

**MINUTES  
OF THE PLANNING AND ZONING BOARD**

Foxfire Village Hall  
Regular Meeting

6:00pm

Tuesday, March 17th, 2026

**1. Call to Order:**

Chairperson Jarusinski called the meeting to order at 6 p.m.

**2. Record members/others present**

Members present: Jarusinski, Kuebler, McCue, and Montes with none absent – Several members of the Foxfire Village present

**3. Approval of Minutes of Regular Meeting**

No Minutes approved – Minutes for February and March will be available for approval in April Meeting

**4. Public Comment**

Moved to end

**5. New Business**

Ads to Agenda

- Jarusinski made motion to add recommendation to the village council regarding two candidates, seconded by Kuebler
- McCue made a motion to add a discussion on pending legislation about nonconformities and downzoning (Senate Bill 587), seconded by Jarusinski.
- Jarusinski made a motion to table short-term rentals discussion to April agenda, seconded by McKue.

#### Candidate Interviews

- Two applicants interviewed; one withdrew, leaving two excellent candidates.
- Recommendation for both candidates to reapply if not selected.
- Discussion on the qualifications and backgrounds of the candidates.
  - Rich has more experience and credentials than Jason.
  - Jason has relevant experience with unchecked growth in a previous community.

#### Board Recommendation

- Motion made to recommend Rich Kight to the village council for the open seat.
- All in favor, none opposed; Rich Kight will be the recommendation.
- Encouragement for Jason Keiser to reapply for future positions.

#### Administrative Policy Proposal

- Proposal for a new process for filling vacancies on the planning and zoning board.
  - Vacancies to be posted publicly within five business days.
  - Notices to remain posted for a minimum of 15 days and a maximum of 30 days.
- Discussion on the timing of posting vacancies prior to term expiration.
  - Example: Position should be posted 30 days before a member's term ends.

#### Planning and Zoning Board Process

- Chair to receive and organize applications.
- All board members to participate in interviews.
- Recommendations to be submitted to the village council for final decision.

#### Discussion on Planning and Zoning Board Appointments

- Jarusinski questions the inclusion of the phrase "to promote informed and transparent appointments" in the UDO.
- They express uncertainty about whether such wording is necessary, stating, "In my opinion, and I agree with all of it, none of that in it should be in the UDO."
- McCue suggests that the process should be an administrative procedure rather than part of the UDO, emphasizing that "it's administrative. It's procedural."

#### Purpose of the Proposed Procedure

- The proposed procedure aims to establish a clear process for filling vacancies on the planning and zoning board, as there is currently no defined procedure.
- The procedure is intended for "anyone involved in the process," including the village clerk and village administrator.

#### Concerns About Enforcement and Clarity

- Montes highlights the lack of enforcement mechanisms if the procedure is not included in the UDO, stating, "there's no way to enforce without the UDO."
- concern is expressed about the current lack of clarity regarding the application process, noting that "we've been without members since...we lost our member in June."

#### Recommendations for Improvement

- the process should be streamlined to avoid long vacancies on the board, referencing a more efficient process used in the past.

- recommendations could either be included in the UDO or established as a policy for how applications are received, stating, "we could say we recommend they put this in the UDO or we can say that we recommend that they make this a policy."

#### Legal and Procedural Considerations

- The discussion includes the legal implications of including procedural elements in the UDO, with concerns about the rigidity of timelines for processing applications.
- Jarusinski emphasizes the importance of public hearings and legislative procedures for any amendments to the UDO, explaining that "anytime the UDO is amended, you have to have a public hearing."

#### Accountability and Enforcement

- Concerns raised about accountability for those responsible for following the procedures, noting, "if somebody's not doing their job, it doesn't matter if it's in the UDO or not."
- They conclude that consequences for not following procedures may ultimately rely on electoral processes, stating, "through the vote...if somebody's not following the rules and procedures laid out, there seems to be no consequences for their actions."

#### Process for Recommendations

- Questions how to get something on the agenda for public input.
  - "Is there a way for the public to say we want this in there?"
- Clarifies the governing authority of the village.
  - "That's the council."
- Discusses the role of public comment in influencing council decisions.
  - "Public comment... anybody can get up at a council meeting and tell them what they think."

