

DAMASCUS TOWN COUNCIL
Town Council and Planning Commission
Special Called Meeting and Joint Public Hearings
Minutes for March 9, 2016

Council Members Present: Tim Williams, Mitchel Greer, Shirley Brand, Susan Seymore, Melissa Barrett, and Tom Hayes

Planning Commission Members Present: Jim Cartwright, Caitlyn Kelley, Joy Rowe, Denise Lowe, Gino Di Dio, Brian Schmitt, and Dave Donovan

Also Present: Jack McCrady, Mayor
Tuesday Pope, Town Clerk

Gavin Blevins, Town Manager
Thomas Dene, Town Attorney

7:00pm: Mayor McCrady called the meeting to order and opened a joint public hearing regarding a proposed ordinance to amend Section 16.3 of the Zoning Ordinance of the Town of Damascus, Virginia to increase the application fee for conditional use permits from \$75.00 to \$125.00, which fees the Town is authorized to charge pursuant to Section 15.2-2286 of the 1950 Code of Virginia, as amended. The proposed fee increase will partially defray the advertising costs associated with the review and processing requirements for each application.

There were no public comments to be heard.

At 7:06pm Mayor McCrady closed the Public Hearing.

The Planning Commission members met, and it was their unanimous recommendation that the Council adopt the proposed fee increase for conditional use permit applications.

7:15pm: Mayor McCrady called the meeting to order and opened a joint public hearing regarding a proposed ordinance to amend Section 7.2 of the Zoning Ordinance of the Town of Damascus, Virginia to prohibit property owners in the Town's commercial districts from permanently boarding up windows pursuant to the Town's authority to regulate and zone buildings under Chapter 22 of Title 15.2 of the 1950 Code of Virginia, as amended.

There were no public comments to be heard.

At 7:23pm Mayor McCrady closed the Public Hearing.

The Planning Commission members met, and it was their unanimous recommendation that the Council adopt the proposed Zoning Ordinance Amendment.

- Mr. Williams made a motion to adopt the proposed amendment to Section 16.3 of the Zoning Ordinance of the Town of Damascus, as presented. Ms. Brand 2nd the motion, which passed (6-0).

Town of Damascus, Virginia
Ordinance Amending Section 16.3 of the Zoning
Ordinance of the Town of Damascus, Virginia

Whereas, on Wednesday, March 9, 2016 the Town Council and Planning Commission of the Town of Damascus, Virginia conducted a public hearing regarding the proposed recommendation and adoption of this Ordinance; and

Whereas, notice of such public hearing was published in the Washington County News, a newspaper of general circulation in the Town of Damascus, Virginia, on February 24, 2016 and March 2, 2016; and

Whereas, following said public hearing the Damascus Planning Commission conducted a meeting at which a motion was made and passed to recommend to the Damascus Town Council that this Ordinance be adopted to amend the Zoning Ordinance of the Town of Damascus, Virginia; and

Whereas, the Town Council of the Town of Damascus is of the opinion and does hereby find:

- a. this Ordinance is in agreement with the Damascus Comprehensive Plan;
- b. the legal purposes for which zoning exist are not contravened by this Ordinance;
- c. there will not be an adverse effect from this Ordinance upon adjoining property owners unless such adverse effect is justified by the overwhelming public welfare; and
- d. no property owner of small group of property owners will benefit materially from this Ordinance to the detriment of the general public; and

NOW, THEREFORE, be it hereby ORDAINED that Section 16.3 of the Zoning Ordinance of the Town of Damascus, Virginia is amended to provide as follows with deletions indicated by strikethrough and new language indicated by underscore:

Sec. 16.3. - Application for conditional use permit. (See appendix.)

The application for a conditional use permit shall be made by the property owner or his designated agent, and filed in writing with the board of zoning appeals and shall contain information and exhibits as may be required by the board. Not more than 60 days after filing such applications, a hearing shall be held on the application. Notice of the hearing shall be in accordance with Code of Virginia, § 15.2-2204. A fee of \$1275.00 payable to the

Town of Damascus shall be charged to partially defray costs of review and processing for each application for a conditional use permit, except that the fee shall be waived for any governmental agency. Upon favorable review, the zoning administrator shall issue a use permit and certificate of occupancy to the applicant as specified in article 4.

This ordinance shall become effective upon adoption.

