



City of Boiling Spring Lakes
9 E. Boiling Spring Road
Southport, NC 28461
Phone (910) 363-0025 Fax (910) 363-0029
Suzanne Price • Email: sprice@cityofbsl.org

Planning Board
April 11, 2023
6:30 P.M. ~ City Hall

CALL TO ORDER:

The Planning Board meeting was held at City Hall on April 11, 2023. Chairman, Lucille Lauderville, called the meeting to order at 6:30 p.m.

ATTENDANCE:

Members Present: Lucille Lauderville, Sharon Zakszeski, Carrie Moffett, Chip Hering, Travis Cruse, Stephanie Bodmer, David Van der Vossen.

Members Absent: 0

Staff Present:

Mark Bloomer, Planning & Zoning Administrator
Suzanne Price, Administrative Assistant

AGENDA:

A motion was made by Sharon Zakszeski, and seconded by Chip Hering, to approve the April 11, 2023 agenda.

Motion carried 5-0

MINUTES – March 14, 2022

A motion was made by Sharon Zakszeski and seconded by Stephanie Bodmer, to approve the minutes of the March 14, 2022 meeting.

Motion carried 5-0

PUBLIC COMMENT: None

OLD BUSINESS:

- 1. GROCERY STORE INFO:** Mark Bloomer reported there have been no new developments on the grocery store.
- 2. THE LAKES GOLF CLUB:** Mr. Bloomer explained that Chief Code Enforcement Officer Ruth Bek and his self would be meeting with Roger Dutton on 4.13.2023.
- 3. Potential Text Amendment to the table of Permitted Uses for the C-1 and C1A Zoning Districts:** Discussion about what the definitions of some of the things listed are.

Discussions on what should be allowed and what should not be allowed. Mrs. Launderville asked that the Planning Board go over the list of Permitted Uses. It was decided that this would be tabled and there would be a special meeting to work on the C1 and C1A permitted uses.

4. **Storm water Ordinance Development:** Gordon Hargrove had in the previous meeting asked that Planning Board look at Storm water ordinance that other communities were using. He wanted the Board to look and research on developing a Storm Water Ordinance for the City. There is issues with the storm water running off of properties onto the neighbors. The question was asked; “What is the problem with using the county’s?” There was discussion on gutters and how they cause damage. Ashley Turner, a local builder gave examples of how other area that do not require gutters handle the runoff from the roofs. Scott Tuberville, Building Inspector with the City agreed that gutters do cause issues. The Board decided to table this.

A motion was made by Chip Hering and seconded by Sharon Zakszeski, to Table unto there is more information available. 5-0 Motion Passed.

NEW BUSINESS:

1. **Change to Section 8.3.4 Major Subdivision Final Plat Review of the Unified Development Ordinance:**

After reviewing the proposed changes the Planning Board sent this back to Mr. Bloomer to review and reword.

2. **Senate Bill 317: Addressing Workforce Housing Crisis.** The Senate tabled this for now. Mr. Bloomer explained Proposed Senate Bill 317 is designed to create affordable housing for teachers, first responders, nurses and first-time home buyers. It would provide a new option for developers to bypass certain local regulations if the developer agrees to sell at least one-fifth of the lots at what would likely be a loss.

Under the proposed bill developers could pursue this option by (1) buying at least 10 acres, (2) using 20% of the lots for single-family “workforce housing,” and (3) selling at least half of those lots at a price affordable for prospective buyers who make 80% of the area median income. The rest of the workforce improved lots can be priced for those earning up to 100% of the median area income.

3. **House Bill 409: Regulation of Accessory Dwelling Unit.** Mr. Bloomer explained Proposed House Bill 409 would allow accessory dwelling units on all residential lots. Section 6.3 of the UDO currently allows accessory dwelling units in BSL. Under House Bill 409 we would no longer be able to require one off-street parking space for each bedroom within an accessory dwelling unit. Accessory dwelling units would also be able to tie into existing wells and septic tanks.

We would also no longer be able to charge for zoning permits for an accessory dwelling unit. In addition, we could no longer require a minimum of a 10 foot side yard setback and a minimum of a 10 foot rear yard setback. Under Proposed House Bill 409 both of those setbacks could only be a maximum of 5 feet each. These proposed changes could increase the number of accessory dwelling units that are located in the City.

4. **House Bill 332: Streamline Comm/Multifam Bldg. Plan Review.** Mr. Bloomer explained Proposed House Bill 332 would require the City to complete our plan review and issue a building

permit decision for commercial and multifamily building plans that require an engineer or architect seal within 21 days of submission, unless agreed to by all parties. If the local government request additional information or requires a plan to be resubmitted with changes, it must issue a building permit decision within 15 days from the receipt of the requested additional information or resubmitted plan.

