

Draft

**BOARD OF COMMISSIONERS
PLANNING WORK SESSION** August 8, 2023

**ALEXANDER COUNTY
STATE OF NORTH CAROLINA**

PRESENT: Marty Pennell, Chairman
Josh Lail, Vice-Chairman
Kent Herman
Ronnie Reese
Larry Yoder

STAFF: Victor Breininger, Code Compliance Officer
Brian Burgess, Director of Planning & Development
Ben Faulkenberry, County Attorney
Shane Fox, County Manager
David Moose, Compliance & Procurement Specialist
Jamie Starnes, Clerk to the Board

The Alexander County Board of Commissioners held a work session on Tuesday, August 8, 2022 in the Services Center conference room in Taylorsville, North Carolina. The purpose of the meeting was to discuss several updates to Alexander County's land use regulations with anticipated approval at the September 11, 2023 Commissioners' Meeting.

CALL TO ORDER

Chairman Pennell called the meeting to order at 9:08 AM.

TEXT AMENDMENT 23-02 (B)

Brian Burgess, Director of Planning & Development, reviewed proposed Text Amendment 23-02 (B) that included the following changes to the Alexander County Zoning Ordinance:

- Lighting standards – creates standards for new commercial businesses to protect residential neighborhoods and minimize light pollution. Specifics included fixture height limits for parking lots and walkways, rooftop lighting restrictions, and angle placement.
- Temporary signs – clarifies what makes a sign temporary (30 days at a time with a 180-day maximum). Government and non-profit organization signs are exempt as long as guidelines are followed and signs are not located within NCDOT right-of-way.

- Penalties – strengthens penalties for persistent violations and clarifies sign violation remedies. The current fee is \$50 per day; staff recommends the option to charge \$500 per day for violations that remain unabated for longer than 30 days. Placement of temporary signs in NCDOT right-of-way will also be considered a fineable violation.

The Board asked for the addition of a mid-step fee of \$250 after 30 days, moving to \$500 after 60 days.

- Nuisances – creates a new chapter to address land use nuisances with complaint-based enforcement and clarifies notification, penalty, and abatement procedures. In addition, abandoned manufactured homes and structures will be identified as nuisances and a “provisional status” system will be utilized for repeat offenders.

TEXT AMENDMENT 23-03

Mr. Burgess reviewed proposed Text Amendment 23-03 that included the following changes to the Alexander County Zoning Ordinance:

- Personal accessory structures – allows for non-commercial docks, garages, and storage buildings located on residentially zoned lots with no principal structure.
- Drinking establishments – clarifies where drinking establishments are allowed (in B-1, B-2, and H-C zoning districts).
- Change of use – clarifies the need for a change of use permit for new uses in existing buildings.
- Recreational vehicles as residences – due to numerous requests to use an RV as a permanent residence, staff has developed standards allowing this use in the RA-20 Zoning District:
 1. The RV must be attached to an approved waste disposal system. Approval of this system must come from the Alexander County Environmental Health Department.
 2. The RV must be connected to a permanent power source.
 3. No more than one RV can be used as a residence per parcel of land.
 4. Residents in an RV must own the land they are located on. Under no circumstances may an RV permitted by this section be used for rental purposes.
 5. No RV can be used as a residence on less than one acre of land.
 6. An RV can be occupied for no longer than 180 consecutive days.
 7. No RV will be allowed to be used as a residence without first acquiring an annual Residential Camping Permit through the office of Planning and Development.
 8. All RVs must be kept in good repair and must be maintained in good structural and aesthetic condition. Inadequacies include, but are not limited to, improper

solid waste disposal, windows and doors in disrepair, water and waste lines damaged, leaking or damaged roof, heating and ventilation failures, severely damaged frame, damage from fire, or visible black mold. Failure to keep an RV in good repair will be considered a violation of this chapter, and will be subject to the penalties outlined in section 154.274.

Mr. Burgess advised that the suggested fee for an annual Residential Camping Permit was \$600, noting that a database of all permit holders and their expiration dates would be maintained to keep up with compliance issues. Although RVs used as residences prior to adoption of these standards will grandfathered, he felt they should also register annually to ensure these standards are being followed and the RV is kept in good repair. Chairman Pennell was opposed to the \$600 Residential Camping Permit fee and after discussion, the Board agreed to remove that requirement and only charge a one-time \$50 Zoning Permit fee.

- Subdivisions – establishes types of subdivisions (minor, special, and major) along with road standards associated with each type, specifies the duties and powers of the various bodies that review subdivisions and outlines the review process, and ensures compliance with NC statutes. Staff suggests the creation of a Technical Review Committee to review commercial, industrial, and major subdivision projects and assist developers through the approval process. New “Master & Development Plan” procedures will allow developers to get preliminary approvals for major projects without needing to fully engineer before approval.

