

**Surf City Planning Board  
June 13, 2019**

**Members Present:**

Larry Bartholomew, Chairman  
Gary Cavanaugh  
Rick Benton  
Sally Edens  
David Ward  
Jimmy Campbell

**Town Staff:**

Steve Padgett, Building Inspection & Zoning Administrator  
Patricia Arnold, Administrative Assistant  
Daniel Boonbumrung, Code Enforcement Officer  
Teresa Batts, Council Liaison  
David Price, Collections & Distribution Supervisor  
Jeff Johnson, Police Captain

**A. Call to Order- Chairman Bartholomew**

**B. Approval of Minutes – May 9, 2019**

Mr. Benton made a motion to approve the minutes. Mrs. Edens seconded the motion and it carried.

**C. Surf City Pet Hospital Preliminary Plan**

This was canceled until the next meeting by the developer.

**D. Zoning Text Amendments Section 2**

**A. Appx. A §2.7. Replacement of official zoning map**

**ACTION REQUESTED**

Replace the term “town council” with “town planner, or their designee.” Replace the phrase “by resolution” with “in order to reflect annexation or rezoning changes as directed by the town council.”

**RECOMMENDATION**

**2.7 Replacement of official zoning map.**

In the event that the official zoning map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions the town planner, or their designee, may, in order to reflect annexation or rezoning changes as directed by the town council, adopt a new official zoning map which shall supersede the prior official zoning map.

\*\*Consensus of Board to leave as is and get the Town Attorney to look at it.

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## A. Appx. A. §3.4. Definitions

### ACTION REQUESTED

Add the following definitions:

Building, mixed-use

Motor Vehicle

Setback, front

Setback, rear

Setback, side

Use

Vehicle

Amend the following definitions:

Shopping center

Sign: \* Portable sign

### RECOMMENDATION

#### New Definition

Building, mixed-use. A single building with separated areas set aside for more than one use. The separate uses must each have their own ingress and egress to the outside of the structure and conform to all regulations set forth in the North Carolina Building Code.

#### New Definition

Motor vehicle. Every vehicle which is self-propelled and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle; provided, that the term "motor vehicle" shall not include bicycles with helper motors rated less than one (1) brake horsepower which produce only ordinary pedaling speeds up to a maximum of twenty (20) miles per hour.

#### New Definition

Setback, front. The setback line measured from the most restrictive of the following methods: From the front property line or from the edge of a private road easement. If a lot abuts more than one street, the zoning district's dimensional requirements shall first be used to determine which property line is considered the front property line—otherwise the front setback shall be determined by which street is accessed by the driveway. If there is no driveway or a driveway does not provide access to the same street that is determined by the physical address, the town planner may decide which property line is to be determined to be the front property line.

#### New Definition

Setback, rear. The setback line measured from the opposite edge front setback.

#### New Definition

Setback, side. The setback lines measured from the edges which are adjacent to the front and rear setbacks.

#### New Definition

Use. Permissible development upon a private or public property as determined by Section 4.19 Table of uses. If a use is not listed, the town planner shall determine the

intended use of a lot by choosing the one which is most closely fits the description within Section 4.19 Table of uses.

#### New Definition

**Vehicle.** Any device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks; provided, that for the purposes of this chapter, a bicycle or a ridden animal shall be deemed a vehicle.

#### Suggested Change

**Shopping center.** Mercantile establishment consisting of a carefully landscaped complex of shops representing leading merchandisers; usually includes restaurants and a convenient parking area; a modern version of the traditional marketplace. May also referred to as a mall or plaza. This shall include all multi-use tenant developments (3 (Three) or more units.).

#### Suggested Change

**Sign: \* Portable sign:** Any sign which is not securely and permanently attached to the ground or building, which shall include any sign affixed to a vehicle which is not incidental to the use of the business. Signage on a temporarily-parked motor vehicle which is incidental to the use of the business shall not be considered a portable sign.

\*\*Make sure "lister" under "Use" is corrected to "listed".

\*\*"Shopping center" remove "carefully landscaped" & add "commercial" between "multi-use" and "tenant".

Mr. Ward made a motion to approve changes with amendments. Mr. Campbell seconded the motion and it carried.

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## E. Zoning Text Amendments Section 3

### A. Appx. A. §4.1. Zoning districts. 4.R-10 residential district (3)(k) Dimensional requirements.

#### ACTION REQUESTED

Remove line (k) from this section.

#### RECOMMENDATION

Remove line (k) from this section.

#### 3) Dimensional requirements

k) Minimum floor space per building unit: seven hundred fifty (750) square feet.

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**B. Appx. A. §4.1. Zoning districts. 6. MHS manufactured (3)(c) Dimensional requirements.**

**ACTION REQUESTED**

Remove the following text: "except single-family attached units shall be allowed with twenty-five-foot widths provided there are no more than two (2) units in any one (1) structure (e.g. a subdivided duplex)."

**RECOMMENDATION**

**4.1 Zoning districts.**

*4.1.6 MHS manufactured home subdivision.*

c) Lot width, minimum required: Fifty (50) feet.

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**C. Appx. A. §4.1. Zoning districts. 9. PUD planned development district-residential (3) 9 (d) 1. Low density district.**

**ACTION REQUESTED**

Correct a run-on sentence.

**RECOMMENDATION**

**4.1 Zoning districts.**

*4.1.9 PUD planned unit development district.*

3) General requirements

d) Density

1. *Low density district.* The low density district shall be limited to one- and/or two-family detached or attached structures. No more than five (5) units per net acre shall be permitted in the low density district. Lots shall be at least seven thousand five hundred (7,500) square feet.

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**D. Appx. A. §4.1. Zoning districts. 9. PUD planned development district-residential (3) 9 (d). Low density district. a.**

**ACTION REQUESTED**

Replace "twenty-five (25) percent" with "five thousand six hundred twenty-five (5,625) square feet."

**RECOMMENDATION**

**4.1 Zoning districts.**

*4.1.9 PUD planned unit development district.*

3) General requirements

d) Density.

a. In an effort to encourage cluster development of housing units, minimum lot sizes may be reduced up to five thousand six hundred twenty-five (5,625) square feet. In a cluster development no more than two (2) individual single-family units nor more than two-family units may be erected on a common wall.

\*\*Add “by” between “reduced” and “up”.

\*\* Do not change from percentage.

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**E. Appx. A. § 4.19. Table of uses.**

**ACTION REQUESTED**

Add the following use:

Pet grooming

Amend the following use:

Bakeries

Mixed use building

**RECOMMENDATION**

New Entry

Pet grooming:

RA: P

R-10:

R-5:

R-5M:

PUD: P

MHS:

CON:

G-1:

C-1: P

MU: P

C-3: P

O&I: P

NB: P

R15:

SF:

MFC:

Suggested Change

Bakeries:

RA:

R-10:

R-5:

R-5M:

PUD: P

MHS:

CON:

G-1:

C-1: P

MU:

C-3: P

O&I:

NB: P

R15:

SF:

MFC:

Suggested Change

Mixed use building:

RA:

R-10:

R-5:

R-5M: P

PUD: P

MHS:

CON:

G-1: P

C-1: P

MU: P

C-3:

O&I:

NB:

R15:

SF:

MFC: C

Mrs. Edens made a motion to approve changes with amendments. Mr. Campbell seconded the motion and it carried.

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**F. Zoning Text Amendments Section 5**

**A. Appx. A. §5.2. Fences. 1. Residential fences.**

**ACTION REQUESTED**

Remove all instances of “opaque” or “non-opaque” from this section and any parenthetical lines describing the same terms. Remove the second and third paragraphs.

## RECOMMENDATION

### 5.2 Fences.

5.2.1 *Residential fences.* Fences not exceeding a height of four (4) feet shall be exempt from the yard and building setback line requirements of this ordinance. Fences not exceeding a height of six (6) feet to be erected only in side or rear yards shall be exempt from yard and building setback line requirements of this ordinance, provided that no fence exceeding a height of four (4) feet will be constructed within fifteen (15) feet to any street. In all cases, the corner visibility provisions of this ordinance shall be observed.

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### **B. Appx. A. §5.2. Fences. 2. Non-residential fences.**

#### ACTION REQUESTED

Add the line, "All other types of non-residential fencing are subject to all regulations set forth in the residential fences ordinance (Section 5.2.1)."

## RECOMMENDATION

### 5.2 Fences.

5.2.2 *Non-residential fences.* All dangerous apparatus shall be enclosed by a chain link fence at least six (6) feet in height; no vehicles or materials shall be stored on the premise and no offices shall be permitted; and the landscape is screened with shrubs and other vegetation so as to blend with the surrounding area. All other types of non-residential fencing are subject to all regulations set forth in the residential fences ordinance (Section 5.2.1).

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### **C. Appx. A. §5.13. 2. Application and approval process in general.**

#### ACTION REQUESTED

In the fourth paragraph change "the council" to "the planning board and then the council."

## RECOMMENDATION

### 5.13 Development plan and design requirements.

#### 5.13.2 *Application and approval process in general...*

Development plans involving new construction of more than five thousand (5,000) square feet of gross leasable area must be approved by the town council before issuance of a zoning permit. The town planner and the technical review committee shall review and make recommendations prior to recommending action by the council; furthermore, the town planner may return the development plan to the applicant for revision and/or additional information before recommending action by the planning board and then the council. All other development plans are exempted from council approval; however, require the approval of the town planner. All development plans must bear the original signature of the town planner to be deemed approved.

\*\*Make change and also change it in second line of 5.13.2.

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**D. Appx. A.§5.13. 6. Development plan requirements and procedure. 1.  
Required information for development plan: (n)**

**ACTION REQUESTED**

Replace “scale of one inch equals four hundred (1” = 400’) feet” with “larger scale than the scale given on the development plan.” Remove line (3).

**RECOMMENDATION**

**5.13 Development plan and design requirements.**

*5.13.6 Development plan requirements and procedure...*

n) Vicinity map at a larger scale than the scale given on the development plan and encompassing an area no less than one-fourth mile in radius of the site and including:

- 1) Existing streets.
- 2) Existing water courses and flood hazard areas as determined by FEMA.
- 3) Existing land uses on the site and in the area surrounding the site.

\*\*Consensus is to look at later.

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**E. Appx. A.§5.13. 6. Development plan requirements and procedure. 1.  
Required information for development plan: (t)**

**ACTION REQUESTED**

Add “or lot numbers” after the word “names” to the line.

**RECOMMENDATION**

**5.13 Development plan and design requirements.**

*5.13.6 Development plan requirements and procedure...*

t) Owner names or lot numbers of surrounding properties;

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**F. Appx. A.§5.13. 6. Development plan requirements and procedure. 1.  
Required information for development plan: (v)**

**ACTION REQUESTED**

Change “Public Works Director” to “Public Works,” “Building Inspector” to “Streets Administrator,” “Police Chief” to “Police” and “Town Planner” to “Community Development.”

**RECOMMENDATION**

**5.13 Development plan and design requirements.**

*5.13.6 Development plan requirements and procedure...*

v) Certificate of review and approval of the technical standards:  
I hereby certify that I have reviewed the plan and the plan meets or exceeds the regulations and ordinances of the Town of Surf City.

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Public Works

Streets Administrator

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Fire Marshall

Police

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Community Development

\*\*Spell "Marshal" correctly.

Mr. Campbell made a motion to approve changes with amendments. Mr. Ward seconded the motion and it carried.

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## **G. Zoning Text Amendments Appendix B**

### **A. Appx. B. Art. V. §6. Sketch Plan. 1.a.**

#### **ACTION REQUESTED**

Change "Fifteen (15)" to "Three (3)."

#### **RECOMMENDATION**

##### **6. Sketch plan.**

1. If the land to be subdivided ... Sketch plans shall conform to the following requirements:

a. Number of copies and graphic media: three (3) copies of a sketch plan shall be submitted. No specific graphic media shall be employed.

