

**TOWN OF PITTSBORO
PLANNING BOARD
SPECIAL MEETING
TUESDAY
APRIL 25, 2006
7:00 PM**

CALL TO ORDER The meeting was called to order by Chairman Hoyle at 7:00 pm.

ATTENDANCE Chairman Hoyle, Co-chair Farrell

Mr. Hoyle indicated that the purpose of this meeting was to undertake an examination of the proposals for updating the Land Use Plan and for consideration of an amendment to the Zoning Ordinance consisting of 126 line items.

Mr. Hoyle noted that there were three submittals for the Land Use Plan Update: Benchmark Cmr, Inc., The Wooten Company and Triangle J Council of Governments. Mr. Hoyle called upon Planner Monroe to proceed with the review.

Monroe began his comments with the Benchmark submittal. He noted that before the meeting Ms. Farrell asked a very interesting question. She wondered if she had missed something when she observed that two firms submitted proposals which were very close to each other and that Benchmark's proposal was significantly less. Monroe said he thought the answer to that puzzle could be found on page 8 of the proposal, which identifies the members of the planning team. The credentials indicate that most of the team have only Bachelor's Degrees, only one team member has a Master's Degree. So it would appear that team is relatively inexperienced. Monroe noted that this is a young company, which was formerly named Benchmark, which was a fairly large company in the Charlotte area, and another company called CMR subsumed it. In fact, the Interim Manager Mr. Misenheimer worked for Benchmark at that time. Monroe noted that all the more experienced members of Benchmark left and what remained was a skeleton staff that was relatively inexperienced. This is probably the reason their proposal is a third the cost of the next closest proposal. They are probably hungry for work, and they are probably having a difficult time getting work because they are so inexperienced. Five years ago this might have been a company which the Board could recommend doing a Land Use Plan, but given where Pittsboro is today, Monroe said he thinks this would be selling the town short given the needs which have been defined. Monroe recommended that the Board put Benchmark at the bottom of the list of proposals.

Monroe indicated that the Wooten Company has made a good proposal, although, there was some confusion after it was submitted about whether or not the price included mapping. It was determined that the price did include mapping. Monroe indicated that the company has done land use plans for communities in the state and he noted that they were the company that updated our zoning ordinance last. He reminded the Board the condition the zoning ordinance is in. He cautioned that if we entrust them to do our land use plan we might end up with the same kind of condition we have now. Monroe said, frankly speaking, that he was slightly taken aback because the Request for Proposals asked for a proposal including the scope of work and a sample of their work. The Wooten Company package came with the instructions to return the sample when done. It struck him kind of odd that a company that would charge \$50,000 for an update would request that sample materials be returned. Mr. Collins asked if they had a timetable projected for the job. Monroe replied that all of them are kind of open ended, dependant really on the town. He said his thinking is that this is probably going to be a year to a year and a half process. The first part being statistical data generation and compilation; population projections, employment and traffic projections; and then building from that, starting to have some community meetings. Monroe said his thought is that Board members do not have to be involved in those meetings unless they want to be. The meetings will be held around town with different interest groups so that we can get a variety of opinion built into this. The Board will obviously receive reports on that process as it unfolds.

Monroe said his feeling was that he was in favor of the Triangle J proposal. The team that they have assembled is already intimately familiar with Chatham County and the Town of Pittsboro. He related that he had a meeting last week with both John Hodges-Copple and Paul Black (who are the principal members of the team) on a separate subject where they are trying to project economic development data as it relates to air quality budgeting. They already have a lot of information on Pittsboro on GIS maps and so the first phase of the project could go faster because of their data resources. They were the authors of the Compact Communities Ordinance that Chatham County adopted for the review of Briar Chapel. That document won a statewide award from the North Carolina Planning Association for its quality and the scope. Monroe said he thought the town would be well served by this agency and the price is within the projected budget.

