

**TOWN OF EMERALD ISLE
PLANNING BOARD MEETING
MONDAY, SEPTEMBER 27, 2010**

Chairman Jim Craig called the meeting to order at 6:00 pm. Members present were: Jim Craig, Ken Sullivan, Bill Keadey, Pete Wachter, Bob Smith, Eddie Barber and Tom Kelly. Also present were Kevin Reed, Planning and Inspections Director, Peggy Grammer, Permit Technician.

A motion was made by Bob Smith to approve the minutes of the Planning Board meeting held on July 19, 2010. The motion was seconded by Pete Wachter and passed unanimously (6 to 0).

Mr. Reed advised that for the month of August the Planning and Inspections Department had issued 1 permit for new home and a total estimated value for all permits in excess of \$729,800. This brings the fiscal year total to over \$1.8 million in construction value and the department has collected approximately \$22,440 in permit fees.

Discussion regarding a possible amendment to Chapter 4, “Use Regulations”, Section 4.2.6, “Mobile Homes”, of the Unified Development Ordinance (UDO).

Mr. Reed informed the Planning Board Members that the Town’s current Unified Development Ordinance (UDO) restricts the age of mobile homes that may be set-up in the Town. Specifically, Section 4.2.6 of the UDO contains the following:

“In no case shall there be more than one (1) mobile home be allowed per lot. The mobile home shall be no more than five (5) years old at the time the mobile home is placed or installed on the lot.”

The existing language in the UDO was recently discussed with Town Attorney Richard Stanley and he agreed that the Town’s current restriction limiting the age of homes is problematic in light of a case in which Pasquotank County’s restriction on the age of mobile homes was held to be invalid by the N.C. Court of appeals.

Mr. Reed advised the Planning Board that the U.S. Department of Housing and Urban Development (HUD) establishes the guidelines and construction standards for mobile homes/manufactured which is know as HUD code. As of July 1994, HUD designated three categories for mobile homes according to Zones 1, 2 and 3. These zones corresponded to the homes potential exposure to high winds. Zone 3 homes are potentially subject to the highest winds and have the most stringent wind requirements. The NC Building Code incorporates theses wind zone standards and requires all mobile homes set-up in the Town of Emerald Isle to be Zone 3 homes. Based on the discussion with Richard Stanley, and with his guidance, we have developed alternative language for Section 4.2.6 of the UDO that should insure that the Town is not subject to a successful legal challenge over its age restriction on mobile homes. The proposed amendment to the UDO is as follows:

In no case shall there be more than one (1) mobile home be allowed per lot. In the event a mobile home is replaced or installed on a lot after the effective date of the ordinance, the mobile home shall qualify and meet the Zone 3 home requirements defined by the US

Department and Urban Development (HUD) in order to qualify for a building and transportation permit.

Mr. Reed advised that the proposed amendment would make the requirements of the Town's UDO consistent with the N.C. Building Code for homes that can be placed in Emerald Isle. The result of the amendment is that no mobile home constructed prior to July of 1994 could potentially be set up in the Town.

Pete Wachter asked if the county regulated the five year standard. Mr. Reed informed that he did not know what the County's regulations were but that the Town's five year restriction was not based on any County-wide standard. Ken Sullivan asked how the inspections department verified that it is a zone 3. Mr. Reed informed the members that all manufactured homes have a data plate that indicates it is a Zone 3 home. Jim Craig asked if doublewides were required to be a Zone 3 and did we have many double wide permits issued. Mr. Reed informed him that they are required to be Zone 3 and we do issue permits for them. Bill Keadey asked if the Zone 3 requirements changed 30 years from now how it would affect our ordinance. Mr. Reed advised that the ordinance would change with the HUD standards.

A motion was made by Pete Wachter to recommend to the Board of Commissioners that the amendment to the Unified Development Ordinance (UDO) be approved. The motion was seconded by Eddie Barber and passed unanimously (6 to 0).

Consider a discussion regarding the Town's Unified Development Ordinance (UDO) and the regulation of a farmers market.

Mr. Reed informed the Planning Board that Town staff had met a local business/property owner who expressed a desire to potentially develop a farmer's market. Town staff has reviewed the Unified Development Ordinance (UDO) and the current UDO is "silent" on this type of land use. It is anticipated that such a use will need to be defined in the UDO and placed in the tables of permitted and special uses. Prior to undertaking the drafting of any potential amendments to the UDO, Town staff would like to get feedback on several questions as follows:

1. Do you think a farmer's market is a type of business that should be allowed in the Town? If so, in what zoning districts should such a use be permitted?

Ken Sullivan expressed that it should be allowed in the Village East and West, and Business zone. Pete Wachter agreed it should be in a confined zoning area. Tom Kelly suggested it restricted to Village East and West.

2. Should a farmer's market be a permitted use or should a special use permit be required?

Ken Sullivan suggested it be Permitted use.

3. It anticipated that the construction of farmer's market would go through the commercial review process. Should this process or the design standards for commercial buildings be amended in any way to specifically govern a farmer's market?

Eddie Barber expressed as a business owner it would only be fair that it have the building standard as other businesses in the town. Mr. Reed suggested that it should go in front of commercial review as other businesses have had to do and meet the Town requirements.

4. Since the vendors in a farmer's market can be transient in nature, do you foresee any conflicts with such an establishment and the Town's current prohibition on itinerant merchants?

Ken Sullivan suggested the farmer's market should consist of produce, plants and things of that nature, no live stock or crafts.

5. Do you foresee any conflict with a farmer's market and established businesses in the Town?

Discussion with all Board members, there should not as long as they proceed as the standards of other businesses in the Town.

6. Should a farmer's market be limited to only allow the selling of produce and prepared foods? Should other types of vendors, crafts, clothing, etc be permitted in the market?

As discussed early it was mutually agreed that it should be restricted to produce and prepared foods as well as plants.

7. Should the market allow transient vendors of all types or some of the restrictions above?

It was agreed that there should be restrictions.

Jim Craig indicated that the Planning Board had provided some direction to staff based on the foregoing questions. Town staff will proceed with work on the potential amendments to the UDO and report back to the Board in October.

Comments

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 Pete Wachter to adjourn. The motion was seconded by Ken Sullivan and passed unanimously (6 to 0). The meeting was adjourned at 6:40 PM.

Respectfully submitted by:

Peggy Grammer, Secretary
Town of Emerald Isle Planning Board