

AGENDA
Luray Town Council Work Session
Tuesday, July 27, 2021
5:30pm

- | | |
|--|------------------|
| I. CALL TO ORDER | Mayor Dofflemyer |
| II. PLEDGE OF ALLEGIANCE TO THE U.S. FLAG | Mayor Dofflemyer |
| III. ROLL CALL | Danielle Babb |
| IV. UPDATES & DISCUSSION ITEMS | |
| A) Open Space/Park (OSP) Zoning District | Steve Burke |
| B) Split-Zoned Parcels Rezoning | Steve Burke |
| C) Bamboo | Steve Burke |
| D) ARPA Update | Steve Burke |
| V. ADJOURN | |

The meeting will be live-streamed on the Town's Facebook Live page.

Version Date: July 19, 2021, 2021 10:00 am

Town of Luray
PO Box 629
45 East Main Street
Luray, VA 22835
www.townofluray.com
540.743.5511



Mayor

Jerry Dofflemyer

jdofflemyer@townofluray.com

Term: 2021-2024

Council Members

Ronald Vickers

Rvickers@townofluray.com

Term: 2014-2022

Joey Sours

jfsours@townofluray.com

Term: 2017-2024

Jason Pettit

jpettit@townofluray.com

Term: 2021-2024

Jerry Schiro

jschiro@townofluray.com

Term: 2014-2022

Ligon Webb

lwebb@townofluray.com

Term: 2021-2024

Stephanie Lillard

slillard@townofluray.com

Term: 2021-2022

Town Officials:

Town Manager – Steven Burke

Assistant Town Manager- Bryan Chrisman

Town Clerk/ Treasurer- Mary Broyles

Deputy Town Clerk/ Treasurer- Danielle Babb

Chief of Police- Bow Cook

Superintendent of Public Works- Lynn Mathews

Superintendent Parks & Recreation- Jennifer Jenkins

Superintendent Wastewater Treatment – Todd Kellison

Superintendent of Water Treatment – Joey Haddock

Commissions & Committees:

Luray Planning Commission

Luray-Page County Airport Commission

Luray Tree and Beautification Committee

Luray Board of Zoning Appeals

Luray Downtown Initiative

Luray-Page County Chamber of Commerce



Town of Luray, Virginia
Town Council Agenda Statement

Item No: IV-A

Meeting Date: July 27, 2021

Agenda Item: TOWN COUNCIL DISCUSSION
Item IV-A – Code Amendment – Article III, Section 302 & Article IV, Section 412 –
Open Space/Park (OSP)

Summary: The Town Council is requested to discuss the draft Code Amendment to the Article II, 302 and Article IV, Section 412 – Open Space/Park (OSP).

The draft Code Amendment to Section 412 will define the intent of the Open Space/Park Zoning District for conserving natural resources, promoting outdoor recreation areas, and protecting existing undeveloped areas. By right uses in the OSP District will include public parks, recreational areas, forests, preserves, conservation areas, agriculture, and cemeteries. Public service facilities, bed and breakfast homes, commercial recreational facilities, and campgrounds are uses considered in the OSP District by Special Use Permit approval.

The draft Code Amendment to Section 302 will add Open Space/Park to the list of Zoning Districts.

The Planning Commission unanimously recommended approval of both Code Amendments at their July 14, 2021 meeting.

Council Review: N/A

Fiscal Impact: N/A

Suggested Motion: N/A (Public Hearings at August Meeting)

412. Open Space/Park (OSP)

Statement of intent. It is the intent of this district to perpetuate the rural atmosphere, open space and scenic landscape of the area. This district is established for the specific purpose of conserving natural resources, promoting outdoor recreation areas, and protecting existing undeveloped areas.

412.1. Uses permitted by right:

- A. Public Park and Recreation Areas
- B. Forest, scenic and wildlife preserves and conservation areas.
- C. Agriculture.
- D. Cemeteries.
- E. Parking for designated by right uses.

