



**EDENTON-CHOWAN
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Chowan County Planning Board Minutes

August 16, 2005

7:00 p.m.

Chowan County Court House

Roll call was taken: Roger Spivey, Jim Leggett, Fred Smith, Kathy Williams and Lia McDaniel were present.

Staff Present: Elizabeth Bryant, Planning Director; Peter Rascoe, Special Projects Officer; Cliff Copeland, County Manager

Chairman Roger Spivey called the meeting to order.

The Chairman asked if there were any additions or corrections from the June 21, 2005 meeting minutes. There being none, the minutes were approved as submitted.

The Chairman then asked if there were any additions or corrections from the July 19, 2005 meeting minutes. There being none, the minutes were approved as submitted,

New Business: Review of survey data, preliminary maps and zoning issues

Chairman Spivey: "At this time we will turn the meeting over to Ms. Bryant so that she may present our guests tonight (Perquimans Land Corporation). I would also like to say welcome."

Ms. Bryant then introduced Buddy Blackburn with the Wooten Company. She stated that Mr. Blackburn has been doing a Land Use Survey of Chowan County and that he was there to present his findings from that survey. She also stated that he was going to share some general statistics and go over some information that was included in the packets regarding potential zoning issues for Chowan County.

Mr. Blackburn stated that he was going to go over what conclusions he has determined with the Existing Land Use Survey. He wanted to address some of the issues brought up in the public informational meetings and changes that may need to be addressed. He shared that he had some handouts for the Board to review at their leisure. He explained that they were looking at a "generalized land use map" that was developed by a ride through survey. He explained that the Wooten Company came up with a land use classification. He stated that the goal was to identify current land use as well as assisting with the CAMA Land Use Plan update.

He stated that the County will have electronic map data by the end of the year. He stated that they will be able to transfer the information they have written on paper maps during the county drive through and transfer current land use directly onto the electronic maps. He explained the map to the Board. He asked if the Board had any questions about the map.

Mr. Leggett asked if Mr. Blackburn expected big changes when he adds property lines.

Mr. Blackburn said that no, he hoped not and stated there will be little pieces of property that have been re-subdivided or combined that will be different than the current information. Property records may have to be researched to determine some uses of property. He stated that this survey was done by riding down the roads but did not go on private property and what you see from the road is what is included.

Mr. Rascoe asked when the Wooten Company makes their recommendations to the Board, would the line coincide with the property lines.

Mr. Blackburn answered yes.

Mr. Leggett commented that what is showing up as 44% Residential, Agricultural 17.04%, and Vacant 35% are the three primary land use categories. He asked if the Board if there were any surprises on that.

Mr. Rascoe asked what is vacant, and asked for a description.

Mr. Blackburn said if the land was being used for agricultural category. But there is land that doesn't have a structure or obvious use it could be forestry use or could be wetlands. A good deal of the land shown as vacant is not necessarily developable land. In some cases there may be double counting, for example, if a parcel was split by a road and has the same owner, and there is a use on each side of the road, it would show up as two parcels but it may be one owner and one parcel. He stated eventually when the electronic data with the property lines they would be able to adjust the numbers based on acreage and parcels.

Mr. Rascoe stated that the vacant category surprised him.

Mr. Leggett stated that the residential percentages were higher than he expected it to be.

Mr. Blackburn reviewed the handout on Existing Land Use Summary, Chowan County. He stated that the second two pages on handout were broken out and that he found it useful in the initial survey to consolidate some of the categories, to show the patterns. He stated that later when the categories are added to the electronic maps, the uses will be labeled more specifically. I think this Land Use pattern follows what I would expect general Land Use patterns to be outside the Town of Edenton. Primarily residential, single family detached manufactured homes and a scattering of commercial and retail services. There is some concentration of industrial uses around the airport area.

Mr. Leggett asked if vacant means developable.

Mr. Blackburn stated that at this point it would be land that would be developable and land that would not be developable.

