

Town of North Wilkesboro
Planning Board Meeting Minutes
May 13th at the Stone Center and on Zoom at 5:30 pm

Planning Board Members Present: Nichols, Cox, Turner, Minton, Queen and Long
Also Present: Meredith Detsch, Planning Director and Danny Johnson Town Attorney.

Vice-Chair Nichols called the meeting to order at 5:32 pm. Vice-Chair Nichols asked for any deletions or additions to the agenda. Minton moved to approve the agenda as presented and Cox seconded the motion. The motion unanimously, 6-0.

Vice-Chair Nichols stated she would entertain a motion for the minutes for the Planning Board Meeting on April 14th-15th. Turner moved to approve the minutes as submitted and Minton seconded the minutes. The motion passed unanimously, 6-0.

Vice-Chair Nichols asked if there was anyone here tonight to speak about a matter not on the agenda, there was not.

Vice-Chair Nichols noted there were two items under old business. A public hearing on Town Code Chapter 5, Buildings and a public hearing on the Town's Zoning Ordinance sections applicable to the Floodplain in regards to 160D edits.

Vice-Chair Nichols opened up the public hearing on Town Code Chapter 5, Buildings.

Detsch explained the proposed amendments are in red to comply with the requirements of 160D. This chapter covers: Fire limits, building permits, building inspector (responsibilities), authority to have building inspections (regulated by the State's Department of Insurance and National Fire Protection Association), condemnation by the building inspector, minimum housing standards, and the recently adopted non-residential buildings or structures standards. At the top of the chapter there are highlighted considerations including a policy decision for minimum housing standards. Detsch went into the changes to Chapter 5, Buildings in more detail as listed below.

- Updated language on permits especially on one and two residential dwelling units, what requires a permit and what does not. Staff kept a lot of the state statute references as this is a very technical section.
- Bond language for demolitions permits to be discussed separately by the Board of Commissioners.
- Updated language on employing a building inspector and their credentials with the state as well as their responsibilities as the inspector
- Conflict of interest for all town inspectors (this includes building, minimum housing and non-residential buildings or structures)
- Record keeping of the department is stricter now including a yearly report to be conducted internally (policy to be set within the department)
- Updated references with the current NC Building Codes
- Unsafe Buildings/Condemnation Ordinance:
 - This section of the chapter is extremely technical and staff left many state statute references due to if embarking on this process we want to make sure we are doing it correctly.
 - The process is opposite of the minimum housing condemnation
 - Substantial edits to match the state statute
- Minimum Housing Standards section got a clean-up and alignment with 160D State Statutes, additional work is recommended in the future

- Penalties with Minimum Housing was aligned similarly to the Zoning Ordinance
- Non-Residential Buildings or Structures Standards was reformatted to match the chapter and minor changes were made including the notation to only enforce in Town limits in specific zoning districts.
- This chapter only applies to Town Limits. Detsch explained this was a policy choice if the board would like to extend minimum housing to the ETJ. The Board asked Detsch's opinion of extending the minimum housing standards out into the ETJ. It was discussed that more staff time would be needed to adequately enforce and cover the area as it is slightly larger than the town's population currently. While it may be needed, staff resources at this time are limited and the Planning Board and staff agreed to keep it enforced within Town limits only. Vice-Chair Nichols closed the public hearing on Town Code Chapter 5, Buildings. Long moved to approve the edits as presented. The Town of North Wilkesboro deems the proposed amendments to be consistent with the Town of North Wilkesboro's Comprehensive Plan dated June 5th 2018 and any other applicable plans. The proposed amendments are supportive of the following Plan's purposes: Establish the legal foundation for zoning and subdivision changes, guide future land-use related regulations, and provide predictability for private-sector development. The proposed zoning amendment is reasonable and in the public's interest because it supports the Comprehensive Plan. Minton seconded the motion. The motion passed unanimously 6-0.

The next item for consideration was the edits to the Zoning Ordinance in regards to the Floodplain. Vice-Chair Nichols opened up the public hearing on the Zoning Ordinance in regards to the Floodplain. Detsch explained that the State Department of Public Safety, NC Floodplain Mapping Program has updated its model flood damage prevention ordinance to meet the 160D requirements as well as incorporate best practices in it. Staff was notified of this in late April that our ordinances needed to be updated to these standards and meet the 160D deadline of July 1st. While the Zoning Ordinance has already been through the review process these few sections will need to be re-reviewed per the state's request. For simplicity staff has amended the entire Article VI Zoning District 6.5 Overlay District, Floodplain Overlay District (FPO) to match the state's model ordinance and updated the Zoning Ordinance Article V, Rules of Construction, Interpretation, and Definitions, 5.3 Definitions to match additionally.

