



Town of Oak Island Brunswick County, NC

The Town of Oak Island will preserve, protect, and enhance the quality of the natural and cultural environment of the community. In order to achieve this goal, the Town will improve the quality of its waterways, natural environment, beaches, dunes, water access and residential areas. The Town will maintain a unique scale and character that fosters a sense of community to make the Town a desirable place to live, work and call home, and a family vacation destination. The Town will also develop efficient sidewalks, bikeways, and roadway systems to protect its attractiveness in the future. The Town will also expand its recreational opportunities for residents of all ages and abilities. The Town will balance social and commercial needs and objectives for economic vitality.

Planning Board Meeting Agenda January 18, 2018 • 10:30 AM Town Hall • Council Chambers

I. START-UP

1. **Call to Order:**
2. **Additions or corrections to the agenda**
3. **Approval of the Minutes:** (12-14-17)
4. **Public Comment:** Please state your name and address for the record.

II. OLD BUSINESS

III. NEW BUSINESS

1. **Electronic Digital Signs**
2. **February Planning Board Meeting date**

IV. REPORTS/UPDATES

1. **Board Member Reports**
2. **Staff Reports –**

V. OTHER

**Future Meetings:
Adjournment**



MINUTES
PLANNING BOARD
DECEMBER 14, 2017 – 10:30 A.M.
COUNCIL CHAMBERS – TOWN HALL

Present: Chairman Denise Pacula, Vice-chairman Bob Carpenter, members Mike Defeo and Bob Germaine, Planning and Zoning Administrator Jake Vares and Assistant Manager/Town Clerk Lisa P. Stites.

Chairman Pacula called the meeting to order at 10 a.m. and led the Pledge of Allegiance.

Mr. Carpenter added a discussion of rotating signs under New Business.

Mr. Carpenter made a motion to approve the agenda as amended. Mr. Germaine seconded and the motion passed unanimously.

Carpenter made a motion to approve the Minutes of the November 16, 2017 meeting. Mr. Germaine seconded and the motion passed unanimously. Board member Willie Williams arrived at 10:34 a.m.

Public Comments: none

New Business:

1. The Palms – amend Conditional Use Permit (CUP): Mr. Vares explained that the applicant is asking to build 6 single-family homes instead of the already-approved condominiums. They are also asking to waive the CUP requirement to provide 15 additional unassigned spaces as it is not compatible with the new plan. Applicant Phil Schroeder was present. Answering a question from Chairman Pacula, Mr. Vares further explained that the only condition from the original CUP not yet met was the condition for the additional unassigned parking spaces; the other issue before the Planning Board is the change in land use (condominiums to single-family residences). Mr. Schroeder said that there are 7 unassigned parking spaces now, so half the requirement has been met; two are on the 59th Street side (Phase 1), 3 are between the buildings and the other 2 are on the 58th Street side. Chairman Pacula asked if the Town had verified that; Mr. Vares said that staff had not. Chairman Pacula asked about handicapped parking; Mr. Schroeder said that was included in Phase 1 and 2. He also said that the extra spaces are not used. The Board discussed the current parking regulations and determined that the existing parking meets requirements for the units and the additional common spaces. Mr. Schroeder said that by building single-family parking houses, he won't need any additional common spaces. **Mr. Williams made a motion to recommend that Council approve the change in conditions in the CUP upon staff verifying that all conditions have been met and that there are 28 spaces (long enough to hold two vehicles) and 7 additional unassigned parking spots. Mr. Defeo seconded and the motion passed unanimously.** Chairman Pacula asked if the subdivision would count as a minor subdivision. Mr. Vares said that there were two parcels, so it could be a minor subdivision. The Board discussed whether the configuration offered would meet the Town's requirements. Chairman Pacula said the Board could not approve the change in use with the way it is currently drawn. Mr. Carpenter suggested tabling this item until the map was correctly drawn. Mr. Williams agreed, and said he favored the overall concept but that he needed to see it accurately drawn. Chairman Pacula said that she couldn't say how she would vote on it until she saw it. Mr. Vares advised Mr. Schroeder not to record anything at the Register of Deeds until Council had approved it. Chairman Pacula said she would recommend accessing the lot from the rear instead of SE 58th Street. **Mr. Carpenter made a motion to table this until we get a drawing that clearly depicts the**

subdivision. Mr. Williams seconded and the motion passed unanimously. The Board and Mr. Schroeder also discussed the allowed house size, the buildable area of the lots, where the front lot line would be, etc.

