

Town of Mills River
Minutes of the Planning Board
Tuesday, April 4, 2017

The Town of Mills River Planning Board met on Tuesday, April 4, 2017, at 7:00 PM in the Mills River Town Hall. Board members present were: Jim Humphrey, Randy Austin, Cheryl Janoski, Brian Kimball, Sherri Hill, Chae Davis, Jim Foster and Ronnie Edwards. Connie Vlahoulis attended and resigned her seat effective April 4, 2017. Town Manager Jeff Wells, Zoning Enforcement Officer Jesse James and Tax Collector/Deputy Town Clerk Aurelie Taylor were also present. There is one open seat on the Board.

Chairman Jim Humphrey called the meeting to order and those present stood for a moment of silence and gave the Pledge of Allegiance.

Adjustments/Additions to Agenda: Jim Humphrey asked that an item be added to New Business – the reading of a letter from several residents of High Vista Country Club.

Jim Foster made a motion to approve the addition to the agenda. Sherri Hill seconded the motion and the motion passed by unanimous verbal assent.

Randy Austin made a motion to approve the minutes from February 7, 2017. Jim Foster seconded the motion and the motion passed by unanimous verbal assent.

Public Comment:

Linda Brittain, a longtime resident of Mills River as well as a member of the interim Town Council and incorporation committee, spoke about Mills River Crossing, a proposed subdivision reported in a local newspaper. She is concerned about the impact on farming of removing such a large parcel from agriculture as well as the increase in services needed and the “ripple effect” of having so many new residents.

Jennie Sealey (Case), also a longtime resident of Mills River, also spoke about the negative impacts adding a proposed 110 houses may have on the Town, especially the increase in traffic. Larger lots would allow homeowners to have gardens and small livestock.

Chairman Jim Humphrey address both citizens, thanking them for their input and explaining that the subdivision has not yet reached the level of Planning Board consideration. Jeff explained that the subdivision was in the review stage; the developers have met with the Technical Review Committee, made up of representatives from Hendersonville Water, Mills River Volunteer Fire Department, DOT, and the watershed administrator. The developer is revising the plans and will resubmit the proposal. He doesn't know when the subdivision will come to the Planning Board. Jeff offered to let Ms. Brittain and Ms. Sealey look at the proposed plans after the meeting and let them know at what meeting the subdivision will be considered.

Jim Humphrey made at motion to change the order of business so that the Board could consider New Business before Old Business. Randy Austin seconded the motion and the motion passed by unanimous verbal assent.

New Business:

A. Letter From High Vista Homeowners – Town Manager Jeff Wells

Connie Vlahoulis announced that as of this evening she has resigned from the Planning Board in order to be a more effective advocate for High Vista homeowners upset with development plans for the golf course. Jeff read a letter emailed to him this afternoon from five residents of High Vista, the text of which appears below:

April 3, 2017

To: Mills River Town Council
Mills River Planning Board

Dear Members,

On Tuesday March 28, the High Vista Homeowners Association narrowly approved a highly controversial major covenant change that would allow the construction of 51 Multi-Family units in High Vista. This covenant change is in violation of the Mills River Ordinances and would have many unintended and irreversible consequences. A large number of residents are extremely concerned about the major impact, both direct and indirect, to property owners, the neighborhood community, and precedence for the Town of Mills River at large.

It is understood that the Town of Mills River leadership must weigh the merits of any changes (or variances) to the Mills River Township's ordinances prior to their approval or disapproval. Before that decision is put to a vote, a group of homeowners would like their issues and concerns to be heard. Many in the High Vista community are also questioning the legality of the change, also in light of the Mills River ordinance.

We request to be included on the April 27 Town Council and the May 2 Planning Board meeting agendas.

Thank you.

Best Regards,

Eric and Katrina Hichman

Ted and Debra Campbell

William Vlahoulis

There was discussion about the various plans that High Vista Homeowners Association has had in the recent past and how without seeing a plan, it would be difficult to say whether the density

was allowed in the Town and if a Special Use Permit would be required. If the density met Town ordinances, the subdivision would come before Planning Board for approval only; if it required a Special Use Permit, it would come to Planning Board first for a recommendation to Town Council. Connie gave an explanation of the circumstances behind the vote of the members of the Association; Sherri Hill emphasized that any person can speak during the public comment section of any meeting. Getting on the agenda to have their voice heard wasn't a necessity.

