

MONTGOMERY COUNTY PLANNING COMMISSION
January 11, 2012 @ 7:00 P.M.
Board Room, Government Center

AGENDA

CALL TO ORDER:

DETERMINATION OF A QUORUM:

APPROVAL OF AGENDA:

APPROVAL OF CONSENT AGENDA:

PUBLIC HEARING:

1. An ordinance amending Chapter 10, entitled Zoning, Section 10-45(a)(3) of Sign Regulations of the Code of the County of Montgomery, Virginia, in order to:
 - Increase the allowable size of temporary contractor's signs from no more than twelve (12) sq. ft. to no more than thirty-two (32) sq. ft. on the property on which the work is being done; and
 - Amend the temporary signs section by deleting the requirements for political campaign signs and creating a new subsection (h) specifically for political campaign signs under "Permits not required"; and
 - Increase the allowable size of political campaign signs from no more than twelve (12) sq. ft. to no more than thirty-two (32) sq. ft. on any privately owned lot or parcel.
 - a. Staff Presentation (Dari Jenkins)
 - b. Public Comment
 - c. Discussion/Action

2. An Ordinance amending the Fee Schedule for planning and zoning activities by: adding application fees for Planned Unit Development- Traditional Neighborhood Development District (PUD-TND) of \$1000 + 40/acre or portion thereof; adding application fees for Traditional Neighborhood Design- Infill (TND-I) of \$375; adding application fees for Subdivision Variance of \$500; and incorporating the existing AFD Additions & Renewal fee of \$50 (1 applicant) or \$20 (multiple applicants) as required per Section 2-145 of the Montgomery County Code. Applicants shall also pay all costs associated for publishing the required legal notices.
 - a. Staff Presentation (Steven Sandy)
 - b. Public Comment
 - c. Discussion/Action

PUBLIC ADDRESS:

OLD BUSINESS:

NEW BUSINESS:

- 2011 Annual Report (Steven Sandy)

WORKSESSION:

- Floodplain Ordinance Amendment Discussion (Dari Jenkins)

LIAISON REPORTS:

- Board of Supervisors- Vacant
- Agriculture & Forestal District- Bob Miller
- Blacksburg Planning Commission – Frank Lau
- Christiansburg Planning Commission – Bryan Rice
- Economic Development Committee- John Tuttle
- Public Service Authority – Malvin Wells
- Parks & Recreation- Ryan Thum
- Radford Planning Commission- Bob Miller
- School Board- Bill Seitz
- Transportation Safety Committee- Malvin Wells
- Planning Director’s Report- Steven Sandy

MEETING ADJOURNED:

UPCOMING MEETINGS:

- | | | |
|----------|----------|---|
| January | 18, 2012 | Planning Commission Regular Meeting (Tentatively Cancelled) |
| February | 8, 2012 | Planning Commission Public Hearing (7:00 pm) |
| February | 15, 2012 | Planning Commission Site Visits (To be determined) Planning Commission Regular Meeting (7:00 pm) |

**MONTGOMERY COUNTY PLANNING COMMISSION
CONSENT AGENDA
January 11, 2012**

A. APPROVAL OF MINUTES

- November 9, 2011
- December 7, 2011

ISSUE/PURPOSE:

The above listed minutes are before the Planning Commission for approval.

B. SCHEDULE THE FOLLOWING ITEMS FOR PUBLIC HEARINGS BEFORE THE PLANNING COMMISSION ON FEBRUARY 8, 2012 AND BOARD OF SUPERVISORS ON FEBRUARY 27, 2012

1. Request by **Ancient Free & Accepted Masons of Virginia Hunters Lodge (Agent: Altizer, Hodges, & Varney, Inc.)** for a Special Use Permit on 0.997 acres in an Agriculture (A-1) zoning district for the operation of a civic club. The property is located at 3730 Prices Fork Road and is identified as Tax Parcel No. 52-A-15 (Acct # 000558) in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Village Expansion in the 2025 Comprehensive Plan and further described as Low Density Residential within the Prices Fork Village Plan.

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION ON NOVEMBER 9, 2011 IN THE BOARD ROOM, SECOND FLOOR, COUNTY GOVERNMENT CENTER, CHRISTIANSBURG, VIRGINIA:

CALL TO ORDER:

Mr. Haynes, Vice Chair called the meeting to order.

DETERMINATION OF A QUORUM:

Mr. Thum established the presence of a quorum.

Present: Ryan Thum, Secretary
Malvin Wells, Member
Joel Donahue, Member
William Seitz, Member
Frank Lau, Member
John Tuttle, Member
Walt Haynes, Vice-Chair
Steve Sandy, Planning Director
Dari Jenkins, Planning & Zoning Administrator
Jamie MacLean, Development Planner
Brea Hopkins, Planning & Zoning Technician

Absent: Bryan Rice, Chair
Robert Miller, Member

APPROVAL OF AGENDA:

On a motion by Mr. Thum, seconded by Mr. Wells, and unanimously carried the agenda was approved.

CONSENT AGENDA:

On a motion by Mr. Seitz, seconded by Mr. Thum, and unanimously carried the consent agenda was approved.

PUBLIC ADDRESS:

Mr. Haynes opened the public address; however, there being no speakers the session was closed.

PUBLIC HEARING:

An Ordinance to renew Agricultural and Forestal District #2 (Catawba) is located approximately 0.75 miles to the northeast from the intersection of Harding Rd. (Rt. 785) and Lusters Gate (Rt. 729) and extends along Catawba Rd. (Rt. 765) for approximately 6.6 miles to the Roanoke County line. AFD 2 consists of 30 property owners and 6341 acres.

Ms. MacLean stated on October 19, 2011, Mr. Sutphin advised staff he changed his mind and wished to renew the AFD. This request was made prior to the Board of Supervisors action; therefore, an additional public hearing will need to be held. She reviewed the revised maps showing the Sutphin property that would be included in the renewal. The property currently exists within the AFD district.

Mr. Haynes opened the public hearing; however, there being no speakers the hearing was closed.