The bill would also authorize the City or a permit applicant to elect under certain circumstances the use of third-party reviewers. The City would have to refund or waive all plan review fees and permit fees for a project in the event that a permit applicant elects to utilize a third-party review, when the City fails to meet or determines it's unable to meet plan review timeframes as required by these new provisions.

In addition, the proposed bill would provide a liability limitation for local governments when issuing permits based on plan reviews performed by a third-party review at the election of a permit applicant under these new provisions. The proposed bill would also prohibit the City from delaying or denying the issuance of a permit when it requires specifications or manufacturer engineering information on an element, component, or fixture related to the submitted plans. These proposed changes would shorten the time the City and Technical Review Committee have to review and approve Major Site Plans for commercial and multifamily buildings. This could lead to the need to have Special Planning Board Meetings occasionally in order to review Major Site Plans.

5. **House Bill 294: NC Housing Choice Incentive:** Mr. Bloomer explained Proposed House Bill 294 appropriates \$30 million from the General Fund to the Department of Commerce in recurring funds for the 2024-2025 fiscal year. The funds are to be used for the North Carolina Choice Grant program, which will award grants funds annually to counties and municipalities in accordance with specified criteria in the act to be used by the grant recipients for local water, sewer, or transportation infrastructure projects.

Grants awarded to each local government unit are in the amount of \$1 million unless the eligible grantees exceed the number of available funds in a given year. If that occurs, this proposed bill directs the Department to distribute the funds on a per capita basis on population of the grant recipient. Specifies that unawarded grant funds do not revert and are only available to the Department to award in future years.

Specifies that local government applicants may only receive one grant under this section every five years. Specifies that the following grant eligibility requirements for applicant municipalities with a population of 100,000 or less as of the most recent decennial census and has designated at least five zoning districts of reasonable size in which multifamily housing is a permitted use.

BSL currently permits accessory dwelling units subject to supplemental development standards in more than five zoning districts of reasonable size so it looks like we could apply for these grants.

We could apply for these funds for a local water, sewer or transportation infrastructure project. If the City was able to get one of these grants it would help us to grow.

6. **House Bill 252: Multijurisdictional Property:** Mr. Bloomer explained Proposed House Bill 252 would clarify that the assignment of land development jurisdiction under an interlocal agreement for lands in multiple jurisdictions would apply to all development phases on the land. It would allow, in the absence of an interlocal agreement, a landowner of lands in multiple jurisdictions to designate which local government's jurisdiction will apply.

The proposed change would also allow a landowner, with the approval of the local government with designation, to enter into agreements with one or more other local governments for any part of the development (including utilities, annexation for utility access, development phases on the land,

and other services.

The landowner must record these agreements with the register of deeds in any county where the land is located within 14 days of the agreement's execution.

Discussion: Mrs. Launderville requested Mr. Bloomer look into the House and Senate Bills so they could be presented to the Board. Mr. Bloomer is going to continue to watch these bills and notify the board of any changes.

Announcements: None

A motion was made by Sharon Zakszeski, and seconded by Stephanie Bodmer, to adjourn the meeting at 7:50 P.M.

Motion carried 5-0

*Respectfully submitted by,
Suzanne Price*



City of Boiling Spring Lakes
9 East Boiling Spring Road
Southport, NC 28461

STAFF REPORT

Agenda Date:

April 11, 2023

Title:

UDO Section 8.3.4 Major Subdivision Final Plat Review

Department:

Planning and Zoning

Background Information:

As Section 8.3.4 is currently written, developers of major subdivisions must completely install all proposed streets before I can accept the final plat for review. The proposed change would allow the developers to wait to install the final lift of asphalt on any proposed streets until 75% of the houses that will be located in the subdivision have been built. This change would prevent a great deal of wear and tear on newly completed streets from the large trucks and heavy equipment that are needed to construct new homes.

Financial Impact:

Only the cost to run an ad.

Recommendation:

Approve the proposed change.

