

CHATHAM COUNTY PLANNING BOARD
MINUTES
Special Meeting
August 28, 2008

The Chatham County Planning Board met in special session on the above date at Central Carolina Community College [multi-purpose room, building #2] in Pittsboro, NC. A quorum was present to begin the meeting. The members present were as follows:

Present:

Sally Kost, Chair
Warren Glick, Vice-Chair
Karl Ernst
Barbara Ford
Jim Hinkley
David Klarmann
Peter Theye
Delcencia Turner

Absent:

B. J. Copeland
Judy Harrelson
Susan Levy

Planning Department:

Keith Megginson, Planning Director
Benjamin Howell, Planner
Angela Birchett, Zoning Administrator
Kay Everage, Clerk to the Board

- I. CALL TO ORDER: Chair Kost called the meeting to order at 6:30 p.m.
- II. APPROVAL OF AGENDA: Chair Kost stated that tonight's agenda is to discuss the Zoning Ordinance; that Board packets were distributed earlier tonight to Board members for September 2, 2008 Planning Board meeting; and that members should bring their calendars to the September 2nd meeting to possibly set a special meeting in September to complete revisions to the Subdivision Regulations.

Members absent:

Chair Kost stated that Ms. Levy was attending a Board meeting in Orange County (Habitat for Humanity) but would be here later if her time permits; that Judy Harrelson was out of town; and that Mr. Copeland is recuperating from his recent back surgery.

Motion to approve agenda:

Mr. Glick made a motion; seconded by Mr. Hinkley to approve the agenda as submitted. There was no discussion and the motion passed unanimously. (8 Board members)

- III. PUBLIC INPUT SESSION: Fifteen-minute time of public input for issues **not on agenda**. Speakers limited to three minutes each.

There were no requests to speak at this time.

IV. REVISIONS TO THE ZONING ORDINANCE: Zoning Ordinance Sub-committee members present:

Warren Glick, Jim Hinkley,
Del Turner, and Paul Black, facilitator.

Mr. Black stated that he would address the highlights and the major change. He noted two (2) specific additions to the document were:

1. cover sheet with townships included in title, and
2. expanded "Table of Contents".

Board discussion followed:

Townships:

Mr. Klarmann inquired about the townships relative to the zoning of RA-40, the corridor, and RA-5 along the rivers (even though there is no zoning in part of the county). Mr. Black stated that other townships were added with the new zoning (not in original listing).

"Editorial Comments":

Mr. Glick suggested Roman numerals be used in the "Table of Contents".

Chair Kost asked that Board members make note of any minor revisions they might have and give them to Mr. Black after tonight's meeting.

Mr. Black assisted Board members and staff with the major revisions as follows:

Page 8

Section 6 – Official Maps Adopted – district Boundaries Established

- adopt language that would approve digital version of the zoning map
- 6.2 Interpretation of Boundaries - Mr. Hinkley asked if the title should be "Rules for Interpretation of District Boundaries" (1st sentence) - he will send this suggestion to Mr. Black.

Page 10

Section 7 – Definitions

- several additional definitions
- a few original definitions were stricken

Chair Kost noted:

- Commissioners recently made a change to the Zoning Ordinance, i.e. Bed and Breakfast that should be added to these revisions. Mr. Black stated that the current version has this addition.

Mr. Hinkley suggested:

- add "Commercial Design Guidelines" – after "Churches" [page 12]
- add "Forestry Plan" – after "Fence" [page 13]
- add "Planned Residential Development" – after "Place of Worship" [page 15]
- add "Tree Preservation and Planting Ordinance" – after "Townhouse" [page 17]

- * Mr. Black stated that there would be some guidelines but that there is no “Tree Preservation and Planting Ordinance” currently
- add “Vested Rights” after “Variance” [page 17]
- add “Voluntary Agricultural District (VAD)” after “Variance” [page 17]

Chair Kost noted that:

- “The definitions in the Lighting section need to be consistent with the general definitions of the ordinance (such as the definition for “right of way”. Mr. Glick suggested:
- [page 11] Bed and Breakfast Inn – strike the word “primary” from 1st sentence that states, “small, owner-operated businesses providing the primary financial support of the owner”.

Page 18

Section 8 – General Provisions

- 8.1 Relationship of Buildings to Lot – sentence that reads: “No commercial building may use fill to artificially raise the grade of a building site in such a way that the buildings cannot be screened from view of the public right-of-way”.

Mr. Glick voiced concern that the value of buffering and landscaping is not lost; and that, therefore, any alteration of the natural grade should be noted by the developer at sketch design with stipulation as to why necessary and how the intent of buffering and landscaping will be maintained. It was noted that this issue would be flagged for further discussion, i.e. Design Guidelines.

