



**Urbanna Town Council
Work Session
AGENDA
Town Council Chambers
390 Virginia Street Suite B
Thursday, September 14, 2023 7:00 PM**

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approval of Agenda
5. Presentation-Urbanna Beautification
6. Public Comment
7. Public Comment Response
8. Matters of the Town Council
 - a. Council discussion with John Anzivino regarding Town Administrator search
 - b. Mayor's report
 - c. Urbanna Town Council meeting schedule change
 - d. Street sign replacements
9. Action Items
 - a. Referral to Planning Commission for required amendments to Zoning Ordinance and Comprehensive Plan relating to Chesapeake Bay Protection Act
 - b. Referral to Planning Commission proposed amendments to Section 17-4.6 - General Commercial District (B-1) of the Zoning Ordinance of the Town Code
 - c. Referral to the Planning Commission proposed amendments to Section 17-5.18 Short Term Rentals of the Zoning Ordinance of the Town Code
 - d. Planning Commission appointment
 - e. Pool name
10. Public Comment
11. Announcements
12. Closed Meeting *Pursuant to Virginia Code section §2.2-3711(A)(1) for the following purpose: Discussion, consideration or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of any public body. -Town Administrator search, personnel and staffing matters*
13. Open Meeting
14. Adjourn

This page intentionally left blank



**Agenda Item Summary
September 14, 2023**

Agenda Item: 4-Approval of Agenda

Staff Recommendation: Approve

Council Action Requested: Yes

Sample Motion(s):

Motion to approve agenda as presented

This page intentionally left blank



Agenda Item Summary September 14, 2023

Agenda Item: 8a-Council discussion with John Anzivino regarding Town Administrator search

Background: Mr. Anzivino, an Urbanna resident and a highly regarded authority on municipal government and administration will speak to Council regarding best practices for the continuing search for a new Town Administrator.

Council Action Requested: No action requested at this time, discussion only.

This page intentionally left blank



Agenda Item Summary September 14, 2023

Agenda Item: 8b-Mayor's report

Mayor Goldsmith will give an update on issues currently affecting the Town, including but not limited to:

- Security cameras
- Bristow Pavilion
- VDOT work on Colorado and Cross Streets
- Boundary Line Adjustment
- Mitchell Map

This page intentionally left blank



Agenda Item Summary September 14, 2023

Agenda Item: 8c-Urbanna Town Council meeting schedule change

Background: In an effort to utilize both staff, council, and town resources more effectively, it has been suggested the Urbanna Town Council, beginning in January of 2024, discontinue holding Work Sessions and move the Urbanna Town Council Monthly Meeting to the second Thursday of the month, and changing the start time to 6:00pm.

Staff Recommendation: Staff recommends Council discuss this change and vote to approve a change in the meeting schedule at the next Monthly Meeting, scheduled for Thursday, September 28, 2023

Council Action Requested: Not at this time

This page intentionally left blank



Agenda Item Summary September 14, 2023

Agenda Item: 8d-Street sign replacement

Background: Street signs through the town are missing or in disrepair. Don Drayer has approached council multiple times with proposals and no action.

Fiscal Impact: \$12-25,000 depending on whether the poles are replaced.

Staff Recommendation: Move forward with a bid with the intent to follow through.

Council Action Requested: Not at this time

This page intentionally left blank



Agenda Item Summary September 14, 2023

Agenda Item: 9a-Referral to the Planning Commission of required amendment to the Zoning Ordinance and that portion of the Comprehensive Plan relating to the Chesapeake Bay Protection Act.

Background: Since the creation of the Town's Comprehensive Plan in December of 2012, there have been a number of changes in the Chesapeake Bay Protection Act (CBPA) law and the regulations of the Virginia Department of Environmental Quality (DEQ.) These changes have not been reflected in the Comprehensive Plan or town ordinances. An attempt was made to redraft the language with the assistance staff of the Middle Peninsula Planning Council in 2019. That attempt did not satisfy the staff of the DEQ when it was submitted for review. Since that time, town staff has worked on a substitute for the portion of the Comprehensive plan regarding solely the CBPA. The original language of the Plan is attached, followed by the recommended substitute language which has been approved by DEQ staff. In addition, one section of the Town zoning ordinance, Section 17-4.10.11 has to be amended to reflect information that the DEQ now requires on site plan or plan of development submitted for consideration. The new language is in red followed by the balance of the section which will not change.

Fiscal Impact: None

Staff Recommendation: refer to Planning Commission

Council Action Requested: Pass motion to refer material to Planning Commission for review, public hearing and recommendation back to Town Council

Sample Motion(s): I move that the Town Council refer to the Planning Commission, the proposed revisions to the portion of the Comprehensive Plan dealing with the Chesapeake Bay Protection Act and Section 17-4.10.11, as detailed in the information provided, for its review, and after public hearing, its recommendation back to the Town Council.

This page intentionally left blank

VI. CHESAPEAKE BAY PRESERVATION ACT

NOTE: Material in this Chapter is subject to change pending regulations promulgated by the Chesapeake Bay Local Assistance Board, the interpretation of those regulations by the Chesapeake Bay Local Assistance Department (CBLAD), and recommended implementation guidelines from the CBLAD and other state, regional and local agencies.

The Town is currently in compliance with the Local Chesapeake Bay Act.

The Chesapeake Bay Preservation Area Designation and management Regulations (VR 173-02-00) requires all jurisdictions in Tidewater, Virginia to develop criteria that will provide for the protection of water quality, and that will also accommodate economic development. This will require local government to modify the necessary Comprehensive Plans, Zoning and Subdivision Ordinances to protect the quality of State waters in their jurisdictions. This includes site redevelopment and construction review with respect to maintaining and /or improving and quality of groundwater, storm water run-off, sewage treatment and wetlands and shoreline preservation.

This Act also provides guidelines for the site and development of “Water-dependent Facilities”, which includes ports, marinas and other boat docking structures, beaches and other water recreation facilities, fisheries and other marine resource facilities.

Water Quality Land Use Plan- Town of Urbanna:

Whereas the Chesapeake Bay Act of 1989 requires local governments to incorporate the protection of the quality of state waters into their comprehensive plans consistent with the provisions of the Act, the Town of Urbanna reviewed and revised its Comprehensive Plan for compliance by adopting a Water Quality Land use Plan in November 2005.

VI. Chesapeake Bay Preservation Act

NOTE: Material in this Chapter is subject to change pending regulations promulgated by the State Water Control Board, the interpretation of those regulations by the VA Department of Environmental Quality (DEQ), and recommended implementation guidelines from the DEQ and other state, regional and local agencies.

The Town's local program is currently in compliance with the Chesapeake Bay Preservation Act and Regulations.

The Chesapeake Bay Preservation Area Designation and Management Regulations (9VAC25-830 et. seq) requires all jurisdictions in Tidewater, Virginia to develop criteria that will provide for the protection of water quality, and that will also accommodate economic development. This will require local governments to modify the necessary Comprehensive Plans, Zoning and Subdivision Ordinances to protect the quality of State waters in their jurisdictions. This includes site redevelopment and construction review with respect to maintaining and/or improving the quality of groundwater, storm water run-off, sewage treatment and wetlands and shoreline preservation.

This Act also provides guidelines for the siting and development of "Water-dependent Facilities", which includes ports, marinas and other boat docking structures, beaches and other water recreation facilities, fisheries and other marine resource facilities.

