



**TOWN OF MIDWAY  
PLANNING & ZONING BOARD MINUTES  
TUESDAY, DECEMBER 16, 2014**

**MINUTES OF MIDWAY PLANNING & ZONING BOARD REGULAR MEETING HELD ON  
TUESDAY, DECEMBER 16, 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, and James W. Smith. Absent: LeeAnn Thomas and Carl Tuttle. .

Town Planner Erin Burris and Town Clerk Linda A. Hunt were present.

**APPROVAL OF MINUTES**

On motion by Board member Jackie Edwards, seconded by Board member Jamie Hester, the Board voted unanimously to approve the November 25, 2014 minutes as presented.

**ADOPT AGENDA**

On motion by Board member Jamie Hester, seconded by Board member Jackie Edwards, the Board voted unanimously to adopt the agenda as presented.

**PUBLIC COMMENT PERIOD**

There were none.

**PLANNING BOARD CASES**

There were none.

**OTHER BUSINESS**

**LAND DEVELOPMENT ORDINANCE AND ZONING MAP RECOMMENDATION**

Town Planner Erin Burris began review of the remaining Articles of the Land Development Ordinance (LDO) where the Board left off at the last Planning Board meeting, starting at Article IX Off-Street Parking.

**Article IX – Off Street Parking**

The purpose of these regulations is to provide for adequate off-street parking within the Town's jurisdiction.

These regulations shall apply to all land development activities within the Town of Midway. This includes the expansion, enlargement, change of use or other action which alters the parking demand for a structure or use.

## **Article X – Signs**

The purpose of this Article is to support and complement the various land uses allowed in the Town's jurisdiction through the regulation of signs. More specifically, the intent of this Article is to:

- A. Encourage effective use of signs as a means of communication in the Town;
- B. Maintain and enhance the beauty and unique character and enhance the aesthetic environment of the Town by eliminating visual blight;
- C. Maintain safe conditions to protect pedestrians and motorists of the Town from damage or injury or partially attributed to the distractions and obstructions cause by improper size and location of signs; and
- D. Promote public safety, health, welfare, convenience, enjoyment of travel and the free and safe flow of traffic.

Chairperson Charles Waddell and Board member Jackie Edwards agreed they would like to also include wording to address off-premises signs (open house, yard sales, etc.). The Board concurred with that suggestion Mr. Burris stated she would add language to that effect to this article.

## **Article XI – Subdivision Standards**

All proposed subdivisions shall comply with this Article, and shall be designed to promote beneficial development of the community, and shall bear a reasonable relationship to the approved plans of the Town.

All required improvements, easements, and rights-of-way (other than required reservations) shall substantially benefit the development or bear a reasonable relationship to the need for public facilities attributable to the new development.

Land which has been determined, on the basis of an engineering assessment or other expert survey, to pose an ascertainable danger to life or property by reason of its unsuitability for the use proposed shall not be platted for that purpose until the sub divider has taken the necessary measures to correct said conditions and to eliminate said dangers. Areas that have been used for disposal of solid waste shall not be subdivided unless tests by the Davidson County Health Department, a structural engineer and a soils expert determine that the land is suitable for the purpose proposed.

The Standards of Practice for Land Surveying in North Carolina, as adopted by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors, shall apply when installing permanent monuments.

In subdividing property, due consideration shall be given by the sub divider to the reservation of suitable sites for schools and other public uses in accordance with NCGS 160-A-372.

## **Article XII – Water Supply Watershed Protection**

The purpose of these regulations are to establish standards for the use and development of land within areas which have been identified by the NC Department of Environment and Natural Resources as environmentally sensitive due to their proximity to public drinking water supply sources.

The regulations contain in this Article shall apply to all lands within the Watershed Protection Overlay District, as shown on the Official Zoning Map.

An approved Watershed Protection Permit, as set forth in Section 14.2(H), shall be required prior to the commencement of any land development activity within a regulated watershed.

