



ORIENTAL PLANNING BOARD MINUTES

Wednesday, April 21, 2021 3:00PM

Oriental Town Hall – 507 Church Street, Oriental, NC

CALL MEETING TO ORDER AND ESTABLISH QUORUM

AT 3:05 PM, Vice Chairman Rahm called the meeting to order. . Vice Chair Rahm, Member Stone, and Member Willi were present. Chairman Flaherty, Member Allen were absent. The LUA and Commissioner Barrow were also present. There were no members of the Public present.. The meeting was properly noticed.

Minutes: Member Willi makes a MOTION to accept the Minutes as presented from March 2021. Member Stone Seconds. 3-0.

OLD BUSINESS: Review of TPU potential issues:

- Unlisted “Dog Groomer/ other pet services”: LUA Miller suggests there are 3 options (1) leave as is and interpret any unlisted within listed as is the prerogative of the Planning Board, (2) add those unlisted services and decide what is required in each zone: discussion focused on where problems MIGHT arise- potential for establishing pet services in a strip shopping center vs a stand alone building. Member Allen sent in thoughts on the subject, suggesting that it be dealt with in the nuisance Ordinance. LUA notes that Town Ordinances are enforceable only by Oriental PD- Sheriff would not enforce nuisance Ordinance. Nuisance Ordinance is “after the fact” of allowing the business to exist in a zone, so the question sits in the GMO, not the General Ordinances. Consensus was to offer amendment that removes 12.100 and 12.200 and replaces them with

Proposal:

12.100 All animal services, including, but not limited to Veterinarian, Animal Clinic, Grooming X X X S S
And renumber Pet Cemetery from 12.300 to 12.200.

LUA will prepare correction for next meeting.

- Vendor- LUA suggested this be taken off the plate of the Planning Board as this is a process previously addressed in the General Ordinances in regulations concerning activity allowable on public streets. A simple form exists for solicitation/vendors, but the subject as not been specifically addressed in the Ordinance.

NEW BUSINESS

- **Driveway Max width:** Discussion centered on adding a max width driveway that assists in directing drainage. A driveway that is the entire length of the property is not conducive to drainage assistance. Member Willi suggests that a max width of 20’ for one driveway or a combination of two (10’ each) where it crosses the Town’s ROW and links to the street might be acceptable. Commissioner Barrow asks if other municipalities have these and are they standard. LUA Miller notes they do, but they are not- ranging from 18 to 25’. LUA notes that our parking space regulations indicate minimum size of 9’X20’, making the minimum two car width 18’. There was some discussion about differences possible for businesses. LUA notes businesses would have a justifiable reason to apply for a Variance (supply truck egress, ingress).

Proposal: Add to Section 168:

168.7 Driveways may be a maximum of twenty feet wide total (one driveway at 20’, or two at 10’ each) at the point at which the driveway crosses the Town Right-of-Way.

Renumber subsequent section 167 and its subsections to 168.

[Planning Board may discuss the possibility of increasing this size for commercial entities and making 20' restriction applicable to residential properties only at their May meeting.]

- **Roof Pitch Inconsistency within GMO for Mfd homes.**

There currently exists inconsistency between the restrictions on roof pitch (4/12 to 12/12) and the definition of acceptable manufactured homes (changed in 2018 to restrict those to wind tolerant and other storm-ready qualifications.) Section 115 allows for exception to the roof pitch for Manufactured Homes. Definition of Manufactured Homes requires 4/12 pitch (Section 251.125.2).

Proposal:

**Delete: Section 251.125.2 Has a gable roof having a pitch with a minimum vertical rise of four (4) feet for each twelve (12) feet of horizontal run;
Renummer subsequent subsections.**

- **Permit for ramp replacing steps with ramps- as related to ROW/setback.**

Discussions continued from the last several meetings on the inconsistencies present in the GMO that allow exceptions from setback regulations for destroyed-by-storm homes being raised and to be consistent with updates to the NC Building Code, but not to be compliant with ADA. Following conversations with our attorney, we would not be in a good position, standing before a judge trying to defend that. The ADA code requires flexibility that does not rise to the SUP process for granting exceptions to be compliant with the ADA code.

In light of those existing exceptions, LUA Miller suggested we might want to give the Planning Board the option to approve exceptions for ADA compliance. Issue concerning not being able to attach to the property- as an SUP does makes enforcement of removal following departure of the requiring resident more difficult.

Additional discussion revolved around other sections (192.3) that specifically state that financial hardship is not an acceptable reason for encroachment. ADA compliance is a little muddier on its interpretation of that.

LUA Miller notes that we can make it a Land Use Permit (LUP) that requires the Planning Board to sign off on the exception, and note to the applicant the removal requirement during that process.

Proposal:

Add: 113.11 Encroachment into the setback in order to comply with ADA accessibility of a residential structure may be granted with the authorization of the Planning Board, provided that the encroachment does not extend into the right-of-way, and the encroaching structure is removed following vacating of the premises by the applicant.

The Planning Board asked that the LUA take this to the Town Board and ask to have a Public Hearing set for these items at their next available opportunity.

- **Compliance forms for review:**

500 Midyette St (add deck), 703 Midyette (enclose existing roofed deck), 103 Skipper (denied- add noncompliant shed), 801 B Broad (LUP) permissible use- Thrift Store, 103 Pineview (add shed)
LUP for art studio (518 Water St)(received day of meeting).

ADJOURN: Member Willi made a MOTION to adjourn. Member Stone seconds. 3-0. **Next Meeting scheduled for May 19, 2020, 3PM**

Signed: _____

Julie Rahm, Vice Chairman

Attest: _____

Diane H. Miller, LUA to Board