A motion was made by Mr. Thum, seconded by Mr. Wells to recommend approval of renewing Agriculture and Forestal District 2 consisting of 32 property owners and 5,843 acres with the same terms as previously approved.

Ayes: Haynes, Thum, Donahue, Seitz, Wells, Lau, Tuttle
Nays: None
Abstain: None

OLD BUSINESS:

NEW BUSINESS:

H.S. Tejas Private Road (Steven Sandy)

Mr. Sandy stated the HS Tejas property was approved in September 2008 to be served by private streets. Through a boundary line adjustment an additional 36.249 acres were added to the existing 872.55 acres for a revised total acreage of 908.799 acres. The additional property borders the private road. The current request is to amend the approval to allow the additional acreage to be served by the private road. No additional lots within the proposed subdivision are being requested and all conditions of the previous approval will remain.

Mr. Neel, Gay & Neel, stated the acreage that was purchased has frontage on Reese Mountain Road. The property lies between the HS Tejas property which was included in the previous approval and the private road.

A motion was made by Mr. Wells, seconded by Mr. Lau to recommend approval of an additional 36.249 acres for a revised total acreage of 908.799 acres to be served by a private road with the previously approved conditions.

Ayes: Haynes, Thum, Donahue, Seitz, Wells, Lau, Tuttle
Nays: None
Abstain: None

Appointment of Nominating Committee (Bryan Rice)

Mr. Haynes deferred action of the nominating committee appointments until the December meeting.

LIAISON REPORTS:

- Board of Supervisors- No report
- Agriculture & Forestal District- No report.

- Blacksburg Planning Commission – No report
- Christiansburg Planning Commission – No report
- Economic Development Committee- No report
- Public Service Authority – Mr. Wells reported that there was an agreement with the Town of Blacksburg to serve the athletic fields at the new school. There was discussion with the Roanoke Valley Resource Authority to accept sludge; however, the request was withdrawn. The problem with the Riner #3 well has been corrected. The Ironto water line extension is completed with the exception of the paperwork. The Exit 109 rest area along Interstate 81 has a sewer problem under the interstate. VDOT is working on the issue.
- Parks & Recreation- Mr. Thum stated the committee had a discussion regarding the budget. The football season has been wrapped up and it was noted that next year there may be a need to hire deputies to be at the games due to inappropriate behavior of adults. The potential cost is \$2000 for deputy at the Montgomery County home games. A meeting with other jurisdictions will be held to discuss the issue.
- Radford Planning Commission- No report
- School Board- No report
- Transportation Safety Committee- Mr. Wells stated there are some minor issues with secondary roads such as crumbling ditch lines. There will be tree trimming in Elliston along Big Spring Drive.
- Planning Director's Report- Mr. Sandy stated he has begun to develop the 2012 work program. Some of the items in the work program include: ordinance items such as the landscape, wind, and political sign amendments; the Lafayette area plan; continued enhancements to LDO; and applying for a grant to work with VUPS to coordinate permit issuance. If there are particular projects for discussion please notify staff. Currently staff has been working on a revenue sharing project for properties at Exit 109 to build roads. The applications have been submitted. If successful, the county will need to determine who will administer the project. There are currently several VDOT projects in the process. Recently a meeting was held in Radford regarding I81 bridge replacement near exit 105. The Route 114 widening project is going out to bid late Nov. early Dec. which includes extending the four lanes to the mall. This project will include the Huckleberry Trail Bridge. There are also plans for improvements along Route 8 at the intersection near Union Valley and Fairview Church Road.

Mr. Sandy noted that the next Planning Commission meeting will be held on December 7th, which is the first Monday of the month.

There being no further business the meeting was adjourned at 7:30 pm.

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION ON DECEMBER 7, 2011 IN THE BOARD ROOM, SECOND FLOOR, COUNTY GOVERNMENT CENTER, CHRISTIANSBURG, VIRGINIA:

CALL TO ORDER:

Mr. Rice, Chair called the meeting to order.

DETERMINATION OF A QUORUM:

Mr. Thum established the presence of a quorum.

Present: Bryan Rice, Chair
Walt Haynes, Vice-Chair
Ryan Thum, Secretary
Joel Donahue, Member
William Seitz, Member
Robert Miller, Member
Frank Lau, Member
John Tuttle, Member
Malvin Wells, Member
Steve Sandy, Planning Director
Dari Jenkins, Planning & Zoning Administrator
Jamie MacLean, Development Planner

Absent: Brea Hopkins, Planning & Zoning Technician

APPROVAL OF AGENDA:

On a motion by Mr. Haynes, and seconded by Mr. Seitz, and unanimously carried the agenda was approved.

CONSENT AGENDA:

On a motion by Miller, seconded by Tuttle, and unanimously carried the consent agenda was approved as amended. An amendment to the Blacksburg Planning Commission Liaison Report in the September 14th meeting minutes is necessary to clarify the location of the property being discussed for a conditional use permit is adjacent to the old Blacksburg bank site.

PUBLIC ADDRESS:

Mr. Rice opened the public address; however, there being no speakers the public address was closed.

PUBLIC HEARING:

An ordinance amending Chapter 10, entitled Zoning, Section 10-45(3)(g)(4) & Section 10-45(3)(g)(5) of the Code of the County of Montgomery, Virginia, by increasing the allowable size of temporary political campaign signs from twelve (12) sq. ft. up to thirty-two (32) sq. ft. on

any privately owned lot or parcel and by increasing the time for removal of temporary signs from five (5) days to ten (10) days after the event.

Mr. Rice introduced the request.

Ms. Jenkins reviewed the information previously discussed during the October 12, 2011 work session regarding political campaign signs. Campaign signs are allowed by 10-45 of the zoning ordinance; however, there has been discussion regarding increasing the size from 4' x 3' (12 square feet) to 4' x 8' (32 square feet) or another size that may be deemed appropriate. The commission has been somewhat divided on whether or not to increase the allowable size of campaign signs. In addition to the required legal advertisement, staff has mailed notification of the public hearing to recent political candidates and requested any comments from candidates or the general public.