#### Recommendations for UDO and Employee Manual

- Suggests the need for clear procedures in the UDO.
  - "It should be written somewhere... this is the way the procedure works."
- Discusses the potential for recommendations to be made to the village council.
  - "Why not just go ahead and give it to the village council and say, 'We recommend this for either the UDO or the employee manual.'"
- Emphasizes the importance of community involvement in governance.
  - "The community can more than handle that... to keep us all in line."

#### Recommendations:

- Motion made by Jarusinski to recommend new Planning and Zoning Board member selection process and policy to be added to the policy manual or the UDO, at the Village Councils discretion, seconded by Montes. All in favor, None opposed.

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#### **Nonconformities and Senate Bill 587**

- Discussion on the definition of nonconformity, which is deemed "horrible" for using the term itself.
- Senate Bill 587 is currently in the second edition and has passed the first reading.
- Nonconforming refers to properties that do not comply with new zoning regulations, such as a house built at 40 feet when the new limit is 35 feet.

- The bill aims to vest all nonconformities, which has been a standard practice since the 1950s in North Carolina.

#### Grandfathering and Existing Uses

- The bill allows nonconformities to continue until they are "intentionally and voluntarily discontinued."
- Ownership changes do not affect the nonconformity status; for example, a gas station can be sold and continue operating despite zoning changes.
- The legislation does not allow for expansion of nonconforming uses, such as increasing the number of gas pumps.

#### Beautification Standards and Landscaping

- The bill applies to various property aspects but does not cover beautification standards like landscaping, fencing, or outdoor lighting.
- Changes in landscaping requirements after a property is developed may not be grandfathered in.
- Mature plantings and landscaping plans are defined in the UDO but may not be required for nonconforming properties.

#### Concerns About Downzoning

- There is a general concern about the potential for downzoning and its implications for the community.
- The mayor attended a county meeting regarding downzoning, and there is a need for awareness if the bill passes.
- The discussion emphasizes the importance of understanding community concerns and preparing for potential requests related to the bill.

### **Table of Authorized Uses**

- A first look at the table of authorized uses reveals inconsistencies and areas for improvement.
- Suggestions include marking uses that require a special use permit with "SP" and ensuring clarity in definitions.
- The discussion includes the need to align the table of authorized uses with existing UDO regulations.

#### Future Considerations

- The conversation highlights the need to correct discrepancies between the table of authorized uses and the UDO before broader discussions on allowable businesses.
- Specific examples include fitness clubs not being allowed in certain districts and the need for clarity on utility and well sites.
- The importance of negotiating uses in planned unit developments (PUDs) is emphasized, as they should align with community needs and regulations.

#### Property Zoning Discussion

- Property purchased was intended to be rezoned to municipal (MUM).
  - Well sites and maintenance should be under municipal zoning as they belong to Fox Village.
- An old well site off Woodland Circle extension is closed and was sold.

- If rezoned to municipal, a public hearing would be required to change it back to RA5 or RA40 for sale.

- Discussion on the need for broader conversations with the council regarding property sales.

- Important to acknowledge municipal zoning and potential environmental issues related to well sites.

#### Agricultural Regulations

- Discussion on cattle ranching in residential multiple zones.

- Not currently included in the UDO.

- Bees are restricted in several districts but allowed in any district per Article 2, Chapter 3 of the code.

- Need to review animal support functions and their consistency with accessory buildings.

- Home occupations allowed in accessory buildings, differing from accessory building sections.

#### Special Use Permits and UDO Review

- Support for the designation of special use permits.

- Recommendation to review the list of authorized uses for potential updates.

- Aim to address any missed items and guide broader discussions for UDO changes.

- Previous attempts to review UDO section by section were deemed inefficient.

## **6. Old Business**

None

## **7. Public Comment**

- Sandy Cameron from Richmond Road suggested public comment at both the beginning and end of meetings.

- Concern about transparency if information is only in a handbook, should be in UDO.

- Dan Leary from North Shamrock suggested incorporating timelines in the UDO while keeping detailed procedures in the employee handbook.- Emphasized the need for clear procedures to avoid chaos in council operations.

## **8. Adjournment**

Motion to close the meeting at 7:31 PM made by Jarusinski, seconded by Montes