

**Town of Bluefield
Town Council
Minutes
March 12, 2019**

The Bluefield, Virginia Town Council held a regularly scheduled Town Council Meeting on Tuesday, March 12, 2019 at 7:30 p.m. in the Council Chambers of the Town Hall located at 112 Huffard Drive, Bluefield, Virginia.

PRESENT

Don Harris, Mayor
Jimmy Jones, Councilmember
Chuck Presley, Councilmember
Jarrod Bailey, Councilmember
Ron Holt, Councilmember
Anglis Trigg Jr., Vice-Mayor

ALSO PRESENT

Mike Watson, Town Manager
Lesley Catron, Town Clerk
Billie Roberts, Comm. Dev. Coordinator
Shane Gunter, Police Chief
Matt Freedman, Town Attorney

CALL TO ORDER

Mayor Harris called the meeting to order at 7:30 p.m.

INVOCATION AND PLEDGE

Councilmember Jones led the Invocation. Mayor Harris led the Pledge of Allegiance.

APPROVAL OF AGENDA

Vice-Mayor Trigg made a motion to approve the agenda. Councilmember Bailey seconded the motion. The motion passed unanimously by voice vote.

CONSENT AGENDA

Councilmember Jones made a motion to approve the consent agenda. Councilmember Holt seconded the motion. The motion passed unanimously by voice vote.

CITIZEN REQUESTS & SPECIAL PRESENTATIONS

None.

COMMITTEE REPORTS

None.

UNFINISHED BUSINESS & REPORTS

Community Clean Up Day Update – Lesley Catron

Mrs. Catron stated that the Community Clean Up Day was where members of Council, staff and their families got together and picked up litter along town sidewalks and roadways. She stated last year that we had a bigger turnout than in previous years and had several members of council, staff and family and a family from the community to help out. She stated with the bigger turnout we were able to clean up litter from 5 different areas within the Town and hoped to have enough participants this year to clean up 6 or more areas. She stated that the date would be May 19th at 8:30 a.m. meeting at Pinehill Park. She stated that grabbers, safety vests, gloves and trash bags would be provided for everyone and we would all meet back at noon for the cookout. She stated that last year the Town provided chips and drinks for everyone and the Mayor served as our Grill Master since council provided the burgers and hotdogs. She stated if council was ok then staff would start getting this event planned and notify every one of the event date and time.

NEW BUSINESS & REPORTS

None.

TOWN MANAGER'S REPORT

BB&T Pumper/Tanker Fire Truck Financing Resolution, ROLL CALL VOTE (attached at end of minutes)

Mr. Watson stated that this resolution was to approve the financing of the pumper/tanker truck. He stated that they had checked with different banks and the best rate was BB&T at 3.34% over 10 years for \$600k. He stated that the rest of the money would come out of the Fire Department's LGIP. He stated that we would be paying up front and getting a performance bond that would give us a \$15k discount. He asked for a roll call vote to approve the financing.

Mr. Holt made a motion to approve the BB&T Pumper/Tanker Fire Truck Financing Resolution. Mr. Presley seconded the motion.

ROLL CALL VOTE

Vice-Mayor Trigg:	Yes
Councilmember Presley:	Yes
Councilmember Bailey:	Yes

Mayor Harris: Yes
Councilmember Jones: Yes
Councilmember Holt: Yes

The motion passed unanimously by Roll Call Vote.

Wrestling Resolutions, VOTE

Mr. Watson stated that staff had received a request to honor four of the Graham High School wrestlers with resolutions highlighting their tournament accomplishments throughout the season. He stated if council would like to recognize these players that staff would schedule to have them present at the next Council Meeting to receive their resolutions.

Mr. Trigg made a motion to approve the Wrestling Resolutions. Mr. Presley seconded the motion. The motion passed unanimously by voice vote.

Time-Off Request, VOTE

Mr. Watson stated that staff always did a good job and asked that council approve Friday, April 19th as an additional day off to extend the Easter holiday.

Mr. Trigg made a motion to approve the time-off request. Mr. Presley seconded the motion. The motion passed unanimously by voice vote.

Virginia Rural Water Association Conference

Mr. Watson stated that he and Pete would be attending the Virginia Rural Water Association Conference in Roanoke on April 15-17.

CITIZENS COMMENTS

None.

