

SURF CITY PLANNING BOARD AGENDA

July 8, 2021, 4:00 PM

Town Hall – Council Chambers

214 West Florence Way

- I. Call to Order
- II. Approval of Minutes
 - a. April 8, 2021
- III. Comprehensive Land Use Plan Update
 - a. Wes McLeod and Sam Shore to present proposed questionnaire
- IV. Ordinance Changes
 - a. Personal Motorized Watercraft
 - b. Conditional Rezoning
- V. Updates
 - a. David Price
 - b. General Project updates
- VI. Adjournment
 - a. Chairman Bartholomew



Town of Surf City: Land Use Plan Survey

In an effort to better understand the issues most important to the citizens, property owners, and visitors of Surf City and to assist in the Land Use Plan update, the Town requests that you complete this short questionnaire. We will tabulate the responses and integrate your concerns into the updated Land Use Plan. Results will be available on the Town's website once complete. Your participation is important and should only take a few minutes. Thank you!

*** 1. The Town of Surf City is made up of two distinct geographic areas (Island and Mainland). How important are the following land use types on the ISLAND portion of Town?**

	Very Important	Somewhat Important	Neutral	Not Important	Not at all Important
Low-density residential development (i.e. single-family detached and duplex housing)	<input type="radio"/>				
High-density residential development (i.e. condos, townhomes, apartments)	<input type="radio"/>				
Designated affordable and workforce housing	<input type="radio"/>				
Seasonal vacation and short-term rental housing	<input type="radio"/>				
Restaurants and food service	<input type="radio"/>				
Retail and shopping	<input type="radio"/>				
Service-oriented businesses and offices	<input type="radio"/>				
Mixed-use development (commercial/residential combined)	<input type="radio"/>				
Hotels and motels	<input type="radio"/>				
Recreation and open space opportunities	<input type="radio"/>				
Cultural opportunities (i.e. music venue, art gallery, museum etc.)	<input type="radio"/>				

Other (please specify)

*** 2. The Town of Surf City is made up of two distinct geographic areas (Island and Mainland). How important are the following land use types on the MAINLAND portion of Town?**

	Very Important	Somewhat Important	Neutral	Not Important	Not at all Important
Low-density residential development (i.e. single-family detached and duplex housing)	<input type="radio"/>				
High-density residential development (i.e. condos, townhomes, apartments)	<input type="radio"/>				
Designated affordable and workforce housing	<input type="radio"/>				
Seasonal vacation and short-term rental housing	<input type="radio"/>				
Restaurants and food service	<input type="radio"/>				
Retail and shopping	<input type="radio"/>				
Service-oriented businesses and offices	<input type="radio"/>				
Mixed-use development (commercial/residential combined)	<input type="radio"/>				
Hotels and motels	<input type="radio"/>				
Recreation and open space opportunities	<input type="radio"/>				
Cultural opportunities (i.e. music venue, art gallery, museum etc.)	<input type="radio"/>				

Other (please specify)

*** 3. How important are the following recreational activities to the future of Surf City?**

	Very Important	Somewhat Important	Neutral	Not Important	Not at all Important
Playground equipment	<input type="radio"/>				
Open and natural spaces	<input type="radio"/>				
Sidewalks and crosswalks	<input type="radio"/>				
On-street bicycle lanes	<input type="radio"/>				
Off-street multi-use paths and greenways	<input type="radio"/>				
Public restrooms	<input type="radio"/>				
Outdoor recreational facilities (i.e. athletic fields, basketball, or pickleball courts)	<input type="radio"/>				
Indoor recreational facilities (i.e. recreation center or gym)	<input type="radio"/>				
Recreational programming, services, events and activities (i.e. sports leagues, fitness classes, or town-events)	<input type="radio"/>				
Water access sites and facilities (i.e. boating, kayaking, and fishing)	<input type="radio"/>				

Other (please specify)

