

# LANCASTER COUNTY PLANNING COMMISSION

## Minutes

May 19, 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 Ty Brent, Tara Booth, Bob Smart, Steve Sorensen, Glenn Pinn, David Chupp and Tom Richardson.

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

Mr. Brent stated that he would like to welcome new member, Tom Richardson, to the Commission.

Mr. Brent asked if there were any corrections or additions to the minutes of the April 21, 2016 meeting.

Mr. Brent moved to approve the April 21, 2016 minutes as submitted. **VOTE: 7-0.**

### **DISCUSSION ITEM #1**

#### **ZONING ORDINANCE REVIEW – ARTICLES 1, 5, 6A and 7**

Mr. Brent 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. He stated that the Planning Commission had previously reviewed Article 2 - Summary of Districts, Articles 3 and 4 - Agricultural Districts A-1 and A-2, and now will begin the review of the Residential Zoning Districts - Articles 5, 6A and 7 as well as continue its review of Article 1 - Definitions.

Mr. Gill referred to Article 1-Definitions and stated that staff has made and highlighted the suggested revisions from the previous four meetings of the Planning Commission. He stated that Article 1 will need to be looked at throughout the review of

all 27 articles as issues may arise in subsequent articles that need clarification by definition.

Mr. Gill referred to Articles, 5, 6A and 7 and stated that with regard to residential districts, Chapter Seven of the Comprehensive Plan lists among its goals, 1) Ensure new development complements and enhances the character and quality of existing neighborhoods and communities by reducing the number of permitted uses in existing zoning districts to avoid mixed, incompatible uses with a zoning district, 2) Promote and support existing industries, especially those engaged in seafood harvesting and processing, aquaculture, forestry and agriculture and 3) Ensure that proper and sufficient zoning and land use measures are in place to allow for responsible nonresidential growth.

Mr. Gill stated that during the last Zoning Ordinance review in 2007, many permitted uses that could consume large amounts of farmland or forestland, or could possibly increase density and traffic above levels appropriate for less dense residential districts were removed. He stated that staff does not feel that a further reduction of permitted uses is needed. He stated that approximately forty percent of the County is zoned R-1, which is the least dense of the residential districts, approximately five percent is zoned R-3, which is more dense than R-1, but less dense than R-4, and only one parcel is zoned R-4, which is the most dense of the residential districts.

Mr. Gill stated that staff has highlighted suggested changes related to accessory structures, side and rear yard setbacks and height regulations that are consistent with the changes the Planning Commission recommended for the agricultural districts. He stated that he viewed this meeting as a work session to discuss other possible revisions to the residential districts and once all revisions are deemed complete, each article will need to be scheduled for public hearing before being forwarded to the Board of Supervisors for consideration.

Mr. Gill stated that, for review, and for Mr. Richardson's benefit, he would summarize the changes so far. He referred to the definition for agriculture and stated that the definition of aquaculture had been added to the Code of Virginia, so it was added to the County's definitions as well. He referred to the amusement enterprise definition and stated that the Planning Commission added "or area" because there is not always a structure present during an event. He referred to low profile boat lifts and stated that they are permitted under the private boat pier definition. He stated that a change was suggested because the low profile boat lifts were limited to four and a half feet above the water and it was recognized that sometimes the boat lift must be higher than four and a half feet for a boat to clear the water.

Mr. Gill referred to the "building heights" definition and stated that it was thought to be too subjective the way it had been written. He stated that the new language reads that the height should be measured from the highest grade to the roof peak.

Mr. Brent asked if the local fire departments are capable of handling fires for taller structures.

Mr. Gill replied yes.

Mr. Gill stated that a definition of "hunt club" had been added to Article 1.

Mr. Gill referred to the "half-story" definition and stated that it was thought to be confusing and unnecessary and the definition of "story" was sufficient by itself.

Mr. Gill stated that the term "wayside stand" will be removed but "roadside stand" will remain in the definitions.

Mr. Gill referred to Article 5, Residential District R-1 and stated that Section 5-1-3 under use regulations deals with individual manufactured homes. He stated that when the Zoning Ordinance was enacted, the industry standard for these homes was a 3.25:12 pitched roof, but now the standard seems to be 3:12. He stated that he has had to bring numerous special exception requests to the Board of Supervisors just because of the roof pitch issue. He stated that his suggestion would be, since the industry standard has changed, that the Planning Commission make the change to 3:12 to that section to eliminate so many special exception requests.