Mr. Rice opened the public hearing.

Mr. George Jackson, candidate for Sheriff in the most recent local election, stated that some of his signs were over the allowable limit of size. Neither the Town of Blacksburg nor the Town of Christiansburg regulates the size of campaign signs. It is more beneficial to purchase the 4' x 8' signs and possibly reuse them. The smaller signs (4'x3') lead to a waste of 5' because the material is pre-cut. There was very little difference in price for the increased sign area. Some landowners request larger signs because they may live on properties that limit visibility from the road. He further stated that he would prefer to see restrictions regarding the length of time signs could be posted.

Mr. Chris Tuck, candidate recently elected to the Montgomery County Board of Supervisors, stated that he was one of the candidates who approached the board of supervisors regarding this issue. It appeared no-one was in compliance during the recent elections. He noted it is also problematic to specifically target a type of speech, in this case political speech and limitations placed on size may be considered a violation of "freedom of speech". In addition, when one goes to purchase a sign, the typical sizes available are 4' x 4' or 4' x 8'. If a different size is desired, it is considered a special order and results in higher pricing. Mr. Tuck stated that he supports increasing the permitted size to 4' x 8' and noted that candidates did a good job of taking signs down promptly after the election.

There being no further comments, the public hearing was closed.

Mr. Seitz asked how Montgomery County's rules on political signs compare with the Town of Christiansburg and the Town of Blacksburg.

Ms. Jenkins stated that Christiansburg requires a permit for political signs, which can be obtained via email or phone. The Town of Blacksburg allows 32 square feet.

Mr. Haynes stated at the last meeting the commission discussed not increasing the sign size from 12 square feet and adding a recommendation that the ordinance be modified so that they are required to be removed within 10 days.

Mr. Miller stated that he was concerned about line of sight in some areas and believes that safety may be an issue on narrow streets where sight lines are problematic. He felt he could support a 4' x 4' sign more easily than a 4' x 8' sign, due to potential safety hazards.

Mr. Haynes stated that a 4' x 8' sign is a bit excessive. This would be a compromise that could help candidates with the expense of buying signs.

Mr. Tuttle stated that he doesn't see the changes as enforceable. He stated it was problematic to try to regulate something that will be difficult to enforce and could be a waste of time and

resources. He would support 4' x 8' as the minimum, but isn't in favor of regulating political sign sizes at all.

Mr. Wells stated that it seems more work and time is needed to address this issue. He suggested that staff bring the topic to the commission at their next meeting with comments from the County Attorney regarding the constitutionality of limiting the size of a particular type of sign.

Ms. Jenkins stated that the County Attorney was present at the board of supervisors meeting when this issue was discussed and also received a packet on this information. Specific comments from the County Attorney can be obtained.

Mr. Thum stated he was not in favor of applying rules to people when they are naturally inclined to follow. It is clear that during the past decade people have violated this with impunity and the market standard has become a 4' x 8' because it is probably the largest sign you can get without special ordering. He further stated that he hadn't seen evidence of accidents occurring because of these signs in the past. It would be good to have the county ordinance align with other jurisdictions. He requested that staff ask the County Attorney about free speech and to look at temporary signs as a whole not just political signs. Some content based restrictions are allowed but he would like comments from the County Attorney.

Mr. Sandy stated that staff will come back to the commission with an ordinance drafted and advertise for a board of supervisors hearing in January.

Mr. Lau stated it would be nice to have the information available for candidates when they register to run for office.

Mr. Sandy stated he would like to have the information for signs in the packet for candidates. It would be nice to have all jurisdictions' regulation on one sheet.

A motion was made by Mr. Thum, seconded by Mr. Wells to recommend that staff draft an ordinance based on the commission's discussion so that the commission can vote on this issue at their next meeting.

Ayes: Rice, Haynes, Thum, Donahue, Seitz, Miller, Lau, Tuttle
Nays: None
Abstain: None

NEW BUSINESS:

2012 Work Program

Mr. Sandy discussed the 2012 work program. Last year, urban development areas and our land development office software were some of the projects worked on. The following projects are included in the 2012 Work Program:

- Staff will continue to work on land development office software to allow accessibility from the field and to develop a web based functionality to be able to check on permits from online so people can find out where their permits are in the permitting process. Many of these upgrades can be started as soon as funds become available to add functionality to the software. Staff will work on this as funding becomes available.
- Another project scheduled for completion in 2012 is the Lafayette Area Plan. Staff is working towards a January or February adoption. Staff will continue to work on zoning

ordinance amendments, political signs, small wind ordinance, and landscape changes as well.

- Grant applications, including Safe Routes to school, TAG pipeline, and Revenue Sharing Agreements with some of the Exit 109 property owners.
- Three Agricultural and Forestal Districts will be up for renewal this year.

Nominating Committee Report and/or Nominations

Mr. Rice stated he had appointed Mr. Miller, Mr. Wells, and Mr. Seitz to the nominating committee. Mr. Wells reported the nominating committee offered the following nominations for the 2012 year:

Chair: Mr. Haynes

Vice chair: Mr. Thum

Secretary: Mr. Tuttle

Mr. Rice noted that he would like to add that Mr. Lau has expressed an interest in being chair and is certainly eligible at the discretion of the committee or by nomination from the floor.

On a motion by Mr. Thum, seconded by Mr. Donahue and unanimously carried the Planning Commission accepted the nominations of the committee.

WORKSESSION:

On a motion by Mr. Seitz, seconded by Mr. Haynes and unanimously carried, the planning commission entered into worksession.

Fee Schedule

Mr. Sandy reviewed proposed changes to the fee schedule. Due to the adoption of the PUD-TND and TND-Infill districts, application fees needed to be included. A lower fee for the TND-Infill district is proposed as an incentive to rezone to this district. The PUD-TND requests will take substantially more staff time to process and therefore, has a larger fee. Recently a variance was requested to the subdivision ordinance and that fee was not on the schedule. Another addition was the \$20 Agricultural and Forestal District renewal fee. This fee was included in the code; however, did not appear on the fee schedule. He noted if the proposed additions were appropriate, staff would move forward with advertising for a public hearing.