Ms. Farrell asked what the additional \$32,000 in fees was about in the Wooten proposal. Monroe replied that the additional dollar amount covered optional add-ons to the basic scope of work. She asked if that optional work was factored in to the Triangle J proposal. Monroe said that the Wooten proposal gave the town a "Chevrolet" bid and a "Cadillac" bid, they added things on that the town might want to consider. The Triangle J bid included most of those add-ons.

Monroe said he felt that the important elements would focus on population growth, job growth, projected traffic and how that relates to preserving the core of the downtown and protecting that area and preventing sprawl from large development on the periphery.

Ms. Farrell said that she personally liked Triangle J's presentation, it was easier to read and she appreciated the Glossary, which she thinks will be very helpful to the layperson.

Mr. Collins asked Monroe if, in his reading or conversations with applicants, he had any biased opinion or anything in their organization that indicated he had a hidden agenda. He said he thinks they did a pretty good job with their submission and the work they have done for the county. Monroe said he went in to this open minded and actually had a firm in which he had an interest in working with but which didn't choose to submit a proposal. He said he tried to treat all the applicants and their proposals fairly and had the greatest comfort level with Triangle J. Mr. Collins said he used to meet with the folks from Triangle J and they are good people, and knowledgeable. Mr. Plummer asked if any of the members of these teams have any connection with Chatham County or live in the county. Monroe said not to his knowledge. Mr. Plummer asked if any of them belonged to any organizations. Monroe said Triangle J meets in the county regularly maybe as often as four times a month, but they are also in Moore Count and Orange County regularly. Part of their function is to provide planning services to member organizations.

Mr. Collins said that the Wooten Company name was familiar to him and asked if the town relationship with them. Monroe said that they updated our zoning ordinance and assembled the Codified Ordinances. Mr. Hoyle suggested that perhaps Mr. Collins was thinking of the S.T. Wooten paving company. Mr. Collins said that was the case.

Ms. Farrell said there was a statement in one of these proposals, and she couldn't remember which, that said they had no affiliation with companies or people in Chatham County. Monroe said that all three of these companies have no financial or personal affiliations here. Triangle J has some experience working in Chatham County, which he thinks is a benefit.

Mr. Plummer asked if these firms had told Monroe the time schedule would be a year and a half. Monroe said that is just his estimate. Triangle J has given slightly more than one year. Ms. Farrell asked if that was from June to June. Monroe said that a contract would be executed in June and that would start the clock.

Mr. Collins asked what the life of these plans would be; he wondered when they might be outdated. Monroe said it really depends on the scope of development that occurs. Given the growth the town is going to endure, we are also going to grow a staff and we may be able to start having the luxury of keeping up with these plans in house. He said that if we get a good base document we can revise it ourselves every few years, and we should consider on-going amendments if we identify something that really needs to be changed. Monroe said that if you

look back at our existing Land Use Plan, one of the major elements was that the town was going to adopt the 10-70 Plan, that never occurred, but that goal is still in or Land use Plan, if we had had adequate staff all along, we would have amended the LUP and taken that item out. Now we are going to have the availability of GIS data on growth and projected growth, so we are going to be able to work those numbers forward ourselves.

Mr. Collins remarked that this would set a format for a long lasting basis.

Monroe said that it is his hope that this update will project growth and development for twenty years with the intention of being regularly revisited.

Ms. Farrell made a motion that the Board accept the Triangle J proposal and recommend that the commissioners approve their submittal. Mr. Collins seconded the motion. He asked Monroe if there were any attachments he felt were necessary. Monroe said he felt comfortable with the proposal. Mr. Hoyle suggested that the process be more focused than it was the last time. **Motion passed unanimously.**

Mr. Hoyle introduced the proposed Zone Text amendments. He noted that Monroe had recommended some deletions and some additions required by new state legislation and other items simply for clarification. He told the Board that he hoped that when we are through with this process we will have something that we want and we want the layperson to be better able to understand what the town requires rather than having to refer back and forth among ordinances. He said he hopes this will result in a simpler document. He suggested that it was a rather large task and the Board doesn't have to feel compelled to act tonight. He said they could go through it step by step, take a look at it and raise all sorts of critical questions. Mr. Hoyle said he thinks it is imperative to look at Monroe's memo. It says the amendment is written in a manner that requires it to be read along side the zoning ordinance. The majority of the changes to the recommended uses were discussed approximately six months ago and agreed upon at that time. Mr. Hoyle suggested that the Board start with Section 5.2.1 Permitted Use Table.

