



*Vance County Planning & Development  
156 Church St. Suite 003  
Henderson, NC 27536  
Ph: 252-738-2080 Fax: 252-738-2089*

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**TO:** Vance County Citizens Advisory Committee (CAC)  
**FROM:** Ken Krulik, Assistant Director/Senior Planner  
**SUBJECT:** Minutes of the March 30, 2006 CAC meeting  
**DATE:** April 4, 2006

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**In Attendance**

**Committee Members:** Reverend J,H, Daniels-Committee Chair, Connie Kenney-Committee Vice Chair, Helen Williams, Thomas Shaw III, John Abbott, John Foster, Alan Rowland

**County Staff:** Robert Farnum, Ken Krulik (meeting facilitator)

**Others Present:** Marc Woodlief and members of the public

**Absent:** Vincent Jefferson, Rusty McMahon, and Matthew Milliken (Daily Dispatch)

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- ◆ Chairman Daniels called the meeting to order and informed the Committee that Vincent Jefferson and Rusty McMahon had contacted him earlier in the week to say they would be unable to attend tonight's meeting. Chairman Daniels then requested review of the minutes for the March 23, 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 Connie Kenney to approve the minutes of the March 23, 2006 meeting with the noted corrections. **Second** was made by Helen Williams.
  - B. All members voted to approve the March 23, 2006 minutes.
- ◆ Chairman Daniels then moved Old Business asking Ken Krulik to address several items (questions) that had been raised at the previous meeting.
- ◆ Ken Krulik distributed and reviewed material researched through his resources (local planners, Institute of Governments, legal contacts) based on the following questions:
  - A. Required public hearings, can they be in the same month or "one per month, two per month, every three days, ..."
  - B. Legal advice on takings to insure that the County is not bearing financial burden or taking away opportunities from landowners and developers. Also, would there be diminished property value by lots being determined to be non-conforming and if the County would be responsible for providing compensation on de-valued property.
  - C. The effect of zoning regulations on existing subdivisions and lots of record "would the proposed zoning regulations apply for issues of setbacks" (and other regulations applicable to zoning/building on a pre-recorded lot.

D. Feasibility of subdivision covenants and joint administration between a County and private landowners to guide development and that are enforceable by the County.

- ◆ Alan Rowland requested clarification on the first point that was raised, if the first notice to be mailed is for the first public hearing and the second notice is for the second public hearing. Ken Krulik responded that is correct.
- ◆ Ken Krulik further explained that the timeframe for a notice of public hearing (first hearing) has the requirement of at least 10 but not more than 25 days prior to the hearing date with the mailing of notice to property owners going out in the same time frame.
- ◆ Alan Rowland added that the public hearing process is conducted at the Board of Commissioners meeting and not conducted by the Advisory Committee.
- ◆ John Foster commented that the County should use the County website and post notices in public places to augment the hearing requirements. Ken Krulik agreed and would do so in addition to the required mailings, as well posting notices in the local newspaper.
- ◆ With no further discussion, Chairman Daniels moved to the next agenda item; review of Section III of the draft zoning ordinance (starting at Page 17, Item 3.2.3, R-30 Residential Low Density).
- ◆ Chairman Daniels inquired about the 30,000 SF minimum lot size for this category. Ken Krulik explained that is was based on the state minimum size requirements for a lot to accommodate a septic system and repair area.
- ◆ Chairman Daniels then asked about the proposed reduction in lot width for this proposed zoning category. Ken Krulik explained it was based on if there is public water and sewer to a lot in this proposed category, then a smaller lot size minimum would be allowed as would not be the same need to accommodate a septic system 30,000 SF lot).
- ◆ Both Chairman Daniels and Alan Rowland commented that if this is supposed to be a low density zoning category, then reduction of lot sizes for public water and sewer would not be meeting the intent of a low density residential zone (not trying to “pack in more houses per acre”).
- ◆ Committee members had general discussion on this issue raised, in regards to the NOTE for R-30 in the draft zoning ordinance for this proposed zoning category: Access to public water can reduce the lot size minimum to 20,000 SF, access to public water and public sewer can reduce the minimum lot size to 15,000 SF.
- ◆ Chairman Daniels recommended this note be removed and to remove the text for the proposed R-30 zone that reduced the lot width minimum to 90 feet if there were access to public water and sewer. Ken Krulik noted the recommended revisions.
- ◆ John Foster inquired about requirements for subdivision development, if the development (and lots) is within a certain proximity to public water and sewer lines is there a requirement to connect.
- ◆ Alan Rowland and Ken Krulik responded that there is a provision in the County’s Subdivision Ordinance that addresses this issue.
- ◆ Connie Kenney asked if there is a specified distance requirement in regards to connecting to water and sewer, and if so is it where the lines start or stop.
- ◆ Alan Rowland responded it’s where the lines end and he added that if new lots are created then the requirement to connect applies to those new lots as well.
- ◆ Committee members continued with discussing this topic, Ken Krulik responded he would get this information for clarification to the Committee, as well as potential revision to the draft zoning ordinance.

