

# **TOWN OF LAKE LURE**

## **Zoning And Planning Board Regular Meeting**

Tuesday, September 17, 2024 at 9:30 AM

Meeting to be held at Town Hall



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### **Agenda**

#### **I. Roll Call**

#### **II. Approval of Agenda**

#### **III. Approval of August 20 meeting minutes**

#### **IV. Public comments**

#### **V. Old Business**

#### **VI. New Business**

A. Review for recommendation to approve or deny Special Use Permit application for a 480 square foot modular commercial building at 2520 Memorial Hwy for use as a business office for Marathon Construction. (An office building was reviewed and approved earlier this year for this site but was not built and the approved Special Use Permit will be voided if this replacement is approved.)

B. Review staff proposal of a text amendment to add a “Parking Garage or Lot (requiring payment)”

C. Review and discussion of Town’s Sign Regulations: 36-324 – 36-326.

D. Review Code of Ordinances, Section 2-155 – 2-158, regarding the establishment, powers and duties of the Zoning and Planning Board.

E. Procedure for Amending the Comprehensive Plan.

#### **VII. Monthly Department Report**

#### **VIII. Adjournment**



**MINUTES OF THE REGULAR MEETING OF THE TOWN OF  
LAKE LURE ZONING AND PLANNING BOARD**

August 20, 2024 AT 9:30 A.M.

**THIS MEETING WAS HELD AT LAKE LURE TOWN HALL.**

**Present:** Randall Nelson, Chair  
Dave Keenan  
Ken Williams  
Charlie Ellis  
Mac Hillabush  
Scott Doster, Town Council Liaison

**Absent:**

**Staff:** Michael Williams, Community Development Director  
Richard Carpenter, Development and Environmental Review Specialist

**I. CALL TO ORDER**

Randall Nelson called the meeting to order at 9:30 am

**II. ROLL CALL**

All board members were present

**II. APPROVAL OF THE AGENDA**

**III. APPROVAL OF THE JULY 16, 2024 MEETING MINUTES**

Charlie Ellis made approve to approve the amended minutes, Randy Nelson seconded and all voted to accept.

**V. PUBLIC COMMENT**

No Public Comments

**VI. OLD BUSINESS**

Mike Williams reported that the AWEN LLC Preliminary Subdivision Plat that was approved July 16<sup>th</sup> is on hold as a result of the applicant's request for substantial changes to the approved plan. Status of preliminary plat approval is contingent upon the Town's receipt of her proposed changes or her decision to continue with the plat as originally approved. Changes will require resubmission before the board.

**VII. NEW BUSINESS**

A. Review for recommendation to approve or deny the Town of Lake Lure's Special Use Permit application for two new commercial buildings at 622 Memorial Hwy for use as replacement Public Works facility.

Board discussion began with Mike Williams introducing the new public works facilities project and Charlie Ellis questioning the appropriateness of the site based upon the Comprehensive Plan. Mr Ellis was concerned that there should be public hearing about it.

Mike Williams stated that the Comprehensive Plan is not a regulatory document but is advisory, and the project site's Government Use zoning allows the facility as a permitted use, not requiring a Special Use Permit. Said that the reason we brought this to the boards as a special use permit was in the spirit of transparency and we wanted the board's input on the appearance and conformity with neighborhood. Scott Doster pointed out that there are government buildings there already.

Charlie Ellis and Randy Nelson suggested again that there should be a public hearing. Mike Williams pointed out that Zoning and Planning is an advisory board and it is not tasked with approving or denying permits or projects. The Board of Adjustments will consider their recommendation but will make a decision independently. Mr. Nelson stated that it is the board's job to protect. Mr. Williams responded that the Zoning and Planning Board's job is to consider and make recommendations for the Town to consider. Council Liason Scott Doster said that Council had agreed to bring the project before the boards for their input and to take them under consideration.

Chair Randy Nelson asked for a recommendation. Charlie Ellis made a motion to deny the special use permit as it is incompatible with the comprehensive plan. Dave Keenan seconded and the motion passed with four in favor and one opposed.

**B. Report of new and proposed NC legislation regarding regulating signage and begin review of Town ordinance, Section 36, Article XI, and "Sign Regulations" for the purpose of considering revision of ordinance.**

Rick Carpenter made a presentation of recent State statute changes that could affect the Town's sign ordinance.

Board discussed and Randy Nelson stated that the board needs to make recommendations to update the Town's ordinance. Mr. Nelson suggested that the board break the sign code down into sections with board reading sections 324, 325 and 326 to discuss next month. Charlie Ellis stated that it would be helpful for staff to provide pictures of the different signs.

**VIII. MONTHLY DEPARTMENT REPORT**

Nothing to report

**IX. ADJOURN**

Dave Keenan made a motion to adjourn the meeting Ken Williams seconded, and they all voted in favor. The meeting ended at 11:51 a.m.

**ATTEST**

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Elba A. Willette, Town Clerk

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Randall Nelson, Board Chair

BY: Michelle

SEP 03 2024

TOWN OF LAKE LURE  
APPLICATION FOR SPECIAL USE PERMIT

RECEIVED

Fee: \$410 Rec'd 9/3/24

SUP- 20240010

Approved by Board of Adjustment: _____	_____
Rejected by Board of Adjustment: _____	_____
(see attached Order)	Date: _____
	Community Development Director

Please complete all three pages of application form

**APPLICANT:**

(Check one) Owner:  Agent: \_\_\_\_\_ (If applicant is not the owner, attach authorization to act as agent)

Name: Jonathan Hinkle Date of Application: Sept. 3, 2024

**PROPERTY**

Property located at: 2520 Memorial Highway Lake Lure NC 28746

Parcel/Tax PIN#: ~~1633471~~ 1605470 Current zoning: CG

**SPECIAL USE REQUESTED:**

(Use the terms that are found in the zoning regulations. If the terms are not clear as they pertain to your application, add a statement describing your intended use.)

Use Requested: Office Building, Open screened storage of construction equipment and supplies, Dual entrance off of Memorial Highway and Harriss Rd

Clarification: \_\_\_\_\_

We would like to construct a permanent office location at 2520 Memorial Highway. We have three possible locaitons. We have attached a set of plans to show 3 possible locations and parking facilities. On the plan we will locate equipment storage and entrances. Please see attached supporting documents.

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**FINDINGS OF FACT:** The Board of Adjustment is required to make certain findings of fact. To assist the board in their deliberations, the applicant is required to submit the following statements of fact, the best of the applicant's ability and knowledge. You may reference §92.045-047 in the Town's Zoning Ordinance for general application requirements.

Additional requirements may be required for specific special uses. Please do not leave these blank: the applicant is required to submit information specific to the request describing how the proposed use will meet each finding. In the case of applicant's failure to complete the six Findings of Fact, the application will be deemed incomplete and rejected.

