

**Town of Urbanna
Town Council
Public Hearings
Work Session
Council Chambers-390 Virginia St. Suite B
July 25, 2024**

CALL TO ORDER & ROLL CALL

Members of Council

Present

Mayor Bill Goldsmith

Larry Chowning

Alana Courtney

Merri Hanson

Beth Justice

Absent

Marjorie Austin

Sandy Sturgill

Others Present

Ted Costin-Town Administrator

Martha Rodenburg-Town Clerk

Michele Hutton-Town Treasurer

Mayor Goldsmith called the meeting to order at 6:00pm

All present said the Pledge of Allegiance

APPROVAL OF AGENDA

Councilmember Hanson made a motion to approve the agenda as presented.

Councilmember Courtney seconded.

Chowning, Courtney, Hanson, Justice, and Goldsmith voted yes

Motion passed 5-0

PUBLIC HEARING 2024-SUP-03

Mayor Goldsmith opened the public hearing.

Staff Presentation

Ms. Rodenburg presented Special Use Permit application, 2024-SUP-03, submitted by Bryan Lee Harrelson, owner of 201 Colorado Ave. to convert a detached single car garage to an accessory dwelling unit to accommodate guests. The renovation would consist of exterior improvements and exterior improvements, including new windows, doors, a patio, and new bathroom, finishes, and HVAC. It will have a bedroom and bathroom, no kitchen.

It was explained that, per the Urbanna Town Code, it is not a true “dwelling” due to lack of kitchen.

Utility connections would be fed from the main house.

All legal notices were published and sent to adjacent homeowners. Two responses were received, there were no objections made.

At their meeting on July 23, the Planning Commission voted unanimously to recommend the application to the Town Council for approval.

The following conditions have added:

- No ingress/egress added to Kent St. side of unit
- Building cannot be expanded

There was brief discussion between council and staff regarding the application.

Councilmember Hanson stated her concern for it being referred to as an ADU (Accessory Dwelling Unit), when, by definition, it is not a dwelling, and any future problems this may cause. Ms. Rodenburg read Section 17-13.2 of the Urbanna Town Code, which states the definition of a "Dwelling Unit". There was no further discussion.

Applicant Presentation

Mr. Harrelson addressed council, and explained their reasoning for converting the garage to unit that would provide extra space for guests.

There was clarification that the "no ingress/egress added to Kent St. side", meant no additional ingress/egress beyond what was submitted in the application.

Public Comment

There was no public comment regarding the application.

Mayor Goldsmith closed the public hearing.

Councilmember Hanson mad a motion to approve Ordinance 2024-ORD-06 granting Special Use Permit application 2024-SUP-03 for 201 Colorado Ave.

Councilmember Courtney seconded.

Chowning, Courtney, Hanson, Justice, and Goldsmith voted yes

Motion passed 5-0

ORDINANCE NO. 2024-ORD-06

ORDINANCE NO. 2024-06 GRANTS A SPECIAL USE PERMIT (2024 SUP APPLICATION 03) FOR 201 COLORADO AVENUE [20A-6-22] TO ALLOW FOR THE CONVERSION OF AN EXISTING DETACHED SINGLE-CAR GARAGE INTO AN ACCESSORY DWELLING UNIT. THE PROPERTY IS LOCATED IN THE R-1 ZONING DISTRICT AND CONSISTS OF +/- .234 ACRES.

BE IT ORDAINED by the Urbanna Town Council, at the regularly scheduled meeting on July 25, 2024, that a Special Use Permit is hereby granted for Lot 20A-6-22, 201 Colorado Avenue, to allow to allow for the conversion of an existing detached single-car garage into an accessory dwelling unit, subject to the following terms and conditions:

1. All federal, state and local laws shall be observed at all times.
2. The property shall be maintained in a clean and orderly manner at all times.
3. This Ordinance shall be recorded in the Middlesex County Clerk's Office by the property owner; the property owner shall provide a stamped copy of the recorded Ordinance to the Town Administrator.
4. No ingress/egress will be added to the Kent Street side of the unit.
5. The garage cannot be expanded.
6. If owner and/or applicant violates any of the conditions above or fails to adhere to the representations set forth in the application and supporting materials, this special use permit may be terminated upon notice being given the applicant and hearing by the Town Council.

