



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

**Members Present**

Ray Langley, Chairman  
Neil Chamblee  
Rich Johnson  
Steve Joyner  
Norm Livengood  
Llewellyn Ramsey  
Curt Winbourne

**Members Absent**

None

**Staff Present**

Michelle Shreve, Planning Director  
Katrina Tyer, Clerk  
Arrington Moore, Management Assistant  
Megan Hunter, Secretary

**CALL TO ORDER**

Chairman Ray Langley called the meeting to order at 6:00pm and introduced Megan Hunter to the board. She is the newly hired Planning and Inspections Admin. Assistant and will serve as Secretary to the Planning Board.

**MOTION TO EXCUSE ABSENT PLANNING BOARD MEMBERS**

None absent.

**APPROVAL OF NOVEMBER 15, 2016 PLANNING BOARD MINUTES**

Joyner made a motion *to approve* the November 15, 2016 minutes. Seconded by Johnson. Vote was unanimous, 6-0. Motion carried.

**PRESENTATION AND REVIEW OF UDO UPDATE MODULE ONE**

Chairman Langley thanked the board for their participation in the Town's Christmas parade. They did a great job.

Michelle introduced Chad Meadows and Cara Isher-Witt. Mayor Cooper, Michelle and Arrington have reviewed and provided input for Module 1 of the UDO Update to CodeWright.

Mr. Meadows wanted to make sure this is a discussion, not just a presentation.

Chamblee wants to ensure this update will make things better. Mr. Meadows feels confident this is a good update and will eliminate the vagueness staff currently deals with. This endeavor started out as CodeWright assisting staff with the update, but after they got into it realized it was better for CodeWright to draft and staff review to ensure all the legal issues were addressed.

Ramsey wants to ensure we can support and defend this document. Mr. Meadows ensured the board that CodeWright would be supportive and stand by the rewrite. They will amend any sections the board is not satisfied with.

On August 18, 2016. Mr. Meadows presented the Code Assessment to Council. The goal is to increase user-friendliness, enhance predictability in development review, maintain consistency with state law, foster easier administration and maintain legal defensibility.

Module 1 provides updates to Chapter 1, General Provisions; Chapter 2, Procedures; Chapter 9, Enforcement; and Chapter 10, Measurement and Definitions.

Chapter 18-1 General Provisions. Establishes authority and lays out the framework for the updated UDO. Key changes are:

- All general provisions are consolidated into this single article
- Purpose and intent statements have been supplemented and will assist in legal defense
- Clarification of the applicability provisions to read that the Town's planning authority extends to submerged lands

- Clarification that the Town may review some private agreements such as HOA establishment documents, shared parking agreements, and cross-access easements
- New consolidated set of provisions governing how conflict between different provisions can be addressed; corrects conflicting laws
- Transitional provisions that address how submitted and approved applications are handled

Chapter 18-2 Procedures. Includes a Development Review Table consolidating all information for reviews and details the procedure for the responsible decision-making body. The electronic version will include hyperlinks to the related section. Key changes are:

- All procedures are consolidated into this single article
- Article includes a detailed summary table of all development review procedures
- Consolidated set of common review procedures
- Development review procedures use a standardized format with a flow chart
- All development review procedures include a set of approval criteria
- The update introduces four new permits:
  - Administrative adjustments: this allows staff to make minimum decisions and assist the applicant more efficiently
  - Development Agreement: this provides a consistent plan for the Town to use
  - Minor Subdivision Plat: by differentiating between minor and major, the applications are handled more efficiently
  - Temporary Use Permit
- The building, sign and temporary use permit procedures are not codified
- The current amendment procedure is separated into a text amendment and a map amendment procedure
- Major site plans and major subdivision plats include a conceptual review procedural step. This joint public hearing with the Planning Board and Town Council would be before staff review, allowing the applicant to receive comments he can use to update or modify plan.
- Planning Board review of conditional use permits and vested rights determinations has been removed due to their quasi-judicial nature
- The UDO Administrator is authorized to decide final plats, interpret the UDO text, and interpret the zoning map

Chamblee inquired with Michelle to ensure the new administrative adjustment procedures were not going to be a problem. She feels it allows the staff to assist the applicant without burdening them or weighing down the boards with minor decisions.

Ramsey wants to ensure the administrative adjustment procedures are very specific and clear to ensure fairness to the applicants.

The Board discussed the Technical Review Committee (TRC) having decision making rights for three procedures. Concerns were over whether the committee should just be a review board making recommendations rather than decisions. They want to ensure they are responsible for their decisions.

Mr. Meadows explained the intent of the TRC review is to add an extra pair of eyes to the planner's review. If the TRC approves an item, the Board of Adjustment cannot deny, they must approve or remand. Michelle stated the planning department currently has an informal review of minor site plans with the Planner, Inspector, public works department and fire marshal. This new policy will make the TRC more formal.

The update suggests the Planning Board make final decisions on the Preliminary Plats, they are in a better position.

Chamblee wants the multiple public hearing opportunities identified in the Development Review Table to be discussed with Council.

It was the consensus of the board to amend the Conditional Use Permit procedure eliminating Planning Board review. It is not advisable for the Planning Board to make a recommendation to the Board of Adjustment or Council for a quasi-judicial decision since all decisions should be made based on sworn testimony delivered at the public hearing.

Chairman Langley questioned the Development Agreement section, he thinks it should specifically state the timeframe for the Town to take over infrastructure so the developer understands. Mr. Meadows explained it is drafted the way it is to benefit the Town and leaves the decision with the Town.

Chapter 18-9 Enforcement. This consolidates the enforcement provisions scattered throughout the current UDO. Key changes are:

- Sets out a comprehensive list of violations of the Ordinance
- Enforcement procedures address compliant-driven and staff-initiated investigations
- Identifies the enforcement responsibilities of the UDO administrator, Building Inspector and Floodplain Administrator
- Includes a broad range of remedies and penalties, including remedies related to violations of sedimentation and erosion control provisions. The sedimentation and erosion control provisions are state standards

Chapter 18-10 Measurement and Definitions. This consolidates all definitions, rules of measurement, rules of language and glossary of abbreviations. This article will be amended with additional definitions with each Module. Key changes are:

- Consolidates the rules of language construction
- Includes a table of abbreviations
- Consolidates the definitions into a single section

Module 2 will be delivered to staff next week and presented to the Planning Board on February 9. After the Planning Board has reviewed each Module, their comments and recommendations will be presented to Council.

Ramsey acknowledged the board is going to miss Chairman Langley. She thinks this update will help all the Town boards.

Chairman Langley stated he was appointed chairman in 2007 during his second meeting. He had to learn a lot quickly. He recommended the board consider not doing that to another new member when they elect a new chair.

**ADJOURNMENT**

There being no further business Chamblee made a motion *to adjourn* the meeting. Seconded by Joyner. Vote was unanimous, 6-0. The time was 7:46 p.m.

These minutes were approved at the February 7, 2017 meeting of the Atlantic Beach Planning Board.

ATTEST:

  
Katrina Tyer - Town Clerk

TOWN OF ATLANTIC BEACH

  
Chairman

