



UDO PLANNING BOARD SUBCOMMITTEE MINUTES

Thursday, October 27, 2022, at 6pm

GoTo Webinar Pittsboro, NC

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

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

Planning Staff: Jason Sullivan, Angela Plummer, and Chance Mullis.

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 September 29, 2022, minutes. Minor corrections were required, motion made by Mr. Lucier to approve, second by Mr. Fogleman, the minutes were approved 6-0.

III. UDO PROJECT UPDATE

Mr. Mullis stated he has given the consultants their feedback from the last meeting on chapters 1 and 2. Today we will be reviewing a subchapter of chapter 2 and two sections of chapter 4. Chapter 3 and some of chapter 4 are still being worked on by the consultants. Module 1 should be completed by the beginning of December.

IV. UDO DRAFTS REVIEW

Chair Spoon stated the first document to review is a subchapter to chapter 2 called Activity Center District.

- Mr. Lucier stated from what he understands is the Activity Center District is located on the Land Use Plan in the Community Centers and adjacent to Hwy 15-501, so there are only two areas for these activity centers and is that the intent? Mr. Mullis stated we were also interested in opening it up so there is more flexibility, if the subcommittee feels this is too constrictive, we can make a note of that. Mr. Frazier stated it is appropriate for the activity center to be located near Hwy 15-501 now, but in the future what about Hwy 64 and Hwy 401 appropriate for activities as well. Mr. Lucier stated he thinks just having it located at the community centers is enough and not the highways. We can state these activity centers are allowed in the community areas on the Land Use Map and if the Land Use Plan is amended to add different community centers, then that would be eligible for these activity centers.
- Chair Spoon stated this subchapter seems to be different than the rest of chapter 2 in relation to the level of specificity and design elements that were incorporated. Is this what chapter 2 will look like as it develops, or did it come from somewhere else? Mr. Mullis stated this is a subsection of a base zoning district so it will be more details. Mr. Sullivan stated this will have more specificity so the Boards will have a better comfort level when they are reviewing rezoning items and staff reviewing plans internally. Ms. Nealon stated we are also trying to give more clarity when we write our codes to meet the expectations. This level of specificity and guidance is necessary to deliver the product that is intended.
- Mr. Lucier asked if there will be an affordable housing component in that classification? Mr. Sullivan stated they had met with the County Attorney and there is some legal concerns right now about local government requiring affordable housing. Mr. Fogleman stated this is a hot topic and so is the

availability of rental properties. Chair Spoon stated it is a hot topic and we will have sections of the UDO to address it and it is on everybody's mind.

- Mr. Frazier asked what happens when developers want to build different kinds of buildings as styles change? Chair Spoon stated it is a balance to be prescriptive enough to provide consistency and let the developer know what we do want and what they can get approved, but we also do not want to limit ourselves if things change. Mr. Sullivan stated the consultants met with all the advisory boards and what you are seeing with this level of detail probably came from the appearance committee and from what we have heard from the public. This will also help in the future if a plan does need to be changed it will not need to go through the whole process again it can be approved internally by staff and that is the direction the Board of Commissioners would like to go.
- Chair Spoon stated on page 4 section E subsection C, "If multiple tenants are located in an open retail center, each individual establishment shall have at least one exterior customer entrance which complies with the standards of this Subsection." Why is this necessary? In Southern Village there are buildings with several offices within the building and it has one major entrance, and it does not have individual entrances. Mr. Frazier stated he agrees and noted some other businesses like what Chair Spoon had noted. Chair Spoon asked it to be noted that we would like to see a little more flexibility in this area.
- Chair Spoon stated he had a question on page 2-9 in the footnote where it refers to the Director, is that the Planning department director? Mr. Mullis stated yes.
- Mr. Lucier stated the Tree Protection working group will be making a presentation to the BOC during the December 5th meeting and one of our recommendations will be for the county to hire an arborist and on page 2-10 where it says the Planning Director in the table it should also say County Arborist if the county does hire one. Mr. Sullivan stated maybe we need to add the Appearance Commission as well. Mr. Lucier stated we might want to change the minimum caliper to 2 inches because sometimes the smaller size trees will do better for growth, and we are probably going to want to specify the canopy areas of the trees. Chair Spoon stated he was curious to see if there was anything we could do if a tree that was planted dies within the first year or two, could we make it a requirement to be replanted? Mr. Lucier stated the tree group will be recommending a time for trees to be replaced if a tree dies. Ms. Plummer stated the Appearance Commission is looking into this as well.
- Chair Spoon mentioned on page 2-12 the US 15-501 buffer explanation may need to be broadened to include to whatever road it may occur on. Ms. Plummer stated we need to look at the 40-foot width buffer when the principal structure setback is only 30 feet. Mr. Mullis stated he has noted these comments for the consultants.

