



**AGENDA
PLANNING COMMISSION
TOWN OF WARRENTON**

**AUGUST 23, 2016
7:00 PM**

1. Call to order and establishment of a quorum.
2. Approval of Minutes – May 24, 2016 (Work Session) and July 26, 2016 (Regular Meeting).
3. Regular Meeting
 - A. Special Use Permit 2016-01 – Detached Garage with Studio Apartment in R-6 District.** The request, per Article 3-4.3.3 of the Zoning Ordinance, is to build a detached garage with an accessory dwelling unit on the second floor at 23 N. Chestnut Street. The parcel is zoned Residential – R-6, and the Comprehensive Plan identifies the property as medium density residential on the future land use plan. Planning Commission public hearing held July 23, 2016 with a recommendation for approval; Town Council public hearing held August 9, 2013 was referred back to Planning Commission. The owners are Richard D. Wright and Susan G. Wright.
4. New Business – None
5. Comments from the Commission
6. Comments from the Staff
7. Adjourn

**WORK SESSION AGENDA
PLANNING COMMISSION
TOWN OF WARRENTON**

**AUGUST 23, 2016
7:00 PM**

1. Call to order and establishment of a quorum.
2. Work Session
 - a. **Planning Commission Bylaws** – Review of the Planning Commission Bylaws and proposed amendments.
 - b. **Article 12 Sign Definitions** – Begin review of the definitions contained in Article 12 of the Zoning Ordinance as it relates to signs.
3. Adjourn



**DRAFT
MINUTES
PLANNING COMMISSION
TOWN OF WARRENTON
May 24, 2016 – 7:00 P.M.**

A Work Session of the Town of Warrenton Planning Commission convened on Tuesday, May 24, 2016 at 7:00 PM in the Municipal Building.

The following members were present: Dr. John Harre, Chair; Ms. Brandie Schaeffer, Vice-Chair; Mr. Lowell Nevill; Ms. Sarah Sitterle, Director of Planning and Community Development represented staff. Also present was Whitt Robinson, Town Attorney. The following members were absent: Mr. John Kip; Mr. Brett Hamby; Mr. Ali Zarabi, and Ms. Susan Helander.

Presentation on Signage Best Practices

Denise Harris, Senior Community Planner gave an introduction to the Commission regarding sign ordinances. She said that in June of last year the U.S. Supreme Court had a case *Reed vs. the Town of Gilbert, Arizona*. It was a case about the temporary sign ordinance. The court ruled against the town stating they were regulating content or free speech. In the intervening year, communities across the country have started to review their sign ordinances. The Town of Warrenton has started to review its' sign ordinances as well.

Ms. Harris introduced Mr. David Hickey with the International Sign Association.

Mr. Hickey said the I.S.A is a trade association for the on-premise sign industry. We have 2,500 member sign companies and seventeen affiliates including the Virginia Sign Association. He said he and his team work on sign codes because sign codes are one of the most complex, controversial and high- profile issues that local officials have to deal with. We work to supply officials with as much information as possible to assist them in review and revision of sign codes so they are effective and enforceable. Our services have helped many towns across the country to accomplish that. We do not provide legal counsel.

He went on to say that Ms. Harris provided a nice summary of the *Reed vs. Gilbert* decision. The case came out June 18, 2015. It was the first sign code specific case in over 20 years. It was, for the most part, a slam dunk decision because sign codes can't be content based, but virtually every community has a sign code that is content based.

Mr. Hickey presented pamphlet hand outs that can be used as a resource when reviewing and revising sign codes. He presented the Urban Way Finding manual and added these are the kinds

of resources we provide to assist localities with sign ordinances. He also presented a pamphlet *Best Practices in Regulating Temporary Signs after Reed*. He said temporary signs are a hot button issue following *Reed vs. Gilbert*; however, the ruling does apply to all signs. He went on to say that all the pamphlets are available on the website. The resources, he said, are put together by planners and attorneys. We will probably communicate with you by e-Mail or telephone, but we are happy to come out and give talks.

He went on to say there is a long presentation that we provide to localities, and we would be happy to do that, but this evening we will touch on a few items. There are five regulatory principles in the aftermath of *Reed vs. Gilbert* that all communities should consider. Some of the goals of sign ordinances are public safety and welfare of the community and another is economic development. One of the things you want to have in your Legislative Purpose Statement is language that the sign code has been developed to protect the free speech of the citizens. The more that your sign code is content based, the more you open yourself to litigation. There was a short discussion regarding real estate signs.

Commission members queried Mr. Hickey on issues related to sign ordinances and Mr. Hickey provided answers.

Mr. Hickey said we encourage communities after *Reed vs. Gilbert* to always have a substitution clause. That is where you have the language, “*any sign authorized by this ordinance is allowed to contain any otherwise lawful non-commercial content in lieu of any other content*”. Anywhere you allow commercial speech you have to allow non-commercial speech. That is a substitution clause and you have that, so that’s great.

Mr. Hickey said what you don’t have in your sign code is a severability clause. A severability clause in your sign code is where it says, “*if a portion of this sign code is found to be illegal, only this portion will be eliminated, not the entire sign code.*” That has happened in communities, especially when billboard companies pursue litigation. We can help with language on this. We are not the billboard trade association by the way, he added.

He also said what we have found following *Reed vs. Gilbert* with real estate signs; you don’t want to be specific in your sign code when it comes to the language. Real estate signs are something you may want to modify in the language, say something like, “*temporary sign at a premise that is for sale or for rent.*” That way you are classifying the property, not the sign. He stated you can go through the definitions of temporary signs, for which a permit is not required, and modify the language. He said one of the benefits of *Reed vs. Gilbert* is that it will make sign ordinances more concise.

Whitt Robinson, Town Attorney said he had several questions on portable signs including signs on vehicles. He stated the town has had issues with these. Mr. Hickey said right under Portable Signs there is an exemption that it shall not apply to signs painted on a commercial vehicle for delivery. You probably should also have an exemption for signs carried by a person as well as sandwich boards and projecting signs. Also, consider language exempting marquees, awnings and canopies.

Mr. Hickey said the I.S.A is coming out with a resource for *Sign Regulation in Historic Districts*. That is something your community will want to have on the shelf to refer to.

Commission members and the Town Attorney queried Mr. Hickey with Mr. Hickey providing answers.

David said the I.S.A. has given direction to Fairfax County regarding their ordinances. Ms. Harris, Senior Community Planner said that Fairfax is currently looking at their sign ordinances and it will be a five year process in two phases. They have a team of county attorneys and planners that are working on it. They hope to have the first phase completed in a year or two.

Mr. Robinson asked Mr. Hickey to speak to the Architectural Review Board chair, Melissa Wiedenfeld, who was present regarding *Reed vs. Gilbert* and how it may affect the historic district. David said the resource *Sign Regulation in Historic Districts* is forthcoming and it will be an invaluable resource for the ARB.

A discussion was held on whether to look at and possibly revise the total sign ordinance or just revise sections as determined. Ms. Schaeffer and Ms. Harris both mentioned it may be a good idea to look at what the county has done with their sign ordinance to get an idea of how to approach it.

Comprehensive Plan Update

Denise Harris, Senior Planner said tonight you saw the beginning of our Comprehensive Plan Public Engagement Outreach. We have also launched Virtual Town Hall tonight. In front of you is a stack of business type cards that we would love you to take as many as you like and hand out to people. On the cards is information on how to participate in the Virtual Town Hall. We are trying to get them all over the town to get people to engage. She went on to say there is a high level survey on the Virtual Town Hall now and it asks things such as what are your favorite places, what are your favorite things, and if you could pick three things for the town to do in the next twenty five years what would they be. The survey is to get a sense of the pulse of the community. We are doing this outreach over the summer. The beauty of this is that it is run by a third party company. They collect the personal information but that personal information is not shared with the town and therefore a person's information is kept private. You can only vote once.

A discussion was held regarding the RFP and the evaluation scoring sheet which Ms. Harris stated was the last page of their staff report. She said this has to go into the RFP so that anyone who is bidding on the project knows how we are going to weight their scores as they are evaluated. It is a tool to assist in the selection process. She said she wanted to make sure the commission is comfortable with the weights that are given and the categories that are given. Members of the commission queried Ms. Harris on the weighting and she was asked if she wanted the members to look over the evaluation scoring sheet now. She said you can look it over now or take it with you, review it and bring it back.

Ms. Harris said the last aspect of this will be a review committee. You can't determine this tonight because you don't have a quorum. However, we would like one Planning Commission member and one Town Council member to be on the review committee.



DRAFT – MINUTES
PLANNING COMMISSION
TOWN OF WARRENTON
July 26, 2016 – 7:00 P.M.

The regular meeting of the Town of Warrenton Planning Commission convened on Tuesday, July 26, 2016 at 7:00 PM in the Municipal Building.

Dr. Harre called the meeting to order at 7:01 PM and a quorum was determined. The following members were present: Dr. John Harre, Chair; Ms. Brandie Schaeffer, Vice-Chair; Mr. Whit Robinson, Town Attorney; Mr. Ali Zarabi; Mr. Lowell Nevill; and Ms. Anna Maas. Ms. Denise Harris, Interim Director of Planning and Community Development represented staff. Mr. John Kip, Ms. Susan Helander, and Mr. Brett Hamby were absent.

Approval of Minutes

Dr. Harre asked if anyone had changes for the June 21, 2016 minutes. Mr. Zarabi made motion to approve June 21, 2016 minutes as submitted. Mr. Nevill seconded the motion. All were in favor and the motion passed unanimously (5-0-2).

Dr. Harre welcomed Ms. Anna Maas as the newest Planning Commission member. Ms. Maas stated she was happy to serve being familiar with working from the staff side. Dr. Harre commented on Mr. Brett Hamby moving from serving as a planning commissioner to serve as Town Council representative.

Public Hearing

- **Special Use Permit 2016-01 – Accessory Dwelling above a By-Right Garage, R-6 District.** The request, per Article 3-4.3.3 of the Zoning Ordinance, is to build an accessory dwelling unit on the second floor of a by-right detached garage at 23 N. Chestnut Street. The parcel is zoned Residential R-6, and the Comprehensive Plan identifies the property as medium density residential on the future land use plan. The owners are Richard D. Wright and Susan G. Wright.

Ms. Denise Harris presented SUP 2016-01. On February 25, 2016, the Architectural Review Board approved a Certificate of Appropriateness (COAP 16-01) for the proposed accessory dwelling unit and garage structure. The conditions of COAP 16-01 were that a building permit and special use permit were acquired, and that the windows reflect a contemporary design (e.g. no simulated divided light).

Dr. Harre asked if there were questions of staff. Mr. Nevill inquired if the accessory dwelling will add to the affordable housing goal of the Comprehensive Plan. Ms. Harris stated the SUP meets the goal of providing a mixture of housing types. Mr. Zarabi commended the ARB on their

due diligence in reviewing this application. Mr. Nevill appreciated the use of PowerPoint by the staff. Ms. Schaeffer asked if any feedback has been received from adjacent property owners or citizens in the area. Ms. Harris confirmed no feedback has been received, but noted the potential during the Public Hearing tonight.

Dr. Harre opened the Public Hearing at 7:09 PM, inviting the applicant to the podium. Mr. Wright stated he and his wife have been residents of the area for 14 years. In December 2015 they purchased the 23 N. Chestnut Street property with the objective of selling their current residence and moving into one of the two smaller apartments located on the lower level. Mr. Wright said they plan to replace the current siding on the house with white shingles to match those on the garage. They also have landscaping plans to make the property an attractive addition to the neighborhood. Rental of the three apartments will provide a source of income for Mr. and Mrs. Wright while allowing them to manage and care for the property.

Dr. Harre asked if there was anyone wanted to comment on the SUP application. No one responded and the Public Hearing closed at 7:12 PM. Dr. Harre then asked if Planning Commission members had any comments. Mr. Zarabi inquired if there was a requirement to provide a separate meter for accessory dwellings, which Ms. Harris confirmed. Ms. Schaeffer asked if there was anything in the Zoning Ordinance, which determines how many individuals can live in one house. Ms. Harris replied it was eight for boarding or group homes in R-6, which Mr. Robinson confirmed. Ms. Schaeffer wanted verification on what the Zoning Ordinance says concerning density on this one lot within the R-6 district, including how many people could reside on the property. Ms. Harris replied that the property is currently considered a three-family dwelling unit. Ms. Schaeffer wants everyone to be cognizant of the potential to set precedence on an undersized road like Chestnut Street. Ms. Schaeffer pointed out that the house next door was currently on the market.

Mr. Zarabi made a motion to recommend approval of SUP 2016-01 / PLNG 2016-07 to the Town Council with the following conditions.

1. A building permit application is submitted.
2. All accessory structures must maintain conformity with Article 9-1 of the Zoning Ordinance.
3. Lighting fixtures must be full cutoff unless they use lights that are incandescent 160 watts or less, fossil fuel, any light source of 50 watts or less, as per Article 9-8.6.2.8
4. The accessory dwelling unit shall be required to have separate connections for water and sewer as required by Sections 17-68 and 17-69 of the Warrenton Town Code.
5. The development shall be in substantial conformance with the plans submitted on June 13, 2016 and Certificate of Appropriateness 2016-01.

Ms. Schaeffer offered an amendment to the motion for an additional condition:

6. There shall be no waivers from the required setbacks and buffers at the time of site plan review.

Ms. Maas seconded the motion and the motion passed unanimously with a vote of 5-0-2. Dr. Harre noted the approval recommendation was going to the next meeting of the Town Council.

Regular Meeting

- **Town Code Amendment – Mobile Food Vendors** – Discussion of proposed amendments to Section 9-69 of the Itinerant Merchant regulations that would allow Mobile Food Vendors to locate on specified properties within certain areas per the Mobile Food Vendor Policy and Procedures document through the Town Manager’s office. The applicant is the Town of Warrenton.
- **ZTA 16-01 – Mobile Food Vendors** – Discussion of proposed amendments to the Public Semi-Public and Industrial District in Articles 3-4.9.2 (PSP), 3-4.12.2 (I) and Article 12 - Definitions of the Zoning Ordinance to add Mobile Food Vendor as a use with the condition that the site must meet the requirements of the Mobile Food Vendor Policy and Procedures document through the Town Manager’s office. The applicant is the Town of Warrenton.

Ms. Harris reviewed text amendments to Zoning Ordinance, Town Code, and Policies and Procedures document based on June 21, 2016 PC work session.

Dr. Harre asked if anyone had any questions or comments. Hearing none, Mr. Zarabi made a motion for the Planning Commission to recommend approval to the Town Council the following six (6) items:

- a. Amending the Warrenton Town Code Section 9-69 to add, “*(d) Any itinerant merchant who engages in the sale of food or beverages, whether prepared on-site or off-site, and does so through the use of a mobile unit with a current certificate of inspection from the local health department, shall only be permitted in specific areas as provided within the rules and regulations administered by the Town Manager, or his designee. All other ordinances applicable to Mobile Food Vendors remain in effect and shall be enforced by the Town.*”
- b. Amending the Zoning Ordinance Article 3-4.9.2 to add, “Mobile Food Vendors, as permitted per Article 9-24.”
- c. Amending the Zoning Ordinance Article 3-4.12.2 to add, “Mobile Food Vendors, as permitted per Article 9-24.”
- d. Adoption of the Zoning Ordinance Article 9-24 – Mobile Food Vendors.
- e. Amending the Zoning Ordinance Article 12 to add, “*Mobile Food Vendor: Any itinerant merchant who engages in the sale of food or beverages, whether prepared on-site or off-site, and does so through the use of a mobile unit.*”
- f. Adoption of the Warrenton Mobile Food Vendor Policies and Procedures.

Mr. Nevill seconded motion. Dr. Harre asked if anyone had comments then called for a vote. The motion passed unanimously with a vote of 5-0-2.

New Business

- **Article 11** – Discussion on process and structure. Town Attorney to give a presentation on new State Code §15.2-2303.4.

On June 29, 2016 Mr. Robinson sent a letter to the Mayor, Town Council, Planning Commission, and Town Staff providing his interpretation for the Town in relation to new legislation that became law on July 1, 2016 regarding Virginia State Code §15.2-2303.4. This new law relates to how proffers are approached with residential rezoning. The law states that jurisdictions cannot suggest, demand or accept unreasonable proffers for applications accepted after July 1, 2016. It

goes on to restrict proffers to impacts specifically attributable to a proposed new residential development. Offsite proffers may only address public facilities (defined as a public transportation facility improvements, public safety facility improvements, public school facilities, or public parks). Mr. Robinson said he was available to answer any questions and urges all elected or appointed officials to only meet with applicants for residential rezonings or mixed use mixed use ones with a residential component, in the Town Hall with Town Staff present. He also requested that he be apprised of such meeting so that he may attend.

Following a short discussion between Mr. Robinson and Mr. Nevill regarding the potential for an issue in relation to available property inventory, Dr. Harre asked if there were any other comments. Ms. Harris recommends staff go back and review Article 11 of the Zoning Ordinance not only for a review of the proffer language, but also for a review in general relating to timing aspects that are included in Article 11. Ms. Schaeffer agrees there has been an ongoing problem and is necessary, but recognized the need to provide applicants with guidance on the process to include timing.

Mr. Robinson stated he would work with Ms. Harris and staff to review Article 11.

- **Planning Commission By-Laws** – Discussion on potentially updating the By-Laws.

Dr. Harre stated that the Planning Commission By-Laws were last updated in December 2013. He would like Planning Commission members to review for updates and to provide clarification on items such as 2-1 to define Planning Commission membership and voting status for Town Council member. Dr. Harre also identified a few other areas and would like input from Planning Commission members, stating this would be brought back to a future meeting instead of dealing with tonight. Mr. Robinson requested a little bit of time to address this update giving the current staffing shortage and multiple hats being worn by Ms. Harris, which Dr. Harre accepted.

Ms. Harris noted the option for Planning Commission members to obtain training and how she was working to get Mr. Mike Chandler to provide training within the local region.

Comments from the Commission

Mr. Zarabi expressed his concern about community discussions on an application for a B&B and Event Facility on Culpeper Street. He and other Planning Commission members have been contacted and approached by members of the community to express their concerns for the proposed project. Ms. Schaeffer stated that she does not think it is appropriate to discuss an application that has not yet been brought to the Planning Commission. She agrees with the concern and thinks the Planning Director needs to be made aware of these communications. Ms. Harris confirmed receipt of the application package for a rezoning and SUP, but noted the package has not yet been accepted. Only once the application has been formally accepted will it go through the formal review. Mr. Zarabi expressed his confidence in the Interim Director in reviewing the application package. He and Ms. Schaeffer agree on the need to communicate with applicants on process timing to avoid misunderstandings.

Mr. Nevill made the Commissioner aware of his upcoming Military deployment/mobilization and requests that his position on the Planning Commission not be filled during his absence. Mr. Robinson stated he is aware of this and is reviewing the issue.

Comments from the Staff

In response to previous discussions on the Wort Hog Brewery and whether or not it would be a restaurant, Mr. Robinson said he and Ms. Sunny Reynolds, Vice Mayor, recently met with its representatives. He said it was a good meeting where the brewery representatives confirmed their plan to operate as a restaurant. Staff expects to bring the proposed text amendment for Brewery Operations to an upcoming Planning Commission work session.

Ms. Harris noted the upcoming Old Town Visioning Workshop to be held at First Baptist Church, Family Life Center, 39 Alexandria Pike on Tuesday, August 2, 2016 from 7:00 – 9:00 PM. Ms. Kathy LaPlante, Senior Officer for the National Main Street Center at the National Trust for Historic Preservation will be the facilitator. All business owners and property owners, civic and church organizations and citizens are invited to participate in discussions on Old Town's future. For those who cannot attend the meeting, a survey will be posted on Virtual Town Hall.

The meeting was adjourned at 8:07 PM.

Minutes submitted by Karen Kowalski.

Minutes were approved on _____.

DRAFT



PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

PLANNING COMMISSION REGULAR MEETING

DATE OF REGULAR MEETING: August 23, 2016
TOWN COUNCIL DEADLINE: 90 Day Decision Deadline Waived by Applicant
SUP 2016-01 – 23 N. Chestnut Street Accessory Dwelling Unit

EXECUTIVE SUMMARY

The application for SUP 2016-01 is to build an accessory dwelling unit above a proposed by right detached garage, in the rear yard of 23 N. Chestnut Street (Attachment I). On February 25, 2016 the Architectural Review Board approved a Certificate of Appropriateness (COAP 16-01) for the proposed accessory dwelling unit and garage with conditions. On July 26, 2016, the Planning Commission held a Public Hearing and recommended approval to the Town Council of the accessory dwelling unit with conditions. On August 9, 2016 the Town Council held a Public Hearing and recommended the application be returned to the Planning Commission for further review and reconsideration due to concerns related to the Zoning Ordinance definitions. As the application contains no new information, a new Public Hearing is not required.

