Town of Dumfries
Council Meeting

Meeting Date: October 22, 2013

Agenda Item# VII - C

AGENDA ITEM FORM

TYPE OF AGENDA ITEM:

☐ CONSENT AGENDA
☐ PRESENTATION
☐ ACTION ITEM
☐ TOWN MANAGER & STAFF COMMENTS
☐ PUBLIC HEARING

☐ Duly Advertised

PURPOSE OF ITEM:

☐ INFORMATION ONLY
☑ DISCUSSION ONLY
☐ DISCUSSION AND/OR DECISION
☐ Introduction ☐ Resolution
☐ Ordinance ☐ Grant/MOU

☐By Motion ☐ Bylaws
☐Certificate

PRESENTER: Laura O'Dell **PRESENTER TITLE:** Town Planner/Zoning Administrator

AGENDA ITEM:
Amendment to Temporary Uses Sect. 70-22(3), Yard Sales

BACKGROUND / SUMMARY:
In recent months, it has been noticed that yard sales have been held in Town and that there is no clear ordinance regulating the use of yard sales. A majority of these yard sales have occurred along Rt. 1 and have created a concern for public safety. In the past residents who have come to the Town Hall requesting a permit for a yard sale have been requested to fill out a Temporary Use Permit application for their event, however there is no supporting language in the Town Code requiring residents to do so. There is also no language to regulate the use, frequency, and location of yard sales in Town.

Language has been proposed to be added to Temporary Uses Sect. 70-22(3) regulating the use of yard sales and requiring residents to obtain an approved Temporary Use Permit prior to the event. The yard sale ordinance has been presented, reviewed, and discussed by the Planning Commission June 10, July 15, and August 12, 2013. On September 9, 2013, the Planning Commission passed a resolution to move the amendments to Temporary Uses Sect. 70-22(3) to the Town Council for review.

ATTACHMENTS:
Memorandum with proposed amendment

REQUESTED ACTION: ☐ NO ACTION REQUESTED
Direct staff to place a resolution on the Consent Agenda to Authorize the Town Manager to Schedule a Joint public Hearing

FOR MORE INFORMATION, CONTACT:
Phone#: 703-221-3400
Name: Laura O'Dell
E-mail: lodell@dumfriesva.gov

FOR USE DURING MEETING **VOTE:** ☐ PASSED ☐ NOT PASSED

Y	N		Y	N		Y	N	
☐	☐	Brewer	☐	☐	Foreman	☐	☐	Forrester
☐	☐	Reynolds	☐	☐	Toney	☐	☐	Washington
☐	☐	Wood						

Form updated 11-12 by DMH

DUMFRIES, VIRGINIA
Virginia's Oldest Continuously Chartered Town
CHARTERED 1749 INCORPORATED 1961

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MEMORANDUM

TO:	Town Council
FROM:	Laura O'Dell, Town Planner/Zoning Administrator
DATE:	September 17, 2013
RE:	Review of Amendment to Temporary Uses Sect. 70-22(3)

BACKGROUND

In recent months it has been noticed that yard sales have been held in Town and that there is no clear ordinance regulating the use of yard sales. A majority of these yard sales have occurred along Rt. 1 and have created a concern for public safety. In the past residents who have come to the Town Hall requesting a permit for a yard sale have been requested to fill out a Temporary Use Permit application for their event, however there is no supporting language in the Town Code requiring residents to do so. There is also no language to regulate the use, frequency, and location of yard sales in Town.

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Sec. 70-22 - Temporary Uses

(3) Yard sales for the temporary sale of household goods will be allowed on residential lots, legally nonconforming residential lots, and church held yard sales which may be conducted in any residential or non-residential district, provided that:

a. A permit is obtained from the town prior to the event, and will be issued free of charge.
b. Permits shall only be issued to property owner/s or to a tenant with written permission by the property owner/s.
c. No more than three permits will be issued per lot in a 12 month period.
d. All yard sale permits are temporary in nature and shall be valid for no longer than two days.
e. All merchandise and staging equipment must be removed at the conclusion of the sale.
f. A setback of 10' must be maintained from any street, front, side, or rear yard.

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g. Temporary signs may be allowed in accordance with Sec. 70-14 of the Zoning Ordinance, however signs for yard sales may not be displayed longer than 5 days prior to the event, and must be removed once the sale is over.
h. Sale of commercial goods is prohibited.

RECOMMENDATION

Staff recommends that the Town Council review the amendment to Temporary Uses Sect. 70-22(3), yard sales, and provide direction.