1. The application is complete. Yes  No

2. **Public Safety.** The proposed use will not materially endanger the public safety, if located and developed according to the application as submitted. And, satisfactory provision and arrangement has been made for at least the following where applicable: automotive ingress and egress, traffic flow, traffic control, pedestrian and bicycle ways, lake use and fire suppression. (See attached plans, if applicable)

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The proposed building locations and storage areas will not endanger public safety  
The plan is consistent with prior uses. Please see attached plan.

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3. **Public Health.** The proposed use will not materially endanger the public health, if located and developed according to the application as submitted. And, satisfactory provision and arrangement has been made for at least the following where applicable: water supply, water distribution, sewer collection, and sewer treatment. (See attached plans, if applicable)

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There are three sewer locations and two water connections on the property  
Sewer has been approved by the State of NC

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4. **Protection of Property Values.** The proposed use will not substantially injure the value of adjoining or abutting property, if developed according to the application as submitted. And, satisfactory provision and arrangement has been made for at least the following where applicable: lighting, noise, odor, and landscaping. (See attached plans, if applicable)

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The building locations and storage will not negatively impact the adjoining  
properties. Since ownership we have  
maintained grass, weed and kudzu control. The addition of commercial real  
estate will help increase commercial property values.

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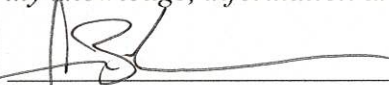
5. **Standards and Requirements.** The proposed use will meet all standards and requirements specified in the regulations, if located and developed according to the application as submitted. And, satisfactory provision and arrangement has been made for at least the following where applicable: parking spaces, loading zones, sign design, and street design. (See attached plans, if applicable)

The permanent insatallation of the construction office does meet the construction standards.  
There are two different wood siding materials, The walls are broken up with windows and doors,  
The foundation will be stucco block

6. **Comprehensive Plan and Neighborhood Character.** The location and character of the proposed use and structures will be in harmony with the neighborhood character and in general conformity with the applicable elements of the Land Use Plan and other officially adopted plans of the Town of Lake Lure, if developed according to the application as submitted. And, satisfactory provision and arrangement has been made for at least the following where applicable: site layout and treatment, building design, relationship of building(s) to site, and harmony of buildings and uses with neighborhood character.

The proposed building is in harmanony with the compreheinsive plan and  
Neighborhood Character.  
The building has a mountain treatment on the exterior.

*I certify that all of the information represented by me in this application is accurate to the best of my knowledge, information and belief.*

  
 \_\_\_\_\_  
 Signature of applicant

\_\_\_\_\_  
 Signature of owner (if not applicant)

2520 MEMORIAL HIGHWAY  
 \_\_\_\_\_  
 Street of P.O. Box

\_\_\_\_\_  
 Street or P.O. Box

LAKE LURE NC 28746  
 \_\_\_\_\_  
 City, State, Zip

\_\_\_\_\_  
 City, State, Zip

828 289 6702  
 \_\_\_\_\_  
 Daytime telephone number

\_\_\_\_\_  
 Daytime telephone number

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# Marathon Builders

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Jonathan Hinkle  
President/ Owner  
Marathon Builders of WNC Inc.  
2520 Memorial Highway  
Lake Lure NC 28746  
info@marathonbuildersnc.com  
828.625.2000  
September 3, 2024

Town Of Lake Lure BOA  
Town of Lake Lure Planning and Zoning Board

Subject: Request for Special Use Permit for Office Building and Open Storage Area

Dear Town of Lake Lure Planning Board, Town of Lake Lure BOA

I am writing on behalf of Marathon Builders to request a special use permit for the construction or placement of an office building on our property located at [Insert Property Address]. We have reviewed the North Carolina building codes and the Rutherford County Building Department's regulations, and we have confirmed that an office trailer would indeed be permitted under the current building codes. For your reference, we have attached an email and a copy of the building code that supports this determination.

We have identified three potential locations for the office building on our property. These locations have been designated in order of preference, and we are ready to discuss them further during the permit review process.

Additionally, we are reapplying for the entrances off of Harris Road and Memorial Highway to enhance accessibility to our site. We believe these entrances are essential for the efficient operation of our business and will ensure the safety and convenience of our operations.

2520 Memorial Highway Lake Lure, North Carolina  
www.marathonbuilderswnc.com

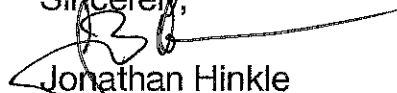


In conjunction with the office building, we are also applying for a special use permit for an open storage screened area. This area will contain construction materials, shipping containers, construction trailers, dump trailers, pontoon boats, pontoon trailers, flatbed trailers for trucks, and other various small pieces of equipment necessary for our construction projects. The storage area will be screened to ensure compliance with local ordinances and to maintain the aesthetic appeal of the surrounding area.

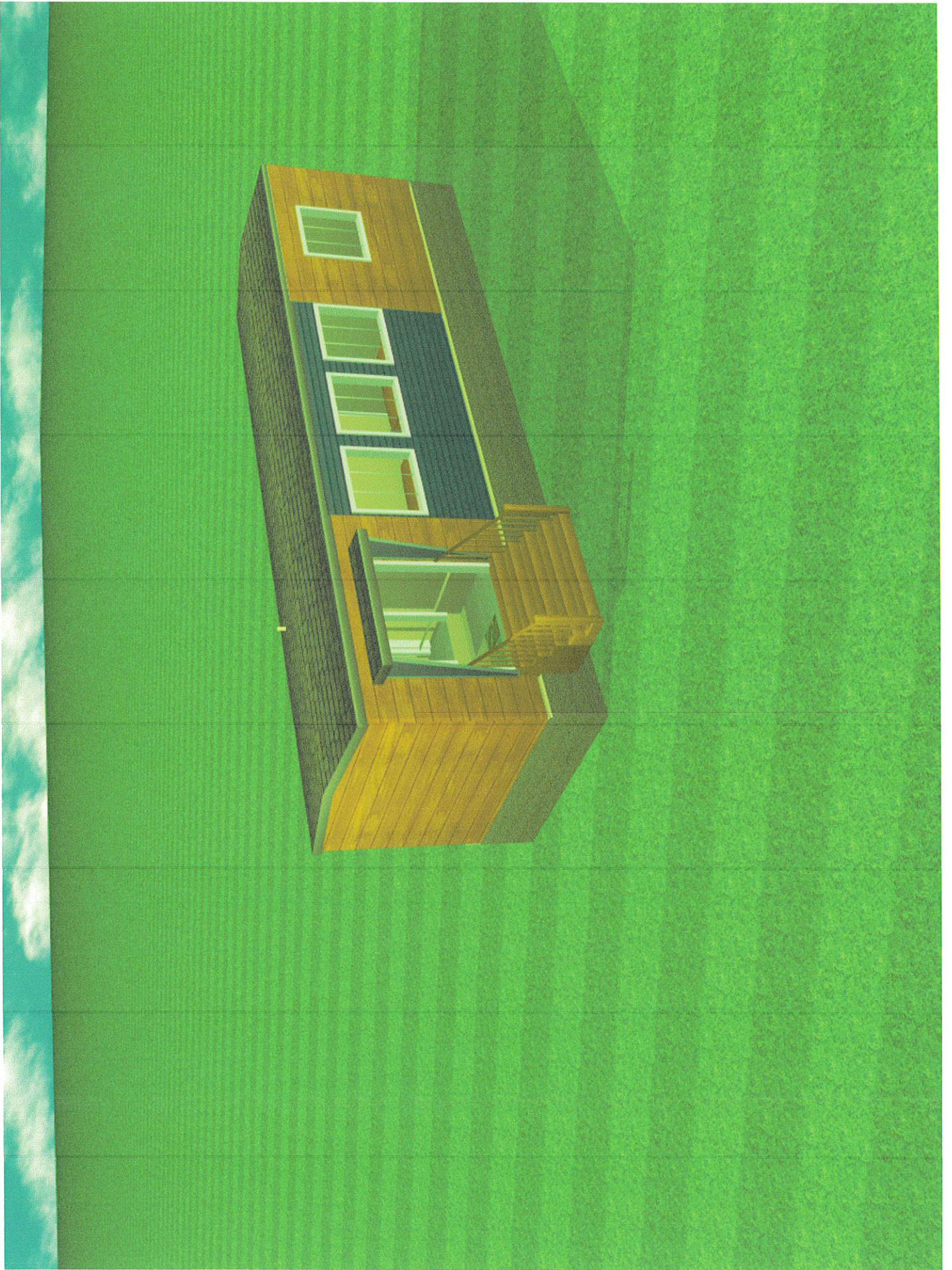
We have been approved by the state of North Carolina to install a bathroom with one toilet and one sink within the office building. To support this installation, we have identified three potential sewer locations on our property and two water tap locations, which are detailed in the attached documents.

