



MEMORANDUM

To: Planning Commission Members

From: Rodney Rhodes, Senior Planner

Date: September 9, 2022

RE: September 15, 2022 Planning Commission Meeting

The Staunton Planning Commission will hold a meeting on **Thursday, September 15, 2022, at 5:30 P.M.** The meeting will be held in Rita S. Wilson Council Chambers located on the first floor of City Hall, 116 W Beverley Street.

If you cannot attend this meeting, please contact the Community Development Department, Planning and Zoning Division at (540) 332-3862, by **noon on Wednesday, September 14, 2022.**

The field trip for this meeting will be held on **Tuesday, September 13, 2022 at 4:00 p.m.** Commission members and staff will meet at the Parks and Recreation Office at Montgomery Hall Park.

The Planning Commission meeting will be held in person. The public will be able to listen to the audio feed online at <https://www.ci.staunton.va.us/departments/planning-zoning-division> or on the public access television station (Comcast channel 7). Those members of the public wishing to participate will be able to do so in person or via Zoom using the link provided on the City's website. The appropriate page of the website can be accessed using the link above.

AGENDA

		Action Taken
1.	Call to Order	

MINUTES
STAUNTON PLANNING COMMISSION
August 18, 2022
5:30 p.m.
City Council Chambers

PRESENT: Judith Wiegand, Chair
Jessica Robinson, Vice Chair
Brad Arrowood
Adam Campbell
Joseph Mills

ALSO PRESENT: Rodney Rhodes, Senior Planner
Tim Hartless, City Planner
Amy Darby, Council Liaison
Kiley Kesecker, Clerk of Council

Chair Judith Wiegand, called the August 18, 2022 meeting of the Staunton Planning Commission to order.

APPROVAL OF MINUTES

Ms. Robinson moved to approve the minutes of the July 21, 2022 Planning Commission meeting as presented.

The motion was seconded by Mr. Campbell and carried as follows:

Ms. Wiegand	aye	Mr. Mills	aye
Mr. Arrowood	aye	Ms. Robinson	aye
Mr. Campbell	aye		

NEW BUSINESS

3-A) Public Hearing and Consideration of a Request by Staunton Augusta Waynesboro Habitat for Humanity for a Special Use Permit for 951 Anderson Street

Mr. Arrowood recused himself from the dais and filled out a declaration of personal interest and submitted it to the clerk.

City Planner Tim Hartless stated that the Staunton/Augusta/Waynesboro Habitat for Humanity has requested a Special Use Permit for living quarters on the ground floor of a structure at 951 Anderson Street. The property was previously used as a single-family home and first appears on the Sanborn Insurance Maps in 1921. That house was demolished in 2012. Since that time, the property has remained vacant. Habitat for Humanity is in the process of acquiring the property and proposes to construct a new two-story single-family dwelling. The property is zoned B-1, Local Business District and living and sleeping quarters on the ground and basement levels is only permitted by Special Use Permit.

Staff has considered the request and has identified no issues. A building permit and associated trade permits will be required. The surrounding zoning is either B-1, Local Business, or R-4, High Density Residential District. All surrounding uses appear to be single-family dwellings.

Habitat proposes to construct a two-story dwelling with approximately a 960 (20' x 48') square foot footprint. The lot is a through lot with streets at both ends. The lot is 28 feet wide and the proposed structure is 20 feet wide which provides four-foot side yard setbacks. The two ends of the lot will both be front setbacks. The B-1 District does not specify minimum setbacks for a residential structure. Typical B-1 setbacks for commercial structures are: Front – 20 feet, Side – 0 feet, Rear – 0 (this property is a through lot and does not have a rear lot line).

Staff proposes that Planning Commission establish minimum setbacks as a condition of approval. For front setbacks, staff recommends that Planning Commission use the small lot exception for residential districts as a guide and set a minimum front setback of 15 feet or the average setback established by the existing dwellings on the street. Habitat proposes a four-foot side yard setback which is less than the minimum required under the small lot exemption (minimum of 4' with the sum of the side yards not less than 10'); however, it does appear to be in keeping with some of the existing dwellings along the street.

This property and surrounding area will be evaluated at a later date for a mass rezoning as part of the City's comprehensive review and rezoning of residentially used properties that are currently zoned business. This area will be part of the review of the downtown and historic district areas which is anticipated to begin in the spring of 2023. The City of Staunton Comprehensive Plan, 2018-2040, Future Land Use Map, designates this area as Neighborhood Residential.

Approval of the Special Use Permit is compatible with the Comprehensive Plan, the neighboring uses and is supported by two of the three policies under the Neighborhood Residential designation. For these reasons, along with the City's clear intention to rezone the property at a later date, it is staff's opinion that residential use of this property is appropriate.

Ms. Wiegand asked if commissioners had any questions for staff.

Commissioners had no questions for staff.

The public hearing was opened.

There being no one wishing to speak, the public hearing was closed.

On the basis that it would serve the interests of public necessity, convenience, general welfare, and good zoning practice, Ms. Robinson moved that Planning Commission recommend approval of the Special Use Permit for 951 Anderson Street with the following conditions:

1. All setbacks and lot area requirements shall be the same as a single-family dwelling on an existing small lot in a R-4 District and all provision of Chapter 18.120, Yard, Building Setback, and Open Space Exceptions, shall apply.
2. Use of the property shall be limited to one single-family dwelling and accessory uses customarily incidental to a single-family dwelling.

The motion was seconded by Mr. Mills and carried as follows:

Ms. Wiegand	aye	Mr. Mills	aye
Ms. Robinson	aye	Mr. Arrowood	abstain
Mr. Campbell	aye		

3-B) Public Hearing and Consideration of a Request by Network Towers for a Special Use Permit for 306 New Hope Road (PID# 10119) Under the Provisions of SCC 18.185, Telecommunications Facilities, of Title 18, Zoning, of the Staunton City Code

Ms. Robinson recused herself from the dais and filled out a declaration of personal interest and submitted it to the clerk.

Senior Planner Rodney Rhodes stated that Network Towers is requesting a Special Use Permit to construct a new 199-foot monopole telecommunications tower and equipment compound at 306 New Hope Road. The property is located at the intersection where Commerce Road passes over New Hope Road. The property is addressed on New Hope Road but is accessed from Commerce Road. During the site plan review and approval process, the tower will be assigned a Commerce Road address. The property is zoned I-2, Heavy Industrial District. A Special Use Permit is required for the construction of any new telecommunications tower in all zoning districts.

Staff has conducted a review of the request and has found no issues with the proposal. Telecommunications facilities are regulated through Chapter 18.185 of the Zoning Code. Section 18.185.090(1) establishes requirements for submittal and criteria to be considered in evaluating a Special Use Permit for a new telecommunications facility. In 2018, The Virginia General Assembly amended the Code of Virginia and limited some of the information that localities may request and use in evaluating applications. As a result, some of the information required in Chapter 18.185 (shown below), pertaining to service coverage or an applicant need for the new facility, cannot be required. (The Staunton Zoning Ordinance will be amended to reflect this change to the Code of Virginia.) The applicant has completed a comprehensive review of the requirements on Chapter 18.185.

The proposed tower is 195 feet tall with a 4-foot lightning rod and will include a 2,092 square foot leased area with a fenced compound for equipment. Screening of the fenced compound will be required. The applicant has indicated that they wish to use existing vegetation for the screening requirement. This will be evaluated during the site plan review process. The City Horticulturalist will determine if existing vegetation is adequate and how much will need to be preserved for screening. The preserved screening vegetation will need to be indicated on the site plan and preserved.

During its review, staff found the information provided to be complete and in general conformance with the requirements of Chapter 18.185. The proposal is consistent with the Zoning Ordinance goal of encouraging the placement of telecommunication facilities in nonresidential areas and in areas where the adverse impacts on the City is minimal. A site plan of development will be required prior to any building permit being issued. A building permit and electrical permit will also be required for the construction of the tower and the related equipment.

Staff recommends that the Planning Commission endorse the request for a Special Use Permit to site a new telecommunications tower at 306 New Hope Road.

Ms. Wiegand asked if commissioners had any questions for staff.

Commissioners had no questions for staff.

The public hearing was opened.

Representatives from Network Towers, Drew Patterson and Ryan Fletcher present additional information about the project and answered questions from commission members.

Ms. Wiegand asked if the tower is the type that would collapse in on itself rather than fall over, should it have a structural failure. Mr. Patterson stated that the tower would fall in on itself, not horizontally.

Mr. Campbell asked if the facility would be compatible with 5G or if it is mainly going to be filling the gap between current technology and what is to come. Mr. Patterson stated that the tower will be compatible with 5G antennas as well.

There being no one else wishing to speak, the public hearing was closed.

On the basis that it would serve the interests of public necessity, convenience, general welfare, and good zoning practice, Mr. Mills moved that the Planning Commission recommend approval of a Special Use Permit to site a new 199-foot tall telecommunications tower at 306 New Hope Road with the following conditions:

1. Screening be provided meeting the requirements of Chapter 18.185. Screening shall be accomplished either by new planting or through the preservation of existing plantings to the satisfaction of the City Horticulturalist.
2. Development of this site shall be in general conformance with the plans submitted with the Special Use Permit application. The telecommunications tower shall not exceed 199 feet in height.

