



City of Boiling Spring Lakes

Planning Board

December 19, 2023

City Hall – 6:30 P.M.

AGENDA

- Call to Order
- Pledge of Allegiance
- Roll Call
- Approval of Agenda
- Approval of Minutes
 - November 14, 2023
- Public Comment
- Old Business
 - General UDO Updates
 - Staff Report & Consistency Statement
- New Business
 - Approval of 2024 Planning Board Meeting Schedule
- Other Business
- Announcements
- Adjourn



City of Boiling Spring Lakes
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Planning Board
November 14 2023
6:30 P.M. ~ City Hall

CALL TO ORDER:

The Planning Board meeting was held at City Hall on November 14 2023. Chairman, Lucille Launderville, called the meeting to order at 6:31 p.m.

ATTENDANCE:

Members Present: Lucille Launderville, Sharon Zakszeski, Carrie Moffett, Travis Cruse, and David Van der Vossen, Stephanie Bodmer, Chip Herring

Members Absent:

Staff Present:

Nicole Morgan, Assistant City Manager
Anthony Forte, Administrative Assistant
Suzanne Price, Zoning Technician

AGENDA:

A motion was made by Sharon Zakszeski, and seconded by Chip Herring, to approve the November 14, 2023 agenda.

Motion carried 5-0

MINUTES: November 14th, 2023

A motion was made by Sharon Zakszeki and seconded by Stephanie Bodmer, to approve the minutes of the November 14, 2023 with amendments. Motion carried 5-0

PUBLIC COMMENT: None.

OLD BUSINESS: CLOMR Study

Discussion on CLOMR Study for Dam Project:

The Planning Board engaged in a discussion regarding the Conditional Letter of Map Revision (CLOMR) study associated with the dam project. During the discussion, David Van Der Vossen requested that the board consider asking the engineer to initiate the CLOMR study earlier in the process. Nicole provided an update, noting that the CLOMR study is already an integral part of the approvals for the dam project.

NEW BUSINESS: Food Desert, City Center Options

Food Desert Concerns:

Lucille Launderville addressed the board, expressing concerns about the city being classified as a food desert. She emphasized the need for initiatives to attract grocery stores or other businesses that can address this issue.

OTHER BUSINESS: None

Discussion:

Notification to Board of Commissioners:

The Board of Commissioners has been duly notified of the possibly city center locations. No specific feedback has been received from the Board of Commissioners at this time.

Update on NC DOT Response:

It was communicated that the North Carolina Department of Transportation (NC DOT) does not warrant a stoplight at the corner of HWY 87 and Fifty Lakes Dr. However, the possibility of a turning lane is being proposed. Further discussions will be conducted to explore this option.

Review and Discussion of Current U.D.O. Permitted Uses

The Planning Board conducted a comprehensive review of the current Unified Development Ordinance (U.D.O.) and discussed the existing permitted uses. Notably, it was observed that the U.D.O. lacks a specific section addressing City Center uses.

Request for U.D.O. Changes:

The board went through each permitted use in the U.D.O. and identified highlighted uses requiring modification. These proposed changes were discussed, and it was agreed that Nicole will compile a list for consideration at the next meeting. Nicole, will bring an updated table of permitted uses to the next meeting for the board's review.

Announcements: None.

A motion was made by Sharon Zakszeski, and seconded by Carrie Moffett, to adjourn the meeting at 9:02 P.M.

Motion carried 5-0

*Respectfully submitted by,
Anthony Forte*



City of Boiling Spring Lakes

9 East Boiling Spring Road
Southport, NC 28461

STAFF REPORT

Agenda Date:

December 19, 2023

Title:

General UDO Updates – Staff Report & Plan Consistency

Department:

Nicole Morgan, Planning

Background Information:

In accordance with the requirement of NCGS Chapter 160D, Article 7, zoning regulations shall be made in accordance with a comprehensive plan and shall be designed to promote the public health, safety, and general welfare. Regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses. The City is divided into fourteen (14) zoning districts which are governed by all of the uniform use and dimensional requirements of the Unified Development Ordinance.

The City has initiated a request to amend specified permitted/special uses in Article 5, Section 5.5, to update/revise supplemental regulations in Article 6, update parking ratios in Article 7, Section 7.13, and to add definitions for indoor and outdoor flea markets in Appendix A.

Financial Impact:

Cost to advertise for required public hearing.

