



CUMBERLAND COUNTY BOARD OF SUPERVISORS

Regular Monthly Meeting Cumberland County Circuit Courtroom A Cumberland, VA

August 11, 2015
Regular Meeting – 7:00 p.m.

1. **Call to Order**
2. **Welcome and Pledge of Allegiance**
3. **Roll Call**
4. **Approval of Agenda** **Motion**
5. **Public Comments (Part one)**
6. **State and Local Departments/Agencies/Community Service Providers**
 - a. Dr. Amy Griffin, Superintendent of Cumberland County Public Schools **Information**
 - b. VDOT **Information**
 - c. Jennifer Beach, Cumberland Public Library **Information**
 - d. Shannon G. Lewis, Department of Forestry **Information**
 - e. Preston Willson, Holiday Lake, 4-H Education Center **Information**
7. **Public Hearings**
 - a. REZ 15-03 for Larry Atkins (pg. 1-3) **Motion**
 - b. REZ 15-04 for Ronald & Linda Spears (pg. 4-7) **Motion**
8. **County Attorney/County Administrator Report**
 - a. Consent agenda **Motion**
 - i. Approval of bills
 - ii. Approval of Minutes (July 14, 2015)
 - b. Draft Recommended Personnel Manual **Motion**
 - c. Personal Property Tax Relief Act (PPTRA) Resolution for Calendar year 2015 (pg. 8) **Motion**
 - d. WSAC appointment-5th District Harry Donahue **Motion**
 - e. Appropriation of Funds for Utility Department – pump truck purchase (pg. 9) **Motion**
9. **Finance Director's Report**
 - a. Monthly Budget Report –N/A **Information**
 - b. Budget Transfers (pg. 10-13) **Motion**
 - c. Revenue Appropriations (pg. 14) **Motion**

- 10. Planning Director’s Report**
- a. Planning Project updates (pg. 15-16)
 - b. Set public hearing for CUP 15-07 (pg. 17)
 - c. Set public hearing for CA 15-09 Buffers (pg. 18)
 - d. J. Hubert Allen reappointment to the Planning Commission (pg. 19)
 - e. CUP 15-06 Giles Road Campground (pg. 20)
 - f. CA 15-04 Sign Ordinance (pg. Handout)
- Information
Motion
Motion
Motion
Motion**
- 11. Old Business**
- 12. New Business**
- 13. Public Comments (Part two)**
- 14. Board Members Comments**
- 15. Adjourn into Closed Session** **Motion**
- Pursuant to Va. Code § 2.2-3711.A.3: Acquisition of real property
Pursuant to Va. Code § 2.2-3711.A.6: Investment of public funds; and
Pursuant to Va. Code § 2.2-3711.A.7: Consultation with Legal Counsel
Subject: Purchase of real property for Piedmont Regional Jail
- 16. Reconvene in Open Session** **Motion**
- Roll call vote pursuant to Virginia Code § 2.2-3712 certifying “that to the best of each member’s knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body.”
- 17. Additional Information – (pg. 21-25)**
- a. Treasurer’s Report
 - b. DMV Report
 - c. Monthly Building Inspections Report
 - d. Approved Planning Commission meeting minutes-N/A
 - e. Approved IDA minutes-N/A
- 18. Adjourn – Regular Meeting – September 8, 2015**



STAFF REPORT
REZ 15-03
Atkins
Rezoning
Cumberland County, Virginia
Board of Supervisors Public Hearing
August 11, 2015

General Information:

Processing schedule: The Planning Commission considered this proposal on July 20, 2015 with a public hearing. The Commission recommends approval to the Board of Supervisors unanimously, with a vote of 5-0. The public hearing with the Board of Supervisors will be held on August 11, 2015.

Application Information:

Applicant/Owner: Applicant and Owner: Larry Atkins
Requested Action: To grant a rezoning for a pottery and gift shop
Location: Tax Parcel 110-AHA-4
Address: 1547 Cumberland Road
Voting District: 5
Existing Zoning: R-1 and A-2
Proposed Zoning: B-2, Limited Business
Size: Parcel size 8.2 acres
Existing land uses: House
Comp. plan area: High Intensity Growth area
Overlay districts: None
Proffers: No

Surrounding Area Information:

<u>Direction</u>	<u>Adjacent existing uses</u>	<u>Adjacent zoning</u>	<u>Adjacent Comp. Plan Area (2013)</u>
North	Residential and vacant	R-1 and A-2	High Intensity Growth Area
South	Residential and vacant	R-1, B-2 and A-2	High Intensity Growth Area
East	Residential	R-1	High Intensity Growth Area
West	Residential and vacant	B-2	High Intensity Growth Area

Summary of Request and Background Information:

Larry Atkins is seeking to use this existing lot for a pottery and gift shop. When he first looked into the use several months ago, VDOT reviewed the entrance and found it to be suitable for the proposed zoning. There are no anticipated impacts on any other public facilities.

Consistency with the 2013 Comprehensive Plan:

The proposed use falls within the area designated for high intensity growth area in the 2013 Comprehensive Plan.

The following goals, objectives and policies of the 2013 Comprehensive Plan would be achieved by the proposed rezoning:

Goal 5: It is the goal of this plan to encourage the creation of appropriate economic opportunity for current and future citizens of Cumberland County.

Objective 1: Encourage the overall strengthening and diversification of the economic base of Cumberland County to provide a sound tax base and to support the provision of needed public services.

Objective 4: To encourage the development of essential employment opportunities within Cumberland County for the resident workforce.

The proposed use helps meet an important need of the county by providing economic development opportunities through the creation of a new retail use within the county, and employing local residents.

Consistency with the Zoning Ordinance:

The proposed use of the subject property is compatible with surrounding zoning and the intent of the district.

Allowed Uses in the B-2 District:

Permitted uses in a B-2 district are as follows:

- (1) Bakeries.
- (2) Barbershops and beauty shops, massage therapy.
- (3) Cabinet-making furniture and upholstery shops.
- (4) Car washes.
- (5) Churches, libraries.
- (6) Drugstores.
- (7) Dry cleaners/laundries.
- (8) Exercise facility.
- (9) Financial services.
- (10) Fire and rescue stations.
- (11) Gift shops.
- (12) Government offices/post offices.
- (13) Home appliance/hardware store.
- (14) Kennels, commercial (no outdoor confinement).

- (15) Laundromats.
- (16) Liquor store.
- (17) Lumber and building supply (storage under cover).
- (18) Office buildings.
- (19) Plumbing/electrical supply (storage under cover).
- (20) Recreation centers.
- (21) Retail farm and garden centers.
- (22) Retail food store or supermarkets.
- (23) Retail stores.
- (24) Tanning salons.
- (25) Truck, automobile, trailer, and equipment rental as an accessory to an existing establishment.
- (26) Vehicle painting, upholstering, repairing, rebuilding and reconditioning.
- (27) Veterinary hospital (no outdoor confinement).
- (28) Wearing apparel stores.

Public Notification:

Notice was published in the Farmville Herald on July 24 and July 31, 2015.

Adjacent notice for both hearings was sent by certified mail to adjacent property owners.

Public Input:

There have been no public comments on this proposal.

Conclusion:

The requested action is consistent with the Comprehensive Plan goals and the Zoning Ordinance and is supportive of the county's plans to provide for and encourage economic development opportunities.

Recommendation:

The Planning Commission recommends approval of the rezoning to allow continued expansion of economic development opportunities to the Board of Supervisors unanimously with a 5-0 vote.

Suggested Motion:

Mr. Chairman, because this request meets the intent and spirit of the Zoning Ordinance and Comprehensive Plan, I move that the Board of Supervisors approve REZ 15-03, a rezoning to B-2 Limited Business to allow use of the parcel as a store.

Or,

Mr. Chairman, because this request does not meet the intent and spirit of the Zoning Ordinance and Comprehensive Plan, I move that the Board of Supervisors deny REZ 15-03.

Respectfully submitted by:
Sara Carter, Planning Director



STAFF REPORT
REZ 15-04
Spears
Rezoning
Cumberland County, Virginia
Board of Supervisors Public Hearing
August 11, 2015

General Information:

Processing schedule: The Planning Commission considered this proposal on July 20, 2015 with a public hearing. They recommend approval to the Board of Supervisors on a unanimous vote of 6-0. The public hearing with the Board of Supervisors will be held on August 11, 2015.

Application Information:

Applicant/Owner: Applicant: Cumberland County Planning Commission
Owner: Spears Rental Properties, LLC

Requested Action: To grant a rezoning for a restaurant

Location: Tax Parcel: 65-A3-A-49
Address: 1875 Anderson Highway

Voting District: 3

Existing Zoning: R-2 with CUP for restaurant

Proposed Zoning: B-1, Business

Size: Parcel size: 2 acres

Existing land uses: La Jinete Restaurant

Comp. plan area: High Intensity Growth area

Overlay districts: None

Proffers: No

Surrounding Area Information:

<u>Direction</u>	<u>Adjacent existing uses</u>	<u>Adjacent zoning</u>	<u>Adjacent Comp. Plan Area (2013)</u>
North	Community Center	R-2	High Intensity Growth Area
South	Vacant	R-2	High Intensity Growth Area
East	Residential	R-2	High Intensity Growth Area
West	Commercial and vacant	B-1 and R-2	High Intensity Growth Area

Summary of Request and Background Information:

The Mexican restaurant located at the subject property has had problems with the existing signage on the restaurant. The previous non-conforming sign was hit by a delivery truck, and the replacement signs that the restaurant would like to construct are not legal in the district. The current zoning is R-2 with a CUP for a restaurant. Under the regulations for signs, there is no provision for roof signs and very limited wall signs in a residential district. In order to allow additional signs, a rezoning to business must occur.

