



Vance County Planning & Development
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TO: Vance County Citizens Advisory Committee (CAC)
FROM: Ken Krulik, Assistant Director/Senior Planner
SUBJECT: Minutes of the April 10, 2006 CAC meeting
DATE: April 13, 2006

In Attendance

Committee Members: Reverend J,H, Daniels-Committee Chair, Thomas Shaw III, John Abbott, John Foster, Alan Rowland, and Vincent Jefferson

County Staff: Ken Krulik (meeting facilitator)

Others Present: Marc Woodlief and members of the public

Absent: Connie Kenney: Committee Vice-Chair, Helen Williams, Rusty McMahan, Robert Farnum, and Matthew Milliken (Daily Dispatch)

- ◆ Chairman Daniels called the meeting to order; noting Connie Kenney, Helen Williams, and Rusty McMahan would be absent from meeting. Before review of the minutes for the March 30, 2006 meeting he asked Ken Krulik if the reversions to the draft permitted use table were available (per the work of the last meeting).
- ◆ Ken Krulik responded he was at a conference and not in the office the previous week; as such he had not completed the revision work as of tonight's meeting. He said he would complete this work and have it mailed out to the Committee in their next agenda packets.
- ◆ Chairman Daniels then requested review of the minutes for the March 30, 2006 meeting and asked if there were any corrections.
- ◆ Minor grammatical corrections were identified by the Committee and noted by Ken Krulik. With no further discussion or corrections from the members, Chairman Daniels entertained a motion to approve the minutes as corrected:
 - A. **Motion** was made by Thomas Shaw to approve the minutes of the March 30, 2006 meeting with the noted corrections. **Second** was made by Alan Rowland.
 - B. All members present voted to approve the March 30, 2006 minutes.
- ◆ Ken Krulik added he had one item to present before moving forward, a letter by the County Manager regarding action by the Board of Commissioners on April 3rd.
- ◆ Chairman Daniels asked Ken Krulik to read the letter to the assembled members. He did so, the main intent of the letter stated that while the Commissioners appreciate the work of the Advisory Committee, a deadline of May 25, 2006 was set by the Commissioners for the Committees to complete their work (recommendations and revisions).
- ◆ Chairman Daniels then moved the meeting forward, re-stating that the work completed on Section III and the draft table of permitted uses will be compiled by Ken Krulik for distribution (and review) in the next agenda packets of the Committee.

- ◆ Alan Rowland requested one more issue to address on the draft table of permitted uses, this was in relation to airports and other potential zoning categories where this use should be allowed (currently only under the proposed A-R zone as a conditional use-CU).
- ◆ Alan Rowland continued that he understands the reason as to airports being allowed in the proposed A-R zone (low density, less development), but countered that other areas have airports in metropolitan areas and areas with higher density. He recommended that airports be allowed as a conditional use (CU) in additional proposed zoning categories.
- ◆ Ken Krulik commented that this is a valid point to raise, and there is a review process in place within the draft ordinance, that airports require a conditional use permit (includes Special Study criteria to insure all appropriate federal and state regulations are followed).
- ◆ Committee members discussed which of the additional proposed zoning categories in which to allow airports as a permitted use (with a conditional use permit). It was discussed initially to allow airports under the proposed C-1, L-1, I-M, and E-I-A, in addition to the proposed A-R zone. The W-O-Z (watershed overlay zone) was not included due to the environmentally sensitive nature of these areas and concerns for pollution/contamination/hazardous materials.
- ◆ With further discussion by Committee members on the flow of local streams and creeks into Kerr-Lake as well as the two river basins for the County, it was decided not include airports as a permitted use (with conditional use permit) in the proposed O-S zone.
- ◆ Committee members concluded their discussion by agreeing to revise the draft permitted use table for airports to be included as a permitted use (with a condition use permit) in the proposed C-1, L-1, I-M, E-I-A, and O-I zones.
- ◆ Chairman Daniels then moved the meeting to Section IV of the draft ordinance.
- ◆ Alan Rowland had comments on Section 4.5 Substandard Lot of Record (page 27). In many cases with a non-conforming/substandard lot, it's usual for a local health department to still allow the lot to be developed without requesting a variance so long as the health department determines the lot size is still adequate for a septic system.
- ◆ Alan Rowland further commented that a variance is a relaxation of established standards while still following the intent of the ordinance and it requires that a hardship to be proven (which can be hard to prove and must be more the than just "I want to..."). He added that this provision appears to contradict what is written on page 35 for Item E-1.
- ◆ Alan Rowland recommended that these two sections be consistent and not contradictory, as well as if the substandard/non-conforming lot is a lot of record then it should still be allowed to be developed and not require a variance (if it can be developed without going against local health regulations-this includes issues of setbacks as well).
- ◆ Committee members had general discussion on this recommendation, adding that a similar revision should be addressed for Section 4.6 to keep it consistent.
- ◆ Ken Krulik noted these comments/recommendations and he will revise these sections accordingly for review by the Committee. He also briefly reviewed the regulations from the state for a lot size minimum of 30,000 SF to be adequate for a septic system and repair area, noting that the County has the authority to approve smaller lot sizes if the local health department and planning department concur that a smaller size is adequate.
- ◆ After some continued discussion, Chairman Daniels recommended moving the text under Payer 35 Item E-1 to be included under either Section 4.5 or Section 4.6 (inclusive of text that the lots in question must meet Vance County Health Dept. standards). Ken Krulik noted this and would work a proposed revised text as recommended.