Ms. Bryant stated that in some subdivisions such as Cape Colony, Chowan Beach and Arrowhead Beach they have noted some vacant parcels. It looks like it is some developable and un-developable on the Land Use Plan map.

Mr. Blackburn stated when this map is finalized the subdivision uses will not be all listed as what is existing but what is projected uses of the land changing some vacant uses to residential. He stated that in the next few months they would come up with different types of maps that would key in on certain sections and enlarge it so that the Board can see the pattern better. He said he felt this was a good start.

Mr. Blackburn went on to talk about potential revisions to the current regulations. He passed around the handouts. He said that he felt these are items that may need to be addressed and wanted the Boards stand on need for addressing. He stated that he came up with this list by going over this information with Elizabeth and Peter with a lot more detail. The first item was swine farms. He stated that in North Carolina, farming activities are exempt from County zoning but not city zoning. He said that several years ago there was an amendment to the State that authorizes Counties to specifically include swine farms as a use that could be controlled through County zoning. He said there is a moratorium until September 2007. He stated that other Counties have added this use to their zoning ordinances. He said that the State has several regulations on swine farms.

Ms. Bryant clarified that Mr. Blackburn was referring to new swine farm operations, not existing.

Mr. Blackburn said that while Counties can develop zoning regulations for swine farms, you can't in effect have the effect of zoning them out completely. He said the question was if that was a type of use the Board needed to address.

Mr. Smith asked about the extension of the moratorium. He said there were not many places that an operation could go anyway.

Mr. Blackburn said that the County has an advantage to say "in this part of the County we don't think swine farms would be appropriate based on our projected land use for this area, but they would be over here."

Ms. Bryant asked if they "could not lump in a chicken farm operation into that classification."

Mr. Blackburn replied that legislation specifically says swine farms.

Chairman Spivey asked if poultry farms could be included in the regulations.

Mr. Blackburn said that he would check again but he did not think that legislation included poultry farms and he did not think it would change.

Chairman Spivey stated that there had been more controversy over poultry farms than swine use and that there were more poultry operations in this county.

Mr. Leggett stated that he felt that adding swine to the ordinance could bring heartache to people who wish to raise these.

Mr. Rascoe stated that he felt there were areas that the Board would not want to allow swine farms and he felt it should be included in the ordinance.

Chairman Spivey agreed with Mr. Rascoe and reiterated his point about the controversy over poultry operations in Chowan County.

Ms. McDaniel said that she felt the Board may want to look into including a swine farm ordinance.

Ms. Bryant asked Mr. Blackburn if the Board set up regulations for swine farms or intensive livestock operations could they later include poultry operations if legislation passes laws regarding poultry farms.

Mr. Blackburn stated that yes that was possible if authorized by the state and read the state law on zoning regulations for swine farms.

Ms. Williams asked if the Board could include it in the wording if the state authorizes any poultry laws.

Ms. Bryant stated that when the state authorizes the law the Board would go back and amend the ordinance to add poultry farms into the intensive livestock category.

Mr. Blackburn asked the Board if the consensus of the Board was to leave swine farm use as a possibility of adding to the ordinance.

The Board did not object.

Mr. Blackburn stated the next issues was Gateway Corridors or taking a look at the major routes into the County and being able to have specific regulations that relate to how land is developed and used along those corridors. He said this may include greater regulations for landscaping, buffering, signs or lighting. He said a lot of communities have Corridor Overlay districts. He stated that Edenton has one now. He asked the Board if corridor overlays are special areas that may needed in the ordinance.

Ms. Bryant gave an example of how the corridor overlay plan would affect a potential development on Highway 32. The district would have stricter standards than a secondary road. She asked if the Board was interested in having an overlay for 32 or any highway that the Board feels is a major corridor to set a standard for the way things should look. This does not affect residential properties as it would commercial structures or developments.

Mr. Leggett said he wondered if they should not consider this because 32 is not a four lane Highway like 17. He feels that is an important primary route. He asked how far the Edenton Corridor Overlay Plan extends.

