

MINUTES OF MIDWAY TOWN COUNCIL SPECIAL MEETING HELD ON OCTOBER 22, 2015 AT 6:00 P.M. AT TOWN HALL, 125 GUMTREE ROAD, MIDWAY, NORTH CAROLINA

CALL TO ORDER

Mayor Norman Wilkes called the meeting to order and welcomed everyone present.

Councilors present were: Mike McAlpine, John Byrum, Keith Leonard, and Todd Nifong. Absent: Robin Moon. Town Manager Ryan Ross, Town Clerk Linda Hunt, and Administrative Support Specialist Cindy Ramsey were present. Town Attorney Jim Lanik was absent.

No members of press were in attendance.

Town Manager Ryan Ross commented that the purpose of this Special Meeting is to continue the review and discussion and to make possible amendments to the proposed Land Development Ordinance (LDO).

LAND DEVELOPMENT ORDINANCE

ARTICLE 7 – LANDSCAPING AND BUFFERING STANDARDS

Section 7.5 Parking Lot Yards – Page 7-10

- B. Applicability - **Leave in numbers 1-4 only if it can be phrased to stress that it only applies to New Businesses or Change in Use. Council does not want it to apply to any current business even if they decide to expand.**
1. The requirements of this section shall apply to all new and expanded (ten (10) or more added spaces) parking lots and parking lots of land uses that have substantially changed.
 2. If an existing parking lot (paved or unpaved) is expanded or improved to add ten (10) or more specs, it shall comply with the parking lot landscaping requirements within the expanded or improved portion.
 3. If a parking lot is expanded or developed, then street yard, buffer yard and parking lot yard landscaping requirements shall be applicable.
 4. These standards shall not apply to parking lots containing fewer than 10 parking spaces.

ARTICLE 9 – OFF STREET PARKING

Section 9.2 Applicability – Page 9-1

These regulations shall apply to all land development activities within the Town of Midway. This includes the expansion, enlargement, change of use or other action which alters the parking demand for a structure or use.

Section 9.3 General Business Requirements for Off-Street Parking, Loading and Stacking Areas – Page 9-1

- A. Use of Parking, Loading and Stacking Areas
All vehicular parking area, stacking areas, and loading spaces required by this Article shall be used only for those purposes. Any other use, including but not limited to vehicle sales, vehicular repair work, vehicle service, or display of any kind, shall constitute a separate use of the space.
- B. Delineation of Parking Areas
Off-street parking areas of five (5) or more spaces and all off-street loading areas shall include painted lines, wheel stops, and other methods of identifying individual parking spaces and loading areas and distinguishing such spaces from aisles. **Delete “wheel stops”.**
- C. Standards for Parking Lot Surfaces
1. All off-street parking, loading and stacking areas shall be surfaced with asphalt, concrete, brick, stone, pavers, or an equivalent material. These materials shall be maintained in a smooth, well-graded condition at all times. **Delete.**
 2. Single family residential dwellings are exempt from the requirements of subsection (1) above.

3. Non-residential parking areas containing five (5) or fewer parking spaces, and parking areas used for overflow parking or special events (such as parking for athletic fields) are exempt from the requirements of subsection (1) above unless located within the Core Commercial Overlay District. As an alternative to meeting the requirements of subsection (1), such lots shall provide gravel surfaced parking area.

Questions/Concerns:

Are there any other options without hurting the little guy? What extent of expansion would fall under this qualification?

Section 9.3 General Business Requirements for Off-Street Parking, Loading and Stacking Areas – Page 9-2

A. Curbs and Vehicle Stops

1. All off-street parking areas, with the exception of parking areas for detached residential uses, shall provide curbing, wheel stops, or a combination of the two methods for protecting buildings, pedestrian walks, adjacent parking spaces, signs and landscaping areas from encroachment by vehicles. **Delete wheel stops.**
2. Where used, wheel stops shall be a minimum of four (4) inches in height. **Delete wheel stops.**

Section 9.5 Pedestrian and Bicycle Accommodations – Page 9-7

A. Pedestrian Circulation – Correct spelling error in first line. Should be “designed”.

- B. All off-street parking areas shall be **designed** to accommodate the safe movement of pedestrian traffic through and around the parking area. Provisions for safe pedestrian travel include delineated pedestrian pathways, crosswalks, and sidewalks.