We appreciate your attention to this request and are prepared to provide any additional information or documentation necessary to facilitate the approval process. Thank you for considering our application, and we look forward to your favorable response.

Sincerely,

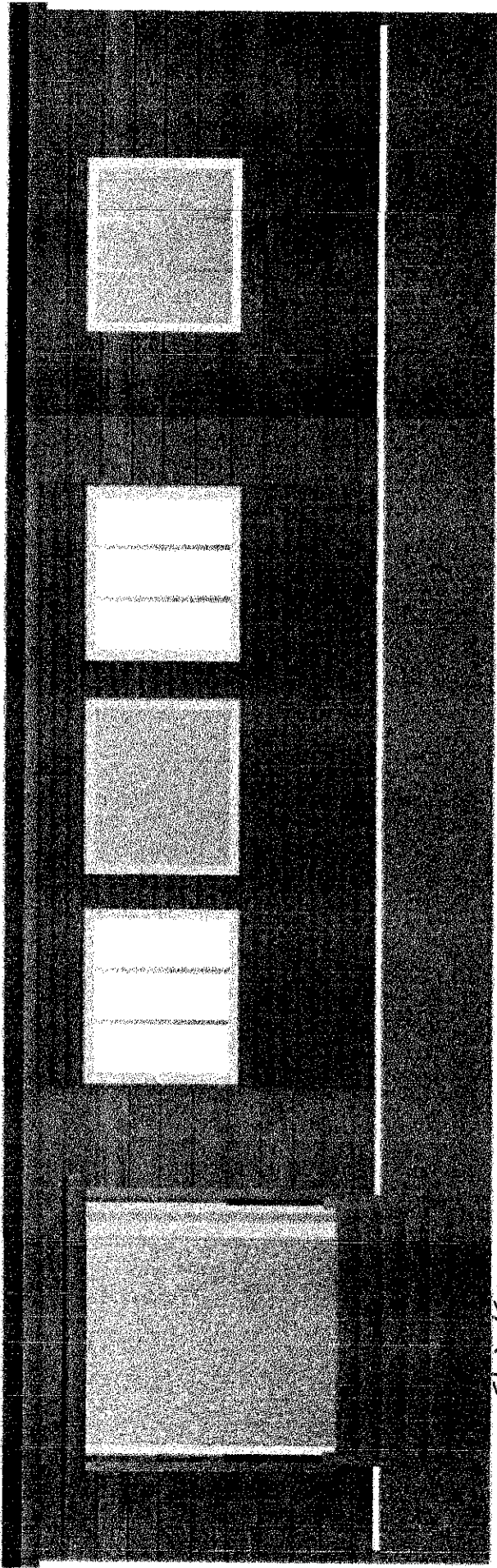


Jonathan Hinkle  
President/ Owner  
Marathon Builders



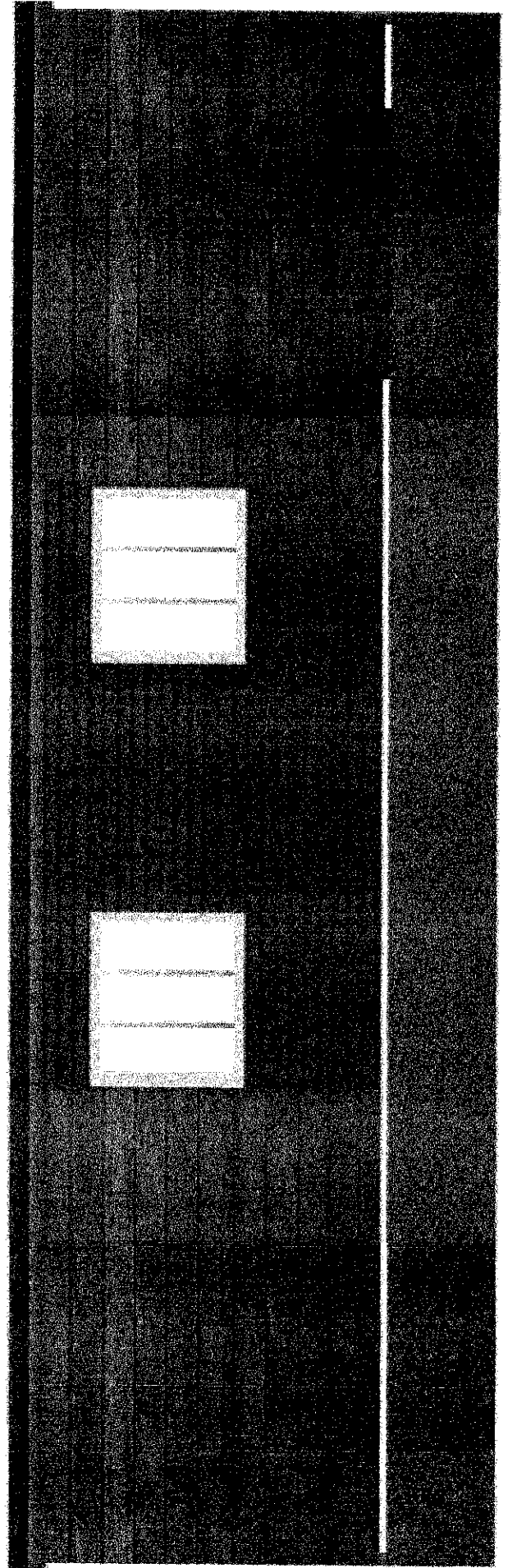


FRONT

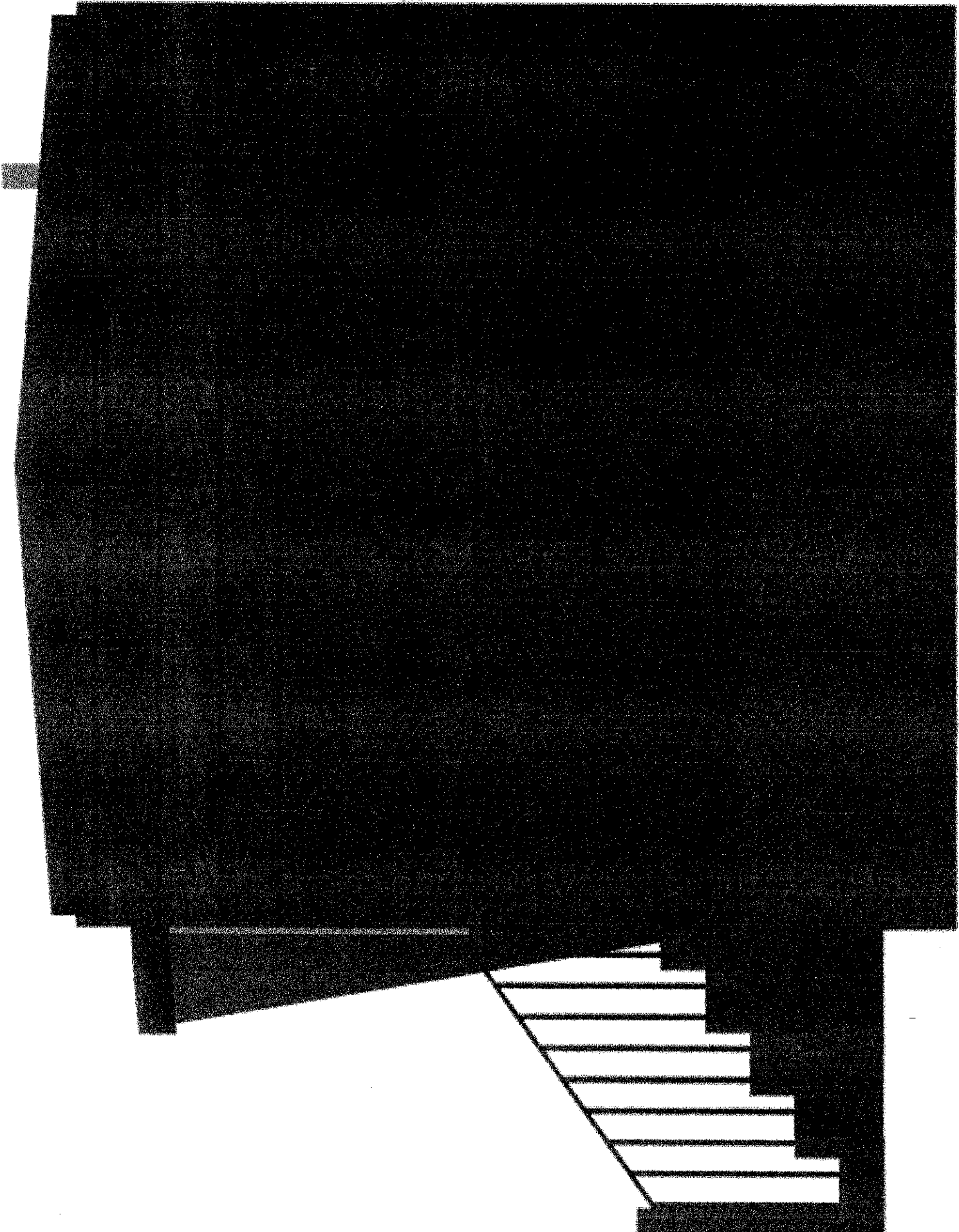


Stairs / Entrance

