

**TOWN OF BEAUFORT
PLANNING BOARD
THURSDAY, APRIL 23, 2009
6:00 P.M., TRAIN DEPOT, BEAUFORT NC**

The Town of Beaufort Planning Board reconvened its regularly scheduled meeting on Thursday, April 23, 2009 in the Train Depot located at 614 Broad Street, Beaufort, NC. Vice-Chairman Ryan Neve presided at the meeting.

Members Present:

Ann Carter
Steve Rice

Staff Members Present:

Kyle Garner, Town Planner
Michele Davis, Town Clerk

I. RECONVENE MEETING

Vice-Chairman Neve called the meeting to order and stated this meeting is reconvened from Monday, April 20, 2009. He then recognized Susan Suggs as being in attendance at the meeting and asked her to proceed with the review of the Land Development Ordinance.

II. ITEMS FOR CONSIDERATION

1. Discussion and consideration of proposed Land Development Ordinance (LDO).

Ms. Suggs began the review with 2.3 Common Review Procedures. This section applies to all development applications and procedures.

Mr. Garner stated 2.3.6.A Determination of Sufficiency is a major improvement over the current code. Members Carter and Rice questioned the ninety (90) day time limit when the developer has to wait for a couple of reviews and possible delays in getting permits.

Ms. Suggs stated this is written that each time a recommendation is made and the developer comes back with the changes, the ninety (90) days starts again.

Member Neve asked about 2.3.6.D posting of the Property and the placement of the sign on the property. Mr. Garner stated we are not required by law to post the property. We choose to post the property. Mr. Garner informed the Board members the staff also sends out a notice to adjacent property owners. Members Carter and Neve suggested an extra fee be charged for mailings.

Member Carter asked about 2.3.10. Protest Petition and how is valid defined. Ms. Suggs stated this information is directly from the State Statutes. The petition is not required to give an explanation why signers are opposed.

2.3.11.B.8—Voting requirements

There was discussion regarding the percentage of members present to pass an item and whether or not a simple majority of the quorum will enable an item to be passed. Ms. Suggs stated she will look at this section again especially (f) and (g).

Member Neve asked if tables could be located directly after the Table of Contents.

Mr. Garner asked for the Release of Subdivision Surety to only be released by the Finance Officer.

Ms. Suggs stated on the Certificate of Occupancy line she would like to add a J under the Planner/TRC column.

2.4.2 Land Development Ordinance Compliance Permit

Member Carter asked the difference between a building permit and a compliance permit. Ms. Suggs stated if you build a building, then you need both. The compliance permit deals with checking the zoning of the property.

Member Neve and Member Carter asked about 2.4.2.B in reference to land disturbance. Mr. Garner stated that land disturbance is anything other than getting a survey. Member Carter asked about penalties if the land is disturbed prior to the approval. Mr. Garner stated at this time there is not a penalty that is enforced.

Member Carter asked if a CAMA permit was needed for the erection of or addition to a pier or dock construction. Mr. Garner confirmed this for Member Carter.

Member Neve asked about the flood plain of Beaufort. Mr. Garner explained that 41% of Beaufort is not in the 500 year plain. Mr. Garner gave an example of the things put up for the Pyrate Invasion. They will need to get a compliance permit since they are proposing putting stuff in the flood plain.

Member Neve asked about electronic filing of some of the submittals (2.4.2.D). Mr. Garner stated that may be an option in order to do power point presentations.

The group discussed the situation of a final plat (2.4.2.F) not being approved before a building permit and certificate of occupancy were issued. Mr. Garner stated ideally this should not happen, but it has happened and even recently.

2.4.4 Temporary Use Permit

Member Carter asked for Ms. Suggs to please define a temporary structure. This is defined later on in the ordinance. A reference was made to Perry Barrow's place. He was given permission to have a temporary structure for one year. Member Carter asked if a bond or deposit could be required before the temporary structure is put in place.

2.4.5.A. Exempt Subdivision Plat

Mr. Garner asked for #7 to be removed from the listing. After discussion the decision was made to remove the statement.

2.4.7 Certificate of Occupancy

A discussion was held regarding off site improvements. What exactly is off site improvements? Some felt the off site improvements pertained to infrastructure and some felt off site pertained to turning lanes, etc.

2.4.8.E. Application

Member Rice asked about the importance of #8. This deals with how the zoning amendment will promote the public health, safety or general welfare. This is not a state requirement. The members present felt it should be removed from the ordinance.

The members discussed who should sign the application. The consensus was that the application should be signed by the property owner or the applicant. Ms. Suggs stated she would look at this further.

Member Neve asked about adding another item to 2.4.8.F Standards of Review. If the requested zoning may be considered spot zoning the Town Planner may request more information. Mr. Garner stated he did not feel the wording needed to be added.

Ms. Suggs stated the process of reviewing the proposed ordinance will take a while. She suggested each member work on different sections and then present their findings to the other members.

Member Rice felt everyone should review the information and make notes of questions. Members present were in agreement.

Member Rice asked to make a general comment regarding the definitions. He asked the definitions just be definitions and not include elements of the requirements.

The group discussed when the next reading of the ordinance will be held. A decision was made to make the decision on a month by month basis.

Mr. Garner asked for everyone to get information to him for any questions or changes that may need to be made. This will help to process the information quicker.

III. ADJOURNMENT

Member Carter moved to adjourn the meeting. Member Rice seconded and the vote was unanimous.

Ryan Neve, Vice-Chairman

Attest:

Michele Davis, Town Clerk