

Regular Meeting, Wednesday, June 23, 2021, 7:00 p.m. Government Center, Verona, VA.

PRESENT: Gerald Garber, Chairman
Butch Wells, Vice-Chair
Pam Carter (via electronically)
Michael Shull
Scott Seaton
Jeffrey Slaven
Steven Morelli
Timothy K. Fitzgerald, County Administrator
Jennifer M. Whetzel, Deputy County Administrator
John Wilkinson, Director of Community Development
Angie Michael, Executive Assistant

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, June 23, 2021, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 245th year of the Commonwealth....

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Chairman Garber welcomed those present for the meeting.

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Mr. Morelli, Supervisor for the South River District, led the Pledge of Allegiance.

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Ms. Carter, Supervisor for the Pastures District, delivered the invocation.

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ORDINANCE AMENDMENT: VILLAGE MIXED USE DISTRICTS

This being the day and time advertised to consider an ordinance to amend Chapter 25. Zoning. Division G. Mixed Use Districts. Article XL.V. Village Mixed Use Districts. The Planning Commission recommends approval.

Leslie Tate, Senior Planner, stated that this will apply to any Village Mixed Use Zoning District. Currently, there are not any, but will apply if any would come up. The amendments include the following:

- The number of clients/residents permitted in residential care facilities to no more than four by right and permit more than four clients/residents by Special Use Permit.
- Remove boarding houses from the list of uses permitted by Administrative Permit
- Remove apartments in a pre-2012 structure, apartments in new construction and not on the ground floor, and detached accessory dwelling units attached to an accessory building from the list of uses permitted by Administrative Permit and add them to uses permitted by Special Use Permit.

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ORDINANCE AMENDMENT: VILLAGE MIXED USE DISTRICTS (CONT'D)

AN ORDINANCE TO AMEND CHAPTER 25. ZONING. DIVISION G. MIXED USE DISTRICTS. ARTICLE XLV. VILLAGE MIXED USE DISTRICTS

WHEREAS, the Augusta County Board of Supervisors has determined that the public necessity, convenience, general welfare, and good zoning practice require amendments to the regulations for Village Mixed Use Districts, summarized as follows: Amend the number of clients/residents permitted in residential care facilities to no more than four (4) by-right and more than four (4) by Special Use Permit, remove boarding houses from the list of uses permitted by Administrative Permit, remove apartments in a pre-2012 structure, apartments in new construction and not on the ground floor, and detached accessory dwelling units attached to an accessory building from the list of uses permitted by Administrative Permit and add them to uses permitted by Special Use Permit.

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that Chapter 25, Division G, Article XLV. of the Augusta County Code be amended as follows:

CHAPTER 25. ZONING.

DIVISION G. MIXED USE DISTRICTS

ARTICLE XLV. Village Mixed Use Districts

§ 25-453. Purpose

This district is intended to retain the character of established communities which have historically provided social and economic services to the area. The regulations are designed to recognize the mixed use character of the village, encourage its service functions, and to provide for appropriate expansion and redevelopment of the village while maintaining its historic development pattern.

§ 25-454. Permitted uses

A. The following uses shall be permitted without Administrative or Special Use Permits:

1. One (1) single family dwelling and certain group homes required to be permitted by state law.
2. Active and passive recreational facilities not utilizing outdoor lighting.
3. Religious institutions.
4. Residential care facilities with no more than 4 clients/residents.
5. Government facilities, including, but not necessarily limited to: libraries, post offices, and public safety facilities.

B. The following uses shall be permitted without Administrative or Special Use Permits when not involving a structure or structures the total aggregate of which exceeds five thousand square feet (5000 sq. ft.):

1. Veterinary clinics and hospitals without outside runs.
2. Banks and Financial Institutions.
3. Eating and drinking establishments, including, but not necessarily limited to: fast food restaurants, restaurants, and cafes.
4. Entertainment, Indoor, including, but not necessarily limited to: bowling alleys, pool halls, theatres and auditoriums, membership clubs and lodges, gymnasiums, fitness centers and health clubs, fortune telling, video amusements, and indoor theaters.

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5. Media Related Businesses, including, but not necessarily limited to: printing and publishing businesses, radio, television and movie studios, cable TV offices, but excluding on-site towers, antennas, and other accessory equipment in excess of thirty feet (35') in height.
6. Meeting places and other facilities of civic, community service, and fraternal organizations.
7. Offices including, but not necessarily limited to: business offices, call centers, professional offices, medical or dental offices or clinics, and real estate offices.
8. Bed and breakfast inns.
9. Parking lots.
10. Retail Sales and Service including, but not necessarily limited to: antique shops, appliance repair, artist studios or galleries, barber or beauty shops, bakeries, clothing stores, convenience stores, coffee shops, drug stores, farmers markets, flea markets or auction houses, florists, furniture stores, hair salons, nails, tanning booths, or similar personal services, hardware stores, laundry or dry cleaning pick-up, massage therapy, office machines and supplies, paint and wallpaper stores, pet sales or grooming, private postal services, and upholstery shops.
11. Wholesale and resale businesses where goods are normally sold or leased.

§ 25-454.1. Accessory buildings and uses

A. Accessory buildings and uses customary and clearly incidental to a permitted use and which will not create a nuisance or hazard shall be permitted in Village Mixed Use Districts, subject to the applicable provisions of article V of division A of this chapter.

