



City of Boiling Spring Lakes

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**Planning Board
October 10, 2017
7:00 P.M. ~ City Hall**

CALL TO ORDER:

The regular monthly Planning Board meeting was held at City Hall on October 10, 2017. Chairman, Bill Clark, called the meeting to order at 7:00 p.m.

ATTENDANCE:

Members Present:

Bill Clark; Chairman, Gene Fioravante, Jeremy Sexton, Nancy Crawford, Lucille Launderville; 1st Alternate

Members Absent:

Bill Sraver; excused

Staff Present:

Ruth Bek; Chief Code Enforcement Officer, Maggie Della Badia; Permit Technician, Nicole Morgan; Administrative Assistant

Guest:

Wes MacLeod; Cape Fear Council of Governments

AGENDA:

A motion was made by Jeremy Sexton and seconded by Gene Fioravante to approve the October 10, 2017 agenda.

Motion Carried 5-0

MINUTES – September 12, 2017

A motion was made by Gene Fioravante and seconded by Lucille Launderville to approve the September 12, 2017 meeting minutes.

Motion carried 5-0

PUBLIC COMMENT:

No public comment.

OLD BUSINESS:**1. Review Draft Article 10: Signage**

Bill Clark asked Wes MacLeod why a citizen would be turned down if they request to put a sign up in a non-residential district. Wes MacLeod stated that, as long as it complies with the ordinance, they could not be denied approval to do so. Bill Clark then referred to the word “may” being used in various sections of Draft Article 10 and expressed that by stating “may be allowed” in the ordinance, it implies that the city does not have to allow it. A discussion was then held regarding the use of the word “may” in various sections of Draft Article 10. Wes MacLeod agreed to change the word “may” to “shall.”

It was agreed to change flagpole height to 25 ft.

A discussion was held regarding roof signage in which Wes MacLeod stated the draft is essentially saying that roof signage is prohibited. Bill Clark asked Wes MacLeod to reword it to better reflect that you cannot have a sign on an A frame roof that is below the ridge standing up. Jeremy Sexton asked if the roof line is considered the ridge or the gutters and both Bill Clark and Wes MacLeod stated the ridge. All members of the Board agreed no signs shall be permitted above the gutter line on an A frame structure.

A discussion was held regarding fuel station canopies and Bill Clark stated non-independent gas stations, such as Exxon, must follow corporate guidelines in relation to canopies and lighting. All members agreed to have the first sentence discussing recessed lighting directly illuminating only the area under the canopy stricken.

Wes MacLeod stated that temporary yard signs are now referring to real estate signage in relation to properties for sale or rent. Ruth Bek stated that Article 10 needs to address freedom of expression and freedom of speech signage, and that these signs cannot be considered “temporary,” as there can be no time limit placed on such signage. A further discussion was had and it was agreed that another category will be created called “yard signs” and that such signage would fall under this new category, with size and location being regulated.

A discussion was held regarding the number of temporary off-site signs permitted and all members agreed to change it from 3 signs to 4 signs.

Wes MacLeod noted Article 10 has been changed to reflect the city will conform to sign regulations.

Wes MacLeod and Ruth Bek explained the sole purpose of a vehicle sign cannot be to advertise. Ruth Bek explained that we cannot enforce freedom of speech signs being prohibited on an individual's property or vehicle and Bill Clark stated that it needs to follow state statute.

Nancy Crawford asked if LED signs were changed and Wes MacLeod stated that an illumination standard has been added for LED signs, as well as transition affect standards. A discussion was held about transition affect and static time. In order to allow for a scroll, Wes MacLeod stated, minimum transition time would need to be taken out. Agreement was made to change Article 10 to reflect no static requirement. Ruth Bek suggested that Article 10 state signs cannot be distracting or a safety hazard.

Ruth Bek stated she would like to permit political signs on the right-of-way on only Eden Rd., Fifty Lakes Dr., Route 87 and East Boiling Spring Rd. Jeremy Sexton asked Wes MacLeod if this could be permitted and Wes MacLeod said yes.

Ruth Bek asked Wes MacLeod which temporary signs will now require a permit and Wes MacLeod said none. Jeremy Sexton then asked who would be responsible for keeping track of how long the signs have been up. Wes MacLeod stated the Chief Code Enforcement Officer can remove the signs if it has been determined that the time limit has been reached, or the city can rely on citizen complaints regarding such.

2. Review Draft Article 11: Flood Damage Prevention Ordinance

Bill Clark asked Wes MacLeod why it is written that an accessory building in a flood zone cannot be climate controlled and Wes MacLeod stated this is part of the state model. Nancy Crawford asked if easements need to be kept clean. Wes MacLeod said yes and Ruth Bek stated that if they are drainage easements it would be the city's responsibility. A discussion was held concerning beavers backing up natural flow and both Wes MacLeod and Ruth Bek stated maintenance would need to be coordinated with the state. Ruth Bek stated, for natural sluices in a flood plain, in order to fill it or do anything to it, a flood plain development permit would be required.

3. Review Draft Article 12: Non-conformities

Nancy Crawford stated lots that are 70x150 are technically non-conforming lots and asked Wes MacLeod what will happen with these lots. Wes MacLeod explained that, although the lots are non-conforming, they can still be buildable. Jeremy Sexton asked how many non-conforming lots are in the city and Wes MacLeod stated that the number is close to 10,000 non-conforming lots for the new minimum of 15,300 sq. ft.

NEW BUSINESS:

1. Distribute Draft Appendix A: Definitions

A discussion was had regarding zoning districts being reduced and a mobile home district being added. Ruth Bek stated that we need to address code enforcement issues in R-5 zones in terms of only allowing manufactured homes in a new mobile home district R-5 (MH). Ruth Bek explained that manufactured homes would only be allowed then in R-5 (MH) and R-6 districts. R-6 districts, Ruth Bek stated, would no longer require a principal structure in order to have an accessory structure. Nancy Crawford asked if "tiny" homes would be permitted and Ruth Bek stated that the minimum square footage allowed is 750.

NEXT MEETING AGENDA ITEMS:

- 1. Review of Draft Appendix A: Definitions**

A motion was made by Gene Fioravante and seconded by Nancy Crawford to adjourn the meeting at 8:33 p.m.

Motion carried 5-0

Respectfully submitted by,

Nicole Morgan, Administrative Assistant