

Mount Jackson
Special Joint Meeting of Town Council and Planning Commission

April 23, 2020

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Special Meeting

A special joint meeting of the Mount Jackson Town Council and Planning Commission was held April 23, 2020 at 5:00 PM in the council chambers at 5901 Main Street. Roll call was taken with the following in attendance; Town Council members Dennis Andrick, Bonnie Good, and Roger Rudy; Planning Commission member Jim Hines and Chairman Larry Ambrose. Also, in attendance, Neil Showalter, Town Manager; Joseph S. Paxton, Consultant; and Debbie Stover, Town Clerk. Dave Moore from Cornerstone Technology was present to video record the meeting. Mayor Donnie Pifer, Councilmembers Judy Fultz, Whitney Miller, and Rod Shepherd; and Commissioners Anita Miller and Evelyn Burner, attended electronically through Zoom. Visitors Rebecca Cobb and Kelly Davis from Berkley Group also attended electronically through Zoom.

New Business: Presentation – Updated Zoning Ordinance – Berkley Group

Rebecca Cobb gave a PowerPoint presentation on the zoning ordinance update. The process kicked off with a preliminary meeting between Berkley and town staff, town staff then reviewed an initial draft and provided feedback, edits were incorporated and reviewed with the Ordinance Committee, resulting in this presentation to the Planning Commission and Town Council.

Ms. Cobb stated the zoning ordinance's current structure is lengthy with 17 articles, as all districts are separated individually. The landscaping and other design requirements are scattered throughout, and difficult for an applicant to follow. She stated staff needs to be very familiar with the ordinance to assist an applicant through a zoning process. The proposed ordinance structure has 6 articles, making it more streamlined and cleaner. In general, the ordinance update proposes to add references to state code, insert current state code requirements, clarify language for readability and interpretation, modernize definitions and uses for easier enforcement and application, and adjust dimensional standards to match the intent of the districts.

The proposed changes per article are as follows:

Article I. In General, moves some items around, particularly landscaping is moved to its own specific article; the definitions are placed at the end; this article now contains purpose, applicability, and severability;

Article II. Administration, includes duties of the zoning administrator, planning commission, and board of zoning appeals; includes procedures for permits, amendments, enforcement, and appeals; updated with code requirements and references;

Article III. Zoning Districts, establishes and provides purpose and intent for each district. The planned mobile home district and the transitional district are recommended for removal, as neither of those have land zoned currently, and the Ordinance Committee didn't feel they were necessary. Section 3 has dimensional standards including lot size, setbacks, and height requirements, and Section 5 includes a use matrix to depict what is permitted in each district and their standards.

Article IV. Community Design and Standards, proposes to provide the community design and standards in one section of the ordinance rather than listed with each district. It also includes the TND-C district, which is a planned development district and is very different from the other districts so it was kept separate to maintain uniqueness;

Article V. Nonconforming Uses, Lots and Structures.

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Ms. Cobb elaborated on the dimensional standards stating the proposal is to decrease the lot coverage and increase the setback in the A-1 district, to encourage open space and a rural feel; increase lot coverage and maximum height limits for R-3 and B-3 districts to encourage higher densities and potentially larger buildings on smaller lots; decrease setbacks in several districts, to encourage community and neighborhood feel; and increase height maximum in several districts to match the different uses, such as providing for living spaces above businesses in the B-1, for example.

The proposed ordinance reduces or combines several uses, for example barbershops, florists, and dry cleaners are included as “personal services”. The definitions of some uses are broadened to reduce the necessity for amendments each time a new business type is presented. The ordinance adds new uses that are required by state code, such as family home daycare and temporary family healthcare structures. It also proposes to modernize terminology and meet community needs by adding uses such as mixed use structures, mobile restaurants, and short-term rentals.

Ms. Cobb stated Article IV, Community Design and Standards, includes standards for those several uses where the Council has decided that the use requires additional regulation, for example intensive agriculture. She stated she and Mr. Paxton discussed adding an asterisk (*) to those uses in the use matrix table, so the user can quickly see that additional standards apply.

She stated the sign regulations are proposed to be updated and no longer are content-based. She referenced the US Supreme Court case of Reed vs. the Town of Gilbert where it was determined that local governments are not permitted to regulate signs based on content as that practice is deemed to violate one’s freedom of speech. Ms. Cobb stated the ordinance language was changed and identifies types and styles instead, like temporary signs or free-standing signs. The definitions are updated and include illustrations. As an example, Ms. Cobb stated the sign ordinance permits temporary signs 4 square feet or smaller are allowed without a permit in all districts; signs larger than 4 square feet require a permit; and, all temporary signs are limited to 45 days but may be extended with approval from the zoning administrator. A-frame sandwich boards limited to one per business or one per 30 feet of sidewalk.