2. Commercial driveways text amendment: Mr. Vares explained that some of our restrictions are much stricter than what the State allows. One example is at the Cape Fear Regional Jetport. The Board discussed concerns about how existing businesses on Oak Island Drive. **Mr. Carpenter made a motion to recommend approval of the proposed text amendment. Mr. Williams seconded and the motion passed unanimously.**

3. Rotating signs: Mr. Carpenter said that nothing had been done about the rotating sign at the golf course and that now there were two additional signs. Mr. Vares said that all of the places mentioned had received code enforcement letters. Mr. Carpenter said that the signs were still going as of today. Mr. Vares said that they were within the time frame to comply. Mr. Carpenter asked for a follow up report. Mr. Vares said he would not do that at the Planning Board meeting. Mr. Carpenter said that he was filing a code enforcement complaint. Ms. Stites said that she would give that to Mr. Vares and that he would follow up with Mr. Carpenter privately since code enforcement is not the Planning Board's jurisdiction. The Board discussed the current regulations and what was allowed in the UDO. Mr. Williams recommended that staff look at the State's regulations and report back to the Planning Board.

Staff Report:

The next Planning Board meeting is January 18. The secondary dune text amendment was approved with a few additional modifications; the fence amendment was tabled pending discussion of the draft Unified Development ordinance (UDO). Mr. Vares gave a report on the Planning Board activities for the year.

Mr. Carpenter made a motion to adjourn at 11:36 a.m. Mr. Williams seconded and the motion passed unanimously.

Denise Pacula, Chairman

Attested: _____
Lisa P. Stites, CMC
Assistant Manager/Town Clerk

**TOWN OF OAK ISLAND
PLANNING BOARD
AGENDA ITEM MEMO**

Agenda Item: no. 1

Date: January 10, 2018



Issue: Electronic Signage

Department: Planning & Zoning Administrator

Presented by: Jake Vares

Presentation: None

Estimated Time for Discussion: 50 Minutes

Subject Summary:

This agenda item memo is the result of a directive given by the Planning Board. Staff has looked at the state general statutes, a proposed state house bill, the UDO (Unified Development Ordinance) and the NC-DOT regulations.

The billboard industry worked to push House Bill 581, the bill did have some opposition. It was not passed; it failed on the second reading in the state house. However, it did outline suggested timing for digital signs, which is underlined below in the attachment. The bill would of: made billboards more visible by increasing the maximum zone for cutting the public's trees on highway right of way around billboards, allowed the cutting of trees in the median and the gore area at exit ramps, removed protections for existing dogwood and redbud trees, increased the amount the N.C. Department of Transportation (DOT) would have to pay billboard companies for the removal of existing signs for public works projects, and would have allowed any existing billboard on interstate and other major highways to be upgraded to a digital billboard. The unratified bill did have some regulations regarding the timing of digital billboards. It states that *"The changeable message sign shall not alternate displays more frequently than once every six seconds, with a maximum change time of two seconds. And The changeable message sign shall not display video, continuous scrolling messages, or animation"*. The house bill would have limited local control over digital billboards.

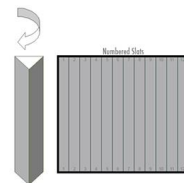
Local signage ordinances can regulate digital billboard signs off DOT roads that are in their jurisdiction. Please note however the request for this agenda item memo was to know what DOT regulations were regarding the timing of electronic type signs. NC-DOT does have timing regulations for changeable message signs. 8 seconds is the time interval that DOT regulations require where the sign message has to change and it cannot take more than 2 seconds or less to change. NC-DOT regulations state that there cannot be a changeable message sign on a regulated route within 1,000 ft. from another changeable message sign. Brunswick County has a 3,000 ft. rule on spacing of these digital billboards throughout its entire jurisdiction. Local and county governments can go more restrictive than state regulations so sign companies actually have a de-facto 3,000ft spacing rule they have to abide by in Brunswick County. The DOT regulations also state that structure (i.e. the billboard) may not be located within 500 feet of an interchange, intersection, rest area, information center, etc... Exemptions are given by the DOT for public service information such as time, date, temperature, weather, or similar information. Digital gas station signs that show the price also fall into this exemption category for DOT.

As for illumination, the amount of lumens are not measured, DOT standards say that the light cannot interfere with the effectiveness or obscure traffic signs, devices, and signals. At no point are any signs like this permitted in the right-of-way, it is the signs that are within 660 ft from the DOT right-of-way that require permits. Additionally changeable message signs have to have a default design what that will freeze the sign should a malfunction occur. Flashing lights and a scrolling message are not permitted under DOT rules. These DOT mandates do not apply to town roads, only on state regulated roads. It is up to the local signage ordinances to regulate these types of signs on local roads. The attached DOT regulations summarize much of this.

