

Planning Board Meeting
December 9, 2013
6:30 pm

Council Chambers

Minutes & General Account

Planning Board Members Present: Kerry Miller, Chair; Art Wise, John Capes (Alt. for Dot Perdue), Sarah Glanville, Eddie Oakley

Staff Present: Matthew Johnson and Martha Wolfe

Visitors Present: Carol Brooks of the Jamestown News

1. Call to Order – Kerry Miller called the meeting to order.
2. Approval of minutes from the November 12, 2013 meeting – John Capes made a motion to approve the minutes as amended. Art Wise made a second to the motion. The motion passed by unanimous vote.
3. Continuance of the Public Hearing to consider a Master Signage Plan for the Forestdale Shopping Center – Matthew Johnson stated the applicant has requested to continue this Public Hearing until the January 13, 2014 Planning Board meeting. At that time, the applicant will be able to attend the Public Hearing.

John Capes made a motion to continue the Public Hearing for the Forestdale Shopping Center Master Signage Plan until the January 13, 2014 meeting. Eddie Oakley made a second to the motion. The motion passed by unanimous vote. The Public Hearing is continued without further advertisement.

4. Public Hearing to consider various minor ordinance changes to reflect new legislation adopted by the NC General Assembly:

Matthew Johnson stated every year the General Assembly meets and passes State legislation. The Town must amend their ordinance to comply with any changes adopted by the General Assembly. The proposed amendments are as follows:

- A. Rules relating to the Board of Adjustments – This relates to text amendment 2014-01. This deals with the Board of Adjustment – One change is related to the four-fifths vote requirements for any appeal of the enforcement officer's decision. It was decided that this requirement was cumbersome. This was amended to require a simple majority.

It does retain the four-fifths majority vote requirement for variances. Another change repeals the ordinance language "if the applicant complies with the provisions of this ordinance, he can make no reasonable use of his property." The ordinance now focuses on hardships resulting from the property itself; topography, stream on the property, etc.

B. Rules related to telecommunications towers – Text amendment 2014-02 – Basically the amendment by the General Assembly is that if you are doing minor changes to wireless facility, be it a cell tower, if it is a co-location (just adding an antenna to existing tower) and minor modification adding not more than 10% in height of additional antenna, adding not more than 20' in width, adding not more than 2500 sq. ft. into the existing equipment compound on the ground, then State law states that local government needs to approve that application within 45 days of completed application. The staff requests a fee equal to the Development Clearance Certificate be charged for the review of these applications. Currently that fee is \$75.00.

C. Amendment regarding Bed & Breakfast Use and Non-Conforming Use Text amendment 2014-03 – Per Johnson, the General Assembly changed the definition of Bed & Breakfast to 8 or fewer rooms and cannot rent any longer than 7 consecutive days.

Regarding the discontinuation of Nonconforming Uses – The General Assembly amended the NC statutes regarding nonconforming uses. The Town is now required to bring enforcement action within 10 years of discontinuation of any nonconforming use, or the use in question may continue without interference from the Town. Additionally, the Town may prevent any nonconforming use from restarting a terminated use for 10 years from the time of expiration of the use.

D. Watershed Protection Ordinance – Text amendment 2014-04 – This amendment relates to gravel which is now being defined as a pervious surface, not an impervious surface. We are changing the definition for gravel and we are giving an exception as follows:

The Town recognizes a pervious surface for the effective date of this ordinance forward. Existing sites which were developed with gravel prior to the effective dates of the watershed ordinance (July 1, 1993 in all watersheds EXCEPT Randleman GWA and WCA where the effective date is January 1, 2000), or on a previously approved watershed site plan, may treat gravel as existing built-upon area for the purposes of built-upon area calculations.

The General Assembly's move on this is to assist developers. The problem is when you treat something one way and then completely change the definition, then you have exceptions in place to help people unfairly penalized.

The amendment to the Town of Jamestown LDO is that lots of record less than 1 acre which were existing prior to the effective date of the watershed ordinance (July 1, 1993 in all watersheds except Randleman, where the effective date is January 1, 2000), are not part of a larger common plan of development, and are impacted by permanent easements or rights-of-way which render the "effective" lot size less than 20,000 sq. ft. of developable area may qualify for the exemption as described.

E. Permitting sidewalk dining in NCDOT right-of-way. Per Johnson NCDOT does permit dining in their right-a-way, however, one must go through NCDOT to request this use. There is no change requested of the Town's LDO.

F. Special Event Permits – There is no change requested of the Town of Jamestown's LDO.

G. Enforcement of Nuisance Complaints – There is no change requested of the Town of Jamestown's LDO.

Johnson did state the Town requires nuisance complaints be submitted in writing. If a person wants to remain anonymous they may, however we still request the complaint be in writing. This is to keep a record of complaints. Johnson stated written complaints that are signed have a higher priority than the anonymous complaints.

Miller stated this is a Public Hearing. He asked if there was anyone present that wished to speak for or against the proposed amendments to the Land Developed Ordinance. There was no one that wished to speak.

Sarah Glanville made a motion to accept the proposed amendments as adopted by the General Assembly regarding; A) the Board of Adjustment, B) Rules related to telecommunications towers, C) Non-Conforming Use and Bed & Breakfast Uses, and D) Watershed Regulations. John Capes made a second to the motion. The motion passed by unanimous vote. Miller closed the Public Hearing.

5. Public Comment Period – Non one registered to speak.

6. Other Business – Miller wished everyone a Merry Christmas. We look forward to seeing everyone at the January 13, 2014 meeting.

The meeting ended at 6:58 pm.