

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS
OFFICIAL MINUTES
REGULAR MEETING
MAY 17, 2021
6:00 P.M.**

The Brunswick County Board of Commissioners met in Regular Session on the above date at 6:00 p.m., Commissioners' Chambers, David R. Sandifer Administration Building, County Government Center, Bolivia, North Carolina.

PRESENT: Commissioner Randy Thompson, Chairman
Commissioner Mike Forte, Vice-Chairman
Commissioner J. Martin Cooke
Commissioner Pat Sykes
Commissioner Frank Williams

STAFF: Steve Stone, Deputy County Manager
David Stanley, Deputy County Manager
Bob Shaver, County Attorney
Julie Miller, Finance Director
Andrea White, Clerk to the Board
Jared Galloway, Deputy Clerk to the Board
Meagan Kascsak, Communications Director
Jesse Heim, IT
Lt. Jeff Beck, Sheriff's Office
Maj. Brian Chism, Sheriff's Office

Board Action, containing all items in this set of minutes, is filed within the Clerk to the Board's office.

I. CALL TO ORDER

Chairman Thompson called the meeting to order at 6:00 p.m.

II. INVOCATION/PLEDGE OF ALLEGIANCE

Chairman Thompson gave the Invocation and led the Pledge of Allegiance.

III. ADJUSTMENTS/APPROVAL OF AGENDA

Chairman Thompson asked for adjustments to the agenda and requested that item *V-12. Emergency Services - Ambulance Remount Purchase* be moved from the Consent Agenda to Administrative Report and combined with item *VIII-3. Emergency Services - Ambulance Purchase (Ed Conrow, Emergency Services Director)* to facilitate discussion on these items.

Commissioner Williams moved to approve the agenda as amended. The motion was seconded by Commissioner Forte and passed unanimously (5 to 0).

IV. PUBLIC COMMENTS

Chairman Thompson briefly reviewed the Public Comments Policy and called those who had signed up to speak. The following individuals addressed the Board:

1. Dan Parent, resident of Oak Island and Board member of Oak Island Involved Citizens, spoke regarding beach renourishment and thanked the County officials who recently met with the Town officials to discuss possible funding sources. Mr. Parent also requested a meeting with Commissioner Sykes and encouraged the County to work with other eastern North Carolina county officials to lobby the State government for funds for beach renourishment.
2. Dr. Mark Blevins, resident of Southport and the Statewide Agriculture and Natural Resource Program Leader for Cooperative Extension and NC A&T State University, thanked the Board for supporting him during his time in Brunswick County. Dr. Blevins commented on the dedicated professionals that staff Brunswick County Cooperative Extension, and their use of technology and different communication styles to improve upon the community outreach and to provide agricultural, horticultural, family consumer sciences, master food volunteers (first in the state to have this program), and 4-H programs. Dr. Blevins asked that the Board continue to support Cooperative Extension's staff, programs, the upcoming budget, and personnel needed to reach the rapidly growing population.

V. APPROVAL OF CONSENT AGENDA

Commissioner Cooke moved to approve the Consent Agenda (*note: Item V-12 was moved to Administrative Report item VIII-3 during Adjustments/Approval of Agenda and was therefore not considered during the Approval of Consent Agenda*). The motion was seconded by Commissioner Sykes and passed unanimously (5 to 0). The following items were approved:

- 1. **Administration - Engagement Letter with Ward and Smith, P.A.**
Engaged Ward and Smith, P.A. and The Ferguson Group to represent Brunswick County with regard to its government relations work and associated issues. The monthly retainer for these services will vary from \$9,387.50 per month to \$12,475.00 per month, with a total retainer for the length of the contract being \$250,000.00.
- 2. **Administration - Organizational Chart Revision**
Approved the following revisions to the organizational chart for Brunswick County:
 - Removed “General Services” and “Public Services” from Deputy County Manager titles
 - Moved Engineering and Code Administration to Deputy County Manager (Haynes Brigman)
 - Moved Emergency Services, Cooperative Extension, and Soil & Water to Deputy County Manager (Steve Stone)
 - Changed Management Information Services (MIS) to Information Technology (IT)
- 3. **Administration - Surplus Property Offers for Upset Bid Process**
Accepted, subject to the upset bid process, the following offers that were submitted for surplus parcels that met the value parameters previously established by the Board:

