



AGENDA BRUNSWICK COUNTY PLANNING BOARD

**6:00 P.M. Monday
July 8, 2019**

***Commissioners Chambers
David R. Sandifer Administration Bldg.
Brunswick County Government Center***

- 1) Call to Order.
- 2) Invocation.
- 3) Pledge of Allegiance.
- 4) Roll Call.
- 5) Election of Officers.
- 6) Consideration of Minutes of the May 13, 2019 Meeting.
- 7) Agenda Amendments.
- 8) Public Comment.
- 9) Public Hearing.
 - A. Proposed 2019 Refinements to the Brunswick County Unified Development Ordinance
- 9) Other Business.
 - Planning Board Case Update.
- 10) Adjournment.

MINUTES
PLANNING BOARD
BRUNSWICK COUNTY, NC

6:00 P.M. Monday
May 13, 2019

Commissioners Chambers
David R. Sandifer Administration Bldg.
County Government Center
Old U.S 17 East

MEMBERS PRESENT

Eric Dunham, Chair
Joy Easley, Vice Chair
Richard Leary
Ron Medlin
Troy Price

MEMBERS ABSENT

Alvin Nobles
Tom Simmons
William Bittenbender

STAFF PRESENT

Marc Pages, Senior Planner
Connie Marlowe, Admin. Asst. II
Bryan Batton, Asst. County Attorney

OTHERS PRESENT

Joshua Torbich
John Hankins

Thomas Scheetz
Lewis Dozier

I. CALL TO ORDER.

The Chair called the meeting to order at 6:00 p.m.

II. INVOCATION/PLEDGE OF ALLEGIANCE.

Mr. Dunham said a prayer. The Chair asked everyone to stand and face the U.S. Flag to say the Pledge of Allegiance.

III. ROLL CALL.

Mr. Alvin Nobles, Mr. Tom Simmons and Mr. William Bittenbender were absent.

IV. CONSIDERATION OF MINUTES OF THE 08-APR-19 MEETING.

Mr. Leary made a motion to approve the 08-Apr-19 minutes as presented and the motion was unanimously carried.

V. AGENDA AMENDMENTS.

There were none.

VI. PUBLIC COMMENT.

There were none.

VII. PUBLIC HEARINGS.

A. Rezoning Z-780 – Joshua Torbich and Brunswick Electric Membership Corporation

Request rezoning of approximately 4.76 acres located at 401 and 545 Hickman Road NW (SR 1303) from R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) for Tax Parcels 2250003702 and 2250003703.

Land Use Plan Map Amendment LUM – Z-780:

Request to amend Tax Parcels 2250003702 and 2250003703 located at 401 and 545 Hickman Road NW (SR 1303) from LDR (Low Density Residential) to Commercial.

Mr. Pages addressed the Board. He read the Staff Report (attached). He identified the subject property and surrounding properties on a visual map.

Mr. Pages said staff recommends approval from R-7500 (Low Density Residential) to C-LD (Commercial Low Density) for Tax Parcels 2250003702 and 2250003703 in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map to Commercial for Tax Parcels 2250003702 and 2250003703.

Mr. Dunham asked staff if Brunswick Electric Membership Corporation (BEMC) substation is a permitted use on Tax Parcel 2250003703? Mr. Pages stated that utility facilities are permitted in the R-7500 zoning district, but BEMC requested the zoning change in the event they decided to utilize their property for commercial purposes in the future. Ms. Easley asked staff how long the bed and breakfast has been located on Tax Parcel 2250003702? Mr. Pages said he was unsure. Ms. Easley asked if the bed and breakfast is a permitted use in the current zoning district? Mr. Pages said a bed and breakfast is a permissible use that requires a Board of Adjustment special use permit approval in the R-7500 zoning district.

Ms. Easley made a motion to open the Public Hearing and the motion was unanimously carried.

Mr. Joshua Torbich addressed the Board. Mr. Torbich stated that he spoke with representatives of BEMC as well as the owner of Tax Parcel 22500037 (Jennie and William Bennett) that is currently split-zoned C-LD and R-7500 and neither representatives of BEMC nor Jennie and William Bennett had objections to the rezoning. [Tax Parcel 2250003703 is currently owned by

BEMC and it is proposed to be rezoned to CLD]. Mr. Torbich further stated that there is C-LD zoning on both sides of the road east of the subject properties down Hickman Road NW (SR 1303) back to the intersection of Ocean Hwy W (US 17). Mr. Pages interjected that he, too, spoke with the owner of Tax Parcel 22500037 and they were not interested in rezoning their entire parcel to C-LD at this time.

Mr. Dunham asked staff about the potential for spot zoning and Mr. Pages said staff had no concerns with the zoning change being considered as spot zoning.

With no further comments, Ms. Easley made a motion to close the Public Hearing and the motion was unanimously carried.

