

**TOWN OF EMERALD ISLE
PLANNING BOARD MEETING
MONDAY, MAY 23, 2016**

Chairman Ken Sullivan called the meeting to order at 6:00 pm. Members present were, Jim Osika, Steve Leroy, Tom Minnick, Mark Taylor, Paul Schwartz and Ryan Ayre. Also present was Josh Edmondson, Town Planner, Mayor Eddie Barber, Kris Shoffner, Krystal Tyndall and Paul Musco.

A motion was made by Ryan Ayre to approve the minutes. The motion was seconded by Jim Osika and carried unanimously 6-0.

SUBJECT: Discussion of Text Amendments to Chapter 4 Use Regulations adding the use Incidental Outdoor Entertainment & Chapter 10 Definitions and Rules of Interpretation

The Planning Board and Staff discussed the proposed amendment. Mr. Edmondson stated because of recent ownership changes of businesses and inquiries from new businesses, staff had been analyzing the Town's requirements for outdoor music and/or artistic type performances. Mr. Edmondson said the current use is specifically listed as Musical, dance, dramatic, and other artistic programs or events, outdoor. Such an outdoor use is currently permitted in the government district and by special use in the camp, business and village east/west districts. Staff went over the existing provisions of the ordinance as listed below:

4.2.3 - Musical, Dance, or Events, Outdoor Dramatic, and Other Artistic Programs

All applications and permits for special uses for outdoor dances, outdoor music, outdoor drama, and similar outdoor amusements must comply with the following additional requirements:

- (1) The application for a special use must be accompanied by a site plan showing the dimensions of the property, the location and size of any proposed stages, the location and dimensions of the dance area, proposed seating arrangements for customers and participants, and the location and dimensions of the parking areas. Additionally, the site plans must indicate accesses to streets.
- (2) If night activities are proposed, a lighting plan must accompany the application for a special use permit describing the exterior lighting plan, location of all exterior lights, wattage, direction of illumination, and methods of shielding the lighting from adjacent areas.
- (3) The application for a special use permit must also include information concerning the type and manner of amplification of music and sound, type of activities to take place on the site and the audible range of the music and the sound from their amplification.
- (4) The application for a special use permit shall contain the following information:
 - (A) The maximum capacity of the facility.
 - (B) The frequency and hours of operation for the events and facilities proposed.
 - (C) All law enforcement and public services which may be required or necessary for the events and facilities.
- (5) If night activities are proposed, all lighting must be shielded from adjacent areas.
- (6) The applicant shall indicate and provide off-street parking of not less than one (1) space for each three (3) customers or participants. Provided, the Board of Commissioners may reduce the parking

requirements or allow parking off the premises on land in close proximity to the proposed use if the land is under the control of the applicant.

(7)

The special use permit will be for such length of time as set forth in the permit issued by the Board of Commissioners, but shall be for a period not exceeding twelve (12) months. Provided, the special use permit may be renewed for one (1) or more successive periods not exceeding twelve (12) months each by the Board of Commissioners following recommendation by the Planning Board.

Mr. Edmondson said the current use and accompanying standards bring certain points forth about existing businesses having periodic outdoor entertainment secondary to the principal use. Staff stated several restaurants and establishments already have live music outdoors periodically with none requesting a special use permit to do so. Mr. Edmondson inform the Board that staff interprets those standards to be better applicable to a primary use of property for outdoor performances rather than an incidental/secondary use

Staff said it was their opinion, we would be better suited to create a new use with standards that somewhat mirror those existing in 4.2.3. Staff went over the proposed amendment with the Board as listed below:

4.2.13 Incidental Outdoor Entertainment

An application for a zoning permit for incidental outdoor entertainment must comply with the following additional requirements:

(1)

The application for a zoning permit must be accompanied by a site layout showing the dimensions of the property, the location of the entertainment area and how the area is proposed to be partitioned, the location and size of any stage, the location and dimensions of the dance area, proposed seating arrangements for customers and participants, and the means of ingress and egress to the outdoor entertainment area.