The motion was seconded by Mr. Campbell and carried as follows:

Mr. Campbell	aye	Mr. Mills	aye
Ms. Robinson	abstain	Mr. Arrowood	aye
Ms. Wiegand	aye		

Ms. Robinson returned to the dais.

3-C) Public Hearing and Consideration of an Amendment to Section 18.120.010(3), of Chapter 18.120, Yard Building Setback, and Open Space Exceptions, to increase the Height Limitations for Fences and Walls Located in a Front Yard.

Senior Planner Rodney Rhodes stated that the zoning code requires that fences and walls located in a front yard be no taller than three and one-half feet (42 inches). In most cases, purchasing a 42-inch fence requires a special order because it is not a standard height. He also noted that a 42-inch

enclosure provides a limited barrier for pets. Staff was approached by a citizen who expressed interest in proposing an amendment to the front yard wall/fence height limit. After considering the request, staff decided that it would initiate the amendment process. Mr. Rhodes noted that staff has reviewed the front yard wall/fence height restrictions for several cities and determined that Staunton's zoning code is the most restrictive.

Waynesboro 4-foot maximum
Harrisonburg 6-foot maximum
Lexington 7-foot maximum
Winchester 4-foot maximum with 25% openings (increases to 5-foot at the setback line)

At its June and July meetings, Planning Commission discussed several different options and potential height limits. Commission members settled on a standard four-foot height limit with some exceptions for posts and post caps. The Commission also wanted to include a provision that allows the Zoning Administrator some discretion in allowing minor increases in height due to topography which would allow for a consistent horizontal top edge for the fence. Staff has prepared an amended Chapter 18.120, as directed. Staff recommends that Planning Commission conduct the public hearing and recommend approval of the draft amendment.

The public hearing was opened.

Local homeowners John and Cassandra Baber explained why they felt the height limit should be raised to 4.5 feet, and requested the commission to vote in favor of doing so.

Frank Strassler, 16 North Washington Street, stated that four feet is not a problem, but he felt that the limit should not be raised more than that.

There being no one else wishing to speak, the public hearing was closed.

Ms. Robinson stated that anything higher than four feet would put an unnecessary burden on staff with approval and enforcement.

Ms. Wiegand stated that four feet is a standard size and custom made 4.5 foot fences would be more expensive.

Mr. Campbell agreed and stated that he would not be comfortable changing the limit from four feet.

On the basis that it would serve the interests of public necessity, convenience, general welfare, and good zoning practice, Ms. Robinson moved that Planning Commission recommend approval of amendments to SCC 18.120, Yard, Building Setback, and Open Space Exceptions.

The motion was seconded by Mr. Arrowood and carried as follows:

Mr. Campbell	aye	Mr. Mills	aye
Ms. Robinson	aye	Mr. Arrowood	aye
Ms. Wiegand	aye		

3-D) Authorization to Proceed with Amendments to Title 18, Zoning, and Title 17, Subdivision, to Reference the Proper Title of the Administrative Officer

Mr. Rhodes stated that with the creation of the Community Development Department in January of 2017, the City Code was amended to replace references to the “Director of Planning and Inspections” with the newly created position of “Senior Planner”; however, the Code of Virginia requires the appointment or designation of a zoning administrator to administer and enforce the zoning code. The Code of Virginia notes that the zoning administrator may also hold another office in the locality. It is therefore appropriate that the zoning code only reference a zoning administrator and not the title of another office holder. In a similar fashion, the subdivision code should reference a “Subdivision Agent” that would act on the behalf of City Council in the administrative functions of the subdivision ordinance. Mr. Rhodes stated that staff proposes amendments to the Title 18, Zoning, and Title 17, Subdivision, to reflect the proper title of the administrative officer

On the basis that it would serve the interests of public necessity, convenience, general welfare, and good zoning practice, Mr. Campbell moved that the Planning Commission direct staff to proceed with amendments to Title 18, Zoning, and Title 17, Subdivisions, drafting an ordinance, and scheduling a public hearing for a future Planning Commission meeting.

The motion was seconded by Mr. Mills and carried as follows:

Mr. Campbell	aye	Mr. Mills	aye
Ms. Robinson	aye	Mr. Arrowood	aye
Ms. Wiegand	aye		

OLD BUSINESS

There was no old business to discuss.

OTHER BUSINESS

There was no other business to discuss.

UPDATE ON ACTIONS OF CITY COUNCIL

Mr. Rhodes stated that at its last meeting, City Council approved the special use permit for Barrister’s Row for residential use. Council also approved a zoning text amendment to add solar facilities by special use permit and the industrial districts. Mr. Rhodes also noted that there was an introduction to a budget amendment, which would include funding for two small area studies using American Rescue Plan Act funds. The studies would be for the West End and for Union Town.

MATTERS FROM THE PUBLIC

Frank Strassler, 16 North Washington Street, stated that he has seen more and more gas meters being installed on the front of new houses, and asked if something like that would be the Planning Commission’s purview. Ms. Wiegand stated that the Commission does not usually deal with things like that and Mr. Rhodes stated that he would look into it.

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291 **ADJOURNMENT**

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293 Ms. Wiegand stated that the next Planning Commission meeting would be held on September 15,
294 2022.

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296 Upon a motion properly made, seconded, and unanimous, the meeting adjourned at 6:28 p.m.

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Kiley A. Kesecker
Clerk of Council

Planning Commission



AGENDA BRIEFING

Staunton, VA

Meeting Date:	September 15, 2022	Staff: Rodney Rhodes Tim Hartless
Item #	3-A	
Ordinance #		
Department:	Community Development – Planning and Zoning	
Subject:	Public Hearing and Consideration of a Request by Edward and Linda Koska to Vacate a Portion of Undeveloped Hale Street	

Background: Edward and Linda Koska have requested a vacation of an undeveloped portion of Hale Street. The Koska's own the property at 900 maple Street, immediately adjacent to the portion of undeveloped street. This area is known as Tennehill Wheat and was annexed into the City in 1905.

Analysis: Staff has reviewed the request and has identified one issue. There is a city sewer line which runs along Lewis Creek, adjacent to the rear property lines of the houses facing Maple Street. The undeveloped street provides access to the Public Works Department for maintenance and repair of the line. If the street is vacated, staff recommends that the City retain a 20-foot wide access easement, from Maple Street, for the length of the current undeveloped street. It may be necessary for Planning Commission to defer action on this matter while the documentation for the easement is prepared. Staff will give an update on this at the Planning Commission meeting. The public hearing for this matter has been advertised and adjacent property owners have been notified so the public hearing should be held even if Planning Commission does not take action at the meeting.

During review, there were no other issues identified. This section of Hale Street does not serve as primary access for any properties. The three properties that have frontage on the street, all have frontage and primary access from other streets (either Maple Street or Middlebrook

Avenue).

Attachments:

Attachment 1—Application and Supporting Documents

Attachment 2—Street Vacation Exhibit Showing the Public Sewer Line

Recommendation: Staff recommends that Planning Commission endorse the requested street vacation.

Suggested Motion: “On the basis that the request would serve the interests of public necessity, convenience, general welfare, and good zoning practice, I move that Planning Commission recommend approval of the application to vacate and abandon the last remaining portion of undeveloped Montgomery Street lying between 301 Fayette Street, 522 Stuart Street, and 309 Fayette Street.”



**DEPARTMENT OF PLANNING &
INSPECTIONS**

116 W. BEVERLEY STREET | P.O. BOX 58 |
STAUNTON, VA 24402 540.332.3862
(OFFICE) 540.332.3807 (FAX)

**ALLEY & STREET VACATION
APPLICATION**

DATE OF APPLICATION: 4-2-22
APPLICANTS NAME: Edward and Linda Koska
ADDRESS: 89 Doe Hill Dr. Churchville, VA 24421
TELEPHONE NUMBER: 540 849-7058 ALTERNATE: 540 849-8921
EMAIL ADDRESS: LindaKoska@hotmail.com
LOCATION OF PROPERTY: 900 Maple St. Staunton, VA 24401
PLAT PROVIDED ☒ YES ☐ NO (REQUIRED)

LEGAL DESCRIPTION OF PORTION OF ALLEY OR STREET IN THIS REQUEST:

"HALE STREET" APPROXIMATELY 40' by 180', DB 35, PAGE 463, COUNTY DB 91, PAGE 103

IS THE PORTION OF THE ALLEY OR STREET IN THIS REQUEST IMPROVED? ☐ YES ☒ NO

IF YES, IS IT BEING USED BY PERSONS OTHER THAN YOURSELF? ☐ YES ☐ NO

IF YES, EXPLAIN: _____

TO YOUR KNOWLEDGE, ARE THERE ANY UTILITIES IN THE PORTION OF THE ALLEY OR STREET

AFFECTED BY THIS REQUEST? ☒ YES ☐ NO IF YES, EXPLAIN?

Not to our knowledge, but see plat.

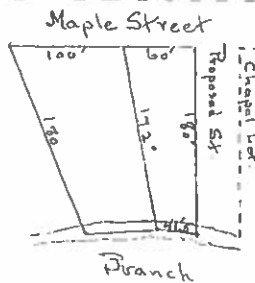
PURPOSE OF THE REQUEST? To acquire the land (or 1/2 of it) next to the property at 900 Maple St.