COUNCIL COMMENTS

Mr. Trigg stated that the only thing he had was that people complained about not being able to hear in there.

Mr. Presley stated that he was happy that the guy had been caught. He stated that staff did a great job.

Mr. Bailey had none.

Mr. Jones stated that he appreciated staff for a great job.

Mr. Holt had none.

Mayor Harris had none.

ATTORNEY REPORT

Deed of Lease Point of Presence – POSSIBLE ROLL CALL VOTE (To Accept Bid)

Mr. Freedman stated that staff had advertised for the point of presence and received one bid. He asked for a motion to physically accept the bid itself.

Mr. Bailey made a motion to accept the bid. Mr. Presley seconded the motion. The motion passed unanimously by voice vote.

Mr. Freedman opened the bid from Sunset Digital.

Mayor Harris asked if there were any additional bids.

There were none.

Mayor Harris closed the bids.

Mr. Freedman stated that it would be taken back to staff to seek their recommendation before bringing it back to council in the form of the ordinance adoption process.

E-1 Zoning Ordinance, VOTE (1st Reading) (attached at end of minutes)

Mr. Freedman stated that a Public Hearing was held for the E-1 and R-3 Ordinances. He stated that there were some changes and a resolution from Planning Commission. He stated that if council was okay with it then this would be the first reading.

Mr. Trigg made a motion to approve the 1st Reading of the E-1 Zoning Ordinance. Mr. Presley seconded the motion. The motion passed unanimously by voice vote.

R-3 Zoning Ordinance, VOTE (1st Reading) (attached at end of minutes)

Mr. Freedman stated that it was the same thing as the E-1 and would be a first reading of the R-3 Zoning Ordinance.

Mr. Holt made a motion to approve the R-3 Zoning Ordinance. Mr. Jones seconded the motion. The motion passed unanimously by voice vote.

EXECUTIVE SESSION

Councilmember Presley made a motion to enter into Executive Session pursuant to *Code of Virginia Section 2.2-3711-A-1.3, 2.2-3711-A-1.6 and 2.2-3711-A-1.7* and Mrs. Catron read:

Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

The investing of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the government unit would be adversely affected.

Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

Councilmember Holt seconded the motion. The motion passed unanimously by voice vote.

Council entered into Executive Session 7:45 p.m.

Councilmember Presley made a motion to enter out of Executive Session. Councilmember Jones seconded the motion. The motion passed unanimously by voice vote.

Councilmember Holt made a motion to adopt the following resolution certifying the Executive Session and Mrs. Catron read:

WHEREAS, the Town Council of Bluefield, Virginia has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with provisions of the Virginia Freedom of Information Act; and WHEREAS, Section 2.2-3712-D of The Code of Virginia requires a certification by the Town Council of Bluefield, Virginia that such session was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of Bluefield, Virginia hereby certifies that, to the best of each members knowledge, (I) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the Town Council.

Adopted this 12th day of March.

Councilmember Bailey seconded the motion.

ROLL CALL VOTE

Vice-Mayor Trigg:	Yes
Councilmember Presley:	Yes
Councilmember Bailey:	Yes
Mayor Harris:	Yes
Councilmember Jones:	Yes
Councilmember Holt:	Yes

The motion passed unanimously by Roll Call Vote.

ADJOURN

Mr. Bailey made a motion to recess the meeting at 8:40 p.m. Mr. Presley seconded the motion. The motion passed unanimously by voice vote.

Don Harris, Mayor

Lesley Catron, Town Clerk

Resolution Approving Financing Terms

WHEREAS: The Town of Bluefield, Virginia ("Town") has previously determined to undertake a project for lease purchase of a fire pumper truck, and the Finance Officer has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

1. The Town hereby determines to finance the Project through Branch Banking and Trust Company ("BB&T"), in accordance with the proposal dated February 21, 2019. The amount financed shall not exceed \$600,000.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 3.34% and the financing term shall not exceed (10) ten years from closing.

2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the Town are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement and a Project Fund Agreement as BB&T may request.

3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by Town officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.

4. The Town shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The Town hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3) if deemed bank qualified.

5. The Town intends that the adoption of this resolution will be a declaration of the Town's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the BB&T financing described above. The Town intends that funds that have been advanced, or that may be advanced, from the Town's general fund, or any other Town fund related to the project, for project costs may be reimbursed from the financing proceeds.