412.2 Uses permitted by special permit:

- A. Police, fire and rescue squad stations; other essential public services.
- B. Bed and breakfast home. These regulations are established to allow the rental of bedrooms to guests in bed and breakfast homes while at the same time preserving the residential character of the neighborhoods in which the dwellings are located. Bed and breakfast homes shall be permitted only in single-family detached dwellings. Approval for a bed and breakfast home shall be subject to the following:
 - (1) Guest registration shall not exceed a period of 14 consecutive calendar days.
 - (2) A bed and breakfast home shall have no more than three guest rooms and no more than six guests at any one time. Except that a bed and breakfast home situated on a lot one acre or greater in size shall be allowed no more than six guest rooms and no more than 12 guests. Existing cottages on the premises may be rented and shall be considered a guest room. Children 12 years old and under in the same room shall not be included in the total number of guests.
 - (3) At least one off-street parking space shall be provided for each guest room and each outside employee. No more than two parking spaces shall be permitted in the front yard. Parking spaces and driveways shall be constructed of gravel, compacted stone, concrete, asphalt, brick, or paving stones. Parking areas shall be screened and buffered as to preserve the residential character of the premises.
 - (4) An identification sign may be allowed on the property, not exceeding four square feet on either side.
 - (5) The bed and breakfast home must be occupied and managed by the owner or lessee of the property. Such owners or lessees may employ no more than one outside person to assist with the operation of the bed and breakfast home.
 - (6) Meals shall only be served to guests renting bedrooms in the dwelling.
 - (7) Applicable provisions of the Uniform Statewide Building Code, the commonwealth board of health, and all other applicable laws, regulations, inspections, and licenses shall be met.
 - (8) Transient occupancy tax and meals tax must be collected and remitted to the town.
 - (9) The application for a bed and breakfast home shall include a floor plan showing the location of each bedroom to be rented, including its dimensions and floor area, the location of exits and the location of smoke detectors. A site plan shall also be submitted showing the location of the parking to be provided.
 - (10) It shall be a violation of this section to advertise for rent to guests any bedroom exceeding the number of bedrooms authorized herein.

- C. Commercial outdoor recreation areas and facilities: parks (except amusement parks), playgrounds, picnic grounds, swimming clubs, country clubs, golf courses and driving ranges, miniature golf courses; archery; laser tag; paintball; and other similar uses.
- D. Outdoor commercial recreation areas and facilities: camps and campgrounds.
- E. Other uses not specifically permitted, which are not expected to be recurring or of general application.

412.3 Open space designated and required within the Planned Neighborhood Development District shall not be considered for rezoning to this District.



Town of Luray, Virginia
Town Council Agenda Statement

Item No: IV-B

Meeting Date: July 27, 2021

Agenda Item: TOWN COUNCIL DISCUSSION
Item IV-B – Rezoning – 120, 122, & 124 N Hawksbill Street

Summary: The Town Council is requested to discuss a request from Valley Care Management to rezone parcels 42A4-A-37 (124 N Hawksbill Street), 42A4-9-1 (122 N Hawksbill Street), and 42A4-A-49 (120 N Hawksbill Street) to Business (B1) Zoning District from the existing split zonings that include Business (B1), High Density Residential (R3), and Light Industrial (M1).

