



## ORIENTAL PLANNING BOARD MINUTES

Wednesday, July 15, 2020 3:00PM

Oriental Town Hall – 507 Church Street, Oriental, NC

### CALL MEETING TO ORDER AND ESTABLISH QUORUM

AT 3:05PM, Chairman Flaherty called the meeting to order, noting that all members were physically present (Chairman Flaherty, Vice Chair Rahm, Members Stone, Willi, Allen, as well as the LUA, Commissioners Barrow and Simmons).

June 17, 2020 Minutes for approval. Member Stone makes a MOTION to approve minutes from the June 2020 meeting. Member Allen seconds.

### OLD BUSINESS

- **GMO for review:** LUA Miller goes through the selected sections of the GMO that Chairman Flaherty suggested be reviewed by the Planning Board.
- **Section 20** Chairman does vote and is counted, which is different from Town Board rules or BOA rules. If travelling, can we call in? You can, but it doesn't count as present unless you specifically put into place a rule allowing that. NCGA recently flip flopped on allowing remote participation.
- **Section 80** Land Use permits-we added 80.1.2.4, that the LUA can ask for assistance from Planning Board prior to approving.
- **Section 86-** Special Use Permits- this language is copy/pasted from NCGS. Will be granted UNLESS one of the conditions is met. You can have a steady stream of vocal residents opposing a permit, but unless they present evidence, you are required by law to grant the permit- and the Planning Board does not grant the permit, the Town Board does, with an accepted opinion of the Planning Board and a consistency statement submitted by the Planning Board. Chairman offered an example for expansion at Point Pride seafood- negative comments, but no evidence offered. Eventually withdrawn because they could not make the setbacks from CAMA and the Town's GMO. Months later evidence of repeated violations by the operations were presented, but too late- that's why we send out and publish notice of the hearing- it's a one-shot deal. LUA notes that rezoning is a different process and is purely a political discussion, where opinion does count. However, the Board needs to account for not just the proposed use, but all uses that can happen in that zone.
- **Permissible Use Table- Section 66-** redefinition of Marina and Boatyard, including parking, storage, etc. Also- we'll never cover all potential – there is a provision to go to the closest thing or extrapolate to the use/regulation in question. We always struggle to keep up with new regulations. Vice Chair Rahm asks about covenants. GMO is what the Town enforces. HOA must enforce any covenant issues.
- **Section 251-**where all the definitions sit. Apparently new practice is to include the definitions to the sections it pertains to. Solar Ordinance definitions are in the Solar Ordinance.
- **GMO Map-** colored sections are inside Corporate Limits- white on the map is County. Are there options to change? Comes with annexation and rezoning requests- Powell maps are updated to reflect. In Dolphin Point area there are many white lots peppered through Corporate Limits. Once zoning is imposed over existing uses, there are always incompatibilities- MUs next to R-1s, will never happen when zoning new properties. Discussed newly annexed R-3 property, mark between R-1 and MU at Deaton's. LUA noted several parcels in town that are just floating out there, like the 20'x 20' parcel at the driveway to the Piglet's storage property- owned by another entity. Noted letter requested by title search that property was commercial. We do not have commercial only zones- we

have residential and mixed use. LUA goes over streets used as buffers between zones. Buffers are now required where there are vacant parcels between mixes of uses- fence/brush... something.

- **Draft Ordinance/other documents for Housing Ordinance** Attorney forwarded draft Ordinance. Also Commissioners Barrow, Simmons and White conversations. Planning Board had asked for additional direction from Town Board on crafting Housing Ordinance- Town Board notes that they want a clear line between appearance and public safety issues. PB has been given new books from SOG about the new NCGS that will come into effect January 2021. Sample Ordinances have been distributed. Attorney is leaning away from receivership- we'll discuss that further. We need to discuss what is acceptable and what is not once we get a draft. Attorney promises us draft shortly. LUA suggests that we read all the background info and then be ready to address the draft to be forwarded. Chairman notes that the notice to vacate should be part of it. Commissioner Barrow notes that there is not a willingness to go forward on a policy that addresses buildings that are currently occupied- only vacant. In the drafts forwarded, we would only be looking at those in the bottom half of "Red"- not those in appearance only issues. Chair notes we need to decide the panel that will make the decisions. LUA notes that there will be clear direction on representatives from each vested party (i.e. one person from PB, one person from TB, Building Inspector, etc). In conversations with the attorney, you look into an agreement with the owner- "we'll take it down, you have X time to repay us what it will cost to take it down, you retain the property. If you don't, we get the property." End goal is to get the structure down, not to take property. Either fix it in X time, or take it down. Triggering the process is on the Building Inspector- once we have the Ordinance in place, he can process.

#### **NEW BUSINESS**

- **Compliance forms for review:** This month's compliance forms were handed to the Board, not posted online. They were all basic. Robertson erecting a carport. Morgan, new construction on Link Lane, Peterson, new construction of home on Vandemere, Everett, replace structure, remove/replace shed, add deck. Looked at property on Wall St- and ROW issues. The unpaved street at the end of Wall. Existing nonconforming right next door. Awaiting guidance from attorney on this property's setbacks.
- LUA notes that when she calls a Planning Board member for signature, they are welcome to disagree that the plan is compliant and that it needs further review.

#### **NON-AGENDA ITEMS / PUBLIC COMMENT**

- Chairman notes Articles for review: Articles 1,3,4,7 for next meeting. Will save signs and others for later.

**ADJOURN:** Vice Chair Rahm made a MOTION to adjourn. Member Willi seconds. 5-0. **Next Meeting scheduled for September 16, 2020, 3PM**

Signed: \_\_\_\_\_

Richard Flaherty, Chairman

Attest: \_\_\_\_\_

Diane H. Miller, LUA to Board