6. All prior actions of Town officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Approved this _____ day of _____, 2019.

By: _____
Title: _____

By: _____
Title: _____

SEAL

VIRGINIA: AT A REGULAR MEETING OF THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA HELD AT THE COUNCIL CHAMBERS OF THE TOWN HALL IN BLUEFIELD, VIRGINIA ON THE 26TH DAY OF MARCH, 2019.

AN ORDINANCE TO CREATE, BY CREATING DIVISION 17 (EDUCATIONAL INSTITUTIONS, DISTRICT E-1) OF ARTICLE V (DISTRICTS AND DISTRICT REGULATIONS) OF CHAPTER 74 (ZONING) OF THE CODE OF ORDINANCES, TOWN OF BLUEFIELD, VIRGINIA

WHEREAS, the Council of the Town of Bluefield, Virginia previously adopted an ordinance which attempted to establish the below shown zoning district; and

WHEREAS, the records of the Town of Bluefield illustrate errors were made in the aforesaid adoption which need to be corrected; and

WHEREAS, it is the express intent of the Council of the Town of Bluefield, Virginia to ensure the correction of all errors associated with the adoption of the aforesaid ordinance; and

WHEREAS, the Planning Commission of the Town of Bluefield, Virginia, on March 4, 2019, recommended the adoption of the below described zoning district after the date a joint public hearing was held before the said Planning Commission and the Council of the Town of Bluefield, Virginia.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that Division 17 of Article V of Chapter 74 of the Code of Ordinances, Town of Bluefield, Virginia is hereby created to be as follows:

DIVISION 17.

EDUCATIONAL INSTITUTIONS, DISTRICT E-1

Sec. 74-720. Statement of intent.

The regulations for the E-1 district are designed to establish and preserve the unique character of the variety of different uses that occur on the property of Educational Institutions.

Sec. 74-721. Permitted uses.

Within the E-1 district, the following uses are permitted:

- (1) Administrative Offices related to the Educational Institution.
- (2) Professional Services.
- (3) Single Family Dwellings.

- (4) Multifamily Dwellings.
- (5) Rooming Houses, Boardinghouses, and Dormitories.
- (6) Stadiums, Gymnasiums, and Recreational Fields.
- (7) Such other uses specifically approved by the town council on recommendation of the planning commission.

Sec. 74-722. Area regulations.

There is no minimum lot size for the E-1 district due to the variety of buildings that may be located upon a property or campus.

Sec. 74-723. Setback regulations.

The minimum depth of the front yard in the E-1 district shall be as follows:

- (1) *Arterial street.* Arterial streets shall be setback 40 feet from the lot line adjacent to such street.
- (2) *Collector street.* Collector streets shall be setback 30 feet from the lot line to such street.

The zoning administrator shall have the right to require more stringent setbacks so that all new structures are constructed to meet the existing neighborhood's setbacks.

Sec. 74-724. Frontage.

There is no minimum frontage for the E-1 district due to the variety of buildings that may be located upon a property or campus.

Sec. 74-725. Yard regulations.

(a) *Side yard.* No building in the E-1 district shall be located less than 15 feet from any adjoining property.

(b) *Rear yard.* Each principal building in the E-1 district shall have a rear yard with a minimum of 25 feet.

Sec. 74-726. Height regulations.

All structures or buildings shall be limited to a height of 35 feet unless approved by the town council upon recommendation from the planning commission.

Sec. 74-727. Maximum lot coverage.

There is no maximum lot coverage for the E-1 district due to the variety of buildings that may be located upon a property or campus.

Sec. 74-728. Off-street parking.

Off-street parking in the E-1 District shall be approved by town council upon recommendation of the planning commission based upon the requested use and demand for parking that will be created with the new use.

Secs. 74-729--74-735. Reserved.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that any and all actions taken by the said Council, the Town of Bluefield, its boards, its commissions, its committees, its officers, its employees, and/or its agents concerning the said zoning district prior to the adoption of this ordinance are hereby approved, ratified, and declared valid.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that the Council of the Town of Bluefield, Virginia adopts this ordinance on this 26th day of March, 2019.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that this ordinance shall, to the extent permitted by law, apply retroactively and be effective as of the 12th day of July, 2012.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that the Council of the Town of Bluefield, Virginia authorizes Donald R. Harris, the Mayor of the Town of Bluefield, Virginia, to execute this ordinance on behalf of said Council.

