



City of Boiling Spring Lakes

9 E. Boiling Spring Road

Southport, NC 28461

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**Planning Board
April 24, 2023
6:30 P.M. ~ City Hall**

CALL TO ORDER:

The Planning Board meeting was held at City Hall on April 24, 2023. Chairman, Lucille Launderville, called the meeting to order at 6:30 p.m.

ATTENDANCE:

Members Present: Lucille Launderville, Sharon Zakszeski, Carrie Moffett, Chip Hering, Travis Cruse.

Members Absent: Stephanie Bodmer, David Van der Vossen.

Staff Present:

Mark Bloomer, Planning & Zoning Administrator

Suzanne Price, Administrative Assistant

AGENDA:

A motion was made by Carrie Moffett, and seconded by Chip Hering, to approve the April 24, 2023 agenda.

Motion carried 5-0

PUBLIC COMMENT: George Moncrief of 3847 George II Highway, Southport, NC 28461 spoke about how he had spent 14 years working on creating the C1 district and could not understand why the City was wanting to take it away. He discussed about his property being delineated because of the wetlands.

NEW BUSINESS:

- 1. Potential Text Amendment to the table of Permitted Uses for the Commercial Mixed Use Zoning District (C-1), Commercial/Service Zoning District (C-1A), and Light Industrial (I-1) Zoning District.:** Started with discussion of what permitted uses should be moved outside of C1 and C1A. Some items were mini storage, outdoor/open storage, storage containers. Everyone agreed that cemeteries and mausoleums should be moved from C1. Also the Board agreed that campgrounds and RV parks should not be allowed in City Center (CC). All the Board members shared what their thoughts were about what should and should not be in C1 and C1A. There was much discussion on what should be removed from C1 and C1A. Travis Cruse reminded the Board that the City needs to be aware of how any changes would affect property owners.
The Board then discussed where a City Center area should be. There was a couple of suggestions on where it should be located, to include from new Police Department to Leeds Road, also it was suggested from W. South Shore to Fifty Lakes Dr. The Board asked that Mr. Bloomer research the possibility of using a mapping overlay for the City Center. It was discussed about the overlay being for the City Center and not covering all of C1 Zoning. By having an Overlay Mapping there would be more discretion about what is in City Center.
Mrs. Launderville, asked the Board to revisit the Table of Permitted/Conditional Uses paying close attention to the CC Zoning District.
The Board asked if we could have a poll or someway for residents to have input in to a location and what was wanted in a City Center.
Mr. Bloomer is going to contact the Council of Government about a traffic study at intersection Fifty Lakes Rd and Highway 87.

Announcements: None

A motion was made by Sharon Zakszeski, and seconded by Chip Hering, to adjourn the meeting at 7:27 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 24, 2023

Title:

Definitions of Permitted Uses in Use Charts

Department:

Planning and Zoning Department

Background Information:

Members of the Planning Board asked me to get definitions of some of the Permitted Uses in our Use Chart.

Mini Storage Units (Indoor) – The UDO defines Mini-Warehouse as a structure containing separate storage spaces of varying sizes leased or rented on an individual basis. No outdoor storage shall be allowed in conjunction with the facility with the following exceptions: boats, cars; motorcycles; trailers; motor homes, pick-up trucks and similar-type and size vehicles; and building materials. All areas devoted for outdoor storage shall be screened in accordance with Article 9. Use of the leased storage spaces shall be for storage purposes only.

Mini Storage Units (Indoor) are currently permitted in C-1 and CC subject to Section 6.38. Section 6.38 states that mini storage units may be allowed pursuant to the use tables provided in 5.5 provided that no unit is greater than 400 square feet. Section 5.5 is the Use Chart.

Lawinsider.com lists three different definitions of mini storage. Definition 1 – A building and/or site used for containing separate secured indoor storage units, designed to be rented or leased for private storage of personal goods. Definition 2 -- accessory units of a maximum area of 30 square meters per unit for the purpose of storing nonhazardous items indoors. 30 square meters is 322 square feet. Definition 3 – a development that provides cubicles to rent for the storage of goods.

Outdoor Storage – The UDO defines Outdoor Storage (includes Open Storage) as the keeping, in an unroofed area, of any goods, junk, material, or merchandise in the same place for more than 24 hours. Outdoor Storage (includes Open Storage) is a Permitted Use in I-1. Outdoor Storage (includes Open Storage) is a Permitted Use in C-1, C-1A and Recreation Districts subject to Sections 6.4 and 6.5 of the UDO.

Section 6.4 Commercial Outdoor Storage (accessory)

The keeping, in an unroofed area, of any goods, junk, material, or merchandise in the same place for more than 24 hours.