Consistency with the 2013 Comprehensive Plan:

The proposed use falls within the area designated for high intensity growth area in the 2013 Comprehensive Plan.

The following goals, objectives and policies of the 2013 Comprehensive Plan would be achieved by the proposed rezoning:

Goal 5: It is the goal of this plan to encourage the creation of appropriate economic opportunity for current and future citizens of Cumberland County.

Objective 1: Encourage the overall strengthening and diversification of the economic base of Cumberland County to provide a sound tax base and to support the provision of needed public services.

Objective 4: To encourage the development of essential employment opportunities within Cumberland County for the resident workforce.

The proposed use helps meet an important need of the county by providing economic development opportunities through the creation of a new retail use within the county, and employing local residents.

Consistency with the Zoning Ordinance:

The proposed use of the subject property is compatible with surrounding zoning and the intent of the district.

Allowed Uses in the B-1 District:

- Use regulations in a B-1 district are as follows:
 - (1) Antique shops.
 - (2) Auto/truck sales.
 - (3) Bakeries.
 - (4) Banks.
 - (5) Barbershops and beauty shops, massage therapy.
 - (6) Business offices.
 - (7) Cabinet-making furniture and upholstery shops.
 - (8) Car dealerships.

- (9) Carwashes.
- (10) Childcare centers.
- (11) Clubs and lodges.
- (12) Drugstores.
- (13) Dry cleaners/laundries.
- (14) Farm supply stores, equipment and machinery sales and service.
- (15) Financial services.
- (16) Florists.
- (17) Funeral homes.
- (18) Gift shops.
- (19) Government offices/post offices.
- (20) Health clinic.
- (21) Home appliance/hardware store.
- (22) Hospitals, general.
- (23) Hotels, motels, restaurants.
- (24) Kennels, commercial (no outdoor confinement).
- (25) Laundromats.
- (26) Liquor store.
- (27) Lumber and building supply (storage under cover).
- (28) Machinery sales and service.
- (29) Medical facilities.
- (30) Newspaper offices.
- (31) Off-street parking (as required by this chapter).
- (32) Office buildings.
- (33) Plumbing/electrical supply (storage under cover).
- (34) Printing presses.
- (35) Professional offices.
- (36) Recreation centers.
- (37) Repair shops: bicycle, shoes, locks, guns, etc.
- (38) Restaurants and drive-in restaurants.
- (39) Retail food store or supermarket.
- (40) Retail stores, shops and building supply store.
- (41) Service stations (major repair under cover).
- (42) Taverns.
- (43) Theatres and assembly halls.
- (44) Vehicle painting, upholstering, repairing, rebuilding and reconditioning.
- (45) Veterinary hospital (no outdoor confinement).
- (46) Wearing apparel stores.
- (47) Wholesale businesses.

Public Notification:

Notice was published in the Farmville Herald on July 24 and July 31, 2015.

Adjacent notice for both hearings was sent by certified mail to adjacent property owners.

Public Input:

There have been no public comments on this proposal.

Conclusion:

The requested action is consistent with the Comprehensive Plan goals and the Zoning Ordinance and is supportive of the county's plans to provide for and encourage economic development opportunities.

Recommendation:

The Planning Commission recommends approval of this rezoning to allow continued expansion of economic development opportunities on a unanimous vote of 6-0.

Suggested Motion:

Mr. Chairman, because this request meets the intent and spirit of the Zoning Ordinance and Comprehensive Plan, I move that the Board of Supervisors approve REZ 15-04, a rezoning to B-1 Business to allow continued use as a restaurant and additional signage.

Or,

Mr. Chairman, because this request does not meet the intent and spirit of the Zoning Ordinance and Comprehensive Plan, I move that the Board of Supervisors deny REZ 15-04.

Respectfully submitted by:
Sara Carter, Planning Director

**RESOLUTION PURSUANT TO
CUMBERLAND COUNTY CODE § 58-291(b)**

**ADOPTION OF THE CALENDAR YEAR 2015
PERSONAL PROPERTY TAX RELIEF ACT
PERCENTAGE TO BE APPLIED
TO TANGIBLE PERSONAL PROPERTY**

WHEREAS, Va. Code § 58.1-3524 requires the Governing body of each locality annually to establish a rate at which personal property tax relief is applied to tangible personal property; and

WHEREAS, pursuant to Cumberland County Code § 58-291, the Board is required to establish, by resolution, the percentage of tax relief at such a level that it anticipates to fully exhaust the Personal Property Tax Relief Act funds received from the Commonwealth; and

WHEREAS, the Commissioner of the Revenue has determined that for calendar year 2015, the rate at which the Personal Property Tax Relief Act funds received from the Commonwealth would be exhausted in Cumberland County when applied to tangible personal property is 45.11%.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Cumberland County, Virginia hereby establishes the calendar year 2015 Personal Property Tax Relief Act percentage to be applied to tangible personal property taxed in Cumberland County, Virginia to be 45.11%.

Adopted the 11th day of August, 2015.

A Copy, Teste:

Lloyd Banks, Chairman

Vivian Seay Giles, County Administrator, Clerk



DATE: August 5, 2015
TO: Cumberland County Board of Supervisors
FROM: Vivian Seay Giles
RE: August 11, 2015 Board Agenda Item
Appropriation of Funds for Utility Department
– pump truck purchase

Recommendation

Appropriate the sum of \$45,000 for the purchase of a pump truck. At a cost savings of approximately \$3,805 per month, the expenditure for the truck purchase will be recouped in approximately one year. (Please note, the cost of insuring, maintaining, and operating a pump truck has not been quantified for purposes of this analysis but would be factors in determining actual savings and payback period.)

Information

Recently Cumberland County secured permission from the Town of Farmville to discharge the County’s leachate into the County’s wastewater system to be treated at the Town of Farmville wastewater treatment facility. Prior to being granted that permission, Cumberland County paid a contractor to haul the leachate to the City of Hopewell for treatment and disposal. The ability to discharge the leachate into the wastewater system has yielded to Cumberland County a significant cost savings. However, hauling to either the City of Hopewell or to the County’s wastewater facility requires a pump truck.

When sewer pumps break, the County also needs a pump truck to pump the wastewater that is unable to travel through the system in the normal course due to the failure of the broken pump. The County hires contractors to provide a pump truck until the break can be repaired. Further, in addition to the cost incurred in hiring the pump truck, some pumps fail at inconvenient times, making it difficult, and even impossible in one recent case, to get a pump truck out late at night.

Finally, County properties are served by septic systems at two locations: the maintenance shop and the animal control complex. Periodically those septic tanks must be pumped, which requires a pump truck. While this cost is, in relative terms, small and therefore is not included in the calculation below, it nonetheless would constitute a cost the County would not have to incur if a pump truck did not have to be hired.

At present, Cumberland County is spending on average per month the following amounts for the services of a pump truck:

Hauling of leachate to Pump Station #8	\$3,265.00
Pump services during pump breaks	<u>\$ 540.00</u>
TOTAL	\$3,805.00



MEMO

To: Cumberland County Board of Supervisors
Vivian Seay Giles, County Administrator/Attorney

From: Tracie Wright, Finance Director

Date: August 4, 2015

RE: FY15 Budget Transfers

Attached are my proposed Budget Transfer entries to cover overages that are currently reflected in the budget. This is not a request for money. It is simply a movement of money from one budget line item to another.

Thank you.