- ◆ Vincent Jefferson noted changes to provide clarity for Section 4.1 Street Access and Section 4.3 Relationship of Building to Lot (page 26). He recommended rewording the last sentence of Section 4.3: “In no case shall there be more than one (1) principal building and its customary accessory buildings on a lot, except in the case of a specifically designed complex of institutional, residential, commercial, or industrial buildings in an appropriate zone, which may be granted an exception and in compliance with Section 4.12 Accessory Buildings.”
- ◆ Chairman Daniels then moved the discussion to the next few sections; there were no comments or discussion on Sections 4.2, 4.4, 4.7, 4.8, 4.9, and 4.10.
- ◆ John Foster noted under Section 4.11 Corner Visibility (page 27) for clarity the first sentence should read: “There shall be no planting, structure, fence, or other obstruction to visibility on any corner lot between two (2) feet and ten (10) feet above the level.....”
- ◆ Ken Krulik noted this recommendation; Committee members had some discussion on areas within Vance County and Henderson where visibility is an issue. Discussion then moved to Section 4.12 Accessory Structures/Buildings (page 28)
- ◆ Alan Rowland recommended modifying the setbacks under this section to be consistent with the revised setbacks for each proposed zoning category (discussed at an earlier meeting). Ken Krulik noted this and would make the appropriate text revisions.
- ◆ Committee members had general discussion on accessory buildings being allowed closer to property lines than a principal building, as well as accessory buildings for housing well/pump equipment (less than 50 SF in size) permitted within the lot setbacks.
- ◆ Committee members further discussed the size of an accessory structure that would be allowed, and the number of accessory buildings allowed on a lot based on its size. They also discussed adequate spacing between accessory structures on a lot.
- ◆ Ken Krulik noted that Section 4.12 does address the number of allowed accessory structures, if a lot is 20,000 SF or less then only one accessory structure is allowed. For larger lots an additional accessory structure is allowed for each additional 20,000 SF.
- ◆ Chairman Daniels added that Section 4.12 should read that accessory buildings should be further defined as being free-standing and not attached the principle building. Ken Krulik noted this recommendation and would revise the text accordingly.
- ◆ John Foster added to the discussion the recommendation to also amend the Section 4.12 text to exclude restrictions on garages (not service stations, but car garages and carports). Ken Krulik also noted this recommendation and would revise the text accordingly.
- ◆ Chairman Daniels moved the meeting to Section 4.13 for accessory uses including pools and satellite dishes. The Committee discussed the setbacks and fencing requirements in the draft ordinance, Ken Krulik commented these relate to safety and liability concerns.
- ◆ John Foster recommended adding text to state the gates and fences around pools be “childproof,” Ken Krulik noted this recommendation.
- ◆ Chairman Daniels moved the meeting to satellite dishes; there was discussion as to the provisions regarding screening and not allowing dishes to be located on roofs. It was noted by the Committee that the provisions (screening and location on roofs) under B-1 to 6 (page 28) pertain to large satellite dishes and not to the small, under 20 inches dishes.
- ◆ Thomas Shaw asked about the sizes used by companies such as Time Warner Cable, Chairman Daniels asked Ken Krulik to research this for the Committee.
- ◆ Ken Krulik agreed to research this as well as what is currently in the City of Henderson’s zoning ordinance as relates to satellite dishes.

