

# Town of Lovettsville

## Planning Commission Minutes of Regular Meeting, May 6, 2009

Chairman Zachritz called the Regular Monthly Meeting of the Lovettsville Planning Commission to order at 7:32 PM on Wednesday, May 6, 2009.

### Present at Meeting

- Mayor Elaine Walker
- Chairman Robert Zachritz
- Commissioners Lorraine Bauer, Mari Bushway, Elaine Fischer, Rodney Gray
- Zoning Administrator Steve McGregor
- Town Clerk Judy L. Kromholz

### Absent

- Commissioners Jack Burden, Joanne Cooper
- Town Manager Keith Markel

### Present in the Audience

Among those present in the audience were Linda Hall, Barbara Lam, and Bing Lam.

### Public Comment

Chairman Zachritz asked for public comment. Ms. Hall stated that she is interested in some of the changes in Town Center and in what is going on with PATH.

### Additions/Deletions/Modifications to the Agenda

Chairman Zachritz called for changes to the agenda. There were none.

### Approval of Planning Commission Minutes

#### Planning Commission Meeting – December 10, 2008

- Motion:** To approve the minutes of the December 10, 2008 Planning Commission Meeting as amended at the meeting.
- By:** Commissioner Bushway
- Second:** Commissioner Gray
- Aye:** Commissioners Bushway, Gray, Zachritz
- Nay:** None
- Abstain:** Commissioners Bauer, Fischer
- Absent:** Commissioners Burden, Cooper

### Action Items

#### A. LVZA 2009-0002 Wall Check Plat Requirement– Zoning Ordinance Amendment

Chairman Zachritz stated that the Public Hearing on this item was held on April 22, 2009. Administrator McGregor noted that the staff report encapsulates comments received at the Public Hearing and he reported that there was one speaker at the hearing who spoke against the amendment. Administrator McGregor stated that he believes the amendment will avert mistakes in the future and saves the Town from the Conditional Use Permit process that ensued the last time. Chairman Zachritz asked for an estimate of the developer's costs in both money and time that would be incurred by this requirement. Administrator McGregor stated that his research suggested the cost would be about \$200-\$400 per house and that any delay would be minimal. Chairman Zachritz noted that both Loudoun County and the City of Leesburg have this requirement.

Commissioner Bushway stated that the speaker at the Public Hearing had a valid point in that many houses had been built without this requirement, but she also took into account the family that was put out by the delay in the one instance in which an error occurred. That family incurred costs that could have been avoided. Administrator McGregor noted that the problem is more likely to occur on individual and infill lots, where smaller, less experienced builders are involved. He noted that any builder will have total

control over the timing of the inspection since it will be done by the builder's engineer, not Town or County officials.

Commissioner Gray noted that the speaker at the Public Hearing had stated this requirement could cause a delay of up to two weeks, but Commissioner Gray does not think it would be a major issue because the builder would control the scheduling.

**Motion:** I move that the Planning Commission recommend approval of the proposed Zoning Ordinance amendment as presented in the April 22, 2009 staff report for item LVZA 2009-0002 Wall Check Plat Requirement (See Attachment I)  
**By:** Commissioner Bauer  
**Second:** Commissioner Gray  
**Aye:** Commissioners Bauer, Bushway, Fischer, Gray, Zachritz  
**Nay:** None  
**Abstain:** None  
**Absent:** Commissioners Burden, Cooper

#### B. LVZA 2009-0003 Inoperable Vehicles – Zoning Ordinance Amendment

Administrator McGregor reported that one speaker at the Public Hearing on April 22, 2009 expressed concern about keeping antique vehicles on his property. Administrator McGregor explained that this amendment would not impact on citizen's right to keep properly licensed antique vehicles, although the Town ordinance does require the car owner to have a current Town decal on the vehicle. Chairman Zachritz noted that if the vehicle is kept behind a fence or a wall or inside a building, it is out of sight and is not affected by this amendment. He stated the current Ordinance has more restrictions on antique vehicles than the proposed ordinance.