Ms. Cobb stated the new ordinance allows fencing in the side yard of all districts. The current landscaping, screening and buffering requirements are supported by the Committee, so editing was minimal other than consolidating the requirement into one place in the ordinance and removing redundancies.

Off-street parking requirements are proposed to be aligned with current parking standards to ensure the Town is not requiring too high of a standard. In most cases, the ordinance either matches the current industry standard or is slightly below. With regard to surfacing, the ordinance attempts to address Council’s concern that paving in some cases unnecessarily adds to stormwater run-off. The ordinance includes a proposal in the B-1 district requiring a properly bound permeable surface, interlocking pavers, or an erosion-proof asphaltic, bituminous, cement or other properly bound pavement for commercial uses where three or more parking spaces are required. For residential uses in the B-1 district with three or more parking spaces, flexibility is recommended to all pea gravel or other dustless surfaces.

She stated the section pertaining to utilities and facilities is streamlined, and one of the major changes is removing requirements related to water and sewer systems, since the Town has public water and sewer facilities, and there are other ordinances address those areas.

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Ms. Cobb stated Article V, non-conforming uses, lots and structures, are clarified and edited to conform to strict state code requirements. One proposed change is to allow the expansion of non-conforming residential structures by up to 20% of the original footprint, as long as the addition does not increase the non-conformity.

Ms. Cobb referred the group to Table 1 on page 31 which depicts the Dimensional Standards. She discussed how this table is to be used with the new ordinance and reviewed the following proposed changes: in the A-1 district decrease the coverage maximum from 30% to 10%, and increase the front setback from 40' to 100'. In the R-2 district, decrease the front setback from 35' to 30', and in the R-3 district, increase the lot coverage maximum from 40% to 60%, decrease the front setback from 30' to 25', and increase the maximum height from 35' to 45'. The proposed changes in the business and industrial districts include: in the B-1 district, increase the maximum height from 35' to 45', in the B-2 district, decrease the front setback from 40' to 20' and increase the maximum height from 35' to 45'; and in the B-3 district remove the minimum lot size requirement, increase the lot coverage maximum from 30% to 60%, decrease the front setback from 40' to 20', and increase the maximum height from 35' to 45'. In the I-1 and I-2 districts, the side and rear setbacks from business and industrial districts are recommended to be decreased from 50' to 25', but the 50' setback from agriculture and residential districts is to be maintained.

Ms. Cobb stated there is currently no land in the Town zoned TND-C, but the Ordinance Committee felt it was a valuable district that may be used in the future and are proposing to leave it in the ordinance. The district is intended to allow for mixed use and higher density through a conditional rezoning process. It is recommended to be included as a standalone district to preserve the unique requirement and design elements. The draft ordinance restructures the table to clarify and streamline the development standards and proposes to change some requirements to reflect current market conditions and financial considerations. It also removes requirements that are provided in other portions of the ordinance; and removes complex administration requirement to ease the administrative burden.

Ms. Cobb talked about the floodplain overlay district. This section is proposed to remain unchanged at this time, as it is being revised to comply with FEMA's National Flood Insurance Program Requirements. Staff is recommending that the floodplain ordinance be pulled out of the zoning ordinance and made a separate town ordinance.

Another change that is recommended is to make site plan approval an administrative process with technical review by relevant departments and agencies. This is a technical review process that should be completed by administrative staff. There are also new permits recommended for signs, home occupations, mobile restaurants, and short-term rentals.

Ms. Cobb stated the next steps are to incorporate edits from this work session into the document that will be advertised for a joint public hearing with the Council and Planning Commission on May 12th. Staff recommends that comments from the public be accepted until May 26th, the Planning Commission would consider action on June 1st and potentially, Town Council could consider action at its June 9th regular meeting.

Public comments may be submitted using the Public Comment Form on the Town's website, email to townoffice@mountjackson.com, or by letter to PO Box 487 Mount Jackson, VA 22842.

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Ms. Cobb ended the presentation and opened it up for questions. Mr. Paxton added there is one additional requirement included in the proposed draft. He noted that, the ordinance has a provision requiring a sign be installed on each property where there is a special use permit or rezoning application pending. The goal is to make the public aware of the application. He stated this change is not required by state law, but many localities have added this requirement to increase public awareness. If Council agrees to add this requirement, the cost is normally added to the applicant's fee. Councilmember Good asked if the sign could be a generic, with a smaller fee attached. Mr. Paxton stated the metal frame is usually purchased by the Town, with a detailed sign explaining what is being done, but the signs could be generic as well.