Page 24

Section 10 – Schedule of District Regulations

- 10.1 AG – Agricultural District [page 24]

Mr. Black stated that this is a new item; that the committee was looking for ways to save agriculture land; that the county is limited by the State in regulating ten (10) acres or more; and that the committee looked at ways to make things more viable for farming and/or forestry other than lot sizes. Mr. Klarmann expressed concern of regulating an area of the county with an Agriculture District as proposed. He referenced his hand-out distributed earlier tonight titled, “Comparative Market Analysis” that lists land for sale throughout Chatham County (from Albright Township to Hwy. 751 including the north side of U.S. 64). He requested that the “Agriculture District” not be included in these proposed revisions.

- 10.2 – R5 – Residential District [Page 25]

Mr. Black stated that this basically remains the same; that some duplication of uses was consolidated at the end into a table.

Ms. Birchett referenced “Family Subdivision” provisions that allow subdivision of 2 acres in a river corridor (RC) if the land is deeded to a lineal descendant. Discussion followed regarding this issue and Mr. Black suggested that he get back with Ms. Birchett on this item.

- 2nd paragraph – strike “telephone booths”

- 10.3 – R2 – Residential District* [Page 26] – previously RA-90
 - 10.4 – R 1 – Residential District* [Page 27] – previously RA-40
- (*Separated out the agricultural references making a Residential District.)
- 10.5 – O&I – Office and Institutional District [Page 28] – relatively the same
 - 10.6 B-1 Business District [Page 29] – legacy district that is left
Table of Permitted Uses to be reviewed later tonight
 - 10.7 NB – Neighborhood Business District [Page 30] – scaled back
version of B-1
 - 10.8 CB – Community Business District [Page 31] – scaled back version of
B-1
 - 10.9 RB- Regional Business District [Page 32] – scaled back version of
B-1
 - 10.10 IL – Light Industrial District [Page 32] – no major changes
 - 10.11 IH – Heavy Industrial District [Page 33] – no major changes
 - 10.12 CU-CC Conditional Use Compact Community – no major changes
 - 10.13 **Table 1: Zoning Table of Permitted Uses** [Page 35]

Mr. Black explained the rationale for this format. Mr. Klarmann asked why ***more conditional uses are not permitted***, i.e. antique and furniture shops, cabinet shop, florist, greenhouses, and etc. He asked that landowners be given an opportunity to come before the Planning Board and Commissioners to possibly have some sort of business on their land; to not just initially rule out this possibility; and to be more tolerant with what a landowner might want to do with their land. Mr. Glick stated that in some cases this creates spot zoning and that there are opportunities in the Ag District or to request a variance.

Home Occupations were discussed. Ms. Birchett stated that some uses operate under the “Rural Home Occupation” permit; that this permit allows up to three (3) non-resident employees; and that retail/wholesale sales on site is permitted as well as those permitted with a big business.

- [Page 40] – “Home occupations when conducted in accordance with the provisions of Section 14” – change this to read: ***Section 16*** – and more explanation of the definition of “Home Occupation” is needed.
- The “Home Occupations” issue will be revisited.

Permitted Uses

- Cemeteries – allow as CU in residential with a minimum of 3 acres

Mr. Black explained that except for the new districts, existing provisions were only slightly revised. Chair Kost asked that Board members e-mail Mr. Black their concerns regarding the listings and/or uses for incorporation into one document for the Board to further review.

Page 47

Section 11 – GENERAL ENVIRONMENTAL PERFORMANCE STANDARDS

- Supplemented the section on “Light” – see “1. Light”

Page 51

Section 12 – LANDSCAPING AND BUFFERING STANDARDS

- This section is still open for discussion– will default to what the Appearance Commission has submitted (included in the September 2nd Planning Board packet) – but can integrate some language if requested.

Mr. Black stated that this section is still open for discussion; that the committee reviewed language from other neighboring jurisdictions and used mainly Orange County’s with some modifications; that the Appearance Commission was working on a similar project and the revisions would not match up; and that these revisions would most likely be modified and would not go forward as is. Chair Kost reminded Board members to review the Appearance Commission Guidelines (provided earlier tonight) prior to the September 2nd Planning Board meeting for possible incorporation into the Zoning Ordinance.

Page 58

Section 13 - LIGHTING

- Left definitions in the existing lighting section – all current language from existing Zoning Ordinance, i.e. draft Lighting Ordinance

Page 68

Section 14 – OFF-STREET PARKING AND LOADING

- One minor change dealing with principles set forth in the Appearance Commission parking lot guidelines

Page 74

Section 15 – REGULATIONS GOVERNING SIGNS

- No major changes
- Chair Kost distributed language from the Chapel Hill Land Use Management Ordinance dated December 4, 2006 (one page hand-out) Board members to consider that states:

“(h) Temporary political signs advertising candidates or issues, provided such signs do not exceed four (4) square feet in area per display surface, and provided that any such signs, on private property, are removed within seven (7) days after the election; and provided further that any such signs in the public right-of-way are not erected prior to forty-five (45) days before the

date of the appropriate election and are removed within twelve (12) days after the election”.