Old Business:

A. Sign Ordinance Overview – Town Manager Jeff Wells

Jeff explained what Jesse had accomplished – the summary showing what was done at the March meeting as well as what was being presented tonight and the actual language proposed, the text of both appears below:

SIGN ORDINANCE UPDATE **PLANNING BOARD MEETING MARCH 7TH 2017**

1. **PURPOSE AND INTENT**- Same information written in bullets instead of paragraph form.
2. **GENERAL PROVISIONS/APPLICABILITY**- Use to be 2 sections (Applicability and General Provisions separated). Combined and shortened for
3. **DEFINITIONS**- Will update last.
4. **SIGN PERMIT REQUIRED**- Rewritten but same information.
5. **DETERMINATION OF SIGN COPY AREA AND SIGN HEIGHT**- Combined Height and area into one section. Re-written but same information.
6. **SIGN ILLUMINATION**- Moved closer to the front of sign ordinance. Took out section (C) No sign within 100 linear feet of a pre-existing residential structure may be illuminated between the hours of 11:00 p.m. and 6:00 a.m. unless the business is open and operating. A residence shall be deemed “preexisting” for purposes of this chapter if it has a valid building permit in effect for construction of the structure or if construction of the structure was complete on or prior to the effective date of this provision.(do we want to do this? How would we enforce?).
7. **CONSTRUCTION STANDARDS**- Added section. Chapter 31 of the NC building code is applicable to the entire ordinance.
8. **COMMON SIGNAGE PLAN FOR MULTI UNIT DEVELOPMENTS OR DEVELOPMENTS WITH MORE THAN ONE PRINCIPLE BUILDING**- Added section- Creates a sign plan requirement instead of segmented application process with large scale and/or phased developments where multiple signs are needed.
9. **SIGNS PERMITTED IN MR-GB, MR-NC, MR-LI, AND MR-MU ZONING DISTRICTS**- Took out section on suspended shingle post/arm signs (need to either re-write or take out all together and consider these free-standing). Projecting signs- added the maximum number of projecting signs permitted shall be 1 per tenant frontage. Added- a projection sign can take place of a wall sign or in lieu of. Wall signs- Changed area computation to wall signage shall not exceed 10% of the total surface area of the wall with a max of 150 sq feet. Use to read 1.5 linear square foot of building frontage. Non-residential subdivision signs will be re-written in another section.
10. **SIGNS FOR NON-RESIDENTAL USES PERMITTED IN THE MR-30 ZONING DISTRICT**- Added this section- 50% of the requirements in previous section ^ 154.258

11. CHANGEABLE COPY- Discussed in previous meeting- voted for changes (see re-write hand out) Still need to discuss background on manual changeable copy.

PLANNING BOARD MEETING APRIL 4TH

1. SIGNS PERMITTED WITHOUT A SIGN PERMIT- B) Added Public (Governmental) signs (DOT, hazard/warning/ -does not include government signage unique to town such as schools or water treatment facility). C) Added Flags (Non advertising/non informational). E) Addressing added F) Window Signs added G) Building Memorial added K) Sidewalk signs added L) Temporary signs reorganized (moved some bullets into this section to place under one category including real estate, construction and added items. Table format.
2. EXTENDED USE TEMPORARY SIGNS- New section- replaced subsection from Additional Signs Section (154.260). Changed height from 20 feet to 10 feet.
3. SIGNS PROHIBITED- Same as in current ordinance (different section number)
4. SUBDIVISION AND DEVELOPMENT SIGNS- Took out of Additional Signs section(154.260) and made its own section (154.264). Brings all uses (commercial, industrial, residential) into one section
5. NONCONFORMING SIGNS- Reorganized but same information
6. SIGN MAINTENANCE- Same but reorganized.
7. DANGEROUS OR UNSAFE SIGNS- Same however deleted removal of obsolete signs because this section addresses the intent of that section which is removal of unsafe signs.
8. ENFORCEMENT- Added section- just references section that needs to be added for enforcement of the code guidelines in general.

