

Planning Board Meeting – November 16, 2015 Minutes

Members Present: Harold Broadwell, Ruth Van der Grinten, Errol Briggerman, Kathe Schaecher, Billy Bryant, and Gilda Wall.

Members Absent: Ashley Anderson, Judy Silver

Staff Present: Planning Director David Bergmark

1. Meeting Called to Order

Mr. Broadwell called the meeting to order.

2. Welcome and Recognition of Guests

Mr. Broadwell welcomed the public and Commissioner Gray.

3. Chairman and Board Members' Comments

The Chairperson informed the Planning Board that the Board of Commissioners did not follow their recommendation for the rezoning of the property on Short Street. The members of the Planning Board had no comments.

4. Adjustment and Approval of Agenda.

Ms. Van der Grinten made a motion to approve the agenda. Mr. Briggerman seconded it. The motion passed.

5. Public Comments

There were no comments from the public.

6. Approval of Minutes

Mr. Briggerman made a motion to approve the October 19, 2015 minutes. Mr. Bryant seconded it. The motion passed.

7. Discussion, Consideration, and Action on the Following Items:

Item 7A – Discussion and Action on a Zoning Text Amendment to amend Chapters 4 and 5 of the Unified Development Ordinance to bring UDO standards into compliance with Senate Bill 25.

Mr. Bergmark said Senate Bill 25, entitled “An act to clarify when a county or municipality may enact zoning ordinances related to design and aesthetic controls” was ratified this past summer. By passing this bill, the General Assembly essentially prohibited the Town from enforcing any design standards on single family detached homes, townhomes, duplexes, and their associated accessory structures.

Mr. Bergmark said specifically, Senate Bill 25 prohibited the Town from controlling: exterior building color, type or style of exterior cladding material (siding), style or materials of roof structures or porches,

exterior nonstructural ornamentation, location or architectural styling of windows and doors including garage doors, the number and types of rooms, and the interior layout of rooms.

Mr. Bergmark said the bill left municipalities with the authority to regulate the height, bulk, orientation, and location of a structure on a lot, as well as the use of buffering or screening. There were also some exceptions to this bill for historic districts, historic landmarks, and properties participating in the National Flood Insurance Program.

Mr. Bergmark said the town attorney reviewed Chapter 5 of the UDO, which incorporated the Town's current building and design standards, and provided staff a list of amendments required to bring UDO standards into compliance with Senate Bill 25. He said staff ~~red-lined~~ Chapter 5 of the UDO to illustrate the required changes, which was included as Attachment A of the report.

Mr. Bergmark said since Senate Bill 25 similarly affected accessory structures associated with one and two-family dwellings, the following changes to Chapter 4 of the UDO were also required:

Amendments to Chapter 4 of the UDO

4.4 Accessory Structures & Uses

- A. Principal Buildings Required:** The construction of an accessory building is not permitted unless a principal building is located on the lot. Accessory and principal buildings may be constructed concurrently.

- B. General Building Requirements**
 - 1. Location:** Residential accessory structures shall be located only in side or rear yards for non-corner (interior) lots. Residential accessory structures shall be in rear yards only for corner lots. All non-residential accessory structures must be located in the rear yard.

 - 2. Materials:** ~~Residential accessory structures must be primarily clad in wood clapboard, cementitious fiber board, wood shingle, wood drop siding, primed board, wood board and batten, brick, stone, stucco, vinyl or synthetic materials similar and/or superior in appearance and durability.~~

~~Accessory structures not subject to regulation under the North Carolina Residential Code for one and two-family dwellings must be primarily clad in wood clapboard, cementitious fiber board, wood shingle, wood drop siding, primed board, wood board and batten, brick, stone, stucco, vinyl, metal (Horizontal lap siding only. Vertically oriented metal siding is not allowed), or synthetic materials similar and/or superior in appearance and durability.~~

3. Accessory structures **not subject to regulation under the North Carolina Residential Code for one and two-family dwellings** shall be painted or finished in such a manner that appears to match or compliment the primary structure on the lot.
4. Accessory structures shall be limited to two per lot, except in the RA District.
5. For all zoning districts except Residential Agricultural (RA), the aggregate area of accessory use buildings shall not exceed 50 percent of the floor space of the principal use building. In the RA zoning district, the aggregate area of accessory use buildings shall not exceed 50 percent of the floor space of the principal use building for parcels less than one acre in size and shall not exceed 100 percent of the floor space of the principal use building for parcels of one acre or more in size.
(Amended 2-10-14)
6. A building permit is required for all accessory structures greater than 12 feet in any direction or greater than 144 square feet including all appurtenances.
7. Lots with non-residential uses that utilize an accessory structure must have a Type B buffer along the rear property line. See Chapter 8 for planting rates and information.
8. A garage for more than three motor vehicles shall not be permitted as an accessory use in connection with any one family or two family dwelling, except in the RA District.
9. See Chapter 5 for applicable setbacks based on type of principal building.
(Amended 8-13-12)

Mr. Bergmark said any recommended change, if deemed necessary, should be accompanied by a statement explaining how the change is consistent with the comprehensive plan, and is reasonable in nature.

- The Comprehensive Plan, like all Town documents, may not conflict with state or federal statutes. The proposed changes are required to come into compliance with legislation passed by the general assembly.

Mr. Bergmark said staff recommended approval of the proposed text amendments. He said the Town of Wendell must comply with state regulations. He said failure to remove text which conflicts with state law creates legal liability for the Town.

A Planning Board member asked how this bill would affect existing development and Wendell Falls. Mr. Bergmark said Wendell Falls voluntarily included design standards within their Planned Unit Development, so those standards would still be binding. He said other existing subdivisions could no longer be held to design standards unless they included such standards within their conditional zoning

approval. Mr. Bergmark said developers still had the option of putting in place their own restrictive covenants which could include design standards, but these covenants were not enforced by the Town.

Mr. Bryant made a motion to recommend the text amendment to the Town Board. Ms. Schaecher seconded the motion. The motion passed unanimously.

Item 7B – Update on Transportation Plan Sub-committee membership.

Mr. Bergmark said he had brought the Planning Board’s recommendation to the Town Board, regarding preferred notification methods and sub-committee membership. He said the Town Board expressed a desire to have the new Town Board members make the decision rather than the current Town Board members. Mr. Bergmark said this would push the decision back to December at the earliest.

8. Adjourn to Next Regularly Scheduled Meeting

Ms. Van der Grinten made a motion to adjourn. Errol Briggerman seconded it. The motion passed unanimously.