*** 4. How important are the following transportation and infrastructure issues to the future of Surf City?**

	Very Important	Somewhat Important	Neutral	Not Important	Not at all Important
Beach renourishment and erosion	<input type="radio"/>				
Roadway maintenance	<input type="radio"/>				
Stormwater management and maintenance	<input type="radio"/>				
Water and sewer availability	<input type="radio"/>				
Hazard mitigation and resiliency	<input type="radio"/>				
Parking availability for beach access	<input type="radio"/>				
Parking availability for restaurants and businesses	<input type="radio"/>				
Street lighting	<input type="radio"/>				
Pedestrian and bicyclist safety	<input type="radio"/>				

Other (please specify)

*** 5. How important are the following environmental and natural resource issues to the future of Surf City?**

	Very Important	Somewhat Important	Neutral	Not Important	Not at all Important
Public access to open space and natural resource areas	<input type="radio"/>				
Public access to the beach, sound, and waterway	<input type="radio"/>				
Land and wildlife conservation	<input type="radio"/>				
Cleanliness of the beach strand	<input type="radio"/>				
Drinking water quality	<input type="radio"/>				
Ocean and estuarine water quality	<input type="radio"/>				
Recycling	<input type="radio"/>				
Pet waste and litter reduction	<input type="radio"/>				

Other (please specify)

*** 6. In your opinion, how important are zoning regulations to establishing desirable development patterns in Surf City?**

Very Important	Somewhat Important	Neutral	Not Important	Not at all Important
<input type="radio"/>				

*** 7. Which statement best describes your relationship to the Town of Surf City?**

- Year-Round Resident: Property Owner
- Year-Round Resident: Renter
- Second Home Owner
- Property Owner
- Business Owner
- Seasonal Visitor/Tourist
- Other (please specify)

8. What is your favorite thing about Surf City?

9. If you could improve one thing about Surf City, what would it be?

10. Please provide any other comments you may have.

Thank you for your time! If you have any further questions please contact the Town Planner, Amy Kimes, at (910) 328-4131 x 107.



Town of Surf City

201 COMMUNITY CENTER
POST OFFICE BOX 2475
SURF CITY, NORTH CAROLINA 28445
(910) 328-4131 | FAX (910) 328-1746

Douglas C. Medlin, Mayor
William J. (Buddy) Fowler, Mayor Pro-Tem
Dwight Torres, Councilman

Donald R. Helms, Councilman
Teresa B. Batts, Councilwoman
Jeremy Shugarts, Councilman

To: Planning Board
From: Amy Kimes
Date: July 8, 2021
SUBJECT: Ordinance Amendment – Personal Motorized Watercraft Rentals

SUMMARY

In our current ordinance Personal Motorized Watercraft Rentals is listed as a use in the table of uses. The table shows that this use requires a special use permit. The ordinance does not have a definition for this use. It is again listed as a special use under the C1 and MU zoning districts with a short list of requirements. While researching the definition of personal motorized watercraft it was determined that this generally refers to a jet ski and not a typical boat. In the past this ordinance has been applied to both jet ski and boat rentals. When a specific use is not shown in the table we generally use the most closely related use.

In May it was brought to the Town's attention that a new boat rental agency was moving into the Marina and that they did not have a permit. Upon further research it was found that Aquaholics seems to be the only business operating with a valid special use permit. Though other businesses had received permits in the past, they were not operating at the same location. These individuals were unaware that the special use permit (formerly condition use permit) runs with the property and not the business.

Over the past few years, the Town of Surf City has had 4 boat/jet ski rental businesses operating in the C1 district on the island. Each of these businesses rent less than ten boats/jet skis at the time. The Town is unaware of any major issues with these small businesses. Taking that into account staff reached out to the Planning Board for direction on the best way to bring this into compliance while working with our existing businesses. Based on the current ordinance and existing businesses there are three options to move forward:

1. Continue with the current ordinance. Each business can resubmit for a special use permit at their current location.
2. Motorized Watercraft Rentals can become a by right use without a special use permit.
3. Update the ordinance to allow for a specific number of rental units without requiring a permit but require a special use permit for any number greater than the chosen number.

Based on the general concurrence of the original email discussions on the topic, I have provided the attached sample ordinance and associated changes to the ordinance. This change allows for up to 10 rental units (boats/jet skis) without having to get a special use permit. This ordinance also defines both Personal Watercraft and Recreation Boat as a part of the ordinance.

ACTION REQUESTED:

Approval of the revised ordinance as submitted.

