

**CITY OF ELIZABETH CITY  
PLANNING COMMISSION  
REGULAR MEETING  
Tuesday, October 3, 2017**

**MEMBERS PRESENT**

Ernest Sutton - Chairman  
Sonny DiGirolamo - Vice Chairman  
Gary White  
Carlton O'Neal  
Johnson Biggs  
Suzanne Stallings (Absent)

Also present were Matthew Schelly, Community Development Director; Kaitlen Alcock, Planner; Cheryl Eggar; and member of the audience.

Chairman Sutton called the meeting to order at approximately 4:00pm and stated there was a quorum. Chairman Sutton asked for a motion to **APPROVE** the agenda as presented. Mr. White made a motion to APPROVE the agenda as presented. Mr. O'Neal seconded the motion. **ALL IN FAVOR: WHITE, DIGIROLAMO, O'NEAL, AND BIGGS. NONE OPPOSED. MOTION CARRIED.**

Chairman Sutton asked for a motion to **APPROVE** the minutes from the Tuesday, September 5, 2017 meeting. Mr. White made a motion to approve the minutes from the Tuesday, September 5, 2017 meeting. Mr. Biggs seconded the motion. **ALL IN FAVOR: WHITE, O'NEAL, BIGGS, AND DIGIROLAMO. NONE OPPOSED. MOTION CARRIED.**

Chairman Sutton asked for Mr. Schelly to read the **Statement of Disclosure** as follows:

Elizabeth City Code of Ethics provides that public officials and employees be independent, impartial, and responsible to the public; that government decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals and in keeping with the ethical standards of conduct for city public officials and its employees, disclosure of interest in legislative action must be stated for public record, as per City of Elizabeth City Code of Ordinances Section 32.04. Any official act or action before the Planning Commission shall be publicly disclose on the record of the Commission the nature and extent of such interest and the Commissioner shall withdraw from any consideration of the matter if excused by the Commission pursuant to G. S. 160A-75.

**New Business** is **CASE NO.: TA-01-17** – presented by City of Elizabeth City. This is proposed text amendment to the Unified Development Ordinance, specifically Article II Interpretations and Definitions, Articles 11-1.3(J) and 11-1.4(C) adding language to clarify the City and County are exempt from the

prohibition of the installation of string lights; and amending Article 11-1.4(F) to clarify the maximum permissible height of roof signage.

Ms. Cheryl Eggar presented the following report:

The City has installed string lights across the alleyway which runs from East Elizabeth Street to East Colonial Avenue, between North Poindexter Street and North Water Street. This alleyway is used extensively by the surrounding restaurants to provide outdoor dining areas. The string lights provide a more attractive appearance to the alleyway and provide ambient lighting. This lighting project was a joint effort with the City and Elizabeth City Downtown Inc. working with the various business establishments fronting on the alleyway. The proposed amendments clarify that such installation by the City or County has been, and shall remain to be, exempt from permits and prohibition.

The amendments to 11-1.3, Exempt Signs, and 11-1.4, Prohibited Signs, permits the City or County to install string lights over streets and alleys; on City or County properties including trees, utility poles, banners, or as an art installation. A definition for string lights was added to Article 2.1, Definitions. The amendment to 11-1.4(F), Prohibited Signs, is to clarify that roof signs cannot exceed the roof line.

**STAFF RECOMMENDATION:**

Staff recommends APPROVAL of proposed text amendment TA 01-17.

This concluded Ms. Eggar's report.

Mr. White commented would existing signage on roofs be grandfathered. Ms. Eggar commented yes, the language in the City's Unified Development Ordinance and the text amendment provides clarification. Mr. Schelly commented the language in the City's Unified Development Ordinance currently leaves the room for interpretation.

Chairman Sutton commented has any specific issue been raised for this to come forth today. Mr. Schelly and Ms. Eggar commented no.

Mr. White commented about reasoning, aesthetics, and safety in regards to TA 01-17. Mr. Schelly commented it's written in the City's Unified Development Ordinance but the next sentence creates a potential conflict, the text amendment clears up that potential conflict.

Ms. Lois Givens Brown came forward and addressed the Planning Commission.

Mr. White commented about the existing signs. Ms. Brown commented the existing signs were grandfathered and she is one of the owners with R. O. Givens Signs, Inc. R. O. Givens knows the existing signs are grandfathered. Ms. Brown also commented if someone should buy the Grouper's building, would they be able to put a sign up to be seen from the water. Ms. Brown commented the City's

Unified Development Ordinance needs to address the issue of who purchase buildings and maybe place a limit on the signs for those buildings.

Mr. DiGirolamo commented about concern relative to signs on buildings moving forward. Ms. Brown commented the concern should be up to the building owner. Mr. Schelly commented every building should be able to have a roof sign or existing Mr. DiGirolamo commented a concern relative to signs on buildings. Ms. Brown commented the concern relative to signs on buildings should be up to the building owner. Mr. Schelly commented should every building be able to have a roof sign or just the buildings with an existing sign. Ms. Brown commented the building owner should have a right to advertise their business anyway they deem necessary, even if it means putting a sign on top of the roof. Chairman Sutton commented was Ms. Brown the owner of the building on Main Street. Ms. Brown commented her father originally owned the building but, now his grandchildren own the building.

Mr. DiGirolamo commented could the roof signs be moved from the roof line down to the top side of the building. Ms. Brown commented no, there's not enough spacing, those signs stay busy, and bring R. O. Givens Signs, Inc. income. Mr. White commented were the signs permitted by the City. Ms. Brown commented not sure, signs were permitted before she started working at R. O. Givens Signs, Inc.