Mr. Leary made a motion to recommend to the Board of Commissioners to approve Tax Parcels 2250003702 and 2250003703 to C-LD (Commercial Low Density) in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map to Commercial for Tax Parcels 2250003702 and 2250003703 and the motion was unanimously carried.

THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the application for REZONING be recommended to the Board of Commissioners for

APPROVAL – The proposed zoning amendment is APPROVED

- The Planning Board finds that the proposed zoning amendment is not consistent with the CAMA Land Use Plan (Comprehensive Plan) for the following reasons:

The proposed zoning amendment is not consistent with the Comprehensive Plan (CAMA Land Use Plan). However, a CAMA Land Use Plan Map amendment has been requested for a change to Commercial.

- The Planning Board further finds that the approval of the proposed zoning amendment will amend the CAMA Land Use Plan (Comprehensive Plan) and the following changes have been considered to meet the needs of the community:

The proposed zoning amendment meets the needs of the community as there is existing infrastructure in the area and there is commercial zoning nearby.

- The Planning Board further finds that the proposed zoning amendment is reasonable and in the public interest for the following reasons:

There is similar zoning nearby and there is existing infrastructure in the area.

B. Planned Development Revision – PD-23

Name: Bella Point
Applicant: Pamela Warner
Tax Parcels: 2020000103
Location: On Sunset Harbor Road SE (SR 1112)
Description: Bella Point is an approved Planned Development consisting of 145 single family lots on a gross site area of 74.7 acres creating an overall density of 2.43 units per acre. The developer of Bella Point is proposing to eliminate a roadway connection to Sunset Harbor Road SE (SR 1112).

The rest of the development will remain unchanged from the master plan approved in July 2006.

Mr. Pages addressed the Board. He read the Staff Report (attached). Mr. Pages identified the proposed area on a visual map.

Mr. Pages said staff recommends approval based on the following conditions:

- That the development shall proceed in conformity with all plans and design features submitted as part of the planned development application and kept on file by the Brunswick County Planning Department; and
- That the development of the parcel(s) shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance.

Mr. Dunham asked staff if the North Carolina Department of Transportation (NCDOT) is amenable to the proposed revision to eliminate a roadway connection to Sunset Harbor Road SE (SR 1112) and Mr. Pages replied yes. Mr. Pages said the developer will likely have to install a turn lane as part of the driveway permit approval process.

Ms. Easley made a motion to open the Public Hearing and the motion was unanimously carried.

Mr. Thomas Scheetz, Norris & Tunstall Consulting Engineers, addressed the Board on behalf of the applicant. Mr. Scheetz stated that NCDOT is requiring right and left turning lanes and they will be required to pipe the ditch approximately 1,000 feet. He further stated that the stormwater permit is still active from the initial approval of Bella Point PD.

Mr. Leary asked why the developer is eliminating 1 of the entrances to the project? Mr. Scheetz said the developer elected to eliminate that entrance because it is not required. Mr. Dunham asked if the stormwater ponds drain into a creek? Mr. Scheetz said he is uncertain where the drainage ends up, but the stormwater ponds were initially approved as part of Bella Point PD.

With no further comments, Ms. Easley made a motion to close the Public Hearing and the motion was unanimously carried.

Ms. Easley made a motion to approve Bella Point Planned Development Revision and the motion was unanimously approved.

VIII. OTHER BUSINESS.

- Planning Board Cases Update

Mr. Pages addressed the Board. He stated Zoning Case Z-778CZ and Z-779 were approved at the Board of Commissioners' Monday 15-Apr-19 meeting as presented.

IX. ADJOURNMENT.

With no further business, Mr. Leary made a motion to adjourn and the motion was unanimously carried.



BRUNSWICK COUNTY PLANNING

P.O. Box 249
75 Courthouse Drive N.E., Bldg. I
Bolivia, NC 28422
(910) 253-2025

MEMORANDUM

DATE: July 1, 2019

TO: Brunswick County Planning Board

FROM: Kirstie Dixon, Planning Director

RE: **Proposed 2019 Refinements to the Brunswick County Unified Development Ordinance**

Enclosed is the *Proposed 2019 UDO Refinements* for your consideration. Text proposed to be removed is shown with a ~~strikethrough~~ line. Text proposed to be added is shown **underlined and highlighted**. At the Planning Board Meeting held in August of 2018 (prior to Hurricane Florence), Planning Staff presented the 2018 UDO Refinements. The proposed refinements were conceptual at that time and did not include the exact language. Due to scheduling delays related to the hurricane and then increases in activity, the 2018 UDO Refinements were not moved forward and instead Planning Staff waited and drafted the 2019 UDO Refinements. Therefore, a majority of the refinements within 2019 UDO Refinements are actually from the 2018 UDO Refinements and many as items are considered housekeeping items (corrections, clarifications, reference updates, commentaries, changes within the N.C.G.S).

Important refinements that were added and were not in the 2018 Refinements include the following:

- *Refinement #2* - Starting July 1, 2018, Brunswick County will start charging for Zoning Development Permits. Therefore, ordinance language must be changed to be consistent with the Zoning Development Permit fee.
- *Refinement #11* - The Board of Adjustment requested that Planning Staff and Planning Board examine accessory structure setback requirements as the current requirements may cause confusion. Currently, the side and rear setback of an accessory structure (shed, detached garage, storage building etc..) is dependent on the height within residential zoning districts. Planning Staff reviewed the requirements and concur

- *Refinement #13* - Update requirements for temporary housing (campers, RVs, FEMA housing, etc..) to better address emergency temporary housing following a disaster. This amendment will provide clarifications by adding definitions and will also extend the time period in which Emergency Temporary Housing is permitted following a disaster. The extended time period is consistent with FEMA housing time frames and will allow FEMA housing to be extended.
- *Refinement #20* – Clarify that trash handling facilities and/or dumpsters are not permitted within any required buffer or within 5 feet from property line.

Brunswick County Unified Development Ordinance

PROPOSED REFINEMENTS 2019

(June, 2019)

1. Amend Article 3, Section 3.4.1.I., Subdivision Waivers, to comply with recent NC General Statutes changes for subdivision waivers related to court activity (S.L. 2017.10.), as follows:

3.4.1. Activities Eligible for Waiver

- I. Subdivision activity resulting for Court Activity.

3. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes as specified in G.S. 153A-335.

2. Amend Article 3, Section 3.1.1., Development Permit Required, to remove language as follows:

3.1.1. Development Permit Required

No land shall be used or occupied and no building hereafter constructed, structurally altered, erected or moved shall be used or its use changed until a Development Permit is issued by the Planning Director. The purpose of the Development Permit is to guide the applicant in carrying out their improvement plans and avoid potential pitfalls by ensuring that the appropriate approvals are obtained in the most efficient and effective manner possible. ~~There shall be no fee charged for Development Permits.~~ Additional administrative provisions pertaining to Development Permits are outlined in Section 9.3 of 8.4, Administration, Enforcement and Penalties of this ordinance.

3. Amend Article 3, Section 3.4.14.A.3., Improvement Guarantees, to remove the Electric Utilities Certificate reference as electric is required to be addressed prior to final plat recordation with an electric certificate on the final plat, as follows:

3.4.14. Improvement Guarantees

~~3. Certification of Electric Utilities~~

~~A written statement by the utility company, authorized to serve the subdivision, stating their commitment to install electric utilities with projected completion dates may be accepted in lieu of guarantees set forth in paragraphs 1 and 2 of this section.~~

4. Amend Article 4, Section 4.5.3.B., Dimensional Standards (Table 4-1) to remove the opaque wall requirement in the CI Zoning District, as follows:

4.5.3. Development Standards

B. Dimensional Standards

Projects shall meet the following standards.

Commercial Districts	C-LD	N-C	C-I
<i>Lot Dimensions (w/o water/wastewater)</i>			
Lot area (min. s.f.)	15,000	15,000	20,000
Lot width (min. ft.)	100	100	100
<i>Lot Dimensions (with water/wastewater)</i>			
Lot area (min. s.f.)	7,500	15,000	10,000
Lot width (min. ft.)	100	100	100
<i>Yards (min. ft.)</i>			
Front Yard	25	25	50
Rear Yard	6	6	50 ⁺
Side yard			
One Yard ⁴	10	10	10 ⁺
Total (sum of both side yards)	22	22	25
Street Side Yard	25 ^{2 1}	25 ^{2 1}	10 ⁺ 2 ¹
<i>Height (maximum feet)</i>	50 ^{2 5 4}	50 ^{2 5 4}	50 ^{2 5 4}
Notes:			
⁺ Completely opaque walls with a minimum height of six feet required if the abutting land is in a residential or C-LD District (see Section 6.10.5).			
¹ In cases where a Street Side Yard is required, the minimum interior side yard is equal to the One Yard dimension.			
² Structures exceeding 30 feet or three stories in height shall provide at least three means of fire apparatus access. International Fire Code with appendices and International Building Code with North Carolina Amendments apply. Structures above 75 feet subject to Fire Marshal approval.			
³ The "Total Side Yard" requirement is the sum of both side yards, added together. The "One Yard" requirement is the smallest that one of the yards has to be. In order to provide flexibility, side yard requirements are sometimes presented as "One Yard" and "Total Side Yard". This approach allows the owner or developer to move the house a little to one side of the lot or the other to preserve trees, add driveways, or other things. It also reduces the number of variances.			
⁴ Additional Building Height above the maximum up to 75 feet is allowed by right and above 75 feet with the Planning Board approval at the following rates: Non-Viewshed Protection Overlay areas at a rate of one additional foot of height for every one foot of additional yard depth (front, rear, and sides); Viewshed Protection Overlay (see Section 4.8.7) areas at a rate of one additional foot of height for every two foot of additional yard depth (front, rear, and sides).			

5. Amend Section 4.6.1.B. to update the name of the transportation plan.

4.6.1 Districts

B. I-G: Industrial-General

The I-G District is intended to provide locations for enterprises engaged in a broad range of manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembly of goods, merchandise or equipment. Lands in this District are to be located on or near Major Thoroughfares as identified in the ~~Major Thoroughfare Plan or Cooperative Transportation Plan~~ **Brunswick County Comprehensive Transportation Plan**; to rail service; and to in-place infrastructure such as water, sewer, and/or natural gas.

6. Add commentary to Article 4, Section 4.14.4. Required Yards, to clarify that all permanent accessory structures must meet the setback requirements within Section 5.4.

4.14.4 Yards

Commentary: All permanent accessory structures must meet the setbacks requirements outlined in Section 5.4., Accessory Structures and Uses.

A. General

7. Amend Article 4, Section 4.14.4.E.3.i., Permitted Obstruction in Required Yards, to allow uncovered at-grade structures (patios, decks, or terraces) to extend to the side and rear property line, as follows:

E. Permitted Obstruction in Required Yards

3. In any Required Side or Rear Yard:

- i. When screened from adjacent residential dwellings, at-grade patios, decks or uncovered terraces may extend up to four feet into any required side yard, or within ten feet of a rear property line uncovered at-grade structures (patios, decks, or terraces) may be located anywhere between the edge of the structure and the property line.

8. Amend Article 5, Section 5.2.3., Use Table, to allow multiple principal dwellings within commercial zoning districts (NC, CLD, & CI), as follows:

5.2.3. Use Table

Use Grouping	Use	RR	R-7500	R-6000	SBR-6000	MR-3200	C-LD	N-C	C-I	RU-I	I-G	CP	Standards
KEY: Blank Cell = Not Allowed; "P" = Permitted; "L" = Limited Use Standards (Section 5.3); "SUP" = Special Use Permit													
	Accessory Dwelling Units	L	L	L	L	L	L	L	L		L		5.4.2
	Multiple principal dwellings on single parcel	L	L	L	L	L	L	L	L				5.4.3

9. Amend Article 5, Section 5.3.2.C.5., to reflect Senate Bill 615 Session Law 2017-108, as follows:

C. Bona Fide Farms

Bona fide farms shall be permitted in accordance with the use tables in 5.2, subject to the following:

5. Residential structures are exempt from shall conform to the base zoning district requirements.

10. Amend Article 5, Section 5.3.8.C.1., to update amend and move commentary to the beginning of Section 5.3.8. to provide clarity and to be consistent with the Definition Section, as follows:

5.3.8. Outdoor Lodging

Commentary: For the purpose of this Ordinance, see Definitions of the Unified Development Ordinance (UDO), under the subheading of “Camper” **“Outdoor Lodging Camping Unit”** for the definition of a recreational vehicle and a travel trailer.

- A. Campground (including Government-Operated)

11. Amend Article 5, Section 5.4.1.C., Accessory Structures, as follows:

- C. In all Residential districts ~~except RR, the height of an accessory building shall not exceed 15 feet when the building is within five feet of a lot line. In the RR district, the height of an accessory building shall not exceed 20 feet when the building is within 5 feet of the property line.~~ Accessory buildings or structures may not exceed the height limit for the zoning district. Setback requirements are as follows:

Zoning District	Yard	Setback Requirement
R-7500; R-6000; SBR-6000; MR-3200	Front	<ul style="list-style-type: none"> • Per Zoning District <u>and</u> behind front wall of home ^[1]
	Side/Rear	<ul style="list-style-type: none"> • 5' if less than 15' in height from the property line. • 10' if 15' in height or greater • Maximum building height = 35'
RR	Front	<ul style="list-style-type: none"> • Per Zoning District
	Side/Rear	<ul style="list-style-type: none"> • 5' if less than 20' in height from the property line. • Zoning District if 20' in height or greater • Maximum building height = 35'
NC; C-LD; C-I; RU-I; I-G; CP	Front/Side/Rear	<ul style="list-style-type: none"> • Per Zoning District • Maximum building height = 50'

^[1] Exception in instances where designated Viewshed Protection Overlay is adjacent to a parcel. See Section 5.4.1.A. for details.

12. Amend Article 5, Section 5.4.3 Multiple Principal Dwellings on a Single Parcel, to allow multiple principal single-family dwellings on a single lot in all residential and commercial zoning districts.

5.4.3 Multiple Principal Dwellings on a Single Parcel

Multiple principal single-family dwellings on a single lot shall be permitted in all residential **and commercial** districts subject to the following requirements:

- A. The lot size shall be minimum one acre in size, unless modified by the Planning Director.