STAFF RECOMMENDATION

Staff recommends approval with the previously recommended Planning Commission conditions.

SUGGESTED MOTIONS

1. I move that the Planning Commission reaffirm its recommendation of approval of SUP 2016-01 with the following conditions.
 - a. A building permit application is submitted.
 - b. All accessory structures must maintain conformity with Article 9-1 of the Zoning Ordinance.
 - c. Lighting fixtures must be full cutoff unless they use lights that are incandescent 160 watts or less, fossil fuel, any light source of 50 watts or less, as per Article 9-8.6.2.8.
 - d. The accessory dwelling unit shall be required to have separate connections for water and sewer as required by Sections 17-68 and 17-69 of the Warrenton Town Code.

- e. The development shall be in substantial conformance with the plans submitted on June 13, 2016 and Certificate of Appropriateness 2016-01.
- f. There shall be no waivers from the required setbacks and buffers at the time of site plan review.

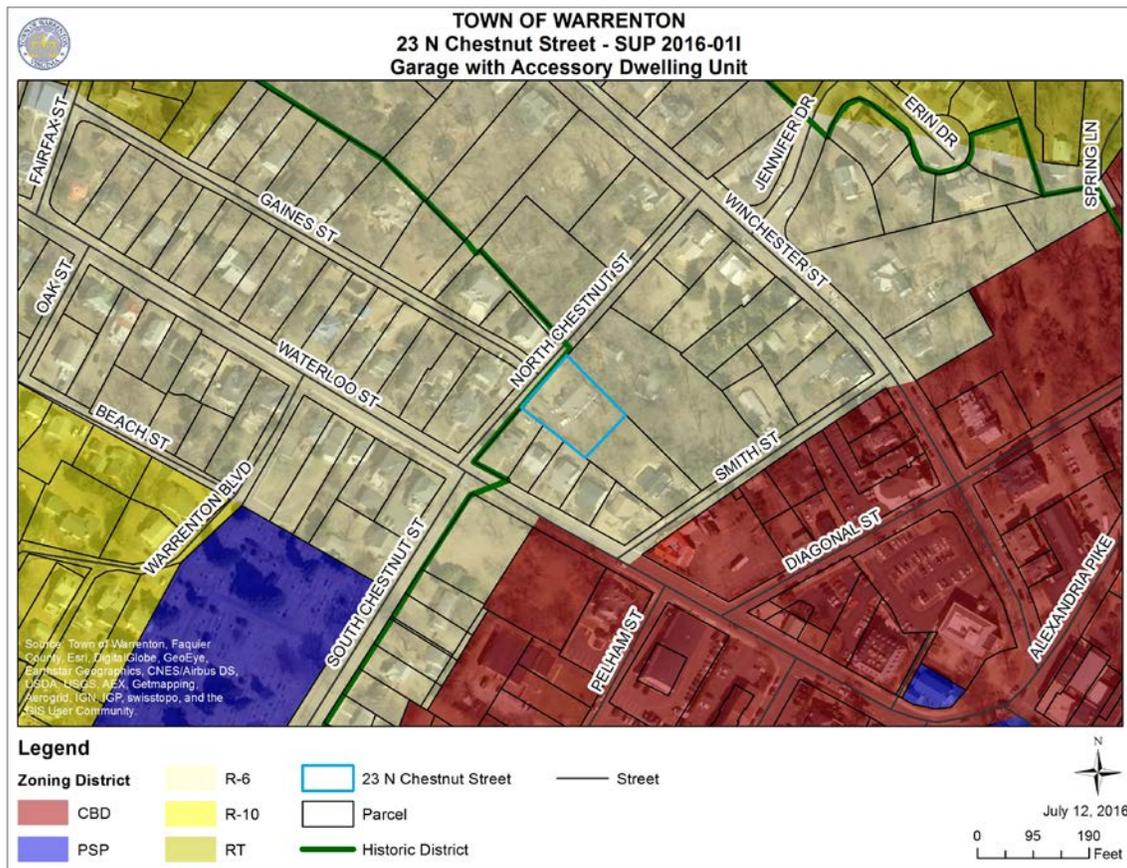
OR

- 2. I move that the Planning Commission forward SUP 2016-01 to the next Planning Commission Work Session.

OR

- 3. I move an alternative motion.

VICINITY MAP



Directions:

Property is on N. Chestnut Street, between Winchester Street and Waterloo Street. Gains Street is perpendicular to the property. The property lies within the Warrenton Historic District.

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I. APPLICATION INFORMATION

APPLICANT/PROPERTY OWNER: Richard D. Wright & Susan G. Wright

REPRESENTATIVE: Richard D. Wright

APPLICANT'S PROPOSAL/REQUEST

1. Build an accessory dwelling unit above a by right detached two-car garage

LOCATION: 23 N. Chestnut Street

PIN# 6984-34-1360-000

ZONING: R-6

ACERAGE: 0.33 acres

SURROUNDING LAND USES/ZONING: Residential

II. PLANNING COMMISSION AND TOWN COUNCIL REVIEW

The Planning Commission held a Public Hearing on July 26, 2016 on the proposed SUP 2016-01 for an accessory dwelling unit above a by right detached garage. After a short introduction of the project, the Commission made observations about the proposal, including whether the accessory dwelling unit meets the Comprehensive Plan goals of affordable housing and providing for a mix of housing types.

The applicant/owner Mr. Wright spoke to the Commission regarding his plans for the proposed structure and his desire to live in the main house with his spouse while renting the accessory dwelling unit, if approved. He also stated that this was an important project for them and that they were willing to work with the Town to make the project possible. No one from the public spoke for or against the application.

After closing the Public Hearing, the Planning Commission further discussed the project. One Commissioner provided a general concern over the density proposed for the parcel and the street. There was a comment that the adjacent lot is currently up for sale. The Commission also had a discussion about the definition of affordable housing based on the applicant's intent to rent the unit.

The Planning Commission recommended approval (5-0-2 Helander, Kip absent) of SUP 2016-01 with the conditions recommended by staff, with an additional condition that no waivers from setback and buffer requirements are given at the time of site plan approval. The recommended conditions are:

1. A building permit application is submitted.
2. All accessory structures must maintain conformity with Article 9-1 of the Zoning Ordinance.
3. Lighting fixtures must be full cutoff unless they use lights that are incandescent 160 watts or less, fossil fuel, any light source of 50 watts or less, as per Article 9-8.6.2.8.
4. The accessory dwelling unit shall be required to have separate connections for water and sewer as required by Sections 17-68 and 17-69 of the Warrenton Town Code.
5. The development shall be in substantial conformance with the plans submitted on June 13, 2016 and Certificate of Appropriateness 2016-01.
6. There shall be no waivers from the required setbacks and buffers at the time of site plan review.

The Town Council held a Public Hearing on August 9, 2016. Once again, the applicant presented his proposal and stated he was willing to work with the Town. No one spoke for or against the application. The Town Council questioned a number of items, including if the proposed white color and Hardy board on both the house and garage will be conditioned and the if a rented unit is considered affordable. The Town Council, concerned by the applicant's statement during the Planning Commission Public Hearing that he intended to rent the accessory dwelling unit, if approved, further discussed the definition of Accessory Structure per Article 12 of the Zoning Ordinance which states:

“A subordinate structure customarily incidental to and located upon the same lot occupied by the main use or building, including, but not limited to, private garage, carport, parking space other than for residential, swimming pool, tennis court, storage or utility building, decks, balconies, porticos, porches, temporary healthcare structures, and living quarters for household employees or caretakers. Accessory structures can be attached or detached, depending on their use and construction.” Concerned the applicant would have to follow this definition and how it might be enforced, the Town Council voted (7-0) to send the application back to the Planning Commission to ensure all members were aware of the requirements per the Zoning Ordinance.

Subsequently, staff performed a review of 1) the entire Zoning Ordinance as it relates to accessory dwellings, 2) 10 years of Zoning Determinations, and 3) 12 years of Special Use Permits related to accessory dwellings. This analysis resulted in the following:

1. In the R-6 zoning district, the applicant may have an ‘Accessory Structure’ (as defined above) by right. It is important to note, the definition of ‘Accessory Building’ states to reference Accessory Structure.
2. In the R-6 district, the applicant may apply for a ‘Dwelling in an Accessory Building’ defined under ‘Accessory Dwelling Unit’ as *“a subordinate dwelling unit in a main building or accessory building for the use as a complete, independent living facility with provision within the accessory dwelling for cooking, eating, sanitation, and sleeping. Such a dwelling is an accessory to the main dwelling”*.
3. Previous Special Use Permit requests for accessory dwelling units collocated with garages have been processed in the Town.
4. Therefore, staff finds the applicant may continue to apply for the Special Use Permit as originally proposed during the Planning Commission Public Hearing. Since the proposal remains unchanged, a new Public Hearing is not required. The Planning Commission may choose to reaffirm or revise the original recommendation to the Town Council.

III. PROJECT REVIEW

A. Context

This Special Use Permit (SUP) proposes to build a second floor studio apartment above a by right two car garage with 23 N. Chestnut Street. The structure would have white painted Hardy Board shingles, and a footprint of 22 by 32 feet. Accessory buildings are allowed by right in R-6 zoning district, but dwellings in an accessory building require an SUP per Article 3-4.3.3. The property owners plan on living on the property in one of the existing units within the primary structure. The primary structure contains three, two bedroom apartments. Nine parking spaces will be provided on site. Landscape screening will be provided on the rear and side of the proposed building.

Zoning on the subject property and surrounding properties is Residential - R-6. The subject property is surrounded by single family residential. The single family home across the street from the subject property (20 N. Chestnut Street) is about 0.17 acres and is set back about 35 feet from the road. The adjacent residence to the north is on approximately 1 acre, with a deeper setback from the main road. The property to the east (rear) of the subject property is approximately 0.35 acres and setback about 40 feet from Smith Street. The single family homes along Waterloo Road, on the south side of the subject property are approximately 0.1 acres and set back 20-30 feet from the road. The single family home on 111 Waterloo Street (adjacent to the 23 N. Chestnut Street) is approximately 0.2 acres and contains an accessory building used as a guest house and a detached garage. The primary structure on 23 N. Chestnut Street is set back 25 feet from the road and the accessory dwelling unit with garage will have about a 100 foot setback from the road.

Due to its location within the Warrenton Historic District, the applicant applied for and received an Architectural Review Board Certificate of Appropriateness (COAP 16-01) on February 25, 2016. The conditions of COAP 16-01 were: 1) a building permit and special use permit are acquired, and 2) the windows reflect a contemporary design (ex: no simulated divided light). A building permit is also required for the proposed decks.

B. Summary of Outstanding Issues

There are no outstanding issues for the accessory dwelling unit SUP 2016-01.

If approved, the size of the proposed decks in conjunction with the size of the proposed accessory dwelling unit will need to be reviewed. The combined total size of all accessory structures cannot be larger than 25% of the principal structure (Article 9-1.1). If the sizes of the decks are found to increase the total accessory structures area beyond what is allowed per Article 9-1.1, then the decks will be required to be adjusted at the time of building permit review.

C. Zoning Analysis

In addition to the requirements for SUPs under Article 11-3.10.3 (SUP Evaluation Criteria, Issues for Consideration)¹ the proposed accessory dwelling unit must meet the following Zoning Ordinance criteria:

ARTICLE 3 – Zoning Districts

Article	Title	Description	Application	Meets Zoning Ordinance
3-4.4.5.1	Building Height	Allows a maximum height of 35 feet	2 Stories	Yes

¹ See Section II – E. Zoning Ordinance Criteria for Special Use Permits, for the full list of SUP evaluation criteria per Article 11-3.10.3.

Article	Title	Description	Application	Meets Zoning Ordinance
3-4.3.5.2	Garages	Front-loaded garages must be set back at least fifteen (15) feet behind the front building line of the primary structure	Approximately 74 feet from front building line	Yes

ARTICLE 7 – Parking

Article	Title	Description	Application	Meets Zoning Ordinance
7-3	Residential Parking	Multifamily dwellings are required to have 2.5 parking spaces per two-bedroom unit and 1.5 parking spaces per efficiency unit	9 Parking Spaces (3 two bedroom units plus 1 efficiency unit ²)	Yes

ARTICLE 8 – Landscaping

Article	Title	Description	Application	Meets Zoning Ordinance
8-8.3.5	Buffer Yards	Whenever a proposed development plan is adjacent to a developed property that has not provided any or all of the required buffer, the proposed development shall provide sufficient buffer to achieve one half of the width of the required buffer yard	7.5 feet on the rear and 8 feet on the side	Yes
8-8.5	Screening & Buffer Yard	A 15 foot buffer yard between multifamily dwellings and single family dwellings are required	7.5 feet on the rear and 8 feet on the side	Yes, per Article 8-8.3.5

² The proposed accessory dwelling is a studio apartment, which qualifies as an efficiency unit.

ARTICLE 9 – Supplemental Regulations

Article	Title	Description	Application	Meets Zoning Ordinance
9-1.1	Accessory Structures	The aggregate gross floor area of an accessory structure (i.e., the total gross floor area of all accessory structures) shall not exceed thirty (30) percent of the area of the rear yard, nor shall it exceed 25% of the total area of the principal structure	22 by 32 foot accessory structure ³	Yes
9-1.2	Accessory Structures	Accessory structures shall not be located closer than five (5) feet to any rear or side property line	7.5 feet on the rear and 8 feet on the side	Yes

D. Zoning Ordinance Intent & Comprehensive Plan Use Description

Per the Zoning Ordinance, the legislative intent of the R-6 District is the following:

This district is composed of medium to high concentrations of predominantly residential uses, generally intended to encompass and preserve those residential structures which have developed over the years along the traffic arteries serving the Central Business District. The regulations of this district are designed to stabilize and protect these areas while at the same time allowing compatible changes to occur in an effort to ensure that the use of these areas is economically feasible and to implement the Comprehensive Plan.

The property in question is located in an area designated as medium density residential by the Future Land Use Map of the Comprehensive Plan. According to the Town of Warrenton Comprehensive Plan:

This designation includes single family detached residential dwellings at densities up to five dwellings per net acre, contingent upon pedestrian and vehicular access, compatibility with surrounding properties and mitigation of potential impacts. Much like the low density residential designated areas, the medium density areas are made up largely of established single family neighborhoods. The neighborhoods are located in many areas of the Town and have access to all Town services.

³ The proposed by right decks may need adjustments at the time of building permit submission to meet the Article 9-1.1 total combined allowable accessory structure size. This will be confirmed when the building permit is submitted and reviewed.

The Comprehensive Plan also includes the following residential goals:

Residential Goal 1 states “*To encourage the development of a wide range of housing opportunities by type, design and density for all residents of Warrenton.*”

Residential Goal 2 states “*...provide for affordable housing options.*”

Residential Goal 3 states “*To encourage infill development in established areas that is compatible with existing uses and which is compatible in scale with surrounding neighborhood.*”

E. Zoning Ordinance Criteria for Special Use Permits

Section 11-3.10.3 of the Town of Warrenton Zoning Ordinance states *in considering requests for Special Use Permits, the following factors should be considered:*

Standard

1. Whether the proposed Special Use Permit is consistent with the Comprehensive Plan.

Analysis

The proposed SUP increases the density of the development beyond the amount shown on the future land use plan. However, the proposal is in keeping with the overall character of the property, which generally looks like a single family home, despite the number of existing units.

Standard

2. Whether the proposed Special Use Permit will adequately provide for safety from fire hazards and have effective measures of fire control.

Analysis

Fire and police will have direct access to the proposed accessory dwelling unit via the existing driveway. Building code will require the installation of standard fire safety equipment (e.g. smoke detectors) when acquiring a building permit.

Standard

3. The level and impact of any noise emanating from the site, including that generated by the proposed use, in relation to the uses in the immediate area.

Analysis

The accessory dwelling unit will be held to Town Code provisions relating to disturbing the peace (e.g. Sections 11-19 – Noise; 11-20 – Nuisances; 11-21 – Odors).

Standard

4. The glare or light that may be generated by the proposed use in relation to uses in the immediate area

Analysis

The proposed SUP condition states, “*Lighting fixtures must be full cutoff unless they use lights that are incandescent 160 watts or less, fossil fuel, any light source of 50 watts or less,*” as per Article 9-8.6.2.8.⁴

Standard

5. The proposed location, lighting and type of signs in relation to the proposed use, uses in the area, and the sign requirements of this Ordinance.

Analysis

No signs are proposed.

Standard

6. The compatibility of the proposed use with other existing or proposed uses in the neighborhood, and adjacent parcels.

Analysis

Neighboring properties all contain single family residential. One adjacent property contains a guesthouse in a separate accessory structure.

Standard

7. The location and area footprint with dimensions (all drawn to scale), nature and height of existing or proposed buildings, structures, walls, and fences on the site and in the neighborhood

Analysis

See applicant’s application plans for details (Attachment II). The proposed accessory structured will be 22 x 32 feet and located in the back of the property, at the end of the driveway. The structure will be two stories in height.

Standard

8. The nature and extent of existing or proposed landscaping, screening and buffering on the site and in the neighborhood.

Analysis

Additional landscaping will be included to buffer the proposed accessory dwelling unit as well as additional landscaping across the entire property. A new brick walkway and front stoop will be added to the front of the accessory dwelling unit. See the applicant’s application for more landscaping details (Attachment II). The proposed SUP condition #5 would ensure the landscaping details are included through substantial conformance with the submitted application.

Standard

9. The timing and phasing of the proposed development and the duration of the proposed use.

⁴ Article 9-8.6.2.8, “*Lamp types that are not required to have full cut-off fixtures include Incandescent 160 watts or less, fossil fuel, any light source of 50 watts or less.*”

Analysis

The applicant has not proposed any phasing.

Standard

10. Whether the proposed Special Use Permit will result in the preservation or destruction, loss or damage of any significant topographic or physical, natural, scenic, archaeological or historic feature.

Analysis

The primary structure does not contribute to the historic district and will remain. The proposed accessory dwelling unit will not require the removal of any existing trees or additional grading.

Standard

11. Whether the proposed Special Use Permit at the specified location will contribute to or promote the welfare or convenience of the public.

Analysis

The proposed SUP will add a mixture of housing options to the Town of Warrenton. It is also within walking distance to Main Street and its surrounding uses.

Standard

12. The traffic expected to be generated by the proposed use, the adequacy of access roads and the vehicular and pedestrian circulation elements (on and off-site) of the proposed use, all in relation to the public's interest in pedestrian and vehicular safety, efficient traffic movement and access in case of fire or catastrophe.

Analysis

The addition of one accessory dwelling unit will add 3.35 daily weekday trips per the ITE daily trips. The proposed unit would be accessible to fire and police using the existing driveway.

Standard

13. Whether the proposed use will facilitate orderly and safe road development and transportation.

Analysis

The addition of one accessory dwelling unit does not trigger transportation improvements.

Standard

14. Whether, in the case of existing structures proposed to be converted to uses requiring a Special Use Permit, the structures meet all code requirements of the Town of Warrenton.

Analysis

Not applicable.

Standard

15. Whether the proposed Special Use Permit will be served adequately by essential public facilities, services and utilities.

Analysis

The use is currently served by public utilities. Separate connections for water and sewer will be required for the new accessory dwelling, per Sections 17-68 and 17-69 of the Warrenton Town Code.

Standard

16. The effect of the proposed Special Use Permit on environmentally sensitive land or natural features, wildlife habitat and vegetation, water quality and air quality.

Analysis

No impacts anticipated.

Standard

17. Whether the proposed Special Use Permit use will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan.

Analysis

Not applicable.

Standard

18. The effect of the proposed Special Use Permit use in enhancing affordable shelter opportunities for residents of the Town, if applicable.

Analysis

The proposed SUP will add one additional housing option for residents.

Standard

19. The location, character, and size of any outdoor storage.

Analysis

The ARB approval of COAP 16-01 addresses location, character, and size.

Standard

20. The proposed use of open space.

Analysis

Not applicable.

Standard

21. The location of any major floodplain and steep slopes.

Analysis

Not applicable.