**Cumberland County
JOURNAL ENTRY**

Date	Source JE, BT, BS	JE/ BT/BS &Number	B/R/E (3 OR 4)	Fund (3)	Dept (6)	Object (4)	Cost (3)	To	From	Purpose	Notes-
06/30/2015	BT		4	100	012100	1100		780.41		BT from Bd/COR/Treas	
			4	100	012100	8002		924.70		BT from Bd/COR/Treas	
			4	100	012100	3500		855.90		BT from Bd/COR/Treas	
			4	100	012100	6012		221.87		BT from Bd/COR/Treas	
			4	100	011010	3600			(25.99)	Transfer to County Admin	
			4	100	011010	6001			(100.00)	Transfer to County Admin	
			4	100	011010	6002			(64.00)	Transfer to County Admin	
			4	100	012310	2400			(11.70)	Transfer to County Admin	
			4	100	012310	3100			(25.00)	Transfer to County Admin	
			4	100	012310	3500			(224.45)	Transfer to County Admin	
			4	100	012310	5210			(87.00)	Transfer to County Admin	
			4	100	012310	5230			(16.00)	Transfer to County Admin	
			4	100	012410	3100			(285.00)	Transfer to County Admin	
			4	100	012410	3160			(191.00)	Transfer to County Admin	
			4	100	012410	3310			(166.00)	Transfer to County Admin	
			4	100	012410	3500			(173.00)	Transfer to County Admin	
			4	100	012410	5210			(24.00)	Transfer to County Admin	
			4	100	012410	5230			(50.00)	Transfer to County Admin	
			4	100	012410	5240			(356.00)	Transfer to County Admin	
			4	100	012410	5250			(150.00)	Transfer to County Admin	
			4	100	012410	6012			(40.00)	Transfer to County Admin	
			4	100	013100	3160			(300.00)	Transfer to County Admin	
			4	100	013100	5210			(76.00)	Transfer to County Admin	
			4	100	013200	1300			(25.51)	Transfer to County Admin	
			4	100	013200	2210			(18.98)	Transfer to County Admin	
			4	100	013200	3600			(50.15)	Transfer to County Admin	
			4	100	013200	5230			(178.00)	Transfer to County Admin	
			4	100	021100	3170			(110.00)	Transfer to County Admin	
			4	100	021100	3171			(35.10)	Transfer to County Admin	
			4	100	012210	3150		18,873.80		Transfer from Courts	
			4	100	012510	8007			(8,509.99)	Transfer to Legal Services	
			4	100	021100	3171			(204.90)	Transfer to Legal Services	
			4	100	021100	5210			(100.00)	Transfer to Legal Services	
			4	100	021100	6002			(23.00)	Transfer to Legal Services	
			4	100	021600	2210			(38.00)	Transfer to Legal Services	
			4	100	021600	2300			(25.00)	Transfer to Legal Services	
			4	100	021600	3310			(250.00)	Transfer to Legal Services	
			4	100	021600	3320			(3,136.00)	Transfer to Legal Services	
			4	100	021600	3500			(29.00)	Transfer to Legal Services	
			4	100	021600	5230			(84.00)	Transfer to Legal Services	
			4	100	021600	5510			(100.00)	Transfer to Legal Services	
			4	100	021600	5810			(60.00)	Transfer to Legal Services	
			4	100	021600	6001			(201.00)	Transfer to Legal Services	
			4	100	021300	5230			(388.00)	Transfer to Legal Services	



MEMO

To: Cumberland County Board of Supervisors
Vivian Seay Giles, County Administrator/Attorney

From: Tracie Wright, Finance Manager

Date: August 3, 2015

RE: FY 15 Revenue Appropriations

Below are end-of-year appropriation requests. The appropriations listed below have either already been received through the Treasurer's office or have been filed for reimbursement

Thank you.

- 1) Reimbursements received from the school for payment of various invoices.
 - 3-100-001899-0018 (Refunds and Reimbursement) \$ 7,438.41-
 - 4-100-043200-8001 (Machinery and Equipment) \$ 7,438.41+
- 2) Circuit Court request for Technology Fund money from the State Compensation Board.
 - 3-100-002307-0001 (Shared Expenses) \$7,400.00-
 - 4-100-021600-3100 (Professional Services) \$7,400.00+

**Planning Projects:
August 2015**

Zoning:		
<i>Pending Zoning Questions and Requests</i>		
<i>CUP's and Rezoning Requests</i>		
Kevin Dunn	1671 Cumberland Road	Kevin Dunn is requesting rezoning from R-2 to B-1 on the frontage of his property. This case has been deferred by the applicant.
Johnny Asal Lumber Company	118 Salem Church Road	Approved.
Giles Road Campground	Giles Road, south of Columbia Road	Mary Tyson is requesting a CUP for a RV Campground with four hook-ups on 3.6 acres. DEFERRED by applicant. Prior to any further action, the Planning Commission will hold another public hearing.
Larry Atkins	1547 Cumberland Road	Larry Atkins is requesting rezoning to Limited Business, B-2, for operation of a gift/pottery shop. Planning Commission public hearing held on July 20, 2015. The Commission recommends approval.
Spears	1875 Anderson Highway	The Planning Commission initiated a rezoning of the current El Jinete restaurant to address signage concerns.
Blue Door Mini Storage	Address TBD Plank Road	Michael Yoder is requesting a CUP for mini-storage in an A-2 district.
Bobby Woodson	753 Old Buckingham Road	Bobby Woodson is seeking a variance from the BZA to the frontage requirements for a single lot subdivision on Old Buckingham Road.
<i>Other Zoning Issues-</i> Three cases under legal review.		
Subdivisions:		
<i>Approved Subdivisions</i>		
Charlene Williams	Ca Ira Road	Subdivision of three lots.
Jones family	Columbia and Giles Road	Division of one lot.
<i>Pending Subdivisions</i>		
Pearl Mayers	Morningside Drive	Subdivision of one lot.
Delana Glenn	Holman Mill Road	Family division of two lots.
James Grissom	Waterfront Lane	Subdivision of three lots.
Charles Clark	Plank Road	Boundary line adjustment between two parcels and creation of a third parcel.
Doc Carter	Something Lane, off of Stoney Point Road	Family division of three parcels.
Marion family	Anderson Highway and Clinton Road	Waiver to Ordinance approved; awaiting plat.
<i>Other Land Divisions or Adjustments</i>		
Robert B. Jackson	Cumberland Road, north of Carriage Hill	Boundary line vacation between two lots.
Kevin Murphy	26 Woodland Drive	Boundary line adjustment between two lots.

Other Regulatory Functions:

Erosion and Sediment Control Applications

Henrico County	Utility Corridor Clearing Project	Land Disturbing Permit issued for 145 acres of clearing.
Byron Hylton	Address TBD Meador Road	Agreement in Lieu of a Plan for a single family residence.
Billy L. White	2229 Pine Cove Trail	Agreement in Lieu of a Plan for a single family residence.

Code Amendment Questions

Sign Ordinance	Countywide	The Board of Supervisors referred the draft back to the Planning Commission with specific questions for their June 15, 2015 meeting. The Board adopted the Ordinance at their July 14, 2015 meeting. Additional edits may be needed to clarify changes.
Buffers	Countywide	The Planning Commission held a public hearing to require the addition of a buffer requirement for commercial development adjacent to residential development. A public hearing with the Board is requested.
Churches	Countywide	Churches are now a permitted use in the A-2 district. Approved.
Cemeteries	Countywide	The Planning Commission held a public hearing on this amendment on June 15, 2015, and will be considering additional changes at their August meeting.
Definitions	Countywide	An update should happen as part of mixed use district. Rachel completed first draft during her initial review of the Ordinance for the mixed use district.
Business uses	Countywide	All business uses should be inclusive as the Ordinance moves from a less intensive to a more intensive business zone. In other words, all uses in the B-3 should be included in B-2, and so on.
Overlay district standards	Anderson Highway between 45 and 45	Standards to require improved appearance in mixed use district around the Courthouse.
Mixed Use Zoning District	Cumberland Road and Anderson Highway	Combine uses in B-3 and R-2 for a mixed use district.



MEMO

To: Board of Supervisors, Cumberland County
Vivian Seay Giles, County Administrator/Attorney

From: Sara Carter, Planning Director

Date: August 3, 2015

Re: **CUP #15-07 Blue Door Mini Storage**
Tax Map Parcel 96-A-12
Address: Address TBD Plank Road
A-2 Agricultural Zoning
CUP for mini-storage

Michael Yoder is requesting a Conditional Use Permit for a four unit mini-storage facility on an 8.53 acre site on Plank Road, approximately one mile north of Airport Road. The Planning Commission will hold their public hearing on this request on August 17, 2015. **Staff recommends that the Board set a public hearing for September 8, 2015 for a Conditional Use Permit to allow a four unit mini-storage facility on tax map parcel 96-A-12, Address TBD Plank Road.**



MEMO

To: Board of Supervisors, Cumberland County
Vivian Seay Giles, County Administrator/Attorney

From: Sara Carter, Planning Director

Date: August 4, 2015

Re: Code Amendment to require buffers for commercial development adjacent to residential uses

This code amendment would require buffers where commercial development is being expanded or redeveloped next to existing residential uses. The Planning Commission is working on language that adds a provision to the Zoning Permit section of the Zoning Ordinance, so that when a commercial use is being expanded more than 50%, or torn down and rebuilt, some buffer will be provided for protection of any adjacent residential properties. The Planning Commission held a public hearing on July 20, 2015.

Staff recommends that the Board set a public hearing for October 13, 2015, to consider amending the Cumberland County Code in Chapter 74-5, Zoning Permits.



MEMO

To: Board of Supervisors, Cumberland County
Vivian Seay Giles, County Administrator/Attorney

From: Sara Carter, Planning Director

Date: August 3, 2015

Re: **Planning Commission Appointment**

The term of Hubert Allen, who represents District 4 on the Planning Commission, expires on October 14, 2015. Mr. Allen has indicated his willingness to continue serving on the Commission for another term and is eligible for reappointment. The terms for Planning Commissioners is three years. If he is reappointed, his term would be from October 15, 2015 to October 14, 2018.



MEMO

To: Board of Supervisors, Cumberland County
Vivian Seay Giles, County Administrator/Attorney

From: Sara Carter, Planning Director

Date: August 3, 2015

Re: **CUP #15-06 Giles Road Campground**
Tax Map Parcel 10-A-60B
Address: Address TBD Giles Road
A-2 Agricultural Zoning
CUP for RV Campground

Mary Tyson has **deferred indefinitely** her request for a Conditional Use Permit for a four RV campground on a 3.6 acre parcel on Giles Road, approximately 0.2 miles south of Columbia Road. Should she decide to proceed with the case, the Planning Commission will hold a second public hearing prior to making a recommendation to the Board of Supervisors.

