

LANCASTER COUNTY PLANNING COMMISSION

Minutes

January 14, 2016

The regularly scheduled meeting of the Lancaster County Planning Commission was called to order at 7:00 p.m. in the Board meeting room of the Lancaster County Administration Building, Lancaster, Virginia.

Present were David Jones, Tara Booth, Robert Smart, David Chupp, Ty Brent, Glenn Pinn and Steve Sorensen.

Also present were William R. Lee, Board of Supervisors Representative, Don Gill, Planning/Land Use Director, and others.

Mr. Jones asked if there were any corrections or additions to the minutes of the November 12, 2015 meeting.

Mr. Jones moved to approve the November 12, 2015 minutes as submitted.

VOTE: 7-0.

DISCUSSION ITEM #1

REVIEW OF ZONING ORDINANCE – ARTICLES 1-4

Mr. Jones asked Mr. Gill to present the issue.

Mr. Gill stated that Chapter Seven of the Comprehensive Plan states that following the completion of the comprehensive plan update, the County will undertake a review of the zoning ordinances to identify any provisions that negatively impact desired development patterns. He stated that the zoning ordinance will be revised to encourage and support appropriate nonresidential growth, while protecting those resources, features and qualities that comprise the local rural character and quality of life.

Mr. Gill stated that he had brought forward the first four articles of the zoning ordinance for the Planning Commission's review. He stated that there are twenty-seven articles in total, but not all would be subject to the Planning Commission's review.

Mr. Gill stated that he had highlighted areas that he thought needed discussion. He stated that Article 1, Definitions, will need to be discussed at each meeting throughout the entire zoning ordinance review because there may be other terms that need defining as the ongoing review is completed.

Mr. Gill stated that once all revisions are deemed complete, public hearings will need to be scheduled for an article or two at a time in the same fashion as the Comprehensive Plan review.

Mr. Jones suggested going through the highlighted items first.

Mr. Gill referred to the first highlighted term which was the definition of agriculture and stated that aquaculture has been added to that definition by the Code of Virginia, so it is in our definition by default, but he thought it should be listed in our ordinance as well.

Mr. Jones suggested also having a separate definition for aquaculture.

Mr. Jones referred to the definition of amusement enterprise and stated that sometimes there is no structure, for example, a field where a concert may be held.

Mr. Gill stated that he would note that.

Mr. Gill referred to the private boat pier definition and stated that the County's zoning ordinance allows 250 square feet for a "L" or "T" configuration, while the Code of Virginia allows 400 square feet. He stated that he had heard from citizens concerning the 250 square foot limit and thought it may be something the Commission would want to discuss.

Mr. Gill referred to the last sentence in the private boat pier definition, which states that fish cleaning stations, hand rails and low-profile boat lifts are permitted if the structure does not exceed 4 and one-half feet above the pier and stated that it had been brought to his attention that the pilings that are attached to the boat lifts are usually taller than 4 and one-half feet above the pier. He stated that the Planning Commission may want to change that height or exclude low-profile boat lifts from that part of the definition.

Mr. Gill referred to page three and the building height and stated that he thought the definition was too subjective. He suggested that, to be simpler, measure the building from the highest grade to the roof peak.

Mr. Gill referred to the next page with the cemetery definition and stated that the term "family cemetery" had not been defined. He suggested that the word "family" be included in the definition.

Mr. Gill referred to the term "club" in the agricultural districts and stated that they had been restricted to "hunt clubs" and he thought there should be a definition of "hunt club."

Mr. Lee added that the definition of kennel really did not fit what goes on in the County because most kennels, especially those associated with hunt clubs, are not compensated.

Mr. Jones stated that there were two kinds of kennels, the first for private use and the second for compensation or commercial activity.

Mr. Gill stated that he would make a note about private versus commercial concerning the kennel definition.