Standard

22. *The location and use of any existing non-conforming uses and structures.*

Analysis

Not applicable.

Standard

23. *The location and type of any fuel and fuel storage.*

Analysis

Not applicable.

Standard

24. *The location and use of any anticipated accessory uses and structures.*

Analysis

The proposal includes a request for a garage with second floor studio apartment to be constructed in the back of the property, at the end of the driveway.

Standard

25. *The area of each proposed use*

Analysis

The proposed by right garage and accessory structure is 22 x 32 feet. Only the use of the accessory structure as an accessory dwelling unit requires a SUP.

Standard

26. *The proposed days/hours of operation.*

Analysis

Not applicable.

Standard

27. *The location and screening of parking and loading spaces and/or areas.*

Analysis

Parking is proposed along the side of the house, utilizing the existing driveway, plus two additional spaces within the proposed garage /accessory dwelling.

Standard

28. *The location and nature of any proposed security features and provisions.*

Analysis

Not applicable.

Standard

29. *The number of employees.*

Analysis

Not applicable.

Standard

30. The location of any existing and/or proposed adequate on and off-site infrastructure.

Analysis

Not applicable.

Standard

31. Any anticipated odors which may be generated by the uses on site.

Analysis

None anticipated.

Standard

32. Refuse and service areas.

Analysis

Not applicable.

IV. ATTACHMENTS

Name	Number
1. Application, Narrative, & Vicinity Map	I
2. Application Plans/Drawings	II
3. February 25, 2016 ARB Meeting Minutes	III
4. COAP 2016-01 Approval Letter and Motion	IV



LETTER OF JUSTIFICATION

FOR

SPECIAL USE PERMIT FOR A DOUBLE GARAGE

WITH A STUDIO APARTMENT LOCATED ABOVE

This Letter of Justification is submitted in accordance with section 11.3-11.3 of Article 11 for a Special Use Permit to allow a double garage with a studio apartment above the double garage.

There is an existing three unit apartment building that looks like a Cape Cod style home on the property. It does not look like an apartment building. A picture is included.

My wife and I will be taking one of the apartments to make as our permanent home we need a garage. We would like to put a studio apartment above the garage. It will be about 600 +/- square feet and suitable for only one person.

There is plenty of room for the garage on the property and will not look unsightly. A picture of the proposed garage and studio apartment is provided.

Parking will not an issue. The garage will hold two cars and there will be space for seven cars on the driveway. The parking spaces will be marked as shown.

There will be landscape screening that serves as a buffer and on the side of the garage and on the back of the garage. (See the enclosed plan)

Access to the garage and studio for fire and police protection is clear and direct.

We will be removing the existing vinyl siding and replacing it with the same Hardiboard shingle siding to be used on the garage which will be painted white. We will be adding a new brick walkway and stoop to the front of the apartment and completely landscaping the entire property. The plans for this are included.

The improvements we are making will enhance our neighborhood.

Sincerely,

A handwritten signature in black ink that reads 'Dick Wright'.

Dick Wright

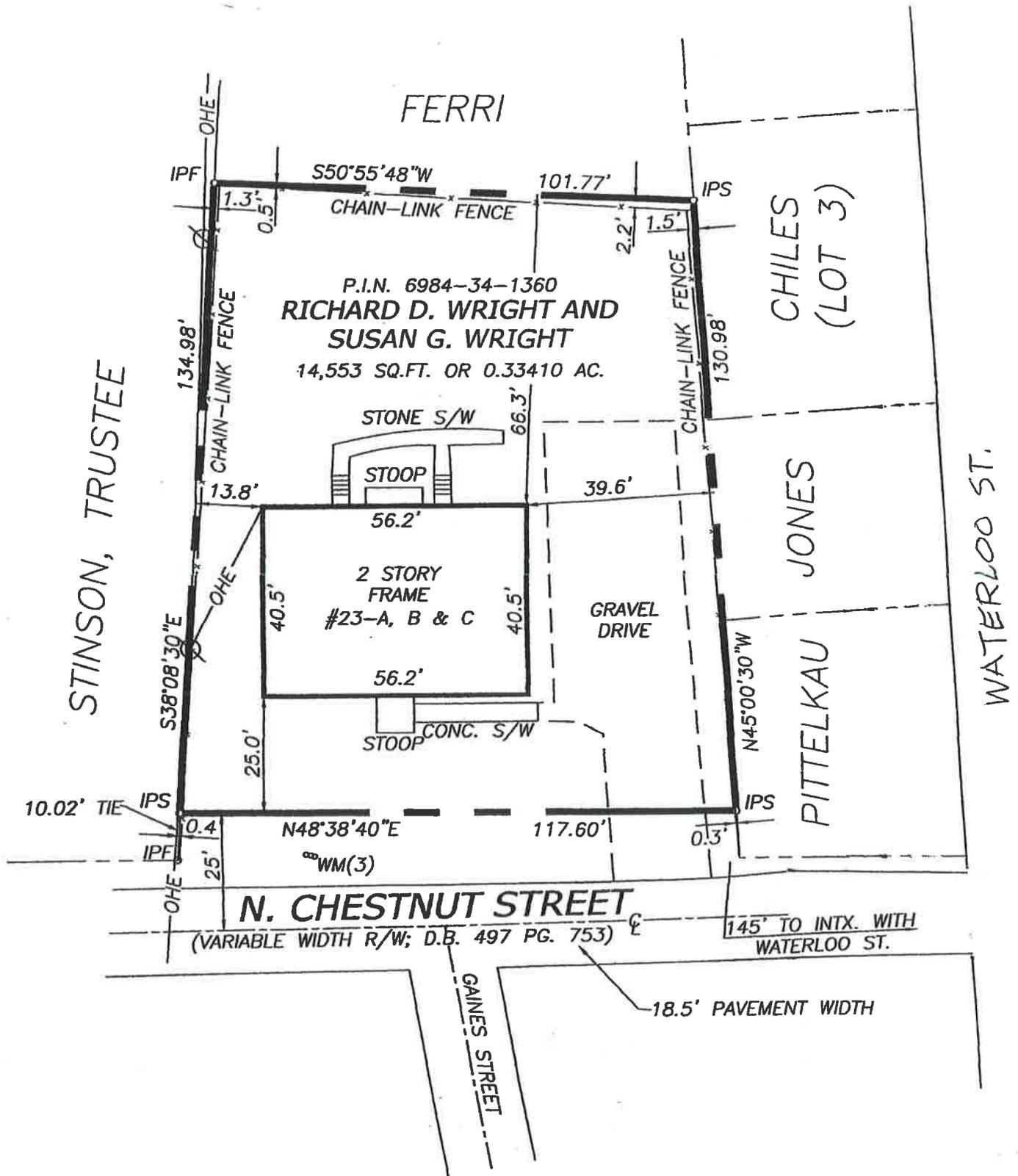
JUL 2016-01

RECEIVED

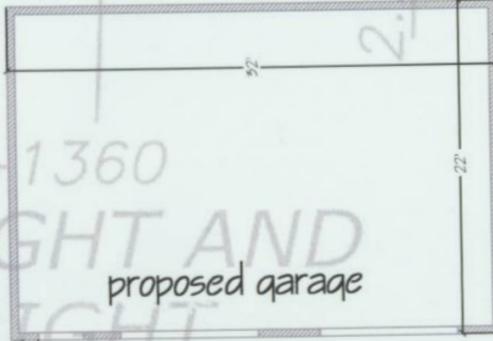
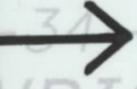
JUN 13 2016

COMMUNITY DEVELOPMENT
TOWN OF WARRENTON

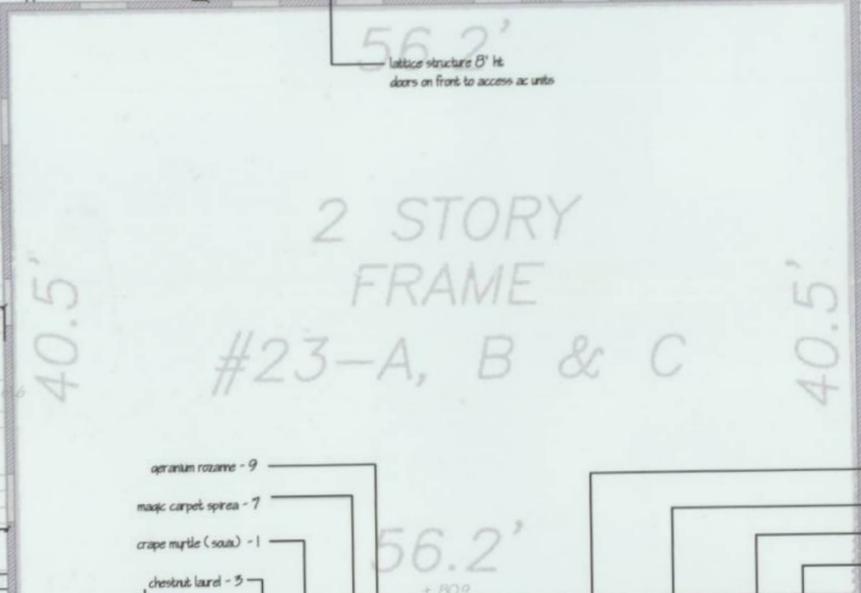
VICINITY MAP



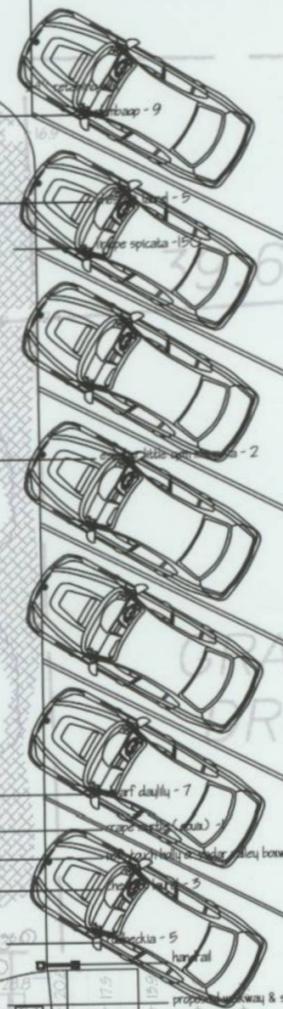
SUP 2016-01



proposed garage



2 STORY FRAME
#23-A, B & C



GRAVEL DRIVE

- abelia sunshiner - 5
- eastern redbud - 1
- stepping stones
- azalea - 5
- hosta big blue - 5
- japanese painted fern - 5
- creeping jenny - 9
- fountain/ focal point
- canella - 5
- hosta pallid - 7
- rhododendron - 5

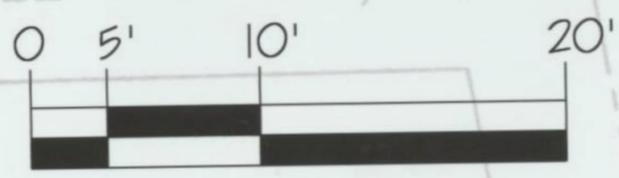
- creeping jenny - 15
- dwarf boxwood - 8
- hosta seboldiana - 9
- crabe myrtle (muskogee) - 1

green quart arbutus - 10

- retaining wall approx. 4' ht above patio
- patio to be built 12" above est. of grade
- lenten rose - 5
- pachysandra - 150
- flowering dogwood - 1
- palace coral bells - 5
- summer hydrangea - 5
- plumbago - 9
- fall blooming hydrangea - 1

- apricot rozanne - 9
- maize carpet spirea - 7
- crabe myrtle (soul) - 1
- chestnut laurel - 5

- maize reptans - 15
- ajuga reptans - 24
- soft touch holly or vador valley boxwood - 5
- hosta frances - 9
- pachysandra - 48
- crabe myrtle (soul) - 1



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JUN 13 2016

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master 2016.dwg

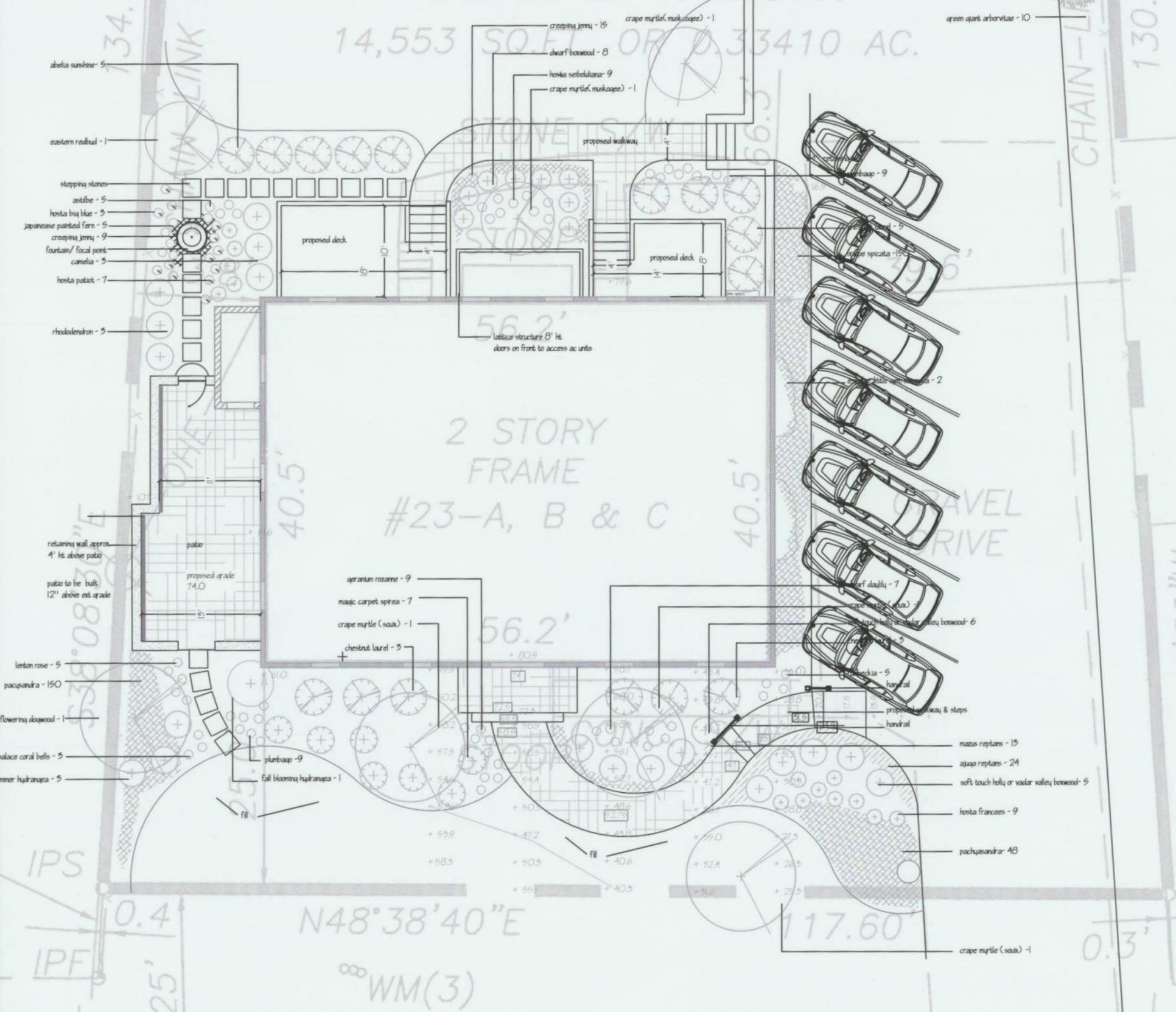
2016

Andrea Schmidt, Designer | andcrane llc

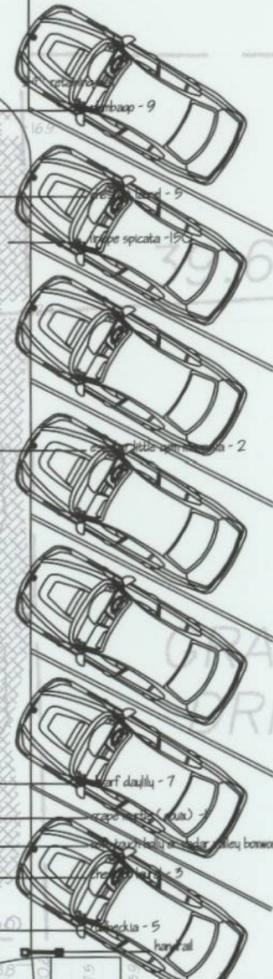
S50°55'48"W
101.77'
CHAIN-LINK FENCE
IPF
IPS

P.I.N. 6984-34-1360
RICHARD D. WRIGHT AND
SUSAN G. WRIGHT
proposed garage

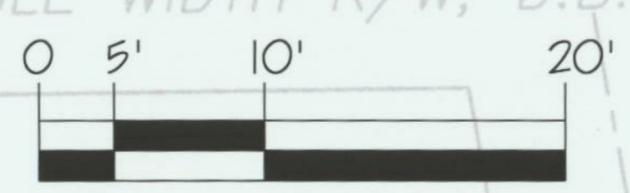
14,553 SQ. FT. OR 0.33410 AC.



2 STORY
FRAME
#23-A, B & C



N. CHESTNUT STREET
(VARIABLE WIDTH R/W; D.B. 497 PG. 753)



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COMMUNITY DEVELOPMENT
TOWN OF WARRENTON

master 2016.dwg
2016
Andrea Schmidt, Premier Landscape LLC



TOWN OF WARRENTON

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<http://www.warrentonva.gov>
 TELEPHONE (540) 347-1101
 FAX (540) 349-2414
 TDD 1-800-828-1120

**MINUTES
 ARCHITECTURAL REVIEW BOARD
 TOWN OF WARRENTON
 February 25, 2016
 7:00 P.M.**

The regular meeting of the Town of Warrenton Architectural Review Board (ARB) convened on February 25, 2016 at 7:00 PM in the Municipal Building.

Dr. Melissa Wiedenfeld, Chair, called the meeting to order and a quorum was determined. The following members were present: Mr. Carter Nevill, Mr. J. Tucker, Vice-Chair, and Mr. Jerry Wood Town Council Ex-Officio member. Ms. Sarah Sitterle, Director of Planning and Community Development and Kelly Machen Community Development Planner were present and represented staff. Dr. Carole Hertz and Mr. Steve Wojcik were absent.

Purpose Statement

Dr. Wiedenfeld stated the Purpose of the Architectural Review Board; Statement of Qualifications of Architectural Review Board to be: The Board makes a decision on applications in order to preserve the character of the Historic District of the Town of Warrenton on behalf of the Town of Warrenton. Decisions of the Board are based upon the Historic Guidelines and a decision for each application is made based upon its own merits. Those decisions do not constitute precedence for any future decisions. The guidelines provide the framework for consistent decision making by elaborating upon the Zoning Ordinances goal to identify, protect and preserve the buildings within the Historic District boundaries.

Approval of Minutes

Dr. Wiedenfeld said there are two sets of minutes to vote on and asked if there were any changes or edits required for the **November 19, 2015 meeting minutes**.

Mr. Tucker requested the following revisions to the minutes:

Page 6:

- Second paragraph, *they* change to *the*
- Last paragraph, line 2, *it and out* change to *instead of*

Page 7:

- First paragraph, line 1, should include *Mr. Tucker*

- Last paragraph, line 1, in front of the word *processed* should be the word *the*

Page 9:

- Fifth paragraph that begins Mr. Tucker, it should state, *stated the issue here is what he calls the termite factor*

Page 10:

- At the top there needs to be clarification whether Mr. Wood made a motion or not

Page 12:

- The middle of the fourth paragraph down, handrail work *form* change to *from*, should say *from the surface of the walkway*

Page 14:

- The second full paragraph, next to the last line, the word *but* should be removed from that sentence

Mr. Wood stated that he did not make a motion on page 10.

Dr. Wiedenfeld said Mr. Wood should be stricken from that sentence.

Mr. Tucker made a motion to approve the minutes with amendments for the November meeting. Mr. Nevill seconded the motion and the motion passed.

Dr. Wiedenfeld asked, are there any changes needed to the **January 28, 2016 meeting minutes**.

Mr. Tucker requested the following revisions:

Page 3:

- The large paragraph at the bottom of the page, the word *handrail* should read *guardrail*. In the same paragraph, the word *rail* should read *guardrail*.

Mr. Tucker made a motion to approve the minutes for the January meeting. Mr. Nevill seconded the motion and the motion passed.

