



Minutes of the Regular Meeting of the
Zoning and Planning Board

Tuesday, June 21, 2016

Lake Lure Municipal Center

ROLL CALL

Present: Thomas M McKay, Chair
Bruce Barrett
Charlie Ellis
Jonathan Hinkle
Norman McGlohon
John Moore, Council Liaison

Absent: n/a

Also Present: Shannon Baldwin, Community Development Director
Clint Calhoun, Erosion Control Supervisor
Michelle Jolley, Recording Secretary

The meeting started at 9:34 a.m. Chairman McKay led the pledge of allegiance and Mr. Barrett gave the invocation.

APPROVAL OF THE AGENDA

Mr. Baldwin presented proposals to the agenda via handout. He proposed the new agenda as follows:

- 5 (A) Review Amendments to the Zoning Regulations to clarify gardens are allowed in specified districts as accessory uses.
- 5 (B) Review Provisions in the Zoning Regulations relative to fences and/or fencing
- 6 (A) Review Provisions for banners and allow 4 weeks (30 days) of display rather than 2 weeks (15 days).
- 6 (B) Recommended process for reviewing and approving governmental signs
- 6 (C) Proposed review and approval process for creating and installing governmental signs

Mr. Ellis made a motion to approve the agenda as amended. Mr. McGlohon seconded the motion. All voted in favor.

APPROVAL OF THE MINUTES

Mr. Barrett made a motion to approve the minutes of the April 19, 2016 regular meeting as presented. Mr. Hinkle seconded the motion and all voted in favor.

OLD BUSINESS

(A) Review Amendments to the Zoning Regulations to Clarify Gardens are allowed in Specified Districts as Accessory Uses

Mr. Baldwin provided an overview. He stated that the first step is to define what a garden is and to make it clear gardens are accessory uses on a lot with a dwelling unit. Currently, it is not clarified that a garden is permitted in residential use. He noted that next month, the Board will approach other items which were split up from this discussion to make less confusing.

Mr. Baldwin read from the memo that was handed out at the beginning of the meeting, on the definition of a home garden. He stated language could be added to the definition to cover any grey areas, if needed. He mentioned he could have Ms. Spicer look over the definition presented and ask for her input. Chairman McKay asked what the down side of this definition would be in regards to only cultivating on land you own and dwell upon. He felt that there would be no harm in allowing a garden on a lot that is owned but not lived on. Mr. McGlohon did not feel there was a concern there. However, he stated a garden is an accessory use and it would become a primary use on a lot without a dwelling unit. Mr. Baldwin suggested coming back at a later time with a new definition for a garden based on input received. He stated that this would apply to a dwelling unit on a lot in any zoning district. He mentioned he would need to verify that the definition would be consistent with other regulations. He stated that the presented definition of a home garden is only for an accessory use. He explained that a community garden could be allowed at the discretion of the Town Council.

Mr. Barrett suggested working on a definition for a garden and asked to keep it simple without a lot of restrictions. He did not feel that gardening would be a big issue. Mr. Ellis stated the downside would be gardening for commercial use. He felt simply adding gardening is a primary use in all districts, excluding commercial use. Mr. Baldwin added that any use in a GU district would be at the discretion of Town Council. He mentioned there have been no requests at all about gardening. Mr. Ellis suggested tweaking the definition a little. Mr. Baldwin suggested a new definition including adding gardening allowed on lots adjacent and contiguous lots. Chairman McKay felt that someone leasing property should also be allowed to have a home garden.

Mr. Ellis suggested defining gardening as a permitted use in all districts, restricting commercial use. Mr. Baldwin stated he would come back with an updated definition at a later meeting date. He noted he would meet with Mr. Calhoun to verify the definition is in compliance with erosion control regulations.

(B) Review Provisions in the Zoning Regulations Relative to Fences and/or Fencing

Mr. Baldwin noted that Ms. Barnwell was present and read over the memo provided. He explained that the proposed provisions would loosen the regulations some on the type of fencing allowed in front yards. He noted that T-posts would be prohibited in the front yard but allowed in the side yard.

Ms. Barnwell stated she felt comfortable with the proposed provision. Chairman McKay explained that metal fencing and hogwire fencing are different. Mr. Ellis noted the definition of hogwire, per Webster's online dictionary, states it is barbed wire and felt the definition in the regulations should coincide with that.

Mr. Calhoun wanted to make sure this has no impact on what the erosion control measures requires. T-posts, hardware cloth, and hogwire are all used as erosion control measures. Mr. Baldwin noted this would only pertain to fencing and would not interfere with erosion control measures. Mr. McGlohon felt that the gauge of the wire should also be considered. He noted that the thinner the wire is, the easier it decays. Chairman McKay suggested considering wire that would also keep in goats, hogs, and other types of animals as well as dogs.

Mr. Baldwin suggested a definition which states that ridged wire panel or wire fencing may be used when framed by wood and/or used in conjunction with 4" x 4" wood posts. Mr. McGlohon stated that rolled wire is more beneficial for dog fences. Mr. Hinkle felt that framing should be clarified in the regulations. The Board held discussion. Mr. Ellis suggesting rewording that chain link, hardware cloth, and other woven or mesh products are not permitted, unless meeting certain conditions. Chairman McKay suggested Mr. Baldwin come back at a later date with a new definition based on input from this meeting.

Ms. Barnwell stated that what the Board has proposed would definitely meet her needs. She mentioned that she wants to put up a metal wire fence with wooden posts. Mr. Hinkle noted that her request would already be in compliance with the regulations. Mr. Baldwin explained that, according to Ms. Spicer's interpretation of the regulations, Ms. Barnwell's fence is not currently allowed. Mr. Ellis suggested allowing certain types of fencing that is not currently permitted in the front yard, if framed. Chairman McKay mentioned also allowing posts made out of other types of materials, other than wood. Mr. McGlohon suggested he do a little research and bring it back to the Board for review at a later date.