AND

SIGNS

154.250 PURPOSE AND INTENT

It is the intent of this subchapter to authorize the use of signs:

1. To encourage the effective use of signs as a means of communication in the Town.
2. To preserve Mills River as a community that is attractive to business and industry while also preserving the natural beauty of the area.
3. To protect existing property values in both residential and non-residential areas.
4. To improve pedestrian and traffic safety.
5. To minimize the possible adverse effects of signs on nearby public and private property.
6. To improve the overall aesthetics of the community by preventing over-concentration, improper placement, and excessive height, bulk, and area of signs.

154.251 GENERAL PROVISIONS/APPLICABILITY

The regulations in the following sections pertaining to signs specify the number, types, sizes, heights, and locations of signs, which are permitted within the jurisdiction of the Town. Except as otherwise provided, no sign shall be erected, placed, altered, constructed, moved, converted, or enlarged except with the provisions of this chapter.

154.252 DEFINITIONS

154.253 SIGN PERMIT REQUIRED

Unless otherwise provided, all signs must obtain a sign permit. This includes the erection, placement, alteration, construction, moving, conversion, or enlargement of any sign within the Town's jurisdiction.

All permit requests are reviewed by the Zoning Administer of his/her designee. Applications for a sign permit shall be accompanied by plans or drawings that depict the location and dimensions of said sign(s). Sign permits expire after 6 months after issuance unless the applicant has completed construction of the permitted sign(s).

Notwithstanding the above, changing or replacing the permanent copy of an existing and conforming sign shall not require a permit, provided the copy change does not change the nature of the sign such as to render the sign in violation of the Town Code.

154.254 DETERMINATION OF SIGN COPY AREA AND SIGN HEIGHT

(A) In measuring the copy area of a sign, the entire face of the sign shall be included. Where both sides of a double-faced sign contain lettering or other allowable display, one side only shall be used to compute the allowable copy area of the sign. Where the sign consists of individual letters, numbers, characters, figures, or displays attached in some manner to a building or a sign face of irregular shape, the sign copy area shall include the area of the smallest circle, square, or rectangle that can encompass the total sign area composed of letters, numbers, characters, figures, or displays or the irregular shaped sign face. Where signs have appendages or additions, such as "pop-ups" or "cutouts" that extend beyond the main sign copy area, the area of such appendages or additions shall be measured separately, but included in the total sign copy area. Also to be included in the total sign copy area shall be any area designed for changeable copy as defined in Section 154.261. Spherical, cylindrical or other three-dimensional signs not having conventional sign faces shall be computed from the smallest three-dimensional geometrical shape or shapes which best approximate the actual surface area of the sign.

(B) The maximum height of a sign shall be measured from the highest point of natural grade under the sign to the highest point of the sign. The grade shall not be altered in such a way as to increase the sign height.

154.255 SIGN ILLUMINATION

All sign illumination shall be provided by a continuous light source that is installed only with the intent to illuminate said sign.

- (A) Signs illuminated by an external source shall be directed to the sign only with minimal spillover onto a street or adjacent properties.
- (B) Whether illuminated internally or externally, the sign shall not produce glare or reflection that interferes with traffic safety.
- (C) No internal or external illuminated sign shall flash, pulse, blink, strobe, or alternate light at any time.

154.256 CONSTRUCTION STANDARDS

All signs shall be constructed according to requirements of Chapter 31 of the North Carolina State Building Code, as amended.

154.257 COMMON SIGNAGE PLAN FOR MULTI-UNIT DEVELOPMENTS OR DEVELOPMENTS WITH MORE THAN ONE PRINCIPAL BUILDING

A Common Signage Plan shall be prepared for developments with multiple buildings and/or multiple units. The signs must be uniform in design and features. All types and colors of signs, as long as they produce a unifying theme and meet all dimensional requirements in Section 154.258, will be considered except for those expressly prohibited by the Town Code.

