

LANCASTER COUNTY PLANNING COMMISSION

Minutes

August 18, 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 Vice-Chairman Tara Booth, Bob Smart, Steve Sorensen, Glenn Pinn, David Chupp and Tom Richardson. Chairman Ty Brent was absent.

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

Mrs. Booth asked if there were any corrections or additions to the minutes of the July 21, 2016 meeting.

Mrs. Booth made a motion to approve the July 21, 2016 minutes as submitted.
VOTE: 6-0.

CONSIDERATION ITEM

ZONING ORDINANCE REVIEW –ARTICLES 1, 5, 6A AND 7

Mrs. Booth 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-Districts and Articles 3 and 4-Agricultural Districts A-1 and A-2, and would now continue its review of the Residential Zoning Districts, Articles 5, 6A and 7 and its ongoing 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 meetings of the Planning Commission. He stated that this article 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. He suggested that as the Planning Commission members read through the various articles, they determine if there are terms that should be defined. He stated that

things that may seem obvious to staff may not be obvious to those who do not deal with these articles on a daily basis.

Mr. Gill referred to the review of the residential zoning districts and stated that 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 within 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 all suggested revisions from the previous meetings of the Planning Commission for these three articles have been made and highlighted. He stated that staff views this meeting as a work session to discuss other possible revisions to Articles 1, 5, 6A and 7 of the zoning ordinance. He stated that once all revisions are deemed complete, each article will need to be scheduled for public hearing at the Planning Commission level before forwarded to the Board of Supervisors for consideration.

Mr. Gill referred to the definitions of cellar and basement and stated that the Planning Commission thought there needed to be more clarification. He stated that he had tied together the definition of an English basement and a split-level basement that would be counted as a story. He stated that a cellar or basement, in a separate definition, would not be counted as a story. He stated that these were only suggestions and the Planning Commission could change those definitions, if they deem it necessary.

Mr. Gill stated that Mr. Smart had asked about the community pier definition which states that there shall be no overnight docking. He stated that is the way the definition has been since the zoning ordinance was enacted and did not know if the Planning Commission wanted to address it now.

Mr. Gill stated that Mr. Chupp had thought the campground definition should include the words “for profit” and they had been included in the latest revision.

Mr. Gill stated that Mr. Chupp had thought the sawmill definition should read for “processing timber” as opposed to “cutting timber” and that change had been made also.

Mr. Gill stated that Mr. Chupp had asked about the yacht club definition having a restriction of one pier. He stated that he had checked with the Virginia Marine Resources Commission and only one private pier is allowed per parcel, but there is no restriction commercially, so the Planning Commission can address that issue if they wish.

Mr. Gill referred to the sketch at the end of the definitions section and stated that Mr. Brent did not think it showed enough detail. He stated that he had included a hand drawn sketch of an overhead view which could be formalized later, that showed more detail for the setback requirements on both a land parcel and a water parcel.

Mr. Chupp referred to the English basement definition and stated that he understood an English basement to have a walk-out, whereas a basement or cellar did not.

Mr. Smart stated that they are making the distinction as to whether more or less than half of it is below grade.

Mr. Gill stated that if more than half of its height is below grade, it would not be considered a story, but if more than half of its height is above grade, then it is considered a story. He stated that is important when height restrictions are limited to three stories.

Mrs. Booth stated that the words agricultural building is used in three different places, but it is not defined.

Mr. Gill stated that he would add a definition for agricultural building.

Mr. Smart asked why R-4 is Article 6A and R-3 is Article 7.

Mr. Gill replied that Municode labels the articles when they are submitted for publication. He stated that Article 6A replaced Article 6 when the R-2 District was repealed in 2005.

Mr. Chupp referred to accessory buildings and the recent change that they are no longer restricted to be a lesser height than the main structure and asked what would happen if a property owner wanted to put a lighthouse on their property.

Mr. Gill stated that neither accessory nor main structures could be taller than thirty-five feet unless there is additional sideyard in which the maximum height could increase to forty-five feet.

Mr. Smart referred to the yacht club definition and suggested that the wording be changed to wharves and docks, instead of wharf and dock. There was a consensus to make that change.

Mr. Costello asked if the statement in each district that an accessory structure located within five feet of the main structure is considered part of that main structure

would be better stated once in the definitions section as opposed to being repeated in each zoning district.

Mr. Gill replied that he thought it should remain as it is being repeated in each zoning district just as setback and height requirements are repeated in each district. He added that the Department of Environmental Quality did not like that provision in our zoning ordinance when it comes to redevelopment in the Resource Protection Area, but that provision had provided several citizens with the ability to add on to their homes, so he would not recommend changing it in any form.

Mr. Gill referred to Article 5 and stated that Mr. Brent had suggested that a cemetery require a special exception. He stated that churches are already a permitted use and it seems reasonable that a church would have a cemetery.

Mr. Lee asked what would be the reason for a special exception requirement for cemeteries.

Mr. Gill stated that he thought Mr. Brent's concern was that citizens would be informed if a cemetery would be beside or close to their property.

Mr. Smart referred to Section 5-1-22 and asked why the words "4-95 ordinance" was included when the words "those exceeding the main building in height with a special exception" had been removed.

Mr. Gill replied that the words "4-95 ordinance" also refers to accessory buildings, so it should remain.

Mr. Gill stated that there was discussion about windmills and wind turbines at the last review. He stated that, in his opinion, there should be two definitions. He stated that there is no definition for wind turbine at the present time. He stated that a wind turbine is not a permitted use in any of the residential zoning districts.

Mr. Chupp asked if wind turbines were allowed anywhere in the County.

Mr. Gill replied that they were allowed in the commercial and industrial zoning districts, but only for public utilities.

Mr. Chupp suggested having a definition for wind turbines.

Mr. Gill stated that he would come up with a definition for the Planning Commission to review.

Mr. Gill referred to Section 6A-11-3 in Article 6A and stated that the words after "100 feet" have been removed.

Mr. Gill stated that the word "market" had been added to Section 6A-1-21.

Mr. Gill referred to Section 6A-1-18 and stated that R-4, which is the most dense district, has agriculture as a permitted use, and R-1, which is the least dense has agriculture as a permitted use, but with the restriction of a special exception requirement for animal and poultry husbandry on a commercial basis. He stated that if that restriction is in the least dense district, it should also be in the more dense districts. He stated that he had also added that language to the R-3 district.

Mr. Gill stated that the Planning Commission could review the residential articles again in September or schedule them, except for the definitions, for public hearing.

Mrs. Booth asked what the Planning Commission would like to do concerning the residential district articles.

Mr. Chupp stated that he thought they were ready for a public hearing. He stated that Mr. Gill had done a good job with the revisions.

Mr. Costello referred to Section 6A-10-1 and stated that he found the wording confusing.

Mr. Gill stated that he thought the words “for each permitted use” should be removed to make it clearer. The consensus was to remove those words.

Mr. Richardson made a motion to forward Articles 5, 6A and 7 of the Lancaster County Zoning Ordinance, as revised, to public hearing at the September meeting.

VOTE: 6-0.

OTHER BUSINESS

None.

ADJOURNMENT

The August 18, 2016 regular meeting of the Lancaster County Planning Commission was adjourned at 7:30 p.m.