of all vehicles and equipment shall be conducted within an enclosed building.

 - 2. In considering a special use permit request for a construction yard, in addition to the above standards and the general standards contained in Section 30-19 of this ordinance, the board may consider and set standards for the following:
 - a. The provisions for screening of any vehicles, equipment, materials and storage yard, and screening and buffering, in accordance with Section 30-91, of the entire construction yard.

 - b. The maximum height of any structure and any additional setback requirements necessary to compensate for any increased height.

 - c. Specific measures to control dust on the site.

 - d. Specific levels of noise permitted on the site, as measured at adjacent property lines.

 - e. Limit the hours of operation.

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROANOKE COUNTY, VIRGINIA HELD AT THE ROANOKE COUNTY ADMINISTRATION CENTER ON TUESDAY, SEPTEMBER 8, 2020

RESOLUTION 090820-1 DIRECTING THE PLANNING COMMISSION TO REVIEW AND MAKE RECOMMENDATIONS ON THE REGULATION OF (1) SHORT-TERM RENTAL PROPERTIES AND (2) TEMPORARY CONSTRUCTION YARDS FOR PUBLIC INFRASTRUCTURE PROJECTS

WHEREAS, § 30-14 of the Roanoke County Code provides that amendments to the Roanoke County Zoning Ordinance may be initiated by resolution of the Board; and

WHEREAS, during the past year, two issues have been raised to Roanoke County staff that the Roanoke County Zoning Ordinance currently does not address adequately, namely the regulation of (1) short-term rental properties and (2) temporary construction yards for public infrastructure projects; and

WHEREAS, public necessity, convenience, general welfare, or good zoning practice require consideration of amendments to the Roanoke County Zoning Ordinance pertaining to the regulation of (1) short-term rental properties and (2) temporary construction yards for public infrastructure projects.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Roanoke County, as follows:

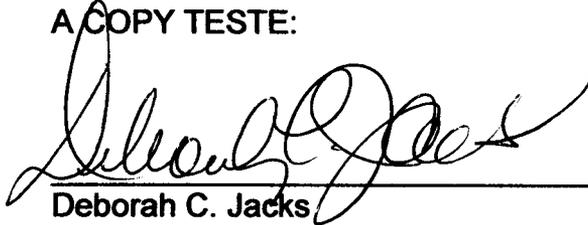
1. That it directs the Planning Commission to review and make recommendations on the regulation of (1) short-term rental properties and (2) temporary construction yards for public infrastructure projects.

On motion of Supervisor North to adopt the resolution, seconded by Supervisor Hooker and carried by the following recorded vote:

AYES: Supervisors Mahoney, Hooker, North, Peters, Radford

NAYS: None

A COPY TESTE:

A handwritten signature in black ink, appearing to read "Deborah C. Jacks", written over a horizontal line.

Deborah C. Jacks
Chief Deputy Clerk to the Board of Supervisors

cc: Philip Thompson, Director of Planning
Rachel Lower, Senior Assistant County Attorney