



Nice Matters!

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DATE: July 5, 2016
TO: Frank A. Rush, Jr, Town Manager
FROM: Josh Edmondson, CZO, Town Planner
SUBJECT: **Text Amendment to Chapter 8 Nonconformities**

We have been discussing the issue of the handful of off-premises signs along NC 58 for some months now. The Town is committed to continuing the enhancement of the Town streetscape and over all appearance. We have recently installed new street trees, lighting and additional improvements in the Village East area. As you are aware, we have provisions that allow the continuation of nonconforming signs which is as follows:

8.2 - NONCONFORMING SIGNS

8.2.1 - Intent

Signs in existence prior to the adoption of the regulations from which this Unified Development Ordinance is derived and that do not conform to the provisions of this Unified Development Ordinance are declared nonconforming signs. The policy of the Town is that the eventual elimination of nonconforming signs is just as important to the health, safety, welfare, and appearance of the Town as is the prohibition of new signs that would violate this Unified Development Ordinance.

8.2.2 - General Provisions

Nonconforming signs may be continued, provided that they:

- 1) Were erected prior to adoption of the various sign regulations from which this Ordinance derives, and with which they are in violation.
- 2) Are not changed or replaced with another nonconforming sign, nor modified in any way except as noted in [section 6.6.7](#).
- 3) Shall not be expanded or relocated.
- 4) Shall not be re-established after damage or destruction in excess of fifty (50) percent of the sign square footage at the time of the damage or destruction.
- 5) Shall not be modified in any way that increases their degree of nonconformity.
- 6) Shall be removed within ten (10) days of the close of the business that they advertise.

Those existing off-premises nonconforming signs were supposed to age out completely over time. This is the intent of the nonconforming regulations. However, working within these above guidelines the owners of these signs do the bare minimum allowed for their continuation. The sign facings can be replaced but the supporting structure can only be maintained. This has led to unsightly conditions of some of these signs. We realize the signs are important to the owners and they will do what is needed to keep in place.

There are currently 9 off-premises sign locations. The amendment establishes January 1, 2006 as the cutoff date for an off-premises sign established on or before that date. The regulations as proposed would allow an off-premise sign to be replaced or reestablished if already removed.

There is only one sign Camp Ocean Forest, two if you count Bogue Inlet Pier that would be reestablished. The sizes and heights are modeled after our sign regulations.

The Planning Board discussed this at their March and April 2016 meetings. Most members were not supportive of the amendment as presented. In fact, a few members proposed a sunset period which at a certain date would require the owner to remove the sign. The idea was even put out to allow them to replace the sign while imposing a sunset clause. Another thought of the Planning Board was allowing the owners to "freshen up" the signs. The Planning Board ultimately decided to oppose the amendment as presented. The Planning Board members felt the signs need to eventually need to be removed one way or another and we would be setting a precedent for others.

Attached to this memo is the ordinance amendment, along with pictures of the off-premises signs and a map depicting each location. Note that each picture is numbered to correspond with the number on the map. I look forward to discuss this with the Commissioners at their July 12, 2016 meeting.