



City of Boiling Spring Lakes

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**Planning Board
December 12, 2017
7:00 P.M. ~ City Hall**

CALL TO ORDER:

The regular monthly Planning Board meeting was held at City Hall on December 12, 2017. Chairman, Bill Clark, called the meeting to order at 7:00 p.m.

ATTENDANCE:

Members Present:

Bill Clark; Chairman, Bill Sraver, Gene Fioravante, Lucille Launderville

Members Absent:

Nancy Crawford, excused
Jeremy Sexton, unexcused

Staff Present:

Nicole Morgan; Administrative Assistant

Guest:

Wes MacLeod; Cape Fear Council of Governments

AGENDA:

A motion was made by Gene Fioravante and seconded by Lucille Launderville to amend the agenda to include a discussion about wake boats.

Motion Carried 4-0

MINUTES – November 14, 2017

A motion was made by Bill Sraver and seconded by Gene Fioravante to approve the November 14, 2017 meeting minutes.

Motion carried 4-0

PUBLIC COMMENT:

No public comment.

OLD BUSINESS:**1. Review Final Draft of UDO**

A discussion was held, and the decision was made to add a provision to Section 5.7 that would allow for a 1,250 square foot home with a 400 square foot attached garage in the R-1 zoning district.

Wes MacLeod noted the Draft UDO currently shows 35 foot front setbacks for R-5 and R-5MH zoning districts. This will be corrected, per Wes MacLeod, to indicate 40 foot front setbacks for both.

Bill Clark asked Wes MacLeod if Section 2.5(B), indicating no more than 1 principal building devoted to residential use shall be allowed on a lot, should really be stricken. Wes MacLeod stated it would be considered multi-family housing. Wes MacLeod noted if Section 2.5(B) is not stricken it would not allow for the inclusion of multi-family housing in the revised UDO, which is why Section 2.5(A) indicates "...unless otherwise is specifically authorized by this Ordinance." Bill Clark asked Wes MacLeod if the UDO can refer to exactly where else in the UDO this would be authorized and Wes MacLeod recommended limiting referencing where possible. Wes MacLeod agreed to include multi-family in this section.

Discussion was held regarding Section 3 of the Draft UDO. In reference to Section 3-7(B) Bill Clark asked Wes MacLeod if a quorum is still 3 members and Wes MacLeod stated yes. Bill Clark then noted Section 3.15 states a concurring vote of four-fifths is necessary to grant a variance and therefore, asked Wes MacLeod if the quorum requirement could be changed to 4 members. Wes MacLeod explained this cannot be done, due to legislative statutes. Bill Clark asked Wes MacLeod if Section 3.17(B) should include a definition of vested rights and Wes MacLeod stated the definition of vested rights is included in Appendix A: Definitions.

During a discussion about Section 4.4.4 – Burden of Proof in Appeals and Variances, Bill Clark asked Wes MacLeod if 4.4.4(B) should include the types of evidence to be presented to the Board of Adjustment and Wes MacLeod stated Section 4.4.2(B) references such. Bill Clark and Wes MacLeod discussed quasi-judicial procedures for variances and Wes MacLeod stated if a vote in the affirmative fails, a variance is not granted.

Bill Clark recommended, based upon comments and suggestions by the Board of Commissioners, the combination of zoning districts C-1 and C-1A. Wes MacLeod stated it can either be taken out of the Draft UDO, or a statement can be included stating the Planning Board would like to remove C-1A. Bill Clark stated he would like to take it out of the Draft UDO and Wes MacLeod noted it must stay in until a petition comes to the Planning Board to rezone districts C-1 and C-1A, along with a text amendment.

A motion was made by Bill Sraver and seconded by Gene Fioravante to combine zoning districts C-1 and C-1A.

