

**MINUTES
HAMILTON PLANNING COMMISSION
REGULAR MEETING
AUGUST 15, 2012**

A meeting of the Hamilton Planning Commission Regular Meeting was convened at 7:00 PM with the following attendance:

PRESENT: Robert McCann, Chairman
Les Carlson, Vice-Chairman
Chris Cawley, Commissioner
Russ Beal, Commissioner
Larissa Borst, Commissioner

ABSENT: Dimitri Kesari, Council member

STAFF: Jennifer Helbert, Recorder
David Beniamino, Zoning Administrator

PUBLIC HEARING:

- 1) **ZONING ORDINANCE PROPOSED AMENDMENTS** – Consideration of the adoption of the following Zoning Ordinance Text Amendments to the Hamilton Zoning Ordinance

**PUBLIC HEARING NOTICE
TOWN OF HAMILTON
PLANNING COMMISSION**

The Hamilton Planning Commission will hold a public hearing in the Town Office at 53 E. Colonial Highway, Hamilton, Virginia on Wednesday August 15, 2012 beginning at 7:00 p.m. for the purpose of considering the adoption of the following text amendments to the Hamilton Zoning Ordinance:

1. **ARTICLE 1 TITLE, APPLICATION, PURPOSE, INTERPRETATION, *Section 2, Application.*** Add the following to end of section: “Anything not specifically permitted by this ordinance is considered to be prohibited.”
2. **ARTICLE 2 DISTRICTS AND DISTRICT MAPS**
 - a. ***Section 2. Establishment of Districts:*** revises language to state that the Town Zoning Administrator, instead of the Mayor, will date and sign the Town Zoning Map.

- b. **Section 3. Annual Revision of Zoning Map:** revises language to states that Zoning Administrator shall revise the zoning map to reflect zoning changes within thirty days.
- c. **Section 4. Information copies of Zoning District Map:** adds language that zoning map will be available on Town's website and deletes monetary charges for copies of zoning map.
- d. **Section 6. Interpretation of District Boundaries:** adds language to subsection 5 that properties shall be considered legally non-conforming if zoning map error/omission results in properties without zoning district classification.

3. ARTICLE 3 GENERAL PROVISIONS

- a. **Section 2. Street Frontage Required:** Deletes street frontage requirement for lots.
- b. **Section 4. Accessory Buildings; Prior Construction and Use:** Substitutes "primary structures" for "main buildings"; deletes exemption for accessory farm buildings.
- c. **Section 5. Use of Certain Facilities for Accessory Buildings or Dwellings Not Permitted and Section 6: Uses not Permitted Are Prohibited:** Prohibits certain facilities from being used as structures.
- d. **Section 7. Construction Trailers and Temporary Structures:** Establishes standards for construction, sales, temporary portable storage and dumpster structures, such as size, parking, duration, and restroom requirement.
- e. **Section 10. Limitations on the Keeping of Animals:** Allows keeping of pets within dwelling or in permitted accessory structures; prohibits keeping of wild animals and keeping of animals for sale or commercial purposes; Deletes chart showing number of animals per lot size.
- f. **Section 14. Home Occupations:** Eliminates 400 sq. ft. maximum area; allows one non-family member employee; prohibits parking or storage of commercial vehicles.

4. ARTICLE 5 NON CONFORMING USES AND STRUCTURES

- a. **Creates Purpose Language:** The purpose of this section is to regulate and limit the development and continued existence of uses, structures, and lots legally established prior to the effective date of this Ordinance which do not conform to the requirements of this Ordinance. Many nonconformities may continue, but the provisions of this subsection are designed to curtail substantial investment in nonconformities and to bring about their eventual improvement to a conforming status or elimination in order to preserve the integrity of this Ordinance and the desired character of the Town and to protect the public health and safety.
- b. adds "structures" to provision; substitutes "structure" for "building" throughout the Article
- c. **Section 1. Non-conforming Use and Structures May Be Continued:** prohibits any increase to the square footage of a non-conforming structure; allows change from one non-conforming use to another non-conforming use, without expansion, permitted by special exception within the same zoning district; change must be approved by Town Council with finding that proposed use is equally appropriate; allows imposition of conditions/safeguards.