Mr. DiGirolamo commented what is the original reason for TA 01-17. Mr. Schelly commented TA 01-17 would remove conflict within the interpretation of the first two sentences within the City's Unified Development Ordinance. The first line in the City's Unified Development Ordinance says no sign extends above the roof and the second sentence says signs on roofs are permitted however the signs shall not exceed the maximum height requirement for the applicable zoning district.

Mr. White commented has TA 01-17 been discussed with City Council. Mr. Schelly commented no, TA 01-17 goes before the Planning Commission first.

Mr. Biggs commented if a sign was damaged or torn down could they be put back up. Ms. Alcock and Ms. Eggar commented depending on the amount of damage of the sign. Mr. Biggs commented can the building owner do anything or change existing sign. Ms. Eggar commented the changing of an existing sign would be considered a face change with no structural changes. Ms. Brown suggested making a height limit based on the height of the building.

Mr. Biggs commented the Grouper's building is structured lower towards the river than the side on Water Street, could they put a sign on the river side that doesn't go above the roofline for the front portion. Mr. Schelly commented about what was stated in reference to the City's Unified Development Ordinance.

Mr. Biggs commented could the Commission's recommendation to City Council be proposed as a workaround for existing buildings and structures. Chairman Sutton commented was there any discomfort with the amendments written. Mr. DiGirolamo commented why was the amendment brought forth and why hasn't the response for the amendment been satisfied with an answer.

Mr. White made a motion to **SEPARATE** TA 01-17 into two amendments; string lights and roof signage. Mr. Biggs seconded the motion. **ALL IN FAVOR: O'NEAL, BIGGS, WHITE, AND DIGIROLAMO. NONE OPPOSED. MOTION CARRIED.**

Mr. Biggs made a motion to **APPROVE** the string light ordinance as presented by staff. Mr. White seconded the motion. **ALL IN FAVOR: DIGIROLAMO, BIGGS, WHITE, AND O'NEAL. NONE OPPOSED. MOTION CARRIED.**

Mr. White made a motion to **DENY** any section changes in the City's Unified Development Ordinance about signs. Mr. DiGirolamo seconded the motion. **ALL IN FAVOR: WHITE, O'NEAL, DIGIROLAMO, AND BIGGS. NONE OPPOSED. MOTION CARRIED.**

**New Business** is **CASE NO.: TA-02-17** – presented by City of Elizabeth City. This is proposed text amendment to the Unified Development Ordinance, specifically VI Nonconforming Situations, adding language to address parcels created prior to the City's adoption of the Official Zoning Map which contain multiple dwellings units on a single parcel. The amendment, as proposed, would allow for the parcel to be subdivided, with one dwelling unit per lot, assuming certain density and dimensional standards could be met.

Ms. Kaitlen Alcock presented the following report:

The second case before you this afternoon is TA 02-17 presented by the City of Elizabeth City to amend Article 6 of the Unified Development Ordinance to add language that addresses parcels platted prior to the City's adoption of the Official Zoning Map which contain multiple dwelling units on a single parcel. To give you a little background, the City has been approached by several individuals in recent years who own a parcel containing multiple dwelling units who are either looking to subdivide or rent out one or more of the structures. Typically in these situations, the parcel, if subdivided would not meet the minimum lot size requirements as stipulated in Table 9-4-1 of the UDO. As such, the property could not be subdivided since doing so would create nonconforming lots. Similarly, since these lots are considered legal nonconforming lots due to the presence of multiple dwelling units, the legal nonconforming status is lost if the use is ceased for a period of 180 days or more. Thus if a property owner has not rented one of the dwellings or has not been actively seeking a tenant in the past 180 days, the legal nonconforming status is forfeited and the unit cannot be rented. Staff was instructed by Administration to find a solution to these unique scenarios and after consulting with several municipalities throughout the State, Staff drafted the amendment presented today. The amendment, as proposed, would allow these property owners to legally subdivide their property into conforming lots that could then be sold or rented. To ensure the language, as proposed, would provide a viable solution to all known scenarios, Staff had an intern inventory all residential properties to identify those which contained multiple dwelling units. In looking at that list, all parcels appear to be able to satisfy the standards set forth in the amendment. As such, Staff recommends approval of the request as presented.

This concluded Ms. Alcock's report.

Mr. White commented getting rid of mill housing on Cracker Jack box lots. Ms. Alcock commented giving property owners the option to subdivide and create conforming lots that they could sale or rent. Mr. Biggs commented he could imagine it is a financing nightmare with multiple units on a single lot.

Mr. Biggs made a motion to **APPROVE** TA 02-17 as presented. Mr. White seconded the motion. **ALL IN FAVOR: DIGIROLAMO, WHITE, O'NEAL, AND BIGGS. NONE OPPOSED. MOTION CARRIED.**

Mr. DiGirolamo commented going through the Unified Development Ordinance Sections 4-15; he noticed two pages have identical page numbers.

#### **CHAIRPERSON'S REPORT**

Chairman Sutton thanked everyone for their service to the Planning Commission.

#### **MEMBER'S CONCERN**

Mr. Schelly announced the Public Community Workshop for the Waterfront Master Plan and the Charles Creek Flood Mitigation Plan will be held on Wednesday, October 18, 2017 from 6pm until 8pm.

Mr. Biggs made a motion to **ADJOURN** the Commission meeting. Mr. White seconded the motion. **ALL IN FAVOR: DIGIROLAMO, O'NEAL, BIGGS, AND WHITE. NONE OPPOSED. MOTION CARRIED.**