



**TOWN OF MIDWAY
PLANNING & ZONING BOARD MINUTES
TUESDAY, APRIL 25, 2017**

**MINUTES OF MIDWAY PLANNING & ZONING BOARD MEETING HELD ON TUESDAY,
APRIL 25, 2017 AT 5:00 P.M. AT MIDWAY TOWN HALL, 426 GUMTREE ROAD, MIDWAY,
NORTH CAROLINA**

CALL TO ORDER

Chairman Jamie Hester called the meeting to order.

Planning & Zoning Board members present were: Charles Waddell, Jamie Hester, James W. Smith, Carl Tuttle and LeeAnn Thomas (arrived at 5:12 pm). Alternate: Vacant.

Town Planning Consultant Richard Smith, Town Manager Gary Looper, Town Clerk Linda Hunt and Deputy Clerk Tammy Robertson were present.

APPROVAL OF MINUTES

On motion by Board member Carl Tuttle, seconded by Board member Charles Waddell, the Board voted unanimously to approve the March 28, 2017 minutes as presented.

ADOPT AGENDA

It was requested by Board member Charles Waddell to amend the agenda amended to **ADD** the following as the last item under Other Business:

Town of Midway Sign Ordinance Review

On motion by Board member Charles Waddell, seconded by Board member James Smith, the Board voted unanimously to adopt the agenda as amended.

PUBLIC COMMENT PERIOD

There were none.

OTHER BUSINESS

DAVIDSON COUNTY SUBDIVISION ORDINANCE REVIEW

With the direction of Town Planning Consultant Richard Smith, the Planning Board reviewed and discussed the differences between the Davidson County and the Town of Midway's Subdivision Ordinances as follows:

1. Minor Subdivisions will be approved at staff level leaving only major subdivisions or variances from the regulations to be heard by the Planning Board.

Planning Board recommendation: Approval authority at Planning Board level.

2. Minor Subdivisions will not have to go through the plat process, but instead can be attached and recorded with the deed.

Not applicable if authority level remains at Planning Board level per no. 1 above.

3. Flag lots shall be allowed in major or minor subdivisions.

Planning Board recommendation: keep current Midway standards.

4. Lots can be created along existing private easements and driveways. No longer will all lots have to abut public streets.

Planning Board recommendation: keep current Midway standards.

5. Private roads will be able to serve up to four (4) lots without having to be built to state standards. Private roads will need a driveway permit from the NCDOT and must supply a turn-around for emergency vehicles.

Currently, Midway requires all private streets in major subdivisions to be built to state standards, with a homeowner's association plan for maintenance and a board to secure maintenance for the next 25 years. Davidson County also requires private streets in major subdivisions to be built to state standards along with a homeowner's association plan for maintenance but does not require the bond.

Planning Board recommendation: keep current Midway standards.

6. Driveway permits are required for major subdivisions and new proposed private roads.

Currently, Midway requires all proposed driveways and street connections to obtain permits from the NCDOT.

Planning Board recommendation: keep current Midway standards.

7. Sidewalks will no longer be required inside major subdivisions.

Planning Board recommendation: keep current Midway standards.

8. Cable or wire utilities shall not be required to be underground, but left up to developer.

Planning Board recommendation: keep current Midway standards.

9. Stormwater controls shall be enforced by the State, if deemed necessary.

Currently, Midway requires all major subdivisions to implement stormwater control measures such as retention/detention facilities, etc.

Planning Board recommendation: Adopt County standards; delete Midway section 406.3

10. Proposed easements will allow two (2) lots to be served, unless the easement is proposed as a private road whereby four (4) lots can be served. Existing easements already serving multiple properties may have additional properties added in lieu of improvements being made to the roadway.

Currently, Midway only has a definition for Common Access Easements which allow for a roadway to serve five (5) or fewer lots where the construction of a public or private road is not possible. However, this easement is not addressed anywhere in the ordinance. There is a definition of a private driveway which allows for no more than three (3) lots to be served, but that would be reduced to two (2) under the Davidson County Ordinance.