Monroe said the first item that we haven't reviewed is on page 11. He said that he recommended that we eliminate Planned Unit Developments from the R-12M. He said that the R-12M District is one that is for mobile home parks and he has not encountered many planned unit developments designed for mobile homes. Monroe said that the next item which hadn't been discussed before is creating residential uses above commercial uses in the C-2 and C-4 zoning districts. Many communities have found that mixing residential uses above commercial uses creates a more vibrant area. A good example can be found in downtown Durham where lofts are being created above retail and office ground floor uses. It is like building in a market for the commercial activities.

He noted that everything else on that page had been previously discussed and found to be suitable. Mr. Hoyle asked for a clarification of the difference between

a manufactured home and a modular home. Monroe said that manufactured homes are divided into Class A and Class B, these are single wide and double wide mobile homes subject to the HUD building standards; modular homes are stick built in a factory setting but subject to the North Carolina Building Code. They are trucked in to a site and situated on a foundation.

Monroe said that on page 12 he suggested that the Board might want to engage in some discussion to redefine amusements. He questioned whether we want to keep roller skating rinks as a use when he doesn't recall seeing any created except in Texas for Roller Derby competition. Monroe said he wasn't sure that women's roller derby was the kind of amusement the town would want to encourage. Ms. Farrell said that skating rinks aren't exclusively for Roller Derby use. Monroe said that to his knowledge, roller skating rinks are not being built and those in Texas are actually basketball courts, which are being used by Roller Derby teams, they don't have banked curves, which are typically associated with skating rinks. Kids today use roller blades and skateboards rather than roller skates. Mr. Plummer said he was concerned that we delete the use and then someone wants to do a rink. Monroe said we could review an amendment, but the probability is that we will not see any more rink developments because technology has changed the skating world. Ms. Farrell said she felt the same as Mr. Plummer about leaving in bowling alleys as a use. Monroe said that was fine and that was the purpose of this discussion. Monroe said that everything else on that page had been discussed previously and all of the rest of the uses have been previously discussed and agreed upon.

Monroe asked the

Board members if there was anything on a second reading that they felt differently about than the first time around. Mr. Collins asked about the change to amusements. Monroe replied that what was removed was "carousels, roller coasters, ferris wheels, super slides and the like", fairgrounds as a use remains. Mr. Plummer asked what number 11 was restricting. Monroe replied that golf courses would be allowed in R-A2 and R-A5, par three or miniature golf courses would be deleted as a use. Monroe said that he felt that golf courses should be added to MUPD, especially since the River Oaks project is designed around a golf course. Monroe asked if there were any more questions on page 12. There were none.

Monroe said that on page thirteen there are just simple changes. Cemeteries and mausoleums would be deleted as a use in MUPD, that wouldn't affect existing cemeteries, only new cemeteries. He said that means you couldn't build a new cemetery in River Oaks, or in Moore's Ridge, but there is a cemetery in River Oaks and that would be allowed to stay, but you couldn't create a new cemetery. Mr. Hoyle indicated that existing cemeteries could continue to fill gravesites but no new cemeteries could be created in MUPD zones.

Monroe noted that the use Orphanages would be deleted, not many orphanages are being built.

Assembling automobiles, upholstering automobiles, tire treading and recapping would be eliminated as uses. Practically speaking, there is little likelihood these activities would occur in Pittsboro.

Ms. Farrell asked why the town requires a Special Use Permit for nursing homes in the RA, R-A2 and R-A5 districts. Monroe said he thinks it was essentially to control the size. These zoning districts assume that municipal utilities will not be available and the SUP allows for the proper management of medical wastes.