Collection Rates - As of July 31, 2015

Real Estate:

	Current Collection %	Prior Year %	Change
Tax Year - 2014	95.39%	94.88%	+ 0.51%
Year 2015 - 1st half	90.35%	90.26%	+ 0.09%

Personal Property:

	Current Collection %	Prior Year %	Change
Tax Year - 2014	95.60%	95.39%	+ 0.21%
Year 2013	98.11%	98.05%	+ 0.06%

Treasurer's Office

Outstanding Collections Report

July 2015

Real Estate

	<u>As of 6/30/15</u>	<u>As of 7/31/15</u>	<u>Change</u>	<u>% Collected</u>	<u>Abatements/ Exonerations</u>
2000-2005	\$ 8,253.58	\$ 8,221.99	\$ 31.59	0.38%	
2006	5,197.34	5,158.38	38.96	0.75%	
2007	8,560.17	8,560.17			
2008	11,557.95	11,557.95			
2009	15,073.65	14,715.31	358.34	2.37%	
2010	34,482.02	33,455.88	1,026.14	2.97%	
2011	64,938.75	63,719.90	1,218.85	1.87%	
2012	105,441.66	104,485.84	955.82	0.91%	
2013	175,748.36	172,964.34	2,784.02	1.58%	
2014	264,578.77	255,837.12	8,741.65	3.30%	
2015 (First Half)	319,504.05	267,539.88	51,964.17	16.26%	\$ 145.68
Total	\$ 1,013,336.30	\$ 946,216.76	\$ 67,119.54		

Personal Property

	<u>As of 6/30/15</u>	<u>As of 7/31/15</u>	<u>Change</u>	<u>% Collected</u>	<u>Abatements/ Exonerations</u>
2010	\$ 36,478.04	\$ 36,376.44	101.60	0.28%	\$ 46.98
2011	38,160.05	38,007.03	153.02	0.40%	47.32
2012	40,431.93	39,725.67	706.26	1.74%	57.24
2013	55,823.27	53,216.50	2,606.77	4.67%	84.94
2014	147,826.56	122,716.11	25,110.45	16.98%	445.83
Total	\$ 318,719.85	\$ 290,041.75	\$ 28,678.10		

Transactions for DMV Select

July 2015

	# Transactions	Total \$	# Helped		# Transactions	Total \$	# Helped
1	58	\$2,956.96	7	17	29	\$1,424.26	6
2	39	\$1,667.42	8	18			
3				19			
4				20	35	\$1,374.20	10
5				21	26	\$894.40	6
6	44	\$1,480.21	13	22	22	\$1,163.71	7
7	22	\$852.00	7	23	16	\$473.85	8
8	15	\$558.00	6	24	18	\$541.00	3
9	21	\$811.50	8	25			
10	26	\$1,357.43	12	26			
11				27	36	\$1,592.75	11
12				28	35	\$1,911.75	10
13	29	\$635.50	5	29	39	\$1,787.38	6
14	24	\$1,147.73	6	30	58	\$2,349.35	8
15	27	\$2,723.22	5	31	110	\$6,041.64	8
16	11	\$308.83	3		740	\$34,053.09	163

CUMBERLAND COUNTY

**BUILDING INSPECTIONS
DEPARTMENT**



JULY 2015

**MONTHLY
REPORT**

COUNTY of CUMBERLAND VIRGINIA

FOUNDED • 1749

Building Official's Office

Leland Leeds
Building Official

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Building Coordinator /
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Administrator

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July	Current Month	YTD	Current Month	YTD
	2014	2014	2015	2015
Singlewides	0	3	1	6
Doublewides	1	2	0	5
Modular	1	3	0	1
New Homes	2	10	1	8
Ag & Exempt	0	0	1	1
Garages & Carports	3	14	2	10
Additions & Remodels	2	12	2	15
Misc	13	100	9	83
Commercial	3	19	3	17
Totals	25	163	18	145
Total Fees Collected	\$3,725.16	\$21,276.39	\$2,314.95	\$22,509.15
E-911 Fees Collected	\$36.00	\$108.00	\$36.00	\$168.00
Zoning Fees Collected	\$72.00	\$202.00	\$30.00	\$160.00
S & E Fees Collected	\$150.00	\$250.00	\$0.00	\$450.00
Total Estimated Value	\$686,072.00	\$3,362,343.00	\$546,950.00	\$4,203,777.00
Admin. Fees	\$0.00	\$0.00	\$10.00	\$20.00
CO's Issued	3	15	1	15



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At a meeting of the Cumberland County Board of Supervisors held at 6:30 p.m. on the 14th day of July, 2015, at the Cumberland County Circuit Court Room:

Present: William F. Osl, Jr., District 1
Lloyd Banks, Jr., District 2, Chairman
Kevin Ingle, District 3, Vice-Chairman
David Meinhard, District 4
Parker Wheeler, District 5
Vivian Giles, County Administrator / Attorney
Sara Carter, Planning Director

Absent: Tracie Wright, Finance Director

1. Call to Order

Chairman Banks called the meeting to order.

2. Welcome and Pledge of Allegiance

The Pledge of Allegiance was led by the Chairman.

3. Roll Call

County Administrator, Vivian Giles, called the roll.

4. Approval of Agenda

On a motion by Supervisor Osl and carried, the Board approved the Agenda as amended:

Vote: Mr. Osl – aye Mr. Banks – aye
Mr. Ingle – aye Mr. Meinhard – aye
Mr. Wheeler – aye

5. Public Comments

There were no citizens signed up to speak.

6. State and Local Department/Agencies

- a) Dr. Amy Griffin Superintendent of Cumberland County Schools

Dr. Amy Griffin, Superintendent of Cumberland County Public Schools, gave the Board the following update on school activities:

- The five weeks of summer school activities has concluded
- STEM Academy was held at Southside Virginia Community College July 6, 2015 - July 9, 2015
- James Johnson Basketball Camp
- Teachers have started coming in for professional development
- Open house is August 6th, and the first day of school is August 10th.

- b) VDOT

Scot Shippee informed the Board that VDOT's priority right now is mowing and handling citizens concerns.

- c) Water and Sewer Advisory Committee

Carolyn Helgeson, District three member, informed the Board that there are three vacancies on the committee that need to be filled. The Public Utility System currently serves citizens in Districts three, four and five. Once committee members are appointed, Ms. Helgeson stated that the committee will request the Board amend the by-laws to include two at-large committee members.

County Administrator, Vivian Giles, informed the Board the Committee wanted to meet to discuss a recommended increase in the current utility rates. Ms. Helgeson informed the Board that when the committee met in June, they did not discuss the recommended increase in rates because there were not enough members in attendance to vote on the matter. The Chairman asked if there were any citizens in attendance that were interested in volunteering to serve on the committee. Ms. Patricia Hilliard voiced her interest in serving.

On a motion by Supervisor Osl and carried unanimously, the Board appointed Patricia Hilliard to the Water and Sewer Advisory Committee for a three year term expiring July 31, 2018:

Vote: Mr. Osl – aye Mr. Banks – aye
Mr. Ingle – aye Mr. Meinhard – aye
Mr. Wheeler – aye

d) Cumberland Public Library

Jennifer Beach, Librarian, gave an update of activities to the Board.

e) County employee, Antwan Monroe –

County Administrator, Vivian Giles, informed the Board that part-time Maintenance employee, Antwan Monroe, was recognized by WRIC-TV channel 12's Random Acts of Kindness program for assisting a citizen whose vehicle was disabled at the Madison Transfer Station after hours. The board provided Mr. Monroe with a certificate of appreciation for extraordinary service to the citizens of Cumberland County.

7. Public Hearings

a) VDoT Secondary Six-Year Road Plan

The Chairman opened the public hearing for the Secondary Six-Year Road Plan for 2015/16 through 2020/21. With no citizens signed up to speak, the Chairman then closed the public hearing.

On a motion by Supervisor Osl and carried unanimously, the Board approved the Secondary Six year Plan for 2015/16 through 2020/21:

Vote:	Mr. Osl – aye	Mr. Banks – aye
	Mr. Ingle – aye	Mr. Meinhard – aye
	Mr. Wheeler – aye	

b) REZ 15-02 Asal Lumber Company

Zoning Administrator, Sara Carter, informed the Board that the Planning Commission initiated this application at their May 2015 meeting, in conjunction with their hearing of the Conditional Use Permit of this property. The Asal family has been running a wood processing facility in this location for many years. The rezoning will allow

continued expansion of the manufacturing in this location. The Chairman opened the public hearing. With no citizens signed up to speak, the Chairman then closed the public hearing.

On a motion by Supervisor Meinhard and carried unanimously, the Board approved REZ 15-02 Asal Lumber:

Vote: Mr. Osl – aye Mr. Banks – aye
Mr. Ingle – aye Mr. Meinhard – aye
Mr. Wheeler – aye

c) CA 15-08 Churches and Cemeteries in A-2

Zoning Administrator, Sara Carter, informed the Board that currently, churches are a conditional use in the A-2 district, and a permitted use in the R-2 and R-3 districts. The Planning Commission recommends to the Board that churches of 100,000 square feet or less be a permitted use in the A-2 district. Churches that are greater than 100,000 square feet would still require a conditional use permit. The Planning Commission also reviewed language to permit family and church cemeteries in the A-2 district and plans to send this amendment to the Board at their August meeting.

