

**Town of Zebulon
Planning Board
Minutes
February 10, 2020**

Present: Gene Blount, Larry Ray, Laura Johnson, Stan Nowell, Stephanie Jenkins, Jessica Luther, Michael Germano, Joe Moore-Town Manager, Lisa Markland-Town Clerk, Stacie Paratore-Deputy Town Clerk, Michael Clark-Planning, Meade Bradshaw-Planning, Jacob Parente-Planning, Sam Slater-Attorney

Gene Blount called the meeting to order at 7:50pm.

AGENDA

Laura Johnson made a motion, second by Stephanie Jenkins to approve the agenda. There was no discussion and the motion passed unanimously.

MINUTES

Larry Ray made a motion, second by Stephanie Jenkins to approve the December 9, 2019 Planning Board minutes. There was no discussion and the motion passed unanimously.

NEW BUSINESS

A. DA-2019-1 Quarterly Text Amendments

Michael Clark explained these were the first round of quarterly text amendments to the UDO. There were three items on the Planning Board agenda because the particular items statutorily required recommendation from the Planning Board. The Board was asked to make a general comment on the fourth item from the Joint Public Hearing agenda, Chronic Violators Ordinance, but did not require a recommendation to the Board of Commissioners to render a decision.

a. Detached Accessory Structures

There was no regulation in the UDO. The previous code of ordinances limited the structures to 35% of the usable square footage of the dwelling. There was an increase bonus based on acreage.

Stan Nowell felt 35% was tight and suggested raising the percentage to 45% or 50%. Gene Blount agreed that the percentage should be higher and felt the garage height should be higher to accommodate a boat or camper.

Jessica Luther asked if 35% was the industry standard. Michael Clark explained the number was in correlation to what the Town allowed for an accessory dwelling unit and most surrounding communities had a lower percentage for detached accessory structures. The majority of surrounding communities did not have a maximum for attached accessory structures. There was a discussion about attached vs. detached structures. An attached structure required physical structural attachment.

Larry Ray asked since lot sizes were becoming smaller if there was anything in the ordinance about the total square footage of structures on a lot. Mr. Clark explained there was a maximum percentage lot coverage area for residential subdivisions. One example was in R6, the Urban

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Zoning District had a maximum lot coverage of 30% and could go up to 35% as part of the development approval. A Bungalow Court or Pocket Neighborhood could go up to 65%.

Jessica Luther asked if the ordinance was geared toward avoiding Airbnbs. The ordinance was geared towards garages. There was another regulation for accessory dwellings units with a maximum of 35%.

Michael Germano gave the example if someone had an accessory dwelling unit and a storage unit could they maximize both within the area ratio of the site. Michael Clark explained that would not be possible because the accessory dwelling unit was detached and it was still an accessory detached structure unit by definition.

Laura Johnson made a motion to deny the proposed text amendment to section 4.4.7.H of the Unified Development Ordinance.

Michael Germano asked the Planning Board what percentage they were looking for. Laura Johnson wanted 45% to 50% wider and higher. There was discussion among the Planning Board about garage heights in relation to home heights.

There was a second by Stan Nowell. There was no further discussion and the motion passed with a vote 5 to 2 with Laura Johnson, Larry Ray, Stan Nowell, Stephanie Jenkins, and Gene Blount voting in favor and Jessica Luther and Michael Germano voting in opposition.

b. Window Signage

Michael Clark stated this was an amendment to section 5.11.9.N.3. The current window signage limitation was 25% of a window. The amendment would provide leniency for buildings with windows that did not meet the intent of the ordinance. The previous regulation of the zoning code was also 25% of each window.

Larry Ray inquired if the see through film was considered free window space. Michael Clark stated it was not because if the film was a completely transparent graphic with just lettering, staff would take the outermost boundaries of the graphic representation and lettering to calculate the signage.

Gene Blount asked if a business could obtain a special permit or permission to have more signage than the ordinance allowed. Mr. Clark explained a business could request a variance from the Board of Adjustment, but would have to show difficulty on what features existed that prevented them from being in compliance with the ordinance.

Larry Ray felt Simply Blush Bridal had invested in the community with their business and also felt the ordinance needed to be enforced for all businesses. Staff explained with the proposed amendment Simply Blush Bridal would be in compliance with the UDO.

Gene Blount asked if there was a regulation on political signs. Staff deferred to the Town Attorney. Sam Slater explained political signs were temporary and there was a complex set of rules of what was allowed and in a particular timeframe. It was asked if windows could be painted with holiday

scenes during the holidays. Staff explained windows could be painted because they were defined as holiday decorations and could only stay up during a certain timeframe.

Michael Clark clarified that the ordinance amendment provided additional signage options for the Simply Blush Bridal. The total signage would not change, just the placement of the signs.

Stan Nowell made a motion, second by Michael Germano to recommend approval of the text amendment to UDO Section 5.11.9.N.3 and the adoption of Section 95.56 of the code of ordinances as presented finding that the proposed requests are consistent with the Comprehensive Master Plan and the goal statements of the 2030 Strategic Plan as adopted by the Town of Zebulon. There was no discussion and the motion passed with a vote 6 to 1 with Laura Johnson, Larry Ray, Stan Nowell, Stephanie Jenkins, Jessica Luther, Michael Germano voting in favor and Gene Blount voting in opposition.

c. Board of Adjustment/Planning Board

Michael Clark stated this was an amendment to sections 10.2.2.B and 10.4.1.B of the UDO granting the Planning Board the powers of authority for review and decisions on variances and appeals. The process would remain quasi-judicial.

There was a question about how many members were on the Board of Adjustment. There were five members on the Board. The two extra members of the Planning Board would serve as alternates. Laura Johnson stated she was on the Board of Adjustment for three or four years and only met twice.

Staff stated a regular meeting schedule would allow for continuous training. There was discussion about an example of a Board of Adjustment case.

Laura Johnson stated the Board should remain separate because of what they do.

Laura Johnson made a motion to recommend denial of the text amendments to UDO Section 10.2.2.B and 10.4.1.B finding that the proposed requests are consistent with the Comprehensive Master Plan and the goal statements of the 2030 Strategic Plan as adopted by the Town of Zebulon.

Motion died for lack of a second.

Michael Germano made a motion, second by Jessica Luther to recommend approval of the text amendments to UDO Section 10.2.2.B and 10.4.1.B finding that the proposed requests are consistent with the Comprehensive Master Plan and the goal statements of the 2030 Strategic Plan as adopted by the Town of Zebulon. There was no discussion and the motion passed with a vote 5 to 2 with Larry Ray, Stan Nowell, Stephanie Jenkins, Jessica Luther, Michael Germano voting in favor and Gene Blount and Laura Johnson voting in opposition.

d. Chronic Violators Ordinance

Michael Clark explained a Planning Board recommendation was not required, but welcomed feedback or suggestions to the Board of Commissioners. The amendment provided clarification to section 95.50 of the code of ordinances.

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Larry Ray asked if the Chronic Violators Ordinance would include the ETJ and staff confirmed it would. Most violations were reported to the Town. The Town did have proactive enforcement however staff was limited. The types of violations were described in chapter 95 of the UDO. There was a discussion about what was required from staff to investigate a violation complaint. If the property was a rental property, the violation notice was mailed to the property owner.

Michael Clark introduced the new Planning Board member Michael Germano.

Laura Johnson made a motion, second by Michael Germano to adjourn. There was no discussion and the motion passed unanimously.

Adopted this the 10th day of August 2020.




Gene Blount—Chair


Lisa M. Markland, CMC—Town Clerk