

**TOWN OF DAYTON
PLANNING COMMISSION MEETING
COUNCIL CHAMBERS – DAYTON TOWN HALL
Thursday, February 16, 2023
6:00 PM**

AGENDA

- 1) Call to Order, Welcome & Invocation
- 2) Approval of Minutes from the Regular Meeting of January 19, 2023.
- 3) Item for Discussions:
 - a) Review Capital Improvement Program for Recommendation to Dayton Town Council
 - b) Changes to the Subdivision and Zoning Ordinance Related to Sidewalks, Driveways, and Stormwater
 - c) Zoning Fees
- 4) Unfinished Business
- 5) New Business
- 6) Public Comment
- 7) Adjournment

**TOWN OF DAYTON
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS, DAYTON TOWN HALL
January 19, 2023**

COMMISSION MEMBERS PRESENT: Chair Hunter Barnett, Bradford Dyjak, and Aaron Swindle. Colton Shifflett arrived at 6:07 p.m.

COMMISSION MEMBERS ABSENT: Vice Chair Lauren Rawley.

ALSO PRESENT: Community Development Coordinator and Town Clerk Christa Hall.

CALL TO ORDER: Chair Hunter Barnett called the meeting to order at 6:00 p.m., welcomed guests and led the invocation.

APPROVAL OF MINUTES: Chair Barnett asked if everyone had reviewed the minutes from the Planning Commission meeting of November 17, 2022. Commission Member Dyjak made a motion to approve the minutes from the November 17, 2022, meeting as written. The motion was seconded by Commission Member Swindle and passed unanimously by a vote of 3-0.

COMPREHENSIVE PLAN REVIEW UPDATE: Chair Barnett asked Community Development Coordinator Hall for a staff update. CDC Hall stated that the Commission had received the latest draft of the Comp Plan. She stated that VDOT has formally reviewed and accepted the Transportation Chapter. They had one recommendation: to add a map with the Town's bridges and culverts. Staff spoke with CSPDC staff and agreed to recommend to the Commission that we not include any additional maps as this information is already contained in the Plan in the form of a table. The Commission agreed with the staff's recommendation. Ms. Hall stated that she had received some updates from Commission Member Lauren Rawley and asked if the Commission had any additional updates. Commission Member Dyjak stated that he would likely have a few minor edits. Ms. Hall asked that all revisions be given to her by Monday, January 23rd to give staff time to finalize the draft so that it will be complete for public review when the Joint Public Hearing is advertised. The Commission will hold a Joint Public Hearing with the Town Council on February 13, 2023, at 5:30 p.m., prior to Council's regular meeting, and will be followed by a Special Called Meeting to discuss and make a recommendation to the Town Council that they adopt the 2022 Comprehensive Plan.

REVIEW OF SUBDIVISION ORDINANCE AND ZONING & SUBDIVISION FEES: Chair Barnett stated that the next item on the agenda was to review and discuss the subdivision ordinance and associated fees. He asked Community Development Coordinator Hall for a staff report. Ms. Hall stated that as the Town anticipates some possible subdivision requests to be forthcoming, and pursuant to the Commission's request, now is a good time to review the subdivision ordinance. The Town Attorney drafted proposed changes to the Sidewalk Standard

and the Driveway/Parking Standard for the Commission to review. Ms. Hall also recommended that we include some language about standards for stormwater drainage fields and general maintenance and upkeep of public facilities. She also recommended that the Commission consider language to allow the Town to require bonds to insure that all subdivision standards are met. After much discussion, the Commission advised staff on some additional revisions that they would like to see in the Subdivision and Zoning Ordinances. Staff will work with the Town Attorney to bring back some revisions at the February 16, 2023 meeting. Specific items for review and discussion, in addition to those already mentioned, would be expanding the sidewalk requirement, ensuring compliance with ADA and VDOT standards, and considering the possibility of requiring a buffer zone between the street and the sidewalk, as well as requiring sidewalks on both sides of the street. They wanted to explore ensuring that the Town Code allows for compliance with County requirements. The Commission also discussed exploring the requirement of green space and beautification standards.