Ms. Bryant stated that it extends out with the ETJ on Virginia Road to Farm Bureau, on Broad Street Extension to the bypass, West Queen Street to the ETJ around the American Legion and on East Church to Pelican. The 17 bypass is not part of the Corridor Overlay. It is in the ETJ and most of it is controlled access.

Mr. Blackburn stated billboard was an issue that needs to be addressed. He stated the question is if the use could be limited to certain zoning classifications. He said this is one thing you would want to decide where you want to allow billboards.

Chairman Spivey stated that there are regulations on size and height.

Mr. Blackburn stated that local governments have had to pay for moving billboards based on new laws. But government could not force billboard owners to take billboards down.

Chairman Spivey stated that regulations should not cost the County to pay for removal of billboards. He said he wants to eliminate the litigation.

Mr. Blackburn stated that the types of permitted uses. Currently there are only uses allowed by right, or by special use permit. He suggested having 3 tiers of permits to include certain uses to be allowed without public hearings. Allowing uses if development standards that are outlined in the Ordinance are met. He shared a sample use table developed by Pitt County with the Board. He asked if the Board felt this was reasonable.

Ms. Bryant said that she felt like this was a good idea and the staff would find this beneficial. She said if at any time the Planning Board or Commissioners decide that a use was given a second tier level needs to be changed to require Board approval only requires an amendment of the ordinance.

Mr. Leggett stated he agrees with Mr. Blackburn and Ms. Bryant. He wondered if this would cut more freedoms from the public.

Mr. Blackburn said that people in the development business prefer things this way. He gave examples of how certain uses such as a daycare would be more applicable and uses that have more impact would still require Board approval.

Mr. Blackburn stated that when zoning districts are established, the majority of the County will remain rural or residential.

Mr. Blackburn stated that recreational and open space requirements are currently listed for subdivision based on the number of lots. He said there is nothing specific that relates to other types of residential developments like apartment complexes, mobile home parks and uses that don't require subdivision of land aren't meeting these standards.

Mr. Blackburn stated the next issue was home-based rural business, where someone has a business in their home, such as an office or piano teacher. He stated rural business like a garage or auto repair garage or other business on the property of a homeowner is common in rural areas. He asked if the flexibility addition would accommodate more rural areas.

Chairman Spivey gave an example of more densely populated areas, with smaller lots causing a concern among residents.

Ms. McDaniel agreed that was a concern.

Mr. Blackburn said this definition would include more open/rural areas. And stated this definition would not affect what is already there. He stated Conditional Zoning was related however may be a little more complex. He said Chowan County currently has General Rezoning. He said General Rezoning is when someone may request a change of zoning. He gave out a handout. He stated that Conditional Zoning allows property owners to propose use limitations when requesting rezoning. He gave an example two counties that initiated this type of zoning. He stated that legislation allows this type of rezoning by a Board. He stated that an advantage of Conditional Zoning expedites the approval process where the property owner will know what they want to do and know what they can do to make the site work and offer a plan to the Board. He stated the biggest disadvantage to Conditional Zoning increases the work load of staff, Planning Board and Board of Commissioners.

Chairman Spivey stated if Conditional Zoning was put in the Ordinance and a potential application requests an office building and 5-25 years later he sells the property and the new owner wants to use the property for a different use, he asked Mr. Blackburn what would happen.

Mr. Blackburn stated they would go back through the process of requesting rezoning of the property. He stated that some governments put provisions on the rezoning that if there is no progress in developing the property as proposed, the local government can initiate changing it back to the original zoning. He stated that Edenton has had Conditional Use District Zoning for at least 25 years and the process is a little more arduous. He stated that rezoning guidelines are related to Conditional Zoning. He said that guidelines are needed when the Board is considering rezoning. He stated that when going through the Ordinance there are some inconsistencies between the zoning, subdivision ordinance and other various ordinances. He stated that he listed some inconsistencies that are listed on the handout and he felt that a worthwhile thing to consider is ensuring that the regulations work together and do not conflict. He stated that zoning districts need to be established. He said the Board should see a need to create different types of districts that will accommodate the uses that are current and what the Board may expect in the future.