13. Amend Article 5, Section 5.5.3., to provide clarity and extend temporary housing for major disasters, as follows:

B. Emergency Temporary Housing Associated with a Major Disaster

In order to provide Emergency temporary housing following a hurricane or other significant natural disaster, major disaster will be allowed temporarily on a case-by-case basis. a mobile home, FEMA emergency housing, Temporary housing and/or other relief organization housing may be placed anywhere in the County with permission of the property owner for a period of up to 120 days without obtaining a temporary use permit. ~~The 120-day period begins when the official declaration of the major disaster is declared.~~ After the expiration of the original 120-day period, the temporary housing may remain on the lot for subsequent 120-day periods a period of 6 months with ~~only~~ through the issuance of a temporary use permit. The Zoning Administrator may extend the temporary use permit in three (3) month increments on a case-by-case basis, up to a maximum of eighteen (18) months from the date of the official major disaster declaration.

C. Emergency Temporary Housing Associated with a Minor Disaster

Temporary use permits ~~Permits for temporary~~ housing associated with ~~emergency, construction or repair residences to be occupied by persons intending to live in such permanent residence pending the construction, repair, or renovation,~~ or restoration work of the permanent residential building on a site shall expire within six (6) months after the date of issuance and must be occupied by persons intending to live in permanent residence. Additionally, the Zoning Administrator may ~~renew such permit~~ extend the Temporary Use Permit ~~for one additional period not to exceed three months~~ in three (3) month increments on a case-by-case basis, up to a maximum of up to a maximum of eighteen (18) months ~~from~~ if it is determined that ~~such~~ the renewal is reasonably necessary to allow the proposed occupants of the permanent residential building to complete the ~~construction, repair, renovation or restoration work necessary to make such~~ the building habitable.

14. Amend Article 6, Section 6.4.2., Screening Standards, to clarify that enclosures are required around dumpsters to reduce trash and debris from blowing around, as follows:

6.4.2. Standards

A. All Uses

6. Enclosures shall be required around dumpsters.

15. Amend Article 6, Section 6.4.5.D., Areas to be Reserved, to use the appropriate language in referring to the Brunswick County Trail Plan.

D. Greenways, waterways, parkland, and other public use areas shown on the most recently adopted ~~County Wide Greenways Master Plan~~ Brunswick County Trail Plan or other adopted plan related to parks, greenways, and trails. Copies of the most recent Plan may be obtained from the Planning Department. The following standards shall apply to lands so reserved:

Commentary: The Brunswick Tomorrow Plan and the ~~Greenways Master Plan~~ Brunswick County Trail Plan or other adopted plan related to parks, greenways, and trails envision an interconnected network of land and waterway trails and parks across the County. These should provide safe access for both users of the system and emergency responders.

1. Greenways, waterways, and trails reserved in conformance with the ~~County-wide Greenways Master Plan~~ Brunswick County Trail Plan or other adopted plan related to parks, greenways, and trails shall be situated to best implement the plan's intent of the ~~Greenways Master Plan~~.
2. Greenways, waterways, parkland, and other public use areas shown on the most recently adopted ~~County-Wide Greenways Master Plan~~ Brunswick County Trail Plan or other adopted plan related to parks, greenways, and trails shall be made accessible to the general public.

16. Amend Article 6, Section 6.10.3., Placement, to clarify that vehicle stacking is required for gates for fences and walls and to add a reference to Section 6.12.8, as follows:

6.10.3. Placement

F. Vehicle stacking spaces are required for gates for fences and walls (See Section 6.12.8).

17. Amend Article 6, Section 6.12.5.E., Off-Street Parking Requirements, to clarify that one-way drive aisles must have angled parking to guide traffic flow and ensure safety, as follows:

6.12.5 Design Standards

E. Dimensional Requirements

2. One-way drive aisles shall have angled parking to better guide the flow of traffic.

18. Amend Article 6, Section 6.12.10.E.3.ii., Required Interior Landscaping, to correct typo, as follows:

3. Required Interior Landscaping

- ii. For ~~off-site~~ off-street parking facilities with 20 or more parking spaces at least one landscaped island must be located within 150 feet of every parking space.

19. Amend Article 6, Section 6.13.4.A., to update the name of the transportation plan, as follows:

6.13.4. Access to Major Thoroughfare Restricted

- A. With the exception of bona fide farming activities, all uses located adjacent to a Major Thoroughfare identified on the ~~NCDOT Major Thoroughfare Plan for Brunswick County~~ Brunswick County Comprehensive Transportation Plan shall require a driveway permit from NCDOT prior to the issuance of a building permit by Brunswick County.

20. Amend Article 6, Section 6.18.2., Location of Trash Facilities, to clarify that dumpsters and/or trash handling facilities shall not be located within any required yard, as follows:

6.18.2. Location

A. All utilities (including heating or air conditioning units and other mechanical equipment) dumpsters and trash handling facilities shall be located on the same lot as the use served unless shared facilities are approved by the Planning Board. No such facilities shall be located in any required front yard.