Planning Board recommendation: keep current Midway standards.

11. Define Minor Subdivision

Current County standard is ten (10) lots or less.

Planning Board recommendation: Define Minor Subdivision as five (5) lots or less.

On motion by Board member LeeAnn Thomas, seconded by Board member Carl Tuttle, the board voted unanimously to recommend to the Town Council adoption of the proposed amendment to the proposed Town of Midway Subdivision Ordinance with the following recommendations:

1. Major and Minor Subdivisions will be approved at the Planning Board level
2. Delete wording under Section 406.3 Stormwater and insert the following wording: Stormwater controls shall be enforced by the State, if deemed necessary
3. Define Minor Subdivision as five (5) lots or less. Current County standard is ten (10) lots or less.

DAVIDSON COUNTY WATERSHED ORDINANCE REVIEW

The Planning Board reviewed Davidson County's Watershed Ordinance. The Town does not have a Watershed Ordinance but does have approximately 1988 acres of land in a watershed jurisdiction. The County can assist the Town with its watershed district by emulating an interlocal agreement that allows County Administrators to administer county regulations within municipal jurisdictions without the Town adopting its own Watershed Ordinance. Davidson County Planning and Zoning currently has this agreement with the Towns of Denton and Wallburg.

On motion by Board member Charles Waddell, seconded by Board member LeeAnn Thomas, the Board voted unanimously to table the Watershed Ordinance discussion until their next regular Planning Board meeting scheduled for May 30, 2017 at 5:00 p.m. at Town Hall.

TOWN OF MIDWAY NOXIOUS GROWTH AMENDMENT REVIEW

At their March 28, 2017 regular meeting, the Planning Board recommended to the Town Council adoption of the County's Solid Waste Ordinance for the removal of junk from property located in the Town limits.

If the Town adopts the County's Solid Waste Ordinance, it would address the solid waste issues contained in the Town's current ordinance for the Control of Littering, Noxious Growth and Unpermitted Junkyard; however, it would not cover the noxious growth section of the ordinance. Town Manager Gary Looper advised the Board that the County does not have anything in place for enforcement of noxious growth regulations; therefore, in order to avoid conflicts in standards, Mr. Looper suggested amending the current ordinance to remove the littering and excessive accumulations of junk, solid waste and refuse sections but keeping the section on control of noxious growth in place.

On motion by Board member LeeAnn Thomas, seconded by Board member, James Smith, the Board voted unanimously to recommend adoption of the proposed amendment to the Littering, Noxious Growth and Unpermitted Junkyards Ordinance to the Town Council for the control of noxious growth within the Town

to eliminate the sections on littering and excessive accumulations of junk, solid waste and refuse.

TOWN OF MIDWAY SIGN ORDINANCE REVIEW

This item was added to the agenda.

Town Manager Gary Looper advised the Planning Board that it was just recently discovered that the Town's current Sign Ordinance adopted in May 2009 has regulations that were not codified and included in the Town's proposed Zoning Ordinance that was reviewed by the Planning Board at their January 31 and February 27, 2017 meetings. At their March 28, 2017 meeting, the Planning Board completed their final review of the proposed Zoning Ordinance and voted to recommend adoption of ordinance to Town Council.

Town Planning Consultant Richard Smith reviewed the following sections of the Town's current Sign Ordinance that had been erroneously omitted from the proposed Town of Midway Zoning Ordinance:

Sec. 7-2. Signs Subject to Control; Exceptions

All signs visible from the public right-of-way shall be erected, maintained, and operated in accordance with this ordinance and other relevant controls, unless specifically excepted. Signs not subject to the provisions of this ordinance are listed in Sec. 7.3. All signs and sign structures shall be kept in good repair and maintained in proper state of preservation.