Mr. Hoyle referred back to the automobile reference and questioned whether a tire store could be allowed in an MUPD. Monroe said a tire store would be allowed. Mr. Howard said that you could even sell recapped tires, you just couldn't manufacture them.

Monroe said that on page 14 we've added as a Special Use, parking lots serving uses permitted in the district. We added this in the residential districts because require that residential PUDs provide a parking lot. Since the PUD requires a Special Use Permit, it makes sense to incorporate the parking lots in those districts.

We have eliminated Carpet, Rug and Bag Cleaning establishments. Monroe said e is not sure what a bag cleaning establishment is, even after he tried Googling it. This use seems to assume that you are going to take your carpet there to have it cleaned; maybe it refers to oriental carpets. Mr. Collins asked if a person could still come to your house to clean your carpet. Monroe replied that would normally be how it is done.

We eliminated "and dryers" from cleaners and laundries because a laundry has dryers in it.

We eliminated Day Care facilities from the M-2 district because a day care is inappropriate in a heavy industrial district.

Monroe reminded the Board that we have gone through these uses once before and he wondered if ay of the changes proposed troubled any of the Board.

Monroe said the only changes from the work we did six months ago were residences above commercial, the previously mentioned parking lots and deleting PUD from R-12M.

Mr. Hoyle asked what the reference on kennels instructing you to see Note 8 was about. Monroe replied that the Notes begin on page 22 and details requirements for kennels.

Mr. Plummer referred to page 17 and asked why restaurants had been deleted from C-2. Monroe said that is a mistake; it was not intended to remove restaurants from that district.

Mr. Hoyle asked if the Board was ok with removing "drugstores within a medical office, hospital or emergency facility" being deleted from MUPD.

Monroe said he doesn't contemplate an MUPD project with a hospital in it.

Moore's Ridge is contemplating a medical facility like a wellness center, but they are not intending to dispense drugs.

Mr. Hoyle asked Ms. Farrell if the Temporary Dependent Care Residence defined on page 21 was okay. She said it was.

Mr. Collins asked if there had ever been a turkey shoot approved in the town.

Monroe said that a turkey shoot is an event, not a zoning category and, it is illegal to discharge a firearm within the town limits. Monroe said this is the same thing as "Yard Sale"; it is an event not a category. You can get a permit to have a turkey shoot or a yard sale, but by having it in the zoning ordinance, it could be a permanent thing and he is not sure the town wants an ongoing turkey shoot or yard sale.

Monroe pointed out that the note describing Family Care Homes on page 25 has been revised to more clearly define them.

Mr. Hoyle referred back to page 22 and noted that swimming pools are to be enclosed by protective fencing. He asked if "protective fencing" had been defined in the ordinance. Mr. Collins said it should state a minimum. Monroe said to his recollection that fence height is not described anywhere. Mr. Hoyle said this is a good example of what he had said earlier in the meeting, if we are going to tweak this here is a good place to start. He said rather than just say protective fencing we should state a height. Monroe suggested perhaps stating a minimum height of five feet. Mr. Plummer said his seven year old could scale a seven foot fence so doesn't know how high is high enough. Mr. Collins said he seems to recall the Health Department has a minimum for safety. Monroe said that he thinks that as far as the town goes we can stipulate a minimum height, but anyone who is going to put a pool in their back yard is going to deal with their insurance company and they will define further standards. In terms of keeping simple, adding language to state a five-foot minimum would take care of the town's liability and not over-regulate every action. Mr. Hoyle said he is not comfortable with just pulling a figure out of the air, if we state a number it should be based on something substantive. Monroe reminded the Board that this document we are discussing has been advertised and available for public inspection and minor changes can be made but substantive changes are going to have to be advertised and presented at a public hearing.

Monroe referred to page 26 and noted that item number one under Special Use Permit Review has changes that were mandated by a new state statute. The language presented is derived directly from the statute. The same pertains to the changes shown on page 27. These are not something we can tinker with very much..

