



## DEPARTMENT OF PLANNING & DEVELOPMENT

PLANNING STAFF REPORT

STAFF PROJECT CONTACT: Angie Blount

May 10, 2018

### EXPLANATION OF THE REQUEST

Legislative update – Zoning Ordinance Text Amendment – Section 1, 1.5, B – to strike (5) from the sufficient evidence accepted to prove Bona Fide Farm status.

Legislative update – Subdivision Ordinance Text Amendment – Article Two, add Section 201.1.5 – Estate Division as an Exemption to subdivision.

Zoning Ordinance Text Amendment – Section four, section 4.12 – Accessory Structures/Buildings (A)

### IMPACTS

Legislative Update – Bona Fide Farm – This amendment will drop the USDA Farm ID number from being used to prove Bona Fide Farm status. A USDA farm ID number generally runs with the land and does not prove the landowner is engaged in profitable farm operations. In order to exempt a structure from zoning and building regulations, a person will need to prove Bona Fide Farm status. The remaining four items better prove that an income is being derived from the property as a Bona Fide Farm.

Legislative Update – Estate Division – This amendment adds divisions done as part of the settlement of an estate to the states definition of Exemption from Subdivision regulations.

Text Amendment – Accessory Structures – This amendment will better address the placement of accessory structures. Currently the ordinance allows one for 20,000 sq. ft. lots, and one at each additional 20,000 sq. ft., the first one not to exceed 1000 sq. ft., the ones there after may not exceed 1200 sq. ft. Potentially someone with an acre and a half could have three structures on their property, none which exceed 1200 sq. ft., but would not be allowed one larger structure that could take the place of all three. This ordinance will also clarify the location on a lot where accessory structures may be located.

### STAFF COMMENTS

The proposed legislative update text amendments have been approved by the General Assembly and signed by the governor in 2017. Vance County now needs to adopt through our process and update our ordinance.

The proposed text amendment to the VC Zoning Ordinance dealing with Accessory structures will simplify the process for homeowners wishing to establish an accessory structure by allowing structures not based on square footage, but by impervious coverage maximums per zoning district. The amendment will also detail the location of proposed structures

### PLANNING BOARD RECOMMENDATION:

The Planning Board recommended for approval unanimously the Legislative updates to the Vance County Zoning Ordinance for Bona Fide Farm, removal of USDA number as evidence to establish Bona Fide Farm status. 05/10/2018

The Planning Board recommended for approval unanimously the Legislative Update to the Vance County Subdivision Ordinance to include Estate Division as an Exemption to the Subdivision Ordinance. 05/10/2018

The Planning Board recommended for approval unanimously the Amendment to the Vance County Zoning Ordinance pertaining to Accessory Structures. 05/10/2018.

## BOARD OF COMMISSIONERS

Whenever the Board of Commissioners makes a decision to adopt or to reject a zoning amendment, the board must approve a written statement describing whether the action is consistent with an adopted comprehensive plan. The statement must also address why the board considers the action taken to be reasonable and in the public interest. The board is not required to follow its adopted plans in zoning decisions, but must consider its reasons for deciding to follow the plan or not.

**Draft Motion and Rationale for Board of Commissioners Approval:** This rezoning is consistent with the character and county's land use plan by promoting and expanding residential development.

**Draft Motion and Rationale for Board of Commissioners Disapproval:** Motion to deny the rezoning request on the basis that the character of the neighborhood will be materially and adversely affected by uses allowed in the proposed zoning category.

**Attachments:** Bona Fide Farm Text Amendment and Copy of Senate Bill 615 (B), Estate Division Exemption Text Amendment and Copy of Senate Bill 131 (C), Zoning Ordinance Text amendment – Accessory Structures, 4.12 (D).