Sec. 7-3. Signs Not Subject to Control

The following signs are not subject to control provided the signs comply with Sections 7-4, 7-5, and 7-6:

- A. Non-illuminated signs not exceeding two per lot and two square feet per face, not of a commercial nature and bearing only property identification numbers and names or post office box numbers and names of occupants of the premises.
- B. Flags and insignia of any government.
- C. Legal notices, identification and informational signs and traffic directional signs erected by or on behalf of a governmental body.
- D. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.
- E. Signs directing and guiding traffic on private property, not exceeding four square feet per face, and bearing no advertising matter.
- F. Signs, not exceeding 16 square feet per face and limited to two single-faced signs or one double-faced sign at each point of egress, giving the name of residential subdivisions, multiple family housing developments, or manufactured housing parks.
- G. Internally lighted or unlighted church bulletin boards and identification signs, not exceeding one per abutting street and 50 square feet in area per face.
- H. Signs not exceeding 16 square feet in area per face advertising agricultural products produced on the premises.

- I. Unlighted directional signs of non-profit organizations not exceeding 6 square feet in area per face.
- J. Signs of religious, charitable, civic, fraternal, political, or similar organizations, or of candidates for political office; such sign shall not exceed 16 square feet in area per face.
- K. Community civic association signs identifying the community, not exceeding 18 square feet in area per face.
- L. Historical markers erected or placed by a bona fide historical association or by a governmental agency.

Sec. 7-4. Traffic Safety Precautions

Notwithstanding any other provisions in this ordinance, the following practices in relation to signs are prohibited in order to preserve the safety of pedestrian and vehicular movement:

- A. No sign shall be erected so that any part of it intrudes into the sight preservation triangle established by Section 4-9.
- B. No sign shall use such words as "stop", "slow", "caution", "danger", or similar admonitions which can be confused with traffic directional signs erected by governmental agencies.
- C. No sign shall be erected so that, by its location, color, nature or message, it would tend to be confused with or obstruct the view of traffic signals or signs or would tend to be confused with the warning lights of an emergency or public safety vehicle.

Sec. 7-5. Restrictions on Direct Illumination, Banners, Streamers, Flashing Lights

No source of illumination on a sign, such as floodlights, spotlights, unshielded bulbs, etc., shall be directly visible from any public right-of-way, from any residential district or from adjacent premises. Devices consisting of banners, streamers, pennants, windblown propellers, strung light bulbs, and similar installations are not permitted. Animated, rotating, or other moving or apparently moving installations are prohibited.

Except as used to display time and temperature, no permanent or temporary sign shall contain flashing lights.

Sec. 7-6. Prohibited and Required Locations for Signs

- A. No sign, including the supports, frames and embellishments, shall be located within any public right-of-way.
- B. No sign shall be erected within 25 ft. of any permanent welcome signs that have been installed by the Town of Midway.
- C. Wall-mounted signs shall not extend/project more than six inches from any wall surface when less than eight feet above finish grade.
- D. Freestanding signs shall be setback from the property line/right-of-way minimum of five feet. This would include any portion of the sign. No freestanding business signs shall be placed on a vacant

piece of property.

Sec. 7-7. Zoning Compliance Permit Required

Before any sign, except those specifically exempted from the requirements of this Article, is erected or structurally altered, a Zoning Compliance Permit must be obtained.

Applications for permits shall be submitted on forms obtained at the office of the zoning enforcement officer. Each application shall be accompanied by plans, which shall:

- A. Indicate the proposed site by identifying the property by ownership, location and use.
- B. Show the location of the sign on the lot in relation to property lines and buildings, zoning district boundaries, right-of-way lines and existing signs.
- C. Show size, character, complete structural specifications and methods of anchoring and support.
- D. If warranted, the zoning enforcement officer may require additional information that will enable him to determine whether or not the sign will be erected in conformance with this article.