- ◆ Chairman Daniels then asked, where are areas in the County that have the proposed R-20 (20,000 SF lot size minimum) and R-10 (10,000 SF minimum). Ken Krulik identified the areas on the draft zoning map, he explained those areas were identified based on research of County tax records (and tend to be concentrated near incorporated municipalities).
- ◆ John Foster commented that once the Committee finishes its work, it would be wise to summarize all the recommendations. Ken Krulik responded this is his intent, to summarize all potential revisions and recommendations from the Committee, then for the Committee to take action as needed and then submit them to the Commissioners.
- ◆ Chairman Daniels and Alan Rowland added that it would be preferable to take the Committee's recommendations/revisions and add them (highlighted/bolded) to the draft ordinance to illustrate the changes from the Committee. Ken Krulik agreed, commenting a similar process was done for the revision of the County's Subdivision Ordinance.
- ◆ Committee discussion then moved to the proposed O-S (open space) zone, ken Krulik provided an overview of the O-S zone and the areas designated as such around Kerr Lake
- ◆ Alan Rowland stated it's his understanding that the proposed O-S (open space) zone was designated to limit the amount of development in this area. And if that is its purpose, should the reduced lot sizes for water and sewer be allowed in this zone. He added that in other areas where he works, there are requirements for maintaining buffers and preserved green space, as open space, along streams, creek, and water drainageways. He recommended a similar consideration the proposed O-S zone.
- ◆ Thomas Shaw added to these comments that there are groundwater recharge areas that should be protected as well, in the same manner as Alan Rowland's comments.
- ◆ Ken Krulik noted these recommendations and that he would work on writing text to add to the draft ordinance for consideration in addressing these comments.
- ◆ John Foster noted that the same revision as noted for the proposed R-30 zone (as relates to lot width reduction, reduced lot sizes with water and sewer) should be removed as well in the proposed O-S zone. Ken Krulik noted this recommendation.
- ◆ John Foster requested a clarification on the text in the proposed O-S zone: "See "NOTE Riparian Buffer Rules and Additional Criteria Related To Zoning" outlined above.
- ◆ Ken Krulik responded that this was to reference the North Carolina requirements as related to "Riparian Buffer Rules for the tar Pamlico River Basin. He added that rather than have repeated text with in several places of the draft ordinance, this was a way to reference the provision as noted on page 15 Item 3 of the draft ordinance.
- ◆ Committee members recommend that the corresponding page number and/or additional information be added to enhance the clarity of this provision. Ken Krulik noted the recommendation and would revise the text accordingly.
- ◆ John Foster commented there should be a more clear definition in the draft ordinance (Section III) as relates to manufactured home parks. He added there is a difference between a rental manufactured community and a manufactured home subdivision (with modular units). He added there are also differences modular homes and manufactured home often termed a trailer, Ken Krulik noted these recommendations to add.
- ◆ Alan Rowland noted that several of the proposed zoning category definitions have text that reads "landscaping/buffering required, the requirements should be more defined.
- ◆ Robert Farnum responded that there is a section of the draft ordinance that defines the landscaping/buffing requirements as noted. Ken Krulik added he would revise the text to include a more clearly stated reference (page number, section of the draft ordinance) as relates to Section 4.16 Screening and Buffering.