Discussion followed. Mr. Black suggested that the County Attorney review this proposal. Mr. Hinkley stated that he is opposed to the placing of signs in NCDOT rights-of-way; and that this is also against State Law.

Frank Thomas, Home Owners Association, stated that the solution is to not have an ordinance enforcing the signs.

Mr. Howell stated that staff has noticed that NCDOT will not pick up signs located on their right-of-way; that DOT representatives will mow over them when mowing grass; and that this creates trash and debris along the road side.

Page 79

Section 16 - HOME OCCUPATIONS

- 16.1 Neighborhood Home Occupations – last sentence that reads: “Occupations that have no non-resident employees, no signs and no on-site retail sales do not require a home occupation permit”.

Ms. Birchett asked that this sentence be deleted since there are some uses that the general public is still using on the site that requires them to go through other departments (Building Inspections, Environmental Health, Fire Marshall); that these are not being filtered through Planning, i.e. counseling; and that requiring everyone to obtain a Home Occupation Permit would assist with tracking.

Following discussion, Ms. Birchett suggested leaving the above sentence as is but to add#7 that states:

- #7 “Use of the property by the general public requires a Home Occupation Permit”.

It was the consensus of the Board to approve Ms. Birchett’s recommendation as noted above.

Page 82

Section 17 - CONDITIONAL USE PERMITS

- No major changes proposed

Ms. Birchett reiterated that some other jurisdictions have changed their procedures; that conditional use rezoning and permit applications go to Planning Board first before the public hearing is held (to address issues and obtain additional information at this time); that the time limit would begin when the hearing is held; and that she would poll some other jurisdictions regarding their procedures and report those findings to the Board.

Page 87

Section 18 - BOARD OF ADJUSTMENT

- 18.5 Application of the Conditional Use Power [Page 89]
“The application of the Conditional use power shall be set forth in CONDITIONAL USE PERMITS of this ordinance”.

Mr. Hinkley stated that conditional uses could be handled by the Board of Adjustment; that the Zoning Officer would deal with them specifically and not have to go to the Board of Commissioners; that as Chatham County grows more cases are imminent (with more than one case per year); that the Board of Adjustment [BOA] is appointed by the Board of Commissioners to serve a three (3) year term (per Statutes); that the proposed revisions require that a Planning Board member be one of the five (5) members of the BOA and two (2) alternates; that training would be provided; and that the BOA should meet on a regular basis in the beginning to learn responsibilities. Mr. Hinkley explained that the proposed revisions could alleviate some of the burden of the Planning Board and County Commissioners. He noted that Ms. Birchett would represent staff on the BOA.

Mr. Megginson stated that there are three (3) different duties of the BOA as follows:

- Appeal of the interpretation
- Variance
- Conditional use

Mr. Ernst inquired if the Board would have any recourse to remove a member from the BOA?

- Place this issue on list for other recommendations – for further study

Page 91

Section 19 - AMENDMENT TO ZONING ORDINANCE

- Reference as guidelines or show as attachment – didn't change existing process – this is place to move the public hearing, i.e.
 1. Planning Board
 2. Public Hearing
 3. Planning Board
 4. County Commissioners

At this time, Chair Kost asked that Board members bring their calendars to next week's meeting [September 2, 2008] to schedule another Planning Board meeting in September. She suggested that the format for September 2nd meeting be to:

- focus on Subdivision
- get revisions to Mr. Black
- set special meeting to wrap up all outstanding issues with Zoning and Subdivision
- Zoning will not be discussed at the September 2nd meeting

Page 97

Section 21 - PENALTY FOR VIOLATIONS

- Penalties - revised (were not adequate)
- Stop Work Order - added

Mr. Ernst voiced concern regarding language in third (3rd) paragraph that states,

"If the same violation occurs **on the same property** within six (6) years after the initial violation is remedied, a civil penalty in the amount of \$100.00 per day shall automatically apply", i.e. responsibility for fine.

Ms. Birchett stated that the process assists in tracking repeat offenders.
Mr. Megginson stated that the county attorney would be reviewing this language.

Page 106

Section 29 - INDEX

- Index - added

Chair Kost reminded Planning Board members to submit their changes (in the table of uses and etc.) to Mr. Black as soon as possible so that he can prepare a list for Board review.

- V. ADJOURN: Mr. Glick made a motion; seconded by Mr. Ernst to adjourn the meeting. There was no discussion and the motion passed unanimously, adjourning the meeting at 8:43 p.m.

Sally Kost, Chair

Date

Attest: _____
Kay Everage, Clerk to the Board

Date