



**TOWN OF MIDWAY
PLANNING & ZONING BOARD MINUTES
TUESDAY, NOVEMBER 29, 2016**

MINUTES OF MIDWAY PLANNING & ZONING BOARD MEETING HELD ON TUESDAY, NOVEMBER 29, 2016 AT 5:00 P.M. AT MIDWAY TOWN HALL, 426 GUMTREE ROAD, MIDWAY, NORTH CAROLINA

CALL TO ORDER

Chairman Charles Waddell called the meeting to order.

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

Town Planning Advisors Richard Smith and Kassie Watts, Town Manager Gary Looper, Town Clerk Linda Hunt, and Administrative Assistant Tammy Robertson were present.

APPROVAL OF MINUTES

On motion by Board member Jamie Hester, seconded by Board member Carl Tuttle, the Board voted unanimously to approve the October 25, 2016 minutes as presented.

ADOPT AGENDA

On motion by Board member LeeAnn Thomas, seconded by Board member James Smith, the Board voted unanimously to adopt the agenda as presented.

PUBLIC COMMENT PERIOD

There were none.

MIDWAY ORDINANCE VERSUS DAVIDSON COUNTY ORDINANCE (RECENTLY AMENDED).

Staff was directed to provide a comparison of the key points between the existing Midway Zoning Ordinance and the Davidson County Zoning Ordinance (effective September 1, 2011) and amended as recently as September 14, 2015.

**COMPARISON OF MIDWAY'S ZONING ORDINANCE AND DAVIDSON COUNTY ZONING
ORDINANCE**

ARTICLE 1

GENERAL PROVISIONS

Midway

- Authority
- Intent
- Applicability

Davidson County

- Authority
- Intent
- Farm Exemption
- Applicability

ARTICLE 2

ESTABLISHMENT OF ZONING DISTRICTS AND MAP

Midway

- Interpretation of District Boundaries

Davidson County

- Interpretation of District Boundaries

ARTICLE 3

Midway (Establishment of Use Regulations and Schedules)

- RA-1, RA-2, RA-3 –Rural Agricultural Districts
- RS-Low Density Residential District
- RM-1 –Medium Density Residential District
- RM-2 –High Density Residential District
- RC –Rural Commercial District
- CS-Community Shopping District
- O/I –Office and Institutional District
- HC –Highway Commercial District
- LI –Limited Industrial District
- HI –Heavy Industrial District

Section 3-3 –Conditional Use Districts

Section 3-4 –Overlay Districts

- The Town of Midway has one Overlay District: Core Commercial Overlay District (CCOD)
The Core Commercial Overlay District is established to provide additional development regulations for the area around the US 52 and Hickory Tree Road interchange. The standards for this Overlay District are set forth in Article 17.

Section 3-5 –Table of Permitted Uses

- Description of Uses permitted in each of the zoning districts
- Farm Exemption
- Conditional Use Districts
- Overlay Districts

Davidson County (Permitted and Conditional Uses)

- General Zoning Districts
 - RA-1 through HI, no changes in the districts from existing Midway ordinance
- Mixed Use Zoning Districts
 - Section 3.04 Mixed Use Zoning District allows for Master Planning of the following:
 - MX-R –Mixed Use, Residential
 - MX-C –Mixed Use, Commercial
 - PEC, Planned Employment Center ((Including Pedestrian Access Plan, Site Design Plan)

- Conditional Use Districts
- Airport Height Overlay Districts

ARTICLE 4

Midway (Area, Height and Placement Regulations)

Regulations governing the required minimum lot size, minimum lot width, required front, side and rear setbacks, maximum bldg. height and maximum lot coverage for each of the general districts shall be shown in the Table located at the end of Article 4.