New Business

Dr. Wiedenfeld stated the next part of the meeting is devoted to the applications for appropriateness. She would introduce each project, allow representatives to describe the project, and then call on each member of the Board for comments and questions. Members of the community would be given an opportunity to speak about a project.

Certificate of Appropriateness 16-1: Construction of a garage at 23 N. Chestnut Street, Roger Cordani, Agent.

Dr. Wiedenfeld explained that the existing structure at 23 N. Chestnut Street was constructed in 1965. It is a non-contributing resource within the Warrenton Historic District.

Mr. Cordani, the agent for Mr. Wright, then addressed the Board. He said the project is to build a two-car garage on the side of the property. It will have a one-bedroom apartment above and hardi-plank siding. The house has vinyl siding, which will be replaced with hardi-plank siding.

Dr. Wiedenfeld said the proposed structure respects the primary street, the town grid pattern, and the relationship of other nearby contributing structures. The proportions are moderate and do not dominate adjacent buildings. While the hardi-plank siding is not appropriate for use on historic structures, it is acceptable on this modern dependency and the new structure has appropriate fenestration. She asked if Mr. Cordani could talk about the proposed windows for the garage.

Mr. Cordani explained that they would be the same windows as shown on the proposal, vinyl windows with 2/6 grids.

Dr. Wiedenfeld stated that the windows are not true divided lights.

Mr. Cordani said yes they are true divided lights, double hung as shown in the proposal.

Dr. Wiedenfeld then asked if the windows had fake grids.

Mr. Cordani said yes they have a grid.

Mr. Tucker stated that is called simulated divided light.

Dr. Wiedenfeld asked if the hardi-plank siding would be painted.

Mr. Cordani said yes.

Dr. Wiedenfeld asked if the structure would have a cupola or an ornamental vent on the roof.

Mr. Cordani said the picture shows one, but he was not sure if it was going to be used.

Mr. Nevill said the plans submitted do not show a cupola and that the Board should go by the plans that have been submitted and not the photograph.

Dr. Wiedenfeld asked if the structure's setbacks meet the zoning requirements.

Mr. Cordani stated Mr. Wright would have a surveyor check setbacks before submission.

Mr. Nevill suggested that, since some of the building is visible from Waterloo Street, some landscaping to beautify the project be considered. He believed this would benefit the project. This was a request.

Mr. Tucker said the only issue he has is with the use of simulated divided lights in the double hung windows. The Board frequently sees them, but the guidelines suggest not replicating historic materials with modern materials. Modern windows are generally double pane insulating glass that is a large sheet of glass per sash and the simulated dividing is an adaptation to make it

look like it is from a different era. He then asked if the applicant would accept omitting the simulated divided light from the windows.

Mr. Cordani said yes.

Dr. Wiedenfeld said not on the garage doors or the entrance door but on the windows. She then asked if there were any further questions or comments.

Mr. Nevill made a motion to approve **Certificate of Appropriateness 16-1** construction of a garage at 23 N. Chestnut Street with the following conditions:

- 1) A building permit is required.
- 2) A special use permit is required.
- 3) The window treatments properly reflect a contemporary design, not to conflict with buildings surrounding the structure, in other words, no simulated divided lights.

Mr. Tucker seconded the motion and the motion passed with no opposition.

Certificate of Appropriateness 16-3 Removal of a two-story addition to guest cottage and replacement with smaller one story addition, roof replacement and siding repairs at 319 Falmouth Street, William and Sally Semple, owners.

Utilizing the overhead flat screen monitor to show the Board drawings of their project, Mrs. Semple gave a presentation to the Board. She said showed the original house on their property. The house is a Victorian house fronting Falmouth Street, dating to before the civil war. Research found that was the site of a tan yard.

She went on to say that sometime before her purchase of the house in 1994, there was a non-conforming addition. It is a two-story addition and it obliterates the historic roofline. It has been a lifelong goal to get rid of this addition, but it serves valuable storage space, which is at a premium in historic homes. She would like to take off this addition and build a one-story structure with a more sensitive roofline. In the picture here, there is an enclosure, which covers the original back door to the cottage. The doors on this house are a bit of a mystery, as the door the side does not continue to the inside, but they will keep it as a false entrance. There is a back entrance, which is covered by an enclosure. The applicant will take the walls off that enclosure and put on a proper porch entrance.

She said in terms of the repairs, when they remove the new addition, they do not know what will be behind it. They are hoping the original Board and batten siding from 1840 is there. If not, they will have to make repairs that are consistent with the Board and batten. Additionally, the other part of this application is to put on a new roof for the whole structure. The current asphalt roof is in poor condition. They will put a new roof on and new gutters and down spouts.

Dr. Wiedenfeld has a few comments on the project. This project is a model submission. She thanked the applicant for their thoroughness and clarity. The historic cottage dates to before the Civil War. It is a contributing structure to the Historic District. The 1980s addition is non-contributing and its demolition is an improvement for the structure and the district. The project

appropriately proposes the preservation of newly exposed historic materials. The proposed addition respects the historic materials, respects the form of the original material and the mass and proportion of the addition does not overwhelm the historic structure.

Mr. Nevill said he wants to commend the applicants on the ideal and model submission. All the information included in the application eliminates the need for questions from the Board. This is an appropriate and very model example of historic preservation and stewardship. It adds to the structure and appropriately restores it, still updating it to contemporary use, and respects the historic value of the property. With that said, he wished them the best with the construction.

Mr. Tucker said he likes this project and that they have done a nice job. He likes the fact that they are respecting the original building, removing what is an inappropriate addition. As with the last submission and application, he does not agree with using simulated divided light windows.

Mr. Nevill asked if they are simulated or true divided light windows.

Mrs. Semple said they are proposing simulated divided light windows.

Mr. Semple said it is consistent with the windows they put in their house in Old Town Alexandria. They prefer it because of the cost and it is a good performing window. It looks almost identical to a true divided light window. That is what they want to do and this addition is not visible from the street.

Mr. Tucker said this addition should reflect 2016. He suggests that the simulated divided lights not be used and instead use a one over one window to differentiate it from the original building. He stands by that and will stand by that for any project brought before the Board. It is inappropriate to replicate material with material that is not true. Otherwise, it is a great project.

Mrs. Semple said he has a comment about the aesthetics. It is a good-sized window because they do want light. A one over one is just two big plates of glass. It is not a modern looking addition, it does use modern materials, but it is in the spirit of an older style.

Dr. Wiedenfeld asked if Mrs. Semple has a spec sheet of what window they are proposing to use.

Mrs. Semple said it should be in the application.

Mr. Tucker said it does not matter who the manufacturer is. They all produce the wrong result.

Mr. Semple said we provided this type of window to the ARB in Alexandria, deferring to this Board's decision of course. To put in a window that is 1/1, without any treatment that reflects the quality and central architectural aspects of the windows that already exist, in my opinion, would be inconsistent with the overall appearance of the entire project. He has never liked one over one clear glass windows. If he thought that was appropriate, he would have put them in the application.

Mr. Tucker said he fully understands. It is counter to the guidelines and its counter to trying to differentiate the addition from the original building. You are trying to replicate it with modern materials. It does not work.

Mr. Semple asked if the Board would accept a true divided light window.

Mr. Tucker said he would rather see that, yes.

Mr. Semple said this is a difficult requirement when windows cannot be seen from the street.

Mr. Tucker said if you cannot see them from the street, then what is the matter with using true divided.

Mrs. Semple said because it is their preference. They do not want to put in something they dislike.

Mr. Nevill said he believes the applicants have gone above and beyond to respect the intent of the guidelines. Mr. Tucker's points are well noted and there are times when it is very important that we follow them, not to say that this is an exception. In the nature of the addition, the fact that the applicant is using modern materials, should meet the standard of the time. Given the nature of a small cottage, and unduly forcing the use of single pane-divided lights, is not beneficial in this instance. Mr. Nevill was comfortable with the application as presented.

Mr. Wood said he believes the plans that have been brought for this project are good. The applicant has gone above and beyond and they will have a nice place when it is complete.

Mr. Nevill made a motion to approve **Certificate of Appropriateness 16-3** for the removal and replacement of addition, roof replacement, and siding and trim repairs at 319 Falmouth Street with the following conditions:

1) A building permit is required.

Dr. Wiedenfeld seconded the motion, taking into consideration the windows are in the back.

Mr. Tucker denied. The motion passed with a majority vote.

Certificate of Appropriateness 15-22 resubmission of the application to construct ten (10) townhouses at 67 Waterloo Street. Horatio Magalhaes, Applicant - Mr. Norden and John Foote, representatives.

Dr. Wiedenfeld said the property is significant and prominent within Warrenton's Historic District. It is incumbent upon the Board to apply the Warrenton Historic District Design Guidelines in review of this application to determine whether the design, as submitted, meets the requirements of the Design Guidelines. It is imperative that the Board considers the long view, encouraging construction that is an asset to the Historic District, stands the test of time, and makes succeeding generations proud. The site of the project is a large, now empty lot. It is immediately adjacent to two modest two story historic houses, both contributing to the Historic District, one at 23 Smith Street and one at 14 Diagonal Street.

She said the resubmission includes some requested information and the following changes:

- The addition of brick walls with interpretive signage explaining the site's history or the promise of interpretive signage.

- New porches on Waterloo elevations.
- Brick instead of hardi-plank in the gables.
- Stamped concrete pavement.
- Additional green space along Smith Street.
- Fence enclosures for the heating and air conditioning.

Dr. Wiedenfeld asked for Mr. Norden and/or Mr. Foote to explain the application. She requested that the applicants please be sure to state their names clearly for the record and that Board members delay comments and questions for a few moments. The applicants were to speak first, followed by members of the community, and then the Board.

Mr. Foote introduced himself and his assistant Jessica Pfeiffer, a professional planner. He said they represent HC Investors. They were retained by Mr. Magalhaes to look at what happened at the first ARB meeting regarding this application. Mr. Foote listened to the entire tape of the first ARB meeting and understood the dissatisfaction with elements of the application as previously presented. They took everything from the tape, made notes, and asked what the ARB found to be missing for its purpose of a decision in this case.

Mr. Foote explained that Mr. Norden thought he would have the opportunity to provide the additional information, and he understood why the ARB voted as it did. The applicant filed an appeal to the Town Council as permissible under the law, as Mr. Foote has done on numerous occasions. It was known that there was additional information needed. Mr. Norden was asked to take the notes that Mr. Foote took and modify the plans to meet the specific comments about design issues and provide additional details. Mr. Foote also asked Mr. Shepherd to make the 3D depiction of the townhouses presented at the meeting, which is something that was not available previously.

Mr. Foote went on to say, that they know this parcel will be developed; a decision that will be made by the private sector, not by the public sector. They also know that issues of site planning and zoning are not issues for the ARB. They have come before the Board to show how the project has changed and to ask the ARB to reconsider its previous decision. The applicant asked to go back before the ARB because they wanted the ARB to have a look at the project again before the council acted on it.

Mr. Norden then came forward and gave a presentation to the Board. He said one of the biggest complaints was the facades that face Waterloo Street. These were ends without any detail so they put a new face on the facades that face the street. While they did not face the units and the front doors toward Waterloo Street, they did create new brick entryways and three story porches on those end facades to make those buildings have a good face toward Waterloo Street. The new brick entryway walls are six feet high, the posts are ten, and the middle piece, where they provided a place to talk about the history or the centerpiece, is thirteen feet high.

One of the concerns was the ability to look into the project and the porches. By adding the three story porches on the end elevations, they have not only improved what was a bland elevation, but also removed the decks on the first two units, making those end units have porches on the street side instead of internally. The new entryway helps screen what is seen first when passing by on Waterloo Street. They were hoping, with a 3D rendering, it would give a better understanding of the overall image. They kept the staggered buildings on Diagonal and on Smith Street to help

break the scale and bring it back to human scale in keeping with the surrounding structures.

Dr. Wiedenfeld said she knows there are several members of the community who would like to speak. She asked community members to please step forward to speak to the Board.

Michelle Ferri spoke to the Board and said she lives on Smith Street, across the street from the development. She spoke in opposition. She believes this site offers a unique opportunity to provide a nice transition from the residential district to the business district. This application falls far short of achieving this. It remains intent on filling the site to maximum density, instead of taking into consideration that none of its immediate neighbors have built to the property line. This property does not exist on Main Street, but sits among historic homes. This development seems designed to punish its neighbors. It fails to consider the uniqueness of the site and poorly imitates the character of its neighbors instead of providing well thought out design that will add value to the charms and traditions of Old Town.

She went on to say, as the Board has already sited its review of the application, the proposal does not meet the simple, basic requirements of Warrenton's historic guidelines in overall design, building proportions, height, scale, spacing, or mass. It fails to follow the rhythm of the contributing structures in the block with its zigzag presentation on Smith and Diagonal Streets, inadequate yards, and street presence. The design creates its own inner street instead of a truly inviting street character. The Board's previous decision to deny this application is the correct one. She sees nothing but lipstick added to this revised submission and requests that the Board seek significant alterations to this development before considering it worthy of appropriateness.

Nancy Blough spoke to the Board and said she lives adjacent to the proposed project. She would like the Board to reconsider the proposed townhouse project. Her concern is that regardless of the structure approved it must conform to the historical and architectural guidelines. In addition, the safety of all of the residents in the immediate area of 67 Waterloo Street must be protected. The drawings lack the historic presentation consistent with neighboring properties and the rest of the Town of Warrenton's older residences. The renderings of the proposed project at 67 Waterloo Street are not in keeping with the character, harmonious values, and historic ambience of Old Town Warrenton. Looking out her kitchen window, Ms. Blough will see a three story brick wall and limited light through six three story townhouses, representing an overly dense use of a half acre piece of property. This can be compared to a property on Falmouth Street, which has fifteen townhouses on two and one half acres, a lot of green space, and sidewalks. Additionally, that space provides much more room for their residents to enter and park in the rear of each residence. There is a wall around that townhouse subdivision helping to curb the density. When this property was a restaurant, it had much more green space than is proposed with this project.

She went on to say, an extremely important consideration is the safety of the residents. Having witnessed one fire at the property in question, she saw firsthand the potential for catastrophe. At the time of that event, in the parking lot at 67 Waterloo Street, which would no longer exist according to the proposed plan, fire fighters had to go over the top of a burning historic structure to keep water on her home and Michelle Ferri's and Bill Weaver's home. The heat was so threatening, they were asked to remove their vehicles from parking spaces and driveways on Smith Street. She is very concerned with emergency vehicles being able to control a fire or help someone in need of an ambulance because when vehicles are parked on Smith Street, there is no

room for emergency vehicles. The same consideration would be true of Diagonal Street since parking is allowed on both sides of the street. She requests that a Fire Marshall approve the plan's areas of egress to insure emergency vehicles access to project and neighboring properties.

She continued that it was her understanding that a new application was submitted to the ARB, allowing for another public hearing, because the owners altered their original plans. A number of residents had similar concerns after attending the Town Council meeting on February 9 and they should be allowed the opportunity to express them. The townhouse fortresses should be less dense, to allow green space and attention to the concerns mentioned here.

Mr. Bill Weaver then addressed the Board. He elaborated on Nancy's comments. His major concern is in regards to emergencies. They were there when the fire took place and the only way, not criticizing Warrenton's first responders, to get a fire truck in range to protect homes was through the parking lot of the restaurant. With this project, that is going to be gone. The street is 16 ½-foot wide and zoning calls for 20-foot wide streets. With a car parked on a street, it is 10 feet wide. Twenty feet of road is needed for fire apparatus. Diagonal Street is narrow with lots of traffic, Smith Street is narrow and one way, and Chestnut Street is very narrow. His concern is that, for those dwellings, it would take a boom to get to the top. The renderings have cherry picked the views to make it look like there is plenty of room. The rendering also removed trees and in one of the drawings removed Mr. Weaver's house. Mr. Weaver is not against it, but against the density. He knew this was a zoning issue, not an ARB issue, but this was also a safety issue. He asked why their homes should have increased risk. He wants to fix the problem.

Ms. Cheryl Shepherd introduced herself as having been on the ARB for many years. She heard the guidelines mentioned and how they were referred to in a past hearing. She did a revision to the Historic District guidelines sometime after 2003. She is an architectural historian and studies, analyzes and photographically documents historical buildings to get them on the historic register. The guidelines are a document to have at hand. They are not part of the ordinance. Having heard the comment about the windows tonight, she knows there is a clause or a sentence in the guidelines that says, "A new building under construction should be recognized as a product of the period of its construction for design, materials and craftsmanship and consistent with the architecture of the Historic District." She believes that "product" has become a misunderstood word. She would like to offer to the Town and to Sarah through a letter that the word that would be better a "labor" of its period of its construction. It makes those who have to look at projects across the district begin to think more modernly, that everything has to be considered a "product" of its time, and it is not meant that way. It is meant as a "labor."

She then went on to say that concerning the windows earlier, on new construction on a property with non-contributing buildings, the new construction is non-contributing. Under new construction for buildings within the Historic District, "windows may have simulated divided light sashes, but true divided lights are encouraged." It does not say that they have to be true divided light or simulated divided light. True divided lights are encouraged, required because it is 2016. "Product" in that respect is clouding the issue.

She lives on Winchester Street. Looking at the plans for the new construction on Waterloo Street the parcel is difficult for new buildings. Part of the concern is the density allowed on the lot. That is a zoning issue and does not come in front of the Board. Waterloo Street is considered a major street, but Smith Street and Diagonal Street are in close proximity. If you look at the setting and

at the guidelines for the setbacks and orientation of buildings, it is not as the guidelines suggest. It is somewhat different from the grid form in this location. The Fauquier Bank is facing Main Street but on the Diagonal Street side, one is not looking at the front of the buildings, which is unique. The house that is now the Natural Market Place is facing Diagonal Street. The guidelines are suggesting that buildings front a major street. This is a very difficult and unique site and it is going to take a considerable amount of planning and forethought to get it right, keeping in mind that the guidelines suggest that the history of the location be respected.

Dr. Wiedenfeld asked if Ms. Shepherd was speaking as a citizen and not as a consultant.

Ms. Shepherd said yes, as a citizen.

Dr. Wiedenfeld said the Board would begin their comments. She provided her comments and the other Board members gave their comments in turn. The Warrenton Historic District Design Guidelines have a section on new construction that begins on page 72. The application design as presented does not meet these Historic District Design Guidelines for new construction in the central business district. It lacks architectural compatibility and aesthetic continuity that is called for in the guidelines. This is a quote from the guidelines, *“in order to maintain the character of the central business and Historic Districts, the new Design Guidelines take into consideration the historic variation of building types, their architectural design, arrangement and spacing.”*

She had four main areas of concern. One is the siting of the buildings and the guidelines state, *“recognize and insure consistency with the relationship and situation of existing buildings to the street when siting a new building. Recognize the historic grid street plan throughout the district and the immediate surroundings where historic buildings face toward the major street. Orient primary buildings to face the front major street in keeping with neighboring buildings in the immediate surroundings. New primary buildings on corner lots should face the major street.”* The buildings with the saw tooth siding does not recognize the historic grid street plan. District buildings are parallel to the street not at an angle. The adjacent buildings are disrespected by this angled siding; like turning ones side away from a neighbor. By placing the primary facades on Smith and Diagonal Streets, the project does not meet the requirement to front the major street, which is Waterloo. To have an alley/driveway dump into a major street is inappropriate within the Historic District and is in direct opposition to the guidelines. It is obvious that Waterloo is the primary street but this design has made Waterloo secondary. She noted there is a parking lot behind the church on the same block that empties onto Smith and onto Diagonal Street.

Her second concern is mass and scale. The guidelines state, *“Proportion is defined as the relationship between the width, height and depth of a building or its features. Scale is defined as the relative portion of a building to neighboring buildings, or to a pedestrian or of a building to its surroundings in general. Massing is the enclosed volume or block of a building or its features. Rhythm means the pattern of buildings or features to one another. The guidelines for new construction state that new construction should comply with the predominate width and proportion of contributing buildings. Characteristic of their style, houses are of varied forms: vertical, square, compound or horizontal in their overall proportions. Therefore, the proportional character of any new construction in a given neighborhood should reflect that of contributing houses, and comply with the predominate massing of the form and elements of contributing buildings in their block or neighborhood. Contributing residences have varied massing according to their styles.”* Her comment was that these are enormous buildings that do

not respect the predominate massing of neighboring structures. It is possible to design townhouses that respect the massing of buildings nearby. In terms of proportions, according to the guidelines, *“the new construction of houses should reflect that of contributing houses in the neighborhood. New construction should comply with the predominate massing of the form and elements of contributing buildings in their block or neighborhood.”* She noted that none of the illustrations provided presented of the neighboring structures are in relation to the proposed construction. She has not seen what the neighboring houses look like adjacent to this. She attempted to design a figure to illustrate this, but does not have the skills.

