



**EDENTON-CHOWAN
PLANNING AND INSPECTIONS DEPARTMENT**

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Chowan County Planning Board

January 17, 2006

Chowan County Courthouse

(Broad Street)

6:00 pm

MINUTES

Ms. Bryant called the meeting to order. She then called the roll, Craig Blanchard, Jack Held, Lia McDaniel, Fred Smith, Jim Leggett and Kathy Williams were all present. Chairman Roger Spivey came in late. Fred Smith was absent.

Ms. Bryant introduced Buddy Blackburn to present.

Mr. Blackburn gave each of the Board members a condensed handout of proposed changes and he said he wanted to give the Board an overview of where he is in preparing the draft Ordinance. Mr. Blackburn said that he has prepared 13 of 15 total sections in the new ordinance.

Mr. Blackburn said that the zoning ordinance has been re-written. He said all of the administrative sections and zoning requirements are included. He said Article 9, Signs and Article 10 are Off Street Parking and Loading will be ready for review soon. He said he prepared an article by article comparison of the existing zoning ordinance and other miscellaneous ordinances.

Mr. Blackburn said that Article I is the standard section that outlines the purpose and authority and where this article applies. He said the only difference in the new section is that there are changes in the General Statues. He said anytime there is an amendment to the zoning ordinance, the Planning Board will look at consistency of supplemental planning documents and the Board is charged to determine a request is consistent with those documents, the Board will make their recommendation with a statement that says the request is consistent. He said the Commissioners will also be required to have a written statement stating what is consistent with the planning documents.

Mr. Blackburn said that Article II includes the administrative entities that are involved in the zoning ordinance. He said staff, the Planning Board, Board of Commissioners and the County Board of Adjustment. He said the changes in the General Statues give Planning Boards the authority to review Special Use Permits or Conditional Use Permits. He said the Planning Board will be involved in reviewing and making approvals of some types of land use permits. He said the Board of Commissioners will make some approvals. He said the Planning Board will review Special Use Permits and the Commissioners will review

Conditional Use Permits. He said this is a new, different role for the Planning Board. He said the zoning administrator, will be appointed to administer and enforce the ordinance. He said that puts a lot of responsibility on staff.

Mr. Blackburn said that Article III, Permits and Hearing Procedures, includes some changes in the way that business is done. He said the Board will require a plot plan and site plan. He said the plot plan is an unsophisticated drawing and will be required for all single or two family dwellings. He said a site plan is required for everything else. He said there is flexibility in the requirements of the site plans where administration can request the information to be included in the site plans. He said the Planning Board will review and approve Special Use Permits and the Board of Commissioners will review and approve Conditional Use Permits. He said the big differences are that a hearing is required. He said it is not a public hearing but an evidentiary hearing. He said the hearing is not to solicit opinions but to gather facts about the request. He said the evidentiary hearings are quasi judicial hearings. Mr. Blackburn said the meeting is operated differently by witnesses are sworn, and only persons who are giving testimony are allowed to participate in the meeting. He said it is not a public meeting where persons stand up and give public input. He said the Board will not require a super majority vote at these hearings, he said it will require a simple majority vote. He said there are details and guidelines for all staff and Boards.

Peter Rascoe, Special Projects Attorney, asked for clarity on Special Use Permits and Conditional Use Permits, issuing authority.

Mr. Blackburn said the Planning Board will issue Special Use Permits and the Commissioners will issue Conditional Use Permits. He said that general public notice is not required on a Special Use Permit.

Mr. Rascoe recommended that Conditional Use Permits be listed as public meetings.

Mr. Blackburn said that Conditional Use Permits would get a recommendation from the Planning Board, and would be listed as public meetings.

Mr. Rascoe said he was concerned with evidentiary hearings; it concerns him when the Board is considering a recommended decision.

Ms. Bryant read the ordinance, by reading, the appropriate permit issuing Board at the evidentiary hearing. She said for a Special Use Permit hearing, the Planning Board is the appropriate permit issuing Board. She said for a Conditional Use Permit, the Commissioners are the appropriate permit issuing Board.

Mr. Blackburn said for a Conditional Use Permit hearing, that the Commissioners will review and approve/disapprove, whether or not the Planning Board makes a recommendation to Commissioners. He said if the Planning Board holds a meeting for a Conditional Use Permit (CUP); it needs to be in a quasi judicial setting.

Mr. Rascoe said he agrees with that.

Mr. Blackburn said he would recommend that the Planning Board not make recommendations to the Commissioners on Conditional Use Permits.

Mr. Rascoe asked if every subdivision will require Conditional Use Permits and added that he personally does not feel it is necessary to have two full hearings for every Conditional Use Permit application.

Ms. Bryant said she feels the Town does this to allow all issues to be “hashed out” at the Planning Board meeting to make the decision easier for the permit issuing authority to move through the case. She added that the number of things that will require a Conditional Use Permit in the County, the number of hearings is much smaller than what the Town UDO requires.

Mr. Blackburn asked for Mr. Rascoe's opinion on making recommendations on Conditional Use Permits.

Mr. Rascoe said he feels that the Planning Board should make some recommendation to the Board of Commissioners.

Mr. Blackburn said that amendments and procedures are included. He said there is a procedure for vested right. He said approval is valid for two years. He said the applicant can be assured that a Board cannot change the zoning once an application is approved.

