

Town of Pleasant Garden
Zoning Board
October 15, 2007 7:00 pm
Kirkman Municipal Building

Minutes
Regular Meeting

Attendance:

Ethel Hood
Chris Johnson / Chair
Dale Pruitt
Nancy Jo Smith / Vice Chair
Reid Townsend

Also in Attendance

Wilbur Berry / Council Liaison
Greg Niles / Guilford County Planning
Darla Robenolt / Assistant Town Clerk (Part-Time)
Diana Schreiber / Town Clerk
Don Vaughan / Attorney

Audience

4

Call to order by Chairwoman Johnson at 7:00 pm
Moment of Silence led by Chairwoman Johnson.
Pledge of Allegiance led by Nancy Jo Smith.

Roll Call

Town Clerk Schneider called the roll. No member was absent. A quorum was present.

Approval of Minutes

Ms. Smith motioned to approve the minutes of the August 20, 2007 meeting. Chairwoman Johnson seconded the motion. **5/0; the motion carried.**

Unfinished Business

Update on Introduction to Zoning (Diana Schreiber) – I've included some information for you including a brief synopsis of the *Introduction to Zoning* book / update (attached) that is not yet published. I've pre-ordered it and it will be shipped within 1 – 2 months of publication. I'm sure it will be here to benefit the 2008 Zoning Board. I've also included a short biography of the author, David Owens (attached).

New Business

Zoning and Land Use (Greg Niles, Director Guilford County Planning Department) – Mr. Niles asked the board members to refer to the (attached) outline during his presentation. He noted that Greensboro is referenced, but the 'course' can be customized to Pleasant Garden. Mr. Niles stated that he had read, and would recommend reading Mr. Owens book in conjunction with this training session in order to get an in-depth look at the topic. An overview of Mr. Niles primer / training session follows:

Zoning started in the early twentieth century when housing, factories, mills, retail, et cetera brought their attendant problems to the cities. The cities wanted to separate these types of structures / businesses to protect the health, safety and welfare of their citizens and to keep their cities safe. Land use planning began with attendant zoning in the 'big' cities – New York, Chicago. The desire was to separate the city areas into compatible uses in order to create predictability and stability. Guilford County has had zoning since the late 1960's. The Unified Development Ordinance was used for all Guilford County until 1992 when Greensboro and High Point wanted to develop some of their own / individual planning and zoning ordinances. The needs of the various jurisdictions moved apart from one another and a Multi-Jurisdictional Development Ordinance Commission (MJDOC) was formed to hear variance requests from the various Guilford County jurisdictions. About 1½ years ago the MJDOC was dissolved and each city established their own zoning commissions. Pleasant Garden incorporated ten (10) years ago and used the Guilford County development ordinances to make modifications and establish your own development ordinances. For example, Pleasant Garden has established nine (9) development districts – 1 office; 2 commercial; 1 public / institutional; 2 industrial; 3 housing. These have rational zoning definitions and planned uses for Pleasant Garden (refer to Pleasant Garden Development Ordinance – Section 4). Each zoning district has a table of permitted uses – P=Permitted; D=Must be in compliance with development standard; S=Special Uses / Permissions; Blank=Not permitted. Items can always be added or subtracted from the Table of Permitted Uses. Town Attorney Vaughan interjected that he had worked on the Pleasant Garden Development Ordinance using the ordinances of two (2) other small towns – Stokesdale and (can't remember) + Guilford County. It took Attorney Vaughan plus many townspeople many long nights going through these ordinances, but they have ended up looking very much like Guilford County's development ordinances. Mr. Niles referenced the US Government's SIC (Standard Industrial Classification) with examples of permitted uses. Mr. Niles went on to say that Pleasant Garden has conditional use zoning, which technically doubles the zoning area because owners can ask for changes, but usually take out / delete uses / permissions in order to make the changes. Guilford County Zoning can also make additional conditions. A whopping 75%-85% of rezoning requests come through as conditional use requests. Chairman Johnson asked if the Zoning Board approved a request would it then have to go to the Town Council or the Board of Adjustment? Mr. Niles responded that it would go to the Town Council for a legislative decision. Conditional use zoning is a very important zoning negotiation tool. Town Clerk Schneider asked how the overlays are used? Mr. Niles responded that the zoning map / atlas has a notation for that use, but if it is no longer needed the notation can be overlaid and the area can 'go back' to it's former designation. Overlay districts are created legislatively and show some permanent restrictions, for example – no metal buildings. Mr. Niles indicated he was 'pro' planned unit development (PUD), though Pleasant Garden doesn't have it, because there are wells / septic fields and it's a good way to specify zoning to a particular site based on topography (especially when the topography is not in the 'developers' favor) and only applies to that particular piece of property. This usually occurs on land of ten (10) or more acres. The downside is that you have to show your 'hand' early and lay out your plans. Town Attorney Vaughan interjected that the town had one such case in 2000. Mr. Niles indicated a time limit may be put on the PUD so if it doesn't get done it reverts back to its original zoning. Town Clerk Schneider – "So there can be more than one zoning designation on a property"? Mr. Niles responded "yes", for example there can be single family, multi-family, commercial, etc. on one property. Town Clerk Schneider ask if there are any open space requirements. Mr. Niles responded that yes, but it's low – 5% of the total acreage of a site. Where there are non-buildable areas (septic fields, etc.) it works out to 15% - 20% per PUD.

