

**TOWN OF EMERALD ISLE
PLANNING BOARD MEETING
MONDAY, SEPTEMBER 25, 2017**

Chairman Ken Sullivan called the meeting to order at 6:00 pm. Members present were, Jim Osika, Malcolm Boartfield, Mark Taylor, Susan Monette, Paul Schwartz and Ty Cannon. Also present was Town Planner Josh Edmondson, and members of the public.

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

SUBJECT: DISCUSSION OF COMMERCIAL VILLAGE CONCEPT IN THE BUSINESS DISTRICT

Mr. Edmondson stated staff made the revisions discussed at the August meeting concerning amendments to the Business District. Mr. Edmondson discussed the revisions with the Board. Seven amendments to the Business district were proposed to the Board for review. The Planning Board and staff went over each item as outlined below.

The first amendment discussed was to the definition of the Business District.

Chapter 3

Section 3.2.1 - Base Districts

Current Definition - Business (B)

Business district allowing a general and wide variety of retail trade.

Proposed Definition – Business (B)

Business district allowing a general and wide variety of retail & professional uses. **The district will also allow residential use that is supplemental to business uses, but is not intended solely for residential housing.**

After discussion, the Board directed staff to add the language from the proposed new section 5.2.3 to the definition to avoid repetitiveness. The new definition would then read as follows:

Business district allowing a general and wide variety of retail & professional uses. **The district will also allow residential use that is supplemental to business uses, but is not intended solely for residential housing. Only business use is allowed on the ground level of a structure, while upper levels are allowed to have residential and/or business uses**

The second amendment discussed was to the Table of Permitted and Special Uses.

Chapter 4

Section 4.1.2 - Table of Permitted and Special Uses

Add a **(P) for permitted use** beside **mixed-use structures in the Business (B) Column** (located under Retail and Office Use Heading)

Section 4.1.2 - Table of Permitted and Special Uses

New Use

Add **new use Dwelling and Condominiums as (P) for permitted use in the Business (B) Column** (located under residential and Related Uses)

After discussion, the Board supported the amendment as proposed

The third amendment discussed was to the Density, Intensity, Dimensional Table regarding the front, side and through street setback

Chapter 5

Section 5.1 - Density, Intensity, Dimensional Table
Front, Side and Through Street Setback

Current Setback - 10'

Note 4. In the B, G, C, VE, VW, VE-C, VW-C, MV and MV-C zoning districts, every building or property in these districts that has NC 58 (Emerald Drive) as an adjoining street shall also be set back an additional ten (10) feet from NC 58 (Emerald Drive) for each additional story over two (2) stories.

Proposed Setback - 0' in Business District

Note 4. In the G, C, VE, VW, VE-C, VW-C, MV and MV-C zoning districts, every building or property in these districts that has NC 58 (Emerald Drive) as an adjoining street shall also be set back an additional ten (10) feet from NC 58 (Emerald Drive) for each additional story over two (2) stories. **In the B zoning district, every building or property in these districts that has NC 58 (Emerald Drive) as an adjoining street shall have a zero (0) feet set back if parking is located on the side or rear of the building.**

John Wooten, a resident of Emerald Isle spoke about his concern that reducing the front setback, pulling the buildings forward and encouraging parking on the side and rear of the buildings would allow structures to situate the back of the building along NC 58 street frontage.

The Board discussed this concern and directed staff to add language that would address this issue.

The fourth amendment discussed was to the Density, Intensity, Dimensional Table regarding side and rear yard setbacks.

Section 5.1 - Density, Intensity, Dimensional Table
Side and Rear Setbacks

Current Setback - 0'

Note 5. In the Business and Government zoning districts, when a side or rear lot line abuts a residentially zoned lot, there shall be a minimum yard of fifteen (15) feet for the first and second story of commercial building and ten (10) feet yard width for each additional story.