IT IS SO ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA on this 26th day of March, 2019.

(REMAINDER OF PAGE INTENTIONALLY LEFT BLANK)

JOINT PUBLIC HEARING: February 12, 2019
 FIRST READING: March 12, 2019
 SECOND READING: March 26, 2019
 MOTION TO ADOPT MADE BY: _____
 MOTION TO ADOPT SECONDED BY: _____
 ADOPTION DATE: March 26, 2019
 EFFECTIVE DATE: July 10, 2012

Name of Councilman	Attendance (Present or Absent)	Vote (Aye, Nay, Abstain, or Absent)

RESULT OF VOTE:
 AYES NAYES ABSTENTIONS

COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA

BY: _____ DATE: _____
 DONALD R. HARRIS, MAYOR
 TOWN OF BLUEFIELD, A VIRGINIA MUNICIPAL CORPORATION

ATTEST:

 LESLEY CATRON, TOWN CLERK DATE
 TOWN OF BLUEFIELD, A VIRGINIA MUNICIPAL CORPORATION

VIRGINIA: AT A REGULAR MEETING OF THE PLANNING COMMISSION OF THE TOWN OF BLUEFIELD, VIRGINIA HELD AT THE COUNCIL CHAMBERS OF THE TOWN HALL IN BLUEFIELD, VIRGINIA ON THE 4TH DAY OF MARCH, 2019.

A RESOLUTION TO RECOMMEND THE ADOPTION OF AN ORDINANCE WHICH CREATES DIVISION 17 (EDUCATIONAL INSTITUTIONS, DISTRICT E-1) OF ARTICLE V (DISTRICTS AND DISTRICT REGULATIONS) OF CHAPTER 74 (ZONING) OF THE CODE OF ORDINANCES, TOWN OF BLUEFIELD, VIRGINIA

WHEREAS, a joint public hearing concerning the creation of the below described zoning district was held before the Council of the Town of Bluefield, Virginia and the Planning Commission of the Town of Bluefield, Virginia on the 12th day of February, 2019, after notice was duly published on the 25th day of January, 2019, and on the 2nd day of February, 2019, in the Bluefield Daily Telegraph, a newspaper having general circulation in Bluefield, Virginia.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF BLUEFIELD, VIRGINIA that the Planning Commission of the Town of Bluefield, Virginia hereby recommends Division 17 of Article V of Chapter 74 of the Code of Ordinances, Town of Bluefield, Virginia be created to read as follows:

DIVISION 17.

EDUCATIONAL INSTITUTIONS, DISTRICT E-1

Sec. 74-720. Statement of intent.

The regulations for the E-1 district are designed to establish and preserve the unique character of the variety of different uses that occur on the property of Educational Institutions.

Sec. 74-721. Permitted uses.

Within the E-1 district, the following uses are permitted:

- (1) Administrative Offices related to the Educational Institution.
- (2) Professional Services.
- (3) Single Family Dwellings.
- (4) Multifamily Dwellings.
- (5) Rooming Houses, Boardinghouses, and Dormitories.
- (6) Stadiums, Gymnasiums, and Recreational Fields.

- (7) Such other uses specifically approved by the town council on recommendation of the planning commission.

Sec. 74-722. Area regulations.

There is no minimum lot size for the E-1 district due to the variety of buildings that may be located upon a property or campus.

Sec. 74-723. Setback regulations.

The minimum depth of the front yard in the E-1 district shall be as follows:

- (1) *Arterial street.* Arterial streets shall be setback 40 feet from the lot line adjacent to such street.
- (2) *Collector street.* Collector streets shall be setback 30 feet from the lot line to such street.

The zoning administrator shall have the right to require more stringent setbacks so that all new structures are constructed to meet the existing neighborhood's setbacks.

Sec. 74-724. Frontage.

There is no minimum frontage for the E-1 district due to the variety of buildings that may be located upon a property or campus.

Sec. 74-725. Yard regulations.

- (a) *Side yard.* No building in the E-1 district shall be located less than 15 feet from any adjoining property.
- (b) *Rear yard.* Each principal building in the E-1 district shall have a rear yard with a minimum of 25 feet.

