

VIRGINIA: MINUTES OF THE WORKSHOP MEETING OF THE DINWIDDIE COUNTY PLANNING COMMISSION HELD IN THE BOARD MEETING ROOM OF THE PAMPLIN ADMINISTRATION BUILDING ON THE 11<sup>th</sup> DAY OF FEBRUARY 2009 AT 6:00 P.M.

PRESENT:	SAMUEL W. HAYES	CHAIRMAN	AT-LARGE
	BUTCH CUNNINGHAM	VICE CHAIRMAN	DIST #4
	DR. MARK MOORE		DIST #1
	PATRICIA HAMILTON		DIST #3
	DANIEL LEE		DIST #5
	THOMAS TUCKER		AT-LARGE
	DEAN McCRAY		DIST #2

OTHER:	MARK BASSETT	PLANNING DIRECTOR
	CHRISTINA GREENE	SENIOR PLANNER

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**IN RE: CALL TO ORDER**

The Chairman called the meeting to order at 6:05 p.m.

**IN RE: ROLL CALL**

The Chairman asked for the roll to be called and all members were present.

**IN RE: AMENDMENT TO THE AGENDA**

Mr. Bassett requested of the Chairman to amend the agenda to allow Mr. Tony Williams, the County's Fire Marshall, to do a brief presentation on a grant application that he is applying for. He said Mr. Williams needs some input from the Planning Commissioner's concerning the application.

Dr. Moore asked that item number six, Farmers Market discussion, be removed from the agenda.

Mr. Lee said the reason why is because the Farmer's Market discussion will be covered in the Commissioners comments.

Mr. Hayes stated that public comments will be added after the L.E.D Message Board/Sign Ordinance Amendment.

**IN RE: TONY WILLIAMS – DINWIDDIE COUNTY'S FIRE MARSHAL**

Mr. Williams said last year he applied for a Fire Prevention grant through the Federal Government. He said he incorporated several different projects or programs within that grant. He said after riding in the county and listening to Fire and EMS personnel talk on the radio as it related to where a property was located he wanted to get a more uniform system of marking the addresses for properties. He said neighboring counties have them. He said the signs are made of carsonite and the numbers are reflective. He said the sign can be run over and stands back up afterwards. He said he wants to get these signs for every property addressed in the county. He said the reason he is before the Planning Commission is after he submits the grant he has to send a letter to a local U.S. Congressman asking for support with the grant. He thought that if he received a letter from the Planning Commission and one from the Board of Supervisors it would go a long way in helping with his request to acquire the grant.

**IN RE: COMPANION BIRD ORDINANCE AMENDMENT**

Ms. Greene gave the following information to the Planning Commissioners and asked for their opinion. She said:

On March 6, 2008, the Codes Compliance Officer, Mr. Harris, observed a zoning violation occurring at 25610 Walkers Landing Court furthered defined by the Commissioner of Revenue's office as tax map parcel 9J-1-8. Mr. Harris sent a zoning violation letter citing that the Dinwiddie County ordinance does not allow the keeping of livestock associated with agriculture within the Residential Limited, R-1 zoning district.

The property owners, Qi and Xiu Xia Huang, request a zoning violation determination from the Zoning Administrator stating that the pigeons kept on the property were not for agricultural purposes but rather were companion birds.

In the letter dated April 15, 2008, the Zoning Administrator found that "agriculture" is not a permitted use in the R-1 zoning district. Section 22-1 of the Zoning Ordinance defines "agriculture" as "the tilling of the soil, the raising of crops, horticulture, forestry and gardening, including the keeping of animals and fowls, and including any agriculture industry or business, such as fruit packing plants, dairies or similar uses." By definition, the current activities on your property constitute an agriculture use. Agriculture is not a permitted use in the R-1 zoning district.

The applicants were told they could apply for an amendment to the Zoning Ordinance in order to provide for the keeping of companion birds. Our ordinance does not currently distinguish between the keeping of fowl and companion birds.