ORDINANCE PROVIDED? ☒ YES ☐ NO

**An electronic copy, in word document format, must be emailed to Planning Office. Application is considered incomplete until this is provided.*

FEE PAID? ☒ YES ☐ NO **check or cash only*

SIGNATURE OF APPLICANT Linda Koska
Edward Koska



The above plat represents the lands J.W.Wheeler purchased of Thos.L.Perkins in West End,Staunton,Virginia,Aug.9,1924,see D.B.32 P. 469 city office.

That part shown by red crayon is the part staked off this day to be deeded to H.S.A.Siple,said lot fronts 60 feet on Maple Street,beginning at a stake 40 ft. from the Chapel lot then parallel with a fence of same and 40 ft. from fence 180 ft. to middle of creek thence up creek 41.5 ft. thence 172 ft. to stake at edge of Maple Street with same 60 ft.to the beginning.

July 28,1927.

J.M.Irvine
Dep.S.A.C.

In the Clerk's Office of the Corporation Court of the City of Staunton,July 29th, 1927.

This deed from J.W.Wheeler and wife to H.S.A.Siple,was this day presented in the office aforesaid and with the certificate and plat annexed is admitted to record.

Teste:

Jacob Meyener Clerk.

7441

THIS DEED,made and entered into this 30th day of July,1927,by and between James H.Marden and Rebecca Harden,his wife,parties of the first part,and James M.Morris, Trustee,party of the second part,

W I T N E S S E T H

That for and in consideration of the sum of One (\$1.00) Dollar cash in hand paid by said party of the second part to the said parties of the first part,the receipt of which is hereby acknowledged,and the further consideration hereinafter named,the said parties of the first part do hereby grant,bargain,sell and convey, WITH GENERAL WARRANTY OF TITLE unto the said party of the second part all that certain tract or parcel of land,together with all improvements thereon and appurtenances thereunto belonging,situated in the western portion of the City of Staunton in what is known as Plunketsville,and known by house-numbering as #1624 Plunkett Street and running back in a southerly direction between lines nearly parallel a distance of about 157 feet,the rear of southern line being 30½ feet,and being the same tract or parcel of land conveyed to the said James H.Harden by deed of Florence M.Whitecell and husband,December 3,1919,duly of record in the Clerk's Office of the Corporation Court for the City of Staunton in D.B.27,page 306,reference to which said deed is hereby made for a more particular description. This conveyance is in trust,however,for the following purpose,and none other,namely,to secure the payment of the sum of Three Hundred and Fifty (\$350.) Dollars,borrowed money, evidenced by the four certain bonds of the said parties of the first part,all bearing even date herewith,one for Fifty (\$50.00) Dollars,payable six months after date,one for Fifty (\$50.) Dollars payable one year after date,one for One Hundred (\$100.00) Dollars,payable one year after date,and one for One Hundred and Fifty (\$150.00) Dollars payable two years after date,all payable to the order of Wm.A.Pratt General Receiver of the Circuit Court for Augusta County and all bearing interest at the rate of 6% per annum,payable semi-annually,and waiving the Homestead Exemption. Should default be made in the payment of said bonds

*Examined Aug 16, 1927
J. H. H. H. H. H.
Original delivered to
James M. Morris
Sept 11, 1928.
Deed: J. H. H. H. H.*

*The four bonds
secured in the
deed of Dec. 3, 1919,
and opposite
hereof, have
been paid in
full and said
deed of Dec. 3, 1919,
is hereby released
Sept. 26, 1928
Wm. A. Pratt,
Genl. Recr., by
J. M. Morris,
Trustee
Deena Orquhart,
Deputy Recr.*

*The four above
described bonds
were this day
presented to me
monies paid
and cancelled
Sept. 27, 1928
Deena Orquhart,
Deputy Recr.*

*City
35-
463*

The said made this 31st day of May 1876 Release E. J. McCoy of the County of Shenandoah State of Virginia, of the first part, and J. B. Menifee, J. B. Marguin & B. Ragley of the County of Augusta of the second part, Whitherso: that, the party of the first part in Consideration of One Dollar in hand paid the receipt of which is hereby acknowledged, doth grant bargain & sell to the parties of the second part, a certain lot or parcel of land lying & being in the County of Augusta a part of the land of said party of the 1st part & Edward M. Mahon containing 1860 square feet and bounded as follows, on the North by Maple Brook on the East by the lands of the party of the 1st part & on the West by E. M. Mahon land, being a part of the land conveyed by John A. Hagerman to said E. J. McCoy by deed bearing date August 1st 1868. and of record in the Clerk's Office of the County Court of Augusta Recd. 1868, Page 228. and is more fully described by the Plat made by Edw. Ottum and annexed to the deed from J. B. Menifee & others to E. M. Bushing and others bearing date, June 3, 1876, which is made a part of the deed, and the under party of the first part doth Covenant that she will warrant & defend the property herein conveyed.

Witness the following Signature & Seal this day & date above written
E. J. McCoy

State of Virginia

County of Shenandoah

I hereby Certify that E. J. McCoy, whose name is signed to the above deed bearing date May 31st 1876, personally appeared before me, Saml. Stimmom a Justice for Shenandoah County & acknowledged the same before me. Given under my hand, this 2nd day of June 1876.

Saml. Stimmom J.P.

In the Clerk's Office of Augusta County Court June 28, 1876.

This deed from E. J. McCoy to J. B. Menifee, J. B. Marguin & B. Ragley was this day presented in the Office aforesaid and is with the Certificate of acknowledgment, thereon endorsed, admitted to record.

Teste

William A. Burnett Clerk

In the Clerk's Office of Augusta County Court June 28th 1876.

This deed from E. J. McCoy to J. B. Menifee, J. B. Marguin & B. Ragley was this day presented in the Office aforesaid and is with the Certificate of acknowledgment, thereon endorsed, admitted to record.

Teste

1876

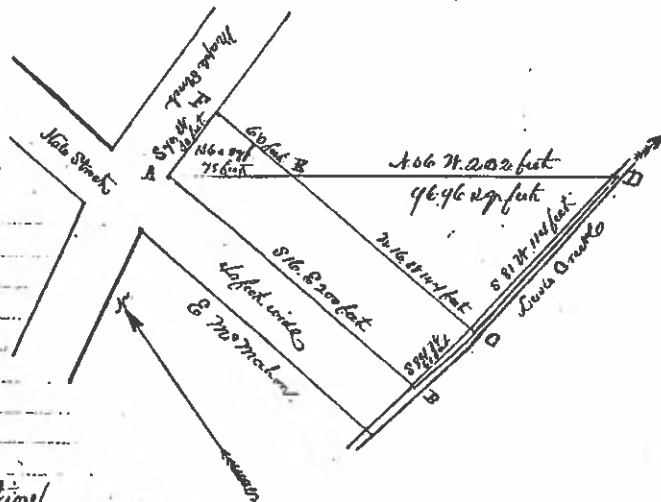
William A. Burnett Clerk

Edw. Ottum
June 26/76

John A. Hagerman

The said made the 19th day of June in the year 1876. Release J. B. Menifee, J. B. Marguin & B. Ragley, and Martha A. his wife and James B. Marguin and Caroline - his wife parties of the first part, and Edward M. Bushing, W. H. Hartman, James H. Weston, Benjamin D. Ragley, Wesley A. Powell, George Harlow and John M. Carroll, trustees of the Methodist Episcopal Church, in trust for the use hereinafter mentioned, all of the City of Staunton and State of Virginia, of the other part. Whitherso: that the said parties of the first part, for and in consideration of the sum of

one dollar in hand paid, the receipt whereof is hereby acknowledged, do grant, bargain sell and convey unto the said purchasing, Hartman, Austin, Bagley, Penell, Harlow and Carroll, Trustees as aforesaid and to their Successors, with General Warranty, a certain lot or parcel of land lying and being in the County of Augusta, near to and Westwards of the City of Placanton, having a front of 60 feet on Maple Street, a width of 61 feet on Keno Creek, running back 200 feet on the West line and 210 feet on the east, to said Creek and is estimated to contain 10,896. Square feet, the Mules and bounds of which will more fully appear by reference to a Survey of L. H. Ottmar, which is as follows viz:



Explanation.

- A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z represents the lot of ground conveyed by Mr. Mahon and wife to the Minifio vaters
 L, N, E. represents the lot which the Minifio vaters agree to exchange with E. J. McBooy
 E, F, I, H. represents the lot which E. J. McBooy agrees to give to the Minifio vaters in exchange for lot L, N, E.

L. H. Ottmar's S. E.

this parties agreeing and accepting said quantity and survey to be satisfactory and correct, said lot against E. J. McBooy on the East side of the said lot, having a front of 60 feet on Maple Street, to be opened on the west. The title to said portion of the lot hereby conveyed, described on plat and diagram by letters A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, was conveyed to said lot hereby conveyed by E. J. McBooy by deed, dated the day of May 1896, and of record in the Clerk's Office of Augusta County Court in Book No. 91, Page 1, and the portion of said lot hereby conveyed designated on Map by letters A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, was conveyed to said lot hereby conveyed by E. J. McBooy by deed, dated the day of May 1896, and to be recorded in the Clerk's Office of said County Court of Augusta, reference to both of which deeds are here made, and the same made, part hereof, to have and to hold, by the said Minifio vaters and their Successors in Office said lot of the building thereon to be erected, as a place of Divine worship, for the use of the Ministry Membership of the Methodist Episcopal Church South, subject to the discipline, usage and Ministerial appointments of said Church, as from time to time authorized and declared by the General Conference of said Church, and the annual

conference within whose bounds said premises are situated. But it is distinctly declared and affirmed, that should the Chapel's its grounds conveyed hereby be discontinued as a place of worship by the Members of the said Methodist Episcopal Church South for the space of two years, then the said grounds shall revert back to the Executors in this deed, their heirs and assigns just as it now stands.

