



**CITY OF TRINITY
PLANNING & ZONING BOARD MEETING
Trinity City Hall Annex
Tuesday, August 27, 2013 7:00 p.m.**

MINUTES

Planning & Zoning Board Members Present: Vice-Chair Lynn Kennedy, Gene Byerly, Harold Hobbs, and Rick Ivey

Planning & Zoning Board Members Absent: Chair Richard McNabb, Board Member Don Payne, Board Member James Peace

Other Present: Mayor Carlton Boyles, Council Member Chester Ayers, Council Member Debbie Frazier, Council Member Tommy Johnson, City Manager/Finance Director Debbie Hinson, City Attorney Bob Wilhoit, Planning Director Julie Maybee, Assistant City Clerk Annette deRuyter, members of the media and public.

I. Call to Order & Welcome

Vice-Chair Lynn Kennedy recognized the presence of a quorum and called the meeting to order at 7:05 p.m.

a) Pledge of Allegiance

Vice-Chair Lynn Kennedy led the Pledge of Allegiance.

b) Invocation

Board Member Rick Ivey gave the Invocation.

c) Welcome Guest and Visitors

Vice-Chair Lynn Kennedy welcomed all those in attendance. She extended a special welcome to Mayor Carlton Boyles and a speedy recovery.

II. Organizational Items

None.

III. Minutes

Board Member Rick Ivey moved to approve the Board's April 23, 2013 minutes as written. They are included as Exhibit A. The motion was seconded by Board Member Gene Byerly and unanimously approved by all those in attendance by a 4-0.

IV. Planning Board Public Hearings:

1. Zoning Ordinance Text Amendment #TA-07.2.13 (Consideration continued to August 27, 2013 meeting).

Vice-Chair Kennedy opened the public hearing for Item #1 on the agenda. Amendments are proposed to Article IV, Article XI, Sections 11-2, 11-3, 11-4, to address the placement of signs, political signs due to the recently revised NC General Statute 136-32. The initial hearing was held on July 23, 2013.

a) Staff Presentation

Planning Director Julie Maybee presented the staff report, and it is incorporated into the record as Exhibit B. She provided background information and conveyed the North Carolina General assembly amended North Carolina General Statutes 136-32 in August of 2011 to address the placement of political signs. Basically, the provisions are very specific in allowing political signs in the road right-of-way.

Planning Director Maybee then gave a power point presentation, and it is incorporated into the record as Exhibit B -1. Referencing NCGS 136-32, she reviewed the statutes' specific provisions as it pertained to political signs.

She reviewed current ordinance provisions relating to political signs; and presented proposed revisions that mirrored state requirements. The language in Article XI, Section 11-2 (a) of the zoning ordinance is revised to add/allow the placement of political signs in the public right-of-way compliant with the general statutes. She added that a permit is not required to place a political sign in the right-of-way. Section 11-4(i) incorporates the bare minimum standards set by the state. Article IV revisions include the definition of a compliant political sign and political signs. The definitions are as stated in the statute.

Planning Director Maybee conveyed that she talked with other jurisdictions like Archdale, and spoke with the Planning Director. Their ordinance references the North Carolina General Statute as well.

Vice Chair Kennedy stated: “She just wanted to make it clear that this does separate it into two categories. One, signs related to the upcoming election which follows the rules, regulations and time frames; and any other sign is by the authorization of the personal property owner. The City of Trinity does not take on the management of the content of those signs unless it is something around an illegal issue, etc.” Planning Director Maybee concurred. She stated: “Basically, when it comes to signs on private property, we comply with our sign ordinance provisions. We are message neutral. What is allowed in the zoning district for signage is how we address that...”

b) Applicant Presentation

N/a

c) Public Comment

Vice Chair Kennedy asked if anyone would like to speak for or against the request. She asked Assistant City Clerk Annette deRuyter if anyone had signed in to speak. Assistant Clerk deRuyter indicated that no one had signed in. There were no public comments.

i. For the request

N/a

ii. Against the request

N/a

iii. Other public comments

None.

d) Applicant Rebuttal

None.

e) Staff recommendation

Planning Director Maybee recommended approval of the proposed text amendments to be consistent with the NC General Statutes. She added that that it is consistent with the with the City's Comprehensive Plan and other approved plans; and allows more orderly development by complying with minimum standards.

Vice Chair Kennedy then closed the public comment period.

f) Board discussion

There was no further discussion.

g) Board Recommendation

Vice Chair Kennedy called for the motion to pass this on and accept the North Carolina General Statute. Board Member Gene Byerly so moved. The motion was seconded Board Member Harold Hobbs and unanimously approved by all those in attendance at the meeting by a 4-0 vote.

2. Zoning Ordinance Text Amendment #TA-08.1.13 – Staff

Vice-Chair Kennedy conveyed that this second one is a public hearing item also. She opened the public hearing.

a) Staff Presentation

Planning Director Julie Maybee presented the staff report, and it is incorporated into the record as Exhibit C. She conveyed that the Board has asked her to review ordinance provisions and address areas that needed clarification, etc.

First, amendments are proposed to Article VII, Section 7-14 Conditional Zoning District, Item #3 to the correct an ordinance section reference pertaining to permitted uses in the zoning district.

The next proposed change pertains to public events. In the *Table of Permitted Uses*, fairs, amusements, carnivals, rides, Ferris wheels, etc. - are a temporary use. Currently, they are allowed as a special use permit in a RA, R-40, VC, HC, M-1 and M-2 zoning district.