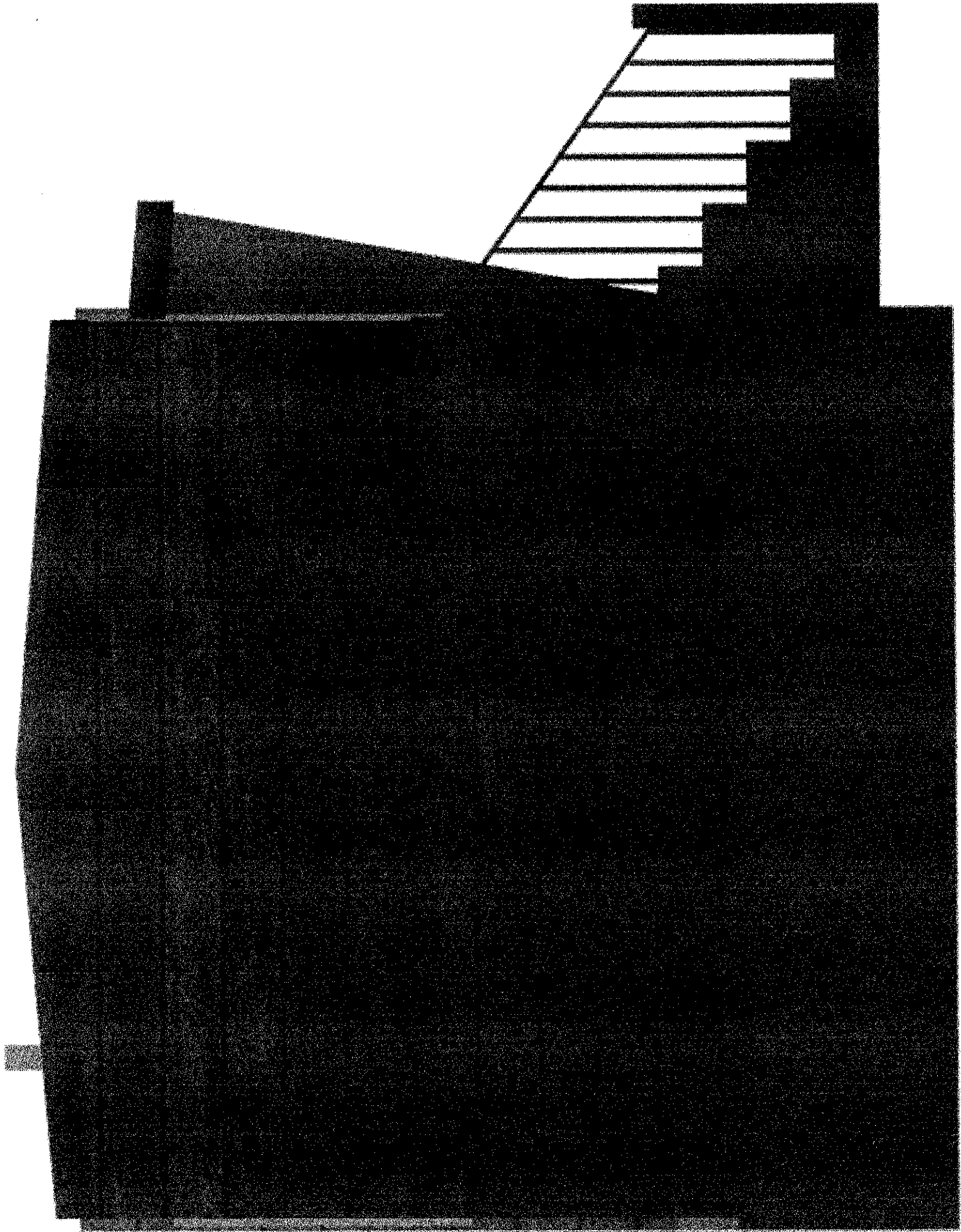
REAR



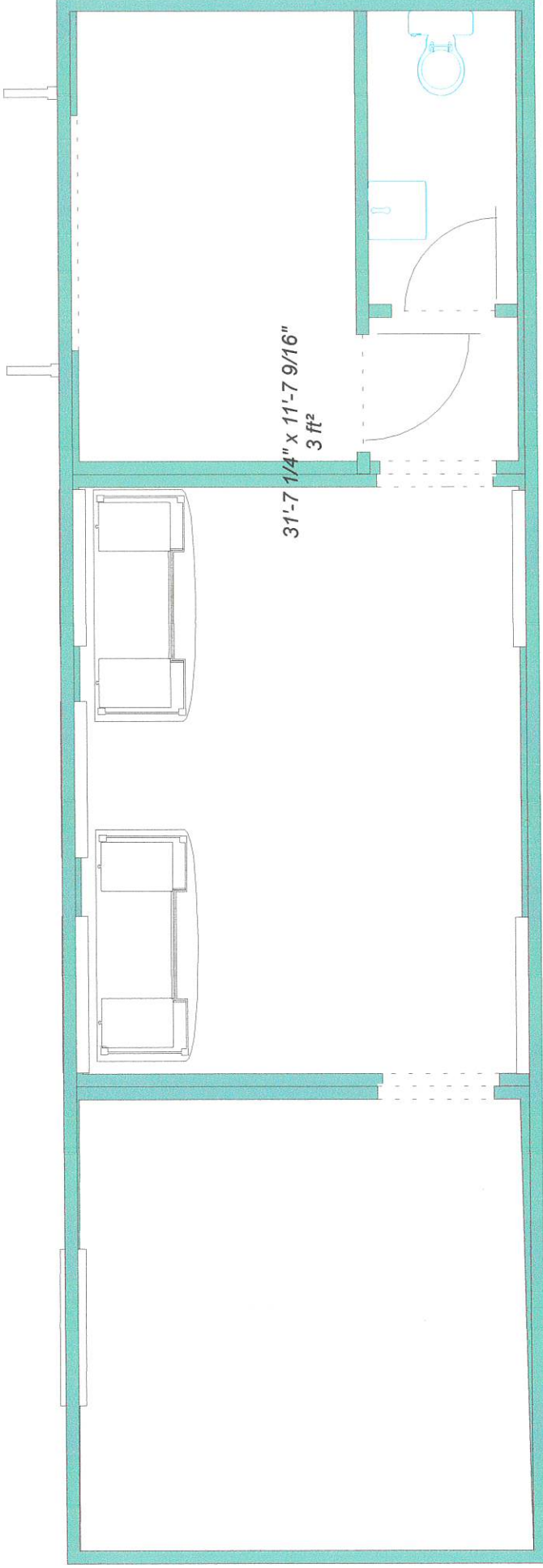
SIDE -1



SIDE - 2



40'-0"



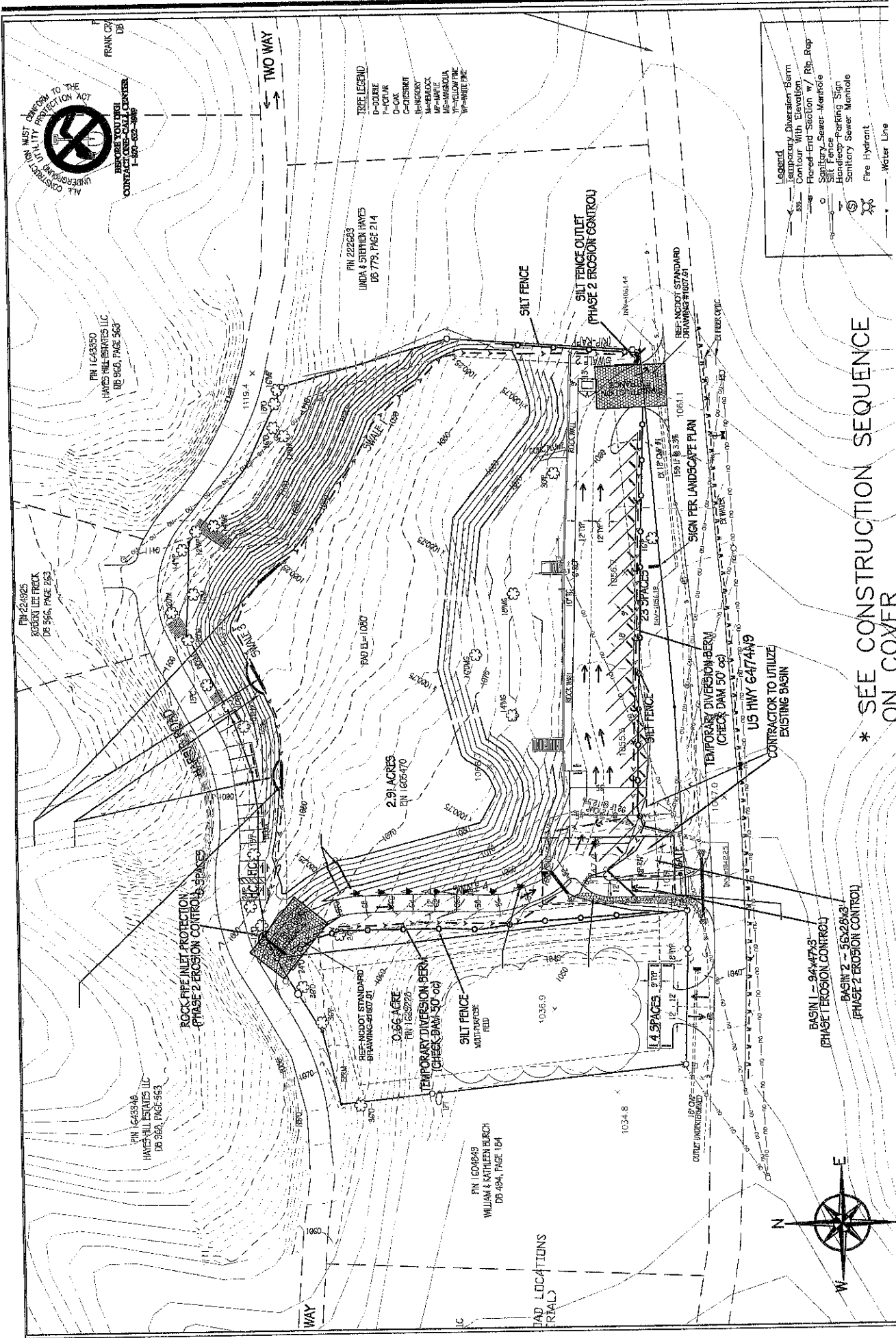
31'-7 1/4" x 11'-7 9/16"  
3 ft²

INTERIOR FLOOR PLAN

12'-0"