Witness the following Signatures & Seals

J. H. Menzies
 J. H. Menzies
 R. A. Bagby
 R. A. Bagby
 J. C. Marquis
 J. C. Marquis

Augusta County, to wit:

I, William A. Burnett, a Notary Public for the County of Augusta in the State of Virginia, do Certify that Thomas H. Menzies, Rufus A. Bagby and James C. Marquis whose Names are signed to the foregoing writing bearing date on the 13th day of June, 1876, have personally acknowledged the same before me in my County aforesaid, and I further certify that Lucy A. Menzies the wife of Thomas H. Menzies; Martha A. Bagby, the wife of Rufus A. Bagby and Caroline the wife of James C. Marquis, whose Names are signed to the said writing bearing date as aforesaid on said 13th day of June 1876, personally appeared before me in the County aforesaid and being examined by me singly and apart from their husbands and having the writing aforesaid fully explained to them, that the said Lucy A. Menzies, Martha A. Bagby and Caroline Marquis, severally acknowledged the said writing to be her act and declare that she had willingly executed the same and does not wish to retract the same.

Given Under my hand this 21st day of June, 1876

William A. Burnett Notary Public

In the Clerk's Office of Augusta County Court June 25th 1876.

This writ from J. H. Menzies wife, R. A. Bagby wife & J. C. Marquis wife to E. M. Bowring, H. A. Hartman, James M. Newton, R. A. Bagby, J. H. Menzies, their heirs and assigns of the M. E. Church (South) was this day presented in the office aforesaid and is with the Certificate of acknowledgment thereof endorsed and admitted to record.

Attest
 William A. Burnett C. K.

13-76

Writ Deed made the 1st day of April in the year 1876, between S. Travis (Plaintiff one of the Commissioners of Sale in the Chancery Causes of the State) vs. 22 John H. Parker vs and Major Stiles vs vs Parker vs of the first part and Edward Lane of the second part, all of the City of Staunton, State of Virginia that whereas on the 21st day of April 1872, Geo. M. Buchanan, Jr. James Buchanan, Jr. & S. Travis, Plaintiffs Commissioners of Sale in the above described Causes by virtue of a decree regularly entered therein on the 23rd day of November 1871, by the Circuit Court of Augusta County, sold to said Edward Lane a certain lot of land hereinafter described for the sum of four hundred and

A

T.M. 407, P. 10

S.I.P. = SET IRON

THIS LOT IS LOCATED WITHIN FLOOD ZONE AE (BASE FLOOD ELEVATIONS DETERMINED) AND ZONE X (OTHER AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD) ACCORDING TO FIRM FOR THE COUNTY OF AUGUSTA AND THE CITY OF STAUNTON, VIRGINIA MAP No 51015C0339E, REVISED 01-06-2010.

THE BOUNDARY SURVEY SHOWN HEREON IS BASED ON A CURRENT FIELD SURVEY.

THIS SURVEY WAS PERFORMED WITHOUT A TITLE REPORT AND MAY NOT INDICATE ALL ENCUMBRANCES UPON THE PROPERTY.

RECORDED EASEMENTS ARE NOT SHOWN.

NO GRAVES OR PLACES OF BURIAL WERE NOTED DURING THIS SURVEY.

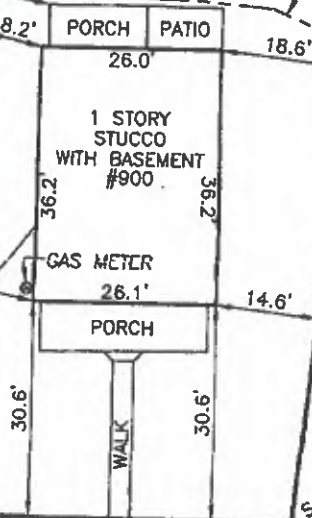
LEWIS CREEK

S 68°02'15" W
41.50'

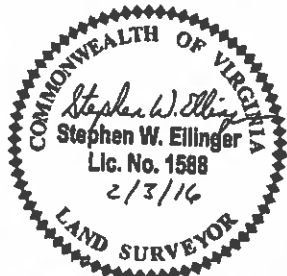
S.I.P.

8,853 S.F.
I.N.150002789FLOOD ZONE AE
(100-YEAR FLOODPLAIN)
(APPROXIMATE LOCATION)N 22°59'53" W
172.00'KATHLEEN M. SOUTHARD
D.B. 135-P. 322
PID # 7498ZONE X
(OTHER AREAS)ST. STEPHEN'S METHODIST CHURCH
PID #9091

40' UNDEVELOPED STREET

OVERHEAD
POWER & TVN 60°56'45" E
60.00'

MAPLE STREET

PLAT OF THE
OLIN A. STOLTZ, ETAL. PROPERTY

STAUNTON, VA

SCALE 1" = 20' FEBRUARY 3, 2016

EGS & ASSOCIATES, INC.
15 TERRY ST., STAUNTON, VA

JOB #A27950116

Additional Map Layers

▼

7292

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Show search results for 7292



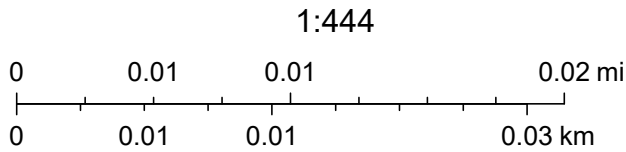
-79.081 38.143 Degrees

Hale Street Vacation



9/8/2022, 3:01:51 PM

- | | | | | |
|---------------------|------------------------------|---------------|--------------------|---------------|
| Storm Pipes | Sewer Lines | MeteredLights | AddressPoints | Green: Band_2 |
| Storm Structures | Sewer Structures | Lot_Lines | Point_of_Interests | Blue: Band_3 |
| WaterLines | Montgomery Hill Streetlights | Lot_Numbers | Road Centerline | |
| Hydrants | Gypsy Hill Streetlights | City Limits | 2018Image.tif | Red: Band_1 |
| Water System Labels | Streetlights | Tax Parcels | | |



**PLANNING
COMMISSION**



AGENDA BRIEFING

Staunton, VA

Meeting Date:	September 15, 2022	Staff Members: Rodney Rhodes Tim Hartless
Item #	3-B	
Ordinance #		
Department:	Community Development – Planning and Zoning	
Subject:	Public Hearing and Consideration of a Request by Michael A. Beck to Rezone 425 Bridge Street From I-2, Heavy Industrial District to R-3, Medium Density Residential District	

Background: Michael A Beck has requested to rezone 425 Bridge Street from I-2, Heavy Industrial District, to R-3, Medium Density Residential District, in order to re-establish residential use of property. The property was previously used as a single-family home and first appears on the Sanborn Insurance Maps in 1924. In 1969 the property was rezoned to I-2, Heavy Industrial as part of the City's comprehensive rewrite of the Zoning Code and mass rezoning of that same year. Residential use is not permitted in industrial zoning districts and the home became an existing nonconforming use. According to the City's utility billing records, the property has been vacant since April, 2015. If an existing nonconforming use ceases for a period of two years, the legal status of the use is lost and the use of the property must be brought into compliance with the zoning regulations. This would mean that beginning in May 2017, the property could only be used for industrial uses.

The applicant purchased the property in March 2022, unaware that the property could now only be used for industrial purposes, and applied for a building permit to renovate the home and re-establish its use as a single-family dwelling. During building permit review, zoning staff realized the property had lost its legal nonconforming status and advised Mr. Beck to apply for a rezoning.

Analysis: Staff has considered the request and has identified no issues. A building permit and associated trade permits will be required for the proposed work and can be issued if the rezoning request is approved. Surrounding zoning is B-2, General Business District, I-2, Heavy Industrial

District, and R-3, Medium Density Residential District. In 2020, The property across the street, 430 Bridge Street, was rezoned from B-2, General Business District, to R-3, Medium Density Residential District.

This property and surrounding area will be evaluated at a later date for a mass rezoning as part of the City's comprehensive review and rezoning of residentially used properties that are currently zoned business or industrial. This area will be part of the review of the downtown and historic district areas which is anticipated to begin in the spring of 2023.

The *City of Staunton Comprehensive Plan, 2018-2040*, Future Land Use Map, designates this area as Industrial. The area across Bridge Street is designated as High Density Residential but the predominant use of the area is single-family residential. Staff recommends that this entire area be evaluated for a Future Land Use Map designation change during the next Comprehensive Plan update which should begin in 2024.

Attachment:

Attachment 1—Application and Supporting Documents Supplied by the Applicant

Attachment 2—Vicinity Map: 425 Bridge St.

Attachment 3—Current Zoning Map: 425 Bridge St.

Attachment 4—Proposed Zoning Map: 425 Bridge St

Attachment 5—2018 Future Land Use Map: 425 Bridge St.

Recommendation: Staff recommends that Planning Commission recommend approval of the requested rezoning.