The Chairman opened the public hearing. Two citizens signed up to speak, and both were in favor of the proposed code amendment. With no other citizens signed up to speak, the Chairman then closed the public hearing.

On a motion by Supervisor Wheeler and carried unanimously, the Board approved Code Amendment CA 15-08:

BOARD OF SUPERVISORS
OF
COUNTY OF CUMBERLAND, VIRGINIA
RESOLUTION RECOMMENDING
PROPOSED AMENDMENT TO THE
CODE OF CUMBERLAND COUNTY
CODE AMENDMENT 15-08:

“AN ORDINANCE AMENDING CHAPTER 74-132 OF THE CUMBERLAND
COUNTY CODE TO ALLOW CHURCHES AS PERMITTED USES IN THE A-2
DISTRICT”

July 14, 2015

At a meeting of the Board of Supervisors of Cumberland County, Virginia, held at the Circuit Courtroom of the Cumberland County Courthouse, Cumberland, Virginia 23040 commencing at 7:00 p.m., July 14, 2015, the following action was taken following a duly held public hearing during which time County staff provided a review of the code amendment proposal and members of the public offered comment:

On a motion made by Supervisor Wheeler, it was moved that the Board of Supervisors of Cumberland County adopt, in accordance with the following Resolution, an ordinance amending Chapter 74-132 Zoning relating to permitting churches of 100,000 square feet or less as a by-right use in the A-2 district;

Following presentation of the Resolution, the Board of Supervisors adopted and approved the Resolution according to the votes stated below:

<u>Present:</u>	<u>Vote:</u>
Lloyd Banks, Jr., Chairman	aye
Kevin Ingle, Vice-Chairman	aye
William F. Osl	aye
David Meinhard	aye
Parker Wheeler	aye
<u>Absent:</u>	none

WHEREAS, the Board of Supervisors duly advertised and held a public hearing on July 14, 2015; and

WHEREAS, the Board of Supervisors carefully considered the testimony and evidence presented at the public hearing in support or opposition to the proposed Code Amendment; and

WHEREAS, in its review of the Code Amendment, the Board of Supervisors gave reasonable consideration to furthering the goals of the County; and

WHEREAS, after discussion, staff presentation and due deliberation with respect to such information, including information and materials presented at this public hearing, and the comments in support or opposition

to the proposed Code Amendment, the Board of Supervisors desires to affirm its findings and to take action with respect to the Code Amendment;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors, as follows:

- a. The foregoing recitals are hereby incorporated by this reference.
- b. Upon consideration of the foregoing, the Board of Supervisors considers it appropriate to amend the Code of Cumberland County in accordance with the specific text and provisions of the Code Amendment as attached hereto and incorporated herein by this reference.
- c. The Board of Supervisors further finds that the Code Amendment is in substantial accordance with the County's Comprehensive Plan and Zoning Ordinance.
- d. Upon consideration of the foregoing, the proposed Code Amendment text, testimony, staff remarks, and public comment, the Cumberland County Board of Supervisors adopts, as set forth in the specific ordinance text as attached hereto, and requests county staff to do and perform such acts necessary and as consistent with this Resolution for recommendation of adoption of the ordinance.
- e. This Resolution is effective immediately.

Sec. 74-132. - Permitted uses and structures.

Permitted uses and structures in the A-2 district are as follows:

- (1) Minor subdivisions, conventional;
- (2) Major subdivisions, cluster;
- (3) Single-family detached dwellings;
- (4) Two-family dwellings;

- (5) Manufactured homes;
- (6) Accessory uses and structures.
- (7) Agriculture, general farming and forestry.
- (8) Boarding, rooming or lodging houses and bed and breakfast inns.
- (9) Boat landings and piers.
- (10) Cabinet-making, furniture and upholstery shops (home-based).
- (11) Childcare (home-based).
- (12) Churches (100,000 square feet or less)
- (123) Farm-based equipment sales/service.
- (134) Foster care and adult family care (home-based).
- (145) Garden shops, greenhouses, nurseries.
- (156) Home-based service business.
- (167) Home occupations (Refer to [section 74-2](#)).
- (178) Hunting lodges and clubs and boat clubs.
- (489) Kennels, private.
- (4920) Off-street parking for permitted uses.
- (2021) Poultry processing facilities (Refer to article 74-XXIII)
- (2422) Preserves and conservation areas.
- (2223) Riding schools, horse breeding establishments, riding stables.
- (2324) Sawmills (portable).
- (2425) Special events.
- (2526) Wayside stands (temporary, seasonable or sale of on-site farm products).

Sec. 74-133. - Permitted uses with conditional use permit.

The following uses are permitted in the A-2 district with a conditional use permit:

- (1) Airstrips.
- (2) Animal research facility.
- (3) Antique shops.
- (4) Borrow, extraction, excavation and stockpiling of soil, gravel, or sand, consistent with the provisions of section 74-150.
- (5) Churches (of over 100,000 square feet) and cemeteries.
- (6) Convenience and general stores.
- (7) Fire and rescue facilities.
- (8) Golf courses, country clubs, golf driving ranges and mini-golf.
- (9) Group home.
- (10) Guesthouse.
- (11) Gun clubs with or without indoor or outdoor shooting ranges, skeet shooting ranges and ball clubs.
- (12) Kennels, commercial.

- (13) Landfill (CDD) (including inert waste).
- (14) Livestock markets.
- (15) Nursery schools and private kindergartens.
- (16) Nursing home, convalescent home and rest home.
- (17) Parks and playgrounds.
- (18) Porta-John business[es].
- (19) Public utilities.
- (20) Public utility generating plants, public utility booster or relay stations, transformer substations, meters and other facilities, including railroads and facilities, and water and sewerage facilities.
- (21) Racetracks (auto, motorcycle, and horse).
- (22) Radio stations, television stations and cable TV facilities, communication station and/or tower or related facilities; subject to provisions of [section 74-731](#) et seq.
- (23) Special recreational events.
- (24) Transitional home.
- (25) Veterinary hospital.
- (26) Wood products (processing and assemblage of), as defined in [section 74-2](#)

Vote: Mr. Osl – aye Mr. Banks – aye
 Mr. Ingle – aye Mr. Meinhard – aye
 Mr. Wheeler – aye

8. County Attorney/County Administrator Report

- a) Consent Agenda
 - 1) Approval of Bills for June 2015 and July 2015.
 Approved bills for July 14, 2015 total \$157,643.15.
 Ratified bills for June 10, 2015 through July 13, 2015
 warrants total \$482,086.85 with check numbers
 ranging from 70759 to 70993. Direct Deposits total
 \$148,486.16.
 - 2) Approval of Minutes (June 9, 2015)

On a motion by Supervisor Osl and carried by the following vote, the Board approved the consent agenda:

Vote: Mr. Osl – aye Mr. Banks – aye
Mr. Ingle – aye Mr. Meinhard – aye
Mr. Wheeler – aye

b) Revised Employee Manual

It was the consensus of the Board to table this item until the August meeting.

c) Resolution – Memorandum of Understanding with SVCC

On a motion by Supervisor Osl and carried unanimously, the Board approved the Memorandum of Understanding with Southside Virginia Community College:

Vote: Mr. Osl – aye Mr. Banks – aye
Mr. Ingle – aye Mr. Meinhard – aye
Mr. Wheeler – aye

d) Approval of vacation of subdivision plats for Henrico County

County Administrator, Vivian Giles, informed the Board that prior to Henrico County acquiring all of the land for the Cobbs Creek Reservoir, some of the land owners subdivided their properties. At this time, there is no need for Henrico County to have those properties subdivided. Therefore, Henrico County is requesting vacation of the subdivision plats.

On a motion by Supervisor Osl and carried unanimously, the Board approved the vacation of subdivision plats requested by Henrico County:

Vote: Mr. Osl – aye Mr. Banks – aye
Mr. Ingle – aye Mr. Meinhard – aye
Mr. Wheeler – aye

e) Resolution of Appreciation for O.O. Stiff Septic Service, Inc.

On a motion by Supervisor Wheeler and carried unanimously, the Board approved the Resolution of Appreciation for O.O. Stiff Septic Services, Inc.:

**RESOLUTION OF APPRECIATION
FOR DEDICATED SERVICE TO CUMBERLAND COUNTY BY
O.O. STIFF SEPTIC SERVICES, INC.**

July 14, 2015

WHEREAS, for many years, O.O. Stiff Septic Services, Inc. has provided service to the Cumberland County Utilities Department; and

WHEREAS, in addition to assisting Cumberland County in day-to-day operations, the staff of O.O. Stiff Septic Services, Inc. has on many occasions come to the aid of Cumberland County in emergency situations on nights and weekends with little notice; and

WHEREAS, in those times of great need, O.O Stiff Septic Services, Inc. has repeatedly come to the aid of Cumberland County, at times with no compensation; and

WHEREAS, in 2015, O.O. Stiff Septic Services, Inc. celebrates 40 years of doing business in Central Virginia and should be congratulated for its success.

NOW, THEREFORE, BE IT RESOLVED that by this Resolution, Cumberland County does hereby express its gratitude to O.O. Stiff Septic Services, Inc. for many years of service to Cumberland County; does hereby congratulate O.O. Stiff Septic Services, Inc. as it celebrates 40 years of success in Central Virginia; and does hereby wish O.O. Stiff Septic Services, Inc. continued success and prosperity in the future.

