

Draft Regulations
Frequently Asked Questions – Chapter 1
Version 1.0 – April 5, 2013

Chapter I

Q. I am used to the “Blue Book” that has been used since 1998. Will these regulations introduce new controls or regulations?

A. The new Ordinance incorporates the provisions outlined in the “Blue Book.” It is very much in line with the same provisions. However, new sections have been added to make this a comprehensive document that aims to be user friendly and ensures consistency. For example, instead of a single approach to development, the new Ordinance provides for 3 categories- minor, standard and major developments and has introduced clear exemptions that do not require review by County Officials.

In order make it easier, staff will refer to the Blue Book in the text of this Ordinance.

Q. Section 1.4 D- refers to the effect of the Ordinance on existing uses and structures. Is this grandfathering?

A. Yes, all legally established existing uses that maintain their status quo will be grandfathered. This Ordinance clearly provides the circumstances where a grandfathered situation may be changed due to a proposed development on-site.

Q. In §1.4(G), reference is made to minimum requirements. It further notes that this Ordinance provides for discretion on the part of a County official or body, that discretion may be thoughtfully and judiciously.....” I have concern with use of the term ‘discretion’. Please clarify the intent.

A. The term discretion refers to the ability of the decision making body to utilize common sense approach to specific situation during their review in the absence of planning tools, such as, noise ordinance or other measurable performance measures. Thus, in specific situations where nuisance abatement, environmental concerns, or compatibility issues are a concern, the decision makers may require additional requirements. In addition, this ordinance provides options for Appeals by the applicant should they not agree to the decision of the Planning Board. This is detailed in Section 2.8.

Q. Section 1.6- Goals and Objectives, under Residential Development refers to protecting residential areas from incompatible land uses. This sounds like zoning. Shouldn’t a hog house be allowed near residential? This is anti-business and too much regulation.

A. Typically, zoning is used as a planning tool to establish compatible uses within prescribed zones/districts. The draft regulations do not aim to create distinct zones/districts. However, it does aim to address goals and objectives established in the existing regulations and the 2011 County Land Use Guide.

Protection of sensitive land uses is an essential goal to maintain the quality of life in the community. While setbacks or adequate buffering/screening may mitigate some of the nuisances arising from an incompatible land use, it may not be sufficient. All such cases are reviewed on a case by case basis on their own merits. Planning staff conduct their research and the Planning Board reviews all development to ensure conformity to the established viable and stable character of the area and seek to protect the overall character of the area, if possible. Finally, the issue of whether a hog farm and residences should be located next to each other relates often to who came first. If a hog farm is the first use established, then a proposed residential development should have no gripe with it. However, if a hog farmer wants to create a new hog farm adjacent to an established an existing subdivision, we may seek some buffering between the two uses.

Q. I have concerns that the regulations reduce my property rights. I have an existing property and I am not sure if it complies with the current regulations and now I will have to comply with a new set of regulations. This is unreasonable.

A. The regulations provide a fair system that defines non-conforming uses and the conditions under which they should be allowed to continue. Just because you have a use that is designated as grandfathered or nonconforming does not mean you can't fully use it as it has historically been used. Nonconforming uses are simply uses that are no longer in complete alignment with the latest regulations. What then happens is that if the user wants to expand or change the use to another use, then s/he would then be required to come in for approval. However, if no change is planned, then it can be business as usual for as long as the owner wishes. The Planning staff is available to meet with concerned citizens and review their situation.

Q. Will this ordinance make all the existing properties to be grandfathered? I have an existing property what does it mean for me? Is this another way of government controlling our businesses?

A. Grandfathering is a tool that will ensure that businesses may continue to operate and maintain status quo. However, should the business choose to expand or undertake a change of use, it will create a baseline for future development on-site. Planning staff is available to meet with property owners. A new section 2.7 provides details of Non Confirming Uses. Planning staff makes all efforts to balance the rights of citizens who wish to establish uses on property that is consistent with the established character of the area and others who wish to use the property for business purposes only without regard to the surrounding land uses.

Q. Will this ordinance nullify private agreements, covenants or easements?

A. This ordinance is not intended to nullify any easements, covenants, or any other private agreement unless the Panning Board determines that the provisions are not inconsistent with this ordinance, and then the private provisions may be enacted but shall not be enforced by the County.

Q. Is any change proposed to the interfamily land transfers? Will it be deemed a subdivision now? This will be very onerous and we oppose the ordinance. Why is frontage on county road now required?

- A. Interfamily land transfers are not deemed as subdivisions. They shall be determined as a tract split provided that such splits result in no more than four separate tracts and all possess frontage on a county road.

The requirement to ensure frontage on County Road helps to create publicly accessible property without any need for deed restrictions. This will help alleviate a number of conflicting situations where a future land owner may not wish to uphold a private agreement for access. This will also prevent land locked parcels.

- Q. I have two current planning applications under review. One has been submitted and awaiting review and the other is currently under consideration by the Planning Board. Do I have to re-apply once the regulations are passed?**

- A. See section 1.9-Transitional Rules. All applications which are under review and pending final action by the Planning Board, as of the effective date of these regulations shall be reviewed and approved in accordance with the ordinance in effect before the effective date of this ordinance. All complete applications received by the submission due date just before the effective date of the regulations also will be reviewed under the regulations that are in effect before the adoption of these regulations.

- Q. What do I need to submit for a development application? This has always been very confusing.**

- A. This ordinance has simplified the requirements for all the 13 types of development proposals in a table format- Table 1.2. The table provides a comprehensive list of all required documents relative to the type of application. Each required document is further supplemented with the information required in the document. In addition, symbols are used to identify if a document is 'required' or may be required by the Planning Board.

* Required

◆ May be deemed necessary by the Planning Board

- Q. How do I use Table 1.2? It lists a number of required documents.**

- A. All one has to do is to find the column corresponding to the type of proposed development and then find the * or ◆
For example, while the legal description of the project is required for most development proposals, construction plans prepared by a registered engineer is required for informal plats only.

- Q. What is a Municipal Planning area Letter? Is this more of the government bureaucracy?**

- A. On the contrary, municipal planning area letter is a useful tool that will help streamline the review process by clearly establishing the jurisdiction for review. This in turn will assist the applicants with their timelines and will prevent any confusion with regards to the jurisdiction. At the pre consultation stage, before submission of application, planning staff will provide a 'Municipal Planning area Letter' template to the applicant so that they may clearly establish the jurisdiction of review and submit the application accordingly.

Q. I am having difficulty finding certain words/ provisions. How would you address it?

A. Planning staff will be adding a detailed Index, which will make it easier to find certain words/provisions.