Virginia, Pennsylvania, Maryland, the District of Columbia, and the U.S. Environmental Protection Agency signed the Chesapeake Bay Agreement in 1983 and created the Chesapeake Bay Program to aid in the restoration of the bay its waterways. Virginia passed the Chesapeake Bay Preservation Act (Code of Virginia, §62.144.15:67 et seq) in order to comply with the Chesapeake Bay Agreement. The Town of Urbanna is one of 84 Virginia localities subject to the Act. The Act requires the Town to have a long-range plan to protect and restore the Town's creeks and the Rappahannock River from further degradation. The corresponding regulations (9VAC25-830 et. seq) require the Town to incorporate water quality protections into its local comprehensive plan. This includes establishing goals, policies, and action plans based on the Town's inventory and analysis of the existing environmental conditions, which can serve as a guide for continued development.

Land use within the Town of Urbanna greatly affects the quality of the water in the Town's watershed. Because of its location on the Rappahannock River, Perkins Creek, and Urbanna Creek, the Town's storm drains, culverts, and drainage ditches are connected to the Chesapeake Bay's watershed and ecosystem. Middlesex County has been experiencing moderate growth since the 1980s, which has resulted in increased development within the area. Pollution from increased development and impervious surfaces has caused several species of the Chesapeake Bay watershed to reach critically low numbers.

In addition, the shorelines of the Rappahannock River and Urbanna Creek are experiencing shoreline erosion and/or accretion. Much of the Shoreline of the Rappahannock River and

Urbanna Creek within the Town has been either bulk headed or rip-rapped to combat shoreline erosion.

While the Town does have a very small oyster bed in Jamesons Cove, near the Town marina, which is maintained as an education asset for local school, it does not have an active aquaculture industry. While there is limited fishing in both Perkins Creek and Urbanna Creek for small fish, as shown on the town map Exhibit I, there are no real game fish within the limits of the Town. In season, local watermen, who harvest oysters on the oyster beds outside Town limits, off-load their harvests at the Town marina at Upton's Point and sometimes on Perkins Creek. The oysters are then transported, over land, to processing plants outside Town limits.

Resource Protection Areas

Resource Protection Areas (RPA) are the more sensitive areas of a Chesapeake Bay Preservation Area. These consist of sensitive lands located along the shoreline of the Chesapeake Bay and its tributaries. RPAs include tidal wetlands, tidal shores, nontidal wetlands that are connected to tidal wetlands or perennial streams, and a 100-foot-wide buffer located adjacent to these features and along both sides of any body of water with perennial flow.

The Town contains tidal wetlands and tidal shores that are associated with the Rappahannock River, Perkins Creek, and Urbanna Creek and connected nontidal wetlands that are adjacent to Perkins Creek. A 100-foot-wide buffer has been designated adjacent to the listed features and the shoreline of the Rappahannock River, Perkins Creek, and Urbanna Creek.

Resource Management Areas

Resource Management Areas (RMA) include land types that if improperly managed could result in significant water quality degradation or diminish the functional land value of the Resource Protection Area. RMAs are an important component of water quality protection because they protect RPAs from the adverse impacts of human activity. A Resource Management Area can also provide additional water quality protection with careful use and development of its land types.

The Town's Chesapeake Bay Preservation Area Overlay District states that a Resource Management Area includes the following:

- 100-year floodplain;
- Non-tidal wetlands not connected by surface flow and contiguous to tidal wetlands, water bodies with perennial flow or other tidal waters;
- Highly erodible and highly permeable soils; and
- Slopes in excess of fifteen (15) percent.

Intensely Developed Areas

In addition to the RPA and RMA, the Town has designated an Intensely Developed Area (IDA) as an overlay district along the southern shoreline of Urbanna Creek. This IDA includes marinas and boat service facilities as well as the industrial uses of the area. The IDA signifies that it has

few natural features remaining, is almost entirely paved, and is currently served by public sewer and water.

Chesapeake Bay Preservation Area Overlay District

The Town has a Chesapeake Bay Preservation Area Overlay District with regulations that protect and enhance water quality through environmentally responsible land use management and practices. The Chesapeake Bay Preservation Areas are shown in the figure below.



Potential and Existing Sources of Pollution

There are a variety of sources for pollution that can have environmental impacts such as groundwater contamination, poor air quality, and degradation of the aesthetics of the landscape. An important indicator of the health of a watershed is the quality of the water within the local streams and rivers. Although a certain level of pollution due to transportation and development is inevitable, steps must be taken to prevent environmental health hazards and protect the ecological balance of the aquatic ecosystem.

The Town's relatively small size makes the sources of pollution easier to identify. There are two main types of pollution: point source pollution and nonpoint source pollution. Point source pollution can be treated to a single source, such as a leaking underground storage tank, above ground storage tank, or illegal dumping of hazardous wastes. Underground storage tanks can be a major source of groundwater contamination. This is primarily because the tanks are not visible and a leak may easily go undetected until a substantial amount of pollutants have already seeped into the surrounding soil. The main concern for the Town regarding underground storage tanks is the possible corrosion of unprotected concrete tanks due to the acidity of local soils; nearly all land in Town is high risk for concrete. In addition, over 80 percent of the land area poses a moderate risk for corroding unprotected steel. The Town currently has actively used underground storage tanks, as indicated on the Town map Exhibit I. One is located at URBBY (formerly Bridges Marina) located at 15 Watling Street and the other at the Exxon Station at 20 Cross Street both in Urbanna. The Department of Environmental Quality Department of Underground Storage Tanks currently monitor both locations.

Nonpoint source pollution comes from a variety of sources, with stormwater runoff carrying a lot of these pollutants. Stormwater runoff carries pollutants that collect on impervious surfaces, such as roadways, sidewalks, and parking lots, into the local waterways. Impervious surfaces do not give the stormwater the chance to be absorbed by the soil. Urban development, including residential development, can produce high levels of nonpoint source pollution such as plant nutrients (nitrogen) and heavy metals. Residential and commercial activities, parking areas, and waterfront activities are the main sources of nonpoint source pollution within the Town.

Strategies to reduce nonpoint source pollution include: minimizing impervious areas of development sites, maintaining open space, preserving indigenous vegetation, and utilizing Best Management Practices (BMPs) that are designed to reduce stormwater runoff and aid in the filtration of harmful pollutants. Educating the public and local businesses about nonpoint source pollution can also be effective for eliminating these sources of pollution.

Eroding soils are also seen as pollution. The Town is located in a flat coastal plain with the only significant slopes along the shoreline of the Rappahannock River, Urbanna Creek and Perkins Creek. Elevations in the Town range from sea level to over 50 feet above sea level. Slopes of 15 percent or greater generally occur around the shorelines of waterways in and around the Town. The majority of slopes with the Town range from 0-2 percent and offer no problems for development activities.

The entire jurisdiction is designated as a Chesapeake Bay Preservation Area. The Town sold its sewage treatment plant to the Hampton Roads Sanitary District which owns and operates the treatment plant. After treatment the effluent is discharged into Urbanna Creek. While HRSD treatment plant is currently not in, but soon will be within Town limits, its effluent discharge is into Urbanna Creek outside the Town Limits. The permit outfall number is VA0026263001. There are plans to discontinue operation of this treatment plant by 2027 and pump the sewage to other HRSD treatment plants which discharge into the James River. The Town requires all development within the Town to be connected to this system. Per the Town Code (§174.10.11.C, et seq). Therefore, there is no concern over failing septic systems producing pollution.

Physical Constraints to Development

Development in Resource Protection Areas is limited to water-dependent uses, such as marinas, and piers, or the redevelopment of previously developed areas. Development may be allowed in the Resource Protection Area, with administrative approval from the Town, only if it meets the following requirements:

- It is water dependent;
- Constitutes redevelopment;
- Constitutes development or redevelopment within a designated Intensely Developed Area (IDA);
- Or if the application of the buffer area would result in loss of buildable area on a lot or parcel recorded prior to October 1, 1989.