Proposed addition to Section 5.0 Supplemental District Regulations

5.19 Motorized Watercraft Rentals 10 units or less

5.19.1 Purpose. The purpose of this section is to provide standards for Motorized Watercraft Rentals 10 units or less.

5.19.2 Definitions. The following definitions apply to this article:

1) Personal Watercraft (PWC) means a small vessel which uses an outboard motor or propeller-driven motor, or an inboard motor powering a water jet pump, as its primary source of motive power and which is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel, rather than in the conventional manner of sitting or standing inside the vessel

2) Recreational Boat means any vessel manufactured or used primarily for noncommercial use; or leased, rented, or chartered to another for the latter's noncommercial use. Charter boats, head boats or other vessels under the command of a person who is licensed by the United States Coast Guard to carry passengers for hire shall be defined as commercial and therefore exempt from this definition of "recreational boat."

5.19.3 Standards

1) The maximum number of recreational boats or personal watercraft governed by this ordinance on any given parcel will not exceed 10 units. Personal watercraft used as the tour guide will not be considered in this number. If the business is operating in a marina, privately owned boats as well as cruise/excursion/dinner boats do not apply to this count.

2) One parking space shall be provided per rental unit. In the case of multi-tenant sites parking shall be designated.

3) No business shall be operated within one hundred (100) feet of any property used for residential purpose.

4) Public restroom facilities must be available, if portable toilets are used they must be secured to prevent them from becoming windblown.

3) Site Plan must be provided to and approved by the Town Planner prior to commencement of business. Submitted site plans should show the entire site but in the case of a multi-tenant site may show improvements only to the areas designated as use by the rental company.

4) Signage shall meet the requirements of Section 6 of Appendix A.

5) Up to 2 recreational boat/personal watercraft trailers may be kept on site at any given time.

5.19.4 Additional Units

1) For parcels requesting more than 10 units (regardless of ownership of business) a Special Use Permit must be obtained prior to commencement of business.

4.1.12.1.b and 4.1.13.1.b

Motorized Watercraft rentals of more than 10 units are at a minimum subject to all requirements of Motorized Watercraft rentals of 10 units or less and shall follow the special use process.

Existing Table of Uses:

USES	RA	R-10	R-5	R-5M	PUD	MHS	CON	G-1	C-1	MU	C-3	O&I	NB	R-15	SF	MFC
Personal Motorized Watercraft Rentals									S	S	S					

Proposed Table of Uses:

USES	RA	R-10	R-5	R-5M	PUD	MHS	CON	G-1	C-1	MU	C-3	O&I	NB	R-15	SF	MFC
Motorized Watercraft Rentals 10 Units or less									P	P	P					
Motorized Watercraft Rentals of more than 10 Units									S	S	S					



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To: Planning Board
From: Amy Kimes
Date: July 8, 2021
SUBJECT: Ordinance Amendment – Conditional Rezoning

SUMMARY

As the Town of Surf City continues to grow, development opportunities that are not clearly defined in the Town's Ordinances arise. This often leads to staff, Planning Board, and Council working to determine the best fit in an existing set of parameters. In recent years, municipalities across the state have begun using conditional rezoning as a tool to help allow unique development while continuing to uphold the spirit of the Town Ordinances. This tool allows the Planning Board and Council to approve a rezoning based on a site plan. Though the site plan is not a final engineered plan it has enough general information to create the outline for the proposed project. If this project does not move forward in a set amount of time, the Town will then revert to the original zoning or change to a more appropriate zoning.

In our business-oriented zonings such as C3, MU, NB, and O & I all allowed uses may not be best suited for the surrounding area. C3 allows for gas stations and big box stores as well as salons/barber shops. Though it may not be appropriate to place a gas station adjacent to a residential district a standalone beauty salon may be appropriate. This tool would allow the Town to permit the salon without opening the opportunity for more intense uses in the future. This tool also allows the Town and the developer to work together to eliminate potential areas of concern by discussing the site plan as a part of the approval.

Provided in your packet is a text amendment to allow for conditional rezoning.

ACTION REQUESTED:

Approval of the revised ordinance as submitted.

