

**PITT COUNTY BOARD OF COMMISSIONERS
MINUTES FOR JANUARY 8, 2001**

NORTHWEST PLANNING AREA WORKSHOP

The Pitt County Board of Commissioners met in a regular session on Monday, January 8, 2001, at 7:00 p.m. in the Commissioners' Auditorium, Pitt County Office Building, 1717 W. 5th Street, Greenville, North Carolina. The purpose of the meeting was to consider public business.

David Hammond, Chairman
Glenn Bowen, Commissioner
Tom Coulson, Commissioner
Eugene James, Commissioner
Thomas H. Johnson, Commissioner
Mark W. Owens, Jr., Commissioner
Randy Royal, Commissioner
M. Theresa Shank, Commissioner
Beth B. Ward, Commissioner

Also present were:

Thomas B. Robinson, County Manager
JoAnne Burgdorff, County Attorney
Susan J. Banks, Clerk to the Board
Arlen Holt, PIO and Cable Coordinator
Melonie Bryan, Director of Financial Services
John K. Bulow, Assistant County Manager

CALL TO ORDER – Chairman Hammond

UPON MOTION by Commissioner Royal, seconded by Commissioner Owens, the Board voted unanimously to approve the proposed agenda.

Mr. Robinson introduced James Rhodes. Mr. Rhodes said the purpose of the meeting was to give a brief overview of the documents and recommended changes for the Northwest Planning Area Zoning Ordinance.

Mr. Rhodes described the area being proposed for zoning as follows:

The Northwest Planning Area is located in northwestern Pitt County and includes 37,686 acres (see map on reverse). The Northwest Planning Area shares its eastern boundary with the NC 11 North Corridor Planning Area. Other boundaries include Greenville's Extra-territorial Jurisdiction or ETJ (southeastern), the Tar River (southwestern), the Edgecombe County line (northwestern), and Bethel's ETJ (northeastern).

There are about 2,600 parcels involved with about 5,500 people. One of the reasons for zoning of this area was because of the growth in mobile homes in this area. There are 2,500 mobile homes. The Land Use Plan is a guide for the next 20 years. He said there is a need for planned infrastructure in this area. This includes the Northwest Corridor and the growth around NC 11.

He reviewed the land use categories which were agricultural/open natural resources, rural residential/agricultural, suburban residential, rural commercial/crossroad community, commercial light industrial, heavy industrial and 100-year floodplain.

He reviewed the following recommended changes and provided maps for viewing the changes.

**Recommended Changes to the Northwest Planning Area
Land Use Plan Map & Zoning Ordinance/Map
based upon December 14, 2000
Public Hearing Comments & BCC Input
and Outstanding Administrative Matters**

Land Use Plan Map

- ? Replace Suburban Residential on the north, south & west sides of the Crossroad Community designation for the Belvoir Community with Rural Residential/Agricultural
- ? Replace portion of Suburban Residential on the west side of Bethel & south of US 64A with Rural Residential/Agricultural

Zoning Ordinance/Map

- ? Change all of the previously designated Rural Residential Zoning District coinciding with Rural Residential/Agricultural on Land Use Plan (revised) to Rural Agricultural Zoning District which does not allow major manufactured home parks
- ? Remove option for Rural Residential Zoning District lot sizes to reduce below 25,000 square feet based on soil suitability for septic systems
- ? Increase minimum lot size in the Rural Agricultural District from 25,000 square feet to 30,000 square feet
- ? Require all manufactured homes to have a masonry foundation and masonry underpinning, except those located within mobile home parks or serving as an accessory dwelling unit to a principal building will not be required to have masonry foundations/underpinning.

Administrative Matters/Staff Recommendations *(in Italics)*

- ? Adopt Land Use Plan & Zoning Ordinance – *Adopt with recommended changes listed above*
- ? Set Effective Date – *July 1, 2001*
- ? Appoint & Train Board of Adjustment – *Direct Clerk to the Board to proceed with advertisement*
- ? Approve Fee Schedule – *No Charge for Zoning Permit & Appeal; \$150 for Conditional/Special Use, Variance & Amendment*
- ? Appoint Zoning Administrator – *Appoint James Rhodes*
- ? Consider establishment of moratorium on certain land uses (e.g., major manufactured home parks) – *Board's discretion, must justify need for moratorium in terms of threat to health, safety, & general welfare*

Other Issues

- ? Recent development proposals (cellular tower & manufactured home park)
- ? Increased protection for new school site (Board of Education resolution)

The area where the school site is located allows no manufactured homes parks.

