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

John Wilmer Porter Municipal Building
17739 Main Street, Suite 200
Dumfries, Virginia 22026
Tel: 703-221-3400 / Fax: 703-221-3544
www.dumfriesva.gov

DUMFRIES TOWN COUNCIL MEETING 7:00 P.M.
WEDNESDAY, AUGUST 5, 2020

MEETING HELD VIRTUALLY DUE TO LOCAL DECLARED EMERGENCY RELATED TO COVID-19

https://zoom.us/j/522250983?pwd=M0I0WGFvR09ObWhmZ042bVlHOVVtUT09
Password: 635196

AMENDED

I. Call to Order and Roll Call

II. Moment of Silent Prayer & Pledge of Allegiance

III. Adoption of the Agenda

IV. Presentation

A. Comprehensive Plan Update - AECOM

V. Action Items

A. Ordinance Authorizing the Town Manager Execute a Purchase and Assignment of Rents and Lease of Town Telecommunications Facilities Located at 3460 Canal Road **(TO BE CONTINUED TO SEPTEMBER 1st)**

B. Initiating Resolution to update the Town's Comprehensive Plan – William Capers III, Director of Planning & Community Development **(Public Hearing Date: September 15th)**

C. Initiating Resolution to amend to Chapter 70-1, Sec. 70-13, Sec. 70-14, and Division III – William Capers III, Director of Planning & Community Development **(Public Hearing Date: September 15th)**

D. Initiating Resolution to authorize a Public Hearing for ZTA2020-001 – William Capers III, Director of Planning & Community Development **(Public Hearing Date: September 15th)**

E. Ordinance to Amend Chapter 70, Article IV (Site Plan) of the Town Code – William Capers III, Director of Planning & Community Development

F. Ordinance to Amend Chapter 54 (Subdivisions) of the Town Code – William Capers III, Director of Planning & Community Development

G. Resolution to Re-Appoint Diana Knez to the Planning Commission – William Capers III, Director of Planning & Community Development

H. Ordinance to Vacate a Portion of Market Street (GPIN 8189-91-1574) – Jonet Prevost-White, Director of Public Works

I. Resolution to Rename Merchant Park Bandstand to "Dumfries Distinguished Citizen Bandstand" – Councilwoman Miles

J. Motion – To direct the Town Manager to work with public safety professionals to review policies and procedures particularly, Use of Force, De-Escalation, and community relations – Vice-Mayor Nickerson

K. Motion – To direct the Town Manager to draft a letter to state officials to extend moratorium on evictions – Councilwoman Neville

L. Initiating Resolution to authorize a Public Hearing for ZTA2020-002 – Keith Rogers Jr., Town Manager **(Public Hearing Date: September 15th)**

V. Discussion Item

A. Town Manager's Report

VI. Closed Session (2 matters – Each a discussion of the performance of a specific employee, pursuant to Va. Code §§2.2-3711.A.1)

VII. Adjournment

2020 Comprehensive Plan Update and New Zoning Districts

Town of Dumfries

August 5, 2020

AECOM

Agenda

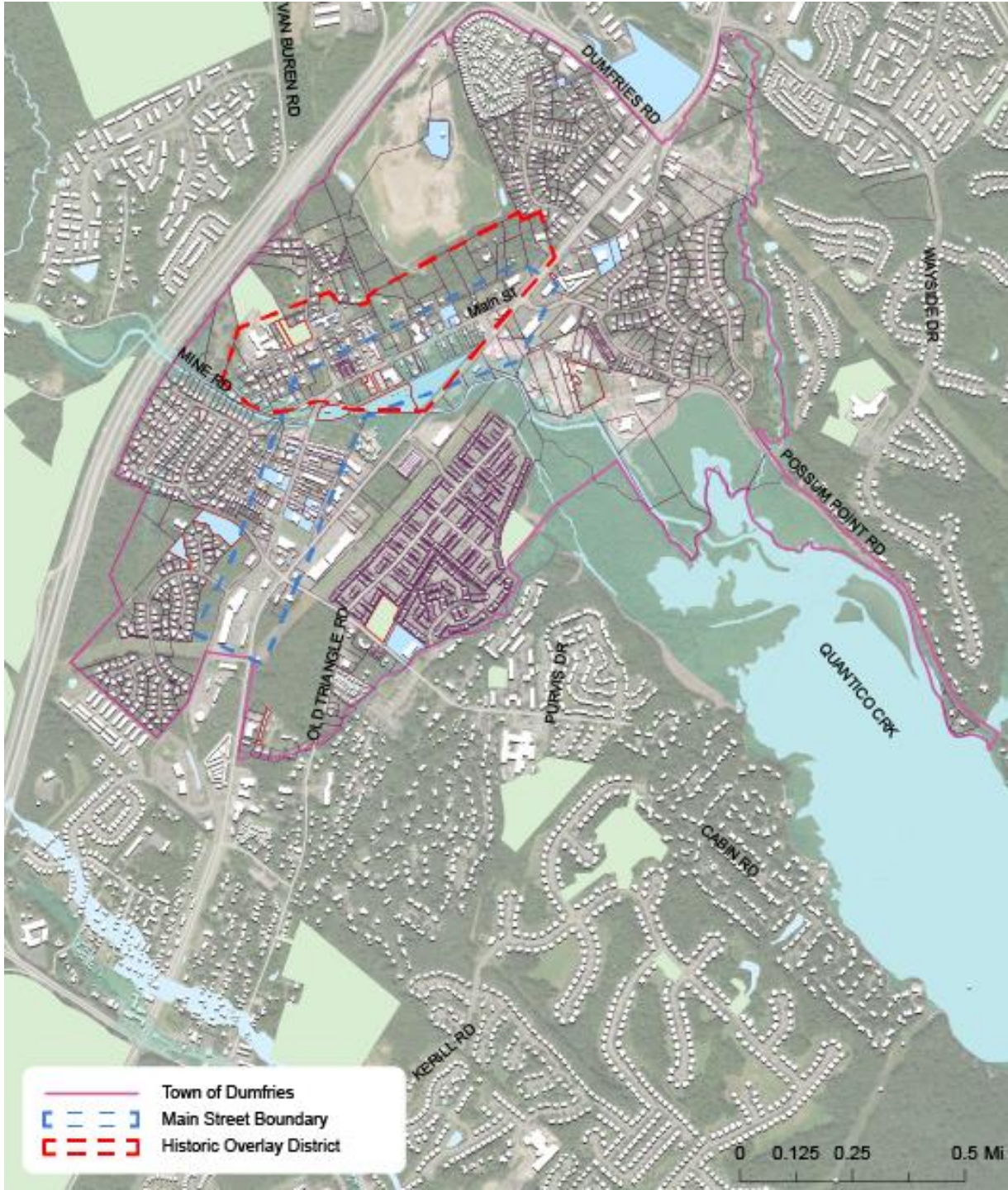
1. Review of Main Street project and outcomes
2. Updates to the Comprehensive Plan
3. Zoning Code Amendments

Dumfries Main Street

This project envisioned a new Main Street and developed supporting regulatory changes, including updates to the Comprehensive Plan and Zoning Ordinance. The project lays the groundwork for the transformation of Main Street into a destination for residents and visitors alike.

Revisions, updates, and new additions include:

- **Comprehensive Plan Amendment 2020, including:**
  - Updated demographic information and analysis
  - Addition of Main Street Small Area Plan (SAP)
  - Updates to other chapters to reflect SAP, including Utilities, Transportation, Open Space, and Housing
- **Zoning Ordinance changes, including:**
  - New Planned Main Street District
  - New Residential – Off Main Street District
  - Updates to other sections, including signage and parking, as necessary.



Main Street Vision

Dumfries' Main Street has the potential to transform from a VA state highway route (Route 1 southbound) into a vibrant mixed-use area for residents and visitors alike.

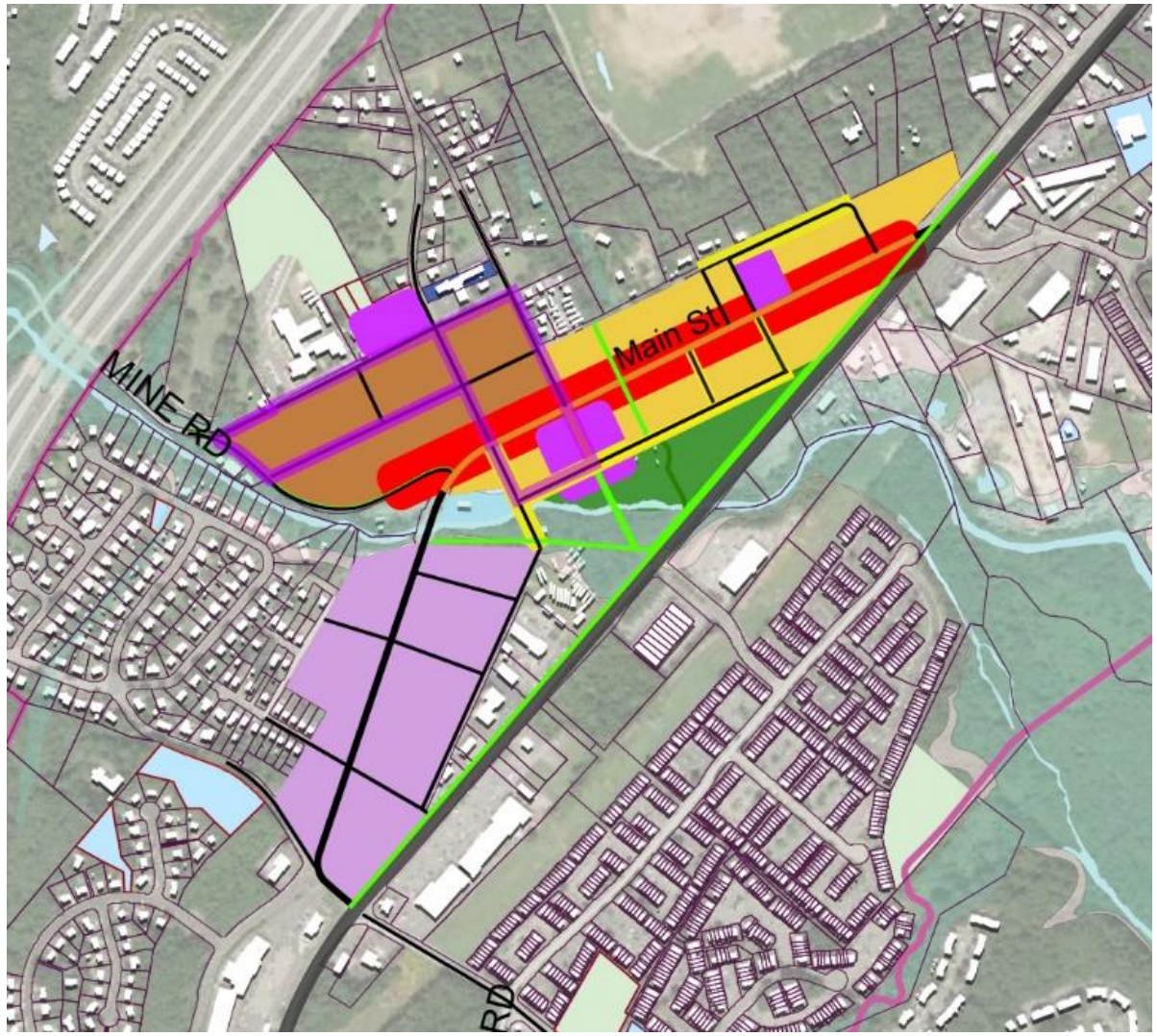
Building on community feedback, Main Street is envisioned to evolve into a mixed-use downtown area for the local community and to serve as a destination for the broader region. It will be a vibrant and walkable area that supports a mix of businesses, provides a range of housing types for a variety of incomes, and serves as an attractive and inviting gateway for the Town.

The new Main Street will:

- Be a vibrant and walkable area that supports a mix of businesses, provides a range of housing types for a variety of incomes, and serves as an attractive and inviting town center.
- Reintroduce a building form and scale in line with the historic built environment along Main Street
- Showcase the history of Dumfries by retaining the original street grid and improve to include multiple modes and safe crossings
- Encourage a diverse set of land uses, building forms and architectural styles
- Emphasize Dumfries' civic roots by creating a civic loop that connects the Town's municipal offices, Garrison Park, Dumfries Elementary School, Merchant Park and Weems-Bott Museum
- Celebrate the current demographics by providing public places and spaces for everyone

Dumfries Main Street

Main Street Small Area Plan



Key Features

- Mixed uses along Main Street north of Quantico Creek
- Ground floors are activated by retail, dining and other uses
- Improved bike and pedestrian facilities
- Diversification of housing types north of Main Street

- Planned Main Street Area
- Residential, Off Main Street
- Commercial Flex
- Park / open space
- Civic / cultural
- Publicly Owned
- Existing roadway connections
- Proposed roadway connections
- Walking and cycle paths
- Main Street – multimodal
- Civic & cultural loops (multimodal)

Main Street Small Area Plan – Implementation

Action Strategies:

LU-MS-1 Approving the 2020 update to the Comprehensive Plan.

LU-MS-2 Approving the 2020 amendment to the Zoning Ordinance.

LU-MS-3 Preparing a design consistent with the ARB Guidelines for improving the Main Street right-of-way between Fraley Boulevard and Quantico Creek (northern side, passing by the Town offices).

LU-MS-4 Securing the transfer of ownership rights to the Main Street right-of-way from VDOT to the Town of Dumfries, once the improvements to Fraley Boulevard are complete.

LU-MS-5 Carry out the improvements to Main Street based on the new design under LU-MS-3.

LU-MS-6 Design and construct improvements to Garrison Park.

LU-MS-7 Investigate options for development of a structured public parking facility along Main Street.

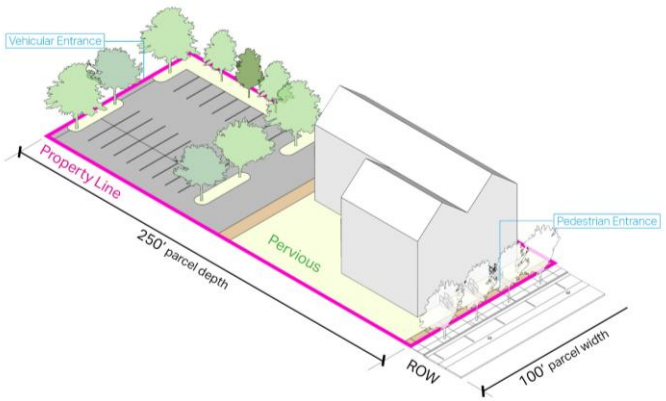
LU-MS-8 Make landowners and developers aware of the guidelines for transformation of Main Street. Provide them with the pattern book. Provide pre-submission briefings on intent, guidelines and statutory requirements (Zoning Ordinance).

Main Street – Illustrative Potential at Build-Out

Main Street – Prototypical Development Types

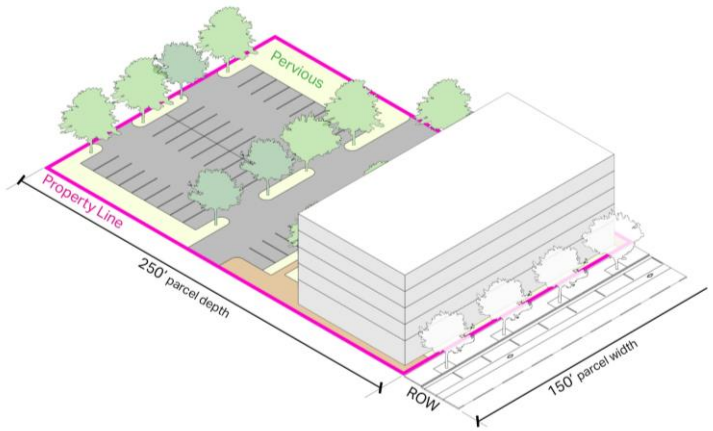
Prototype 1 - Mixed-use residential

Parcel size: 25,000 sqft
Building footprint: 5,600 sqft
FAR: 1.5
Parcel assembly: No



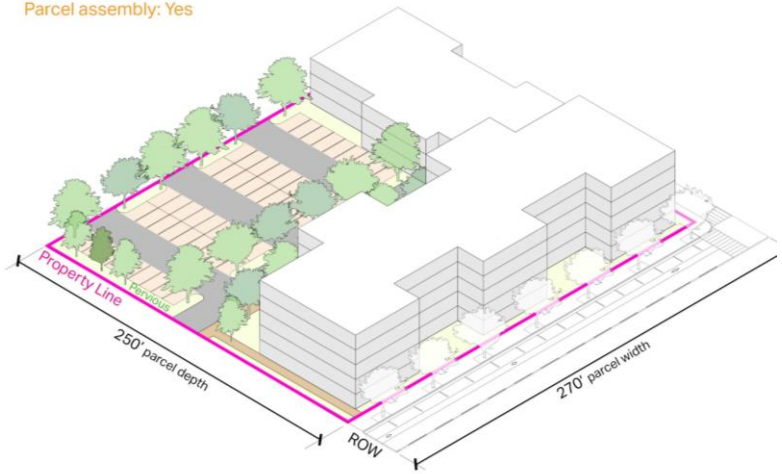
Prototype 2 - Mixed-use residential

Parcel size: 25,000 sqft
Building footprint: 11,000 sqft
Floors: 5
Parcel assembly: Yes



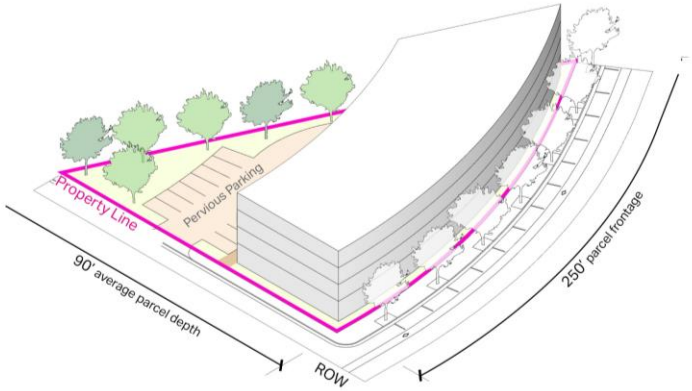
Prototype 3

Parcel size: 67,500 sqft
Building footprint: 28,500 sqft
Floors: 5
Parcel assembly: Yes



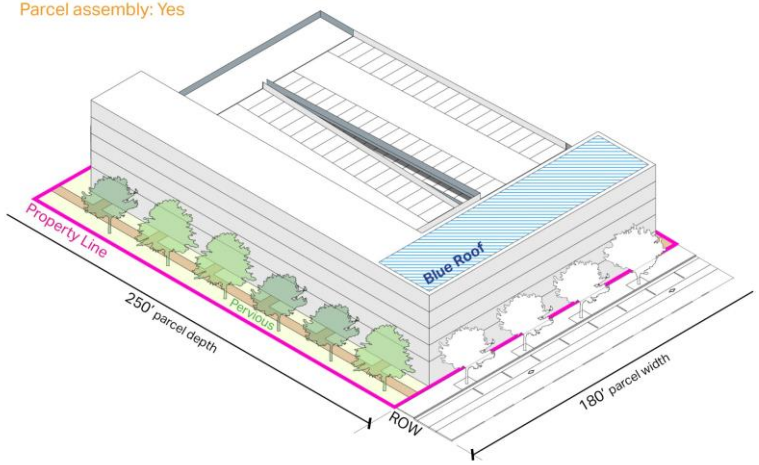
Prototype 4 - Mixed-use building as southern gateway

Parcel size: 22,500 sqft
Building footprint: 13,500 sqft
Floors: 4
Parcel assembly: Yes