Sec. 74-726. Height regulations.

All structures or buildings shall be limited to a height of 35 feet unless approved by the town council upon recommendation from the planning commission.

Sec. 74-727. Maximum lot coverage.

There is no maximum lot coverage for the E-1 district due to the variety of buildings that may be located upon a property or campus.

Sec. 74-728. Off-street parking.

Off-street parking in the E-1 District shall be approved by town council upon recommendation of the planning commission based upon the requested use and demand for parking that will be created with the new use.

Secs. 74-729--74-735. Reserved.

BE IT FURTHER RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF BLUEFIELD, VIRGINIA that the Planning Commission of the Town of Bluefield, Virginia adopts this resolution on this 4th day of March, 2019.

BE IT FURTHER RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF BLUEFIELD, VIRGINIA that the Chairman and Secretary of the Planning Commission of the Town of Bluefield, Virginia shall execute this resolution on behalf of said Commission.

IT IS SO RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF BLUEFIELD, VIRGINIA on this 4th day of March, 2019.

JOINT PUBLIC HEARING: 02/12/2019
MOTION TO ADOPT MADE BY: Dr. Scott
MOTION TO ADOPT SECONDED BY: Mr. Whitt
ADOPTION DATE: 03/04/2019

Planning Commissioner	Attendance (Present or Absent)	Vote (Aye, Nay, Abstain, Absent, or No Vote Permitted)
Barry Perdue	Absent	Absent
Jarred McFarland	Present	Aye
Don Scott	Present	Aye
Harry Kammer	Present	Aye
Don Whitt	Present	Aye
Frank Britten	Present	Aye
Jarred Bailey	Present	No Vote Permitted

RESULT OF VOTE:

AYES


NAYES

ABSTENTIONS

PLANNING COMMISSION OF THE TOWN OF BLUEFIELD, VIRGINIA


DR. FRANK BRITTON, CHAIRMAN

3/4/19
DATE


DONALD G. WHITT, SECRETARY

3-4-19
DATE

VIRGINIA: AT A REGULAR MEETING OF THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA HELD AT THE COUNCIL CHAMBERS OF THE TOWN HALL IN BLUEFIELD, VIRGINIA ON THE 26TH DAY OF MARCH, 2019.

AN ORDINANCE TO CREATE, BY CREATING DIVISION 7 (MEDIUM TO HIGH DENSITY RESIDENTIAL, DISTRICT R-3) OF ARTICLE V (DISTRICTS AND DISTRICT REGULATIONS) OF CHAPTER 74 (ZONING) OF THE CODE OF ORDINANCES, TOWN OF BLUEFIELD, VIRGINIA

WHEREAS, the Council of the Town of Bluefield, Virginia adopted an ordinance which established the below zoning district; and

WHEREAS, the records of the Town of Bluefield illustrate errors were made in the adoption of another ordinance which partially repealed/overwrote the below zoning district; and

WHEREAS, it is the express intent of the Council of the Town of Bluefield, Virginia to ensure the correction of all errors associated with the adoption of the aforesaid ordinances; and

WHEREAS, the Planning Commission of the Town of Bluefield, Virginia, on March 4, 2019, recommended the adoption of the below described zoning district after the date a joint public hearing was held before the said Planning Commission and the Council of the Town of Bluefield, Virginia.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that Division 7 of Article V of Chapter 74 of the Code of Ordinances, Town of Bluefield, Virginia is hereby created to be as follows:

DIVISION 7.

MEDIUM TO HIGH DENSITY RESIDENTIAL, DISTRICT R-3

Sec. 74-441. Statement of intent.

The regulations for the R-3 district are designed to establish and preserve medium density to high density residential districts, excluding uses which are not compatible with residential use but permitting certain nonresidential uses which are of particular convenience to the residents of the R-3 district.

Sec. 74-442. Permitted uses.

Within the R-3 district, the following uses are permitted:

- (1) All residential uses permitted in R-1 and R-2 districts provided all other R-3 district requirements are observed.

- (2) Multifamily dwellings.
- (3) Rooming houses and Boardinghouses.
- (4) Tourist homes.
- (5) Rest homes.

Sec. 74-443. Area regulations.

