




MEMORANDUM

To: Development Review and Regulations Committee

From: Candice E. Perkins, AICP, Senior Planner 

Subject: July Meeting and Agenda

Date: July 14, 2010

The Frederick County Development Review and Regulations Committee (DRRC) will be meeting on Thursday, July 22, 2010 at 7:00 p.m. in the **first floor conference room (purple room)** of the County Administration Building, 107 North Kent Street, Winchester, Virginia. The DRRC will discuss the following agenda items:

AGENDA

- 1. Flea Markets.** Discussion on revisions to the Frederick County Zoning Ordinance to add flea markets as a conditional use in the RA (Rural Areas) District and as a permitted use in the B2 (Business General) District.
- 2. Sign Ordinance Revisions.** Discussion on revisions to the Frederick County Zoning Ordinance to modify the provisions for directional signage.

Please contact this office if you will not be able to attend the meeting. Thank you.

Access to this building is limited during the evening hours. Therefore, it will be necessary to enter the building through the rear door of the four-story wing. I would encourage Committee members and interested citizens to park in the County parking lot located behind the new addition or in the joint Judicial Center parking lot and follow the sidewalk to the back door of the four-story wing.

CEP/bhd

Attachments

Item #1: Flea Markets

Staff has been requested to draft an amendment to the Zoning Ordinance to address the allowance of flea markets. Currently, flea markets are only permitted in the B2 (Business General) District under SIC 5932 – Used Merchandise Sales. Staff has prepared a draft amendment to the Zoning Ordinance to only allow **indoor** flea markets as a permitted use in the B2 (Business General) District and indoor/outdoor flea markets as a conditional use in the RA (Rural Areas) District. Supplementary use regulations have also been drafted that would correspond with the conditional use in the RA District. The supplemental use regulations address parcel size, access, allowable days of operation, buffers and a site plan requirement. A definition for flea markets has also been drafted.

If the DRRC is supportive of this ordinance amendment, staff will forward it to the Planning Commission and Board of Supervisors for their consideration.

Attachments: 1. Proposed changes to § 165-401.03, § 165-603.02, § 165-204.25, § 165-101.02.

ARTICLE IV
AGRICULTURAL AND RESIDENTIAL DISTRICTS

Part 401 – RA Rural Areas District

§ 165-401.03. Conditional uses.

LL. Flea Markets, Operated Indoors or Outdoors.

ARTICLE VI
BUSINESS AND INDUSTRIAL ZONING DISTRICTS

Part 603 – B2 Business General District.

§ 165-603.02. Allowed Uses.

Standard Industrial
Classification

Miscellaneous retail, except for the following:

59

Outdoor flea markets

5932

Article II
SUPPLEMENTARY USE REGULATIONS, PARKING, BUFFERS, AND REGULATIONS FOR SPECIFIC USES

Part 204 – Additional Regulations for Specific Uses

§ 165-204.25. Flea Markets.

Flea Markets where allowed in the RA (Rural Areas) Zoning District shall meet the following requirements.

1. Property size shall be a minimum of six (6) acres not to exceed ten (10) acres.
2. The site must have direct frontage and access to a collector or arterial roadway.
3. Flea markets may be located indoor or outdoor.
4. Flea markets shall only be permitted to operate Friday-Sunday and on holidays and only from April-October (seasonally).
5. Required onsite parking shall be one (1) space per 400sf of enclosed floor area and one (1) space per 3,000sf of outdoor display area. All parking spaces and travel aisles shall be paved with a minimum double prime and seal and shall be striped.
6. Travel aisles for outdoor flea market shall be a minimum of 24 feet in width and shall be paved with a minimum of double prime and seal.
7. All items displayed for sale shall be located within designated vendor spaces.
8. A minimum Category B Zoning District Buffer shall be required along any adjacent residential properties.
9. All sellers/vendors shall be required to obtain a peddlers/vendors license from the Commissioner of the Revenue, if such a license is ordinarily required by the Commissioner of

the Revenue for the particular seller's/vendor's activity. The property owner shall be responsible for ensuring that vendors obtain all required permits.

10. A site plan in accordance with the requirements of Article VIII shall be submitted to and approved by Frederick County. The site plan shall delineate all vendor spaces and parking spaces.
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ARTICLE I

GENERAL PROVISIONS, AMENDMENTS, AND CONDITIONAL USE PERMITS

Part 101 – General Provisions

§ 165-101.02. Definitions and word usage.