Administrator McGregor stated that he had spoken to Mr. McKimmey, owner of the Lovettsville BP, and has confirmed that his business will not be adversely affected by this change because there is a fenced in area on his property.

Commissioner Fischer asked if this amendment was the result of an inquiry by a Town citizen. Administrator McGregor replied that he had initiated this amendment when he found discrepancies in the existing Ordinance.

**Motion:** I move that the Planning Commission recommend approval of the proposed Zoning Ordinance amendment as presented in the April 22, 2009 Staff Report for item LVZA 2009-0003 Inoperable Vehicles (Attachment II)  
**By:** Commissioner Bushway  
**Second:** Commissioner Bauer

Chairman Zachritz called for any further discussion. Commissioner Gray asked if getting an antique vehicle license and a Town decal makes a vehicle legal under this ordinance. Administrator McGregor stated that the vehicle would be in compliance if it was so licensed and decalated, or if it was hidden by a fence. It would also be legal for 30 days if it was under a fitted cover.

**Aye:** Commissioners Bauer, Bushway, Fischer, Gray, Zachritz  
**Nay:** None  
**Abstain:** None  
**Absent:** Commissioners Burden, Cooper

Administrator McGregor stated that Council will be asked to authorize their Public Hearings on these two items at their next regular meeting.

#### Discussion Items

None.

#### Comments from the Commissioners

Mayor Walker announced that the Lovettsville Movie in the Park Friday evening series will begin this coming Friday and continue on the second Friday of each month through October. The rain location will be at the Lovettsville Community Center. The Community Center is providing the blowup screen and projector for these events.

Chairman Zachritz: announced that the first meeting of the Comprehensive Plan Advisory Committee will be on May 27, 2009. He stated that he is willing to Chair the committee, but is hoping that someone else

will step forward and volunteer for the position. Administrator McGregor stated that the first meeting will include the election of officers and a review of committee procedures.

Commissioner Bauer expressed concern about the path behind the Kingsridge development that is used to access the plant. She reported that there have been children, unidentified cars; and bike riders sighted on the path at all different hours. She wondered if the path could be gate so that only authorized vehicles used it. Mayor Walker noted that this is not a public road and she will research the available options.

Chairman Zachritz welcomed Commissioner Fischer to her first formal Commission meeting and thanked her for volunteering to serve.

### **Public Comment**

Chairman Zachritz called for comments from the public.

Barbara Lam (2 Eisentown Drive) reported that she had written a letter to the editor of the Purcellville Gazette last week. She claimed that the town concept plan was not passed properly. She stated that Rick Entsminger had provided misleading information in the 2007 report that said that neotraditional homes were no longer marketable. She stated that the Council did not investigate the report and Mr. Entsminger bullied the Council into voting that night. She stated that the decision affects the whole Town and she is asking the Council to do the right thing and revote. She has investigated and found that other Councils have done this upon re-investigation of an issue. She stated that Lovettsville Town Center was supposed to be a high end development with expensive homes and that her home is a reflection of that vision. She stated that the Town government's allegiance cannot be to Elm Street Development. She stated that we will not rest until fairness and justice are restored. She stated that the guidelines for the architecture are in the Town Concept Plan. The new homes will be boxes with no neotraditional details. She stated that most of the Town does not know the Town Concept was changed. Her group has a website and is distributing flyers. She asked that someone have the courage to do the right thing and that this Town deserves better than that. She asked if the Commission was going to protect the residents or Elm Street. She said that Rick Entsminger is a liar and is using a stalling tactic so that Ryan Homes can build while he delays.