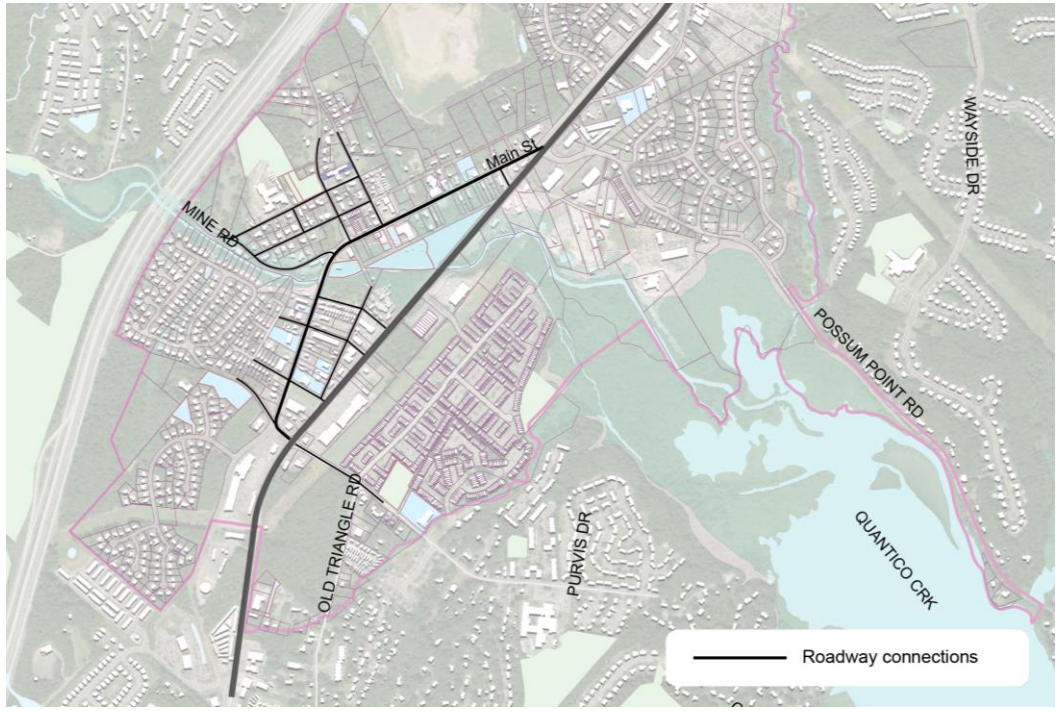


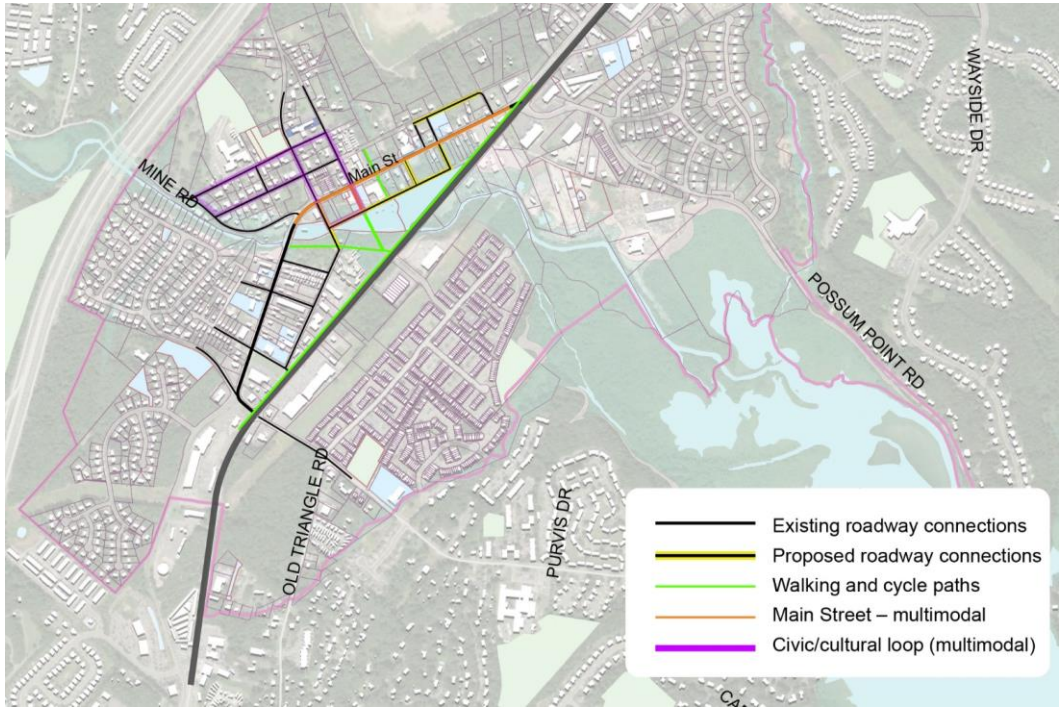
Prototype 5 - Parking structure with activated ground floor

Parcel size: 45,000 sqft
Building footprint: 13,000 sqft
Building and parking garage footprint: 21,000 sqft
Floors: 5
Parcel assembly: Yes



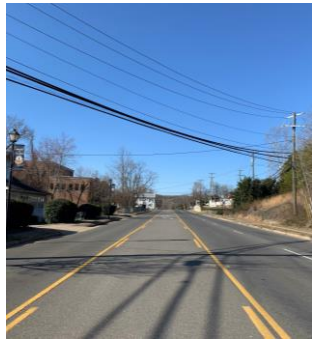
Main Street – Existing + Future Mobility





Current Characteristics

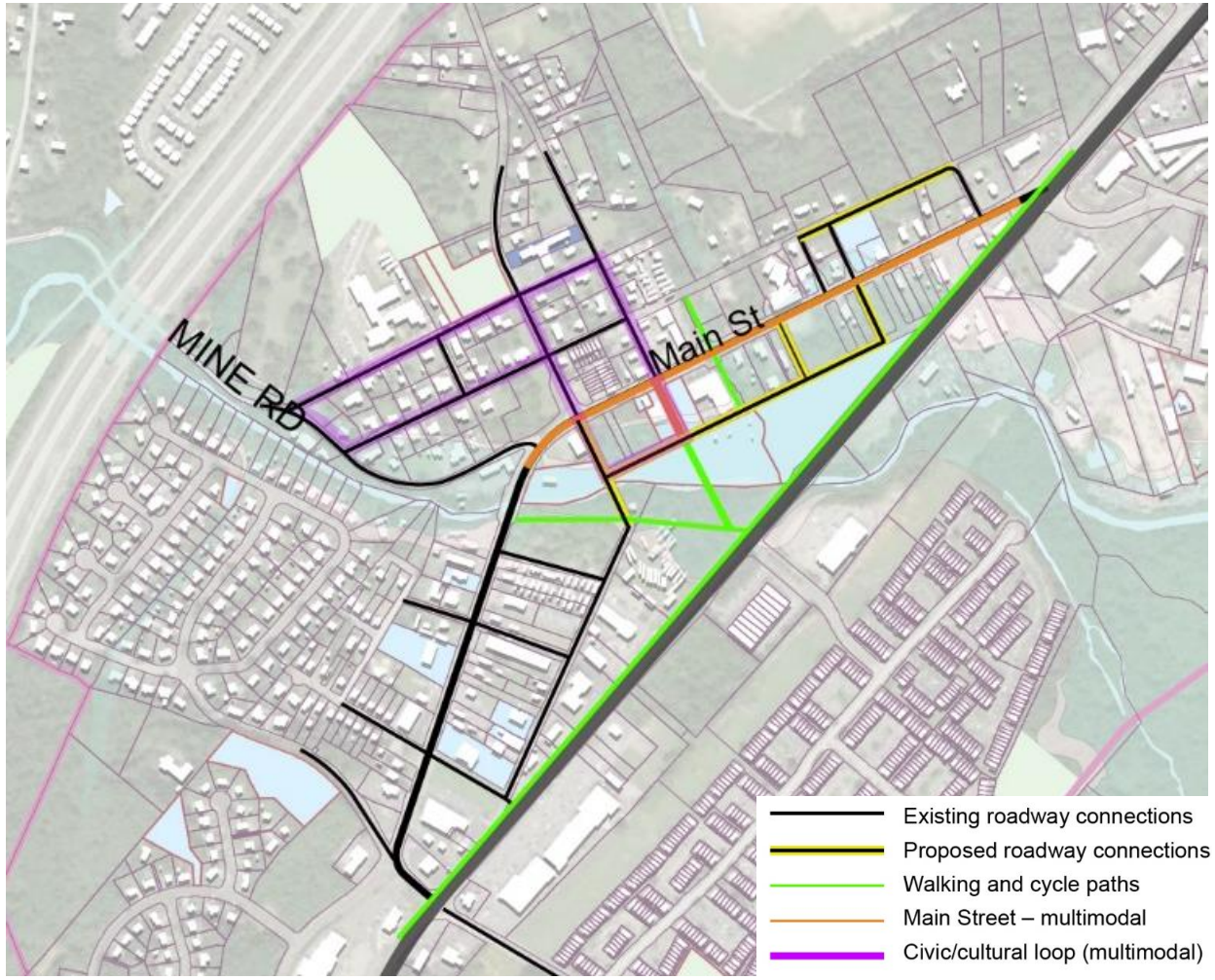
- 70 ft right-of-way (ROW)
- Car-oriented
- 3 lanes (free-flowing)
- 1 turning lane
- Fairly consistent sidewalks
- Zero protected crossings



Future Characteristics

- 70ft right-of-way (no change)
- Multi-modal
- 2 lanes
- Street parking
- Bike lanes / facilities
- Street trees and lighting
- Sidewalks and safe crossings

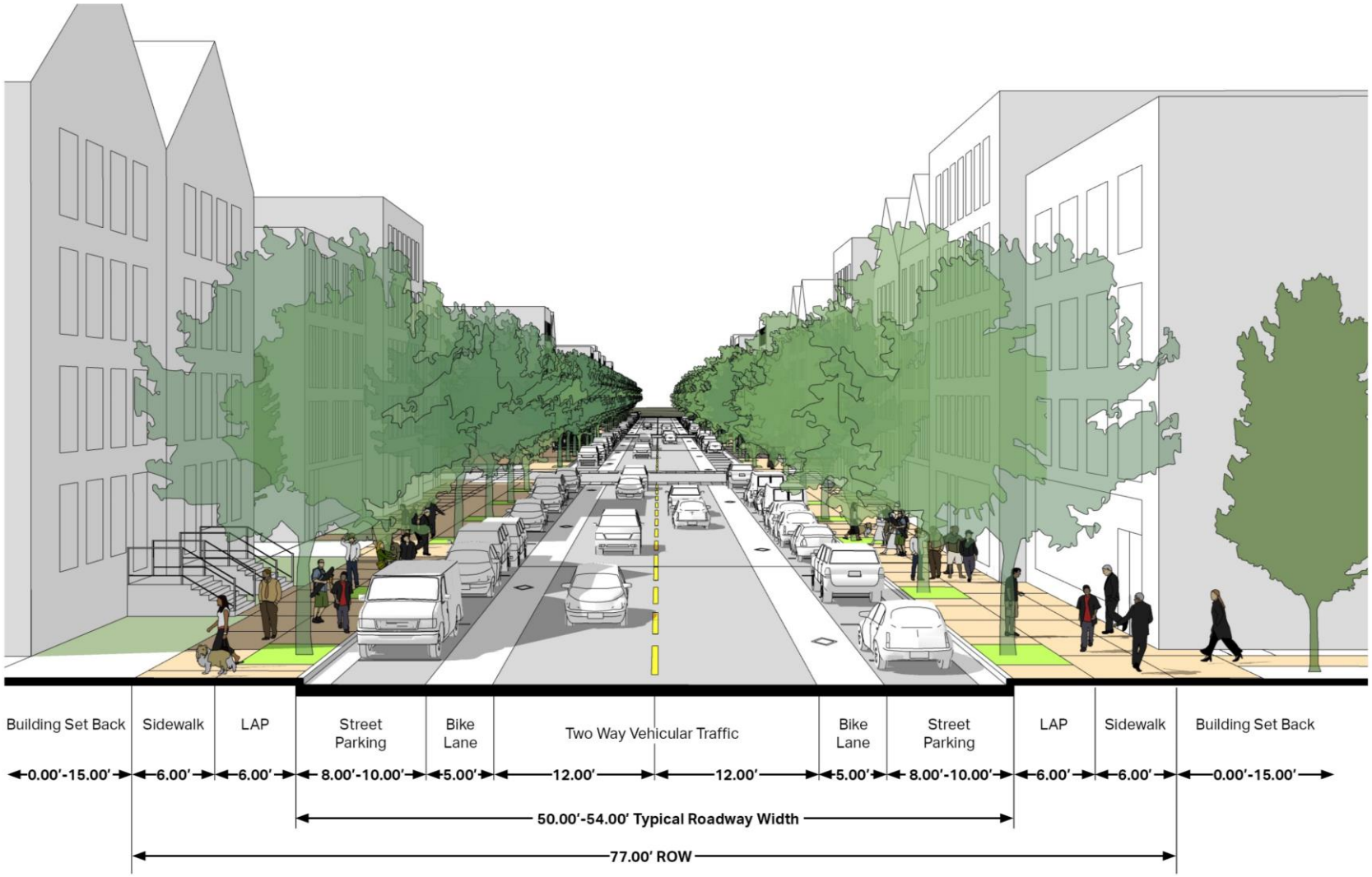
Main Street – Future Mobility



Main Street area mobility:

- Main Street becomes multi-modal – a place where pedestrians and bikes are comfortable
- Speed reduces to 25 mph along Main Street
- New streets north of Main Street close the grid and encourage development north of Main Street
- New streets south of Main Street provide access to parking and facilitate service access
- New walking and cycling paths and connections encourage non-motorized travel

Main Street – Street Section



Main Street

- Maintains current width of 70' (ROW)
- Removed turning lane and redistributed space within ROW
- 2 lanes (12' each lane)
- 2 bike lanes/facilities (5' each lane)
- Street parking (8-10')
- 6' Landscape Area Panel and 6' sidewalk

Updates to the Comprehensive Plan

Community Profile Chapter – Updated census and demographic profile of Dumfries

Land Use Chapter – Inserted Main Street SAP setting out proposed land use, building form and scale, with references to proposals related to transportation, housing, and other details provided other chapters. Strengthened existing Policies in the Implementation section.

Infrastructure Chapter – Inserted new stormwater management section and strengthened existing Action Policies Implementation section.

Transportation Chapter – Inserted proposed improvements to Main Street, including its conversion into a ‘Complete Street’ with pedestrian and cycle facilities and street trees. Strengthened existing Action Policies Implementation section.

Parks and Recreation Chapter – Inserted proposed open space improvements, including walkable and bikable connections between key destinations such as signature open space (Garrison Park) and cultural and historic destinations such as Weems-Botts Museum.

Housing Chapter – Updated housing data and analysis and inserted recommendations for promoting affordable housing. Strengthened existing Policies in the Implementation section.

Zoning Code – New Districts

Planned Main Street District - PMSD

This district provides the framework for redeveloping the Main Street corridor into a compact, walkable mixed-use area that acts as the heart of the historic Town of Dumfries. In the future, Main Street will accommodate a mix of land uses, including retail, dining, residential, and civic functions. The use of a broader range of transportation modes, such as walking, biking, transit and personal automobiles, will also be facilitated in the Main Street district. Whereas Planned Mixed Use Development (PMUD) districts are used for new “greenfield” developments with multiple buildings on a large parcel of land, this district is used specifically for redeveloping the existing Main Street corridor on a building-by-building or parcel-by-parcel basis.

Relevant zoning regulations:

- Maximum density is 35 dwelling units/gross acre, which corresponds to 5-story development
- Minimum FAR is 1.5 / Maximum FAR is 3.0
- Allowable uses – multi-family residential, office, retail, dining, and entertainment, off-street parking
- Non-residential ground floor uses – minimum 60% of floor area of building facing Main Street
- Setbacks – 0-15’ from right-of-way along Main Street
- Lot size – Minimum 10,000 sq ft (for buildings containing one or more uses)
- Lot frontage – Minimum 40 ft (width)
- Building height – Maximum 65 ft

Zoning Code – New Districts

Residential, Off-Main Street

This district was developed specifically for use in the existing residential area adjacent to the Main Street corridor. The intent of this district is to enhance and preserve the existing residential fabric, while promoting the expansion of housing choice by allowing development of small-scale multifamily buildings. The new buildings are regulated spatially so that their volume and siting will be similar to that of the existing single-family houses in the area. The additional households that can be accommodated in the future in this area will help to support the financial viability of new retail and food and beverage establishments on Main Street. This medium-density residential district should provide a suitable environment for families that desire quiet homesites without fear of encroachment of dissimilar uses.

Relevant zoning regulations:

- Maximum density is 12 dwelling units/gross acre
- Allowable uses: same as R2, plus allows duplexes, threeplexes, and fourplexes
- Minimum lot size is 7,500 sq ft
- Setbacks – Maximum 30’ from right-of-way
- Lot Frontage – Minimum 50 ft (width)
- Building height – Maximum 35 ft

Zoning Code – Additions to Existing Sections

Shared Parking – Main Street
Minimum parking standards may be shared between uses on one parcel, or between parcels, such as through a municipal parking lot. Formal agreements between parcels owners, and approval by the Town's Zoning Administrator is required.

Signage – Main Street
A sign master plan is required, and must align with Architectural Review Board signage requirements.

Miscellaneous – New definitions:
- Courtyard Cottage Housing
- Floor to Area Ratio (FAR)
- Fourplex
- Threeplex

AT A MEETING OF THE DUMFRIES TOWN COUNCIL HELD VIRTUALLY ON AUGUST 5, 2020: ON A MOTION DULY MADE BY _____, AND SECONDED BY _____, THE FOLLOWING RESOLUTION WAS ADOPTED BY THE DUMFRIES TOWN COUNCIL WITH THE FOLLOWING VOTE:

Charles C. Brewer, _____;
Brian K. Fields, ___;
Selonia B. Miles, _____;
Cydny A. Neville, _____;
Monae S. Nickerson, _____;
Melva P. Willis, _____;
Derrick R. Wood, _____;

RESOLUTION TO INITIATE A COMPREHENSIVE PLAN AMENDMENT TO UPDATE THE COMMUNITY PROFILE CHAPTER, TO MAKE AMENDMENTS TO THE MAIN STREET SMALL AREA PLAN SECTION OF THE LAND USE CHAPTER, TO MAKE UPDATES TO THE HOUSING CHAPTER, AND TO MAKE MINIOR EDITING AMENDMENTS TO THE COMPREHENSIVE PLAN

WHEREAS, at its August 5, 2020, meeting, the Town Council discussed whether the Planning Commission should be asked to consider and recommend adoption of amendments to the Comprehensive Plan to include updates to the Community Profile chapter, amendments to the Main Street Small Area Plan section of the Land Use Chapter, updates to the Housing Chapter, and whether minor editing amendments should be made to the Comprehensive Plan in general; and

WHEREAS, Va. Code §15.2-2223 requires local planning commissions to prepare and recommend a comprehensive plan for the physical development of the territory within its jurisdiction; and

WHEREAS, Va. Code §15.2-2228 allows the local planning commission to recommend adoption of parts of the comprehensive plan; and

WHEREAS, consideration of the aforementioned amendments to the Comprehensive Plan supports good planning practice, and the general well-being of the community.

NOW, THEREFORE, BE IT RESOLVED that the Town of Dumfries Town Council this 5th day of August 2020 does hereby initiate amendments to the Comprehensive Plan to:

1. Update the Community Profile Chapter;

2. Make amendments to the Main Street Small Area Plan section of the Land Use Chapter;

3. Update the Housing Chapter; and

4. Incorporate minor editing amendments; and

BE IT FURTHER RESOLVED that the foregoing proposed amendments to the Comprehensive Plan are hereby referred to staff for analysis and preparation of appropriate amendments and referred to the Planning Commission for public hearing and recommendation.