Adopted the 14th day of July, 2015.

Vote: Mr. Osl – aye Mr. Banks – aye
Mr. Ingle – aye Mr. Meinhard – aye
Mr. Wheeler – aye

9. Finance Director's Report

a) Monthly budget Report

There was no discussion regarding the monthly budget report.

b) Appropriation – \$1,045,913.37 to Cumberland County Public Schools for the Governor's School of Southside Virginia

On a motion by Supervisor Banks and carried unanimously, the Board approved the appropriation to the Cumberland County School Board in the amount of \$1,045,913.37:

Vote: Mr. Osl – aye Mr. Banks – aye
Mr. Ingle – aye Mr. Meinhard – aye
Mr. Wheeler – aye

c) Appropriation - \$51,200 to Cumberland County Public Schools for FYE15 Carryover Funds

On a motion by Supervisor Banks and carried unanimously, the Board approved the appropriation to the Cumberland County School Board in the amount of \$51,200:

Vote: Mr. Osl – aye Mr. Banks – aye
Mr. Ingle – aye Mr. Meinhard – aye
Mr. Wheeler – aye

d) Budget Transfer for STEPS

County Administrator, Vivian Giles, informed the Board that STEPS was requesting the amount Cumberland previously spent in Recycling funds be sent to them as a contribution instead. With this transfer, Cumberland will no longer utilize STEPS for recycling of the County's solid waste, but instead will use van der Linde, as that is a service already included in the current Van der Linde contract.

On a motion by Supervisor Osl and carried unanimously, the Board approved the budget transfer for STEPS in the amount of \$11,000:

Vote: Mr. Osl – aye Mr. Banks – aye
Mr. Ingle – aye Mr. Meinhard – aye
Mr. Wheeler – aye

10. Planning Director's Report

a) Planning Project update

There was no discussion on the current Planning projects.

b) CA 15-04 Sign Ordinance

The Chairman made a motion to repeal the current ordinance and work toward a new ordinance that is less

restrictive. After some discussion by the Board, The Chairman withdrew his motion.

Supervisor Meinhard made a motion to amend the sign ordinance to allow all signs, as follows: 1) located on the sign owner's property or on property on which the sign owner has written permission to place a sign; and 2) which do not contain profanity, nudity or obscenity. Ms. Giles voiced concern with restricting profanity and obscenity as it is protected free speech. This motion failed by the following vote:

Vote:	Mr. Osl – nay	Mr. Banks – aye
	Mr. Ingle – nay	Mr. Meinhard – aye
	Mr. Wheeler – nay	

Supervisor Banks made a motion to approve the Code Amendment 15-04 Sign Ordinance as amended to strike items 1-4 of Section 74-624. After additional discussion by the Board and staff, Supervisor Banks amended his motion to strike items 1-4 of Section 74-624, add an item to Section 74-624 to prohibit billboards greater than three hundred (300) square feet, and renumber all items appropriately.

On a motion by Supervisor Banks, and carried by the following vote, the Board approved the Resolution adopting Code Amendment 15-04 Sign Ordinance as amended to strike items 1-3 of section 74-624, and prohibit billboard signs in excess of 300 square feet:

**BOARD OF SUPERVISORS
OF
COUNTY OF CUMBERLAND, VIRGINIA
RESOLUTION RECOMMENDING
PROPOSED AMENDMENT TO THE
CODE OF CUMBERLAND COUNTY**

**CODE AMENDMENT 15-04:
“AN ORDINANCE AMENDING CHAPTER 74 OF THE CUMBERLAND
COUNTY CODE ADDRESSING SIGNAGE”**

July 14, 2015

At a meeting of the Board of Supervisors of Cumberland County, Virginia, held at the Circuit Courtroom of the Cumberland County Courthouse, Cumberland, Virginia 23040 commencing at 7:00 p.m., July 14, 2015, the following action was taken; following a duly held public hearing on June 9, 2015, during which time County staff provided a review of the code amendment proposal and members of the public offered comment:

On a motion made by Supervisor Banks, it was moved that the Board of Supervisors of Cumberland County adopt, in accordance with the following Resolution, an ordinance amending Chapter 74 Zoning relating to signage;

Following presentation of the Resolution, the Board of Supervisors adopted and approved the Resolution according to the votes stated below:

<u>Present:</u>	<u>Vote:</u>
Lloyd Banks, Jr., Chairman	aye
Kevin Ingle, Vice-Chairman	aye
William F. Osl	aye
David Meinhard	aye
Parker Wheeler	abstain
<u>Absent:</u>	none

WHEREAS, the Board of Supervisors duly advertised and held a public hearing on June 9, 2015; and

WHEREAS, the Board of Supervisors carefully considered the testimony and evidence presented at the public hearing in support or opposition to the proposed Code Amendment; and

WHEREAS, in its review of the Code Amendment, the Board of Supervisors gave reasonable consideration to furthering the goals of the County; and

WHEREAS, after discussion, staff presentation and due deliberation with respect to such information, including information and materials presented at this public hearing, and the comments in support or opposition to the proposed Code Amendment, the Board of Supervisors desires to affirm its findings and to take action with respect to the Code Amendment;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors, as follows:

- f. The foregoing recitals are hereby incorporated by this reference.
- g. Upon consideration of the foregoing, the Board of Supervisors considers it appropriate to amend the Code of Cumberland County in accordance with the specific text and provisions of the Code Amendment as attached hereto and incorporated herein by this reference.
- h. The Board of Supervisors further finds that the Code Amendment is in substantial accordance with the County's Comprehensive Plan and Zoning Ordinance.
- i. Upon consideration of the foregoing, the proposed Code Amendment text, testimony, staff remarks, and public comment, the Cumberland County Board of Supervisors adopts, as set forth in the specific ordinance text as attached hereto, and requests county staff to do and perform such acts necessary and as consistent with this Resolution for recommendation of adoption of the ordinance.

j. This Resolution is effective immediately.

Sec. 74-621. Statement of purpose.

(a)The purpose of this article is to promote proper signage that provides a strong visual character in the county and promotes the public health, safety and welfare by providing standards to ensure against signs which:

- (1) Unduly distract or obstruct the vision of motorists and pedestrians;
- (2) Are structurally unsafe; and
- (3) By their location, design or materials, create hazardous conditions for the public.

(b)This article shall govern and control the erection, remodeling, enlarging, moving, maintenance and operation of all exterior signs within all zoning districts established by this chapter. This article shall be applicable only to those signs that are visible from public rights-of-way and adjoining properties. All applicants for sign permits shall adhere to the design standards for signs furnished by the county administrator's office.

(Code 1990, § 14-60A)

Sec. 74-622. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animated sign means a sign employing actual motion or the illusion of motion. Animated signs, which are differentiated from changeable signs as defined and regulated by this code, include the following types:

Electrically activated. Animated signs producing the illusion of movement by means of electronic, electrical or electro-mechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:

1. *Flashing.* Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle with periods of illumination and nonillumination. For the purposes of this ordinance, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds 4 seconds.

2. *Patterned illusionary movement.* Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or

sequential activation of various illuminated elements for the purpose of production repetitive light patterns designed to appear in some form of constant motion.

Environmentally activated. Animated signs or devices motivated by wind, thermal changes or other natural environmental input. Includes spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.

Mechanically activated. Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.

Banner sign means any sign intended to be hung either with or without frames, possessing characters, letters, illustrations or ornamentations applied to paper, plastic or fabric of any kind. National flags, flags of political subdivisions, and symbolic flags of any institution or business shall not be considered banners for the purpose of this article.

Canopy sign means a sign affixed to the visible surface(s) of an attached or free-standing canopy. For reference, see illustration following definitions.

Changeable copy sign means a sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or surface of the sign. Changeable copy signs may include signs with copy changed manually, or signs that contain internal lighting that changes to vary the contents of signs. Electronic changeable copy signs that have a cycle time of more than four seconds are not considered animated signs, and are regulated as any other sign in the applicable zoning district, including the provisions of 74-623.

Construction sign means any sign giving the name or names of principal contractors, architects, engineers and landscape architects and/or lending institutions responsible for construction on the site where the sign is placed.

Development complex sign means a free-standing sign identifying a multiple-occupancy development, such as a shopping center or industrial park, which is controlled by a single owner or landlord.

Directional sign means any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.

Farm sign, except as otherwise provided in this article, means a sign not exceeding 25 square feet of sign area placed on farm property advertising the sale of agricultural products on the premises or identifying the name of the farming operation.

Fascia sign See “Wall or fascia sign.”

Flashing sign See “Animated sign, electrically activated.”

Freestanding sign means any sign which is supported by structures or supports in or upon the ground and independent of support from any building.

Identification sign means a sign not exceeding 16 square feet of sign area identifying only the name and address of the dwelling, farm, subdivision or planned development and/or dwelling owner or manager.

Illuminated sign means a sign characterized by the use of artificial light, either projecting through its surface(s) (internally illuminated); or reflecting off its surface(s) (externally illuminated).

Interior sign means any sign placed within a building, but not including “window signs” as defined by this ordinance. Interior signs, with the exception of window signs, as defined, are not regulated by this chapter.

Marquee sign See “Canopy sign.”

