

# *Town of North Topsail Beach*

Joann M. McDermon, Mayor  
Mike Benson, Mayor Pro Tem

Aldermen:  
Richard Grant  
Don Harte  
Connie Pletl  
Robert Swantek



*Nature's Tranquil Beauty*

Alice Derian, ICMA-CM  
Town Manager

Danyale Lundy  
Town Clerk

1/13/2022

## **Planning Board**

Program for Public Information (PPI) Committee

### **Agenda**

Thursday, January 13, 2022 at 5:00 PM

2008 Loggerhead Court, North Topsail Beach NC 28460

- I. Call to Order – 5:00 p.m.
- II. Adoption of Agenda – 5:01 p.m.
- III. Approval of Minutes, October 14, 2021, – 5:03 p.m.
- IV. Public Comment – 5:05 p.m.
- V. Old Business
  - A. Building Design Elements (UDO §4.03.20-21; NCGS §160D-702)
- VI. Discussion – 5:15 p.m.
- VII. Adjournment – 5:30 p.m.

**Notice to citizens who wish to speak:** As a courtesy to others, a citizen speaking on an agenda item or making a petition is normally limited to three minutes. Persons who are organizing a group presentation and who wish to speak beyond the three minute limit are requested to make prior arrangements through the Planning Director by calling 328-1349. If you wish to address the Board this evening, please go to the front right corner of the conference room and sign up with the Recording Secretary. The Board may also change the order in which agenda items are presented.

**Attorneys:** If you are representing a person with an interest in a quasi-judicial proceeding on this agenda and believe you may wish to cross examine a witness, please identify yourself as such to the Recording Secretary. For the sake of maintaining an accurate public record all speakers must be prepared to speak into an amplified microphone and must provide their name to the Recording Secretary.

# *Town of North Topsail Beach*

Joann M. McDermon, Mayor  
Mike Benson, Mayor Pro Tem

Aldermen:  
Richard Grant  
Tom Leonard  
Susan Meyer  
Connie Pletl



Alice Derian, ICMA-CM  
Town Manager

Danyale Lundy  
Town Clerk

## *Nature's Tranquil Beauty*

### **Planning Board**

### **Program for Public Information (PPI) Committee**

### **Regular Meeting Draft Minutes**

Thursday, October 14, 2021 at 5:00 PM

*Sneads Ferry Branch of the Onslow County Library, 1330 NC HWY 210, Sneads Ferry NC 28460*

Present: Hanna McCloud - Chair, Paul Dorazio – Vice Chair, Pat Stigall, Mia Green, Alfred Fontana, Rebecca Dickson, Deborah Hill – Planning Director, Kate Winzler – Clerk to the Planning Board.

Absent: Gunnar Matthews, Scott Morse, Lisa Brown.

CALL TO ORDER Mrs. McCloud called the meeting to order at 5:10 p.m.

**ADOPTION OF AGENDA Mr. Dorazio made a motion to adopt the agenda. Mrs. Stigall seconded the motion, motion passed unanimously, 6-0.**

**APPROVAL OF MINUTES Mr. Dorazio made a motion to approve the August 12, 2021 minutes. Mrs. Stigall seconded the motion, motion passed unanimously, 6-0.**

PUBLIC COMMENT none.

### **NEW BUSINESS UDO ARTICLE 12 DEFINITIONS OF BEDROOM AND HEATED SQUARE FEET**

Planning Director Hill reviewed the history of and explained the need to revise the definitions of “bedroom” and “heated square footage” in the Unified Development Ordinance, especially to clarify the requirements for a special use permit. She proposed that the Planning Board recommend to the Board of Aldermen that they adopt the methodology for calculating “heated square feet” based upon the NC Real Estate Commission’s approach.

There was discussion.

**Mr. Dorazio made a motion that heated square footage calculations shall be based on North Carolina Real Estate Commission methodology in determining whether or not the duplex or single-family home requires a special use permit in accordance with section 4.03.2 and 4.03.21. Mrs. Dickson seconded the motion, motion passed unanimously, 6-0.**

Planning Director will research further before bringing recommendation to the Board of Aldermen.

DISCUSSION Based upon an increase in applications for cargo lifts placed within setbacks, Planning Director Hill requested that the Planning Board consider the idea of allowing or disallowing cargo lifts to encroach into a setback up to four feet zero inches, in the same manner that stairs are currently allowed. A cargo lift encroachment over four feet into the setback would still require a variance.

**ADJOURNMENT Mr. Dorazio made a motion to adjourn. Mrs. Stigall seconded the motion, motion passed unanimously, 6-0.**

The Planning Board meeting adjourned at 5:52 p.m.

