

**MINUTES OF THE TOWN OF DUMFRIES PLANNING
COMMISSION WORK SESSION**

**Monday, September 17, 2012 6:00 P.M.
Town of Dumfries Council Chambers
17755 Main Street
Dumfries, VA 22026**

ATTENDANCE

Planning Commission (PC) Members:

Naeem Arshad
Gina Critchley
Christopher Padberg
William O'Kelly Russell
John Webb
Louise Waggy

Staff Members:

Morgan Brim, Planner/Zoning Administrator

I. Call to Order

Chairman Russell called the Work Session to order at 6:00 P.M.

II. Roll Call

All Commissioners were present with one seat being vacant.

III. Discussion

A. CUP-12-001 Matthew's Center (Nonprofit School) located at 17286 Dumfries Road, current site of the Pillar Church

Mr. Brim explained the conditional use permit (CUP) was a request to share space with Pillar Church to run a special education school during the day for children with autism. The most noticeable changes will be to the parking lot in the back of the building and the front entrance. The Virginia Department of Transportation (VDOT) was concerned with left turns being made from the facility during peak hours so a channelization island will be installed to allow right in and right out only. This will prevent left turn ingress and egress. He noted that most of the traffic would be from the teachers since the children will primarily be bused in. The buses will be parked at the back of the site. He noted that although there will be a loss of approximately ten parking stalls to accommodate for the playground and restriping the minimum parking requirements are still being met. It was noted there would be little to no conflict in the times the facility is being used since the school will operate Monday through Friday

during the day while Pillar Church will mainly operate on weekends and an occasional weeknight.

Mike Kitchen introduced himself as a new member to the Board of Directors for the Matthew's Center and a professional engineer working for Christopher Consultants who designed the site plan being reviewed. The primary goal of the school is to provide education to individuals with special needs, such as autism or brain injury. He explained they act as a subcontractor to the public schools to assist with the needs of these individuals when the public school is unable to provide the specialized care needed. The ratio is typically one teacher to one student or two depending on the needs of the student. The traffic is relatively limited since the students are bused in. The school will overlap with the space currently being used by the Church. A couple of classrooms will be constructed within the internal space there now, which will help the Church with Sunday school rooms. He noted the school would operate during the day while the Church would use the space on an occasional weeknight and weekends.

Mr. Webb asked how many students there would be.

Mr. Kitchen noted there would be 24 students during the day, 9:00 a.m. to 6:00 p.m. and 12 additional spaces for after school daycare for a total of 36.

Chair Russell asked where the buses would be loaded and unloaded.

Mr. Kitchen noted the buses would load and unload at the back of the building where the handicap accessible space is. The handicap ramp does not meet the requirements for handicap accessibility and will be rebuilt to meet those standards.

Chair Russell wanted to know what would be in place to separate the playground from the parking area and what safety measures were going to be taken in the event that a car were to back up into the area.

Mr. Kitchen noted a chain link fence would be placed around the playground and the students will be monitored at all times. He noted that there was no consideration given to place barriers to keep cars from backing into the area. He indicated that was something that needed to be looked into and maybe a concrete bollard could be used to keep that from happening.

Mr. Webb asked about the common wall that is shared with Reliable Tire.

Mr. Kitchen noted that wall is fire rated.

Mr. Webb asked if it was sound rated. He explained that Reliable Tire uses air tools and they can get quite loud.

Mr. Kitchen noted there is a hallway that acts as a buffer between the two uses.

Ms. Waggy asked what was going to be placed in the play area where the pavement was being removed.

Mr. Kitchen noted rubber mulch would be put down.

Mr. Arshad was concerned with cars leaving the tire shop.

Mr. Kitchen suggested a caution or watch for vehicles sign being installed.

Chair Russell asked if there was going to be any curb and gutter around the playground.

Mr. Kitchen noted a six-inch curb is being installed.

Mr. Brim asked the PC if they wanted to move forward to a public hearing.

After a brief discussion about the concerns expressed it was decided that a list of conditions would be developed and finalized during the public hearing.