Mr. Rice requested staff move forward with the proposed fee schedule.

Bikeway Walkway Plan

Mrs. MacLean stated the 2011 plan is available for review and comment. The plan provides information, guidelines, and cohesion in the creation, expansion, and coordination of a safe and

effective Bikeway, Walkway, and Blueway system for the New River Valley region. The Parks and Recreation Commission voted to make a formal recommendation to adopt or endorse the plan on December 1, 2011. The New River Valley Planning District Commission would like for the Planning Commission & Board of Supervisors to endorse the plan in the next months.

In discussion, commissioners felt it was important to endorse this multi-jurisdictional plan, which provides valuable information regarding existing bikeway, walkway, and blueway facilities in the region. The commission also felt it was essential to endorse the plan so that the participating localities will have a guiding document to coordinate possible future regional connections to the New River Trail and Roanoke Regional Trail Network as funds become available.

Hazard Mitigation Plan

Mrs. MacLean stated in April 2005, the Montgomery County Board of Supervisors adopted the region's first Hazard Mitigation. Since 2009, representatives from the region's localities and the area's experts in emergency management and hazard risks have worked to update the existing plan. It has been revised to update completed activities, identify additional known hazards, assess potential risks, and develop mitigation strategies to protect lives and property and to prepare the region for disasters that may strike. The re-adoption of the revised plan by participating localities will maintain the region's eligibility for FEMA's disaster mitigation program funds. On November 14, 2011, PDC staff notified Planning staff that the plan had been approved by VDEM and had obtained "approval pending adoption" from FEMA. The New River Valley Planning District Commission would like for the Planning Commission & Board of Supervisors to endorse the plan in the next months.

In discussion, commissioners felt it was important to adopt this multi-jurisdictional plan, which includes mitigation strategies to protect lives and property of citizens in the region. The commission also felt the adoption of the plan was essential so that the participating localities can qualify for funding of mitigation projects in the future.

Lafayette Area Plan

Mr. Sandy stated the Lafayette Area Plan had been placed on hold while waiting for the Supreme Court to make a decision regarding the intermodal facility. A final draft of the document has been completed for review and discussion. The primary revisions are to the land use designations in the area. The Board of Supervisors has discussed rezoning the elementary school property. If there is development from the intermodal location the plan outlines what is desired. All property nearby is planned for light industrial uses. People in the area want development and job opportunities; however, they want development that is visually appealing. A big part of the report is reviewing traffic issues and concerns.

On a motion made by Seitz, seconded by Haynes, and unanimously carried the Planning Commission exited worksession.

A motion was made by Mr. Miller, seconded by Mr. Haynes to adopt the Bikeway, Walkway Plan.

Ayes: Rice, Haynes, Thum, Donahue, Seitz, Miller, Lau, Tuttle
Nays: None
Abstain: None

A motion was made by Mr. Wells, seconded by Mr. Thum to adopt the Hazard Mitigation Plan.

Ayes: Rice, Haynes, Thum, Donahue, Seitz, Miller, Lau, Tuttle
Nays: None
Abstain: None

LIAISON REPORTS:

Mr. Rice stated this meeting would be Mr. Muffo's last. He has served as Planning Commission Liaison since January 2000 and will be missed.

Board of Supervisors- Mr. Muffo stated he had run for office because he realized that the Board of Supervisors could affect and change people's lives. He noted he has the experience and will miss the people; however, will not miss the meetings.

Mr. Haynes stated he hoped Mr. Muffo would come back and visit.

Agriculture & Forestal District- No report.

Blacksburg Planning Commission- No report.

Christiansburg Planning Commission- No report.

Economic Development Committee- No report.

Public Service Authority- Mr. Wells stated the meeting was cancelled.

Parks & Recreation Commission- Mr. Thum stated the commission discussed the Bikeway Walkway Plan. The document is very impressive. Parks and Recreation wants to ensure that trails match up and allow funds to be expended effectively. The sheriff's office will alter patrol routes to be in the area of football games so there will not be a need to pay the extra \$2,000 for security to be at the games.

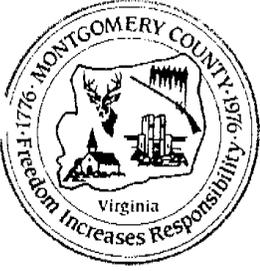
Radford Planning Commission- No report.

School Board- Mr. Seitz reported he attended the school board meeting on December 6, 2011. Blacksburg High School and Auburn High School are currently on schedule and plan approval is anticipated in February. Everyone will be able to monitor the construction progress of the schools online.

Transportation Safety Committee- No report.

Planning Director's Report- Mr. Sandy stated the Prices Fork Elementary School is open and the school system is redistricting. They held their first community meeting today. In the next few months you will be receiving more information regarding the progress. The committee chosen is very large. The next Planning Commission meeting will be held January 11, 2012.

There being no further business the meeting was adjourned at 8:20 pm.



MONTGOMERY COUNTY DEPARTMENT
OF PLANNING & GIS SERVICES

PLANNING
GIS & MAPPING

755 ROANOKE STREET, SUITE 2A, CHRISTIANSBURG, VIRGINIA 24073-3177

MEMORANDUM

TO: Montgomery County Planning Commission

FROM: Dari Jenkins, CZA 
Planning & Zoning Administrator

DATE: January 4, 2012

SUBJ: An ordinance amending Chapter 10, entitled Zoning, Section 10-45(a)(3) of Sign Regulations of the Code of the County of Montgomery, Virginia, in order to:

- Increase the allowable size of temporary contractor's signs from no more than twelve (12) sq. ft. to no more than thirty-two (32) sq. ft. on the property on which the work is being done; and
- Amend the temporary signs section by creating a new subsection (h) specifically for political campaign signs under "Permits not required"; and
- Increase the allowable size of political campaign signs from no more than twelve (12) sq. ft. to no more than thirty-two (32) sq. ft. on any privately owned lot or parcel.