These timing rules and other DOT signage standards only apply on DOT *regulated routes*. In Brunswick County this would only apply to highway 17 and 87 and only on a small portion on 211. A regulated route means a state permit is required, other than that it is really up to local ordinances to regulate signage such as this. The State mostly just regulates location, height, square footage, and the timing of the digital display and they rely on the local & county governments to regulate the structural foundation issues, lighting and other items like that. To reiterate NCDOT Outdoor Advertising Regulations are applicable only to state system roads designated as Outdoor Advertising Routes. Roads that are state system roads, but are not Outdoor Advertising Routes are not subject to the state rules for billboards. Those routes are subject to local regulations. An example would be East Oak Island Drive which is a state system road (SR 1190) within the Town of Oak Island. It is not a regulated outdoor advertising route, and is not subject state outdoor advertising regulations. However, since it is within the town's jurisdiction, a hypothetical billboard would have to meet town signage requirements. Also, NCDOT would not exercise any authority over private roads that would also be a strictly local matter. Changeable message signs on non-regulated routes, there is no state requirement and whether or not they are allowed is a local decision.

These summarized DOT regulations are applicable to off-premise billboard type signage. There is often a tendency to incorporate rules for billboards into rules for other signs such as business storefront signs, subdivision entrance signs, window signs, etc. which can create some complicated and confusing situations. It seems to be better to regulate billboards separately from other types of signage.

Other forms of signage exists that changes the message of the signs through other means than electronically. Trivision signs, also called three-message sign, is a billboard/sign that consists of triangular prisms placed inside a frame. The prisms rotate 120°, each showing a new message of advertisement and/or information. As implied, three individual images, or messages, can be displayed on a Trivision. Using the term changeable message signs is a catch-all term that can be used.



Upon reviewing the UDO (Unified Development Ordinance) it does address electronic signage. The UDO stipulates that such signage should be shielded as to not create light trespass, shall not exceed 30 square feet, it must be mounted at the top of the structure, and such signs adjacent to residential areas cannot be on between 12a.m. and 6a.m. unless deemed inconsequential. Exemptions for revolving barbershop signs, decoration holiday lights/signs, and time, date, and weather condition signage are also outlined in the UDO. See the attached UDO excerpts.

The goal should be to establish a reasonable minimum message duration and to take into account the safety interest of drivers viewing digital type signs. Studies have been done that analyze the impacts of frequently changing sign messages on drivers. Some studies recommended 8 seconds as the message time while others suggested longer times. It is in the business interest of advertisers to ensure a

message remains static for a period of time long enough for a driver to read the entire message before changing. An advertisement or message will be ineffective if it is not displayed for a long enough time period that passing drivers can fully read and comprehend the sign. The size of signs, physical conditions of the road and topography, as well as the posted speed limit all impact how many different messages a driver might see on any given changeable copy sign.

Additional definitions could include: *Luminance. An objective measurement of the brightness of illumination, including illuminated emitted by an electronic sign, measured in lumens.*

Sign, Interactive. An electronic or animated sign that reacts to the behavior or electronic signals of motor vehicle drivers.

Sign, Mechanical Movement. – A sign having parts that physically mover rather than merely appear to move as might be found in a digital display. The physical movement may be activated electronically or by another means, but shall not include wind-activated movement such as used for banners or flags. Mechanical movement signs do not include digital signs that have changeable, programmable displays.

Sign, Message Center: A type of illuminated, changeable copy sign that consists of electronically changing alphanumeric text often used for gas price display signs and athletic scoreboards.

The language for animated signs in the UDO was already voted upon and reviewed by the Planning Board. No cap on the different number of advertising messages allowed exists. Permits are required to be obtained from NC-DOT for digital billboards. Staff is hesitant to do another text amendment to the signage ordinance given that the re-write of our existing signage ordinance is pending in the UDO. By the time a text amendments may be adopted, the UDO may be adopted the following month anyway, that may already address the issue.

Attachments: UDO excerpts, House Bill 581, DOT codes

Recommendation/Action Needed:

Suggested Motion:

Planning Board Recommendation:

Funds Needed: \$0.00

Follow Up Action Needed:

Attachments

UDO

10.30.3. Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does **not** shine directly into a public right-of-way or residential premises.

10.30.4. Electronic message boards and kinetic sign lighted display areas shall not exceed thirty (30) square feet.

SECTION 10.40 SIGNS.

10.40.1. Lighting fixtures used to illuminate on-premises or off-premises outdoor commercial signs must be mounted at the top of the sign structure.

10.24.5.9. Displays, including lighting, erected in connection with the observance of holidays. Such displays shall not be considered as illuminated signs and they shall be removed within ten (10) days following the holiday.

10.30.2. No sign within 150 feet of a Residential-Agricultural (R-20) or Residential (R-9, R-7, R-6, R-6MF, R-6MH) Zoning District may be illuminated between the hours of 12:00 midnight and 6:00 a.m., unless the impact of such lighting beyond the boundaries of the lot where it is located is entirely inconsequential **as determined by the UDO Administrator.**

10.30.5. Subject to Subsection 10.30.6, no sign may contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity, except signs indicating the time, date, or weather conditions.

Sign Regulations Definitions

b Rootball or Root Spread

- (1) **Animation** means the movement, or optical illusion of movement of any part of the sign. Also included in this definition are signs having chasing action which is the action of a row of lights commonly used to create the appearance of motion. Automatic changeable copy boards are permitted provided that there is no running action to copy and provided that the copy does not change more than once every one minute. No flashing, revolving, or intermittent illuminating shall be employed.

SECTION 10.25 PROHIBITED SIGNS

The following list of signs are prohibited in the town; any violation is subject to the regulations as stated in this Article. Nonconforming signs located in a public right-of-way may be removed by the Town without prior notice.

10.25.1. No sign may be located so that it substantially interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private roads.

10.25.2. Signs that revolve, have internally moving parts, or are animated or that utilize movement or apparent movement to attract the attention of the public. Revolving barbershop light, electronic message displays where copy changes no more often than 60 seconds, and time and temperature displays are exempt.

HOUSE BILL 581

§ 136-131.2. Modernization of outdoor advertising devices.

(c) Any off-premises outdoor advertising for which there is in effect a valid permit issued by the Department of Transportation pursuant to this Article, including any sign relocated pursuant to applicable law, shall be permitted to be altered or reconstructed to a changeable message sign, subject to the limitations set forth in subsection (a) of this section and all of the following requirements:

(1) The sign is conforming to customary use. A changeable message sign that complies with the requirements set forth in this subsection shall not be considered flashing, intermittent, or moving and shall otherwise satisfy the lighting restrictions set forth in the agreement entered into pursuant to G.S. 136-138 between the State and the United States Department of Transportation to implement the provisions of the federal Highway Beautification Act of 1965.

(2) The changeable message sign shall not alternate displays more frequently than once every six seconds, with a maximum change time of two seconds.

(3) The changeable message sign shall not display video, continuous scrolling messages, or animation.

(4) The changeable message sign shall contain a default design that either freezes the message display in one position, displays a full blank screen, or turns off if a malfunction occurs.

(5) The light produced does not exceed 0.3 footcandles over ambient light levels as measured at the following distances:

- a. 150 feet, if the display surface is 12 feet by 25 feet.
- b. 200 feet, if the display surface is 10.5 feet by 36 feet.
- c. 250 feet, if the display surface is 14 feet by 48 feet.

(6) The changeable message sign structure shall be a steel monopole. General Assembly of North Carolina Session 2017 Page 8 House Bill 581-Third Edition

(7) The changeable message sign shall not be located within 1,000 feet of any other changeable message sign permitted by the Department of Transportation that is facing

the same direction of traffic on the same side of the highway. The 1,000-foot distance shall be measured along the nearest edge of the main-traveled way and between points directly opposite the applicable signs along each side of the highway.

(8) An off-premises outdoor advertising sign shall not be altered or reconstructed to a changeable message sign within an historic district lawfully established by a city or county government pursuant to Part 3C of Article 19 of Chapter 160A of the General Statutes, unless consented to by a resolution adopted by the applicable local governing board

N. C. ADMINISTRATIVE CODE 2E.0200

.0201 Definitions for Outdoor Advertising Control

(2) Automatic Changeable Facing Sign: A sign, display, or device which changes the message or copy on the sign facing electronically by movement or rotation of panels or slats.

(4) Automatic Changeable Facing Sign:

- (a) Automatic changeable facing signs shall be permitted on the controlled routes under the following conditions:
 - (i) The sign does not contain or display flashing, intermittent, or moving lights, including animated or scrolling advertising;
 - (ii) The changeable facing remains in a fixed position for at least eight (8) seconds;
 - (iii) If a message is changed electronically, it must be accomplished within an interval of two (2) seconds or less;
 - (iv) The sign is not placed within 1,000 feet of another automatic changeable facing sign on the same side of the highway;
 - (v) The 1000-foot distance shall be measured along the nearest edge of the pavement and between points directly opposite the signs along each side of the highway;
 - (vi) A legally conforming structure may be modified to an automatic changeable facing upon compliance with these standards and approval by the Department. Nonconforming or grandfathered structures shall not be modified to an automatic changeable facing;
 - (vii) The sign must contain a default design that will freeze the sign in one position if a malfunction occurs; and
 - (viii) The sign application meets all other permitting requirements.
- (b) The outdoor advertising permit shall be revoked for failure to comply with this Item.