Parcel	Location	Size	Tax Value	Acquired	Cost	Bid
142CE010	E. Boiling Spring Rd, BSL	.30 acre	\$9,000.00	4-25-2016	\$3,921.47	\$3,921.47
142HA018	Beech Rd, BSL	.36 acres	\$4,400.00	10-30-2015	\$1,993.94	\$2,000.00
- 4. **Board of Education - Request to Delay Budget Submittal**
Approved the Brunswick County Schools’ request to submit budget after Statutory Date due to the current funding agreement.
- 5. **Clerk to the Board - Meeting Minutes**
Approved the draft minutes from the May 3, 2021 Goals and Budget Workshop and the May 3, 2021 Regular Meeting.
- 6. **Cooperative Extension - Brunswick Wellness MOU**
Approved a Memorandum of Understanding (MOU) between Brunswick County and Brunswick Wellness Coalition by and through its fiscal agent, Doshier Memorial Hospital to allow Brunswick County to accept grant funds administered by Doshier Memorial Hospital as fiscal agent for the Brunswick Wellness Coalition “BWC” Healthy People Healthy Carolinas “HPHC” in order to fund 50% of an additional Family and Consumer Sciences Agent position in the Brunswick County Cooperative Extension “BCCE” Office.
- 7. **County Attorney - Hawthorne at Waterside Deed of Dedication**
Accepted the Deed of Dedication for water infrastructure in Hawthorne at Waterside.
- 8. **County Attorney - Resolution Supporting Legislative Action Against Forced Annexation**
Adopted a Resolution in Support of Legislative Action Prohibiting the Extension of Water and Sewer Services Conditioned on Annexation.

**RESOLUTION IN SUPPORT OF LEGISLATIVE ACTION
PROHIBITING THE EXTENSION OF WATER AND SEWER SERVICES CONDITIONED
ON ANNEXATION**

WHEREAS, a decade ago the General Assembly made changes to the involuntary annexation statutes that protected citizens in unincorporated areas and made it more difficult for municipalities to annex against a property owner’s wishes; and

WHEREAS, with involuntary annexation options limited, municipalities have increasingly relied on a practice of conditioning the provision of water and sewer services outside their corporate limits with a requirement that the property owner “voluntarily” petition to be annexed; and

WHEREAS, this practice is not addressed by any specific statute and has resulted in what amounts to circumvention of the prohibitions against involuntary annexation; and

WHEREAS, some municipalities have entered agreements with sanitary districts or other public water and sewer systems whereby the municipality abdicates all responsibility for operating its own utility system and purports to convey to the other system the municipality's assumed authority to condition the provision of service on voluntary annexation into the municipality; and

WHEREAS, legislation is needed to prohibit agreements or undertakings that condition the provision or extension of water and/or sewer services upon the voluntary annexation of the area to be served by a public water or sewer service district into city limits.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF BRUNSWICK, NORTH CAROLINA:

1. Brunswick County urges the General Assembly to implement legislation that would prohibit the extension of water and sewer services conditioned on annexation and expresses its support for such legislation.
2. This Resolution shall take effect immediately on its adoption and is directed to be transmitted to all members of the County's state legislative delegation.

Adopted this, the 17th day of May 2021.

Randell Thompson, Chairman
Brunswick County Board of Commissioners

ATTEST:
Andrea White, NCCCC
Clerk to the Board

9. **County Attorney - Sunset Ridge Duplexes North, Parcel, Lots 1-18**
Accepted the Deed of Dedication for water and sewer infrastructure for Sunset Ridge Duplexes North Parcel, Lots 1-18.
10. **Emergency Services - Ambulance Franchise for Atlantic Coast Medical Transport**
Approved the annual ambulance franchise for Atlantic Coast Medical Transport.
11. **Emergency Services - Ambulance Franchise for Med1 NC**
Approved the annual ambulance franchise agreement for Med1NC.
12. **Emergency Services - Ambulance Remount Purchase** *(During Adjustments/Approval of Agenda, item was moved and combined with Administrative item VIII-3 Emergency Services – Ambulance Purchase)*
13. **Emergency Services - Bald Head Island Ambulance Franchise Agreement**
Approved the annual franchise agreement for Bald Head Island Fire and EMS.
14. **Emergency Services - Brunswick Search and Rescue Contract**
Approved the Brunswick Search and Rescue Contract for FY20/21.
15. **Emergency Services - Oak Island Water Rescue Contract**
Approved the Oak Island Water Rescue contract.
16. **Finance - Fiscal Items**
Approved the following Budget Amendments, Capital Project Ordinances and Fiscal Items of a routine nature:
 - **One-Time LIEAP Supplement Budget Amendment**
Appropriated \$91,617 of additional Federal (LIEAP) Low Income Energy Assistance Program funding as allocated by the Department of Health and Human service to Brunswick County for use in the LIEAP program for a one-time LIEAP supplement.
 - **Central Communications Insurance Proceeds Budget Amendment**
Appropriated \$18,311 of insurance proceeds for repair of the Southport tower damaged in a lightning strike.
 - **Wastewater Tap on Supplies Budget Amendment**
Appropriated \$300,000 of taps and connections revenue for capital outlay tap on supplies for additional sewer grinder tank packages.