Chapter 4 Discussion:

- Mr. Frazier stated on page 4-3 B2, "Examples of major residential accessory uses, and structures include detached garages and carports, storage sheds, workshops, utility buildings, gazebos, stables, private kennels, tennis courts, swimming pools, barns and stables, and antennas (ham radio, CB, TV)." Does storage sheds, gazebos, and TV antennas really need a specific zoning compliance? Ms. Siverson is also wondering if barns and stables is necessary as well. Chair Spoon stated he is concerned we might be getting too prescriptive with some of these structures. Maybe we need this type of restrictions in the denser development, but not on the large country lots. Ms. Plummer stated she is currently working a violation on a large lot where the setbacks were not followed, and the neighbor is upset.
- Chair Spoon stated on page 4-4 that flagpoles are a minor structure and was wondering if it should be designated as a major structure. Ms. Plummer stated we can regulate the location of the flagpole, but we cannot regulate the content of the flag. Chair Spoon stated playhouse could be misinterpreted. Mr.

Sullivan stated yes, we need to make note of that and clearly define what a playhouse is. Chair Spoon asked if fences have any setback requirements? Mr. Sullivan stated they can be placed right on the property line. Fences can be up to 15 feet high as well.

- Chair Spoon stated he has a question on page 4-5 in the chart under major accessory structures, essentially, we could have a 60-foot shed if it was built in the right place. Mr. Mullis said yes it could happen. Mr. Sullivan stated we are also seeing people building homes larger than 15,000 sq ft as well.
- Ms. Siverson stated under the exempt home occupation in our ordinance they are allowed one unlit sign, but here it is not listed and was that intentionally left out? Ms. Siverson also asked about how the art studio tour would be accommodated where a few weekends a year there might have a lot of traffic. Lastly, there is some concern about the entrance and exit requirement because there are small home occupational businesses where you might not want people coming into your home and this might limit them. Mr. Frazier agrees with Ms. Siverson about the entrance concern and does not see a reason for it. Chair Spoon stated he agrees for the most part these should be exempt home occupations, but maybe there should be a bullet point at the bottom noting, provided there is no excessive noise, odor, or other disturbance.
- Mr. Andrews stated he is not sure where we can address this, but one of the most complaints he is hearing are people who park their dump trucks at their residents. It is not just one truck either, but multiple trucks. Can this be addressed anywhere?
- Chair Spoon asked if an accessory building is allowed to have a basement, and would the square footage be counted? Mr. Plummer stated when they apply for a home occupation in an accessory building, even though it may meet zoning regulations, we rely on the review from the building inspector and if it had a basement, it would need to be accounted for or not be used for that home occupation.
- Chair Spoon mentioned within the table of home occupation on page 4-9 there seems to be dots where there should be an x or vice versa when it comes to client visits per day. There was some discussion on this topic and Ms. Plummer stated this would be a zoning enforcement problem. There was also some discussion about the art tour and a form to be filled out for special occasions for temporary events with higher foot traffic.
- Mr. Frazier mentioned on the chart on page 4-9, "Any commercial vehicle associated with the home occupation is not parked outside of an enclosed building on a regular basis." If someone has a pickup truck associated with the home occupation, it seems to me at least in on a large lot they would not need to park it inside a building. Ms. Siverson stated they may not even have a garage to pull into.
- Chair Spoon stated on page 4-10 section G1, "visual screening shall be installed to provide a minimum a 15-foot-wide opaque screen." Would a 15-foot-wide screen cover enough, maybe if it is just trying to hide certain angles.
- Mr. Frazier stated at the top in the performance standards, visual screening is required in rural areas, but not large or small lot areas, this seems backwards? Ms. Nealon stated it seems it is because the smaller lots will not allow some of the outdoor structures to screen.
- Chair Spoon stated on page 4-11, there should not be any private airports or shooting ranges allowed in any zoning jurisdiction, they should be limited to rural, agriculture, or large lots. It is not clear if we were allowed to do that legally. There was some subcommittee board discussion about the locations of shooting ranges and private airports and where they should be allowed and not allowed. Mr. Sullivan stated we are asking the consultants for more clarity because of some of the issues we are already having within the county.