Chairman Zachritz asked Mrs. Lam to provide a copy of her written comments to the Town Clerk (see Attachment III). He then stated that he would respond to Mrs. Lam's comment on process. He referred her to the minutes the Commission had accepted earlier tonight and stated that he had voted in favor of the changes to Lovettsville Town Center. He said that one reason he did so was because the original builders had backed out of the project. He has been working hard on getting a grocery store in Town and there were not enough homes already built to attract commercial development. He stated that his concern was the Town, not Elm Street Development. He did not want to see a failed development in Town; he wanted to see homes and commercial properties.

Mr. Bing Lam responded that someone else will build it if Elm Street fails and Barbara Lam said that what is being built in Lovettsville Town Center is a blemish on the Town. Mr. Lam stated that the lower priced homes will not attract commercial development and Mrs. Lam said that the house currently under construction is disgusting. She stated that the Town does not want this, the residents are very upset.

Linda Hall (Dobbins Creek) said that she met with someone in Town Hall who told her that the change to Lovettsville Town Center will not affect her and she feels that is inaccurate. She stated that it is necessary to maintain the character of Lovettsville Town Center and that Trader Joe's will not come to a Town with these houses. She stated that she had been told by someone that Elm Street Development is taking a loss on this project and they just want out. She feels that the Town employees know this is not a good decision and she wishes the issue could be reopened.

Chairman Zachritz noted that the Town government does not dictate what businesses come to Town or what color residents paint their houses. He reminded those present that there had been multiple Public Hearings on this topic and that the Town did not know who the new builder would be.

Ms Hall asked where the most appropriate forum is to express her feelings and Administrator McGregor stated that the Town Council is the legislative body and that the Planning Commission proceeds at their direction. Commissioner Bushway reiterated that the Town has no say over which builder is selected by the developer. Mrs. Lam disputed this, stating that she can quote Elm Street Development as saying that they let the Town pick the builder in lieu of sufficient proffers. Mayor Walker stated that the Town government did not select the builder and Administrator McGregor stated that the Town does not have the jurisdiction to select a builder. Mrs. Lam stated that it all rests on the Town letting the developer build front loading garages and that she is asking the Town Council to overturn its vote. She stated that she was sold a planned community of neotraditional homes and her HOA agreement states that the homes must be harmonious.

Chairman Zachritz thanked the public speakers for their comments. Mrs. Lam said that they have asked for meetings with the Council and that the Mayor has stated that Elm Street must also attend such a meeting.

Mr. Lam noted that Administrator McGregor stated that he had ensured that car owners were made aware of the proposed amendment. Mr. Lam felt that the same effort was not taken with the residents of Lovettsville Town Center and that those residents did not understand the written notice they received in the mail. Administrator McGregor noted that some residents who had received the notice had come into Town Hall for clarification, just as the automobile owners had.

Chairman Zachritz again thanked the public for their comments and said that reasonable people will disagree. Mrs. Lam stated that she is just asking for some consideration of the future of her development. She stated that she believes the economy will change.

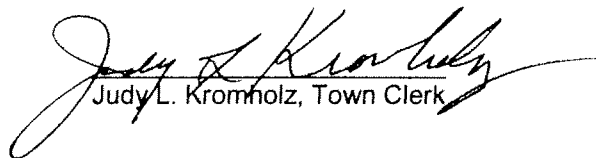
#### **Adjournment**

Chairman Zachritz thanked them again and called for a motion.

**Motion:** To adjourn the Planning Commission Regular Monthly meeting of May 6, 2009  
**By:** Commissioner Bushway  
**Second:** Commissioner Bauer  
**Aye:** Commissioners Bauer, Bushway, Fischer, Gray, Zachritz  
**Nay:** None  
**Abstain:** None  
**Absent:** Commissioners Burden, Cooper

The meeting was adjourned at 8:30 P.M.