Recommendation:

The proposed amendments are consistent with the goals, policies, and recommendations of the City of Boiling Spring Lakes Comprehensive Land Use Plan (LUP). Therefore, staff recommends approval of the proposed amendments to the Unified Development Ordinance.

Attachments:

Proposed Text Amendments: Article 5, Article 6, Article 7, Appendix A
Plan Consistency

Proposed Text Amendments:

The following text amendments to the Unified Development Ordinance (UDO) are proposed to Article 5, Section 5.5, Table of Permitted/Conditional Uses, Article 6, Supplemental Regulations, Article 7, Development Standards, and Appendix A, Definitions. Stricken text is to be deleted. Underlined text is to be added.

Article 6. Supplemental Regulations

Section 6.4 Commercial Outdoor Storage (accessory)

- (C) Outdoor storage materials, including portable storage units, shall not be located forward of the principal structure, or in any required front setback. Outdoor storage materials, including portable storage units, shall not be placed in any required buffer and shall not be placed on the site so as to reduce parking below the minimum requirement.
- (D) A portable storage unit shall not exceed forty (40) feet by eight (8) feet wide by nine (9) feet tall.
 - (1) In the C-C zoning district one (1) portable storage unit may be placed on the site for a maximum of thirty (30) days, or extended for an additional thirty (30) days as permitted by the Code Enforcement Officer.

Section 6.59 Flea Market, Indoor

Indoor flea markets may be allowed pursuant to the use tables provided in Section 5.5 subject to the following standards:

- (A) All items for sale must be located within an enclosed building.
- (B) Outdoor display or storage of goods, equipment, material, etc. shall be prohibited.

Section 6.60 Flea Market, Outdoor

Outdoor flea markets may be allowed pursuant to the use tables provided in Section 5.5 subject to the following standards:

- (A) Outdoor flea markets shall be permitted as a temporary use only.
 - (1) A zoning permit is required for each temporary outdoor flea market. Zoning permits shall be valid for a maximum of three (3) days. No more than six (6) zoning permits shall be issued for outdoor flea markets on the same site per calendar year.
- (B) All booths, stalls, tents, exhibits, display areas, etc. shall be located a minimum of one hundred fifty (150) feet from residentially zoned property.
- (C) Outdoor trash facilities shall be provided.

- (D) The sale of alcohol and/or firearms is prohibited.
- (E) Booths, stalls, tents, exhibits, display areas, etc. shall be located a minimum of twenty-five (25) feet from a public right-of-way and in no case shall any activities be located within a public right-of-way.
- (F) Operating hours shall be limited to the hours of 8:00 am to 5:00 pm.
- (G) Sanitary facilities shall be available on site.
- (H) No vehicle shall be parked closer than five (5) feet to any property line.
- (I) The site shall be maintained in a clean and orderly fashion at all times and all items shall be removed upon permit expiration.

Section 6.61 Crematory

Crematoriums may be allowed pursuant to the use tables provided in Section 5.5, subject to the following standards:

- (A) No crematory shall be established except as an accessory use to a North Carolina licensed funeral home in the C-1 zoning district.
- (B) Crematoriums shall not emit any undue smoke, dust, heat or odor.
- (C) Loading and unloading areas shall be screened from adjacent properties and the public right-of-way.

Article 7. Development Standards

Section 7.13 Parking Ratios

Flea Markets

Two spaces per vendor booth, table, tent, exhibit, display area, etc.

Appendix A. Definitions

Flea Market

An outdoor or indoor market held on pre-established dates where individual sellers offer goods for sale to the public. The sellers may set up temporary stalls or tables for the sale of their products. The sales may involve new and/or used items and may include the sale of fruits, vegetables, and other edible items. The individual sellers need not be the same each time the market is in operation. A flea market differs from a farmers' market in that the majority of goods sold at a flea market are inedible.

Funeral Home

A facility used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation. A funeral home includes crematories as an accessory use.