Suggested Motion: "On the basis that it would serve the interests of public necessity, convenience, general welfare, and good zoning practice, I move that Planning Commission recommend approval of a rezoning of 425 Bridge Street from I-2, Heavy Industrial District, to R-3, Medium Density Residential District.



APPLICATION FOR ZONING
CLASSIFICATION CHANGE-
REZONING

Applicant: Michael A Beck Date: 07/21/2022

Address: 425 Bridge St, Staunton, VA 24401

Telephone #s: Primary: 331643 9987 Secondary: " "

Email address: mbeck850@gmail.com

If the applicant is NOT the owner of the property in question, explain. A copy of a pending contract or option agreement shall be attached hereto and made a part of this application.

Name of person to be notified in addition to the applicant and/or property owner:

Name: _____

Address: _____

Phone #: N/A

Email address: _____

Location of property: 425 Bridge St. Staunton, VA 24401

Legal description of property: Single Family Home

Purpose of request: Zoning Classification change to reflect actual use of home/property.

Map Provided: YES ☒ NO ☐

Ordinance provided: YES N/A NO ☐

**An electronic copy, in word document format is required to be emailed to Planning Office.*

Present zoning classification of property: I-2

Requested zoning classification: B-3 Medium Density Residential

List permits pending approval of this rezoning: Building, Electrical, Plumbing

Fee Paid (\$250) YES ☐ NO ☐ *check or cash only

Signature of applicant: Mike Beck
(Owner / Agent)

ZoningMap

Special Use Permit

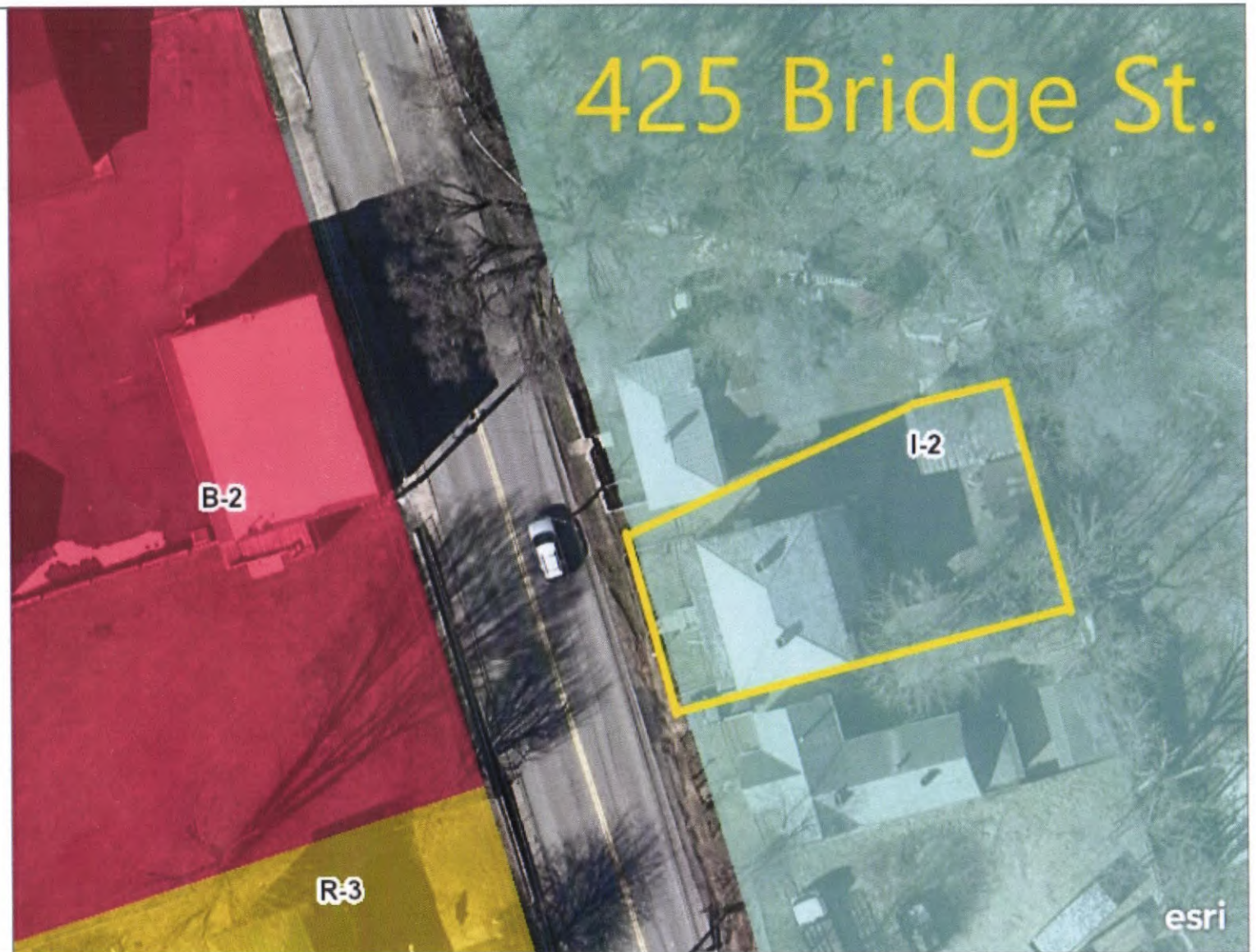


Conditional Rezoning



Zoning Map

-  B-1
-  B-1(conditional)
-  B-2
-  B-2(conditional)
-  B-3
-  B-5 outline
-  HE-1
-  I-1
-  I-1(conditional)
-  I-2
-  I-2(conditional)
-  I-3(conditional)
-  P-1
-  P-1(conditional)
-  R-1
-  R-2
-  R-2(conditional)
-  R-3
-  R-3(conditional)



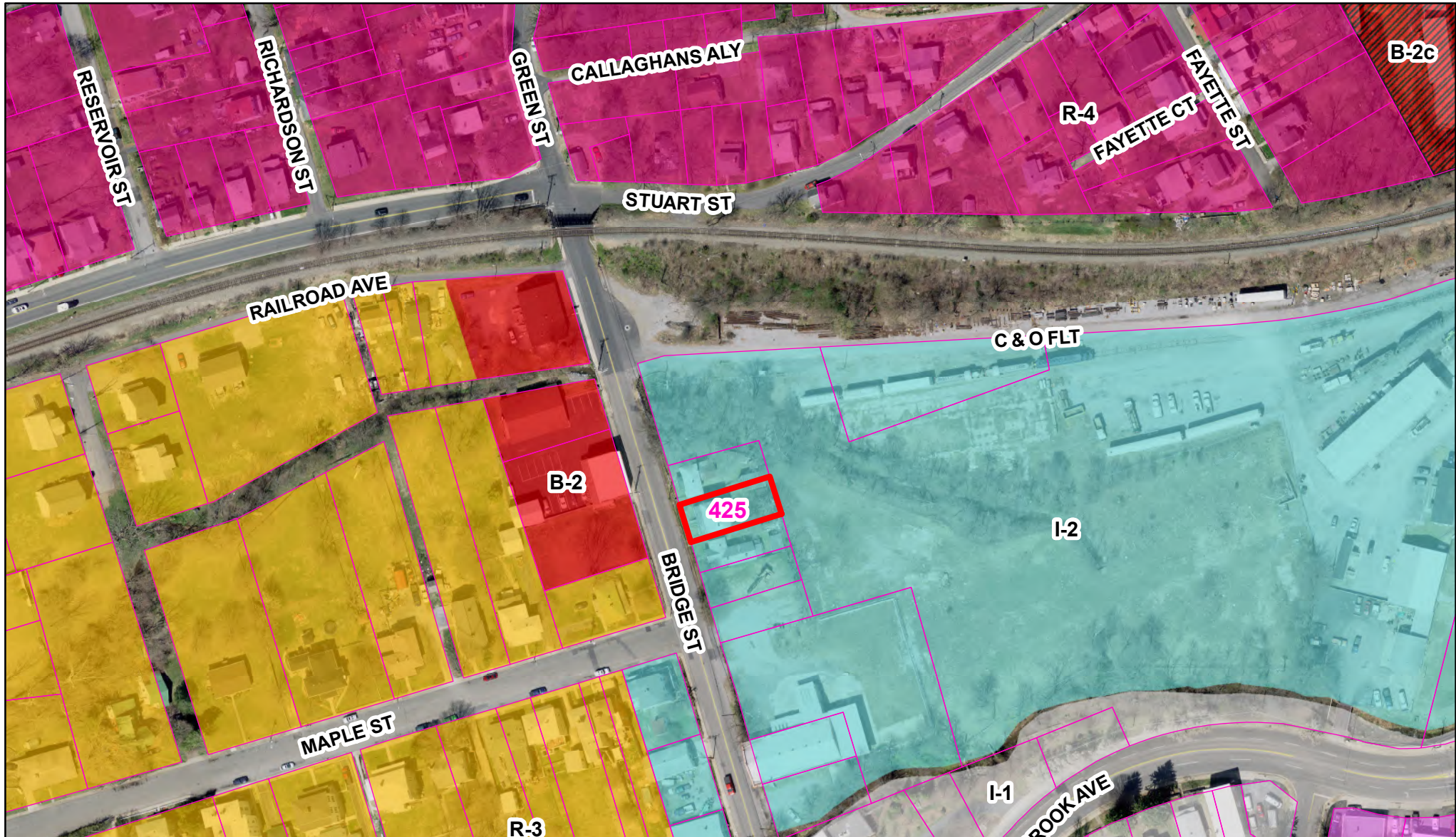
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Vicinity Map: 425 Bridge St