- **Financial Statements April 2021 (unaudited)**
Included Summary Information for General and Enterprise Funds, key indicators of Revenues and Expenditures and Cash and Investments. All reports are provided at <http://brunswickcountync.gov/finance/reports>.

17. **Governing Body - Resolution Opposing Divisive Theories**
Adopted a Resolution opposing divisive theories, such as “Critical Race Theory”, “Action Civics” and “The 1619 Project”.

RESOLUTION OPPOSING DIVISIVE THEORIES, SUCH AS “CRITICAL RACE THEORY”, “ACTION CIVICS” AND “THE 1619 PROJECT”

WHEREAS, it is apparent that divisive changes in curricula are being introduced in many North Carolina schools; and

WHEREAS, many of these changes ignore the magnificent history of the United States of America in becoming the beacon of freedom for the entire world; and

WHEREAS, the 45th President of the United States’ *1776 Commission* stated that there is “an incompatibility of identity politics with American principles”, and that “Rather than cast aside the serious study of America’s founding principles, or breed contempt for American history, our educational system should aim to teach students about the true principles and history of the entire country—a history that is accurate, unifying, inspiring and enabling”; and

WHEREAS, the replacement of our history with divisive theories such as “Critical Race Theory”, “Action Civics”, and “The 1619 Project” have been or are being considered for adoption as part of the curriculum in many public schools and counties throughout North Carolina and the United States; and

WHEREAS, “Critical Race Theory” is designed to indoctrinate our children by programming them to be ashamed of and divided by race and or ethnicity, and is the opposite of the individual freedoms endowed in each of us by our Creator to live a full and prosperous life; and

WHEREAS, depriving persons of any race, color, creed, religion, gender, or national origin of their God-given Constitutional rights is antithetical to the core beliefs of this Republic and our representative democracy.

WHEREAS, Dr. Martin Luther King Jr.’s speech stated, “I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character”; and

WHEREAS, many businesses throughout North Carolina and the nation are struggling to find qualified workers; and

WHEREAS, according to an article published by the Society for Human Resource Management (SHRM), 46 percent of new employees fail within 18 months and of these, 89 percent fail because of a lack of soft skills, such as professionalism or the ability to get along with others; and

WHEREAS, divisive theories such as “Critical Race Theory” are being incorporated into training programs at some corporations and government organizations; and

WHEREAS, Brunswick County recently installed the “Charters of Freedom” at our county complex to support and promote the timeless principles outlined in America’s God-inspired founding documents; and

WHEREAS, Brunswick County promotes individual freedom, opportunity for all, and the timeless principles outlined in our Charters of Freedom.

NOW, THEREFORE, BE IT RESOLVED, that the Brunswick County Board of Commissioners believes the inclusion of such theories in the classroom is an intentional effort to indoctrinate children with a specific political ideology, and that such efforts undercut parents’ ability to mentor their children; and

FURTHER BE IT RESOLVED, that the Brunswick County Board of Commissioners believes our educational system at all levels should focus on equipping every student, regardless of race, creed or socio-economic status, with the knowledge, technical skills, and soft skills needed to achieve the American Dream by maximizing their God-given talents; and

FURTHER BE IT RESOLVED, that the Brunswick County Board of Commissioners uniformly believes that divisive theories, such as “Critical Race Theory”, “Action Civics”, and “The 1619 Project” have no place in Brunswick County; and

FURTHER BE IT RESOLVED, that the Brunswick County Board of Commissioners does hereby direct Brunswick County staff to develop a policy ensuring that Critical Race Theory and other such divisive theories will not be utilized by any branch of Brunswick County Government.