Section 5.5 Table of Permitted/~~Conditional~~ Special Uses

Uses	R-1	R-2	R-3	R-3A	R-4	R-5	R-6	PRD	C-1	C-1A	C-C	I-1	CON	REC	Supplemental Regulations
Residential and Related Uses															
Single-family dwelling	PS	PS	PS	PS	PS	PS	PS	PS							Section 6.8
Two-family dwelling					PS			PS							Section 6.8
Manufactured home – Singlewide						PS	PS								Section 6.7
Manufactured home – Doublewide				PS		PS	PS								Section 6.7
Multi-family residential, including townhouses								PS	SUPS		SUPS				Section 6.40
Non-Residential Uses															
Accessory dwelling unit	PS	PS	PS	PS	PS	PS	PS	PS							Section 6.3
Accessory buildings (accessory use only)	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		PS	Section 6.2
Accounting agencies									P	P	P				
Adult businesses												SUPS			Section 6.11
Adult care home									P						
Advertising agencies									P	P	P	P			
Alcoholic beverages, retail									P		P				
Agriculture							P							P	
Animal shelter							P					P			
Antique shop									P	P	P				
Arboretums & botanical gardens														P	
Arcades									P	P	P				
Archery range, indoor/outdoor									PS	PS		PS			Section 6.9
Art galleries									P	P	P	P			
Assisted living residence									SUP		SUP				
Attorneys									P	P	P	P			
Auction house									PS	PS	PS	PS			
Audio & video production services									P	P		P			
Automobile dealerships, new & used									PS	PS		PS			Section 6.14
Automobile lubrication shop									SUPS	PS		PS			Section 6.15
Automobile/motorcycle repair shop									PS	PS		PS			Section 6.16
Automobile parts & supply									P	P		P			
Bakery, retail									P	P	P	P			
Banks									PS		PS				Section 6.17
Bank teller machines (ATM), attached (accessory only)									P		P				Section 6.17
Bank teller machines (ATM), freestanding									P	P	P	P			
Barber & beauty shops									P	P	P	P			
Bed & breakfasts									PS	PS	PS				Section 6.18
Boat ramp (motorized & un-motorized)											P			SUP	
Boat sales, repairs									PS	PS		PS			Section 6.20
Bodywork therapy (see massage therapist)									P	P	P	P			
Book & periodical store									P	P	P	P			
Bowling alley or skating rink									P						

Uses	R-1	R-2	R-3	R-3A	R-4	R-5	R-6	PRD	C-1	C-1A	C-C	I-1	CON	REC	Supplemental Regulations
Bulk hazardous/flammable material storage (accessory only)												SUPS			Section 6.21
Car wash									PS						Section 6.22
Cemeteries & mausoleums (accessory only)									PS						Section 6.23
Crematory									SUPS			SUP SUPS			Section 6.61
Chiropractic									P	P	P				
Religious institutions									PS		PS				Section 6.45
Club									SUP		SUP	SUP			
Computer sales & repair									P	P	P	P			
Community center									P		P				
Community garden	SUP	SUP	SUP	SUP	SUP	SUP	P	SUP							
Continuing care facility									SUP			SUP			
Contractors offices									P	P		P			
Crafts & hobby shop (toys & games)									P	P	P	P			
Dancing & bingo									P		P				
Daycare, adult & children's									PS						Section 6.10
Deli									P		P	P			
Dinner theaters									P		P				
Docks/piers/bulkheads/waterside structure	PS	PS	PS	PS	PS	PS	PS	PS	PS		PS		PS	PS	Section 7.7
Dog grooming									P	P	P	P			
Drug store									P		P				
Dry cleaning & laundromats (self-service & commercial)									P			P			
Dry cleaning & laundry collection (no cleaning on premise)									P	P	P	P			
Electrical equipment sales & repair									P	P	P	P			
Electronic game operations												SUPS			
Electrical repair or contractor									P	P		P			
Engine repair (small, including motorcycle)									P	P		P			
Engineering/surveying/architectural service									P	P	P	P			
Exercise & physical fitness centers									P	P	P	P			
Exterminating service									P	P		P			
Farm building							P								
Farm & garden supply									P	P		P			
Farmers market									P		P	P			
Financial services									P	P	P	P			
Fire stations	SUP	SUP	SUP	SUP	SUP	SUP	SUP	P	P	P		P			
Firing range										SUP		PS			Section 6.25
Flea market, indoor									P PS	P PS	PS				Section 6.59
Flea market, outdoor									P PS	P PS					Section 6.60
Flower shop									P		P	P			
Food store									P		P	P			