Chairman Ambrose asked why the setback in the A-1 district was proposed to be increased from 40' to 100'. Ms. Cobb stated the idea was to provide more open space and create a more rural feel. Mr. Ambrose stated he personally feels 100' is too far back, and Councilmember Andrick agreed. Mr. Andrick proposed a 50' setback.

Councilmember Rudy stated the requirement for a mobile restaurant permit indicates they can use an A-frame sign and it gives specific dimensions. He asked if those dimensions could be included in the definition of an A-frame sign. Ms. Cobb replied specific requirements are typically not in the definitions, because later edits would need to be done in multiple places. Mr. Paxton stated the intent is to get people to look at the sign dimension tables, not the definitions.

Ms. Good asked if directional signs at business locations are permitted and Mr. Paxton stated those types of signs are minor signs within a property boundary and are permitted. Ms. Good asked if ice cream trucks are considered mobile restaurants, and Mr. Paxton stated he believes under state law ice cream trucks have been exempted from that category.

Ms. Good stated the definition of a townhouse is missing, but Ms. Cobb informed her it is listed under Dwelling, Townhouse. Mr. Paxton suggested it could be added to definitions, under Townhouse (see Dwelling, Townhouse).

Mr. Paxton stated there were a couple things he discussed with the Ordinance Committee that he wants to make sure everyone is aware of. He noted currently there are two classifications of solar energy, small and everything else. The small classification was two acres or less, which put heavy restrictions on the homeowner. He stated the proposed update has three classifications, small (homeowner), medium and utility grade. He asked the Council and Planning Commission members to review closely the restrictions on the small and medium classes before adopting it. He asked the Council and Planning Commission members to also review the sample forms for short-term rentals, home occupations and food trucks, as these forms give persons a better understanding of how those regulations will be administered. Mr. Paxton stated the words micro-breweries (micro-distilleries) were changed to craft-breweries (craft-distilleries). He stated a few uses were added by right or changed to special use permits. He stated multi-family dwellings in B-2 are proposed to be removed and recommended to be added as a special use permit are broadcast towers in A-1. Ms. Good said with respect to the forms mentioned above, she suggests adding a line at the bottom of each page for the applicant to initial.

Ms. Good stated on page 5, she feels the Planning Commission duties are lacking some important information. She feels there should be in reference to the Planning Commission being required to present a budget. Mr. Paxton stated that the budget preparation is generally the responsibility of the planning staff, or in this case, the Town Manager, and he knows of no locality where the Commission submits an annual budget. Ms. Davis from the Berkley Group stated the goal was to highlight some duties of this Commission, but it references the

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state code 15.2-2221 for a full description. Ms. Good would like to add to the Planning Commission power and duties, that they have authority to establish an advisory committee, if needed.

Councilmember Andrick asked if setbacks for very small lots were changed to 0' as discussed prior. Mr. Paxton stated the current 10' setback has been revised to 5', which is required for separation between structures in the fire prevention code.

Mr. Rudy stated, regarding the short term rentals form, it lists the kinds of spaces that should be inspected, including bedrooms, living rooms and other areas "in which guests will be sleeping". He stated he would like to add "in which guests will be sleeping or using", to be able to list kitchens and bathrooms. He also found some punctuation errors which he will share with Mr. Paxton.

Ms. Good asked if under definitions, line 26, can include campgrounds. Mr. Paxton stated there is a definition for campgrounds on page 102. Ms. Cobb stated this list is for public facilities, and campgrounds are private facilities.

Mr. Paxton stated the next version will include sections numbers. He stated staff is also now looking for punctuation problems, and formatting consistency. He added the first advertisement for the joint public hearing will be in Saturday's newspaper, and the latest version of the ordinance will be available on the website. He suggests a summary of items the Board members brought up this evening, be sent to all members early next week for feedback, so staff can revise the ordinance prior to the public hearing on May 12th. He noted the reason the joint public hearing is scheduled for the Council meeting instead of Planning Commission meeting is to allow enough time to meet the state mandated advertising requirements.

Ms. Good asked if final document will try and keep tables on one page. Ms. Cobb replied yes, it will be cleaned up and formatted properly, but unfortunately some tables are too large to have one page.

Motion made by Councilmember Good, seconded by Councilmember Andrick, to adjourn the meeting at 6:10 PM.

Debbie A. Stover, Clerk

Donald I. Pifer, Mayor