

**TOWN OF CALABASH  
PLANNING & ZONING BOARD  
REGULAR MEETING  
September 2, 2014—7:00 PM**

**MINUTES**

The Calabash Planning & Zoning Board (PZB) held a Regular Monthly Meeting on Tuesday, September 2, 2014 (because Town Hall was closed on Monday, September 1<sup>st</sup> for Labor Day).

**MEMBERS PRESENT:** Madam Chairman Sonia Climer, Vice Chairman John Thomas, Commissioner Emily DiStasio, Mr. Michael Herring, and Mr. Charlie Daniels.

**MEMBERS ABSENT:** Mrs. Clare Leary.

**STAFF PRESENT:** Town Administrator Chuck Nance, Town Clerk Kelley Southward and Building Inspector/CEO Stanley Dills.

**GUESTS PRESENT:** Commissioner Daria Buccilli

**CALL TO ORDER/PLEDGE/ROLL CALL:** Chairperson Climer called the meeting to order at 7:00 PM and led the Pledge of Allegiance to the Flag. Roll call was taken; attendance is reflected above.

**APPROVE/ADJUST AGENDA:** *Commissioner DiStasio moved to approve the agenda, as presented, seconded by Mr. Daniels and unanimously carried.*

**APPROVAL OF MINUTES:** *Mr. Herring moved to approve the minutes of the August 4<sup>th</sup> Regular Meeting, as written, seconded by Mr. Thomas and unanimously carried.*

**PUBLIC COMMENTS:** none forthcoming.

**OLD BUSINESS:** none forthcoming.

**NEW BUSINESS:**

- 1. Discussion/Action: to consider making a recommendation to the Board of Commissioners regarding amendments to Title 7, Chap. 70-Motor Vehicle & Traffic Regulations, Section 70.01(B) and Section 7.07(A) of the General Code of Ordinance.**

The Town Clerk pointed out that Section 70.01(B) of the General Code says that there shall be a list of parking & traffic regulations on file in the Town Clerk's Office. Ms. Southward said in her eight years with the Town she has never seen such a list. Staff, along with the Commissioner whose oversight duties include policies and procedures have compiled a sample list of regulations for consideration. Additionally, it is recommended that this list be incorporated directly into the code.

*Commissioner DiStasio moved to recommend to the Board of Commissioners that they approve the proposed amendment to Section 70.01(B) of the General Code of Ordinances, as presented, and that they hold a public hearing seconded by Mr. Daniels and there was a discussion.*

Mr. Herring requested a definition of “town street or right of way”. Staff explained that would be the pavement and any area directly off the pavement where utilities are located. Normally, on town streets there is about a 10-foot right of way on each side of the pavement (often times this is the shoulder of the road). So, Mr. Herring noted that residents wouldn’t be able to park in front of their homes next to the street (pavement) between midnight and 6AM if this amendment is adopted, as written. He took exception to this. He said that many residents only have enough area to park one or two cars in their driveway. Sometimes they might have guests where a third vehicle needs to be parked in the right of way in front of the home. Staff suggested removing “or right of way”. There was a brief discussion about junk and untagged vehicles. Madam Chairman Climer asked who enforces parking regulations in Calabash. Town Code Officials such as the Town Administrator, his designees, and the Building Inspectors enforce these regulations (as they do all regulations in the General Code of Ordinances).

Ultimately, for (B)(1) the PZB decided to keep #1 as presented but add an asterisk directing readers to a note at the bottom of the paragraph/list (i.e. \*see Note below). The note shall read as follows: “except on a temporary basis when no parking on the primary property is available.”

Next, Mr. Herring questioned if (B)(5) was necessary to have included as it should be apparent that a DOT road is regulated by the State. The PZB felt it wouldn’t hurt anything to keep #5 in the amendment although what Mr. Herring pointed out is true.

*Commissioner DiStasio moved to amend her motion to include the amendment adding the note; seconded by Mr. Daniels and unanimously carried.*

Regarding Section 70.07 it has been recommended by staff to add “County Fire Marshal and Town Fire Inspector” to the list of officials who persons shall comply. Mr. Herring asked an example of when these two officials might need to enforce compliance. He noted that during a fire, fire department officials and police officers would be on the scene (which are those officials already listed). Staff noted that after a fire, when the area still needs to be secured for investigation purposes those officials wouldn’t be on site. However, it is the County Fire Marshal and Town Fire Inspector who are likely to be conducting investigations. It is feasible that cars may need to be directed to move and these officials should have the authority by the Town to direct people to move their cars.

*Mr. Herring moved to recommend to the Board of Commissioners that the proposed amendment to Section 70.07 be approved as presented, seconded by Mr. Daniels and unanimously carried.*

- 2. Discussion/Action: to consider making a recommendation to the Board of Commissioners regarding amendments to Article 17-Off Street Parking & Loading, Section 17-2(C) of the Unified Development Ordinance (UDO).**

Staff explained that this Section contained information for off-street parking for multifamily and commercial but included nothing in regards to single family residential. This Section has been added and includes the same list of provisions as in Title 7. A reference could've been made to see Title 7 of the General Code but staff suggests adding directly into this section of the UDO since they are two separate books (so readers don't have to locate the other book). The PZB modified the first point in the list to include the same note as above: "except on a temporary basis when no parking on the primary property is available." This way both are exactly the same giving continuity among the General Code and the UDO. *Mr. Daniels moved that this amendment to the UDO, Section 17-2(C), as amended by the PZB, be recommended to the Board of Commissioners for approval after public hearing; seconded by Mr. Herring and unanimously carried.*

**3. Discussion/Action: to consider making a recommendation to the Board of Commissioners regarding amendments to Article 10-Table of Permitted/Conditional Uses, Section 10-2, Note 2, (E) regarding perimeter fences for residential neighborhoods/subdivisions.**

While reviewing the fence section of the UDO for an appropriate area to add regulations for perimeter fences surrounding subdivisions there was a discussion regarding the height allowed for commercial fences. In this section, it allows commercial fences to up to 10 feet high in side and rear yards and 8 feet high in front yards. The thought was, that 8 feet is very high for any front fence. Mr. Dills noted that the intent when this was written was to provide security for businesses if they so choose to use a fence for that purpose. In particular, businesses like ACE Hardware that uses outdoor storage for products they sell—like live plants. The PZB felt this could lend a very unfavorable look to the Town should businesses decide to utilize this regulation. It was thought that four feet should be the maximum fence height for the front in the commercial district. There could be special exceptions for industrial. It was discussed that the best way to proceed might be to provide fence height regulations per zoning district. Staff requested time to prepare an amendment for the PZB to review. The PZB agreed and felt that New Business items #1 and #2 could wait on being forwarded to the Board of Commissioners to schedule a public hearing until the fence amendment is ready for recommendation so that all public hearing advertising could be done at one time. *Mr. Thomas moved to table amendments to fence requirements in the UDO; seconded by Mr. Herring and unanimously carried.* There was a discussion about fence height on corner lots.

**BOARD COMMENTS:** none

**ADJOURN:** *Mr. Herring moved to adjourn, seconded by Commissioner DiStasio and unanimously carried.*

(SEAL)

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Sonia Climer, Chairperson

Attest:

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Kelley Southward, Town Clerk