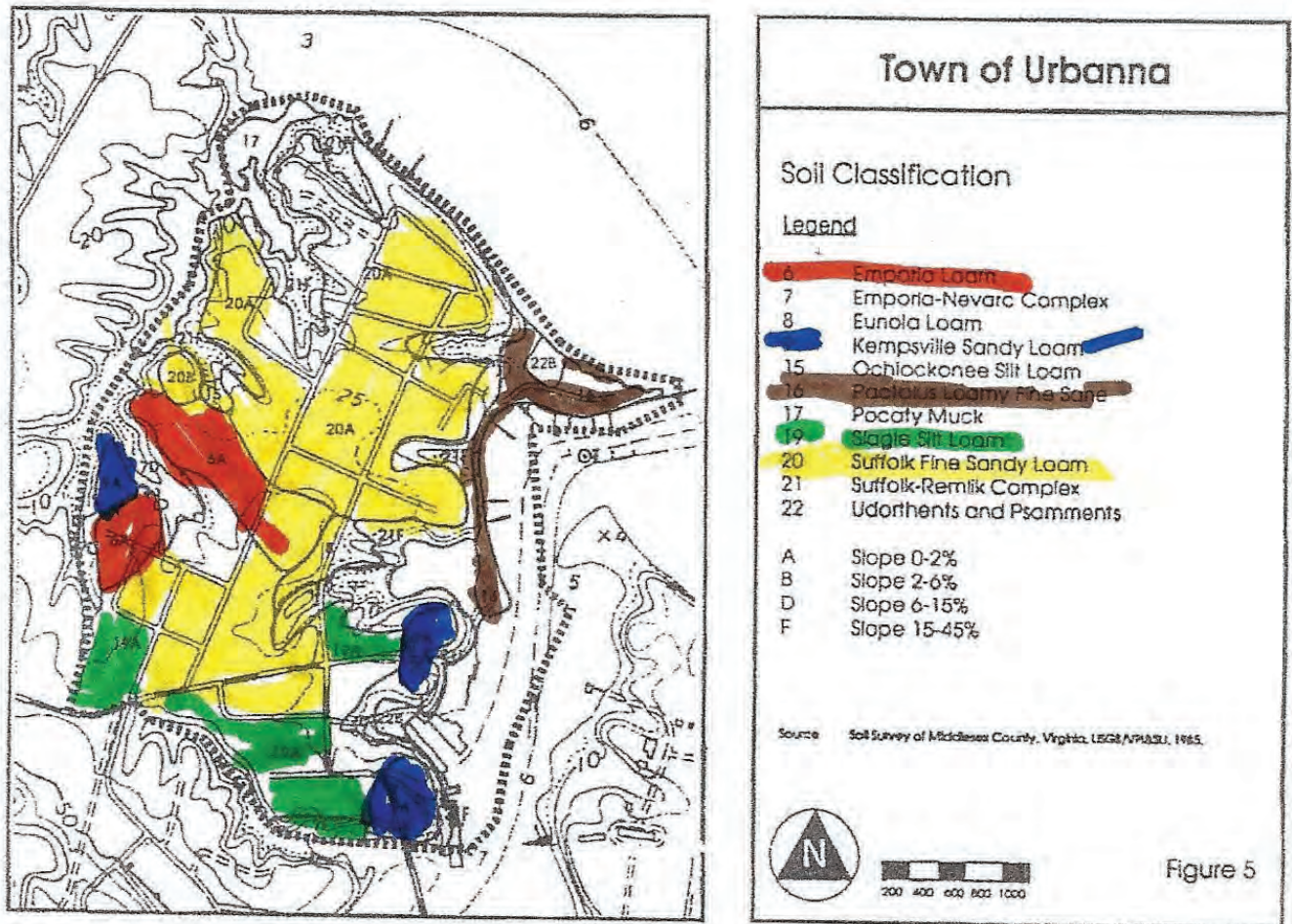
While there are certain restrictions prohibiting development or land disturbance or vegetation removal within 100 RPA protected zone, there are exceptions for water dependent facilities, redevelopment and certain administratively permitted exceptions. There is no restriction on development in the Resource Management Areas provided the development meets the requirements of the zoning district. Development in the IDA may have the 100-foot buffer area requirements waived, provided that the Town considers the establishment of a buffer area if, in the future, the land uses within the IDA have changed.

Development is restricted from the floodway and discouraged from the floodplain. Sensitive soils create a development constraint. The Town's Chesapeake Bay Preservation Area Overlay District included highly erodible and highly permeable soils as part of the Resource Management Area. The Virginia Tech Geographic Information System (VirGIS) laboratory mapped areas of Middlesex County that met the parameters for highly erodible and permeable soils as specified in the regulations.

High erodible soils are those in which have a high potential for eroding and causing sediments to enter waterways. The potential for eroding is due in part to the steepness and length of slope which act together to increase the speed of water running down slope. The faster the runoff down the slope, the more soil particles are washed off the slope. Soil structure, texture, percentage of organic material, the infiltration rate and the permeability of the soil are characteristics that help to define a soils erodibility. Eroding soils contributes to water pollution by increasing the amount of sediment in the water.

Highly permeable soils are those soil which are susceptible to pollutant leaching and therefore have a high potential for groundwater pollution. The ability of water to move down through the soil depends in large part on the water holding capacity of the soil. Capacity of a soil to hold water is determined by the structure, texture, percentage of organic matter and permeability of a soil. Soil permeability is particularly important in the design and construction of septic drain fields as the effluent from the septic system will move quickly through the soil into the groundwater system without proper filtration. However, other pollutants such as pesticides, heavy metals, organic wastes and road salts can also move quickly through highly permeable soils and contribute to the contamination of groundwater.

Within the Town, there are areas that are both high erodible and highly permeable and areas that are either highly permeable or highly erodible. Approximately 13 percent of the Town is characterized by soils that are both highly permeable and highly erodible. More than 49 percent of the Town is characterized by soils which are highly permeable, while over 6 percent of the soil are highly erodible. Overall, 68 percent of the Town is characterized by sensitive soils.



Shoreline erosion is another development constraint. The erosion of the shoreline can affect growth by removing land area from the Town. As the shoreline along Urbanna Creek and Perkins Creek continue to develop, the rate of erosion may increase if the proper steps are not taken to prevent the disturbance of the vegetation along the shoreline. Some hardening of the creek shoreline has occurred, but hardening techniques tend to exacerbate the erosion downstream. The implementation of the Town's Chesapeake Bay Preservation Area Overlay District should help to preserve the existing vegetation along the creek's shoreline. With erosion occurring, it will be particularly important for the full 100-foot buffer area to remain intact, not only to provide a filter for the water running off the property, but to protect the property from further erosion. In addition, development may be constrained by:

- Steep slopes
- Flat grades that don't drain well
- Mature forest vegetation

The Town of Urbanna is, therefore, committed to the following polices:

The Town will continue to identify physical constraints to development. It will continue to enforce its Chesapeake Bay Preservation Area Overlay District to protect sensitive natural features including, but not limited to, tidal wetlands, tidal shores, nontidal wetlands, highly erodible soils including steep slopes, highly permeable soils, and perennial streams.

The Town will protect the potable water supply by identifying and addressing threats to groundwater resources from existing and potential pollution sources and encouraging water conservation.

The Town will achieve this goal by the following actions:

- Continue to inspect and ensure the maintenance of BMP facilities within the Town, in accordance with §17-4.10.11(d) of the Town's Chesapeake Bay Preservation Area Overlay District.
- Participate with Middlesex County Health Department to identify any malfunctioning or abandoned septic systems and investigate remediation or removal options including removal of them during redevelopment.
- Work with the State Water Control board to identify and remedy any existing sources of pollution within the Town such as abandoned underground storage tanks and above ground storage tanks and to identify those underground storage tanks risk of corroding.
- Collaborate with applicable state agencies to remove any illegal dumping and pursue stringent enforcement of applicable federal and state laws as necessary.
- Participate with the Department of Health to identify operations not adhering to the regulations outlined in Code of Virginia §32.1-246 related to marina operations. The Town will work to recognize ways of addressing the appropriate density of docks and piers such as investigating the possibility of adopting Marine Resources Commission guidelines for marina and boat dock facilities.