Sec. 7-8. Temporary Signs Not Requiring Permits

The following temporary, unlighted signs may be erected in the manner prescribed without the issuance of a Zoning Compliance Permit:

A. Real estate signs. For lots of less than five acres, a single sign on each street frontage may be erected. It shall not exceed four square feet in area per face, and may contain the message that the property is for sale, lease or rent and the name, address and phone number of the agent. Such signs shall be removed immediately after sale, lease or rental. For lots of five acres or more in area and having a street frontage in excess of 400 feet, a second sign not exceeding 32 square feet in area per face may be permitted.

B. Construction sign. A single construction site identification sign shall be permitted. It shall not exceed 32 square feet in area per face, and may contain in its message identification of the project, its owner and/or developer, architect, engineer, land planner, landscape architect, contractor and subcontractors. Such signs shall not be erected prior to issuance of a Building Permit and shall be removed within seven days of issuance of the Certificate of Occupancy.

C. Yard sale signs. Yard sales conducted upon residential premises shall be limited to three (3) consecutive days, and no more than four (4) such sales shall take place in any one calendar year. A subsequent sale must take place more than thirty (30) days after the last day of the preceding sale.

1. One sign may be placed upon a residential premise where the yard sale is taking place. For those yard sales taking place on a side street, one additional sign advertising the yard sale may be placed at the nearest intersection of a major road. For purposes of this ordinance, a major road shall mean Hickory Tree Rd, Hartman Rd., Gum Tree Rd., Midway School Rd., Payne Rd., and Old Hwy 52. Yard sale signs must not be attached to telephone poles or street signs and must be taken down at the end of the yard sale.

2. For the purpose of this ordinance, a yard sale is considered to be an accumulation of the

personal property being offered for sale and displayed in a yard, garage, barn, or porch of a residential premises.

All other temporary signs, including but not limited to any temporary sign that is tacked, nailed posted, glazed, or otherwise affixed to a light fixture, utility pole, public building, private building without the permission of the building owner, fence, railing, utility or light pole, traffic control device, or tree or to the ground, are hereby prohibited.

Sec. 7-9. Permitted Signs, Size and Number of

The number and size of permitted signs shall be as follows for the districts enumerated:

A. Signs in Residential Districts

The following signs may be erected in the RA-1, RA-2, RA-3, RS, RM1, and RM-2 districts in the manner prescribed upon issuance of a Zoning Compliance Permit:

1. A single non-illuminated identification sign having not more than two sign surface areas, each limited to sixteen square feet and containing the name of a residential subdivision, multiple family housing development, or manufactured housing park may be erected at each point of access to such development.
2. A single non-illuminated wall sign not exceeding three square feet in area and containing the name of a home occupation may be erected on the lot on which such home occupation is located.
3. A single non-illuminated or internally illuminated identification sign having not more than two sign surface areas, each limited to sixteen square feet and containing the name of the non-residential use permitted in a residential district may be erected on the lot on which such use is located.
4. The requirements and limitations for signs located in a Planned Development District shall be established in Article 5.

B. Signs in Non-Residential Districts

The size and number of permitted signs shall be as follows for the districts enumerated:

1. RC District. The total sign area shall be limited to two square feet for each linear foot of building footage on a street. The maximum number of signs permitted on a lot shall be two per establishment up to a maximum of six signs.
2. CS District. The total sign area shall be limited to three square feet for each linear foot of building frontage on a street. The number of signs on a lot shall be one per establishment up to a maximum of ten signs.
3. HC District. The total sign area shall be limited to two square feet for each linear foot of lot frontage along a street. The maximum number of signs on a lot shall be three per establishment up to a maximum of 10 signs.

4. LI and HI Districts. The total sign area shall be limited to three square feet for each linear foot of building frontage on a street up to a maximum of 300 square feet per face. The maximum number of signs on a lot shall be two per establishment up to a maximum of five signs.