Mr. Hoyle referred back to page 24. He said he wanted to clarify "uses not allowed" and cited the manufacture of acetylene gas. He asked what acetylene gas was. Monroe replied that it is gas used in the welding process. The prohibition described is on the manufacture of the gas, not the storage or sale of it. You could still have a business with the cylinders of gas available and those cylinders could even be refilled, you just couldn't manufacture the gas.

Mr. Hoyle referred to page 27 to discuss "Planning Board Review". It reads, "in response to the Planning Board recommendation the applicant may modify his application prior to submission to the Board of Commissioners and the zoning enforcement officer may likewise revise his recommendations". Monroe said that this means that if the Planning board recommends conditions in its recommendation of approval the applicant can make those changes before presenting the plan to the Board of Commissioners. It doesn't mean the plan has to come back to the Planning board.

Monroe said the changes added on pages 30 and 31 are the result of changes to the state legislation. This paragraph explains how you calculate members of the Board when a super majority is needed for a decision; it clarifies how absences and vacancies are treated for calculating necessary votes.

Monroe indicated that the note on page 33 eliminated accessory dwelling units in the front yard. This would result in accessory dwelling units being in the side or rear yards and it would eliminate accessory dwelling units from the R-12M district (mobile home park). Most lots in mobile home parks are so small you couldn't fit an accessory dwelling unit on them in addition to the mobile home. Ms. Farrell asked if existing dwelling units would be grandfathered in. Monroe replied that was correct. Mr. Plummer asked if this would prevent an accessory dwelling unit in the front yard in an R-A5 district. Monroe said it would. Mr. Plummer thought that five acre and two acre lots are large enough that a dwelling unit in the front yard could still be a long way from the property line. Mr. Plummer asked if this was mandated by the state or if it was something Monroe felt would be a benefit. Monroe said it did not come from the state. He said the front yard setback in the R-A5 district is only 50 feet. Mr. Plummer said that if somebody already had their house toward the back of the property and had a two or three acre front yard he didn't think it would be so bad to allow a dwelling unit or accessory building in that kind of front yard, but if we change this they couldn't do it. Monroe said that was right. Mr. Plummer said he disagrees with this item. Mr. Hoyle said he thinks Mr. Plummer has a good point. He said in his situation, his house sits on 8 1/2 acres of land and he has seven acres in front of his house and almost nothing behind. Monroe said that if the Board would like he could insert language that would allow accessory dwelling units in the front yards of properties in the R-A2 and R-A5 districts if the primary dwelling unit is more than 200 feet from the property line. Mr. Plummer asked if these districts could just be exempted from this prohibition. Monroe said he would prefer to add a note indicating that in these districts an accessory dwelling unit can be located in the front yard so that there isn't any question about the other residential district. Adding a Note 4 could say: accessory dwelling units in the R-A2 and R-A5 districts may be located in the front yard as long as other setbacks are satisfied. Mr. Plummer asked if this would apply to carports or sheds. Monroe said we are talking here about accessory dwelling units.

Monroe said that on page 37 we have eliminated automobile and motorcycle racetracks and demolition derbies. We had eliminated that in the Table of Uses and now we are practicing good housekeeping by eliminating the note about how they should be developed.

Monroe said the same thing is done on page 38 after having eliminated Bed and Breakfast with open dining from R-12 and R-10 and this change to the note achieves consistency with the Table of Uses.

On page 39 consistency is again achieved by eliminating the note regarding the storage of flammable liquid or gasses in excess of 100,000 gallons.

Similar changes occur on pages 41 through 45, 47, 48, and 50. This note does not preclude manufactured homes from the R-A, R-A2 and R-A5 districts; it simply means that you cannot create a manufactured home park there. Monroe said the whole point of the R-A5 district is to have large lots with accessory agricultural uses and lots in mobile home parks can be as small as 9500 square feet.

Monroe said that the changes on pages 58 and 61 also are ones that achieve consistency with use changes. On page 62, we have eliminated campgrounds and the elimination of the note telling you how to do them makes the change consistent.