B. In Village Mixed Use districts, accessory buildings and structures are permitted with the following limitations:

Accessory buildings and structures not exceeding twenty feet (20') in height nor an aggregate area of nine hundred square feet (900 sq. ft.) may be erected in side and rear yards, however, in no case shall any accessory building be larger than the footprint of the principal building or structure or taller than the height of the principal building or structure. Accessory buildings and structures must meet the applicable side and rear yard requirements of § 25-456.

Accessory buildings and structures not exceeding twenty feet (20') in height nor an aggregate area of nine hundred square feet (900 sq. ft.) may be erected in required front, side and rear yards with a Special Use Permit issued pursuant to the requirements of §25-454.3.E., however, in no case shall any accessory building be larger than the footprint of the principal building or structure or taller than the height of the principal building or structure.

§ 25-454.2. Uses permitted by Administrative Permit

The uses listed in this section shall be permitted within Village Mixed Use Districts only upon the issuance of an Administrative Permit by the Zoning Administrator pursuant to the provisions of article LVI of division I of this chapter. Administrative permits are to be issued only for uses where the applicant can demonstrate that the proposal meets the standards required by this chapter and the uses will not have an undue adverse impact on the surrounding neighborhood. Among matters to be considered in this connection are traffic congestion, noise, lights, dust, odor, fumes, and vibration.

A. Home occupations, Class B

Home occupations, Class B, may be permitted by Administrative Permit provided:

1. The use of the dwelling for the home occupation shall be clearly incidental and subordinate to the use of the dwelling for residential purposes. There shall be no change in the outside appearance of the dwelling or lot, nor other visible evidence of the conduct of such home occupation other than one (1) sign no more than four square feet (4 sq. ft.) in size; and
2. Such occupation shall be engaged in only by residents of the dwelling and no more

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than one (1) employee that comes to the home. The business can have multiple employees who do not come to the home; and

3. If the applicant is a tenant, written permission of the landowner is required; and

4. The use is conducted within the home or the use may occupy up to five hundred square feet (500 sq. ft.) of an accessory structure. All goods, equipment, and materials related to the Home Occupation must be stored indoors, within the accessory building, or on a single utility trailer with a trailer bed not to exceed sixteen feet (16') in length; and

5. No display of products made shall be visible from the street; and

6. No products shall be sold on the premises except such as are made on the premises. No other retail sales or wholesale sales shall occur unless:

a. No clients or customers come to the home in conjunction with the sales; all sales occur off-premises or via telephone, mail, computer, etc.

b. Items are accessory to the main use and sold only to clients or customers using the main business, e.g. shampoo for clients in a beauty or barber shop.

7. No outside display or storage of materials, goods, supplies, or equipment in relation to the home occupation shall be permitted, other than on the utility trailer permitted in 4 above. Any animals associated with a permitted home occupation, e.g. pet grooming business, must be kept indoors; and

8. The occupation shall not generate more than ten (10) vehicular trips in a day. A trip consists of one (1) arrival and one (1) departure; and

9. Deliveries shall be limited to normal deliveries by public and private mail carriers, including USPS, Fed-Ex, UPS, and similar carriers; and

10. All parking associated with the business shall be off-street and not located in any required front yard, except within the existing driveway and

11. No more than one (1) commercial vehicle may be used in conjunction with the home occupation. Commercial vehicles shall be allowed pursuant to the requirements of §25-54.1.N. (Ord. 10/28/15)

The following uses are not considered to be Home Occupations, Class B: trash and garbage collection, boarding houses, day care centers, private schools, firearm sales, and small engine repair or motor vehicle repair. Landscaping and mobile motor vehicle repair businesses are not considered Home Occupations unless all equipment, materials and trailers over sixteen feet (16') are to be kept off site. The applicant shall supply written documentation such as a lease agreement or contract describing where the equipment, materials, and utility vehicles are to be kept to the Community Development Department. (Ord. 10/28/15)

B. Day care home occupations

Day care home occupations may be permitted by Administrative Permit provided:

1. The use of the dwelling for the day care home occupation shall be clearly incidental and subordinate to the use of the dwelling for residential purposes. There shall be no change in the outside appearance of the dwelling, nor other visible evidence of the conduct of such home occupation other than one (1) sign no more than four square feet (4 sq. ft.) in size; and

2. Such occupation shall be engaged in only by residents of the dwelling and one (1) employee who comes to the home; and

3. Play equipment and similar facilities may be used; and

4. No accessory building shall be used for such occupation, except for storage of play equipment when not in use; and

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5. Approval from the Department of Social Services or proof that such approval may be obtained pending zoning approval; and

6. Notification of adjoining property owners. Upon receipt of an application for an Administrative Permit for a day care home occupation, the Zoning Administrator shall send by certified mail written notice of such application to all adjoining property owners as shown on the current real estate assessment books.

a. Action if objection received.

If written objection is received from an adjoining property owner within thirty (30) days following the mailing of said notice, the application shall be denied, and the applicant advised that the day care home occupation may commence only upon the approval of a Special Use Permit by the board of zoning appeals.

b. Action if no objection received.

If no written objection is received from an adjoining property owner within thirty (30) days following the mailing of said notice, and the applicant meets all other requirements of this section, the Zoning Administrator may approve the Administrative Permit.