- Consider possibilities of providing public information workshops for citizens to demonstrate the proper application of pesticides and fertilizers for home lawns and gardens. These workshops will help to reduce the over-application of the substances which are one element of nonpoint source pollution.
- Promote Water resource conservation

The Town will address the relationship of land use to commercial and recreational fisheries and other aquatic resources by:

- Enforcement of zoning ordinances such as the Chesapeake Bay Preservation Area Overlay District.
- Reduction of nonpoint sources of pollution from impervious surfaces adjacent to the River and Urbanna and Perkins Creeks.
- Institution of programs in public education, wildlife habitat preservation, and pollution prevention.
- Participate with the Department of Health to identify operations not adhering to the regulations outlined in Code of Virginia §32.1-246 related to marina operations. The Town will work to recognize ways of addressing the appropriate density of docks and piers such as investigating the possibility of adopting Marine Resources Commission guidelines for marina and boat dock facilities.

The Town will manage the process of siting docks and piers as a water-dependent use in the RPA and of IDAs. Since the Town is built out, it is anticipated the development of docks and piers would be undertaken as a redevelopment project. The Town will achieve this goal by the following actions:

- Enforcement of zoning ordinances such as the Chesapeake Bay Preservation Area Overlay District.
- Limit water-dependent uses to those with proven economic justification.
- Avoidance of development on sensitive natural features such as steep slopes.
- Reduction of nonpoint sources of pollution from impervious surfaces adjacent to the River and Urbanna and Perkins Creeks.
- Institution of programs in public education, wildlife habitat preservation, and pollution prevention.

The Town will maintain public and private access to waterfront areas and manage the effect on the water quality by:

- Enforcement of zoning ordinances such as the Chesapeake Bay Preservation Area Overlay District.
- Avoidance of development on sensitive natural features such as steep slopes.
- Reduction of nonpoint sources of pollution from impervious surfaces adjacent to the River.
- Institution of programs in public education, wildlife habitat preservation, and pollution prevention.

The Town will mitigate the impacts of land use and its associated pollution upon water quality by:

- Enforcement of zoning ordinances such as the Chesapeake Bay Preservation Area Overlay District.
- Amend CBPOD to reflect the calculated average land cover for the Town while making other programmatic changes as necessary.
- Minimizing impervious cover is an integral part of the Town's stormwater quality management program. The Town Planning Commission will investigate economically feasible and practical ways to reduce the impervious cover for development within the Town. Such as investigation may include the following options: establishment of maximum parking space size and number of parking spaces for zoning categories; requiring pervious paving in low traffic areas, reducing the amount of impervious cover allowed based on the zoning category; and requiring open space based on the zoning category.
- Avoidance of development on sensitive natural features such as steep slopes.
- Reduction of nonpoint sources of pollution from impervious surfaces adjacent to the River.
- Institution of programs in public education, wildlife habitat preservation, and pollution prevention.
- Continued enforcement of the Floodplain Ordinance in order to protect floodplains within the Town from improper development as well as to protect the health, welfare, economic and real estate interests of Town residents.
- Reducing nonpoint source pollution generated by development by preserving as much existing vegetation on site as possible while accommodating the desired land use.
- Investigate ways of addressing existing shoreline erosion problems along the Rappahannock River and Urbanna Creek and work with appropriate state agencies to determine appropriate policies regarding shoreline erosion control.

The Town will support water quality improvement through reduction of existing pollution sources and redevelopment on Intensely Developed Areas and other areas targeted for redevelopment by:

- Enforcement of zoning ordinances such as the Chesapeake Bay Preservation Area Overlay District.
- Avoidance of development on sensitive natural features such as steep slopes.
- Reduction of nonpoint sources of pollution from impervious surfaces adjacent to the River.
- Institution of programs in public education, wildlife habitat preservation, and pollution prevention.

17-4.10.11 Plan of Development Process

A. Purpose and Intent

~~The purpose of the plan of development process is to provide for a review process ensures that development and redevelopment complies with the provisions of this Article and that protects the quality of state waters.~~

The purpose of the plan of development process is to provide for a review process that ensures that development and redevelopment complies with the provisions of this Article and that protects the quality of state waters.

1. Any final site plan, plan of development, plat, plot, or final subdivision plans for all lands within CBPAs shall include the following information:

- a. Delineation of the RPA boundary.
- b. Delineation of required buffer areas;
- c. Delineation of RMA wetlands;
- d. Delineation of RMA boundary;
- e. Plat or plan note providing that no land disturbance or vegetation removal is allowed in the buffer area without review and approval by the Zoning Administrator.
- f. Plat or plan note of the permissibility of only water dependent facilities or redevelopment in Resource Protection Areas, including the 100-foot wide buffer area.
- i. Plat or plan depiction indicating the buildable area. All subdivision plats shall include a notation that setbacks and yards shown hereon are based on current district requirements at the time of approval but shall not take precedence over any subsequently adopted setback requirements related to any rezoning action or district regulation amendments.
- j. Any additional requirements specified in the subsections below.

B. Applicability

A plan of development shall be required for any development or redevelopment exceeding 2,500 square feet of land disturbance in the Resource Protection Area (RPA) or Resource Management Area (RMA). A plan of development shall be approved prior to any development preparation activities onsite, such as clearing and grading of the site and the issuance of a Zoning and Building Permit, to assure compliance of all applicable requirements of the Zoning Ordinance.

C. Submission and Review Requirements.

- 1. For all individual single-family dwellings in the RPA and alt development in the RMA, the plan of development shall consist of the following plans and studies:
 - a. A water quality impact assessment in accordance with the provisions of

Section 17-4.10.12 of this Zoning Ordinance.

- b. An erosion and sedimentation control plan in accordance with the provisions of Middlesex County Erosion and Sedimentation Control Ordinance.
 - c. A valid Wetlands Permit for any activities specified as requiring a permit in the provisions of Middlesex County Wetlands Ordinance.
2. For all development or redevelopment other than individual single-family dwellings in the RPA, the plan of development shall consist of the plans and studies:
- a. A water quality impact assessment in accordance with the provisions of Section 17-4.10.12 of this Zoning Ordinance;

- b. An environmental site assessment in accordance with the provisions of Section 17-4.10.D of this Zoning Ordinance;
 - c. A landscaping plan in accordance with the provisions of Section 17-4.10.11.E of this Zoning Ordinance;
 - d. A stormwater management plan in accordance with the provisions of Section 17-4.10.11.F of this Zoning Ordinance;
 - e. An erosion and sediment control plan in accordance with the provisions of Middlesex County Erosion and Sedimentation Control Ordinance.
 - f. A valid Wetlands Permit for any activities specified as requiring a permit in the provisions of Middlesex County Wetlands Ordinance.
3. Three {3} copies of all plans of development shall be submitted to the Zoning Administrator for review. All information required by Section 17-4.10.11.C of this Zoning Ordinance must be submitted for an application to be consider complete.

D. Environmental Site Assessment.

- 1. The environmental site assessment shall be drawn to scale and clearly delineate the following environmental features:
 - a. Tidal wetlands;
 - b. Tidal shores;
 - c. Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow;
 - d. A 100 foot buffer located adjacent to and landward of the components listed in subsections a. through c. above, and along both sides of any water body with perennial flow; and
 - e. Other sensitive environmental features as determined by Zoning

Administrator.