Monroe explained that eliminating the use "Residences multi-family more than one structure per lot" because that is a PUD and we didn't need to have it listed more than one time in the ordinance.

Monroe said that since we eliminate outdoor shooting ranges, it is appropriate to eliminate the notes on how to do a shooting range. He said he hopes no one will mourn the fact that you will no longer be able to create a range in the downtown district.

He said that on page 69 we had added stables as a permissible use to the MUPD district so that has been incorporated in the note on how one is to do stables. In the Use Table we had eliminated telephone exchanges, radio and telephone towers exceeding 55 feet in height from the downtown district so this note change achieves consistency.

On page 71, we had removed outdoor theaters from C-2 but continue to allow them in M-1 and M-2. This would not preclude a downtown merchants group from projecting movies on a wall but it would mean that new drive in theaters would not be allowed in the C-2 district. Monroe said that his research indicated that drive in theaters are having a resurgence in Texas where there were eight new drive in theaters created last year and they can't keep them open long enough to satisfy all the demand.

Monroe said that page 72 was the next page where consistency is achieved by eliminating the notes pertaining to tourist homes.

The next change is on page 74 and it recommends that there be a minimum non-residential lot frontage of fifty feet in the C-2 district and that there be a minimum front yard of 25 feet, rear yard of 25 feet and side yard of 10 feet.

Currently, a 20 foot front yard setback is the only setback that applies in the C-2 district.

Monroe said the next change occurs on page 90. These changes clarify the issues we have encountered in the last couple of MUPD applications. All of the changes on the following pages clarify what the applicant should submit and what the town expects to see. The current regulations indicate that if an application has more than 50 lot in the MUPD plan, the Planning Board had the jurisdiction to require the preparation of a traffic analysis and an economic impact analysis which meant that the entire process had to come to a screeching halt while the applicant went back to develop this information. This makes it clear to the applicant that this information is expected with the application. Mr. Plummer clarified that this only applies if there are more than 50 lots proposed. Monroe said that that tracks consistently with the subdivision regulations. Mr. Hoyle said he would like to play a devil's advocate here in going back and taking a look at what was required of Powell Place in terms of those two studies and the Steele property which had those studies complete before the approval was done. Having spent 40 years with the state, he found that studies can used to prove or disprove anything you want to do, he had a person employed in his department to ensure that got done. He said he was just wondering how true to the actual impact the studies would be since it is all projection with regards to the environmental and economic impacts. He said he is just throwing this out to see if any Board members had done any thinking with regards to this. Is it something that is really a set of functional tools or not. Ms. Farrell said that she feels the only way it would be functional and not biased is if we had someone on our own town staff that did these studies. She said they can present whatever they want to be said. Monroe said that he could tell the Board that the studies that have been done since he has been here, whenever a consultant has been employed to prepare a traffic impact analysis or an economic impact analysis the consultant has conferred with him first to see what parameters he would find acceptable. And then they design the study around those parameters. Mr. Plummer said it is kind of like in real estate, the appraiser sees the contract before he sets the value. Monroe said it is a little different because the contractor is asking Monroe what level of information would be suitable for the town's purposes and he has actually raised the level on a couple of them because of the size of the project. Mr. Plummer said that then they come in within those parameters just like an appraiser. Monroe said that all three of the traffic studies that come in for MUPDs all wound up making specific recommendations for highway improvements to accomodate the traffic that would be generated by the project. That is specific value that the town gained; that is money that the DOT is not going to have to spend to react to the traffic that is going to be created by a project that we approved; and that is certainly worthwhile. The environmental impact analyses just make sure that the developer goes through the hoops of identifying those areas within the boundaries that are sensitive in nature so that

