

## ORDINANCE COMMITTEE

Date: April 27, 2010

**IN Attendance:** Council Members Terndrup (Chair), Le Vine, Mauck, Redmon, and Vena; Mayor Taylor, Town Planner Rex, Clerk Keller, and Amber Marra, of the NVD.  
The minutes from the March 23 and 30, 2010 meetings were approved as presented.

### I. Updates

#### **Blight abatement:**

**Planner Rex** said the property on King Street has been sold and is on track for repairs.

An abatement plan is being prepared for the house on Capon Road. The property has been cleaned, but the house is still not habitable. There is no water and sewer service to the property, but it is available in the vicinity of the property. The most expensive part would be the tap fees and Mr. Campbell has asked for some relief on this.

**Council Member Redmon** asked about a property on Fort Street as he has heard complaints on the condition of the property. **Planner Rex** said there has been ongoing debate as to the articles in the yard actually being trash. It cannot be labeled “blight” because the structure is fine so it becomes a property maintenance issue. There are definite lines of what is truly blight.

**Council Member Vena** asked about the house on North Charles Street and it was said this is an entirely different case. This has been discussed previously on numerous occasions.

**Council Member Terndrup** said a property on the corner of Washington and Fort Streets has been brought to his attention. This is an historic property. It was suggested that citizens complete a property violation complaint form which can be obtained at the Town’s website or at the Town Office.

**Council Member Le Vine** asked if there is a mechanism in place as far as trash in the yard.

**Planner Rex** said if the Town Manager determines it is detrimental to the health of the neighbors, etc., then a certain amount of time can be provided and then the Town can go in and clean-up the property. When questioned, **Planner Rex** explained the blight ordinance is not just complaint driven.

#### **2010 Legislative Report:**

Planner Rex included in the packet some of the bills that were passed that will affect the Town. **Council Member Terndrup** said as projects are completed, these bills will be included in the Code Book. The packet of information is mainly informational at this time.

### II. Action Items:

#### a. Section 74-5: Alteration and vacation of public rights-of-way

**Planner Rex** explained the wording of the ordinance he drafted. He created graphics to help explain the regulations and also the payment schedule.

It was asked if there are actually property lines that line-up like the ordinance will require.

**Planner Rex** said they do in about 40 percent of the cases, but some flexibility may have to be considered. It was suggested to allow about 10 percent flexibility and if this is not acceptable, it would be at the discretion of Council. If the lines cannot be drawn, then the entire alley would need to be vacated. **Council Member Mauck** suggested starting with this as written and tweaking if necessary. **The consensus was to add wording up to 10%.**

**Mayor Taylor** asked about Section F of the proposed ordinance and the sale of right-of-way. Planner Rex said this basically is differentiating between alleys and there would not be any payment required for vacated alleys. Language will be added regarding platted streets versus alleys and streets that are actually shown on the original Town plat. **The changes will be made and sent to Town Attorney Neal with a Public Hearing anticipated for June.**

b. Development Process Revisions

**Council Member Terndrup** presented a handout on the topic. He felt this is necessary as the economy seems to be changing a bit and he would like to see this be in place before building starts up again.

**Council Member Le Vine** wants the language to be strong enough that the bonding is enough so that improvements can be completed if the project goes unfinished. The Town has to sign-off on the bond and agreement.

**The consensus was to move forward with this with the language added for the amount of bonding.**

It was questioned how this will work with erosion control as these permits are given by the County. **Planner Rex will check to see how the permitting is done and add the language needed.** This will be taken before the Planning Commission.

c. Ordinance to require the installation of individual water meters on all site plans for each individual building unit.

**Planner Rex** said this is more complicated than first read and he explained when individual water meters would not be required; example: an apartment building. The Committee thought this would create the same type of situation as Signal Knolls if the apartment is made into condominiums. **Planner Rex** could not think of any type of multi-family unit that has individual meters. It was asked if language could be added that would say this would be allowed until the building is sold as a condominium. It was suggested if it is anything less than a condominium unit, then individual meters would be required for each unit.

**It was said nothing can be done on the Signal Knolls situation, but the consensus was Council does not want this to happen again.**

**Planner Rex** will draft language on this, specifically addressing multi-family dwellings.

Informational Item:

1. **Council Member Terndrup** read from the agenda: "Now that the ARB has had some actual experience with the Historic District ordinance, Council Member Terndrup is asking that they review section 46-6: Review Criteria and 46-8B: Responsibilities and make recommendations back to us about concerns, suggestions, additions or deletions they may have in improving these sections."

It was suggested inviting the ARB to a meeting to discuss this. **Planner Rex** said they are interviewing consultants now to write the guidelines and following this, it is hoped a decision will be made on the hiring of the consultant and that these will be done in the near future. He added that very qualified firms applied.

2. It was reported the Planning Commission is continuing to work on the steep slope issue.
3. Site Plan of Denny's and First Bank: Council Member Terndrup read from the site plan: "The applicant will be using a pervious surface for the parking area in order to meet the required 30% minimum pervious area requirement. *They WILL NOT be opening the right turn-in entrance until the speed limit is reduced to 35 mph. This will eliminate the need for VDOT type 3 barricades.*" He said this is exactly what is now in place in that area. Questions were asked on getting the speed limit reduced, but this is a VDOT issue.
4. To adopt the County standards for tax relief in regard to water and sewer bills: should something like this be adopted. **Planner Rex** is not sure this is allowable and he will check into this.

Discussion Items:

1. Suggested improvements to the developmental review process:
  - Flood plain management regulations that include standards for construction in designated flood hazard areas.  
**Council Member Terndrup** said this comes from the FEMA letter sent to the Town. He feels there should be strict ordinances in flood prone areas which would discourage building in these areas. **Planner Rex** explained that no

construction can take place within the 100-year flood plain. The Island Farm was discussed and the issues that surround this. It was asked if there are any areas in Town where building can take place in a flood zone.

- Refusal to issue zoning permits to any applicant having unresolved complaints on existing projects that are deemed to be founded complaints by the town, until such complaints are resolved.

This was suggested by Town Attorney Neal and was in response to the Island Farm. **Planner Rex** will research this more.

- Minor subdivision review process: this has been reviewed and Staff will check to make sure it is in the Code additions.
  - Statement of environmental site assessments: **Planner Rex** said this is required.
2. Review of 402.8: cul-de-sacs: VDOT secondary road standards are moving away from cul-de-sacs. Planner Rex said there are actual numbers in the International Fire Code that state how many homes can be placed on a road with a single entrance.
  3. It was asked if there are issues with the chart of the review process and Planner Rex said work will continue on this.
  4. Traditional Neighborhood Design: It was asked if something like this should be included in the Comprehensive Plan. Does our Planned Development ordinance work and Planner Rex said it does not work to require traditional neighborhood design. The Committee thought the Comprehensive Plan will lay a framework for all of this.

Being no further business, the meeting adjourned at 7:37 p.m.