B. ZTA-12-002 Town Council's request for the review, update, and alignment of descriptions, governances, and allowances of business types

- a) Section 70-246 relating to the intent of the B-1 zoning district
- b) Section 70-247(a) relating to allowable uses in the B-1 zoning district
- c) Section 70-247(b) relating to uses allowed with a Conditional Use Permit in the B-1 zoning district
- d) Section 70-247(c) relating to accessory uses in the B-1 zoning district
- e) Section 70-281 relating to the intent of the B-2 zoning district
- f) Section 70-282(a) relating to allowable uses in the B-2 zoning district
- g) Section 70-282(b) relating to uses allowed with a Conditional Use Permit in the B-2 zoning district
- h) Section 70-282(c) relating to accessory uses in the B-2 zoning district
- i) Section 70-481 relating to the intent of the FB/O-1 zoning district
- j) Section 70-482 relating to allowable uses in the FB/O-1 zoning district
- k) Section 70-483 relating to uses allowed with a Conditional Use Permit in the FB/O-1 zoning district
- l) Section 70-484 relating to accessory uses in the FB/O-1 zoning district

Mr. Brim pointed out that tables were provided that broke down the current uses by zoning district compared to Prince William County (PWC).

Mr. Webb asked if PWC could have more than one business district that would apply to the Town's B-1. He explained the reason he asked is that antique shop has no mark for PWC and he found it hard to believe that PWC would not permit them.

Mr. Brim noted that is one of the tricks with zoning. There are many different uses under different categories. He explained that would be retail, so wherever that would be permitted. He mentioned that the work sheet will assist with determining if there are uses that are redundant, need to be clarified, or may be needed. He noted a table was also provided showing the current uses compared to the September 2011 uses in each zoning district. He felt the current zoning districts meet the intent of the Comprehensive Plan (CP).

After some discussion about how to move forward with reviewing the zoning district uses, it was requested that the top three to ten uses Council was concerned about be highlighted. The PC liked the work sheet and felt that each member should complete it, submit comments since there may be a chance that something was not looked at before, and have those compiled for further discussion.

Mr. Brim understood the concerns were with the automotive uses being taken out of the B-1 zoning district, the veterinary hospital, and the storage facility. He advised that Ms. Higgins was in attendance and had requested a few minutes to address the PC. He mentioned considering having hotel/motels in the B-2 zoning district which can be complimentary on Main Street.

Further discussion was held on how the changes made back in September 2011 moved the various uses and aligned them to the intent of the zoning districts discussed in the CP and the Town closer to the overall vision. The CP has Main Street envisioned as a pedestrian and bicycle friendly area. It was determined that bicycle sales and repairs in the B-2 zoning district, on Main Street, would work. Automobile sales and services just do not fit along Main Street and is a good fit in the FB/O-1. It was clarified the FB/O-1 zoning district was created for a more intensive use than what is wanted in the B-1 and B-2 zoning districts but are not considered appropriate for the M-1, industrial, limited district. It was clarified that automotive sales and repair can be in the FB/O-1 zoning district with a conditional use permit. All the current automotive businesses in the B-1 or

B-2 zoning districts are considered non-conforming. As long as the business continues to operate in the same capacity, whether it is the current owner, a new owner, or someone leasing the property, it can continue; however, if the business does not operate for two years it is no longer permitted at that location and must move to the FB/O-1 district. It was pointed out that any non-conforming use cannot expand their businesses. It was noted the process is there for any business to apply for a rezoning and if not granted an appeal can be made to the Board of Zoning Appeals. It was determined that there are ways to restrict certain types of businesses by placing conditions on the use rather than having to go through the conditional use process. The example of businesses with a drive-through was used.

Jo Higgins introduced herself as the Project Manager for the owners of Dumfries Self Storage. She was particularly interested in the residential, multifamily, located above a commercial, retail or office use on the ground floor. She mentioned that most cities and counties are looking for vertical residential units, even above retail, and are getting away from requiring a conditional use permit. She asked if the changes made in September 2011 was intentional to require a conditional use permit for that type of use in the B-1 and B-2 zoning district. She explained that back during the time when the changes were being discussed Dumfries Self Storage was working on making changes to their facility to enlarge it for climate controlled self storage, the economy tanked, and the plans were never submitted. It was not until a letter was received from David Moss that the zoning had changed and was only permitted in the FB/O-1 zoning district. With that said, there is no possibility of expanding the business. She pointed out that self-storage has evolved, in the 80's it was a warehouse that was sectioned off, now they are more urbanized with management living on the premises, and is different from warehousing that would be a better fit for the industrial zoning. Self storage was compared to being more like a furniture store. The question was why it was taken out of the B-1, B-2 zoning district when it is not really an industrial use and what the rationale was behind it.