By Order of Council:

_____
Derrick R. Wood, Mayor

Attest:

_____
Dawn Leander, Town Clerk

AT A MEETING OF THE DUMFRIES TOWN COUNCIL HELD VIRTUALLY ON AUGUST 5, 2020: ON A MOTION DULY MADE BY _____, AND SECONDED BY _____, THE FOLLOWING RESOLUTION WAS ADOPTED BY THE DUMFRIES TOWN COUNCIL WITH THE FOLLOWING VOTE:

Charles C. Brewer, _____;
Brian K. Fields, ___;
Selonia B. Miles, _____;
Cydny A. Neville, _____;
Monae S. Nickerson, _____;
Melva P. Willis, _____;
Derrick R. Wood, _____;

RESOLUTION INITIATING AMENDMENTS TO CHAPTER 70 (ZONING), Sec. 70-1, DEFINITIONS, OF THE CODE OF THE TOWN OF DUMFRIES, TO ADD FOUR (4) NEW HOUSING TYPE DEFINITIONS, AND THE DEFINITION OF FLOOR TO AREA RATIO, TO SEC. 70-13 (OFF STREET PARKING) TO ESTABLISH REGULATIONS FOR SHARED PARKING WITHIN THE MAIN STREET SMALL AREA PLAN, TO SEC. 70-14 (SIGNS) TO ESTABLISH GUIDELINES FOR THE APPROVAL OF SIGN PERMITS WITHN THE PLANNED MAIN STREET ZONING DISTRICT (PMSD),TO CHAPTER 70, ARTICLE III, TO ESTABLISH A NEW RESIDENTIAL ZONING DISTRICT, DIVISION 15, RESIDENTIAL OFF MAIN STREET (R-OMS), AND TO ESTABLISH A NEW MIXED USE ZONING DISTRICT, DIVISION 16 , PLANNED MAIN STREET DISTRICT (PMSD)

WHEREAS, at its August 5, 2020, meeting, the Town Council discussed amendments to the Town Code, Chapter 70 (Zoning),which include amendments to Sec. 70-1, to add the definitions of Courtyard Cottage Houses, Fourplex, Threeplex, and Floor to Area Ratio, amendments to Sec. 70-13 to establish regulations for shared parking within the Main Street Small Area Plan, amendments to Sec. 70-14 to establish guidelines for the approval of sign permits within the Planned Main Street zoning district, amendments to Article III, regarding whether to establish a new residential district, Division 15 Residential Off Main Street (R-OMS), and whether to establish a new mixed use zoning district, Division 16, the Planned Main Street District (PMSD);and

WHEREAS, the Town Council wants to review updates to the Comprehensive Plan, that include changes to the Main Street Small Area Plan (SAP) which establishes new land use districts immediately along and adjacent to Main Street; and

WHEREAS, the Town Council wants to consider the addition of Division 15, Residential Off Main Street (R-OMS) to the Zoning Ordinance to regulate land use activity and design requirements in the area designated as Residential immediate adjacent to Main Street as shown in the Comprehensive Plan update, Main Street Small Area Plan; and

WHEREAS, the Town Council wants to consider the addition of Division 16, Planned Main Street District (PMSD) to the Zoning Ordinance to regulate land use activity

and design requirements in the area designated as Mixed Use along Main Street as shown in the Comprehensive Plan update, Main Street Small Area Plan; and

WHEREAS, the Town Council will consider an update to the Comprehensive Plan that will provide new housing options to the housing section and land use section; and

WHEREAS, the Town Council wants to consider guidelines to Sec. 70-13 for off-street shared parking regulations within the Main Street Small Area Plan; and

WHEREAS, the Town Council wants to consider adding guidelines to Sec. 70-14 for the approval of sign permits located in the Planned Main Street District (PMSD); and

WHEREAS, Sec. 70-646(a) of the Zoning Ordinance authorizes Town Council to adopt amendments to the Zoning Ordinance whenever the public necessity, convenience, general welfare, or good zoning practice require; and

WHEREAS, the Town Council desires the Planning Commission to review and make recommendations on these proposed amendments to Chapter 70, Sec. 70-13, Sec. 70-14, and Chapter 70, Article III of the Town Code.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Dumfries on this 5th day of August 2020 does hereby initiate amendments to Chapter 70, Sec. 70-13, Sec. 70-14, and Chapter 70, Article III of the Town Code that would:

1. Add four (4) new housing type definitions and the definition of Floor to Area Ratio to Sec. 70-1;

2. Establish a new residential district, Division 15, Residential Off Main Street (R-OMS)l;

3. Establish a new mix use zoning district, Division 16, Planned Main Street District (PMSD);

4. Establish guidelines in Sec. 70-13 for off-street shared parking within the Main Street Small Area Plan.

5. Establish guidelines in Sec. 70-14 for the approval of sign permits located in the Planned Main Street District (PMSD); and

BE IT FURTHER RESOLVED that the foregoing proposed amendments are hereby referred to the Planning Commission for public hearing, review and recommendation to Town Council.

By Order of Council:

_____
Derrick R. Wood, Mayor

Attest:

_____
Dawn Hobgood, Town Clerk

Add the following terms to article 70-1 (c) Definitions

Courtyard Cottage Houses shall mean a cluster of freestanding single-family houses constructed on the same land parcel (as opposed to a residential subdivision, which has multiple parcels). The number of the units, which is typically between 3-6, will be regulated by the allowable density.

Floor to Area Ratio (FAR) shall mean the ratio of the total constructed floor area (including all floors in all buildings) to the total land area of any given parcel.

Fourplex shall mean a building containing four (4) dwelling units with not more than one family occupying each dwelling unit.

Threeplex shall mean a building containing three (3) dwelling units with not more than one family occupying each dwelling unit.

Sec. 70-13. - Minimum off-street parking.

(a)

Generally.

(1)

Every use or structure instituted, constructed, erected, enlarged, or structurally altered after January 18, 1979, shall provide off-street parking and loading facilities in accordance with the provisions of this article, except as otherwise provided for in this article.

(2)

Such off-street parking and loading facilities shall be maintained and continued as long as the main use is continued.

(3)

No owner or operator of any structure affected by this article shall discontinue, change, or dispense with the required parking and loading facilities without establishing alternative vehicular parking and loading facilities which meet the requirements of this article.

(4)

No person shall utilize such structure or use without providing the off-street parking and loading facilities to meet the requirements of and be in compliance with this article.

(5)

When a permitted use is nonconforming as to required parking, and such use is enlarged with respect to the unit of measurement specified in this article as the basis for determining the amount of parking spaces, additional parking shall be required only on the basis of the enlargement of the permitted use.

(b)

Location of off-street parking. The off-street parking facilities required by this article shall be located on the same lot or parcel of land that they are intended to serve.~~;~~

~~however,~~ When the size or shape of land, or a nonconforming building or structure presently existing on the parcel of land, prevents the establishment of such facilities on the same lot or parcel, they may be permitted on a properly zoned lot or parcel within 300 feet of the premises they are to serve. However, before such parking facilities are approved, a written agreement ~~thereto assuring~~ ensuring their retention for such purposes shall be ~~properly drawn and~~ executed by the parties concerned, approved as to form by the town attorney, and ~~shall be~~ filed with the zoning administrator.

(c)

Combined off-street parking. Nothing in this article shall be construed to prevent collective provisions for or joint use of off-street parking facilities for two or more buildings or uses by two or more owners or operators; provided that, the total of such parking spaces when combined or used together shall not be less than the sum of the requirements for the several individual uses computed separately in accordance with this article. ~~However,~~ Before such spaces are approved for use, a written agreement ~~thereto assuring~~ ensuring their retention for such purposes shall be ~~properly drawn and~~ executed by the parties concerned, approved as to form by the town attorney, and filed with the zoning administrator.

(d)

Buffer required where adjoining property is residential. Where a parking area for a medical, hospital, commercial, or industrial use adjoins a lot in a residential district or is located closer than 100 feet to a lot in a residential district without an intervening street, a solid wall or fence six feet in height, with its finished side facing the adjacent residential lot, shall be erected on the lot providing the parking. ~~However,~~ The wall or fence shall not extend into the front yard required on the lot on which it is located.

(e)

Delineating parking spaces. Whenever five or more parking spaces are provided, such spaces shall be laid out on the parking surface with paint or plastic stripping in order to ~~which shall~~ provide a permanent delineation between spaces.

(f)

Surfacing of parking areas. Off-street parking shall be on an appropriate improved parking surface as defined by this chapter. It shall be unlawful for any person to park, cause, permit, or allow the parking or storage of any vehicle upon the yard (front, side, or rear) of any real estate including, but not limited to, property used primarily for residential purposes at any location other than an improved parking surface that is accessed by a driveway. These provisions shall not apply to the temporary parking of emergency motor vehicles, delivery vehicles, and motor vehicles of public and private utilities. These provisions shall only apply to new development, or the resurfacing of parking surfaces in town.

(1)

No driveway or improved parking surface, in combination with other impervious structures on residential lots, shall cover more than 30% ~~percent~~ of the lot in the R-1 and R-2 districts. Gravel parking surfaces shall count towards the 30% ~~percent~~ coverage lot limitations. Gravel surfacing must be equal to the footprint of the vehicle being parked.

(2)

Existing residential development: Existing single family homes in the R-1 and R-2 districts with gravel driveway may continue to maintain the gravel driveway. These lots shall not become nonconforming, meaning the driveway ~~it~~ may be maintained with gravel.

(3)

New R-1 and R-2 development: A single travel lane leading from the roadway to either the primary or secondary structure must be paved. Gravel may accessorize any driveway requiring additional parking space, if the required single lane of pavement has been installed and found insufficient by the landowner. Gravel surface must be equal to the footprint of the vehicle being parked.

(4)

Driveway maintenance of any type of improved parking surface, shall be done so only after an approved permit has been issued by the zoning administrator.

(5)

Gravel driveways shall have a thickness of no less than 3 inches.

(6)

Gravel does not qualify as an improved parking surface for any R-3, B-1, B-2, FB/O-1, or SP-1 zoning districts. Gravel shall be an allowable improved parking surface in R-1 and R-2 zoning districts to promote the intent of the Chesapeake Bay Preservation Area Overlay District Regulations.

(7)

Parking on the grass shall not be permitted in any district on front, side, or rear yards.

(g)

Site planning. Ingress and egress to the property, and traffic lanes, parking spaces and loading and service areas on the premises shall form a convenient and well-organized system appropriate to the uses in the building. Entrances and exits shall be so arranged as to minimize conflicts with traffic on public streets and to reduce traffic noises on portions of the lot where there might be adverse effects on residential uses on the property or on any uses on adjacent property. Driveways, parking, loading, and service areas shall be located, designed, constructed, maintained, and operated so as to minimize the impact or adverse visual effects and noise on other portions of the property and on surrounding property, particularly residential property and, where necessary, fences, walls, and/or vegetative screening shall be provided and maintained to further these purposes.

Any lights used to illuminate said parking areas shall be arranged and hooded so as to confine all direct light rays entirely within the boundary lines of the parking area.

(h)

Calculating number of off-street parking spaces. In calculating the number of such parking spaces, the following rules shall govern:

(1)

The term "floor area" shall mean the gross floor area of the specific use multiplied by a core factor of 0.80.

(2)

When the units of measurement determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half shall be disregarded, and fractions over one-half shall require one additional parking space.

(3)

The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.

(4)

In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately, except as allowed in section 70-13(k).

(5)

Off-street parking facilities supplied to meet the needs of one use shall not be considered as meeting the off-street parking needs of any other use, except as allowed in section 70-13(k).

(6)

Each parking space shall be a minimum of nine feet in width and 18 feet in length.

(i)

Amount of off-street parking required. The off-street parking required by this article shall be provided and maintained on the basis of the following requirements specified in the following tables, except as otherwise provided in this article:

_____

Use Type	Required Off-street Spaces
Residential uses:	
Single-family dwellings	1 for each dwelling unit
Two-family detached townhouses, mobile homes, planned unit development	2.5 for each dwelling unit
Multifamily dwellings:	
Efficiency with no bedroom	1.5 for each dwelling unit
One-bedroom unit	2 for each dwelling unit
Two-bedroom unit	2.5 for each dwelling unit
Three or more bedroom units	2.5 for each dwelling unit
Assisted housing for the elderly and physically handicapped	1 for each 2 dwelling units
Group quarters:	
Boardinghouse, lodginghouse, or roominghouse	1 for each residential unit, plus 2 spaces for employees

Convalescent, nursing or rest homes, sanitariums	1 for each 6 beds
Dormitory, fraternity or sorority houses	1 for each 2 beds
Transient lodgings:	
Hotel and motel	1 for each guest room, plus 1 employee space for each 10 guest rooms
Tourist home	1 for each guest room, plus 2 for employees
Educational uses:	
Kindergarten, day care center, nursery	1 for each 175 square feet of floor space plus 2 for employees
Elementary, intermediate, or junior high schools, private or public	1 for each teacher, employee, or administrator, whether full- or part-time if activities of personnel are conducted between 8:00 a.m. and 4:00 p.m.
High school, college or preparatory school, public or private	1 for each teacher, employee, or administrator, whether full- or part-time if activities of personnel are conducted between 8:00 a.m. and 4:00 p.m. plus 1 for every 10 students for maximum capacity
Trade uses	

Business:	
Retail space (unless otherwise specified)	1 for each 200 square feet of retail floor area
Furniture, hardware, home furnishings, and other similar establishments	1 for each 400 square feet of floor area
Gasoline filling station	1 for each lubrication pit or maintenance stall plus 1 for service vehicle, plus 3 for employees
Restaurant, nightclub, or similar establishment	1 for each 100 square feet of retail floor area
Shopping center	1 for each 200 square feet of retail floor area
Wholesale, inventory, storage not otherwise classified	1 for each 1,000 square feet of floor area devoted to enclosed storage
Automobile rental agencies	1 for each 200 square feet of floor area, plus1 space for each vehicle to be rented
Industrial uses:	
Factories, laboratories, laundries, etc.	1 for each 1½ employees on the maximum working shift, plus space to accommodate all trucks and other vehicles used in connection therewith

Cultural, entertainment, and recreational uses	
Auditoriums, assembly halls, community center, dance halls, legitimate and motion picture theaters:	
With fixed seats	1 for each 4 seats based on maximum seating capacity
Without fixed seats	1 for each 100 square feet of floor area
Amphitheaters, sports arena, stadium or gymnasium	1 for each 5 seats or 10 feet of bench space
Art gallery, library, museum	1 for each 400 square feet of floor area
Sports activities:	
Bowling	4 for each alley
Indoor (swimming pools, skating rinks, recreation centers and similar establishments)	1 for each 125 square feet of usable recreational or social floor area
Outdoor (swimming pools, skating rinks, miniature golf, and similar establishments)	1 for each 200 square feet of usable and improved recreational area

Golf course	2 per hole
Outdoor court games (tennis, basketball, and similar establishments)	1 per 2 players based upon maximum capacity
Office uses:	
Business, general and governmental buildings, professional office buildings, but not including medical offices	1 for each 300 square feet of floor area
Medical uses:	
Doctor's or dentist's office, clinic, and out-patient clinic	1 for each doctor, 1 for each employee working between 9:00 am and 5:00 pm, and 3 for each examination room or dentist's chair
Hospital	1 for each 3 beds, plus 6 spaces for each employee or staff member on the maximum working shift, plus 5 spaces for each doctor on the staff
Veterinary hospital	1 for each 300 square feet of floor area
Service uses	
Barber, beauty salon	2 for each chair
Laundry:	

Self-service	1 for each 2 cleaning or laundry machines
Dry cleaning establishment	1 for each 200 square feet of floor area
Funeral home, mortuary:	1 for each 4 seats in chapels or parlors with fixed seats, or 1 for each 100 square feet of floor area for assembly rooms without fixed seats for services, plus 5 for employees
Other	1 for each 200 square feet of floor area
Institutional uses:	
Churches, synagogues, temples, and other places of worship; and civic fraternal, political, private, religious, and social nonprofit organizations	1 for every 4 seats of the maximum seating capacity in the main place of assembly or 1 for each 100 square feet of usable floor area in the main place of assembly in places which do not have fixed seats

_____

(j)

Amount of off-street loading required. There shall be provided, on the premises used for the following purposes in any district at the time any building or structure is constructed, reconstructed, enlarged, extended, or structurally altered, spaces for off-street loading, except as otherwise provided in this article in accordance with the following schedule.

(1)

For each retail store, storage warehouse, wholesale establishment, industrial plant, factory, freight terminal, market, restaurant, mortuary, laundry, dry cleaning establishment, or similar use which has an aggregate floor area of:

a.

Over 10,000 square feet but not over 25,000 square feet: one space.

b.

Over 25,000 square feet but not over 60,000 square feet: two spaces.

c.
Over 60,000 square feet but not over 120,000 square feet: three spaces.

d.
Over 120,000 square feet but not over 200,000 square feet: four spaces.

e.
Over 200,000 square feet but not over 290,000 square feet: five spaces.

f.
For each additional 90,000 square feet or major fraction thereof: one space.

(2)
For each apartment building having over 50 dwelling units: one space.

(3)
For each auditorium, museum, assembly hall, community center, hotel, office building, sports arena, stadium, gymnasium, hospital, sanitorium, or similar use which has an aggregate gross floor area of:

a.
Over 10,000 square feet but not over 40,000 square feet: one space.

b.
For each additional 60,000 square feet over 40,000 square feet or major fraction thereof: one space.

(4)
For any use not specifically mentioned in this section, the requirements for off-street loading, for a use which is so mentioned and to which the unmentioned use is similar, shall apply:

a.
Off-street loading facilities supplied to meet the needs of one use shall not be considered as meeting the off-street loading needs of any other use.

b.
No area of a facility supplied to meet the required off-street parking facilities for a use shall be utilized for or deemed to meet the requirements of this article for off-street loading facilities.

(k)

Main Street Shared Parking – Minimum Parking requirements for developments located within the Main Street SAP boundary may be fulfilled through a shared parking agreement. Shared parking agreements are subject to approval by the Town's Zoning Administrator. Prior to any decision to allow shared parking, the applicant is required to submit a parking study to determine parking demand and ascertain the viability of shared parking under the particular circumstances of the application. The parking study should be based on the Urban Land Institute shared parking recommendations and on the Institute of Transportation Engineers assumptions for parking demand. If justified by the parking study, a reduction in the required number of parking spaces necessary to satisfy the combined demand of multiple uses or facilities may be permitted. At the discretion of staff, the requirement for a formal parking study may be waived in the case of small developments where there is established experience with the land use mix and its impact is

expected to be minimal. The actual number of parking spaces required shall be based on parking rates found in 70-13 6 (i) *Amount of off-street parking required.*

(1)

When residential uses are located within 300 ft. of a parking facility, parking requirements can be fulfilled (1) with on-site parking, (2) through a parking agreement with the owner/operator of the parking facility, parking agreements are subject to approval of the Town's Zoning Administrator, or (3) through a combination of (1) and (2).

(2)

Minimum parking requirements of commercial uses may be provided off-site, provided that: the parking facility is within 500 feet of the site for which the parking is required; the peak parking demand on the two (2) properties occurs at different times of day, and the parking area is large enough to accommodate demand from both uses.

(3)

Two or more parcels may have a shared parking agreement, provided legally sufficient agreement is executed when different property owners are involved.

~~(K)~~(L) The public works director, with concurrence of the zoning administrator, may authorize, upon request of a property owner, a parking credit allowance. Such requests shall be in writing, shall state the reasons for the request, and shall include studies, surveys, reports or other evidence to support the request. A parking credit allowance may be authorized as follows:

(1)
Up to ~~thirty percent~~ 30% of the required parking spaces may be waived when the use is located in an area of development that is so intense that normal individual demand will not be generated. In considering this waiver request, weight shall be given to the availability of public transportation, the proximity of commercial parking garages or lots, and the expected overlap of commercial and employment activities in the area.

(2)
Credit may be given for parking spaces required for one use when parking spaces required for another use on the same lot, or on an adjacent lot, can be used because of a difference in normal operating hours. This credit may be given for up to 75% ~~percent~~ of the required spaces when no overlap in normal operating hours occurs, and up to 25% ~~percent~~ of the required spaces when an overlap of less than four hours per day occurs, provided legally sufficient agreement is executed when different property owners are involved.

The following is to be inserted in Section 70-14. -Signs:

(H) Signs in Planned Main Street District.
Signs are permitted in the PMSD district subject to the following regulations:

(1) A master sign plan for all commercial and residential applications shall be developed in accordance with the Architectural Review Board Design Guidelines. The plan shall be subject to the approval of the Architectural Review Board, and the applicant shall obtain a Certificate of Appropriateness.

(2) The size of each sign and the total area of signs shall be consistent with the character of the building and the character of the Historic District.

(3) Projecting signs must maintain a minimum clearance of ten (10) feet over any pedestrian area.

(4) Whenever an application for proposed signage is filed under these regulations for a sign or signs in the PMSD, the application shall be subject to the approval of the Town's Zoning Administrator and shall be prepared in accordance with Sec. 70-14 (b).

~~(h)~~ (i) *Signs in all districts.* The following signs shall be permitted in all districts, except as otherwise provided in this chapter, and shall not require a sign permit. The area of any sign shall not be included in computing the aggregate sign areas specified for individual districts.
(1)
Temporary signs shall be unilluminated and limited to the following types:

a.
Construction signs which identify the architects, engineers, contractors, and other individuals or firms involved with the construction, but not including any advertisement of any product; and signs announcing the character of the building enterprise or the purpose for which the building is intended, during the construction period, to a maximum area of 32 square feet for each firm. The signs shall be confined to the site of the construction and shall be removed within seven days after completion of the construction.

b.
Real estate signs advertising the sale, rental, or lease of the premises, or part of the premises on which the signs are displayed. The total aggregate sign area shall not exceed 12 square feet; however, a total sign area of 40 square feet shall be permitted when such signs are set back 25 feet from the front lot line, and in commercial and industrial districts, signs may be as large as otherwise would be allowed for a permitted use in that district.

c.
Street banners advertising a public entertainment or event, if specifically approved by the council and only for locations designated by the council, during and for seven days after the event for which they were made.

d.
Store window signs on or within store windows relating to the business conducted within, or to amusement or civic, religious, cultural, educational, or charitable activities.

e.
Signs advertising bona fide fair, carnival, festival, bazaar, horse show, or other event; provided that, all such signs shall be removed within seven days after the last day of the event to which they pertain. No such sign shall exceed 25 square feet in area in any R district; and, in any district other than an R district, no such signs shall exceed in area the maximum area of sign display permitted on any lot in that district.

f.

Seasonal displays and decorations not advertising a product, service, or entertainment.

g.

Notwithstanding any other provision of this Code, the council may, in its sole discretion, permit certain temporary signs for recently opened businesses or businesses adversely affected by roadway improvements or other construction. Temporary signs for recently opened businesses or businesses adversely affected by roadway improvements or other conditions are permitted with a valid sign permit as set-forth in this subsection.

(1)

Permits for such signs may be granted by the town council, provided that:

a.

The applicant can clearly demonstrate that the business submitting the application has been in operation for less than six months or that they are adversely affected by roadway construction. Adverse impact attributed to construction may be demonstrated by, but not limited to, the following criteria:

i.

