

**BOARD OF SUPERVISORS
COUNTY OF LOUISA
ORDINANCE**

At a regular meeting of the Board of Supervisors of the County of Louisa held in the Louisa County Public Meeting Room at 5:00 PM on the 3rd day of October 2016, at which the following members were present, the following ordinance was adopted by a majority of all members of the Board of Supervisors, the vote being recorded in the minutes of the meeting as shown below:

RESULT:	APPROVED [6 TO 1]
MOVER:	Fitzgerald A. Barnes, Patrick Henry District Supervisor
SECONDER:	Stephanie L. Koren, Mineral District Supervisor
AYES:	Barlow, Barnes, Havasy, Wade, Koren, Williams
NAYS:	Willie L. Gentry Jr.

**AN ORDINANCE AMENDING THE LOUISA COUNTY ZONING ORDINANCE,
CHAPTER 86, ARTICLE II. DISTRICTS AND DISTRICT REGULATIONS – DIVISION
8. RESORT DEVELOPMENT (RD) DISTRICT**

WHEREAS, Sections 15.2-1427 and 15.-2-1433 of the Code of Virginia, 1950, as may be amended, enable a local governing body to adopt, amend, and codify ordinances or portions thereof;

WHEREAS Division 8. Resort Development (RD) District of the Louisa County Code was adopted in 1971; and

WHEREAS, since the adoption of this Ordinance, the Louisa County Board of Supervisors has, from time to time, amended it; and

WHEREAS, the Louisa County Board of Supervisors have determined that the health, safety, order, prosperity and general welfare of Louisa County residents is better promoted by providing an opportunity for the issuance of waivers and/or modifications to the Resort Development (RD) district, where sections of the zoning ordinance are deemed to be in conflict with the goals of the final master plan; and

WHEREAS, notice of the Board of Supervisor's intention to amend this ordinance has been published in accordance with Va. Code Ann. §15.2-1427;

NOW THEREFORE BE IT ORDAINED on this 3rd day of October 2016 that the Board of Supervisors of Louisa County, Virginia hereby amends and enacts Chapter 86. Zoning, Article II. Districts and Districts Regulations, Division 8. Resort Development (RD) District of the Louisa County Code as follows:

DIVISION 8. - RESORT DEVELOPMENT DISTRICT (RD)

Sec. 86-176. - Statement of intent; applicability of district regulations.

(a) The resort development district (RD) is intended to permit open area recreation facilities for private and public use or for profit, to permit commercial uses related to such recreation facilities, and to permit a variety of residential accommodations on a contiguous site under common ownership or control in accordance with a master plan in a manner that will conserve the natural resources and enhance the scenic beauty around by leaving as permanent open area not less than 25 percent of the total acreage. Within such resort development, the location of all improvements shall be controlled in such a manner as to accommodate permitted uses in an orderly relationship with one another, with the greatest amount of open area and with the least disturbance to natural features.

(b) Open area shall include fields, forest, golf courses, tennis courts, and similar facilities, water features, paths and trails, but not roads and parking areas, surface easements for drainage and other utilities not included within the lines of any residential lot. The open area shall not be applicable to minimum lot sizes or other minimum requirements of this section and shall essentially require the developer to place 25 percent of his total acreage in permanent open area as defined in this section.

(c) The resort development shall apply only to land having a minimum of 30 contiguous acres under common ownership or control. Additional land may subsequently be added to the approved resort development if the additional land adjoins or forms a logical addition to the approved resort development. The procedure for an addition shall be the same as if an original application were filed, and all requirements of this division shall apply except the minimum acreage requirement as specified in subsection (a) of this section.

(d) No tract of land may be admitted to the resort development zoning district except with the submission of detailed plans as required by this division and/or other documents required by the governing body in order to enable it to make a comprehensive study of the proposed development. No tract of land may be admitted to the resort development zoning district unless recreational facilities are a primary part of the overall plan development. No tract of land may be admitted to the resort development district except after consideration by the Planning Commission after notice and hearing as required by Code of Virginia, § 15.2-2204.

(Res. of 6-2-08(08.102))

Sec. 86-177. - Application for rezoning-Preliminary master plan; bond.