Her third concern is height or rather stories. The guidelines state, *“comply with the predominate height of the contributing buildings on a block. No new building, commercial or office in the block of two or three story buildings should ever exceed three stories unless the structure can be lowered into the ground. Avoid heights that exceed the adjacent building. New townhouses or multi-family residences in permitted zones should also comply with the predominate height of contributing buildings and not to exceed three stories. Lower roof pitches are encouraged on tall buildings.”* This block has several two-story buildings. Are there any three-story buildings on this block? Four story townhouses would tower over the smaller nearby houses and create a canyon out of Smith Street. Yes, there are houses in the Historic District that are more than two stories but they are set back from the street and their neighbors. They do not create a canyon such as this would create. The guidelines or the zoning ordinance state that the church cannot be used for comparison.

The fourth item is other issues. The guidelines state, *“A new building should be recognized as a product of its period of construction and craftsmanship.”* That wording by the way is from the National Register of Historic Places and is used appropriately. The guidelines further state, *“respect the size, proportion, spacing and rhythm of door and window openings on all stories of contributing buildings in the subject block or neighborhood when designing and constructing new commercial or residential buildings. Respect the relationship between wall surface area and window opening area of contributing commercial and residential buildings of the block or neighborhood and true divided lights are encouraged.”* This will be much more visible than an addition on the backside of a lot. The design does seem more derivative than a product of its period, but the materials, including a brick façade, stamped concrete, and false divided light windows lend a 21st century element. The size, proportion, spacing, and rhythm of fenestrations on the Waterloo Street side do not respect that of contributing buildings in the subject block or neighborhood. The relationship between wall surface area and window opening area similarly do not respect the contributing buildings in the subject block or neighborhood. The placement of porches on the Waterloo side of both buildings tries to address the requirement to avoid blank undifferentiated walls, but the porches neither copy porches in the Historic District, nor do they present themselves as a product of the current period. The lack of fenestration behind those porches only serves to highlight the blank, undifferentiated wall behind the porch. The lack of fenestration on each bay is something Dr. Wiedenfeld has never seen before on a design.

She went on to say, on a positive note thank you for the effort to have interpretive signage recognizing Eppa Hunton and the history of the site as required on page 97 of the guidelines. The ARB looks forward to the formal application for a COA on that signage. In short, her comments are that the design presented in the application for **Certificate of Appropriateness 15-22 to construct ten (10) townhouses at 67 Waterloo Street** does not conform to the Town of

Warrenton Historic District Design Guidelines for new construction.

Dr. Wiedenfeld asked for Mr. Nevill's comments.

Mr. Nevill said that he has looked at this from many different aspects, from that of the applicant and from our view. In all applications, he believes it is important to look at the applicant's view and try to understand what they are trying to do. He understands they are approaching this from a by-right point of view, which he respects. The ARB, the overlay, must also be taken into consideration. There is precedence where ARB decisions have upheld and superseded by-right applications. With that in mind, he looked at this through view of the Town Comprehensive Plan, suggestions of creating corridor and overlay districts, and expanding the Historic District. This has not happened and it is not something that he can take into consideration. The ARB looks in terms of Historic District preservation, town culture and future, and what new construction means.

He went on to say, this is within the 1810 route plan, and at that point they have to take a much more strict and very deliberate approach towards what is considered new and appropriate. That is the Town of Warrenton's historic foundation. This site is a transition property as moving from a neighborhood into the business district. It is zoned CBD, but it is on the shoulder. It is important to reflect and respect that transition nature of the neighborhood immediately adjacent and the flow of the location. It sits in the shadow of the courthouse, the most iconic building in the county. All of these factors need to be taken into consideration with this application. He respects what the applicant says about the private sector developing this property. The ARB wants to see that happen. This is too important a property to go undeveloped. However, the public should benefit from the development of this property, not just the private sector. With that in mind, as well as Dr. Wiedenfeld's comments, this application still has not addressed its orientation toward Waterloo Street in a manner that is real, but through decoration. It has not fulfilled the request. In reference to the orientation of the buildings in respect to the grid pattern, these buildings sit on various angles and do not reflect that. This staggered effect breaks up the grid pattern. It does not respect the orientation toward the street. He understands the difficulties to overcome with the development of this property. Unfortunately, he has not seen this project as meeting the standards they are trying to promote. It is those two elements, and the fact that this sits at a primary entrance, that lead him to the decision of not being able to support this project.

Dr. Wiedenfeld asked if Mr. Tucker had any comments.

Mr. Tucker said he believes the Board has spoken very well. Not to argue with the individuals who have spoken in favor of this application, he would like to say that the guidelines either are or are not meaningful with respect to this and any other project within the Town of Warrenton. They use the guidelines for just that purpose, to help us guide the applicants to what is appropriate or is not appropriate. Ultimately, guidelines aside, whether this building or any building is appropriate comes to the ARB for its decision. With respect to what was presented to Town Council as an attempt to appeal and was then withdrawn, it was essentially the same project. It did include many details, which are required for any construction. However, that addressed only a portion of the first half of a two-point motion to deny this project several months ago. Contrary to what has been heard, the resubmission does not satisfy all the points brought up when it was first denied. It does not address the second point, which was its relationship to its surroundings and the overall appropriateness.

Mr. Tucker went on to say there are other features here that do not comply with zoning or the ARB guidelines. There is a fourth floor and four floors are prohibited. Three stories are the maximum. There are other features here in question such as the site plan. People would argue the ARB does not review site plans. *Paragraph 3-5 3.5.4 of the zoning ordinance – final action by the Architectural Review Board shall be taken prior to consideration of proposals requiring site plan approval.* Numerous areas within the zoning ordinance refer to the ARB and its role in reviewing issues in the Town of Warrenton with respect to the zoning ordinance and the ARB guidelines. This application has not addressed those. There are three members present at the meeting. Mr. Wood does not vote. This is the most important presentation since he has been on the Board, and probably the most important one to be presented for a long time to come. Many issues need to be covered. He suggested that a motion be made to table this application and work with the applicant, through numerous work sessions if required, to resolve any differences between the applicant and this Board prior to the next meeting at which point this project will need to be approved or denied with whatever can be hashed out in a one hour meeting. It is time for a discussion on what is needed in this case.

Mr. Nevill asked if the applicant considered other designs for this project.

Mr. Foote said Mr. Norden would have to address that question.

Mr. Norden asked in what respect.

Mr. Nevill asked if when looking at this site, were there any other possibilities or designs that were being considered before coming to this design.

Mr. Norden said this is the design that was in everyone's thought in the initial concept. They explored different orientations since the Board rejected it. They honestly feel it is a worse solution. They can put six townhouses along Waterloo Street and then more units in the back. When looking at the mass on Waterloo Street, which is the most important street, not that the others aren't important, which again is why they did a saw tooth affect to breaks the mass of those buildings down for the neighbors on Smith and Diagonal. When looking at six townhouses across the front of Waterloo, it is not very inviting. Having the end of the run was much more reflective of the scale of chip shot across the street, for example. These buildings are shorter than chip shot. They came back with the idea to try to create a much more inviting entrance on Waterloo Street and to try to address the facades that were blank. There is a lot of fenestration on those facades. They are going to see two individual buildings with these porches. It is a better thing to have facing Waterloo Street. It is a vast improvement on what they had before. If they put six units on Waterloo Street, all the traffic is going back and forth from Diagonal to Smith. This is why they pursued this model the first time, and came back with the same orientation.

Dr. Wiedenfeld asked if the restaurant had an entrance onto Diagonal Street.

Mr. Tucker said it did not. He went on to say, Mr. Norden what you are presenting here on the screens are 3D architectural models of the project as you have designed it. He wants everyone to know these are what architects call bird's eye views. Architects use these to sell designs to their clients. He asked Mr. Shepherd to lower the point of view so that it is at eye level, five foot six from the ground. At eye level, one can see the underside of the porches. He asked to rotate the model clockwise so to see the house adjacent on Diagonal Street from eye level. From here, one

can see the fourth story that towers above the house next door. This is something not seen before. This view was a required part of the submission materials that they have not had the opportunity to review. He asked to rotate the model 180 degrees and see the Smith Street view from the same 5-foot elevation. The townhouses are a full story higher than the contributing property next door. He asked to see the intersection of Smith and Waterloo Street to show the house across Smith Street from the property and its relationship to the proposal. He said the house model is far larger in scale than it actually is.

Mr. Norden said all the surrounding buildings were done through photography and computer programs that establish the scale of the structures.

Mr. Tucker did not believe the height of the house was shown appropriately. The site plan seems to indicate there is only three feet of elevation difference between the intersection of Diagonal and Waterloo Street and the intersection of Smith and Waterloo Street and yet the drawing appears to be more than 3 feet of rise. He asked the engineers to double check those elevations because; walking the site, there appears to be more than a 3-foot difference in elevation.

Mr. Norden said there is a "topo" site plan in the application packet.

Mr. Tucker said that is where they are getting their information.

Mr. Norden said it goes from 606 down to entrance level and climbs more rapidly as you get to the corner of Smith, then once on Smith it's almost dead level for the length of the project.

Mr. Tucker said he wants everybody to see this from a realistic point of view not birds eye.

Mr. Norden said that is why they brought the live model

Mr. Tucker requested the model be checked. The wall is an interesting attempt to hide what is behind it. It is in violation of the guidelines, if the guidelines mean anything. If they do not then it is in the violation of the zoning ordinance. It is too tall.

Mr. Norden asked if the zoning ordinance dictates wall height. The ARB discusses wall height and review.

Mr. Tucker said Zoning Ordinance 2 - 19, fences and walls might be erected to a height of 6 feet.

Mr. Norden said the wall is 6 feet.

Mr. Tucker disagreed. He took the 1/8 scale drawing and drew a 6 foot high line across and saw that the wall was higher than 6 feet.

Mr. Norden said there is no question we are at the posts.

Mr. Tucker felt all of these things need to be worked out in the time it is going to take for a few work sessions. He proposed work sessions before a motion is made. The applicant requested work sessions in the past after they were denied. He asked if they would like work sessions now before a motion is made. There is a lot here, two Board members are missing, and they deserve the opportunity to go over this with you.

Mr. Foote said they have no explicit authority from their client, but taking the members of the Board in good faith, this would be an effort to work through the details. They would agree to the work sessions.

Mr. Tucker said he would see a work session's purpose to have the Board massage the project to bring it into compliance.

Mr. Foote understood and took it as suggested. The client makes the decisions. Mr. Foote was saying on behalf of his client, without explicit authority, they we will work with the Board.

Mr. Tucker said if Mr. Foote cannot speak for the applicant, then they do not have an applicant before them.

Mr. Foote said that would not be correct. His authority is limited to presentation, his client and he had not discussed deferral or work sessions. As his representative and his lawyer, he will speak for him tonight and agree to a work session with the Board.

Mr. Robinson, the Town Attorney, said everyone is on the same page. He clarified that Mr. Foote is saying they we will do a work session, and the ARB is suggesting a work session, so if someone made a motion for a work session, that would be agreed on. Mr. Foote will work with The ARB during a work session.

Mr. Tucker asked for the requirements in advertising work sessions.

Mr. Robinson said there are no requirements and the ARB can table this whether the client agrees or not.

Mr. Tucker asked what if they make a motion to table and suggest one work session a week, as many as three, whatever it takes to work out the details? This major project needs major work.

Mr. Robinson felt everyone agrees to do that. If ARB wants to set up work sessions, Ms. Sitterle would help. Work sessions could be arranged with enough public notice.

Mr. Wood asked it would it be better to postpone.

Mr. Robinson said that is what you would be doing by tabling and setting up work sessions.

Dr. Wiedenfeld said there are three choices regarding applications according to the guidelines. ARB can approve an application with conditions, deny an application, or table an application. Staff can help arrange a work session. ARB can table it and arrange work sessions. She suggested having one and seeing how that one goes before the next one is arranged. The next meeting is in 28 days. ARB has 60 days to vote if it is tabled. 60 days puts ARB beyond the April meeting. Essentially, ARB has 28 days to work this out.

Mr. Neville asked if the applicant withdrew the application, would it reset the time.

Mr. Robinson said it might reset the time. If ARB does a work session, and the media is notified well enough in advance, ARB has the work session and things are progressing well, the applicant would be able to agree to an extension.

Mr. Tucker said work sessions only work if they effect changes. If there is no change, there is no point in having a work session.

Mr. Robinson believed that is what the applicant is saying that they will work with you on. Have a work session; see how it is progressing, and go from there.

Mr. Foote said that gives them the opportunity to brief our client.

Mr. Nevill said in preparation for that, they have been looking at this within the twelve-unit presentation. Part of the problem is that no matter how it is done, it seems to be running against fitting into the Historic District and the transition from the neighborhood to the central business district in respect to the placement and the scale of the buildings surrounding it. He asked the applicant be open to perhaps less units or a different configuration. That was a personal request.

Mr. Foote understood. He explained to the ARB that they receive instruction from their client. They will go back to the client, give him the information, and then get in touch with Ms. Sitterle.

Dr. Wiedenfeld said if a motion is, made ARB has 60 days to act.

Mr. Foote suggested a longer deferral. He suggested ARB gives both of them enough time.

Mr. Robinson said what can be done, with Mr. Foote's consent, is agree to two meetings from this month. ARB can table until the May meeting. If it goes beyond the 60 days, Mr. Foote would agree to an extension.

Dr. Wiedenfeld said what is appropriate for the Board is to entertain a motion to table this and set up a work session to discuss the project. That puts ARB at 60 days. Before the next meeting, ARB will look at this, see where it is, and if it looks like ARB will go beyond 60 days. Then ARB will have to vote on it at the next meeting or the applicant can ask for a delay. She asked for a motion to table it with the planning of a work session before the next ARB meeting. If ARB believes they need more time beyond the 60 days, the applicant will have to ask for it.

Mr. Robinson said there has to be a tabled time because it cannot be tabled indefinitely.

Mr. Nevill made a motion to table the application **Certificate of Appropriateness 15-22**, a resubmission until the next meeting on March 24, 2016 and that ARB establishes a work session with the applicant prior to that meeting.

Mr. Tucker seconded the motion. The motion passed.

Dr. Wiedenfeld said the next item on the agenda is a work session and the regular session is over. She asked Ms. Sitterle, is there anything for the work session.

Ms. Sitterle said no.

Mr. Nevill made a motion to adjourn. Mr. Nevill seconded the motion.

With no further business to discuss, the meeting adjourned at 9:00 p.m.

**TOWN OF WARRENTON**

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February 26, 2016

Richard Wright
7331 Meadow CT.
Warrenton, VA 20186

RE: ARB Approval for Certificate of Appropriateness 16-01

Dear Mr. Wright:

During the meeting of the Architectural Review Board on February 25, 2016 the Board approved your request for the proposed wall garage at 23 N Chestnut Street based on the Zoning Ordinance, the Historic District Design Guidelines, and your application. The motion sheet with conditions is enclosed. Conditions are that a building permit is acquired, a special use permit is acquired for the accessory dwelling, and windows reflect a contemporary design (i.e. no simulated divided light). If these conditions are not met, the applicant will need to again appear before the board.

If any work to be conducted at the site will deviate from these conditions in any way, ARB review may be required. If you have any additional questions or concerns please feel free to contact me at ssitterle@warrentonva.gov or 540-347-2405.

Sincerely,

A handwritten signature in blue ink that reads "Sarah A. Sitterle".

Sarah A. Sitterle, AICP, CZA
Director of Planning & Community Development
Zoning Administrator

CC: File



MEMORANDUM

TO: Planning Commission
FROM: Denise M. Harris, AICP, Interim Director
DATE: August 23, 2016
SUBJECT: Planning Commission Bylaws Review

During the July 26, 2016 Planning Commission meeting, staff was directed to begin drafting updates to the Planning Commission Bylaws. For discussion during the August 23rd Work Session please find attached draft Bylaws (Redline Attachment I; Clean Attachment II) and the State Code (Attachment III) relating to the powers and duties of the Commission. The draft contains revisions as requested by the Planning Commission as well as edits to match Code of Virginia. Of particular note for discussion:

- 2-1 The membership is updated to match State Code.
- 2-3 Provision was written at the request of the Planning Commission for term limits. However, the Town Attorney and staff will review the State Code with the Planning Commission to ensure all provisions are viable.
- Art. 5 Inserted State Code provision for Planning Commission. Not included are additional, separate provisions related to the Comprehensive Plan, Capital Improvement Plan, and other items that the Commission may or may not choose to specifically include in the Bylaws. The general statement of Article 1 covers all duties per State Code.
- 8-7 This provision was requested by the Planning Commission. The 18 calendar days was picked by staff based on public notice deadlines as a starting point for discussion.
- Art. 9 Created to provide similar guidance as the Order of Business for Regular Meetings. May or may not be an addition the Planning Commission feels is necessary.
- Art. 10 Added State Code requirements pertaining to the Virginia Department of Transportation.

TOWN OF WARRENTON, VIRGINIA

PLANNING COMMISSION

BY-LAWS

PREAMBLE- These ~~B~~by-laws set forth the rules for the transactions of business by the Planning Commission of the Town of Warrenton which operates under the authority of the laws of Virginia and the ordinances of the Town of Warrenton.

ARTICLE 1 – OBJECTIVES

1-1 Per §15.2-2210 of the Code of Virginia, every locality shall by resolution or ordinance create a local planning commission in order to promote the orderly development of the locality and its environs. In accomplishing the objectives of § 15.2-2200 the local planning commissions shall serve primarily in an advisory capacity to the governing bodies.

1-2 The Planning Commission, as established by the Town Council, has adopted the subsequent ~~Articles~~ in order to facilitate its powers and duties under Title 15.24, Chapter ~~224~~, ~~Article 32~~, ~~Code of Virginia~~.

1-32 The official title of this Commission shall be the Town of Warrenton Planning Commission.

ARTICLE 2 – MEMBERS

2-1 The Warrenton Planning Commission shall consist of ~~seven members not less than five nor more than fifteen members~~, appointed by the Town Council ~~all of whom shall be residents of the locality, qualified by knowledge and experience to make decisions on questions of community growth and development; provided, that at least one-half of the members so appointed shall be owners of real property. One member shall be a Town Council member. Advisory non-voting members shall include one member of Town Council and the Town Attorney.~~

2-2 The members shall be appointed for terms of four years. Any vacancy in membership shall be filled by appointment by the Town Council and will fulfill the unexpired term of the member being replaced. Any member missing three consecutive meetings or four meetings within a twelve month period ~~without valid reason~~ will be deemed to have resigned and will be automatically replaced after proper advertising. Members may be removed for malfeasance in

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office.

2-3 Effective XXX, members shall be limited to serving two four year terms consecutively. A member may be reappointed after four years of not serving on the Planning Commission. If a member has not served two consecutive terms and is unable to attend three or more meetings in one year due to work, family, or military service then a new Planning Commissioner shall be appointed to fulfill the term as stated in 2-2. Any member who was unable to fulfill their term may reapply to serve on the Planning Commission and not be held to the four year "break" rule between multiple terms.

~~2-4~~ 2-3 The Commission members are strongly encouraged to attend training sessions sponsored by the State of Virginia or other planning agencies, in order to more effectively carry out their responsibilities to meet the objectives of the Planning Commission.

ARTICLE 3 – OFFICERS

3-1 The Commission shall appoint a Secretary who need not be a member of the Commission.
3-2 Nomination of officers shall be made from the floor of the regular meeting held at the first meeting of the calendar year.

3-2-1 Each candidate for office shall be nominated by and seconded by one member of the Commission.

3-3-2 A candidate for an office of the Commission receiving a majority vote of the members shall be declared elected and shall take office immediately upon the conclusion of the regular meeting and serve for one year or until his successor shall take office.

ARTICLE 4 – DUTIES OF OFFICERS

4-1 The Chairman shall:

4-1-1 Preside at all meetings and call the meetings to order at the appointed time;

4-1-2 Announce the business in its proper order;

4-1-3 Preserve order and decorum;

4-1-4 State and put all questions properly brought before the Commission;

4-1-5 Rule on all procedural questions. Such rulings may be reversed by a majority vote

I.

of the members present.