Rerouting of traffic which limits or affects normal access to the business.

ii.

Construction which eliminates permanent signs or obscures clear vision of the business from traveling public.

b.

The applicant shall make application for the temporary sign in accordance with subsection 70-14(b)(1)—(4).

c.

Each application shall be accompanied by a written staff report which shall be furnished to the council.

d.

The permit for such sign shall expire 30 days after completion of the roadway improvements or construction, and in no case shall such permit exceed more than one year, except that such permit may be renewed annually, if the adverse conditions imposed by the construction continue to exist.

e.

Any such sign placed on the property of another shall be accompanied by written permission from the owner of record which shall be signed and notarized. Permission shall be for the term of the permit.

f.

Signs shall not be permitted in the highway or street right-of-way.

g.

No more than two such temporary signs shall be granted under the authority of this section.

h.

No individual sign permitted under this section shall contain a display area larger than 25 square feet.

i.

The area of any sign granted under the authority of this subsection shall not be included in computing the aggregate sign areas allowed for individual districts.

j.

Signs permitted under this subsection shall be subject to such conditions as the council may deem reasonable, including but not limited to, limitations as to the hours of display, or the specific configuration or placement of such sign or signs.

(2)

Any informational or directional sign or historic marker, erected by a public agency, which may include signs displayed by the city to give directions to business districts and commercial facilities for the convenience of the traveling public.

(3)

Unilluminated signs not exceeding five square feet in area, warning against hunting, fishing, or trespassing on the land on which the same are displayed.

(4)

Wall or freestanding signs in a parking lot to identify entrances, exits, and divisions of the lot into sections, and to control vehicular and pedestrian traffic in the lot, provided each sign does not exceed five square feet in area.

(5)

Wall or freestanding signs, not exceeding a total of 50 square feet in area, for the identification of a subdivision or planned development, if located at the entrance to the subdivision or planned development.

(6)

Institutional signs setting forth the name or any simple announcement for any public, charitable, educational, or religious institute, located entirely within the premises of that institution, and not exceeding in the aggregate 25 square feet of sign area. Such signs shall be either wall or freestanding signs and, if freestanding, shall have a minimum clearance of ten feet above a walkway and 15 feet above a driveway or alley.

(7)

Names of buildings, dates of erection, monumental citations, commemorative tables, and the like when carved into stone, concrete, or of a similar type construction and made an integral part of the structure.

(8)

Signs required to be maintained by law or governmental order.

(9)

Signs which are within a ball park or other similar public or private recreational use and which cannot be seen from a public street or adjacent properties.

(10)

Flags, emblems, or insignia of the United States, the commonwealth, the town, other countries and states, religious groups, civic organizations and service clubs.

(11)

Small signs displayed for the direction of the traveling public, including signs which identify restrooms, the location of public telephones, freight entrances or the like, with a total area not to exceed five square feet per sign.

(12)
Small signs, each of which has a total area not exceeding two square feet, placed by a public utility, showing the location of underground facilities.

(13)
Official notices or advertisements posted or displayed by or under the directions of any public or court officer in the performance of his official duties; provided that, all such signs shall be removed not later than seven days after the last day of the period for which the same are required to be displayed in order to accomplish their purposes.

(14)
Small signs not exceeding two square feet in area, attached flat against the building, not illuminated, announcing only the name and occupancy of the building tenant.

h.
Temporary signs for religious institutions and nonprofit organizations. Religious institutions and nonprofit organizations are permitted to display a temporary banner sign, onsite up to a 30-day period, four times annually. The 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.

~~(h)~~(i) *Signs prohibited in all districts.* The following types of signs are prohibited in all districts:
(1)
Any sign that violates any provision of any law of the state or federal government relative to outdoor advertising.

(2)
Any sign that violates any provision of the Uniform State-wide Building Code.

(3)
Any sign that obscures a sign or signal displayed by a public authority for the purpose of giving traffic instructions or directions or other public information.

(4)
Any sign which advertises an activity, business, product, or service no longer conducted or sold on the premises upon which the sign is located.

(5)
Any sign that uses the word "stop" or "danger" or otherwise presents or implies the need or requirement of stopping or caution or the existence of danger, or which is a copy or imitation of or which for any reason is likely to be confused with any sign displayed by a public authority.

(6)
Any sign within the triangular area at the street corner of a corner lot described in section 70-18.

(7)
Any sign that obstructs any window, door, fire escape, stairway, ladder, or opening intended to produce light, air, ingress, or egress for any building, as required by law.

(8)

Any sign of which all or any part is in motion by any means, including fluttering, rotating, or other moving signs set in motion by movement of the atmosphere. This shall not apply to the hands of a clock or a weathervane.

(9)

Any sign that contains or consists of banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, or other similarly moving devices. These devices, when not part of any sign, shall be similarly prohibited unless specifically permitted by this chapter.

(10)

Any sign, except official notices and advertisements, which is nailed, tacked, posted, or in any other manner attached to any utility pole or structure for supporting wire, cable, or pipe, or to any tree on any street or sidewalk or to public property of any description.

(11)

Any sign attached to a chimney, tower, tank, or structure of like kind which extends above the district height limits.

(12)

Any sign located above the roofline of a building.

(13)

Any outdoor advertising sign.

(14)

Portable signs, or as allowed in this chapter for temporary signs/banners.

(15)

Any sign attached to, or placed on, a vehicle or trailer parked on public or private property, except for signs displayed on vehicles that are decals, magnetic signs or painted on vehicles used in the daily function of the business to which such signs relate.

~~(j)~~(k) *Illumination.*

(1)

The light from any illuminated sign shall not cause direct glare into or upon any building or property other than the building or property to which the sign may be related.

(2)

No sign shall display flashing or intermittent lights, or other lights of changing degrees of intensity, brightness or color, except a sign indicating time or temperature, with changes alteration on not less than a five-second cycle when such time or temperature sign does not constitute a public hazard, in the judgment of the zoning administrator.

(3)

No colored lights shall be used at any location or in any manner so as to be confused with, or constituted as, traffic-control devices.

(4)

Neither the direct, nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.

(5)

No exposed reflective-type bulbs and no strobe or incandescent lamp which exceeds 15 watts shall be used on the exterior surface of any sign so as to expose the face of the bulb, light, or lamp to any public street or adjacent property.

~~(k)~~ (l) *Nonconforming signs.*

(1)

Signs, other than outdoor advertising signs, which do not conform to the regulations and restrictions prescribed for the zoning district in which they are situated, but which were erected in accordance with all applicable regulations in effect at the time of their erection may remain erected only so long as the then existing use which they advertise or identify remains.

(2)

No nonconforming sign shall be worded so as to advertise or identify any use other than that in effect at the time it became a nonconforming sign; however, signs designed for and used to display changeable messages may continue to be used for that purpose.

(3)

No nonconforming sign shall be moved on the same lot nor to another lot unless the moving will relocate the sign into a zoning district or an area in which it will conform.

(4)

No nonconforming sign shall be altered except in conformity with the provisions of this section. If damaged to an extent greater than 50 percent of its replacement value, it shall not be rebuilt.

(5)

Any sign which is not in conformity with the provisions of this section, and which is not or ceases to be a lawful, nonconforming sign, shall be subject to removal under the provisions of subsection (m) of this section.

(l)

Appearance of signs. All signs shall be maintained in a good working condition so as to present a neat and orderly appearance. The zoning administrator may cause to be removed any sign which shows gross neglect, which became dilapidated, or which has ground area around it that is not well maintained.

(m)

Removal of signs. The zoning administrator may order the removal of any sign erected or maintained in violation of this chapter. He shall give 30 days' notice in writing to the owner of such sign or of the building, structure, or premises on which such sign is located to remove the sign or to bring it into compliance. Failure to comply shall constitute grounds for the zoning administrator to have the sign removed at cost to the owner.

(n)

Abandoned signs. A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer on the premises. If the owner or lessee fails to remove it, the zoning administrator shall give the owner 30 days' notice in writing to remove such sign. Failure to comply shall constitute grounds for the zoning administrator to have the sign removed at cost to the owner.

(o)

Structural requirements. All signs shall meet the structural requirements for same as set forth in the Uniform State-wide Building Code.

(Code 1990, § 15-13; Ord. of 1-18-1979, § 12-11; Ord. of 1-5-1988(2), § 1; Ord. No. 0-2005-03, § 1, 12-7-2004; Ord. of 5-3-2005; Ord. of 6-5-2007, § 1; Ord. No. O-2013-002, 1-8-2013)

DIVISION 1. - GENERALLY

Sec. 70-86. - Town divided into districts; districts enumerated.

For the purpose of this chapter in regulating use of land, water and buildings, the height, bulk, population density and open space, the town is hereby divided into the following zoning districts:

Residential, limited R-1

Residential, general R-2

Residential, condominium R-3

Residential, multifamily R-4

Business, general B-1

Business, neighborhood B-2

Industrial, limited M-1

Floodplain FP-1

Historic overlay H-1

Special purpose SP-1

Chesapeake Bay Preservation Area Overlay CBPA-OD

Flex Business/Office FB/O-1.

Planned Mixed-Use District PMUD

Residential, Off Main Street R-OMS

Planned Main Street District PMSD

Article III. – Districts

DIVISION 15. - RESIDENTIAL, OFF MAIN STREET R-OMS
Sec. 70-535.58. - Purpose and Intent
Sec. 70-535.59. - Use regulations
Sec. 70-535.60. - Density
Sec. 70-535.61. - Area regulations
Sec. 70-535.62 - Setback regulations
Sec. 70-535.63. - Frontage regulations
Sec. 70-535.64. - Yard regulations
Sec. 70-535.65. - Height regulations
Sec. 70-535.66. - Corner lots

DIVISION 16. – Planned Main Street District (PMSD)
Sec. 70-536.07 - Purpose and intent.
Sec. 70-536.08. - Application requirements for development in the PMSD
Sec. 70-536.09. - PMSD Site plan
Sec. 70-536.10. - Allowable uses
Sec. 70-536.11. – Density and Floor to Area Ratio regulations
Sec. 70-536.12. - Area regulations
Sec. 70-536.13. - Frontage regulations
Sec. 70-536.14. - Setback regulations
Sec. 70-536.15. - Yard regulations
Sec. 70-536.16. - Height regulations; maximum structure limitation
Sec. 70-536.17. - Corner lots
Sec. 70-536.18. - Provision for screened trash receptacles.
Sec. 70-536.19. - Performance standards for buildings located in PSMD

DIVISION 15. - RESIDENTIAL, OFF MAIN STREET R-OMS

Sec. 70-535.58. – Purpose and Intent.

This district was developed specifically for use in the existing residential area adjacent to the Main Street corridor. The intent of this district is to enhance and preserve the existing residential fabric, while promoting the expansion of housing choice by allowing development of small-scale multifamily buildings. The new buildings are regulated spatially so that their volume and siting will be similar to that of the existing single-family houses in the area. The additional households that can be accommodated in the future in this area will help to support the financial viability of new retail and food and beverage establishments on Main Street. This medium-density residential district should provide a suitable environment for families that desire quiet homesites without fear of encroachment of dissimilar uses.

Sec. 70-535.59. - Use regulations.

Structures to be erected or land to be used shall be for the following uses:

(1) Single-family dwellings.

(2) Duplexes, threeplexes, fourplexes, and courtyard cottage houses. These uses will only be considered by-right if the development meets all requirements of this Zoning Ordinance (Chapter 70), including density requirements (refer to section 70-197, below) and requirements related to off-street parking. These types of housing can be sited on lots that meet the minimum lot size of the R-OMS district. Each unit shall be required to have its own metered utility service.

(3) Churches and other places of worship.

(4) Libraries.

(5) Accessory uses as defined in this chapter. However, no accessory use may be closer than five (5) feet to any party lot line.

(6) Off-street parking in accordance with section 70-13.

(7) Signs in accordance with section 70-14.

(8) Public utilities including poles, lines, distribution transformers, pipes, meters, and other facilities necessary for the provision and maintenance of public utilities, including water and sewerage facilities. New electric and communication utilities shall be installed underground, except:

a. New construction in areas where overhead utilities are used in the existing structures on either side;

b. Additions to existing structures;

c. The replacement of a structure which has been destroyed as specified in section 70-580(a); and

d. Where, because of topographic or other such conditions of the land, underground utilities cannot be installed.

(9) Parks and playgrounds, with a conditional use permit.

(10) Schools, with a conditional use permit.

(11) Philanthropic uses, with a conditional use permit.

(12) Private residential swimming pool.

(13) Home occupation, including any occupation, profession, enterprise or activity conducted on premises used principally for dwelling purposes in connection with which:

a. No person other than a member of the family residing on the premises is employed on the premises.

b. Not more than 25 percent of the floor area of the dwelling unit is used.

c. There is no group instruction or assembly and no product is sold on the premises.

d. There is no sign, display or change in the exterior appearance of the building, other than a nameplate not exceeding one square foot in area attached to the building.

e. No mechanical equipment is used or maintained other than that normally used for domestic or household purposes.

f. There is no outside storage of supplies, equipment, etc.

g. There are no trucks weighing over 6,000 pounds GVW parked on the property.

Sec. 70-535.60. - Density.

The maximum permitted density of any residential development shall be 12-units per gross acre.

Sec. 70-535.61. - Area regulations.

(1) The minimum lot area for any dwelling unit or principal building or structure in this district shall be 7,500 square feet.

(2) The main entrance of all courtyard cottage houses shall face onto a public right-of-way or onto a central courtyard.

(3) The minimum habitable floor space of dwelling units in duplexes, threeplexes and fourplexes shall be 800 square feet.

(4) The minimum habitable floor space of courtyard cottage houses shall be 1,200 square feet.

Sec. 70-535.62 - Setback regulations.

The façade of structures shall be located 20 to 30 feet from the front property line. This setback zone refers to the distance between the right-of-way and the nearest edge of the building foundation.

Sec. 70-535.63. - Frontage regulations.

The minimum street frontage (width) of any lot shall be 50 feet.

Sec. 70-535.64. - Yard regulations.

Yard regulations for residential R-OMS district shall be as follows:

(1) The minimum width of any one side yard shall be 15 feet.

(2) The minimum rear yard for each main structure shall be 25 feet.

(3) The pervious area of any lot shall not be less than 30%. The target can also be met using mechanisms such as “blue roofs,” cisterns, green infrastructure or other stormwater methods, as long as the proposed measures are equivalent in rainwater retention capacity to 30% pervious surfaces.

Sec. 70-535.65. - Height regulations.

Structures may be erected up to 35 feet in height from grade, except:

(1) The height limit for dwellings may be increased up to 45 feet, provided each side yard is 10 feet plus one foot of additional side yard for each additional foot of building height over 35 feet.

(2) Church spires, belfries, cupolas, monuments, water towers, churches, flues and flagpoles are exempt.

(3) No accessory building which is within five feet of any shared lot line shall be more than two stories in height, and in no case shall any accessory building be more in height than the main structure.

Sec. 70-535.66. - Corner lots.

(1) Of the two sides of a corner lot, the front shall be deemed to be the shortest of the two sides fronting on streets.

(2) The side yard facing the side street shall be 20 feet or more for both the main and accessory buildings.

(3) For subdivisions platted after January 18, 1979, each corner lot shall have a minimum width at the setback line of 50 feet.

Secs.70-535.67—70-536.06. - Reserved.

DIVISION 16. – Planned Main Street District (PMSD)

Sec. 70-536.07. - Purpose and intent.

This district provides the framework for redeveloping the Main Street corridor into a compact, walkable mixed-use area that acts as the heart of the historic Town of Dumfries. In the future, Main Street will accommodate a mix of land uses, including retail, entertainment, residential, and civic functions. The use of a broader range of transportation modes, such as walking, biking, transit and personal automobiles, will also be facilitated in the Main Street district. Whereas Planned Mixed Use Development (PMUD) districts are used for new "greenfield" developments with multiple buildings on a large parcel of land, this district is used specifically for redeveloping the existing Main Street corridor on a building-by-building or parcel-by-parcel basis.

Sec. 70-536.08. - Application requirements for development in the PMSD

a) The fee for a PMSD application shall be listed in the fee schedule.
b) A completed copy of the town's checklist for land use applications.
c) Each application shall require a site plan as further provided herein.
d) Each application shall be accompanied by a narrative statement explaining the applicant's proposed mix of land uses and their location on the site.
e) Such other materials as required by the zoning administrator or as the applicant deems useful or necessary to explain the proposal.
f) Such other materials as required by the zoning administrator to make a determination for whether review by the Architecture Review Board (ARB) and a Certificate of Appropriateness (COA), as issued by the ARB, are required.

Sec. 70-536.09. - PMSD Site plan.

a) Before a building permit shall be issued or construction commenced on any permitted use in this district or a permit issued for a new use, all requirements of article IV of this chapter shall be met.

Sec. 70-536.10(A). - Allowable uses.

(a) Allowable uses for structures to be erected or land to be used are defined below. Residential projects require the incorporation of non-residential uses.

(1) Multi-family residential. All multi-family residential projects must include non-residential uses on the ground floor-(see Section 70-326 below for details).

(2) Food sales and service.

a) Confectionery, candy store, retail bakery.

b) Grocery store.

c) Supermarket.

d) Catering business.

e) Restaurant, café, cafeteria, delicatessens or ice cream parlors, for food service for consumption primarily on the premises, including in outdoor eating areas. Does not include drive-through service.

(3) Healthcare.

a) Medical and dental office.

b) Pharmacy (without drive-through service).

c) Health clubs of less than 10,000 square feet.

(4) Office, professional or general business.

a) Professional office.

b) Bank.

c) Real estate office.

d) Financial services office.

(5) Retail sales and service.

a) Antique store.

b) Art studio and photography gallery.

c) Barber shop and beauty shop.

d) Bicycle sales and repairs

e) Blueprinting and photocopying.

f) Book and stationary store.

g) Clothing stores of less than 5,000 square feet.

h) Department retail store and furniture stores of less than 5,000 thousand square feet.

i) Dry cleaning services and self-service laundry facility

j) Florists and plant shop.

k) Furniture upholstery shop.

l) Gift shop.

m) Hardware and paint stores of less than 5,000 square feet.

n) Interior decorating service.

o) Jewelry store.

p) Pet shop.

q) Postal, printing and photocopy service.

r) Shoe sales and repair.

s) Tailor.

t) Television, radio, and home appliance stores of less than 5,000 thousand square feet.

u) Bicycle sales and repair, when incidental to such sale.

v) Construction contractors, where all services are performed offsite and where there is no storage of supply or equipment outside the building.

w) Craft beverage production establishment.

x) Package, telecommunications and courier service.

(6) Government office or facility.

a) Government office.

b) Fire station.

c) Police station.

d) Library.

e) Post office.

(b) Off-street parking shall be located to the rear of the principal structure.

(c) For permitted uses in this district, the primary entrance of the principal structure shall face the street.

Sec. 70-536.10(B). - Uses allowable pursuant to a conditional use permit.

Structures to be erected or land to be used for one of the following uses shall be allowed subject to a conditional use permit in accordance with section 70-10 of the zoning ordinance.

(1) Bed and breakfast inn or hotel.

(2) Childcare or adult day care center.

(3) Cultural arts and entertainment center.

(4) Pet grooming, without indoor or outdoor kennel facility.

(5) Beer and wine store.

(6) School, including K-12, university, colleges, and seminary.

(7) Uses otherwise permitted under section 70-316A above with a drive-through window.

(8) Cultural arts and entertainment center.

(9) Music and vocal instruction and dancing academy.

(10) Recording studio.

Sec. 70-536.10(C). - Accessory uses.

Accessory uses, buildings, and structures permitted in accordance with section 70-16.

(1) Parking lots, parking spaces, parking areas and parking structures. Parking facilities shall be located at the rear of the principal structure.

(2) Public utilities such as poles, lines, distribution transformers, pipes, meters, water and sewer lines. New and/or upgraded/improved electric and communications utilities shall be installed underground.

Sec. 70-536.11. – Density and Floor to Area Ratio regulations.

(1) The permitted density of residential development shall not exceed 35 units per gross acre. Projects must meet all requirements for lot coverage, open space, pervious area, and parking.

(2) The maximum permitted Floor to Area Ratio of any mixed-use development shall be 3.0. The minimum permitted Floor to Area Ratio of any mixed-use development shall be 1.5.

Sec. 70-536.12. - Area regulations.

For each building containing or intended to contain one or more permitted uses, the minimum lot area shall be 10,000 square feet.

Sec. 70-536.13. - Frontage regulations.

(1) For permitted uses in this district, all lots with less than 100 feet frontage that were in existence prior to January 18, 1979 shall be permitted to be used for business purposes.

(2) For permitted uses in this district, all lots shall have not less than 40 feet frontage.

Sec. 70-536.14. - Setback regulations.

The façade of structures shall be oriented toward Main Street. The façade of structures shall be located between zero to 15 feet from the property line along Main Street. The setback zone refers to the distance between the front property boundary and the nearest edge of the building foundation.

