

**TOWN OF CALABASH
PLANNING & ZONING BOARD
REGULAR MEETING
January 5, 2009—7:00 p.m**

MINUTES

The Calabash Planning & Zoning Board held a Regular Meeting on Monday, January 5, 2009, 7:00 p.m at Town Hall, 882 Persimmon Road, Calabash, NC.

MEMBERS PRESENT: Chairman J.W Brown, Vice Chairman Gary Cooper, Ms. Mildred DeMarco, Ms. Alinda Lewis Meares, Mr. Alton Watts, Mr. Marty Keefe, and Mr. John Thomas; all members were present.

STAFF PRESENT: Stanley Dills, Building Inspector/Code Enforcement Officer and Kelley Southward, Town Clerk.

GUESTS PRESENT: Mr. Mitch Meares, Commissioner Emily DiStasio, and Commissioner Cecelia Herman.

CALL TO ORDER/PLEDGE TO FLAG: Chairman Brown called the Meeting to order at 7:00 p.m and led everyone in the Pledge of Allegiance to the Flag.

APPROVAL OF AGENDA: Mr. Cooper motioned to approve the minutes of the December 1, 2008, Regular Meeting. Mr. Watts seconded the motion to approve and the motion carried by way of a unanimous vote.

PUBLIC COMMENTS: None forthcoming.

TOWN CLERK'S REPORT: Ms. Southward informed the P/Z Board that on December 9th, the Board of Commissioners approved a Conditional Use Permit for the multifamily project submitted by Shallotte Partners with a maximum building height of 45'. However, a condition of the CUP was for the Town Attorney to review the permit for compliance with Calabash codes. The Town awaits a response from the Town Attorney. Ms. Southward also updated the P/Z Board on the sweepstakes/video gaming businesses in Town. On December 1st new legislation took effect that was suppose to make these business operations illegal. However, a loophole in the new legislation has been discovered and the businesses are able to continue to operate. The Town has been trying to contact the Attorney General to see how to address the businesses now.

OLD BUSINESS:

1. Temporary Portable Signs:

- a. **Discussion of language for an amendment to §153.241 of the Calabash Code of Ordinances, as directed by a vote of the Board of Commissioners.** The Board of Commissioners had forwarded some language to the P/Z Board to consider and revise; it read:

“Temporary portable business sign (1 per business) to promote a special event or sale pertaining to said business. It shall be for a limited period of time promoting a specific event or sale, shall require a no fee permit with restrictions, is not to exceed 12 square feet, and shall be limited in the number of times a year issued per business not to exceed six (6) times in any calendar year. A limited number of temporary portable business signs shall be permitted at any one time within the Town and shall be issued on a first come first serve basis.”

The P/Z Board discussed the matter at length. The felt this would be difficult and time consuming for staff to keep up with but at the same time wanted to help the businesses draw business. It was argued that it was unfair to limit the number permitted at anyone time and be issued at a first come, first serve basis. After a lengthy, in depth discussion the P/Z Board devised the following language:

“Temporary portable business sign (1 per business) to promote a special event or sale pertaining to said business. A temporary, portable sign promoting a special event or sale for a business shall be permitted for a period not to exceed 14 days and may be utilized once per quarter (up to 14 consecutive days allowed 4 times per year), shall not exceed 6 square feet per side (no more than 2 sides per sign), shall only be permitted during business hours, and shall require a no fee permit. Signs may not be placed in the public right-of-ways, on sidewalks, or in a manner that could obstruct vehicular line of sight; all other sign regulations pertaining to placement, content, form, etc. must be complied with.”

After formulating the above verbiage, the Board discussed a trial basis for the temporary, portable signs to see if it would be feasible for both business owners and the Town (see the recommendation below).

b. Action to make a recommendation to the Board of Commissioners to amend §153.241 as it pertains to temporary signs. *Mr. Watts submitted a motion to recommend that the Board of Commissioners approve the following amendment to §153.241(L)(4) [the current verbiage of §153.241(L)(4) shall become (L)(5)] of the Calabash Code of Ordinances for a six-month trial basis to begin April 1, 2009--“Temporary portable business sign (1 per business) to promote a special event or sale pertaining to said business. A temporary, portable sign promoting a special event or sale for a business shall be permitted for a period not to exceed 14 days and may be utilized once per quarter (up to 14 consecutive days allowed 4 times per year), shall not exceed 6 square feet per side (no more than 2 sides per sign), shall only be permitted during business hours, and shall require a no fee permit. Signs may not be placed in the public right-of-ways, on sidewalks, or in a manner that could obstruct vehicular line of sight; all other sign regulations pertaining to placement, content, form, etc. must be complied with.” Ms. Lewis-Meares seconded the motion to approve and there was a brief discussion. Ms. DeMarco noted that she was opposed to the recommendation to amend the ordinance for temporary portable signs. Chairman Brown called for a vote and the vote was as follows: Mr. Watts, Ms. Lewis-Meares, Mr. Cooper, Mr. Keefe, and Mr. Thomas all voted “yeah”; Ms. DeMarco voted “nay”—the motion carried by a vote of five (5) to one (1).*

NEW BUSINESS:

1. Maximum Building Height (UDO):

- a. **Discussion and clarification of language “Maximum Building Height” as it currently reads in Article 11 of the proposed Unified Development Ordinance (UDO) dated October 31, 2008.** Mr. Dills gave a detailed presentation to the Board explaining how height is determined in the Building Code and construction world. Essentially, Mr. Dills asked the Board if it was their intent, at the time of drafting the UDO, to make the maximum building height 45 feet PERIOD or, was it their intension to not allow more than 10-feet between the soffit and the peek of the roof? The way the draft UDO currently reads, a problem could arise in the future but a clarification of language (to clarify the original intent) could solve the problem. For example, someone could submit plans to build a home that shows the structure at 25-feet to the soffit and 45-feet to the peek, which would be 20-feet of ornamental/pitched roofing. Was this the original intent? Or, would a home that is 25-feet to the soffit only be allowed to build a roof that was essentially 10-feet to the peek for a total height of 35-feet. Some Board members felt it should be 45-feet maximum height PERIOD; keep it simple. Others felt this scenario was something that needed further consideration. Actually, all Board members who have been on the P/Z Board for since the UDO was drafted by the P/Z expressed an irritation to the fact that this matter was coming before them and that the UDO has not yet been adopted. From the audience, Commissioner Herman asked to be recognized by the Chairman. She asked Mr. Dills to state, for the record, whom had requested he place this item on the Planning & Zoning Board Agenda; Mr. Dills said the Town Administrator had requested this matter be placed on the agenda. In any case, because the Board of Commissioners will be holding a second Public Hearing on the UDO on January 27th and they plan to vote on the UDO on February 10th, the Planning & Zoning Board did not feel it was an appropriate time to make any recommendations pertaining to the UDO at this time. *Mr. Keefe motioned to table the matter of maximum height as defined in the UDO until March 2009; seconded by Ms. DeMarco and carried by way of a unanimous vote.*

BOARD COMMENTS: Ms. DeMarco wanted an explanation as to why Town Administrator, Vincent Long, does not attend meetings held by the Planning & Zoning Board. Present Town staff and Commissioners were unable to give Ms. DeMarco an answer but told her they would try to find out.

AJOURN: *Mr. Keefe motioned to adjourn, seconded by Mr. Cooper and carried by a unanimous vote; 8:30 p.m.*

(seal)

J.W Brown, Chairman

Attest:

Kelley Southward, Town Clerk

