

**TOWN OF PINE LEVEL
MINUTES OF
PINE LEVEL PLANNING BOARD MEETING
DECEMBER 17, 2015**

MEETING INFORMATION

The Pine Level Planning Board met on Thursday, December 17, 2015 at 6:00 p.m. at the Pine Level Town Hall. The Planning Board enjoyed a Christmas Dinner provided by the Town of Pine Level. The meeting was held at 6:30 p.m. and was called to order by Chairman Randy Holloman with a quorum present.

ROLL CALL

√ Randy Holloman	√ Faye Starling (alt)
√ Berry Godwin	√ Cecelia Weaver (alt)
√ Nester McClain	X Randy Jones (alt)
√ Janet Kleinert	
√ Terry Rains	
X Bob Harvey	

Others present for the meeting were: Deputy Clerk Connie Capps,

On behalf of the Planning Board, Chairman Randy Holloman thanked the Town of Pine Level for the Christmas Dinner.

MINUTES

Terry Rains made a motion to approve the minutes from the meeting held on November 19, 2015. Nester McClain seconded the motion. The minutes were unanimously approved as written.

SIGN PERMIT APPLICATION

A sign application was applied for and submitted by Eric Neal to place a ground sign at Pine Valley Shopping Center. The application was signed-off and approved by the Zoning Administrator, Scottie Hayes without being reviewed by the Planning Board. According to the Sign Plan Fact sheet submitted, the dimensions of the requested sign was 12 feet in height and the sign area was 50 square feet. Chairman Holloman said that according to the zoning ordinance, ground signs are allowed in Commercial and Highway Business Districts and require an area of 40 square feet and 12 feet in height. He said the zoning of the property is ok, but that the sign does not meet the requirements of the zoning ordinance. After some discussion, Chairman Holloman suggested that Scottie should contact Eric Neal and the owners of the property and explain to them that a mistake had been made and to check and see if the sign was already in the process of being made. He said if the sign has already been made, to explain that no other signs this size would be permitted. Chairman Holloman said that this sign was a one-time deal and in the future the ordinance should be followed. The board agreed.

YARD AND GARAGE SALES/FLEA MARKETS

Chairman Holloman next addressed the information received from other towns concerning their ordinances pertaining to yard/garage sales and flea markets. After reviewing the information the board agreed to recommend to the town board to amend the zoning ordinance to add the following:

YARD/GARAGE SALES

DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Yard Sale or Garage Sale – A display and sale from a residence or residential property of personal property which has been owned or previously used. The terms **Yard Sale or Garage Sale** does not include the mere incidental sale of one or two items of personal property when the sale is not part of a general sale of a number of items of personal property. Periodic non-profit fund raising activities are excluded from this definition.

1. **CONFORMANCE.**

All the sales shall be subject to the following rules and regulations of this chapter.

2. **Consignment Sales Prohibited.**

No person shall accept or take in for sale, any goods from any commercial business or enterprise on a consignment basis for sale in a yard sale.

3. **SIGNS.**

Two off-site directional signs may be permitted, but only during the hours the sale is actively being conducted. Off-site signs must be removed at the close of the sale activities, or by the end of daylight, whichever first occurs, each day of the sale. No freestanding signs may be placed in the public right-of-way.

4. **Number of Sales Limited.**

Not more than four yard sales or garage sales per year shall be held at the premises if occupied by the same family or any member of the family.

No single sale shall be conducted for longer than two consecutive weekends, or 72 hours, whichever is the lesser.

5. **Hours.**

Yard sales and garage sales may be conducted during daylight hours only.

6. **EXCEPTION.**

The provisions of this chapter shall not apply to or affect persons selling goods pursuant to an order of a court of competent jurisdiction or persons acting in accordance with their powers and duties as public officials.

7. **Penalty.**

Anyone violating this chapter shall be guilty of a misdemeanor and can be confined for no more than 30 days or fined in the excess of \$50. Each days' continuing violation of this chapter shall be a separate and distinct offense.

FLEA MARKETS

DEFINITIONS

FLEA MARKET- A market held in an open area or structure where goods are sold to the general public by individual sellers from open or semi-open facilities or temporary structures. Periodic non-profit fund raising activities are excluded from this definition.

Flea Markets require a Special Use Permit.