A site layout plan shall be part of the sign permit application for each existing and proposed signs. The plan shall contain all sign types, location, lighting scheme, and provisions for shared usage of freestanding signs.

154.258 SIGNS PERMITTED IN THE MR-GB, MR-NC, MR-LI, AND MR-MU ZONING DISTRICTS

(A) Freestanding Signs

- a. The maximum height of a freestanding sign shall be 20 feet.
- b. The maximum area of a freestanding sign shall be 80 square feet.
- c. The maximum area of a freestanding sign requiring a Common Signage shall be 125 square feet.
- d. The maximum number of freestanding signs shall be 1 per street frontage.
- e. All freestanding signs shall be located behind the street right-of-way or 10 feet from the curb or edge of a street where right-of-way does not exist or cannot be determined.
- f. No sign shall be placed so as to interfere with automobiles entering or exiting the roadway.
- g. Freestanding signs that adjoin a residential use shall adhere to a 15 foot side yard setback.

(B) Projecting Signs

- a. The minimum width of a building front for a projecting sign shall be 20 feet.
- b. The maximum height of a projecting sign shall be 8 feet.
- c. The maximum area of a projecting sign shall be 16 square feet.
- d. The maximum projection from a wall shall be 4 feet.
- e. The maximum number of projecting signs shall be 1 per tenant frontage.
- f. No projecting sign shall extend above the highest point of a roofline or parapet.
- g. No projecting sign shall be permitted on the same facade along which there is a wall sign.

(C) Marquee or Awning Signs

- a. The maximum height shall be 16 inches.
- b. The maximum width shall be 40 inches.
- c. Signs hung below a marquee or awning shall conform in size and appearance to existing signs under the same marquee or awning.
- d. Sign clearance shall be 8 feet from sidewalk or other walkway.

(D) Wall Signs

- a. Wall signage shall not exceed 10% of the total surface area of the wall to which the sign(s) is located up to a maximum of 150 square feet. The 150 square foot maximum can be waived as part of a Common Signage Plan if no sign(s) on a building wall or building unit exceeds the 10% surface area wall requirement.
- b. No wall sign shall project more than 18 inches from the building wall.
- c. No wall sign intended for the façade of a building shall cover any window or part of a window.
- d. Signs that are displayed on or through windows are exempt.
- e. No wall sign shall extend above the highest point of a roofline or parapet.

(E) Monument signs

- a. Only buildings set back more than 30 feet from the right of way and having 100 feet or more of street frontage may use a monument sign.
- b. All monument signs shall be located behind the street right of way or 10 feet to any adjacent lot line. A 15 foot side yard setback shall be required of the side lot line abuts a residential use.
- c. Changeable copy is not permitted for a monument sign.
- d. The maximum number of monument signs shall be 1 per street frontage.
- e. Computation of sign height and area shall be 50% of allowable height and area of a freestanding sign.

154.259 SIGNS FOR NON-RESIDENTIAL USES PERMITTED IN THE MR-30 ZONING DISTRICT

Signs for permitted uses in the MR-30 zoning district shall not exceed 50% of the requirements found in Section 154.258.

154.260 CHANGEABLE COPY SIGNS

Changeable copy signs are permitted by right in the MR-GB zoning district. In all other zoning districts a Special Use Permit approval from Town Council is required as defined in 154.138 and 154.180.

(A) Manual changeable copy signs

- a. In no case shall a manual changeable copy sign comprise more than 40% of the freestanding sign copy area, up to a maximum of 32 square feet.
- b. The copy area (background) must be one uniform color.
- c. The letters and numbers may be colored red or black.

(B) Electronic changeable copy signs

- a. Shall be located on freestanding signs only.
- b. In no case shall an electronic changeable copy sign comprise more than 40% of the freestanding sign copy area, up to a maximum of 32 square feet.
- c. Messages shall remain in a fixed position for at least 8 seconds.
- d. Messages shall not contain flashing, scrolling, blinking or similar type movements. In addition messages shall not contain any animation.
- e. Message transition must be instantaneous.
- f. Electronic changeable copy signs shall have a black background screen. All lighted characters, letters, and numbers shall only be green or red in color.

