REGULAR MEETING OF  
THE VILLAGE OF CLEMMONS PLANNING BOARD  
March 21, 2023 MINUTES

The Village of Clemmons Planning Board met on March 21, 2023 at 6:00 p.m. The meeting was held at Village Hall, Clemmons, North Carolina. The following members were present: Lanny Farmer, Kevin Farmer, Carolyn Miller, Tom Mekis, and Randy Wooden. Members Rob Cockrum and Tressa Krenzer were absent. Assistant Manager Amy Flyte, Planning Director Doug Moore, and Planner Caroline Drake were also present.

I. CALL TO ORDER

Chairman Tom Mekis called the meeting to order at 6:01 p.m.

II. APPROVAL OF MINUTES for December 20, 2022 meeting

Lanny Farmer made a **motion** to approve the December 20, 2022 minutes as presented. Carolyn Miller seconded the motion which was unanimously approved.

III. CHANGES AND/OR APPROVAL OF AGENDA

There were no changes to the agenda.

IV. ANNOUNCEMENTS

There were no announcements.

V. PUBLIC COMMENTS

There were no public comments.

VI. BUSINESS

A. **Public Hearing for Zoning Text Amendment** to amend multiple sections in Chapter B Zoning Ordinance of the *Unified Development Ordinances. (Zoning Docket C-UDO-88).*

Chairman Tom Mekis opened the public hearing at 6:02 p.m.

There were two proponents who spoke:

- Melody Bays Davis, 6030 Gun Club Rd, Winston-Salem, NC 27103 – stated she and her family were in attendance tonight to understand how this text amendment would affect the billboard her family has owned for 30 years. She stated she was looking for clarification of definitions for some terms used in the proposed text amendment, but she understood from a conversation with Assistant Manager Flyte before the meeting began
that the definitions will not be available for review until the following Planning Board 
meeting in April. The terms she was seeking definitions for included “non-commercial 
messages”, “non-conforming”, and “conforming”. Planning Director Moore advised that 
the definitions would be following in April and advised that Ms. Davis could speak to her 
concerns regarding specific definitions during the hearing or speak to him after the 
meeting as well. Ms. Davis stated she was most interested in obtaining a definition of 
non-commercial messages for off-premise billboards in advance if possible. Planning 
Director Moore advised that a recent Supreme Court case, Reed v. Gilbert, has 
determined that sign ordinances have to be content-neutral and not distinguish between 
commercial and non-commercial speech, so any references to commercial or non-
commercial speech will be removed from the text amendment upon advice from the 
Village Attorney that was received after the draft had been published.

- Britt Perkins, 6100 Gun Club Rd, Winston-Salem, NC 27103 – advised he works for his 
family business, AdSign. Mr. Perkins stated he was here to learn more about the 
amendment as well, and he and his family just want their billboards on the highway left 
alone. He stated he does not plan on switching to an electronic message billboard so 
restrictions regarding those do not concern him. He stated he would like to see definitions 
as well.

There being no one else to speak, Chairman Tom Mekis closed the public hearing at 6:09 p.m. 
There were approximately five people in attendance. Gil Davis, 2008 Muirfield Place, 
Clemmons, NC 27012 – was not present at the meeting but submitted written comments 
(attached hereto as Exhibit A and incorporated as part of the minutes).

Planning Director Moore explained in more detail the concept of content-neutral sign ordinances 
that focus on location, size, and duration rather than what is on the sign.

Planning Director Moore made a presentation to the board regarding the text amendment C-
UDO-88 to the board (attached hereto as Exhibit B and incorporated as part of the minutes). The 
presentation explained the context of why the changes are needed, the intent of the changes, the 
reorganization of the article’s structure, and the follow-up changes that will be heard at the 
meeting in April to harmonize the rest of the UDO with the changes to Chapter B, Article 3-2.

Planning Director Moore provided further explanation that the language applying to non-
conforming signs and amortization will not change but will move to the section of the UDO 
applicable to all non-conforming uses. He also highlighted the edits to the draft that would be 
incorporated between the Planning Board and Council hearings. He advised that the board could 
make a recommendation of approval with the added condition of incorporating the existing list of 
edits as well as any that came up during the board’s discussion.

Lanny Farmer inquired why there was urgency to change the sign ordinance. Planning Director 
Moore explained that the Village of Clemmons was a defendant in a lawsuit regarding an issue 
arising from interpretation of the sign ordinances, and the North Carolina Court of Appeals
found the existing ordinances to be confusing and conflicting. Kevin Farmer inquired if there was a reason for the specific timeline. Planning Director Moore explained that there is a sign moratorium in place that expires on May 23, 2023. There was discussion regarding types of temporary signs and enforcement.