B. Dumpsters and/or trash handling facilities shall not be located within any required buffer or within five feet of any property line, whichever is greater.

21. Amend Article 8, Section 8.8.1.C., to clarify that Outdoor Advertising Structures are allowed in the CI Zoning District, as follows:

8.8.1. Outdoor Advertising Structures and Off-Premises Signs

C. Location Restricted

Permits for new outdoor advertising structures may only be issued in the C-LD, C-I, and I-G zoning districts.

22. Add commentary in Article 8, Section 8.8.1.G., Separation Between Signs, to clarify how to apply sign separation requirements for outdoor advertising structures on frontage roads, as follows:

G. Separation Between Signs

Commentary: Sign separation requirements apply to the primary road within a roadway facility and not to a secondary road (including frontage roads, on and off ramps, or turning roadways) as the primary road has higher traffic volumes and is the intended to be the area from which the traveling public will view the signage. For example, in situations where an outdoor advertising structure is located along a frontage road and viewable from the primary road, the sign separation requirements apply to the primary road and not the frontage road.

23. Amend Article 8, Section 8.8.1.G.2, Separation Between Signs, to add NC 906, as follows:

G. Separation Between Signs

2. On NC 87, NC 133, NC 130, NC 179, and NC 904, and NC 906, the minimum separation between off-premise signs is 2,000 linear feet.

24. Remove Article 9, Section 9, Abatement of Nuisance Caused by Abandoned Mobile Homes, to remove reference to the former County Registration Program, as follows:

9.9 — ABATEMENT OF NUISANCE CAUSED BY ABANDONED MOBILE HOMES

9.9.1. Findings

The Board of Commissioners finds that:

- A. The number of mobile homes in Brunswick County has risen dramatically as available land becomes scarce and the housing market has become more expensive.
- B. Mobile homes may be difficult and expensive to repair when they begin to deteriorate. Often consumers simply buy another mobile home rather than refurbish a mobile home in need of repair.
- C. Abandoned mobile homes are a visual blight on the landscape of Brunswick County, which is in large part economically dependent upon tourism.
- D. Abandoned mobile homes create a public health and environmental problems, pose fire hazards, safety hazards to unsupervised children, and are a potential source of toxic or hazardous materials that may escape into the atmosphere. As a result, abandoned mobile homes constitute a nuisance.

9.9.2. Certain Mobile Homes Exempt

This Section shall not apply to:

- A. A retail business where mobile homes are sold; or
- B. A properly permitted mobile home salvage and storage yard (see Section 5.2, Use Table).
- C. A solid waste disposal facility, provided that no more than 5 mobile homes are located at the facility at any given time and that no mobile home may remain on the premises for 1 year or longer from the date of receipt.

9.9.3. Process for Abatement

A. Determination of Abandonment

The Inspector shall make a determination that a mobile home is abandoned as defined in this Ordinance.

B. Notification

Upon determination that a mobile home is abandoned, the County shall notify the registered owner in writing that the home constitutes a nuisance and that said home must be properly disposed of within 90 days. The notice shall be in writing and served in accordance with N.C.G.S. 1A-1 Rule 4(j) of the Rules of Civil Procedure and by a prominent notice posted on the home.

C. Failure to Comply

1. If the abandoned mobile home is not removed by the registered owner before the expiration of the initial 90 day period, the County shall order the removal of the abandoned mobile home.
2. If the abandoned mobile home is not removed by the registered owner before the expiration of the initial 90 day period, the County shall take any action it deems reasonably necessary to abate the nuisance, including entering upon the property

where the abandoned mobile home is located and/or arranging to have the abandoned mobile home removed and properly disposed of. If the registered owner for the nuisance is not the owner of the property where the abandoned mobile home is located, the County may order the property owner to permit entry onto the subject property to permit the removal and proper disposal of the abandoned mobile home.

9.9.4. Liability for County Expenses

- A. When the County removes and disposes of an abandoned mobile home (whether directly or through a party contracted with the County) pursuant to Subsection 9.9.3.C.2 above, the registered owner of the abandoned mobile home shall be liable for:
1. Any unpaid property taxes due on the home;
 2. Any actual costs incurred by the County (directly or indirectly) for the abatement activities; and
 3. Any administrative and legal expenses related to the abatement activities.
- B. Nonpayment of any unpaid property taxes or any or all portions of the actual costs incurred by the County for the abatement activities shall result in the imposition of lien on any real property in the County owned by the registered owner of the abandoned mobile home.

25. Add Section 9.11.10., Statute of Limitations For Legal Action, to address changes to North Carolina General Statutes that provides statutes of limitation for land use related violations, as follows:

9.11.10. Statute of Limitations for Legal Action

Legal action cannot be taken against the owner of an interest in real property by a unit of local government for a land use violation related to a land-use statute, ordinance, or permit or any other official action concerning land use carrying the effect of law (NCGS 1-51 and 1-49).