Menu board means a free-standing sign oriented to the drive-through lane for a restaurant that advertises the menu items available from the drive-through window, and which is no larger than 30 square feet.

Off-premise sign (including billboards) means a sign which directs attention to a profession, business, commodity, service or entertainment other than one conducted, sold or offered upon the premises where such sign is located, or on the building to which such sign is affixed.

Portable sign means any sign not permanently attached to the ground, a structure or any other sign. A separation of at least 200 feet must be maintained between portable signs.

Projecting sign means any sign which extends in excess of 18 inches beyond any vertical surface of the building which supports it.

Real estate lead-in sign means a directional sign used to provide directions to real estate for sale or lease. Such signs shall not exceed 2.5 square feet in sign area. No more than one real estate lead-in sign per real estate company shall be allowed at any road intersection. Such sign must be removed within ten days after the real estate closing of the subject property.

Real estate sign means any sign which is used to offer for sale or lease the property upon which the sign is placed. Such sign must be removed within ten days after the real estate closing of the subject property.

Roof sign means any sign erected or constructed wholly upon and over the roof of any building and supported solely on the roof structure. For reference, see illustration following definitions.

Sign means any exterior display of letters, words, numerals, figures, devices, emblems, pictures or any parts or combinations, by any means whereby the sign is made visible for the purpose of making anything known, whether such display is made on, attached to, or as a part of a structure, ground, any rock, tree or other natural object, which display is visible beyond the boundaries of the parcel of land on which the same is made. A display of less than one square foot in area is excluded from this definition.

Sign area means the surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural or decorative trim, or any areas, that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.

Street banner sign means any banner sign which is stretched across and hung over a public right-of-way, with the exception of any sign used in conjunction with county, state or federally sponsored events or activities.

Temporary sign means any sign, banner, pennant or other advertising medium intended to be displayed for a short period of time (not to exceed 30 days) as regulated by the provisions of this chapter.

Wall or fascia sign means any sign attached to and supported by the exterior surface of the wall of a building or structure in a place substantially parallel to that of the supporting wall, and projecting no more than 18 inches from the wall or fascia.

Window sign means a sign affixed to the surface of a window with its message intended to be visible to and readable from the public way or from adjacent property.

Yard sale sign means any sign advertising a yard sale by property owners or their lessees.

(Code 1990, §§ 14-60B, 14-60D)

Cross reference— *Definitions generally, § 1-2.*

Sec. 74-623. General provisions.

The following regulations shall apply to all signs in the county:

- (1) Unless specifically exempted, a sign permit issued through the zoning administrator's office shall be required for the erection, alteration or reconstruction of any sign, not including temporary signs. In the case of temporary signs, no permit is required, however, no temporary or portable sign may be used for a period exceeding 30 days .
- (2) No sign shall be erected or maintained unless it is in compliance with the regulations of this chapter.
- (3) Signs shall be constructed of durable materials maintained in good condition and not permitted to become dilapidated.
- (4) No signs, except as otherwise specified, shall exceed the height limit for structures of the district in which they are located.
- (5) Any sign which advertises any activity, business, product or service which has ceased operation or production shall be removed within six months of the discontinuance of such activity.
- (6) Any business sign may be illuminated by indirect lighting the source of which is not directed toward the public right-of-way or adjoining properties or by interior diffused lighting; however, flashing may not be used, and no colored lights may be used that could be mistaken for traffic control devices.
- (7) No sign shall be erected or maintained along any road, street, highway or right-of-way that unduly distracts or obstructs the vision of motorists and pedestrians; nor shall any signs by their location, design or materials create hazardous conditions for the public.
- (8) Notwithstanding any provisions in this section to the contrary, the location, size or construction of all signs shall comply with all applicable state and federal laws, rules and regulations.
- (9) No wall sign shall extend or be mounted above or beyond the wall of the building.
- (10) Electronic changeable copy signs are only permitted in business zoning districts and in the R-2 district that surrounds Anderson Highway (Route 60).
Electronic changeable copy signs in the R-2 district must front on Route 60.

(Code 1990, § 14-60C)

Sec. 74-624. Prohibited signs.

- (1) Billboard signs in excess of 300 square feet are not allowed in any district.
- (2) Street banner signs shall be prohibited except as used in connection with civic, patriotic or religious holidays or events.
- (3) Signs shall not be posted on utility poles or street signs.

(Code 1990, § 14-60D)

Sec. 74-625. Signs not requiring a permit.

The following type of signs do not require a permit, but they shall be established in accordance with the structural and safety requirements of the building code:

- (1) Plaques or tablets, denoting names of buildings or dates cut into any masonry surface.
- (2) Traffic or other signs erected and maintained by the state department of transportation, the county or other governmental agencies, legal notices and all other similar signs required by law to be posted.
- (3) Painted, magnetic or adhesive affixed signs on any duly licensed, operable vehicle, . This section shall not be interpreted to permit parking for display of any vehicle to which signs are constructed as a separate structure and attached, or any inoperable or unlicensed vehicle for the purpose of advertising.
- (4) Yard sale signs are allowed in all zoning districts. Such signs shall be placed at least one foot from the right-of-way and shall not obstruct the view of traffic. No yard sale sign shall remain for longer than 48 hours past the end of the sale.
- (5) No trespassing, no hunting and no fishing signs, or signs of similar nature, shall not require sign permits.

(Code 1990, § 14-60E)

Sec. 74-626. Nonconforming signs.

All signs established prior to the effective date of the ordinance from which this article derives, and not in conformance with the provisions of this article, shall be allowed to remain subject to the following conditions:

- (1) No such nonconforming sign may be enlarged or altered in a way which would increase its nonconformity, but any structure or portion may be altered to decrease its nonconformity.
- (2) Should such sign structure be moved for any reason, it shall thereafter conform to the regulations for signs.
- (3) Notwithstanding any of the foregoing, non-conforming signs shall be maintained in good condition in accordance with Section 74-623 (3).

(Code 1990, § 14-60F)

Sec. 74-627 Setbacks and other:

- (a) Front yard. No portion of any sign other than a freestanding pole type sign shall be located within eight (8) feet of the right-of-way of any public road. Freestanding pole type signs may be located within five (5) feet of the right-of-way of any public road if:
 - a. The structure's sign face is at least seven (7) feet high from grade, and
 - b. The pole and any pole skirt do not exceed eighteen (18) inches in width or diameter.
- (b) Side yard. No portion of any sign shall be located within five (5) feet of a side property line.
- (c) Rear yard. No portion of any sign shall be located within five (5) feet of a rear property line.

Sec. 74-628. Signs permitted in residential land use districts (R-1, R-3 and R-MH) and in recreational area access districts (RA-1).

- (a) The following signs shall be permitted in R-1, R-3 and R-MH districts subject to the restrictions stated in this subsection:
 - (1) Identification signs containing only the name and address of the dwelling owner or occupant or the name of the home. Identification signs shall not exceed 16 square feet in sign area and do not require a permit.
 - (2) Freestanding signs, of up to 24 square feet in sign area for non-residential uses. The height limit for freestanding signs shall be 20 feet.
- (b) The following signs shall be permitted in RA-1 districts subject to the restrictions stated in this subsection:
 - (1) Business signs solely for the purpose of advertising the sale or rent of the premises upon which the sign is erected.

(Code 1990, § 14-60G)

Sec. 74-629. Signs permitted in the R-2, A-1 and A-2 districts.

The following signs shall be permitted in the R-2, A-1, and A-2 districts subject to the restrictions stated in this subsection:

- (1) Directional signs of up to 6 square feet total, provided any such signs are located no closer than two feet from any road, street, highway or right-of-way.
- (2) Identification signs containing only the name and address of the dwelling owner or occupant or the name of the home. Identification signs shall not exceed 16 square feet in sign area and do not require a permit.
- (3) Freestanding signs, of up to 36 square feet in sign area for non-residential uses. The height limit for freestanding signs shall be 20 feet.

- (4) Wall signs, of up to 16 square feet in sign area for non-residential uses.

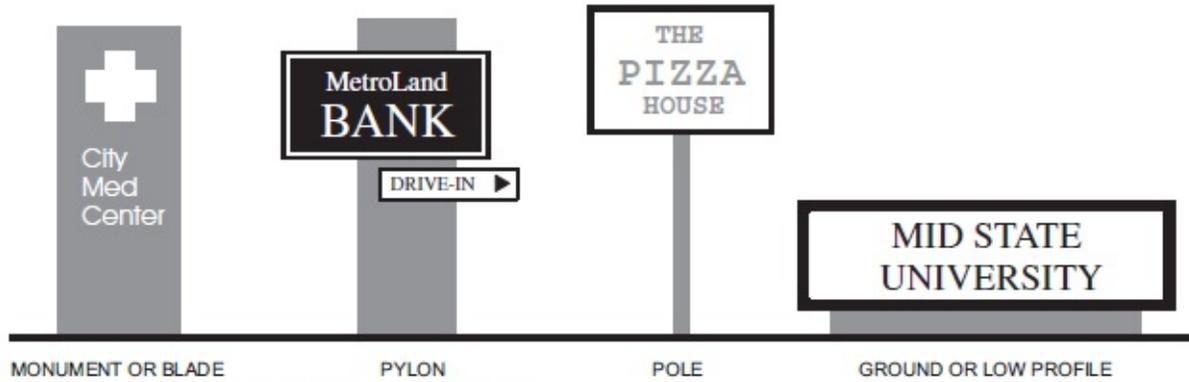
Sec. 74-630. Signs permitted in business and industrial agricultural land use districts (B-1, B-2, B-3, M-1 and M-2).