The property owner filed an Ordinance Amendment application and fee and proposed the following changes to Chapter 22, Zoning of the Dinwiddie County Code:

1. Amend to add *companion bird* and *domestic fowl* as definition in ARTICLE I. In General, Sec. 22-1. **Definitions.**

*Companion bird* is any bird kept for companionship and enjoyment not raised for food or fiber; or not used for livestock, laboratory, or working purposes; or not as sporting birds kept for economic reasons. This definition excludes domestic fowl and shall include but not be limited to African greys, amazons, budgies, canaries, cockatiels, cockatoos, finches, lories/lorikeets, lovebirds, macaws, parakeets, parrots, and pigeons.

*Domestic fowl* is any bird of the order Galliformes, including but not limited to chickens, turkeys, pheasant, partridges and quail; birds which are hunted or kept for food and also waterfowl of the order Anseriformes such as ducks, geese and swans.

2. Amend to add new section titled "**Keeping of companion birds**" to ARTICLE V. Supplementary District Regulations.

Sec. 22-244. **Keeping of companion birds.**

(a) Companion bird shall be defined as any bird kept for companionship and enjoyment not raised for food or fiber; or not used for livestock, laboratory, or working purposes; or not as sporting birds kept for economic reasons. This definition excludes domestic fowl and shall include but not be limited to African greys, amazons, budgies, canaries, cockatiels, cockatoos, finches, lories/lorikeets, lovebirds, macaws, parakeets, parrots, and pigeons.

(b) It shall be unlawful for any person to keep or cause to be kept on premises, in a structure outside of the dwelling, any kind of companion bird within 50 feet of any structure owned by another and used for human habitation, occupation, or assemblage.

(c) No companion bird shall be kept by any person outside of the dwelling unless in compliance with the following conditions:

(1) No person shall permit any companion bird to run at large on the premises, in the streets, public places, or anywhere outside of an enclosed structure.

(2) No person shall permit any companion bird to depredate the property of any other person.

(3) A house or shelter shall be provided for companion birds and they shall not be able to run at large.

(4) Houses or shelters provided for companion birds must be shielded from the right-of-way or public view.

(5) Such house or shelter shall be kept dry and well-ventilated and shall be cleaned at least once a week, between November 1 and May 1, and at least twice a week, between May 1 and November 1, of each year, and more often if necessary or required.

(6) Drinking fountains or troughs shall be kept clean and supplied with clean water.

(7) The surface of the yard shall be kept clean and free from all decaying feathers, feces or vegetable matter or odors.

(8) All enclosures shall be so constructed as to keep the companion birds contained and protected from predatory animals.

(9) The number of companion birds kept within the dwelling and on the premises shall not exceed 50.

Mr. McCray said that the Commissioners should be given a couple of months so they could go out and do some research on what's acceptable and what is not acceptable. He said right now he does not have a clue what a good number of birds should be.

**IN RE: SHELTER CARE FACILITY ORDINANCE AMENDMENT**

Ms. Greene gave the following information to the Planning Commissioners and asked for their opinion. She said:

The Planning Department was approached by Mrs. Angela Brown of the Yeshua House of Refuge concerning the construction of a shelter care facility for the purpose of providing temporary transitional housing to mothers with one or more children. The Yeshua House of Refuge would like to provide preschool/day care, counseling, and employment skills training services to its families while helping them to transition into their own independent environment.

Currently within the Dinwiddie County Zoning Ordinance, the closest use designation is "group home" which is defined as:

*Group home:* A residential facility in which no more than eight mentally ill, mentally retarded, developmentally disabled, or handicapped persons (as handicap is defined in the Federal Fair Housing Amendments Act of 1988, 42 U.S.C. § 3601, et seq.) reside, with one or more resident counselors or other staff persons. For the purposes of this section, mental illness, developmental disability and handicap shall not include current, illegal use of or addiction to a controlled substance as such substances are defined in Virginia Code section 54.1-3401 and/or 21 U.S.C. § 3601. For purposes of this section, and unless otherwise required pursuant to 42 U.S.C. § 3601, et seq., the term "residential facility" means any group home or other residential facility for which the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services, and the Virginia Department of Social Services, the Virginia Department of Medical Assistance Services, or any other duly-authorized state or federal agency, is the licensing authority.