Sec. 70-536.15. - Yard regulations.

The yard regulations for this district shall be as follows:

(1) Side setbacks shall be from zero to 10 feet from the property line.

(2) No rear yard is required, except when a use is abutting a residential district, in which case there shall be a rear yard of at least 25 feet.

(3) The pervious area of any lot shall not be less than 30%. The target can also be met using mechanisms such as "blue roofs," cisterns, green infrastructure or other stormwater methods, as long as the proposed measures are equivalent in rainwater retention capacity to 30% pervious surfaces. Any impervious surfaces included in the front setback zone (e.g., patio for outdoor dining) will not count towards the impervious surface area of the development.

Sec. 70-536.16. - Height regulations; maximum structure limitation.

(1) The maximum height of structures in the PMSD zone is 65 feet from grade of the ground. The minimum height of structures is 35 feet from grade of the ground. The height limits exclude mechanical equipment, which shall be adequately screened. No other architectural features such as false facades and towers, antennas, aerials, satellite dishes, spires, belfries, cupolas, chimneys, flues, flagpoles and steeples and similar devices shall exceed 65 feet in height from grade of the ground.

(2) For all buildings facing Main Street, at least 30% of the area of the façade shall be fenestrated. For retail storefronts, at least 60% of the area of the street wall shall be fenestrated.

(3) The architectural treatment for structures and design of semi-public areas facing Main Street must conform to the Architectural Review Board guidelines.

Sec. 70-536.17. - Corner lots.

(1) Of the two sides of a corner lot, the front shall be deemed to be the shortest of the two sides fronting on streets.

(2) The side yard facing on the side street shall be between zero and 15 feet for both main and accessory buildings.

Sec. 70-536.18. - Provision for screened trash receptacles.

Garbage collection, trash receptacles, and screening shall be in accordance with article I, section 70-25.

Sec. 70-536.19. - Performance standards for buildings located in PSMD.

Buildings located in PSMD with multiple family dwellings shall meet the following performance standards:

(1) The ground floor of the building shall have a minimum of 60% of its ground floor area along the Main Street frontage devoted to nonresidential uses. The requirement does not affect ground floor area that does not front directly on Main Street. In the case of a development with multiple buildings, the requirement can be met cumulatively, considering all buildings with frontage on Main Street. This minimum floor area shall not include space devoted to a parking garage or residential amenities intended for exclusive use of the building's residents, such as a business center or gymnasium.

(2) Any of the allowable uses in section 70-316(A) are permitted on any floor above the ground floor.

(3) No parking spaces within a parking garage shall be visible along the ground floor frontage of the building's façade along Main Street. Parking spaces within a parking garage can be located behind the ground floor area that is devoted to nonresidential uses.

(4) The building's ground floor shall have a minimum height of 10 feet, measured from the floor to the ceiling.

(5) Notwithstanding subsection (1) above, the floor area of a ground floor residential lobby in any building along Main Street can be included in the minimum 60% floor area for nonresidential uses.

(6) No individual access shall be provided for residential dwellings located on the ground floor of any building.

AT A MEETING OF THE DUMFRIES TOWN COUNCIL HELD VIRTUALLY ON AUGUST 5, 2020: ON A MOTION DULY MADE BY _____, AND SECONDED BY _____, THE FOLLOWING RESOLUTION WAS ADOPTED BY THE DUMFRIES TOWN COUNCIL WITH THE FOLLOWING VOTE:

Charles C. Brewer, _____;
Brian K. Fields, ___;
Selonia B. Miles, _____;
Cydny A. Neville, _____;
Monae S. Nickerson, _____;
Melva P. Willis, _____;
Derrick R. Wood, _____;

RESOLUTION TO AUTHORIZE THE TOWN MANAGER TO SCHEDULE A PUBLIC HEARING FOR A ZONING TEXT ADMENDMENT APPLICATION ZTA2020-001, AN AMENDMENT TO CHAPTER 70, DIVISION 7, SECTIONS 70-282 (A) OR 70-282 (B) TO PERMIT THE USE OF A CONVENIENCE STORE WITH GASOLINE SALES IN THE B-2 ZONING DISTRICT BY RIGHT OR WITH A CONDITONAL USE PERMIT.

WHEREAS, whenever the public necessity, convenience, general welfare, or good zoning practice require, the Town Code §70-646 permits Town Council to amend Chapter 70 by a Zoning Text Amendment; and

WHEREAS, a zoning application ZTA2020-001 requests a Zoning Text Amendment to amend Chapter 70, Division 7, Sections 70-282 (A) or 70-282 (B) to permit the use of a Convenience Store with Gasoline Sales in the B-2 Zoning District either by right or with a conditional use permit, has been filed; and

WHEREAS, the Town Council discussed ZTA2020-001 at its August 5, 2020 meeting; and

WHEREAS, the Town Council desires the Department of Planning & Community Development to provide a staff report and recommendation to the Planning Commission and to the Town Council for ZTA2020-001; and

WHEREAS, the Town Council desires ZTA2020-001 be forwarded to the Planning Commission for public hearing, review and recommendation to Town Council; and

WHEREAS, pursuant to the requirements in the Town Code and Virginia law, the Town Council desires to consider and review ZTA2020-001 and hold a public hearing in order to provide the public the opportunity to be heard on the proposed Zoning Text Amendment.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Dumfries does hereby authorize the Town Manager to advertise public hearings on ZTA2020-001 before the Planning Commission and the Town Council.

By Order of Council:

_____
Derrick R. Wood, Mayor

Attest:

_____
Dawn Leander, Town Clerk

ALLOWABLE USE PROPOSAL

Sec. 70-281. - Intent.

This district is intended to provide a limited range of retail, commercial and convenience business uses to serve public need at the neighborhood level. This district is intended to create an environment to encourage a mix of living and working areas that is comfortable for pedestrians and bicyclists as well as automobiles, that contains uses that might not always require a trip by automobile, and to create a sense of community character as the heart of the historic Town of Dumfries.

(Code 1990, § 15-196; Ord. of 6-2-1987(1); Ord. No. O-2011-014, § 1, 9-20-2011; Ord. No. O-2013-010, § 1, 7-9-2013; Ord. No. O-2015-01, 1-6-2015)

Sec. 70-282(A). - Allowable uses.

(a) Structures to be erected or land to be used shall be for one of the following uses. Only one main structure and its accessory building shall be erected on any lot or parcel of land in this district.

(1) Antique shop.

(2) Apparel, clothing store.

(3) Art gallery.

(4) Art supply store.

(5) Bakery, provided all products produced on the premises shall be sold at retail on the premises.

(6) Banks and financial institutions without drive-through windows.

(7) Barber, beauty shop, beauty supply and accessories.

(8) Bicycle, motorcycle sales, new.

(9) Bookstore, newsstand.

(10) Candy store.

(11) Clock shop sales and repair.

(12) Computer store or personal electronic sales and service.

(13) Convenience store with gasoline sales.

(~~13~~14) Craft beverage production establishments.

(~~14~~15) Drug store without a drive-through window.

(~~15~~16) Florist, gift shop.

(~~16~~17) Food store: Grocery store, supermarket (excluding convenience or quick service food stores).

(~~17~~18) Government offices.

(~~18~~19) Hardware, paint and wallpaper store.

(~~19~~20) Hobby, craft shop.

(~~20~~21) Jewelry, engraving store.

(~~21~~22) Library.

(~~22~~23) Locksmith.

(~~23~~24) Medical and/or dental office and clinic.

(~~24~~25) Museum.

(~~25~~26) Musical instruments, sheet music, and recorded music sales.

(~~26~~27) Office, general business or professional.

(~~27~~28) Park, public.

(~~28~~29) Photographic equipment sales and service and photographic studio.

(~~29~~30) Recreation facility, public.

(~~30~~31) Repair services or businesses, including repair of lamps, microwave ovens, radios, shoes, television sets, toasters, toys, watches, and similar items.

(~~31~~32) Restaurant, full-service, cafe, catering business, delicatessens or ice cream parlors, for service of food for consumption primarily on the premises, including outdoor eating area, but not drive-in or fast food restaurants.

(~~32~~33) Shoe sales and repair store.

(~~33~~34) Stamp and coin stores.

(~~34~~35) Stationery store.

(~~35~~36) Tailor, seamstress shop.

(~~36~~37) Tanning salon.

(~~37~~38) Tobacco store.

(~~38~~39) Tourist information and orientation facilities.

(~~39~~40) Toy store.

(~~40~~41) Universities, colleges, and seminaries.

(b) Off-street parking shall be located to the rear or side of the principal structure.

(c) For permitted uses in this district, the primary entrance of the principal structure shall face the street.

(d) Direct access to a public right-of-way shall not be permitted through the rear or side yard of double-frontage lots.

(Code 1990, § 15-197; Ord. of 6-2-1987(1); Ord. of 9-27-1994, § 1; Ord. of 3-5-1996, § 1; Ord. of 3-3-1998(2), § 1; Ord. of 8-4-1998(2), § 1; Ord. of 2-3-1998, § 1; Ord. of 6-6-2006(3), § 15-197; Ord. of 10-6-2006; Ord. of 8-7-2007(2), § 1; Ord. of 7-1-2008(4), § 1; Ord. No. O-2011-014, § 1, 9-20-2011; Ord. No. O-2013-010, § 1, 7-9-2013; Ord. No. O-2015-01, 1-6-2015; Ord. No. O-2018-002, 1-3-2018)

Editor's note— Ord. No. O-2011-014, § 1, adopted Sept. 20, 2011, repealed former § 70-282 in its entirety and enacted new sections 70-282(A)—70-282(C) as herein set out. Ord. No. O-2013-010, § 1, adopted July 9, 2013, re-enacted the provisions of Ord. No. O-2011-014.

CONDITIONAL USE PROPOSAL

Sec. 70-282(B). - Uses allowable pursuant to a conditional use permit.

Structures to be erected or land to be used for one of the following uses shall be allowed subject to a conditional use permit in accordance with section 70-10 of the zoning ordinance. Only one main structure and its accessory building shall be erected on any lot or parcel of land in this district.

(1) Bed and breakfast inn.

(2) Child care or adult day care center.

(3) Convenience store with gasoline sales.

(~~3~~4) Cultural arts and entertainment centers.

(~~4~~5) Dog grooming, without indoor or outdoor kennel facilities.

(~~5~~6) Off-premises sales of beer and wine.

(~~6~~7) Residential, limited to multifamily dwellings, located above a commercial, retail or office use on the ground floor or located on the ground floor only if the building in which the residences are located does not face on Main Street, Fraley Boulevard, Route 234 or Graham Park Road.

(~~7~~8) School, K-12.

(~~8~~9) Uses otherwise permitted under section 70-282(A) above with a drive-through window.

(Ord. No. O-2011-014, § 1, 9-20-2011; Ord. No. O-2012-010, 11-13-12; Ord. No. O-2013-010, § 1, 7-9-2013; Ord. No. O-2015-01, 1-6-2015; Ord. No. O-2017-004, 6-6-2017; Ord. No. O-2018-002, 1-3-2018)

AT A MEETING OF THE DUMFRIES TOWN COUNCIL HELD VIRTUALLY ON AUGUST 5, 2020: ON A MOTION DULY MADE BY _____, AND SECONDED BY _____, THE FOLLOWING ORDINANCE WAS ADOPTED BY THE DUMFRIES TOWN COUNCIL WITH THE FOLLOWING VOTE:

Charles C. Brewer, _____;
Brian K. Fields, ___;
Selonia B. Miles, _____;
Cydny A. Neville, _____;
Monae S. Nickerson, _____;
Melva P. Willis, _____;
Derrick R. Wood, _____;

ORDINANCE APPROVING AMENDMENTS TO CHAPTER 70, ARTICLE IV, OF THE CODE OF THE TOWN OF DUMFRIES, THE ZONING ORDINANCE, TO DESIGNATE THE DIRECTOR OF PLANNING & COMMUNITY DEVELOPMENT AS THE TOWN COUNCIL'S AGENT FOR THE REVIEW AND APPROVAL OF SITE PLAN APPLICATIONS, TO ESTABLISH THE LENGTH OF THE VALIDITY OF APPROVED FINAL SITE PLANS TO BE FIVE (5) YEARS OR SUCH LONGER PERIOD AS MAY BE DETERMINED REASONABLE AT THE TIME OF APPROVAL, TO PROVIDE FOR THE LENGTH OF THE VALIDITY OF APPROVED FINAL SITE PLANS TO BE EXTENDED BEYOND FIVE (5) YEARS, TO ESTABLISH STANDARDS FOR THE WAIVER OF SITE PLAN REQUIREMENTS BY THE DIRECTOR OF PLANNING & COMMUNITY DEVELOPMENT, AND TO MAKE MINOR EDITING AMENDMENTS TO THE ZONING ORDINANCE RELATING TO SITE PLANS.

WHEREAS, at its July 7, 2020, meeting, the Town Council passed a resolution initiating amendments to Chapter 70 (Zoning), Article IV of the Town Code, regarding whether the Director of Planning & Community Development should be designated as the Town Council's agent for the review and approval of site plan applications, whether the length of the validity of approved final site plans should be five (5) years or such longer period as may be determined reasonable at the time of approval, whether the length of the validity of approved final site plans should be allowed to be extended beyond five (5) years, whether standards for the waiver of site plan requirements by the Director of Planning & Community Development should be established, and whether minor editing amendments to Chapter 70, Article IV, of the Zoning Ordinance relating to site plans should be made ("the proposed amendments"); and

WHEREAS, pursuant to Va. Code § 15.2-2286(A)(7) the Town Council has the authority to amend Chapter 70 of the Code of the Town of Dumfries, the Town's Zoning Ordinance; and

WHEREAS, in its initiating resolution for the proposed amendments the Town Council referred the proposed amendments to the Planning Commission and requested the Planning Commission to review the proposed amendments and provide Town Council with its recommendation thereon; and

WHEREAS, on July 27, 2020 the Planning Commission conducted a duly advertised and noticed public hearing on the proposed amendments and recommended to the Town Council approval of the proposed amendments; and

WHEREAS, the Town staff has presented to the Town Council a staff report on the proposed amendments, which recommends approval of the proposed amendments; and

WHEREAS, on August 5, 2020, the Town Council conducted a duly advertised and noticed public hearing at which members of the public were offered an opportunity to speak to the Town Council regarding the proposed amendments; and

WHEREAS, the Town Council is of the opinion that the public necessity, convenience, general welfare, and good zoning practice require the adoption of the proposed amendments; and

WHEREAS, the Town Council is of the opinion that the proposed amendments are reasonable and proper and should be approved.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Dumfries on this 5th day of August 2020 does hereby approve and adopt the proposed amendments as follows:

ARTICLE IV. - SITE PLAN

Sec. 70-536. - Intent.

[NO CHANGES PROPOSED]

Sec. 70-537. - When required.

[NO CHANGES PROPOSED]

~~Sec. 70-538. - Waiver of requirements.~~

~~Any requirement of this article may be waived by the council where the waiver is not adverse to the purpose of this article and the applicant establishes that in his specific case an undue hardship would result from a strict enforcement of this article, or that the requirement is unreasonable.~~

[Sec. 70-538.- Reserved].

Sec. 70-539. - Specifications.

[NO CHANGES PROPOSED]

Sec. 70-540. - Contents.

The site plan, or any portion thereof, involving engineering, urban planning, landscape architecture, architecture or land surveying shall be prepared by qualified persons. Final site plans shall be certified by an architect, engineer, or land surveyor licensed to practice by the commonwealth within the limits of their respective licenses. The site plan shall include, but not be limited to, the following:

(1) The proposed title of the project and the name of the engineer, architect, landscape architect, surveyor, and/or developer; the name of the developer; and a signature panel for the director of planning's approval.

(2) The north point, scale, date, and vicinity map.

(3) Existing zoning and zoning district boundaries on the property in question and on immediately surrounding properties.

(4) The present use of all contiguous or abutting property.

(5) The boundaries of the property involved by bearings and distances.

(6) All existing property lines, existing streets, buildings, watercourses, waterways, or lakes and other existing physical features in or adjoining the project. Those physical features, such as watercourses, waterways, or lakes on adjoining properties, need only be shown in approximate scale and proportion.

(7) Topography of the project area with contour intervals of two feet or less.

(8) The location and sizes of sanitary and storm sewers, gas lines, water mains, culverts, and other underground structures, all overhead utilities and their supporting poles in or affecting the project, including existing and proposed facilities and easements for these facilities.

(9) The location, dimensions, and character of construction of proposed streets, alleys, driveways, and the location, type, and size of ingress and egress to the site, so as to provide adequate facilities for all types of vehicles for solid waste collection.

(10) When proposed streets intersect with or adjoin existing streets, both edges of existing pavement surface or curb and gutter must be indicated for a minimum of 150 feet or the length of connections, whichever is the greater distance.

(11) The location of all existing and proposed off-street parking and parking bays, loading spaces, and walkways, indicating types of surfacing, size, angle of stalls, width of aisles, and a specific schedule showing the number of parking spaces.

(12) The site plan shall show heavily wooded areas and trees to be removed which shall be designated by symbols coincident with the areas of the trees; and an indication of which trees are to be retained and which are to be removed.

(13) The location, height, type, and material of all existing and proposed fences, walls, screen planting, and landscaping details of all buildings and grounds, and the location, height, and character of all outdoor lighting systems.

(14) The location of all proposed buildings and structures, accessory and main; number of stories and height; proposed general use for each building; and the number, size, and type of dwelling units where applicable.

(15) Provisions for the adequate disposition of surface water in accordance with design criteria and construction standards of the town, indicating location, sizes, types, and grades of ditches, catch basins, and pipes and connection to the existing drainage system.

(16) Provisions and schedule for the adequate control of erosion and sedimentation, in accordance with chapter 26, article II.

(17) Proposed finished grading by contour supplemented, where necessary, by spot elevations.

(18) One hundred-year floodplain limit studies as required by the ~~administrator~~ Director of Planning & Community Development.

(19) The location, character, size, height, and orientation of proposed signs.

(20) The location and dimensions of proposed recreation, open space, and required amenities and improvements, including details of disposition.

(21) Any necessary notes required by the ~~administrator~~ Director of Planning & Community Development to explain the purpose of specific items on the plan.

(22) The ~~administrator~~ Director of Planning & Community Development may request additional information other than what has previously been stated when deemed necessary to protect the health, safety and general welfare of the citizens of the town.

(23) On all site plans ~~and plats~~, the Resource Protected Area (RPA) and Resource Management Area (RMA) boundaries shall be depicted, including the requirement to retain an undisturbed and vegetated 100-foot-wide buffer area per the Chesapeake Bay Preservation Area (CBPA) Act requirements.

(24) Per CBPA Act requirements, the list of required information shall include a notation on site plats indicating that permitted development in RPA (including the 100-foot-wide vegetated buffer) is limited to water dependent facilities or redevelopment.

(25) As required by 9VAC 10-20-190 A 5 of the Regulations, all site plans shall include the requirement for a notation on plans indicating the delineation of the buildable areas on each lot, based on the performance criteria, local front and side yard setbacks, and any other relevant easements or limitations regarding lot coverage.

Sec. 70-541. - Improvements; standards.

The following improvements and minimum standards, as applicable, shall be required and provided for in a site ~~development~~ plan:

(1) *Street and highway construction and geometric design standards.* All street and highway construction standards and geometric design standards shall be in accordance with those specified by the state department of transportation.

(2) *Vehicular travel lanes.* The pavement of vehicular travel lanes, driveways, or alleys designed to permit vehicular travel on the site and to and from adjacent property and parking areas shall be not less than 22 feet in width for two-way traffic and 12 feet for one-way traffic.

(3) *Cul~~s~~-de-sacs.* Cul~~s~~-de-sacs shall be designed and constructed in accordance with the street standards specified by the state department of transportation and may not be construed or employed as a parking area.

(4) *Utility easements.* The minimum utility easement width shall be 20 feet unless specifically reduced as specified by the ~~administrator~~Director of Planning & Community Development. Where multiple structures or pipes are installed, the edge of the easement shall be five feet clear of the outside pipes. Where easements do not follow the established lot lines, the nearest edge of any easement shall be a minimum of five feet from any building.

(5) *Sidewalks and pedestrian walkways.* Sidewalks and pedestrian walkways shall be designed to enable patrons and tenants to walk safely and conveniently from one building to another within the site and to adjacent sites.

(6) *Screening.* All required screening shall be sufficiently dense or opaque to screen development effectively from the adjacent properties.

(7) *Unnecessary destruction of trees.* In order to preserve the character and natural environment and to provide visual and noise buffering, the ~~administrator~~ Director of Planning & Community Development may refuse to approve any site plan which proposes unnecessary destruction of trees and other natural features. The ~~administrator~~ Director of Planning & Community Development may require assurance that the developer has made reasonable effort in light of the proposed development to preserve, replenish, and protect trees of eight-inch diameter or

larger at the DBH, ornamental trees of any size; trees within required setbacks or along boundaries unless necessary to remove for access, grading, circulation, utilities, or drainage; streams in their natural condition.