Current Zoning: 425 Bridge St

Attachment 3

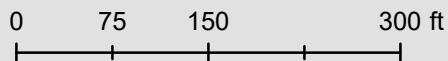


Zoning

B-1	B-3	I-1(conditional)	P-1(conditional)	R-3(conditional)
B-1(conditional)	B-5	I-2	R-1	R-4
B-2	HE-1	I-2(conditional)	R-2	R-4(conditional)
B-2(conditional)	I-1	I-3(conditional)	R-2(conditional)	
		P-1	R-3	

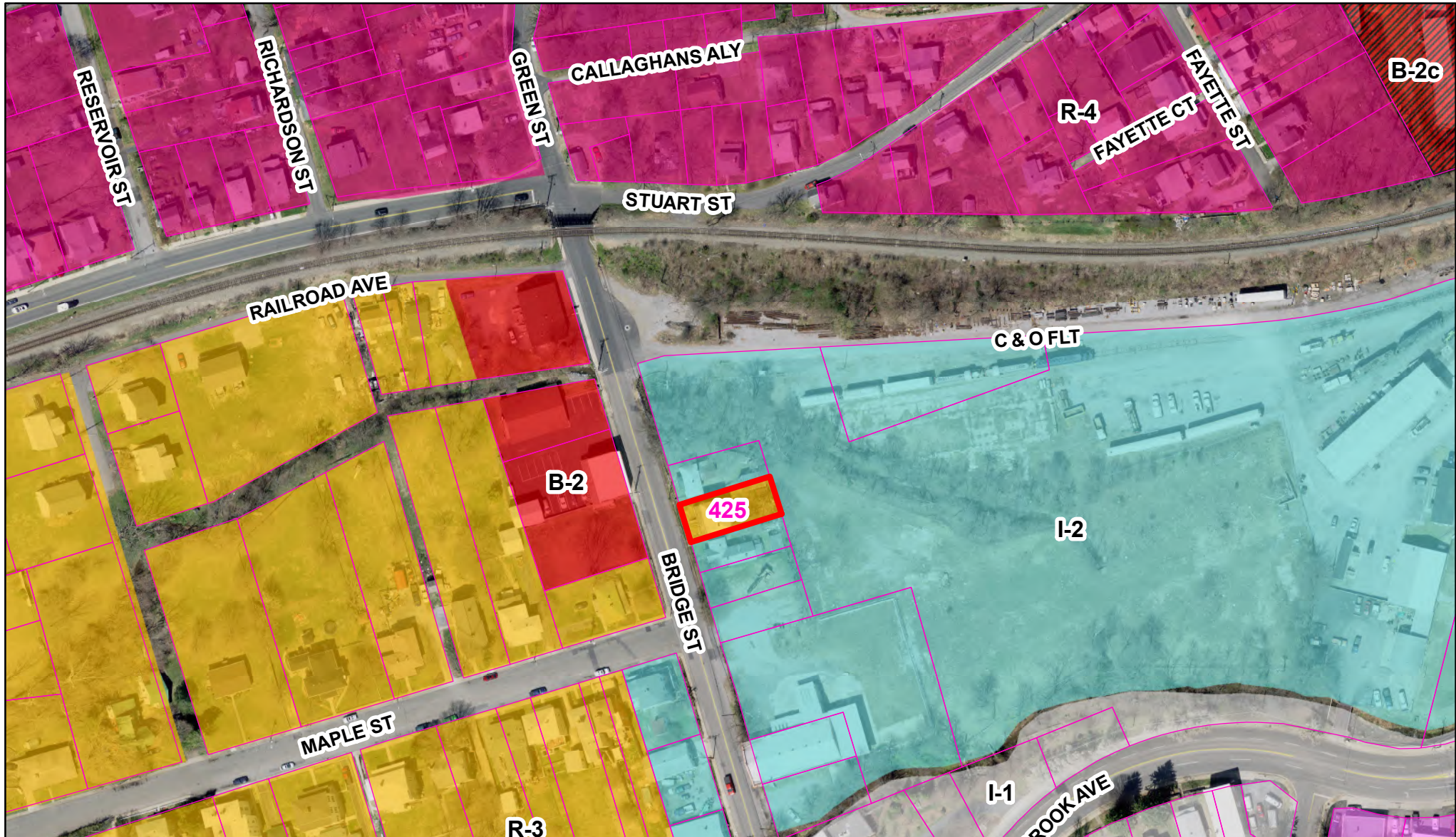
Additional Layers

- Selected Property
- Parcels
- Lots



Proposed Rezoning: 425 Bridge St

Attachment 4



Zoning

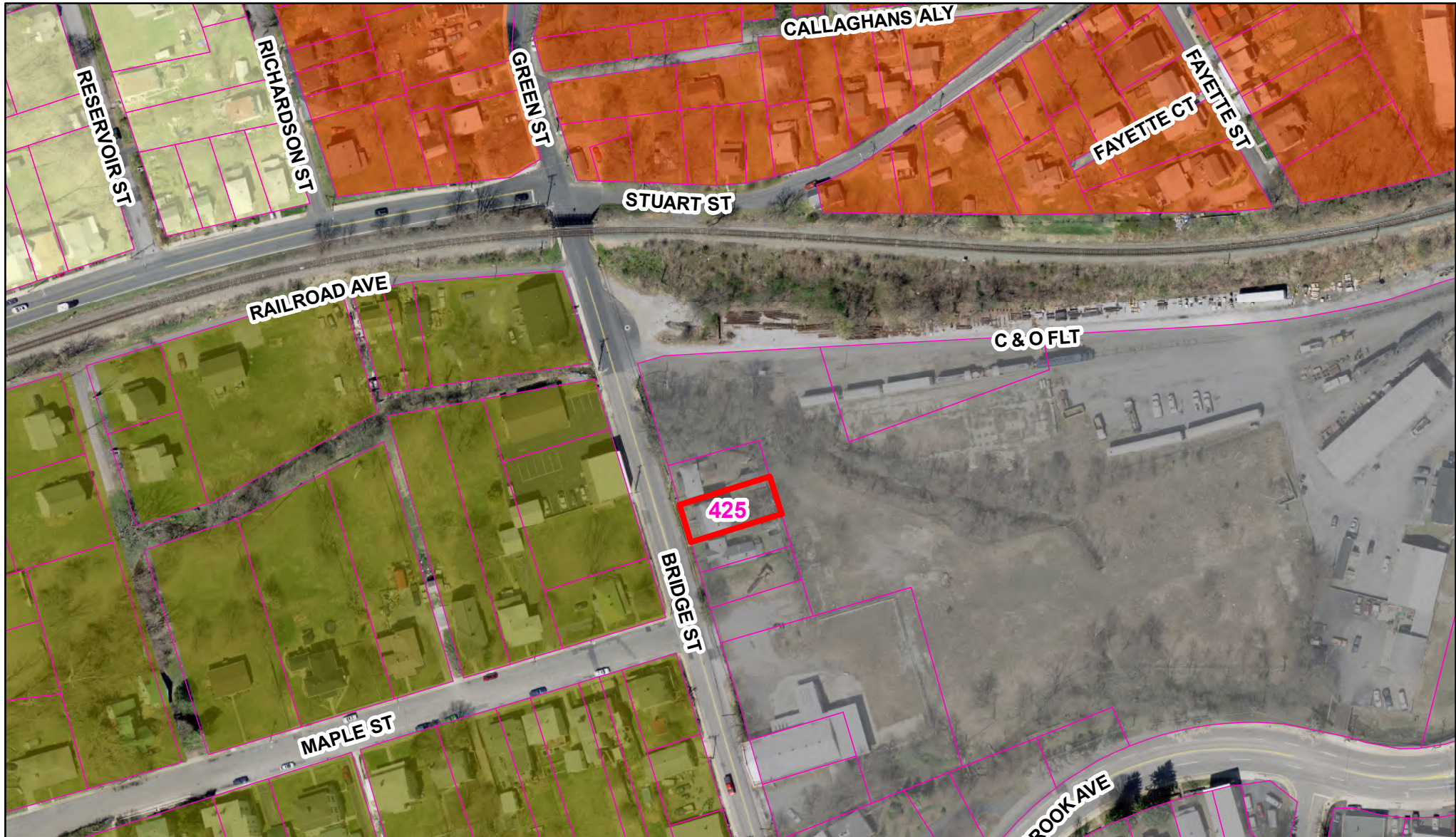
B-1	B-3	I-1(conditional)	P-1(conditional)	R-3(conditional)
B-1(conditional)	B-5	I-2	R-1	R-4
B-2	HE-1	I-2(conditional)	R-2	R-4(conditional)
B-2(conditional)	I-1	I-3(conditional)	R-2(conditional)	
		P-1	R-3	

Additional Layers

- Selected Property
- Parcels
- Lots

Future Land Use: 425 Bridge St

Attachment 5



Future Land Use

- CONSERVATION/RECREATION/OPEN SPACE
- PLANNED FARM DEVELOPMENT
- PUBLIC/SEMI-PUBLIC

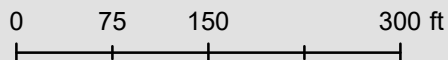
- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- MEDIUM DENSITY PLANNED RESIDENTIAL
- HIGH DENSITY RESIDENTIAL