Uses	R-1	R-2	R-3	R-3A	R-4	R-5	R-6	PRD	C-1	C-1A	C-C	I-1	CON	REC	Supplemental Regulations
Funeral home									SUP S						
Furniture retail									P		P				
Gas station & convenience store									SUPS						Section 6.26
General contractor									P	P		P			
Gifts & souvenirs									P		P	P			
Golf course, clubhouse/pro shop/driving range, golf course restaurant, bar, banquet, catering & meeting	SUPS	SUPS						PS	<u>PS</u>					PS	Section 6.27
Governmental offices & buildings	P	P					P		P	<u>P</u>	P		P	P	Section 6.28
Greenhouse & plant nursery, retail									P	P		P	P		
Grocery store									P	P	P	P			
Gunsmith, including repair									P	P					
Handicapped/aged/infirm services									P	P	P				
Hardware									P	P		p			
Heating & air condition installation & repair									P	P		P			
Heavy equipment sales & rental												P			
Home appliance repair									P	P					
Home appliance dealer									P	P	P	P			
Home building supply, retail									P						
Home occupation (accessory only)	PS	PS	PS	PS	PS	PS	PS	PS			<u>SUPS</u>				Section 6.29
Hospital									SUPS		SUPS				Section 6.30
Hotels & motels									SUPS		SUPS				
Ice cream stand or store									P	P	P				
Indoor theaters or auditoriums									P		P				
In-home adult/daycare center (accessory)	PS	PS	PS	PS	PS	PS	PS	PS							Section 6.31
Insurance office									P	P	P	P			
Interior decorating service									P	P	P	P			
Jewelry									P	P	P	P			
Junkyard/salvage yard												SUPS			Section 6.32
Kindergarten/nursery school							PS	PS	PS						Section 6.34
Landscaping service									P	P		P			
Laundry service (excludes Dry Cleaning & Commercial Laundry Facilities)										P					
Leather goods									PS	PS	PS	PS			Section 6.35
Library									P		P				
Locksmith									P	P	P	P			
Manufacturing, artisan									P	P	<u>P</u>	P			
Manufacturing, general												P			
Manufacturing, intensive												P			
Manufacturing, limited									P	P		P			
Marketing promotion display	PS	PS	PS	PS	PS	PS	PS	PS	PS						Section 6.58
Massage therapist (licensed per GS 90-623)									P	P	P	P			
Meat butcher									P	P	P	P			
Medical & dental office/clinic									PS	PS	PS				Section 6.36

Uses	R-1	R-2	R-3	R-3A	R-4	R-5	R-6	PRD	C-1	C-1A	C-C	I-1	CON	REC	Supplemental Regulations
Medical & dental office/clinic (greater than 10,000 sf)									PS	PS					Section 6.36
Medical support office (testing lab)									P		P	P			
Metal working									P	P		P			
Microbrewery/micro-distillery									PS	PS	PS	PS			Section 6.37
Mini-storage units (indoor)												PS			Section 6.38
Miniature golf									P					P	
Mixed use									PS	PS	PS				Section 6.39
Mobile food truck	PS	PS	PS	PS	PS	PS	PS		PS		PS			PS	Section 6.56
Multi-unit housing with services									SUPS			SUP			
Museum									P		P				
Music studio									P	P	P	P			
Musical instrument & service									P	P	P	P			
Nursing home									PS		PS				Section 6.41
Office complex									P	P	P	P			
Office, general									P	P	P	P			
Optician									P	P	P	P			
Outdoor display (accessory)									PS	PS	PS	PS		PS	Section 6.6
Commercial outdoor storage – includes open storage (accessory)									PS	PS		PS		PS	Section 6.4
Commercial outdoor storage – includes open storage (principal)										PS		P		PS	Section 6.5
Paint/glass/wallpaper									P	P	P	P			
Pawn									P	P		P			
Photography studio									P	P	P	P			
Picture framing									P	P	P	P			
Plumbing repair contractor									P	P		P			
Pool hall									P	P	P				
Postal shipping & receiving									P	P	P	P			
Pottery products									P	P	P	P			
Print shop (quick copy, cards, letterheads, etc.)									P	P	P	P			
Private clubs or lodges (operated for the members and not for profit)									P	P	<u>P</u>	<u>SUP</u>		<u>P</u>	<u>SUP</u>
Produce stand									P						
Propane/acetylene wholesale/retail or distribution												P			
Psychological services									P	P	P	P			
Public & private schools, colleges, and universities								PS	SUPS						Section 6.42
Public parks & recreation areas	P	P	P	P	P	P	P	P	P	P	P		P	P	
Public utility, excluding sewer treatment facility	P	P	P	P	P	P	P	P	P	P	P	P	SUP		
Radio/tv station									P	P	P				
Real estate office/appraisal									P	P	P	P			