- On Well and Septic -30,000 sq. ft. lot in RA-1, RA-2, RA-3, RS and RM-1

Davidson County (Dimensional Regulations)

- On Well and Septic -20,000 sq. ft. lot in RA-1, RA-2, RA-3, RS and RM-1

ARTICLE 5

Midway (Planned Development Districts)

- General Description
- Definition
- Relationships to other Zoning & Subdivision Regulations
- Where and How Permitted
- Planned Development Amendment Procedures/Administrative Actions
- Planned Development/Specialized Districts

Davidson County (Special Uses)

- Intent
- Establishment of Classes of Special Uses
- Application/Procedures
- Changes and Modifications of Plans
- Construction
- Regulations Governing Individual Special Uses
- Requirements for Special Uses.

ARTICLE 6

Midway (Special Uses)

- Two classes of Special Uses
 - Class A –Approved or Disapproved by TC
 - Class B –Approved or Disapproved by BOA
- Application Procedure
- Action on Application
- Minor Changes and Modifications of Plan
- Construction

Davidson County (Development Standards)

- Standards for Permitted Uses
- Standards for Accessory Uses
- Standards for Mixed Use Zoning Districts
- Standards for Landscaping and Screening

ARTICLE 7

Midway (Signs)

(Those subject to control vs. those not subject)

- Traffic Safety Precautions
- Restrictions on Illumination, Banners, Streamers, Flashing Lights

- Prohibited Locations
- Temporary Signs
- Permitted Signs (Size and Number)

Davidson County (Administration)

- Planning Board
- Board of Adjustment (BOA)
- Internal Review Committee
- Administrative Officer
- Determination of Compliance
- Zoning Permit, Certificate of Occupancy
- Amendments, Variances (Public Notice), Appeals
- Fees
- Vested Rights

ARTICLE 8

Midway (Off-Street Parking and Loading)

- Off-Street Parking and Loading Required
- Joint Parking Facilities
- Off-Street Parking Design Standards/Requirements
- Off-Street Loading and Unloading Requirements

Davidson County (Compliance)

- Violations
- Procedures
- Remedies
- Repeat Offenders
- Civil Penalties –Assessment and Procedures
- Other Powers and Actions

ARTICLE 9

Midway (Non-Conformities)

Intent is to require cessation of certain non-conformities, to permit others to continue until they are removed or cease, but not to encourage survival.

- Definitions
- Non-conforming lots of record
- Non-conforming uses of land
- Non-conforming uses of structures
- Non-conforming signs
- Non-conforming structures
- Repairs and Maintenance

ARTICLES 9 AND 10 - DAVIDSON COUNTY

Article 9 - Definitions

- Definitions not Provided
- Definitions

Article 10 –Appendix

- Suggested Plant Materials

MIDWAY ZONING ORDINANCE

ARTICLE 10 –BOARD OF ADJUSTMENT

- Establishment
- Powers of Board
- Board of Adjustment Administration
- Quorum and Vote Required
- Granting Variances –Must Comply with NCGS
- Application of Special Use Power
- Application of Interpretation Power
- Appeal Stays Further Proceedings
- Exceptions to Stay of Action
- Appeals of Board of Adjustment Actions

ARTICLE 11 –AMENDMENTS

- Amendment Initiation
- Procedure for Amendment
- Referral to Planning Board
- Public Hearing and Notice
- Receipt of Applications and Public Hearing by TC

ARTICLE 12 –ADMINISTRATION

- Duties of Zoning Administrator
- Power and Limitations of Zoning Administrator
- Zoning Compliance Permit Required/Applications
- Certificates of Occupancy
- Health Department Approval
- Fees
- Administration and Enforcement of Performance Standards

ARTICLE 13 –VIOLATIONS AND PENALTIES

- Violations
- Penalties
- Remedies

ARTICLE 14 –DEFINITIONS

ARTICLE 15 –VESTED RIGHTS

- Establishment
- Termination

ARTICLE 16 –LEGAL STATUS PROVISIONS AND EFFECTIVE DATE

- Severability
- Conflict with Other Laws
- Effective Date

ARTICLE 17 –CORE COMMERCIAL OVERLAY DISTRICT

- Development of Approval Procedures
- Site Layout/Development Patterns
- Relationship to Surrounding Development
- Vehicular and Pedestrian Access and Circulation
- Parking
- Landscaping and Screening
- Architectural Guidelines
- Lighting
- Signage
- Underground Utilities
- Use Restrictions

SUMMARY

The Davidson County Ordinance combines 17 Articles of information into a more manageable 10 Articles, however there are pertinent differences as shown in this presentation. Town Planning Advisor Richard Smith, encouraged the Board to consider another work session to discuss bringing Midway's Zoning Ordinance into compliance before moving forward with any new amendments to Midway's current Zoning Ordinance.