FLEA MARKET: An occasional or periodic sales activity held within a building, structure, or outdoor where groups of individual sellers offer goods, new and/or used, for sale to the public, not to include private garage sales. Such sellers may set up temporary stalls or tables for the sale of their products. Such sales may involve new and/or used items to include but are not limited to, household items, antiques, rare items, decorations, used books, used magazines, jewelry, clothing, and/or a variety of merchandise and may also include the sale of fruits, vegetables and other eatable items. The sale of vehicles, heavy equipment, boats, watercraft, farm equipment or the like shall be prohibited. The individual sellers at the flea market need not be the same each time the market is in operation. The property owner shall be required to obtain a business license to operate a flea market. Sellers shall be required to obtain a peddlers/vendors license from the Commissioner of the Revenue, if such a license is ordinarily required by the Commissioner of the Revenue for the particular seller's/vendor's activity.

Item #2: Sign Ordinance Revisions – Directional Signage

Staff has recently been informed that the sign ordinance contained within the Zoning Ordinance requires clarification as it pertains to off-premise directional signage. The sign ordinance revision adopted in 2007 limited off-premise signs to business signs and multi-tenant complex signs, but does not specifically address directional signage.

Off-premise directional signage has been permitted with a Conditional Use Permit in most Zoning Districts since 1973. The Zoning Ordinance in effect from 1973-1989 allowed all types of signs to be allowed as “off-premise signs” with a CUP. The language contained in the Zoning Ordinances in effect from 1990 through the present call out “off-premise business signs” being allowed with a CUP. The current wording of the Zoning Ordinance can be misleading because directional signs and business signs are two different types of signs. However, both off-premise signs and business signs are defined as signs that “which directs attention to” and, therefore, would also be considered directional signs.

An important facet of the off-premise sign CUP is that the Board of Supervisors may decide if a proposed off-premise sign is appropriate based on its location, size, and purpose. The Board has the ability to add additional conditions to the sign reflective of its surroundings. Some properties may be excellent candidates for off-premise signs, and others may not; the CUP offers the Board the ability to make that decision on a site specific basis.

While off-premise directional signage is currently allowed in Frederick County with an approved Conditional Use Permit, to eliminate any future confusion, staff is proposing amendments to the sign ordinance to revise the “off-premise business signs” provisions as well as the definition of directional signage.

If the DRRC is supportive of this ordinance amendment, staff will forward it to the Planning Commission and Board of Supervisors for their consideration.

Attachments: 1. Proposed changes to §165-206.06 – Signs, § 165-101.02 – Definitions.

ARTICLE I
GENERAL PROVISIONS, AMENDMENTS, AND CONDITIONAL USE PERMITS

Part 101 – General Provisions

§ 165-101.02. Definitions and word usage.

SIGN- Any object, device, display or structure or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

G. SIGN, DIRECTIONAL— A sign that is designed or erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic. *Directional signs shall have lines and arrows indicating the direction to which attention is being called and shall only indicate the name of the use or business erecting the sign.*

§ 165-201.06 Signs.

This section is established to regulate the erection, number, area, height, location, type and maintenance of signs to promote the health, safety and general welfare of the public and the orderly development of the County by protecting property values, and providing adequate signage for businesses and motorists; protecting and enhancing the image, appearance and economic vitality of the County, and supporting the Frederick County Comprehensive Policy Plan. Any type of sign not currently listed in §§ 165-201.06 and 165-101.02 of the Frederick County Zoning Ordinance shall be prohibited.

D. Off-premises signs. In all zoning districts only multi-tenant complex signs, business signs, directional signs and residential subdivision signs shall be allowed off-premises. No other type of off-premises signs shall be allowed. Off-premises signs shall be freestanding monument signs. Such signs shall be allowed only if a conditional use permit for that sign has been granted. Conditions which may be placed on off-premises signs may include, but not be limited to, the following:

- (1) Appropriate separation shall be provided between the off-premises ~~business~~ sign and surrounding residences and other uses. The Board of Supervisors may require that such signs not be visible from surrounding residences.
- (2) Off-premises signs shall be limited to a size, scale and height that does not detract from surrounding properties and uses, and in no case shall exceed the size and height regulations set forth in § 165-201.06 for freestanding signs.
- (3) Off-premises signs shall be properly separated from each other to avoid clutter along road corridors, and in no case shall be less than the regulations set forth in § 165-201.06F.