- TRADITIONAL NEIGHBORHOOD DEVELOPMENT
- LOW DENSITY PLANNED RESIDENTIAL
- NEIGHBORHOOD RESIDENTIAL
- PROFESSIONAL

- PLANNED BUSINESS
- BUSINESS
- PLANNED INDUSTRIAL
- LIGHT INDUSTRIAL
- HEAVY INDUSTRIAL

Additional Layers

- Selected Property
- Parcels
- Lots



**PLANNING
COMMISSION**



AGENDA BRIEFING

Staunton, VA

Meeting Date:	September 15, 2022	Staff Members: Rodney Rhodes Tim Hartless
Item #	3-C	
Ordinance #		
Department:	Community Development – Planning and Zoning	
Subject:	Public Hearing and Consideration of Amendments to Title 18, Zoning, and Title 17, Subdivision, to Reflect the Proper Title of the Administrative Officer	

Background: With the creation of the Community Development Department in January of 2017, the City Code was amended to replace references to the “Director of Planning and Inspections” with the newly created position of “Senior Planner”; however, the Code of Virginia requires the appointment or designation of a zoning administrator to administer and enforce the zoning code. The Code of Virginia notes that the zoning administrator may also hold another office in the locality. It is therefore appropriate that the zoning code only reference a zoning administrator and not the title of another office holder. In a similar fashion, the subdivision code should reference a “Subdivision Agent” that would act on the behalf of City Council in the administrative functions of the subdivision ordinance. Staff proposes amendments to the Title 18, Zoning, and Title 17, Subdivisions, to reflect the proper title of the administrative officer.

Attachment:

Attachment 1—Amendments to Title 17, Subdivisions, and Title 18, Zoning

Recommendation: Staff recommends that Planning Commission recommend approval of the amendments to Title 17, Subdivisions, and Title 18, Zoning.

Suggested Motion: “On the basis that it would serve the interests of public necessity, convenience, general welfare, and good zoning practice, I move that Planning Commission recommend approval of amendments to Title 17, Subdivisions, and Title 18, Zoning.”

Title 17
SUBDIVISIONS*

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17.05.030 Specific definitions.

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For the purposes of this title, the following words and terms shall have the meanings respectively ascribed to them by this section:

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“Subdivision agent” shall mean the representative appointed by city council who is authorized and empowered to administer and enforce the provisions and requirements of Title 17.

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Chapter 17.10
PLATS

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17.10.070 Minor subdivision plats.

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The required number of paper and digital copies of a minor subdivision plat, as set forth herein, shall be submitted to the senior-plannersubdivision agent or designee for approval as follows:

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(2) Plat Approval. A minor subdivision plat shall be reviewed in accordance with the following procedures:

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(a) A minor subdivision plat shall be reviewed by the senior-plannersubdivision agent or designee. Upon the senior-plannersubdivision agent or designee’s determination that the plat is in conformance with the requirements of this title, the senior-plannersubdivision agent or designee shall sign the plat. Approval by the senior-plannersubdivision agent or designee shall have the same force and effect as approval by the city council. Consideration by the planning commission and the city council shall not be required;

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(b) If the senior-plannersubdivision agent or designee determines that the plat does not meet the requirements of this title, the original and one copy of the plat shall be returned to the applicant with a written explanation of the deficiencies;

(c) The plat shall be either approved or the written explanation of deficiencies shall be forwarded to the applicant within 15 regular workdays of the receipt of the plat. The applicant may elect to treat a failure by the senior-plannersubdivision agent or designee to act on the plat within 15 regular workdays of receipt of the plat as a decision denying approval;

(d) An applicant may appeal the decision of the senior-plannersubdivision agent or designee by filing a written request in the office of the clerk of council within 30 days of the decision of the senior-plannersubdivision agent. Upon appeal, the city council shall consider the plat at the earliest possible date and the decision of the governing body shall supersede the decision of the senior-plannersubdivision agent.

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(3) Voidance for Failure to Record. The approved plat shall be recorded in the office of the clerk of the circuit court of the city of Staunton, Virginia, within six months after its approval; otherwise, the approval of the plat shall be deemed to have been withdrawn and such plat shall be marked “void” and returned to the ~~senior planner~~subdivision agent.

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Title 18
ZONING

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Chapter 18.10
DEFINITIONS

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Sections:
18.10.010 General definitions.
18.10.020 “A” definitions.

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18.10.270 “Z” definitions.

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18.10.270 “Z” definitions.

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“Zoning administrator” ~~means the senior planner or the senior planner’s designee shall mean the representative appointed by city council who is authorized and empowered to administer and enforce the provisions and requirements of Title 18;~~ except, however, only the ~~senior planner zoning administrator or the senior planner’s zoning administrator’s~~ specified zoning designee within a particularly prescribed zoning function or area shall be authorized to act to inform any property owner or any other person with an interest in the property that a structure or other aspect or use complies with the zoning code or zoning ordinance provision.

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Chapter 18.15
ZONING DISTRICTS AND MAP

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18.15.020 Zoning map.

The location and boundaries of the zoning districts established by this code are denoted and defined as shown on the map entitled “Zoning Districts of Staunton, Virginia,” adopted November 1, 1969, and certified by the city clerk. The said map, together with everything shown thereon, is hereby incorporated into this title as is fully set forth and described herein.

The zoning map shall be kept and maintained by the ~~building inspector~~zoning administrator and shall be available for inspection and examination by the public at all reasonable times as any other public record.

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Chapter 18.40
R-5 MANUFACTURED HOME PARK DISTRICT

18.40.030 Establishment of district.

(1) Applicants seeking to have an R-5 district established shall apply therefor to the ~~senior planner~~zoning administrator for the city. The application shall include the following:

The ~~senior planner~~zoning administrator may require additional plans if special conditions exist upon the property, such as unusual topography. The applicant is advised to consult with the ~~senior planner~~zoning administrator prior to submitting the request to be certain that all requirements hereunder are made known to the applicant.

(4) If the tract approved for the R-5 designation has not been developed and used for the manufactured home park for a period of two years after approval of the designation, then the underlying zoning district regulations shall apply, unless the owner obtains an extension of time for completion by applying to the planning commission and city council. Such extension may be granted not to exceed two years. If an extension is granted, no further extensions will be considered. The owner of such tract may file a certificate of intent to discontinue the manufactured home park use with the ~~senior planner~~zoning administrator for the city stating the date upon which such use shall terminate. From that date, the underlying zoning district classification regulations shall then apply to said tract. Upon the termination of the district, the ~~senior planner~~zoning administrator shall have the zoning map of the city changed showing the underlying zoning that existed prior to the designation of the R-5 district and all property owners of record in the parcel so affected shall be notified of the change by first class mail.

(5) Only rental spaces or lots shall be permitted in the R-5 district and all uses therein must conform to the specific regulations set forth in this chapter and, as applicable, as generally set forth in this title.

18.40.120 Amendments to site plan.

After approval of the site plan for a manufactured home park, any amendments to said plan or material changes thereto must be submitted to the ~~senior planner~~zoning administrator with the information as required by SCC 18.40.030. The process for approval or not of this amendment or change shall be the same as set forth in the aforesaid SCC 18.40.030.

Chapter 18.45
R-6 MANUFACTURED HOME SUBDIVISION

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18.45.030 Establishment of district.

(1) Applicants seeking to have an R-6 district established shall apply therefor to the ~~senior~~
~~planner~~zoning administrator for the city. The application shall include the following:

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Chapter 18.70

B-4 CULTURAL AND RECREATIONAL PLANNED BUSINESS DISTRICT

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18.70.050 Procedure.

(1) All applications made hereunder shall be in accordance with Chapter 18.210 SCC, except as specifically modified herein. The application shall contain the documents required by SCC 18.70.030. The ~~senior planner~~zoning administrator shall obtain written comments on the proposed application from the fire department, health department, director of public works, recreation department, and building official and submit these with the application. The plot plan shall be prepared by and have the seal of an architect or engineer duly registered to practice in the state of Virginia. The application will not be deemed to be received until all the documentation set forth above has been filed with the ~~senior planner~~zoning administrator.

(2) Upon receipt of the application, the ~~senior planner~~zoning administrator shall follow the procedures set forth in Chapter 18.210 SCC, to ensure that the advertisement and notification requirements of that chapter are met, to effect the necessary public hearings before the planning commission and city council.

(3) The ~~senior planner~~zoning administrator shall also obtain written comments upon the application from the B-4 district advisory board for presentation to the planning commission at or prior to the public hearing to be held upon the application.

(4) After the recommendation of the planning commission upon the application, the ~~senior planner~~zoning administrator shall ensure that advertisement of the public hearing before city council upon the application is accomplished in accordance with this title.

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Chapter 18.83

ENTRANCE CORRIDOR OVERLAY DISTRICT

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18.83.070 Appeals.

(1) Any person aggrieved by any decision of the planning commission may appeal such decision to the Staunton city council; provided, that such appeal is filed in writing in the office of the

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~~director of the~~ city planning and ~~inspections-zoning department division~~, within 30 days from the date of the planning commission decision.

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Chapter 18.85

H-1 HISTORIC PRESERVATION DISTRICT

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18.85.040 Recommendation and designation of historic districts.