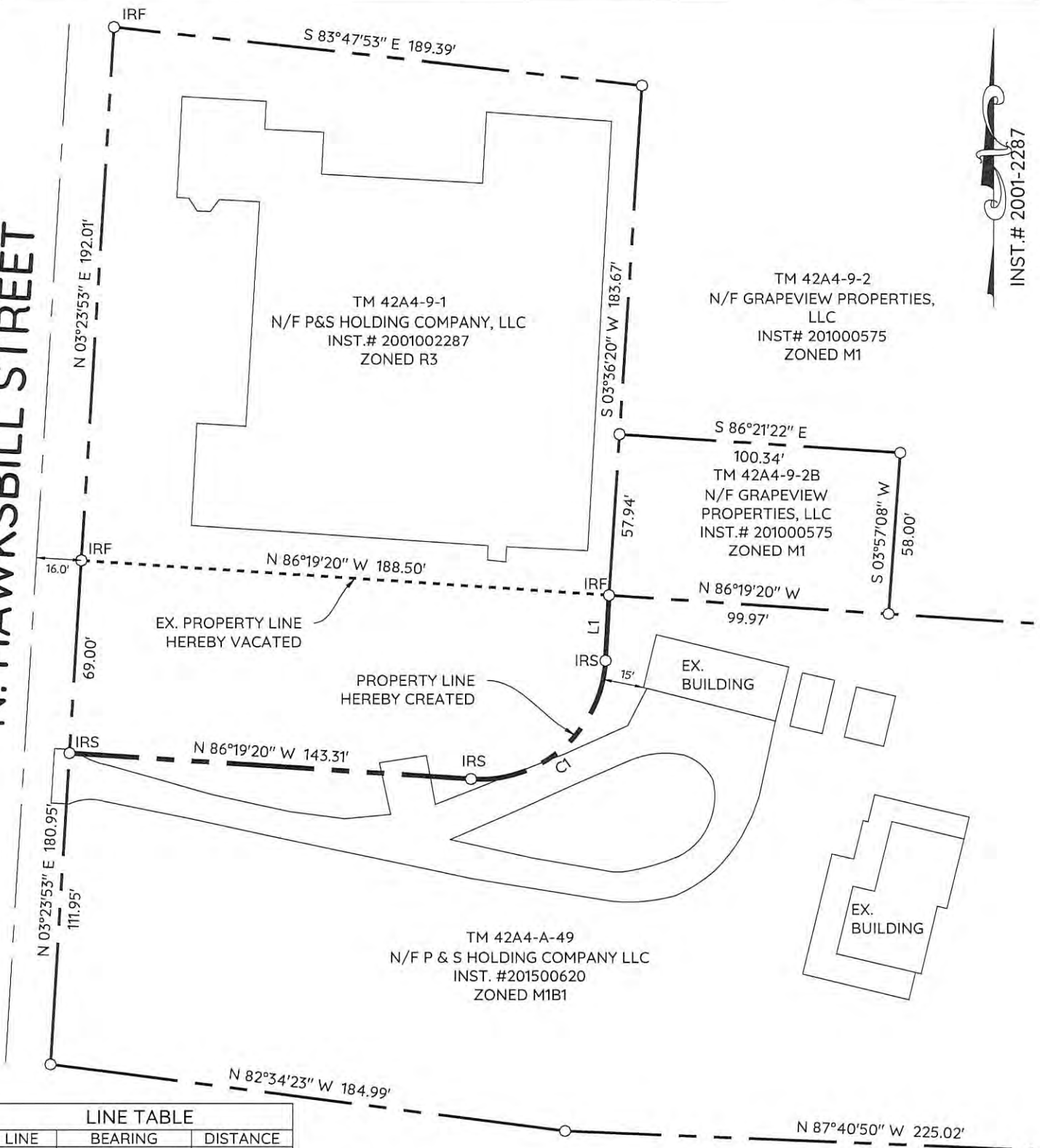
The Planning Commission unanimously recommended approval of the rezonings at their July 14, 2021 meeting.

Council Review: N/A

Fiscal Impact: N/A

Suggested Motion: N/A (Public Hearing at August Meeting)

N. HAWKSBILL STREET



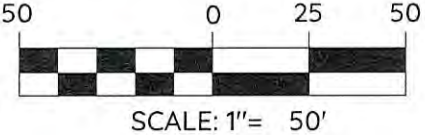
LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 02°54'52" W	23.42'

CURVE TABLE						
CURVE	RADIUS	ARC LENGTH	TANGENT	DELTA ANGLE	CHORD LENGTH	CHORD BEARING
C1	45.01'	71.44'	45.75'	90°56'18"	64.17'	S 48°24'58" W

NOTES:

- BOUNDARY INFORMATION TAKEN FROM THE LAND RECORDS OF PAGE COUNTY, VIRGINIA
- THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT, THEREFORE ALL SETBACKS, EASEMENTS, ENCUMBRANCES AND RESTRICTIONS MAY NOT BE SHOWN HEREON.
- NO FLOOD INFORMATION GIVEN OR DETERMINED FOR THIS PARCEL.
- IRF - DENOTES IRON PIN FOUND
- IPS - DENOTES IRON PIN SET

AREA TABULATION		
PARCEL	OLD AREA (AC.)	NEW AREA (AC.)
42A4-A-49	2.47	2.18
42A4-9-1	0.81	1.10
TOTAL	3.28	3.28



PLAT SHOWING BOUNDARY LINE ADJUSTMENT ON THE LANDS OF

P & S HOLDING COMPANY, LLC

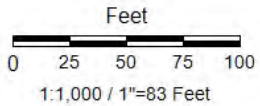
LURAY MAGISTERIAL DISTRICT
PAGE COUNTY, VA
JUNE, 3 2021