Finally, CDC Hall discussed the Town's zoning fees and asked for the Commission's feedback on including those fees in the Town's fee schedule. She stated that the fees have been the same for some time and with the rising costs of the required advertising, those fees typically were not enough to cover the advertisements. The Commission asked Ms. Hall to poll the other localities to see what their fees were and bring that information back to the Commission in February. The fee schedule would be reviewed and discussed as part of the upcoming budget cycle.

UNFINISHED BUSINESS: None.

NEW BUSINESS: None.

PUBLIC COMMENT: No formal comment was made. However, Town resident Bill Bray attended the meeting and asked some questions and provided some input.

ADJOURNMENT: With there being no further business to come before the Planning Commission, Commission Member Dyjak made a motion to adjourn and was seconded by Commission Member Swindle and passed unanimously. Meeting adjourned at 7:08 p.m.

Respectfully Submitted.

Chair Hunter Barnett

Town Clerk, Christa Hall

Planning Commission Meeting Staff Report February 16, 2023

1. Subdivision/Zoning Ordinance Changes

Staff has worked with the Town Attorney to present a draft resolution recommending certain changes to the subdivision and zoning ordinances related to sidewalks, driveways, and stormwater. Draft resolution is included in the agenda packet. Proposed additions are shown with underlines and proposed deletions are shown with strikethroughs. And side notes are included with the Attorney's notes. The proposed changes are intended to capture the desires of the Commission most accurately. Additional items to note:

- VDOT has guidelines and requirements as to sidewalks; the proposed wording would require that sidewalks be constructed to those standards.
- Dayton's subdivision ordinance states that the subdivision must comply with County stormwater requirements. E&S, fire code, and other requirements administered by the County are separate enough from subdivision authority that the Attorney would prefer letting the County administer and enforce those without Town involvement.
- As to the discussion on greenspace requirements, this cannot be included in subdivision context. It could potentially be done through re-zoning (by voluntary proffers).
- As for stormwater regulations, the County administers stormwater regulations, and we will defer them. However, the Attorney added some additional standards to the current ordinance and included the turnover requirement to an HOA at the 75% buildout completion point for residential subdivisions containing 3 or more lots.

Action desired from the Planning Commission: Discuss the proposed changes and direct staff on any edits and bring back to the PC. And/or, if it is the consensus of the Commission to move forward with this, we will need to schedule a Joint Public Hearing with the Commission and Town Council, which could be done at the March 13th 6:00 pm meeting. This would be to hear any public input on the matter. Then the Commission could discuss it at the March meeting and vote on whether or not to adopt the resolution recommending the ordinance to the Town Council. If it is recommended to Council, Council would hear it as an action item on the April meeting agenda.

2. Zoning/Subdivision Fees—Town Comparisons

Bridgewater:

Special Use Permit - \$125

Conditional Use Permit- Same as SUP

Re-Zoning- \$175

Subdivision Plat Review- 1st Submission: \$12.50 per lot (minimum of \$125);

2nd Submission 2x original plat review fee;

3rd Submission: 3x original plat review fee

Zoning Permit Fees \$20

In any case that advertising or other services (such as review by an engineer) are required, those fees are passed along to the applicant as well.

Timberville:

Special Use Permit – \$250.00

Conditional Use Permit -\$250.00

Re-Zoning - \$250.00

Subdivision Plat Review – Preliminary plat: \$200.00 + \$1.00 for each dwelling unit proposed; Final Plat: \$200.00; Vacation of Plat before sale: \$100.00; Vacation of Plat after sale: \$200.00; Lot division/lot line revision: \$20.00

Zoning Permit Fees - \$1.00 per \$1,000 of estimated cost or \$20.00 whichever is greater.

