



UDO PLANNING BOARD SUBCOMMITTEE MINUTES
Thursday, September 29, 2022, at 6pm
Old Ag Auditorium, 65 E. Chatham St. Pittsboro, NC

Attendance: Subcommittee Members: Jon Spoon, George Lucier, Caroline Siverson, Eric Andrews, Clyde Frazier, and James Fogleman, Jeannie Ambrose (Environmental Review Advisory Committee), and Charlie Cooper (Climate Change Advisory Committee).

Ex-officio members: Richard Poole (Affordable Housing Advisory Committee)

Planning Staff: Jason Sullivan, Chance Mullis, and Alice DelVecchio.

I. CALL TO ORDER

Chair Spoon called the meeting to order at 6:05pm. Chair Spoon also stated Planning Board member Jamie Hager had to step away from the UDO subcommittee due to other commitments. Chair Spoon also introduced Richard Poole as the ex-officio member.

II. APPROVAL OF MINUTES

Consideration to approve the July 20, 2022, minutes. No corrections required and Chair Spoon made a motion to approve, second by Mr. Fogleman, the minutes were approved 6-0.

III. UDO PROJECT UPDATE

- Mr. Mullis gave a brief UDO update and informed the subcommittee that the consultants are currently working on module three which is the drafting module. The purpose of the meeting tonight is to discuss Chapter 1 and 2 and let us know of the things you like, dislike, and any additional comments or questions to take back to the consultants.

IV. CHAPTERS 1&2 DRAFT REVIEW

Chapter 1 discussion:

- Chair Spoon started the discussion for chapter 1 and asked why do we need to list all the townships in the introduction? Mr. Sullivan stated they have already addressed that, and it will say all unincorporated areas. Chair Spoon also notes Section 1.2 B 7-9 refers to NCDOT and it is important to have these statements.
- Mr. Poole stated Section 1.4 B2. states agriculture uses that are farm status are excluded, but then in chapter 2 there is a lot of material about agriculture zones and it not easy to understand. Chair Spoon stated Bona Fide Farms are exempt from the zoning, is there anything we can regulate or are they completely on their own? Mr. Sullivan stated the uses that qualify for a Bona Fide Farm are exempt from zoning regulations by State Statute. The agriculture district is intended to minimize or reduce the development that can occur in those areas and be in conflict with agriculture.
- Chair Soon stated pages 1-6 and 1-7 are pronominally stating we are in compliance with the State law. Chair Spoon asked about farm worker housing, he had not seen it in Chatham County, but other counties where there is a chicken house on one side of the road and a trailer park on the other, would that be exempt? Mr. Sullivan if it qualified for farm working housing, yes. Typically, the house the farmer lives in is exempt.

- Chair Spoon stated on page 1-9 in section 2 he had underlined “requirements of the Chatham County Code” and why is that different or not incorporated with the UDO. Mr. Sullivan stated it is a hyperlink and it will take you to the code of ordinances, it is basically showing that there are other regulations outside of the UDO. Chair Spoon asked if there was a way to bring them into the UDO? Mr. Sullivan stated no.
- Mr. Lucier stated on D1. water and sewer requirements, does this statement give the commissioners and the Planning Board more authority for water and sewer? Mr. Sullivan stated it does not give more authority, there is a lot in this area that is a word for word carry over from the existing ordinance. Chair Spoon stated it does still seem to have that gray area that has given us so much trouble. Mr. Sullivan stated it is not going to give you any more authority that is already written in the regulations when it comes to the subdivision portion of it.
- Chair Spoon stated on page 1-10 under severability B. is that basically saying that includes if we are legislatively preemptive on different things? Mr. Sullivan stated yes. Chair Spoon asked if we adopt the UDO and then find out there is something that is slipping through the cracks and we start seeing bad proposals because of it, is there any kind of temporary protection we could implement? Mr. Sullivan stated we could adopt it and have an effective date that is later, but it is not uncommon in the first year to have some amendments.
- Mr. Lucier asked if we had a noise ordinance in the UDO. Mr. Sullivan stated that is a separate ordinance.
- Chair Spoon asked about permit choice and the General Statutes 143-755, is it a lot of information? Mr. Sullivan stated yes, it is a lot and several pages long. Chair Spoon stated maybe for the next meeting we could discuss pertinent parts of that Statute.
- Chair Spoon stated on page 1-14 2., what if our inspection department gets way behind and people are not getting vested rights. Mr. Sullivan stated if we are 2 to 3 months behind, we will be worried about much more than inspections. They are 8 days out right now and the State law is 2 days, and they cannot hire inspectors fast enough.