Mr. Gill referred to Section 5-1-22 that deals with accessory structures and stated that at the present time, an accessory structure that exceeds the height of the main structure is not permitted. He stated that citizens with a one-story home or manufactured home cannot have an accessory structure taller than their home. He stated that the Planning Commission wanted to help those people and suggested to add the language "with a special exception" so they could be heard, on a case-by-case basis, by the Board of Supervisors. He stated that would give adjoining property owners a chance to voice their concerns, if any. He stated that after the Board of Supervisors' public hearing last month, the Board is considering doing away with the restriction altogether so that accessory structures could be as tall as the main structures. He stated that those structures would still have to meet zoning setback requirements. He stated that the Board of Supervisors has not officially made that change yet.

Mr. Gill referred to Section 5-5-1 that deals with side yard setbacks and stated that accessory structures exceeding one-story would have to be twenty-five feet off of the property line, which is the same setback for main structures. He stated that the minimum side yard setback for one-story accessory structures would be five feet, as it has been all the time.

Mr. Gill referred to Section 5-6-3 and stated that agricultural buildings had been added to that section as being exempt from height regulations.

Mr. Gill referred to Section 5-6-4 and stated that he had removed the language that stated all accessory buildings would be less than the main building in height and changed the more than one-story accessory structure side and rear yard setbacks from twenty-feet to twenty-five feet to conform with the language of the agricultural districts.

Mr. Gill stated that he did not believe that reducing the permitted uses in R-1 is warranted at this time. He further stated that the Planning Commission may consider adding some uses to R-1.

Mr. Lee asked Mr. Gill if there was any one particular use that has come up repeatedly that he thought should be added to the list of permitted uses.

Mr. Gill replied that the only thing that came to mind was aquaculture where citizens wanted to have private oyster floats at their property. He stated that the General Assembly passed legislation about that issue a couple of years ago that made it "by right" in any district that was zoned agricultural. He stated that use still requires a special exception in the R-1 District, but to date, the Board of Supervisors has approved every application. He stated that he could not think of anything else besides the roof pitch issue on manufactured homes.

Mr. Smart referred to the definitions of "basement" and "cellar" and asked why it was necessary to discuss the floor levels of each. He stated that it seemed confusing.

Mr. Chupp agreed. He suggested a definition for a basement and another definition for an English basement.

Mr. Smart stated that he thinks of a cellar having an earth floor and used as storage for crops.

Mr. Gill suggested switching the definitions of "cellar" and "basement".

There was a consensus to make that change.

Mr. Smart referred to the "community pier" definition and stated that almost every community pier that he knows about has overnight docking, when the definition prohibits it.

Mr. Gill replied that, under current code, there should be no overnight docking at community piers.

Mr. Chupp referred to the "campground" definition and stated that he thought the words "for profit" should be included since it is a commercial enterprise.

There was discussion about families using recreational vehicles to house family on weekends and holidays.

Mr. Gill stated that recreational vehicles are not supposed to be inhabited for more than seven days per calendar year, unless that person is building a home on the lot, in which case, the recreational vehicle may be inhabited for a period of six months, and can only be extended by the Board of Supervisors.

Mr. Gill referred to the "portable sawmill" definition and added that the Board of Supervisors did not agree with the fifteen-day limitation for that use before a special exception is required and is looking at ninety days or longer. He stated that the recent newspaper article did not accurately reflect the last Board meeting where that was discussed.

Mr. Chupp referred to the "portable sawmill" definition and stated that it should read "for processing timber" instead of "cutting".

Mr. Chupp referred to the "yacht club" definition and asked why there was a restriction of only one wharf or dock.

Mr. Gill replied that was a good question. He stated that he would check with the Virginia Marine Resources Commission to see if their agency had regulations restricting that use.

Mr. Brent referred to the drawing that shows the setback measurement when the roof eaves are less than three feet and suggested that an overhead shot might show the setbacks better.

Mr. Gill stated that the existing picture actually shows a lot in one view. He stated that the picture shows that the side yard is measured from the foundation wall as long as the roof eave is less than three feet wide, but if the roof eave is more than three feet wide, then the measurement is taken from the roof eave. He stated that an overhead shot may be a good addition to show the rear line.