After several discussions regarding county zoning requirements regarding signs for which no permits are required, with emphasis placed on political campaign signs, staff has attempted to draft amendments to reflect the desires of the Planning Commission and Board of Supervisors. Please review the **enclosed** draft of revisions to the Sign Regulations as advertized.

Summary of Proposed Amendments

- 1. Increase the allowable size of temporary contractor's signs from no more than twelve (12) sq. ft. to no more than thirty-two (32) sq. ft. on the property on which the work is being done.**

Section 10-45(a)(3)(g)(1) currently limits contractors to posting only one (1) sign per parcel on which the work is being done. The current sign area is limited to only twelve (12) square feet which is smaller than normally allowed for contractor signs. Therefore; staff proposes to increase this limitation to 32 sq. ft, allowing the use of standard sized materials for construction of the signs. Often the building permit will be posted on this sign for convenience of the inspectors and material suppliers.

- 2. Amend the temporary signs section by creating a new subsection (h) specifically for political campaign signs under "Permits not required".**

Discussion with the County Attorney confirmed that political signs are protected speech under the First Amendment, freedom of speech. The government is not allowed to restrict the freedom of speech by specifying a period of time for which the political signs may be displayed on private property. To facilitate clarity in the regulations, staff has removed "political campaign signs" from the subsection 10-45(a)(3)(g), Temporary Signs, and created a new subsection (10-45(a)(3)(h) for "political campaign signs" which has no reference to removal of such sign(s) as long as the signs are located on "any privately owned lot or parcel".

3. Increase the allowable size of political campaign signs from no more than twelve (12) sq. ft to no more than thirty-two (32) sq. ft. on any privately owned lot or parcel.

Increasing the allowable size of political campaign signs up to 32 sq. ft. in area on any privately owned lot or parcel will be consistent with the requirements of most other localities in the area. Allowing the candidate the option of using standard sized materials for production of the signs, should result in reducing sign costs for the candidates. See subsection (10-45(a)(3)(h) of the proposed amendments.

Background

During the December 7, 2011 public hearing, the Commission heard from two 2011 candidates, George Jackson and Chris Tuck. Mr. Jackson supported the allowance of 32 sq. ft. for political signs, indicating that it would reduce the waste involved in having odd size signs printed and allow reuse of the signs within the county and/or the Town of Christiansburg and Town of Blacksburg.

Mr. Tuck stated that he was one of the candidates who approached the Board of Supervisors regarding the sign issue, commenting that it appeared that no one was in compliance with sign requirements during the recent elections. He explained that typical sign sizes are 4' x 4' or 4' x 8' and when a different size is special ordered, the result is higher pricing. Mr. Tuck supported the increase to 32 sq. ft. for political campaign signage. Mr. Tuck cautioned that campaign signs were protected by "freedom of speech". He also noted the candidates did a good job of taking signs down promptly after the election.

The Commissioners requested the drafting of ordinance amendments for consideration after expressing concerns about:

- Safety problems involved in allowing signs to be too large and possibly interfering with the line of sight at intersections
- Enforceability of the sign regulations with limited staff
- Violations of freedom of speech issues concerning political campaign signs

Please note that campaign signs will remain allowed without a zoning permit per Section 10-45(3).

Enclosure(s): Proposed Revisions of Section 10-45, Montgomery Co. Code

Sec. 10-45. Sign Regulations.**(a) General provisions.**

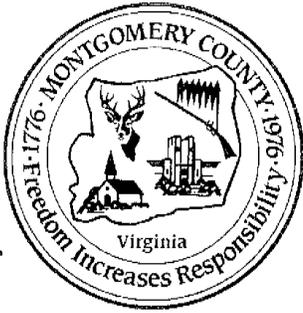
- (1) *Purpose.* The purpose of these regulations is to regulate all signs placed for exterior observance, thus ensuring the conservation of property values, the consideration of the character of the various communities, the protection of safety and welfare of pedestrians and wheeled traffic, the provision of convenience to citizens and the encouragement of economic development. A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted therein is intended to be an integral but accessory and subordinate part of the principal use of land or building.

These regulations are intended to promote signs that are appropriate to the activity to which they pertain and are constructed and maintained in a structurally sound and attractive condition.

The regulations of this chapter are not intended to interfere with, abrogate or annul any law of the state relating to outdoor advertising nor to prevent application of the county's higher/stricter regulations.

- (2) *Permits required.* A sign permit is required prior to the display and erection of any sign unless it is excepted in subsection (3).
- (3) *Permits not required.*
- a. Signs of a constituted governmental body, including traffic signs and signals, directional signs and regulatory signs.
 - b. National or state flags or flags of other political units or of any civic, charitable, educational, philanthropic or similar group or movement; provided, that no freestanding pole shall be erected in the public right-of-way nor be within five (5) feet of a service drive, travel lane or adjoining street.
 - c. Legal devices or warnings at railroad crossings.
 - d. Freestanding signs or signs attached to a structure or tree, no more than one and one-half (1 1/2) square feet in area, to warn the public against hunting, fishing, trespassing, dangerous animals, swimming, the existence or danger or such, when placed on the periphery of the property or at a location where the warning is necessary.
 - e. Directional signs.
 - f. The changing of messages on marquees and the repair of an existing permitted sign.
 - g. Temporary signs as defined and as specified herein may be used in every zoning district unless otherwise prohibited:
 1. One (1) contractor's sign per job site, no more than ~~twelve (12)~~ **thirty-two (32)** square feet in area, located on the property on which the work is being done.

