



**TOWN OF MIDWAY
PLANNING & ZONING BOARD MINUTES
TUESDAY, AUGUST 26, 2014**

**MINUTES OF MIDWAY PLANNING & ZONING BOARD REGULAR MEETING HELD ON
TUESDAY, AUGUST 26, 2014 AT 5:00 P.M. AT TOWN HALL, 125 GUMTREE ROAD IN
MIDWAY, NORTH CAROLINA**

CALL TO ORDER

Chairperson Charles Waddell called the meeting to order.

Planning & Zoning Board members present were: Charles Waddell, Jackie Edwards, Jamie Hester, LeeAnn Thomas, and James W. Smith. Absent: Carl Tuttle.

Town Planner Erin Burris and Town Clerk Linda A. Hunt were present. Benchmark CMR, Inc. assigned Ms. Burris to replace Andy Goodall who has taken on additional responsibilities at another municipality which requires more of his time.

Andy Goodall arrived at approximately 5:30 p.m.

APPROVAL OF MINUTES

On motion by Board member LeeAnn Thomas, seconded by Board member Jackie Edwards, the Board voted unanimously to approve the minutes as presented.

ADOPT AGENDA

It was necessary to amend the agenda to add an item to the agenda under **VII. OTHER BUSINESS:**
**2. AMENDMENT OF PLANNING AND ZONING BOARD/BOARD OF ADJUSTMENT 2014
MEETING SCHEDULE.**

On motion by Board member James Smith, seconded by Board member Jamie Hester, the Board voted unanimously to adopt the agenda as amended.

PUBLIC COMMENT PERIOD

There were none.

PLANNING BOARD CASES

There were none.

OTHER BUSINESS

LAND DEVELOPMENT ORDINANCE REVIEW

At the last Planning Board meeting on June 24, 2014, copies of Article XIV – Review and Approval Procedures, Article XV – Enforcement and Article XVI – Nonconformities were distributed to the

Planning Board for review prior to the next Planning Board meeting, at which time the Board will have the occasion to ask questions and provide input regarding the proposed articles.

Town Planner Erin Burris highlighted significant portions of the Articles as follows:

ARTICLE XIV – REVIEW & APPROVAL PROCEDURES

14.1 Common Review Procedures

Table 14-1: Summary of Public Hearing Requirements

Table 14-2: Summary of Notice Requirements

14.2 Standards, Procedures and Requirements for Development Applications

This Section includes the review procedures, standards and related information for each of the development applications procedures as summarized in Table 2-1, Review and Responsibilities

- A. Zoning Map Amendment**
- B. Ordinance Text Amendment**
- C. Conditional Zoning District Classification**
- D. Special Use Permit**
- E. Variance (Changes will be made to reflect legislative action)**
- F. Concept Plan**
- G. Site Plan**
- H. Watershed Protection Permit**
- I. High Density Development Permit**
- J. Subdivision**
- K. Land Development Permit**
- L. Floodplain Development Permit**
- M. Tree Preservation and Protection Plan**
- N. Appeals of Administrative Decisions**
- O. Establishment of Vested Rights**

ARTICLE XV – ENFORCEMENT

15.1 Purpose

This Article establishes the procedures through which the Town seeks to ensure compliance with the provisions of this Ordinance and obtain corrections for Ordinance violations. It also set forth the remedies and penalties that apply to violations of this Ordinance. The provisions of this chapter are intended to encourage the voluntary correction of violations, where possible.

15.2 Compliance Required

Compliance with all of the procedures, standards and other provisions of this Ordinance is required by all persons owning, developing, managing, using or occupying land or structures with the Town's jurisdiction.

15.3 Violations

15.4 Responsible Persons

15.5 Enforcement Generally (C. 2. Application of Remedies and Penalties – add 15 days to remedy)

15.6 Remedies and Penalties

15.7 Cumulative Penalties

15.8 Continuing Violations

ARTICLE XVI- NONCONFORMITIES

16.1 General Applicability

A. Purpose and Scope

1. General

In the provisions established by this Ordinance, there exist uses of land, structures, lots of record, and signs that were lawfully established before this Ordinance was adopted or amended, that now do not conform to its terms and requirements. The purpose and intent of this Article is to regulate and limit the continued existence of those uses, structures, lots of record, and signs that do not conform to the provisions of this Ordinance, or any subsequent amendments.