(a) The applicant shall file all applications for rezoning with the Zoning Administrator and shall furnish with the application 25 copies of a preliminary master plan showing:

- (1) Summary of land uses by type and area;
- (2) Land uses to be color coded, indicating their location on the plan with the acreage;
- (3) Summary giving the total number of dwelling units, with ranges of units per housing type;
- (4) General Location of dwelling unit types and examples of lot configuration;

- (5) Gross density and net residential densities;
- (6) Method of access from roads to proposed areas of development;
- (7) General road alignments with proposed right-of-way width, including adjacent or internal roads;
- (8) General alignments of sidewalks, bike and pedestrian ways;
- (9) A general plan showing the location and acreage of the active and passive recreation spaces, parks, and other public open areas; and
- (10) A general plan showing the location of clubs, hotels, motels, restaurants, sports centers and similar uses.

(b) Before making its recommendations to the governing body, the Planning Commission shall consider the characteristics of the area in which the proposed resort development is to be located and shall consider the necessary facilities to protect resources and uses in the area. No plan may be accepted by the Planning Commission or approved by the Board of Supervisors unless it provides for adequate access for emergency services, and contains at least two points of access for every area containing over 50 dwellings. The plan must be based on current accepted planning principles, which will protect and promote the health, safety, and welfare of the public. The Planning Commission and/or the Board of Supervisors shall have the right to refuse any plan which does not protect and promote the health, safety, and welfare of the general public.

(c) After approval of the preliminary master plan by the governing body, the preliminary plan may not be altered without the approval of the governing body, but the preliminary plan shall be superseded by the final plans as provided in this division. Prior to the issuance of a land disturbing permit and recordation of any subdivision plat or division of any parcel of land and recordation thereof, within the boundary of any resort development district, the owner shall furnish a bond with surety approved by the governing body or the agent, in an amount sufficient to secure performance of all requirements in a workmanlike manner of the plan approved by the governing body, including an amount sufficient to cover reasonable administrative costs. This bond shall be held by and made in favor of the governing body.

As the applicant completes phases of the construction of the improvements as set forth in the plan, the agent shall release a portion of the performance bond at such times and in such amounts as the agent shall deem proper; however, the amount of such partial release shall be guided by and commensurate with the dollar value of the completed phases.

(Res. of 6-2-08(08.102))

Sec. 86-178. - Waivers and modifications.

Where sections of the zoning or subdivision ordinance are deemed to be in conflict with the goals of the final master plan, the rezoning application shall be considered a

request for a waiver or modification to these sections if specified in the final master plan. Otherwise, the applicant must provide a clear explanation as to why certain regulations are in conflict with the final master plan, demonstrate that the public's health, safety and welfare will not be compromised, and request the specific waivers or modifications to be considered by the Board of Supervisors after a public hearing.

Sec. 86-179. - Permitted uses-Generally.

Residential

Accessory apartment

Cottage

Guest home

Guestroom

Single-family dwelling, attached

Single-family dwelling, detached

Temporary family health care structure

Townhouse

Two-family dwelling

Civic

Civic use

Club

Cultural services

Post office

Public park and recreational area

Public recreation assembly

Recycling center

Religious assembly

Utility service, major, when owned and/or operated by Louisa County

Utility service, minor
Commercial
Automobile parts/supply, retail
Bed and breakfast
Boardinghouse
Camp
Campground
Commercial indoor amusement
General office
Golf course
Home occupation, class A
Hotel
Laundry
Marina
Medical office
Personal improvement services
Personal services
Restaurant
Store, general
Store, neighborhood convenience
Miscellaneous
Amateur radio tower
Cemetery, private
Home garden

(Res. of 6-2-08(08.102); Res. of 6-15-09(09.146); Res. of 8-6-12(2012-137); Res. of 11-

18-13(2013-249))

Sec. 86-179.1. - Permitted uses-With conditional use permit.

Under this section, conditional uses are intended to be related with the activities defined in the Resort Development Master Plan, as approved by the Board.

Agricultural

Agricultural operation

Stable, commercial

Stable, private

Residential

Dormitory

Multi-family dwelling

Civic

Educational facility, primary/secondary

Public assembly

Refuse collection site

Utility service, major

Commercial

Assisted living facility

Automobile rental/leasing

Automobile repair service

Business or trade school

Business support service

Car wash

Cemetery

Clinic

Commercial indoor entertainment
Commercial indoor sports and recreation
Commercial outdoor entertainment
Commercial outdoor sports and recreation
Commercial vehicle repair service
Consumer repair service
Custom manufacturing
Day care
Day care center
Family day care home
Financial institution
Funeral home
Garden center
Gasoline station
Grocery store
Home for adults
Home occupation, class B
Life care facility
Mini-warehouse
Nursing home
Parking facility
Recreational vehicle sales and service
Restaurant, drive-in
School, private
Shooting range, indoor

Special occasion facility

Specialty shop

Studio, fine arts

Veterinary hospital/clinic

Miscellaneous

Aviation facility

Outdoor gathering

Temporary conditional uses permitted under section 86-291

(Res. of 6-2-08(08.102); Res. of 6-15-09(09.146); Res. of 6-7-10(10.134); Res. of 8-1-11(2011-178); Res. of 8-4-14(2014-210); Res. of 8-3-15(2015-199))

Sec. 86-180. - Minimum lot area.