- A. The site plan for a flea market shall show the following information:
1. Name and address of applicant and the owner of the flea market.
 2. Name and address of landowners.
 3. Location (vicinity map) and legal description of flea market site.
 4. A legible map drawn to a minimum scale of 1 inch=100 feet, with a north arrow, and showing site layout, parking, booth arrangements, etc.
 5. Total area and dimensions of site.
 6. The location, width and area of roadways, parkways, streets, driveways, and walks.
 7. Location of all water and sewer lines.
 8. Plans and specifications (including phases if applicable) of all buildings to be constructed on site.
 9. The location and details of outdoor lighting and electrical systems.
 10. Gross density or number of booths per building and gross sales area, number of parking spaces.
 11. Location of service buildings and other proposed structures.
- B. The minimum lot area of a flea market site shall be one (1) acre.
- C. Unlicensed vehicles (golf carts, trash trucks, security cars, tractors, etc.) used on the market site are limited to those owned by the market and used as part of the operation.
- D. Trash shall be stored in sealed containers and must be removed from the market site on at least a weekly basis. Trash, cardboard and other debris must be disposed of by private means. Trash receptacles for public use shall be placed within 75 feet of all sales areas.
- E. No overnight camping is permitted.
- F. No open container of alcohol is permitted. The sale or use of fireworks is prohibited.

G. Restroom facilities must be centrally located and free standing. The legal number of restrooms (including the number of stalls, location, provision for handicap, inspections etc.) shall be determined by the Johnston County Health Department. Portable toilets are allowed for construction purposes.

H. Food preparation areas shall comply with the Johnston County Health Department guidelines and are subject to inspection at all times. Placement of hand wash sinks, sewer hookups, restroom facilities, etc. shall be as required by the Johnston County Health Department. Food preparation areas connected to the town sewer system shall have a grease trap located before the public sewer connection point.

I. Public entrance shall meet NCDOT standards for street access. The minimum setback of the market area (including internal driveways, trash receptacles, structures, sales areas) is 25 feet from public street pavement and 10 from all property lines.

J. The initial building shall have a floor area of at least 4,000 square feet. All roofs must be of the same type and pitch. Public walkways shall have a width of at least 10 feet and shall be maintained clear of all obstacles.

K. Except for motorized wheel chairs and similar devices used by disabled persons, the use of scooters, skateboards, bicycles or the like, are not allowed in buildings. Spaces within a building or on the site must be marked to facilitate finding the space in case of an emergency. Buildings must be constructed within 6 months after the appropriate permit is issued. No temporary buildings are allowed.

L. The following types of buildings may be used for retail sales space.

1. Buildings enclosed with a permanent roof, permanent floor and permanent sides with a minimum square footage of 2,000 square feet.
2. Open buildings with permanent roof and permanent floor with a minimum square footage of 2,000 square feet. The total square footage of all open buildings shall be not more than the total square footage of all enclosed buildings.

M. The minimum off-street parking space shall be not less than 6 spaces per 1000 square feet of gross sales area, plus 1 space per booth, table, or sales area. Otherwise, the off-street parking requirements of this Ordinance shall govern.

N. Insect and Rodent Control.

1. The grounds, buildings and structures shall be kept free of insect and rodent harborage and infestation.

2. Insect and rodent control measures shall comply with the Johnston County Health Department requirements.

3. The flea market site shall be kept free of debris that may provide harborage or breeding places for rodents, flies, mosquitoes, and other pests.

4. The growth of brush, weeds and grass shall be controlled to prevent harborage of ticks, chiggers, and other noxious insects.

5. Flea markets shall be maintained to prevent the growth of ragweed, poison ivy, poison oak and other noxious weeds considered detrimental to health.

6. Open areas shall be maintained free of heavy undergrowth of any description.

7. The flea market shall be subject to the requirements of any ordinances regarding to insect and rodent control.

O. A buffer strip of at least 15 feet in width shall be provided along lot lines adjacent to any residentially zoned district or any resident, church, or school. The strip shall be composed of at least 2 rows of evergreen bushes, trees, or shrubs. Vegetated buffers shall maintain a minimum height of 6 feet and foliage overlap within 6 years of planting.

P. While this ordinance lists general guidelines for the development of a flea market within the Pine Level extraterritorial jurisdiction, the reviewing authority shall also consider site-specific details when considering an application.

BUSINESS LICENSES

Chairman Holloman told the board that at the last town board meeting, there was some discussion about business licenses that they were no longer required. He said that he would like to recommend to the town board that in the future that any new business that comes to Pine Level be required to obtain a zoning permit. He said they would need to list what type of business, and the location of the business. He said that way the town would know if that type of business was allowed in the zoning ordinance and if it was allowed in that particular zoning district. He said the business would be defined in the ordinance and in the right zoning district. He said this could be another chapter added in the zoning ordinance. The board agreed with the Chairman's suggestion.

MEETING ADJOURNED

There being no further business, Berry Godwin made a motion to adjourn. Terry Rains seconded the motion. The meeting adjourned at 7:35 p.m.

Randy Holloman, Chairman

Connie N. Capps

Deputy Clerk