



**TOWN OF MIDWAY
PLANNING & ZONING BOARD MINUTES
TUESDAY, MAY 26, 2015**

**MINUTES OF MIDWAY PLANNING & ZONING BOARD REGULAR MEETING HELD ON
TUESDAY, MAY 26, 2015 AT 5:00 P.M. AT TOWN HALL, 125 GUMTREE ROAD IN
MIDWAY, NORTH CAROLINA**

CALL TO ORDER

Chairman Charles Waddell called the meeting to order.

Planning & Zoning Board members present were: Charles Waddell, Jackie Edwards, Jamie Hester (arrived at 5:05 p.m.) and James W. Smith. Absent: LeeAnn Thomas, and Carl Tuttle. Town Planner Erin Burris and Town Clerk Linda Hunt were present.

APPROVAL OF MINUTES

On motion by Board member Jackie Edwards, seconded by Board member James Smith, the Board voted unanimously to approve the April 28, 2015 minutes as presented.

ADOPT AGENDA

On motion by Board member James Smith, 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 DRAFT

Town Planner Erin Burris had furnished copies of Articles 9 through 17 and Appendices to the Planning Board members by mail prior to the Planning Board meeting.

Articles and Appendices reviewed by the Board were as follows:

Article 9 – Off Street Parking

The purpose of these regulations is to provide for adequate off-street parking within the Town's jurisdiction and applies 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 10 – 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 encourage the effective use of signs as a means of communication in the town; to maintain and enhance the beauty and unique character and enhance the aesthetic environment of the Town by eliminating visual blight; to protect pedestrians and motorists of the Town from damage or injury caused or partially attributed to the distractions and obstruction caused by improper size and location of signs; and to promote public safety, health, welfare, convenience, enjoyment of travel and the free and safe flow of traffic within the Town's jurisdiction.

Unless exempted in accordance with Section 10.3, Exempt Signs, no sign allowed by this Article shall be constructed, erected, moved, enlarged, illuminated, altered, maintained, or displayed without first being issued a permit.

Article 11 – 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.

Article 12 – Water Supply Watershed Protection

The purpose of these regulations is 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 contained 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 13 – Flood Damage Prevention

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 by provisions designed to:

- A. Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, streams channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- D. Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
- E. Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

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 and 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 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 14 – Review & Approval Procedures

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

Section 14.1 Common Review Procedures

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 the behalf of the landowner with their authorization and consent.

The Ordinance Administrator shall establish the requirements for the general form and content of applications required by this Ordinance. These shall be in addition to any specific application content requirements established by the Ordinance.

The Town Council shall establish, and may modify from time to time, a schedule of fees that must be paid in full prior to the review of any submitted application.

Section 14.2 Standards, Procedures and Requirements for Development Applications

This Section includes the review procedures, standards and related information for each of the development application procedures as summarized in Table 2-1, Review and Decision Responsibilities.

Zoning Map Amendment: The purpose of this Section is to provide a uniform means for amending the Official Zoning Map. The Town Council may amend the Official Zoning Map in accordance with the provisions of this Section.

Ordinance Text Amendment: The purpose of this Section is to provide a uniform means for amending the text of the Ordinance. The Town Council may adopt amendments to the text of the Land Use and Development Ordinance upon compliance with the provisions of this Section.

Article 15 – Enforcement

The purpose of this Article is to establish 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 Section are intended to encourage the voluntary correction of violations, where possible.

Compliance with all of the procedures, standards and other provisions of this Ordinance is required by all persons owning, developing, managing, using or occupying land or structures with the Town's jurisdiction.

Any failure to comply with a standard, requirement, prohibition, or limitation imposed by this Ordinance, or the terms or conditions of any permit or other development approval or authorization granted in accordance with this Ordinance shall constitute a violation of this Ordinance punishable as provided in this Article.

Permits or development approvals issued by a decision-making body authorize only the use, arrangement, location, design, density or intensity, and development set forth in such permits or development approvals

The Ordinance Administrator shall be responsible for enforcing the provisions of this Ordinance in accordance with NCGS 160A-174, 160A-175 and 160A-193.

Article 16 – Nonconformities

In the provisions established by this Ordinance, there exist uses of land, structures, lots of record, and signs 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 17 – Definitions

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

Appendices

Appendix A – Subdivision Plat Content Standards

Appendix B – Required Subdivision Plat Certifications

REPORTS

PLANNING AND ZONING

April-May 2015 Planning and Zoning Report

A. ZONING PERMIT ACTIVITY

Permit #	Date	PIN	ADD. #	Street Name	Permit Description	Applicant
Z-2015-05	5/12/2015	6831-04-71-9107	11384	Old US Highway 52	Used Car Dealership	Gary Harp

B. CODE ENFORCEMENT

Case Number	Date Issued	Address	Violation	Action	Status
V-2015-01	1-15-2015	10693 Old US Highway 52	Unscreened outdoor storage	Notice of Violation	Abated
V-2015-02	2-19-2015 & 3-10-2015	759 Norman Shoaf Road	Unscreened outdoor storage, more than 4 yard sales	Notice of Violation	Landlord evicting tenant

V-2015-03 & 07	2-23-2015 & 4-30-15	376 Midbrook Run	Unscreened outdoor storage, junk vehicle, high grass, possible unsafe structure	Notice of Violation	Partially abated
V-2015-04	3-2-2015	145 Woodfield Drive	Junk vehicles	Notice of Violation	Partially abated
V-2015-05	3-31-2015	11241 Old US Highway 52	Dilapidated fence	Notice of Violation	Abated
V-2015-06	4-21-2015 & 5-19-2015	201 Paint Horse Trail	Unpermitted carport over property line	Notice of Violation and Civil Citation	No Action
V-2015-08	4-30-2015	154 Livengood Drive	Unpermitted carport over property line	Notice of Violation	Partially abated
V-2015-09	4-30-2015	175 Baxter Drive	Possible illegal business, junk vehicles, outdoor storage, unpermitted accessory structure	Notice of Violation	No Action
V-2015-10	4-30-2015	254 Baxter Drive	Debris, outdoor storage	Notice of Violation	Abated
V-2015-11	4-30-2015	261 Baxter Drive	Possible illegal business, outdoor storage, junk vehicles	Notice of Violation	Partially Abated
V-2015-12	5-12-2015	156 Bobby Willard Road	Noxious growth, debris, possible unsafe structure	Notice of Violation	No Action
V-2015-13	5-12-2015	146 Bobby Willard Road	Noxious growth, debris, possible unsafe structure	Notice of Violation	No Action
V-2015-14	5-12-2015	210 Bobby Willard Road	Noxious growth	Notice of Violation	No Action
V-2015-15	5-12-2015	254 Bobby Willard Road	Unscreened outdoor storage, junk vehicles	Notice of Violation	No Action
V-2015-16	5-19-2015	7990 Old Lexington Road	Unscreened outdoor storage, junk vehicles	Notice of Violation	No Action

V-2015-17	5-19-2015	7970 Old Lexington Road	Unscreened outdoor storage, junk vehicles	Notice of Violation	No action
			Multiple violations on multiple properties	Awaiting inspection	

PLANNING BOARD

There were none.

ADJOURNMENT

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

Linda A. Hunt, Town Clerk

Charles Waddell, Chairperson