(A) All outdoor/open storage areas shall be fenced with a minimum of a six (6) foot fence.

(B) Evergreen shrubs shall be planted at a minimum of three (3) feet separation around the fencing perimeter for any parcel adjoining residential property or any section of fence facing a street. Such a buffer may count towards meeting any additional required landscape buffering.

(C) Outdoor storage materials, including portable storage units, shall not be located forward of the principal structure, or in any required front setback.

(D) A portable storage unit shall not exceed forty (40) feet by eight (8) feet wide by nine (9) feet tall.

Section 6.5 Commercial Outdoor Storage (principal)

Automobile, boat, and recreational vehicle, construction equipment and related material/equipment storage shall be allowed as a principal use pursuant to the use tables provided in Section 5.5, subject to the following conditions:

(A) All storage areas on the site shall be secured by a fence at least six (6) feet tall, uninterrupted except for required vehicle access points to prevent unlawful entry.

(B) All storage areas shall be screened so that a person six feet tall cannot see stored items when standing at ground level on all adjacent properties and the public right of way within 100 feet of the property line. This screening may be accomplished through an opaque fence or wall or landscaping with 100% evergreen plant material planted at a 3 feet minimum and 6 feet minimum at maturity at a spacing of every 5 feet.

(C) A portable storage unit shall not exceed forty (40) by eight (8) feet wide by nine (9) feet tall.

(D) All screening shall be kept out of the front setback.

Multi-family Residential, Including Townhouses.

Multi-family Residential – The UDO defines Multi-family Residential as a tract or tracts of land containing one or more multi-family dwellings. Multi-family Residential including townhouses are currently permitted in Planned Residential Development Districts subject to Section 6.40. Multi-family Residential including townhouses are subject to the requirements contained in Section 6.40 in C-1 and the City Center District and they must also be approved by the Board of Adjustment for a Special Use. Multi-family Residential, including Townhouses should be kept as uses where they are currently located in the use chart. Removing them would take away a lot of our options for a City Center.

Townhouses – The UDO defines a townhouse as a dwelling unit in a row of at least three units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common walls.

Section 6.40 Multi-Family Residential (Including Townhouses)

(A) In the C-1 and C-C Zoning district, multi-family residential uses are only permitted on a contiguous tract or tracts of land consisting of five (5) or more contiguous acres.

(B) A multi-family residential use shall be located on a tract or tracts of land under single, individual, corporate, firm partnership, or association ownership, or under common control evidenced by duly recorded contracts or agreements; planned and developed as an integral unit in a single development operation or in a definitively programmed series of development operations. The development shall have a unified or coordinated design of buildings and/or a coordinated organization of service areas and common open space.

(C) Any multi-family residential use having more than 100 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads. However, Multi-Family residential projects having up to 200 dwelling units may be allowed to provide a single approved fire apparatus access road when all buildings (including nonresidential occupancies) are equipped throughout with approved automatic sprinkler systems installed in compliance with state and local fire codes or deviations approved by the North Carolina State Fire Marshall.

(D) The maximum allowable density for any multi-family residential use shall be twenty (20) units per acre.

(E) Design Standards. Multi-family residential uses shall meet the all applicable design and performance standards or requirements as noted in articles 7, 8 and 9, in addition to the following: (1) Any group of buildings forming a courtyard shall provide adequate access for emergency vehicles to enter such courtyard in compliance with state and local fire codes or deviations approved by the North Carolina State Fire Marshall.

(2) The use of features such as plazas, patios and courtyards should be used when practical. The features and spaces should enhance the development's role as an integral part of the community.

(3) Sidewalks and/or paths shall be constructed within the development to link the interior of the development with residential buildings within the development and to other destinations such as,

but not limited to, adjoining streets, mailboxes, trash disposal areas, onsite amenity areas and the like.

(4) There shall be maintained at least fifteen (15) feet of separation between individual and unattached buildings.

(5) Swimming pools and their accessory uses may be located within the side and rear yards, but may not violate any setback requirements.

(F) Open Space Areas. (1) Open space areas shall be provided for all multi-family residential uses with twenty (20) or more dwelling units. The amount of land required to be dedicated shall be computed on the basis of the following formula:

Area to be dedicated (in acres) = (.01) x (number of dwelling units or lots).

Adult Care Home – The UDO defines an Adult Care Home as an assisted living residence in which the housing management provides 24-hour scheduled and unscheduled personal care services to two or more residents, either directly or, for scheduled needs, through formal written agreement with licensed home care or hospice agencies.