Chairman Tom Mekis inquired what the board would approving if the text amendment was still a draft that needs edits. Planning Director Moore explained that a recommendation of approval with a condition of approval that the edits are incorporated would signify approval of the substance of the ordinance apart from the minor changes needed like typos. Kevin Farmer stated he would like to see enforcement addressed. Planning Director Moore responded that he would have to incorporate that later and within the article of the UDO related to enforcement.

Chairman Tom Mekis stated he thinks the board agrees that the ordinance is heading in the right direction, but he is hesitant to recommend approval for changes that they have not seen incorporated yet. He inquired why the board did not have the option to refrain from making a decision until the following meeting in April. Planning Director Moore recommended that if the board did not want to take action on the same night, they should hold a special meeting later in the week to make a recommendation.

Assistant Manager Flyte provided clarification regarding the existing enforcement section of the UDO that would still apply to signs. Tom Mekis stated the text amendment is moving in the right place, but he has concerns that the definitions are a large related component and they did not have that to complement and understand the proposed text amendment before them. Carolyn Miller clarified with Planning Director Moore that there was an option to hold another meeting during the week to get the minor edits incorporated. Kevin Farmer clarified with Planning Director Moore that the definitions in Chapter A would not be incorporated by then. Randy Wooden clarified with Planning Director Moore that if the board recommended approval but then did not feel comfortable with the resulting edits they could talk to staff or speak at the Council public hearing as individuals, but they could not change their recommendation as a board.

Kevin Farmer made a **motion** to find the text amendment inconsistent with the future land use plan and recommend **DENIAL** for the zoning text amendment for Zoning Docket C-UDO-88. Lanny Farmer clarified with Planning Director Moore that a recommendation of denial would still move the text amendment forward to Village Council and the Council could still either approve or deny the text amendment. Lanny Farmer inquired what the summary of the reasoning would be for the recommendation of denial. Kevin Farmer stated that the text amendment was not ready yet and there was too much left in up in the air. Lanny Farmer agreed and seconded the motion. The motion passed 3-2. The following members voted in favor of the motion: Kevin Farmer, Lanny Farmer, and Tom Mekis. The following members voted in opposition of the motion: Carolyn Miller and Randy Wooden. Chairman Tom Mekis and Kevin Farmer stated they did not intend the recommendation of denial to be interpreted as opposition to staff’s work to revise the sign ordinances because the existing ordinances do need improvement.

**B. Staff Report** – Next scheduled meeting on April 18, 2023.
Planner Caroline Drake reported that the meeting on April 18<sup>th</sup> could potentially have two public hearings for zoning maps amendments and up to three public hearings for zoning text amendments necessary to amend the other sections of the UDO to be in harmony with the sign ordinance changes.

**VII. FOR THE GOOD OF THE ORDER**

There were no comments for the good of the order.

**VIII. ADJOURNMENT**

Carolyn Miller made a motion to adjourn at 7:01 p.m. Lanny Farmer seconded the motion which was unanimously approved.

Respectfully submitted,

___________________________________            _____________________________________
Caroline Drake, Planner                        Doug Moore, Secretary
Doug Moore, CFM  
Village of Clemmons  
Planning and Community Development Director  

RE: Comments Regarding proposed Draft of New Sign Ordinance  

Dear Mr. Moore:  

This Letter is an opportunity to speak to at least one of the issues in the new sign ordinance being proposed by you and to be reviewed On March 21, 2023 by your Planning Board. I will not be there due to prior plans that take me out of town. Please provide a copy of this letter to your reviewing members of that board.  

The concern I have can be addressed by looking at the Prohibited Signs section, number (2) which prohibits off premise signs in all zoning districts....“except as specifically permitted in this Ordinance.” BUT, IT APPEARS there is no such provision that addresses the Interstate uses.  

The proposed ordinance impacts as best determined six off-premise billboards currently existing along the roughly three mile section within the Village and in the interstate corridor as they are permitted by the state. Those boards are identified as follows:  

1. On the north side of I-40 there is only one off-premises sign located at or near the off ramp of the Interstate at Lewisville Clemmons Road. It is owned by the undersigned and its history will be addressed in a subsequent paragraph.  
2. There are two off-premises billboard west of Lewisville Clemmons Road and along the south/east bound Corridor within Clemmons. The first is owned by the Davis family operating the Davis Sign Company off Stratford Road. The second is owned by the McDonalds franchise (and I am sure it will be ultimately impacted by the new round-about-plan).  
3. There are three off-premises billboards between Lewisville Clemmons Road and Muddy Creek that I believe would be in the Clemmons jurisdiction. One is owned by Bill Bayes; one is owned by Ron Joyce; and the third is owned by Ad Sign, Inc, (Britt Perkins).  