we are put on notice that there are sensitive areas and we have looked at development techniques that respect that sensitivity. Monroe said the one that he thinks is seriously in question is the economic impact analysis. Mr. Hole said that is one that bothers him because the studies are based on projections on different forms that they have and he doesn't see that they can come up with something that is realistic. Monroe said that he could tell the Board that the economic impact analysis that was done for River Oaks is proving to be a valuable tool to the Interim Manager in the budget process because he is able to look budgets two and three years down the line and to prepare to deal with adding five or six or eight staff people in the administrative staff of the town. We are going to need more space, therefore we are going to have to have a capital improvement program that includes the expansion of Town Hall or a relocation of Town Hall. So in that particular instance there was benefit derived for the town. Monroe said he was not certain that was the case in either Powell Place or Moore's Ridge. Mr. Hoyle said he was not saying that it is bad, he was just suggesting that we should really take a look at it.

Mr. Howard said that if he had to hire someone to do a study for him he would make sure it came out in his favor. Ms. Farrell said she guessed you had to look at what the benefit is to the Town Planner. Mr. Hoyle said that the Board should move on with reserving the right to come back to the MUPD section.

Monroe referred to the changes on page 94 and said that they just eliminated spacing problems created when he and Ms. Kotoris went through the first two iterations of these amendments.

The next change appears on page 104 and has to do with the period of time campaign signs can be displayed. Mr. Hoyle asked how he arrived at the number of days. Monroe replied that that period of time coincides with the filing deadlines. Mr. Collins asked if the candidate or the land owner was the person responsible for getting the signs down in seven days. Monroe said it is not the land owner but the candidate or his/her organization. The person filing the sign permit would be the one who would forfeit the \$50 in the event the signs are not removed in a timely manner.

Page 115 is the next change and this change makes clearer the actual display permitted for churches. Mr. Collin said that at one time we only allowed signs for churches on the property of the church. Monroe said that still holds true. Mr. Collins asked if there wasn't a sign for the Seventh Day Adventist Church on the corner of the town hall property. Monroe replied that, to his knowledge, there are eleven off premises church signs displayed within the town's zoning jurisdiction.

Monroe indicated that the next change occurs on page 121, number 8 there should show as a deletion, so that needs to be corrected. Monroe noted that the change on page 123 should also show as a deletion.

The next change occurs on page 134, it requires the submission of "as built" surveys. It is saying that we want to know that what was supposed to be built

was actually built. This is a requirement imposed on subdivisions and it would be appropriate for the town to get this same information for non-residential development. It applies to the location of utilities but also gives the town information about the footprint of the building. On commercial sites we generally don't have an inspector on the property looking at where these utilities are actually installed as opposed to where the site plan indicated they would be installed. Mr. Plummer asked if Monroe was referring to the original site plan and asked if there was no way to verify that information. Monroe says that what this would require is that before those utilities are covered up the surveyor would have to go back to the property to verify where they are installed so we as the town have accurate information about their location. This way we have a plan that goes in to the files that tells us where these utilities are located. Ms. Farrell asked if we needed to define what "as built" means. Monroe replied that this is a term that is common to the engineering, surveying and banking communities. Mr. Howard asked how the town is going to get Progress Energy to comply with this. Monroe said it is not p to Progress Energy, it is up to the surveyor to verify the location of underground utilities before the site is released for occupancy. This information is required by lenders, we are simply saying copy the town on that same information. Mr. Plummer asked if Progress Energy follows the site plan. Monroe said they usually try to get the person who is planning the site plan to co-ordinate with them before the plan is approved. Monroe said the next change is no page 138 and this change tracks with the mandate from the Legislature on the new enabling language. This change is why we adopted the new statements and findings at the Van Finch rezoning request. Monroe said the change on page 139 is also tracking with this mandated language; it clarifies how notice is posted for rezonings of multiple lots within the area to be rezoned.

On page 141 we again incur language mandated by state changes.

