



**EDENTON-CHOWAN
PLANNING AND INSPECTIONS DEPARTMENT**
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Chowan County Planning Board Minutes

September 20, 2005

7:00 p.m.

Chowan County Court House

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

Staff Present: Elizabeth Bryant, Planning Director

Chairman Roger Spivey called the meeting to order.

New Business: Review of proposed ordinances and zoning issues

Chairman Spivey asked for a moment of silence and memory for the persons in the Gulf area facing another powerful Hurricane.

Chairman Spivey then asked for information on subdivision from Perquimans Land Group on Center Hill Road and asked for information from Mr. Blanchard.

Mr. Blanchard stated he had a couple of calls also.

Ms. Bryant stated nothing has been presented to her office at this time. She stated they may be working on it, and no plat has been presented.

Mr. Blanchard stated clearing has begun and the last he heard the group was not doing what they originally presented.

Ms. Bryant stated that meant 10 acres or more and there are no regulations by general statute.

There was some discussion about the progress being made.

Ms. Bryant then introduced the agenda and Buddy Blackburn who was returning from the Wooten Company and stated that he was going to discuss the information that the Board received in their packets. Ms. Bryant stated that Mr. Blackburn had some proposed draft changes to different articles of the zoning ordinance and that is what the Board will review and give feed back on. She then turned the floor over to Mr. Blackburn.

Mr. Blackburn asked if the Board had copies of Article V and Article XVI. Mr. Blackburn stated that he passed out a copy of the planning legislation that relates to county planning and zoning. He stated a few days after that meeting the legislation approved a few changes to the legislation that had been proposed for a long time. He stated one change was to update the general statutes and clarify some things that have been points of contention. He stated this was an attempt to make things a lot more understandable and usable. He stated there were some new things that came up also. He stated many regulations will not become effective until January 1, 2006. He stated the new legislative changes will effect how local governments handle rezoning in the future. He stated there was a sheet in the packets that listed what some of the major changes are.

Mr. Blackburn began with Article XVI. He stated this section of the Ordinance immediately needed attention. He stated he had given a draft re-write of Section XVI so that all changes could be included in the ordinance. Section 16.01 talks about what kind of amendments can be done. Subsection B refers to Conditional Zoning which was included in the statute. He stated the process for an amendment to an ordinance follows a process where a Planning Board makes a review of what is being requested. If the Planning Board does not act in 30 days then the Board of Commissioners can proceed and make the final decision on changes. By statute the Planning Board has 30 days to make a recommendation on an amendment. He stated a request will come to the Planning Department the request is forwarded to the Planning Board the Planning Board reviews the request and make a recommendation to the Board of Commissioners to approve or disapprove and then the Board of Commissioners takes the recommendation along with staff recommendation at a public hearing and they make the final decision on amendments. He stated a wrinkle with the new law that it says specifically that the Planning Board in making a recommendation will provide to the Board of Commissioners a consistency statement as to whether or not the request that is being made is consistent with plans and policies. The Planning Board has to determine how a request fits in with their plan, the Commissioners also have to determine a request in consistent with the plan. Mr. Blackburn stated another change with the new statue relates to ensuring that both Planning Boards and Board of Commissioners, when reviewing rezoning requests or text amendments that they have no conflict of interest in the decision.

Mr. Blackburn began discussion of Section 16.04. Subsection A, County Commissioners will adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explains why the Board considers the action taken to be reasonable and in the public interest. He stated that an Amendment to the Ordinance should be taken seriously. The Planning Board has 30 days to make a recommendation and if no recommendation is made the Board of Commissioners can act without a recommendation. The County provision for protest, if there is a qualified protest to a map amendment, the Board of Commissioners must have a super majority vote instead of the simple majority vote. Mr. Blackburn asked if the County wanted to continue using this tool.

Ms. Bryant stated that the County may not have used this tool but the Town of Edenton has it and has been used once in her tenure. She stated it is a fair tool to include in an ordinance.