Mr. Padberg disclosed that his wife works for CW Investments, L.L.C., the owner of Dumfries Self Storage. What he is seeing in the industry now is redevelopment of buildings that have been used for offices. An office building converted and when the

market gets better, the space is converted back. He mentioned there is also outside storage, which needs to be considered.

Ms. Higgins noted that would be an accessory use.

Mr. Padberg was just pointing out the differences in the type of self storage facilities. The parking of boats and RVs is a very different animal than just having storage facilities.

Ms. Higgins felt office space is a different tenant and demand. The most valuable asset that a business has is its land area. It is not cost effective to use land for storing boats and RVs because it does not produce the revenue needed.

Chair Russell noted there could be just about anything being stored in a facility. For example, in a climate control facility you could find anything from medicine to Girl Scout cookies being stored. He did not feel that would be compatible, since no one knows what is going to be stored, with a residential use. The timeframe individuals are allowed to enter the facility does not limit the potential to have a large amount of traffic going in and out of the site.

Ms. Higgins mentioned providing information to the PC from traffic studies that have been done from other sites. She noted that 30,000 square feet of storage is equivalent to about 10 dwelling units or less with generally no more than three cars at a time during off peak hours.

Mr. Brim grappled with the same issue previously. He mentioned a concept was used of mixed-use internal self storage. The access to the storage was internal with the front being some other type of use other than storage.

Ms. Higgins noted there are code-enforced limitations on what can be placed in storage like gasoline, fireworks, etc. There are posted signs in the office and it is stated in the lease the items are not allowed to be stored.

Mr. Brim suggested if the PC was going to look at having self storage in the B-1 zoning district that it be a mixed-use with storage accessed internally with uses on the front of the building other than storage.

Ms. Higgins suggested defining self storage as mini storage versus warehousing.

Ms. Critchley announced she was leaving the meeting.

The PC took a five-minute recess.

The PC continued its discussion on storage facilities. It was pointed out that the reason for having a Conditional Use Permit (CUP) is that there is no requirement for landscaping or buffering. The only thing required is a fence. The Town presently has an all-encompassing ideal of self storage and it does not define the differences. It is the same with a driving range versus miniature golf not being defined.

It was stated the reason for a CUP is to afford the Town the flexibility to make sure the concerns of residents, adjacent business owners, etc., are addressed. The recommendation was made to look at standards that can be made for a specific use or a template that states if this is the use then the following conditions need to be met. It was further noted that in the B-1 district circumstances could be different from one location to another.

A brief discussion was had on the site plan process being administratively approved rather than having to go through the PC for an administrative signature. It was not understood how the PC could be held responsible for signing off on a site plan since there is not a professional engineer (PE) on the PC. It was clear that Council was not comfortable with staff signing off on a site plan and wants them to come to the PC for a cursory look.

Mr. Padberg asked if the PC agreed the change made to the automobile uses made back in September was the right thing to do.

There was a discussion about automobile rental agencies being in the FB/O-1 district. It was noted that a limit on weight was placed on vehicles and a business renting trucks for moving is different from automobiles. It was pointed out that there are personal vehicles and trucks being parked in residential areas that are illegal since they weigh more than 6,000 pounds. It was questioned whether that was recently changed up to 10,000 pounds. Any vehicle over 10,100 pounds, unless it has changed, is classified as a commercial vehicle even if it is for personal use. It was questioned whether a weight limit should be in the zoning ordinance at all. The PC felt there needed to be otherwise someone would park a 5-ton truck in a residential area.

Mr. Brim noted that once the CP is worked on, a comprehensive look would be taken of the zoning ordinance to clean it up.

The suggestion was given to follow the Department of Motor Vehicles guidelines.

Mr. Brim asked if Friday was a good date to have the work sheets turned in.

The PC agreed.

Ms. Waggy felt food vendor vehicles needed to be addressed.

Mr. Brim noted that was agenda Item E.

The PC decided to discuss the matter now. (Item E became Item C)

C. ZTA-12-005 & ZTA-12-006 Section 70-22 Temporary Uses; providing a second option allowing food vendors to operate in a roadside setting and provide clarifying language for yard sale events

Mr. Brim explained that Council requested the PC to relook at food vendors and provide an option that would allow roadside food vendors. He provided the Council with the reasons the PC was against allowing food vendors in a roadside setting; however, the Council still wants a draft allowing them, which the PC can recommend denial or approval.