4.1.18 Conditional Rezoning. A conditional zoning district (aka "CZ") is intended for a development that has a high level of certainty of being constructed and the most commonly expected application will contain a specified use or uses, permitted by right or special use, accompanied by a plan showing proof of concept and typically including the spatial relation of uses and site elements.

1) Application requirements

a) Except as provided herein, all applications to establish a conditional zoning district shall adhere to the regulations and procedures prescribed in this subsection in addition to the standard general use district rezoning process as described in this Section.

b) Contents of Application – at a minimum, the following (and a description) shall be required for a conditional zoning district to be considered:

i) A list of all uses proposed for the district, which shall be of equal descriptiveness and in the same format and description as listed in the Table of Permitted Uses from this Ordinance.

ii) A list of all setbacks and dimensional standards for every proposed use, which shall be of equal descriptiveness and in the same format and description as listed in the Zoning District Dimensional Requirements, from this Ordinance.

iii) A sketch plan drawn to a suitable scale, with supporting information and text which specifies the location of the use or uses intended for the property and any development or dimensional standards to be approved as part of the establishment of the conditional rezoning district.

iv) The sketch plan shall include the following items:

a. Delineation of all Areas of Environmental Concern including but not limited to federal and/or state jurisdictional Wetlands and floodplains.

b. For residential uses, the number of units, heights and a generalized location.

c. For non-residential uses, the height, approximate footprint and location of all structures.

d. Traffic generation calculations and/or Traffic Impact Analysis if required by this Ordinance, parking and circulation plans illustrating dimensions, intersections, and typical cross sections

e. All proposed setbacks, buffers, screening and landscaping

f. Phasing

g. Signage

h. Outdoor lighting

i. Current zoning district designation and current land use status

j. Other information deemed necessary by the Administrator, Planning Board, or Town Council, including but not limited to additional technical reports

c) Public Input Meeting

i) Prior to scheduling a public hearing on the rezoning application, the applicant must conduct one public input meeting and file a report of the results with the Administrator

3) Review Approval Criteria for Conditional Rezoning

a) When evaluating an application for the establishment of a conditional zoning district, the reviewing bodies shall consider the following:

i) That the application meets the intent of a conditional rezoning, per this subsection.

ii) That the contents of the application are complete, sufficient, and recorded appropriately either as conditions of approval or on the associated site plan or preliminary plat, and that the appropriate procedures have been followed.

iii) The potential impacts and/or benefits on the surrounding area and adjoining properties.

iv) The report of results from the public input meeting.

v) That sufficient guarantee is in place or can be made that any off-site impacts generated by the proposed project shall be mitigated appropriately at the time the need for the mitigating action is generated.

4) Conditions to Approval of Petition

a) In approving a petition for the reclassification of property to a conditional zoning district, the Administrator or the Planning Board may recommend, and the Town Council request that the applicant add reasonable and appropriate conditions to the approval of the petition. If the applicant and the Town Council do not both explicitly accept these conditions, then the Town Council shall deny the conditional rezoning request.

b) Any such conditions should relate to the relationship of the proposed use(s) and design to the impact on Town services and capital plans adopted, surrounding properties and population, proposed support or accessory facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, stormwater drainage, the provision of or access to open space, and other matters that the participants in the public input meeting, staff, Planning Board, and Town Council find appropriate, or that the petitioner may propose. Such conditions to approval of the petition may include, but are not necessarily limited to, right-of-way dedication to the state or Town, as appropriate, of any rights-of-way or easements for streets, water, sewer, or other public utilities necessary to serve the proposed

development.

c) The petitioner shall consider and respond to any such conditions after the Planning Board meeting at least three (3) days prior to the staff report for the Town Council being published. If the applicant does not agree with the Planning Board or staff's recommendations of additional conditions, the applicant shall provide written evidence or opinion to support their objection.

d) If for any reason any condition for approval is found to be illegal or invalid or if the applicant or subsequent owner should fail to accept or fulfill any condition following approval, the approval of any site plan or preliminary plat for the district and the conditional rezoning shall be null and void and of no effect and proceedings shall be instituted by the Administrator to rezone the property to a context-appropriate general use district zoning classification. The administrator will use appropriate judgement when recommending which properties (developed, undeveloped, vacant, half-built, existing non-conformities, etc.) be reassigned to which general use zoning districts. The rezoning may result in the creation of nonconformities, which shall be the responsibility of the property owner to rectify at such time as required by Section 7, Nonconforming Situations