C. Attached accessory dwelling units

One (1) apartment constituting an attached accessory dwelling unit within what would otherwise be a single-family dwelling may be permitted by Administrative Permit provided:

1. It is attached by sharing one (1) common wall. In no case shall an enclosed or unenclosed breezeway be considered a common wall for the purposes of attaching an accessory dwelling unit to a dwelling; and

2. For attached accessory dwelling units not constituting an addition, the owner must provide a floor plan sketch to demonstrate that the apartment contains less square footage than the principal dwelling and in no case shall the apartment be larger than the footprint of the existing dwelling; and

3. For attached accessory dwelling units, constituting an addition and changing the footprint of the original dwelling, the attached accessory dwelling unit shall be no more than six hundred square feet (600 sq. ft.) or forty percent (40%) of the amount of square footage in the footprint of the principal dwelling, whichever is greater, but not to exceed nine hundred square feet (900 sq. ft.); and

4. There shall be no more than one (1) accessory dwelling unit, attached or detached, per principal dwelling; and

5. The Building Inspection Department has indicated that either a Building Permit is not required, or a Building Permit can be issued for the apartment once the Administrative Permit has been approved; and

6. The dwellings are either connected to public sewer or the Virginia Department of Health has confirmed that the sewage disposal system is adequate for the proposed use.

(Ord. 6/26/19)

D. Off-site sale of seasonal items

Off-site sale for more than thirty (30) days of seasonal items such as Christmas trees, farm produce grown off premises, or other items which by their nature are sold primarily during certain times of the year, may be permitted by Administrative Permit provided:

1. The sale is for a stated limited period of time not to exceed ninety (90) days in any one (1) year period; and

2. Adequate provisions are made for parking, and the sale will not disrupt traffic in the neighborhood. No such sale, if conducted on the site of an existing development, shall infringe upon any parking spaces required for such development. The Zoning Administrator shall determine that sufficient and accessible parking spaces are available to serve the patrons of such operation prior to its authorization; and

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3. Approval of a highway entrance permit for the use has been obtained from the Virginia Department of Transportation; and

4. No site plan as provided in § 25-672 of this chapter shall be required. However, the Zoning Administrator may require a sketch plan to be submitted in order to determine compliance with this section; and

5. The applicant for such permit shall provide written evidence of the approval of the owner of the property on which such sale is to be conducted.

6. For the purposes of this section, fireworks shall not be considered seasonal items.

E. Outdoor Display of Merchandise

Outdoor display of merchandise may be permitted by Administrative Permit provided that the use shall be limited to that merchandise which:

1. Is in working order and ready for sale; and
2. Is located in side or rear yards; or
3. If in front, can be accommodated in the area immediately adjoining the front of the principal building and in no case shall a display area be within the right-of-way of any road.

No such display shall encroach upon any required parking or loading area or vehicular circulation area.

NOTE: Any outdoor display of merchandise that does not meet the requirements listed above can apply to the board of zoning appeals for a Special Use Permit pursuant to the requirements listed in §25.454.3.C.

F. Day care centers, nursery schools, and private schools

Day care centers, nursery schools, and private schools may be permitted by Administrative Permit provided:

1. Approval of a commercial entrance permit for the use has been obtained from the Virginia Department of Transportation; and
2. Approval of the building for the use has been obtained from the Building Inspection Department; and
3. The applicant demonstrates compliance with state licensing requirements and all applicable federal, state, and local regulations.

§ 25-454.3. Uses permitted by Special Use Permit

The uses listed in this section shall be permitted within Single Family Residential Districts only upon the issuance of a Special Use Permit by the board of zoning appeals pursuant to the provisions of article LVIII of division I of this chapter.

A. General standards applicable to all Special Use Permits. No Special Use Permit shall be issued without consideration that, in addition to conformity with any standards set forth in this chapter for Special Use Permit uses, the following general standards will be met either by the proposal made in the application or by the proposal as modified or amended and made part of the Special Use Permit:

1. Conformity with Comprehensive Plan and policies. The proposal as submitted or as modified shall conform to the Comprehensive Plan of the county or to specific elements of such plan, and to official policies adopted in relation thereto, including the purposes of this chapter.

2. Impact on neighborhood. The proposal as submitted or as modified shall not have

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undue adverse impact on the surrounding neighborhood.

NOTE: For restrictive conditions applicable to all Special Use Permits, see § 25-584 of division I of this chapter.

B. Residential care facilities for more than 4 residents/clients

Residential care facilities may be permitted by Special Use Permit provided:

1. The facility and anticipated enlargements thereof will be appropriate for residential areas; and
2. The facility, taking into account such things as its proposed size, parking facilities, setbacks, and landscaping, will not be out of character with neighboring properties; and
3. The permitting of the proposed facility, when taking into account the presence of other businesses in the neighborhood, will not result in such concentration or clustering of businesses as to create an institutional setting or business center or otherwise change the area's character and social structure; and
4. The applicant demonstrates compliance with state licensing requirements and all applicable federal, state, and local regulations.

