

Clarke County

PLANNING COMMISSION ORDINANCES COMMITTEE MEETING MINUTES TUESDAY, OCTOBER 3, 2017



A meeting of the Planning Commission's Ordinances Committee was held at the Berryville/Clarke County Government Center, Berryville, Virginia, on Tuesday, October 3, 2017.

ATTENDANCE

Present: Randy Buckley, Anne Caldwell, Frank Lee, Gwendolyn Malone, and George L. Ohrstrom, II.

Absent: None

Staff Present: Brandon Stidham, Planning Director; Ryan Fincham, Senior Planner/Zoning Administrator

CALLED TO ORDER

Mr. Stidham called the meeting to order at 4:05PM.

Staff Overview of the Ordinance Update Project

Mr. Stidham began the meeting by handing out a copy of the 1977 County Zoning Ordinance to demonstrate how some of the language and organizational structure remains in our current ordinance. He noted that the current ordinance has some holdover provisions that do not correlate with the more recent ordinance language, and he added that it is a common practice for localities to do a complete rewrite/re-codification of their ordinances to modernize them. He added that having worked on a similar project in a previous job, he learned the importance of organization and the steps that are necessary in order to complete an ordinance update project successfully. He stated that Staff will be progressing in a very slow, deliberate fashion with this project and estimated it would take one and a half to two years to complete.

Borrowing from a model used by another jurisdiction, Mr. Stidham said that establishing linkages and cross-references among the zoning, subdivision, and related ordinances is critical. Mr. Ohrstrom added that he is aware of court cases involving other localities in which cross-references were an important issue. Mr. Stidham said that the County Attorney will be heavily involved in the project and will be reviewing everything that is developed. He also said that detailed indexes will be created that Staff will maintain to track every change from the current ordinances to the new ordinances, noting that he will not automatically provide copies to the members unless requested but will have them in the office for review any time the members want to use them.

Mr. Stidham said that one change he recommends is to create a single definitions section that would be shared by the zoning and subdivision ordinances. He showed the members a table that compares the current zoning and subdivision ordinance definitions noting that all terms highlighted in yellow contain different conflicting definitions for the same terms. He said that there needs to be a single definition for each term, and that definitions should be created for all uses and critical terms used in the ordinances.

Mr. Stidham also noted that when you are researching a use in the zoning ordinance, you have to first determine whether it is allowed in the district under the district regulations section, then look up the definition in the definitions section, and then look up the supplementary regulations in a separate section. Staff recommends that every listed use have a definition and a supplementary regulation and that the definition should not contain terms that are better suited within the supplementary regulation. He said that Staff would propose a uses chapter that lists all allowable uses by zoning district and their supplementary regulations. He added that there are uses the current zoning ordinance that appear in different forms depending on specific conditions such as floor area requirements – the revised ordinance would list every use with a single term and that any conditional language would appear in the supplementary regulation for that use.

Mr. Stidham reviewed a list of County Code sections that apply directly or indirectly to the zoning and subdivision ordinances, noting that better cross-referencing with these sections should be established. He said that Staff is considering recommending that the septic and well ordinances be grouped with the revised zoning and subdivision ordinances because they are so closely tied together. He added that the E&S ordinance, Chapter 189 on outdoor lighting, and sinkhole regulations are other ordinances that may need to be grouped or combined with the revised zoning and subdivision ordinances. He said that the septic and well ordinances also need to be updated but that this would take place after the zoning and subdivision ordinances are updated. Ms. Caldwell asked if he envisioned these sections to be included as an appendix to the revised ordinances. Mr. Stidham replied that he envisioned a multi-chapter document with each chapter being a separate ordinance. He added that it is not a problem to publish the ordinances grouped together in this fashion but that any provisions that are combined or merged into the zoning and subdivision ordinances would have to be reviewed by the County Attorney.

Mr. Stidham then reviewed an example of one of the master indexes that will be used to track the changes from the current to new ordinances along with reference to specific issues that are addressed. Mr. Ohrstrom asked if Staff will be reviewing line by line in this project and Mr. Stidham said yes. Mr. Ohrstrom then asked if the Committee will also be reviewing line by line. Mr. Stidham replied that he will first bring the policy issues to the Committee for direction and ultimately the draft revised ordinances for their review, but that they would not be doing a line by line review to the extent that Staff will be doing it.

Mr. Ohrstrom left the meeting.

Discussion, Draft Project Outline

Mr. Stidham reviewed the project outline which contains an eight-step process for completing this project. He also reviewed the draft project timeline including the projected timeframe and number of meetings for each step in the process. Mr. Lee asked who the audience is for the proposed guidance manual. Mr. Stidham replied that it can be anyone including citizens, design professionals, Planning Commissioners, and elected officials. He reiterated that its purpose is to help explain processes and procedures in a guidance format instead of a regulatory format used in the ordinances. An example would be the steps a citizen would need to follow to build an accessory building. He added that the guidance manual is intended to be customer friendly. Mr. Fincham said that this would help the public better understand processes on their own rather than have to hear Staff explain the processes in person or on the telephone. Mr. Lee said the most important part of this project is to make the processes understandable to the average person. Ms. Caldwell asked if Staff has discussed this with the County Attorney. Mr. Stidham replied that the County Attorney does not have to authorize use of the guidance manual but he will have to review what Staff proposes to move from the ordinances into the guidance manual. He said that the review times for certain applications per State law is one example that would need County Attorney authorization in order to move to the guidance manual.

Discussion, Draft Project Policies

Mr. Stidham reviewed the recommended project policies and the reason for having them. Ms. Caldwell asked whether the policies should use compulsory language since they are supposed to be ground rules. Mr. Stidham said that he used the term, "ground rules," loosely and that he recommends keeping them as policies so that we do not box ourselves in during this process if something unexpected does come up.

Action Items and Scheduling of Next Meeting

Mr. Stidham reviewed the list of policy and technical issues that Staff has developed along with the tracking system to reference them throughout the project. He indicated that the members should come to the next meeting with their own issues to add to the list as well as any questions on the issues that Staff has identified.

The members agreed to meet again on Tuesday, October 31 following the Planning Commission briefing meeting. They also indicated that for future meetings, Tuesdays and Wednesdays (except for the first Wednesday of the month) with a 3:00PM start time work well.

The meeting was adjourned by consensus at 4:47PM.



Brandon Stidham, Planning Director