



Town of North Topsail Beach
Board of Aldermen

Agenda	Consent
Item:	Agenda
Date:	10 05 2022

Issue: Planning Board Committee Report
Hanna McCloud, Chair
Department: Planning
Prepared by: Deborah J. Hill MPA AICP CFM CZO
Presentation: No

The Planning Board conducted their regular on Thursday, September 8, 2022, at 5:00 p.m.

Rules of Procedure

Members reviewed, discussed and readopted the *Rules of Procedure* pursuant to Unified Development Ordinance §1.15.

Town Code § 10-47 EXEMPTIONS

On September 9, 2022, the Board of Aldermen requested that the Planning Board review Town Code § 10-47 EXEMPTIONS (a), specifically deleting the reference to sea shells and provide language in consideration of wildlife conservation efforts. The Planning Board recommends that Town Code § 10-47 EXEMPTIONS (a) be amended as follows:

The town hereby encourages responsible dune management activities including proper construction and maintenance of improved dune walkover structures, the use of shared and/or community beach accesses, the proper installation and maintenance of sand fencing, and planting of native, salt-tolerant dune vegetation. Therefore, this article shall not apply to the following activities:

- 1) Activities authorized by the Town Manager by persons engaged in research or conservation activities;
- 2) Federal, state, and local officials engaged in official regulatory activities;
- 3) Development activities authorized or permitted by the local, state or federal officials;
- 4) Dune or property maintenance activities including planting or fertilization of vegetation, sand fence installation and minor dune repairs; and
- 5) Activities within the developed portion of the dune system.

Discussion

The Planning Director discussed the following items with the Planning Board members:

- EZ docks are considered docks and require permits, as they are considered as platform area within public trust waters, just as floating docks. No changes required.
- NCGS 160D allows that a variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability. Some zoning ordinances have specific sections authorizing that flexibility when needed.
- UDO defines parking space as 160 square feet. G.S. 160D-702 recently set maximum limit on local regulations to 9 feet wide by 20 feet long unless the parking space is designated for handicap, parallel, or diagonal parking. Planning Board consensus was for parking space definition to remain 160 square feet.
- Planning Director to schedule training, Planning Board Workshops May 2023.
- The Official Zoning Map needs to be updated. Planning Director aims to have draft before Planning Board in November.
- CRS Recertification documentation submitted 8/30/2022. CRS provides Credit for Habitat Protection that Alderman Pletl and Clerk Winzler may be able to assist, through their participation in monitoring sea turtle nesting on the Town's beaches.
- 2022 North Carolina Legislation Related to Planning and Development Regulation by Adam Lovelady, UNC SOG (handout from NCAZO conference)
- 2021 North Carolina Legislation Related to Planning and Development Regulation <https://www.sog.unc.edu/publications/bulletins/2021-north-carolina-legislation-related-planning-and-development-regulation>
- Short Term Rentals, North Carolina Court of Appeals ruled in Schroeder v. City of Wilmington. <https://canons.sog.unc.edu/2022/04/short-term-rental-regulations-after-schroeder/>
- 2021 North Carolina Land Use Litigation <https://www.sog.unc.edu/resources/microsites/planning-and-development-regulation/litigation-2021>
- Remote Meetings, Appointed Boards (statewide state of emergency will end on August 15, 2022) <https://canons.sog.unc.edu/2022/08/can-appointed-boards-continue-to-meet-remotely/>
- Remote Meetings, Quasi Judicial Boards (avoid if possible) <https://canons.sog.unc.edu/2020/03/remote-participation-in-quasi-judicial-evidentiary-hearings/>