



**Minutes
Town of Atlantic Beach
Planning Board Meeting
September 6, 2016**

Members Present

Ray Langley, Chairman
Neil Chamblee
Llewellyn Ramsey
Steve Joyner

Members Absent

Rich Johnson
Norm Livengood
Curt Winbourne

Staff Present

Michelle Shreve, Planning Director
Katrina Tyer, Clerk
Arrington Moore, Management Assistant
John Harrell, Inspections Director

CALL TO ORDER

Chairman Ray Langley called the meeting to order at 6:00pm.

MOTION TO EXCUSE ABSENT PLANNING BOARD MEMBERS

Chamblee made a motion to excuse Johnson and Winbourne from the meeting. Their absence was noted prior to the meeting. Seconded by Joyner. Vote was unanimous, 3-0.

Ramsey made a motion to approve Livengood for an unexcused absence. Seconded by Joyner. Vote was unanimous, 3-0.

Chairman Langley, Johnson, and Livengood were present at the August 18, 2016 Council work session for the presentation from CodeWright.

APPROVAL OF AUGUST 2, 2016 PLANNING BOARD MINUTES

Joyner made a motion to amend the agenda by removing approval of the August 2, 2016 Minutes to allow more time for review. Seconded by Ramsey. Vote was unanimous, 3-0.

CODEWRIGHT CODE ASSESSMENT PRESENTATION

Michelle Shreve, Planner, provided a presentation of the Public Review Draft of the Code Assessment similar to what was provided to Council at the August 18, 2016 work session by Chad Meadows of Codwright. The purpose of this meeting is to go through the document and discuss the goals, concerns and recommendations. The Code Assessment was sent to each member of the Town Council, Planning Board, and Board of Adjustment.

The UDO was created in 2009 with a lot of public input, but recently issues have come to light with language consistency, confusing terminology, procedural vagueness, and inconsistency with evolving state law. The Code Assessment identifies these issues and summarizes recommended changes. The objective is to address the issues and update the UDO under the direction of Council. Our main goal is to refine, not reinvent the current UDO.

CodeWright prepared the Staff Review Draft in March and submitted it to Town staff. Once they received they Town's comments, they created the Public Review Draft. Based on input from Town Council and the Planning Board, they will input revisions and submit the final product to us. Following receipt of the Final Code Assessment, CodeWright will begin work on the UDO update pursuant to a contract recently approved by Council.

The recommendations in the Code Assessment are largely technical, dealing with structure, organization and presentation. A new article structure, reducing from seventeen to ten is recommended. This structure brings definitions into the codified text rather than as an appendix. It will remove repetition, clarify terms and intent, add approval criteria, comply with state law changes, and show more compelling graphics and page layout.

Procedural clarity is one of the most significant issues, and an area where many recommendations are made. There is vagueness and confusion with time computation, as-builts, recreation standards, and subdivision approval. Procedures are missing for minor subdivisions, text interpretation, zoning permits, land disturbing permits, and sign permits. Enforcement provisions are sparse in terms of process and remedies.

It is suggested to prepare a Procedures Manual, kept separate from the UDO, to clarify violations and enforcement. Review criteria provides a basis for consistent decision-making, ensures all applicants are treated equally, and supports legal defensibility.

There are numerous examples of confusing and repetitive language. There are problematic instances where there is subtle inconsistency between separate, but related standards. Building height is defined or applied in at least three ways. The Causeway Overlay District, the Circle Development District, and the marina standards seem to have been drafted separately and then inserted into the UDO rather than blending.

Consistent and complete terminology is vital to effective administration and defensibility of the UDO. The Code Assessment identifies some of the most significant concerns: single-family attached versus townhouse, contradictory text regarding parking lot screening in the Causeway Overlay District, and confusion surrounding the relationship between the UDO and Building Code provisions for signage.

We will use a layout similar to the City of High Point for our districts, which will make it easier to understand the parameters of development within each zoning district.

The current UDO has a robust set of use provisions inconsistent with how uses are defined or where they are permitted, making administration more difficult. Principal, accessory, and temporary uses are grouped together without sufficient distinction. Recent case law suggests local governments should identify prohibited uses and provide a procedure for how unlisted uses are addressed. This use classification system breaks up land uses by category and type, rather than listing each use arbitrarily in alphabetical order. The update will group residential uses together, separate from institutional and commercial uses. Major and minor uses will likely be based on square footage supporting the use. Several uses are addressed incorrectly, vaguely, or not at all.

CodeWright suggested the Planning Board and staff consider the following in greater detail:

- Eleven definitions include standards – it is not good practice as these standards could be missed
- Some definitions are missing - all uses and methods of measurement should be defined
- Fifteen standards are inconsistent with the Building Code
- Unnecessary or inappropriate definitions – such as a definition for ‘farm’

The Board is willing to meet jointly with Council and Board of Adjustment for UDO discussion.

It was the consensus for the Planning Board to maintain an advisory position in the major site plan review process, with the Town Council as the deciding board.

There are not any agenda items for the next regularly scheduled Planning Board meeting. Hopefully, the November meeting will include CodeWright’s UDO update information.

ADJOURNMENT


There being no further business Ramsey made a motion to adjourn the meeting. Seconded by Chamblee. Vote was unanimous, 3-0. The time was 6:47 p.m.

These minutes were approved at the November 15, 2016 meeting of the Atlantic Beach Planning Board.

ATTEST:


Katrina Tyer - Town Clerk

TOWN OF ATLANTIC BEACH


Ray Langley, Chairman