Ms. Bryant stated that Peter brought up Sexually Oriented Business and the existing regulations already in place. She stated the County has to allow for these types of businesses in some particular area according to state law.

Mr. Blackburn stated that type of use you would want to go through a formal public hearing for the permit review process. He stated this business use is emotionally charged. He said that he would assume the Board would want to identify in the Ordinance as a use

allowed in a Commercial district but is a Conditional Use. In the Ordinance you outline specific standards that have to be met to get the conditional use.

Mr. Leggett asked if any type of business could be prohibited by law.

Ms. Bryant stated only illegal businesses are unallowable.

Mr. Blackburn stated you need to accommodate every legal use somewhere in your community. But you can put restrictions on some businesses. He stated that he wanted to talk about the subdivision ordinance.

Mr. Blackburn suggested open space subdivision design as a possibility of adding to the ordinance. He stated that it is similar to clustering in that it allows smaller lots and more open space left. He stated the reason for this is to preserve open space. He shared a drawing with examples of clustering and preserving open space. He said it not only preserves wet lands but will also preserve agricultural land assets to the County. He asked if this idea would work.

A member of the Board stated that typical crops such as cotton etc... would not work with this type of open space because of chemicals etc.

Ms. Bryant stated organic farming would work more appropriately.

Mr. Blackburn stated that the open space should be specified in the Ordinance who is responsible for it.

Ms. Bryant stated she was interested in this type of planning. She stated for certain size developments it could be particularly important for the Board to look at this and decide if they want to add this. She stated that in her previous presentation that began the whole zoning process for Chowan County an example was given in regards to surrounding counties where farm fields are now acre lots with homes on them. She stated that there is potential with this type of subdivision regulation to preserve some of that 'view shed'. She stated that this would preserve rural character of Chowan County.

Mr. Blackburn stated strip residential development doesn't allow direct access to a main road through an internal road. He stated this ensures public safety concerns through design.

Mr. Blackburn stated that road connectivity requires dedication of stub roads to undeveloped adjacent properties. So that roads may connect with future properties. He stated that the zoning of property can help the land owner/developer determine if road connectivity is necessary.

Mr. Leggett agreed that this type of planning will eliminate some traffic flow on the main road.

Mr. Blackburn stated that land within flood hazard areas is being closely looked at. He stated many people question why development is allowed within flood plains. He stated many communities now state that flood plains are cut out of development or subdivisions.

Ms. Williams stated that during Hurricane Floyd that has condemned buildings still on site and that should be considered by the Board.

Mr. Blackburn stated that the Federal Law states you have to elevate but in his opinion it doesn't make sense to re-build in a flood plain. He state that with subdivisions this would keep land from being chopped into small pieces. He asked the Board on their opinion.

Chairman Spivey asked if flood plain maps will be included.

Ms. Bryant stated flood maps are for the eastern portion of the county, the Pasquotank River Basin. She stated the majority of Chowan County is included in the old flood maps.

Mr. Blackburn said he wants to overlay the flood plain on the Land Use Maps. He stated the Board may want to consider this and determine how much of the County are is within a flood plain. The next issue for subdivisions was nontraditional development. He stated that the regulations allow flexibility to build different kinds of development. He stated a lot of communities require a mandatory connection to water and sewer lines if the proposed subdivision is located within a prescribed distance to an existing line.

Ms. Bryant stated that the County requires that for water but there is no County sewer.

Mr. Blackburn stated if a new development occurs it would make sense to require that connection to an existing line. He stated that waivers are already used with a variance but with a subdivision ordinance may be a little more problematic because there may be a way to do something that will not meet regulations precisely but will end with the same results. He stated there needed to be a process for approval of waiver or certain conditions.

Mr. Blackburn stated these were the major items that the Board should think about.

The Board discussed the topics that were brought up.

There being no further business before the Board, Mr. Leggett motion that the meeting be adjourned.

Ms. Williams seconded the motion. (5-0)