Adopted this, the 17th day of May 2021.

Randy Thompson, Chairman
Brunswick County Board of Commissioners

ATTEST:

Andrea White, NCCCC
Clerk to the Board

18. **Sheriff's Office - Sole Source Resolution of Parts for Helicopter**
Approved a sole source resolution authorizing the purchase of parts for the Sheriff's Office helicopter.

**RESOLUTION AUTHORIZING PURCHASE OF
PARTS FOR BELL OH58 HELICOPTER
UNDER SOLE SOURCE EXCEPTION TO FORMAL BIDDING REQUIREMENTS**

WHEREAS, N.C.G.S 143-129(e)(6), Procedure for Letting of Public Contracts, allows for the waiver of formal bidding requirements for purchases of apparatus, supplies, materials, or equipment when performance or price competition for a product are not available, or a needed product is available from only one source of supply, or standardization or compatibility is the overriding consideration; and

WHEREAS, the military surplus Bell OH58 Helicopter used by the Brunswick County Sheriff's Office is in need of parts and service; and

WHEREAS, the military surplus Bell OH58 Helicopter is a legacy helicopter that is no longer in production and, therefore, availability of parts directly from the manufacturer is limited; and

WHEREAS, Thoroughbred Aviation Maintenance, Inc. specializes in sourcing difficult to find, new surplus parts from wholesale vendors and ensuring all parts supplied are compatible and have an FAA approved conformity statement; and

WHEREAS, the governing board must approve the purchase under this bidding exemption prior to awarding the contract.

NOW, THEREFORE BE IT RESOLVED, that the Brunswick County Board of Commissioners approves the purchases described herein utilizing the exception to formal bidding requirements contained in N.C.G.S. 143-129(e)(6) and finds that the conditions described in that statute have been met.

Adopted this the 17th day of May, 2021.

Randy Thompson, Chairman
Brunswick County Board of Commissioners

ATTEST:
Andrea White, NCCCC
Clerk to the Board

19. **Sheriff's Office - Vehicle Donation Resolution**
Approved a resolution to donate a vehicle currently assigned to the Sheriff's Office to the Countywide CDC in Navassa.

**RESOLUTION AUTHORIZING THE BRUNSWICK COUNTY SHERIFF TO TRANSFER
OWNERSHIP OF A BRUNSWICK COUNTY LAW ENFORCEMENT VEHICLE
NO LONGER NECESSARY OR USEFUL FOR LAW ENFORCEMENT PURPOSES**

WHEREAS, the Brunswick County Board of Commissioners, on behalf of the citizens of Brunswick County, wish to support non-profit organizations in Brunswick County seeking to make the County a better place for its residents; and

WHEREAS, pursuant to N.C.G.S. § 160A-280, personal property that the Board of Commissioners deems to be surplus, obsolete, or unused may be donated to another governmental unit within the United States, a sister county, or a non-profit organization incorporated by the United States, one of the United States, or the District of Columbia; and

WHEREAS, the Countywide Community Development Corporation, aka "Countywide CDC" is a non-profit corporation organized and existing under the laws of the State of North Carolina and situated in Brunswick County, whose stated mission is "to equip individuals, organizations, neighborhoods, communities, [and] small townships to obtain, improve, retain, the knowledge and resources needed to adapt and thrive in a fast-changing social and economic environment;" and

WHEREAS, the Brunswick County Sheriff has a 2010 DODGE CHARGER vehicle, VIN# 2B3AA4CT0AH120622, that is a fixed asset of Brunswick County, and that is no longer suitable or useful for law enforcement or other County purposes; and

WHEREAS, the Brunswick County Sheriff requests that he be allowed to transfer ownership and possession of the above-described vehicle to Countywide CDC for its use in furtherance of its mission.

NOW, THEREFORE, BE IT RESOLVED BY THE BRUNSWICK COUNTY BOARD OF COMMISSIONERS:

1. That the Sheriff, or his designee, is hereby authorized to transfer ownership and possession of the 2010 DODGE CHARGER vehicle, VIN# 2B3AA4CT0AH120622, that is no longer

useful or necessary for law enforcement or other County purposes from Brunswick County to Countywide Community Development Corporation.

2. That the transfer of the above-described vehicle is “AS IS, WHERE IS” and without any warranties, express or implied.

3. That this resolution shall be effective upon adoption.

Adopted this the 17th day of May, 2021.