CERTIFICATION

I hereby certify that I am the Clerk of the Town of Damascus, Virginia and that the foregoing is a true and correct copy of an ordinance duly adopted at a regularly scheduled meeting of the Town Council of the Town of Damascus, Virginia held on the 9th day of March, 2016, at which meeting quorum was present. The Town Council voted as follows:

Member:	Attendance:	Vote:
Ms. Barrett	present	yea
Ms. Brand	present	yea
Mr. Greer	present	yea
Mr. Hayes	present	yea
Ms. Seymore	present	yea
Mr. Williams	present	yea

Given under my hand and the seal of the Town of Damascus, Virginia this 9th day of March, 2016:

V. Tuesday Pope (SEAL)
V. Tuesday Pope, Clerk
Town of Damascus, Virginia

- Mr. Greer made a motion to adopt the proposed amendment to Section 7.2 of the Zoning Ordinance of the Town of Damascus, as presented. Mr. Hayes 2nd the motion, which passed (6-0).

Town of Damascus, Virginia
Ordinance Amending Section 7.2 of the Zoning
Ordinance of the Town of Damascus, Virginia

Whereas, on Wednesday, March 9, 2016 the Town Council and Planning Commission of the Town of Damascus, Virginia conducted a public hearing regarding the proposed recommendation and adoption of this Ordinance; and

Whereas, notice of such public hearing was published in the Washington County News, a newspaper of general circulation in the Town of Damascus, Virginia, on February 24, 2016 and March 2, 2016; and

Whereas, following said public hearing the Damascus Planning Commission conducted a meeting at which a motion was made and passed to recommend to the Damascus Town Council that this Ordinance be adopted to amend the Zoning Ordinance of the Town of Damascus, Virginia; and

Whereas, the Town Council of the Town of Damascus is of the opinion and does hereby find:

- a. this Ordinance is in agreement with the Damascus Comprehensive Plan;
- b. the legal purposes for which zoning exist are not contravened by this Ordinance;
- c. there will not be an adverse effect from this Ordinance upon adjoining property owners unless such adverse effect is justified by the overwhelming public welfare; and
- d. no property owner of small group of property owners will benefit materially from this Ordinance to the detriment of the general public; and

NOW, THEREFORE, be it hereby ORDAINED that Section 7.2 of the Zoning Ordinance of the Town of Damascus, Virginia is amended to provide as follows with deletions indicated by strikethrough and new language indicated by underscore:

Sec. 7.2. - Commercial districts.

The commercial districts established by this ordinance are designed to promote and protect the health, safety and general welfare by encouraging the following goals for growth:

- a. Provide sufficient space for the many and diverse types of commercial activity needed to serve the people and industry of Damascus;

- b. Promote the improvement and orderly growth of the existing well-located commercial centers;
- c. Protect adjacent residential and recreational areas from offensive and detrimental influences; and
- d. Promote the most efficient and desirable land use.

7.2-1. *C-1 core commercial district.* This district is designed to provide for a wide range of retail, office, and service uses normally found in a central business district. High intensity of use is permitted in this district, and increased building bulk is provided as a means of encouraging such development. This district is intended to be designed in a manner conducive to and safe for a high volume of pedestrian traffic.

7.2-2. *C-2 general commercial district.* This district is designed to provide adequate space in appropriate locations for the establishment of a wide variety of uses including commercial trades and services, entertainment facilities, offices and establishments engaged in wholesale trade. Since these activities tend to generate relatively large volumes of traffic and have other characteristics detrimental to residential districts, their locations should be removed from the proximity of residential districts as much as possible.

7.2-3. It shall be unlawful for any real property owner, tenant, or other person to permanently board up any window in any building in the C-1 core commercial district or C-2 general commercial district.

This ordinance shall become effective upon adoption.

CERTIFICATION

I hereby certify that I am the Clerk of the Town of Damascus, Virginia and that the foregoing is a true and correct copy of an ordinance duly adopted at a regularly scheduled meeting of the Town Council of the Town of Damascus, Virginia held on the 9th day of March, 2016, at which meeting quorum was present. The Town Council voted as follows:

Member:	Attendance:	Vote:
Ms. Barrett	present	Yea
Ms. Brand	present	Yea
Mr. Greer	present	Yea
Mr. Hayes	present	Yea
Ms. Seymore	present	Yea
Mr. Williams	present	Yea

Given under my hand and the seal of the Town of Damascus, Virginia this 9th day of March, 2016:

V. Tuesday Pope (SEAL)
 V. Tuesday Pope, Clerk
 Town of Damascus, Virginia

- Ms. Brand made a motion to adjourn, 2nd by Mr. Williams; the motion passed (6-0).