

**TOWN OF EMERALD ISLE
PLANNING BOARD MEETING
MONDAY, OCTOBER 25, 2010**

Chairman Jim Craig called the meeting to order at 6:00 pm. Members present were: Jim Craig, Ken Sullivan, Pete Wachter, Eddie Barber. Also present was Kevin Reed, Planning and Inspections Director.

A motion to excuse Bill Keadey, Tom Kelly and Bob Smith was made by Eddie Barber. The motion was seconded Ken Sullivan and passed unanimously (4 to 0).

A motion was made by Ken Sullivan to approve the minutes of the Planning Board meeting held on September 27, 2010. The motion was seconded by Pete Wachter and passed unanimously (4 to 0).

Mr. Reed advised that for the month of September the Planning and Inspections Department had issued no permit for new home and a total estimated value for all permits in excess of \$286,510. This brings the fiscal year total to over \$2.1 million in construction value and the department has collected approximately \$28,720.35 in permit fees.

Discussion regarding the Town's Unified Development Ordinance (UDO) and the regulation of a farmer's market.

Mr. Reed informed the Planning Board that since the last meeting on September 27, 2010 Town staff has had several discussions with the person who was interested in developing the farmer's market and their business plans have changed which they have decided not to develop a farmer's market. Their intent to pursue with the development of their property in a more traditional commercial retail project. Since it is very unlikely that another property owner will propose to develop a farmers market, staff is recommending to the Planning Board that no further work be done on potential amendments to the UDO at this time. Jim Craig asked where this development would be. Mr. Reed advised that it would be along Emerald Dr.

A motion was made by Ken Sullivan to table the amendment to the Unified Development Ordinance (UDO). The motion was seconded by Pete Wachter and passed unanimously (4 to 0).

Discussion regarding a possible amendment to Chapter 6, "Development Standards" Section 6.1.4, "Planned Unit Developments", of the Town's Unified Development Ordinance (UDO).

Mr. Reed informed the Planning Board that Town staff met with the representatives from Watson-Mathews Real Estate regarding a concern they have with their proposed Bell Cove Village Planned Unit Development (PUD) and certain requirements of the Town's Unified Development Ordinance (UDO). The specific concern raised is the requirement set forth in Section 6.1.4,(6)(D)(i) of the UDO which requires the following:

- (i) Any wall constructed on the side or rear lot lines shall be a solid, windowless, doorless wall. If there is an offset of the wall from the lot line, such offset shall be a solid, windowless, doorless wall or be located the applicable setback distance from the side or rear lot line as applicable as required by this Unified Development Ordinance for the zoning district in which the property is located.

Mr. Reed explained the result of this requirement in the UDO is that any wall on a zero lot line must be windowless and doorless unless the wall is located the applicable setback (15 feet) from the property line. This section is problematic for the developers of the Bell Cove Village PUD because some of the house plans for the project would require bedrooms to be located on the portion of a lot adjacent to a zero lot line. The UDO requires the wall to have no openings located along the zero lot line; however, the NC Building Code requires sleeping rooms to have at least one window opening for egress and rescue purposes. Town staff suspects that the “no opening” requirement is found in the UDO because of another requirement of NC Building Code. The NC Building Code states that any wall of a dwelling that is constructed within 3-feet or less of a property line must be a fire rated wall with no openings or penetrations. Town staff does not believe that the no opening requirement in the UDO is based on any planning principals, but was placed within the Town’s development regulations because of the NC Building Code requirement that any wall within 3 feet be a solid wall with no openings. Mr. Reed advised that the current language in the UDO prohibiting openings is more stringent than the NC Building Code. The NC Building Code does allow for openings in a wall if it is located 3 feet or more from a property line. Mr. Reed asked the Planning Board to consider a potential amendment to the UDO that would be consistent with both of the aforementioned building code requirements. One possible amendment for the Board to consider would be to amend Section 6.1.4,(6)(D)(i) of the UDO to read as follows:

- (i) Any wall constructed on the side or rear lot lines be a solid, windowless, doorless wall if the wall is located less than three (3) feet from any side or rear lot line with a zero side or rear yard setback.

Ken Sullivan asked if the windowless, doorless section be omitted from the ordinance. Mr. Reed Indicated that staff was trying do a simpler approach than just removing this section. Ken Sullivan asked if the setbacks were 20 feet in mobile home parks. Mr. Reed advised that it is, but it is required by the Town and was not a NC Building Code requirement. Mr. Reed informed the Board it was put in the ordinance for the Fire Department to have easier access between the mobile homes.

A motion was made by Eddie Barber to recommend the amendment to the Board of Commissioners. The motion was seconded by Pete Wachter and passed unanimously (4 to 0).

Comments

Eddie Barber asked if work was allowed on Sundays. Mr. Reed advised that there is no work allowed by contractors, only by homeowners. Mr. Barber asked what were the hours allowed for work to be preformed. Mr. Reed informed him they were from 7am to 7 pm. Monday thru Saturday.

Chairman Craig gave a brief report on behalf of the Emerald Isle Sea Turtle Protective Program.

There being no further business to come before the board, a motion was made by Eddie Barber to adjourn. The motion was seconded by Ken Sullivan and passed unanimously (4 to 0). The meeting was adjourned at 6:23 PM.

Respectfully submitted by:

Peggy Grammer, Secretary
Town of Emerald Isle Planning Board