(2)

If night activities are proposed, a lighting plan must be submitted showing the location of exterior lights, wattage, direction of illumination and methods of shielding lighting from adjacent areas.

(3)

Information concerning the type and manner of amplification of music and sound, the audible range of the music and the sound from their amplification is needed.

(4)

The entertainment shall be for those patrons of the business conducting said activity.

(5)

The application for a zoning permit shall contain the following information:

(A)

The maximum occupancy of the facility

(B)

The frequency and hours of entertainment (must comply with Town's Noise Ordinance)

Mr. Edmondson said staff believes these are very applicable and amicable standards for the businesses and adjacent properties. It is both protecting the business owner and looking out for the interest of those adjacent properties as well. Mr. Edmondson stated the Town currently permits live music/entertainment on our governmental property as permitted on the table of uses and that the Town is continually striving to insure we are holding ourselves to a higher standard and are in full compliance with ordinances and regulations. Staff stated it would seem that we should permit businesses to operate in a similar fashion by similar guidelines as the Town regarding outdoor entertainment being permitted. Staff then went over the enforcement actions as outlined in Chapter 9 Enforcement of the Unified Development Ordinance if businesses were found to be in violation of their zoning permit for such use. Mr. Edmondson then went over the below definition amendment adding Incidental Outdoor Entertainment to Chapter 10 Definitions:

Incidental Outdoor Entertainment

Shall include music, dance, drama or similar artistic programs which is clearly incidental and secondary to the primary commercial use of the property, does not change the primary commercial property use, and meets all applicable requirements of this Ordinance.

After considerable discussion a motion made by Ryan Ayer and seconded by Paul Schwartz approving the amendment to Chapter 4 Use Regulations. The motion carried 6-0. A second motion was made by Ryan Ayre and seconded by Mark Taylor approving the amendment to Chapter 10 Definitions. The motion carried 6-0.

SUBJECT: Discussion of request to Rezone Town owned parcels from R2 & RMF to Government

Mr. Edmondson stated with the improvements of the Boat and Wildlife parcel over the last several years and the newly added Jean Preston Memorial Park area, the Town is interested in rezoning the 4 Town owned parcels from R2 & RMF to Government. In total, the parcels are about 28 acres in size and are boarded by Bogue Sound to the North and Emerald Drive to the South. Mr. Edmondson said the current uses of these 4 parcels are compatible with the surrounding parcels which are zoned R2 for single/dual family and all surrounding parcels have been developed for single/dual family purposes except for the parcel where Chapel by the Sea is located. Staff pointed out there are many similar uses that are allowed in both the Government and R2 districts and uses that differ.

Mr. Edmondson said the Town has a 99-year lease on the boat and wildlife ramp in which it has to remain as a public water access facility. Numerous State grant funds totaling close to \$3,000,000 were rewarded to the Town to develop this parcel as well as Town and County funds. The Town also received \$225,000 in grant funds to develop the Jean Preston Memorial Park as well as donations from citizens and Town funds. Mr. Edmondson told the Board this information was included just to show the tremendous investment that has been made to develop these parcels for the current uses and because of this and grant funding requirements these parcels could not be redeveloped for any other purpose or use allowed in the Government Zoning District.

After discussion, Mary Taylor made a motion to approve the rezoning request. The request was seconded by Paul Schwartz and passed 6-0.

Subject: Report from Town Planner

Town Planner, Josh Edmondson gave his report on the monthly Inspection figures from April 2016. Mr. Edmondson gave a brief review of the Landuse Plan update and the board training scheduled for June.

Subject: Comments from Planning Board

No comments

There being no other business a motion was made by Mark Taylor and seconded by Jim Osika to dismiss the meeting which carried 6-0.

Respectfully submitted by:

Josh Edmondson, Secretary
Town of Emerald Isle Planning Board