



DUPLIN COUNTY PLANNING BOARD

MINUTES

Thursday, January 18, 2024

224 Seminary Street, Kenansville, NC 28349

Members Present: Clint Blanton Tasha Herring Beth Smith
 Thomasina Williams Russ Brock

Others Present: Christopher Hatcher, Johnny Williams, Austin Brinkley

1. Chairwomen Smith called the meeting to order at 6:00 p.m.
2. A motion was made by Brock and seconded by Smith, to approve the minutes from the December 12, 2023, meeting. Motion carried unanimously.
3. The meeting was turned over to Hatcher to present a UDO review. Staff presented updates, staff recommendations and take comments from the Planning Board. At the meeting Hatcher started with the power point that was presented by Insight Planning to give the Planning Board a refresher as to what the UDO was and what the County will be accomplishing with the update. During the presentation Hatcher expressed to the Board that this UDO is an update to the ordinances and not a rewrite. The UDO update is being performed to bring the County into compliance with 160D requirements. Hatcher expressed that we need to move forward with the UDO to bring the County into compliance and also look into the staff recommendations. Hatcher started his presentation with the power point presentation that was presented in December. Hatcher explained what the UDO is and the purpose of the UDO. The UDO combines the seven ordinances that the County has into one document. Hatcher went through reading each of the seven ordinances that the County has. When the Airport Ordinance was brought up Hatcher explained that the airport is a separate land use and is not brought before the planning board that there is an additional board that reviews what development will be made at the airport but it was written under 160D and is in compliance. Hatcher then moved forward with the Subdivision ordinance and explained the exempt divisions that the County has in place currently. The 10-acre division, recombination, 2 acres into not more than 3 lot. Hatcher explained that definitions were undated and one that was presented was the flag lot definition and that under the current ordinance no flag lots were allowed without a variance. Staff did not agree with that but did agree with allowing for one to be created per subdivision if needed. Hatcher explained that the UDO further establishes the Boards. Planning Board, Board of Adjustment, and Board of Commissioners.

Hatcher explained that the Planning Board is the start and that if there are issues and explained an example as to what the Board of Adjustment was for and that the Board of Adjustment can grant a variance if there was a hardship and they met the four findings of fact. If the Board of Adjustment could either grant or deny and then the plan be brought back to Planning Board.

Brock asked for the purpose of the Planning Board in relation to the UDO.

Hatcher then answered giving that the Planning Board is a body that is appointed and the purpose is to act as another level of review for the County for approving site plans and that items cannot deny a use but if they deny a plan there must be a reason that was missed during staff review.

Brock then asked if the Board of Adjustment was in place.

Hatcher explained that the Board is in place and that they are waiting training before having the first meeting.

Hatcher then explained then explained that a variance is a legal way to create a nonconformity.

Hatcher also explained that the Planning Board is the public and are appointed and are here to help protect and assist the direction of the County.

Blanton asked if the Board could deny a person and Hatcher answered they cannot deny a use but can deny a plan that does not meet the ordinance.

Blanton then asked if salvage and junkyards are required to be approved.

Hatcher stated that they are approved by the Planning Board if they meet the ordinance and that every use is a by right use in Duplin County.

Blanton further asked about cemeteries on private property.

Hatcher explained there are no regulations on private cemeteries outside of the requirements of the Register of Deeds but there are state regulations over public cemetery.

Hatcher then explained that there is a staff recommendation over a utility subdivision that was explained further in the meeting.

Hatcher explained development agreements, vested rights and permit choice and the Board of Commissioners approve development agreements.

Hatcher explained that the Planning Board approved a reduction to the access easement from 50 feet to 30 feet but was never taken to the Board of Commissioners for approval and that was why the UDO has the easement as 30 feet.

Hatcher then explained the reason for the reduction in easement width and that a citizen would have to apply for two variances if the citizen is not willing to meet the subdivision ordinances.

Hatcher explained the 5 exemptions that are approved in the current ordinance and the new UDO.

Hatcher explained the type A division and the type B division.

Hatcher explained that a 6 lot division will still be brought before the Planning Board.

Hatcher explained minor subdivision and there were no changes.

Hatcher explained that there are three meetings required for major subdivision and those requirements and explained the reasons for guarantee security.

Hatcher then presented the items that Insight Planning asked for staff to research.

Hatcher presented recommended definitions and changes.

Smith agreed that Lot, Nonconforming and Nonconforming structure was better for the UDO and the Board agreed.

Hatcher presented an addition to the Manufactured Homes definition. Hatcher then explained that there is no standard for mobile homes and that mobile homes older than 1974 do not meet HUD standards.

Hatcher expressed that building inspections approved the addition to the definition.

Russ questioned that would a citizen be required to obtain a building permit for an existing mobile home that is not being moved.

Hatcher stated no that the citizen would not but could if they wanted. This update would only stop citizens from moving or brining in a mobile home into the county that did not meet HUD standards at the time of construction.

The Hatcher expressed that agricultural use is exempt.

The Board agreed to add the addition to the Mobile Home ordinance to the UDO.

Hatcher then presented the Service Subdivision to be added to the UDO with the purpose and intent.

Hatcher presented the service access easement, the purpose and intent.

The Board agreed to adding this recommendation to the UDO.

Hatcher presented a reduction to 6 months to file approval with the register of deeds.

Smith agreed.

The Board agreed to adding this recommendation to the UDO.

Hatcher presented an increase from 6 feet to 8 feet for a salvage yard or junk yard.

The Board did not agree to add the 8 feet.

Hatcher presented the option to create a moratorium against salvage yards within the flood zone.

The Board did not approve to move forward with this recommendation.

Hatcher asked if the Planning Board had any recommendations the Board would like to make.

Smith stated that the items that were brought forth addressed what was original to the notes.

Hatcher brought forth a recommendation of 5 years to the type B subdivision.

The Board agreed to add the 5 years' limit to the Type B subdivision.

Hatcher brought forth having a soil scientist sign a final plat for a minor subdivision if improvement permits were not required.

The Board agreed to add having a soil scientist sign the final plat for a minor subdivision.

Hatcher brought forth that mobile home park owners cannot sell lots currently. The recommendation was that the owner can sell lots if the park is in compliance.

The Board did not approve to adding the recommendation to the ordinance.

Hatcher brought forth the recommendation that an Adult Establishment & Sexually Oriented Business are required to obtain a Special Use Permit as well as meet the standards in place.

The Planning Board agreed with the recommendation.

Hatcher brought back the Junkyard salvage yard ordinance and the recommendation that was brought forth.

The Board did not agree to adding the recommendations to the UDO.

A second motion was made by Smith and seconded by Brock to preceded with recommendations and changers to the UDO. Motion Carried.

4. No other business was presented that required board action. A motion was made by Brock, seconded by Smith, to adjourn until the February 13, 2024 meeting at 6:00 P.M. Motion carried unanimously.

Chairperson

Elizabeth Smith