This Ordinance shall take effect upon adoption.

Adopted: July 25, 2024

Certified to be true and accurate:



Martha Rodenburg, Town Clerk

Ms. Austin	Aye	Nay	Abstain	√Absent
Mr. Chowning	√Aye	Nay	Abstain	Absent
Ms. Courtney	√Aye	Nay	Abstain	Absent
Ms. Hanson	√Aye	Nay	Abstain	Absent
Ms. Justice	√Aye	Nay	Abstain	Absent
Ms. Sturgill	Aye	Nay	Abstain	√Absent
Mayor Goldsmith	√Aye	Nay	Abstain	Absent

Mayor Goldsmith opened the public hearing.

Staff Presentation

Mr. Costin presented his staff report for the proposed zoning amendment which would do the following:

- Amend Sections 17-4.2.3(6), 17-4.4.3(7), and 17-5.2 and add Section 17-4.2.2(10), which will allow Home Occupations in residential districts as Permitted Uses and no longer require Special Use Permit, unless administrative standards in 17-5.2 can't be met.
- Amend Section 17-4.6.2(1) by repeal and replace with an allowance for public and private utilities and amend Section 17-4.6.2(21), which would remove any permitted use by right in R-1 to take place in B-1.

He distributed a draft Home Occupation Permit application to Council.

Discussion took place about how these amendments would make processes more streamlined. Also discussed was whether or not Councilmembers Hanson and Chowning would have a conflict of interest, since they both have home based businesses. Mr. Costin said that, due to the large number of people this would affect, they have a "diluted interest" and would not be seen as a conflict.

In response to a question by Councilmember Hanson, Mr. Costin explained the changes to B-1 amendment did not change the current district zones.

Public Comment

There was no public comment regarding the matter.

Mayor Goldsmith closed the public hearing.

Councilmember Hanson made a motion to approve Zoning Amendment 2024-ZOA-01.

Councilmember Justice seconded.

Chowning, Courtney, Hanson, Justice, and Goldsmith voted yes

Motion passed 5-0

ORDINANCE NO 2024-ORD-07

ZONING ORDINANCE AMENDMENT 2024-ZOA-01 WHICH PROPOSES TO AMEND:

1. SECTIONS 17-4.2.3 (6), 17-4.4.3 (7) AND 17-5.2 AND ADDS SECTION 17-4.2.2 (10). TAKEN TOGETHER THESE AMENDMENTS WILL ALLOW HOME OCCUPATIONS IN RESIDENTIAL DISTRICTS AS PERMITTED USES AND NO LONGER REQUIRE SPECIAL USE PERMIT UNLESS ADMINISTRATIVE STANDARDS CONTAINED IN 17-5.2 CANNOT BE MET, AND

2. AMEND SECTION 17-4.6.2 (1) BY REPEAL AND REPLACE WITH AN ALLOWANCE FOR PUBLIC AND PRIVATE UTILITIES. THIS SECTION CURRENTLY ALLOWS ALL PRINCIPAL PERMITTED USE IN THE R-1 ZONING DISTRICT TO OCCUR IN THE GENERAL COMMERCIAL DISTRICT. AMEND SECTION 17-4.6.2 (21) WHICH IS RESERVED WITH AN ALLOWANCE FOR PARKS AND SIMILAR USES.