Mr. Webb felt the Council wanted the PC to write the ordinance for a text amendment change to allow roadside food vendors, then the Council will adopt the ordinance, and then they can say that is what the PC recommended. He felt the Council should sit down with staff and come up with the verbiage to be brought to the PC to vote on.

Ms. Waggy thought that was what the PC already did.

Mr. Brim recommended the PC look at a draft that he puts together incorporating what Council wants. He would want the PC to consider that if food vendors were allowed whether there should be certain conditions put in place if it is adopted. Such as a specific distance from residential, whether there should be a number of parking stalls, if there should be something to deal with smoke and odor, signage requirements, setbacks from the road, etc. He understood that the PC does not want to allow roadside food vendors and will probably recommend denial; however, the concerns can be addressed in the draft ordinance.

Ms. Waggy noted the conditions could include needing a health permit.

Mr. Padberg understood the PC was a recommending body. In his view that was done. He did not know if it was appropriate to write something contradictory to what has already been recommended.

Ms. Waggy explained Council wants a second option.

Mr. Padberg noted that in the four years he has been on the PC they have never provided two options. If there are two options the PC votes on the option it likes and moves it forward, not both. He felt this was a deviation from what proper procedure is supposed to be. Proper procedure is not to vote on multiple options. Proper procedure is to distill the information, send a recommendation to Council, and then Council can do as they see fit.

Ms. Waggy noted the PC was probably provided with more than one option from staff and the PC chose the option it thought was best.

Mr. Brim asked the PC if Council came up with the language whether the PC would want the opportunity to comment on it.

Ms. Waggy stated if Council wants the PC to.

Mr. Webb felt what was going to happen if the PC tells Council that a recommendation has been made, Council will go to Mr. Brim and ask him to write something up, and then a public hearing will be held with the PC followed by Council holding a public hearing.

Mr. Brim was hearing that the PC has already gone through the process of holding the public hearing and provided a recommendation to Council. It is in Council's hands to amend and take it from there since the PC has already gone through its due process.

Ms. Waggy did not understand what Council was asking for in regards to clarifying the language for a yard sale event.

Mr. Brim noted that was the second item Council asked the PC to look at.

Mr. Padberg did not want to move on to the second item yet.

Chair Russell explained language was provided to the PC that was to be addressed. The PC modified that language as a body, voted on it, and made the recommendation to Council. It was up to Council to decide whether to accept it or modify it. The question is how much modification was done from the recommended language. If the language Council wants is not there then it needs to be crafted, brought back to the PC for a vote, and then it goes back to Council.

Mr. Brim noted it is the exact opposite of what the PC did. He noted he would discuss the matter with the Town Attorney to determine if it needs to come back before

the PC for a public hearing. The PC can make a recommendation of denial. He would draft the ordinance with the comments made by Council.

Chair Russell explained the PC does not see any conditions that would be acceptable to allow food vendors in a roadside setting.

Mr. Brim suggested that even though the PC does not see it as an acceptable use there are conditions the PC could add that would make it less horrible.

Mr. Padberg felt that if there were, the PC would have done that. He recalled as the Chair getting a lot of criticism over putting too many conditions on the Badr Academy that was forwarded to Council with the recommendation to approve. He thought there were 25 to 30 conditions.

Mr. Brim said that was not uncommon.

Mr. Padberg noted Council wanted to deny it, asked staff to go back, look at applications that were previously submitted, which the staff member did, Council did not like that so they went to the Town Manager to fix it, which she did with some wordsmithing. The PC was blamed for the poor job that was done. The Council got a recommendation from staff, had the justification for denying it, and could have thrown the PC's recommendation in the trash. He pointed out that did not come back to the PC and one of the reasons he does not understand why the food vendor issue has to come back to the PC.

Chair Russell noted the Council may or may not understand the process or the function of the PC.

Mr. Padberg recalled the application was denied and the reason it did not come back to the PC.

Mr. Brim noted that if a version that allows for the food vendors is developed then it would come back to the PC for a public hearing and recommendation because it is so different from what was originally recommended.

Chair Russell asked about the clarifying language of the yard sale event.