Mr. Rhodes reviewed Administrative Issues concerning implementing this ordinance. He recommended the effective date be July 1, 2001. The Board of Adjustment will need to be established and the Clerk will need to advertise prior to the Board making appointments. The Planning Board recommended at least two members be from the Northwest Planning Area. The

Conditional/Special Use Permits, Variance & Amendments fee schedule will have to be approved. The fee recommended is \$150. James Rhodes should be appointed as the Zoning Administrator. Mr. Rhodes stated that the Board will need to decide whether a moratorium is needed on certain land uses during this implementation phase.

Discussion followed concerning some specific regulations. There is a minimum requirement of 37,500 feet of land for a two-family dwelling because of the septic tank. Vice Chairman Bowen asked if the land use plan has been modified in the last two months. Vice Chairman Bowen asked if staff and the Planning Board had been out and talked with the public. Mr. Rhodes said that meetings were held and the people living in this area were really concerned about their protection from additional mobile home parks. Mr. Rhodes said the zoning ordinance should be very reflective of the land use plan.

Commissioner James said he supports this issue one hundred percent and there needs to be some protection for the next six months. Commissioner Ward asked Ms. Burgdorff to explain about a moratorium and why it would be needed in this situation. Commissioner Owens asked about the expenses on this plan. Mr. Rhodes said that with the consultant costs approximately \$20,000 and with staff time probably an additional \$20,000. He said there would be no additional staff needed because this is a very simplistic plan. Commissioner Owens asked about the existing land use plan versus this new plan. Mr. Rhodes said there were many similarities and they had included the floodplain. This plan is more specific. Commissioner Owens asked what the zoning ordinance would do for the citizens versus the land use plan. Mr. Rhodes said there are some changes and the ordinance actually puts some zoning in place. Commissioner Owens reviewed the General Statute on health, safety and welfare. Mr. Rhodes said that they used the land use plan in places and it did allow some regulations of subdivisions and other needs. Mr. Robinson said the land use plan is for where you want to be in 20 years. Mr. Rhodes said that unless the County has a zoning ordinance and other tools in place, there is no way to implement the land use plan.

Commissioner Owens asked about other regulations. Mr. Rhodes said that the zoning ordinance would dictate where some of these uses are placed. He said he feels they have made a good guide for twenty years. Commissioner Owens asked about the ratio of people in the mobile home parks in this area. Mr. Rhodes stated that based on the census two-thirds to three-quarters of the population are probably minorities.

Vice Chairman Bowen asked where the mobile home parks will be allowed in this plan. Mr. Rhodes said they could go into residential areas. Vice Chairman Bowen said that that this could be the beginning of the zoning for the entire County and next the Board will be looking at a land use plan and zoning ordinance for the NC 11 area.

Commissioner James **motioned** to adopt the following resolution:

**RESOLUTION
APPROVING AND ADOPTING NW LAND USE PLAN AND MAP AND
ADOPTING NW ZONING ORDINANCE AND MAP**

THAT WHEREAS, the NW Committee and the Planning Board have developed and recommended to the Pitt County Board of Commissioners that they approve and adopt the proposed NW Land Use Plan and Map; and

WHEREAS, the NW Committee and the Planning Board have developed and recommended to the Pitt County Board of Commissioners that they also approve and adopt the NW Zoning Ordinance and Map; and

WHEREAS, all of the required public hearings and notices have been properly held in connection with both of these planning initiatives; and

WHEREAS, the Board of Commissioners believes that the adoption of this plan and Ordinance is in the best interest of the citizens of Pitt County and specifically those in the NW Planning Area; and

WHEREAS, to follow the requirements of the Ordinance, the Board of Commissioners must create a Board of Adjustment and to do so the Clerk to the Board must advertise for citizens to apply as soon as possible to allow the time necessary for appointment and training;

WHEREAS, The Board of Commissioners believe that it is logical to designate the Planning Director in a necessary role as Zoning Administrator; and

WHEREAS, the implementation of this Ordinance requires a beginning date, which is hereby determined to be July 1, 2001; and

WHEREAS, it is determined that the attached fee schedule should be adopted to coincide with the beginning date of the Ordinance and that the fee schedule should be added to the official fee schedules of Pitt County; and

NOW, THEREFORE, BE IT RESOLVED, that the Pitt County Board of Commissioners hereby approves and adopts, with an effective date of July 1, 2001, the following:

- NW Land Use Plan and Map
- NW Zoning Ordinance and Map
- Ordinance fee schedule

AND BE IT FURTHER RESOLVED, that the Planning Director, James Rhodes, is hereby appointed Zoning Administrator.