ALL CONTRACTORS MUST CONFORM TO THE UNDERGROUND UTILITY PROTECTION ACT  
 CONTRACTORS MUST CALL BEFORE DIGGING  
 CONTRACTOR CALL CENTER  
 1-800-622-3949

**TREE LEGEND**  
 P-DOUBLE  
 F-FOUR  
 D-ONE  
 C-CHESTNUT  
 H-HICKORY  
 M-REDWOOD  
 W-WILLOW  
 Y-YELLOW PINE  
 W-WHITE PINE

**Legend**  
 Temporary Diversion Basin  
 Contour With Elevation  
 Paved-Tand Section w/ Rtp. Rep  
 Sanitary Sewer Manhole  
 Handicap Parking Sign  
 Sanitary Sewer Manhole  
 Fire Hydrant  
 Meter Line

**\* SEE CONSTRUCTION SEQUENCE ON COVER**

PN 1243350  
 HAYES HILL ESTATES LLC  
 DB 565, PAGE 567

PN 222633  
 LINDA & STETEN HAYES  
 DB 773, PAGE 214

PN 224925  
 ROBERT LEE FRECK  
 DB 566, PAGE 263

PN 1643346  
 HAYES HILL ESTATES LLC  
 DB 565, PAGE 563

PN 1604949  
 WILLIAM & KATHLEEN BURCH  
 DB 484, PAGE 104

2.91 ACRES  
 IN 1603-470

0.266 ACRE  
 PN 1652225  
 TEMPORARY DIVERSION BASIN  
 (CHECK DAM 50' C/D)

1.4 SPACES  
 9'10"

1.4 SPACES  
 9'10"

25 SPACES  
 10'0"

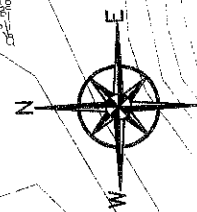
TEMPORARY DIVERSION BASIN  
 (CHECK DAM 50' C/D)

CONTRACTOR TO UTILIZE  
 EXISTING BASIN

US HWY 647419

BASIN 1 - 94'x73'  
 (PHASE 1 EROSION CONTROL)

BASIN 2 - 56'x28.3'  
 (PHASE 2 EROSION CONTROL)



ROAD LOCATIONS  
 TRIALS

WAY

TWO WAY

FRANK CR  
 US

1119.4

1070

1060

1050

1040

1030

1020

1010

1000

990

980

970

960

950

940

930

920

910

900

890

880

870

860

850

840

830

820

810

800

790

780

770

760

750

740

730

720

710

700

690

680

670

660

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### **Sec. 2-155. Establishment.**

- (a) Pursuant to the provisions of G.S. 160D-301, the town council hereby establishes a planning agency under the name of the "town zoning and planning board."
- (b) The existing planning agency known as the zoning planning board shall be, and the same is hereby, discontinued.
- (c) All memberships on said zoning planning board shall be, and the same are, hereby terminated.

(Code 1989, § 23.10; Ord. of 3-23-1982)

### **Sec. 2-156. Members; terms; vacancies.**

The zoning and planning board shall consist of five members, each of whom shall serve for a term of three years, expiring on December 31 of the third year. Terms shall be staggered. Any vacancy shall be filled for the unexpired term in the same manner as the initial appointment. Not more than two members' terms shall expire in any one year.

(Code 1989, § 23.11; Ord. of 3-23-1982; Ord. of 7-27-1993)

### **Sec. 2-157. Officers.**

The zoning and planning board shall elect from its members a chairperson and may elect such other officers as it may deem necessary.

(Code 1989, § 23.12; Ord. of 3-23-1982)

### **Sec. 2-158. Powers and duties.**

- (a) The following powers and duties are hereby delegated to the zoning and planning board:
  - (1) Propose amendments, or receive for review and recommendations requests or suggestions for amendments, to the town's zoning chapter and map.
  - (2) Make studies of the town and surrounding areas.
  - (3) Determine objectives to be sought in the development of the study area.
  - (4) Prepare and adopt plans for achieving these objectives.
  - (5) Develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.
  - (6) Advise the town council concerning the use and amendment of means for carrying out plans.
  - (7) Exercise any function in the administration and enforcement of various means for carrying out plans that the council may direct.
  - (8) Perform any other related duties that the council may direct.
- (b) The zoning and planning board shall be subject to all the duties and responsibilities set forth in G.S. ch. 160D, and shall have such other duties and responsibilities as may have heretofore been delegated to the zoning and planning board.

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### **Sec. 36-324. Intent and application.**

This article is established to regulate and control all existing and future signs throughout the zoning jurisdiction of the town. The provisions of this article shall apply to the display, construction, erection, placement, alteration, use, location, illumination, and maintenance of all signs, except as specifically exempted in this article. A sign may be erected, placed, established, painted, created or maintained in the town only in conformance with the standards, procedures, exemptions and other requirements of this article. All signs not expressly permitted by this article are prohibited. This article shall provide for the enforcement of the provisions of this chapter and establish a limited variety of signs in other zones, subject to the standards and permit procedures of this chapter. Internally lighted signs are acceptable, however, to improve the environmental setting the town would prefer that signs be externally lighted whenever possible.

(Code 1989, § 92.145; Ord. of 1-22-1991; Ord. of 11-18-2003)

### **Sec. 36-325. Purpose of article.**

It shall be the purpose of this article to promote the safety, health, peace, dignity and general welfare of the people and the town in a manner consistent with the unique natural beauty that distinguishes the town through the regulation of the posting, displaying, erection, use and maintenance of signs. Further, it is recognized that the standards and regulations for signs will address the following purposes:

- (1) Provide an improved environmental setting and community appearance which is vital for the economic well-being of the town.
- (2) Create a more productive and professional business environment.
- (3) Provide signs which are in scale and appropriate to the planned character and development in each zoning district.
- (4) Promote traffic safety and prevent hazard or nuisance conditions for vehicle or pedestrian traffic.
- (5) Prevent the visual clutter of signage which distracts from business and conflicts with legitimate informational signage and signage which is essential for public health and safety.
- (6) Protect and enhance the value of properties within the town.
- (7) Promote the public safety and general welfare of the town.