1) Five Years Limitation

Legal action cannot be taken against the owner of an interest in real property for a violation if the violation is known to the governing body, an agent, or an employee of the unit of local government or if the violation can be determined from the public record of the unit of local government.

2) Seven Years Limitation

Legal action cannot be taken against the owner of an interest in real property for a violation if the violation is apparent from a public right-of-way or the violation is in plain view from a place to which the public is invited.

3) This section does not limit any of the following:

- a) Administrative enforcement actions.
- b) Enforcement remedies for violations that are injurious or dangerous to the public health or safety.

26. Amend the Definitions Section, to reflect changes related to agriculture and farming by Senate Bill 615 Session Law 2017-108, as follows:

~~*Agricultural Tourism Business:* An enterprise or activity operated in conjunction with a bona fide farm that is offered to the general public (or to invited guests and groups) for the purpose of enjoyment, education, recreation, entertainment, or active involvement in the activities of the farm or operation. This definition may include farm stands, farmers markets, wineries, corn mazes, and other enterprises that are associated with a bona fide farm but not located on a bona fide farm property.~~

Agritourism: Any activity carried out on a farm or ranch that allows members of the public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, or natural activities and attractions. A building or structure used for agritourism includes any building or structure used for public or private events, including, but not limited to, weddings, receptions, meetings, demonstrations of farm activities, meals, and other events that are taking place on the farm because of its farm or rural setting.

Bona Fide Farm: A property or portion of property that is actively used for agriculture as defined in N.C.G.S. 106-581.1. Agriculture includes but is not limited to the production, harvesting, cultivation of crops, fruits, vegetables, ornamental/flowering plants, shrubs, and the operation, management, raising, care, and training of dairy, livestock, poultry, bees, horses, and aquaculture as well as any associated structure or building related to the agriculture operation. When performed on the bona fide farm, agriculture also includes the marketing and selling of agricultural products, agritourism, packing, treating, processing, sorting, storage and other activities performed to add value to agricultural items produced on the farm. For purposes of determining whether a property is being used for bona fide farm purposes, any of the following shall constitute sufficient evidence that the property is being used for bona fide farm purposes (the burden of proof lies with the owner of the subject property or a designated agent):

- (A) A copy of the property tax listing showing that the property is participating in the farm present-use-value taxation program established by N.C.G.S. 105-277.2 through 105-277.7; or
- (B) A copy of the farm owner's or operator's Schedule F from the owner's or operator's federal income tax return; or
- (C) A farm sales tax exemption certificate issued by the Department of Revenue; or
- (D) A forest management plan; or
- (E) A Farm Identification Number issued by the United States Department of Agriculture Farm Service Agency.

27. Amend the Definitions Section, to remove the definition of Major Thoroughfare Plan, as follows:

~~*Major Thoroughfare Plan:* The most recently adopted Brunswick County Thoroughfare Plan prepared by the North Carolina Department of Transportation in cooperation with the United States Department of Transportation.~~

28. Amend Definitions Section, to modify the definition of Campground by reducing the minimum number of campsite spaces required from 15 space to 10 spaces to be consistent with Section 5.3.8.A.4.iv., as follows:

Campground: Any lot upon which ~~15~~ 10 or more campers or tent spaces are provided for temporary occupancy according to requirements as set forth in this Ordinance. A campground shall also be known as a recreational vehicle park, or travel trailer park.

29. Amend Definitions Section, to clarify terms related to outdoor lodging, as follows:

Cabin: A permanent structure constructed to the NC Building and Fire Codes for residential use with water and wastewater services. Cabins may be used for recreational purposes and shall provide a sleeping area, a bathroom, and an indoor kitchen/cooking area. Cabins may be site built or modular in construction.

Camper Outdoor Lodging Camping Unit: A folding structure manufactured of metal, wood, canvas, plastic, or other materials, or any combination thereof, ~~mounted on wheels and designed or meant for temporary residential shelter for~~ travel, camping, recreation, seasonal, and/or vacation use. Outdoor lodging camping units are ~~A camper is not designed or intended to be used as a permanent dwelling as they are not constructed to NC Building and Fire Codes.~~ Camper may also and include the following types:

- (a) *Travel trailer:* ~~A vehicular, portable structure built on chassis, designed to be towed by a self-propelled vehicle for use for travel, recreation, or vacation purposes. A travel trailer is not designed or meant to be used as a permanent dwelling.~~ Also known as campers, tiny houses/homes on wheels, popup campers, and fifth-wheels under this Ordinance.
- (b) *Recreational Vehicle:* ~~A self-propelled vehicle or portable structure mounted on such a vehicle designed as temporary dwelling for travel, recreation, and vacation.~~ Also known as campers and motor home under this Ordinance.
- (c) *Tent:* A portable shelter of canvas, plastic, or skins stretched over a supporting framework of poles with skins stretched over a supporting framework of poles with ropes and pegs.
- (d) *Yurt:* A recreational structure consisting of a round domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance.
- (e) *Park Model:* A towable RV designed to provide temporary living quarters. Park Models are built according to the American National Standards Institute (ANSI) Park Model Recreational Vehicle Standards and built on a single chassis, mounted on wheels and have a gross trailer area not exceeding 400 square feet in the set-up mode. Also known as Park Model Recreational Vehicle (PMRV), park homes, and recreational park trailers under this Ordinance.
- (f) *Camping Cabin:* A permanent structure used on a temporary basis for recreational purposes and not for permanent residency that typically has a sleeping area and limited facilities. Outdoor meal preparation area and access to a common bathhouse is common. A camping

cabin may have facilities such as electrical services, bathrooms, heating and air conditioning units, and/or an indoor kitchen.

Camper: See definition for Outdoor Lodging Camping Unit.

Tiny House/Home on a Foundation: See definition for Site Built Home.

Tiny House/Home on Wheels: See definition for Outdoor Lodging Camping Unit.

Park Model: See definition for Outdoor Lodging Camping Unit.

30. Amend Definitions Section, to add the following definitions related to major disasters, minor disasters, and temporary housing, as follows:

Major Disaster: Any natural catastrophe in any part of Brunswick County, which causes damage of sufficient severity and magnitude to warrant the declaration of major disaster by the President of the United States (including any hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought or, regardless of cause, any fire, flood, or explosion). An event of this nature typically causes the displacement of residents and warrants the issuance of a temporary use permits for temporary housing.

Minor Disaster: Any natural catastrophe or, regardless of cause, any fire, flood, or explosion, in any part of Brunswick County, which causes damage affecting one or more residence and does not receive the declaration of a natural disaster. An event of this nature typically causes the displacement of residents and may warrant the issue of a temporary use permit for temporary housing while the displaced work towards the construction, repair, or restoration.

Temporary Housing: Any camper, trailer, motor home, mobile home, FEMA emergency housing, or other structure used for human shelter and designed to be transportable and not intended as a permanent dwelling. This type of housing shall be permitted following a major disaster.

31. Amend Appendix C, Summary of Final Plat Certificates and Endorsements, to indicate when electricity statement must be on final plats, as follows:

Appendix C

5. Amend Appendix C, Summary of Final Plat Certificates and Endorsements Table, to indicate when electricity statement must be on final plats.

Summary of Final Plat Certificates and Endorsements					
Type of Certificate	Subdivision Exemptions or Waivers	Minor Subdivisions	Major Subdivisions	Planned Developments (PDs)	See Item
Certificate of Survey and Accuracy	✓	✓	✓	✓	A
Certificate of Purpose of Plat	✓	✓	✓	✓	B

<u>Review Officer Certification</u>	✓	✓	✓	✓	C
<u>Certificate of Ownership</u>		✓	✓	✓	D
<u>Family Subdivision Exemption Statement</u>	*				A
<u>Certificate of Approval for Installed Improvements</u>		*	*	*	B
<u>Certificate of Approval for Financially Guaranteed Improvements</u>		*	*	*	C
<u>Certificate of Approval for Non-County Utility Providers</u>		*	*	*	D
<u>Road Maintenance Agreement Certificate</u>	*	*			E
<u>Engineers' Certificate of Road Construction</u>			*	*	C
<u>Maintenance Disclosure Statement Certificate for Public Subdivision Roads</u>		*	*		F
<u>Maintenance Disclosure Certificate for Private Subdivision/PD Roads</u>		*	*		G
<u>Electrical Service Certification</u>			*	*	I
✓ Required *If applicable					

32. Update all references to the NC Building Code and Fire Code throughout the UDO to “North Carolina Building Codes” as the names change over time.

References with number of occurrences to be amended for consistency:

Uniform Residential Code (1)
International Fire Code (1)
North Carolina Fire Code (6)
International Fire Code with Appendices (5)
NC Building Code (1)
North Carolina Building Code (10)
North Carolina State Building Code (1)
International Building Code with North Carolina Amendments (31)
Building Code (8)

33. Amend, Appendix F, Requirements for Large Events with 1,000 Guests or More, to reflect changes in the NC Fire Prevention Code, as follows:

Code Administration – Fire

- A. All temporary membrane structures with an area greater than 400 square feet and tents with an area greater than ~~400~~ 800 square feet must be approved by a Fire Code Official. Both an operational permit and a construction permit ~~may be~~ are required by the North Carolina Fire Prevention Code.
- B. ~~Tent~~ Both operation permits and construction permits are required for all tents having an area in excess of 800 square feet.
- C. All air-inflated and/or air-supported structures to include but not limited to bounce houses, slides, air-inflated or support structures, etc. that are more than 400 square feet are subject to approval by a Fire Code Official. An operational permit ~~may be~~ is required by the North Carolina Fire Prevention Code.