Respectfully submitted,

  
Judy L. Kromholz, Town Clerk

Date Approved: September 2, 2009

Attachment I: Staff Report: LVZA 2009-0002 Wall Check Plat Requirement  
Attachment II: Staff Report: LVZA 2009-0003 Inoperable Vehicles  
Attachment II: Barbara Lam's written comments

# Town of Lovettsville

## MEMORANDUM

**TO:** Mayor and Planning Commission

**FROM:** Stephen E. McGregor, Zoning Administrator

**DATE:** May 6, 2009

**SUBJECT:** LVZA 2009-0002 – Wall Check Plat Requirement– Zoning Ordinance Amendment

**PURPOSE:** To provide a report on the Commission's April 22 public hearing and discussion so that the Commission may make a recommendation to the Town Council at their regular May meeting.

**BACKGROUND:** The Planning Commission held a public hearing on proposed text contained in the April 22 staff report for this item. The Commission discussed issues raised by the single speaker and that were raised by various commissioners.

**DISCUSSION:** Builder, James McDonough, was the sole speaker at the public hearing. He opposed the proposal and said that the amendment is not necessary as over 150 units have been built in the last few years without encroaching upon their required setbacks and builders are commonly required to have a wall check plat in order to obtain financing. He said the mistake that was made with the dwelling on S. Church Street was too rare to necessitate an ordinance amendment. He also said that requiring a wall check plat would be an additional cost for a builder and it would slow up construction, which adds cost. He also said that changing a foundation or a slab is very expensive.

Staff reiterates that the purpose of this amendment is to help prevent mistakes being made by small or large builders such that the Town is put in a position of having to undertake a public hearing process so a builder can get a conditional use permit to waive a setback requirement after a structure is built. Other jurisdictions in the area require them, including Loudoun County and Leesburg. The cost seems minimal if a fine is going to be over \$300 (the S. Church St. builder paid the Town a \$1,500 fine) or if the building has to be torn down or apart.

**DRAFT MOTION:**

"I move that the Planning Commission recommend approval of the proposed Zoning Ordinance amendment as presented in the April 22 staff report for item LVZA 2009-0003 Inoperable Vehicles"

April 23, 2009



LVZA 2009-0002 Wall Check Plat  
Zoning Ordinance Amendment  
LVSA 2009-0001 Wall Check Plat  
Subdivision Ordinance Amendment

## STAFF REPORT

### Planning Commission Public Hearing

April 22, 2009

7:30 PM at the Lovettsville Town Office, 6 E. Pennsylvania Avenue  
Lovettsville, Virginia

**APPLICANT:** Town of Lovettsville.

**PURPOSE:** To amend the Zoning Ordinance and the Subdivision Ordinance to require certification of the footprint of buildings prior to the full erection of the building.

**BACKGROUND:** On December 18, 2008 the Town Council authorized a zoning ordinance amendment by the Town to require wall check plats for all buildings to be constructed. The Council wants to avoid having a structure erected that violates setback regulations as happened in 2008. This infraction caused the need for the Town to undertake a public hearing process for a conditional use permit to waive the setback requirement.

**DISCUSSION:** As provided in the ordinance currently, in order to erect a building, a zoning permit for building location is required to undertake construction and an occupancy permit is required before the building is inhabited or used. By the time the occupancy permit is submitted, the structure is fully erected. At this point in the construction process there is no practical way to rectify a setback infraction without the potential of major reconstruction of a building. In order to avoid the necessity of requiring a builder to undertake major reconstruction of a building or requiring the Town to undergo a conditional use permit process to waive the setback requirement, the Town is proposing to institute a wall check plat requirement. This will require the builder to demonstrate through a certified land surveyor that the building will be erected in conformance with the building location permit. The certification demonstrates the building location at the point where the corners of a concrete slab or the placement of the corners of the foundation, whichever is applicable in establishing the exact location of all corners of the building, are installed. This enables the builder to make any adjustments to the building footprint that may be necessary to comply with setback requirements.

