

**TOWN OF EMERALD ISLE
PLANNING BOARD MEETING
MONDAY, MARCH 21, 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, Frank Rush, Town Manager, Mr. and Mrs. John Wooten, Marvin Pate, and representatives from John's Golf Carts.

A motion was made by Paul Schwartz to approve the minutes with a few minor changes. The motion was seconded by Mark Taylor and carried unanimously 6-0.

SUBJECT: Text Amendment to Chapter 4: Use Regulations

The Planning Board and Staff discussed this request. Mr. Edmondson stated that staff has recently had inquiries from golf cart rental companies about the potential to allow rental operations in the Town. Golf cart sales and rentals are not a permitted use as outlined on the Table of Permitted Uses. Mr. Edmondson stated when the Town started the current golf cart program back in 2010, it was thought best at that time rental businesses not be allowed in Town. The program was new and staff did not have the experience in administering a program of this sort. Mr. Edmondson informed the Board he had been in discussion with the Town Manager about this issue and both feel now was a good time to move forward with proposing the amendment before the Board.

Mr. Edmondson discussed with the Board the amendment as follows:

- Adding a new use golf cart sales and rentals to the table of permitted and special uses as a permitted use in the business, village east, village west and marina village zoning districts
- Adding new use standards
4.2.12 – Golf Cart Sales and Rentals
In addition to complying with all other applicable provisions of this Ordinance and, all businesses that sale and/or rent golf cars shall only be allowed according to the following specifications and standards:
 1. A minimum two (2) day rental period
 2. Outside display of golf carts shall be limited to five (5) at any one time
 3. Shall have a physical place of business (brick and mortar type) in Town
 4. Loading and unloading of golf carts shall not impede the movement of traffic and pedestrian activity
 5. The total number of golf carts allowed per business to operate at any one time shall be fifty (50)
 6. Rules for operating a golf cart on a public street, road or highway within the Town shall be posted on every golf cart registered with the Town and a copy given to each person operating a golf cart

After considerable discussion and input from the golf cart rental companies in attendance, the Board felt the Town should not regulate the minimum rental period or the number of carts allowed for each company. A motion was made by Paul Schwartz to remove number 1 and 5 of the proposed Section 4.2.12 and approve the amendment. The motion was seconded by Tom Minnick and carried 6-0.

SUBJECT: Text Amendment to Chapter 8: Nonconformities

The Planning Board and Staff discussed the request. Mr. Edmondson stated the Manager and he have been discussing the issue of the handful of off-premises signs along NC 58. The Commissioners and staff are committed to continuing the enhancement of the Town streetscape and over all appearance. Mr. Edmondson spoke of the recently installed street trees, lighting and Town Manager Frank Rush spoke to these issues as well. Mr. Rush also spoke on the desire to make these signs look more attractive and appealing to obtain the desired look of the Town. Staff stated that current nonconforming sign code only allows for maintenance and sign facing/wording changes. The framing cannot be altered in anyway which has led to the unsightly appearance. Mr. Edmondson provided a copy of the current code concerning nonconforming signs below:

8.2 - NONCONFORMING SIGNS

8.2.1 - Intent

Signs in existence prior to the adoption of the regulations from which this Development Ordinance is derived and that do not conform to the provisions of this 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 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.

Staff stated 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 guidelines the owners of these signs do the bare minimum allowed for their continuation. Mr. Edmondson stated the importance of this signage to the owners and the fact they will continue to use the current code to keep the signs. Mr. Edmondson provided a map of the current 9 off-premises sign locations. The amendment proposed January 1, 2006 as the cutoff date for an off-premises sign established on or before that date. Mr. Edmondson stated the proposed amendment would allow an off-premise sign to be replaced or reestablished if already removed. The sizes and heights that were presented to the Board were modeled after current Town sign regulations. The amendment proposed to the Board was as follows:

- 8.2.3 – Special Provisions for Off-premises Signs

Off-premises signs and billboards are not permitted as per the adopted Ordinance. Nonconforming sign locations which had off-premises signs established on or prior to January 1, 2006 may be replaced or reestablished provided the following:

- (1) Shall not increase the number of off-premises signs at location
- (2) Shall have a maximum size of Fifty (50) square feet or the original square footage of the sign as established on or prior to January 1, 2006. The more stringent of the two (2) shall apply.
- (4) Shall not exceed fifteen (15) feet in height or the original height of the sign as established on or prior to January 1, 2006. The more stringent of the two (2) shall apply.
- (3) Shall not increase the number of sign facings

The Board had considerable discussion on the amendment as proposed. Members discussed several options which included a sunset clause, allow replacing with a sunset clause or simply leave the current regulations as is. Because of the sensitivity of the issue and providing an opportunity for feedback from those sign owners, a motion was made by Paul Schwartz to table the issue until the April Board meeting and invite those sign owners to attend. The motion was seconded by Tom Minnick. The Board had more discussion about inviting the owners without first having further discussion about the matter. A substitute motion was made by Tom Minnick to table the issue until the April meeting for further discussion and then invite those sign owners to the May meeting. The motion was seconded by Mark Taylor and passed 6-0.

SUBJECT: Amendment to Chapter 6: Development Standards

Ryan Ayre made the motion to table this item until the April meeting. The motion was seconded by Steve Leroy and carried 6-0.

Subject: Report from Town Planner

Town Planner, Josh Edmondson gave his report informing about the Commissioners approval the Commercial Review of the Islander Suites. A brief overview of the monthly Inspection figures were provided for January and February 2016. Mr. Edmondson gave a brief review of the Landuse Plan update and the board training scheduled for June.

Subject: Comments from Planning Board

Mark Taylor had comments concerning connecting the area between Ocean Reef and the dogleg (Ocean Dr. and Emerald Dr.) to allow golf carts to move from the eastern and western ends of Town. The Board discussed and the Town Manager, Frank Rush, said he would look at the options.

There being no other business a motion was made by Steve Leroy 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