- Chair Spoon stated on page 4-11 within the footnote, drones should be classified different than ultralights and airplanes, you should not need an airport for a drone.
- Mr. Frazier asked on page 4-12 if 20 feet was high enough for people who want to grow crops under the solar collectors? This was noted for the consultants to investigate it further.

Temporary Uses & Structures Discussion

- Chair Spoon stated on page 4-5 under “Classification of New & Unlisted Temporary Uses,” he agrees the zoning administrator should be to make these calls, but is there some criteria for that or is just the things that might have an impact on the neighbors?
- Chair Spoon stated on page 4-6 under “constructed related offices,” under the allowed locations, what would be allowed adjacent to the property being constructed? Ms. Plummer stated in a development type situation where the construction trailer might be on a parcel that is not on the area that is under construction.
- Mr. Mullis asked if they think there should be any additional temporary uses such as temporary dumpsters, portable storage unit, or recycling drop off trailers, things like that? Chair Spoon temporary dumpsters would be something to consider. Chair Spoon asked if the application comes from the property owner, or could it come from the retailer of these items? Ms. Plummer stated the application would need to go through Food & Lodging, and if they are setting up on a private property, then both parties need to be involved and sign off. If it is mobile vender, then they get their permit through Food & Lodging, and will setup at different businesses parking lots normally.
- Mr. Frazier stated the commercial film and film production activities requiring a zoning permit, movies are a small footprint, people can make movies on their phones these days. Chair Spoon stated it would be a pretty big production for them to be required to get a permit.
- Chair Spoon asked about the potable classrooms, under allowed locations, could we limit it, so the portable classrooms must be on school property? There was some discussion, and it does not seem like a portable classroom would be located off school property.
- Ms. Siverson asked about the seasonal farm stands, does that apply to farm stands that are located on the farm and if so, we should not limit them to 195 cumulative days because we are trying to encourage other income streams for farmers. Ms. Plummer stated this does not include on-site farm stands on farms, those are protected by State Statutes.
- Chair Spoon asked on page 4-8 about special events on private and public property, are we going to have a penalty for non-compliance if people do not to fill out the proper paperwork and turn it in? Ms. Plummer stated if they do not know that there is a proper procedure, we will allow them the opportunity to comply, if they do not care, then there will be zoning enforcement.
- Mr. Frazier asked about the off-street parking requirements and how would that impact the studio tour? Ms. Plummer stated she had not heard any traffic concerns for the studio tours because it is something that goes on all day over the weekend, however if they will need to utilize a public road, we will need a mechanism to notify NCDOT and the Sheriffs Office for traffic control.
- Chair Spoon stated on page 4-9 under section C 3, about the feasibility and practicality that temporary structures must meet all building and fire code requirements, legally do we have to say that? Ms. Plummer said yes, they must meet those codes so there is not any threat of losing a life in those structures on a construction site.

V. NEXT MEETING & DISCUSSION TOPICS

- Chair Spoon stated the next meeting will tentatively set for December 1st or 15th depending on the material provided by the consultants. Chair Spoon also stated it is nice to have these meeting remotely for the conveniency and thinks we should continue to use the virtual platform for these meetings.

VI. ADJOURNMENT

The UDO subcommittee was adjourned at 7:20pm.