**RECOMMENDATION:**

The following text amendments are proposed to institute a wall check plat requirement in the building process:

Zoning Ordinance

**DELETE:** existing Section 10-10 DATE ARTICLE LAST AMENDED

**ADD:** Section 10-10 entitled: "WALL CHECK PLAT" to read:

"The erection of a building (see major improvement, as defined in Section 10-4 (d)), shall not proceed beyond a point in the construction process where the corners of a concrete slab or the placement of the corners of the foundation, whichever is applicable in establishing the exact location of all corners of the building, until such location is indicated on a plat, known as a "wall check plat", by a certified land surveyor, submitted and approved by the Zoning Administrator."

**ADD:** Section 10-11 DATE ARTICLE LAST AMENDED (No text)

Subdivision Ordinance

**ADD:** Section:

4.10 WALL CHECK PLAT The erection of a building (as defined as a major improvement in the Zoning Ordinance, Section 10-4 (d)), shall not proceed beyond a point in the construction process where the corners of a concrete slab or the placement of the corners of the foundation, whichever is applicable in establishing the exact location of all corners of the building, until such location is indicated on a plat, known as a "wall check plat", by a certified land surveyor, submitted and approved by the Zoning Administrator."

**DRAFT MOTION:**

"I move that the Planning Commission recommend approval of the proposed Zoning Ordinance and Subdivision Ordinance amendments as presented in item LVZA 2009-0002 Wall Check Plat and LVSA 2009-0001 Wall Check Plat"

# Town of Lovettsville

## MEMORANDUM

**TO:** Mayor and Planning Commission

**FROM:** Stephen E. McGregor, Zoning Administrator

**DATE:** May 6, 2009

**SUBJECT:** LVZA 2009-0003 Inoperable Vehicles – Zoning Ordinance  
Amendment

**PURPOSE:** To provide a report on the Commission's April 22 public hearing and discussion so that the Commission may make a recommendation to the Town Council at their regular May meeting.

**BACKGROUND:** The Planning Commission held a public hearing on proposed text contained in the April 22 staff report for this item. The Commission discussed issues raised by the single speaker and that were raised by various commissioners.

**DISCUSSION:** Mr. Larry Woodland, 23 S. Loudoun Street told the Commission at the public hearing that he keeps antique cars outdoors on his property and wants to be able to continue to do so. He does not want any regulation of inoperable vehicles to prevent him from doing so. The Commission discussed what a person needs to do to get an antique car designation. The State does not require an inspection. However, the Town Ordinance requires that the vehicle be registered and have a valid Town sticker.

Mr. Woodland also said he understands that the State Code permits an individual to have an inoperable vehicle on their property for at least a year while they are working on its repair. According to the Town Attorney, this is correct but the statute (15.2-904 and 905) allows the Town to require such vehicles to be shielded or screened, which is what is being proposed in this item. Mr. Woodland, therefore, would be able to have inoperable vehicles, antique or otherwise, behind walls or fences outdoors under the proposed amendment. State law also permits the Town to limit the number of inoperable vehicles stored outdoors (screened) and remove inoperable vehicles if they are in violation of the ordinance. This proposal does not seek to include these powers in the standards.

### **DRAFT MOTION:**

"I move that the Planning Commission recommend approval of the proposed Zoning Ordinance amendment as presented in the April 22, 2009 staff report for item LVZA 2009-0003 Inoperable Vehicles"

April 23, 2009





LVZA 2009-0003 Inoperable Vehicles  
Zoning Ordinance Amendment

## STAFF REPORT

### Planning Commission Public Hearing

April 22, 2009

7:30 PM at the Lovettsville Town Office, 6 E. Pennsylvania Avenue  
Lovettsville, Virginia

**APPLICANT:** Town of Lovettsville.

**PURPOSE:** To amend the Zoning Ordinance to clarify and simplify the regulations controlling inoperable vehicles and to modify them to apply on all land in the Town instead of only on certain land with certain zoning and to protect adjacent neighbors as well as people driving on public or private streets.