Some licensed adult care homes provide supervision to persons with cognitive impairments whose decisions, if made independently, may jeopardize the safety or well-being of themselves or others and therefore require supervision. Medication in an adult care home may be administered by designated, trained staff. Adult care homes that provide care to two to six unrelated residents are commonly called family care homes. Adult care homes are currently only permitted in C-1.

Mixed Use – The UDO defines Mixed Use as a principal structure where one or more dwelling units are located on an upper floor over a non-residential use. Mixed Uses are currently permitted in C-1, C-1A and City Center Districts subject to the Supplemental Regulations contained in Section 6.39. Mixed Use should be kept as uses where they are currently located in the use chart. Removing them would take away a lot of our options for a City Center.

Section 6.39 Mixed Use

(A) Allowed pursuant to the use tables provided in Section 5.5, subject to the standards outlined elsewhere in the ordinance and the standards that follow.

(B) Non-residential uses are permitted pursuant to Section 5.5 Table of Permitted Uses, except that the following uses are prohibited: boat sales, repairs; cemeteries and mausoleums; electrical repair or contractor (open storage allowed); engine repair; farmers market; gas station & convenience stores; heating and air condition installation and repair (open storage allowed); home appliance repair (open storage allowed); manufacturing; metal working (outside storage allowed); metal working (no outside storage); plumbing repair contractor (open storage allowed); propane/acetylene wholesale/retail or distribution; rental equipment (outside storage); substations/pump/telephone stations; telecommunications towers; warehouses.

(C) In lieu of the parking standards, the UDO Administrator may approve a shared parking arrangement in writing contingent upon operating hours. Any change to that arrangement or expansion of operating hours outside of the original arrangement will result in expiration of the approval.

Residential uses are not permitted on the ground floor.

Accessory Buildings – The UDO defines Accessory Building or Use as a building or use, not including signs, which:

- (A) Is conducted or located on the same zoning lot as the principal building or use served, except as may be specifically provided elsewhere in this Ordinance.
- (B) Is clearly incidental to, is subordinate in area and purpose to, and serves the principal use.
- (C) Is either in the same ownership as the principal use or is clearly operated and maintained solely for the comfort, convenience, necessity or benefit of the occupants, employees, customers or visitors of or to the principal use.

Accessory Buildings are permitted subject to Section 6.2 in R-1, R-2, R-3, R-3A, R-4, R-5, R-6, Planned Residential Development, C-1, C-1A, City Center, I-1 and Recreation Districts.

Section 6.2 Accessory Uses and Buildings

(A) The maximum building height for accessory buildings in all zoning districts shall be 28 feet.

(B) Accessory buildings and detached garages shall not be placed less than ten (10) feet from either side or rear yard lot lines, except for waterfront lots, where the accessory buildings must be at least twenty-five (25) feet from rear property line. Except on lots of five (5) acres or more in the residential zone R-6, no residence shall have more than two (2) accessory/utility buildings, excluding a detached garage on a lot, and accessory/utility buildings shall not be placed forward of the front line of the principal structure.

(C) A freestanding carport shall remain open on all sides with a roof only and shall not be placed forward of the front line of the main building except for freestanding carports that are not stick built and/or are not anchored through a foundation shall be exempt from side setbacks.

(D) In residential zoning districts, mechanical equipment permanently affixed the ground such as car lifts shall not be visible from the street. Playgrounds affixed to the ground and similar appurtenances shall not be permitted forward of the front of the house.

(E) In residential zoning districts, the total combined square footage, as measured by the footprint of proposed detached garages and accessory buildings (not including decks/patios which do not extend two (2) inches above grade or stairs), shall be based upon the size of the lot subject to the following:

- (1) Less than one-half (1/2) acre, the maximum combined footprint area shall be nine hundred (900) square feet.
- (2) One-half (1/2) acre to one (1) acre, the maximum combined footprint area shall be twelve hundred (1,200) square feet.

(3) One (1) acre to 4.99 acres, the maximum combined footprint area shall be fifteen hundred (1,500) square feet.

(4) Five (5) acres or more, the maximum combined footprint area shall be limited to two thousand (2,000) square feet, not including a main barn structure.

Where the area of the property is less than five (5) acres, in no case may the combined footprint of the garage and the accessory building exceed the footprint of the house.

(F) In nonresidential zoning districts, the total combined square footage, as measured by the footprint of proposed detached accessory buildings shall not exceed 50% of the square footage of the principal structure. Schools, fire departments, and government building are exempt from this requirement.