- 4-1-6 Be informed immediately of any official communication and report the same at the next regular meeting;
 - 4-1-7 Affix his/her signature to all correspondence issued by the commission and all official minutes; and
 - 4-1-8 Appoint committees as necessary.
- 4-2 The Vice Chairman shall assume the duty of the Chairman in the Chairman's absence or in the Chairman's inability to act.
- 4-3 The Secretary or the Secretary's appointee shall:
- 4-3-1 Keep a written record of all business transacted by the Commission;
 - 4-3-2 Notify all members of all meetings;
 - 4-3-3 Keep a file of all official records and reports of the Commission;
 - 4-3-4 Certify all records and reports of the Commission;
 - 4-3-5 Attend to correspondence of the Commission;
 - 4-3-6 Serve notice of all hearings and public hearings;
 - 4-3-7 Keep a set of minutes of all meetings which shall become a public record; and
 - 4-3-8 Prepare and be responsible for publishing of advertisements relating to public hearings.

ARTICLE 5 – DUTIES OF THE PLANNING COMMISSION

To effectuate this chapter, the local planning commission shall:

5-1. Exercise general supervision of, and make regulations for, the administration of its affairs;

5-2. Prescribe rules pertaining to its investigations and hearings;

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- 5-3. Supervise its fiscal affairs and responsibilities, under rules and regulations as prescribed by the governing body;
- 5-4. Keep a complete record of its proceedings; and be responsible for the custody and preservation of its papers and documents;
- 5-5. Make recommendations and an annual report to the governing body concerning the operation of the commission and the status of planning within its jurisdiction;
- 5-6. Prepare, publish and distribute reports, ordinances and other material relating to its activities;
- 5-7. Prepare and submit an annual budget in the manner prescribed by the governing body of the county or municipality; and
- 5-8. If deemed advisable, establish an advisory committee or committees.

ARTICLE ~~65~~ – MEETINGS

- ~~65~~-1 When applications or other Commission business are pending, regular meetings of the Commission shall be held the third Tuesday of each month. Work sessions will be held the fourth Tuesday of each month. As a general practice, regular meetings and work sessions shall not be held on the same night unless approved by the Chair of the Planning Commission prior to public notice requirements.
- ~~65~~-2 When a meeting falls on a legal holiday, the meeting shall be held on the following Tuesday unless otherwise designated by the Chairman or by a vote of the Commission.
- ~~65~~-3 When no application or other business is pending, no meeting will be held. The Commission shall meet at least once a year.
- ~~65~~-4 The meetings shall begin at 7:00 p.m.
- ~~65~~-5 A regular meeting may be adjourned if all business cannot be addressed on the meeting date set. The meeting may be reconvened at a later date, as set at the meeting, or properly advertised.
- ~~65~~-6 Special meetings may be called at the request of the Chairman or at the written request of two

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~~members of the Commission upon proper notice. Special meetings of the commission may be called by the Chairman or by two members upon written request to the Secretary. The Secretary shall mail to all members, at least five days in advance of a special meeting, a written notice fixing the time and place of the meeting and the purpose thereof. Written notice of a special meeting is not required if the time of the special meeting has been fixed at a regular meeting, or if all members are present at the special meeting or file a written waiver of notice.~~

- 65-7 A member, other than the Chairman, may introduce a motion. Any member of the Commission may second a motion. Motions shall be restated by the Chairman before a vote is taken. The names of persons making and seconding motions shall be recorded.
- 65-8 Parliamentary procedure in Commission meetings shall be governed by Robert's Rules of Order, revised.
- 65-9 A quorum of the Commission shall consist of four of the seven members, and no action of the Commission is valid unless authorized by a majority vote of those present and voting.

ARTICLE 76 – ORDER OF BUSINESS REGULAR MEETING

76-1 The order of business for a regular meeting shall be:

- A. ~~6-2~~ Call to order by the Chairman and determination of a quorum;
- B. ~~6-3~~ Adoption of minutes;
- C. ~~6-4~~ Hearing of public hearing items;
- D. ~~6-5~~ New Business;
- ~~E. ~~6-6~~ Worksession items;~~
- ~~F.~~E. 6-7 Comments from the Commission;
- ~~G.~~F. 6-8 Comments from the Staff;
- ~~H.~~G. 6-9 Adjournment.

ARTICLE 87 – PROCEDURES FOR HEARING ITEMS

- 87-1 The order for the public hearing shall be:
- 87-2 A staff presentation on each item prior to the applicant's comments.
- 87-3 The applicant or his representative should appear at the public hearing and shall be afforded the privilege of making a statement.
- 87-4 All interested parties desiring to be heard shall have an opportunity to speak at the public hearing.

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- 87-5 The applicant or his representative may have the opportunity for rebuttal and answer further questions by the Planning Commission.
- 87-6 The Chairman shall then close the public hearing and the Planning Commission shall deliberate on the application and make its recommendation to the Town Council. Only input from the staff shall be permitted at this time, however, the Commission may ask specific questions of the applicant or his representative.
- 87-7 The Chairman may impose time limits for presentations by the applicant and other _____persons wishing to speak at the public hearing. All information relating to a public hearing must be submitted to staff at least eighteen calendar days prior to the public hearing. Any new information submitted after that time will not be considered by the Planning Commission until the next scheduled Regular Public Hearing Meeting.

ARTICLE 9 – ORDER OF BUSINESS FOR WORK SESSIONS

9-1 The order of business for work sessions shall be:

- A. Call to order by the Chairman
- B. Determination of a quorum
- C. Work Session Items
- D. Administrative Items
- E. Comments from Commission
- F. Comments from Staff
- A-G. Adjournment

ARTICLE 10 – COORDINATION OF STATE AND LOCAL TRANSPORTATION PLANNING

- 10-1 Prior to adoption of any comprehensive plan pursuant to § 15.2-2223, any part of a comprehensive plan pursuant to § 15.2-2228, or any amendment to any comprehensive plan as described in § 15.2-2229, the locality shall submit such plan or amendment to the Department of Transportation for review and comment if the plan or amendment will substantially affect transportation on state-controlled highways as defined by regulations promulgated by the Department. The Department’s comments on the proposed plan or amendment shall relate to plans and capacities for construction of transportation facilities affected by the proposal.
- 10-2 Within 30 days of receipt of a proposed Comprehensive Plan amendment, the Virginia Department of Transportation may request, and the locality shall agree to, a meeting between the Department of Transportation and the local planning commission or other agent to discuss the plan or amendment, which discussions shall continue as long as the participants may deem

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them useful. The Department of Transportation shall make written comments within 90 days after receipt of the plan or amendment, or by such later deadline as may be agreed to by the parties in the discussions. If a locality has not received written comments within the timeframes specified, the locality may assume that the Department of Transportation has no comments.

ARTICLE 118 – AMENDMENTS

These by-laws may be amended by a majority vote of the entire membership of the Commission at a regularly scheduled meeting, provided notice of intent to amend these by-laws has been given at a prior regularly scheduled meeting by at least two members.

ADOPTED: December 17, 1996
Revised December 16, 1997
Revised December 20, 2013
Revised August 23, 2016

II.

TOWN OF WARRENTON, VIRGINIA

PLANNING COMMISSION

BY-LAWS

PREAMBLE- These By-laws set forth the rules for the transactions of business by the Planning Commission of the Town of Warrenton which operates under the authority of the laws of Virginia and the ordinances of the Town of Warrenton.

ARTICLE 1 – OBJECTIVES

- 1-1 Per §15.2-2210 of the Code of Virginia, every locality shall by resolution or ordinance create a local planning commission in order to promote the orderly development of the locality and its environs. In accomplishing the objectives of § [15.2-2200](#) the local planning commissions shall serve primarily in an advisory capacity to the governing bodies.
- 1-2 The Planning Commission, as established by the Town Council, has adopted the subsequent Articles in order to facilitate its powers and duties under Title 15.2, Chapter 22, 2, Code of Virginia.
- 1-3 The official title of this Commission shall be the Town of Warrenton Planning Commission.

ARTICLE 2 – MEMBERS

- 2-1 The Warrenton Planning Commission shall consist of not less than five nor more than fifteen members, appointed by the Town Council all of whom shall be residents of the locality, qualified by knowledge and experience to make decisions on questions of community growth and development; provided, that at least one-half of the members so appointed shall be owners of real property. Advisory non-voting members shall include one member of Town Council and the Town Attorney.
- 2-2 The members shall be appointed for terms of four years. Any vacancy in membership shall be filled by appointment by the Town Council and will fulfill the unexpired term of the member being replaced. Any member missing three consecutive meetings or four meetings within a twelve month period will be deemed to have resigned and will be automatically replaced after proper advertising. Members may be removed for malfeasance in office.

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- 2-3 Effective XXX, members shall be limited to serving two four year terms consecutively. A member may be reappointed after four years of not serving on the Planning Commission. If a member has not served two consecutive terms and is unable to attend three or more meetings in one year due to work, family, or military service then a new Planning Commissioner shall be appointed to fulfill the term as stated in 2-2. Any member who was unable to fulfill their term may reapply to serve on the Planning Commission and not be held to the four year “break” rule between multiple terms.
- 2-4 The Commission members are strongly encouraged to attend training sessions sponsored by the State of Virginia or other planning agencies, in order to more effectively carry out their responsibilities to meet the objectives of the Planning Commission.

ARTICLE 3 – OFFICERS

- 3-1 The Commission shall appoint a Secretary who need not be a member of the Commission.
- 3-2 Nomination of officers shall be made from the floor of the regular meeting held at the first meeting of the calendar year.
- 3-2-1 Each candidate for office shall be nominated by and seconded by one member of the Commission.
- 3-3-2 A candidate for an office of the Commission receiving a majority vote of the members shall be declared elected and shall take office immediately upon the conclusion of the regular meeting and serve for one year or until his successor shall take office.

ARTICLE 4 – DUTIES OF OFFICERS

- 4-1 The Chairman shall:
- 4-1-1 Preside at all meetings and call the meetings to order at the appointed time;
- 4-1-2 Announce the business in its proper order;
- 4-1-3 Preserve order and decorum;
- 4-1-4 State and put all questions properly brought before the Commission;
- 4-1-5 Rule on all procedural questions. Such rulings may be reversed by a majority vote of the members present.

II.

- 4-1-6 Be informed immediately of any official communication and report the same at the next regular meeting;
- 4-1-7 Affix his/her signature to all correspondence issued by the commission and all official minutes; and
- 4-1-8 Appoint committees as necessary.
- 4-2 The Vice Chairman shall assume the duty of the Chairman in the Chairman's absence or in the Chairman's inability to act.
- 4-3 The Secretary or the Secretary's appointee shall:
 - 4-3-1 Keep a written record of all business transacted by the Commission;
 - 4-3-2 Notify all members of all meetings;
 - 4-3-3 Keep a file of all official records and reports of the Commission;
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 - 4-3-7 Keep a set of minutes of all meetings which shall become a public record; and
 - 4-3-8 Prepare and be responsible for publishing of advertisements relating to public hearings.

ARTICLE 5 – DUTIES OF THE PLANNING COMMISSION

To effectuate this chapter, the local planning commission shall:

- 5-1. Exercise general supervision of, and make regulations for, the administration of its affairs;
- 5-2. Prescribe rules pertaining to its investigations and hearings;
- 5-3. Supervise its fiscal affairs and responsibilities, under rules and regulations as prescribed by the governing body;

II.

- 5-4. Keep a complete record of its proceedings; and be responsible for the custody and preservation of its papers and documents;
- 5-5. Make recommendations and an annual report to the governing body concerning the operation of the commission and the status of planning within its jurisdiction;
- 5-6. Prepare, publish and distribute reports, ordinances and other material relating to its activities;
- 5-7. Prepare and submit an annual budget in the manner prescribed by the governing body of the county or municipality; and
- 5-8. If deemed advisable, establish an advisory committee or committees.

ARTICLE 6 – MEETINGS

- 6-1 When applications or other Commission business are pending, regular meetings of the Commission shall be held the third Tuesday of each month. Work sessions will be held the fourth Tuesday of each month. As a general practice, regular meetings and work sessions shall not be held on the same night unless approved by the Chair of the Planning Commission prior to public notice requirements.
- 6-2 When a meeting falls on a legal holiday, the meeting shall be held on the following Tuesday unless otherwise designated by the Chairman or by a vote of the Commission.
- 6-3 When no application or other business is pending, no meeting will be held. The Commission shall meet at least once a year.
- 6-4 The meetings shall begin at 7:00 p.m.
- 6-5 A regular meeting may be adjourned if all business cannot be addressed on the meeting date set. The meeting may be reconvened at a later date, as set at the meeting, or properly advertised.
- 6-6 Special meetings of the commission may be called by the Chairman or by two members upon written request to the Secretary. The Secretary shall mail to all members, at least five days in advance of a special meeting, a written notice fixing the time and place of the meeting and the purpose thereof. Written notice of a special meeting is not required if the time of the special meeting has been fixed at a regular meeting, or if all members are present at the special

II.

meeting or file a written waiver of notice.

- 6-7 A member, other than the Chairman, may introduce a motion. Any member of the Commission may second a motion. Motions shall be restated by the Chairman before a vote is taken. The names of persons making and seconding motions shall be recorded.
- 6-8 Parliamentary procedure in Commission meetings shall be governed by Robert's Rules of Order, revised.
- 6-9 A quorum of the Commission shall consist of four of the seven members, and no action of the Commission is valid unless authorized by a majority vote of those present and voting.

ARTICLE 7 – ORDER OF BUSINESS REGULAR MEETING

- 7-1 The order of business for a regular meeting shall be:
 - A. Call to order by the Chairman and determination of a quorum;
 - B. Adoption of minutes;
 - C. Hearing of public hearing items;
 - D. New Business;
 - E. Comments from the Commission;
 - F. Comments from the Staff;
 - G. Adjournment.

ARTICLE 8 – PROCEDURES FOR HEARING ITEMS

- 8-1 The order for the public hearing shall be:
- 8-2 A staff presentation on each item prior to the applicant's comments.
- 8-3 The applicant or his representative should appear at the public hearing and shall be afforded the privilege of making a statement.
- 8-4 All interested parties desiring to be heard shall have an opportunity to speak at the public hearing.
- 8-5 The applicant or his representative may have the opportunity for rebuttal and answer further questions by the Planning Commission.
- 8-6 The Chairman shall then close the public hearing and the Planning Commission shall deliberate on the application and make its recommendation to the Town Council. Only input from the staff shall be permitted at this time, however, the Commission

II.

may ask specific questions of the applicant or his representative.

- 8-7 The Chairman may impose time limits for presentations by the applicant and other persons wishing to speak at the public hearing. All information relating to a public hearing must be submitted to staff at least eighteen calendar days prior to the public hearing. Any new information submitted after that time will not be considered by the Planning Commission until the next scheduled Regular Public Hearing Meeting.

ARTICLE 9 – ORDER OF BUSINESS FOR WORK SESSIONS

- 9-1 The order of business for work sessions shall be:

- A. Call to order by the Chairman
- B. Determination of a quorum
- C. Work Session Items
- D. Administrative Items
- E. Comments from Commission
- F. Comments from Staff
- G. Adjournment

ARTICLE 10 – COORDINATION OF STATE AND LOCAL TRANSPORTATION PLANNING

- 10-1 Prior to adoption of any comprehensive plan pursuant to § 15.2-2223, any part of a comprehensive plan pursuant to § 15.2-2228, or any amendment to any comprehensive plan as described in § 15.2-2229, the locality shall submit such plan or amendment to the Department of Transportation for review and comment if the plan or amendment will substantially affect transportation on state-controlled highways as defined by regulations promulgated by the Department. The Department's comments on the proposed plan or amendment shall relate to plans and capacities for construction of transportation facilities affected by the proposal.
- 10-2 Within 30 days of receipt of a proposed Comprehensive Plan amendment, the Virginia Department of Transportation may request, and the locality shall agree to, a meeting between the Department of Transportation and the local planning commission or other agent to discuss the plan or amendment, which discussions shall continue as long as the participants may deem them useful. The Department of Transportation shall make written comments within 90 days after receipt of the plan or amendment, or by such later deadline as may be agreed to by the parties in the discussions. If a locality has not received written comments within the timeframes specified, the locality may assume that the Department of Transportation has no comments.

II.

ARTICLE 11 – AMENDMENTS

These by-laws may be amended by a majority vote of the entire membership of the Commission at a regularly scheduled meeting, provided notice of intent to amend these by-laws has been given at a prior regularly scheduled meeting by at least two members.

ADOPTED: December 17, 1996
Revised December 16, 1997
Revised December 20, 2013
Revised August 23, 2016

Code of Virginia

Title 15.2. Counties, Cities and Towns

Chapter 22. Planning, Subdivision of Land and Zoning

Article 2. Local Planning Commissions

§ 15.2-2210. Creation of local planning commissions; participation in planning district commissions or joint local commissions.

Every locality shall by resolution or ordinance create a local planning commission in order to promote the orderly development of the locality and its environs. In accomplishing the objectives of § 15.2-2200 the local planning commissions shall serve primarily in an advisory capacity to the governing bodies.

Any locality may participate in a planning district commission in accordance with Chapter 42 (§ 15.2-4200 et seq.) of this title or a joint local commission in accordance with § 15.2-2219.

1975, c. 641, § 15.1-427.1; 1997, c. 587.

§ 15.2-2211. Cooperation of local planning commissions and other agencies.

The planning commission of any locality may cooperate with local planning commissions or legislative and administrative bodies and officials of other localities so as to coordinate planning and development among the localities. The planning commission of any locality shall consult with the installation commander of any military installation that will be affected by potential development within the locality so as to reasonably protect the military installation against any adverse effects that might be caused by the development. Planning commissions may appoint committees and may adopt rules as needed to effect such cooperation. Planning commissions may also cooperate with state and federal officials, departments and agencies. Planning commissions may request from such departments and agencies, and such departments and agencies of the Commonwealth shall furnish, such reasonable information which may affect the planning and development of the locality.

Code 1950, § 15-961.1; 1962, c. 407, § 15.1-428; 1975, c. 641; 1997, c. 587; 2013, cc. 149, 213.

§ 15.2-2212. Qualifications, appointment, removal, terms and compensation of members of local planning commissions.

A local planning commission shall consist of not less than five nor more than fifteen members, appointed by the governing body, all of whom shall be residents of the locality, qualified by knowledge and experience to make decisions on questions of community growth and development; provided, that at least one-half of the members so appointed shall be owners of real property. The local governing body may require each member of the commission to take an oath of office.

One member of the commission may be a member of the governing body of the locality, and one member may be a member of the administrative branch of government of the locality. The term of each of these two members shall be coextensive with the term of office to which he has been elected or appointed, unless the governing body, at the first regular meeting each year, appoints others to serve as their representatives. The remaining members of the commission first appointed shall serve respectively for terms of one year, two years, three years, and four years, divided equally or as nearly equal as possible between the membership. Subsequent appointments shall be for terms of four years each. The local governing bodies may establish

different terms of office for initial and subsequent appointments including terms of office that are concurrent with those of the appointing governing body. Vacancies shall be filled by appointment for the unexpired term only.

Members may be removed for malfeasance in office. Notwithstanding the foregoing provision, a member of a local planning commission may be removed from office by the local governing body without limitation in the event that the commission member is absent from any three consecutive meetings of the commission, or is absent from any four meetings of the commission within any 12-month period. In either such event, a successor shall be appointed by the governing body for the unexpired portion of the term of the member who has been removed.

The local governing body may provide for compensation to commission members for their services, reimbursement for actual expenses incurred, or both.

Code 1950, §§ 15-901, 15-916, 15-963; 1956, cc. 282, 497; 1960, c. 309; 1962, c. 407, § 15.1-437; 1973, c. 160; 1974, c. 521; 1986, c. 208; 1988, c. 256; 1997, c. 587; 2006, c. 687.

§ 15.2-2213. Advisory members.

A member of a local planning commission may, with the consent of both governing bodies, serve as an advisory member of the local planning commission of a contiguous locality.

Code 1950, § 15-963.1; 1962, c. 407, § 15.1-438; 1997, c. 587.

§ 15.2-2214. Meetings.

The local planning commission shall fix the time for holding regular meetings. The commission, by resolution adopted at a regular meeting, may also fix the day or days to which any meeting shall be continued if the chairman, or vice-chairman if the chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised for such meeting shall be conducted at the continued meeting and no further advertisement is required. The commission shall cause a copy of such resolution to be inserted in a newspaper having general circulation in the locality at least seven days prior to the first meeting held pursuant to the adopted schedule.