NEW BUSINESS

(A) Review Provisions for Banners and Allow 4 Weeks (30 Days) of Display Rather than 2 Weeks (15 Days).

Mr. Barrett made the following motion:

Mr. Barrett moved that staff put this amendment in an ordinance form and forward to Town Council for adoption. He further moved that the Board finds this amendment

neither consistent nor inconsistent with the 2007-2027 Comprehensive Plan. Mr. Ellis seconded and all voted in favor.

B. Recommended Process for Reviewing and Approving Governmental Signs

Mr. Baldwin read from the memo and presented an overview to the Board. Commissioner Webber felt that the Town needs a process from concept of a sign to placement of a sign of a governmental nature, along with town plans. He explained he noticed Public Works employees putting up a very large branding sign at the entrance of Boys Camp Road. He stated the size of the sign was too large, the location was not good, and he felt that town money could have been saved. He noted that three governmental entities were represented on the sign. Mr. Baldwin noted he was not aware that Chimney Rock Village's logo was included on that sign that was put up without Town Council approval, until after it was already approved by Chris Braund and put up. He explained that a provision was added that when another governmental entity is represented on a sign placed on Town property, unless exempt by Federal or State law, special permission is required from Town Council.

Mr. Baldwin read the proposed provision:

“Specific governmental signs like building identification, directional, information, and welcome signs must be reviewed by the Planning Board review and approved by Town Council. However, traffic control signs, traffic warning signs, public notices, or signs of a similar nature need only Town Manager approval.”

He explained that the next agenda item is to review and approve the process for creating and installing governmental signs. Mr. Ellis felt that aesthetics should be considered in the process. Mr. Baldwin noted that DOT signs would be exempt by state law.

Mr. McGlohon moved that staff put this amendment in an ordinance form and forward to Town Council for adoption. He further moved that the Board finds this amendment neither consistent nor inconsistent with the 2007-2027 Comprehensive Plan and strike the word “review” after the word “Planning Board”. Mr. Ellis seconded and all voted in favor.

(C) Proposed Review and Approval Process for Creating and Installing Governmental Signs

Mr. Baldwin provided an overview and read from the memo provided at the beginning of the meeting. Chairman McKay felt that the process for governmental signs is a good idea. Mr. Ellis suggested that a specific reference for consistency with the Town's branding statement should be included in the provision. Mr. Baldwin agreed. Commissioner Moore mentioned that the process proposed is consistent with Town Council's request.

Mr. Ellis moved that staff forward this process to Town Council for review and approval. Mr. Barrett seconded and all voted in favor.

(D) Discussion of Soil Erosion and Sedimentation Regulations Amendment Process

Mr. Calhoun provided the Board with an overview. He conveyed that on May 10, Town Council voted to allow ZPB to collaborate with the Environmental Management Officer to make amendments to the Soil Erosion and Sediment Control Ordinance, per Mr. Calhoun's request. He stated that changes have been made at state level and in order to keep the delegated program functioning in line with the State, in accordance to the Memorandum of Agreement with the Sedimentation Control Commission, the Town must amend the ordinance and adopt these changes. He explained the changes made at state level, which were included in the packet.

Mr. Calhoun explained Land Disturbance Permits and when one must be obtained. He stated that town standards are stricter than state standards. He noted that land disturbance of 2,000-10,000 square feet cover approximately 75% of project applications he receives. Mr. Ellis asked if a home garden would need a Land Disturbance Permit. Mr. Calhoun conveyed that the regulations do not currently specify an exemption for home gardens. He felt that the Town could add a provision to the regulations that a home garden does not require a permit as long as erosion control practices are followed. He felt it would still require an inspection. Mr. Baldwin suggested raising the limit on disturbed area for gardens so that an inspection would not be required. Mr. Calhoun noted that the State requires a Land Disturbance Permit for the minimum of an acre of disturbance; however, erosion control measures still apply to disturbance of less than an acre.

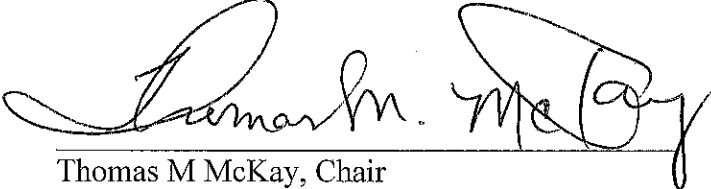
Mr. Barrett suggested a little more than a tenth of an acre of disturbance only requiring a permit for gardening. Mr. Calhoun explained that the average disturbance for a new home is around 2,000 square feet. He added that a slope standard could be added as well. Mr. Barrett suggested that only a garden with 2,000 or more square feet of land disturbance require a permit. Discussion held. Mr. Calhoun stated he would have a review together for the Board at next month's meeting.

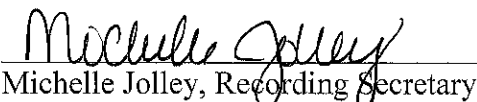
PLANNING PROJECTS UPDATE

Mr. Baldwin stated there were no new projects to provide updates on.

Upon a motion by Mr. Barrett and seconded by Mr. Ellis, the meeting was adjourned at 11:30 a.m. The next regular meeting is scheduled for Tuesday, July 19, 2016 at 9:30 a.m. at the Lake Lure Municipal Center.

ATTEST


Thomas M McKay, Chair


Michelle Jolley, Recording Secretary