Broadway:

Special Use Permit \$150.00 plus cost of advertising

Conditional Use Permit \$150.00 plus cost of advertising

Re-Zoning \$150.00 plus cost of advertising

Subdivision Plat Review \$200.00

Zoning Permit Fees \$1.00 per 1,000 cost of advertising

Grottoes:

Special Use Permit \$200.00

Conditional Use Permit \$200.00

Re-Zoning \$ 250.00 plus \$10.00 per lot

Subdivision Plat Review \$ 250.00 plus \$10.00 per unit

Zoning Permit Fees \$ 2.50 per 1,000 (\$30.00 minimum)

Action desired from the Commission: Recommend fees—

Special Use Permit \$350.00 plus \$50/additional acre*

Conditional Use Permit \$350.00 plus \$50/additional acre*

Re-Zoning \$350.00 plus \$50/additional acre*

Subdivision Plat Review \$350 plus \$50/additional acre

Zoning Permit Fees \$2.00 per 100 square feet (\$25.00 minimum)

*recommend that advertising costs be passed along to the applicant

Respectively Submitted,



Christa Hall

Community Development Coordinator

**A RESOLUTION RECOMMENDING CERTAIN
CHANGES TO THE SUBDIVISION AND ZONING ORDINANCES
RELATED TO SIDEWALKS, DRIVEWAYS, AND STORMWATER**

WHEREAS, the Town of Dayton, Virginia (the "Town") has a Subdivision Ordinance that regulates the division of land within the Town; and

WHEREAS, the Subdivision Ordinance requires the construction of certain improvements as a condition of subdivision; and

WHEREAS, the Town also regulates the use of land within the Town through its Zoning Ordinance, and the Zoning Ordinance contains certain development requirements that are distinct from, and in addition to, those contained within the Subdivision Ordinance; and

WHEREAS, the Planning Commission of the Town desires to recommend that the Town Council (i) amend the Subdivision Ordinance to require installation of sidewalks under certain circumstances and to add provisions relating to storm drainage, and (ii) amend the Zoning Ordinance to require, after the date of adoption of such amendment, that front and side driveways be constructed of asphalt, concrete, or permeable pavers.

NOW, THEREFORE, BE IT RESOLVED, BY THE PLANNING COMMISSION OF THE TOWN OF DAYTON, VIRGINIA THAT THE FOLLOWING CHANGES TO THE SUBDIVISION ORDINANCE AND ZONING ORDINANCE ARE RECOMMENDED:

1. That Section 20-135 of the Town's subdivision ordinance be amended and re-enacted as follows¹:

Sec. 20-135. - Standards for street construction.

(a) *Design*. All streets must be designed to meet the specifications in the latest edition of the state department of transportation's subdivision street requirements, except the town requires curb, ~~and~~ guttering, and sidewalks on all subdivision streets. On streets with speed limits less than or equal to 40 miles per hour, the curb and guttering shall be of type CG-6, as specified in the department of transportation requirements. On streets with speed limits greater than 40 miles per hour, the curb and guttering shall be of the type specified as CG-7. The subdivision street requirements make use of certain categories of streets, traffic volume, and terrain. The town shall determine which categories apply.

(b) *Sidewalk Specifications*. Concrete sidewalks shall be provided on both sides of all new streets. Furthermore, when a new lot is created that fronts on an existing street, and adjacent property on either side has an existing sidewalk, the applicant shall construct a sidewalk that connects to the existing sidewalk. All sidewalks shall be constructed to the standards specified in the Virginia Department of Transportation's Road Design Manual.

¹ Propose additions to the ordinance are identified by underline. Proposed deletions from the ordinance are identified by strikethrough.

Commented [JB1]: VDOT's width and buffer requirements are the same as those discussed by the planning commission (5 feet width, ADA accessible, 3-foot buffer w/out tree, 6-foot with tree).

One distinction is that Planning Commission had proposed measuring the buffer distance from the front of the curb, whereas VDOT measures the buffer distance from the back of the curb. My suggestion is to be consistent with VDOT.

~~(b)(c)~~ Installation. Subdividers shall be required to install all streets in the subdivision. Installation of all required street signs shall also be the responsibility of the subdivider.

2. That Section 20-138 of the Town's Subdivision Ordinance be amended and re-enacted as follows:

Sec. 20-138. - Standards for drainage.