2. One (1) real estate sign per lot, advertising the sale, rental or lease of the premises, or part of the premises on which the sign is displayed, no more than twelve (12) square feet in area.
 3. Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of official or directed duties; provided, that all such signs shall be removed no more than ten (10) days after their purpose has been accomplished.
 - ~~4. Political campaign signs, no more than twelve (12) square feet in area, on any privately owned lot or parcel.~~
 - 5.4 Temporary signs, no more than twelve (12) square feet, announcing a campaign drive or an event of a civic, philanthropic, educational or religious organization; provided, that the sponsoring organization shall ensure proper and prompt removal of such sign within five (5) days after drive or event.
 - 6.5 Temporary signs, no more than twelve (12) square feet in area, featuring such announcements as "Grand Opening," "Under New Management" or "Going Out of Business"; provided, they are displayed for no longer than thirty (30) days and removed on the thirty-first day.
 - 7.6 Window signs advertising weekly specials or special services offered for a limited time by a business establishment and then promptly removed.
- h. Political campaign signs, no more than ~~twelve (12)~~ thirty-two (32) square feet in area, on any privately owned lot or parcel.*
- (4) Prohibited signs. All signs not specifically permitted are prohibited, including, but not limited to, the following:
 - a. Moving signs of which all or any parts move by any means, including, but not limited to, rotating signs, propellers, discs and such, but excluding pennants and signs indicating time and temperature. This prohibition shall not apply to the hands of a clock, a weathervane or flags as provided in subsection (3) or to LED/Changeable Message signs as provided in subsection (11).
 - b. Any sign that uses the word "stop" or "danger" or otherwise presents or implies the need or requirement to stop or cautions of the existence of danger or which is a copy of, imitation of or which for any reason is likely to be confused with any sign displayed or authorized by a public authority.
 - c. Any nonshielded illumination of a sign within two hundred (200) feet of an A-1, C-1, R or PD-RES district.
 - d. Illuminated tubing or strings of lights solely for the purpose of illumination, except when displayed as decorations during the months of November through January. This includes any lighting arrangement which outlines any portion of a building or structure by exposed tubing or strings of light.



MONTGOMERY COUNTY DEPARTMENT OF
PLANNING & GIS SERVICES

PLANNING
GIS & MAPPING

755 ROANOKE STREET, SUITE 2A, CHRISTIANSBURG, VIRGINIA 24073-3177

MEMORANDUM

January 4, 2012

TO: Planning Commission Members
FROM: Steven M. Sandy, Planning Director *Steve*
RE: Proposed amendments to Planning & Zoning Fee Schedule

Attached please find an amended fee schedule for the Department of Planning & GIS Services as of January 4, 2012. The attached fee schedule proposes four (4) additions to the current fee schedule last revised in 2010. Below is the list of changes:

New Fee

1. Add fee for rezoning to new zoning district of TND-Infill. This fee is proposed at same as Agriculture A-1 and equals \$375 plus advertising costs. During the development of this new zoning district it was discussed that this fee should be kept low to encourage property owners in the villages to utilize this district.
2. Add fee for rezoning to the new zoning district of TND-PUD. This fee is proposed at \$1000 + \$40/acre to remain consistent with other planned development districts.
3. A fee of \$500 is proposed for a Subdivision Variance request. Staff was unable to locate any resolution setting the fee for this activity. The fee has been proposed at \$500 to be consistent with the fee for zoning variance request.

Existing Fee

1. Agricultural and Forest Districts require a fee for adding or renewing a district. Currently, these fees are \$20.00 per property owner when multiple applicants are involved and \$50 per property owner when only one property owner is involved. However, these fees are not listed on the adopted fee schedule. Therefore, staff is proposing to add these fees to the approved fee schedule.

The proposed amendments have been outlined on the attached fee schedule. This item has been advertised for public hearings before the Planning Commission and Board of Supervisors on January 11th and 23rd, respectively. A recommendation to the Board of Supervisors is requested at your January 11, 2012 meeting. Please contact me if you should have any questions or need any additional information regarding this matter.

Enclosures

**MONTGOMERY COUNTY, VIRGINIA
PLANNING AND ZONING FEE SCHEDULE**

| <u>Application/Permit Type</u> | <u>Fee</u> |
|---|---|
| Rezoning (to) | |
| A-1 | \$375 |
| R-R, R-1, R-2 | \$500 + \$20/acre or portion thereof |
| R-3, RM-1 | \$625 + \$25/acre or portion thereof |
| GB, CB | \$750 + \$30/acre or portion thereof |
| ML, M-1 | \$875 + \$35/acre or portion thereof |
| PUD-Res, PUD-Com, PIN, PMR, <u>TND-PUD</u> | \$1000 + \$40/acre or portion thereof |
| <u>TND-I</u> | <u>\$375</u> |
| Special Use Permits | |
| Telecommunications Tower | \$500 |
| Automobile Graveyard | \$2500 |
| Extractive Industry | \$1250 |
| Change in proffered conditions | \$500 + \$20/acre or portion thereof |
| Comprehensive Plan Amendment | \$500 |
| Variance Request - BZA | \$500 |
| Appeal of Zoning Administrator's decision - BZA | \$250 |
| Subdivision Sign Fee (per BOS Resolution 5-28-1991) | \$160 per intersection |
| Sign Permit | \$40 |
| General Advertising (Billboard) | \$375 |
| Zoning Permit | \$10 |
| Subdivision Review Fees | |
| Major Subdivision | \$250 per plat + \$20 per lot over 5 |
| Minor Subdivision | \$100 per plat + \$10 per lot over 5 |
| Family Subdivision | \$50 |
| Boundary Line Adjustment | \$45 |
| Boundary Line Adjustment with vacation | Same as Minor Subdivision |
| <u>Variance – BOS</u> | <u>\$500</u> |
| <u>AFD Additions & Renewals</u> | <u>\$20 per property owner (multiple applicants)</u> <u>\$50 per property owner (single applicant)</u> |
| Site Plan Review | \$300 + \$20/acre or portion thereof |
| Zoning Confirmation Letter | \$125 |
| DMV Certification Letter | \$40 |
| Technology Fee | 2% of base fees minimum \$10 |

When a joint application/permit is sought for both a rezoning and a special use permit, only the higher fee shall be charged.

