PLANNING COMMISSION

March 1, 2011
7 pm

Present: Margretta Isom, Goldie Helsley, Dan Talbot, Madelyn Dixon, Vic Corbo, Cathy Morrison, Cole McGregor
Staff: Attorney/Lauri Sigler, Charlotte Shifflett
Guests: Johann Zimmerman, Marsha Smith

The meeting began @ 7 pm with Cole McGregor leading the Pledge of Allegiance.

Vic Corbo made a motion to pass the February 1, 2011 minutes, seconded by Cathy Morrison.
Margretta Isom, Goldie Helsley, Madelyn Dixon, Vic Corbo, Cathy Morrison, Cole McGregor
Yes = 6-0
Motion Carried

Cathy Morrison made a motion to accept the minutes from the Feb. 21, 2011 joint public hearing; seconded by Margretta Isom.
Dan Talbot, Margretta Isom, Goldie Helsley, Madelyn Dixon, Vic Corbo, Cathy Morrison, Cole McGregor
Yes = 7-0
Motion Carried

Pat Gresier Alley Closure Proposal
Cathy Morrison made a motion to accept the Town of Elkton's proposed vacation and transfer of a portion of an alley between N and M Streets behind lots 8 and 9, Block 2, Section 1, Elkton Improvement Company to Pat Gresier at 816 Fourth Street. The portion of the alley to be vacated is approximately 100 ft X 15 ft and contains 1, 500 sq. ft, more or less. The Town will reserve an access and utility easement within the area to be vacated. Vic Corbo seconded the motion.

A new survey will be presented before the deed is written and the property conveyed to Ms. Gresier.

Voice Vote = 7-0
Dan Talbot, Margretta Isom, Goldie Helsley, Madelyn Dixon, Vic Corbo, Cathy Morrison, Cole McGregor
Motion Carried

Habitat for Humanity
Discussion

- Requesting (2) single family attached dwellings. One unit will front on W Summit Ave and the second unit will front Fairfax Avenue.
- Mr. Zimmerman referenced a site plan but did not have an original survey plat showing (4) separate lots.
- Mr. Zimmerman may decide to file with the BZA for a variance for the unit located on Fairfax Avenue. He proposes to use 16 ft. front setbacks in order to avoid water run-off on that particular lot.
- The commission will approve a subdivision of the lot on W. Summit Ave. when an official survey is presented.
- Mr. Zimmerman was advised to do an engineering study of the water drainage on the Fairfax lot before it is sub-divided.

Sign Ordinance

- Review of Version 7.1
- Ready for a Public Hearing

AMENDMENT AND RESTATEMENT OF
Chapter 110
LAND DEVELOPMENT

ARTICLE XI
Administration, Enforcement and Penalties

Planning Commission - March 1, 2011

§110-1101. Violations.

A. Any building or structure erected contrary to any of the provisions of this chapter and any use of any building or land which is conducted, operated or maintained contrary to any of the provisions of this chapter or the provisions of any approval granted by the Town of Elkton under this chapter shall be a violation of this chapter and the same is hereby declared to be unlawful.

B. Any person, whether owner, lessee, principal, agent, employee or otherwise, who violates any of the provisions of this ordinance, or permits any such violation, or fails to comply with any of the requirements hereof, or who erects any building or structure or uses any building, structure or land in violation of the provisions of this chapter or the provisions of any approval granted by the Town of Elkton under this chapter shall be subject to the enforcement provisions of this Article.

§110-1102. Zoning Administrator.

The Zoning Administrator shall have the authority and the duty to ensure that all buildings and structures and the use of all land complies with the provisions of this chapter.

A. Upon his becoming aware of any violation, the Zoning Administrator shall serve notice of such violation on the person committing or permitting the same, and the land owner, and if such violation has not ceased within such reasonable time as the Zoning Administrator has specified in such notice, he shall institute such action as may be necessary to terminate the violation.

B. If the person responsible for the alleged violation denies that a violation exists, he may appeal the decision of the Zoning Administrator pursuant to the provisions of Section 110-808 of this chapter.

C. Whenever a violation occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the cause and basis thereof shall be filed with the Zoning Administrator. The Zoning Administrator shall record such complaint, investigate, and take action thereon as provided by this chapter.

§110-1103. Civil violations.

A. Any person, whether the owner, lessee, principal, agent, employee or otherwise, who violates any provision of this chapter as provided in section 110-1101, or permits either by granting permission to another to engage in the violating act or by not prohibiting the violating act after being informed by the zoning administrator that the act violates this chapter shall be deemed a criminal misdemeanor and, upon conviction thereof, shall be punishable by a fine of two hundred dollars ($200.00) for the first charge and five hundred dollars ($500.00) for each additional charge. Each day during which the violation is found to have existed shall constitute a separate offense. However, in no event shall specified

violations arising from the same operative set of facts be charged more frequently than once in any ten (10) day period, and in no event shall a series of specified civil violations rising from the same operative set of facts result in civil penalties which exceed a total of five thousand dollars ($5,000.00). After the civil penalties reach the five thousand dollar ($5000.00) limit, the violation may be prosecuted as a criminal misdemeanor under Section 110-1104. Nothing in this subsection shall be construed as to prohibit the Zoning Administrator from initiating civil injunction procedures in cases of repeat offenses.