5. O & I. The total sign area shall be limited to one square foot for each linear foot of building frontage on a street. The maximum number of signs permitted shall be one per establishment.

6. Outdoor Advertising Signs.

a. Outdoor Advertising signs, where allowed as a permitted principal use, shall be limited to a maximum area of 400 square feet per sign for each sign.

b. No two signs shall be spaced less than 300 feet apart.

7. Height of Free Standing Signs:

a. A limit of thirty-five (35) feet in height. In calculating the sign height the height of any sign located on a constructed berm or mound shall include the height of the berm or mound.

b. Signs located along interstate highways may not exceed fifty(50) feet in height unless the condition on additional height is met in the Table of Area, Height, and Placement Regulations.

Sec. 7-10 Prohibited and nonconforming signs in existence on effective date

A. Prohibited Signs. Any prohibited sign in existence on the effective date must be immediately removed and is subject to immediate removal by or on behalf of the Town.

B. Nonconforming Signs. Any nonconforming sign erected prior to the effective date of this Article shall be removed, changed, or altered to conform to the provisions of this ordinance within five years of the effective date of this Article. All nonconforming signs shall be identified and recorded at the effective date of this Article.

Notwithstanding anything in this article to the contrary, nothing in this Article shall require the removal of any “off-premises outdoor advertising” as that term is defined in N.C.G.S. § 160A-199.

On motion by Board member LeeAnn Thomas, seconded by Board member James Smith, the Board voted unanimously to recommend incorporating the additional sign regulations in the proposed Town of Midway Zoning Ordinance as outlined above to Town Council.

REPORTS

**TOWN OF MIDWAY
ZONING AND SIGN PERMIT REPORT
APRIL 25, 2017**

ZONING & SIGN PERMIT ACTIVITY

Permit #	Date	PIN	Add. #	Street Name	Permit Description	Applicant
Z-2017-01	1/03/2017	6841-03-40-4131	537	Garden Valley Drive	Living room addition on existing single-family home	Daniel Vines
Z-2017-02	1/17/17	6831-01-47-9043	1156	Quail Drive	32' x 28' detached garage	Lloyd Southern
Z-2017-03	1/31/17	6831-04-80-0343	11211, Unit #9	Old US Highway 52	Retail t-shirt store	Dewayne & Deborah Henderson
Z-2017-04	2/21/17	6830-02-85-6406	294	Eller Road	Manufactured home replacement	Teresa Smith
S-2017-01	2/27/17	6831-04-71-7702	189	Hickory Tree Road	Replacement signs (bank)	Burton Signworks Inc. (Monica Everhart)
Z-2017-05	3/7/17	6841-03-30-9105	131	Chinaberry Ln	12' x 30' accessory building	Michael Bailey
Z-2017-06	3/7/17	6841-04-63-1726	12073	Old US Highway 52	50' x 80' accessory farm structure (exempt)	Joe Zimmerman
Z-2017-07	3/28/17	6830-01-47-8775	474	David Smith Rd	1664 SFR home	Jennifer Nicole Smith
Zoning Certification	3/28/17	6830-02-89-0427	106	Hickory Tree Rd	CS – Convenience Store	Christina McComas w/Nelson, Mullins, Riley
Z-2017-08	4/4/17	6830-01-16-2267	116	Woodfield Dr	12' x 14' sunroom addition	Tracy Larson

Note: New permits/activity highlighted in yellow

**TOWN OF MIDWAY
CODE ENFORCEMENT REPORT
APRIL 25, 2017**

CODE ENFORCEMENT VIOLATIONS

Case Number	Date Issue/ Update	Address	Violation	Action	Status
V-2016-21	11/15/16	145 Woodfield Drive	Junk vehicles	NOV	abated
V-2016-20	3/7/17	1379 Country Ln	Junk vehicles	NOV	abated