- ◆ Committee members raised comments on the open space requirements in the proposed zoning categories, as well as text relating to “net acreage.” It was recommended that the text be revised to better clarify net versus gross acreage and to insure the calculations for maximum lot coverage and open space requirements are consistent with each other. Ken Krulik noted these recommendations to revise the text for review by the Committee
- ◆ John Foster noted that there were no provisions for signage requirements under the proposed zoning categories for E-I-A (Employment and Institutional Area), H-C (Highway Commercial), C-1 (General Commercial) L-I (Light Industrial), I-M (Industrial Mining/Quarry), and O-I (Office-Institutional).
- ◆ Alan Rowland commented there were no provisions for residential signage as well.
- ◆ Ken Krulik responded for both comments that there is a reserved section (Page 61) of the draft ordinance pertaining to signs which will have text added. He noted the comments and will add proposed text for the Committee to review on sign requirements. The Committee then moved to the proposed industrial zones.
- ◆ John Foster commented that the text provision for built upon area in the industrial and commercial zones would be more appropriate at 60%. Ken Krulik noted this and would revise the text in these proposed zoning categories from 40-50% built upon area to 60%.
- ◆ Committee members had further discussion on the lot size minimum requirements for the commercial and industrial zones (for the proposed H-C and C-1 zones, revise to one acre minimum). Ken Krulik noted he will work on potential revisions for Committee review.
- ◆ Alan Rowland also added a recommendation to review the lot width minimum for the proposed H-C zone, to increase it from 75 feet to 125 feet. He added that it needs to be considered for the lot sizes and lot width minimums that the lots do not exceed the “4 to 1” ratio as outlined in the County’s Subdivision Ordinance (“no lot shall have a depth greater than four times the width”). Ken Krulik noted this recommendation.
- ◆ Chairman Daniels moved the discussion to the proposed L-I (Light Industrial) zone, members discussed types of uses that could potentially be under the L-I category.
- ◆ Helen Williams posed a question as to Buffalo Mills located in Kittrell, what class of industrial it would fall under.
- ◆ Ken Krulik responded that it could be potentially classed under L-I, but it’s more appropriate as an agricultural related business and would fall under the category of Agricultural Support services (per the draft permitted use table).
- ◆ Chairman Daniels noted that the mill as pointed out by Helen Williams is a good example of a “perfect fit” for a farm and farm related use. Ken Krulik agreed, it was further discussed by the Committee and Ken Krulik as to other types of uses that could qualify for industrial, as well as agricultural uses.
- ◆ Ken Krulik noted the comments and discussion, stating he can add revised text (as recommended) to include medium and heavy industrial zones in the draft ordinance.
- ◆ Committee members moved to the proposed I-M (Industrial Mining) zone, they agreed there were no concerns with this proposed category. Chairman Daniels asked if mining operations in this proposed category would have to follow appropriate federal and state guideline. Ken Krulik responded yes that is correct.
- ◆ Alan Rowland noted a point in the proposed L-I zone, as relates open space requirements. It appears that residential zones require more of an open space minimum than the industrial, if the County is to maintain its rural character then the open space and built upon area requirements should reflect that for all the proposed zoning categories. Ken Krulik noted the comment and would make appropriate revisions for by the Committee.

- ◆ John Foster noted in the proposed I-M zone, it should be revised to add an appropriate buffer requirement for mining operations. Ken Krulik noted this recommendation.
- ◆ Chairman Daniels then asked about fencing (that can not be seen through) as to add to the buffer requirements, perhaps in place of a 50 foot vegetative buffer. Ken Krulik responded opaque (can't be seen through) fencing is possible for use in some circumstances, but the 50 foot buffer requirement is based on state regulations for buffers along surface waters, but screening with an opaque fence can be utilized as well.
- ◆ Chairman Daniels then referred to Page 29 (Section 4.16) and reviewed the requirements for screening and buffering, per the draft ordinance.
- ◆ Committee members also raised a concern with increasing the lot width in the proposed O-I (Office Institutional) zone, it was recommended to increase the lot width from 100 feet to 150 feet. Ken Krulik noted this recommendation to add as a potential revision.
- ◆ Committee members had general discussion regarding the desire to maintain the rural character of the County, use of shared driveways when feasible, larger lot size minimum requirements (and lot width minimums), and flow of traffic in certain areas.
- ◆ Committee members took a short break at 7:00 PM before reviewing the proposed permitted use table of the draft ordinance. At the conclusion of the break Committee members re-convened and started review of the proposed permitted use table on Page 21.
- ◆ Ken Krulik gave a brief explanation of the table and how to read the proposed uses in coordination with the proposed zoning categories listed, he gave examples of uses that would and would not be permitted in the proposed A-R (agricultural residential) zone.
- ◆ Thomas Shaw noted that several uses allowed in the proposed O-S (open space) zone could be allowed in the A-R zone and this could require some revision.
- ◆ Chairman Daniels recommend that some of the uses may require a definition or even examples of what defines that use, such as Agricultural Support Services.
- ◆ Ken Krulik responded he could add text to address this concern, he also stated the listed uses on the table represent general uses as every conceivable possible use can not be addressed. He continued that in some ordinances he has worked with or researched, the permitted use table can be even larger and still not accommodate every conceivable use.
- ◆ Chairman Daniels further added that by providing examples of uses, this will provide guidance for those who use the ordinance and for the Board of Adjustments in the future. Ken Krulik agreed and would address this recommendation accordingly.
- ◆ John Foster also added to the discussion the concern of noise levels coming from certain uses that this should be something to consider, as well as hours of operation.
- ◆ Ken Krulik noted this concern and added zoning provides a method to determine where certain uses are currently in operation or could be in operation, along with other potential impacts such as noise. In doing this, he added, then those who locate in that area will know what's going on around their property.
- ◆ John Foster agreed, but also stated that not everyone is going to have the ability to understand the draft ordinance and thus may not have the understanding of what's around their property. He recommended that the draft ordinance and zoning be simplified as possible for the general public to understand. Ken Krulik noted the recommendation.
- ◆ Thomas Shaw commented that one consideration for the agricultural areas of County is use of voluntary agricultural districts. He explained that one element of this is that anyone moving within a certain distance of such a district would have to be informed that there is a farm nearby (reduces issue so complaints from neighbors). Such a district is passed by the Commissioners and is managed by a local farmers association.

