TOWN OF MINNESOTT BEACH
PLANNING BOARD MEETING
April 3, 2014

MEMBERS PRESENT: Chairman Dennis Humenik, Cliff Braly, Mac Rubel and Richard Hughes (arrived 4:10pm).

MEMBERS ABSENT: Rich Beland and Adam Garfinkel

OTHERS PRESENT: Commissioner Tim Fowler, Carolyn Braly - Town Clerk and Cathy Hurm - Town Manager.

Chairman Humenik called the meeting of the Planning Board (PB) to order at 4:00 pm.

Chairman Humenik presented the agenda and it was noted that Mr. Rubel's name had been misspelled. The agenda was accepted and approved with a correction to the spelling of Mac Rubel's name.

The minutes for March 6, 2014 were presented and approved.

Public Comments: None

Old Business: Definition of single family-attached:

Mr. Braly had an extended conversation with Skip Lee. Mr. Braly passed out printed information (attached). Mr. Braly said every zoning group uses their own definition of how to describe single family attached using either roof, common deck or common wall. The difference is how the State code deals with each. If there is a common wall, a fire wall is required between units. Mr. Humenik questioned using the term "units" and recommended using the term "family units" to denote it is a single family dwelling unit. Mr. Humenik then referred to the wording in 151.164 (D) (8) noting he would like to see it worded as "five family units". Mr. Braly rephrased it as "five family dwellings" noting that in the health dept. and sanity/sewer business a dwelling unit determines the amount of sewage which is determined by the number of bedrooms thus dwelling units is not as specific as it sounds.

Mr. Rubel suggested the PB provide the information as to their concerns and recommendation and how they would like the section in the UDO to read to the attorney and request he provide modifications and recommendations allowing the attorney to actually write the verbiage. Mr. Rubel noted the clarification between townhouse being a unit from ground to roof as opposed to a condominium being wall to wall which could make them attached or multi-family. Mr. Braly said that at some time they would have to decide if there could be multiple owners or not for a piece of property for town homes. Mr. Rubel expressed concern for maximum density under RM. Mr. Braly noted that as you look at the various definitions there are multiple paths and each leads in a different direction. Mr. Rubel stated they needed to decide which path they wished to follow and work in that direction. Discussion then reverted back to the definition for single-family attached. Mr. Rubel expressed his thoughts that they should consider common wall with a maximum of five units per building and define the density which would include the number of dwelling units per acre. Mr. Rubel said he thought the definition for single family attached should be common wall versus single family detached which would have four walls and the specification which would come along with that which Mr. Rubel believed would eliminate any

loopholes and be consistent with other examples within the town. Mr. Braly expressed his opinion that he was not certain the PB wanted to place the restriction of common wall within the definition as long as there was a common roof and it meets the density requirements. Mr. Braly noted that setbacks and density help to establish environmental requirements and everything else should fall into place. It was determined the PB would stick with the definition as discussed at the February 6, 2014 meeting which defined attached as a building having a continuous roof, similar in architectural and aesthetic construction. The roofs need not be on the same plan and the buildings will have open space on 2 or more sides of each unit.

The discussion then progressed to considering density of lots noting that setbacks created some parameters. It was also noted that septics and drain fields also impact upon the density of lots. Mr. Braly said he believed it had to be determined by dwelling units per acre. Mr. Rubel noted that a quick calculation would reflect 3 dwellings per acre in R-15 and allowing for setbacks approximately 6 dwellings in RM. Following discussion it was determined that setbacks and square footage of units effect density. The PB members decided put in the number of 6 dwelling units and review their decision at the next meeting after having had time to work on the calculations.

Due to time constraints, Mr. Rubel requested the PB to address item number five on the agenda. Mr. Rubel recommended the PB suggest the Board of Commissioners (BOC) excise paragraph (B) in the following Sections – 151.393; 151-394; 151-395; 151-397 and 151-398. As currently written Mr. Rubel felt this allowed the BOC to grant a quasi-variance against current standards without individuals having to go through the variance process.

Mr. Rubel stated the PB needed to have a collective list of recommended changes to the UDO for the BOC by the June meeting so they can review and have the appropriate meetings prior to September.

Mr. Rubel had to depart and noted he would not be physically present at the next meeting but could participate via Skype. Mr. Humenik recommended the board meet at 5:30pm beginning in May.

Regarding swimming pools, Mr. Braly passed out a printed copy of the North Carolina Residential Code, Section AG102, (copy attached) which defines a swimming pool as any structure intended for swimming, or recreational bathing, containing water over 24" deep. This includes in ground, above ground and on the ground swimming pools, hot tubs and spas. Mr. Braly said Minnesott Beach (MB) can make their codes more restrictive, but not reduce them. If we use the state code, which is all inclusive, we would have zero liability. After much discussion, Mr. Braly will draft the wording for the code for MB regarding pools and required fencing and will have it for the next meeting so MB will be in compliance with the State code on pools and fences.

Mr. Hughes reported on general fencing. He referred to Page 61 of the MB Code of Ordinances: 151.210 Walls and Fences. Mr. Hughes passed out copies of the Town of Morehead City's

Fence Permit Application and Section 14-1 of the Morehead City Code of Ordinance (copies attached) which deal with Fences and Retaining Walls. An attachment to the fence permit which provided a definitions and regulations was attached. Mr. Humenik reviewed the limits of the Morehead City fence requirements noting height requirements, corner lot issues, fencing materials and visibility saying he was not in favor of "stockade" fencing.

Mr. Humenik asked Mr. Hughes to draft a document, adapting the Morehead City residential fencing requirements, the PB could use to be included in the MB code of ordinances. Mr. Braly pointed out the permit was for new, "repair or replacement in part or whole." There was discussion regarding complaints about old fences and it was noted that no complaints have been received about old fences but there had been a complaint about a new fence that wasn't considered to be the right height, currently there are limited restrictions on fences in the UDO. Ms. Hurm suggested that if the PB was going to establish guidelines for fences they should also note a permit was required and a permit created. Mr. Humenik recommended that once a year in the town's newsletter a listing of the towns permit requirements should be published. Ms. Hurm advised that prior to any changes being made to the UDO would require a public hearing and an announcement published in the newspaper. Mr. Humenik inquired as to having postcards or notices sent to residents, Ms. Hurm noted the cost would probably be approximately $150 - $200 to send a postcard to all residents.

Mr. Humenik said he needed to clarify what he needs to ask the BOC. Mr. Humenik believed the question concerned RM as to whether each dwelling was to be on a separate lot or can they be on the same lot? Mr. Braly stated that is going back to the old condo vs townhouse scenario and under the current UDO Mr. Humenik believed they were being treated the same. Mr. Humenik said that by separating these it would then become a matter of density, not ownership and then inquired if he should ask the BOC about separating those items. Mr. Braly stated he thought the question to be posed to Mr. Hicks, Town's attorney, involved restricting RM to single ownership. Commissioner Fowler advised there was no concern about ownership but density. Following discussion it was agreed ownership was not an issue but density needed to be established.

Mr. Humenik asked if we should come up with a new time for meetings and it was determined the PB would wait until other members were present before changing the day and time for future meetings. Based upon Mr. Hughes suggestion, Mr. Humenik advised the May 1st meeting would meet at 5:00pm. and any future permanent changes would be determined at that time.

New Business: None

Mr. Braly moved to adjourn. All ayes.

Catherine Hurm, Town Manager