Chapter 2 discussion:

- Chair Spoon stated in the content area under 2.2, should we include a 2.2.18 for adopted small area plans? Mr. Sullivan stated this area is just for the districts not for plans. There is another area where we will put a placeholder for the small area plan and other plans.
- Chair Spoon stated he was looking through the different classifications and was wanting some more clarity on when we would use conditional districts and why. Will that be used when it does not line up with the Future Use Map, or what will trigger that? Mr. Sullivan stated we have asked the consultants to pull anything that says conditional district out which will include 2.2.7, 2.2.8., 2.2.11, and 2.2.13.
- Chair Spoon stated we are on page 2-4 and was wondering if there is ever going to be a time where legacy districts will comply with the new districts or will stay excluded. Mr. Lucier stated we will have to keep them separated unless they would like to change to current district regulations. Mr. Sullivan stated if a legacy district wants to add to it, they will have to switch districts.
- Mr. Lucier asked about tiny homes and what district into which they would fall. Mr. Sullivan stated they have talked about it, and it would probably be in the compact residential district.
- Chair Spoon stated on page 2-5, do we see in the future the differentiation between conventional and conditional that more of the conventional approvals will move more to administration review and the conditional will reviewed by advisory boards? Mr. Sullivan stated yes and there will need to be some

remapping and whatever is in conventional district, it will be reviewed administratively. We are working with the consultants on identifying those different boundaries parcel by parcel. Chair Spoon asked if there will be appeals process for residents that feel they were zoning incorrectly. Mr. Sullivan stated that is what the public hearing will be used for. Once the BOC approves it is completed. Property owners can take us to court, but there is not an appeals process.

- Mr. Frazier asked if they would identify the zoning for each village center and how will that work? Mr. Sullivan stated we are working with the consultants on that, and they will also want to ask us our input as well for village centers and what zoning is best suited for each location. Mr. Frazier asked if they could have multiple zoning identifications so there could be a mix of different uses. Mr. Sullivan stated no, we can only have one zoning district that applies. There will still be a rezoning process, so if an applicant would like to try and rezone it, they can.
- Chair Spoon stated on page 2-8 in section 2.2.1 where it says federal, state-maintained, and privately owned recreation areas, I would like to add county as well. Mr. Sullivan stated this area is mostly for US Army Corps areas and things like that, but we will look at this with the consultants.
- Chair Spoon asked how are they going to determine productive and prime agricultural areas, will that be identified by existing use in 2.2.2 A4? Mr. Sullivan stated we have an internal technical advisory committee with forty staff members, and we will be reaching out to them for their input.
- Chair Spoon stated he would like to see agricultural neighborhoods work; it is a good idea to have a neighborhood build around a sharing agricultural use and would like to see a well-functioning and established neighborhood.
- Mr. Sullivan highlighted that the lot area for AG District has a minimum size of ten acres and the change in the setbacks. There was some subcommittee discussion about this specific size and what can be accommodated in it or less acreage.
- Mr. Lucier stated on the 2.2.4 conservation district under purpose, we added Jordan Lake and water quality and drinking water sources because we do have R5 areas near Jordan Lake and that is a drinking water source. Chair Spoon stated in the dimensional standards, this is the first mention of Family Subdivisions and wanted a definition of that title. Mr. Sullivan stated that is in the definition section and it is currently in our regulations under R5.
- Mr. Sullivan stated the suburban residential district is our R1 areas and pointed out the lot size difference from 1 acre to .5 acre lots with public utilities. This is still being discussed and the different options to make it work.
- Mr. Lucier asked about the maximum number of dwelling units in the compact residential district of 2650, did you use that from Briar Chapel? Mr. Sullivan stated we did talk about that number, and it may go away, or we need to take some time and discuss the correct approach for this. Chair Spoon asked about the max height as 60 feet. Mr. Mullis stated yes, it is determined by what their equipment can handle, so it can be adjusted as they make improvements to the equipment. Chair Spoon stated it will probably be within 20 years we might want 7 to 8 story buildings. Mr. Sullivan stated they talked about 75 feet and 100 feet.
- Chair Spoon stated in the office & institutional district, this is where we really need to be precise on the height of the buildings and how we want these to be laid out. Mr. Sullivan stated one of the things we talked about on the staff side was to remove duplex from this district. Mr. Frazier asked if there will be parking requirements? Mr. Sullivan stated yes, there will be parking requirements and the consultants are working on that.