- ◆ Chairman Daniels commented that this may address many of the issues raised about the proposed agricultural residential zoning category. Ken Krulik responded that both he and Robert Farnum have discussed this and he would research this further for the Committee.
- ◆ Alan Rowland asked if it were possible in this district to subdivide residential lots.
- ◆ Thomas Shaw responded that the property could voluntarily leave the district if the landowner decided to create a subdivision. He said that this may require a review board.
- ◆ Robert Farnum added that a farmers association can be formed for the voluntary agricultural district and they review applications to be added to the districts. He briefly explained the process, and that the association is made up of farmers. He continued that if a landowner chooses to leave the district they can do so and notify the association.
- ◆ John Abbott moved to the discussion to uses such as a vehicle repair in the proposed R-30 (low density residential) zone.
- ◆ Ken Krulik responded that with a new commercial use for vehicle repair (service station or a Jiffy Lube) that it would not be allowed in the proposed R-30 zone. But in some instances conducting repairs on one or two vehicles not owned by the property owner could qualify as a Home Occupation so long as it meets the requirements in the Home Occupation section of the draft ordinance. He continued that there is a difference between having a couple extra cars on one's property 50 extra vehicles.
- ◆ The Committee had general discussion on a number of examples of uses that could or could not be allowed under the Home Occupations section of the draft ordinance.
- ◆ Helen Williams's commented that on Page 3 for the draft ordinance it states, that rural zoning can: "help keep rural areas from becoming dumping grounds for businesses, which are trying to avoid municipal regulations and protect property owners from harmful-undesirable uses of adjacent property." She added that it appears this is what this draft ordinance is trying to accomplish.
- ◆ Committee members agreed and discussed using definitions of commercial uses in the proposed agricultural zone. Ken Krulik noted this and would revise the text of the draft ordinance for consideration by the Committee.
- ◆ Alan Rowland commented that under the permitted uses for fire stations, public safety, and public buildings/facilities, that this would mean any county building (such as the courthouse) could be allowed in any zone. Ken Krulik noted this point and will revise the section to clarify for public safety facilities (fire, rescue, and police). It was also noted to add a provision for public institutions such as prisons.
- ◆ Alan Rowland further commented that the public utilities use should be revised to allow for business that have requirements for water/sewer and pump stations. Ken Krulik also noted this and would revise the sections that state "CU" (conditional use), to read "P" for permitted, as indicated on the proposed permitted use table.
- ◆ John Foster commented it's important the County doesn't lose sight of keeping affordable housing available. He added that as farming becomes less productive-profitable, that residents will need to consider means of alternate income (including rental property).
- ◆ Chairman Daniels commented that there is nothing to specifically address on the proposed permitted use table that specifically relates to retirement communities. He recommended adding a provision for a planned retirement community; Ken Krulik noted the recommendation and would address the provision accordingly in the draft ordinance.
- ◆ Committee members had general discussion on insuring that affordable housing as well as planned retirement communities are addressed in the draft ordinance.