(8) *Street/space lighting.* Street/space lighting shall be required in all zones.

Sec. 70-542. - Procedures.

(a) The ~~zoning administrator~~ Director of Planning & Community Development is responsible for checking site plans, preliminary and final, for general completeness and compliance with such administrative and legislative requirements as may be established by routing copies thereof to appropriate reviewing departments, and outside agencies.

(b) All applicants are encouraged to request a preapplication review conference. The purpose of the conference is to discuss the basic site plan, off-street parking, signs, other town ordinance requirements, utilities, and drainage, and to consider preliminary features of the proposed development as they relate to this article.

(c) Sufficient copies, as may be required by the ~~administrator~~ Director of Planning & Community Development, of the final site plan shall be submitted to the ~~administrator~~ Director of Planning & Community Development.

(d) Upon receipt of the first review comments from the reviewing agencies, the ~~zoning administrator or designated agent~~ Director of Planning & Community Development shall transmit review comments to the applicant for correction or implementation.

(e) The applicant shall then return to the ~~administrator,~~ Director of Planning & Community Development revised plans addressing all concerns and noting all changes. The ~~administrator~~ Director of Planning & Community Development shall then distribute and coordinate all further comments in the same manner until the final plan conforms with all technical requirements of all applicable codes.

~~(f) The administrator shall submit final site plans to the planning commission for review and recommendation. The planning commission shall recommend approval, approval subject to conditions, or disapproval to the town council within 30 days upon their receipt of the final site plan.~~

(~~g~~f) The ~~administrator~~ Director of Planning & Community Development shall ~~then forward the final site plan to the town council for action at the next available meeting~~evaluate the site plan, determine whether it meets the applicable requirements of this Ordinance, and then either approve or disapprove the site plan. In the event the Director of Planning & Community Development disapproves the site plan, all of the reasons for that disapproval shall be stated in writing.

Sec. 70-543. - Termination; extension.

(a) An approved site plan shall be valid for a period of ~~expire and become null and void if no building permit has been obtained for the site in 12 months~~ five (5) years after the date of final approval or for such longer period as the Director of Planning & Community Development may, at the time of approval, determine to be reasonable, taking into consideration the size and phasing of the proposed development.

(b) Upon application of the developer~~,The administrator, after consultation with the planning commission,~~ the Director of Planning & Community Development may grant ~~an~~ one or more extensions of up to one year of the approval of a final site plan as the Director may, at the time the extension is granted, determine to be reasonable, taking into consideration the size and phasing of the proposed development, and the laws, ordinances and regulations in effect at the time of the request for the extension.

Sec. 70-544. - Amendments to approved site plan.

If it becomes necessary for an approved site plan to be changed, the ~~administrator~~ Director of Planning & Community Development shall, at the applicant's request, ~~and after consultation with the~~

~~planning commission,~~ either administratively approve an amendment to the site plan or, if the change is major, require that a new site plan be drawn and submitted for review and action in accordance with this article.

Sec. 70-545. - Site plan prerequisite to issuance of permits; agreement bond and fees.

(a) No building permit shall be issued to construct, erect, or alter any building or structure, nor shall any permit or authorization be granted to improve or develop land subject to the provisions of this article, unless a site ~~development~~ plan has been submitted and approved.

(b) Prior to the issuance of permits for construction, there shall be executed by the owner or developer, and submitted to the town with an approved site plan, an agreement to construct such required physical improvements as are located within the public rights-of-way or easements or as connected to any public facility, in form and substance as approved by the town, together with a corporate surety bond (section 70-8) acceptable to the town attorney and approved by the ~~town's director of public works~~ Director of Planning & Community Development~~,~~ in an amount of 100 percent of the estimated cost of the required physical improvements listed in the unit price list for performance bonds on file in the ~~town's~~ office of the ~~director of public works~~ Director of Planning & Community Development. Such agreement with the town council shall provide for completion of all work covered thereby within the time to be determined by the ~~director of public works~~ Director of Planning & Community Development upon written justification by the owner or developer, signed by all parties (including sureties) to the original agreement.

(c) The council may grant the periodic partial and final complete release of any bond, escrow, letter of credit or other performance guarantee required by this section pursuant to the terms and provisions of section 70-8.

Sec. 70-546. - Compliance with approved site plan.

[NO CHANGES PROPOSED]

Sec. 70-547. – Waiver of Requirements.

(a) If, through no fault of the applicant a project cannot satisfy a particular requirement of this Ordinance, upon written request of the applicant for a waiver of any of the requirements of this Ordinance, the Director of Planning & Community Development may approve a waiver of said requirement if all of the following requirements have been satisfied:

(1) the need for the waiver is not attributable to any action or decision of the applicant;
(2) the applicant has acted in good faith with respect to the need for the waiver;
(3) the waiver requested by the applicant is the minimum necessary under the circumstances;
(4) the approval of the waiver will not cause any harm to any other property; and
(5) the approval of the waiver does not conflict with the purpose and intent of the Ordinance.

(b) Any waiver request must fully explain in writing the applicant's compliance with each of the standards set forth above.

Secs. 70-548—70-575. - Reserved.

By Order of Council:

_____

Derrick R. Wood, Mayor

Attest:

_____

Dawn Leander, Town Clerk

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

John Wilmer Porter Municipal Building
17739 Main Street, Suite 200
Dumfries, Virginia 22026
Tel: 703-221-3400/ Fax: 703-221-3544
www.dumfriesva.gov

Staff Report

Zoning Text Amendment: To amend Chapter 70, Article IV of the Town Zoning Code to: 1) designate the Director of Planning & Community Development as the Town Council's agent for the review and approval of site plan applications; 2) to establish the length of validity for approved site plans to be five (5) years or such longer period as may be determined reasonable at the time of approval; 3) to provide for the length of the validity for approved final site plans to be extended beyond five (5) years; 4) to establish standards for the waiver of site plan requirements by the Director of Planning & Community Development; and 5) to make minor editing amendments to Chapter 70, Division IV, Site Plans.

To: Town of Dumfries Town Council
From: William Capers III., PTP, Director of Planning and Community Development
Date: August 5, 2020

PURPOSE

On July 7, 2020, the Town of Dumfries' Town Council adopted a resolution to initiate zoning text amendments to Chapter 70, Article IV (Site Plan) of the Town Zoning Code. The proposed zoning text amendments, if approved, will enable the Town of Dumfries to become compliant with current state code requirements as it relates to the designation of an agent for site plan approval, and the length of validity for approved site plans as well as the length of validity for extensions of approved site plans. The proposed zoning text amendments will also allow the Town Council to make minor editing changes to Chapter 70, Article IV of the Town Zoning Code.

STAFF RECOMMENDATION

Staff recommends the Town Council approve the amendments to Chapter 70, Article IV (Site Plan) of the Town Zoning Code.

VIRGINIA STATE CODE PROVISIONS

The Code of Virginia, § 15.2-2286(A)(7) indicates that the governing body of a locality shall designate an agent for the review and approval of site plan applications. The intent of the code is to allow for the administrative approval of site plan applications to ensure that an applicant's request for land development complies with regulatory guidelines set forth by local and state agencies. Currently, Chapter 70, Article IV of the Town of Dumfries zoning code designates the Town Council as the final approving agent for site plan applications. The designation of the Town Council as the agent for site plan approval does not comply with the Code of Virginia, and in part, presumes that the review and approval of site plan applications is a legislative process(where discretionary review of applications are considered) rather than a process of evaluation for compliance.

The proposed amendments to designate an agent for the review and approval of site plan applications will comply with state regulations and will also streamline the process of how site plans are accepted, reviewed, and approved. The proposed amendments will also enhance service delivery through the efficient processing of site plan applications. Further, to ensure compliance and efficiency in the review of site plan applications, the proposed zoning text amendments also establishes standards for the waiver of site plan requirements by the Director of Planning & Community Development. This provision allows for the administrative granting of waivers for design and regulatory requirements as determined during the review process. This provision will authorize the Director of Planning & Community Development to waive certain requirements to site plan applications on a case by case basis.

The Code of Virginia § 15.2-2261 indicates that final site plans shall be valid for a period not less than five (5) years from the date of approval or for such longer period. Currently, Chapter 70, Article IV, Sec. 70-543 (a) states that an approved site plan shall expire and become null and void if a building permit is obtained within 12 months after final approval.

Given the provisions of the current zoning regulations, The Town of Dumfries could become liable for not granting applicants the full length of validity for site plan approvals as provided in the Code of Virginia. The proposed zoning text amendments to Chapter 70, Article IV also seek to comply to the Code of Virginia by establishing the length of validity for approved site plans to be five (5) years or such longer period as may be determined reasonable at the time of approval, and also to provide for the length of the validity of approved final site plans to be extended beyond five (5) years in accordance with the Code of Virginia.

The proposed amendments to Chapter 70, Article IV of the Town Code also incorporates minor editing amendments to clean up several grammatical and inconsistent text references that are provided in the current site plan regulations. The intent of these minor editing amendments is to provide consistency, clarity, and effective processing of site plan review and approval.

SUMMARY & RECOMMENDATION

The approval of zoning text amendments to Chapter 70, Article IV (Site Plan) of the Town Code will: 1) designate the Director of Planning & Community Development as the Town Council's agent for the review and approval of site plan applications; 2) establish the length of validity for approved site plans to be five (5) years or such longer period as may be determined reasonable at the time of approval; 3) establish the length of the validity for approved final site plans to be extended beyond five (5) years; 4) establish standards for the waiver of site plan requirements by the Director of Planning & Community Development; and 5) make minor editing amendments to Chapter 70, Division IV, Site Plans.

The proposed zoning text amendments will bring Chapter 70, Article IV (Site Plans) into compliance with State regulations and will enhance service delivery and efficiency in the review and approval of site plan applications. Staff recommends the Town Council approve the amendments to Chapter 70, Article IV (Site Plan) of the Town Zoning Code.

STAFF CONTACT: William Capers II, Director of Planning and Community Development- 703-221-3400 x 115.

AT A MEETING OF THE DUMFRIES TOWN COUNCIL HELD VIRTUALLY ON AUGUST 5, 2020: ON A MOTION DULY MADE BY _____, AND SECONDED BY _____, THE FOLLOWING ORDINANCE WAS ADOPTED BY THE DUMFRIES TOWN COUNCIL WITH THE FOLLOWING VOTE:

Charles C. Brewer, _____;
Brian K. Fields, ___;
Selonia B. Miles, _____;
Cydny A. Neville, _____;
Monae S. Nickerson, _____;
Melva P. Willis, _____;
Derrick R. Wood, _____;

ORDINANCE APPROVING AMENDMENTS TO CHAPTER 54 OF THE CODE OF THE TOWN OF DUMFRIES, THE TOWN OF DUMFRIES SUBDIVISION ORDINANCE, TO DESIGNATE THE DIRECTOR OF PLANNING & COMMUNITY DEVELOPMENT AS THE TOWN COUNCIL'S AGENT FOR THE REVIEW AND APPROVAL OF SUBDIVISION APPLICATIONS, TO ESTABLISH THE LENGTH OF THE VALIDITY OF APPROVED AND RECORDED FINAL SUBDIVISION PLATS TO BE FIVE (5) YEARS OR SUCH LONGER PERIOD AS MAY BE DETERMINED REASONABLE AT THE TIME OF APPROVAL, TO PROVIDE FOR THE LENGTH OF THE VALIDITY OF APPROVED AND RECORDED FINAL SUBDIVISION PLATS TO BE EXTENDED BEYOND FIVE (5) YEARS, AND TO MAKE MINOR EDITING AMENDMENTS TO THE SUBDIVISION ORDINANCE.

WHEREAS, at its July 7, 2020, meeting, the Dumfries Town Council passed a resolution initiating amendments to Chapter 54 of the Town Code, the Town's Subdivision Ordinance, regarding whether the Director of Planning & Community Development should be designated as Town Council's agent for the review and approval of subdivision applications, whether the length of the validity of approved and recorded final subdivision plats should be five (5) years or such longer period as may be determined at the time of approval, whether the length of the validity of approved and recorded final subdivision plats should be allowed to be extended beyond five (5) years, and whether minor editing amendments should be made to Chapter 54 of the Town Code, the Town's Subdivision Ordinance ("the proposed amendments"); and

WHEREAS, pursuant to § 15.2-2253 of the Code of Virginia the Town Council has the authority to amend Chapter 54 of the Town Code, the Town's Subdivision Ordinance; and

WHEREAS, in its initiating resolution for the proposed amendments, the Town Council referred the proposed amendments to the Planning Commission and requested the Planning Commission to review the proposed amendments and provide Town Council with its recommendation thereon; and

WHEREAS, on July 27, 2020 the Planning Commission conducted a duly advertised and noticed public hearing on the proposed amendments and recommended to the Town Council approval of the proposed amendments at that time; and

WHEREAS, the Town staff has presented to the Town Council a staff report on the proposed amendments, which recommends approval of the proposed amendments; and

WHEREAS, on August 5, 2020 the Town Council conducted a duly advertised and noticed public hearing at which members of the public were offered an opportunity to speak to the Town Council regarding the proposed amendments; and

WHEREAS, the Town Council is of the opinion that the proposed amendments are reasonable and proper and should be approved.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Dumfries on this 5th day of August 2020 does hereby approve and adopt the proposed amendments as follows:

Chapter 54 - SUBDIVISIONS

ARTICLE I. - IN GENERAL

Sec. 54-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agent means the ~~representative of the council who has been appointed to serve the council in the processing, reviewing, and approving of preliminary subdivision plats~~Director of the Town's Department of Planning & Community Development, who is hereby authorized to act on the behalf of the council with respect to this ordinance.

Alley means a permanent service right-of-way providing a secondary means of access to abutting properties.

~~*Authorized representative* means the individual appointed by the council for the day-to-day enforcement and inspection of this chapter.~~

Building means any structure having a roof, supported by columns or walls, for the housing or enclosure of persons, animals, vehicles, or other personal property. The term "building" includes the term "structure."

Building permit means a document issued by the building official granting permission to another person to construct, extend, repair, remove or alter a structure.

Building setback means the minimum distance by which any structure must be separated from the front property line of a lot.

~~*Chief engineering officer* means the licensed engineer designated by the council to furnish engineering assistance for the administration of this chapter.~~

Clerk means the clerk of the circuit court of the county.

~~*Commission* means the planning commission of the town.~~

Cul-de-sac means a street with one outlet and with an appropriate turnaround for safe and convenient reverse traffic movement.

Easement means a grant by a property owner to another person for the use of land for a specific purpose without including title to the land.

Engineer means an engineer certified by the commonwealth.

Floodplain includes those floodplain districts specifically designated in chapter 70, zoning, as being inundated primarily by the 100-year flood. Included would be areas identified as the floodway district (FW), the floodway-fringe district (FF), the approximated floodplain district (AF), and the shallow floodplain district (SF).

Frontage means the distance for which the front boundary line, the lot and the street are coincident.

Health official means the health director or sanitarian serving the town.

Highway engineer means the resident engineer employed by the state department of transportation and serving the town.

Jurisdiction means the area or territory subject to the legislative control of the ~~council~~town.

Land use and *use of land* also includes "building use" and "use of building."

Lot means a piece or parcel of land within a subdivision set off by metes and bounds and not susceptible to further division, except as herein provided. The term "lot" includes the terms "plot" and "parcel."

Lot, corner, means a lot abutting upon two or more streets at their intersection; the shortest side, fronting upon a street, shall be considered the front of the lot, and the longest side, fronting upon a street, shall be considered the side of the lot.

Lot, depth of, means the mean horizontal distance between the front and rear lot lines.

Lot, double frontage, means an interior lot having frontage on two streets.

Lot, interior, means a lot other than a corner lot.

Lot of record means a lot which has been recorded in the office of the clerk of the appropriate court.

Lot, width of, means the mean horizontal distance between the side lot lines.

Owner means any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to the land sought to be subdivided under this chapter.

Pedestrian way and *crosswalk* mean a right-of-way across, along or within a block, for use by pedestrian traffic, whether designated as a pedestrian way, crosswalk, or otherwise designated, and which may include utilities.

Planned unit development means parcels set aside for specialized purposes where tracts suitable in location, area, and character for the uses and structures proposed are to be planned and developed on a unified basis.

Plat, final, means the map or plan of a subdivision of land which meets all the requirements of this chapter, including any accompanying material which may be required.

Plat, preliminary, means a location map drawn to scale, submitted as a cover sheet with all tentative plans and plats showing the relationship of the proposed subdivision to existing railroads, lakes, rivers, offsite drainage areas, creeks, and public and semipublic facilities as well as to any existing or proposed adjacent subdivisions within 1,000 feet of the proposed subdivision boundary.

Plat, sketch, means a map showing the salient features of a proposed subdivision, submitted for purposes of preliminary consideration.

Resubdividing means an authorized change in property lines of a recorded subdivision.

Right-of-way means a strip of land dedicated or reserved for a street, crosswalk, railroad, road, water main, sanitary or storm sewer main, public utilities, or other special uses. For land platting purposes, the term "right-of-way" means that every right-of-way established after April 12, 1979, and shown on a final

plat, is to be separate and distinct from the lots or parcels adjoining such right-of-way and is not included within the dimensions or areas of such lots or parcels. A right-of-way intended for a street, crosswalk, water main, sanitary sewer, storm drain, or any other use involving maintenance by a public agency shall be dedicated to public use.

~~*Secretary* means the secretary of the planning commission of the town.~~

Street means a strip of land, including the entire right-of-way intended to be dedicated for use as a means of vehicular and pedestrian circulation by the public at large.

Street, arterial, means any existing or future street identified in any adopted plan which carries traffic, or anticipated traffic, of more than 3,000 vehicles per day.

Street, major, means any existing or future street identified in an adopted plan, which carries traffic, or anticipated traffic, of 500 to 3,000 vehicles per day.

Street, minor, means a street that is used primarily as a means of public access to abutting properties with anticipated traffic of less than 500 vehicles per day.

Street, service, means a public street, generally parallel and contiguous to major streets, primarily designed to promote safety by properly spacing points of access to major streets.

Street width means the total right-of-way width of the strip of land dedicated or reserved for public travel, including roadway, curbs, gutters, sidewalks, and planting strips.

Subdivide means the division of a parcel of land into two or more lots or parcels of less than three acres each for the purpose of transfer of ownership or building development, or, if a new street is involved in such division, any division of a parcel of land. The term "subdivide" and any derivative thereof shall have reference to the term "subdivider" as defined in this section.

Subdivider means a person (as defined in section 1-2) owning any tract, lot, or parcel of land to be subdivided, or a group of two or more persons owning any tract, lot, or parcel of land to be subdivided, or the person given power of attorney to act on the owner's behalf in the subdivision of land.

Surveyor means a land surveyor certified by the commonwealth.

Used includes "erected," "reconstructed," "altered," "placed," or "moved."

Sec. 54-2. - Measurement of distances.

[NO CHANGES PROPOSED]

Sec. 54-3. - Purpose.

[NO CHANGES PROPOSED]

Sec. 54-4. - Mutual responsibility of subdivider and town.

[NO CHANGES PROPOSED]

Sec. 54-5. - Suitability of site.

The ~~council~~ agent ~~may not~~ shall disapprove the subdivision of land if, from adequate investigations conducted by all public agencies concerned,the agent ~~it~~ has ~~been~~ determined that, in the best interest of the public, the site is not suitable for platting and development purposes of the kind proposed. The ~~council~~ agent may require the subdivider to furnish topographic maps, floodplain profile elevation information or other relevant information.

Sec. 54-6. - Use of land subject to flooding or otherwise unsuitable for development.

[NO CHANGES PROPOSED]

Sec. 54-7. - Improvements.

(a) *Generally.* All required improvements shall be installed by the subdivider at his cost. Specifications which have been established either by the state department of transportation for streets, curbs, etc., or local regulations, ordinances and codes shall be followed. The subdivider's bond shall not be released until construction has been completed and approved by the chief engineering officer or appropriate official. All improvements shall be in accordance with this section.

(b) *Streets.*

(1) *Design; construction.* All streets in the proposed subdivision shall be designed and constructed in accordance with the standards set by the state department of transportation for acceptance into the state secondary road system, and at no cost to the locality.

(2) *Alignment and layout.* The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas and proposed streets as shown in the adopted plan. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Where, in the opinion of the agent, it is desirable to provide for street access to adjoining property, the right-of-way of the proposed streets shall be extended to the boundary line of such property. Half streets along the boundary of land proposed for subdivision shall not be permitted. Wherever possible, streets should intersect at right angles. In all hillside areas, streets running with contours shall be required to meet intersecting streets at angles of not less than 60 degrees, unless approved by the agent upon recommendation of the highway engineer.

(3) *Access to major streets.* Where a subdivision borders on or contains an existing or proposed arterial street, the ~~council~~ agent may permit the subdivider to provide that the access to such streets be limited by one or more of the following means:

a. The subdivision of lots so that they will back onto the arterial street and front onto a parallel minor or major street. No access shall be provided from the major street, and screen planting shall be provided in a strip of land along the rear property line of such lots.

b. The subdivision of lots along a series of cul~~s~~-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel major or minor street, with the rear lines of the terminal lots contiguous with the arterial street right-of-way.

c. The subdivision of lots along a service street and physically separated from the major street by a planting or grass strip and having access thereto at approved points.