Detsch explained that the text that is red and highlighted in yellow is updated and new from the old ordinance and includes some policy choices; text that is black and struck through is the old language, and red text is the same as the old language but since staff is proposing to amend the entire ordinance this was the simplest way to represent the changes.

- Aligned our definitions with the State's model ordinance (our definitions are within a different section of the Zoning Ordinance (Article V, Rules of Construction, Interpretation, and Definitions, 5.3 Definitions). Several definitions remain as they were not altered.
- Regulatory Flood Protection Elevation (definitions section) - POLICY CHOICE. The Planning Board recommended we go with the State's recommendation of four feet of free board. That means a new structure or addition must be elevated four feet above the base flood elevation. We currently have one foot of freeboard. This applies in both areas that have a base flood elevation established or not.
- Substantial improvements (definitions section). CRS rating -POLICY CHOICE for adopting optional text on limiting substantial improvements to existing structures. The Planning Board did not recommend this change. (The Community Rating System is a voluntary program part of the National Flood Insurance Program. Depending on many factors is what gives our community points for safety and lowers the rate of flood insurance. Some of these practices (points) are enforced through the floodplain ordinance. We are NOT within the CRS)
- New requirements for Elevation Certificates including the as-built certificate

- Determinations for existing buildings and structures –additional requirements now
- Fill in the Special Flood Hazard Area- POLICY CHOICE for adopting this Article 5 A (17).
- Specific standards to fill, covenants, and non-converting clause to existing properties- Article 5 B(4)Elevated Buildings (f) (g) & (h) optional language, the Planning Board did not recommend adopting additional language at this time
- Optional language on repetitive loss portion for substantial improvements to structures, Planning Board did not recommend adopting this 5 B (5) Additions/Improvements (b)
- New requirements for Recreation Vehicles
- New requirements for tanks (liquid storage and gas)
- New requirements for fences and other non-structures such as walls, sidewalks, roads, etc.
- Other minor changes throughout.

Detsch went through the policy choices and the board felt that the optional items were not needing to be adopted and to leave the current language as is with the exception of the base flood elevation. Discussion and debate among the board members of the required one foot or state recommended four feet. Many board members felt that there has been significant flooding in town and noted several businesses and properties fared better off since they were elevated. Having four feet of freeboard would preserves many new builds and felt the investment in the front end would be worth it in the long run with the floods we have been experiencing.

Minton moved to approve the edits as changed in the Zoning Ordinance Article V, Rules of Construction, Interpretation, and Definitions, 5.3 Definitions and Article VI. Zoning Districts 6.5 Overlay Districts. (C) Floodplain Overlay District (FPO) as amended and rewritten in its entirety with the one change being in the freeboard requirement from one foot to four feet. The Town of North Wilkesboro deems the proposed amendments to be consistent with the Town of North Wilkesboro's Comprehensive Plan dated June 5th 2018 and any other applicable plans. The proposed amendments are supportive of the following Plan's purposes: Establish the legal foundation for zoning and subdivision changes, guide future land-use related regulations, and provide predictability for private-sector development. The proposed zoning amendment is reasonable and in the public's interest because it supports the Comprehensive Plan. Turner seconded the motion and the motion passed unanimously 6-0.

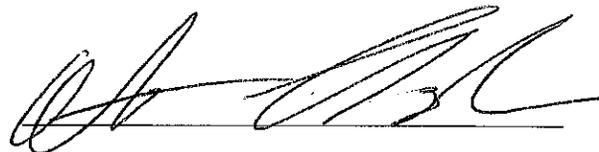
The next item of business was the staff reports. Detsch went over both the Planning report and the Code Enforcement report with the board. The board noted the progress with the cases and thanked staff as they were starting to see progress with several of the cases recently.

With no other discussion Vice-Chair Nichols asked for a motion to adjourn the meeting. At 6:19 pm Long moved to adjourn the meeting and Turner seconded the motion. The motion passed unanimously 6-0.

Respectively submitted,



Meredith Detsch, Planning Director



Otis Church, Planning Board Chairman *or*,
Martha Nichols, Planning Board Vice-Chairwoman