- ◆ John Foster commented that the proposed permitted use of “Manufactured Home Park/Subdivision was not clear. He recommended that this be modified to be two separate uses (on page 22) and to more clearly define the two types of development. Ken Krulik noted this recommendation and will revised the text for the Committee to review.
- ◆ Committee members raised question regarding rental properties around the lake, specifically for recreational uses. Ken Krulik responded that recreational use (campgrounds and recreational rental) is addressed with a use category on the proposed permitted use table Page 24). He added he can research provisions to potentially include for rental properties.
- ◆ Chairman Daniels emphasized that the draft ordinance and zoning in general needs to be fair for everyone in the County, including fair application of the regulations contained in the draft ordinance.
- ◆ John Foster commented that for the parking requirement in the proposed permitted use table that figures identified need to be more consistent and rounded off (use whole numbers than decimal) as much as possible.
- ◆ Committee members discussed the use of “CU” for a number the uses on the proposed permitted use table. One in particular was the idea of day care and day car facilities, it was noted that often time large companies will offer day care onsite for their employees.
- ◆ Ken Krulik agreed and also responded that in some cases it is not preferable to have a free-standing day care facility as a new use in an industrial or heavy commercialized zone. He added that he will revise the text in the draft ordinance to better define the difference between a day car eservices allowed as part of large company and that of separate free-standing day care facility.
- ◆ Alan Rowland commented that some the medical uses are not consistent as to where they are allowed on the proposed permitted use table, he recommend a that there e consistency in what is allowed for the proposed O-I and E-I-A zones. Ken Krulik agreed and would make the appropriate revisions.
- ◆ John Foster and Chairman Daniels also commented that “CU” should me used for colleges/university in the proposed A-R zone; Ken Krulik agreed and would revise accordingly.
- ◆ Committee members had discussion on other uses, such as bed an breakfast, that require a “CU” for certain proposed zones.
- ◆ Helen Williams commented that it seems that “CU” is indicative of a required review process for a conditional use; Ken Krulik noted that is correct.
- ◆ Alan Rowland commented that an animal hospital should be allowed in the proposed L-I zone, Ken Krulik noted this and will make the appropriate revision. The same comment was made for kennels; Ken Krulik noted this as well.
- ◆ John Foster commented that what is listed retail should have amore clear definition of what is retail and then adjust what is allowed under the proposed permitted use table. Ken Krulik noted the recommendation and would provide text revision for review.
- ◆ Chairman Daniels moved the discussion to non-conforming uses. Ken Krulik provided brief overview for the Committee.
- ◆ Chairman Daniels recommended that a revision to the non-conforming use provision be addressed, with more flexibility, to not be too restrictive to property owners, and to possibly address tax credits if issues of screening are addressed to compensate for the expense of adding screening. Ken Krulik noted this and the comments raised in the discussion, he will work on revising the text accordingly.

- ◆ Alan Rowland commented, after more discussion by the Committee on non-conforming uses that he is not opposed to a property owner being able to operate a business if it's allowed. He noted that residential development changes the character of a community, and that non-conforming businesses need to consider that as there are changes they may need to make accommodations to their property in order to better fit in the community.
- ◆ Connie Kenney noted that the welfare of the community needs to be considered when looking at non-conforming uses and their continued use.
- ◆ Chairman Daniels agreed with the idea, but does not want to place an undue burden on property and business owners.
- ◆ Committee members agreed to start wrapping up their work for the evening; it was determined to finish review of the proposed permitted use table. Chairman Daniels asked if there were any further comments or questions on this section.
- ◆ Alan Rowland noted that an airport was only allowed, with a "CU" in the proposed A-R zone. Ken Krulik responded that is correct as that would be the are most likely to have the land area requirements (and limited development) for this type of use and a special study would be required to insure that plans are submitted that meet FAA requirements before such a use would be allowed (referencing Page 50).
- ◆ Alan Rowland then commented that there are limited areas for cemeteries; Committee members had discussion on the differences between commercial and private cemeteries.
- ◆ Chairman Daniels noted that both are addressed on the proposed permitted use table and provide and explanation of the difference between public versus private cemeteries.
- ◆ The Committee concluded their discussion on this section, Ken Krulik noted he would work to get the recommended revisions compiled and summarized to the best of his ability and as time allows by the next meeting.
- ◆ Committee members agreed to have the next meeting include a review of the proposed permitted use table and Section, then move to Sections IV and V of the draft ordinance.
- ◆ Ken Krulik noted that both he and Robert Farnum would be unavailable for Thursday April 6th and requested a change of date.
- ◆ Chairman Daniels would be unavailable on April 13<sup>th</sup>, it was agreed by the Committee to meet next on Monday April 10<sup>th</sup> from 6 to 8:00 PM.
- ◆ With no further business the meeting was adjourned.