All buildings and uses in the R-3 district, unless otherwise specified in this chapter, shall comply with the following:

- (1) *Minimum lot size.* There shall be a minimum lot size of 7,500 square feet.
- (2) *Density requirements.* There shall be 7,500 square feet for the first unit, and 2,500 square feet for each additional unit.

Sec. 74-444. Setback regulations.

The minimum depth of the front yard in the R-3 district shall be as follows:

- (1) *Arterial street.* Arterial streets shall be setback 40 feet from the lot line adjacent to such street.
- (2) *Collector street.* Collector streets shall be setback 30 feet from the lot line to such street.

The zoning administrator shall have the right to require more stringent setbacks so that all new structures are constructed to meet the existing neighborhood's setbacks.

Sec. 74-445. Frontage.

The minimum lot width at the setback lines in the R-3 district shall be 50 feet.

Sec. 74-446. Yard regulations.

(a) *Side yard.* The minimum total depth of the two side yards in the R-3 district shall be 16 feet for the first story and ten feet for each additional story. At least one-third of the total depth shall be provided on the smaller side.

(b) *Rear yard.* Each principal building in the R-3 district shall have a rear yard with a minimum of 25 feet.

Sec. 74-447. Height regulations.

All structures or buildings shall be limited to a height of 35 feet unless approved by the town council upon recommendation from the planning commission.

Sec. 74-448. Maximum lot coverage.

The principal building and all accessory buildings in the R-3 district shall not cover more than 35 percent of the total lot area.

Sec. 74-449. Special provisions for corner lots.

(a) Of the two sides of a corner lot in the R-3 district, the front shall be deemed to be the shorter of the two sides fronting on streets.

(b) The width of the side yard in the R-3 district, on the side facing the side street, shall be the greater of the two required side yards for both main and accessory buildings.

Sec. 74-450. Off-street parking.

Off-street parking in the R-3 district shall be provided by all uses as required in article VIII, division 2, of this chapter.

Sec. 74-451. Location of accessory structures.

Location of accessory structures in the R-3 district shall be in accordance with article VII, division 2, of this chapter.

Sec. 74-452. Special provisions and allowances.

(a) *Special allowances.*

(1) The town council shall have the authority to grant special allowances as deemed necessary after recommendation of the planning commission and that are listed within this provision. These special allowances will only be authorized after maps, plans, and/or all other specifications have been presented and adjacent property owners are notified by first class mail.

The applicant will be responsible for all fees involved in the notice to the public or adjacent landowners.

(2) Special uses:

a. Clubs and lodges.

b. Professional offices.

- c. Finance companies and insurance agents.
 - d. Clinics.
 - e. Barbershops and beauty parlors.
 - f. Banks.
 - g. Day care centers.
 - h. Any nonresidential uses listed in the R-1 and R-2 districts.
- (b) *Day care centers.*
- (1) Day care centers in the R-3 district shall be located on collector or arterial streets or other streets that have a minimum right-of-way of 50 feet and which are not located on a cul-de-sac. Pavement width should be at least 25 feet.
 - (2) The building of day care centers in the R-3 district shall not be placed less than 25 feet from side property lines or less than 50 feet from rear property lines.
 - (3) No parking is allowed in the front yard of day care centers in the R-3 district.
 - (4) For day care centers in the R-3 district, the loading and unloading of children is conducted in such a manner as to provide an entrance to and separate exit from the property without backing into the street.
- (c) *Open space.* If there are more than six units per net acre in the R-3 district, ten percent of the total lot area is to be set aside for recreational activities. Property owners will be required to landscape and maintain such areas.
- (d) *Inclusion in plat approval process.* Such special allowances provided for in this section may be included in any plat approval process for the subdivision of real estate located in an R-3 district.

Secs. 74-453--74-470. Reserved.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that any and all actions taken by the said Council, the Town of Bluefield, its boards, its commissions, its committees, its officers, its employees, and/or its agents concerning the said zoning district prior to the adoption of this ordinance are hereby approved, ratified, and declared valid.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that the Council of the Town of Bluefield, Virginia adopts this ordinance on this 26th day of March, 2019.

VIRGINIA: AT A REGULAR MEETING OF THE PLANNING COMMISSION OF THE TOWN OF BLUEFIELD, VIRGINIA HELD AT THE COUNCIL CHAMBERS OF THE TOWN HALL IN BLUEFIELD, VIRGINIA ON THE 4TH DAY OF MARCH, 2019.