Randy Thompson, Chairman
Brunswick County Board of Commissioners

ATTEST:
Andrea White, NCCCC
Clerk to the Board

20. **Tax Administration - May 2021 Releases**
Approved the May 2021 releases.

VI. **PRESENTATION**

1. **Presentation - Cape Fear Public Transportation Authority - Wave Transit (Marie Parker, Executive Director - Wave Transit, and Yvonne Hatcher, Executive Director - BTS**

Request the Board of Commissioner receive information on the Wilmington Regional Microtransit Project from Cape Fear Public Transportation Authority - Wave Transit and Brunswick Transit System (BTS).

Commissioner Williams provided a brief explanation of the Wave Transit Microtransit program based upon a meeting he and Vice-Chairman Forte recently attended. The program is a an on-demand version of the northern Brunswick County transit system.

Ms. Marie Parker, Executive Director of Wave Transit, explained that the proposed project is a one-year project to reestablish transportation connectivity between New Hanover and Brunswick counties. The project will utilize microtransit, which is similar to a ride-sharing service, and accessed using a mobile application or calling a dispatch center. The vehicle will resemble a transit vehicle with the ability to board multiple customers, and will be ADA compliant. The project will use Consolidation and Coordination of Public Transportation Systems (ConCPT) funding through the North Carolina Department of Transportation and will fund the project at 100% with no local match. The two participating agencies for the first year will be funded at a maximum of \$400,000 (\$200,000 each) with potential funding for future years through an annual application process. It is anticipated that transit agencies will contract for service from a third-party vendor (Transportation as a Service or TAS). The vendor will provide drivers and vehicles, and utilize their software to book trips, however, the operations will be determined by the transit agencies through planning and development. The go-live date is anticipated to be October 1, 2021. The coverage areas and zones will be determined during the planning process.

Ms. Yvonne Hatcher, Executive Director of BTS, explained that BTS is a rural transit system, and as such, does not have access to urban funds. This project will allow participation using the described funds for both counties. This will allow coordination of service in the urban area of Leland, as well as determine the demand required for other areas of the county.

No action was taken.

VII. **PUBLIC HEARING**

1. **Planning - UDO Refinements 2021 (Kirstie Dixon, Planning Director)**

Request that, after the Public Hearing, the Board of Commissioners consider amending the Brunswick County Unified Development Ordinance to be in compliance with NCGS 160D, provide clarification, and enhance existing regulations (UDO Refinements 2021 / UDO-21-01).

Chairman Thompson recognized Mr. Justin Brantley, Project Planner, to present in Ms. Dixon’s absence. Mr. Brantley presented the proposed mandated text amendments to the Unified Development Ordinance to be in compliance with NCGS 160D. The purpose of the text amendments is to modernize, consolidate, and organize city- and county-enabling statutes related to development regulations that are currently within Chapters 153A & 160A, into one unified chapter. Chapter 160D is effective now, but local governments have until August 1, 2021, to comply with the new law including implementing changes to development processes and adoption of ordinance changes. Mr. Brantley also presented text amendments

proposed by the Planning staff to provide clarification and enhance the existing UDO regulations. These amendments are considered housekeeping changes.

Following discussion on the text amendments proposed by the Planning staff, the Board requested that Planning staff provide additional information for review to include the definition and page number within the UDO for the bulleted list, as well as provide a detailed explanation of any item that further restricts the property owner's use of the property.

CALL TO ORDER

Chairman Thompson called the Public Hearing to order at 6:55 p.m.

PUBLIC COMMENTS

Chairman Thompson asked if anyone wished to comment on the proposed text amendments.

There were no comments.

ADJOURN

Chairman Thompson closed the Public Hearing at 6:55 p.m.

Following discussion on the text amendments, it was the consensus of the Board to only consider the text amendments mandated by Chapter 160D at this time.

CONSISTENCY STATEMENT

(per N.C.G.S. 153A-341)

Description: N.C.G.S. Chapter 160D

The Board of Commissioners finds that the proposed Unified Development Ordinance Text Amendments are approved consistent with the CAMA Land Use Plan (Comprehensive Plan) for the following reasons: The proposed text amendments are consistent with the Comprehensive Plan (CAMA Land Use Plan), as they will not affect the Plan, and the proposed updates are mandatory requirements per the North Carolina General Statutes.