RACEY ENGINEERING
312 WEST MAIN ST.
LURAY VIRGINIA 22835
PH. 540-743-9227
FAX 540-743-6118

Page County, Virginia

Legend

- 9-1-1 Addresses
- US Highways
- Roads
- Railroads
- Other Counties
- Parcels
- Shenandoah River
- Streams



Title:

Date: 6/8/2021

DISCLAIMER: THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, either expressly or implied, but no limited to, the implied warranties of merchantability and fitness for a particular purpose. Site-specific information is best obtained after an onsite visit by a competent professional. Please call Page County, VA for specialized products. Any person, firm or corporation which uses this map or any of the enclosed information assumes all risk for the inaccuracy thereof, as Page County, VA expressly disclaims any liability for loss or damage arising from the use of said information by any third party. In addition use of Virginia Base Mapping Program (VBMP) statewide aerial photography requires the following disclaimer: "Any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification, or construction of improvements to real property or for flood plain determination."



Town of Luray, Virginia
Town Council Agenda Statement

Item No: IV-C

Meeting Date: July 27, 2021

Agenda Item: TOWN COUNCIL DISCUSSION
Item IV-C – Code Amendment - Bamboo

Summary: The Town Council is requested to discuss a complaint from a Town resident concerning the growth of bamboo on properties impacting their neighbors. “Running bamboo” can aggressively spread from the location of original growth to adjacent properties. The General Assembly allows localities to include regulation of “running bamboo” the State Code §15.2-901 and §15.2-901.1.

Enforcement of these regulations could result in significant investment of time on the part of the Town to ensure complete control and removal of “running bamboo” was it is established.

Regulation of “running bamboo” would be incorporated into Town Code Chapter 90 – Vegetation.

Council Review: N/A

Fiscal Impact: N/A

Suggested Motion: N/A

Code of Virginia
Title 15.2. Counties, Cities and Towns
Subtitle II. Powers of Local Government
Chapter 9. General Powers of Local Governments
Article 1. Public Health and Safety; Nuisances

§ 15.2-901.1. Locality may provide for control of running bamboo; civil penalty

A. For purposes of this section, "running bamboo" means any bamboo that is characterized by aggressive spreading behavior, including species in the genus *Phyllostachys*.

B. Any locality may, by ordinance, provide that:

1. No landowner shall allow running bamboo to grow without proper upkeep and appropriate containment measures, including barriers or trenching; and
2. No landowner shall allow running bamboo to spread from his property to any public right-of-way or adjoining property not owned by the landowner.

C. A violation of a running bamboo ordinance authorized by this section shall be subject to a civil penalty, not to exceed \$50 for the first violation or violations arising from the same set of operative facts. The civil penalty for subsequent violations not arising from the same set of operative facts within 12 months of the first violation shall not exceed \$200. Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of \$3,000 in a 12-month period.

D. No violation of a running bamboo ordinance arising from the same set of operative facts shall be subject to a civil penalty under both (i) an ordinance adopted pursuant to this section and (ii) an ordinance adopted pursuant to § 15.2-901.

2017, cc. 213, 392.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 15.2-901. Locality may provide for removal or disposal of trash, cutting of grass, weeds, and running bamboo; penalty in certain counties; penalty