- (a) *General requirement.* Subdivisions shall be designed in compliance with all Rockingham County stormwater management regulations and requirements, and so as not to cause or permit unreasonable drainage of surface water onto adjoining properties, whether public or private. For purposes of this subsection, the term "unreasonable drainage" means drainage which could potentially cause harm or significant inconvenience and is materially greater than would occur if the subdivided property were left in its undeveloped state. This subsection applies in addition to any other applicable law concerning surface water drainage.
- (b) *Regional drainage systems; designation of land for drainage facilities.* The town will not approve any such drainage facilities unless adequate provisions are made for the maintenance thereof. Where existing storm sewers are reasonably accessible, the proposed subdivision shall connect with such storm sewers. Unless an areawide storm sewer system has been established under section 20-6 and is reasonably available, the subdivider may be required to designate certain areas of the subdivision or other land for detention ponds of other drainage facilities designate land and install reasonable and necessary drainage facilities, located on or outside the property limits of the land owned or controlled by the subdivider or developer but necessitated or required, at least in part, by the utility needs of the development or subdivision, including reasonably anticipated capacity, extensions, or maintenance considerations of a utility service plan for the service area. Such subdivider or developer shall be entitled to reimbursement of a portion of its costs by any subsequent subdivider or developer that utilizes the installed facilities. The subdivision agent is authorized to adopt and implement reasonable policies and procedures relating to connection and required reimbursement. The town will not approve any such drainage facilities unless adequate provisions are made for the maintenance thereof.
- (c) *General standards.* All drainage facilities shall be designed to drain foreseeable quantities of water from the streets and lots of the subdivision, and to be durable and reasonably maintenance-free town.

Commented [JB2]: This language is from VA Code 15.2-2243. It authorizes the Town to adopt policies that require connection to existing facilities and reimbursement of costs.

3. That Section 20-172 of the Town's Subdivision Ordinance be amended and re-enacted as follows:

Sec. 20-171. - Maintenance of Improvements.

The town has no obligation to improve, maintain, or take any action with respect to streets or other improvements not constructed, inspected, and accepted in accordance with this article. Whenever any proposed subdivision that will contain more than two residential lots includes dedicated common areas, private easements, private streets, or private stormwater facilities, the subdivider or developer shall be responsible for the management and maintenance of all such areas, easements, and improvements in the approved subdivision until the improvements are taken over by a property owners' association or condominium association formed in compliance with Subtitle

IV of Title 55.1 of the Virginia Code. Prior to the sale of the lot constituting 75% of all approved buildable lots, all common areas, easements, and improvements shall be transferred from the subdivider to the property owners' association.

4. That Section 30-817 of the Town's Zoning Ordinance be amended and re-enacted as follows:

Sec. 30-817. — Parking and driveway standards.

- (a) All parking spaces required by this article shall be located on the same lot with the building or use served, provided that required parking may be located on another lot if the parking spaces are not more than 500 feet from the building served (measured along lines of public access) and the parking spaces are dedicated to the use of the business served through a lease, license, or easement requiring that the town be notified at least 30 days prior to termination. Upon the termination of any lease, license, or easement for required parking spaces, the entity served by the parking must either cease doing business or obtain alternative parking conforming to this article.
- (b) Unenclosed parking spaces may be located within the required yard around buildings as herein specified.
- (c) Parking spaces must be at least nine feet wide and 18 feet in length. In addition, there shall be sufficient area for maneuvering.
- ~~(e)~~(d) Unenclosed parking spaces and driveways shall be constructed of concrete, asphalt, or permeable pavers with a suitable base, except that gravel shall be a permissible surface for the following: (i) parking or driveways, or portions thereof, that are located to the rear of the building served, and (ii) parking or driveways, or portions thereof, that existed prior to _____, 2023.²
- ~~(d)~~(e) All parking spaces shall be designed to prevent parked vehicles from extending beyond the limits of the parking area and to prevent damaging effects to adjoining or nearby properties from surface drainage from the parking facility. Lighting facilities shall be so arranged that light is reflected away from adjacent properties.
- ~~(e)~~(f) All loading spaces required under section 30-819 must be at least 12 feet wide by 25 feet in length. In addition, there shall be sufficient area for maneuvering.

Commented [JB3]: The County requires maintenance provisions as part of their stormwater program. County Code 6C-13.

In my opinion, the Town can be more strict than the County on this point, but we would not want to conflict with the County or be more lax. We should check to confirm that the County does not have a more-restrictive requirement.

² The date of adoption would be inserted in lieu of these blanks.