C. Outdoor storage

Any use permitted under § 25-454.2. F. above where there is outdoor storage that does not meet the criteria for Outdoor display may be permitted by Special Use Permit provided:

1. A site plan is filed meeting the requirements of division J article LXVII "Site Plan Review", approved and followed which clearly delineates the areas intended for outdoor storage and complies with the requirements of this chapter; and
2. On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways. Aisleways will be appropriate for the anticipated vehicular and pedestrian traffic; and
3. Outdoor storage areas will not interfere with convenient, easily accessible parking for the public. Areas delineated on the site plan for parking or aisleways may not be used for outdoor storage; and
4. Outdoor storage areas will be proportionately appropriate in size and scope to the nature of the business. Financial considerations alone will not justify the failure to use inside storage; and
5. Setbacks for proposed structures and facilities will be sufficient to protect neighboring properties; and
6. Items not displayed for sale or lease shall be fully shielded or screened from view unless the board of zoning appeals determines that fully shielding or screening is not necessary. Opaque screening, including fencing and landscaping, shall be appropriate to ensure compatibility with neighboring properties, taking into account the proper location of aisleways and gates and the compatibility of screening materials with the materials utilized in the principal buildings on site. Fencing or screening shall be maintained in a good state of repair. Chain-link fencing with slats inserted is not acceptable for this screening. Gates shall remain closed except when goods are moved to and from the enclosed area; and
7. There is an adequate plan for outdoor lighting showing the location of lights and shielding devices or other equipment to prevent unreasonable glow beyond the site. Any such outdoor lighting shall otherwise comply with the provisions of article VI of division I of this chapter; and (Ord. 3/23/05, eff. 11:59 p.m. 6/30/05)
8. Items to be stored outside may not be items normally and customarily kept inside.

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D. Active and passive recreational facilities utilizing outdoor lighting

Active and passive recreational facilities utilizing outdoor lighting may be permitted by Special Use Permit provided:

1. There is an adequate plan for sanitation facilities and garbage, trash and sewage disposal to accommodate anticipated usage; and
2. There is an adequate plan for parking and crowd and traffic control in and around the site. Designated areas for pick-up and delivery of users are adequate to prevent traffic congestion both on and off site, thereby keeping waiting pedestrians out of vehicle passage ways and parking areas and preventing waiting vehicles from blocking access to and from parking areas or impeding traffic on adjoining streets; and
3. Approval by the Virginia Department of Transportation; and
4. The proposed size, the proposed recreational activities, the anticipated number of users, setbacks, parking facilities, lighting, hours of operation and landscaping, are appropriate for the area.

E. Accessory buildings or other accessory structures located in required yards

Accessory buildings or other accessory structures located in required yards may be permitted by Special Use Permit provided:

1. The accessory building or structure would not appear out of character with surrounding properties; and
2. Would not be aesthetically damaging to the character of the surrounding properties; and
3. Would not adversely and substantially affect the fair market value of surrounding properties.

F. Apartments or mixed use projects in new construction

Apartments or mixed use projects in new construction may be permitted by Special Use Permit provided:

1. The building was built after January 1, 2012; and
2. The proposed building would not appear out of character with surrounding properties; and
3. Would not adversely and substantially affect the fair market value of surrounding properties; and
4. Parking will be in compliance with this chapter.

G. Detached accessory dwelling units attached to an accessory building

One apartment constituting a detached accessory dwelling unit attached to an accessory building may be permitted by Special Use Permit as an accessory to a single-family dwelling provided:

1. The accessory dwelling unit contains less than nine hundred square feet (900 sq. ft.), but in no case shall it be larger than the footprint of the principal dwelling or the structure to which it is attached; and
2. The accessory dwelling unit is attached to an accessory building which is accessory to an occupied principal dwelling; and
3. Approval by the Virginia Department of Transportation; and

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4. The Building Inspection Department has indicated that either a permit is not required or one can be issued for the apartment; and

5. The dwellings are either connected to public sewer or the Virginia Department of Health has confirmed that the sewage disposal system is adequate for the proposed use.

H. Apartments in a pre-2012 structure

A Special Use Permit for apartments in a pre-2012 structure may be granted provided:

1. A maximum of 4 apartments may be established within a structure that was constructed prior to January 1, 2012; and

2. Parking will be in compliance with this chapter; and

3. For purposes of expansion or enlargement, the pre-2012 structure shall be treated as a non-conforming building and shall be subject to the provisions of § 25-663 D. of this chapter. The floor area of such expansion or enlargement shall not exceed twenty percent (20%) of the original floor area or the area required by law, whichever is greater. Expansions or enlargements exceeding this requirement may be allowed pursuant to the requirements of §25-454.3. F.

4. Approval of the Building Inspection Department or proof that such approval may be obtained pending zoning approval.

5. Approval of the entrance by the Virginia Department of Transportation.

6. The dwellings are either connected to public sewer or the Virginia Department of Health has confirmed that the sewage disposal system is adequate for the proposed use.

I. Apartments in new construction and not on the ground floor

Apartments not on the ground floor may be permitted by a Special Use Permit provided:

1. The building was built after January 1, 2012; and

2. At least ninety percent (90%) of the ground floor is devoted to business use; and

3. Parking will be in compliance with this chapter; and

4. Approval of the plans has been received from the Building Inspection Department.

§ 25-454.4. Prohibited uses

All uses except those listed in §§ 25-454, 25-454.1, 25- 454.2, and 25-454.3 above, including manufactured and mobile homes, are specifically prohibited in Village Mixed Use Districts.