Applicant must pay all legal advertisement fees. Staff will prepare ad for the applicant and deliver ad to The Roanoke Times **or News Messenger**. Applicant is responsible for contacting and paying The Roanoke Times **or News Messenger** for the advertisement. If the applicant is a private citizen, not a business, the applicant must set up payment for the ad prior to the deadline date stated on the advertisement notice. *If payment is not made to The Roanoke Times **or News Messenger** prior to the deadline date, the ad will not be run and the application will not be heard at the scheduled hearing.*

Application/permit fees are non-refundable regardless of whether the application/permit is approved, denied or withdrawn.

Montgomery County Planning & GIS Services



Montgomery County Planning & GIS Services 2011 Annual Report



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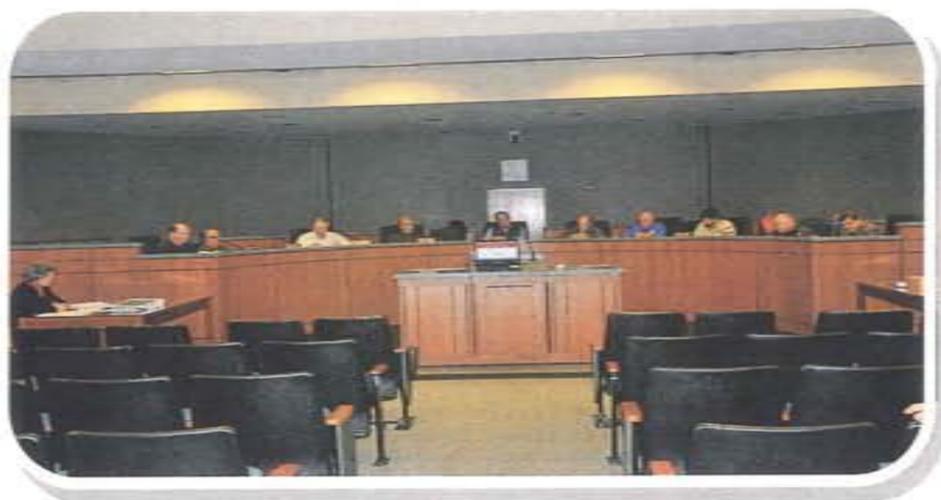
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From Left: William Seitz, John Tuttle, Robert Miller, Walt Haynes, Bryan Rice, Frank Lau, Malvin "Pug" Wells, Ryan Thum, Joel Donahue, and Board of Supervisors Liaison John Muffo

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Planning Commission

Chair:
Bryan Rice

Vice-Chair:
Walt Haynes

Secretary:
Ryan Thum

Members:
William Seitz
Joel Donahue
Frank Lau
Robert "Bob" Miller
John Tuttle
Malvin "Pug" Wells
John Muffo (BOS Liaison)

Board of Zoning Appeals

Chair:
Richard M. DiSalvo, Jr.

Vice-Chair:
Michael V. Reilly

Members:
William Stephen Howard
C.P. "Chuck" Shorter
David Moore

AFD Advisory Committee

Chair:
Britt A. Boucher

Members:
John Garrett
Thomas A. Loflin
William McElfresh
Richard J. Obiso, Jr.
William F. Pack, III
Robert J. Styne
Robert "Bob" Miller
(PC Rep.)
James D. Politis
(BOS Rep.)

2011 Planning & GIS Services Major Projects

Land Development Office (LDO): Planning and GIS Staff have worked with ACS on creating an application that can be used by the Planning, GIS, and Building Departments to enable staff to enter information into LDO while in the field. Staff will continue to work on the LDO field piece during 2012.

UDA Grant: Montgomery County was awarded a \$150,000 grant from the Virginia Department of Transportation (VDOT) to work with planning consultants to designate Urban Development Areas (UDA) in the county and update our comprehensive plan, as well as zoning and subdivision ordinances. In 2011, Montgomery County adopted two Urban Development Areas, one along the 177 Corridor (Exit 109 off I-81), and another in the Mid-County (Merrimac) area of the County. The County has also updated the 2025 Comprehensive Plan, as well as revisions to the zoning and subdivision ordinances.

Comprehensive Plan Amendments: Several sections of the comprehensive plan were reviewed and revised this year including: the incorporation of Urban Development Areas, and the adoption of the Route 177 Gateway Area Plan. Staff will be working towards the adoption of the Lafayette Area Plan in early 2012.

Subdivision Ordinance Amendments: Several sections of the subdivision ordinance were reviewed and revised this year including: 8-111, 8-136, 8-137, 8-150, 8-152, 8-153, 8-171, 8-173, 8-174, 8-201.

Zoning Ordinance Amendments: Several sections of the zoning ordinance were reviewed and revised this year including: 10-52 (Placards) and 10-45 (Signs). Sections 10-32 and 10-32.1 were also added this year, adding two new zoning districts: PUD-TND and TND Infill. Staff will continue to work on small wind ordinance and political sign regulations during 2012.

GIS Department 2011 Activities: Montgomery County GIS Services provides standard and specialized mapping, GIS analytical services, and end user application training and support to our citizens, internal departments, constitutional offices, and state agencies. The department handles daily mapping needs for many County departments/agencies. Some of the more significant projects of 2011 are:

- ◆ Creation/updates of 1500+ Landuse Capability Classification (LCC) maps and acreage datasheets for Commissioner of Revenue
- ◆ Board of Supervisor/Precinct Redistricting
- ◆ Public School Strands Redistricting
- ◆ Regional 911 Authority GIS radio system propagation mapping & GIS support
- ◆ Update Telecommunication Towers database
- ◆ Sheriff's Office Monthly Crime Mapping and Dispatch. On-going GIS support for Investigations/TAC
- ◆ Family Cemetery mapping/database creation
- ◆ LDO Field application enhancement
- ◆ LDO Permitting Report for County Auditors
- ◆ Mobile Home Park street naming and addressing
- ◆ GIS and mapping support for Emergency Medical Services
- ◆ GIS and mapping support for Economic Development, County Administration, and Parks and Recreation
- ◆ Commonwealth of Virginia VGIN LiDAR project participation
- ◆ GIS mapping for Parks & Rec - Coal Miners Loop Trail
- ◆ GIS mapping of Regional Land Use
- ◆ Update Pictometry aerial imagery and train staff
- ◆ Resolve E-911 Addressing Issues
- ◆ AFD GIS Updates
- ◆ Landuse Policy Map GIS Updates

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In addition to major projects that staff work on throughout the year, Planning & GIS staff have diligently been working on everyday activities. A total of 507 predevelopment letters were processed and 321 of those were approved as zoning permits. Tables included below outline other daily and monthly activities of the department.