Mrs. Brown stated that she did not believe the program would be able to operate within the confines of this definition. The intended temporary residents would not be able to meet the stipulation in the definition that they be mentally ill, mentally retarded, developmentally disabled, or handicapped. In addition, Mrs. Brown stated that the program would like to provide services for more than eight residents as this would mean each of the four mothers could only have one child and this could lead to the organization having to turn mothers away with two or more children.

The Planning Department instructed Mrs. Brown that the Zoning Ordinance would need to be amended to include a use designation that fit her programs activities and subsequently the zoning district regulations would need to be amended to allow this as an allowable use within a zoning district or districts. In addition Mrs. Brown was given the guidance that the proposed amendment to add “shelter care facility” as an allowable use should be proposed as a conditional use within a zoning district or districts and not allowed by-right, as it could be an intensive use that may be better addressed through the conditional use process.

The draft amendment proposes changes to Chapter 22, Zoning of the Dinwiddie County Code to allow “shelter care facility” as a conditional use within **Section 22-71, Permitted Uses** in the A-2 zoning district, **Section 22-140, Permitted Uses** in the R-2 zoning district, and **Section 22-174, Permitted Uses** in the B-1 zoning district.

The proposed amendments would require the following changes to Chapter 22, Zoning of the Dinwiddie County:

1. Amend ARTICLE I. In General, **Sec. 22-1. Definitions.** to add the following:

*“Shelter care facility:* An activity providing personal assistance on a nonprofit basis to individuals of an indigent status. The assistance must include food and/or shelter and may, in addition, include religious instruction, counseling, and child care.

2. Amend **Section 22-71, Permitted Uses** in the A-2 zoning district to add the following:

“Shelter care facility, with a conditional use permit.” In addition to conditions set forth during the public hearing process for a conditional use permit, the following conditions shall apply:

1. The facility is operated on a not-for-profit basis.
2. The facilities services are not available to the general public.
3. Shall not be located within 1000 feet of a property occupied by another shelter care facility, group home, or adult care residence.
4. A management program including:
  - a. Detailed description of the managing entity, including the organizational structure, the names of the board of directors, mission statement, and any by laws;
  - b. Detailed description of programs offered on the premises.
  - c. Detailed description of the number and type of clients to be served.
  - d. Operational details including the hours of operation, number and qualifications of staff, method of supervision, expectation and rules for client enrollment, location of security features, and emergency procedures/emergency contact information.
5. “Annual operating budget, including sources of funding.”

There was some brief discussion among the Commissioners about the home being regulated or not regulated. All the Commissioners agreed that some kind of regulatory agency would be the best thing for this home.

Mr. Bassett stated that based on the Commissioners’ response not having this kind of home seems best. He said he would like to take that information before the Board of Supervisors and see what their feelings are concerning one.

**IN RE: L.E.D. MESSAGE BORAD/SING ORDINANCE AMENDMENT**

Mr. Bassett took a moment and briefed Mr. McCray on the current county ordinance concerning L.E.D. signs. He said what Ms. Greene has done is compiled what she has seen as general standards from surrounding counties.

Ms. Greene gave the following information to the Planning Commissioners and asked for their opinion. She said:

1. Electronic message Boards shall be defined as “a sign display or device that changes message copy on the sign by means of light emitting diodes (LED), fiber optics light bulbs, liquid crystal display, or other illumination devices with the display area.”
2. The following requirements shall apply to electronic message display boards:
  - a. An electronic message display board must not have any distracting appearance of motion, flashing, blinking, bijou lighting effects, animation, or shimmering.
  - b. The maximum brightness of electronic message signs shall not exceed 5,000 nits (candelas per square meter) during daylight hours, or 500 nits (candelas per square meter) between dusk to dawn. The sign must be equipped with an automatic dimmer control for this purpose.
  - c. All approved electronic message signs shall be made available for usage for Amber Alerts and other Emergency Community Notifications as deemed necessary by the Sherriff’s Office.
  - b. The area occupied by the message on an electronic message display board may comprise no more than fifty (50) percent of the surface area of the allowable signage.
  - c. No more than one (1) changeable sign, i.e. electronic message display board with two sides is permitted per lot of record.
  - d. An electronic message display board may not be located so that its message is visible from any controlled-access highway or ramp.
  - e. The highest point of any electronic message display board may not exceed a height of ten (10) feet.
  - f. An electronic message display board that is readily visible to drivers of vehicles on any public way must have characters of sufficient size to be easily discerned and must not constitute a safety hazard by distraction of drivers.
  - g. An electronic message display board may consist only of alphabetic or numeric characters on a plain background and may not include any graphic, pictorial, or photographic images.
  - h. It is permissible for an electronic message display board to display a maximum of three (3) lines of characters.
  - i. The primary message display area may have a maximum of three (3) lines of characters with a maximum of forty-five (45) characters per line including all letters, numbers, spaces, or other symbols.
  - j. The message may be changed no more frequently than at time periods of not less than eight (8) seconds and not more than ten (10) seconds.
  - k. When the display of an electronic message display-board changes, it must change as rapidly as is technologically practicable with no phasing, rolling, scrolling, flashing, or blending. A maximum of one (1) second transition.
  - l. Minimum distance between electronic message boards must be eight hundred (800) feet. Businesses that can not meet the minimum distance will be encouraged to co-locate. Other applicable sign standards within the ordinance may be modified to facilitate the co-location.