Duly adopted this the 8th day of January, 2001.

PITT COUNTY BOARD OF COMMISSIONERS

Chairman

Attest:

Susan J. Banks, Clerk

Commissioner Shank seconded the motion to adopt the resolution.

Commissioner Owens said he was concerned about the entire County. He said he was opposed to this resolution and for eight years a lot of work has gone into this by Planning staff and the Manager. He acknowledged them and said that our ancestors came here to get away from so many controls. Commissioner Owens said there are several municipalities with zoning. He said the land use plan already does 75% of the control. He said that you are not serving the people by placing additional regulations on them.

He asked just what this regulation does to implement the North Carolina General Statute that relates to protecting the public's safety and welfare.

Vice Chairman Bowen said he thought that Mr. Rhodes sent letters to 500 landowners asking for their opinion.

Vice Chairman Bowen said he was agreeable to a moratorium but made a **substitute motion** to table this item until they can find out how the people want them to vote. Commissioner Owens seconded the motion.

The Chairman called for a vote on the substitute motion. The substitute motion failed with a three to six vote. Commissioners voting in opposition were Commissioner Coulson, Vice Chairman Bowen, and Commissioner Owens.

Chairman Hammond called for a vote on the motion approving the resolution. The resolution was approved with a six to three vote. Commissioners Coulson, Bowen and Owens voted in opposition of the motion.

The Board discussed the procedures that would need to be followed in order to enact a moratorium. Mr. Rhodes stated that a public hearing must be held prior to adoption of the moratorium and recommended the February 5th meeting for a public hearing. He stated his office would also have to mail notices to all the landowners in the area. Commissioner James said that across from Highway 222, they are going to put 150 trailers and he does not want to see it happen.

Commissioner Shank asked how quickly a moratorium could be put in place. Ms. Burgdorff stated that a mailing has to be done to all the citizens, with an advertisement for 10-14 days, so it would take approximately one month to get a moratorium in effect. Vice Chairman Bowen said he wanted all five members of this area on the Board of Adjustment. Mr. Rhodes said that he recommends that two to three members that reside in this area be on the Board of Adjustment with one member from the NC Highway 11 area. Mr. Robinson said that the Board of Commissioners needs to be very careful about who is put on the Board of Adjustment because this Board cannot override their decisions. If there is a problem with their decision, then the matter would be taken up through the court system.

Mr. Rhodes said that it would take four to five months to get the Board of Adjustment in place and trained. Mr. Robinson said that the Board could put a moratorium in place in the meantime.

Commissioner James said he wants four people from the northwest area and one person from the NC Highway 11 area. Commissioner Coulson asked if the Board of Adjustment would be the same for all areas included. Mr. Rhodes said the Board would be the same people regardless of the areas which may be zoned because there will only be one Board of Adjustment.

Commissioner James **motioned** to consider establishment of moratorium on certain land uses such that require a special use and conditional use permits and schedule the public hearing to be held on February 5, 2001. Commissioner Shank seconded the motion. The motion passed with a six to three vote. Commissioners Owens, Coulson, and Bowen voted in opposition of the motion.

Vice Chairman Bowen **motioned** that the members of the Board of Adjustment include four members that are landowners in the NW planning area and one member be a landowner in the NC Highway 11 area and that they initially be appointed to staggered terms. Commissioner James seconded the motion. Commissioner Ward suggested some of the planning members that have been involved in the process should be appointed. Vice Chairman Bowen was opposed to that suggestion. This motion passed with a seven to two vote. Commissioner Coulson and Commissioner Owens opposed this motion.

UPON MOTION by Commissioner Shank, seconded by Vice Chairman Bowen, the Board voted unanimously to adjourn the meeting at 8:10 p.m.

Respectfully submitted,

Susan J. Banks, CMC
Clerk to the Board