

Welcome to your new role as a member of the Lee County Planning Board/Board of Adjustment.

- As indicated, this role may require you to serve in two separate capacities – (1) Planning Board and (2) Board of Adjustment

What is the Planning Board?

The Planning Board is a 7-member board (with 2 alternates) whose members are appointed by the County Commissioners to serve as an **advisory** council on matters relating to land development and long-range planning.

The main duties of the planning board include:

- Making recommendations to the elected board on requests for zoning map amendments;
- Making recommendations to the elected board on requests for amendments to the zoning ordinance;
- Making recommendations to the elected board on proposed long-range land use planning documents such as the Comprehensive Plan, small area plans, corridor plans, etc.;
- Making recommendations to the elected board on preliminary subdivision plats; and
- Initiating recommended changes to the zoning ordinance and/or official zoning map.

Planning boards are the advocates of the general public interest.

Your unique role as a planning board member is to represent the general public interest as you make recommendations and decisions regarding public policy that will affect the future development of our community, not the interest of a specific group or point of view.

This may require that you make decisions that may not be advantageous for you individually or for the group that you most closely associate with (neighborhood advocates, business interests, environmental interests, etc.) but are best for the most citizens.

Your role is to buffer the influence of politics in the decision making process, and to apply rational, forward-thinking analysis to the everyday business of building our community.

Though political pressure is an inescapable part of all public deliberation, the planning board should advocate for the good of the community at large, while staying the course despite the shifting political winds.

(paraphrased from NCAPA's Citizen Planner Training Manual)

Key Topics of Interest:

What is a zoning map amendment (“rezoning”)?

Lee County, like most counties in North Carolina, is divided into different zoning classifications or districts for the purpose of regulating land use and development. The current zoning structure is based on the traditional model of separate residential, commercial, industrial and agricultural districts with special allowances for some cross uses.

When an individual or corporation desires to develop, the desired land use must conform to the existing zoning district. If not, often the landowner or developer will petition to have the zoning district changed to a district that will allow the desired land use. This is commonly known as a rezoning or a zoning map amendment.

Approval of a zoning map amendment is a two-step process. First, a joint public hearing is conducted by the County Commissioners and Planning Board to hear comments about the proposed amendment. In that same night, the Planning Board will then discuss the proposal and make a recommendation to the County Commissioners to either approve or deny the request. If it is a conditional use/conditional zoning (see below), conditions can be placed on the recommendation. The County Commissioners will then take final action on the petition typically at their next scheduled meeting (however, sometimes they actually reconvene the same night and take final action the same night as Planning Board).

What is conditional zoning?

Conditional zoning is a modified form of a rezoning. Under a traditional rezoning, the petitioner simply requests that the zoning be changed from an existing County “xx” district to a County “yy” district. Under this traditional approach, neither the petitioner nor the decision-makers have any flexibility to apply additional conditions.

Under the conditional zoning approach, the petitioner has the option to apply additional conditions. This has the advantage of also allowing the planning board and Commissioners to discuss these conditions as well as to request changes. Ultimately, it must be the petitioner who decides what conditions shall be imposed, but the conditional use/conditional zoning approach provides additional flexibility to the County’s land development process.

Typical examples of conditions associated with a conditional zoning include submission of site plan that illustrates additional landscaping buffers or building setbacks (distance from property line). Another typical approach is to eliminate or reduce certain land uses as permitted within a County zoning district that may be perceived as being unfavorable to surrounding property owners.

What is a zoning text amendment?

A zoning text amendment is simply the term used to describe changes to the text of the County Zoning Ordinance. Occasionally changes are recognized as needed for the Zoning Ordinance. Sometimes these are initiated by staff, sometimes by the public, sometimes by the County Commissioners and sometimes by the Planning Board.

What is a preliminary subdivision plat?

When a developer or property owner desires to subdivide land in Lee County, there are local and state rules that must be followed in order to do so. If the desired subdivision is of large enough size, it is considered a “major” subdivision. As such, approval of a major subdivision currently requires a Preliminary Plat be submitted to the Planning Board and County Commissioners for review and approval. Preliminary plats are formal drawings that include survey data to indicate accurate locations of proposed lots, street, utilities, etc. Approval of the preliminary plat is the key step that allows a developer to initiate the construction phase of the development.

Note that unlike rezonings or text amendments, public hearings are not necessary for preliminary subdivision plats, however, the developer and/or their design professional usually attends the meeting to answer any questions the Board may have.

What is the Board of Adjustment?

The Board of Adjustment (BOA) is a five member board (with two alternates) who sit in a “quasi-judicial” manner to hear and decide on appeals as it relates to decisions by the staff and/or interpretations of the zoning code (the UDO). The BOA deals with such issues as variances, special use permits and appeals/interpretations.

The function of the BOA is substantially different than that of the Planning Board and requires a much more rigorous set of procedural rules. Please note that staff will conduct a training session for our board members in the new future to assist in understanding the complexities of the BOA.