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### **B. Appx. B. Art. V. §6. Sketch Plan. 1.c.**

#### **ACTION REQUESTED**

Change "No administrative fees are" to "An administrative fee shall be."

#### **RECOMMENDATION**

##### **6. Sketch plan.**

1. If the land to be subdivided ... Sketch plans shall conform to the following requirements:

c. Administrative Fees: An administrative fee shall be charged in connection with the submission of sketch plans.

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### **C. Appx. B. Art. V. §7. Preliminary plan. 2. Items needed on the preliminary plan. 1. Contents required. b.**

#### **ACTION REQUESTED**

Change "scale of one (1) inch equals four hundred (400) feet" to "larger scale than the scale given on the preliminary plan."



## RECOMMENDATION

### 7. Preliminary plans.

#### 2. *Items needed on the preliminary plan.*

1. Contents required: The preliminary plan shall depict or contain the following information; plans not illustrating or containing the following data shall be returned to the subdivider, or his authorized agent for completion and resubmission.

b. A sketch vicinity map showing the relationship between the proposed subdivision and the surrounding area at a larger scale than the scale given on the preliminary plan.

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### D. Appx. B. Art. V. § 10. Final plat. 3. Size of plat and scale.

## ACTION REQUESTED

Replace “not more than twenty-one (21) inches by thirty (30) inches” with “either eighteen (18) by twenty-four (24) inches or twenty-four (24) by thirty-six (36) inches.”

## RECOMMENDATION

### 10. Final plat.

#### 3. *Size of plat and scale.*

Final plats may have an outside marginal size of either eighteen (18) by twenty-four (24) inches or twenty-four (24) by thirty-six (36) inches including one and one-half (1½) inch border on each of the sides. Where size of land areas or suitable scale to assure legibility require, maps may be placed on two (2) or more sheets with appropriate match lines. Final plats shall be drawn at a scale of one (1) inch equals two hundred (200) feet or greater.

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### E. Appx. B. Art. VI. § 7. Streets. d. Private streets

## ACTION REQUESTED

Replace “Subdivisions proposed south of the intracoastal waterway” with “Major or minor subdivisions of fewer than five (5) acres in area”

## RECOMMENDATION

### 7. Streets.

d. *Private streets.* Major or minor subdivisions of fewer than five (5) acres in area may propose private streets within subdivisions provided they are identified as such on all plats and that the owner and/or homeowner's association clearly sets forth that they will be responsible for maintenance of said private streets. Composition of private streets shall be graveled and/or paved to meet NC Department of Transportation standards private streets shall be noted in the covenants and list the provisions for maintenance.

\*\*Consensus was to table this item and to bring back with information on subdivision, DOT, and Utilities standards as a whole.

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## **F. Appx. B. Art. VIII. 2. Definitions**

### **ACTION REQUESTED**

At the end of the first paragraph, insert, “and thus be defined as an exempt subdivision:”

### **RECOMMENDATION**

#### **2. Definitions.**

*Subdivision:* All divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale or building development of any type, including both residential and nonresidential and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the requirements of this ordinance and thus be defined as an exempt subdivision:

(1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the town as prescribed by this ordinance;

(2) The division of land into parcels greater than ten (10) acres where no street rights-of-way dedications is involved;

(3) The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors;

(4) The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street rights-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the town as provided by this ordinance.

\*\*Consensus to table to see how the state law defines it.

Mrs. Edens made a motion to approve changes with amendments. Mr. Cavanagh seconded the motion and it carried.

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### **H. Community Development Update**

- Surf City Apartments, Terraces, & Arbors road connection has been discussed.
- GOGAS is still working on permits.
- Watkins Flooring is underway.
- There has been interest in mini storage units.

### **I. Adjourn**

Mrs. Edens made a motion to adjourn. Mr. Campbell seconded the motion and it was carried at 7:06 pm.

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Larry Bartholomew, Chairman

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Patricia Arnold, Administrative Assistant