Proposed Setback – 0' in Business district

Note 5. **In the Business zoning districts, when a side or rear lot line abuts residentially zoned lot, there shall be a minimum yard of ten (10) feet for the first and second story of commercial building and five (5) feet for each additional story.** In the Government zoning districts, when a side or rear lot line abuts a residentially zoned lot, there shall be a minimum yard of fifteen (15) feet for the first and second story of commercial building and ten (10) feet yard width for each additional story.

After discussion, the Board was in support of the proposed amendment.

The fifth amendment was to the Density, Intensity, Dimensional Table minimum natural/vegetated area

Section 5.1 Density, Intensity, Dimensional Table
Minimum Natural/Vegetated Area (% of site)

Current % - 15% Natural Area

Proposed % - 15% Vegetated Area

After discussion, the Board was in support of this amendment.

The sixth amendment was to Additional Dimensional standards adding Section 5.2.3

5.2 - Additional Dimensional Standards
New Section 5.2.3 - Supplemental Residential Uses

(1) In the B District

Residential uses shall only be allowed as supplemental to the business use on the property. Only business use is allowed on the ground level of a structure, while upper levels are allowed to have residential and/or business uses.

After discussion, the Board directed staff to add this language to the definition of Business District found in Chapter 3.

The seventh amendment was to Section 6.1.6 – Sidewalk Standard

Chapter 6

Section 6.1.6 - Sidewalk Standard

Current Standard

(1) Sidewalk Standard

No sidewalk shall be without a written permit from the Town.

Proposed Standard

(1) Sidewalk Standard

No sidewalk shall be without a written permit from the Town.

(A) In the Business District all connections from the sidewalk to a business front shall be no less than four (4) feet in width and no greater than eight (8) feet in width.

After discussion, the Board was supportive of the amendment as proposed.

Mr. Edmondson stated he would make the necessary revisions discussed at the meeting to bring back to the Board for discussion at the October Planning Board meeting. Mr. Edmondson said he hopes to have the Board make a recommendation to the Commissioners about the proposed amendments at the October meeting.

SUBJECT: DISCUSSION OF AMENDMENT TO CHAPTER 10 DEFINITIONS AND RULES OF INTERPRETATION CONCERNING THE DEFINITION OF BUILDING SETBACK LINE FRONT, SIDE OR REAR

Mr. Edmondson stated a common issue that can be challenging is working to fit elevators and elevators shaft installations within the current building setbacks. Mr. Edmondson told the Board it is not an issue with new constructions but can be on lots with existing structures. Mr. Edmondson said elevators have become more economical over the years and as such, are becoming more common in many permanent and second homes as well as some rental housing. He said as we have more retirees moving to Emerald Isle permanently along with our existing retirement population, request for elevators will continue to rise. Mr. Edmondson said in his opinion, the elevator and setback issue will continue to be challenging as the increase in request for elevators continue.

Mr. Edmondson said he believes a simple amendment to the definition of building setback line, front, side or rear would accomplish many of the setback issues concerning elevator shafts. Currently the Town allows certain features to encroach no more than 3' into the setbacks Mr. Edmondson stated. The current definition Mr. Edmondson said is as follows:

BUILDING SETBACK LINE, FRONT, SIDE OR REAR

A line establishing the minimum allowable distance between the nearest portion of any exterior building wall or vertical projection thereof, and the right-of-way of the street or property line when measured perpendicularly thereto. **The outermost three (3) feet of any uncovered porches, steps, eaves, gutters and similar fixtures may extend past the building setback line. All structures other than walkways shall be required to be set back so as to meet the required front, side and rear setback requirements with regard to the property lines.**

Mr. Edmondson said allowing elevator shafts to take advantage of this 3' encroachment is a simple approach that could assist many property owners. More importantly, he said he believes it is consistent with the Landuse plan and the guiding principles of the Town. Mr. Edmondson discussed the proposed amendment with the Board. The

amendment would add elevator shafts to one of the features listed to be allowed to encroach no more than 3 feet into a required setback. The amendment proposed was as follows:

BUILDING SETBACK LINE, FRONT, SIDE OR REAR

A line establishing the minimum allowable distance between the nearest portion of any exterior building wall or vertical projection thereof, and the right-of-way of the street or property line when measured perpendicularly thereto. **The outermost three (3) feet of any uncovered porches, steps, eaves, gutters, elevator shafts and similar fixtures may extend past the building setback line. All structures other than walkways shall be required to be set back so as to meet the required front, side and rear setback requirements with regard to the property lines.**

After discussion, Jim Osika made a motion to approve the amendment as submitted. The motion was seconded by Ty Cannon and carried unanimously 6-0. The Board did direct staff to check with the Town Attorney to ensure we would not open ourselves up for other features to be requested in the setback. Mr. Edmondson told the Board he would discuss this with the Town Attorney before the public hearing held by the Commissioners.

SUBJECT: DISCUSSION OF VEGETATIVE PERCENTAGE IN THE VILLAGE DISTRICTS

Mr. Edmondson said the discussion of the vegetative percentage in the Village Districts was asked to be placed on the September agenda by Chairman Kenny Sullivan. Mr. Edmondson said the Town currently has a 25% vegetative requirement within all Village Districts but within the Government and Business Districts, there is a required 15% natural area. One of the proposed amendments to the Business District is a 15% vegetative requirement Mr. Edmondson stated. Mr. Edmondson told the Board he believes the intent is to have the percentage requirement of the Village Districts to match that of the Business District, which in this case would be 15% vegetative.

After discussion, the Board was in support of this amendment and directed staff to draft the amendment for the October meeting for the Board to make a recommendation to the Commissioners.

SUBJECT: REVIEW OF PROCESS TO DETERMINE BUILDING HEIGHT

Reviewing the process of determining building height, was requested to be placed on the September agenda by Board member Paul Schwartz Mr. Edmondson stated. The Town of Emerald Isle currently limits the mean roof height of all structures to 35' for flat/low slope roofs less than 4/12 pitch and 40' for high slope roofs greater than 4/12 pitch Mr. Edmondson said. The mean roof height is determined by measuring from the grade plane to the mean roof height.

Mr. Edmondson said grade plane and mean roof height are defined as follows as found in the Unified Development Ordinance:

GRADE PLANE

A reference plane representing the average of the finished ground level adjoining the building at all exterior walls.

MEAN ROOF HEIGHT

The average of the roof eave height and the height to the highest point on the roof surface, except that eave height shall be used for roof angles of less than or equal to ten (10) degrees.

Mr. Edmondson stated it is important to note there are differences in the way mean roof height is calculated for residential, multifamily and commercial structures. Mr. Edmondson included these for the Board to review.

Mr. Edmondson told the board, attached was an example of a single-family residence to illustrate the process of determining the mean roof height. In the example given, the highest point on the roof ridge is 44'11" and the lowest eave is 35' 1". This puts the mean roof height right at the 40' mark. Mr. Edmondson said because we allow a mean roof height instead of an actual roof height, you will have instances where the roof ridge is over 40'.

This regulation has been in place for a long time Mr. Edmondson stated. Topography of the Town, wastewater requirements, CAMA regulations, the number of stories allowed and the 2' freeboard standards for development in the floodplain are contributing factors for using the mean roof height Mr. Edmondson said. The mean roof height calculation is a key factor for development and one I believe meets the values and goals outlined in the Town's Landuse Plan Mr. Edmondson stated.

After discussion, no action was taken. This item was for discussion purposes only.

Subject: Report from Town Planner

Mr. Edmondson went over the August Building Report for 2017 along with the August 2016 report for comparison purposes. He also stated that the next Commissioners meeting would be October 10, 2017 at 6PM and the next Planning Board meeting would be October 23, 2017 at 6PM.

Subject: Comments from Planning Board

No comments from the Board

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

Respectfully submitted by:

Josh Edmondson, Secretary
Town of Emerald Isle Planning Board