The following signs shall be permitted in the B-1, B-2, B-3, M-1, and M-2 districts subject to the restrictions stated in this subsection:

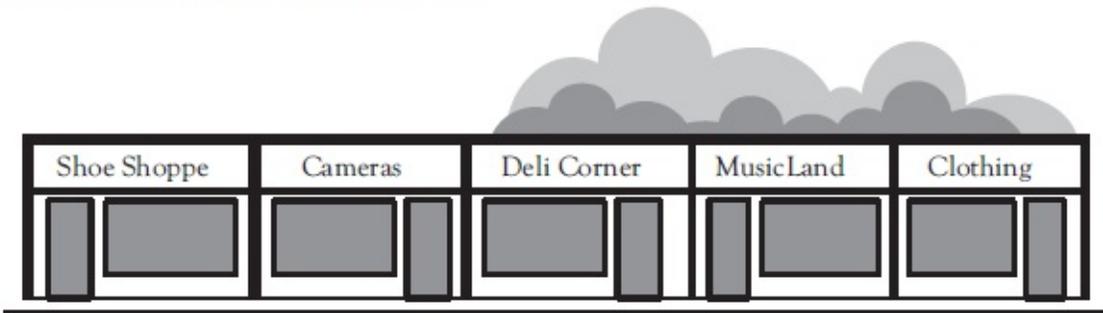
- (1) Directional signs of up to 6 square feet each, provided any such signs are located no closer than two feet from any road, street, highway or right-of-way.
- (2) Freestanding signs, of up to 60 square feet in sign area. The height limit for freestanding signs shall be 35 feet.
- (3) Wall or roof signs of up to 60 square feet in sign area.
- (4) Canopy signs of up to 40 square feet in sign area.

Sec. 74-631 Signs for development complexes.

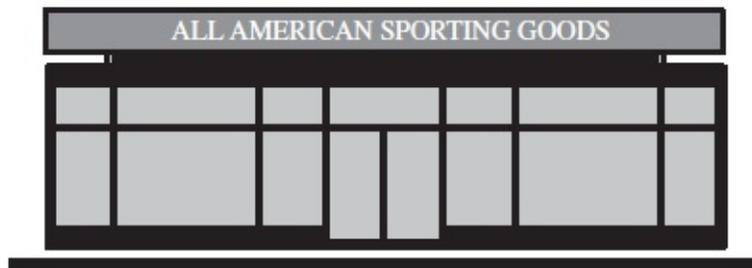
All landlord or single-owner controlled multiple-occupancy development complexes on parcels exceeding 8 acres in size, such as shopping centers or planned industrial parks shall be permitted to have development complex signs, in addition to individual business signs otherwise allowed by this ordinance. Every multiple-occupancy development complex shall be entitled to one free-standing sign per street front, at the maximum size permitted for business identification freestanding signs to identify the development complex.



COMMON FREE-STANDING SIGN TYPES



WALL OR FASCIA SIGNS ON STOREFRONTS



ROOF SIGN

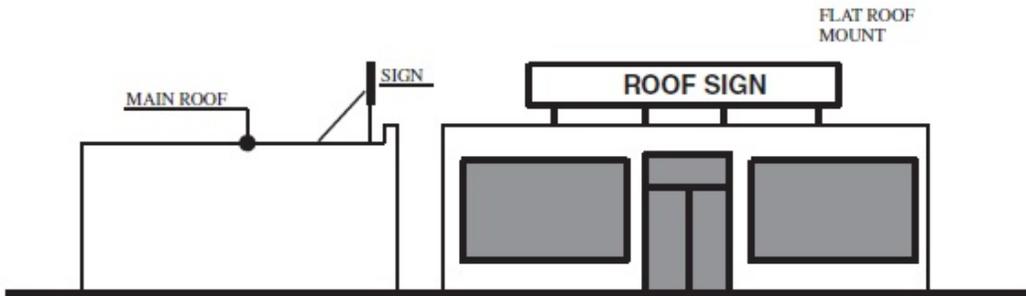


CANOPY SIGN
ON FREE-STANDING CANOPY

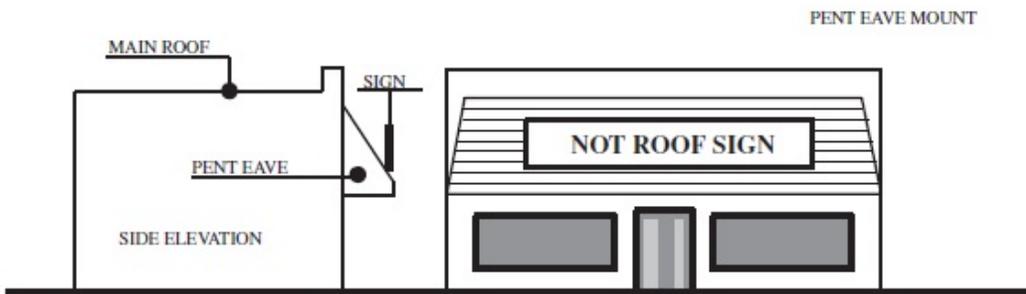
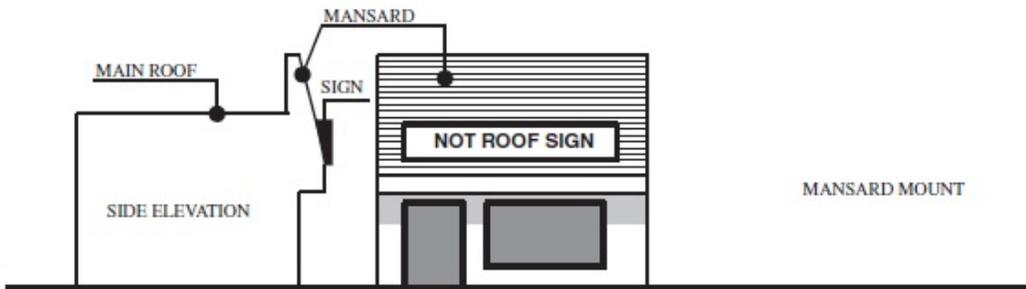
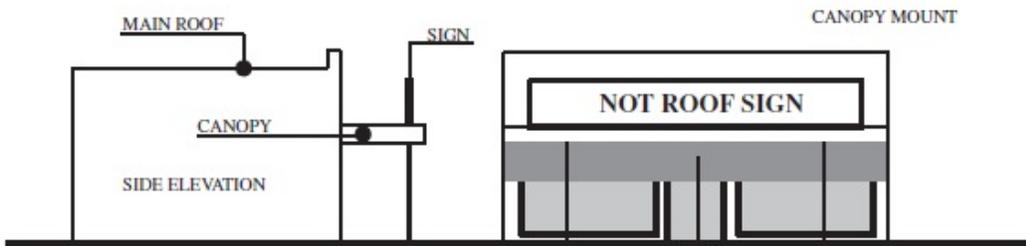


PROJECTING
SIGN

ROOF SIGNS



FASCIA SIGNS ON ROOF-LIKE PROJECTIONS



Vote: Mr. Osl – aye Mr. Banks – aye
Mr. Ingle – aye Mr. Meinhard – aye
Mr. Wheeler – abstain

- c) Set public hearing for CUP 15-06 Giles Road Campground

After some discussion on this item, it was the consensus of the Board to table any action on this matter until the next regular meeting of the Board to be held on August 11, 2015.

- d) Set public hearing for REZ 15-03 Larry Atkins

On a motion by Supervisor Wheeler and carried unanimously, the Board set REZ 15-03 for public hearing at the next regular meeting of the Board to be held on August 11, 2015:

Vote: Mr. Osl – aye Mr. Banks – aye
Mr. Ingle – aye Mr. Meinhard – aye
Mr. Wheeler – aye

- e) REZ 15-04 Spears

On a motion by Supervisor Wheeler and carried unanimously, the Board set REZ 15-04 for public hearing at the next regular meeting of the Board to be held on August 11, 2015:

Vote: Mr. Osl – aye Mr. Banks – aye
Mr. Ingle – aye Mr. Meinhard – aye
Mr. Wheeler – aye

11. Old Business

N/A

12. New Business

N/A

13. Public Comments (Part 2)

N/A

14. Board Member Comments

Supervisor Ingle thanked Antwan Monroe again for his selfless actions in assisting a citizen in need.

15. Additional Information

- a) Treasurer's Report
- b) DMV Report
- c) Recycling Report
- d) Monthly Building Inspections Report
- e) Approved Planning Commission meeting minutes
- f) Approved IDA meeting minutes-N/A

16. Adjourn -

On a motion by Supervisor Banks and carried unanimously, the Board adjourned the meeting until the next regular meeting of the Board to be held on August 11, 2015 at 6:00 p.m. in the Circuit Courtroom of the Cumberland Courthouse, Cumberland, Virginia.

Vote: Mr. Osl – aye Mr. Banks – aye
 Mr. Ingle – aye Mr. Meinhard – aye

Mr. Wheeler – aye

Lloyd Banks, Jr., Chairman

Vivian Giles, County Administrator/County Attorney