2. Wetlands delineations shall be performed consistent with the procedures specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, 1986.
 3. The environmental site assessment shall delineate the geographic extent of the Resource Protection Area on the specific site or parcel as required under Section 17-4.10.2 of the Zoning Ordinance.
 4. The environmental site assessment shall be certified as complete and accurate by a professional engineer or a certified land surveyor. The Zoning Administrator may waive this requirement when the proposed use or development would result in less than 5,000 square feet of disturbed area.
- E. landscaping Plan.
1. The landscaping plan shall be drawn to scale and clearly delineate the location, size and description of existing and proposed plant material. The plan shall include the following information:
 - a. All existing trees on the site four (4) inches or greater diameter at breast height (DBH) shall be shown on the landscaping plan, or where there are groups of trees, said stands may be outlined instead. The specific number of trees four (4) inches or greater DBH to be preserved outside of the building envelope shall be indicated on the plan. Trees and other woody vegetation proposed to be removed to create the desired construction footprint shall be clearly delineated on the landscaping plan.
 - b. Any required RPA buffer area shall be clearly delineated and any plant material to be added to establish or supplement the buffer area, as required by this Article, shall be shown on the landscaping plan.
 - c. Within the buffer area, trees and other woody vegetation to be removed for sight lines, vistas, access paths, and best management practices, as provided for in Section 17-4.10.10 of this Zoning Ordinance, shall be shown on the plan. Vegetation required by this ordinance to replace any

existing trees within the buffer area shall also be depicted on the landscaping plan.

- d. Trees and other woody vegetation to be removed for shoreline stabilization projects and any replacement vegetation required by this Article shall be shown on the landscaping plan.
- e. The plan shall depict grade changes or other work adjacent to trees which would affect them adversely. Specifications shall be provided as to how grade, drainage, and aeration would be maintained around trees to be preserved.
- f. The landscaping plan will include specifications for the protection of existing trees and other vegetation during clearing, grading, and all phases of construction.
- g. If the proposed development is a change in use from agricultural or silvicultural to some other use, the plan must demonstrate the re-establishment of vegetation in the buffer area.

2. Plant Specifications.

- a. All plant materials necessary to supplement the buffer area or vegetated areas outside the construction footprint shall be installed according to standard planting practices and procedures.
- b. All supplementary or replacement plant materials shall be living and in a healthy condition. Plant materials shall conform to the standards of the most recent edition of the American Standard for Nursery Stock, published by the American Association of Nurserymen.
- c. Where areas to be preserved, as designated on an approved landscaping plan, are encroached, replacement of existing trees and other vegetation will be achieved at a two (2) planted trees to one (1) removed. All trees planted as replacement vegetation shall be mature, well-branched and a minimum of four (4) feet in height (excluding root mass) at planting.

3. Maintenance.

- a. The applicant shall be responsible *for* the maintenance, repair and replacement of all vegetation as may be required by the provisions of the Zoning Ordinance.
 - b. In buffer areas and areas outside the construction footprint, plant material shall be tended and maintained in a healthy growing condition and free from refuse and debris. Unhealthy, dying, or dead plant materials shall be replaced during the next planting season, as required by the provisions of the Zoning Ordinance.
- F. Stormwater Management Plan.
- 1. The stormwater management plan shall be drawn to scale and clearly delineate following information:
 - a. Location and design of all planned stormwater control devices and BMPs;
 - b. Procedures for implementing non-structural stormwater control practices and techniques;
 - c. Pre- and post-development nonpoint source pollutant loadings with supporting documentation of all utilized coefficients and calculations;
 - d. For facilities, verification of structural soundness, including a Professional Engineer or Class 111B Surveyor Certification;
 - 2. All engineering calculations must be performed in accordance with the procedures outlined in the current edition of the Virginia Stormwater Management Handbook
 - 3. The plan shall establish a schedule *for* inspection and maintenance of stormwater management facilities that includes all maintenance requirements and persons responsible for performing maintenance. . If the designated maintenance responsibility is with a party other than the Town of Urbanna then a maintenance agreement shall be executed between the responsible party and the Town of Urbanna.

G. Installation and Bonding Requirements.

1. Where buffer areas, landscaping, stormwater management facilities or other specifications of an approved plan are required, no certificate of occupancy shall be issued until the installation of required plant material or facilities is completed in accordance with the approved site plan.
2. When the occupancy of a structure is desired prior to the completion of the required landscaping, stormwater management facilities, or other specifications of an approved plan, a certificate of occupancy may be issued only if the applicant provides to the Town of Urbanna a form of surety satisfactory to the Zoning Administrator in an amount equal to the remaining plant materials, related materials, or installation costs of the required landscaping or facilities and/or maintenance costs for any required stormwater management facilities.
3. AU required landscaping shall be installed and approved by the first planting season following issuance of a certificate of occupancy or the surety may be forfeited to the Town of Urbanna.
4. All required stormwater management facilities or other specifications shall be installed and approved within eighteen (18) months of project commencement. Should the applicant fail, after proper notice, to initiate, complete or maintain appropriate actions required by the approved plan, the surety may be forfeited to the Town of Urbanna. The Town of Urbanna may collect from the applicant the amount by which the reasonable cost of required actions exceeds the amount of the surety held.
5. After all required action of the approved site plan have been completed, the applicant must submit a written request for final inspection. If the requirements of the approved plan have been completed to the satisfaction of the Zoning Administrator, such unexpended portion of the surety held shall be refunded to the applicant or terminated within sixty (60) days following receipt of the applicant's request for final inspection.

H. Plan of Development Approval.

The Zoning Administrator shall approve, approve subject to conditions or disapprove all plans of development. The Zoning Administrator shall return notification of plan review

results to the applicant, including recommended conditions or modifications. In the event that the results and/or recommended conditions or modifications are acceptable to the applicant, the plan shall be so modified, if required, and approved.

I. Denial of Plan, Appeal of Conditions or Modifications.

In the event the final plan or any component of the plan of development process is disapproved or recommended conditions or modifications are unacceptable to the applicant, the applicant may appeal such administrative decision to the Board of Zoning Appeals. In granting or denying an appeal, the Board of Zoning Appeals must find such plan to be in accordance with all applicable ordinances and include necessary elements to mitigate any detrimental impact on water quality and upon adjacent property and the surrounding area, or such plan meets the purpose and intent of the performance standards in this Article. If the Board of Zoning Appeals finds that the applicant's plan does not meet the above stated criteria, they shall deny approval of the plan.

1.7-4.1.0.12 Water Quality Impact Assessment

A. Purpose and Intent

The purpose of the water quality impact assessment is to:

1. Identify the impacts of proposed land disturbance, development or redevelopment on water quality and lands in RPAs and other environmentally sensitive lands;
2. Ensure that, where land disturbance, development or redevelopment does take place within RPAs and other sensitive lands, it will occur on those portions of a site and in a manner that will be least disruptive to the natural functions of RPAs and other sensitive lands;
4. Protect individuals from investing funds for improvements proposed for location on lands unsuited for such development because of high ground water, erosion, or vulnerability to flood and storm damage;
5. Provide for administrative relief from terms of the Zoning Ordinance when warranted and in accordance with the requirements contained herein; and



Agenda Item Summary September 14, 2023

Agenda Item: 9b- Referral to Planning Commission of proposed amendment to Section 17-4.6 – General Commercial District (B-1) of the Zoning Ordinance of the Town of Code

Where we are: The council passed on May 25, 2023, Ordinance 23-01 which was an amendment to Section 17-4.6.2, Permitted Uses in B-1 by adding item (21) which had previously been Reserved. The intent of the modification was to allow by right the construction or conversion of a limited number of apartments or condominiums. Concern had been widely expressed that the supply of long-term rental housing was substantially limited in town and this was affecting local businesses in their attempts to attract workers, and full-time residence who could not buy single family houses due to the lack of supply. The ordinance was also useful to satisfy one of the conditions of the sale of the old town hall but that was not the primary purpose. The primary purpose was to increase the supply of long-term rental housing. Even if this ordinance is repealed, the status of the old town hall’s uses would not change because they began their alterations to two apartments in that building when Ordinance 23-01 was in effect at that time.