(4) *Approach angle.* Arterial streets shall approach major or minor streets at an angle which is in accordance with specifications of the state department of transportation.

(5) *Minimum width.* The minimum width of proposed streets, measured from lot line to lot line, shall be 50 feet, or as specified by the state department of transportation for acceptance into the state secondary road system.

(6) *Cul~~s~~-de-sacs.* Generally, permanent cul~~s~~-de-sacs shall be no longer than 400 feet to the beginning of the turnaround. Each cul-de-sac must be terminated by a turnaround of not less than 100 feet in diameter.

(7) *Alleys.* No alleys shall be platted and/or allowed within any subdivision on or after April 12, 1979.

(8) *Private streets and reserve strips.* Private streets shall not be allowed in any subdivision platted after April 12, 1979. There shall be no reserve strips.

(9) *Names.* Proposed streets, which are obviously in alignment with other existing and named streets, shall bear the names of the duplicate existing street names, irrespective of the use of the suffixes "street," "avenue," "boulevard," "road," "driveway," "place," "lane," or "court." Street names shall be indicated on the preliminary and final plats and shall be approved by the ~~council~~ agent. Names of existing streets shall not be changed except by approval of the ~~council~~ agent.

(10) *Identification signs.* Street identification signs, readable from either side, of a design approved by the ~~council~~ agent, shall be installed by the subdivider at all intersections.

(c) *Monuments.*

(1) *Generally.* As required by this chapter, all monuments must be installed by the subdivider and shall meet the minimum specifications described in this subsection. Upon completion of subdivision streets, sewers, and other improvements, the subdivider shall make certain that all required monuments are clearly visible for inspection and use. Such monuments shall be inspected and approved before any improvements are accepted by the ~~council~~ agent.

(2) *Concrete monuments.* Concrete monuments four inches in diameter or four inches square, three feet long, with a flat top, shall be set at all street corners, at all points where the street line intersects the exterior boundaries of the subdivision, and at right angle points, and points of curve in each street. The top of the monument shall have an appropriate mark to identify properly the location and shall be set flush with the finished grade.

(3) *Iron pipe monuments.* All lot corners other than those at street corners shall be marked with iron pipe not less than three-fourths inch in diameter and 24 inches long, and driven so as to be flush with the finished grade. When rock is encountered, a hole shall be drilled four inches deep in the rock, into which shall be cemented a steel rod one-half inch in diameter, the top of which shall be flush with the finished grade line.

(d) *Water facilities.* Public water service shall be extended by the subdivider to all lots within a subdivision, in accordance with the approved design standards and specifications for water service, construction, and improvements in the town.

(e) *Sewerage facilities.* Public sewerage facilities shall be extended by the subdivider to all lots within a subdivision, and septic tanks will not be permitted. The subdivider shall provide each lot with a satisfactory and sanitary means of sewage collection and disposal in accordance with the approved design standards and specifications for sewerage construction and improvements in the town.

(f) *Storm drainage facilities.* The subdivider shall provide all necessary information needed to determine what drainage improvements are necessary to develop properly such property. Such information shall include, but may not be limited to, contour data and drainage plans. The subdivider shall also provide plans for all such improvements, together with a certified engineer's or surveyor's statement that such improvements, when properly installed, will be adequate for development. The highway engineer shall then approve or disapprove the plans. The subdivider shall also provide any other information required by the highway engineer. The subdivider shall install the approved storm drainage facilities.

(g) *Fire protection.* Fire hydrants shall be required in a subdivision at locations approved by the agent, provided adequate public water is available. The location and design of the fire hydrants shall meet the American Insurance Association's specifications.

(h) *Easements.* The ~~council~~ agent may require the subdivider to provide drainage easements through adjoining property. The width of easements provided for drainage, water, sewer, power lines and other utilities in the subdivision shall be determined by the ~~council~~ agent.

(i) *Plans; specifications.* Six blue or black line prints of the plans and specifications, for all required physical improvements to be installed, shall be prepared by a certified engineer or land surveyor and shall be submitted with the final plat to the agent for approval or disapproval within 30 days. If approved, one copy bearing certification of such approval shall be returned to the subdivider. If disapproved, all papers, except for one copy, shall be returned to the subdivider with the reason for disapproval stated in writing.

(j) *Bonding.*

(1) *Performance bond required.* The subdivider shall furnish a cash bond or equivalent, a surety bond of a surety company in favor of the town council, or a certified check payable to the town in an amount equal to the total cost of the improvements determined by the ~~commission~~ agent. Such bond or check shall guarantee that the improvements will be installed within a designated

reasonable length of time in a manner acceptable to the ~~council~~ agent. The bond or check shall accompany the final plat. When construction has been completed, approved and accepted on sections of the required improvements, the ~~council~~ agent may release the bond submitted for the amount of the entire required improvements, provided a bond is furnished in the amount to cover the entire cost of the improvements yet to be constructed, approved and accepted.

(2) *Maintenance bond.* The subdivider shall file a maintenance bond with the ~~council~~ agent in an amount considered adequate and in a form satisfactory to the town council~~,~~, in order to assure the satisfactory condition of the required improvements, for a period of one year after the date of their acceptance by the ~~council~~ agent.

(3) *Absence of bond.* In the absence of a performance bond, or check, no final plat shall be approved or recorded until the required improvements have been installed by the subdivider and approved by the agent~~ or his authorized representative~~.

(4) *Release of performance bond.*

a. The subdivider may apply for and the ~~council~~ agent may grant the periodic partial and final complete release of any bond, escrow, letter of credit, or other performance guarantee required by subsection (j)(1) of this section or section 70-545 within 30 days after receipt of written notice by the subdivider or developer of completion of part or all of any facilities required to be constructed hereunder unless the ~~council~~ agent ~~or its designated administrative agency~~ notifies the subdivider or developer in writing of nonreceipt of approval by the applicable state agency, or of any specified defects or deficiencies in construction and suggested corrective measures prior to the expiration of the 30-day period.

b. If no such action is taken by the ~~council or its administrative agency~~agent within the time specified above, the request shall be deemed approved, and a partial release granted to the subdivider or developer. No final release shall be granted until after expiration of such 30-day period and there is an additional request in writing sent by certified mail, with return receipt, to the ~~mayor~~agent. The ~~council or its designated administrative agency~~agent shall act within 30 working days of receipt of the request, then if no action is taken the request shall be deemed approved and final release granted to the subdivider or developer.

c. The ~~council or its administrative agency~~ agent shall not refuse to make a periodic partial or final release of a bond, escrow, letter of credit, or other performance guarantee for any reason not directly related to the specified defects or deficiencies in construction of the facilities covered by such bond, escrow, letter or credit or other performance guarantee.

d. Upon written request by the subdivider or developer, the ~~council or its designated administrative agency~~ agent shall make periodic partial releases of such bond, escrow, letter of credit, or other performance guarantee in a cumulative amount equal to not less than 80 percent of the original amount for which the bond, escrow, letter of credit, or other performance guarantee was taken, based upon the percentage of facilities completed and approved by the ~~council, the local administrative agency,~~ agent or the state agency having jurisdiction. Periodic partial releases may not occur before the completion of at least 30 percent of the facilities covered by any bond, escrow, letter of credit, or other performance guarantee or after completion of more than 80 percent of such facilities. The ~~council or its administrative agency~~ agent shall not be required to execute more than three periodic partial releases in any 12-month period. Upon final completion and acceptance of such facilities, the ~~council or its administrative agency~~ agent shall release any remaining bond, escrow, letter of credit, or other performance guarantee to the subdivider or developer. For the purpose of final release the term "acceptance" is deemed to mean: "When such public facility is accepted by and taken over for operation and maintenance by the state agency, the ~~local government or agency~~town, or the other public authority which is responsible for maintaining and for operating such facility upon acceptance."

e. For the purposes of this section, a certificate of partial or final completion of such facilities from a duly licensed professional engineer or land surveyor, as defined in and limited to

Code of Virginia, § 54.1-400, or from a department or agency designated by the town, may be accepted without requiring further inspection of such facilities. Notwithstanding the above release requirements of performance bonds, the subdivider, upon completion of all required improvements, shall furnish an acceptable maintenance bond in the amount of one-fourth of the original performance bond. Such maintenance bond shall cover the cost of any repairs to the improvements for a period of one year from release of the performance bond.

(5) *Staged development.* Where development is projected over a period of years, the ~~planning commission~~ agent may authorize submission of the final plat, by sections or stages of development, subject to such requirements or guarantees for improvements in future sections or stages of development as it finds essential for the protection of any approved section of development.

(6) *Final as-built drawings.* Final as-built drawings, showing all subsurface utility conditions, shall be provided prior to release of the performance bond. One certified reproducible copy shall be provided to the ~~council~~ agent with an accompanying letter certifying accuracy, submitted in sufficient time to permit review prior to release of the performance bond.

(k) *Sidewalks.* In every subdivision developed after April 12, 1979, sidewalks shall be provided in accordance with the specifications of the state department of transportation.

(l) *Curbs and gutters.* Where deemed necessary by the ~~council~~ agent, curbs and gutters shall be installed in accordance with the standards and specifications of the town and the state department of transportation.

Sec. 54-8. - Lots.

(a) Lots shall be arranged in order that the considerations in this section are satisfied.

(b) The minimum lot size in any subdivision shall be in accordance with zoning ordinances of the jurisdiction in which the lot is located.

(c) The lot arrangement, design, and shape shall be such that lots shall provide satisfactory and desirable sites for buildings, be properly related to topography, and conform to requirements of this chapter. Lots shall not contain peculiarly shaped extensions solely to provide necessary square footage of area which would be unusable for normal purpose.

(d) Each lot shall abut ~~on~~ an existing or proposed dedicated public street, or on a street which has become public by right of use. If the existing streets are not 50 feet in width, the subdivider shall make provisions, in the deeds to the lots, that all buildings be constructed so as to permit the widening by dedication of such roads or streets to a width of 50 feet.

(e) Corner lots shall have a width sufficient for adequate site distance on both streets as determined by chapter 70, zoning.

(f) Side lines of lots shall be approximately at right angles or radial to the street line.

(g) Where the land covered by a subdivision includes two or more parcels in separate ownership, and lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to single ownership, simultaneously with the recording of the final plat. Such deed is to be deposited with the clerk of the court and held with the final plat until the subdivider is ready to record the same, and then both shall be recorded.

(h) All subdivisions, including those intended for business and industrial uses, shall include space set aside for offstreet parking and/or delivery facilities, as required by chapter 70, zoning.

Sec. 54-9. - Blocks.

(a) Where created by the subdivision of land, all new blocks shall be designed to comply with this section.

(b) Generally, the maximum length of blocks shall be 1,200 feet, and the minimum length of blocks upon which lots have frontage shall be 500 feet.

(c) Blocks shall be wide enough to allow two tiers of lots of minimum depth consistent with section 54-8, unless prevented by topographical conditions or the size of the property, in which case the ~~council~~ agent may approve a single tier of lots of minimum depth.

(d) Where a proposed subdivision will adjoin a major arterial read, the ~~council~~ agent may require that the greater dimension of the block shall front or back upon such major thoroughfare to avoid unnecessary ingress or egress.

Sec. 54-10. - Utilities and other facilities in floodprone areas.

[NO CHANGES PROPOSED]

Secs. 54-11—54-40. - Reserved.

ARTICLE II. - ADMINISTRATION

Sec. 54-41. - Duties of agent with respect to preliminary plats.

The agent ~~appointed by the council~~ shall oversee the administration of this chapter and shall have the responsibility of approving or disapproving the preliminary plat.

Sec. 54-42. - Conformance with state law.

The agent ~~and authorized representatives~~ shall perform ~~their~~ any duties assigned regarding subdivisions and subdividing in accordance with this chapter and Code of Virginia, tit. 15.2, ch. 22, art. 6 (Code of Virginia, § 15.2-2240 et seq.).

Sec. 54-43. - Authority of agent to consult with other officials.

In the performance of ~~their~~ any duties assigned herein, the agent ~~and authorized representatives~~ may call for opinions or decisions, either verbal or written, from other departments in considering details of any submitted plat. This authority of the agent shall have particular reference to the department of public works, resident highway engineer, health official, sanitary district, and fire marshal~~, and planning commission~~.

Sec. 54-44. - Authority of agent to establish additional procedures.

In addition to the regulations in this chapter for the platting of subdivisions, the agent ~~or authorized representative~~ may, from time to time, establish any reasonable additional administrative procedures deemed necessary for the administration of this chapter.

Secs. 54-45—54-61. - Reserved.

ARTICLE III. - COMPLIANCE

Sec. 54-62. - Plat approval required.

[NO CHANGES PROPOSED]

Sec. 54-63. - Prerequisites for sale of lots and issuance of building permits.

[NO CHANGES PROPOSED]

Sec. 54-64. - Appeal from decision of agent.

If a final plat of a subdivision is disapproved by the ~~council~~agent, the subdivider may appeal the decision of the ~~council~~ agent to the circuit court of the county.

Secs. 54-65—54-86. - Reserved.

ARTICLE IV. - PREPARATION AND RECORDATION OF SUBDIVISION PLATS[

Sec. 54-87. - Plat required.

[NO CHANGES PROPOSED]

Sec. 54-88. - Preparation and certification of plat.

[NO CHANGES PROPOSED]

Sec. 54-89. - Owner's statement.

[NO CHANGES PROPOSED]

Sec. 54-90. - Conformance with chapter.

[NO CHANGES PROPOSED]

Sec. 54-91. - Private easements, covenants or restrictions.

[NO CHANGES PROPOSED]

Sec. 54-92. - Changes to approved plat.

No change, erasure, or revision shall be made on any subdivision plat intended for recording, or on accompanying data sheets, after the approval of the ~~council~~ agent has been endorsed in writing on the plat or sheets, unless authorization for such changes has been granted in writing by the ~~council~~agent.

Sec. 54-93. - Fees.

[NO CHANGES PROPOSED]

Sec. 54-94. - Transfer of areas for public use.

[NO CHANGES PROPOSED]

Secs. 54-95—54-116. - Reserved.

ARTICLE V. - APPROVAL OF PLATS

Sec. 54-117. - Preliminary sketch.

(a) Prior to the preparation of preliminary or final plats, the subdivider may submit six copies of a preliminary sketch to the ~~authorized representative of the council~~agent. The purpose of a preliminary sketch is to permit the ~~authorized representative~~agent to advise the subdivider whether his plans are generally in accordance with the requirements of this chapter.

(b) The preliminary sketch shall be drawn on white paper, or on a print of a topographic map of the property. It shall be drawn to a scale no larger than 100 feet to the inch. It shall show the name, location, and dimensions of all streets entering the property, adjacent to the property, or terminating at the boundary of the property to be subdivided. It shall show the location of all proposed streets, lots, parks, playgrounds and other proposed uses of the land to be subdivided and shall include the approximate dimensions.

(c) Whenever part of a tract is proposed for platting and it is intended that additional parts will be subdivided in the future, a sketch plan for the entire tract shall be submitted with the preliminary plat. This sketch is merely for informational purposes and is not binding on the subdivider or the ~~council~~agent.

Sec. 54-118. - Contents of preliminary plat.

The subdivider shall present to the ~~authorized representative~~ agent six prints of a preliminary layout at a scale no larger than 100 feet to the inch as a preliminary plat. The preliminary plat shall include the following information:

(1) Name of subdivision, owner, subdivider, person preparing the drawing, date of drawing, number of sheets, north point, and scale. If true north is used, the method of determination must be shown.

(2) Location of proposed subdivision by an inset map at a scale of not less than two inches equal to one mile, showing adjoining roads, their names and numbers, towns, subdivisions, other landmarks and, where appropriate, the existing zoning of the land and adjoining property.

(3) The boundary survey or existing survey of record with reference to a known permanent monument, total acreage, acreage of subdivided area, number and approximate area and frontage of all building sites, existing buildings within the boundaries of the tract, and names of owners and their property lines within the boundaries of the tract and adjoining such boundaries.

(4) All existing, platted, and proposed streets and their names, numbers and widths, existing utility or other easements, public areas and parking spaces, culverts, drains and watercourses and their names, and flood profile and other pertinent data.

(5) The storm drainage layout, including drainage easements and means of transporting the drainage to a well-defined open stream which is considered natural drainage, or to another approved drainage control facility.

(6) Proposed connections with existing sanitary sewers and existing water supply or alternate means of sewage disposal and water supply. The location of all sewers shall be shown. The distance between manholes shall not exceed 400 feet. The location of all water lines shall be shown, as well as the location of necessary fire hydrants.

(7) A typical section showing the proposed street construction.

(8) A contour map showing the contours at a minimum interval of five feet, and showing tentative street grades.

(9) A location map tying the subdivision into the present road system, by using either aerial photographs or topographic maps of the United States Geological Survey.

(10) All parcels of land to be dedicated for public use and the conditions of dedication.

(11) A map showing the location of the proposed subdivision and/or land development with respect to any designated floodplain district, including information on, but not limited to, the 100-year flood elevations, boundaries of the floodplain districts, proposed lots and sites, fills, floods or erosion protective facilities, and areas subject to special deed restrictions.

(12) A plat and/or plan showing the procedures that will be followed to ~~insure~~ ensure that all requirements of chapter 26, article IV shall be met. The preliminary plat shall not be approved

until all agencies, commissions, and departments empowered to enforce this chapter have approved such plat and/or plan.

Sec. 54-119. - Procedure for approval of preliminary plat.

The agent shall discuss the preliminary plat with the subdivider in order to determine whether or not the preliminary plat generally conforms to the requirements of the state department of transportation and the county health department, article IV of chapter 26, this chapter and chapter 70, zoning, and any other appropriate ordinances, rules, or regulations. Within 60 days of the preliminary plat submission, the subdivider shall be advised by the agent in writing, by formal letter or by legible markings on the preliminary plat, of any additional data that may be required and the character and extent of public improvements that will have to be made.

Sec. 54-120. - Effect of approval of preliminary plat.

[NO CHANGES PROPOSED]

Sec. 54-121. - Time limit for filing final plat.

[NO CHANGES PROPOSED]

Sec. 54-122. - Contents of final plat.

The subdivision plats submitted for final approval and subsequent recording shall be clearly and legibly drawn in ink upon stable and reproducible plastic or linen material at a scale not smaller than 100 feet to the inch on sheets having a size of not more than 24 inches by 36 inches. In addition to the requirements of the preliminary plat, the final plat shall include the following:

(1) The complete storm drainage layout, including all pipe sizes, types, drainage easements and means of transporting the drainage.

(2) The location, type, profile, percent of slope, pipe size, and location of manholes for all sewers, and the location, type and sizes of all water lines and the location of necessary control valves.

(3) A cross section showing the proposed street construction, depth and type of base, type of surface, etc.

(4) A profile or contour map showing the proposed grades for streets and drainage facilities, including the elevations of existing and proposed ground surface at all street intersections, and at points of major grade change along the centers of streets, together with the proposed connecting grade lines.

(5) A blank space three inches by five inches shall be reserved and a signature block shall be provided for the use of the agent in approving or disapproving the plat ~~authority~~.

(6) Certificates signed by a surveyor or engineer setting forth the source of title of the owners of the land subdivided and the place of record of the last instrument in the chain of title.

(7) A statement to the effect that the subdivision as it appears on this plat is with the free consent and in accordance with the desires of the owners, proprietors and trustees, if any, which shall be signed by the owners, proprietors and trustees, if any, and shall be duly acknowledged before some officer authorized to take acknowledgments of deeds.

(8) When the subdivision consists of land acquired from more than one source of title, the outlines of the various tracts shall be indicated by dashes and the identification of the respective tracts shall be placed on the plat.

(9) The accurate location and dimensions by bearings and distances with all curve data on all lots and streets; boundaries of all proposed or existing easements; parks; school sites; all existing public and private streets, their names, numbers and widths; existing utilities, and those to be

provided such as sanitary sewers, storm drains, water mains, manholes and underground conduits including their size and type; watercourses and their names; and names of owners and their property lines, both within the boundary of the subdivision and adjoining such boundaries.

(10) The data of all curves along the street frontage shall be shown in detail at the curve data table containing the following: delta, radius, arc, tangent, chord and chord bearings.

(11) On all site plats, the Resource Protection Area (RPA) and Resource Management Area (RMA) boundaries shall be depicted, including the requirement to retain an undisturbed and vegetated 100-foot-wide buffer area per Chesapeake Bay Preservation Area (CBPA) Act requirements.

(12) Per CBPA Act requirements, the list of required information shall include a notation on site plats indicating that permitted development in RPA (including the 100-foot-wide vegetated buffer) is limited to water dependent facilities or redevelopment.

Sec. 54-123. - Approval of final plat.