### **Article XIII – Flood Damage Prevention**

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3,5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare.

The purpose of this Article is to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas.

The objectives of this Article are to:

- a) Protect human life, safety, and health;
- b) Minimize expenditure of public money for costly flood control projects;
- c) Minimize the need for rescue and relief efforts associated with flooding the generally undertaken at the expense of the general public;
- d) Minimize prolonged business losses and interruptions;
- e) Minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets and bridges) that are located in the flood prone areas;
- f) Help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
- g) Ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

### **Article XIV – Review & Approval Procedures**

Applications for development approval shall utilize the procedures set forth in this Section.

Applications submitted under this Ordinance in accordance with Section 14.1(E), Application Submission, shall be submitted by the landowner or a person acting on behalf of the landowner with their authorization and consent.

If the applicant is not the owner (or sole owner) of the land, or is a contract purchaser of the land, a notarized form supplied by the Town and signed by the owner(s) consenting to the submission of the application shall be submitted along with all the required application information. With the exceptions to amend the official zoning map initiated by the Town Council, Planning Board, or Ordinance Administrator subject to Section 14.2(C) of this Ordinance.

### **Article XV – Enforcement**

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 sets 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.

### **Article XVI – Nonconformities**

In the provisions established by this Ordinance, there exist uses of land, structures, lots of record, and sign 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.

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.

**Article XVII - Definitions**

Except as specifically defined in this Article, all words used in this Ordinance shall be as defined in the most recent edition of The Illustrated Book of Development Definitions (Rutgers). Words not defined in this Article or the above book shall be constructed to have the meaning given common and ordinary use, and shall be interpreted within the context of the Article and Section in which they occur.

Appendix A sets forth Subdivision Plat Content Standards.

In previous Planning Board meetings, there was concern and apprehension expressed by some Board members about the proposed new zoning district designations. In response to those concerns, Ms. Burris prepared a Zoning District Comparison Chart as follows:

**Zoning District Comparison**

<b>Current Zoning District</b>	<b>Proposed Zoning District</b>
RA-1 Rural Agricultural RA-2 Rural Agricultural RA-3 Rural Agricultural	AG Agricultural
RS Low Density Residential	CR Countryside Residential
RM-1 Medium Residential	TR Town Residential
RM-1 High Density Residential	UR Urban Residential MR Multi-family Residential
RC Rural Commercial CS Community Shopping District	NB Neighborhood Business
O-I Office and Institutional	OI Office & Institutional
HC Highway Commercial	GB General Business
LI Limited Industrial HI Heavy Industrial	LI Limited Industrial

**Ms. Burris said the Zoning Map would have to be amended to reflect these changes.**

Once the changes in the proposed Land Development Ordinance and the Zoning Map are completed, Ms. Burris will present the final draft for the Board’s approval.

**REPORTS**

**November 2014 Planning and Zoning Report**

**A. ZONING PERMIT ACTIVITY**

<b>Permit #</b>	<b>Date</b>	<b>PIN</b>	<b>ADD.</b>	<b>Street</b>	<b>Description</b>	<b>Applicant</b>
Z-2014-20	11/20/2014	6831-01-17-8768	451	Willow Ridge	New home	John Bradley Leonard
Z-2014-20	11/24/2014	6831-01-36-3460	942	North Wind Drive	Screen porch additional	Jarvis Construction

**B. CODE ENFORCEMENT**

<b>Case Number</b>	<b>Address</b>	<b>Violation</b>	<b>Action</b>
V-2014-10	1954 and 1812 Hickory Tree Road	Unscreened outdoor storage	Notice of Violation
V-2014-11	1718 Hickory Tree Road	Unscreened outdoor storage, More than 4 yard sales	Notice of Violation

**PLANNING BOARD**

There were none.

**ADJOURNMENT**

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

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Linda A. Hunt, Town Clerk

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Charles Waddell, Chairperson