Mr. Brent referred to 5-1-16 Cemeteries in the permitted uses and asked if they were allowed in R-1 without a special exception.

Mr. Gill replied yes, because churches are allowed and it is reasonable to think a church would have a cemetery.

Mr. Brent stated that if a citizen has a R-1 parcel, they may want to know if a cemetery is going to be close by and suggested a special exception clause.

Mr. Lee asked if that change were made, would an existing cemetery expanding be required to get a special exception.

Mr. Gill replied yes.

Mr. Smart referred to 5-1-24 and asked about the differences between windmills and wind turbines. He stated that windmills are a permitted use, but it does not include wind turbines.

Mr. Gill stated that they worked on the windmill definition in 2009. He stated that he thought the thinking was, at that time, that people did not want to see the big wind generated fans that are seen in other parts of the country. He stated that the newer residential designs are much smaller.

Mr. Gill stated that the Planning Commission might want to consider changing the windmill definition and requiring a special exception for a wind turbine.

Mr. Chupp referred to 5-2-1 and 5-2-2 under area regulations and asked about the difference in minimum square footage for lots with or without public water and sewer.

Mr. Gill replied that citizens served by public water and/or sewer would need less square footage because they would not have to have those utilities installed on their property. He stated that there are also setback requirements from drainfields and wells, which would not apply with lots having access to public water and sewer.

Mr. Gill stated that the R-4 District took the place of the old R-2 District. He stated that the R-2 District was repealed in June 2005. He stated that the R-4 District is the only district in the County that allows multi-family housing. He stated that there is currently only one R-4 parcel in the County. He stated that he had made the accessory structures and their setbacks consistent with what had been suggested previously.

Mrs. Booth referred to 6A-11-3, under special provisions for corner lots and stated that the sentence should stop after the words "100 feet" so as not to be redundant.

Mr. Chupp referred to 6A-1-21, which lists commercial services such as a bakery, coffee shop, etc. and asked about a grocery store being included. He stated that item might arise when planning a senior development.

Mr. Gill replied that he thought that section was a "catch-all" and the uses need a special exception anyway, so he could add it if the Planning Commission wanted.

The consensus was to add "market" to the list of commercial services in 6A-1-21.

Mr. Gill stated that the R-3 District is more dense than R-1 and mainly consists of parcels in Dyer Shores Estates, Lancaster Shores, Morattico and Lively. He stated that the district has smaller lot sizes. He stated that he had kept the accessory building requirements the same as the other districts.

Mr. Chupp asked if, eventually, an accessory building could be as tall as a main structure.

Mr. Gill replied that was what he thought the Board of Supervisors would decide. He stated that he has checked with other counties and they do not have similar accessory structure height restrictions that we currently have.

Mr. Gill stated that he would make the Planning Commission's suggested changes and bring back the residential districts for review in July.

### **ELECTIONS**

Mr. Gill stated that Article II of the By-Laws of the Lancaster County Planning Commission require the election of a Chairman, Vice-Chairman and Secretary at the May meeting each year. He stated that the current officers are as follows: Chairman-Thomas J. "Ty" Brent, Jr., Vice-Chairman-Tara Booth and Secretary-Crystal Whay.

Mr. Richardson made a motion to nominate and re-elect the current slate of officers. There were no other nominations. **VOTE: 7-0.**

### **OTHER BUSINESS**

Mr. Gill stated that the Planning Commission traditionally does not meet during the month of June, unless an application comes in that requires action on its part. He stated that the Board of Supervisors has many budget work sessions and meetings during the month of June.

Mr. Gill stated that he wanted to update the Planning Commission on the Windmill Point Public Boat Ramp. He stated that Earth Resources was awarded the bid at \$322,000 for the boat ramp, parking area and relocation of the Beach Cove Villas access road. He stated that work had started this week. He stated that Docks of the Bay was the subcontractor for the ramp and courtesy pier and is scheduled to start their work within the next two weeks. He stated that the County was awarded a \$150,000 grant from the Department of Game and Inland Fisheries to help with the associated costs of the ramp, pier and parking lot.

### **ADJOURNMENT**

The May 19, 2016 regular meeting of the Lancaster County Planning Commission was adjourned at 8:15 p.m.