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(3) Requirements for Adopting an Ordinance for the Designation of Historic Districts and Historic Properties.

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(d) Recording Requirement for Historic Districts or Historic Properties. Following the creation of each historic district or historic property, a copy of the resolution creating such district or property, and a boundary description of such district, shall be filed by the ~~senior planner~~~~zoning administrator~~ with the clerk of circuit court for the city of Staunton.

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18.85.050 Application to commission for certificate of appropriateness.

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(n) Notwithstanding the foregoing, however, a certificate of appropriateness may be granted for signs by the ~~director of planning-zoning administrator~~ without submission to the commission as a whole unless, in the discretion of the ~~director zoning administrator~~, the application should be reviewed by the whole commission. Appeals from the decision of the ~~director-zoning administrator~~ hereunder shall be processed as set forth in subsection (7)(m) of this section.

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Chapter 18.140

SIGNS, BILLBOARDS, AND OTHER ADVERTISING STRUCTURES

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18.140.040 Business district regulations.

In business districts, the following regulations shall apply:

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(A) No person, firm or corporation shall erect, alter, repair or relocate any sign within the area without first obtaining a certificate of appropriateness from the city's historic preservation commission (HPC) or the senior plannerzoning administrator (in cases where the senior plannerzoning administrator is given authority to issue such certificate without referral to the HPC). A sign permit shall not be required for routine maintenance or a change in copy that results in no alteration to the sign structure.

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(E) No sign otherwise permitted herein, that lies on, over or across any street, road, highway, alley, sidewalk or other public right-of-way may be erected, displayed, constructed, repaired or altered unless the owner obtains a policy of general public liability insurance with a company authorized to do business in the state of Virginia (approved by the city manager). Said policy shall name the city as an "additional insured" and shall protect and hold harmless the city, its agents and employees from and against any suit, action, claim, cause of action, damages, losses, liability and expenses (including without limitation, litigation expenses and attorney's fees) resulting from, arising out of, or incidental to the construction, alteration, reconstruction, maintenance, repair, removal, falling or collapse of the sign. The minimum bodily injury protection in said policy shall be \$300,000 per person and \$600,000 per occurrence, and the minimum property damage protection in said policy shall be \$150,000 per occurrence. Said policy shall contain a provision that the policy shall not be canceled or changed unless the city is given 30 days' notice prior to said cancellation or change. Failure to maintain the policy in full force and effect shall be due cause for the city, acting through its senior plannerzoning administrator, to order removal of such projecting sign immediately.

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(F) The senior plannerzoning administrator may remove any sign in violation of the requirements of this chapter, not removed by the owner after notice to do so by the senior plannerzoning administrator, and shall impound the sign within 24 hours of such removal. The senior plannerzoning administrator shall notify the owner and the business subject of said sign in writing, if ownership is readily determinable, of the location at which the sign is being stored and of the owner's right to retrieve the sign upon payment of the impound fee (\$100.00), plus a storage fee (\$10.00) per day for each day or fraction of a day of storage. If the owner of the sign in violation cannot be readily ascertainable, the business, subject of said sign, shall be so notified. Signs not so retrieved within a period of 30 days of the mailing of such notice may be destroyed by the city, and the impound fee and storage charge may be recovered against the owner of the sign and the business subject of said sign, jointly and severally.

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(v) Permit/Certificate of Appropriateness.

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(A) The application for a certificate of appropriateness (required by subsection (3)(d)(iv)(A) of this section) shall contain (1) the location of the sign structure, (2) the name and address of the owner of the sign and of the person, firm or corporation of the sign contractor (if any), (3) a drawing showing the design and copy to be displayed upon the sign, and (4) such other information as the senior plannerzoning

~~administrator~~ and/or the building official may require to ensure compliance with this code and/or other ordinances of the city. The application shall be made to the ~~senior planner~~zoning administrator.

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(xiii) Enforcement of Chapter.

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(A) The zoning administrator ~~and/or the senior planner~~ is hereby authorized and directed to enforce all of the provisions of this chapter. Upon presentation of proper credentials, the zoning administrator or the administrator's duly authorized representative may enter, at reasonable times, any building, structure, or premises in the city to perform any duty imposed upon them by this chapter.

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(xiv) Appeals. Any person, firm, or corporation aggrieved by any decision made hereunder by the historic preservation commission or the ~~senior planner~~zoning administrator or the zoning administrator, may, within 30 days of the action or decision giving rise to such complaint, appeal the same in writing to the council for the city of Staunton. Such complaint shall be heard by said council within 30 days of receipt by the clerk of council. A copy of the written appeal shall also be mailed or delivered to the ~~senior planner~~zoning administrator at the same time the appeal is made to city council.

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Chapter 18.170 FLOODPLAIN DISTRICTS AND REGULATIONS

18.170.030 Penalty for violations.

(1) Any person who fails to comply with any of the requirements or provisions of this chapter, or directions of the ~~-zoning administrator~~floodplain administrator, or any authorized employee of the city of Staunton pursuant to this chapter, shall be subject to the penalties as set forth in Chapter 18.225 SCC for violation.

18.170.040 Definitions.

(4) "The Staunton board of zoning appeals" means the board appointed to review appeals made by individuals with regard to decisions of the ~~administrator~~floodplain administrator in the interpretation of this chapter.

(9) "Flood insurance rate map (FIRM)" means an official map of a community, on which the ~~administrator~~floodplain administrator has delineated both the special hazard areas and the risk

premium zones applicable to the community. A FIRM that has been made available digitally is called a digital flood insurance rate map (DFIRM).

...

18.170.050 Establishments of zoning districts.

...

(3) Official Zoning Maps. The boundaries of the floodplain districts are established as shown on the flood boundary and floodway map and/or flood insurance rate map which is declared to be part of this chapter and which shall be kept on file at the office of the ~~zoning administrator~~floodplain administrator of the city of Staunton.

...

(5) Interpretation of District Boundaries. Initial interpretations of the boundaries of the floodplain districts shall be made by the ~~administrator~~floodplain administrator. Should a dispute arise concerning the boundaries of any of the districts, the Staunton board of adjustment shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the board and to submit his own technical evidence if he so desires.

Chapter 18.175
LANDSCAPING AND SCREENING

...

18.175.040 Procedure and administration.

(1) The plans required to be submitted hereunder shall be submitted by the owner and the developer of the particular property involved to the ~~senior planner~~zoning administrator for the city. Said ~~senior planner~~zoning administrator shall be responsible for the receipt and processing of such applications and shall have the authority to approve or disapprove such plans. Said ~~senior planner~~zoning administrator is hereby designated as the agent of the city for such purposes. If the ~~senior planner~~zoning administrator disapproved the plan, the ~~senior planner~~zoning administrator shall promptly notify the applicant and set forth the reasons why the plan was disapproved and, if necessary, suggestions as to corrections.

...

Chapter 18.195
ORGANIZATION
ADMINISTRATION AND ENFORCEMENT

Sections:

18.195.010 ~~Administrative officer~~Designation of zoning administrator; Powers and duties; Authority.

18.195.020 Board of zoning appeals.

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18.195.030 Planning commission.

18.195.040 Payment of delinquent taxes required.

18.195.010 ~~Administrative officer~~ Designation of zoning administrator; Powers and duties; Authority.

~~(1)~~ The provisions of this title shall be administered by the ~~senior planner~~ zoning administrator or designee as zoning administrator who shall be appointed by city council and is authorized and empowered on behalf of and in the name of the city council to administer and enforce the provisions and requirements of this title.

~~(2)~~ The zoning administrator may also hold another office for the City of Staunton.

~~(3)~~ The zoning administrator shall have all necessary authority on behalf of the city council to administer and enforce this title. This authority includes, but is not limited to:

~~(a)~~ Interpreting this title and the official zoning map;

~~(b)~~ The ordering in writing of the remedying of any condition found in violation of this title;

~~(c)~~ Insuring compliance with this title, bringing legal action, including injunction, abatement, or other appropriate action or proceeding, subject to appeal pursuant to Section 15.2-2311 of the Code of Virginia; and

~~(d)~~ In specific cases, make findings of fact and, with concurrence of the city attorney, conclusions of law regarding determination of rights regarding vested rights and nonconforming uses in accordance with Section 15.2-2307 or subsection C of Section 15.2-2311 of the Code of Virginia.

~~(1e)~~ Issuing and renewing where applicable all temporary use permits and make and maintain records thereof.

~~(2f)~~ Maintaining and keeping current zoning maps and records of amendments thereto.

~~(3g)~~ Conducting inspections as prescribed by this title and such other inspections as are necessary to ensure compliance with the various provisions of this title.

~~(4h)~~ In addition to any other site plan requirement established in the city code, as may be determined necessary, requiring a site plan to be filed in order to demonstrate compliance with all provisions of this title.

~~(5i)~~ Taking such other action as may be authorized by law.

~~(4)~~ The zoning administrator shall respond within ninety (90) days of a request for a decision or determination on zoning matters within the scope of his authority unless the requester has agreed to a longer period.

~~(5)~~ The zoning administrator is vested with all necessary authority on behalf of the city council to administer and enforce conditions attached to a rezoning, an amendment to a zoning map, or a special use permit in the same manner as described above for any violation of this title.

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(6) Failure to comply with Title 18 shall constitute cause for the zoning administrator to deny the issuance of any of the required use, occupancy, or building permits as may be appropriate.

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