- ◆ Chairman Daniels then moved to Section 4.15 Outdoor Storage on page 29, he questioned the time limit of 12 months noted (for “non-conforming storage) that a property must bring the property into compliance with the draft ordinance. He noted this seems to be an unfair burden (the timeframe of 12 months) on property owners who have been in operation long before zoning has been considered.
- ◆ Committee members discussed examples of areas of the County where it would be preferable to screen outdoor storage and this provision is adequate. There was additional discussion of the removal of abandoned vehicles stored on property, it was noted however that there is no County program to provide towing to property owners who are “stuck with” abandoned cars that are supposed to be picked up by their owners.
- ◆ Vincent Jefferson noted this is one of the efforts of the County’s Appearance Committee, Ken Krulik added that the County compliance office is working on developing efforts to address this issue in Vance county (specifically to assist in removal of abandoned vehicles and recycling of abandoned mobile homes).
- ◆ Committee members all agreed that there is a problem in Vance County of abandoned vehicles, manufactured homes, and improper storage of material on property.
- ◆ Chairman Daniels again commented that 12 months may not be a realistic timeframe for a property owner who can’t afford it readily, to clean up their non-conforming storage.
- ◆ Vince Jefferson noted that there are owners that seem to be “getting the word” in terms of cleaning up their properties and are taking actions to correct the problems. He noted one example of a property owner that has put an eight foot fence around his property to screen the abandoned cars/heavy equipment which has improved the community.
- ◆ John Abbott and John Foster commented it may be necessary to revise the time period a property owner has to clean and/or screen their non-conforming outdoor storage.
- ◆ Chairman Daniels noted there are business owners who repair vehicles, yet they have customers that simply drop off their vehicles and leave them never to return. The business owner is then left with abandoned vehicles and it may not be legal for him to have them towed without title to the vehicle.
- ◆ Vincent Jefferson recommended researching with Henderson to see how they handle this same issue in the City and its ETJ.
- ◆ John Foster and Chairman Daniels both requested Ken Krulik to research this for the Committee and they would re-visit Section 4.15 at a later meeting to which he agreed
- ◆ Chairman Daniels requested a short break in the meeting, Committee members agreed.
- ◆ On reconvening, Chairman Daniels requested the Committee go back to an issue with Item 5 on Page 16 under Section 3.2 in regards to zero lot line setbacks per the County’s Subdivision Ordinance (which has been discussed early in the Committee’s work).
- ◆ After some discussion by members, it was determined based on research of the Committee and planning staff that this reference is not listed in the County’s Subdivision Ordinance and should be revised accordingly in the draft zoning ordinance.
- ◆ Chairman Daniels recommended revised the text to read (per Page 16 under Section 3.2 Item 5): Lots located adjacent to Kerr Lake shall be allowed a zero (0) lot line setback, ~~per the Vance County Subdivision Ordinance~~ **from the US Army Corps of Engineers property line.** Ken Krulik noted this recommendation to the draft ordinance.
- ◆ Chairman Daniels proceeded with the next section of the draft ordinance, Section 4.16 Screening and Buffering (page 29). Committee members had some discussion on the height of evergreen foliage noted in the provision and width of the buffer.