For discussion only.

OTHER BUSINESS

REPORTS

ZONING AND SIGN PERMIT REPORT NOVEMBER 29, 2016

ZONING & SIGN PERMIT ACTIVITY

Permit #	Date	PIN	Add. #	Street Name	Permit Description	Applicant
S-2016-01	1/13/2016	6830-02-78-9887	189	Hickory Tree Road	Existing multi-tenant freestanding sign panel addition	Burton Sign Works
Z-2016-01	1/14/2016	6831-04-70-5035	11141	Old US Highway 52	Interior Upfit of Suite 6-Bakery and coffee shop in existing retail space	Zeno Marshall, Jr.
Z-2016-02	02/09/2016	6841-02-55-265	250	N. Lee St.	Installation of in-ground pool	Alvin Linville
Z-2016-03	04/19/2016	6830-04-62-0134	323	Midbrook Run	Detached Garage (3 bays)	Ashley Hilchey
Z-2016-04	05/15/2016	6831-03-42-3298	120	Steelman Lane	Construction of Single Family Residence	James Thomas
Z-2016-05	05/31/2016	6841-04-63-1726	340	Dixie Club Road	12' x 32' Pool House	Mike Phillips
Z-2016-06	05/31/2016	6842-04-81-1672	147	N. Cedar Drive	16' x 20' Rear Deck Addition	Amy Smith
Z-2016-07	06/07/2016	6841-01-29-3470	266	Hayes Road	Replacement of MH with newer MH	James Lamando Pearson
Z-2016-08	06/14/2016	6830-02-79-8984	11157	Old US Hwy 52	2,200 sq. ft. two bay car wash	Mike Phillips
Z-2016-09	06/21/2016	6841-01-29-3126	230	Hayes Road	10' x 20' Accessory Structure	Terry Boner
Z-2016-10	06/21/2016	6841-03-14-5412	1078	Gumtree Road	Faith Church Interior Upfit	Thomas General Contractors, LLC
Z-2016-11	07/05/2016	6831-01-15-5361	1847	Hickory Tree Road	Home Occupation Internet Sales of Household Items	Michael McDaniel

Permit #	Date	PIN	Add. #	Street Name	Permit Description	Applicant
S-2016-02	07/13/2016	6831-04-71-7702	189	Hickory Tree Road	Replacement Signage for Yadkin Bank Conversion	Burton Signworks, Inc.
Z-2016-12	08/09/2016	6830-01-16-3739	236	Woodfield Drive	Accessory Garage	David Wrenn
Z-2016-13	08/16/2016	6830-02-57-3951	582	David Smith Road	Construction of Single Family Residence 70' x 68'	J. Marshall Construction
Z-2016-14	09/06/2016	6841-04-63-1726	165	Tower Circle Drive	Replacement of Fire Damaged Single Family Residence	Eddinger Construction, Inc.
Z-2016-15	09/27/2016	6831-01-35-0615	465	Mason Knoll Drive	In Ground Pool	Eric Newland
Zoning Waiver	11/8/2016	6831-01-35-0615	465	Mason Knoll Drive	Retaining wall	Glenn C. Kellam

Note: New permits/activity highlighted in

CODE ENFORCEMENT
REPORT NOVEMBER 29,
2016

CODE ENFORCEMENT VIOLATIONS

Case Number	Date Issue/ Update	Address	Violation	Action	Status
V-2016-21	11/15/16	145 Woodfield Drive	Junk vehicles	NOV	abated
V-2016-20	11/15/16	1379 Country Ln	Junk vehicles	NOV	In progress 11/29/16
V-2016-19	11/15/16	Corner of Gardner Ct & West Ln	Noxious growth	NOV	Town abated
V-2016-18	11/15/16	175 Lori Ln	Junk vehicle	NOV	abated

