



TOWN OF BLACK MOUNTAIN

160 Midland Avenue ♦ Black Mountain ♦ N.C. ♦ 28711

Phone: (828) 419-9300 ♦ Fax: (828) 669-2030

MEMORANDUM

To: Town of Black Mountain Historic Preservation Commission
From: Jennifer Tipton, Zoning Administrator
Re: Agenda Packet for April 18, 2018
Date: April 9, 2018

The **Town of Black Mountain Historic Preservation Commission** will meet on **Wednesday, April 18, 2018 at 5:30 p.m.** in Town Hall at 160 Midland Avenue.

Please find the following items for your information and use at the meeting:

1. The proposed agenda;
2. Draft minutes from March 21, 2018 and
3. Guidelines/language for sandwich board signs, Beautification Commission signs, and newspaper boxes downtown.

Please let Jennifer Tipton know if you are **unable** to attend this meeting.
jennifer.tipton@townofblackmountain.org or (828) 419-9373.

The Town of Black Mountain is committed to providing accessible facilities, programs and services for all people in compliance with the American with Disabilities Act. Should you need assistance or a particular accommodation for this meeting, please inform Jennifer Tipton at (828) 419-9373 or by email at jennifer.tipton@townofblackmountain.org.

CC: Jessica Trotman, Planning Director
Ron Sneed, Town Attorney



PUBLIC NOTICE

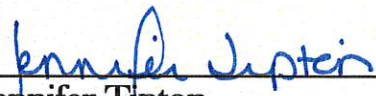
BLACK MOUNTAIN HISTORIC PRESERVATION COMMISSION

REGULAR MEETING

Wednesday, April 18, 2018 at 5:30 p.m.

The Black Mountain Historic Preservation Commission will meet for their monthly meeting on **Wednesday, April 18, 2018 at 5:30 p.m.** at Town Hall, 160 Midland Avenue, Black Mountain, NC.

The meeting is open to the public.



Jennifer Tipton
Zoning Administrator

The Town of Black Mountain is committed to providing accessible facilities, programs and services for all people in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or a particular accommodation for this meeting please contact, Jennifer Tipton, Zoning Administrator at (828) 669-2030 or by email at Jennifer.tipton@townofblackmountain.org

Posted to the Town Bulletin Board 03/28/18

www.townofblackmountain.org



**Historic Preservation Commission Regular Meeting
April 18, 2018**

PROPOSED AGENDA

- I. CALL TO ORDER**
 - Welcome
 - Declare Quorum
- II. ADOPTION OF AGENDA**
 - **Motion:** To adopt the agenda as presented [or as amended]
- III. ADOPTION OF MINUTES**
 - **Motion:** To adopt the minutes of March 21, 2018 as written [or as amended]
- IV. OLD BUSINESS**
 - None
- V. NEW BUSINESS**
 - Guidelines/language for sandwich board signs, Beautification Commission signs and newspaper boxes
- VI. COMMUNICATION FROM HISTORIC PRESERVATION COMMISSION**
- VII. COMMUNICATION FROM STAFF**
- VIII. ADJOURNMENT**

Sandwich board signs, A-frame signs, outdoor menu signs

Definition: A temporary sign used in conjunction with restaurants used to highlight daily menu specials and which is placed outside during business hours and removed while business is closed.

Section 9.3 – Signs Allowed Without a Permit

I. One, temporary and removable outdoor menu, exhibition, or event sign used in conjunction with restaurants, galleries, performing arts, or music hall uses, may be placed on the abutting sidewalk or on a strategic location for directional purpose on private or town property with permission. Such signs cannot exceed six square feet per side including sign face and support elements, must maintain a 48-inch or four feet of clear travel area between back of the curb and the sign, and must be removed after business hours.

Recommendation: Leave as it currently is.

Beautification Commission Signs

These are small signs that are placed in the flower beds that are cared for by the Beautification Committee. (Please see picture). The Beautification Commission is considered a civic club in that they are trying to improve the quality of the town through volunteers and host fundraisers to raise money for their improvement projects.

Section 9.3 – Signs Allowed Without a Permit

H. Municipal, school, recreational and civic club sponsored signs, schedule of events, rules and regulations and school and parking signs shall not require a permit, but must be approved by the zoning administrator if they exceed 48 square feet of aggregate surface area.

Recommendation: Leave as it currently is.

Newspaper Boxes

Definition: Newsrack: A self-service, coin-operated or free dispenser installed, used, or maintained for the display and sale of newspapers, periodicals, or other published material, including real-estate, arts, or other journals.

Section 5.18 – Newspaper and Periodical Distribution Boxes

The regulations of this section apply only to newspaper and periodical distribution boxes in the central business (CB) district.

- Distribution boxes shall be identified by a sign indicating: material to be deposited, the name of the owner, and the contact information of the person responsible for this box.