ARTICLE 10 – SIGNS

Section 10.3 Exempt Signs

B. Public Interest Signs – Page 10-2

4. Flags, pennants, insignia, or religious symbols of any government, non-profit, or not-for-profit organization provided:
 - d) No more than five (5) flags are allowed per lot. **Add clause to exempt religious or patriotic holiday activities.**

G. Temporary Signs – Page 10-3

1. Temporary on premise special event signs and banners for religious, charitable, civic, fraternal, or similar non-profit organizations provided:
 - a. Signs are erected no sooner than seven (7) days prior and removed no later than two (2) days after the event; **Change to Thirty (30) days prior for annual events. Town Planner to help with wording.**
3. Temporary banners, associated with nonresidential use, provided they are:
 - c. Not attached to a roof structure or an existing sign face; **Delete**

Section 10.4 Prohibited Signs

C. Flashing Signs – Page 10-4

Signs with flashing or reflective disks, signs with flashing lights or lights of changing degree of intensity or color (except regulatory signs). **Need clarification on what kind of signs falls into the description of flashing sign. (Would this cover Christmas signs?)**

G. Moving or Rotating Signs

Signs which rotate or have any mechanical or wind driven components that cause the sign to move or transform. **Would this include barber shop poles? Town Manager Ryan Ross explained it would mean signs where the entire sign rotated or moved. Council wants clarification to make sure this would not cause barber shIns to have to remove the traditional barber shop pole.**

Section 10-6 Signs Allowed with a Permit

Table 10-1 Permitted Signs by Base Zoning District – **Pages 10-7 to 10-12**

There is not a table to cover CS Zoning District. Check with Town Planner

3. Electronic Message Boards – **Page 10-14**

- b) Electronic message boards shall not comprise more than twenty-five percent (50%) of the permitted area of the sign on which they are included. **States twenty-five percent but shows (50%). Question as to which it should be. Council wants it to read fifty percent (50%).**

ARTICLE 11 – SUBDIVISION STANDARDS

Section 11.2 Lot Standards

F. Access Requirements – **Page 11-3**

- 2. In the RA and RS Districts, a dedicated permanent access easement with a minimum width of thirty (30) feet may be used to provide access to up to three (3) lots which do not meet the minimum access standards set forth in this section. In no case shall an access easement be utilized to provide access to more than three (3) lots. If more than three (3) lots are proposed, a public street constructed to the minimum standards of this Ordinance shall be required. **Zoning Districts should be RA, RL and RM instead of RA and RS. Needs to be reworded. Council wants number removed and have it reworded to allow more than three (3) lots if the property owner has enough acreage and wants to leave/give land to family.**

Section 11.3 Streets

F. Reserve Strips – **Page 11-4**

Reserve strips adjoining street rights-of-way for the purpose of preventing access to adjacent property shall be permitted under condition. **Council wants clarification/explanation of a “reserve strip”.**

ARTICLE 15 – ENFORCEMENT

Section 15.3 Violations

B. Specific Violations – **Page 15-2**

- 8. Install, create, erect, alter or maintain any sign without first obtaining the appropriate permit or permit approval. **Delete the word “maintain” as Council feels this refers to general maintenance of the sign and a permit should not be required for maintenance of the sign. If it refers to something else, Council will need clarification.**

Section 15.6 Remedies and Penalties

A. Civil Penalty

- 3. Civil penalties shall be issued as follows: - **Page 15-3**
 - a) Warning citation – 10 days to comply – **Change to 14 days.**

ARTICLE 16 - NONCONFORMITIES

Section 16.5 Nonconforming Signs

D. Amortization – **Pages 16-5 and 16-6.**

- 1. Purpose
- 2. Amortization Period
- 3. Procedure

Possibly delete Amortization for nonconforming signs. Could this be replaced with something else to cover this issue? Council does not want to force current businesses to have to comply on any time schedule.

Discussion only.

ADJOURNMENT

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Todd Nifong, Council voted unanimously to adjourn the meeting.

Norman L. Wilkes, Mayor

Linda A. Hunt, Town Clerk