(G) Storage Containers/Units – including shipping and intermodal containers

(1) Residential Sites

- (a) One (1) storage container is permitted only as a temporary accessory use.
- (b) A temporary storage container may be up to sixteen (16) feet long, eight (8) feet wide, and nine (9) feet tall.
- (c) One (1) storage unit may be placed on the site for thirty (30) days or extended for an additional thirty (30) days as permitted by the Code Enforcement Officer. Storage containers are prohibited on the same lot as a single-family or duplex residence for more than sixty (60) days.
- (d) The storage unit must be placed in a driveway, a designated parking area, or other location on the site. Unless located in a driveway or designated parking area, the storage unit must meet the location requirements and the setback requirements of Article 5, Zoning Districts.
- (e) These standards do not apply to portable units for donating goods to a charitable organization (such as Goodwill drop off), dumpsters, or recycling facilities.

(H) Well pumps should not be placed forward of the front line of a dwelling except where required by the health department.

(I) No accessory buildings may be erected on any lot without a principal building and/or use, except for lots in the R-6 zoning district and for temporary construction offices or storage buildings on lots with a valid building permit issued for construction of a principal building.

(J) Recycling collection points located on city property for use by city residential property owners shall be for co-mingled paper, plastic, glass, aluminum cans, and cardboard. No household trash or hazardous materials such as electronics, oil, paints, etc., will be accepted.

Storage Containers – The UDO does not give a definition of Storage Containers.

Lawinsider.com defines Shipping Container as a rectangular metal container customarily used for the transport of freight or for storage. Storage Units/Containers are permitted subject to the regulations contained in Section 6.2 in R-1, R-2, R-3, R-3A, R-4, R-5, R-6, Planned Residential Development District, C-1, C-1A, City Center and I-1.

Recreational Vehicle Campground – the UDO defines a Recreational Vehicle Park as any site or tract of land of at least one (1) acre upon which are located the minimum number of recreational vehicle spaces or land area required by this Ordinance, regardless of whether or not a change is made of such service. Recreational Vehicle Campgrounds are currently permitted subject to the supplemental regulations in Section 6.43 in C-1.

Section 6.43 Recreational Vehicle Park and Campsites

(A) Design Standards

- (1) An RV campground shall require a minimum gross land area of five (5) acres.
- (2) A minimum of eight (8) percent of the total land area shall be set aside for an accessible common open space intended for recreational use. These open spaces shall be reasonable located for convenient access by residents and be suitable for both passive and active recreational activities.
- (3) All public road frontages and the perimeter of the RV/campsite Park shall have a buffer strip of at least 20 feet in width, in addition to any required buffer, and shall remain free of encroachment by campsites, RV parking area(s), out buildings/structures and impervious coverage.
- (4) RV and campsites shall not be located in Special Flood Hazard Areas. All sites shall be graded to prevent standing or ponding of water. RV and campsites shall be graded to obtain a reasonably flat area and to provide adequate drainage. This requirement is not intended to circumvent FEMA regulations.
- (5) Each RV campground will be located at least thirty (30) feet from the edge of any publically maintained road or street.
- (6) An individual RV site shall have, at a minimum, Twelve hundred fifty (1,250) square feet with average width of twenty five (25) feet. In no case shall an RV be able to park closer than twenty (20) feet to another RV. Consideration shall be given to overcrowding, fire hazards and sufficient light and air during the design phase of the park. No accessory structures shall be constructed on an individual RV site.
- (7) No individual RV or campsite shall have direct vehicular access to a publically maintained road.
- (8) A number identifying each RV and campsite shall be placed on a concrete, wood or metal post, conspicuously located at each RV and campsite location. Once the sites are given a number, it shall not be changed.
- (9) An RV campground future additions thereto shall meet the minimum standards and

requirements set forth in the International Building Codes specifically addressing the North Carolina Amendments for plumbing, sanitation, accommodations and associated parking.

Accommodations/structures may contain a retail sales counter and/or coin operated machines, or a vending machine area for the RV campsite residents' use provided there is no exterior advertising.

(10) Structures shall:

- (a) Be constructed in accordance with the International Building Code with North Carolina Amendments, and shall meet the building code and/or UDO requirements,
- (b) Be safely and adequately illuminated,
- (c) Be easily accessible to all users of the RV park and campsites,
- (d) Be maintained in a clean and sanitary condition at all times,
- (e) Be kept in good repair.
- (f) In addition to the prohibition of advertising on vending structures, the sign regulations for the zoning district in which the RV Park is located shall be in accordance with Article 10 of Boiling Spring Lakes UDO.

(B) Parking and Streets

(1) Parking within the RV campground shall be off any internal street and only in designated parking areas.

(2) All access to RV sites, campsites and accessory structures shall be made using internal streets.

