

**Zebulon
Joint Public Hearing
Minutes
February 10, 2020**

Present: Robert S. Matheny, Beverly Clark, Annie Moore, Glenn York, Shannon Baxter, Larry Loucks, Joe Moore-Town Manager, Lisa Markland-Town Clerk, Stacie Paratore-Deputy Town Clerk, Tim Hayworth-Police, Chris Ray-Public Works, Chris Perry-Fire, Michael Clark-Planning, Meade Bradshaw-Planning, Jacob Parente-Planning, Sam Slater-Attorney

Planning Board Present: Gene Blount, Laura Johnson, Larry Ray, Gene Blount, Stan Nowell, Stephanie Jenkins, Michael Germano and Jessica Luther

Mayor Matheny called the meeting to order at 7:00pm.

PUBLIC HEARING

- A. QA-2019-1 Quarterly Text Amendments
 - a. Detached Accessory Structures

Mayor Matheny opened the public hearing.

Michael Clark explained staff was proposing an amendment to section 4.4.7.H of the Unified Development Ordinance, which would allow for detached accessory structures to be up to 35% of the usable square footage of a dwelling. The proposal was a 10% increase from what was in the zoning code. In order to accommodate larger lots it also allowed for 10% increases for each acre over two acres, up to 10 acres. The increase provided consistency with accessory dwellings and accommodated the increase of storage capacity needs. The 10% change would have a marginal impact.

Mayor Matheny asked if the definition of usable included all floors in a building. Michael Clark confirmed it did.

Commissioner Baxter asked why the Town was not mirroring Raleigh more closely and using the footprint versus the square footage. Michael Clark explained the Town's architectural style differed from the City of Raleigh. The City of Raleigh had narrow lots with vertical buildings and the Town of Zebulon had larger developments with two story residential and more modestly sized homes.

Commissioner Baxter gave an example of a 1,000 sq. ft. home with a 350 sq. ft. outbuilding and asked if that would be allowed. Staff explained as long as it met the setback requirements it would be allowed. Commissioner Baxter asked why the Town was not using footprint measures so people could build vertical and if people were able to add a second story to a garage. Staff explained there was usable square feet being used for the principal dwelling unit. It would be possible to add a story to a garage as long as the square footage of the principal residence fell within the allowed guidelines.

Commissioner Loucks gave an example of a 1,200 sq. ft. home with a 22x22 garage being over the limit to add an additional garage. Staff explained the example was true for a detached garage

but the majority of homes being built had attached garages. Commissioner Loucks felt the ordinance was restrictive. Michael Clark stated the change was a 10% increase from the current zoning code.

Gene Blount gave an example of building a garage for an RV and how the roofline might be higher than the principal structure. Mr. Blount said he supported allowing percentages above a single story to help accommodate people's needs and felt the size of the garage needed to be increased.

Mayor Matheny told the Planning Board if they felt the amendment was too restrictive they could make a recommendation to staff to amend and bring it back to them for review.

Mayor Matheny asked if anyone wished to speak in favor. There was none.

Mayor Matheny asked if anyone wished to speak in opposition. There was none.

b. Window Signage

Michael Clark explained staff was proposing an amendment to table 5.11.9.N.3 which authorized the Planning Director to consider site-specific conditions when determining allowable window signs. The amendment was submitted by Simply Blush Bridal.

The proposed amendment was to have language added that allowed planning staff to authorize greater than 25% of the window area that did not exceed 25% of all the windows under two conditions. The conditions were 1) no additional signage on that face of the building such as wall or awning signage and 2) the intent of the window was not otherwise being represented, for instance if the window was above seven feet so a person was unable to see into the window.

Commissioner Loucks stated the square footage of glass space varied by each building and did not see the balance. Michael Clark explained the specific building Commissioner Loucks was referring to was muted from the original proposed colors. The UDO provided more strict interpretation of what staff could and could not regulate. There were a wide range of windows on buildings in Town and the square footage of the windows would only be taken into context on each side of the building for the 25% calculation.

There was a question if flags were considered signs. Staff explained government flags were not considered signs and were allowed.

Mayor Matheny suggested allowing a window to be covered once a permit for construction had been issued.

Commissioner Baxter asked if there were regulations on what could be put on signs. Staff explained the Town could not regulate the content on signs. There was discussion about allowing a shade in the window. If a shade had graphic representation of the items sold or distributed as part of that business then it would be considered a sign.

Mayor Matheny asked if anyone else had questions. There was none.

Mayor Matheny asked if anyone wished to speak in favor.

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Tracy Alford and Amy Turner, owners of Simply Blush Bridal, stated their business had three side windows that were covered with a film. Ms. Alford explained the film was see through and did not feel it should be considered a sign. The film was used to shade the store and dresses. The film was added to the windows in October 2019. Ms. Alford requested the text amendment after receiving a citation from the Town. The side windows are over eight feet off the ground and not visible from the sidewalk.

Mayor Matheny asked if this was defined as a sign as being opaque. Michael Clark said he was not sure and would look at the definition.

Jessica Luther asked if the film had writing. Ms. Alford stated the film did not have words, but had pictures of brides and showed pictures of her building windows to both Boards.

Michael Clark read the definition of a sign from the UDO. Mayor Matheny asked if Simply Blush Bridal's window fit the definition of a sign. Mr. Clark stated it did meet the definition of a sign because it was a graphic representation of the goods sold in the store.