Mr. Brim explained the temporary use section is what is used for yard sales. The precedent was set by a previous Zoning Administrator to require a temporary use permit for yard sales, even for a single family home. He felt that was ridiculous and should be an accessory use. He could see requiring a permit for a larger event or for a Homeowners' Association (HOA) having one with 20 families participating. When an

impact is created with lots of traffic then he could see a reason to require a permit. The Police Department should be able to see a site plan to determine if there are safety issues. He believes Council did not want to require churches or HOA's have to get a permit; however, he thought that would be when you would want one because they are larger events.

Ms. Waggy pointed out that churches have their own parking facilities and it is no more inconvenient for someone to pull in for a yard sale then to attend services.

Mr. Webb pointed out there would be more of a traffic problem after church services when everyone is trying to leave at the same time.

Mr. Brim asked about when a church has a yard sale in a shopping center. He also noted that yard sales are set up outside unlike services, which are inside.

Mr. Padberg did not see a problem with HOA's or churches having them in a neighborhood or residential district. He sees having a yard sale in an abandoned gas station as different, which affects the appearance of the Main Street corridor.

Chair Russell noted the only way the Town can control these types of activities is through the permitting process. He noted there is a difference between having a yard sale once or twice a year versus someone having them every weekend. That is running a business. He felt the permit process is a way to monitor yard sales to keep them from getting out of control.

Mr. Brim noted there is a public safety aspect and trash pick-up. Requiring a deposit gives the Town a way to get the individuals to clean up. The Police Department likes to know because when you have people parking offsite it causes illegal crossing etc. This also allows an officer to patrol the area. He noted that for non-profits the fee could be waived; however, require a deposit in order to make sure that trash is picked up.

Ms. Waggy could understand that along Route 1, but not in neighborhoods.

Mr. Webb has seen it when cars are parked on both sides of the road. It depends on whether it has been published in the paper. He recalled that at one time the fee was waived for non-profits until the Town Attorney said it could not be done up front; however, the non-profit could request Town Council make a donation after the event to get the permit fee back.

Mr. Padberg noted it does not sit well with residents when they find out about the residential yard sale permit requirement.

Mr. Brim mentioned that would be an easy fix by not requiring a permit for them, but you have clarifying language, for a single property owner, only allowing one every 30 days.

Ms. Waggy wanted to allow them only a couple of times a year and not one every 30 days.

Mr. Padberg agreed with Ms. Waggy.

Mr. Webb suggested once every quarter, 90 days apart.

Chair Russell explained that with having it in writing it allows an adjacent neighbor to advise the individual that they are in violation.

Mr. Brim mentioned that a violation of the zoning ordinance could be issued.

Ms. Waggy agreed with churches having a permit, paying a fee, and after the event has occurred, the fee would be refunded if the area were clean.

Mr. Webb suggested no fee for the permit and a \$50.00 deposit that would be refunded once the event is over if the area is clean.

Mr. Padberg asked if it was necessary for a church that has been established, rents or owns property in the Town, and has off street parking to get a permit or pay a deposit.

Chair Russell asked if the nuisance ordinance could be used if signs are not taken down or trash was not picked up.

Mr. Brim explained the nuisance ordinance is not as easy to enforce. The nuisance ordinance is more for things like people storing junk that have an impact environmentally or to adjacent property owners. The deposit is refunded if the area is picked up and stays within the parameters of Town code. Signs cannot be placed on power poles and the deposit would be forfeited.

Mr. Padberg felt the deposit opposed to the cost of staff to run around and check is not beneficial. He asked how many churches are going to be a problem.

Mr. Brim thought that if a yard sale was going to be held in a shopping center that a permit and deposit should be required.

Mr. Padberg reiterated that a residential neighborhood, a single owner, could have a single yard sale up to four times a year without a permit or deposit. Places of worship, on their own property, can hold a yard sale without a permit.

Mr. Brim suggested putting religious institutions and nonprofit organizations in the same category.

Mr. Padberg asked how the language would be crafted for yard sales other than residential, religious institutions, or nonprofit organizations. He used the example of a religious institution that rents space in a shopping center.

Mr. Brim suggested anything in a shopping center. If a church chose to go into a shopping center, they are sharing space with other businesses. He asked the PC to give him some time to come up with some language.

Mr. Padberg asked if anyone who wants to could have a yard sale no more than four times a year with the stipulation that you cannot lease the rights to someone else.