(3) Internal Street Standards:

- (a) Throughout the RV and campsite area(s), one or two-way streets shall be used, kept well maintained and clearly identified. Each campsite and RV parking area shall abut an internal street within the park.
- (b) All internal streets shall have a minimum width of twenty (20) feet, with a minimum vertical clearance of eighteen (18) feet.
- (c) A minimum radius of forty (40) feet, shall be maintained on any dead-end internal street for emergency vehicles and shall be approved by the Fire Chief.
- (d) All internal streets shall have a design surface capable of supporting a minimum of seventy five thousand pounds in accordance with the International Fire Code.
- (e) It shall be the responsibility of the RV park owner to maintain all internal streets and drainage facilities. Such streets shall be maintained in such a manner to be free from pot holes, breaks in the pavement, rough surfaces, ponding of water and any other associated issues which would impede or cause hazards to motor vehicles.
- (f) All internal streets shall be subject to annual inspections by the City of Boiling Spring Lakes Code Enforcement Officer.

(g) Internal streets shall be designed to slow traffic.

(4) External Access:

(a) An RV campground with only one point of external access shall provide at least one permanent turnaround within the RV/campsite area.

External access must be approved the Boiling Spring Lakes UDO Administrator or the North Carolina Department of Transportation, if the connecting street is a state maintained road.

(b) Electronic vehicular access gates, entryway fences, or barricades are prohibited.

(C) Utilities

(1) Water

(a) A safe, potable, accessible and adequate supply of water shall be required. Where a public, municipal or community water systems exist within one thousand (1,000) feet of the park, the owner shall connect to such system.

(b) If municipal water is not available within one thousand feet owner shall construct a municipal well and obtain permitting for a transient non- community water system.

(2) Sewer

(a) Approval by the Brunswick County Health Department shall be required for any installation, alternation or use of a sewage disposal system. Wastes from toilets, showers, bathtubs, lavatories, wash basins, sinks, and water using appliances not herein mentioned, shall be disposed of by an approved sewage disposal system,

(b) In all RV/campsite parks, adequate and safe sewage disposal facilities shall be provided. Where public, municipal or community sewer systems exist within one thousand (1,000) feet of the RV park, the owner shall connect to such system,

(c) Each RV site shall have a potable water and sewer connection.

(D) RV Campground Operation

(1) General conditions:

(a) The individual to whom an operating permit for an RV campground is issued shall operate the site in compliance with this ordinance. He/she shall be responsible for maintaining the campground, its facilities and equipment in good repair and providing a clean and sanitary campground.

(b) The RV campground owner shall notify its visitors of all applicable provisions of this ordinance and inform them of their responsibilities under same.

(c) The RV campground owner shall be responsible for refuse collection. The method of garbage disposal shall be noted on the RV campground application and approved by the City of Boiling Spring Lakes. The storage, collection and disposal

of refuse shall be managed as to not create health hazards, insect breeding area(s), rodent harborage, fire hazards or air pollution.

- (d) All refuse devices shall be enclosed on three sides by masonry or wood fencing.
- (e) Any bathing area shall require the approval of the Brunswick County Health Department. Swimming pools or bathing areas shall be installed, altered, improved and used in compliance with applicable County and State Health Services Regulations.
- (f) Two (2) manufactured homes shall be permitted to be located within an RV campground to be used as residences of persons responsible for the operation and/or maintenance of the RV campground.
- (g) No more than one (1) RV may be parked on any one site. RV campers shall not be permitted on parcels, lots, or spaces other than the designated for RV's.
- (h) All RV units must be placed individually on approved campsites where all design standards and utility connections have been completed.
- (i) Unlicensed or unregistered vehicles shall be prohibited in an RV park.
- (j) It is expressly prohibited to transfer title of RV sites or campsites, either by sale or any other manner within an RV campground.
- (k) The RV campground shall only be used for transient use. No RV site may be used by the same RV for more than 180 days.

(2) Inspection

- (a) The Brunswick County Health Department, the City of Boiling Spring Lakes' Building Inspector, Code Enforcement Officer and Public Services Department are hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Ordinance. It shall be the duty of the owners of the RV campground to give these agencies free access to such premises at reasonable times for inspections.

Cellphone Towers – The UDO does not define cellphone towers. Oxford Languages defines a cell tower as a tall pole or tower having one or more antennas attached and by which signals are transmitted and received over a single cell of a cellular telephone network. Wireless Telecommunication Facility or Complex, Freestanding and Substantial Modifications are a permitted use subject to the supplemental regulations contained in Section 6.53 in R-6, C-1 and I-1.

Financial Impact:

Recommendation:

Attachments: