



TOWN COUNCIL & PLANNING COMMISSION JOINT WORK SESSION MINUTES

Monday, June 30, 2014 @ 7:00pm
Front Royal Administration Building

1. Town Code Ordinance Amendments

Mayor Darr expressed his appreciation to Mr. Gushee for his work with the Planning Commission during his tenure these years and thanked him for his work. Mr. Gushee gave a synopsis of the changes to the Code that the Planning Commission has been working on during this time. Mr. Camp noted that this was an extended clean up that they have worked on for some time.

a. Review of Chapter 156 - Urban Forestry

Mr. Camp stated the purpose and intent, including the increased canopy cover that the Tree Stewards and UFAC recommended. He noted the reasoning and rationale for switching the "MANDATORY" Tree Stewards and UFAC wording to "RECOMMENDED". Mr. Camp stated the references to Heritage, Memorial and Specimen trees and how UFAC would manage said programs. He added that it could be expanded to include private property as well if it was submitted by the property owner. Mr. Camp clarified that it was only a recognition program and it only discouraged removal, it was not set in stone.

Mr. Camp clarified the duties of the Urban Forestry Advisory Committee (UFAC), including that they would review plans as needed. He noted that they would not be delaying plans or approvals due to the reviewing of plans.

Councilman Tewalt noted that the Town was too rigid with the trimming of trees and the Town needed to be more lenient with the trimming. He stated that the Town needed to be much more flexible rather than be so stringent with the rules and regulations in the trimming and landscaping measures in force. Mr. Tewalt expressed concern with easements in place for planted trees on a piece of property listed in the suggested Code amendments. He asked for clarification. Councilman Sayre suggested some balance within the two matters, between a valuable parcel of land for example, versus a tree in place.

Mr. Camp reassured Councilman Tewalt that the Code lists that Council has the authority to overrule the recommendation of UFAC at any time. He noted that the requirement for an easement for a through street for example, where vegetation is planted for a screen, though when the first year is over the Town has no authority in place to ensure that they do not cut down the tree after a years time. He noted that the easement assists with that matter, and the property owner maintains the property and the trees in place, not the Town. Mr. Camp added that the updates to the Code puts more of a burden on the property owner to maintain the parcel of land to the Town's appropriate standards.

Mr. Napier noted that it is his understanding that the Town does not need to maintain the maintenance on the property it just allows the Town to enter onto the property. Councilman Tewalt just asked that the Staff ensure that the Town is not responsible for the maintenance of the property. Those present attempted to explain the landscaping easement to Mr. Tewalt

to ensure him that the authority of the Town is about making certain that the landscaping is in place correctly. Mr. Kline suggested that the Town Attorney review the matter and clarify all legal matters for the Town.

Mayor Darr noted that should a buffer dissipate in a year or two, then the Town has not done their due diligence to ensure that the buffer has remained in place. He stated that the Town has the job to make certain that when they are installed they remain. He noted that the Town should have the right to enter the property to correct the issue if the property owner does not do so, though the Town does not need to bear the expense, they need to bill the property owner. Mayor Darr clarified that the Town Attorney needs to clarify that the Town will not be on the hook for the ongoing maintenance of the property, but only to step in and rectify matters at the last resort, and by billing the property owner.

b. Review of Chapter 175 - Zoning

Mr. Camp stated that there were changes to the definition of FAMILY, noting that the current definition was illegal and restricts people from living together unless they were related by marriage, blood or adoption. Councilman Funk asked if it was reviewed by Mr. Napier, and Mr. Camp noted that it was reviewed by Mr. Sonnett, the Assistant Town Attorney.

Councilman Tewalt asked about the number of people in a single dwelling. Councilman Funk noted that his concern with the definition of family related to the Warren County case regarding the permittal of a short term rentals.

Councilman Sayre expressed his concern with the definition of a family. Councilman Tewalt expressed concern with the Town not enforcing the matters that are currently on the books. Mr. Gushee expressed his disagreement with Mr. Tewalt. Mr. Burke noted that by adopting the legally accepted definition of a "Family" of four people then the Town could then enforce the matter at that time. Mayor Darr stated that the Town can enforce matters if it has the funds to enforce the Code. Councilman Tewalt noted that there is a Code Enforcement Officer on Staff and he should be on the streets daily checking for matters. Mayor Darr clarified that Mr. Tewalt's complaints were not what they were there to discuss this evening and could be addressed by the Town at a later time by Staff and Council.

Mr. Camp noted that since Mr. Seal has been hired the Code Enforcement matters have been taken very proactively. Mayor Darr noted that Mr. Napier would check the legal definition of "Family" for the purpose of the Town Code.

Mr. Camp reviewed accessory building measure limitations within a lot. Mayor Darr asked about pre-manufactured accessory buildings. Mr. Camp stated that it does. Councilman Sayre asked about the barns and silos listed. Mr. Camp noted that they can build those structures, though there were limitations on size and it could go in place before the house was in place. Mr. Camp explained the accessory use dwelling units (in-law type suites).

Councilman Funk asked about childcare uses. Mr. Camp stated that most was mainly via special use permits, except for small babysitting uses.

Councilman Tewalt expressed concern that an alley not be used as a single family home entrance rather than a driveway. Mr. Tewalt asked that an alley never be used as the main entrance to a dwelling unit or structure. Mayor Darr noted that Overlook Drive has an issue with an alley entrance for example, though the Town is not to be responsible for those alleyways for constant entry, as they need to use the front entrance.

c. Overview of Chapter 148 – Subdivision & Land Development

Council discussed the timelines for review. Mr. Camp stated that some were State requirements. Councilman Tewalt clarified that the document had changed since 2011. Mr. Camp stated that was correct, it had been updated on numerous occasions.

Present: Mayor Darr, Councilman Hrbek, Councilman Sayre, Councilman Tewalt, Vice Mayor Parker, Councilman Funk; **Planning Commission:** Mr. Gushee, Mrs. Langfitt, Mr. Kline, Mr. Ballentine, Mr. Williams, Mr. Jones; **Staff:** Mr. Camp, Mrs. Berry, Mr. Burke, Mr. Napier, Mr. Merchant; Members of the press and public.

Absent: Councilman Tharpe