2. Permit, but not Encourage Nonconformities to Continue

It is the intent of this Ordinance to permit most of these nonconformities to continue until they are removed, but not to encourage their continuance except under the limited circumstances established in this Article. The provisions of this Article are designed to curtail substantial investment in nonconformities.

B. Authority to Continue

C. Determination of Nonconforming Status

D. Minor Repairs and Maintenance

16.2 Nonconforming Uses

16.3 Nonconforming Structures

16.4 Nonconforming Lots of Record

16.5 Nonconforming Signs

Copies of Article XVII – Definitions and Appendices were distributed to the Planning Board for review and discussion at the next Planning Board meeting scheduled on Tuesday, September 30, 2014.

AMENDMENT OF PLANNING AND ZONING BOARD/BOARD OF ADJUSTMENT 2014 MEETING SCHEDULE

This item was added to the agenda.

Town Manager Ryan Ross informed the Board that due to firefighter training sessions going on at the Midway Fire Department through November of this year, the Planning Board meetings will have to be held at Town Hall instead; therefore, the 2014 Planning Board Meeting Schedule will have to be amended to reflect the change in the location of the meetings.

On motion by Board member Jackie Edwards, seconded by Board member LeeAnn Thomas, the Board voted unanimously to amend the 2014 Planning and Zoning Board/Board of Adjustment meeting schedule to change the location of the its meetings from the Midway Fire Department to Town Hall located at 125 Gumtree Road in Midway through November 2014.

REPORTS

PLANNING AND ZONING REPORT FOR JULY 2014

Town Planner Andy Goodall reviewed the Planning and Zoning report July 2014 as follows:

A. ZONING PERMIT ACTIVITY

Zoning Permits Issued						
Permit Number	Date	PIN	Add.	Street	Description	Applicant
Z- 2014-18	7/24/2014	6841-03-30-6258	215	Chinaberry Lane	Deck Addition	Andy Ray Barnette

B. CODE ENFORCEMENT

Type	Address	Status
None for July		

Chairperson Charles Waddell asked Mr. Goodall if Minton Motors is encroaching on the adjacent property, stating it looks like some of its used cars are parked across the property lines. Mr. Goodall said it appears so, but the property owner has not complained about it being a problem.

Board member Jackie Edwards asked about the sign at the service station next door to the Town Hall building that is non-compliant to the sign ordinance. Mr. Goodall explained that all non-conforming signs that were grandfathered in when the sign ordinance was adopted are legal. Mr. Goodall said that Article XVI – Nonconformities in the proposed Land Development Ordinance addresses this issue. Section 16.5, A. General Standards, 2. of that Article states: “A nonconforming sign may not be moved or replaced except to bring the sign into conformity with this Ordinance. Once a nonconforming sign is removed from the premises or otherwise taken down or moved, the sign may only be replaced with a sign which is in conformance with this Ordinance.” An amortization schedule for removal of nonconforming signs is also included.

Mr. Goodall said any special regulations/standards (i.e. pawnshops, etc.) will need to be added and will be included in the Appendix of the Ordinance. Mr. Goodall asked the Board to make a list of any special regulations they would like to add and bring them to the next Planning Board meeting for discussion.

REPORTS

PLANNING BOARD

Chairperson Waddell asked if there were any reports from the Board members.

Board member Jackie Edwards inquired about the status of ongoing yard sales and the large white house on Northwind Drive.

Board member Jamie Hester said one option the Town may want to consider is to allow use of Farmers Markets on Town property on weekends during season.

Andy Goodall informed the Board of the third public meeting regarding the development of the Town property to be held on Thursday, September 25, 2014, at 6:00 p.m. at the Midway Fire Department and encouraged the Board’s attendance.

ADJOURNMENT

On motion by Board member LeeAnn Thomas, seconded by Board member Jamie Hester, the Board voted unanimously to adjourn the meeting.

Linda A. Hunt, Town Clerk

Charles Waddell, Chairperson