Attachments:

Section 8.3.4 with proposed new language
Consistency Statement

8.3.4 Major Subdivision Final Plat Review

- (A) Preparation of Final Plat and Installation of Improvements. Upon approval of the preliminary plat, the applicant may proceed with the preparation of the final plat, and the installation of or arrangement for required improvements (Section 8-8) in accordance with the approved preliminary plat. Prior to approval of a final plat, the applicant shall have installed the improvements specified in this Ordinance, or guaranteed their installation as provided in Section 8.3.5. No final plat will be accepted for review by UDO Administrator by written notice by the City Attorney and City Engineer (or consulting engineer) acknowledging compliance with required installation of improvements. **The final lift of asphalt for any proposed streets does not have to be installed until 75% of the houses that will be located in the subdivision have been built.** The final plat shall constitute only that portion of the preliminary plat which the applicant proposes to record and develop at this time; such portion shall conform to all requirements of this Ordinance. All approvals of improvement guarantees are in the sole discretion of the Board of Commissioners (See Section 8.3.5). NOTE: Approval for Major Subdivision Final Plats subject to financial guarantees shall be the responsibility of the Board of Commissioners. An advisory recommendation of the Planning Board is not required.
- (B) The applicant shall submit the final plat for the first stage of the subdivision to the UDO Administrator not more than 24 months after the date on which the preliminary plat was approved; otherwise such approval shall be null and void. For subdivisions developed in stages, each successive final plat for a stage of the subdivision shall be submitted for approval within 24 months of the date of approval of the previous final plat for a stage of the subdivision. The UDO Administrator shall determine if the application is complete prior to initiating review.
- (C) The final plat shall be prepared by a Registered Land Surveyor currently licensed and registered in the State of North Carolina by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. The final plat shall conform to the provision for plats, subdivisions, and mapping requirements set forth in NCGS 47-30 and the Standards of Practice for Land Surveying in North Carolina.
- (D) Three (3) hard copies one (1) digital copy of the final plat shall be submitted, one (1) of these shall be on reproducible material, two (2) shall be in accordance with NCGS 47-30, where applicable, and the requirements of the Brunswick County Register of Deeds.
- (E) The final plat shall meet the specifications in Appendix B of this Ordinance.
- (F) The Technical Review Committee shall review the final plat at least 30 days after the UDO Administrator receives a complete application for a major subdivision final plat and shall provide a written comments to the UDO Administrator.
- (G) The UDO Administrator shall approve or disapprove the major subdivision final plat within 60 days following receipt of the complete application. If the UDO Administrator approves the final plat, such approval shall be shown on each copy of the plat.

- (H) If the final plat is disapproved by the UDO Administrator, the reasons for such disapproval shall be stated in writing, specifying the provisions of this Ordinance with which the final plat does not comply. If the final plat is disapproved, the applicant may make such changes as will bring the final plat into compliance and resubmit the same for reconsideration by the Technical Review Committee and UDO Administrator.
- (I) The applicant shall file the approved final plat with the Register of Deeds of Brunswick County within 30 days of the UDO Administrator's approval; otherwise, such approval shall be null and void.
- (J) A Final Plat shall be approved only upon a finding that all of the following standards are met:
 - (1) The Final Plat is in substantial conformity with the approved Preliminary Plat (if applicable);
 - (2) The Final Plat complies with all applicable standards in this Article;
 - (3) The Final Plat complies with all other relevant provisions of this ordinance;
 - (3) The Performance Guarantee, where applicable, is approved by the City Attorney and City Engineer;
 - (4) The Final Plat complies with all other relevant City regulations; and
 - (5) The Final Plat includes all required certificates.



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STAFF REPORT

Agenda Date: April 11, 2023

Title:

Proposed Senate Bill 317

Department:

Planning and Zoning Department

Background Information:

Proposed Senate Bill 317 is designed to create affordable housing for teachers, first responders, nurses and first-time home buyers. It would provide a new option for developers to bypass certain local regulations if the developer agrees to sell at least one-fifth of the lots at what would likely be a loss.

Under the proposed bill developers could pursue this option by (1) buying at least 10 acres, (2) using 20% of the lots for single-family "workforce housing," and (3) selling at least half of those lots at a price affordable for prospective buyers who make 80% of the area median income. The rest of the workforce improved lots can be priced for those earning up to 100% of the median area income. This bill has been "parked" in the Senate Rules Committee. A state legislative office had been overwhelmed with citizen calls in opposition to this proposed bill. This proposed bill should not affect the City or the Planning Board if it remains parked with the Senate Rules Committee.

Financial Impact:

None.

Recommendation:

None.

Attachments: Proposed Senate Bill 317



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STAFF REPORT

Agenda Date:

April 11, 2023

Title:

Proposed House Bill 409

Department:

Planning and Zoning Department

Background Information:

Proposed House Bill 409 would allow accessory dwelling units on all residential lots. Section 6.3 of the UDO currently allows accessory dwelling units in BSL. Under House Bill 409 we would no longer be able to require one off-street parking space for each bedroom within an accessory dwelling unit. Accessory dwelling units would also be able to tie into existing wells and septic tanks.