Several members of the Planning Commission and Town Council have suggested that the decisions leading to the passage of Ordinance 23-01 be reconsidered because of the potential impact of replacing retail businesses with apartments or condominiums in the B-1 commercial district, thus limiting the future attractiveness of the area to visitors both short term and long term. Proposals have been made to allow the conversion of spaces to apartments not ‘associated’ with a permitted retail activity but only with a special use permit. There is a draft proposal following that is designed to produce that result. First the proposal would eliminate the “use by right” created by Ordinance 23-01 as Section 17-4.6.2 ((21) and amend Section 17-4.6.3 (1) by permitting if approved by a special use permit, an apartment or apartments within but not “associated” with an office, business or commercial building so long as the commercial use is continued in the building. This would allow a mixed use of the property if a special use permit was obtained by the owner. The changes to the ordinance are high lighted in red.

Fiscal Impact: None

Staff Recommendation: Refer to the Planning Commission

Council Action: Pass motion to refer the proposed amendment to Section 17-4.6-of the Zoning Ordinance of the Town Code for its review, and after public return to Town Council with its recommendation

Sample Motion(s): I move that the Town Council refers to the Planning Commission the proposed amendment to Section 17-4.6-of the Zoning Ordinance of the Town Code for its review, and after public return to Town Council with its recommendation.

Section 17-4.6. **General Commercial District (B-1).**

Section 17-4.6.1. **Purpose of the District**

The purpose of this district is to provide sufficient space in appropriate locations for a wide variety of retail shopping, commercial, automotive, and miscellaneous recreational and service activities, generally serving the Town, a wide area of the County, and the traveling public. These commercial uses are generally located along major thoroughfares or near development centers where a general mixture of commercial and service activity now exists or is planned, but which uses are not characterized by extensive warehousing, frequent heavy trucking activity, or the nuisance factors of dust, odor, and noise, associated with manufacturing.

Section 17-4.6.2. **Permitted Uses.**

A building or land shall be used only for the following purposes:

- (1) Any principal permitted use permitted by right in the R-1 zoning district. Dwellings are subject to the same lot area and yard space requirements as in the R-1 district.
- (2) Arts, cultural, and historic institutions, including museums and tourist information and orientation facilities.
- (3) Retail automobile or truck parts sales, but not wholesale and not auto salvage or wreckage.
- (4) Bakeries, provided that the majority of products produced on the premises are sold at retail on the premises.
- (S) Banks and other financial institutions.
- (6) Barber shops or beauty parlors.
- (7) Bed and breakfast facility.
- (8) Bicycle sales and repair shops.

- (9) Catering or delicatessen business.
- (10) Churches and Sunday Schools, rectories, parish houses, convents and monasteries, temples, and synagogue.
- (11) Drive-in automatic banking or vending machine station. Groups of three or more vending machines shall be contained in a building.
- (12) Employment service or agency.
- (13) Frozen food lockers for individual or family use.
- (14) Funeral home or undertaking establishment.
- (15) Hospital or clinic.
- {16) Hotel, motel, inn, lodge, or tourist home having less than five (5) rooms for use by transient boarders.
- (17) Janitorial service establishment.
- (18) Laundries, laundromats or dry-cleaning establishments with floor area not exceeding 2,500 square feet.
- (19) Lawn mower, yard and garden equipment, rental and sales and service but no service or repair permitted.
- (20) Libraries.
- (21) Reserved
- (22) Nurseries for growing and sale of plants, trees and shrubs and related materials.
- (23) Offices; general, business or professional; manufactured or mobile home for temporary (not to exceed 120 days) office use by approved special use permit only.
- (24) Parking lots parking spaces and parking areas.

{25) Pet shop or dog beauty parlor, provided that any work rooms, cages, pens or kennels be maintained within a completely enclosed, soundproof building and that such shop or parlor be operated in such a way as to produce no objectionable noise or odors outside its walls.

(26) Printing, publishing, and engraving establishments, photographic processing or blueprinting with floor area not exceeding 2,500 square feet.

(27) Radio and television stations and studios or recording studios, but not towers more than 125 feet in height.

(28) Rental of household items, tools and appliances.

(29) Repair shops with floor area not exceeding 2,500 square feet.

(30) Reserved.

(31) Security service office or station.

(32) Shopping Centers.

(33) Stores or shops for the conduct of retail business, including sale of accessories, antiques, appliances, art or art supplies, beverages (alcoholic or otherwise), books, carpets, clothing, drugs, fabrics, flowers, food, furniture, hardware, jewelry, office supplies and stationery, shoes, paint, wallpaper, sporting goods, and similar stores and shops.

(34) Studios or shops for artist, photographers, writers, teachers, jewelers, weavers or other crafts, sculptors or musicians.

(35) Telephone station or booth, including drive-in or talk-from-car stations.

(36) Temporary stands, or outdoor areas or temporary truck parking, for sale of produce, Christmas trees, and other seasonal items.

(37) Video rental and sales.

(38) Accessory buildings and uses, including accessory storage of supplies and merchandise normally carried in stock or used in connection with a permitted use, subject to applicable district regulations.

(39} Massage Therapy practiced by a graduate of a training program certified by the State Board of Education.

Section 17-4.6.3.

Uses Permitted by Special Use Permit.

The following uses may be permitted by special use permit approved by the Town Council following report by the Planning Commission in accordance with the procedures, guides and standards of Article 9.

(1} An apartment or apartments may be constructed or converted within a building in the B-1 district only after a special use permit has been obtained. No space customarily used for retail or commercial use may be converted to apartments. Once the retail or commercial use in the building is vacated, for 12 months or more and is no longer on going, the special use permit shall expire by its terms.

(2} Billiard parlors or pool rooms, bowling alleys, dance halls, electronic game centers, miniature golf, or similar recreational establishments, indoor or outdoor.

(3} Carnivals or fairgrounds.

(4} Nursery schools, kindergartens, child care centers, day nurseries or day care centers.

(5} Outdoor sales areas or flea Markets.

(6} Public or governmental buildings and uses, including governmental offices, schools, fire stations (volunteer or otherwise), parks, parkways, and playgrounds.

(7} Public utilities or public service or transportation uses, buildings, (including bus stations}, generating, purification or treatment plants, water storage tanks, pumping or regulator stations, telephone exchange, substations and major transmission lines.

(8} Radio, television or other communication tower more than 125 feet in height and all satellite receiving dishes.

(9} Recreational uses or facilities for a private membership, such as clubs and lodges, golf courses, game courts, swimming pools, archery range, fishing or boating lakes, picnic grounds, or similar activities, and accessory facilities, including sale of food, beverages, bait, incidentals, supplies and equipment.