- d. Section 11.7 Major Recreational Equipment, Parking and Storage:* prohibits the display of recreational vehicles for sale; states that the Loudoun County Sheriff's Department shall enforce violations of this section.
 - e. Section 1.8 Commercial Vehicle Parking:* prohibits commercial vehicle parking in any residential district
 - f. Section 11 Satellite Dishes:* removes subdued color requirement for satellite dishes; requires zoning approval for screening on flat-roofed buildings; removes satellite dish installation as a special exception use.
 - g. Section 2 Temporary Uses:* removes wayside stands, Christmas tree sales and other temporary uses as permitted uses in residential districts and wayside stands in non-residential districts
 - h. Section 2.4 Yard Sales:* removes wayside stands and applicable requirements from the section.
 - i. Section 3. A Site Grading Plan Shall be Submitted for Any of the Following:* requires a site grading plan whenever an area of 5,000 square feet or greater is disturbed.
 - j. Section 4. Special Regulations for Residential Day Care of Home Child Care, Nursery Schools, Kindergartens, Child Care Centers, Day Nurseries or Day Care Center, Private Schools, Technical or Business Schools, Colleges or Universities:* eliminates requirement for direct access to an existing public street and substitutes requirement for a Traffic Impact Analysis to ensure existence of transportation infrastructure
 - k. Section 5.8 Earth borne Vibration Standards:* deletes section.
8. **ARTICLE 9 LANDSCAPING, SCREENING AND OPEN SPACE REGULATIONS**
- a. Section 1.2 Applicability:* clarifies that site the Article applies to all site plans, subdivision applications and all zoning permit applications within the Town corporate limits; substitutes "site plans" for "site development plans" throughout the Article
 - b. Section 1.5 Contents of Landscape Plan:* adds certified engineer and land surveyor to list of professionals qualified to prepare plans
 - c. Section 2 Street Tree Planting:* clarifies that plantings must meet minimum requirements of Article
 - d. Section 3 Parking Lot Landscaping:* removes even interval planting but clarifies compliance with minimum requirements of Article
 - e. Section 4 Screening and Buffer Yard Requirements:* allows zoning administrator review/approval of alternative screening methods for greater than 50% FAR enlargement of existing structures
 - f. Section 4.5 Buffer-Yards:* removes requirement for proposed development to provide required buffer, or receive credit for existing buffer
 - g. Section 5.6 Monitoring and Enforcement:* eliminates criminal misdemeanor as penalty for violation
 - h. Section 7 Fences:* sets forth definitions for permitted fence types; prohibits electrified and radio-controlled fences; permits solid fences within corner-side yards so long as visibility is unobstructed; removes requirement that screening

fences match predominant material of structures; includes above ground swimming pools in definition

9. **ARTICLE 10 SPECIAL USE PERMITS AND PLANNING COMMISSION PERMITS**

a. Section 1 Purpose of Special Use Permit and Planning Commission Permit Procedures: clarifies that the Planning Commission reviews and approves Commission Permits; substitutes “Planning Commission Permit” for “Commission Permit”

b. Section 2 General Standards and Guidelines: adds language that the Town Council may impose reasonable conditions that mitigate the impacts of a proposed special use; clarifies that the Town Council may overturn the decision of the Planning Commission regarding a commission permit application

c. Section 3 Procedures, Site Plan Required: clarifies that the Planning Commission makes a recommendation to the Town Council regarding a special use permit application; removes automatic approval of a special use permit if the Planning Commission fails to act within 90 days; eliminates appeal of Planning Commission decision

d. Section 6 Lapse of Special Use or Commission Permit: provides that a special use permit or commission permit remains valid for two years, instead of one year

10. **ARTICLE 11 BOARD OF ZONING APPEALS**

a. Section 1 Composition: clarifies that the Town Council recommends Board of Zoning Appeal appointees to the Loudoun County Circuit Court which approves appointment

b. Section 5 Variances: substitutes “undue hardship” for “unnecessary hardship” for variances considered by the Board of Zoning Appeals

c. Section 6 Zoning Administrator; authority to grant administrative variances: allows zoning administrator to grant administrative variances from building setback requirements with required notices and procedures

11. **ARTICLE 12 CHANGES AND AMENDMENTS**

a. Section 2 Report of Planning Commission: removes requirement of Town Council majority vote to grant extension to Planning Commission review period.

b. Section 6.2 Proffers in Writing: substitutes “proffer conditions in writing” for “proffer in writing such reasonable conditions”

12. **ARTICLE 13 ADMINISTRATION AND ENFORCEMENT**

a. Section 5 Procedures for Approval of Site Plans for Special Use Permits Which Require Approval by the Town Council: clarifies that preliminary and final site plans must comply with the applicable provisions of the Hamilton Subdivision and Site Plan Ordinance