- m. Electronic message boards shall not be visible from any residentially zoned properties. If visible, sign must be turned off between 10 p.m. and 6 a.m.
- n. Electronic message boards may have a maximum of 3 colors per slide, except for logos that have copyright protection.
- o. Electronic message boards must be incorporated into the business sign face, abut a business sign face or integrated into a monument sign and that the square footage be one-half or less of the total sign area of the business sign that it is incorporated into or abuts.
- p. Electronic message boards must be maintained in full working condition and not allowed to be partially or fully inoperative.
- q. Electronic message board signs shall be incorporated into an architecturally designed sign structure that is compatible and complimentary to the building or project it serves.

Mr. McCray said that a committee of Planning Commissioners, staff, citizens and some sign business owners should be formed to discuss the changes in detail. He said he would be one of the commissioners on the committee.

**IN RE: COMMISSIONER'S COMMENTS**

Ms. Greene said that on March 2 she will be leaving the county. She said she accepted a Planning Directors position near her home in Charles City County.

Mr. Cunningham said he enjoyed working with Ms. Greene and he wished her the best at her new position.

Ms. Hamilton said she wanted to thank Ms. Greene for all her hard work and wished her the best.

Mr. Tucker thanked Ms. Greene for all her work and he wished her well.

Mr. McCray thanked Ms. Greene for all her hard work and he thanked the Commissioners for having him back on the Commission.

Dr. Moore thanked Ms. Greene for all her work and he said he enjoyed working with her.

Mr. Lee said he wanted to thank Ms. Greene for all her work. He said the Farmer's Market project has been put on hold. He said when it was brought before the Board of Supervisors there was mixed feelings. He said the mixed feelings centered on whether it would be a private enterprise or handled by Dinwiddie County. He said after speaking to the County Administrator it became evident that the County did not want to take a role in it. He said what that leads to is taking the idea to the Farm Bureau or the Chamber of Commerce and see if they are willing to help.

Mr. Hayes mentioned that Mark and Bob Munson from the Department of Conservation Recreation met a few weeks ago in relation to getting input on a proposed hiking, walking, biking and equestrian trail along the high speed rail project corridor. He said his personal opinion on the location of the trail is that it should be on the west side of the corridor generally speaking throughout the county. He also said he wanted to wish Ms. Greene well in her new position in Charles City County.

**IN RE: DIRECTOR'S COMMENTS**

Mr. Bassett said that there will be public hearings at the next Planning Commission meeting in March. He said a Special Exception for a family division has been applied for. He said it is a hardship, because the only way to get to the property is to cross the Norfolk Southern rail line. He said another item is Southside Electric wanting to locate a sub-station on the north side of Sutherland Road. He said there is a piece of property that

belongs to Chesdin Limited that is zoned RR-1 and Southside Electric needs to rezone it back to R-R for a sub-station use.

**IN RE: ADJOURNMENT**

There being no further business Dr. Moore made a motion to adjourn. It was seconded by Mr. Tucker and the meeting adjourned at 8:00 p.m.

Respectfully submitted

Mark Bassett  
Planning Director

Signed: \_\_\_\_\_  
Planning Commission Chairman

Dated: \_\_\_\_\_