**BACKGROUND:** On December 18, 2008 the Town Council authorized a zoning ordinance amendment by the Town to amend Section 4-12 Storage of Dismantled and Inoperable Vehicles because the Zoning Administrator indicated that there is a contradiction in the regulation and that the regulation should apply to all property in the Town, not just residential districts.

**DISCUSSION:** The current regulation states that inoperable vehicles are not permitted to be seen from public or private streets *and* must be enclosed in a building. This is contradictory because such a vehicle can be kept out of sight from streets and not be enclosed in a building. Such a vehicle can be placed behind a building and screened from view from streets.

The intent of the regulation should be reevaluated. Aside from the contradiction there are two other issues that should be addressed: 1) that inoperable vehicles pose the same visual nuisance if they are on property zoned under non-residential districts (commercial or light industrial) as they do on land zoned under residential districts; and 2) that there should be some time allowance for inoperable vehicles to be visible because of the personal circumstances of owners, who may not be able to comply with the regulation for a limited amount of time.

I believe that the inoperable vehicle regulation should apply to all property in the Town as almost all property is visible either from streets or adjacent property. I believe that neighbors should not have to view inoperable vehicles just as people driving or walking along streets should not have to view them.

April 3, 2009

To clear up the contradiction about where inoperable vehicles should be kept on property the regulation should make it clear that such a vehicle should be either kept out of sight or enclosed in a building, not both. Another option is to allow such vehicles to be screened by opaque fencing or walls and not required to be enclosed in buildings. This would help keep them from view for adjacent neighbors as well as from streets. This will help improve the living environment in residential areas, many of which are adjacent to commercial and light industrial property.

The current regulation of inoperable and dismantled vehicles only applies to land zoned under residential districts and allows one such vehicle on lots greater than five acres. In one instance there is a residential use on a parcel zoned for commercial use and there is an inoperable vehicle that cannot be cited for violation because the regulation is limited to residentially zoned property. In another instance, there is an inoperative vehicle on a residential parcel larger than five acres that is clearly visible to people who do not live on the property. I think the regulations for such vehicles should be applied to all property in the Town.

The revised definition of "light vehicle repair" use permits inoperable vehicles to be visible for up to two weeks. The proposed revised regulation would not supersede this restriction. The current regulation of inoperative and dismantled vehicles, Section 4-12, provides an exception to the rule for inoperable or dismantled if they are housed on junk yards. Junk yards have been removed from any zoning district in the ordinance; therefore, such use should be removed from the Section 4-12 regulation.

**PLANNING COMMISSION DIRECTIVE:** The Planning Commission has reviewed the issues related to this subject, as directed by the Council, and recommended the text in the following section be brought to public hearing.

**RECOMMENDATION:**

The following zoning ordinance text amendments are proposed to clarify, update and expand the regulation of inoperable vehicles. It permits and requires that such vehicles be located behind opaque fences or wall and buildings but does not require them to be located inside buildings. Nor does it limit the visibility restriction to visibility from streets. It restricts visibility to adjacent property as well. The revised text also applies the regulation to all property in the Town so that such vehicles are not visible from commercial or light industrial property, which will help create a better residential living environment in the town.

**MODIFY:** Section 4-12 STORAGE OF DISMANTLED OR INOPERABLE VEHICLES to read:

"4-12 INOPERABLE VEHICLES No dismantled or inoperable vehicle shall be parked or stored outdoors for more than one (1) week on a lot of less than five (5) acres in area in any residential district. Not more than one (1) dismantled or inoperable vehicle at a time may be parked outdoors on any lot greater than five (5) acres in area in any residential district. Any vehicle not displaying current license plates and inspection validation certificate as required by

