



Nice Matters!

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January 12, 2016

MEMO TO: Mayor Barber and Board of Commissioners
FROM: Frank A. Rush, Jr., Town Manager
SUBJECT: Proposed Sign Ordinance Amendments – Non-Profit Event Signs

The Board of Commissioners will review proposed amendments to the Town's sign ordinance regarding non-profit event signs at the January 12 meeting. The proposed amendments outline new regulations regarding the material, quality, and placement of signs for non-profit events in the NC 58 right of way (and other Town right of ways), and seek to balance 1) the strong desire to support and promote these events with 2) community aesthetics goals and 3) a desire to be consistent with commercial sign ordinances in the Town.

The proposed amendments are presented after previous Board discussions in August 2015 and December 2015 regarding the desired installation of new, electronic community information signs at strategic locations along NC 58 to replace the currently allowed non-profit event signs in the NC 58 right of way. (As you know, the FY 15-16 budget includes \$10,000 for the purchase and installation of such signs.) After learning this past fall that the NC Department of Transportation would not allow the new, electronic community information signs in the NC 58 right of way (and lacking strategic private land along NC 58) and reviewing other alternatives, the Board directed Town staff to proceed with minor amendments to the Town's sign ordinance to achieve the desired balance between support for these events, community aesthetics, and consistency with commercial sign ordinances.

The Town's current ordinance regarding non-profit event signs declares the following to be exempt from the Town's sign ordinance:

SIGN, TEMPORARY

A sign that is an advertising display constructed of cloth, canvas, fabric, plastic, paper, plywood, or other material intended to be displayed to inform the public of an unusual or special event sponsored by a non-profit, public, charitable or religious organization. Such signs shall not exceed thirty-two (32) square feet in area per display surface. The signs may be erected not more than thirty (30) days prior to the event and must be removed within ten (10) days following the completion of the event. Each such event shall be limited to a maximum of six (6) signs. Such signs may be placed in a street right-of-way; provided that the sign is placed in such a manner as to not obstruct driver vision of any vehicle entering a roadway from any street, alley, driveway, or parking lot.

The proposed amendments would continue to treat these signs as exempt from the Town's sign ordinance, but with the changes noted below:

SIGN, TEMPORARY

A sign that is an advertising display constructed of ~~cloth, canvas, fabric, plastic, paper, plywood, wood, metal, vinyl~~, or other rigid material intended to be displayed to inform the public of an unusual or special event sponsored by a non-profit, public, charitable, or religious organization. Each such event shall be limited to a maximum of ~~six (6)~~ eight (8) signs. ~~Three (3) of these~~ Such signs shall not exceed thirty-two (32) square feet in area per display surface. The other five (5) of these signs shall not exceed six (6) square feet in area per display surface. Such signs shall be professionally fabricated and installed in a neat and

attractive manner. The signs may be erected not more than thirty (30) days prior to the event and must be removed within ~~ten (10)~~ three (3) days following the completion of the event. Such signs may be placed in a street right-of-way; provided that the sign is placed in such a manner as to not obstruct driver vision of any vehicle entering a roadway from any street, alley, driveway, or parking lot.

The proposed amendments accomplish the following key goals:

- the Town would continue to support these beneficial non-profit events,
- banners would no longer be permitted, which is consistent with the Town's current ordinance prohibiting banners from being used by commercial businesses in Emerald Isle, and which would eliminate the often unsightly appearance of flapping banners,
- the non-profit event signs would be required to be professionally fabricated, improving the appearance of such signs,
- the maximum size of the signs would remain at 32 sq. ft., however, only 3 (as opposed to 6 in the current ordinance) could be that large,
- an additional 5 signs that are essentially the size of typical campaign signs (up to 6 sq. ft.) would be allowed, resulting in a net increase in the number of permitted signs from 6 to 8, and
- the signs would be required to be removed within 3 days after the event, as opposed to 10 days.

The Board should note that Town staff opted to retain the "30 days prior" language to accommodate significant special events (i.e., the St. Patrick's Festival) that people often plan weeks in advance to attend. If the Board believes the time frame should be reduced to a shorter time period (i.e., 14 days), that adjustment can be made very easily.

It is important to note that the proposed amendments would not allow banners to simply be mounted firmly on a rigid (i.e., plastic, metal, wood, vinyl) surface and be displayed. The Town's current sign ordinance does not allow commercial businesses to utilize banners in this way. If the Board is interested in allowing this practice, I recommend that the Board also amend the Town's ordinance for commercial businesses in the same manner.

The Board should also note that, while NCDOT frowns on the placement of such temporary signs in the NC 58 right of way, I believe they will continue to be lenient if the signs are in place for a very limited duration and promote a "good cause". Additionally, although there is great uncertainty about this recent ruling, I am hopeful that the proposed amendments do not run afoul of a recent US Supreme Court ruling (Reed v. Town of Gilbert, AZ) because they allow messages for a wide variety of special events (the Gilbert case dealt with the differential treatment of church signs).

Josh Edmondson, Town Planner, and I look forward to discussing this issue with the Board at the January 12 meeting. If the Board is comfortable with the proposed amendments, they will be presented to the Planning Board at its January 25 meeting and may appear on the Board of Commissioners' February 9 meeting for public hearing and potential adoption.

I have attached copies of the supporting information provided to the Board at the August 2015 and December 2015 meetings in case it's helpful to review the previous information presented on this issue.