(Code 1989, § 92.146; Ord. of 11-18-2003)

### **Sec. 36-326. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Abandoned sign* means a sign which was erected on property in conjunction with a particular use, which use has been discontinued for a period of 180 days or more, or a temporary sign for which the permit has expired or the event has occurred. This is not intended to apply to the seasonal type businesses which annually operate "in season." However, failure to operate any business for a minimum of 90 consecutive days in a calendar year will deem these signs to have been abandoned.

*Additional signs (signage)* means signs used on premises in addition to a business designation sign to identify the availability of products, services or other items.

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*Amortization* means the method of eliminating a nonconforming sign by requiring the termination of the sign after a specified period of time.

*Banners, pennants and balloons* mean any animated, rotating, fluttering or nonstationary device made of flexible materials designed to attract attention.

*Blade sign* means a sign not designed to stand alone, which must be appended to another sign.

*Business designation sign* means a sign to designate the legal name of the business.

*Canopy* means a structure constructed of rigid materials, including, but not limited to, metal, wood, concrete, plastic, canvas or glass that is attached to and supported by a building or by columns, poles or braces extended to the ground.

*Canopy sign* means a sign which is suspended, attached to or supported from, or forms a part of a canopy.

*Changeable copy sign* means a sign on which message copy is changed manually or electronically in the field, through the utilization of attachable letters, numbers, symbols and other similar characters or changeable pictorial panels. Time and temperature signs are not included in this definition.

*Commercial or industrial center* means three or more separate occupancies located within the same or adjacent building or buildings on the same non-residentially zoned parcel.

*Directory sign* means a sign listing only the names and/or use or location of more than one business, activity or professional office conducted within a building, group of buildings, or commercial center.

*Double-faced sign* means a sign with two faces which are usually, but not necessarily, parallel.

*Electrical sign* means a self-illuminated sign or sign structure in which the electrical wiring, connections or fixtures are used as part of the sign proper.

*Exempt sign* means any sign that is specifically listed as exempt from this article. Said listed exempt signs are not regulated by the terms of this article.

*Existing sign* means any sign that was erected or displayed prior to the adoption of this article.

*Externally illuminated sign* means any sign that is lighted by an outside light source.

*Facade* means the entire building wall, including wall face, parapet fascia, windows, doors, canopy, and roof on any complete elevation.

*Fixed projecting sign* means a sign, other than a flat sign, which extends out for more than six inches from the facade of any building and is rigidly affixed thereto.

*Flat sign* means a sign erected parallel to and extending out not more than 12 inches from the facade of any building to which it is attached and supported throughout its entire length by the facade and not extending above the building.

*Freestanding detached sign* means a sign supported by a sign structure secured in the ground and which is wholly independent of any building, fence, vehicle or object other than the sign structure for support.

*Frontage* means the length of the property line on any one premises serving as a public right-of-way line.

*Frontage wall face* means the building facade, excluding parapet, fascia, soffit, mansard and roof, which faces a frontage of the premises.

*Governmental sign* means any sign erected by or on the order of an authorized public official in the performance of his office or duty, including, but not limited to, traffic control signs, street name signs, warning and directional signs, public notice, or signs of a similar nature.

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*Holiday sign* means a sign used for the celebration of any national or religious holiday which is erected for a limited period of time.

*Incidental flat sign* means a sign containing accessory information for the principal use and erected parallel to and extending out not more than 12 inches from the facade of any building to which it is attached and supported throughout its entire length by the facade and not extending above the building. No advertising may be affixed to incidental flat signs.

*Incidental sign* means a single face, non-illuminated professional or announcement sign attached wholly to a building, window or door containing information relative to emergencies, store hours, credit cards honored, and other similar accessory information.

*Inflatable sign* means a sign that is either expanded to its full dimensions or supported by gasses contained within the sign, or sign parts, at a pressure greater than atmospheric pressure.

*Internally illuminated sign* means any sign which has light transmitted outward through its face or any part thereof.

*Neon type signs* means signs made from tubes filled with neon, argon, xenon, or other luminous gasses, and producing various colors of light.

*Noncommercial message* means any message protected by the First Amendment that does not direct attention to a business operated for profit, or to a commodity or service for sale.

*Nonconforming sign* means a sign erected and in existence prior to the date of adoption of the ordinance from which this chapter is derived or an amendment to the chapter, that does not meet one or more of the standards imposed by this chapter.

*Occupancy* means any one business activity or professional office.

*Off-premises directional sign* means any off-premises sign indicating the location of or directions to a business or other activity. The sign shall not include any information or message except the name of the business or the nature of the activity, universal symbol, if applicable, and an arrow indicating direction and distance to the business or activity. If a sign contains any additional message or exceeds the maximum area, it shall be considered to be in violation of this chapter.

*Off-premises sign* means a sign identifying, advertising or directing the public to a business, merchandise, service, institution, residential area, entertainment, or activity which is located, sold, rented, based, produced, manufactured, furnished or taking place at a location other than the property on which the sign is located.

*Painted wall sign* means a sign painted directly on any exterior building wall or door surface, exclusive of windows or door glass areas.

*Panel* means the primary surface of a sign upon which the message of the sign is carried.

*Parapet* means a vertical false front or wall extension above a roofline.

*Perimeter* means the contour of the face of the sign.

*Permitted sign* means a sign for which a valid permit has been issued.

*Person* means any individual, partnership, association, corporation or other entity.

*Political sign* means a sign erected by a political candidate, group or agent thereof for the purpose of advertising a candidate or stating a position regarding an issue upon which the voters of the town shall vote.

*Portable sign* means a sign generally constructed to be easily movable without a permanent attachment to the ground and which may or may not be equipped with wheels. Such signs may be designed for changeable messages. The term "portable sign" does not apply to sidewalk or sandwich board signs permitted in section 36-336.

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*Principal flat sign* means a sign advertising the principal use and erected parallel to and extending out not more than 12 inches from the facade of any building to which it is attached and supported throughout its entire length by the facade and not extending above the building.

*Private traffic direction/information sign* means a sign which is on-premises and is designed and erected solely for the purpose of vehicular or pedestrian traffic direction or safety.

*Project sign* means any sign erected and maintained on the premises temporarily while undergoing construction by an architect, contractor, developer, finance organization, subcontractor, or materials vendor upon which property the individual is furnishing labor, services or materials.

*Public right-of-way line* means the line where the property meets the public right-of-way at a public street or public waterway, provided that this definition shall not include alleys, easements, or other similar dedicated uses.

*Real estate sign* means a sign erected by the owner, or his agent, advertising real property upon which the sign is located for rent, for lease, or for sale.

*Resort* means a place under common management where a large selection of organized activities takes place, such as recreation and entertainment, and where facilities are provided for dining and lodging for residents and guests.