BE IT ORDAINED by the Urbanna Town Council at its regularly scheduled meeting on July 25, 2024, that the Urbanna Town Code, section 17-4.2.2 be amended to read as follows:

“Section 17-4.2.2

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

- 1) Detached single-family dwellings
- 2) For parcels greater than five (5) acres, general agriculture, farming and forestry, including raising of crops, truck gardens, field crops, orchards or nurseries for growing or propagation and harvesting of plants, turf, trees, and shrubs and other general agricultural uses; provided that temporary open-air stands shall not exceed 200 square feet in area for seasonal sales of product raised on the premises and provided that no retail or wholesale business office or store shall be permanently maintained on the premises.
- 3) Livestock and animals; the raising of large animals, such as pigs, cows, horses, sheep, or goats, on a farm of ten acres or more, or the raising for sale of birds, bees, fish, rabbits, or other small animals on a lot of five acres or more shall be permitted.
- 4) Facilities, structures and rights-of-way necessary for rendering public utility service, including poles, wires, transformers, telephone booths and the like for electrical power distribution or communication service, and underground pipelines or conduits for electrical, gas, sewer, or water service.
- 5) Public parks, parkways, playgrounds, and athletic fields; public and private forests, wildlife preserves and conservation areas. Public and private facilities requiring night illumination or associated buildings and facilities require a special use permit.

- 6) Yard sale or garage sale for disposal of used household items as defined in Article 13 of this chapter, and provided such sales comply with the regulations therein. Signs associated with the sale shall comply with the district regulations and shall not be attached to trees, utility poles, or street name poles.
- 7) Accessory buildings and uses, including but not limited to accessory private garages, storage buildings and workshops, farm buildings and structures, servants or care takers quarters, guest houses, swimming pools, tennis courts and similar recreation facilities.
- 8) Boat houses, covered docks and piers which have an absolute total height equal to or less than twenty (20) feet above mean high water.
- 9) Short-term rentals
- 10) *Home Occupations, subject to regulations in §17-5.2;” and*

BE IT FURTHER ORDAINED that Section 17-4.2.3 of the Urbanna Town Code shall be amended to read as follows:

“Section 17-4.2.3

The following uses shall only be permitted by special use permit in accordance with the procedures, guides and standards set forth in Article 9 of the chapter.

- 1) Additional dwelling units.
- 2) Duplexes or two-family dwellings, subject to the special regulations in § 17-4.2.7.
- 3) Bed and Breakfasts.
- 4) Cemeteries
- 5) Churches and Sunday Schools, rectories, parish houses, convents and monasteries, temples, and synagogues.
- 6) Home occupations, ~~subject to~~ *not meeting* regulations in §17-5.2.
- C) Common refuse bins shall be completely screened from view and enclosed by a fence or wall, with an appropriately designed gate which can be latched open and closed;” and

BE IT FURTHER ORDAINED that Section 17-4.4.3 of the Urbanna Town Code shall be amended to read as follows:

“Section 17-4.4.3 Uses Permitted by Special Use Permit

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

- 1) Accessory buildings and uses, including but not limited to accessory storage and accessory off-street parking.
- 2) Bed and breakfast facilities.
- 3) Boarding and rooming houses.
- 4) Churches and Sunday Schools, rectories, parish houses, convents and monasteries, temples and synagogues.
- 5) Convalescent homes, rest homes, nursing homes or homes for the aged.
- 6) Family care homes and foster homes.

- 7) Home Occupations ~~subject to~~ *not meeting* the regulations of Article 5, §17-5.2; ~~this chapter.~~
- 8) Nursery schools, kindergartens, child-care centers, day nursery, or day care centers.
- 9) Private schools, colleges, or universities.
- 10) Public or governmental buildings and uses, including schools, libraries, fire stations, and rescue squad facilities.
- 11) Publicly or privately operated parks, playgrounds, and athletic fields; including buildings and facilities customarily associated with these recreational activities.
- 12) Radio or television transmission or receiving tower more than fifty (50) feet in height, and satellite transmission receiving dishes;" and

BE IT FURTHER ORDAINED that Section 17-4.6.2 of the Urbanna Town Code shall be amended to read as follows:

~~Section 17-4.6.2 Permitted Uses~~

- 1) *Facilities, structures and right-of ways necessary for rendering public utility service, including poles, wires, transformers, telephone booths and the like for electrical power distribution or communication service, and underground pipelines or conduits for electrical, gas, sewer, or water service.*
- ~~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.
- 5) 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.~~ *Public parks, parkways, playgrounds, and athletic fields; public and private forests, wildlife preserves and conservation areas. Public and private facilities requiring night illumination or associated buildings and facilities require a special use permit.*
- 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;" and

BE IT FINALLY ORDAINED that Section 17-5.2 of the Urbanna Town Code shall be amended to read as follows:

“Section 17-5.2 Home Occupations

(A) Any occupation, profession, enterprise or activity conducted solely by one or more members of a family on the premises which is incidental and secondary to the use of the premises for dwelling may be permitted ~~under an approved Special Use Permit~~, with the appropriate Certificate of Occupancy, provided that:

- (1) Not more than the equivalent area of one quarter of one floor of any principal or accessory structure shall be used for such purpose;
- (2) External alterations required by such occupation shall ~~be subject to special use provisions contained in Article 9~~.not be undertaken.
- (3) No more than two (2) persons, other than a member of the family, shall be employed on the premises;
- (4) No commodity is stored or sold, except such as made on the premises or related to the home occupation.
- (5) There shall be no group instruction, assembly or activity, or no display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling.
- (6) The home occupation or use is in compliance with all other sections of this code and all other rules, regulations and ordinances of the Town.”

This Ordinance shall take effect upon adoption.

Adopted: July 25, 2024

Certified to be true and accurate:



Martha Rodenburg, Town Clerk

Ms. Austin	Aye	Nay	Abstain	√Absent
Mr. Chowning	√Aye	Nay	Abstain	Absent
Ms. Courtney	√Aye	Nay	Abstain	Absent
Ms. Hanson	√Aye	Nay	Abstain	Absent
Ms. Justice	√Aye	Nay	Abstain	Absent
Ms. Sturgill	Aye	Nay	Abstain	√Absent
Mayor Goldsmith	√Aye	Nay	Abstain	Absent

DISCUSSION ITEMS

DMV Select

Mayor Goldsmith reported that along with Councilmember Austin and Mr. Costin, they met with representatives from Middlesex County, including [Board of Supervisors Chair] Don Harris, County Administrator Matt Walker, and Anne Marie Ricciardi to discuss DMV Select. He felt there was some interest by the county to share costs.

Since Councilmember Austin was absent, Mayor Goldsmith felt further discussion shouldn't take place regarding the matter until she is able to participate.

PUBLIC COMMENT

There was no public comment.

COUNCIL COMMENT

There was no council comment.

ACTION ITEMS

Audit

Mr. Costin reported, in the process of working on extending the USDA loan for Phase II of the well project, it was discovered that, while the audit for FY 2021-2022 was received by council, it was not formally accepted. Documentation of a formal acceptance was required for by the USDA.

Councilmember Hanson moved to accept Fiscal Year 21-22 Audit as it was prepared by Davis Associates—CPA and presented to council on October 12, 2023.

Councilmember Justice seconded.

Chowning, Courtney, Hanson, Justice, and Goldsmith voted yes

Motion passed 5-0

ANNOUNCEMENTS

Mayor Goldsmith thanked Councilmembers Sturgill and Justice for their work on the Independence Day festivities. He also acknowledged the passing of Patti Lou Riker, who was a beloved member of the community.

ADJOURN

Councilmember Hanson made a motion to adjourn.

Councilmember Justice seconded.

Chowning, Courtney, Hanson, Justice, and Goldsmith voted yes

Motion passed 5-0

Meeting adjourned at 6:31pm

Submitted by:

Martha J. Rodenburg, Town Clerk

Approved by Town Council February 13, 2025

ATTEST:

Christine H. Branch, Town Clerk