- Boxes shall be located away from the curb or roadway as much as possible and shall allow at least a 48-inch clearance area from the back of the curb to the box itself.
- Boxes shall be constructed of weatherproof, or exterior grade, materials and shall be kept clean and in good repair and appearance and shall be kept free of rubbish.
- Newspaper box or periodical distribution owners will furnish a schedule of delivery services for the box to the zoning administrator. Boxes empty for periods exceeding 30 days will be removed after the box owner is notified and lack of use confirmed with distributor.
- No more than six boxes may be clustered together on a first come first placement basis.
- Owners of distribution boxes not in compliance with these regulations shall be issued a notice of violation which shall allow 30 ^{days} ~~days~~ for the owner or interested party responsible to comply. If 30 days elapse after the notice of violation and no action is taken, the zoning administrator shall remove the box and notify the owner.
- Boxes removed by the zoning administrator for lack of compliance may be claimed within 45 days through the planning and development department. After 45 days, the department may dispose of unclaimed newspaper or magazine boxes.

The first step will need to be that all boxes downtown are identified and then information for each box is obtained from the owner.

After that, the ordinance is complaint driven if a box is empty or something like that.

Also included is an ordinance from Manteo, N.C. regarding newsracks that also addresses littering. This was due to the newsracks being blown over during hurricanes and the materials being scattered all along the roads and sidewalks.

2017-01 COD

ADD to chapter 38 Streets, Sidewalks and other public places Article I

Section 38-5. Newsracks.

- (a) *Purpose.* The purpose of this section is to provide for the regulation of newsracks. The Board of Commissioners has determined that newsracks of a certain design, due to their propensity for floating, tipping, and/or unintentionally opening due to wind or rain events, pose a health, safety and welfare concern to the Town of Manteo.
- (b) *Defined.* A *newsrack* is a self-service or coin-operated box, container or other dispenser used for distributing of newspapers or other printed material.
- (c) Newsracks shall not be allowed on public sidewalks unless the conditions of this section are met. After the effective date of this ordinance, no newsrack shall be placed on a public sidewalk until it has received a permit granted by the Town Manager or the Town Manager's designee. All newsracks in place prior to the effective date of this ordinance must be made compliant or be removed on or before April 1, 2017.
- (d) There shall be no charge made for the newsrack permit and it shall be issued provided that all of the following conditions are met:
 - (1) No individual newsrack shall exceed fifty (50) inches in height, twenty-four (24) inches in width, and twenty-four (24) inches in depth;
 - (2) Newsracks may be placed no closer than five (5) feet from the edge of a street curb, and shall be placed parallel to and no greater than six (6) inches from the sidewalk edge farthest away from the street curb, or the wall of a building which is adjacent to the sidewalk edge;
 - (3) Newsracks must be enclosed and must include a latching or locking mechanism that prevents the newsrack from opening due to weather conditions;
 - (4) Newsracks must be weighted or designed in such a manner as to prevent floating and/or tipping during a flooding event;
 - (5) Newsracks must be affixed with a sticker or other clear means of identification displaying the name and address and telephone number of the newsrack owner;
 - (6) Materials distributed or sold via a newsrack must be in compliance with N.C. Gen. Stat. § 14-190.1.
- (e) No newsracks shall be placed, installed, used or maintained:
 - (1) Within fifteen (15) feet of any fire hydrant;
 - (2) Within five (5) feet of any emergency call box or other emergency telecommunications equipment or any other emergency facility.

- (3) Within five (5) feet of any driveway or cross-walk.
- (4) Within five (5) feet of any area within the public right-of-way improved with lawn, flowers, shrubs, or trees.
- (5) At any location where the clear space for the passageway of pedestrians is reduced to less than five (5) feet.
- (6) Within a ten-foot radius of the points of intersection of the right-of-way of two (2) intersecting streets.
- (7) Within five (5) feet of any handicapped ramps or other facilities provided for handicapped persons.
- (8) Within five (5) feet of any building access, exits or any emergency access or exit ways.

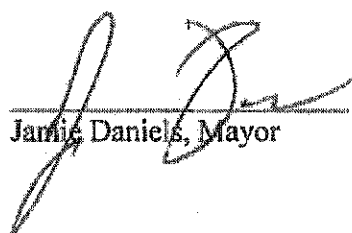
(f) It shall be the responsibility of the newsrack owner to keep the newsrack:

- (1) Reasonably free of dirt and grease;
- (2) Reasonably free of chipped, faded, peeling, and cracked paint;
- (3) Reasonably free of rust;
- (4) Free of graffiti;
- (5) Free of third party advertising stickers or fliers;
- (6) In good working order, with clear plastic or glass parts reasonably free of cracks, dents, scratches, abrasion, and discoloration.

(g) In the event of failure of the locking or latching mechanism of a newsrack for any reason, resulting in the escape of the printed materials contained within the newsrack, it shall be the responsibility of the newsrack owner to clean up such printed materials. Failure by the newsrack owner to clean up such printed materials shall be littering in violation of N.C. Gen. Stat. § 14-399, and shall punishable in accordance therewith.

(h) *Penalty.* Except as provided otherwise herein, penalties for violation of this Section shall be administered as prescribed in Section 1-6.

Adopted this 4th day of January 2017


Jamie Daniels, Mayor

ATTEST:


Becky Breiholz, Town Clerk