Re-Zoning Requests

| Case Number | Property Owner | Request | Acres | Outcome |
|---------------|---------------------------|-----------------------------------|-------|------------------------|
| RZ-2011-08562 | Kim Taylor & Kenneth Ford | Rezoning from A-1 to GB and R-3 | 0.614 | Approved |
| RZ-2011-08574 | Huckleberry Ridge LLC | Rezoning from A-1 to R-3 and RM-1 | 62.37 | Approved with proffers |
| RZ-2011-08576 | Montgomery County | Rezoning from A-1 to GB | 0.105 | Approved |
| RZ-2011-08827 | Billy & Ruth Massie | Rezoning from A-1 to PMR | 2.4 | Approved with proffers |

Special Use Permit Requests

| Case Number | Property Owner | Request | Outcome |
|----------------|--------------------------|---|--------------------------|
| SU-2011-08565 | DeWayne Martin | Private Recreational Park and Campground | Approved with conditions |
| SU-2011-08623 | Christopher Westmoreland | Home Business to make powder measures | Withdrawn by applicant |
| SU-2011-08656 | Chad & Lisa Vaught | 100' Telecommunications Tower | Disapproved |
| SU-2011-08708 | James C. Tannahil | Addition to Heavy Truck Repair Garage | Approved with conditions |
| SU-2011-08767 | Randal W. Slusser | Additional Lot Assignment in A-1 | Disapproved |
| *SU-2011-08528 | Michael Barnes | Accessory structure in excess of 18 ft. in height | Approved with conditions |
| *SU-2011-08924 | Jeffrey Wimmer | Accessory structure in excess of 1200 sq. ft. | Approved with conditions |
| SU-2010-07998 | Joseph Maxwell | 195' Telecommunications Tower | Withdrawn by applicant |
| SU-2010-08392 | William Mark King II | Contractor's Storage Yard | Approved with conditions |

*Denotes cases heard by Board of Zoning Appeals

Subdivision Requests

| Subdivision Type | No. Received | No. Approved | Pending | Withdrawn |
|--------------------------|--------------|--------------|---------|-----------|
| Major | 3 | 1 | 2 | 0 |
| Minor | 20 | 15 | 5 | 0 |
| Boundary Line Adjustment | 51 | 41 | 10 | 0 |
| Family | 14 | 8 | 5 | 1 |

Thomas Heavener: It is with much sadness that we report Montgomery County lost a great man and public servant in 2011. Mr. Thomas E. Heavener served on the Board of Zoning Appeals (BZA) from May 28, 1996 through June 30, 2011. During his years on the BZA, Mr. Heavener served as chairman from 1998 through 2006. Mr. Heavener will be greatly missed by those who knew and loved him.

2011 Annual Report

Board of Zoning Appeals

| Case Number | Property Owner | Request | Outcome |
|----------------|-----------------------|-----------------------|-------------|
| VAR-2011-09311 | Brian & Katie Katz | Appeal of ZA Decision | Withdrawn |
| VAR-2011-09342 | Huckleberry Ridge LLC | Reduced Side Setback | Disapproved |
| VAR-2011-09429 | James C. Tannahill | Appeal of ZA Decision | Pending |



From Left: Michael Reilly, Richard DiSalvo, Stephen Howard, C.P. "Chuck" Shorter. Not Pictured: David Moore

Agricultural and Forestal Districts: The Agricultural and Forestal Committee met in July 2011 to review the renewal of Agricultural and Forestal Districts 1 (Prices Fork), 2 (Catawba), and 15 (Taylor Hollow). The Board of Supervisors approved the renewal of districts 1 (Prices Fork) and 15 (Taylor Hollow) on October 24, 2011. The Board of Supervisors approved the renewal of district 2 (Catawba) on November 28, 2011. AFD Districts 1, 2, and 15 will remain in effect until December 31, 2019. In 2012 the AFD Committee will review the renewal of AFD 7 (Wilson Creek/Den Creek), 9 (Elliston/Peddler Hills), and 10 (Mount Tabor Road).

NRVPDC Project Collaboration:

Montgomery County Planning staff has collaborated with the New River Valley Planning District Commission on the update of the 2000 Bikeway Walkway Plan, and the Hazard Mitigation Plan. Staff has also worked with the PDC on the writing of the Green Infrastructure Plan, Rural Long Range Transportation Plan, and Regional Water Supply Plan for the New River Valley. Planning staffs from Montgomery County and other jurisdictions hosted a Planning Commissioners training event on the topic of Water and Wastewater Alternatives for Cluster and Conservation Developments during the spring of 2011. Staff has been participating in work groups for the Livability Initiative in 2011 and will continue in 2012.

Ongoing Training: Michael Reilly and Robert Miller attended the CPEAV Land Use and Zoning Conference. Joel Donahue and Robert Miller attended the CPEAV Planning and Zoning Legal Seminar. Brea Hopkins, Dari Jenkins, and Jamie MacLean attended the VAZO Fall Conference. Steven Sandy attended the Rural Planning Caucus Conference. Joel Donahue successfully completed the CPEAV Planning Commissioner Training Program. Frank Lau, Joel Donahue, Pug Wells, Robert Miller, John Tuttle, Bryan Rice, Jamie MacLean, Dari Jenkins, Walt Haynes, and Courtney Myers attended the Planning Commissioners' Training Session at the NRVPDC. John Tuttle, Bryan Rice, Joel Donahue, Frank Lau, Robert Miller, Dari Jenkins, Jamie MacLean, and Steve Sandy attended the annual Planning Commissioners' Dinner.