Mr. Blackburn stated that there are some Counties that intentionally don't include that in their amendment because it is not authorized in the statute. He stated this process is time consuming for staff but it gives individual citizens more say and involvement in making zoning changes that affect them directly. He stated the protest petition provisions had one change that says that if someone signs a petition, they can ask to have their name removed. He stated that Section 16.05 Public Hearing requirements, the process requires that a public hearing be held by the Board of Commissioners if the Ordinance is going to be changed. The request does not have to be held in a public hearing but if they are going to vote it must be held in a public hearing. He stated that zoning map amendments would be simpler. He stated that in a rezoning amendment request, the County will post a notice on site for proposed rezoning. He read the statutes on Conditional Zoning and stated that the general statutes now validate this type of zoning for Counties. He discussed mandatory Community Informational meetings will be required prior to public hearings to help diffuse any neighbors or adjoining property owner concerns.

Ms. Bryant stated that there is a two year time limit for action to begin by the developer on a Conditional Zoning request. She stated that the Board and Commissioners can recommend that the property can be rezoned back to its previous zoning classification or to another zoning district.

There was discussion about the zoning maps and the process of approving the new zoning maps for Chowan County. The Board requested that the fees for rezoning requests should be raised to reduce frivolous request for rezoning.

Mr. Blackburn stated Section 16.11 Petition Resubmitted; he stated that applicants would have to wait one year to request exact same zoning requests.

There was discussion about nuisance violations.

Mr. Blackburn stated that zoning states how/where uses go in the County. He stated that he was moving on to Article V. Establishment of Zoning Districts. He said that there were inconsistencies in the Ordinance now. He states that R-15, R-25, RMH-25, B-1, I-1 and A-1. He stated that there are other zoning districts mentioned in other parts of the ordinance that this section does not establish. He stated these are the districts that are current and will be created. He compared what classifications are similar between the County and the Town. He stated that there are three commercial zoning classifications B-1 General Business District, B-2 Highway Commercial District and B-3 Neighborhood Commercial and of those three only B-1 General business. He stated that the district names may want to be created to fit more with the Board's plan. He stated that the A-1 District should be expanded to cover a good deal of the rural area outside the fringe of Edenton. This district will allow a wider range of uses. The business in this category will be more appropriate uses. He stated that the Board could come up with different zoning categories but said he would not recommend trying to get too many zoning categories. He stated this complicates everything and does not serve any better to have more categories. He stated that at the next meeting he and Elizabeth would talk with the Board about changing some districts to cover the rural areas of Chowan County.

There was discussion about setbacks and minimum lot requirements for proposed zoning districts and existing subdivisions.

Mr. Smith stated that the ability for land to perk should be listed as criteria for zoning classifications because of the diversity of soil types in Chowan County.

Ms. Bryant agreed that the soils were diverse, however it would be complicated if the zoning was based on soil types throughout the County. She stated the Health Department will require a minimum amount of land to support a septic tank. She stated that if a development was going to install a sewage treatment plant they would have a zoning category that could be used.

Mr. Smith stated the average landowner could be limited because of the cost of centralized sewage treatment.

Mr. Blackburn stated that areas that are known for having soil problems should not be intentionally zoned for high density. He asked if a more diverse rural area that allows more uses is appropriate for Chowan County. He gave the example of Pitt County with the more rural areas of the County that includes residences, business mixed with agriculture. He said that Pitt County needed a zoning district that allowed residences, commercial uses, retail uses, service uses but did not allow large retailers such as Wal-Mart. He said a zoning category that will accommodate many uses. But limit the square footage of some of the uses will prevent low intensity or low impact uses. He stated that he envisions the Northern end of the County would be zoned A-1.

Mr. Blackburn stated that his firm was also helping Chowan County with updating the CAMA Land Use Plan Update. He stated he hopes the two documents will help carry out what the Board wants for the County. He stated the map would help the Board show what they see for Chowan County.

Chairman Spivey stated the Board is concerned with the impact and implications of the zoning and that is why they have so many questions and concerns about the zoning of the County.

Mr. Blackburn stated that the Overlay Districts are currently in the County Ordinances. He stated that Overlay Districts are additional requirements that fit over what the basic zoning category is. He stated that Flood Hazard zones could be designated as a zoning category so that the flood hazard areas could be included in the zoning ordinance. He stated the next meeting they would cover these overlay districts. He stated that the need to keep the districts more simple was important. He asked if the Board had any questions. (Being none) He stated the next meeting he would bring a table back with the districts and uses and let the Board entertain each use in each district.

There being no further business before the Board, Ms. Williams motioned that the meeting be adjourned the motion was seconded being no objections, the meeting was adjourned.