§ 25-455. Lot area

A. The minimum lot area shall be sufficient for compliance with all the provisions of this chapter.

§25-455.1. Lot width

A. Every lot shall have at least forty feet (40') of frontage on a public street.

B. The minimum lot width at the minimum front setback line shall be forty feet (40').

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ORDINANCE AMENDMENT: VILLAGE MIXED USE DISTRICTS (CONT'D)

§ 25-456. Yard and setback requirements

A. Front lot lines

Adjacent buildings shall have front yard setbacks that maintain the visual continuity of the streetscape. No principal building or structure shall be erected or located closer to the street right-of-way line than the average setback of at least 60% of the principal buildings on the same side of the street and within 250' of the parcel or parcels being developed. In no case, shall the required front setback be greater than thirty-five feet (35').

If a lot, tract, or parcel fronts on two (2) or more streets, the foregoing minimum setbacks shall be required on each street. In the case of a lot, tract, or parcel that fronts on two (2) or more streets, accessory buildings can be located in a front yard without a Special Use Permit as long as the front setback is met.

B. Rear lot lines

Adjacent buildings shall have rear yard setbacks that maintain the visual continuity of the streetscape. No principal building or structure shall be erected or located closer to the rear lot line than the average rear setback of at least 60% of the principal buildings on the same side of the street and within 250' of the parcel or parcels being developed. In no case, shall the required rear setback be greater than twenty-five feet (25').

Accessory buildings and structures may be erected in rear yards. Accessory buildings and structures shall not be erected, altered, located, reconstructed, or enlarged nearer to any rear lot line than five feet (5') unless a Special Use Permit is granted pursuant to §25-454.3. E.

C. Side lot lines

1. A principal building or structure shall not be erected, altered, located, reconstructed, or enlarged nearer to any side lot line than five feet (5').

2. Accessory buildings and structures may be erected in side yards. Side yard setback requirements applicable to principal buildings and structures shall be observed by all accessory buildings and structures, unless a Special Use Permit is granted pursuant to §25-454.3. E.

§25-457. Public water and sewer required

All developed lots in Village Mixed Use Districts shall have service by a public water and public sewer system, if available. Sewer lines shall be available if any of the conditions set forth in §25-505 of the County Code are met. Nothing in this section shall be deemed to prohibit the use of wells and septic systems existing at the time the district is zoned Village Mixed Use, provided the use of the lot does not change and the use is otherwise authorized by law.

§ 25-458. Height limitations

In Village Mixed Use Districts, all buildings and structures shall be subject to the following height limitations:

A. No building or structure shall exceed thirty-five feet (35') in height.

B. In no case shall the height of any building or structure exceed the height limitations of the transitional surface, approach surface, horizontal surface and conical surface as required in any Airport Overlay District.

C. For exceptions to height limitations, see § 25-15 of article II, division A, of this chapter.

§25-459. Signage

Signage shall be subject to the requirements of Article IV, Signs, billboards, and outdoor advertising structures, with the exception of §25-47 and with the following additional regulations:

A. Façade signs shall not exceed one (1) square foot for every linear foot of lot frontage, with a maximum of fifty (50) square feet per sign.

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B. Freestanding signs shall not exceed eight feet (8') in height or twenty (20) square feet in sign area. There shall be no more than one (1) freestanding sign per lot. However, any lot that has road frontage on more than one (1) public street may have one (1) freestanding sign on each public street.

C. Real estate signs, construction signs, and yard sale signs shall not exceed four (4) square feet in sign area. However, construction signs which list multiple businesses shall not exceed four (4) square feet in sign area per business listed, but in no case shall the combined sign area exceed twenty (20) square feet in sign area.

D. One (1) public service sign not exceeding eight feet (8') in height or twenty (20) square feet in sign area may be displayed on any lot in addition to any other signage on the lot.

E. Digital, LED, and similar changeable electronic message signs are prohibited unless the sign is a freestanding sign, its changeable copy area does not exceed 25% of the sign area, and the sign uses only a single color for the text.

F. Waiver. The requirements of §25-459. A-D may be modified or waived in an individual case if the Board of Supervisors finds that the granting of a modification or waiver will have no adverse impact and the sign is compatible with the neighborhood. In granting a modification or waiver, the Board of Supervisors may impose such conditions as deemed necessary to protect the public health, safety, or welfare.

§25-459.1. Design Guidelines

To promote the compatibility of nonresidential and residential uses all dumpsters and exterior utility boxes shall be located and/or screened so as not to be visible from any public right-of-way.

§25-459.2. Parking requirements

Parking shall be provided as required by Article III of this chapter with the following additional provisions:

A. For the purposes of this article, designated parking spaces in a public right-of-way may be counted towards the minimum parking requirements of Article III for each use when more than one-half of any such space resides in front of that use. However, parking spaces in a public right-of-way shall not be designated in any way for a specific use. Any such parking spaces must first be approved by VDOT.

B. When public parking is provided within four hundred feet (400') of the site, nonresidential developments may request a reduction of up to fifty percent (50%) of the parking standard.

C. Competing uses. In mixed use developments, applicants may request a reduction in parking requirements up to 30% where peak demands overlap.

D. Non-competing uses. In mixed use developments, applicants may request a reduction in parking requirements based on an analysis of peak demands for non-competing uses. Up to 75% of the requirements for the predominant use may be waived if the applicant can demonstrate the peak demands for two uses do not overlay.