We would also no longer be able to charge for zoning permits for an accessory dwelling unit. In addition, we could no longer require a minimum of a 10 foot side yard setback and a minimum of a 10 foot rear yard setback. Under Proposed House Bill 409 both of those setbacks could only be a maximum of 5 feet each. These proposed changes could increase the number of accessory dwelling units that are located in the City. These proposed changes should not affect the Planning Board.

Financial Impact:

None.

Recommendation: None.

Attachments: Proposed House Bill 409



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STAFF REPORT

Agenda Date:

April 11, 2023

Title:

Proposed House Bill 332

Department:

Planning and Zoning Department

Background Information:

Proposed House Bill 332 would require the City to complete our plan review and issue a building permit decision for commercial and multifamily building plans that require an engineer or architect seal within 21 days of submission, unless agreed to by all parties. If the local government request additional information or requires a plan to be resubmitted with changes, it must issue a building permit decision within 15 days from the receipt of the requested additional information or resubmitted plan.

The bill would also authorize the City or a permit applicant to elect under certain circumstances the use of third-party reviewers. The City would have to refund or waive all plan review fees and permit fees for a project in the event that a permit applicant elects to utilize a third-party review, when the City fails to meet or determines it's unable to meet plan review timeframes as required by these new provisions.

In addition, the proposed bill would provide a liability limitation for local governments when issuing permits based on plan reviews performed by a third-party review at the election of a permit applicant under these new provisions. The proposed bill would also prohibit the City from delaying or denying the issuance of a permit when it requires specifications or manufacturer engineering information on an element, component, or fixture related to the submitted plans. These proposed changes would shorten the time the City and Technical Review Committee have to review and approve Major Site Plans for commercial and multifamily buildings. This could lead

to the need to have Special Planning Board Meetings occasionally in order to review Major Site Plans.

Financial Impact:

None.

Recommendation:

None.

Attachments:

Proposed House Bill 332



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STAFF REPORT

Agenda Date:

April 11, 2023

Title:

Proposed House Bill 294

Department:

Planning and Zoning Department

Background Information:

Proposed House Bill 294 appropriates \$30 million from the General Fund to the Department of Commerce in recurring funds for the 2024-2025 fiscal year. The funds are to be used for the North Carolina Choice Grant program, which will award grants funds annually to counties and municipalities in accordance with specified criteria in the act to be used by the grant recipients for local water, sewer, or transportation infrastructure projects.

Grants awarded to each local government unit are in the amount of \$1 million unless the eligible grantees exceed the number of available funds in a given year. If that occurs, this proposed bill directs the Department to distribute the funds on a per capita basis on population of the grant recipient. Specifies that unawarded grant funds do not revert and are only available to the Department to award in future years.

Specifies that local government applicants may only receive one grant under this section every five years. Specifies that the following grant eligibility requirements for applicant municipalities with a population of 100,000 or less as of the most recent decennial census and has designated at least five zoning districts of reasonable size in which multifamily housing is a permitted use.

BSL currently permits accessory dwelling units subject to supplemental development standards in more than five zoning districts of reasonable size so it looks like we could apply for these grants. We could apply for these funds for a local water, sewer or transportation infrastructure project.

If the City was able to get one of these grants it would help us to grow. The proposed changes would not affect the Planning Board.

Financial Impact:

None

Recommendation:

None

Attachments:

Proposed House Bill 294



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STAFF REPORT

Agenda Date:

April 11, 2023

Title:

Proposed House Bill 252

Department:

Planning and Zoning Department

Background Information:

Proposed House Bill 252 would clarify that the assignment of land development jurisdiction under an interlocal agreement for lands in multiple jurisdictions would apply to all development phases on the land. It would allow, in the absence of an interlocal agreement, a landowner of lands in multiple jurisdictions to designate which local government's jurisdiction will apply.

The proposed change would also allow a landowner, with the approval of the local government with designation, to enter into agreements with one or more other local governments for any part of the development (including utilities, annexation for utility access, development phases on the land, and other services.

The landowner must record these agreements with the register of deeds in any county where the land is located within 14 days of the agreement's execution. I am not aware of any property that is partially in BSL and partially in another jurisdiction so this proposed bill would most likely not affect the City or the Planning Board.

Financial Impact: None

Recommendation: None

Attachments: Proposed House Bill 252