Uses	R-1	R-2	R-3	R-3A	R-4	R-5	R-6	PRD	C-1	C-1A	C-C	I-1	CON	REC	Supplemental Regulations
Recreational vehicle campground									PS						Section 6.43
Recycling center												SUPS			Section 6.44
Recycling center (municipal)	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		PS	Section 6.44
Rental equipment (excluding heavy equipment sales & rental)									P	P		P			
Research & development business									SUPS			PS			Section 6.46
Residential & domestic farm animals							PS								Section 6.33
Restaurants (drive through/in)									PS						Section 6.47
Restaurants (eat in, no drive through/in)									P		P				
Retail complex – mini unit center/mini mall									P	P	P				
Retail trade									P	P	P				
Satellite dish antennas	PS	PS	PS	PS	PS	PS	PS	PS	P	P	P	P		P	Section 6.48
Seafood markets									P	P	P				
Self-service ice vending machine (accessory)									PS						Section 6.49
Sewer treatment facility												SUP			
Shoe store or repair									P	P	P	P			
Solar farm												SUPS			Section 6.50
Spas & health clubs									P	P	P				
Specialty training school (driving, modeling, flying, photography, etc.)									P	P					
Sporting goods & services									P	P	P	P			
Stationary									P	P	P	P			
Uses															
Storage units/containers	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS			Section 6.2 Section 6.4
Substations/pump/telephone stations	SUPS	SUPS	SUPS	SUPS	SUPS	SUPS	SUPS	PS	P	P	SUPS	P			Section 6.51
Swimming pool (accessory)	PS	PS	PS	PS	PS	PS	PS	PS	PS		PS			PS	Section 6.52
Swimming pool, <u>excludes pool sales</u>									SUPS		SUPS			SUPS	Section 6.52
Tailor/dressmaker/seamstress									P	P	P	P			
Tavern									P	P	P				
Tattoo & body piercing									SUP	P	SUP	SUP			
Temporary construction buildings	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS			Section 6.2
Temporary housing unit	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS			Section 6.57
Tobacco shop									P	P	SUP				
Travel agencies									P	P	P	P			
Upholstery – furniture repair									P	P	P	P			
Veterinarian – animal clinic (excluding kennels)									P	P	P	P			
Warehouses – wholesale use (enclosed)									P	P		P			

Uses	R-1	R-2	R-3	R-3A	R-4	R-5	R-6	PRD	C-1	C-1A	C-C	I-1	CON	REC	Supplemental Regulations
Wireless telecommunication facility or complex, freestanding and substantial modifications							SUPS		SUPS			SUPS			Section 6.53
Wireless telecommunication facility, collocation or collocated small/micro wireless facility	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	Section 6.54
Woodworking, retail									P	P		P			
Youth center									PS	PS		PS		PS	Section 6.55



City of Boiling Spring Lakes

9 East Boiling Spring Road
Boiling Spring Lakes, NC 28461

2024 Planning Board Meeting Schedule

Tuesday – January 16, 2024	Tuesday – July 9, 2024
Tuesday – February 13, 2024	Tuesday – August 13, 2024
Tuesday – March 12, 2024	Tuesday – September 10, 2024
Tuesday – April 16, 2024	Tuesday – October 15, 2024
Tuesday – May 14, 2024	Tuesday – November 12, 2024
Tuesday – June 11, 2024	Tuesday – December 10, 2024

PLAN CONSISTENCY

PLANNING BOARD ACTION

(A) _____The Planning Board hereby recommends approval of the proposed amendments to the Unified Development Ordinance and finds that it (i) is consistent with the City's comprehensive plan (2017 Land Use Plan), policy #6, which states "*The City shall update the Unified Development Ordinance (UDO) to address legislative changes, site plan review standards, subdivision regulations, dimensional standards, and other items deemed necessary by the Planning Board, Board of Commissioners, and City staff,*" and (ii) that it is in the public interest because it will advance the public health, safety, and/or welfare of the City of Boiling Spring Lakes.

(B) _____The Planning Board hereby recommends denial of the proposed amendment to the Unified Development Ordinance and finds that (i) it is not consistent with the City's comprehensive plan (2017 Land Use Plan) and all other applicable plans and policies adopted by the City for the following reasons: _____ and/or (ii) it is not in the public interests for the following reasons: _____

Motion to Recommend Approval (A) _____ Motion to Recommend Denial (B) _____