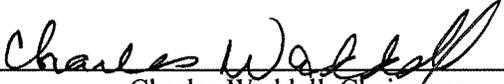
V-2016-17	9/20/16	1293 Country Ln	Overgrown grass	NOV	Abated 9/27/16
V-2016-16	8/23/2016	194 Woodtree Ln	abandoned vehicles; grass	NOV	abated
V-2016-14	8/23/2016	102 Woodtree Ln	abandoned vehicles; grass; auto parts storage; old wood	NOV	abated
V-2016-15	8/23/2016	376 Midbrook Run	Potential: Minimum Housing issues; weeds, debris	NOV	no change
	10/4/2016	323 Midbrook Run	Burned out structure		site visit; construction underway (permitted)
V-2016-09	11/15/2016	213 Spry Rd.	Overgrown Grass	NOV	grass cut & additional overgrowth cleared
V-2016-08	8/25/2016	175 Gardner Ct.	Overgrown grass, bushes, trees down	NOV	abated
V-2016-07	8/25/2016	1845 Gumtree Rd	overgrown grass	NOV	abated
V-2016-06	8/26/2016	12387 Old Hwy 52	overgrown grass	NOV	abated
V-2016-05	8/16/2016	196 Tro- Tod	Outdoor storage	NOV	owner purchasing storage bldg; end November
V-2016-04	8/2/2016	10693 Old Hwy 52	Operating lawnmower bus. Outdoor storage	NOV	no change
V-2016-03	11/15/2016	1847 Hickory Tree Rd	Operating illegal business	NOV	sign down; nothing on display

	8/2/2016	Old 52; hickory tree to gumtree	Tall grass in ROW		abated
	8/2/2016	271 Woods Lane	animal boarding; cars in & out; loose dogs; noise nuisance		abated; no new violations noted
	8/2/2016	261 Spry Rd; (neighbor)	Neighbor overgrown property		abated
	5/3/2016	1111 Country Ln	Tall grass		abated
	5/3/2016	1271 Country Ln	Tall grass		abated
	8/2/2016	377 Baxter Rd	potential illegal construction business		no evidence
V-2016-02'	3/16/2016	143 Sinkland Dr.	Noxious Growth	NOV; working w both property owners; working through drainage issue	Pending - Ongoing; Partially abated
V-2016-01'	11/15/2016'	298 Eastwood Dr.	Litter, Noxious Growth, Unpermitted Junkyard	NOV; investigation - notice send to nearby property owner	additional NOV issued
V-2015-25	8/2/2016	269 Lori Lane	Possible Addition w/o permit	NOV	coordinate with Davidson Co. inspections

V-2015-24	8/2/2016	544 Lori Lane	Possible unsafe structure	NOV	coordinate with Davidson Co. inspections
V-2015-23	11/15/2016	450 Lori Lane	Junk Vehicles	NOV	abated
V-2015-22	11/15/2016	175 Lori Lane	High Grass, Possible Unsafe structure; junk vehicle	NOV	abated
V-2015-21	8/2/2016	Old 52 (next to K-Roo Express)	High Grass	NOV	Abated
V-2015-19	7-14-15; 9-23-15	155 Lee St	Unscreened outdoor storage; high grass	Citation	No Action
V-2015-14/V-2016-12	11/15/2016	210 Bobby Willard Rd	Noxious Growth,	NOV, Civil Citation	Abatement in progress
V-2015-13/V-2016-11	11/15/2016	146 Bobby Willard Rd	Noxious growth, debris, possible unsafe structure	NOV, Civil Citation	Abatement in progress
V-2015-12/V-2016-10	11/15/2016	156 Bobby Willard Rd	Noxious growth, debris, possible unsafe structure	NOV, Civil Citation	Abatement in progress

ADJOURNMENT

On motion by Board member James Smith, seconded by Board member LeeAnn Thomas, the Board voted unanimously to adjourn the meeting at 5:48 p.m.


 Charles Waddell, Chairperson

 Linda A. Hunt, Town Clerk