Commissions shall meet at least every two months. However, in any locality with a population of not more than 7,500, the commission shall be required to meet at least once each year.

Special meetings of the commission may be called by the chairman or by two members upon written request to the secretary. The secretary shall mail to all members, at least five days in advance of a special meeting, a written notice fixing the time and place of the meeting and the purpose thereof.

Written notice of a special meeting is not required if the time of the special meeting has been fixed at a regular meeting, or if all members are present at the special meeting or file a written waiver of notice.

Code 1950, § 15-963.2; 1962, c. 407, § 15.1-439; 1990, c. 664; 1997, c. 587; 2003, c. 403.

§ 15.2-2215. Quorum majority vote.

A majority of the members shall constitute a quorum and no action of the local planning commission shall be valid unless authorized by a majority vote of those present and voting.

Code 1950, § 15-963.3; 1962, c. 407, § 15.1-440; 1974, c. 99; 1975, c. 641; 1997, c. 587.

§ 15.2-2216. Facilities for holding of meetings and preservation of documents; appropriations for expenses.

The governing body may provide the local planning commission with facilities for the holding of meetings and the preservation of plans, maps, documents and accounts, and may appropriate funds needed to defray the expenses of the commission.

Code 1950, § 15-963.4; 1962, c. 407, § 15.1-441; 1997, c. 587.

§ 15.2-2217. Officers, employees and consultants; expenditures; rules and records; special surveys.

The local planning commission shall elect from the appointed members a chairman and a vice-chairman, whose terms shall be for one year. If authorized by the governing body the commission may (i) create and fill such other offices as it deems necessary; (ii) appoint such employees and staff as it deems necessary for its work; and (iii) contract with consultants for such services as it requires. The expenditures of the commission, exclusive of gifts or grants, shall be within the amounts appropriated for such purpose by the governing body.

The commission shall adopt rules for the transaction of business and shall keep a record of its transactions which shall be a public record. Upon request of the commission, the governing body or other public officials may, from time to time, for the purpose of special surveys under the direction of the commission, assign or detail to it any members of the staffs of county or municipal administrative departments, or such governing body or other public official may direct any such department employee to make for the commission special surveys or studies requested by the local commission.

Code 1950, § 15-963.5; 1962, c. 407, § 15.1-442; 1997, c. 587.

§ 15.2-2218. County planning commission serving as commission of town.

The governing body of any town may designate, with the consent of the governing body of a contiguous county, by ordinance, the county planning commission as the local planning commission of the town.

A county commission designated as a town commission shall have all the powers and duties granted under this chapter to a local planning commission.

Any town designating a county commission as its local planning commission may contract annually to pay the county a proportionate part of the expenses properly chargeable for the planning service rendered the town, and any such payments may be appropriated to the county planning commission in addition to any funds budgeted for planning purposes.

Code 1950, §§ 15-900, 15-903, 15-963.6; 1950, p. 487; 1962, c. 407, § 15.1-443; 1997, c. 587.

§ 15.2-2219. Joint local planning commissions.

Any one or more adjoining or adjacent counties or municipalities including any municipality within any such county may by agreement provide for a joint local planning commission for any two or more of such counties and municipalities. The agreement shall provide for the number of members of the commission and how they shall be appointed, in what proportion the expenses of the commission shall be borne by the participating localities, and any other matters pertinent to the operation of the commission as the joint local planning commission for the localities. Any

commission so created shall have, as to each participating locality, the powers and duties granted to and imposed upon local planning commissions under this chapter.

Code 1950, §§ 15-900, 15-903, 15-963.6; 1950, p. 487; 1962, c. 407, § 15.1-443; 1997, c. 587.

§ 15.2-2220. Duplicate planning commission authorized for certain local governments.

The Cities of Chesapeake and Hampton may by ordinance establish a duplicate planning commission solely for the purpose of considering matters arising from the provisions of the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.). Sections 15.2-2210 through 15.2-2222 shall apply to the commission, mutatis mutandis.

The procedure, timing requirements and appeal to the circuit court set forth in §§ 15.2-2258 through 15.2-2261 shall apply to the considerations of this commission, mutatis mutandis.

To distinguish the planning commission authorized by this section from planning commissions required by § 15.2-2210, the commission established hereunder shall have the words "Chesapeake Bay Preservation" in its title.

The governing body of a city that establishes a commission pursuant to this section, in its sole discretion by ordinance, may abolish the duplicate planning commission.

1993, c. 738, § 15.1-502.1; 1997, c. 587; 2007, c. 813.

§ 15.2-2221. Duties of commissions.

To effectuate this chapter, the local planning commission shall:

1. Exercise general supervision of, and make regulations for, the administration of its affairs;
2. Prescribe rules pertaining to its investigations and hearings;
3. Supervise its fiscal affairs and responsibilities, under rules and regulations as prescribed by the governing body;
4. Keep a complete record of its proceedings; and be responsible for the custody and preservation of its papers and documents;
5. Make recommendations and an annual report to the governing body concerning the operation of the commission and the status of planning within its jurisdiction;
6. Prepare, publish and distribute reports, ordinances and other material relating to its activities;
7. Prepare and submit an annual budget in the manner prescribed by the governing body of the county or municipality; and
8. If deemed advisable, establish an advisory committee or committees.

Code 1950, § 15-963.7; 1962, c. 407, § 15.1-444; 1997, c. 587.

§ 15.2-2222. Expenditures; gifts and donations.

The local planning commission may expend, under regular local procedure as provided by law, sums appropriated to it for its purposes and activities.

A locality may accept gifts and donations for commission purposes. Any moneys so accepted shall be deposited with the appropriate governing body in a special nonreverting commission

fund to be available for expenditure by the commission for the purpose designated by the donor. The disbursing officer of the locality may issue warrants against such special fund only upon vouchers signed by the chairman and the secretary of the commission.

Code 1950, §§ 15-905, 15-917, 15-963.8; 1962, c. 407, § 15.1-445; 1997, c. 587.

§ 15.2-2222.1. Coordination of state and local transportation planning.

A.1. Prior to adoption of any comprehensive plan pursuant to § 15.2-2223, any part of a comprehensive plan pursuant to § 15.2-2228, or any amendment to any comprehensive plan as described in § 15.2-2229, the locality shall submit such plan or amendment to the Department of Transportation for review and comment if the plan or amendment will substantially affect transportation on state-controlled highways as defined by regulations promulgated by the Department. The Department's comments on the proposed plan or amendment shall relate to plans and capacities for construction of transportation facilities affected by the proposal.

2. If the submitting locality is located within Planning District 8, the Department of Transportation shall also determine the extent to which the proposed plan or amendment will increase traffic congestion or, to the extent feasible, reduce the mobility of citizens in the event of a homeland security emergency and shall include such information as part of its comments on the proposed plan or amendment. Such information shall be provided concurrently to the submitting locality and the Northern Virginia Transportation Authority. Further, to the extent that such information is readily available, the Department shall also include in its comments an assessment of the measures and estimate of the costs necessary to mitigate or ameliorate the congestion or reduction in mobility attributable to the proposed plan or amendment.

3. Within 30 days of receipt of such proposed plan or amendment, the Department may request, and the locality shall agree to, a meeting between the Department and the local planning commission or other agent to discuss the plan or amendment, which discussions shall continue as long as the participants may deem them useful. The Department shall make written comments within 90 days after receipt of the plan or amendment, or by such later deadline as may be agreed to by the parties in the discussions.

B. Upon submission to, or initiation by, a locality of a proposed rezoning under § 15.2-2286, 15.2-2297, 15.2-2298, or 15.2-2303, the locality shall submit the proposal to the Department of Transportation within 10 business days of receipt thereof if the proposal will substantially affect transportation on state-controlled highways. Such application shall include a traffic impact statement if required by local ordinance or pursuant to regulations promulgated by the Department. Within 45 days of its receipt of such traffic impact statement, the Department shall either (i) provide written comment on the proposed rezoning to the locality or (ii) schedule a meeting, to be held within 60 days of its receipt of the proposal, with the local planning commission or other agent and the rezoning applicant to discuss potential modifications to the proposal to address any concerns or deficiencies. The Department's comments on the proposed rezoning shall be based upon the comprehensive plan, regulations and guidelines of the Department, engineering and design considerations, any adopted regional or statewide plans and short and long term traffic impacts on and off site. The Department shall complete its initial review of the rezoning proposal within 45 days, and its final review within 120 days, after it receives the rezoning proposal from the locality. Notwithstanding the foregoing provisions of this subsection, such review by the Department shall be of a more limited nature and scope in cases of rezoning a property consistent with a local comprehensive plan that has already been

reviewed by the Department as provided in this section.

C. If a locality has not received written comments within the timeframes specified in subsection B, the locality may assume that the Department has no comments.

D. The review requirements set forth in this section shall be supplemental to, and shall not affect, any requirement for review by the Department of Transportation or the locality under any other provision of law. Nothing in this section shall be deemed to prohibit any additional consultations concerning land development or transportation facilities that may occur between the Department and localities as a result of existing or future administrative practice or procedure, or by mutual agreement.

E. The Department shall impose fees and charges for the review of applications, plans and plats pursuant to subsections A and B, and such fees and charges shall not exceed \$1,000 for each review. However, no fee shall be charged to a locality or other public agency. Furthermore, no fee shall be charged by the Department to a citizens' organization or neighborhood association that proposes comprehensive plan amendments through its local planning commission or local governing body.

2006, cc. [527](#), [563](#);2007, c. [792](#);2010, c. [121](#);2011, cc. [647](#), [888](#);2012, c. [770](#);2014, c. [766](#);2016, c. [370](#).



MEMORANDUM

TO: Planning Commission

FROM: Denise M. Harris, AICP, Interim Director

DATE: August 23, 2016

SUBJECT: Planning Commission Article 12 Sign Definition Review

During the May 24, 2016 Work Session, the Planning Commission received a presentation from David Hickey from the International Sign Association (ISA). The presentation gave an overview of the U.S. Supreme Court ruling on *Reed v. Gilbert*. In addition, an overview of the City of Norfolk's role in the ruling, plus the City's subsequent update of its own ordinance bringing it into compliance with *Reed v. Gilbert*, was discussed. At the conclusion of the meeting staff was directed to begin reviewing the Town of Warrenton's Zoning Ordinance as it relates to signs.

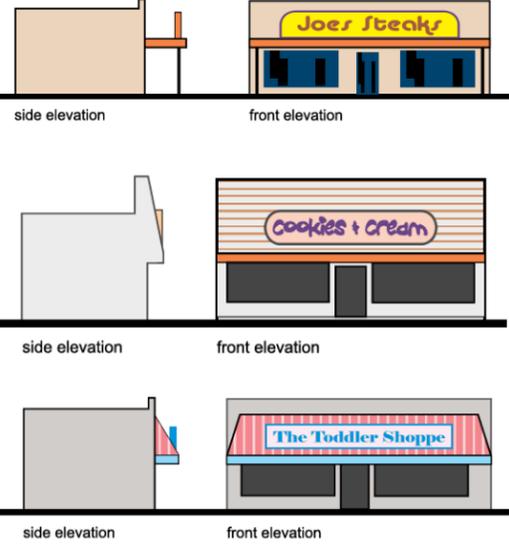
Staff researched *Reed v. Gilbert*, reviewed the approaches of several jurisdictions, and attended multiple workshops on the impact of the ruling. Jurisdictions across the country will need to review their ordinances and remove all language related to "content."

As the U.S. Supreme Court ruling directed localities to become "content neutral," the first step is to review the Article 12 of the Zoning Ordinance as it relates to signs. Attached is a matrix of the current Town of Warrenton definitions compared to the Model Ordinance of the Local Government Attorney's of Virginia, the City of Norfolk, and the ISA's Best Practices in Temporary Signage definitions. Highlighted sections represent staff recommendation for consideration. During the Work Session staff will begin to review the matrix with the Planning Commission for comment and direction. Once the definitions are fully vetted, Article 6 of the Zoning Ordinance may begin to be amended with suggested new definitions.

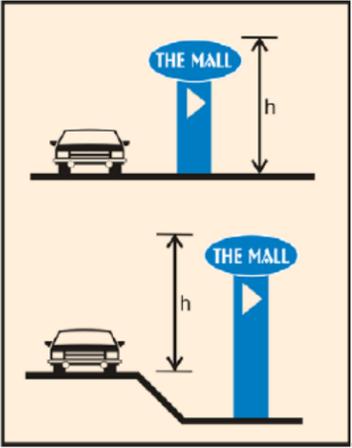
Term	Town of Warrenton Zoning Ordinance Article 12	Model LGA of VA	City of Norfolk	ISA Best Practices in Temporary Signage
Sign	<p><i>Sign:</i> Any display of any letters, words, numerals, figures, devices, emblems, pictures, structural forms, corporate logos (including symbols, color patterns or other features that communicate brand identity) or any parts or combinations thereof, by any means whereby the same are made visible for the purpose of making anything known, whether such display be made on, attached to, or as a part of a structure, surface or any other thing, including, but not limited to, the ground, any rock, tree, or other natural object, which display is visible on or beyond the boundaries of the parcel of land on which the same is made. A display of less than two (2) square feet in area is excluded from this definition.</p>	<p><i>Sign</i> means any device (writing, letter work or numeral, pictorial presentation, illustration or decoration, emblem, device, symbol or trademark, flag, banner or pennant or any other device, figure or character) visible to and designed to communicate information to persons in a public area. However, the term “sign” does not include public art, holiday displays, or architectural features, except those that identify products or services or advertise a business use. The term “sign” also does not include the display of merchandise for sale on the site of the display.</p> <p>[OR]</p> <p><i>Sign.</i> Any object, device, display, or structure, or part thereof, visible from a public place, a public right-of-way, any parking area or right-of-way open to use by the general public, or any navigable body of water which is designed and used to attract attention to an institution, organization, business, product, service, event, or location by any means involving words, letters, figures, designs, symbols, fixtures, logos, colors, illumination, or projected images. The term does not include public art, architectural elements incorporated into the style or function of a building, or flags of any nation, state, or other geopolitical entity not related to a commercial business, product or service. The term “sign” also does not include the display of merchandise for sale on the site of the display.</p>		
A-Frame		<p><i>A-Frame sign</i> means a two-faced sign with supports that are connected at the top and separated at the base, forming an “A” shape not more than four feet high. These are also referred to as “sandwich board” signs. They are included in the term “portable sign.”</p>	<p><i>A-Frame sign.</i> A sign consisting of two sign faces placed together at an angle of 90 degrees or less to form an “A” shape structure which tapers from a wide base to a narrow top.</p>	
Awning		<p><i>Awning sign</i> means a sign placed directly on the surface of an awning.</p>	<p><i>Awning.</i> A structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted to a flat position against the building, but not including a canopy.</p> <p><i>Awning sign.</i> A sign that is mounted or painted on or attached to an awning. (See Figure 16-1.)</p> <p>Figure 16-1: Awning Sign</p> 	

Term	Town of Warrenton Zoning Ordinance Article 12	Model LGA of VA	City of Norfolk	ISA Best Practices in Temporary Signage
Advertising	<p><i>Sign, Advertising:</i> A sign directing attention to a product offered upon the premises, but which product or service is or could be offered elsewhere than on the same premises, with the exception that where the trade name of the product is a basic factor in directing attention to the business, the display of that sign shall be considered a business use.</p>	<p><i>Advertising</i> means any words, symbol, color or design used to call attention to a commercial product, service, or activity.</p>		
Animated	<p><i>Sign, Animated:</i> Such signs shall include but not be limited to pennants, propellers, inflatable figures, balloons, discs and any sign with moving parts.</p>	<p><i>Animated sign</i> means a sign or part of a sign that is designed to rotate, move or appear to rotate or move. Such a sign is sometimes referred to as a “moving sign.”</p>		
Area	<p><i>Sign, Area:</i> That area within a line including the outer extremities of all letters, figures, characters, and delineations, or within a line including the outer extremities of the framework or background of the sign, whichever line includes the larger area. The support for the sign background, whether it is columns, a pylon, or a building or part thereof, shall not be included in the sign area. Only one (1) side of a double-faced sign shall be included in a computation of sign area; for other signs with more than one (1) face, each side shall be included in a computation of sign area. The area of a cylindrical or spherical sign shall be computed by multiplying one-half of the circumference by the height of the sign area.</p>			
Balloon				<p><i>Balloon Signs and Air Activated Graphics</i></p>
Banner	<p><i>Sign, Banner:</i> A temporary sign announcing the name, time and place of a special event within the Town conducted by a public agency, or for the benefit of any civic, fraternal, religious, or charitable cause, such sign to be displayed above a public right-of-way.</p>	<p><i>Banner</i> means a temporary sign of flexible material designed to be installed with attachments at each of four corners. Or <i>Banner</i> means a temporary sign of flexible material affixed to a framework or flat surface.</p>	<p><i>Banner.</i> A sign constructed of plastic or fabric of any kind that is attached to supports, a framework or a flat surface.</p>	<p><i>Banner signs</i> may be mounted on a structure or staked to the ground in a similar manner as a freestanding sign.</p>

Term	Town of Warrenton Zoning Ordinance Article 12	Model LGA of VA	City of Norfolk	ISA Best Practices in Temporary Signage
Billboard	<i>Sign, Billboard:</i> Any sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located, excluding directional signs. (see Off-Premise Sign)		Billboard. See "outdoor advertising sign."	
Blade				<i>Blade signs (aka feather signs, flag, teardrop flag, rectangle flag, etc).</i>
Building Frontage		<i>Building frontage</i> means the length of the main wall of a building which physically encloses usable interior space and which is the architecturally designed wall that contains the main entrance for use by the general public. Said frontage shall be measured at a height of ten (10) feet above grade.	<i>Building frontage.</i> The portion of the principal building of an establishment which faces a public street. If a principal building is arranged on the lot so that the main entrance faces a parking area, then the zoning administrator may make a determination that the portion facing the parking area may be considered the building frontage.	
Business		<i>Business sign</i> means a sign which directs attention to a product, service or commercial activity available on the premises.		
Canopy	<i>Sign, Canopy:</i> A sign painted or attached to a covered area or structure which extends from the wall of a building or is freestanding, such as the structure that covers a gasoline pump island, including awnings, and including the materials and colors of the awning or canopy structure itself.	<i>Canopy sign</i> means a sign attached to a canopy.	<p>Canopy. A structure, other than an awning, made of cloth, metal, or other material which may be totally or partially attached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure and cannot be raised or retracted.</p> <p>Canopy sign. A sign that is painted on, printed on, or attached to a canopy. (See Figure 16-2.)</p> <p>Figure 16-2: Canopy Signs</p> 	

Term	Town of Warrenton Zoning Ordinance Article 12	Model LGA of VA	City of Norfolk	ISA Best Practices in Temporary Signage
				
Chalk-board		<i>Chalk-board sign</i> means a single-faced, framed slate or chalk-board that can be written on with chalk or similar markers.		
Changeable Copy		<i>Changeable copy sign</i> means a sign or part of a sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or surface of the sign.		
Commercial	<i>Sign, Commercial:</i> A sign directing attention to a business, commodity, service, or entertainment conducted, sold or offered on the same premises upon which the sign is maintained (see Advertising above).			
Comprehensive Sign Plan		<i>Comprehensive sign plan</i> means a plan for the signage of a property that includes multiple tenants or owners with shared parking or other facilities.		
Directional	<i>Sign, Directional:</i> A sign marking an entrance or exit or giving other directions to the general public or to patrons or customers.			
Directory	<i>Sign, Directory:</i> A sign for identifying the occupants or tenants of a building and/or their location in the building.			

