

**Minutes  
Newton Planning Commission  
August 28, 2012  
Council Chambers  
City Hall**

The regular meeting of the Newton Planning Commission was held at 7:00 p.m. on August 28, 2012 in the Council Chambers at City Hall.

**Members**

**Present:** Ken Simmons, Chairman  
Melinda Travis  
Jim Smith  
Donny Setzer  
Stan Gabriel  
Mark Stalnaker

**Members**

**Absent:** Jim Granny

**Staff Present:** Alex Fulbright, AICP, Assistant Planning Director  
Max Sigler, Planner  
Rob Powell, Commercial Development Coordinator

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**Item 1: Call to Order**

**Chairman Simmons** called the meeting to order at 7:00 pm.

**Item 2: Consideration of Minutes of the July 24, 2012 Meeting**

**Chairman Simmons** asked for consideration of the minutes of the June 26, 2012 meeting. There being no corrections or additions, Chairman Simmons ruled that the minutes were approved as presented.

**Item 3: Old Business**

**Accessory Dwelling Units – Text Amendment: TA2012-02**

**Chairman Simmons** recognized Assistant Planning Director Alex Fulbright who explained that the City Council requested that the Planning Commission revisit Accessory Dwelling Units, which was discussed at the previous meeting. Members of the Planning Commission expressed their concern about the Council's request that the issue be sent back to the Planning Commission for reconsideration. It was explained that new information was obtained at the City Councils' public hearing and that could be why they felt that it needed to be sent back. The issues identified by the Council and members of the public during the public hearing. They were

potential number of occupants, permitted locations, and relationships of accessory dwelling unit's occupants to the principal dwelling unit occupants. After discussion the Planning Commission concurred that staff come back with modifications to the recommended ordinance which included restricting accessory structures to 500 square feet, allowing them to be constructed in the rear yard only, and removing the requirement that the property owner reside on the property. In addition, the Planning Commission requested that Staff come back with a proposal on the maximum number of occupants within the minimum housing code.

The Planning Commission requested clarification about the condition requiring that the property owner live on the property in either accessory dwelling unit or principal structure. This condition was found to be in conflict on the North Carolina State Statues, which allows Cities to regulate zoning. It was explained that due to the turn-over in the Planning Director position that this was missed initially but was discovered after the fact. Staff apologized for overlooking that issue.

#### **Temporary Uses and Structures – Text Amendment: TA2012-04**

**Chairman Simmons** recognized Planner **Max Sigler** who reviewed his memo related to Temporary Uses and Structures. Within the Schedule of District Regulations, there is a use listed for Roadside Stands. This use however, does not have a corresponding definition or any regulations. Roadside Stands are currently allowed in our B-2, B-4, and M-1 zoning districts. Since the term Roadside Stand is undefined, listed in the Schedule of District Regulations, and matches the proposed locations for our Temporary Use/Seasonal Use discussion; it is proposed that we give the term Roadside Stand the definition and regulations that we have discussed for Temporary/Seasonal Use.

*Roadside Stand – Shall include the sale of such items as Christmas trees, pumpkins, seasonal produce, and similar agricultural products for a fixed period of time not to exceed 90 days per calendar year. Such uses will be characterized by their short term or seasonal nature and by the fact that permanent modifications or improvements are not made to the site.*

In addition, it was proposed that administrative provision be included as follows:

Roadside Stand – Shall include the sale of such items as Christmas trees, pumpkins, seasonal produce, and similar agricultural products for a fixed period of time not to exceed 90 days per calendar year. Such uses will be characterized by their short term or seasonal nature and by the fact that permanent modifications or improvements are not made to the site.

- A. Operators of Roadside Stand sales areas shall obtain a Temporary Use Permit from the Planning Director or his designee. The operator shall provide a site plan illustrating the temporary sales area, location of pedestrian areas, a statement regarding the duration, authorization of the property owner, and any permit or other fees as approved by the City Council
- B. The Planning Director may issue a Roadside Stand permit for a maximum of 90 days per calendar year. All debris and temporary structures will be cleared from the site before the expiration of the permit

- C. A Roadside Stand shall not utilize more than 20% of the required parking stalls provided on the site for temporary sales purposes
- D. All Roadside Stand sales shall be located outside the public right of way and shall be located outside of sight triangles, landscaped areas, and in such a manner as to provide parking outside the rights of way and not to otherwise create an unsafe traffic condition
- E. All structures must meet wind construction standards and tie-down standards per state building code. Any other applicable permits must be issued and displayed onsite before sales may begin
- F. The Planning Department may revoke a Roadside Stand permit if it finds that the terms of the permit have been violated or there is a hazard to public health, safety, or welfare

A motion was by Mark Stalnaker in support of the proposal and was seconded by Donny Setzer. The vote was 5-1 in favor of the motion with Jim Smith casting the dissenting vote.

A public hearing will be scheduled for the next Planning Commission meeting.

#### **Discussion of Internet Sweepstakes Text Amendment**

**Chairman Simmons** recognized Assistant Planning Director Alex Fulbright who requested that the Planning Commission continue the discussion about whether there was the need to change the ordinance regarding Internet Sweepstakes, which are currently permitted as amusement arcades. After some discussion, a motion was made by Mark Stalnaker to leave the regulation as they are. The motion was seconded by Stan Gaberial and passed by a 4-2 vote with Jim Smith and Donny Setzer casting the dissenting vote.

#### **Item 4: New Business**

No new business.

#### **Item 5: Reports**

**Chairman Simmons** recognized Mr. Fulbright who reviewed the department's activity report and updated the Planning Commission on upcoming agenda items and issues.

#### **Item 6: Adjournment**

With no further business, the meeting was adjourned.

Respectfully submitted,

Alex Fulbright, AICP  
Recording Secretary