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- (3) Rooming houses and Boardinghouses.
- (4) Tourist homes.
- (5) Rest homes.

Sec. 74-443. Area regulations.

All buildings and uses in the R-3 district, unless otherwise specified in this chapter, shall comply with the following:

- (1) *Minimum lot size.* There shall be a minimum lot size of 7,500 square feet.
- (2) *Density requirements.* There shall be 7,500 square feet for the first unit, and 2,500 square feet for each additional unit.

Sec. 74-444. Setback regulations.

The minimum depth of the front yard in the R-3 district shall be as follows:

- (1) *Arterial street.* Arterial streets shall be setback 40 feet from the lot line adjacent to such street.
- (2) *Collector street.* Collector streets shall be setback 30 feet from the lot line to such street.

The zoning administrator shall have the right to require more stringent setbacks so that all new structures are constructed to meet the existing neighborhood's setbacks.

Sec. 74-445. Frontage.

The minimum lot width at the setback lines in the R-3 district shall be 50 feet.

Sec. 74-446. Yard regulations.

(a) *Side yard.* The minimum total depth of the two side yards in the R-3 district shall be 16 feet for the first story and ten feet for each additional story. At least one-third of the total depth shall be provided on the smaller side.

(b) *Rear yard.* Each principal building in the R-3 district shall have a rear yard with a minimum of 25 feet.

Sec. 74-447. Height regulations.

All structures or buildings shall be limited to a height of 35 feet unless approved by the town council upon recommendation from the planning commission.

Sec. 74-448. Maximum lot coverage.

The principal building and all accessory buildings in the R-3 district shall not cover more than 35 percent of the total lot area.

- h. Any nonresidential uses listed in the R-1 and R-2 districts.
- (b) *Day care centers.*
 - (1) Day care centers in the R-3 district shall be located on collector or arterial streets or other streets that have a minimum right-of-way of 50 feet and which are not located on a cul-de-sac. Pavement width should be at least 25 feet.
 - (2) The building of day care centers in the R-3 district shall not be placed less than 25 feet from side property lines or less than 50 feet from rear property lines.
 - (3) No parking is allowed in the front yard of day care centers in the R-3 district.
 - (4) For day care centers in the R-3 district, the loading and unloading of children is conducted in such a manner as to provide an entrance to and separate exit from the property without backing into the street.
- (c) *Open space.* If there are more than six units per net acre in the R-3 district, ten percent of the total lot area is to be set aside for recreational activities. Property owners will be required to landscape and maintain such areas.
- (d) *Inclusion in plat approval process.* Such special allowances provided for in this section may be included in any plat approval process for the subdivision of real estate located in an R-3 district.

Secs. 74-453--74-470. Reserved.

BE IT FURTHER RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF BLUEFIELD, VIRGINIA that the Planning Commission of the Town of Bluefield, Virginia adopts this resolution on this 4th day of March, 2019.

BE IT FURTHER RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF BLUEFIELD, VIRGINIA that the Chairman and Secretary of the Planning Commission of the Town of Bluefield, Virginia shall execute this resolution on behalf of said Commission.

IT IS SO RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF BLUEFIELD, VIRGINIA on this 4th day of March, 2019.

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JOINT PUBLIC HEARING:

02/12/2019

MOTION TO ADOPT MADE BY:

Mr. Kummer

MOTION TO ADOPT SECONDED BY:

Mr. Whitt

ADOPTION DATE:

03/04/2019

Planning Commissioner	Attendance (Present or Absent)	Vote (Aye, Nay, Abstain, Absent, or No Vote Permitted)
Barry Perdue	Absent	Absent
Jarrett McFarland	Present	Aye
Don Scott	Present	Aye
Harry Kummer	Present	Aye
Don Whitt	Present	Aye
Frank Britton	Present	Aye
Jarrett Bailey	Present	No Vote Permitted

RESULT OF VOTE:

5
AYES

0
NAYES

0
ABSTENTIONS

PLANNING COMMISSION OF THE TOWN OF BLUEFIELD, VIRGINIA


DR. FRANK BRITTON, CHAIRMAN

3/4/19
DATE


DONALD G. WHITT, SECRETARY

3-4-19
DATE