With regard to my sign which currently is being used by two banks, a little history might be helpful to my case for modification of the proposed ordinance. The billboard was in place when I moved back into the Clemmons area in about 1979. It has been constantly rented for almost that entire time and also since my partnership bought it in the mid 80’s. I bought out my partners through the years as I had always managed. It was a good business and the partners enjoyed each other and the relationship was always cordial. The board had to be relocated one time before because of development and the expansion of the Interstate off ramps took some of our property ownership. What was left after the Interstate taking was a skinny property that had limited use but was perfect for continued sign utilization. Indeed, I have many calls for using the advertising medium. As before, the current intention is not to rent space to parties
that would disfavor the Clemmons community. Based on history and current demand for use, the board continues to benefit the business and local community and of course my retirement planning.

Just remember beauty is in the eye of the beholder; utility is beneficial to all. A new use would create traffic and perhaps something else just as unappealing as a few think of the billboards serving the traveling public.

I would recommend the ordinance be changed to keep these signs in compliance with your ordinance by deferring to the state control along the corridor and designating the zoning districts in which such state complying signs can exist.

Thank you for your attention in this matter.

Sincerely,

Gil Davis
2008 MUIRFIELD PLACE
CLEMONS, NC 27012
3362874132
GTDAVIS0731@GMAIL.COM
Dear Mr. Moore:

After visiting the Town Hall and delivering my first letter to you, please accept these additional thoughts as supplements for distribution:

1. I drove the Interstate this afternoon along that Clemmons corridor and based on the state mandated distance between off premises signs being 1,000 feet it does not appear there is room for others with current zoning. And since the zoning is under your control it is unlikely there will be others.

2. I will check on when my board was first authorized but I can posit that it was in the late 60’s or early 70’s. We can easily conclude it has been in Clemmons longer than probably 80% of the current population. This fact alone should give comfort for it to stay in place and be replaced if damaged by natural causes.

3. Based on traffic patterns and ingress/regress issues along Lewisville Clemmons Road and Amp Drive, my board is the best use for that property and should be replaced if damaged by natural calamity.

4. At the time of our visit in the lobby of the Town Hall I noticed a picture of the old Clemmons Mill centered in the lobby which Mill predates the birth of most of the people in the Village. Most of us, including myself, enjoy shopping there and love the place but still acknowledge it as an eye sore. So, with that picture on the wall I do not believe the town fathers can honestly conclude aesthetics is driving them. Like the Mill, billboards serve a function for so many enterprises that have no right to advertise through the state and pay the state for that right.

So, what is it when all of these are viable businesses with tax paying owners? Is there no tolerance for others here? Has the callousness of the national political conduct finally become local? Please help me to get this right!

Sincerely,

[Signature]

Gil Davis
PUBLIC HEARING FOR UDO TEXT AMENDMENTS C-UDO-88
Visible Properties, LLC vs. Village of Clemmons

“zoning regulations are not intended to be a system of murky, ambiguous rules where the permitted uses of property ultimately depend on the interpretive discretion of government bureaucracy.”
INTENT OF UPDATE

• Clarify
• Reorganize
• Simplify
• Provide illustrative examples
• Better define (phase 2)
PHASING SCHEDULE

PHASE 1
MARCH 21, 2023 - PB
APRIL 10, 2023 - VC

• Chapter B, Article 3, Section 2.1 - Sign Regulation Update

PHASE 2
APRIL 10, 2023 - PB
MAY 8, 2023 - VC

• Chapter A, Article 2 - Definitions
• Chapter B, Article 5, Section 2.9 - Amortization of Non-conforming Uses
• Chapter B, Article 2, Section 4.5(B) - Table B.2.6 Permitted Uses
5-2.7 RECONSTRUCTION AFTER DEMOLITION OR DESTRUCTION

A. Reconstruction Permitted

Any structure maintained as a nonconforming use may be reconstructed on the same lot, provided the certificate of occupancy for such reconstruction shall be issued:

1) Permit. Within two (2) years of demolition or destruction of the building pursuant to a validly issued permit;

2) Area. Without any increase in the cubical content or floor area, except that an increase in the cubical content or floor area not to exceed twenty-five percent (25%) may be permitted with issuance of a special use permit by the Board of Adjustment, and if the one time twenty-five percent (25%) expansion has not previously been permitted; and,

3) Location. Without any change in location except to provide greater front, side, or rear yard areas.

B. No Conversion of Nonconforming Use Permitted

The use to which a structure is put after reconstruction may not result in a change from the nonconforming use which existed immediately prior to reconstruction, except to conform to current zoning.

C. Findings

No such permit shall be issued unless the Board of Adjustment shall find that the proposed expansion of the nonconforming use:

1) Will not materially adversely affect the use, enjoyment, or value or surrounding properties.