154.261 SIGNS EXEMPT FROM OBTAINING A SIGN PERMIT

(A) Signs Required by Law, Statute, or Ordinance.

(B) Public (Governmental) Signs

- a. Signs erected by or pursuant to the authorization of governmental agencies including but not limited to DOT (Department of Transportation), Americans with Disabilities Act signage and warning or hazard signage. Governmental signs unique to the Town of Mills River are required to abide by the sign ordinance which would include for example school signage or water treatment facility signage.

(C) Flags (Non-advertising/non-informational)

(D) Political Signs

- a. Political signs (less than 4 square feet) may be placed up to 60 days prior to an election and must be removed within 72 hours of the close of voting. This includes polling place identification signage. Candidates should obtain property owners permission before placing signs on their property.

(E) Address Numbers

(F) Window Signs

- a. Signs placed or attached to the interior side of a window or door glass of a building.

(G) Building Memorial Sign

(H) No Trespassing or warning Signs (Soliciting, Hunting, Fishing, Parking, etc.)

(I) Signs Associated with a Seasonal or Religious Holiday

(J) Agricultural Signs

- a. Signs that are designed to advertise seasonal agricultural products and are limited to 32 square feet of copy area.

(K) Sidewalk

- a. Signs that are used by businesses to advertise daily specials, sales, etc. These signs must be placed on sidewalks within the development (not on sidewalks in public right of way).

(L) Temporary Signs

On Premise

	<u>Max #</u>	<u>Max Sq. ft.</u>	<u>Max Height</u>	<u>Max Time</u>
Real Estate/For Lease	2	12	6	until sold/leased (Residential)
Real/Estate/For Lease (Commercial)	2	32	10	until sold/leased
Grand Opening	1	20	10	30 days
Going Out of Business	1	20	10	30 days
Construction	1	32	10	project duration
Remodeling/Repair	1	12	10	project duration
Special Event	1	32	10	30 days prior to event
Info/Advertisement (Banners/Flags, etc.)	2	12	10	30 days

Off Premise

Real Estate/For Lease	2	6	6	until sold/leased
Special Event	2	20	6	30 days prior to event

154.262 EXTENDED USE TEMPORARY SIGNS

Signs that are listed in Section 154.261(P) that are larger than the maximum dimensions/time may be permitted with an extended use temporary sign permit. The sign shall not exceed 32 square feet of copy area with a height not to exceed 10 feet. Extended use temporary signs can be issued for up to one year and can be applied for annually.

154.263 SIGNS PROHIBITED

- (A) Billboards (Outdoor Advertising)
- (B) Flashing, Strobing, Pulsating, Blinking
- (C) Motion
- (D) Snipe
 - a. Signs attached to utility poles, fences, street lights, hydrants, trees, etc. on public property or right of way.
- (E) Signs Obstructing Motorist Visibility
- (F) Signs in Right of Way
- (G) Signs Above Roofline
- (H) Obscene Signs
- (I) Permanent Off-Premise
- (J) Balloons and Other Inflatables
- (K) Signs Erected or Placed without a Permit or not in Compliance with Regulations

154.264 SUBDIVISION AND DEVELOPMENT SIGNS

- (A) Residential Subdivisions and Developments

- a. 1 monument sign (per Section 154.258) is allowed for each road or driveway into the development.
- b. The sign may identify a single-family residential subdivision or multi-family residential complex.
- c. The sign must be located on a parcel that is associated with the approved subdivision or development.

(B) Industrial and Office Parks

- a. 1 monument sign (per Section 154.258) is allowed for each road or driveway into the development.
- b. The sign may identify the name of the subdivision and/or the tenants of the subdivision.
- c. The sign must be located on a parcel that is associated with the approved subdivision or development.
- d. Said signs are allowed in addition to the signage allowed for each individual development in the subdivision.

154.265 NON-CONFORMING SIGNS

Signs that were erected and were in place prior to the adoption of this ordinance but which do not conform to the provisions of this chapter are declared non-conforming signs. Signs that were erected and that are in place and which conformed to the provisions of this ordinance at the time erected, but which do not conform to an amendment of this ordinance enacted subsequent to the erection of said signs are also declared non-conforming signs. Any sign erected after the passage of this chapter must meet all criteria within this chapter.