The change on page 142 tracks with new state legislation in the way protests are defined and treated and this language corresponds to what the state requires. Mr. Hoyle asked if Monroe could explain this in terms he could understand. Monroe said he could not. Mr. Hoyle thanked him and concluded that this language had been crafted by an attorney. Monroe said that the last two lines had been a subject of an on-going debate on the Planners' List Serve trying to understand what this means. It does try to clarify some things such as making protest boundaries identifiable. One of the things it does is to allow a person who has signed a protest petition to have his signature removed at any time prior to action on that protest petition, in the past, that was not allowed; once you were on that petition, you were on that petition. So that is one simplification that has occurred. When we get to the point of a protest petition, this will be the language that will guide our attorney in telling us how to determine if that is a valid protest petition.

The change on page 146 is again language from the state's legislation. It defines a quorum in terms of vacant seats and defines how absent members are treated for calculating a quorum. It also defines what requires a member to excuse him or herself from participating in a proceeding before the Board of Adjustments. Mr. Hoyle asked Monroe how the members of the Board of Adjustments are determined. Monroe said they are determined by the Board of Commissioners and that they serve at the will of the Board of Commissioners until they are removed.

The change on page 147 clarifies that the Board of Adjustments has no authority to grant a variance to use categories. So, for example, they can't take a use from the C-2 district and introduce it into the R-10 district. Ms. Farrell said she had an issue; it is spelled out pretty clearly about when members of the Planning Board can and cannot vote based on conflict of interest, and when Commissioners can and cannot vote, but she wondered about the attorney. Is there any definition about an attorney's conflict of interest? Monroe said the state bar should regulate that.

Monroe said that the change on page 164 would create the positions of alternates for the Planning Board. It identifies how they will be designated, selected and how the seat will function.

Mr. Hoyle asked why he didn't see a statement about removing a Planning board member who missed three consecutive meetings. Monroe replied that that is a policy of the Board, and if a member misses that number of meetings the Board can request the Commissioners remove that member and advertise for is or her replacement.

Mr. Hoyle asked to go back to page 167. He asked if the MTC district did not apply to Hwy 15-501. He said that south on 15-501 is noted, 64 Business east and west is noted but there is no description of the 15-501 north boundaries. Monroe said the 15-501 north is subject to the MTC Overlay District standards from the northern side of the 64 By-pass to the Haw River bridge. Mr. Hoyle said that is what he thought, and it should be included in the language. Monroe said it should and that it was the intention of the Commissioners to incorporate that area and that is also referred to in the Land Use Plan.

Mr. Hoyle asked Monroe to summarize the changes the Board had suggested. Monroe said we added golf courses to the MUPD; we put restaurants back in the C-2 district; and we added a not to allow accessory dwelling units in the front yard on lots in the R-A2 and R-A5 districts as long as they meet district setbacks. M. Hoyle asked if this meant he could put a storage unit in front of his house. Monroe reminded him that this clause applied to accessory dwelling units; he could do so if someone were living in it. Monroe said the last change was to correct the inclusion of Hwy 15-501N in the Major Transportation Corridor Overlay District.

Mr. Hoyle summarized that what the Board has actually done here is to tweak the zoning ordinance but he felt that we might want to consider making some

additional changes, having a public hearing and making some additional changes. Mr. Hoyle asked if the Board members were comfortable with the way the ordinance would be after these changes. He asked them to consider the newcomer coming in to town; do you think they could take a look at the ordinance and understand what is required and exactly what is happening. Mr. Plummer said the Board had made three or four small changes but he asked Monroe if he was comfortable with the ordinance. Monroe said he felt we were going to revisit the zoning ordinance once we finish the Land Use Plan. We are going to know then the substantive changes that we need to make to make our zoning ordinance consistent with the LUP and to achieve the goals of that plan. He said that what he thinks we have accomplished here is to make our zoning ordinance a little more up to date, a little easier to understand and a lot more consistent. Mr. Hoyle asked if it was possible to make it even easier to understand. Monroe said not without rewriting the whole ordinance. The form is what is making it difficult.

Mr. Hoyle asked if Monroe could tell him what the term in item 36 was. Monroe said it is Eleemosynary and it means philanthropic. The word philanthropic immediately precedes this word so it is redundant, and he said his feeling was "if I can't pronounce it I don't want it in my ordinance".