



UDO PLANNING BOARD SUBCOMMITTEE MINUTES

Thursday, December 1, 2022, at 6pm

GoTo Webinar Pittsboro, NC

Attendance: Subcommittee Members: Jon Spoon, George Lucier, Eric Andrews, Clyde Frazier, James Fogleman, and Meg Nealon.

Planning Staff: Angela Plummer, Chance Mullis, and Dan Garrett.

Public Attendance: Jeannie Ambrose, Sandra Savage, and Steve Jenisch.

I. CALL TO ORDER

Chair Spoon called the meeting to order at 6:00pm and asked Mr. Mullis to go over the virtual meeting guidelines.

II. APPROVAL OF MINUTES

Consideration to approve the October 27, 2022, minutes. Minor corrections were required, the motion made by Mr. Lucier to approve, second by Eric Andrews the minutes were approved 5-0.

III. UDO PROJECT UPDATE

Mr. Mullis stated tonight the review will be of the 75% completion of Chapter 4 which includes the accessory and temporary uses section. We are still in the Zoning module, and we are hoping it will be completed by the end of the year or early 2023.

IV. UDO DRAFTS REVIEW

- Chair Spoon stated the document to review is the 75% draft of Chapter 4 “Use Regulations” and as we review this document, we can share any input or concerns as we go, but for the table of uses section it might be easier if we were to write down our comments and provide them to Mr. Mullis, because it is such a large portion of this section of Chapter 4.
- Chair Spoon stated on page 4-5 in the “In General” paragraph the word “morals” is not necessary because general welfare encompasses everything we are trying to do. Also, when we are talking about protecting places, the word “natural” should be added.
- Mr. Lucier stated on page 4-7 4.1.4 B1a, for Relationship of Residential Building to Lots, why are we asking for one of the residential units to be a manufactured dwelling? It seems a stick build dwelling would be just as good. This is something that could be removed. Ms. Plummer stated she made note of that as well, it has been in the ordinance and needs to be updated and removed.
- The members discussed on page 4-8 4.1.4 B2 a&b about primary and accessory dwellings on large lots. It was determined that the language is not clear and needs to be updated so there is a clear understanding of the regulations.
- Chair Spoon stated on page 4-10, 4.4.2 with the paragraph on the bottom of the page. It gives the Zoning Official a lot of authority, are we comfortable shifting that much responsibility and power over to that position or does there need to be some levels of oversight. It is mentioned that there is an appeals process through the Board of Adjustments, but are they qualified to be the body for appeals? Ms. Plummer stated the BOA has their own attorney and the county will have the County Attorney for that process. Mr. Lucier agrees and has some concern about some of the uses on page 4-11 that were stricken out. Ms. Plummer stated even though she carries the title Zoning Administrator, Jason Sullivan is also the Zoning Administrator and decisions like this are not made on an individual basis, we consult

with each other and the County Attorney before any decision is made. Mr. Lucier stated he feels that it still should go through a public comment period. Chair Spoon stated he understands we are trying to make things easier and on an administration level, but there are some reserves and concerns with some of the more advanced industrial processes without expert advice. Mr. Lucier stated there are a lot of unclean uses that are listed that should go through the Planning Board and BOC process. Ms. Plummer stated further down in the chapter it is separated out to be a Special Use Permit.

- Chair Spoon stated we have reached the Table of Uses and it has a lot of pages to cover. He asked the members to write down any of their major concerns and submit them to Mr. Mullis. Chair Spoon asked each member individually if they had anything they would like to add now. Mr. Mullis typed notes would be preferred, please to be clear, and provide them by the end of December.
- Mr. Andrews stated he didn't understand why some uses were permitted in one area, but not another.
- Mr. Lucier stated he has the same questions as Mr. Andrews for the placement of uses, there seems to be a lot of uses that should be allowed in areas, but they are not. Also, it states two family dwellings are not permitted in R1, R2, or R5, so that would preclude homes such as duplexes. There are a lot of different things like that which need addressing. Mr. Lucier also asked for the definition of "Activity Center". Ms. Plummer stated it is areas noted that would have regular retail service, personal services, and some multi-family housing. Mr. Lucier stated he will write his comments and provide them to Mr. Mullis.
- Mr. Frazier stated this is a large table of uses and will submit his comments to Mr. Mullis when he has an opportunity to study it.
- Mr. Fogleman stated he has comments about shooting ranges and the amount of land required to be able to operate a shooting range, also R1 is referred to as 1 acre per house, but really you need 1.5 acre because of well and septic, so that is misleading. We also need to address the tiny home use as well.
- Chair Spoon stated the full zoning definitions are listed somewhere else in the UDO, but there needs to be a short list of the zoning classifications with very short definitions right before this table section so people can refer to it quickly. Overall, this table needs a lot of work, it is too prescriptive in where uses go, but it also places a lot of uses into catchall categories and there are uses that could be permitted by right, which is not good. It seems like nothing is allowed in the residential areas and we need a little more flexibility with that. Maybe more "S" or "L" throughout the Table of Uses so people can apply for Special Use Permits, or when we go through the new map parcel by parcel, we need to identify parcels that would be suitable for a rezoning process. Lastly, we might need to understand the scale of the operation, such as any size agricultural processing operation can go into any agriculture property, that should be regulated and not just by right. Another example is pottery, it is listed in heavy industrial, but if it is a small pottery business that is too large for a home occupation, but it is small enough to have a kiln in your backyard, it doesn't need to be in heavy industrial designation.
- Chair Spoon stated on page 4-69 under 4.3.5 Bed & Breakfast Homes and Inns, it seems like a big jump between 1.5 acres and 3 acres going from 2 guest rooms to 12 guest rooms. Maybe up to 4 guest rooms could be allowed on 1.5 acres, it is not clear how a profit could be made with just 2 guest rooms.
- On page 4-71 under Cottage Courts, Mr. Lucier asked if that addresses the tiny home issue? Chair Spoon stated he does not feel 3 cottages per acre is enough density. We should look and see if only 3 cottages per acre enough density will be to make that model work. Ms. Plummer stated this is just another option to have higher density, this is not tiny homes, tiny homes are regulated by building codes and other regulations like they can not exceed 400 square feet and are considered RV's if they are not placed on a foundation or tied down.