*Roof* means the exterior upper covering of the top of a building.

*Roof sign* means a sign erected over or on, and wholly supported by or partially dependent upon the roof of any building for support, or attached to the roof in any way.

*Sidewalk or sandwich board sign* means an A-frame, inverted V-shape, or similarly shaped moveable sign not secured or attached to the ground or any building or structure. A sidewalk or sandwich board sign is portable and usually double-sided.

*Sign* means any form of publicity or advertising which is designed to be visible from any public way, directing attention to an individual business, commodity, service, activity or product by means of words, lettering, numerals, trade names or trademarks, or other pictorial matter designed to convey such information.

*Sign face* means the part of the sign that is or can be used to identify, advertise, communicate information, or for visual representation which attracts the attention of the public for any purpose. The term "sign face" includes any background material, panel, trim, color and direct self-illumination used that differentiates the sign from the building, structure, backdrop surface or object against which or upon which it is placed. The sign structure shall not be included as a portion of the sign face provided that no message, symbol or any aforementioned sign face criteria are displayed on or designed as part of the sign structure.

*Sign structure* means a supporting structure erected or intended for the purpose of identification, with or without a sign thereon, situated upon or attached to the premises upon which any sign may be fastened, affixed, displayed or applied; provided, however, said definition shall not include a building or fence.

*Snipe sign* means a sign which is tacked, nailed, pasted, glued, or otherwise attached to trees, poles, stakes or fences, or to other objects.

*Special event directional sign* means a sign which directs the public to a special event at a place other than the premises upon which the sign is located.

*Special event sign* means a sign which carries a message regarding a special event or civic function sponsored by a nonprofit organization such as, but not limited to, Kiwanis, Rotary, or the Lion's Club for fund drives, fairs, festivals, and sporting events, or a sign which carries a message regarding special events for businesses such as, but not limited to, initial openings or special sales which are of general interest to the community.

*Subdivision or mobile home park entrance sign* means an entrance sign which designates the name of a subdivision, or a residential district, or of a mobile home park and is located at or near the main entrance.

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*Swinging sign* means a sign projecting from the outside walls of any building which is supported only by one rigid support.

*Temporary sign* means a sign with or without letters and numerals such as land sale signs, subdivision openings, construction signs, seasonal events, or community, public and semi-public functions.

*Vehicle sign* means a permanent or temporary sign affixed to or placed upon any parked vehicle, parked trailer, or other parking device capable of being towed, the primary purpose of which is to attract the traveling public, provided that this definition does not include a single sign placed on a single vehicle or trailer at a residence of an individual which sign identifies the vehicle or trailer as being for sale.

*Window* means an opening covered in glass built into the wall or roof which functions or appears to function to admit light to a building or structure.

*Window sign* means any sign which is painted on, applied to, attached to or projected upon or within the exterior or interior of a building glass area, including doors, whose identification, message, symbol, insignia, visual representation, logotype, or any other form which communicates information can be read from off-premises, contiguous property or public right-of-way.

*Window sign, temporary*, means a window sign of a temporary nature used to direct attention to the sale of merchandise or a change in status of the business, including, but not limited to, signs for sales, specials, going out of business, and grand openings.

(Code 1989, § 92.147; Ord. of 9-28-1993; Ord. of 11-18-2003; Ord. of 3-9-2010)

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(c) The zoning and planning board may adopt such internal rules, regulations and bylaws for the proper operation of its business, and not inconsistent with this division, as the board deems necessary.

(Code 1989, § 23.13; Ord. of 3-23-1982)





**NAME:** Mike Williams

**POSITION:** Community Development Director

**REPORT DATE:** 9/2/24

**PREPARED FOR:** Town Manager & Council

## SUMMARY OF THE MONTH

\*CDD issued 20 permits in August (40 in July, 31 in June, 31 in May, 34 in Apr, 62 in Mar, 43 in Feb, 39 in Jan, 31 in Dec, 31 in Nov, 35 in Oct, 34 in Sept, 39 in Aug, 28 in July Includes 12 Zoning (July=20, June=12, May=12, Apr=12, Mar=19, 10=Feb, Jan=19, Dec=16, Nov=12, Oct=12, Sep=7, Aug=13, Jul=13

3 Lake Structure-includes shoreline stabilization (July=2, June=5, May=4, Apr=8, Mar=16, Feb=9, Jan=8, Dec=1, Nov=1, Oct=2, Sept=4, Aug=4, Jul=2

4 Land Disturbance (July=9, June=4, May=3, Apr=7, 9=Mar, Feb=4, Jan=4, Dec=1, Nov=1, Oct=3, Sept=3, Aug=3, Jul=2

and no Vacation Rental Operator permits (July=4, June=11, May=2, Apr=2, Mar=9, Feb=6, Jan=5, Dec=1, Nov=1, Oct=2, Sept=4, Aug=2; Jul=5, Jun=4, May=12, Apr=2, Mar=2, Feb=2, Jan=2, Dec=2, Nov=5, Oct=5, Sept=5, Aug=2, Jul=6, Jun=7). Active VROP's = 471 (total active permits based on our updated permit data)

\*Did Final Inspection/issued Certificates of Completion for 10 zoning or lake structure permits. (July 17, June=17, May=15, Apr=16, Mar=16, Feb=7, Jan=11, Dec=13, Nov=13, Oct=14, Sept=13, Aug=12, Jul=14, Jun=16)

## TOP ACCOMPLISHMENTS / PROJECT UPDATES

- 1) Zoning and Planning Board reviewed and declined (4-1) to make a recommendation regarding the two commercial structures proposed as the replacement Public Works facility at 622 Memorial Highway. As a Town project within the Government Use zoning, the project is by permitted by right and the Board's recommendations would have been in regard to the appearance of the project in relation to neighborhood character and physical site/building appearance. The "no recommendation" was forwarded to the Board of Adjustments for their review. The Board also began a review of the Town's sign regulations, including a presentation of new related NC regulations.
- 2) Board of Adjustments conducted quasi-judicial review of the Public Works facility project, reviewing the report for Zoning & Planning and hearing reports from the Public Works Director and the Board's Town Council liaison. The reports were in regards to the physical plans, including appearance; and the Council's process of determining the site, including consideration of the Comprehensive Plan. The Board voted unanimously to affirm the project with several recommendations relating to view screening and security fencing. The Board also conducted two quasi-judicial reviews of variance requests. First was to exempt a new business opening in the old retail space at 2400 Memorial Highway from the required parking delineators and ingress/egress limitations due to the limitations of the existing structure, parking and physical characteristics of the lot. The second was property owner's request to exceed the maximum allowed land disturbance area on his new home project from 50% to 52.75%, in order to meet the Town's other slope grading requirements. Both were approved. denied and recommended for Zoning and Planning Board consideration for ordinance change.
- 3) Lake Structure Appeals Board had no new business.
- 4) Obtained FCC final approval for cell tower. Groundbreaking to be announced!