Motion carried 4-0

Bill Clark asked Wes MacLeod where the C-C district would be and Wes MacLeod stated from City Hall south, to the big lake (Patricia Lake), and indicated the rezoning request would come to the Board to rezone C-1 to C-C. Wes MacLeod noted districts cannot be included on the zoning map until the text exists and it is adopted. Wes MacLeod stated the theory is to limit C-C to non-residential uses, such as restaurants, grocery stores, cafes, and entertainment establishments. Bill Clark then asked Wes MacLeod if, under C-C, swimming pools are a permitted use, would this mean public pools and Wes MacLeod stated these would be motels or multi-family housing. Bill Clark asked Wes MacLeod if there would be enough space in the C-C district to allow for this type of permitted use and Wes MacLeod stated presumably, yes, and the Planning Board could increase or decrease the size of the C-C zoning district that is being presented.

Bill Clark noted the Draft UDO indicates firing ranges as permitted in C-1A and not C-1. Wes MacLeod stated it would become a conditional use and noted, if the two districts are combined, what is permitted in one district would be permitted in the other.

Discussion was held regarding open storage and Wes MacLeod stated open storage as an accessory use has been added to Section 5.5.

Wes MacLeod agreed, as per Bill Clark's recommendation, to take automobile, boat, recreational vehicle storage (outdoor) out of C-1A and move to light industrial. Wes MacLeod also agreed, after discussion, to add plumbing and general contractors to permitted uses in light industrial. After further discussion, Wes MacLeod also agreed to take chiropractic out of light industrial and contractor offices, exterminator service and hardware out of C-C. All agreed to have pest control stricken altogether, as it is the same as exterminator service. Wes MacLeod further noted satellite dish antennas has been moved to accessory use.

Discussion was held regarding 6.2 – Accessory Dwelling Unit. Wes MacLeod stated 6.2(B) states you cannot have a detached garage and an accessory dwelling unit on the same lot and noted an attached garage and an accessory dwelling unit would be permitted. Bill Sraver asked Wes MacLeod if separate septic would be required for accessory dwelling units and Wes MacLeod stated yes.

Discussion was held regarding Section 6.28-Home Occupations. Wes MacLeod explained the Planning and Zoning Department is in the process of updating permit forms, which will reflect the UDO requirements, and noted permits will allow the city to keep track of home occupations and ensure compliance.

Bill Clark asked Wes MacLeod if certain uses will be grandfathered in, such as businesses with heavy equipment on their property. Wes MacLeod stated if such use was allowed previously and it is now a non-permitted use, it would be considered non-conforming.

Bill Sraver asked Wes MacLeod to elaborate on motorized boat ramps in Section 6.6.9. Wes MacLeod stated these ramps are for boats that are large enough to have electric motors. Bill Clark noted the only lake that allows for gas motors is the big lake (Patricia Lake).

Members voted to take a 5 minute recess. The meeting recessed at 8:35 p.m., and then reconvened at 8:40 p.m.

NEW BUSINESS:

1. Approval of 2018 Planning Board Meeting Schedule

A motion was made by Bill Sraver and seconded by Lucille Launderville to accept the 2018 Planning Board Meeting Schedule as written.

Motion carried 4-0

2. Update from Stakeholder Public Meeting

Discussion was held regarding the stakeholder public meeting in which Wes MacLeod stated the Draft UDO was discussed and positive feedback was given.

3. Potential BOC Recommendation and Consistency Determination

Wes MacLeod advised board members the Consistency Statement is to be signed upon Draft UDO approval.

4. Potential Rezoning for New District(s)

Motion was made by Bill Sraver and seconded by Lucille Launderville to table Potential Rezoning for New District(s) until next month.

Motion carried 4-0

5. Wake Boats

Motion was made by Bill Sraver and seconded by Gene Fioravante to table Wake Boats until next month.

Motion carried 4-0

NEXT MEETING AGENDA ITEMS:

- 1. Review Final Draft of UDO & BOC Recommendation/Consistency Statement**
- 2. Potential Rezoning for New District(s)**
- 3. Wake Boats**
- 4. Elect Chairman, Vice-Chairman & 1st Quarter TRC Representative**

A motion was made by Bill Sraver and seconded by Gene Fioravante to adjourn the meeting at 8:45 p.m.

Motion carried 4-0

Respectfully submitted by,

Nicole Morgan, Administrative Assistant