5) Effect of Approval

a) Once a conditional rezoning is approved, the development and use of the property shall be governed by the established standards for the district, the approved sketch plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to these regulations and to the zoning maps.

b) Following the approval of the petition for a conditional zoning district, the subject property shall be identified on the zoning maps by the district designation "CZ" and a unique, consecutive numerical identifier (for example, the fifteenth conditional zoning district established in the town would be labeled "CZ15"). The unique identifier number will reference the approved ordinance and sketch plan that established the zoning district.

c) Since each CZ district represents a newly created zoning district, the approved sketch plan and district standards and conditions shall be maintained as an adopted appendix to this Ordinance.

d) The approved sketch plan, may substitute for an approved master development plan if it is explicitly reviewed and approved as such during the petition for the CZ district.

e) No permit shall be issued for any development activity within a conditional zoning district except in accordance with the approved petition and site plan or preliminary plat (as appropriate) for the district.

f) Any violation of the approved site plan or any rules, regulations and conditions for the district shall be treated the same as any other violation of this Section and shall be subject to the same remedies and penalties as any such violation.

6) Alterations to Approval

a) Changes to an approved conditional zoning district or to the standards, uses, requirements, or conditions attached to the approved conditional zoning district shall be treated the same as amendments to this Ordinance or to the zoning maps and shall be processed as a Conditional Rezoning, unless possible to modify as an Administrative Adjustment.

i) Minor Changes may include

ii) Major Changes may include

7) Review of Approval of a Conditional Zoning District

a) It is intended that property shall be reclassified to a conditional zoning district only in the event of firm plans to develop the property. Therefore, no sooner than three (3) years after the date of approval of the petition, the Administrator shall examine the progress made toward developing the property in accordance with the approved conditional zoning district and any standards, uses, requirements, or conditions attached to the approval.

b) If the Administrator determines that progress has not been made in accordance with the approved petition and conditions, the Administrator shall begin proceedings to rezone the property(ies) to its previous zoning classification or to another district(s), as appropriate.

c) The Administrator shall continue to monitor conditional zoning districts in this manner at least every 2 years, until they are determined to be substantially builtout (90% or more of units, square feet, or land built out)

STATE OF NORTH CAROLINA

COUNTY OF _____

Surf City Utility Department

Address and/or Parcel Identification of Real Property where development is to [Article_8A.pdf](#) ([ncleg.net](#)) occur:

(Address, PIN)

I,

(Print Full Name)

hereby understand that I am submitting the planned improvements to the above-mentioned property with the understanding that Surf City utilities are not currently available, and it is unknown when such utilities will become available.

1. _____ I certify that I am the owner of the property set forth seeking improvements.

OR

| _____ I am legally authorized to act on behalf of the owner, firm, or corporation which is seeking improvements on the property as described above (name of firm or corporation: _____);

2. _____ I understand any approval from the Town concerning submitted improvements does not guarantee the current or future availability of Surf City Utilities.

3. _____ I understand the future utility capacity will be offered to projects lawfully approved by Town Council ordered chronologically.

4. _____ I understand that it is the responsibility of myself or my firm to ensure that plans are renewed with the Surf City planning office on an annual basis. If renewal does not occur, project will lose all town approvals and placement for utilities.

5. _____ Once available utilities are offered to a project; representatives of the project must obtain all utility permits within one hundred and eighty (180) days. If utility permits are not obtained within the allotted time, utility capacity is forfeited.

(Signature of Affiant)

Date

{NOTE: It is a Class F felony to willfully commit perjury in any affidavit taken pursuant to law - G.S.14-209}

State of N. Carolina

County of Pender

I _____ a Notary Public of the County and State aforesaid, Certify that

_____ and _____

Personally, appeared before me this day and acknowledge the execution of the foregoing instrument.

Witness my hand and official seal, this _____ day of _____, 2020.

Notary Public

(Seal)

Name of Notary

My Commission Expires