- Mr. Lucier stated on page 4-74 under Event Centers, is 5000 square feet too little for this and Bona Fide are exempt from this category. Ms. Plummer stated 5000 square feet and under do not require sprinkler systems, so if they want it to be larger that will trigger the requirements for a sprinkled building. Mr. Lucier stated for Family Care Homes, why do they need to be ¼ mile apart? There have been some very different views about this distance. Ms. Plummer stated this was researched and it seems to be the standard separation distance.
- Chair Spoon stated on page 4-74 4.3.13 Gas Stations, there might need to be some differentiation or sets of rules for gas stations that will stay open for 24 hours or just normal business hours. Mr. Frazier stated he understands the separation of gas stations from residential areas, but why separation from other gas stations? Ms. Plummer stated that came from what we have been hearing for years that we do not need a gas station on every corner, we need different types of businesses on the corners. Mr. Lucier stated when there is a gas station on each side of the road, most people like that so they do not need to cross an intersection.
- Mr. Lucier stated on page 4-76, 4.3.14 Golf Courses, Tennis Courts, & Recreation Clubs, is this for private and public use? Ms. Plummer stated these are just for public uses. It was discussed and the language needs to be clear what is public uses and private.
- Chair Spoon raised a question on page 4-77, 4.3.17 Hunting and Fishing Clubs if a fishing club would need to have 20 acres. Mr. Andrews stated there is a fishing club and they use multiple ponds for their club.
- Mr. Lucier asked if the Junk Yards section on page 4-77, 4.3.18 is an extension of the current Junk Yard regulations? Ms. Plummer stated this section is going to make things clearer as to what we are looking for as to what constitutes a junk yard, because we have a lot that are on the edge of being a junk yard and in violation, but nothing can be done about it. Mr. Andrews asked if the junk yards in existence will be grandfathered? Ms. Plummer stated yes as far as being permitted, but if there is a new problem at the junk yard then we will have to investigate that situation. Chair Spoon asked how many junk cars can a person have at their private residence before they are in violation? Ms. Plummer stated they are allowed up to 600 square feet of junk, which is about 5 or 6 cars.
- Mr. Andrews stated on page 4-86, 4.3.19 Land Clearing & Inert Debris Landfills, is that classified what we commonly call a stump dump? Ms. Plummer stated she has made a comment to the consultants that these need to be broken into two different categories because of the difference between the materials that are involved.
- There was some member discussion on page 4-87, 4.3.24 Sexually Oriented Businesses, where previously they were only allowed in heavy industry areas, which is still the way they are. Chair Spoon stated is 1000 feet apart necessary, wouldn't we want them to be as close to each other as possible. Mr. Lucier stated it is probable to keep it from being a row of them like other jurisdictions.
- Mr. Lucier stated on page 4-88, 4.3.25 Solar Energy Systems, Level 2 & Level 3, it is clear that Level 1 is for solar on residential properties, but what is the distinction between Level 2 & 3? Ms. Plummer stated Level 2 & 3 are for solar farms. Chair Spoon stated he will ask Ms. Hager if she would like to make any comments on this topic.
- Chair Spoon stated on page 4-91, 4.3.26 Tobacco Retailers, seemed like this section is not necessary, but if we have this section, we should also include vape shops in this section.
- Chair Spoon stated on page 4-96, 4.4.5 Accessory Use Table, personal use shooting ranges and private use airports were appropriate in all districts and feels that they should be limited to more rural and agricultural districts. Mr. Lucier stated he has a problem requiring zoning compliance for storage sheds, gazebos, and things like that, it is an overreach. Ms. Plummer stated they do require a building

permit and if someone wants to put up a gazebo right on their property line there will be issues with the neighbors.

- Mr. Frazier stated on page 4-104, 4.5.5 RV Storage on Residential Lots, do we want to restrict the size of the lots? It says it can be on any residential lot and if there is a dense neighborhood it might cause issues. Ms. Plummer stated we do not regulate the size of the lots because if someone is able to park their RV in the driveway, they are allowed to do that. If a subdivision has covenants restricting that, then that is a private matter, and the county does not get involved or enforced.
- Mr. Lucier stated on the Table of Uses on page 4-65 for electrical vehicle charging stations is not allowed in Office and Institutional, Light Industry, Heavy Industry, or Activity Centers and it seems like this is a use we would want to be allowed in those areas. Chair Spoon stated he agrees, but it seems like there is a difference between a charging point and a charging station. Mr. Mullis stated he is going to look into this with the consultants.

V. NEXT MEETING & DISCUSSION TOPICS

- Chair Spoon stated the next meeting should be held sometime in January to provide time for subcommittee members to submit their comments on the Table of Uses and allow time for the consultants to review. The other UDO subcommittee were in agreement.

VI. ADJOURNMENT

The UDO subcommittee was adjourned at 7:18pm.