2) Will not create undue traffic congestion;

3) Will not result in any significant increase in lighting, offensive odors, noise, vibration, smoke, dust, or fumes;

4) Will not violate or result in the violation of any dimensional requirements, off-street parking requirements, sign regulations or any other applicable provisions of the Zoning Ordinance.
RE-ORGANIZATION

NEW

OLD

Type II Sign Regulations

(A) General Findings, purpose, intent, and applicability

1) Purpose.
2) Intent.
3) Applicability.

(B) General Requirements

1) Process
(a) Permit Required.
(b) Administration.
(c) Exempt Signs.
(d) Prohibited Signs.

2) Permitted Signs
(a) Permitted in All Zoning Districts.
(b) Temporary Signs.

3) Permanent Signs Requiring a Permit.
(a) Signs Exceptions.
(b) Signs Permitted in Any Districts.
(c) Permitted signs in Residential Districts.

4) Content.
(a) Subject matter related to premises.
(b) Non-commercial message.

5) Design.
(a) Sign Design.
(b) Rules of Measurement.
(c) Illumination.

6) Location
(a) Sign Placement.
(b) Sign in the Right-of-Way.

7) Comprehensive Sign Plan.

8) Construction and Maintenance.
(a) Construction Standard.
(b) Electrical Standard.
(c) Required Maintenance.
(d) Discontinuation of sign use.
### TABLE 3-2.1(B)(3)A: SIGN REGULATIONS: RESIDENTIAL USE DISTRICTS

<table>
<thead>
<tr>
<th>Zone District</th>
<th>Sign Type</th>
<th>Standard</th>
<th>Maximum Number</th>
<th>Location</th>
<th>Maximum Area (sf)</th>
<th>Maximum Height (ft)</th>
<th>Permit Required</th>
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<tbody>
<tr>
<td>ON-PREMISE</td>
<td>Wall</td>
<td>Standard</td>
<td>1*</td>
<td>On structure</td>
<td>2</td>
<td>Yes</td>
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</tr>
<tr>
<td></td>
<td>Ground</td>
<td>Standard</td>
<td>1*</td>
<td>Along frontage</td>
<td>18</td>
<td>5</td>
<td>Yes</td>
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<tr>
<td></td>
<td>Cantilevered</td>
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<td>Along frontage</td>
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<td></td>
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<td>4</td>
<td>No</td>
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<tr>
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<td>16</td>
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<td>No</td>
</tr>
<tr>
<td></td>
<td>Temporary Wall-mounted</td>
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<td>On structure</td>
<td>6</td>
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### TABLE 3-2.1(B)(3)C: SIGN REGULATIONS: INDUSTRIAL & INSTITUTIONAL USE DISTRICTS

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<th>Zone District</th>
<th>Sign Type</th>
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<th>Maximum Area (sf)</th>
<th>Maximum Height (ft)</th>
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COUNTY PLANNING OFFICE

• Formatting – Codification company
• Typos - Correcting
• Aspirational Statements – Tightening up
• Administration
• References – Adding clarification
• Size/Table Edits – Correcting
  • Time removed
  • Foot note relocated.

ATTORNEY

• Typos -
• Content-neutral comments –
• Definitions – Separate update next month.
DOCKET: C-UDO-88

TO: Planning Board

DATE: March 21, 2023

REQUEST

The purpose of this text amendment is to clear up any ambiguity in the UDO regarding signage. The text amendment deletes the entirety of the Sign section and proposes new language for Article 3 Section 2. (3-2.) The text amendment also specifies the regulations found in 3-2 apply to properties located within the Lewisville Cleamons Road South Overlay District.

APPLICABLE SECTIONS OF THE UDO:

The following sections are proposed for amendment:
3-2. Sign Regulations
2-1.6 (E) Lewisville Clemmons Road (South Overlay District).

CLEMMONS COMMUNITY COMPASS

This proposed amendment is related to the goals, objectives, and/or strategies in the Village’s Comprehensive Plan:

- Goal 1: Managed growth and balanced land use
- Goal 2: Revitalized Commercial Corridors
- Objective 3: Focus commercial development within activity centers
- Objective 26: Develop plan for streetscape restoration

BOARD ACTION:

The Planning Board is requested to review the information presented and make a recommendation to the Village Council on one of the following actions:

- Recommend Approval: The Planning Board finds that the proposed text amendment is consistent with the Village of Clemmons Community Compass and considers the action to be reasonable and in the public interest.
- Recommend Approval with Changes: The Planning Board finds that the proposed text amendment is not fully consistent with the Village of Clemmons Community Compass, but the changes agreed upon will make it fully consistent and considers the action to be reasonable and in the public interest.
- Recommend Denial: The Planning Board finds that the amendment is not consistent with the Village of Clemmons Community Compass and does not consider the action to reasonable and in the public interest.
- Defer: The amendment needs additional consideration.

ATTACHMENTS:

- Proposed ordinance amendment
- Proposed removed language