- Chair Spoon asked if anyone had any comments for the 2.2.11 compact mixed-use district. Mr. Sullivan stated something we are offering is an open space selection and have criteria for priority selection. Chair Spoon asked if the location of this district could potentially be anywhere in the county? Mr. Sullivan stated because these would be conditional districts that would give the boards the flexibility to entertain the proper location of a proposed project.
- Chair Spoon asked on page 2-25 J about neighborhood gathering points, is there going to be a design matrix that define that? Mr. Sullivan stated that is something they will need to discuss and get an idea what that looks like. Mr. Frazier asked if this is the only district with required conservation open space? Mr. Sullivan stated the other districts with open space selection, other modules will need to be clear on how open space is selected.
- Mr. Frazier asked on page 2-26 M. 1B. 2, 3, and 4, contracts with the county, these are all worthwhile things but seem different than affordable housing. Mr. Sullivan stated this is an area where we might have amendments. We want to completely review this section and see what we can produce and ideas from the consultants. There was some subcommittee discussion about the income level and if very low-income level at 30% should be added. Mr. Sullivan stated one thing we need to think about is do we want mobile home parks where you rent the lot or own the lot.
- Mr. Sullivan stated about the compact non-residential district is that the residential piece of that would only be limited to multifamily such as apartments or condominiums.
- Chair Spoon stated we will need some criteria for project approvals and denials within the rural highway commercial district. Mr. Lucier asked if we even need to have this district. Mr. Sullivan stated these will be located in areas that are designated as rural and agricultural on the Land Use Map. This is an area we were discussing if we were to require larger lot sizes.
- Chair Spoon asked if there could be height requirements in the light and heavy industrial districts. It would be bad to have the tallest structure in the county an ugly industrial use. Mr. Sullivan stated that is something we can discuss with the consultants. Mr. Sullivan stated we have also increased the setbacks within these districts.
- Chair Spoon stated in conditional districts 2.3.1 general provisions, in section C uses within district, “or determined to be equivalent uses,” who makes that determination? Mr. Sullivan stated that is a carryover from our current regulation, but that is a staff determination.
- Mr. Frazier stated on page 2-38 A4, he needed clarification to the statement, “a conditional zoning district is not intended for securing early zoning for a proposal.” Mr. Sullivan stated the intent is to apply for conditional district and get approval and get a building permit within 7 years. It is not meant to rezone and then not develop. A good example is Williams Corner, it has been sitting there for many years.
- Chair Spoon asked about the paintball gaming and shooting range uses have an asterisk beside them on page 2-47 but did not see an explanation for the asterisk. Mr. Sullivan stated it is not tied to anything it is just the way it was drafted, and we will double check this with the consultants.
- Chair Spoon also asked why does an art gallery need a special use permit? Mr. Sullivan stated this table is a little outdated and can be adjusted.

V. NEXT MEETING & DISCUSSION TOPICS

- Chair Spoon stated the next meeting will be held on October 27th and we will review what is available to us from the consultants. We will know if we will meet remotely after the October 4th Planning Board

meeting and see if we can vote to approve to amend the Planning Board Rules of Procedure. After that, we hope to meet remotely.

VI. ADJOURNMENT

The UDO subcommittee was adjourned at 8:00pm.