Commissioner Baxter asked if Simply Blush was out of compliance before the new UDO and Mr. Clark stated they were out of compliance. There was a question if the downtown mural was considered a sign. It was explained it was not considered a sign because Whitley Galleries did not sell anything represented in the mural.

Commissioner Loucks stated the windows had pictures of brides and asked if it would be allowable to put pictures of grooms and wedding cakes on their windows. Staff explained cakes would be allowable, but tuxedos were sold in the store so pictures of grooms would not be allowed.

Mayor Matheny asked if anyone else wished to speak in favor.

Andy Turner stated Simply Blush paid to have the signage up before the amendment was approved and asked if businesses, which spent money before the new UDO passed, would be grandfathered in.

Stan Nowell asked if there was signage on the front of a building how would that changed the percentage of allowable signage space. Michael Clark stated the text amendment was specific to that face of the building. If the business had other signage such as an awning or wall signage, they would not be eligible for that provision. Mr. Nowell inquired if signage had to be attached to the glass. Staff explained signage was considered anything affixed to or visible through the surface of a window or glass.

Michael Germano asked if there were limits to the overall amount of signs on the face of a building. There were no limits to signs on the face of a building and was broken down to individual types of signs.

Jessica Luther asked, since Simply Blush was not in compliance prior to the UDO, if they had received a notice of violation. It was explained that once the Planning Department was made aware of the situation a notice of violation was sent to the business.

There was considerable discussion about signage that might be on the interior of the building leaning against the windows or displayed in other ways.

Mayor Matheny asked about grandfathering a business prior to adoption of the UDO. Michael Clark explained if it was conforming previous to the adoption of the UDO a business could continue as a legal nonconformity and would not be required to be brought into full compliance. If it was illegal prior to the adoption of the UDO it would still be in violation.

Mayor Matheny asked if anyone else wished to speak in favor.

Gus Alford stated he has seen windows covered with paint and plywood in town. Mr. Alford explained how the film over the windows at Simply Blush was made. Mr. Alford wished the Town had contacted Simply Blush before receiving the citation.

Mayor Matheny asked if anyone else wished to speak in favor. There was none.

Mayor Matheny asked if anyone else wished to speak in opposition. There was none.

c. Board of Adjustment/Planning Board

Michael Clark explained the amendment affected two sections of the UDO, sections 10.2.2 and 10.4.1, to transfer the duties and responsibilities of the Board of Adjustment to the Planning Board.

The Planning Board was a seven member board and the Board of Adjustment was a five member board. The two additional members of the Planning Board would serve as alternates for the Board of Adjustment. Other communities had combined their boards particularly boards who met infrequently. The transfer of duties would allow for the Board of Adjustment to stay current by having regular meetings and trainings.

Commissioner Loucks, who served on the Board of Adjustment for 29 years, explained the Board of Adjustment was a quasi-judicial board that served as an independent third-party between the citizens and the Town and didn't feel the Planning Board fit that definition. When the Board of Adjustment heard a case they did not have any prior background on the matters and were able to hear the case fairly. Commissioner Loucks also felt there needed to be training for Board of Adjustment members and meetings on a regular basis.

Commissioner Baxter asked if there was a conflict of having Planning Board members serve as the Board of Adjustment. Michael Clark stated there was no conflict. The Planning Board was an advisory board and did not make decisions. Other local communities had combined their Planning Board and Board of Adjustment. The Board of Adjustment met so infrequently there were concerns about having a quorum for meetings.

Mayor Matheny felt the Board of Adjustment needed to remain independent.

Mayor Matheny asked if the Board had questions. There were none.

Mayor Matheny asked if anyone wished to speak. There was none.

d. Chronic Violators Ordinance

Michael Clark explained this was an amendment to section 95.50 of the code of ordinances. Mr. Clark explained N.C. General Statute §160A-200.1 regulated the Town to classify any situation where there was a repeat offense of three times in a calendar year to be classified as a chronic violator. The following year the Town could send one violation notice when there was a documented violation with a correction period, if failed to correct, the Town could then go through an abatement violation. The first notice of the year would indicate that future violations would be abated without prior notification.

Commissioner Baxter inquired why it would be a full year to send second violation notices. Abatements were done after the final notice during the calendar year. The time from the violation notice to be sent to the abatement time was approximately 30 to 45 days. The proposed amendment to the ordinance could shorten the timeframe to seven days.

Commissioner Loucks stated the process seemed more efficient and asked how many violations there were in Town. The Planning Department had seven situations that met the threshold in 2018 and three in 2019, but that was due to limited staff. There would have been more if the Town had more resources to enforce on a regular basis.

Mayor Matheny asked if the Board had questions. There were none.

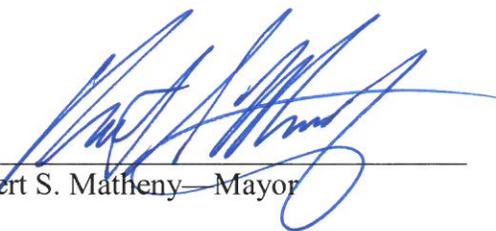
Mayor Matheny asked if anyone wished to speak. There was none.

Mayor Matheny closed the public hearing and referred the matter to the Planning Board for their recommendation.

Commissioner Baxter made a motion, second by Commissioner York to adjourn the meeting. There was no discussion and the motion passed unanimously.

Adopted this the 2nd day of March 2020.




Robert S. Matheny—Mayor


Lisa M. Markland, CMC—Town Clerk