In Section 7-16, Note 10 - Public Events, does not correspond to a use listed in the Table of Permitted Uses. However, Fairs, amusements, carnivals, rides, Ferris Wheels, etc. - temporary is listed as a use in the table [Table of Permitted Uses].

Planning Director Maybee conveyed that it would be appropriate to place Note 10 under this land use category in Section 7-15, It would

be consistent with what is already allowed. She presented the proposed revisions to the Note 10 and the Table of Permitted Uses; and emphasized that all temporary public events of a profit or non-profit nature should be treated consistently. If one is treated as special use then they all should be consistently treated that way.

Planning Director Maybee stated the matter came up in part, to an inquiry/request received. At that time, the ordinance inconsistency was noted.

Planning Director Maybee then proceeded to discuss home occupations. She referenced the definition of a home occupation as stated in the City's Zoning Ordinance. She gave a power point presentation, and it is referenced as Exhibit C-1. She conveyed that standards for the home occupation are listed in the definition, and also in Article VII, Section 7-16, Note 5. The provisions are not consistent with one another.

Planning Director Maybee conveyed that under current ordinance provisions a home occupation is an incidental use. She reviewed the standards listed in Section 7-16, Note 5 and those listed in the definition. The list of permitted home occupations was expanded in Note 5 to include grading and contractor operations. She then reviewed the provisions, and inquired about its' history.

Planning Director Maybee stated that she would like to consolidate all related ordinance provisions in one area. Some standards listed under grading and contractor operations should also apply to all [home occupations].

Moreover, allowable types of home occupations should be further examined. She suggested that categories be created since all uses can't be listed. Greater ordinance flexibility is needed, especially due to challenging economic times.

Planning Director Maybee discussed the provision requiring a residence be approved for occupancy. She stated that it would be very difficult to verify/enforce, especially with older homes, and since the City does not have a minimum housing code. She asked what standard should be used.

Planning Director Maybee also discussed provisions related to the permitted floor area occupied by a home occupation. What is considered "gross square feet" and how it is determined.

Planning Director Maybee discussed provisions allowing occupants and no more no more one 1 person, not a resident on the premises, to be employed in the home occupation. She asked about the

employment of part time workers, residing outside the home, if the total number of hours worked did not exceed the equivalent of 1 person working 40 hours per week.

She indicated provisions need to specifically state a home occupation permit is needed in order to verify compliance.

Planning Director Maybee stated she brought the matter before the Board because she has received a lot of inquiries; and sought the Board's input/direction.

Vice-Chair Kennedy asked if Planning Director Maybee if she would like each item addressed separately. Planning Director Maybee responded yes.

b) Applicant Presentation

N/a

c) Public Comment

Vice Chair Kennedy asked if anyone would like to speak for or against the referenced requests. She asked Assistant City Clerk Annette deRuyter if anyone had signed in to speak. Assistant Clerk deRuyter indicated that no one had signed in. No one spoke on any item.

i. For the request

N/a

ii. Against the request

N/a

iii. Other public comments

N/a

d) Applicant Rebuttal

N/a

e) Staff Recommendations

On item #1, Planning Director Maybee recommended to approve the proposed text amendment [Article VII, Section 7-14, 3.] It is consistent with the City's Comprehensive Plan; and it allows for

more orderly development when ordinance sections correspond with one another.

On item #2 pertaining to public events, Planning Director Maybee recommended approval of proposed text amendments. Under “Fairs, amusements, carnivals, rides, Ferris Wheels, etc.- temporary” add Public Events, See Note 10 and Section 8-8. Also, revise note 10 as presented [see Exhibit C]. It is consistent with the City’s Comprehensive Plan; allows for more orderly development when ordinance sections correspond with one another.

In regards to Item #3 pertaining to home occupations, Planning Director Maybee recommended the matter be table to allow the Board time to review/discuss provisions and receive input/comments from the public.

Vice Chair Kennedy closed the public hearings.

f) Board discussion

There was no further Board discussion.

g) Board Recommendation

Board Member Rick Ivey moved to approve the proposed text amendments [items #1 and #2 as referenced above] as recommended by the Planning Director. The motion was seconded by Board Member Harold Hobbs. The motion was unanimously approved by all those in attendance by a 4-0 vote.

In regards to provisions [Item #3] pertaining to home occupations, Board Member Gene Byerly moved to table the matter as recommended by the Planning Director. It would be good for all members to look at the provisions besides the 4 members in attendance, and also receive input/comments from the public. The motion was seconded by Board Member Harold Hobbs. The motion was unanimously approved by all those in attendance by a 4-0 vote.

**IV. Business from Staff for the Planning & Zoning Board – Discussion
(Planning Director Julie Maybee)**

Planning Director Julie Maybee presented the code enforcement report, and it is included as Exhibit D.

V. Planning & Zoning Board Adjournment.

Being no further business, Board Member Gene Byerly moved to adjourn the Planning & Zoning Board Meeting at 7.45 p.m. The motion was seconded by

Board Member Harold Hobbs, and unanimously approved by all members in attendance.

Respectfully Submitted,

Planning Board Vice-Chair Lynn Kennedy

Julie Maybee, Planning Director

Annette deRuyter, Assistant City Clerk

On _____ Board Member _____ moved to approve the minutes. The motion was second by Board Member _____ and approved with a ___ to ___ vote.