- (10) Automobile service station, so long as bulk storage of inflammable liquids is underground.
- (11) Automobile or truck sales (new or used} including service, and repair, body or fender repair, auto salvage or wreckage, and car or truck sales or rental storage lot. Storage of equipment or materials or damaged vehicles shall be inside a completely enclosed building. Storage of auto salvage or wreckage is prohibited.
- (12} Automobile or truck parts sales, wholesale or retail, but not auto salvage or wreckage.
- (13) Bakeries, including retail and wholesale sales incidental to these uses.
- (14} Boat and boat trailer sales and storage.
- (15) Bottling works, dyeing and cleaning works, linen service, or laundry, furniture refinishing, plumbing, electrical and heating shop, painting shop, upholstering shop not involving furniture manufacture, shoe repair, tinsmithing shop, appliance repairs, and general service and repair establishments, similar in character to those listed in this item, but provided that no outside storage of material is permitted except as provided in this section.
- (16) Car-wash or automobile laundry, automatic, or attended, or self-service.
- (17) Exterminating establishment.
- (18} Farm supply and service establishments, implement sales, rental and service, feed and seed store, including custom milling of grain and feed, fertilizer storage in bags or bulk .storage of liquid or dry fertilizer in tanks or in a completely enclosed building.
- (19) Garages, parking, storage, or repair.
- (20) Green houses, commercial, wholesale or retail.
- {21} Hotel, motel, inn, motor lodge, or tourist home, having less than five {5) rooms available for rent or lease.
- (22) Institutions, educational or philanthropic, including museums, libraries and art galleries.
- (24) . Laundries, laundromats or dry-cleaning establishments, having less than 2,500 square feet of space.

(25) Lawn mower, yard and garden equipment, rental, sales and service, and repair. All damaged machines and small engines for repair must be stored in an enclosed building.

(26) Lumber, building supply and plumbing and electrical supply, with storage enclosed and screened.

(27) Monument sales establishments with incidental processing to order, but not including the shaping of headstones.

(28) Motorcycle or off-road vehicle sales, service and repair. All damaged machines for repair must be stored in an enclosed building.

(29) Muffler sales and installation.

(30} Plumbing and electrical supply sales.

(31) Printing, publishing, and engraving establishments, photocopying, photographic processing or blueprinting.

(32) Private club, lodge, meeting or assembly hall, or fraternal organization or sorority, game courts, swimming pools, archery ranges, health club or fitness center.

(33) Rental or sale of luggage racks, trailers, pick-up truck cabs, campers and traveltrailers, but not including truck trailer bodies.

(34) Repair shops with floor areas exceeding 2;500 square feet.

(35) Retail or wholesale sales and service incidental to a permitted manufacturing, processing, storing or distributing use.

(36) Sign fabricating and painting shop..

(37) Taxidermists..

(38) Tire sales, service and installation.

(39) Veterinary hospital or clinic for small pets, livestock, and

other animals, provided that such hospital or clinic and any treatment rooms, cages, pens, or kennels, be maintained within a completely enclosed, soundproof building, and that such hospital or clinic be operated in such a way as to not be a nuisance.

(40) Movie Theaters.

(41) Restaurants. Notwithstanding the foregoing, the owner or designated agent of the owner of a premises that has previously been issued a Special Use Permit by the Town Council to operate a restaurant on the premises, whether or not the owner or designated agent of the owner was the prior holder of the Special use Permit, may apply to the Zoning Administrator for the issuance of a new Special Use Permit to continue to use the premises as a restaurant, provided, however, the owner or designated agent of the owner of the premises shall agree to accept the following conditions and the Zoning Administrator first determines that the following conditions have been satisfied: (a) the prior holder of the Special Use Permit to operate a restaurant on the premises has paid in full all of the meals taxes and water/sewer charges to the Town of Urbanna and Hampton Roads Sanitation Authority, as applicable; (b) the premises was continually used as a restaurant since the issuance of the last Special Use Permit, whether said Special Use Permit was issued by the Town Council or administratively through this provision and the prior restaurant has not been closed for more than 365 days; (c) the proposed restaurant facility must operate within the same footprint of the prior restaurant facility as evidenced by the application, site plan and conditions approved in the prior Special Use Permit process and the use as a restaurant cannot be expanded without the expressed approval of the Town Council through the Special Use Permit process contained in Article 9 of Chapter 17 of the Town Code; (d) the Zoning Administrator determines that the continued use of the premises as a restaurant is appropriate and does not conflict with the Comprehensive Plan and the chapters and regulations of the Town; (e) the new applicant must agree to accept the special requirements and conditions imposed by the Town Council in the prior Special Use Permit; and (f) the new applicant must agree to accept any new standard requirements and conditions contained in the current Special use Permits issued by the Town, including without limitation, the applicant's agreement to limit the hours of operation of the restaurant imposed by any appropriate public safety authority including without limitation, the Sheriff of Middlesex County, Virginia during any special festival event or otherwise. If the applicant cannot comply with or refuses to comply with any or all of the conditions and requirements listed above, then the Zoning Administrator cannot issue a new Special use Permit through this administrative process and the applicant shall follow the procedures in Chapter 17 of the town Code in order to receive a new Special Use Permit to operate a restaurant on the premises.

Merri and Gari:

Here is the suggested language for the B-1 Apartment with a special use permit as suggested by Gari

The current language is the Zoning Ordinance- Section 17-4.6.3 Uses Permitted by Special Use permit in (in B-1 Commercial District) is

- (1) A single-family dwelling, duplex or multi use dwelling on a case-by-case basis in association with permitted office, business or commercial use in the same building or on the same premises shall be permitted (with a special use permit)

What we could do to accomplish what you have in mind is to change the language to read:

- (1) A single-family dwelling, duplex, multi-use dwelling or apartments shall be permitted, on a case-a by- case basis located in a building within a permitted use office, business or commercial use so long as the primary permitted office, business or commercial use is continued and ongoing.

By eliminating the "in association with "language you allow the apartments independent of the commercial use.

What this would do is allow apartments - (without saying were located -e.g. second story above retail) in the same building while requiring that a permitted use be continued.) This preserves the retail or office space.

You would then also want to revoke Section 17-4.6.2 (21) which the Town Council recently passed permitting apartments (no more than six (6) by right in B-1

You would also want to make sure that any short term rental language we come up with limits the availability turning these apartments in 8-1 from becoming STRs unless they could comply with any short term rental language that is subsequently passed.



Agenda Item Summary September 14, 2023

Agenda Item: 9c-Referral to the Planning Commission of proposed amendments to Section 17-5.18 Short term Retail of the Zoning Ordinance of the Town Code

Background: Several members of the Planning Commission and Town Council have heard concerns about the way short-term rentals are being handled under the current ordinance. Concern has been expressed as to the total number of short-term rentals that should be allowed in town to preserve the residential and commercial integrities of neighborhoods. Concern has also been expressed that the conversion of potentially long-term rentals to short-term rentals will adversely affect the availability of affordable rentals for those hoping to become full time residents of the Town. A voluntary survey was conducted of Tonw residents and others and as a result of that survey and other input a proposed amendment to the short-term ordinance has been developed. The proposed amendment follows. The changes it Section 17-5.18 are highlighted in red. The proposal would limit the total number of short-term rentals in the Town, create a waiting list for applicants, add additional regulations and increase the fine for violations.

Fiscal Impact: Unknown

Staff Recommendation: Refer to Planning Commission proposed amendments to Section 17-5.18

Council Action Requested: Refer the proposed amendment to Section 17-5.18 regarding short term rentals to the Planning Commission for its review and after public hearing, return its recommendation on the proposed amendment to Town Council.

Sample Motion(s): I move the Town Council refer the proposed amendment to Section 17-5.18 of the Town Code regarding short term rentals to the Planning Commission for its review and after public hearing, return its recommendation on the proposed amendment to Town Council

This page intentionally left blank

Revised format for new STR ordinance

I. Definition

- (a) A short-term rental (STR) is defined A short-term rental is defined as a lodging house or room that is suitable or intended for occupancy for dwelling, sleeping or lodging purposes for a period of thirty (30) consecutive days or less, in exchange for a charge and /or fee for occupancy.