Rezoning: Let's say a 100 acre farm is divided into four (4) twenty-five acre parcels. You would be required to apply to rezone one of the parcels if you planned to put up a 4 – 5 house subdivision. The rezoning needs to be consistent with Pleasant Garden zoning and development ordinances. The neighbors would be alerted, a publicized public hearing would be held, recommendations would be made (pro / con), the Town Council would hear the opponents and proponents; the Town Council would review the

public record and approve or disapprove the request; appeals can be made in Circuit then Superior Court. Conditional use rezoning goes through the same process. Town Clerk Schneider asked if it's necessary to have a professional speak pro / con since 'emotions aren't considered'? Mr. Niles responded that professionals are not required, but they certainly can be helpful in supporting your decision.

Special Use Permit: A special use is a use that can be defined. You take sworn testimony so 'findings of fact' is important and 'emotions' are not.

Variance: A relaxation of strict adherence to adopted uses and purposes. Sworn testimony is taken. The Board of Adjustment hears variance cases.

Town Attorney Vaughan indicated that zoning and permitting must be EXACTLY correct or it will / can come back and 'get' you later. He indicated that he watches all the case law for all towns in North Carolina to make sure Pleasant Garden is kept aware of the cases / case law they need to be aware of. Some further discussion took place on this topic between Town Attorney Vaughan and Chairwoman Johnson. Chairwoman Johnson asked if there were any more questions from the board. Hearing none she thanked Mr. Niles for his presentation / training.

Public Comment

None

Staff Comment

Council Liaison Hice asked Mr. Niles when he was planning on meeting with the other towns / boards since our boards change in December and we would want another primer / training session when the new boards convene. Mr. Niles responded that he'd be glad to schedule a training session anytime it's convenient for Pleasant Garden. Town Clerk Schneider reminded the board members to sign up for next year's board membership by November 1. Assistant Town Clerk Robenolt interjected that those running for Town Council may want to wait until the results of the election (November 6) before deciding whether to sign up for next year's board since they may be voted onto the Town Council. Mr. Townsend questioned why those running for Town Council were exempt from submitting their applications by November 1. Town Clerk Schneider and Assistant Town Clerk Robenolt explained that November 1 is an arbitrary / administrative date set by the Town Clerk to provide a focal point for people to remember to sign up for boards. In reality, any Pleasant Garden resident in good standing can apply to be on any board any time of the year.

Board Comment

None

Adjournment

At 8:00 pm Ms. Hood made a motion to adjourn. Mr. Pruitt seconded the motion. **5/0; the motion carried.**

Clerk

Date

Chair