Mr. Blackburn said that Article IV sets out the zoning districts and talks about the zoning map. He said the current ordinance talks about zoning categories and only a few are mapped. He said he has included all zoning categories are included five are residential (R-5, R-15, R-20, R-25, RMH25) he said there is an A-1 Agricultural District and 3 Commercial Districts (B-1, B-2 and B-3) and two Industrial Districts (I-1 and I-2). He said there are a plenty of districts. He said a new district (R-40) which is rural residential district was created. He said that would require 40,000 square feet of lot area. He said that would accommodate very rural type development. He said there is a change to A-1 that will allow 3 units per acre, and the recommendation is that A-1 will require an acre requirement. He said that Conditional Zoning Districts have been added that allow a special kind of zoning that is related to a specific use. He said there are overlay districts included. He said that supplemental requirements will be added to these overlay districts. He said to eliminate the freestanding ordinances; he has created a flood hazard overlay district. He said the flood damage prevention ordinance was used to create provisions in the zoning ordinance. He said the Highway Corridor Overlay districts will include specific regulations to areas like US 17 and NC 32.

Mr. Blackburn said that Article V is the table of permitted uses. He said it lists whether uses are allowed by right (Z in column), staff review the use (D), Special Uses (S), Conditional Uses (C) and anything with (E) is exempt and everything that is blank will not be permitted in that zoning district. He said use table is grouped by the use category. He

said a column was added to put a reference to the use standards in Article VII or VIII. He said 101 uses have additional standards currently.

Mr. Rascoe noted that Adult Businesses are allowed in B-1 and that use needs to be flagged by the Board.

Mr. Blackburn said the Board needed to determine the controversial uses that they think need to be reviewed by the Commissioners through a Conditional Use Permit.

Mr. Rascoe said there will be debate on where adult business can be allowed. He suggested light industrial. He said that B-1 is general business and can go where general business where the additional criteria can be met.

Mr. Blackburn said communities restrict adult business to one zoning category. Mr. Blackburn said the Board can not prohibit that use.

Ms. McDaniel said she personally would not want to review a Special Use Permit request for a sexually oriented business.

There was more discussion about the additional criteria required in Article VIII for sexually oriented businesses.

Ms. Bryant added that the Board would need to study the use table and compare it to the zoning map to compare each.

There was discussion about temporary events and allowable zoning.

Mr. Blanchard said he was concerned, and stated his desire to regulate obnoxious uses.

Ms. Bryant said that the Board should review the requirements that are attached to the uses in the table. She asked the Board to comment on each requirement that they feel are too stringent or not strict enough.

Mr. Blackburn said Article VI includes density and dimensional requirements. He said this includes the set backs and lot area requirements. He said the table summarizes all the lot area requirements. He said most things are the same except A-1, will be 40,000 square feet which is one dwelling unit per acre. He said the new R-40 will be more residential. He said cluster development is listed at the beginning of this article VI. He said that is where building lot sizes are allowed to be smaller but there is more open space. He said you are not increasing the overall density, but allowing smaller lots to be clustered in one part of a tract but the rest reserved for open space.

Mr. Blackburn said the proposed ordinance is a great way to include all the supplementary documents.

Mr. Blackburn said on Article VIII, Development Standards. He said there are many uses that have specific requirements. He said if there is some impact by a use, there will be criteria or standards that have to be met.

Mr. Blackburn noted Article VIV and Article X are being worked on. He said on article XI, covers administrative mechanisms. He said this section covers enforcement process of violations. He said this section ensures that there is a fair process to deal with violations. He said this section is very similar to the current ordinance.

Ms. Bryant said that Mr. Rascoe wanted to review this section further with Ms. Bryant and Mr. Blackburn.

Mr. Blackburn said Article XII, Nonconforming Situations does not differ very much from the current Ordinance. He said that the biggest difference is that this ordinance categorizes the different kinds of non-conforming situations (setbacks, parking etc). He said this is for not just uses but lots that are non-conforming. He said that there are lots that will not have the minimum requirements. He said the Ordinance can't prohibit all reasonable uses of a lot. He gave examples of non-conforming situations and extending non-conformities.

Mr. Blackburn noted Article XIII, Appeals, Variances and Interpretations. He said that by General Statute the Board of Adjustment is responsible for dealing with these items.

Mr. Blackburn noted Article XIV; Amendments have a couple of changes. He said the largest item here, is when the Planning Board makes a recommendation on a zoning change, there is a written recommendation that addresses consistency with adopted plans. He said this also applies to the Board of Commissioners. He said there are minor changes are on public hearing requirements. He said the statutory changes include, property has to be posted. This will require a sign to be posted on the property. He noted section 14.07; Conditional Zoning restricts the applicant to one use.

Mr. Blackburn noted Article XV, Definitions. He said this section will be changed and amended. He said it is important to have clear definitions for important items. He asked the Board to review these definitions to determine any changes that may be needed.

Mr. Blackburn said Appendix A, determines what information will be required in a site plan or plot plan and reiterated that staff may determine which of these items will be required based on the proposed use.

Mr. Blackburn said that some changes in the zoning ordinance will also mandate changes in the subdivision ordinance.

Mr. Rascoe suggested that some adjustments be made on the variance/appeals article. He said the notice of violation will not be appealed, but the order is what is to be appealed.

Mr. Blackburn said that he has progressed in adding property lines to be included in the zoning maps. He said he needs polygon data to fill in the lots. He said some zoning

boundaries will be added. He shared a map showing the proposed ETJ boundary and one mile jurisdiction lines.

Ms. Bryant said she will check into the polygon data.

Ms. Bryant noted that Highway 94 and 37 may need to be included in the Corridor Overlay district.

Chairman Spivey asked if there were any additions or corrections to the October 18, 2005 and November 15, 2005 minutes (Being none) he declared the minutes approved as written.

Chairman Spivey asked if there was any further business, (Being none) he declared the meeting be adjourned.