II. Eligibility

- (a) The owner or owner's agent must apply for and obtain a short-term rental permit to operate a short-term rental within Urbanna.
- (b) The total number of STRs allowed to operate, for a 12 month period from June 1 to May 31 each year or from the date of initial permit until May 31, within the Town of Urbanna (R-1, R-2, B-1, B-2) shall be limited to 15.
- (c) All those property owners holding a current STR permit and in compliance, as of October 1, 2023, are grandfathered within the STR limit. As long they keep their STR permit current on an annual basis they may continue to operate. As soon as they fail to keep their permit current, they will be removed from the limit list of current permits and be required to reapply if the wish to operate a STR. Additionally, STR permit becomes void on the sale or transfer of the property.
- (d) Once the maximum number of STR permits have been issued, a list (STR limit list) of all additional persons interested in applying for an STR permit shall be maintained in chronological order of date submitted. When an opening occurs, the next potential applicant on the STR limit list shall be contacted and offered an opportunity to apply for an STR permit. If that person elects not to apply for an STR permit at that time, their name shall be removed from the list.
- (e) All persons, naturally born, or family trusts or personal LLCs of residents of the Town of Urbanna who wish to operate an STR within the R-1 district may apply for a STR permit. If space is available within the maximum number of STR permits the may apply for an STR permit without the need of a Special Use Permit.
- (f) All persons, naturally born, or family trusts or personal LLCs of residents of the Town of Urbanna who wish to operate a their property in the R-2, B-1 or B-2 districts may apply for a STR permit and if space is available within the maximum number of STR permits and may apply for an STR permit but before issuance of the STR permit also apply for a special use permit, which must be granted before the STR permit application shall be processed. No space formerly used for commercial or retail use may be converted to an STR.

(g) A STR permit shall be valid for 12 months from the date of issue unless it is surrendered by the permit holder or terminated for cause before that date. The STR permit holder may apply for a subsequent STR permit prior to the expiration date of their STR permit and a renewal shall be granted if the applicant has submitted regularly requires monthly usage reports and has had rentals on which he has paid lodging tax for at least 3 months of the 12 month period.

III. Restrictions

(a) No STR permit may be issued for a boat, recreational vehicle or trailer.

(b) No sign advertising the property as a STR is allowed. The name of the property may be on the sign but no other information. The size of the sign must conform the sign ordinance found in this Chapter 17.

(c) The applicant for an STR permit grants the Town the right to inspect for compliance with this ordinance prior to and after the STR permit is issued.

(d) The number of adult (18 years old or older) guest residing in an STR unit shall not exceed the number of permanent bed space in the unit. Children under 18 years of age may be accommodated using cots or sleeper sofas in common areas.

(e) A STR that is equipped with a swimming pool shall comply with the provisions of the Virginia department of Health regulations contained in the Code of Virginia; 12 VAC 5-460.

(f) Any property utilized as a STR shall provide adequate off-street parking for its guests. A minimum of one parking space per bedroom is required. If such parking cannot be provided on-site, the owner must submit a parking plan indicating how the parking requirement will be met. Such plan shall be reviewed and approved by the zoning administrator. No on-street parking shall be part of the plan; No over-night parking of recreational vehicles or trailers owned by STR guests is permitted either on the STR property or adjacent streets.

(g) A STR shall have no more than two (2) rental contracts during any consecutive seven (7) day period and shall be limited to operating in one structure per property.

(h) A STR shall comply with Article VI of Chapter 7 of the Town Code pertaining to the payment of Lodging Tax and submit monthly reports of occupancy to the Town Treasurer along with tax lodging tax if due.

(i) To the extent permissible under state law, interconnected smoke detectors (which may be wireless), a fire extinguisher, and where natural gases or propane is present, carbon monoxide detectors shall be installed in each STR;

(j) A STR shall comply with requirements of the Virginia Uniform Statewide Building Code, as determined by the Building Official;

(k) There shall be posted in a conspicuous place within the dwelling a summary provided by the zoning administrator of the Town Code sections pertaining to noise, open fires, fireworks, along with copies of the approved parking plan, solid waste pickup schedule and rules, and emergency telephone numbers;

(l) There shall be no outdoor amplified sound after 10:00 PM or before 10:00 AM

IV. Application

(1) The Following shall be filed with the zoning administrator with any application for a STR permit:

- a. Contact information for the owner of the STR.
 1. Proof of the applicant's ownership of the property that is the subject of the application.
 2. If the property is a second home, the owner is to provide the contact information for their local representative or agent who will be responsible for the property in the owner's absence.
- b. A floor plan of the STR which identifies the location and number of bedrooms on the dwelling.
- c. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,00,000.00) underwritten by insurers acceptable to the town;
- d. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the short-term rental who is capable of responding within thirty (30) minutes.
- e. A permit fee in the amount of \$150.00

(2) Use of a STR shall require a permit issued by the zoning administrator. The owner of the short-term rental shall operate the same under all conditions of the issued permit, and subject to the following:

- a. The owner of a STR shall certify, in writing, compliance with the provisions of this ordinance. The owner of a STR obtain a business license from the Town Treasure prior to operation of the short-term rental. The business license must remain current and active while operating.
- b. The owner of a STR must maintain a registry showing the names, addresses and telephone numbers of all short-term rental occupants. The owner must allow the zoning administrator and his/her designee to inspect such registry upon reasonable advance notice, to verify that the short-term rental is being operated in accordance with the provisions of this section and all conditions of the permit.

- d. A short-term rental permit shall be valid for one year from the date of issuance. It is the responsibility of the owner to renew the permit prior to expiration, by submitting an updated application.
- e. The payment of all property taxes against the short-term rental property must be current prior to the issuance or renewal of a short-term rental permit.
- f. A short-term rental permit requires the owner to agree to abide by all requirements of this zoning ordinance, and all other applicable federal, state and local laws.
- g. The permit may be revoked by the zoning administrator as set forth below; an applicant, or related owner whose short-term rental has been revoked pursuant to this paragraph, shall not be eligible to receive any new short-term rental permit for one year:

V. Enforcement and Penalties

- (1) Failure of an owner required to register with the Town and obtain a current permit to operate an STR shall result in a penalty in the amount of \$250.00 per day plus attorney's fees and court costs from the date of notice that the property is not in compliance. Proof of advertisement for availability of the STR is sufficient evidence of owner's intent to operate.
- (2) The permit may be revoked by the zoning administrator as set forth below:
 - (a) For failure to comply with the regulations set forth in this section, and any permit conditions;
 - (b) In the event there are two or more violations recorded by the Town within a one-year period without put adequate remediation as determined by the zoning administrator
 - (c) or refusal to cooperate with the Town in a complaint investigation, including allowing the zoning administrator or his/her designee to enter the dwelling unit upon reasonable advance notice.
- (3) An applicant, or related owner whose short-term rental has been revoked pursuant to this paragraph, shall not be eligible to receive any new short-term rental permit for one year
- (4) The STR permit holder may be fined \$250.00 for each such violation. Unless and until the owner pays the penalty, the owner may not operate the STR.



Agenda Item Summary September 14, 2023

Agenda Item: 9d-Planning Commission Appointment

Background: The Planning Commission is recommended Council vote to appoint Lewis Hall to the vacant seat on the Commission. The term expires December 31, 2024.

Staff Recommendation: Approve

Council Action Requested: Yes

Sample Motion: Motion for Council to accept Lewis Hall's application to serve on the Planning Commission.

This page intentionally left blank



Agenda Item Summary September 14, 2023

Agenda Item: 9e Pool Name

Background: The recommendation of the Pool Committee is that the pool honor the Marshall Family.

Fiscal Impact: none

Staff Recommendation: The new Urbanna pool be named The Marshall Community Pool

Council Action Requested: Yes

Sample Motion: Move to name the Urbanna Pool "The Marshall Community Pool"

This page intentionally left blank