(A) A non-conforming sign may be continued but shall not be:

- a. Changed or replaced with another non-conforming sign, except that copy may be changed.
- b. Expanded or modified in any way which increases the sign's non-conformity or adds illumination.
- c. Moved except to bring the sign into conformity.
- d. Re-established once the sign structure has been removed.
- e. Re-established after the sign has been damaged as defined in Section 154.268.
- f. Re-established after it has been discontinued regardless of reason or intent for 180 days or more.

154.266 SIGN MAINTENANCE

All parts of a sign, including the copy area, supports, braces, poles, wires, and other appurtenances of signs or sign structures shall be kept in good repair and maintained in safe condition. Any sign deemed to be in a state of disrepair by this section shall be considered in violation of this chapter.

- (A) A sign shall be in a state of disrepair when more than 20% of its total surface area is covered with disfigured, cracked, ripped, or peeling paint or poster paper or any combination of these conditions.
- (B) No sign shall be allowed to stand with bent or broken sign facing, broken supports, loose appendages or struts which cause the sign to stand more than 15 degrees from the perpendicular.
- (C) No sign or sign structure shall be allowed to have weeds, vines, or other vegetation growing on it and obscuring it from the street or highway from which it is intended to be viewed.
- (D) No illuminated sign shall be allowed to stand with only partial illumination operational. All illuminated signs must comply with Section 154.255.
- (E) Unlawful cutting of trees or shrubs. No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy or remove any trees, shrubs or other vegetation located

within a public right-of-way of any road or highway except as required by the North Carolina Department of Transportation. The Administrator may use discretion in determining alternative forms of compliance for landscaping in situations where sign visibility is affected.

154.267 DANGEROUS OR UNSAFE SIGNS

Pursuant to G.S. 160A-193, the Town Council shall have the authority to summarily remove, abate, or remedy a sign which is dangerous or prejudicial to the public health or safety. The expense of the action shall be paid by the sign owner, or if the sign owner cannot be determined, the land owner, and if not paid, shall be a lien upon the land or premises where the nuisance arose, and shall be collected as unpaid taxes.

154.268 ENFORCEMENT

If the Zoning Administrator or his/her designee shall find any of the provisions of the Sign Ordinance are in violation, he/she shall notify the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it or shall take any other action authorized by Section 154.999 of the Town Code.

If the language was acceptable, the only thing left to go over would be definitions. Randy Austin asked that the changes be set into a chart as Holly used to present them. There was some discussion on height limits, flags, temporary signs, and manual changeable copy signs. Jesse left the Enforcement section for Planning Board to discuss. Jim Humphrey suggested a time line of sending a letter, giving 30 days to respond, sending a second notice, then a personal site visit by the Zoning Enforcement Officer. Randy Austin suggested that there be some monetary penalty to compensate somewhat for staff time, perhaps doubling for second offenses.

Jeff said that that section can be refined and brought back in May.

At the May meeting, they will look at the summary in the “chart” format and focus on finalizing the Enforcement section, unless one of the subdivisions need to be considered.

Jeff then presented his Council Actions memo, the text of which appears below:

COUNCIL ACTIONS – MARCH 2017

- Sewer project – Banner Farm Road

OTHER NOTABLE ITEMS

- PARTF grant application
 - Basketball court
 - Picnic shelter #2
 - Special public input session: 6:45pm Thursday April 13th.
- Multi-use field project underway.
- April 13th: Budget workshop #1
- April 5th: ordinance for 45 mph zone on NC 280 from Presbyterian Church Road to NC 191 (north of North Mills River Road).

- April 5th: NC 191 widening discussion, access management.
 - NCDOT reps present for meeting.
- Mills River Crossing subdivision
 - Plan revision stage

As there was no further business to discuss, Brian Kimball made a motion to adjourn the meeting. Chae Davis seconded the motion and the motion passed by unanimous verbal assent.

Respectfully submitted,

Aurelie Taylor
Tax Collector/Deputy Town Clerk