- ◆ Alan Rowland noted he has seen ordinances with a requirement for opaque or semi-opaque screening, if that is used then a width of the screen is not an issue.
- ◆ John Foster commented if the screening/buffer has to be maintained; the provision addresses the height of the screen/buffer (shrubs and hedges) at maturity. He recommended adding text to address maintenance of the vegetative buffers-screening and replacement if needed. Alan Rowland also commented on the need to include reference to maintenance of buffers and screening.
- ◆ John Foster recommended revising the text to include a timeframe for the buffer-screen to reach maturity; Ken Krulik noted both recommendations for revision.
- ◆ John Foster and Chairman Daniels also commented there should be clarification in the section on buffers and screening to address maintenance by a homeowners association (if one is established for a development) and how to address maintenance should the association either fail or be absent. Ken Krulik noted this recommendation as well.
- ◆ Chairman Daniels noted on page 30 item number 6 that the provisions for screening should be consistent in terms of height, there should be no reduction (height should be eight feet as under item C on page 29). Ken Krulik noted the recommended revision.
- ◆ John Foster and Alan Rowland commented that on page 31 under Item E-1-d, it should be clarified that the buffers outlined in this section for residential development are to provide a separation between residential development and commercial/industrial development. Ken Krulik noted this recommendation would add the appropriate text.
- ◆ Chairman Daniels recommended that under Section 4.17 Lighting (page 31), that examples be listed to provide some guidance as to lighting allowed on properties. Ken Krulik noted this recommendation.
- ◆ John Foster noted that there should be a clarification under Section 4.18 Manufactured Home for Hardship (page 31) to identify what are considered mobile homes (single and double-wide) versus manufactured homes (modular). Ken Krulik noted the recommendation and would revise the text accordingly.
- ◆ Chairman Daniels added to the discussion that under Item H (page 32) for Section 4.18, there should be a timeframe listed for removal of the dwelling once the hardship has ceased to exist. Ken Krulik also noted this recommendation, it was suggested by the Committee to utilize a 12 month timeframe so long as no one lives in the dwelling..
- ◆ The Committee continued their discussion on Section 4.18; it was also recommended to revise the text under Item F that the noted health care professional doesn't have to be a 24-hour care provider. Ken Krulik noted the recommendation and would revise the text.
- ◆ Chairman Daniels moved the meeting to review Section 4.19 Cluster Development (page 32) noting there needs to be text referring to built upon areas, percent of open space allowed, and density requirements. Ken Krulik noted this recommendation for revision.
- ◆ Thomas Shaw noted that with cluster development there are usually incentives given when a developer chooses this design option and there should be some mention in the ordinance. Ken Krulik noted this recommendation as well.
- ◆ John Foster commented on Item A under Section 4.19.1 (page 32) that the provision should address a smaller tract of land minimum for townhouse development. Ken Krulik noted this and would revise the text to address this comment.
- ◆ Chairman Daniels noted under the cluster development section the design standards need to better guidelines in regards to Section 4.19.2 Open Space. He noted that there is a difference in the percent of open space allowed versus the proposed zoning categories.

- ◆ Ken Krulik noted this comment and work to revise the text to improve the guidelines identified, as well as Item F (page 33) which addresses an established conservation reservation. Chairman Daniels noted there should be a timeframe added to the provision
- ◆ Chairman Daniels moved the meeting ahead to address Section 4.19.5 General Design Provisions for Cluster Development, Item A in regards to zero side and rear yard setbacks. He commented on what this referred to specifically, Alan Rowland responded it refers to townhouse and condominium development.
- ◆ Ken Krulik noted that is correct and gave a brief overview along with his intent to revise this sections' text to more clearly define the setback requirement as well as to refer to required fire wall separation when needed.
- ◆ Committee members had further discussion on townhouse-condominium development in relation to setbacks and cluster development design. Alan Rowland added that the zero setback noted in this section also relates to the sides of homes that face open space areas.
- ◆ John Foster commented under Item 2 page 34 on the two foot encroachment provision, he noted this provision was unclear and needed re-wording/revision to make it more easily defined. Ken Krulik noted this comment and agreed to revise the provision accordingly.
- ◆ Chairman Daniels then moved the meeting ahead; there was no discussion on Section 4.20, 4.21 and a minor text/grammar change to Section 4.22.
- ◆ Chairman Daniels and John Foster commented under Section 4.23 Improvements Bond there was some concern in regards to the last sentence, which states the "said bond may be waived by the County Board of Commissioners." After some discussion it was recommended by the Committee to remove this part of the sentence, Ken Krulik agreed to do so would also research the legal aspects of this to insure there were no other issues.
- ◆ Committee members then proceeded to Section 4.24 General Development Regulations and had discussion on Items B and C (page 35). It was determined there needed to be more clarity on "uncovered stairs, landings, terraces, porches, balconies, and fire escapes." It was discussed to add loading docks, the focus of the discussion was in relation to how far these can project into any yard and how close to a property line.
- ◆ Ken Krulik noted the combined recommendations from the Committee and would add these to the draft ordinance text, they include making the distance consistent (ten feet), from the Lot Line (not property line).
- ◆ Chairman Daniels noted that with Section V being the next in the draft ordinance, this was a good place to end the meeting. It was determined by the Committee the next meeting date would be Thursday April 20.
- ◆ Chairman Daniels stated the next agenda topics would include a review of the draft permitted use table as revised by the Committee, as well as Sections Five and Six.
- ◆ Ken Krulik noted there was already a group that reserved the Commissioners meeting room for the 20th, he would arrange an alternate location for the Advisory Committee to hold its next meeting, and subsequent meetings of the Advisory Committee will still be held in the Commissioners meeting room.
- ◆ With no further business the meeting was adjourned.