In the resort development district (RD), the minimum lot area shall be 40,000 square feet for a lot served by individual water and sewage systems. The minimum lot area shall be 25,000 square feet for a lot served by either central water or sewage systems, and 15,000 square feet if a lot is served by both central water and sewage systems. The configuration of the lots may be subject to the approval of the Planning Commission, during the subdivision review process.

(Res. of 6-2-08(08.102))

Sec. 86-181. - Setback regulations.

In the resort development district (RD), the required setback shall be 30 feet from the edge of the right-of-way line if lots are served by central water or sewage systems. If lots are served by individual water and sewage systems, the required setback shall be a minimum of 50 feet from the edge of the right-of-way line.

(Res. of 6-2-08(08.102))

Sec. 86-182. - Frontage; minimum lot width.

In the resort development district (RD), the minimum lot width at the building setback line shall be 100 feet.

(Res. of 6-2-08(08.102))

Sec. 86-183. - Height of buildings.

In the resort development district (RD), the height regulations shall be:

- (1) Single-family residences: 40 feet (maximum).
- (2) Two-family residences: 40 feet (maximum).
- (3) Multifamily buildings and other permitted structures: 60 feet (maximum).
- (4) Conditional use permits are required for permitted structures over 60 feet in height.
- (5) These height limitations shall not apply to church spires, belfry, etc.
- (6) All accessory buildings shall be less than the main building in height.

(Res. of 6-2-08(08.102))

Sec. 86-184. - Yard regulations.

In the resort development district (RD), the yard regulations shall be:

- (1) Side. The minimum side yard for any permitted structure shall be ten feet.
- (2) Rear. Each main structure shall have a minimum rear yard of 25 feet.

(Res. of 6-2-08(08.102))

Sec. 86-185. - Corner lots.

In the resort development district (RD), the minimum side yard width for corner lots shall be 30 feet.

(Res. of 6-2-08(08.102))

Sec. 86-186. - Offstreet parking.

The offstreet parking regulations in the resort development district (RD) shall be as provided in section 86-438.

(Res. of 6-2-08(08.102))

Sec. 86-187. - Statement of intent.

(a) The boundaries of the Zion Crossroads Transportation Corridor extend to the following: North to SR617, South to the county border. East to SR626 and west to the county border.

(b) Planned unit development districts are intended to provide for variety and flexibility in design necessary to implement the varied goals of the county as set forth in the comprehensive plan. Through a planned unit development approach, the regulations of this division are intended to accomplish the purposes of zoning and other applicable regulations to the same extent as regulations of conventional districts. Additionally, planned unit development districts are intended to implement the concepts of urban planning (urbanistic) that maximize land use by providing the most efficient development planning. This is accomplished by the submission of a master plan that outlines the conceptual design of the development but allows for minor changes during the evolution of the project's completion.

(Res. of 11-15-04(04.143))

DONE this 3rd day of October, 2016

VOTING AYE: Fitzgerald A. Barnes, Stephanie L. Koren, Troy J. Wade, Richard A. Havasy, R.T. Williams, and Tommy Barlow

VOTING NAY: Willie L. Gentry, Jr.

ABSTAINING:

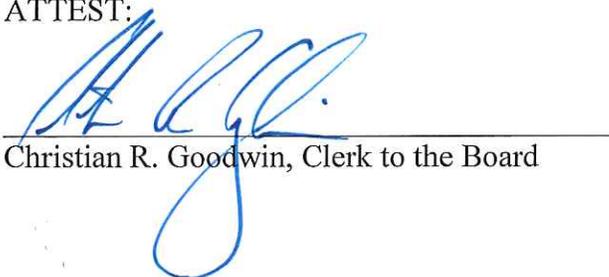
ABSENT:

Witness this signature and seal



Troy Wade, Chairman
Board of Supervisors of Louisa County, Virginia

ATTEST:



Christian R. Goodwin, Clerk to the Board

SEAL