V-2016-19	11/15/16	Corner of Gardner Ct & West Ln	Noxious growth	NOV	Town abated
V-2016-18	11/15/16	175 Lori Ln	Junk vehicle	NOV	abated
V-2016-17	9/20/16	1293 Country Ln	Overgrown grass	NOV	Abated 9/27/16
V-2016-16	8/23/2016	194 Woodtree Ln	abandoned vehicles; grass	NOV	abated
V-2016-14	8/23/2016	102 Woodtree Ln	abandoned vehicles; grass; auto parts storage; old wood	NOV	abated
V-2016-15	8/23/2016	376 Midbrook Run	Potential: Minimum Housing issues; weeds, debris	NOV	no change
	10/4/2016	323 Midbrook Run	Burned out structure		construction underway (permitted)
V-2016-09	3/7/17	213 Spry Rd.	Overgrown Grass	NOV	grass cut, no other changes
V-2016-08	8/25/2016	175 Gardner Ct.	Overgrown grass, bushes, trees down	NOV	abated
2016-07	8/25/2016	1845 Gumtree Rd	overgrown grass	NOV	abated

V-2016-06	8/26/2016	12387 Old Hwy 52	overgrown grass	NOV	abated
V-2016-05	3/7/17	196 Tro-Tod	Outdoor storage	NOV	owner purchasing storage bldg; no change
V-2016-04	8/2/2016	10693 Old Hwy 52	Operating lawnmower bus. Outdoor storage	NOV	no change
V-2016-03	11/15/2016	1847 Hickory Tree Rd	Operating illegal business	NOV	sign down; nothing on display
	8/2/2016	Old 52; hickory tree to gumtree	Tall grass in ROW		abated
	8/2/2016	271 Woods Lane	animal boarding; cars in & out; loose dogs; noise nuisance		abated; no new violations noted
	8/2/2016	261 Spry Rd; (neighbor)	Neighbor overgrown property		abated
	5/3/2016	1111 Country Ln	Tall grass		abated
	5/3/2016	1271 Country Ln	Tall grass		abated
	8/2/2016	377 Baxter Rd	potential illegal construction business		no evidence
V-2016-02'	3/16/2016	143 Sinkland Dr.	Noxious Growth	NOV; working with both property owners; working through drainage issue	Pending - Ongoing; Partially abated
V-2016-01'	4/18/17	298 Eastwood Dr.	Litter, Noxious Growth,	NOV; investigation - notice send	No change

			Unpermitted Junkyard	to nearby property owner	
V-2015-25	8/2/2016	269 Lori Lane	Possible Addition w/o permit	NOV	coordinate with Davidson Co. inspections
V-2015-24	8/2/2016	544 Lori Lane	Possible unsafe structure	NOV	coordinate with Davidson Co. inspections
V-2015-23	11/15/2016	450 Lori Lane	Junk Vehicles	NOV	abated
V-2015-22	11/15/2016	175 Lori Lane	High Grass, Possible Unsafe structure; junk vehicle	NOV	abated
V-2015-21	8/2/2016	Old 52 (next to K- Roo Express)	High Grass	NOV	abated
V-2015-19	7-14-15; 9-23-15	155 Lee St	Unscreened outdoor storage; high grass	Citation	No Action
V-2015-14/V-2016-12	4/18/17	210 Bobby Willard Rd	Noxious Growth,	NOV, Civil Citation	Abatement in progress
V-2015-13/V- 2016-11	4/18/17	146 Bobby Willard Rd	Noxious growth, debris, possible unsafe structure	NOV, Civil Citation	abated
V-2015-12/V- 2016-10	4/18/17	156 Bobby Willard Rd	Noxious growth, debris, possible unsafe structure	NOV, Civil Citation	abated

Note: latest activity shown in bold

ADJOURNMENT

On motion by Board member Charles Waddell, seconded by Board member LeeAnn Thomas, the Board voted unanimously to adjourn the meeting at 6:34 p.m.

Jamie Hester, Chairperson

Tammy H. Robertson, Deputy Clerk