A. Any locality may, by ordinance, provide that:

1. The owners of property therein shall, at such time or times as the governing body may prescribe, remove therefrom any and all trash, garbage, refuse, litter and other substances which might endanger the health or safety of other residents of such locality; or may, whenever the governing body deems it necessary, after reasonable notice, have such trash, garbage, refuse, litter and other like substances which might endanger the health of other residents of the locality, removed by its own agents or employees, in which event the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the locality as taxes are collected;
2. Trash, garbage, refuse, litter and other debris shall be disposed of in personally owned or privately owned receptacles that are provided for such use and for the use of the persons disposing of such matter or in authorized facilities provided for such purpose and in no other manner not authorized by law;
3. The owners of occupied or vacant developed or undeveloped property therein, including such property upon which buildings or other improvements are located, shall cut the grass, weeds and other foreign growth, including running bamboo as defined in § 15.2-901.1, on such property or any part thereof at such time or times as the governing body shall prescribe; or may, whenever the governing body deems it necessary, after reasonable notice as determined by the locality, have such grass, weeds or other foreign growth cut by its agents or employees, in which event the cost and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the locality as taxes are collected. For purposes of this provision, one written notice per growing season to the owner of record of the subject property shall be considered reasonable notice. No such ordinance adopted by any county shall have any force and effect within the corporate limits of any town. No such ordinance adopted by any county having a density of population of less than 500 per square mile shall have any force or effect except within the boundaries of platted subdivisions or any other areas zoned for residential, business, commercial or industrial use. No such ordinance shall be applicable to land zoned for or in active farming operation. However, in any locality located in Planning District 6, no such ordinance shall be applicable to land zoned for agricultural use unless such lot is one acre or less in area and used for a residential purpose. In any locality within Planning District 23, such ordinance may also include provisions for cutting overgrown shrubs, trees, and other such vegetation.
4. The owners of any land, regardless of zoning classification, used for the interment of human remains shall cut the grass, weeds, and other foreign growth, including running bamboo as defined in § 15.2-901.1, on such property or any part thereof at such time or times as the governing body shall prescribe; or may, whenever the governing body deems it necessary, after

reasonable notice as determined by the locality, have such grass, weeds, or other foreign growth cut by its agents or employees, in which event the cost and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the locality as taxes are collected. For purposes of this provision, one written notice per growing season to the owner of record of the subject property shall be considered reasonable notice. No such ordinance shall be applicable to land owned by an individual, family, property owners' association as defined in § [55.1-1800](#), or church.

B. Every charge authorized by this section with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local real estate taxes and enforceable in the same manner as provided in Articles 3 (§ [58.1-3940](#) et seq.) and 4 (§ [58.1-3965](#) et seq.) of Chapter 39 of Title 58.1. A locality may waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

C. The governing body of any locality may by ordinance provide that violations of this section shall be subject to a civil penalty, not to exceed \$50 for the first violation, or violations arising from the same set of operative facts. The civil penalty for subsequent violations not arising from the same set of operative facts within 12 months of the first violation shall not exceed \$200. Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of \$3,000 in a 12-month period.

D. Except as provided in this subsection, adoption of an ordinance pursuant to subsection C shall be in lieu of criminal penalties and shall preclude prosecution of such violation as a misdemeanor. The governing body of any locality may, however, by ordinance provide that such violations shall be a Class 3 misdemeanor in the event three civil penalties have previously been imposed on the same defendant for the same or similar violation, not arising from the same set of operative facts, within a 24-month period. Classifying such subsequent violations as criminal offenses shall preclude the imposition of civil penalties for the same violation.

Code 1950, § 15-14; 1962, cc. 400, 623, § 15.1-11; 1964, c. 31; 1968, c. 423; 1974, c. 655; 1978, c. 533; 1983, cc. 192, 390; 1990, c. 177; 1992, c. 649; 1994, c. [167](#); 1997, c. [587](#); 1999, c. [174](#); 2000, c. [740](#); 2001, c. [750](#); 2003, c. [829](#); 2006, c. [275](#); 2009, c. [446](#); 2010, cc. [161](#), [403](#), [641](#); 2011, cc. [542](#), [695](#); 2012, cc. [311](#), [403](#), [430](#), [431](#); 2013, cc. [189](#), [490](#), [508](#); 2014, cc. [383](#), [384](#), [385](#); 2017, cc. [118](#), [213](#), [392](#), [610](#); 2020, cc. [13](#), [136](#), [399](#), [597](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.



Town of Luray, Virginia
Town Council Agenda Statement

Item No: IV-D

Meeting Date: July 27, 2021

Agenda Item: TOWN COUNCIL DISCUSSION
Item IV-D – ARPA Update

Summary: The Town Council is requested to discuss the American Rescue Plan Act funding for Luray.

Two responses have been received for the provision of ARPA Fund Management Services. The Town Attorney has confirmed that Council can interview these firms in Closed Meeting. Staff will schedule interviews for your August meeting.

Final guidance for the use of ARPA funding has not been provided by the US Department of Treasury.

Council Review: N/A

Fiscal Impact: N/A

Suggested Motion: N/A