Therefore, on the basis of all the information provided, including the foregoing, Commissioner Williams moved to order approval of the text amendments to the Brunswick County Unified Development Ordinance as mandated by NCGS 160D. The motion was seconded by Vice-Chairman Forte and passed unanimously (5 to 0).

Commissioner Williams moved to postpone the remaining amendments as proposed by Planning staff until the July 5, 2021 meeting at 3:00 p.m. The motion was seconded by Commissioner Sykes and passed unanimously (5 to 0). (*Motion to correct the date to July 6, 2021 was made during the Administrative Report*).

ORDINANCE NUMBER UDO-21-01

AN ORDINANCE AMENDING THE BRUNSWICK COUNTY

UNIFIED DEVELOPMENT ORDINANCE

The Brunswick County Board of Commissioners in regular session duly assembled does hereby ordain:

The Brunswick County Unified Development Ordinance is hereby amended as follows:

- 1). Amend Article 1, General Provisions, Section 1.2, Authority, as follows:

These regulations are adopted pursuant to the authority granted to Brunswick County by ~~Ordinance 153A, Article 18,~~ **Chapter 160D** of the General Statutes of North Carolina.

- 2). Amend Article 1, General Provisions, Section 1.11.2., Approvals Granted Before Effective Date, as follows:

1.11.2. Approvals Granted Before Effective Date

Building permits, variances, special ~~exception~~ **use** permits, subdivision plans, site plan approvals, and other similar development approvals that are valid on April 30, 2007 will remain valid until their expiration date...

- 3). Amend Article 1, General Provisions, Section 1.11.3., Applications in Progress before Effective Date, as follows:

1.11.3. Applications in Progress before Effective Date

Applications for building permits, variances, special ~~exception~~ ~~use~~ permits and other similar development approvals that were submitted in complete form and are pending approval on April 30, 2007 must be reviewed wholly under the terms of the ordinance in effect on April 30, 2007. Any reapplication for an expired approval must meet the standards of this Ordinance in effect at the time of re-application.

- 4). Amend Article 2, Decision-Making and Administrative Bodies, Section 2.3.1., Establishment, Membership and Procedure, as follows:

2.3.1. Establishment, Membership and Procedure

The Planning Board is established by Article II, Code of Ordinances, Brunswick County, N.C. As stated in that Article and hereby reaffirmed, the Planning Board is that planning agency designated by N.C.G.S. ~~153A-344~~ ~~160D-604~~. In addition to the duties and responsibilities assigned by Article II, Code of Ordinances, Brunswick County, N.C. and by N.C.G.S. ~~153A-322~~ ~~160D-103, -301, -502~~, the Planning Board shall have the specific powers and duties provided within this Ordinance.

- 5). Amend Article 2, Decision-Making and Administrative Bodies, Section 2.4.1.C.(2, 5, and 8, Rules of Procedure, as follows:

2.4.1.C.2. Rules of Procedure

- 2. A quorum is not obtained unless four voting members are present. In the event there is abstention for reason declared into the record by a voting member, then a particular matter cannot proceed unless and until four other voting members are present and vote. As required by N.C.G.S. ~~153A-345.1~~ ~~160D-406~~, a four-fifths vote is required to grant a variance, but only a simple majority is required for special ~~exception~~ ~~use~~ permits and ordinance interpretations.
- 5. All decisions of the Board of Adjustment run with the land, never the person or corporation. Special ~~Exceptions~~ ~~use~~ permits may have time limits imposed on their validity.
- 8. The Board of Adjustment shall have the authority to subpoena witnesses and compel the production of evidence as specified in N.C.G.S. ~~153A-345.1~~ ~~160D-406~~.

- 6). Amend Article 3, Common Review and Approval Procedures, Section 3.4.1.H.5., Activities Eligible for Waiver, as follows:

- 5. Failure of any person to comply with the provisions of Paragraph H.3 above shall be in violation of this Ordinance, and all of the remedies available in G.S. ~~153A-331~~ ~~N.C.G.S. 160D-804~~ shall apply.

- 7). Amend Article 3, Common Review and Approval Procedures, Section 3.4.1.I.3, Activities Eligible for Waiver, as follows:

- 3. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes as specified in G.S. ~~153A-335~~ ~~N.C.G.S. 160D-802~~.

- 8). Amend Article 3, Common Review and Approval Procedures, Section 3.4.2., No Subdivision without Plat Approval, as follows:

3.4.2. No Subdivision without Plat Approval

Pursuant to G.S. ~~153A-330~~ ~~N.C.G.S. 160D-801~~, a final plat shall be prepared, approved, and recorded pursuant to the provisions of this Ordinance whenever any subdivision of land takes place in Brunswick County.