(a) The plat shall not be approved until the subdivider has complied with the general requirements and minimum standards of design in accordance with this chapter, and has made satisfactory arrangements for a performance bond, cash or cash bond to cover the cost of necessary improvements, in lieu of construction, to the satisfaction of the ~~council~~agent. Approval or disapproval of the final plat shall be written in the signature block on the face of the plat by the ~~council~~agent, and no plat shall be recorded until such approval has been granted.

(b) The completed plat shall be submitted to the ~~council~~ agent for approval. Upon the approval by the ~~council~~agent, the plat shall be signed by the ~~council or its designated representative~~agent, marked "approved," and returned to the subdivider, who shall cause the plat to be recorded in the county clerk's office. If the plat is~~not~~ disapproved, the ~~council~~ agent shall sign the plat "disapproved" and return the plat to the subdivider with corrections to be made by the subdivider indicated thereon, if possible.

Sec. 54-124. - Recording of plat.

(a) Unless an approved final plat is recorded within six months after final approval thereof or such longer period as may be approved by the ~~council~~agent, such approval shall be withdrawn and the plat marked void and returned to the ~~approving official~~agent; however, in any case where construction of facilities to be dedicated for public use has commenced pursuant to an approved plan or permit with surety approved by the ~~council or its designated administrative agency~~agent, or where the developer has furnished surety to the town council ~~or its designated administrative agency~~ by certified check, cash escrow, bond, or letter of credit in the amount of the estimated cost of construction of such facilities, the time for plat recordation shall be extended to one year after final approval or to the time limit specified in the surety agreement approved for the town council by the ~~governing body or its designated administrative agency~~agent, whichever is greater.

(b) An approved final subdivision plat that has been recorded shall be valid for a period of five (5) years from the date of final approval or for such longer period as the agent may, at the time of approval, determine to be reasonable, taking into consideration the size and phasing of the proposed development.

(c) Upon application of the subdivider filed prior to expiration of a recorded final subdivision plat, the agent may grant one or more extensions of up to one year of such approval as the agent may, at the time the extension is granted, determine to be reasonable, taking into consideration the size and phasing of the proposed development, and the laws, ordinances and regulations in effect at the time of the request for an extension.

Secs. 54-125—54-146. - Reserved.

ARTICLE VI. - EFFECTUAL CLAUSES

Sec. 54-147. - Exceptions.

Where the subdivider can show that a provision of this chapter would cause unnecessary hardship if strictly adhered to, and where, because of topographical or other conditions peculiar to the site, and where, in the opinion of the agent, a departure may be made without destroying the intent of such provisions, the agent may authorize an exception. Any exception thus authorized is to be stated in writing by the agent with the reasoning set forth upon which the departure was justified. No such exception to this chapter may be granted if it is opposed in writing by the highway engineer or health official.

Sec. 54-148. - Penalties.

Any person violating any provision of this chapter shall be subject to a fine of not more than $500.00 for each lot or parcel of land so subdivided or transferred or sold, and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies provided in this chapter.

Sec. 54-149. - Amendments.

This chapter may be amended in whole or in part by the town council, provided that any such amendment shall either originate with or be submitted to the planning commission for its recommendation. No such amendment shall be adopted without a public hearing having been held by the council. Notice of the time and place of the hearing shall have been given in accordance with Code of Virginia, § 15.2-2204.

By Order of Council:

_____

Derrick R. Wood, Mayor

Attest:

_____

Dawn Leander, Town Clerk

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

John Wilmer Porter Municipal Building
17739 Main Street, Suite 200
Dumfries, Virginia 22026
Tel: 703-221-3400/ Fax: 703-221-3544
www.dumfriesva.gov

Staff Report

Code Text Amendment: To amend Chapter 54 of the Town Code, The Town of Dumfries Subdivision Ordinance to: 1) designate the Director of Planning & Community Development as the Town Council's agent for the review and approval of subdivision applications; 2) to establish the length of validity for approved and recorded subdivision plats to be five (5) years or such longer period as may be determined reasonable at the time of approval; 3) to provide for the length of the validity for approved and recorded subdivision plats to be extended beyond five (5) years; and 4) to make minor editing amendments to Chapter 54, The Subdivision Ordinance.

To: Town of Dumfries Town Council
From: William Capers III., PTP, Director of Planning and Community Development
Date: August 5, 2020

PURPOSE

On July 7, 2020, the Town of Dumfries' Town Council adopted a resolution to initiate amendments to Chapter 54, The Town of Dumfries Subdivision Ordinance. The proposed amendments, if approved, will enable the Town of Dumfries to become compliant with current state code requirements as it relates to the designation of an agent for subdivision plat approval, and the length of validity for approved and recorded subdivision plats as well as the length of validity for extensions of approved and recorded subdivision plats. The proposed amendments will also allow the Town Council to make minor editing changes to Chapter 54, The Town of Dumfries Subdivision Ordinance.

STAFF RECOMMENDATION

Staff recommends the Town Council approve the amendments to Chapter 54, The Town of Dumfries Subdivision Ordinance.

VIRGINIA STATE CODE PROVISIONS

The Code of Virginia§ 15.2-2286(A)(7) indicates that the governing body of a locality shall designate an agent for the review and approval of subdivision applications. The intent of the code is to allow for the administrative approval of subdivision applications to ensure that an applicant's request for the subdivision of land complies with regulatory guidelines set forth by local and state agencies. Currently, Chapter 54, The Town of Dumfries Subdivision Ordinance, designates the Town Council as the final approving agent for subdivision applications. The designation of the Town Council as the agent for subdivision approval does not comply with the Code of Virginia, and in part, presumes that the review and approval of subdivision plat applications is a legislative process (where discretionary review of applications are considered) rather than a process of evaluation for compliance.

The proposed amendment to designate an agent for the review and approval of subdivision applications will comply with state regulations and will also streamline the process of how subdivisions plats are accepted, reviewed, and approved. The proposed amendments will also enhance service delivery in the efficient processing of subdivision applications.

The Code of Virginia § 15.2-2261 indicates that final subdivisions shall be valid for a period not less than five (5) years from the date of approval or for such longer period. Currently, Chapter 54, does not establish any length of validity for approved subdivision plats.

Given the provisions of the current regulations, The Town of Dumfries could become liable for not granting applicants the full length of validity for subdivision approvals as provided in the Code of Virginia. The proposed amendments to Chapter 54, The Town of Dumfries Subdivision Ordinance also seek to comply to the Code of Virginia by establishing the length of validity for approved subdivisions to be five (5) years or such longer period as may be determined reasonable at the time of approval, and also to provide for the length of the validity of approved final subdivisions to be extended beyond five (5) years in accordance with the Code of Virginia.

The proposed amendments to Chapter 54 of the Town Code also incorporates minor editing amendments to clean up several grammatical and inconsistent text references provided in the current subdivision regulations. The intent of these minor editing amendments is to provide consistency, clarity, and effective processing of subdivision review and approval.

SUMMARY & RECOMMENDATION

The approval of amendments to Chapter 54 of the Town Code will: 1) designate the Director of Planning & Community Development as the Town Council's agent for the review and approval of subdivision applications; 2) establish the length of validity for approved and recorded subdivision plats to be five (5) years or such longer period as may be determined reasonable at the time of approval; 3) establish the length of the validity for approved and recorded final subdivision plats to be extended beyond five (5) years; and 4) make minor editing amendments to Chapter 54, The Town of Dumfries Subdivision Ordinance.

The proposed amendments will bring Chapter 54 of the Town Code into compliance with State regulations and will enhance service delivery and efficiency in the review and approval of subdivision applications. Staff recommends the Town Council approve the amendments to Chapter 54 (Subdivision) of the Town Zoning Code.

STAFF CONTACT: William Capers II, Director of Planning and Community Development- 703-221-3400 x 115.

AT A MEETING OF THE DUMFRIES TOWN COUNCIL HELD VIRTUALLY ON AUGUST 5, 2020: ON A MOTION DULY MADE BY _____, AND SECONDED BY _____, THE FOLLOWING RESOLUTION WAS ADOPTED BY THE DUMFRIES TOWN COUNCIL WITH THE FOLLOWING VOTE:

Charles C. Brewer, _____;
Brian K. Fields, ___;
Selonia B. Miles, _____;
Cydny A. Neville, _____;
Monae S. Nickerson, _____;
Melva P. Willis, _____;
Derrick R. Wood, _____;

PLANNING COMMISSION APPOINTMENT

WHEREAS, the Dumfries Town Council is the governing body responsible for appointing members to the Planning Commission; and

WHEREAS, the Council has traditionally reviewed applications for the Planning Commission and selected only the most qualified applicants to be appointed; and

WHEREAS, the Council has received a request from Diana Knez to be reappointed to the Planning Commission; and

WHEREAS, Council is prepared to appoint Diana Knez to fill an additional term that shall expire on June 30, 2023.

NOW, THEREFORE BE IT RESOLVED that the Town Council for the Town of Dumfries hereby appoints Diana Knez to serve on the Planning Commission.

By Order of Council:

_____
Derrick R. Wood, Mayor

ATTEST: _____
Dawn Leander, Town Clerk

Member	Role	Address	Phone	Email	Term Expires
1. John E. Webb	Chair	3420 Howard Street, Dumfries VA 22026		jewebsr@comcast.net	30-Jun-21
2. Tyrone Brown	Vice Chair	17598 Duke Street, Dumfries VA 22026		t1brown_45@yahoo.com	30-Jun-22
3.Diana Knez	Commissioner	17629 Overlook Drive, Dumfries VA 22026		diana.x.shao@gmail.com	30-Jun-20
4. Anita Gray	Commissioner	1973 Fort Monroe, Dumfries VA 22026		amgray1973@gmail.com	30-Jun-20
5. Sherri Stewart	Commissioner	4170 Nichols Court, Dumfries, VA 22026		sherrisellsindmv@gmail.com	30-Jun-21
6. Lawrence Nickerson	Commissioner	3315 Ring Necked Ct, Dumfries VA 22026		lmnick96@yahoo.com	30-Jun-23
7. Gary West	Commissioner	3867 Cameron Street Dumfries, VA 22026		nhggwest@verizon.net	30-Jun-23
8. Kelvin Noye	Commissioner	17751 Tweezer Court		kelvin.noye@gmail.com	30-Jun-23
9. Vacant	Commissioner	-		-	-
10. Vacant	Commissioner	-		-	-
11. Vacant	Commissioner	-	-	-	-
12. Vacant	Commissioner	-	-	-	-
13. Vacant	Commissioner	-	-	-	-
14. Vacant	Commissioner	-	-	-	-
15. Vacant	Commissioner	-	-	-	-

AT A MEETING OF THE DUMFRIES TOWN COUNCIL, HELD VIRTUALLY ON, AUGUST 5, 2020, ON A MOTION MADE BY _____, AND SECONDED BY _____, THE FOLLOWING RESOLUTION WAS ADOPTED BY THE FOLLOWING VOTE:

Charles C. Brewer, ;
Brian K. Fields, ;
Selonia B. Miles, ;
Cydny A. Neville, ;
Monae S. Nickerson, ;
Melva P. Willis, ;
Derrick R. Wood, ;

AN ORDINANCE TO VACATE A PORTION OF MARKET STREET, AN UNIMPROVED RIGHT OF WAY, LOCATED WITHIN THE TOWN OF DUMFRIES, POTOMAC MAGISTERIAL DISTRICT, PRINCE WILLIAM COUNTY, VIRGINIA

WHEREAS, there exists an unimproved 40' right of way identified as Market Street, located within GPIN 8189-91-1574 in the Town of Dumfries in the Potomac Magisterial District, Prince William County, Virginia ("the Town"); and

WHEREAS, the governing body of the Town of Dumfries ("Town Council") has received a request from the Dumfries Development Group, L.L.C. (referred to as "DDG, LLC") to vacate a portion of Market Street, specifically the unimproved 40' right of way ("Market Street" or "right of way"), the survey of which is depicted on a land survey plat prepared by Kevin D. Vaughn, a licensed Land Surveyor, dated June 06, 2018, entitled "Plat Showing Street Vacation on a Portion of Market Street, Potomac Magisterial District, Prince William County, Virginia" ("Plat"); and

WHEREAS, the Town Council had granted a vacation of right-of-way to DDG, LLC on July 3, 2018, but said vacation expired prior to DDG, LLC commencing construction; and

WHEREAS, Virginia Code Section 15.2-2006, 1950, authorizes the Town Council by ordinance to vacate and extinguish the public's rights to property dedicated as a public street where the public interest will be better served by releasing those lands or any parts thereof from such dedication; and

WHEREAS, Town Council desires to vacate the aforesaid right of way in accordance with the request of DDG, LLC as it pertinent and necessary for the development of the First Town Center project in the Town of Dumfries (referred to as "Project"); and

WHEREAS, Town Council provided notice of the proposed vacation in accordance with Virginia Code Section 15.2-2006, of a public hearing to permit any person to appear for the purpose of addressing the adoption of an ordinance of vacation; and

WHEREAS, the Town Council has determined that the right of way is no longer needed for public purposes and that the said vacation will better serve the public interest; and

WHEREAS, the public hearing notice clearly described the proposed vacation of the right of way as displayed on the attached Plat and stated the time and place of the meeting.

WHEREAS, after the public hearing, duly called in accordance with Virginia Code Section 15.2-2204, 1950, as amended, the Town Council found it to be in the best interest of the public to vacate the subject portion of Market Street which results in its passage of ownership to DDG, LLC

NOW, THEREFORE BE IT ORDAINED by Town Council of the Town of Dumfries pursuant to Virginia Code Section 15.2-2006, and subject to the conditions set forth herein, the rights of the

public in and to a portion of Market Street, specifically the unimproved 40' right of way as depicted on the attached Plat, is hereby vacated.

1. A portion of Market Street, as depicted on the attached Plat, is hereby vacated and fee simple title to the right of way will vest in DDG, LLC upon recordation of the vacation deed in accordance with Virginia Code Section 15.2-2006.

2. DDG, LLC as fee title owner shall be solely responsible for maintaining the right of way including, but not limited to, repaving, resurfacing and/or reconstructing paved areas, sidewalks, curb and gutter and other structures that are in disrepair, removal of storm water and debris and maintenance of grass and landscaping located within the right of way in accordance with the Project's site plan as approved by Town Council.

3. DDG, LLC shall be responsible for all legal, engineering, advertising, and recording costs associated with the vacation of Market Street.

4. Pursuant to Virginia Code Section 15.2-2006, the vacation of the right of way is conditioned upon the commencement of active construction of the Project by September 15, 2022, and in the event that active construction of the Project is not commenced by September 15, 2022 the vacation shall be void and fee simple title to the right of way shall revert in its entirety to the Town.

5. The vacation hereby enacted expressly reserves and excepts from vacation all rights and privileges possessed by public utilities and by any cable television company to maintain repair and replace their existing facilities in, adjacent to, over, or under the street to be vacated. A perpetual easement is reserved for the benefit of public utility companies for the purpose of ingress and egress over and upon the vacated street in order to maintain, repair or replace existing utility facilities, if any, including water lines, gas lines, telephone, electric and cable television lines and equipment.

By Order of Council:

_____
Derrick Wood, Mayor

Attest:_____
Dawn Leander, Town Clerk

AT A MEETING OF THE DUMFRIES TOWN COUNCIL HELD VIRTUALLY ON WEDNESDAY, AUGUST 5TH: ON A MOTION DULY MADE BY _____, AND SECONDED BY _____, THE FOLLOWING RESOLUTION WAS ADOPTED BY THE FOLLOWING VOTE:

Charles C. Brewer,;
Brian K. Fields,;
Selonia B. Miles,;
Cydny A. Neville,;
Monaé S. Nickerson,;
Melva P. Willis,;
Derrick R. Wood,;

RESOLUTION TO RENAME THE BANDSTAND WITHIN MERCHANT PARK TO DUMFRIES DISTINGUISHED CITIZEN BANDSTAND

WHEREAS, Historic Dumfries Virginia, Inc., has conducted a review of the named improvements within Merchant Park; and

WHEREAS, the bandstand is currently known as the William Grayson Memorial Bandstand; and

WHEREAS, during his lifetime, William Grayson maintained an enslaved labor force; and

WHEREAS, the Town of Dumfries and Historic Dumfries Virginia, Inc., recognize the hurtful connotations that this can cause to visitors of Merchant Park and the community at-large; and

NOW, THEREFORE BE IT RESOLVED, by Town Council that the bandstand located within Merchant Park shall be renamed "Dumfries Distinguished Citizen Bandstand".

By Order of Council:

_____
Derrick R. Wood, Mayor

ATTEST: _____
Dawn Leander, Town Clerk

AT A REGULAR MEETING OF THE DUMFRIES TOWN COUNCIL HELD VIRTUALLY ON AUGUST 5, 2020: ON A MOTION DULY MADE BY _____, AND SECONDED BY _____, THE FOLLOWING RESOLUTION WAS ADOPTED BY THE DUMFRIES TOWN COUNCIL WITH THE FOLLOWING VOTE:

Charles C. Brewer, _____;
Brian K. Fields, ____;
Selonia B. Miles, _____;
Cydny A. Neville, _____;
Monae S. Nickerson, _____;
Melva P. Willis, _____;
Derrick R. Wood, _____;

RESOLUTION TO AUTHORIZE THE TOWN MANAGER TO SCHEDULE A PUBLIC HEARING FOR A ZONING TEXT ADMENDMENT APPLICATION ZTA2020-002, AN AMENDMENT TO CHAPTER 70, SEC. 70-1, TO ADD THE DEFINITION OF HOMELESS SHELTER TO THE TOWN ZONING CODE, AND TO DIVISION 6, SECTION70-247 (B)TO PERMIT THE USE OF A HOMELESS SHELTER IN THE B-1 WITH A CONDITONAL USE PERMIT.

WHEREAS, whenever the public necessity, convenience, general welfare, or good zoning practice require, the Town Code §70-646 permits Town Council to amend Chapter 70 by a Zoning Text Amendment; and

WHEREAS, a zoning application ZTA2020-002 requests a Zoning Text Amendment to amend Chapter 70, Sec. 70-1, to add the definition of a homeless shelter to the Town Zoning Code, and to Division 6, Sections 70-247 (B) to permit the use of a Homeless Shelter in the B-1 Zoning District with a conditional use permit, has been filed; and

WHEREAS, the Town Council discussed ZTA2020-002 at its August 5, 2020 meeting; and

WHEREAS, the Town Council desires the Department of Planning & Community Development to provide a staff report and recommendation to the Planning Commission and to the Town Council for ZTA2020-002; and

WHEREAS, the Town Council desires ZTA2020-002 be forwarded to the Planning Commission for public hearing, review and recommendation to Town Council; and

WHEREAS, pursuant to the requirements in the Town Code and Virginia law, the Town Council desires to consider and review ZTA2020-002 and hold a public hearing in order to provide the public the opportunity to be heard on the proposed Zoning Text Amendment.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Dumfries does hereby authorize the Town Manager to advertise public hearings on ZTA2020-002 before the Planning Commission and the Town Council.

By Order of Council:

_____
Derrick R. Wood, Mayor

Attest:

_____
Dawn Hobgood, Town Clerk

Chapter 70-1, Definitions

Homeless shelter- shall mean a facility providing temporary housing primarily to indigent, needy, homeless or transient persons; may also provide secondary services such as counseling, vocational training, etc.

Sec. 70-247(B). - Uses allowable pursuant to a conditional use permit.

Structures to be erected or land to be used for one of the following uses may be allowed subject to a conditional use permit in accordance with section 70-10 of the zoning ordinance. Only one main structure and its accessory building shall be erected on any lot or parcel of land in this district.

(1) Amusement parlors.

(2) Child care or adult day care center.

(3) Convenience stores and service establishments such as, but not limited to, automatic self-service laundries.

(4) Cultural arts and entertainment centers.

(5) Garages and public parking.

(6) Homeless Shelter

(~~6~~ 7) Household appliance sales and service store.

(~~7~~ 8) Live theaters, live entertainment centers.

(~~8~~ 9) Miniature golf courses and golf driving ranges.

(~~9~~ 10) Movie theaters and assembly halls.

(~~10~~ 11) Off-premises sales of beer and wine.

(~~11~~ 12) Pet shops.

(~~12~~ 13) Residential, limited to multifamily dwellings, located above a commercial, retail or office use on the ground floor or located on the ground floor only if the residences do not face on Main Street, Fraley Boulevard, Route 234, Graham Park Road, or, if the building fronts on multiple streets, the residences must not face on the public street with the highest functional class as determined by the public works department.

(~~13~~ 14) School, K-12.

(~~14~~ 15) Uses otherwise permitted under section 70-247(A) above with a drive-through window.

(~~15~~ 16) Wholesale businesses, with parking to the rear of the building.

(Ord. No. O-2011-013, § 1, 9-20-2011; Ord. No. O-2013-009, § 1, 7-9-2013; Ord. No. O-2014-011, § 1, 11-5-2014; Ord. No. O-2017-004, 6-6-2017; Ord. No. O-2018-002, 1-3-2018)