

Ocracoke Planning Advisory Board  
May 9, 2013 5:30PM  
Ocracoke Community Center

Board members present: Tom Pahl, Sharon Justice, Corky Pentz, Amy Johnson, BJ Oelschlegel

Board members absent: Keith Parker-Lowe, Jennifer Esham

Also present: County Manager Bill Rich, County Commissioner John Fletcher, County Inspector Jerry Hardison, County Planning Director Assistant Averil Simmons, and 7-9 citizens.

Meeting called to order by Chairman Pahl.

Review of 4/11/2013 minutes. Motion to approve by BJ, second by Sharon. All approved.

#### Correspondence

- Tom briefly presents two pieces of correspondence that pertain to specific agenda items that he will address later on when those items are discussed in full.

#### Public Comment

- None.

#### Outdoor Sales Amendment – update

- The proposed amendment was submitted to the Hyde County Board of Commissioners Monday 5/7/2013 at which time it was tabled until the following meeting June 3, 2013. The Commissioners agreed to set up a public hearing for the amendment by June 3, 2013.
- Comments from Commissioner Fletcher and Board responses:
  - Under part **(a) The intent and purpose**, Mr. Fletcher believes the phrase, "and do not unreasonable diminish adjacent property and business values" is subjective and should be removed.
    - The Board abstains from a motion to change the language.
  - Under the section **(b) Definitions**; (2) Temporary Structure, Mr. Fletcher believes that if food trucks are required to get a permit, there should be a provision allowing them to operate in multiple locations.
    - The Board will add language to specify businesses operating from mobile units that wish to operate in multiple locations will only need to pay for one permit but must identify all locations and submit them for approval.
  - Under the section **(b) Definitions**; (3) Permanent Installation, Mr. Fletcher thinks the Board should add "pipes" as an indicator of permanent installation.
    - The Board agrees and will add "pipes" to the language.
  - Under section **(g) Setbacks**, Mr. Fletcher thinks the 8-foot setback requirement would make it almost impossible for property owners of odd shaped lots to be able to have an outdoor business that complies with the amendment.
    - After discussion the Board abstains from a motion to change the language.

- Under section **(j) Off-site impacts**, Mr. Fletcher believes the phrase, “nor significantly detract from adjacent business or residential environments” is subjective and should be removed.
  - The Board believes that although potentially contentious, this phrase affords the enforcement officer to begin dialogue with the business owner.
  - Motion from BJ to keep the wording as it stands. Motion dies for a lack of a second and subsequently remains unchanged.
- Public comment from Sean Death suggesting that all businesses on Ocracoke, temporary or not, should pay the county a small fee to operate.

#### Multiple, conflicting version of the Ocracoke Development Ordinance (ODO)

- Tom believes there are multiple, conflicting versions of the ODO available online.
- Manager Rich believes there is only one version and provided Tom with printed copies from the various online locations.
- Tom will review the copies and report back to the Board.

#### General Discussion regarding an overall revision of the ODO

- Tom spoke with Richard Ducker, an adjunct professor of law in the UNC School of Government, about potentially revising the ODO. Ducker said the School of Government can't write the ordinance, but he offered his services for guidance and review.
  - After a cursory review of the ODO Professor Ducker said the entire document needs updating for multiple reasons such as changes in state law, lack of clarity, lack of ability to address non-conforming uses, and to better conform to other local and regional land use plans.
- The Board agrees to seek advice from Professor Ducker. Tom will send him an email with the Board's concerns and questions as well as an invite to come to Ocracoke.

#### CAMA Core Land Use Plan for Hyde County

- Planning Director Assistant Simmons provides all Board member with the CAMA Core Land Use Plan for Hyde County.

#### Nominations for board positions up for re-appointment

- Board members with expiring terms: Tom Pahl, Keith Parker-Lowe, and Jennifer Esham.
- BJ motions to recommend to Mr. Fletcher the re-appointment of Tom Pahl and Jennifer Esham. Second from Corky. Amy mentions she has heard concern from two citizens regarding BJ and Jennifer both serving on the Board and having some extent of business relations. Manager Rich suggests the Board does not vote on the motion, as Mr. Fletcher was able to hear the Board's input, which should suffice at this point in time.

#### Public Comment

- Sean Death believes the travel trailer amendment needs reconsidering specifically in terms of the parameters that limit the number of travel trailers allowed on one site.

Next meeting scheduled for Thursday June 14, 2013 at 5:30PM.

Motion to adjourn from Amy, second from Sharon, all in favor.