E. When off-street parking for a non-residential or mixed use lot abuts a single-family residentially developed lot, the nonresidential or mixed use lot shall provide off-street parking screening in compliance with the standards listed in 25-38. B. The applicant does not have to meet these requirements if adjoining property owners sign a waiver of their rights regarding parking screening, as follows:

1. The written waiver shall recite the parking screening requirements of this ordinance, describe the impact on the property owner(s), and state that the consent is granted for the developer to not comply with the buffer requirements in this ordinance.

2. Any such waiver shall be recorded in the Clerk's Office of the Augusta County Circuit Court. In addition to the above, the waiver shall advise subsequent purchasers of the burdened property that the waiver of parking screening requirements runs with the land and may forever burden the subject property.

§25-459.3. Access to Major Collectors

§25-459.4. Other requirements

(Ord. 06/27/12)

The Chairman declared the public hearing open.

David McCaskey, PO Box 165, Mt. Sidney, stated that this ordinance amendment does go far enough for banking institutions and fast food restaurants.

Dave Backus, 18 Mt. Sidney School Lane, Mt. Sidney, stated that facilities up to 5,000 square feet is a big building. He is not necessarily opposed to the changes in the ordinance being discussed, but he is opposed to the ordinance as a whole.

There being no other speakers, the Chairman declared the public hearing closed.

Ms. Tate clarified that the 5,000 square foot is currently in the ordinance and not proposed to be amended. The two points made by the speakers could be potential changes to be considered in the Village Mixed Use zoning district, but they were not advertised so it would need to be discussed at a later date.

Mr. Slaven moved, seconded by Dr. Seaton, that the Board approve the ordinance amendment as presented.

Vote was as follows: Yeas: Garber, Carter, Wells, Shull, Slaven, Seaton, and Morelli
Nays: None

Motion carried.

* * * * *

MOUNT SIDNEY VILLAGE MIXED USE DEVELOPMENT
This being the day and time advertised to consider a request by the Augusta County Board of Supervisors.

Ms. Tate stated that a general description of the properties is as follows: located on the east and west of Lee Highway north of Sydney Lane and south of Valley View Drive in Mount Sidney in the North River District. The proposed general use of the properties is a mix of residential and commercial uses. The general use of the properties as stated in the Comprehensive Plan is Business, where business uses of varying scale and scope would be appropriate. All properties have frontage on Route 11. In 2016 there was a community meeting to review ideas. The intention is to take Village Mixed Uses and have flexibility for the area.

The Chairman declared the public hearing open.

Twila Austin, 2350 Lee Highway, Mt. Sidney, is concerned about there being no parking for businesses. She would like to see restaurants, but not fast food. This is a good possibility as long as it can be changed when necessary.

Dave Bakus, 18 Mt. Sidney School Lane, questions why Mt. Sidney is zoned business. Keep it residential.

Mr. Shull asked if this supersedes other ordinances. Parking is addressed at time of permit application.

Vote was as follows: Yeas: Garber, Carter, Wells, Shull, Slaven, Seaton, and Morelli
Nays: None

* * * * *

This being the day and time advertised to consider an ordinance to amend Chapter 25.Zoning.Division A. In General. Article VI.D Solar Energy Systems. Section 25-70.4 Uses permitted by Special Use Permit by the Board of Zoning Appeals. Then Planning Commission recommends approval.

- a. The buffer is parallel and adjacent to an existing utility or drainage easement of at least one hundred feet in width.
- b. The buffer is between uses that are to be developed under a common development plan or series of development plans.
- c. The buffer is parallel and adjacent to an existing railroad right-of-way.
- d. The topography of the parcel is such that buffering would not be effective.
- e. The property is adjacent to an established industrial use.
- f. There is existing vegetation either on this lot or the adjacent lot to provide the required buffer benefits.

The Vice-Chairman declared the public hearing open.

Mr. Morelli moved, seconded by Dr. Seaton, that the Board approve the amendment as presented.

Motion carried.

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The Board heard a presentation by Pat Kenney, Superintendent of Shenandoah National Park.

Mr. Kenney provided the Board with a brief background of himself. The park is a 200,000 acre strip of land that covers eight counties. It is important to collaborate and work together in the local communities when it comes to the park. Staff is trying to reinvigorate some of the committees and activities that were place prior to COVID like the Blue Ridge Committee and Celebrate Shenandoah. These are things that bring opportunities to work with communities. Shenandoah National Park became a popular place during the pandemic. The 2020 calendar year ended with visitation up 15% over previous years. The National Park Service does an economic study annually to look at visitation and the economic impacts of the visitation that equates to about a \$107 million. The indications for 2021 are strong as well for visitation. There will be project started in the park this year. The Skyline Drive will have a road project started. Work has begun at Skyland at the skyline lodge. The dining room and the terrace is under demolition. Big Meadows Wayside is under rehabilitation work and is anticipated to be back up and running by mid July. The Great American Outdoors Act that was passed by Congress and signed into law by President Trump is a dedicated fund source outside of tax revenue for public lands like National Parks. These funds are directed to help catch up on maintenance backlog in facilities. It is projected to produce \$1.62-\$1.9 billion annually. For the current fiscal year 21, Shenandoah National Park has captured \$27 million in projects from those funds. One of the projects the park is trying to get funding for would be the Loft Mountain area of the park that would improve the campground and do some work with water and wastewater. 2021 is set up to be a positive year with high visitation levels.