APPROVED

This 13th day of January 2022

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Hanna McCloud  
Chair

CERTIFIED

This 13th day of January 2022

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Kate Winzler  
Clerk



*Town of North Topsail Beach*  
Planning Board

Agenda Item:	V. A.
Date:	1/13/2022

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**Issue:** Building Design Elements (UDO §4.03.20-21; NCGS §160D-702)

**Department:** Planning

**Prepared by:** Deborah J. Hill MPA AICP CFM CZO

**Presentation:** Yes

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**BACKGROUND** UDO §4.03.20 and .21 require a Special Use Permit for single family or duplex structures exceeding a quantity of certain *building design elements*, i.e., “the number and types of rooms” and heated square feet.

Pursuant to NCGS § 160D-702 (b), the phrase “building design elements” means exterior building color; type or style of exterior cladding material; style or materials of roof structures or porches; exterior nonstructural architectural ornamentation; location or architectural styling of windows and doors, including garage doors; the number and types of rooms; and the interior layout of rooms.

Regulations prohibited by NCGS § 160D-702 (b) may not be applied, directly or indirectly, in any zoning district or conditional district unless voluntarily consented to by the owners of all the property to which those regulations may be applied as part of and in the course of the process of seeking and obtaining a zoning amendment or a zoning, subdivision, or development approval, nor may any such regulations be applied indirectly as part of a review pursuant to G.S. 160D-604 or 160D-605 of any proposed zoning amendment for consistency with an adopted comprehensive plan or other applicable officially adopted plan.

**§4.03.20 DUPLEX.**

Duplex greater than ten bedrooms total and 5,000 heated square feet:

(A) General requirements:

- (1) Side setbacks are ten feet required for zoning district;
- (2) Height is limited to 48 feet;
- (3) Maximum impervious surface is limited to 30% outside the ORW;
- (4) Parking plan:
  - (a) To include one space per bedroom up to ten, and two spaces per bedroom over ten.
- (5) Engineered stormwater plan for all impervious surfaces; and
- (6) The proposed development is harmonious and compatible with surrounding area.

(Ord. 2014-4, passed 6-5-2014)

**§4.03.21 SINGLE-FAMILY.**

Single-family greater eight bedrooms and 5,000 heated square feet:

(A) General requirements:

- (1) Side setbacks are ten feet required for zoning district;
- (2) Height is limited to 48 feet;
- (3) Maximum impervious surface is limited to 30% outside the ORW;
- (4) Parking plan:
  - (a) To include one space per bedroom up to ten, and two spaces per bedroom over ten.
- (5) Engineered stormwater plan for all impervious surfaces; and
- (6) The proposed development is harmonious and compatible with surrounding area.

(Ord. 2014-4, passed 6-5-2014)

I requested the town attorney's opinion as to whether UDO 4.03.20 and 21 is consistent with [§ 160D-702](#) (b). We are in the process of obtaining a code scan of our UDO by the UNC School of Government.

**RECOMMENDATION** none at this time, code scan begins week of 1/24.

**ATTACHMENTS**

**From:** [D Hill MPA AICP CFM CZO](#)  
**To:** [Brian Edes](#)  
**Cc:** [Kate Winzler](#); [Hanna McCloud](#); [Alice Derian](#)  
**Subject:** RE: Request Town Attorney's Opinion  
**Date:** Wednesday, January 12, 2022 10:18:00 AM  
**Attachments:** [image002.png](#)  
[image003.png](#)

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That was my concern. I will present to PB and request that this be added to a list of amendments to be presented after UNC code scan results. That way we can do all in one fell swoop.

Thanks,  
d

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**From:** Brian Edes <briane@cmclawfirm.com>  
**Sent:** Wednesday, January 12, 2022 8:43 AM  
**To:** D Hill MPA AICP CFM CZO <dhill@ntbnc.org>  
**Cc:** Kate Winzler <kate@ntbnc.org>; Hanna McCloud <hanna\_cloud@yahoo.com>; Alice Derian <townmanager@ntbnc.org>  
**Subject:** Re: Request Town Attorney's Opinion

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Deb, it seems to me that we are not compliant to the extent we are indexing any regulation to the number or type of rooms.

Please let me know if you disagree and/or if you would like to discuss this.

Best,

Brian Edes - Sent from my iPhone

On Jan 12, 2022, at 8:35 AM, D Hill MPA AICP CFM CZO <[dhill@ntbnc.org](mailto:dhill@ntbnc.org)> wrote:

Mr. Edes, we are in the process of obtaining a code scan of our UDO by the UNC School of Government. Please see my request of you below.

Deb Hill



**Deborah J. Hill MPA AICP CFM CZO**  
Planning Director  
Town of North Topsail Beach  
1000 NC Hwy 210  
Sneads Ferry, NC 28460  
910-328-1349

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**From:** D Hill MPA AICP CFM CZO  
**Sent:** Wednesday, December 15, 2021 9:40 AM  
**To:** Alice Derian <[townmanager@ntbnc.org](mailto:townmanager@ntbnc.org)>