Term	Town of Warrenton Zoning Ordinance Article 12	Model LGA of VA	City of Norfolk	ISA Best Practices in Temporary Signage
Double-Faced	<i>Sign, Double-Faced:</i> A sign with two (2) parallel or nearly parallel faces, back to back, upon which advertising is displayed.			
Electronic Message Board	<i>Sign, Electronic Message Board:</i> Any sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. Such signs may be included in the definition of other types of signs if they otherwise meet those definitions and do not have features of prohibited signs, such as flashing signs.			
Erect			<i>Erect.</i> To construct or allow to be constructed, but not including any activity involving solely the change of advertising message or normal maintenance of a sign or sign structure.	
Face		<i>Sign face</i> means the portion of a sign structure bearing the message.	<i>Sign face.</i> That part of the sign which is or can be used for visual representation or communication. The term includes any background or surrounding material, panel, trim or ornamentation, color, and direct or self-illumination that differentiates the sign from the building, structure, backdrop surface, or object upon or against which it is placed. The term does not include any portion of the support structure for the sign, provided that no representation or message is placed or displayed on or designed as part of the support structure.	
Feather Sign		<i>Feather sign.</i> A lightweight, portable sign mounted along one edge on a single, vertical, flexible pole the physical structure of which at may resemble a sail, bow, or teardrop.	<i>Feather sign.</i> A lightweight sign mounted along one edge on a single, vertical, flexible pole the shape of which may resemble a sail, bow, or teardrop.	<i>See Blade</i>
Flag		<i>Flag</i> means a piece of cloth or similar material, typically oblong or square, attachable by one edge to a pole or rope and used as a symbol or decoration; this includes pennants.	<i>Flag sign.</i> Any generally rectangular or triangular sign or part of a sign made of fabric or other pliant material attached to a flagpole only along one side and which predominately displays distinctive colors, images, shapes or designs rather than legible words, letters, numbers or other linguistic characters.	
Flashing	<i>Sign, Flashing:</i> Any illuminated sign on which there is artificial light which is not stationary or constant in intensity or color at all times when	<i>Flashing sign</i> means a sign that includes lights that flash, blink, or turn on and off intermittently.	<i>Flashing sign.</i> A sign with either flashing, running, or laser-generated lights or with lights that flash, blink pulse, strobe, scroll, or create an illusion of movement or that have a	

Term	Town of Warrenton Zoning Ordinance Article 12	Model LGA of VA	City of Norfolk	ISA Best Practices in Temporary Signage
	such sign is in use.		conspicuous and intermittent variation in illumination, appearance, color, or pattern.	
Free Standing	<i>Sign, Free Standing:</i> A sign supported by one (1) or more upright poles, columns, or braces placed in or on the ground and not attached to any building or structure. (a type of ground sign)	<i>Freestanding sign</i> means any non-portable sign supported by a fence, retaining wall, or by upright structural members or braces on or in the ground and not attached to a building.	<i>Freestanding sign.</i> Any sign placed upon or supported by the ground independently of any other structure, including a pole, monument or ground sign.	<i>Freestanding or yard signs</i> are one types of sign that is almost universally permitted in some form. These signs are used for almost every purpose including commercial and noncommercial speech. May apply to traditional yard signs not found on sidewalks, either public or private.
Gas Pump			<i>Gas pump sign.</i> A sign affixed to a gasoline pump.	
Ground	<i>Sign, Ground:</i> A general term that includes freestanding and monument signs; any sign supported by uprights or braces placed in the ground or attached directly to the ground, and not attached to any building. (see Freestanding Sign; see Monument Sign)	<i>Ground mounted sign</i> means a sign that is supported by structures or supports in or upon the ground and independent of any support from any building or wall.	<i>Ground sign.</i> A freestanding sign, other than a monument or pole sign, placed upon or supported by the ground independently of any other structure.	
Height	<i>Sign, Height:</i> The vertical distance from the street grade or the average lot grade at the front setback line, whichever produces the greater vertical distance, to the highest point of the sign.	<i>Height,</i> means the maximum vertical distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of: (1) Existing grade prior to construction; or (2) The newly established grade after construction, exclusive of any filling, berming, mounding or excavating primarily for the purpose of mounting or elevating the sign.	<i>Sign height.</i> The distance from the highest point of a sign to the finished elevation of the road providing principal access to the site on which the sign is located as measured from the bottom of the curb or edge of pavement. (See Figure 16-7.) Figure 16-7: Sign Height 	

Term	Town of Warrenton Zoning Ordinance Article 12	Model LGA of VA	City of Norfolk	ISA Best Practices in Temporary Signage
Holiday		<i>Holiday Displays</i> mean displays erected on a seasonal basis in observance of religious, national, or state holidays which are not intended to be permanent in nature and which contain no advertising material.		
Identification	<i>Sign, Identification:</i> A sign indicating the name of a permitted use, the name or address of a building, or the name of the management thereof.			
Illegal		<i>Illegal sign</i> means any sign erected without a required permit or which otherwise does not comply with any provisions of this article.		
Illuminated	<i>Sign, Illuminated:</i> Any sign which has character letters, figures, designs, or outlines illuminated by electric lights or luminous tubes as a part of the sign proper.	<i>Illuminated sign</i> means a sign that is backlit, internally lighted, or indirectly lighted, but does not include a neon sign.	<i>Illuminated sign.</i> A sign with artificial light projecting through the face or portions of the face or directly shining on the face.	
Indirectly Illuminated	<i>Sign, Indirectly Illuminated:</i> A sign which is either (1) artificially lit from within itself using an opaque/non-glaring background and backlighted or (2) is illuminated by spotlights or floodlights not a part of or attached to the sign itself. Also, for purposes of this Ordinance, a sign of translucent nontransparent material illuminated from within with no exposed or exterior bulbs, tubes, or other light source.			
			<i>Inflatable sign.</i> An inflated, nonporous sign filled with air or other gas that does not move, flutter, or undulate and is mounted to a structure, cord, cable or rod or staked to the ground.	
Informational	<i>Sign, Informational:</i> A sign conveying instructions with respect to the premises on which it is maintained or giving directions, or providing information to the public at large by official notices, place names, tourist information, and the like.			
Industrial	<i>Sign, Industrial Park:</i> Any sign designating a			

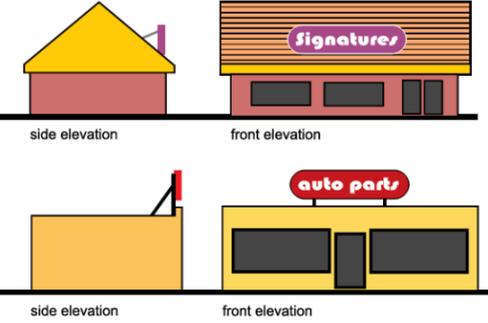
Term	Town of Warrenton Zoning Ordinance Article 12	Model LGA of VA	City of Norfolk	ISA Best Practices in Temporary Signage
Park	group of industrial buildings or industrial tenants in an industrial park, laid out and developed or operated as a unit according to an integrated design plan, which states the name of the Park and may list individual businesses or tenants in accord with the limitations of this Ordinance.			
Interstate Highway	<i>Street, Interstate:</i> A thoroughfare utilized to carry interstate traffic with a minimum right-of-way of three hundred (300) feet in rural area and carrying capacity in excess of fifteen hundred (1,500) vehicles per lane per hour.		<i>Interstate highway system.</i> The interstate system of highways as defined in 74 Stat. 415 (1960), 23 U.S.C. Sec. 103, or amendments thereto.	
Lot Frontage	<i>Frontage:</i> That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot; the distance between the side lines of any lot as measured along a line, at the required setback distance from the front lot line, generally paralleling the street upon which the lot fronts. The minimum width of a lot measured from one side lot line to the other along a straight line on which no point shall be farther away from the street upon which the lot fronts than the building setback line, as defined and required herein. On irregularly shaped lots that make such a measurable line impossible, the frontage shall be measured along the line that can be drawn so as to best meet the intent of the above definition.		<i>Lot frontage.</i> The portion of a property boundary or a lot line which abuts a public right-of-way.	
Maintain			<i>Maintain.</i> To preserve, keep in repair, continue, allow to exist, or restore in accordance with the provisions of the zoning ordinance.	
Marquee	<i>Sign, Marquee:</i> Any canopy or other covered structure other than a projecting sign projecting from and wholly supported by a building and extending beyond the building wall.	<i>Marquee</i> means a permanent structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather. <i>Marquee sign</i> means a sign attached to and made a part of a marquee or any similar projections from a building, with changeable, fixed or both types of lettering in use.	<i>Marquee.</i> Any fixed hood, other than a canopy or awning, supported solely by the building to which it is attached that projects from the building and extends beyond the building wall. The location of any marquee shall be restricted to the main entrance to a building. <i>Marquee sign.</i> A sign attached to or hung from a marquee.	

Term	Town of Warrenton Zoning Ordinance Article 12	Model LGA of VA	City of Norfolk	ISA Best Practices in Temporary Signage
Minor Sign	A display of less than two (2) square feet in area is excluded from the definition of a sign.	<i>Minor sign</i> means a wall or freestanding sign not exceeding one (1) square foot in area, not exceeding four feet in height, and not illuminated.		
Monument	<i>Sign, Monument:</i> A type of ground mounted sign which is built on grade and which the sign and structure are an integral part of one another.	<i>Monument sign</i> means a sign affixed to a structure built on grade in which the sign and the structure are an integral part of one another; not a pole sign.	<p><i>Monument sign.</i> A freestanding sign mounted or affixed to a freestanding base or pedestal secured permanently to the ground and not attached to a building or any other structure, but not including a ground sign. (See Figure 16-3.)</p> <p>Figure 16-3: Monument Sign</p> 	
Neon		<i>Neon sign</i> means a sign containing exposed tubes filled with light-emitting gas.		
Nonconforming	<i>Nonconforming Sign:</i> An otherwise legal sign that does not conform with the regulations of this Ordinance for the district in which it is located, either at the effective date of this Ordinance or as a result of subsequent amendments to the Ordinance.	<i>Nonconforming sign.</i> Any sign which was lawfully erected in compliance with applicable regulations of the City/County/Town and maintained prior to the effective date of this chapter of the zoning ordinance and which fails to conform to current standards and restrictions of the zoning ordinance.	<i>Nonconforming sign.</i> Any sign which was lawfully erected in compliance with the applicable regulations of the zoning ordinance prior to the effective date of this chapter and which fails to conform to the current standards or restrictions, the use of which has not been discontinued for longer than two (2) years.	
Off Premises	<i>Sign, Off-Premises:</i> Any sign located on a separate parcel from the structure or business it pertains to, except for signs for businesses within shopping centers or planned development districts that are located on a separate parcel from the business but contiguous with the other parcels that form the shopping center or planned development project.	<i>Off-premises sign</i> means a sign that directs attention to a business, product, service or activity conducted, sold or offered at a location other than the premises on which the sign is erected.	<i>Off-premises sign.</i> A sign which directs attention to a business, product, service, entertainment or attraction sold, offered, created, furnished, or conducted at a location other than the premises on which the sign is erected.	
Outdoor advertising			<i>Outdoor advertising sign.</i> A sign structure providing displays or display space for general advertising and not primarily or necessarily for advertising related to the premises on which erected or to nearby premises. Such signs, commonly referred to as “billboards,” are generally designed so that the copy or poster on the sign can be changed frequently and the advertising space	

Term	Town of Warrenton Zoning Ordinance Article 12	Model LGA of VA	City of Norfolk	ISA Best Practices in Temporary Signage
			is for lease. Outdoor advertising signs may contain light emitting diode (LED) electronic displays which comply with state and federal law. Specific regulations for outdoor advertising signs are found in section 16-9.	
Painted	<i>Sign, Painted:</i> Any sign painted on the exterior surface of a building.			
Pennant			<i>Pennant.</i> Any generally rectangular or triangular sign attached only along one side, not affixed to a flagpole, and designed to flap in the wind.	
People				<i>People signs</i> may be referred to as human signs, sign spinners, or mascot signs. Unclear in courts as to whether they are a sign but there are recommendations for regulations that include permitting, location, time, and numbers.
Pole		<i>Pole sign</i> means a sign that is mounted on one (1) or more freestanding poles.	<p><i>Pole sign.</i> A freestanding sign erected and maintained on a freestanding mast or pole secured permanently to the ground and not attached to a building or any other structure, but not including a ground sign. (See Figure 16-4.)</p> <p style="text-align: center;">Figure 16-4: Pole Sign</p> 	<i>Light pole or support pole banners</i> are often treated as temporary signs even though the pole is a permanent fixture.
Portable	<i>Sign, Portable:</i> Any sign not affixed to the ground or to a building, including any sign attached to or displayed on a vehicle that is used for the expressed purpose of advertising a business establishment, product, or service, or entertainment, when that vehicle is so parked as to attract the attention of the motoring or pedestrian traffic.	<i>Portable sign</i> means any temporary sign not affixed to a building, structure, vehicle or the ground. It does not include a flag or banner.	<p><i>Portable sign.</i> Any sign designed and intended to be transported or movable, including but not limited to:</p> <ul style="list-style-type: none"> (a) Signs with wheels or with wheels removed. (b) Signs with chassis or support constructed without wheels. (c) Signs designed to be transported by trailer, wheels or boat. (d) Signs converted to or constructed as A-frame signs. 	<i>Portable message centers</i> are temporary sign structures with changeable copy.

Term	Town of Warrenton Zoning Ordinance Article 12	Model LGA of VA	City of Norfolk	ISA Best Practices in Temporary Signage
			<p>(e) Signs attached temporarily to the ground, structures or other signs.</p> <p>(f) Signs mounted on a motor vehicle or boat for advertising purposes parked off the public right-of-way or shore, except when the motor vehicle or boat is being used in the normal, routine operations of the business.</p>	
Premises			<p><i>Premises.</i> A contiguous parcel of land with its appurtenances and buildings that functions as a unit. For the purpose of this ordinance, an outparcel along the perimeter of a shopping center or similar multi-tenant use that contains a freestanding building and a parking area separate from the shopping center as indicated on an approved site plan shall be considered a premises separate from the premises of the shopping center.</p>	
Primary Highway System	<p><i>Street, Primary Thoroughfare:</i> A street that carries or is anticipated to carry a volume of traffic exceeding three thousand (3,000) vehicles per day, the right-of-way of which shall not be less than seventy (70) feet, and should, where feasible, have a minimum right-of-way of ninety (90) feet.</p>		<p><i>Primary highway system.</i> That portion of the state highway system as designated or as may hereafter be designated by the state as part of the federal-aid primary system of highways, which designation has been approved by the Secretary of Transportation of the United States, pursuant to 70 Stat. 374(1956), 23 U.S.C. Sec. 103.</p>	
Projecting	<p><i>Sign, Projecting:</i> A sign attached to a building, approximately perpendicular to the building wall.</p>	<p><i>Projecting sign</i> means any sign, other than a wall, awning or marquee sign, affixed to a building and supported only by the wall on which it is mounted.</p>	<p><i>Projecting sign.</i> A sign other than a wall, awning, canopy or marquee sign that is wholly or partially dependent upon a building for support and that projects more than fifteen (15) inches from such building. (See Figure 16-5.)</p> <p style="text-align: center;">Figure 16-5: Projecting Sign</p> 	
Projected Image				<p><i>Projected Image Sign</i> uses technology to project an image, logo, or other graphic on buildings, structures, sidewalks, or other</p>

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				surfaces. The image has no physical structure but can still be construed as a sign.
Public Area		<i>Public area</i> means any public place, public right-of-way, any parking area or right-of-way open to use by the general public, or any navigable body of water.		
Public Art		<i>Public Art</i> means items expressing creative skill or imagination in a visual form, such as painting or sculpture, which are intended to beautify or provide aesthetic influences to public areas or areas which are visible from the public realm.		
Public Service Message			<i>Public service message board.</i> Any sign having a conspicuous and intermittent variation in illumination, message, color, or pattern powered by electricity and which displays different copy changes on the same lampbank or message facility and installed on land owned by the city or any other governmental entity established by the Commonwealth of Virginia.	
Real Estate	<i>Sign, Real Estate:</i> A sign that advertises the property on which it is located, for sale, rent, or lease. Such signs shall be removed upon the sale, rental, or lease of the property on which it is located.			
Roof	<i>Sign, Roof:</i> Any sign erected, constructed, and maintained wholly upon or over the roof of any building.	<i>Roof sign</i> means a sign erected or constructed, in whole or in part, upon or above the highest point of a building with a flat roof, or the lowest portion of a roof for any building with a pitched roof.	<p><i>Roof line.</i> The highest point of a flat roof and mansard roof and the lowest point of a pitched roof.</p> <p><i>Roof sign.</i> A sign that is mounted or painted on the roof of a building, or that is wholly dependent upon a building for support and that projects above the highest point of a building with a flat roof, the eave line of a building with gambrel, gable or hip roof or the deck line of a building with a mansard roof. (See Figure 16-6.)</p> <p>Figure 16-6: Roof Signs</p> 	

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Shopping Center	<p><i>Sign, Shopping Center:</i> Any sign designating a group of retail stores laid-out and developed or operated as a unit according to an integrated design plan, which states the name of the center and may list individual stores or tenants in accord with the limitations of this Ordinance.</p>			
Structure	<p><i>Sign, Structure:</i> Includes the supports, uprights, bracing, and framework of any structure, be it single-faced, double-faced, v-type, or otherwise, exhibiting a sign.</p>	<p><i>Sign structure</i> means any structure bearing a sign face.</p>		
Temporary	<p><i>Sign, Temporary:</i> A sign applying to an activity such as horse shows, auctions, carnivals, festivals, or other community sponsored activities, or advertising the grand opening, closing, or other special event of a commercial nature, and intended to be displayed for not more than thirty (30) days.</p>	<p><i>Temporary sign</i> means any sign intended to be displayed for a limited period. [OR] <i>Temporary sign</i> means a sign constructed of cloth, canvas, vinyl, paper, plywood, fabric, or other lightweight material not well suited to provide a durable substrate or, if made of some other material, is neither permanently installed in the ground nor permanently affixed to a building or structure which is permanently installed in the ground.</p>	<p><i>Temporary sign.</i> A sign constructed of cloth, canvas, vinyl, paper, plywood, fabric, or other lightweight material not well suited to provide a durable substrate or, if made of some other material, is neither permanently installed in the ground nor permanently affixed to a building or structure which is permanently installed in the ground.</p>	
Vehicle or Trailer		<p><i>Vehicle or trailer sign</i> means any sign attached to or displayed on a vehicle, if the vehicle or trailer is used for the primary purpose of advertising a business establishment, product, service or activity. Any such vehicle or trailer shall, without limitation, be considered to be used for the primary purpose of advertising if it fails to display current license plates, inspection sticker, or municipal decal, if the vehicle is inoperable, if evidence of paid-to-date local taxes cannot be made available, or if the sign alters the standard design of such vehicle or trailer.</p>		<p><i>Vehicle wraps and signs</i> best practices suggests not requiring a permit and to create a consistent standard for vehicles.</p>

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Vending Machine			<i>Vending machine sign.</i> Any sign fastened to or painted on a vending machine.	
Visible			<i>Visible.</i> In the context of a sign, capable of being seen such that the message is legible or comprehensible without visual aid by a person of normal acuity.	
Wall	<i>Sign, Wall:</i> Any signs or lettering, projecting not more than eight (8) inches, which are placed against or attached to the front, rear, or side wall of a building, but shall not include professional name-plates. If the sign is composed of individual letters attached to the wall, the area between letters shall be included in size calculations.	<i>Wall Sign</i> means any sign attached to a wall or painted on or against a flat vertical surface of a structure.	<p><i>Wall sign.</i> A sign fastened to the window or wall of a building or structure in such a manner that the window or wall becomes the supporting structure for, or forms the background surface of, the sign or a sign painted directly on the wall of the structure. (See Figure 16-8.)</p> <p>Figure 16-8: Wall Sign</p> 	
Window	<i>Sign, Window:</i> A sign painted, stenciled, or affixed on a window, which is visible from a right-of-way.	<i>Window sign</i> means any sign visible outside the window and attached to or within 18 inches in front of or behind the surface of a window or door.	<p><i>Window sign.</i> A sign that is applied or attached to or suspended from the exterior or interior of a window or located within the interior of a structure so that its message can be read from the exterior of the structure including but not limited to window paintings, applied graphics, and signs located inside a building but visible primarily from the outside of the building.</p> <p><i>Window sign, permanent.</i> Any window sign designed to withstand fading, chipping or peeling over time that is not constructed of cloth, canvas, vinyl, paper, plywood, fabric, or other lightweight material.</p> <p><i>Window sign, temporary.</i> Any window sign that is composed of ink, paint or other applied product which is not designed to withstand fading, chipping or peeling over time or that is constructed of cloth, canvas, vinyl, paper, plywood, fabric, or other lightweight material not well suited to provide a durable substrate.</p>	Can be permanent or temporary.
Fabricating and Painting	<i>Sign fabricating and painting:</i> The fabrication, painting or assembly of any type of sign as defined herein.			

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Yard			<i>Yard sign.</i> A temporary sign placed upon or supported by the ground independently of any other structure, but not including any A-frame sign.	