Mr. Brim suggested using the verbiage of commercial site.

Mr. Padberg suggested not having a permit process for yard sales at all.

Ms. Waggy noted the code allows seasonal vendors to set up.

Mr. Brim suggested discussing the matter at the next meeting.

Mr. Arshad did not want to have a permit requirement. He used the example of an individual having a yard sale, their home was foreclosed on, and they left stuff behind after.

Mr. Brim asked if the matter could be brought back to the October meeting in order for some research to be done and language put together.

It was the consensus of the PC to allow in residential districts, a single owner, having a yard sale without having to get a permit or provide a deposit.

D. ZTA-12-003 Section 70-2 Criminal Violations and Penalties; addition of civil penalties for certain zoning violations

Mr. Brim advised that State code provides enabling legislation that allows localities to access civil penalties for specific zoning violations. For Example, what would happen is the Zoning Administrator would go out to a site where there were signage violations and issue a ticket. The ticket would have no fee associated with it. It would be a warning that would state that in 30 days there is a \$200.00 fee if the violation if not abated. The surrounding localities are finding that this has been very successful in

getting certain zoning violations abated quickly. If the violation is not abated in the 30 days, another fine after 10 days of \$500.00 is added to the violation, which continues to be added every 10 days until the amount has reached \$5,000.00. Once the fines reach \$5,000.00, the Town can take the property owner to court. It is then up to the judge to issue a court order. A second option for the property owner is to come to the Town, pay the fee before the scheduled court date, and abate the violation. It is faster and cleaner. This provides more teeth to what the Zoning Administrator can do. The proposed language is as follows:

Proposed Text Amendment to Section 70-2. –

Penalties Sec. 70-2.1- Criminal Violations and

Penalties.

- (a) Any person, whether as principal, agent, employed or otherwise, violating, causing, or permitting the violation of any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not less than \$10.00, nor more than \$1,000.00. ~~for each violation. Each day upon which such violation shall continue shall constitute a separate offense.~~ In the case of a continuing violation, further penalties and abatement orders are governed by Virginia Code § 15.2-2286 A.5.
- (b) The remedy provided for in this section shall be in addition to any other remedies provided by, however, the designation of a particular violation of the zoning ordinance as an infraction pursuant to Section 70-2.2 of this Code shall preclude criminal prosecution or sanctions, except for any infraction also resulting in injury to any person or persons or where such civil penalties exceed \$5,000.00.

Sec. 70-2.2 – Infractions and civil penalties.

- (a) Any violation of the following provisions of this chapter shall be punishable by a civil penalty of \$200.00 for the initial summons and \$500.00 for each additional summons.
 - (1) Erecting or maintaining fences in violation of this chapter.
 - (2) Erecting or maintaining signs in violation of this chapter (except for posting of signs on public property or public rights of way, which is not subject to civil penalty).
 - (3) Failure to enclose trash receptacles in violation of this chapter.
 - (4) Failure to use parking and loading spaces in accordance with this Chapter and approved site plans.
 - (5) Obstructions that impair the vehicular sight distance at an intersection, such as structures, fences, plantings or landscaping; and obstructions created by any structure or landscaping of any form along a public right-of-way that will impede the adjoining property owner's sight distance for access onto a public right-of-way.
 - (6) Conducting a home business, as defined in this chapter, without obtaining the appropriate permit, or conducting a home occupation, as defined in this chapter, without obtaining the approval of the zoning administrator.
 - (7) Storage, keeping collecting or bailing of paper, rags, scrap metals, other scrap or discarded materials, or the storage of automobile or other vehicles not in operable condition or the storage of machinery or parts thereof, in violation of this chapter.
 - (8) Alteration of a structure within the historic district without a certificate of appropriateness.

