

MINUTES
PLANNING BOARD
BRUNSWICK COUNTY, NC

6:00 P.M. Monday
July 8, 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
Tom Simmons
William Bittenbender
Alvin Nobles

MEMBERS ABSENT

Ron Medlin

STAFF PRESENT

Kirstie Dixon, Director
Helen Bunch, Zoning Administrator
Connie Marlowe, Admin. Asst. II
Marc Pages, Senior Planner
Justin Brantley, Project Planner
Brandon Hackney, Project Planner
Bryan Batton, Asst. County Attorney

OTHERS PRESENT

John Hankins

Lewis Dozier

I. CALL TO ORDER.

Mr. Dunham called the meeting to order at 6:02 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. Medlin was absent.

IV. OATH OF OFFICE – William Bittenbender.

Ms. Marlowe administered the Oath of Office to William Bittenbender. The Chair and other Board members welcomed Mr. Bittenbender as a re-appointed Board member.

V. ELECTION OF CHAIR AND VICE CHAIR.

Mr. Dunham opened the floor for nominations for Chair.

Mr. Bittenbender nominated Mr. Dunham as Chair. With no further nominations, Mr. Leary made a motion to close nominations and the Board voted unanimously for Mr. Dunham to be Chair.

Mr. Dunham opened the floor for nominations for Vice Chair.

Mr. Simmons nominated Ms. Easley as Vice Chair. With no further nominations, Mr. Leary made a motion to close nominations and the Board voted unanimously for Ms. Easley to be Vice Chair.

VI. CONSIDERATION OF MINUTES OF THE 13-MAY-19 MEETING.

Mr. Leary made a motion to approve the 13-May-19 minutes as presented and the motion was unanimously carried.

VII. AGENDA AMENDMENTS.

There were none.

VIII. PUBLIC COMMENT.

There were none.

IX. PUBLIC HEARINGS.

A. Unified Development Ordinance Text Amendment

Ms. Dixon addressed the Board. She provided a brief overview regarding the proposed Brunswick Unified Development Ordinance (UDO) Text Amendments. Ms. Dixon said there are several UDO revisions that span back to 2018 that include housekeeping changes as well as NC General Statutes mandated revisions. Ms. Dixon proceeded to present the proposed amendments.

Ms. Easley asked staff the height restriction for an uncovered at-grade structure that is proposed to be amended in Article 4, Section 4.14.4.E.3.i., Permitted Obstruction in Required Yards, to allow uncovered at-grade patio structures (patios, decks, or terraces), when screened from adjacent

residential dwellings, to be located between the edge of the structure and the property line? Ms. Dixon stated that the NC State Building Code limits such structures to be no more than 18 inches in height to be exempt from building code regulations and they are proposed to be exempt from zoning requirements.

Ms. Bunch presented an amendment to Article 5, Section 5.4.1.C., Accessory Structures in all Residential Districts to be 5' from the side and rear property line(s) as a result of a Board of Adjustment variance request. She explained that the Board of Adjustment felt that the UDO should be amended to accommodate accessory structures having the same side and rear yard minimum setback as a primary structure. Mr. Dunham clarified that the proposed revision will allow for accessory structures to have the same side and rear yard as the primary use regardless of the structure height and Ms. Bunch concurred.

Ms. Bunch proceeded to explain an amendment to Article 5, Section 5.5.3., that will provide clarity and extend temporary housing for major and minor disasters. Mr. Dunham stated that Item B. Emergency Temporary Housing Associated with a Major Disaster period wording is unclear and he suggested that staff clarify the actual timeframe temporary housing can remain without surpassing the allotted time, which is 18 months from the date of the official major disaster declaration. Ms. Dixon said staff will review the language and make the appropriate change to reflect an initial 120 day period plus an additional 6 months with the issuance of a temporary use permit as well as allowing for 3 month increments on a case-by-case basis up to a maximum of 18 months from the date of the official major disaster declaration.

Ms. Bunch proceeded with the presentation with an amendment to Article 6, Section 6.4.2., Screening Standards, to clarify that enclosures are required around dumpsters to reduce trash and debris from blowing around on commercial property adjacent to residential or residentially zoned property. Ms. Easley asked staff if there is a specified distance the enclosure has to be to the dumpster(s)? Ms. Bunch stated that there are standard requirements based on the dumpster size that dictates the side of the enclosure. Ms. Easley asked staff if a fence would suffice as an enclosure? Ms. Bunch said staff has not encountered such, but she would discourage fencing because the actual dumpster should be enclosed to ensure debris is not blowing around on either the subject property or adjacent property(ies).

Ms. Bunch presented an amendment to Article 9, Section 9.11.10, Statute of Limitations For Legal Action. She stated that the reference to "Administrative enforcement actions" has been stricken, which is currently Item 3(a), at the direction of the County Attorney's office. Mr. Dunham asked staff if legal action cannot be taken after 5 years 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? Ms. Bunch replied, yes.

Ms. Dixon presented amendments to the definition section to include agritourism as defined by the NC General Statutes and she proposed eliminating the current definition for agricultural tourism business. She further stated that the NC General Statutes no longer allows for a Farm Identification Number (FIN) issued by the United States Department of Agriculture Farm Service Agency to be considered sufficient evidence that a property is being used for bona fide farm purposes. Ms. Easley asked Ms. Dixon the section of the NC General Statutes that restricts FINs as sufficient evidence that the property is being used for bona fide farm purposes? Attorney Batton interjected that NC General Statutes 153A-340(b)(2)(e) addresses the removal of Farm Identification Number as sufficient evidence that a property is being used for bona fide farm purposes.

Ms. Dixon said staff recommends approval with the noted change to revise the proposed language to reflect an initial 120 day period for temporary housing to remain on the lot plus an additional 6 months

with the issuance of a temporary use permit as well as allowing for 3 month increments on a case-by-case basis up to a maximum of 18 months from the date of the official major disaster declaration to Article 5, Section 5.5.3.(B), Emergency Temporary Housing Associated with a Major Disaster.

Mr. Leary made a motion to open the Public Hearing and the motion was unanimously carried.

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

Attorney Batton suggested that, in the definition for temporary housing, the following sentence be stricken: ~~“This type of housing shall be permitted following a major disaster”~~ and the Board agreed.

Mr. Leary made a motion to recommend to the Board of Commissioners to approve the proposed text amendments with the noted corrections to the Brunswick County Unified Development Ordinance and the motion was unanimously carried.

APPROVAL – The proposed zoning amendment is APPROVED

- The Planning Board finds that the proposed zoning amendment is consistent with the CAMA Land Use Plan (Comprehensive Plan) for the following reasons:

The proposed text amendment is consistent with the CAMA Land Use Plan (Comprehensive Plan) as it is not a part of the CAMA Land Use Plan (Comprehensive Plan).

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

Based on changes to the NC General State Statutes requirements and clarification purposes, the proposed amendment is reasonable and in the public interest.

X. OTHER BUSINESS.

- Planning Board Cases Update

Ms. Dixon addressed the Board. She stated that the text amendment to allow sidewalks to be installed on residential lots after plat recordation within subdivisions and planned developments was approved by the Board of Commissioners at their Monday 20-May-19 meeting and Zoning Case Z-780 was approved by the Board of Commissioners at their Monday 17-Jun-19 meeting.

Mr. Nobles thanked his fellow Board members and staff for their kindness during his time of illness as a result of an automobile accident. Everyone wished Mr. Nobles a speedy recovery.

XI. ADJOURNMENT.

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