

IREDELL COUNTY PLANNING BOARD

The Iredell County Planning Board met on Wednesday, November 7, 2007 at 7:00 p.m. in the Commissioners Meeting Room of the Iredell County Government Center (Old Courthouse) at 200 S. Center Street in Statesville, NC.

MEMBERS PRESENT

Eric Fields, Chairman
Dr. Jackie Grigg, Vice-Chairman
Anita Johnson
Gene Mahaffey
Jeff McNeely
Harold Pruitt
Jerry Santoni
Thomas E. Stephens
Harry Tsumas, Jr.
Alan Williams

STAFF PRESENT

Katrina Hewitt
Rebecca Harper
Ron Smith

MEMBERS ABSENT

Kristi Pfeufer

At this time, Chairman Fields called the meeting to order.

MINUTES: Dr. Grigg made a motion to approve the 10/3/07 meeting minutes. Mr. Pruitt seconded said motion and all agreed. **VOTES: 10-0.**

PROPOSED AMENDMENT TO THE IREDELL COUNTY ZONING ORDINANCE: Article XVII, Amendment Procedures: Conditional Use Districts. *The following sections will have to be amended in conjunction with the changes to the conditional zoning districts:*

- Table of Contents
- Article V. Establishment of Zoning Districts
 - Section 5.1 Conditional Use Districts
 - Section 5.2 Roadway Protections Overlay District (RPO)
- Article VI. Schedule of District Regulations
- Article VIII. Table of Permitted & Special Uses
 - Section 8.2 Meaning of Entries
- Article IX. Special Requirement Notes to the Table of Permitted & Special Uses
 - Section SR 13 Planned Unit Development (PUD)
 - Section SR 46 Septage or Residential Sludge Disposal Sites
- Article XIV. Site Plan Requirements
- Article XV. Administration
 - Section 15.2 Zoning Permit with Vested Rights
- Article XVII. General Legal Provisions; Penalty for Violation
 - Section 18.2 Effects Upon Outstanding Building Permits; Conditional/Special Use Permits; Zoning Permits with Vested Rights; and Existing Planned Residential District
- Article XIX. Definitions
 - Section A. General Definitions

Mr. Smith presented the staff report:

At our recent mini-retreat, the Planning Staff was asked to examine the impacts of adopting a new type of conditional zoning. The following is an overview of the conditional zoning process and how it could be implemented in Iredell County.

Our current method of dealing with conditional uses is quasi-judicial. This requires a specific level of legal requirements including sworn testimony, findings of fact, and a limit on communications before the meeting. Upon approving a conditional use district, a conditional use permit allowing the specific use(s) is also approved. The intent of this process is to “fine tune” rezoning requests to meet the needs of the applicant while decreasing the impacts on the surrounding area.

In 2005, the NC Legislature amended the statutes to allow Conditional Zoning. This process addresses the same needs as detailed above, only legislatively. It is based on a method previously used by Mecklenburg County, which was allowed by local act. The Conditional Zoning process establishes a new zoning district, with conditions or limits on the allowable uses, each time a request is approved, very similar to our current regulations.

To implement this, we are proposing the attached amendment to the Zoning Ordinance. If adopted, all future rezonings with conditions would be handled under the new regulations. In addition, we would “grandfather” all previous Conditional Use Districts (and permits), and any changes would be made under the new process.

This is a simple approach to a previously difficult process. There do not seem to be any significant drawbacks to adopting this approach in lieu of our current process. *The planning staff recommends for the approval of this amendment to our Zoning Ordinance.*

Process Comparison

Current Process

Conditional Use Districts

1. Application is completed
2. Request goes to PB
3. Recommendation is made by PB
4. Request is forwarded to BOC
5. No communication between applicant and BOC
6. Request is heard by BOC
7. Public hearing is held quasi-judicially
 - a. Sworn testimony
 - b. Evidence
 - c. Cross-examination
 - d. Findings of fact
8. Request is approved
9. Conditional Use Permit is issued
10. 30 day Superior Court appeal time

Proposed Process
Conditional Zoning

1. Application is completed
2. Public meeting is held by applicant
 - a. Staff present
 - b. Public is notified
3. Request is forwarded to PB
4. Recommendation is made by PB
5. Request is forwarded to BOC to set hearing
6. If hearing is set, request is heard by BOC
7. If hearing is not set, request is denied
8. Public hearing is held legislatively
9. Request is approved
10. 60 day Superior Court appeal time

Mr. Smith reviewed the entire amendment with the Board (*see attachment*). After lengthy discussion, Ms. Johnson made a motion to have the staff make the corrections/additions that were discussed and send a copy to Bill Pope for review then bring the revised copy back to the Board at the next meeting for them to make a formal recommendation to the Board of Commissioners. Dr. Grigg seconded said motion and all agreed. VOTES: 10-0.

MONTHLY COMMITTEE ASSIGNMENTS: Mr. Pruitt & Mr. Santoni volunteered to attend the November 21st Subdivision Review Committee meeting at 8:30 a.m. in the Building Standards Center. Mr. Pruitt, Mr. Stephens, and Mr. Williams volunteered to go on the site visit for next month's request on Tuesday, November 20th.

ADJOURNMENT: There being no further business, Chairman Fields declared the meeting adjourned at 9:35 p.m.

Katrina Hewitt
Administrative Asst. II

Date Read and/or Approved