~~Virginia law shall be construed as an inoperable vehicle. Dismantled or inoperable vehicles may be kept on a lot or tract in any zoning district provided they are kept within enclosed building or within the confines of a licensed junk yard. No inoperable vehicle shall be so located on any lot in any residential district as to be visible from a Class I or II road on any privately owned property in the Town unless it is enclosed in a building or enclosed on four sides by opaque outdoor fencing or walls that are at least six feet in height for passenger cars in residential districts or eight feet in height for vehicles over 3.5 tons in commercial or industrial districts. An inoperable vehicle may be parked in view from any adjacent property or street for a period of time not exceeding thirty (30) days only if it is covered by a fitted vehicle cover, except as stated in the definition of light vehicle repair use.~~

**MODIFY:** Page 13-6, Section 13-2 DEFINITIONS, INOPERATIVE VEHICLE to read:

~~INOPERATIVE VEHICLE~~ INOPERABLE VEHICLE: Any vehicle which does not display the following: (1) valid state license plate(s); (2) valid inspection certificate (if required) for the state in which the vehicle is licensed; and (3) a valid Town decal or other device, as required by Town ordinance. However, farm vehicles and other vehicles which are exempted from the requirements of displaying Virginia license plates, under the provisions of Articles 4, 5 and 6 of Chapter 6 of Title 46.2 of the Code of Virginia, 1950, as amended, are not included in this definition.

**DRAFT MOTION:**

"I move that the Planning Commission recommend approval of the proposed Zoning Ordinance amendment as presented in item LVZA 2009-0003 Inoperable Vehicles"

*Vote based on misleading information*

We do not feel the Town Concept Plan Amendment that was passed was done so properly.

*Slight change*  
The Town Council is asked to do the right thing and revote.

*How proper is it not to design issues carefully*  
The revote will honor and restore the original intent of what kind of homes were supposed to be built in Lovettsville Town Center.

*Mislead report*

We understand that originally this was supposed to be a high-end neighborhood with homes that were of a certain value, price, and quality. ~~And the architecture is reflected in the Town Comprehensive plan as well.~~

*was spelled*

*set into*

2 My home is a reflection of that vision. I invested my money and future in this vision. Your allegiance can not be to Elm Street. We do not bear the risk of their losses. We ~~will~~ *should* not bear the financial burden. We will not rest until fairness and justice is restored.

11 The guidelines for the architecture is in the language of the Town Comprehensive plan, which is why Neo-traditional quality homes built by Craftmark and Michael Harris were chosen.

3 We know that in lieu of insufficient proffers made by Elm Street that a certain type of home was going to be selected by the Town. I'm living in one of those homes, so in essence, it is has much this town's responsibility to protect this vision as Elm Street's, in fact, more so.

We are angry and upset because this is not fair to the residents here and not what many others in the town expect the homes to be in Town Center.

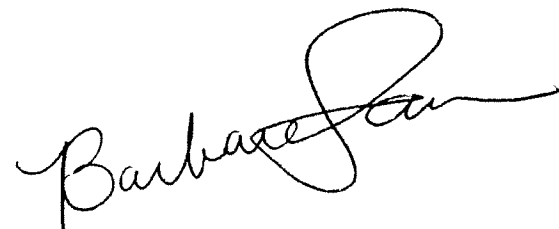
"The Concept Plan for the Town Center Planned Development shall be included in the ordinance zoning the

land as a Town Center Planned Development and shall govern the general layout, mix intensity, architectural design, timing and nature of permitted uses.

**(f) REGULATION MODIFICATION BY TOWN COUNCIL:**

The Town Council may, at the time a Town Center Planned Development district is created, modify the permitted uses or the site development regulations set forth in this section. The modifications shall be included in the ordinance zoning the property. Modifications may be permitted only if justified by exceptional circumstances and must be consistent with the character and intent of the Town Center Planned District”

Somebody need to have the courage over here to do the right thing.

A handwritten signature in black ink, appearing to read "Barbara Jean". The signature is written in a cursive, flowing style with a large initial 'B' and a long, sweeping tail.