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The Board considered additions/deletions to Infrastructure & Recreation Capital Accounts.

Dr. Seaton moved, seconded by Mr. Wells, that the Board approve uncommitting the funds for the infrastructure accounts.

Motion carried.

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John Wilkinson, Director of Community Development, stated that Dooks Crossing Stream Restoration Project has requested the release of the phase two funding of the two-phase grant allotment as directed in the Cooperative Agreement Award. Per the agreement, phase two funding will cover the construction of the restoration project. The County opened bids for five contractors on June 18, 2021. Activities from this grant award enable a follow-on project to construct a river access point on property acquired through the grant. Invitations for bids included project elements from this river access point which received funding from a separate grant award. Based on the lowest bid, there is sufficient funds to complete the project within the original Phase 2 funding amount. More than half of the bid items are to be paid on unit prices. Due to the nature of the work, and based on feedback from other similar projects that have been bid with Fixed Price bids, the project team thinks we can save project cost by assuming some risk and paying on unit price. This reduces risk to the contractor, which can then specify unit prices that cover their costs. A 15% contingency is requested to be added to the overall bid price.

Motion carried.

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2020 REVOLVING LOAN REQUEST

The Board considered the committee's recommendation of a revolving loan for Deerfield Valley Fire Department in the amount of \$500,000.00.

Mr. Fitzgerald, stated that the Revolving Loan Committee met on June 8, 2021 to review a request from Deerfield Valley Fire Department and recommends approval in the amount of \$500,000.00, with 60% of this amount repayable. This would be used to purchase a new engine with equipment. The purchase of the new engine and equipment replaces the current 2000 Pierce Freightliner Pumper.

Ms. Carter moved, seconded by Mr. Wells, that the Board approve the revolving loan request.

Vote was as follows: Yeas: Garber, Carter, Wells, Shull, Slaven, Seaton, and Morelli
Nays: None

Motion carried.

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LOCAL EMERGENCY TERMINATION

LOCAL EMERGENCY TERMINATION:
The considered resolution to terminate Declaration of Local Emergency due to the Corona Virus.

Mr. Fitzgerald stated that on March 16, 2020 the Board declared a local State of Emergency due to the COVID-19 pandemic. Today, it is under consideration as a resolution of the Board to lift that declaration of an emergency. In working with the Governor's vaccine committee, it is anticipated that the Governor plans to lift the statewide State of Emergency at the end of this month. This resolution would go along with that to terminate the local Declaration of Emergency for the COVID-19 virus.

Mr. Shull moved, seconded by Mr. Morelli, that the Board adopt the Local Emergency Termination resolution.

Vote was as follows: Yeas: Garber, Carter, Wells, Shull, Slaven, Seaton, and Morelli
Nays: None

Motion carried.

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INFRASTRUCTURE FUNDING

The Board considered a funding request from the Craigsville Volunteer Fire Department for a Blitzfire Oscillator Combo Pac.

Funding Source: Pastures Infrastructure 8014-111 \$4,950.00

Mr. Fitzgerald, stated that the Craigsville Volunteer Fire Department is in need of a Blitzfire Oscillator Combo Pack. The Fire Chief has indicated that this piece of equipment is very valuable and is a need. It is requested that these funds come from the Pastures Infrastructure account.

Ms. Carter moved, seconded by Dr. Seaton, that the Board approve the funding request.

Motion carried.

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The Board considered the following waiver requests:

Mr. Wilkinson stated that Dirk Gold, owner of Goldwrench Enterprise, has requested a waiver from Section 24-2 Fire Flow Requirements. The owner is planning to construct a new steel building for his existing automotive repair service business. There is a fire hydrant located across the street but the water model from the Augusta County Service Authority shows the estimated flow to be less than 500 gallons per minute. The applicant is aware that there is not adequate fire flow available.

Motion carried.

Mr. Wilkinson stated that Todd Haltom, agent for PFJ Southeast, LLC, has requested a waiver from Section 25-47 Maximum sign sizes that limits the on-premises maximum individual sign size to two hundred square feet in Business zoned districts. The owner is planning to construct a new one hundred twenty foot high advertising sign that will consist of three signs including an Arby's, Pilot, and a digital pricing sign for the truck fueling business. The proposes signs total 1,181.64 square feet.

Motion carried.

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Mr. Wells moved, seconded by Mr. Shull, that the Board approve the consent agenda as follows:

Consider minutes of the following meetings:

- ## CLAIMS

Consider Claims paid since May 1, 2021

Vote was as follows: Yeas: Garber, Carter, Wells, Shull, Slaven, Seaton and Morelli
Nays: None

Motion carried.

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Chinedo Ernesto, 30 Wind Song, Fishersville, spoke in favor of body cameras for the Sheriff's Department.

Antwhan Suiter, 30 Wind Song, Fishersville, spoke in favor of body cameras for the Sheriff's Department.

T-Ann Johnson, 404 South Laurel, Waynesboro, spoke in favor of body cameras for the Sheriff's Department.

Lorisol Rodriques, 326 Slate Valley Lane, Harrisonburg, spoke in favor of body cameras for the Sheriff's Department.