- (9) [Parking and storing vehicles in violation of this chapter.](#)
 - (10) [Constructing accessory structures in violation of this chapter.](#)
 - (11) [Nonconforming uses in violation of this chapter.](#)
 - (12) [Failure to obtain a certificate of occupancy in violation of this chapter.](#)
- (b) [Each day during which any violation of the provision enumerated in subsection \(a\) of this section is found to have existed shall constitute a separate offense. However, in no event shall any such violation arising from the same set of operative facts be charged more frequently than once in any ten-day period, nor shall a series of such violations arising from the same set of operative facts result in civil penalties which exceed a total of \\$5,000.00. The existence of a civil penalty shall not preclude enforcement by the zoning administrator under subdivision A.4 of Virginia Code § 15.2-2286 or enforcement by the City Council under Virginia Code § 15.2-2208.](#)
- (c) [After having served a notice of violation on any person committing or permitting a violation of a zoning ordinance provisions enumerated in subsection \(a\) of this section and if such violation has not ceased within such reasonable time as is specified in such notice, then, upon the approval of the town attorney, the zoning administrator shall cause two copies of a summons to be personally served upon such person.](#)

Mr. Brim noted that Mr. Webb recommended that all the fees listed in the text amendment be removed and reference be made to see the fee schedule, place all the fees in the fee schedule, so that if State code changes or Council wants the fees to be decreased then just the schedule would need to be changed. He wanted to schedule a public hearing.

Mr. Webb thought it was a good way to handle zoning violations.

Mr. Webb and Ms. Waggy were agreeable to holding a public hearing.

Mr. Padberg was concerned with the fee.

E. ZTA-12-004 Town Council's request for the review of Section 70-14 Signs, related to the allowance of religious institutions and non-profit organizations to display temporary signs

Mr. Brim advised that Council directed the PC to amend Section 70-14 to add a section permitting religious institutions and nonprofit organizations to use temporary signage up to four times annually on their property. A sign permit will still be required. He went over the following proposed language and asked that this be moved to a public hearing.

Section 70-14(h)

- (h) [Temporary signs for religious institutions and nonprofit organizations. Religious institutions and nonprofit organizations are permitted to display a](#)

temporary sign banner for a 30 day period four times annually. Banner sign shall not exceed 20 square feet in size. Such signs are permitted in order to advertize special programs, events and grand openings. A permit is required.

Chair Russell for clarification confirmed the CUP-12-001 Matthew's Center would be scheduled for a public hearing for the October meeting. He noted that ZTA-12-002, Council's request for the review, update, and alignment of descriptions, governances, and allowances of business types would be carried to the work session for further discussion.

Mr. Brim reminded the PC to return the work sheets to him by Friday.

Chair Russell asked if any PC members had an issue with ZTA-12-003, Section 70-2, Criminal Violations and Penalties going to a public hearing.

Mr. Padberg commented that there are things that need to be cleaned up in the zoning ordinance that tie into the proposed text amendment. He noted that in light of the earlier conversation about weight limits in the residential district there are violations occurring with people parking personal vehicles.

Mr. Brim recommended the PC tell him which items to take out and hold the public hearing and during the technical update next year, those things that were removed can be added back in.

Mr. Padberg clarified that what was being proposed as the solution is to take the parking and storing vehicles in violation of this chapter out of the text amendment. He was thinking that part of this would be cleaning up the vehicle description in the zoning ordinance at the same time.

Mr. Brim proposed changing the wording to parking on unapproved surfaces. The problem he has is people parking on grass.

Chair Russell asked if there would be a work session prior to the next meeting.

Mr. Brim noted that was up to the PC.

Chair Russell questioned whether there would be enough time to work on the text amendment prior to holding the public hearing in the regular session.

Ms. Waggy did not think there would be enough time.

Mr. Brim felt that if the PC was not comfortable with moving it to a public hearing that the text amendment should be discussed in a work session before scheduling a public hearing.

Chair Russell felt that was what the PC should do. He asked if any PC members had an issue with ZTA-12-004, Council's request for the review of Section 70-14 Signs, to allow religious institutions and non-profit organizations to display temporary signs. He noted the language for yard sales was provided and would come back at the next work session.

Mr. Brim announced that there is a scheduled joint meeting on October 23 with Council. He asked the PC if they had any items they wanted to discuss with Council.

Chair Russell suggested discussing what the process and the role is of the PC. He thought that a review of the CP with Council is in order; giving an overview of what it is, where it is at, the changes that have been made, and the direction that it is going.

IV. Next Meeting October 15, 2012

V. Adjournment

Mr. Padberg moved, seconded by Mr. Webb, to adjourn the meeting. The motion carried by the following voice vote: Naeem Arshad, yes; Gina Critchley, yes; Christopher Padberg, yes; William O'Kelly Russell, yes; Louise Waggy, yes; John Webb, yes; vacant seat.

Minutes submitted by

Approved by

Dawn Hobgood
Town Clerk

William O'Kelly Russell
Chair