B. After the Zoning Administrator or their agent has issued a notice of violation on any person committing or permitting a violation of the Zoning Ordinance provisions enumerated in Section 110-1101 and if such violation has not ceased within such reasonable time as is specified in such notice, the Zoning Administrator or their agent shall issue a summons and/or ticket to be issued personally upon such person or posted in a conspicuous location at the site of the violation. If a person complies in writing to a notice of violation, and agrees to cease said violation, no further fines shall be levied after the date of such agreement, provided such agreement is complied with.

C. The summons shall provide that any person summoned for a violation may elect to pay the civil penalty by making an appearance in person or in writing by mail to the Town Treasurer's office at least 72 hours prior to the time and date fixed for trial and, by such appearance, may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged. Such summons shall provide that a signature to an admission of liability shall have the same force and effect as a judgment of court, however, an admission shall not be deemed a criminal conviction for any purpose.

D. If a person charged with a violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided by law. A finding of liability shall not be deemed a criminal conviction for any purpose.

E. Section 1103 shall not be construed to allow the imposition of civil penalties: (i) for activities related to land development; or (ii) for the violation of any provision of this chapter relating to the posting of signs on public property or public rights-of-way.

§110-1104. Criminal violations.

A. Any person, whether the owner, lessee, principal, agent, employee or otherwise, who violates any provision of this chapter that results in injury to any person, or to whom the five thousand dollar ($5,000.00) maximum aggregate civil penalty provided in section 110-1103(A) has been reached and who continues to violate any provision of this chapter as provided in chapter 110-1101, or permits either by granting permission to another to engage in the violating act or by not prohibiting the violating act after being informed by the zoning administrator that the act continues to violate this chapter shall be punishable by a fine of not more than one thousand dollars ($1,000.00) for each separate offense. Each day during which the violation is found to have existed shall constitute a separate offense.

B. If the violation is uncorrected at the time of conviction, the court shall order the person convicted to abate or remedy the violation in compliance with this chapter, within a time period established by the court. Failure to remove or abate such violation within the time period established by the court shall constitute a separate misdemeanor offense punishable by a fine of not more than one thousand dollars ($1,000.00), and any such failure during any succeeding ten (10) day period shall constitute a separate misdemeanor offense for

each ten (10) day period, punishable by a fine of not less than one hundred dollars ($100.00) nor more than one thousand five hundred dollars ($1,500.00).

C. The designation of a particular violation of this chapter as a civil violation shall preclude criminal prosecution or sanctions.

§110-1105. Injunctive relief and other remedies.

In addition to the remedies provided in this Article, the Zoning Administrator may initiate injunction, mandamus, abatement or any other appropriate action to prevent, enjoin, abate or remove any unlawful building, structure or use.

Vic Corbo made a motion, seconded by Margretta Isom, to recommend that the Planning Commission is requesting a Public Hearing on rewrite of

Amendment and Restatement of
Chapter 110
Land Development
Article XI
Administration, Enforcement and Penalties

as shown on Planning Commission document dated March 1, 2011.
Tentative Schedule

March 21, 2011	*First Reading shall occur*
April 18, 2011	*Joint Public Hearing*
April 18, 2011	*Planning Commission to vote after hearing*
April 18, 2011	*Possible second reading*

Dan Talbot, Margretta Isom, Goldie Helsley, Madelyn Dixon, Vic Corbo, Cathy Morrison, Cole McGregor
Yes = 7-0
Motion Carried

Hotel

Pete Bonavita attended the meeting and asked questions relative to Town Code and hotels. He is attempting to attract a developer to consider the possibility of locating in the Town of Elkton. This would be a plus for the Town and all members were enthusiastic about the issue.

Committee:
As proposed in the February meeting each member signed up to become a Lead Member on a category he/she would like to chose from the list. They were selected as follows:

Category	Lead member
Residential 1-4, flood hazard, Yard Sales	*Madelyn Dixon*
Residential 5-6 (includes: Townhouse & Apts.) Agriculture	*Dan Talbot*
Residential 7-8, and Conservation	*Goldie Helsley*
Business, Industrial. Telecommunications	*Cathy Morrison*
Subdivisions	*Margretta Isom*
Sigs, Parking, Definitions, Streets and Alleys	*Cole McGregor*
Zoning Map, Annexation, Home Occupations, Non-conforming Uses, Fences and Exceptions	*Vic Corbo*

PLANNING COMMISSION

With no further business to discuss the meeting adjourned. Our next meeting is scheduled for April 6, 2011 at 7 pm in the Elkton Area Community Center Council Chambers located on Blue & Gold Dr in Elkton, VA.

Dan Talbot/Chairman

Cathy Morrison/Secretary