McKenzie Mcuerry, 260 Wind Song, Fishersville, spoke in favor of body cameras for the Sheriff's Department.

Cortez Nathan, 30 Wind Song, Fishersville, spoke in favor of body cameras for the Sheriff's Department.

Bonnie Chapman, 260 Wind Song, Fishersville, spoke in favor of body cameras for the Sheriff's Department.

Chanda McGuffin, 1320 Ohio Street, Waynesboro, spoke in favor of body cameras for the Sheriff's Department.

Dewon Bellomy, 100 Gilford Lane, Waynesboro, spoke in favor of body cameras for the Sheriff's Department.

Sharon Fitz, 1320 Ohio St., Waynesboro, spoke in favor of body cameras for the Sheriff's Department.

Dave Zimmerman, 120 Lee Highway, Verona, spoke against the protesting taking place in front of the Sheriff's Department.

Brandon Barker on behalf of Nathan Lipcomb, 166 Lee Highway, Verona, spoke against the protesting taking place in front of the Sheriff's Department.

Warren Cash, 151 Old White Hill Road, Staunton, spoke in favor of the Sheriff's Department and supports law enforcement.

Page Cash, 151 Old White Hill Road, Staunton, spoke in favor of the Sheriff's Department and supports law enforcement.

Scott Bolt, 44 Cedar Hill Lane, Verona, is not opposed to protesting, but is opposed to the language and cursing.

Tracy Pyles, 3665 Churchville Ave, Churchville, spoke to the Board about what he views as misinformation regarding the budget. Mr. Pyles gave a print out to the Board on Schedule of Revenues, Expenditures and Changes in Fund Balance – Budget and Actual. The goal of the County should not be to see how much money can be taken from the citizens and set aside and not do anything with it. In the year, 2020 there was a surplus of \$24,542,511.00 and in 2019, there was a surplus of \$21,900,512.00. This year's budget does not show the new tax increases. Personal Property, meals and lodging taxes have all increased. For twenty-two years, the tax rates stayed the same for real estate. In six months' time, the tax rate increased, the assessments increased and now meals, lodging and personal property taxes have increased. The money is there to support the Sheriff's needs and it is the Board's responsibility to take care of the needs of the County.

Danny Link, 270 Leaport Road, Mt. Sidney, supports the Sheriff's Department and the work they do.

* * * * *

Ms. Carter moved, seconded by Dr. Seaton, that the Board appoint Alex Davis to serve a term on the Library Board. Effective immediately and to expire on June 30, 2025.

Vote was as follows: Yeas: Garber, Carter, Wells, Shull, Slaven, Seaton and Morelli
Nays: None

Motion carried.

Mr. Shull moved, seconded by Mr. Morelli, that the Board approve for all staff to return to the Staff Briefings to give their updates.

Vote was as follows: Yeas: Carter, Shull, Slaven, Seaton
and Morelli
Nays: Garber and Wells

Motion carried.

Dr. Seaton stated that thanks to FOIA requests, inmates have been moved which helps with the overcrowding at the jail. He would like to thank Ms. Carter for doing that.

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Mr. Fitzgerald discussed the following:

Dr. Seaton moved, seconded by Mr. Slaven, that the Board authorize the Chairman to sign the deed for the Ladd Elementary School.

Motion carried.

3) Ms. Whetzel explained the fund balance that was discussed during Matters from the Public. It was presented that the excess of revenues over expenditures was \$25 million in FY20. That is correct according to this statement, but after that it takes out other financing sources or uses which include transfers out of \$20 million to other funds. This would be transfers to Social Services, The Children Services Act, debt of \$8.5 million, County capital improvements and school capital improvements. For FY20 the surplus was almost \$6 million, largely in part due to the CARES Act money received. In FY19 the net change in fund balance was \$1.5 million.

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On motion of Mr. Wells, seconded by Mr. Shull, the Board went into closed session pursuant to:

- A) Security-Augusta County Government Center

On motion of Mr. Shull, seconded by Mr. Wells, that the Board came out of Closed Session.

June 23, 2021, at 7:00 p.m.

CLOSED SESSION (CONT'D)

Vote was as follows: Yeas: Garber, Carter, Wells, Shull, Slaven
Seaton and Morelli
Nays: None

Motion carried.

* * * * *

The Chairman advised that each member is required to certify that to the best of their knowledge during the closed session only the following was discussed:

Public business matters lawfully exempted from statutory open meeting

1. requirements, and
2. Only such public business matters identified in the motion to convene the executive session.

The Chairman asked if there is any Board member who cannot so certify.

Hearing none, the Chairman called upon the County Administrator/ Clerk of the Board to call the roll noting members of the Board who approve the certification shall answer AYE and those who cannot shall answer NAY.

Vote was as follows: Yeas: Garber, Carter, Wells, Shull, Slaven
Seaton and Morelli
Nays: None

Motion carried.

The Chairman authorized the County Administrator/Clerk of the Board to record this certification in the minutes.

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ADJOURNMENT

There being no other business to come before the Board, Mr. Shull moved, seconded by Ms. Carter that the Board adjourn subject to call of the Chairman.

Vote was as follows: Yeas: Garber, Wells, Carter, Shull, Slaven
Seaton and Morelli
Nays: None

Motion carried.


Chairman


County Administrator