13. **ARTICLE 14 FLOODPLAIN AND AGRICULTURAL-FORESTAL DISTRICTS**

a. Generally clarifies that the Town Council, not the Board of Zoning Appeals, grants special use permits in these districts.

b. Section 13 Uses Permitted with a Special Use Permit: clarifies that the Town Council is the body that reviews and approves special use permits

- c. Section 14 Factors to be Considered When Granting a Special Use Permit:*
clarifies that the Planning Commission and Town Council must consider/satisfy all relevant factors and procedures in reviewing a special use permit in a floodplain of Ag/Forestal District

14. **ARTICLE 16 SCENIC CREEK BUFFER**-repeals this Article
15. **ARTICLE 16 DEFINITIONS**-revises definitions for Accessory Structures, Alleys, applicant-owner, automobile salvage or wrecking yard, Berm, Board, Building, Business and Professional Office, Child Care Center, Church, Clinic, Commercial Use, Comprehensive Plan, Deck, Developer, Driveway or Access way, Dwelling- Manufactured Home, Easement, Engineer, Evergreen, Fence, Floor Area, Garage-Private, Garage-Repair, Impervious Surface, Junk Yard or Automobile Graveyard, Library, Noise, One Hundred-Year Flood, Outdoor Storage, Property, Restaurant, Retail Stores and Shops, Right of Way, Satellite Dish Antenna, School, Setback, Site Development Plan, and Use.

These amendments are authorized by Code of Virginia of 1950, as amended, §§ 15.2-2279 through 2286; -2289, -2290, -2292.1, -2296 through -2302 and -2308 through -2312

Additional information regarding these proposed zoning ordinance amendments is available for review at the Town Office, 53 E. Colonial Highway, Hamilton, Virginia from 8:00 a.m. to 4:30 p.m. Monday-Friday, holidays excepted.

If you require any type of reasonable accommodation, as a result of a physical, sensory or mental disability, to participate in this meeting, contact Lori Jones, Town Treasurer at 540-338-2811. Please provide three days' notice.

There being no public comment the public hearing was closed.

CALL TO ORDER:

Chairman McCann called the Hamilton Planning Commission meeting to order at 7:03 PM.

MINUTES:

Vice Chairman Carlson made a motion to approve the March 21, 2012 Planning Commission minutes as amended.

Motion: Vice Chairman Carlson
Second: Commissioner Borst
Carried: 5-0-1-1 with Kesari absent and a vacancy

Commissioner Cawley made a motion to approve the minutes of July 18, 2012 as amended.

Motion: Commissioner Cawley
Second: Commissioner Beal
Carried: 5-0-1-1 with Kesari absent and a vacancy

PUBLIC COMMENT:

None Scheduled

REPORT OF OFFICERS:

None Scheduled

STANDING COMMITTEE REPORTS:

None Scheduled

SPECIAL COMMITTEE REPORTS:

None Scheduled

OLD BUSINESS:

1) Zoning Ordinance Proposed Amendments

Mr. Beniamino stated that if all the Commissioners are in agreement with the amendments then staff would recommend that the Planning Commission move this to the Town Council.

Commissioner Beal made a motion to accept the proposed Zoning Ordinance Amendments and move them to the Town Council for approval.

Motion: Commissioner Beal
Second: Commissioner Carlson
Carried: 4-1-1-1 with Borst voting Nay and Kesari absent and a vacancy

2) Review of Article 4 (District Regulations) Zoning Ordinance

Mr. Beniamino stated that he would like the Planning Commission at their next meeting to look at the commercial zoning regulations.

3) Planning Commission Vacancy

NEW BUSINESS:

None Scheduled

INFORMATIONAL ITEMS:

1) Loudoun County SPEX Pre-Application Conference – Day Care at 71 N. Laycock Street

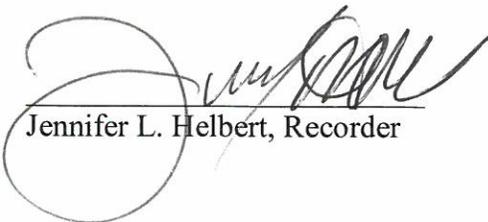
Mr. Beniamino explained the above to the Planning Commission and how these types of applications will work in the future.

ADJOURNMENT:

There being no further business the meeting adjourned at 7:21 PM.



Robert McCann, Chairman



Jennifer L. Helbert, Recorder