Mr. Gill referred to the half-story definition and suggested it be deleted and stated that the zoning ordinance definition of story does not match the building code definition which makes things confusing, particularly with accessory structures. He stated that the zoning ordinance definition says that a story is the area from the floor to the ceiling above it.

Mr. Smart asked if it was still considered one-story if there was no ceiling attached to the joists.

Mr. Gill replied yes.

Mr. Jones stated that most of the time those joists are needed for the structural integrity of the building.

There was much discussion about what constitutes one or more stories, but no clear consensus.

Mr. Chupp asked about the sales platform definition.

Mr. Gill replied that it was an archaic definition, but was still a permitted use in some zoning districts.

Mr. Chupp asked if it was a small sales office.

Mr. Brent replied that it was basically a set of steps that became a deck to show the elevation of properties for sale.

Mr. Gill stated that Article 2 was pretty straight forward with the recommended changes as highlighted.

Mr. Gill stated that in the last two revisions of the Comprehensive Plan, the main theme was to preserve and protect the rural heritage of the County and preserving and protecting the maritime heritage was added during the last review. He stated that he did not think the number of permitted uses needed to be decreased in Articles 3 and 4. He stated that some future rezonings could be eliminated by adding a few of the A-2 uses to the A-1 District.

Mr. Gill stated that one thing that does need to be addressed is the height restriction in both districts. He stated that the building height of 35 feet seems to work, but referred to the statement of how all accessory structures shall be less than the main structure in height and stated that a lot of citizens have smaller homes or double-wides and want a taller garage, but cannot have one with the current language. He stated that issue might be something that the Planning Commission would want to consider.

Mr. Jones asked about barns.

Mr. Gill replied that agricultural buildings are exempt from the building code.

Mr. Jones suggested stating that agricultural buildings are exempt from the height restrictions in the zoning ordinance. He also suggested requiring a special exception on a case by case basis for non-agricultural buildings that would exceed the main structure in height.

Mr. Gill stated that adjoining property owners would be notified and have a chance to comment with a special exception.

Mr. Smart asked about older homes that may not meet setback requirements if the state widened the road.

Mr. Gill replied that those structures would then become authorized non-conforming structures and there are already provisions in the zoning ordinance to protect them.

Mr. Chupp referred to Article 3.1, Use Regulations, regarding portable saw mills requiring a special exception and stated that he did not think it really needed a special exception since those operations are usually performed in a short period of time. His suggestion was to not require a special exception unless they are going to be working past a 15 day period.

Mr. Jones agreed.

Mr. Lee stated that he would not go any longer than 15 days.

Mr. Gill stated that he would make the necessary changes.

Mr. Lee asked Mr. Gill about clarification on the cemetery definitions.

Mr. Gill replied that he thought the words “private” and “family” could be interchangeable regarding cemeteries.

Mr. Lee asked what church cemeteries were considered.

Mr. Gill replied that they are considered commercial.

Mr. Gill stated that he would make the requested revisions and bring back the articles next month for further consideration. He stated that he will also have the Capital Improvement Budget for FY 2017-2021.

OTHER BUSINESS

Mr. Smart commented that the work on the old jail is coming along nicely and he was glad that it was being done, as well as the work on the old clerk's office. He stated that those buildings are true treasures of the County.

Reluctantly, Mr. Gill read Mr. Jones' letter of resignation from the Lancaster County Planning Commission effective January 15, 2016. Mr. Jones stated that he had enjoyed serving on the Planning Commission for the past 20-plus years and it had been a learning experience and an honor, but it was time for him to step aside.

Mr. Gill stated that Mr. Jones would be greatly missed and added that Chairman Jones conducted the best meeting, of any meeting, at any level, that he had ever attended.

Mr. Lee stated that it was truly commendable for how long Mr. Jones had served on the Lancaster County Planning Commission and thanked him for his time.

The Commission members agreed and applauded Mr. Jones for his service.

ADJOURNMENT

The January 14, 2016 regular meeting of the Lancaster County Planning Commission was adjourned at 8 p.m.