FEE SCHEDULE

The following revised fee schedule was presented:

Service	Previous Fee	Recommended	Explanation
Conditional use permit	\$350	-	No longer legal in NC
Extension/change of non-conforming use	\$350	-	Not allowed by State law
Interpretation/appeal of Zoning Officer	\$250	\$250	No change
Variance application	\$350	\$500	Fee should reflect process; requires posting and a hearing
Conditional rezoning (less than 25 acres)	\$250	-	Remove acreage requirement; work is same regardless of size
Conditional rezoning (over 25 acres)	\$500	\$500	No change; remove acreage
General rezoning (less than 10 acres)	\$300	-	Remove acreage requirement; work is same regardless of size
General rezoning (over 10 acres)	\$500	\$500	No change; remove acreage
Manufactured home park prelim plat	\$30	\$30	No change
Manufactured home park final plat	\$50	\$50	No change
Minor family or rural plats	\$50	\$65	\$65 charged for some time; fee schedule has not been updated
Major preliminary plat	\$200 + \$5 per lot	\$250	Per lot requirements don't reflect review process
Major final plat	\$150 + \$3 per lot	\$150	Per lot requirements don't reflect review process

Commercial/industrial zoning permit	\$100	\$150	Most labor intensive reviews performed by County staff
Commercial/industrial addition	\$50	\$50	No change
Piers/boat docks	\$25	\$25	No change
Residential single-family zoning permit	\$25	\$50	\$50 charged for some time; fee schedule has not been updated
Residential multi-family zoning permit	\$50	\$100	Requirements are much higher than standard residential reviews
Residential addition	\$25	\$25	No change
Sign permit	\$30	\$50	Same fee associated with general zoning permits
Telecommunication tower permit	\$500	\$500	No change
Telecommunication co-locate permit	\$250	\$50	Review is simple and does not warrant a \$250 fee
2008 Land Development Plan	\$25	-	Will be updated soon and no longer available
Flood Damage Prevention Ordinance	\$15	\$15	No change
Subdivision Ordinance	\$15	\$15	No change
Thoroughfare Plan	\$30	-	No longer available
Watershed Protection Plan	\$15	\$15	No change
Zoning Ordinance	\$20	\$25	Our longest ordinance; cost of printing and staff time warrant a modest increase
Recommended additions:			
Zoning verification letter	-	\$50	Letters are often very time and research intensive
Floodplain permit	-	\$25	Requires several hours of staff time, posting, and a hearing
Watershed permit	-	\$10	BUA and density restrictions
Temporary signs	-	\$25	Less review than permanent signs
Special use permit	-	\$500	Fee should reflect process; requires posting and hearings
Text amendment	-	\$500	Fee should reflect process; requires posting and hearing
Exempt subdivisions	-	-	Exempt by State law; schedule should clarify no charge
Penalties:			
Nuisance violation level I	-	\$50	Per ordinance
Nuisance violation level II	-	\$500	Per ordinance
Zoning violation level I	-	\$50	Per ordinance
Zoning violation level II	-	\$500	Per ordinance

As previously discussed, a mid-step fee of \$250 will be added to the penalties section. In addition, it was agreed that the fee for zoning verification letters would only be charged for commercial and industrial projects, not residential.

COMMUNITY RATING SYSTEM

Mr. Burgess explained that the Community Rating System was a voluntary incentive program that recognizes and encourages community floodplain management practices that exceed the minimum requirements of the National Flood Insurance Program. Over 1,500 communities participate

nationwide. In CRS communities, flood insurance premium rates are discounted to reflect the reduced flood risk resulting from the community's efforts to address the 3 goals of the program, which are:

- Reduce and avoid flood damage to insurable property.
- Strengthen and support the insurance aspects of the National Flood Insurance Program.
- Foster comprehensive floodplain management.

CRS points are earned by joining the program as well as making educational materials available to the public in the form of open space preservation (included in new Subdivision Ordinance), risk reduction activities, adopting a floodplain management plan, etc. Mr. Burgess reported that Alexander County residents currently pay \$40,441 in flood insurance premiums, an amount that could be reduced by 5-15% typically with participation in the CRS Program.

The Board was in favor of joining the Community Rating System Program.

COMPREHENSIVE PLAN

The public input portion for development of the new Alexander County Comprehensive Plan has been finalized. Mr. Burgess informed the Board that parks and recreation, specifically soccer, was the most discussed topic. In addition, he noted that growth and increased funding was supported, but only in the correct locations and for specific projects. Based on these comments, future staff recommendations will likely include:

- Small area plans – these will speak to the distinct needs of each community in greater detail than an overall comprehensive plan.
- Growth management strategy – the Future Land Use map will likely recommend areas that are more or less appropriate for growth and aim to make zoning regulations reflect those recommendations.
- Parks and recreation projects – due to the overwhelming number of comments related to parks and recreation improvements, it is very likely that the Comprehensive Plan will speak to these needs.

Staff is currently meeting with County department heads and drafting chapters for review by the Comprehensive Plan Steering Committee. The final document should be completed and presented to the Board of Commissioners for approval in February or March 2024.

LAND DEVELOPMENT CODE

After approval and implementation of the Comprehensive Plan, staff recommends the drafting of a Land Development Code to clarify, simplify, and consolidate all 5 of our land use ordinances. This unified document will be one of the primary tools for implementing the Comprehensive Plan.

Mr. Burgess has already drafted 350 pages of the Land Development Code that will feature density-based zoning, better intensity distribution, supplemental requirements, and a simplified table of uses.

ACCOMPLISHMENTS / GOALS

Mr. Burgess mentioned several Planning & Development Department accomplishments and goals as follows:

- In-house rewriting of the Comprehensive Plan and drafting the Land Development Code, small area plans, etc. will save a tremendous amount of county tax dollars.
- The turnaround time for plats and permits is now two days versus approx. one week previously.
- Staff have been more present in community and regional meetings to ensure Alexander County has a voice on major projects and funding decisions.
- Staff hopes to continue improving customer service, educating the public, and supporting other County departments.

ADJOURNMENT

There being no further business, Vice-Chairman Pennell made a motion to adjourn at 11:05 AM. Commissioner Herman seconded the motion, which passed unanimously.

Marty A. Pennell, Chairman

Jamie M. Starnes, Clerk to the Board