- 9). Amend Article 3, Common Review and Approval Procedures, Section 3.4.3., Unlawful to Record Plat without Plat Approval, as follows:

3.4.3. Unlawful to Record Plat without Plat Approval

Pursuant to G.S. ~~153A-331~~ ~~N.C.G.S. 160D-803~~, no final plat of a subdivision within the jurisdiction of Brunswick County shall be recorded by the Register of Deeds of Brunswick County until it has been approved by the Planning Director or designee or by the County Planning Board pursuant to the procedures established in this Section.

- 10). Amend Article 3, Common Review and Approval Procedures, Section 3.4.4., Subdivision Required, as follows:

3.4.4. Subdivision Required

As of March, 2015, any person who, being the owner or agent of the owner of land located within the territorial jurisdiction of this Ordinance, thereafter subdivides his land in violation of this Ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under the terms of this Ordinance shall be guilty of a misdemeanor. The description of metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The County, through its attorney or other official designated by the Board of Commissioners, may enjoin illegal subdivision, transfer, or sale of land by action

for injunction. Further, the violation of any provision of this Ordinance shall subject the offender to the penalties prescribed by G.S. 153A-334 ~~N.C.G.S. 160D-807~~.

- 11). Amend Article 3, Common Review and Approval Procedures, Section 3.4.13., Development Agreements, as follows:

3.4.13. Development Agreements

Development Agreements may be considered as specified in N.C.G.S. 153A-376 ~~160D-1001~~ in accordance with the following minimum criteria:

- A. The property must have at least 25 developable acres (excluding wetlands, unbuildable slopes, etc.)
- B. The Development Agreements shall be limited to a term not exceeding 20 years.
- C. Development Agreements are subject to public hearing procedures set forth in N.C.G.S. 153A-323 ~~160D-601~~ and must be adopted by the Brunswick County Board of Commissioners.

- 12). Amend Article 3, Common Review and Approval Procedures, Section 3.5, Special Use Permit, as follows:

3.5 Special Use Permit

As specified in N.C.G.S. 153A-345.1 ~~160D-705~~, the Zoning Board of Adjustment may grant permits for special ~~use permits~~ exceptions for uses indicated as permissible with approval of a Special Use Permit.

- 13). Amend Article 3, Common Review and Approval Procedures, Section 3.5.9.B.12, Impacts on Military Installations, as follows:

3.5.9.B.12.

12. Impacts on Military Installations

In cases of a Special Use permit that would change or affect the list of permitted uses within five miles of a military base, comments and analysis of the base commander shall be included in the consideration before making a final determination (NCGS 160A-323) ~~(N.C.G.S. 160D-601)~~.

- 14). Amend Article 3, Common Review and Approval Procedures, Section 3.5.12., Coordination with Rezoning Applications, as follows:

3.5.12. Coordination with Rezoning Applications

An application for a special ~~exception~~ ~~use~~ permit may be reviewed concurrently with a Rezoning application.

- 15). Amend Article 3, Common Review and Approval Procedures, Section 3.5.14., Amendments, as follows:

3.5.14. Amendments

Alterations or revisions to approved special ~~exception~~ ~~use permits~~ may be approved by the Zoning Administrator if the Special Use still meets the intent of the standards established with the original approval. Significant modifications to approved special uses, as determined by the Zoning Administrator, shall require submittal of a new application.

- 16). Amend Article 3, Common Review and Approval Procedures, Section 3.5.15., Expiration, as follows:

3.5.15. Expiration

A special ~~exception~~ ~~use~~ permit shall become null and void in any of the following cases:

- A. If a final site plan is not approved within 24 months of the date of permit approval.
- B. If an approved final site plan expires.
- C. If a substantial violation of the conditions of the permit, as determined by the Zoning Administrator occurs. The addition of language to the special ~~Exception~~ ~~use~~ permit regarding such voiding shall not be required.

- 17). Amend Article 3, Common Review and Approval Procedures, Section 3.7.5.C., Approval Criteria, as follows:

3.7.5.C. Approval Criteria

C. In cases of a text amendment that would change or affect the list of permitted uses within five miles of a military base, comments and analysis of the base commander shall be included in the consideration before making a final determination (NCGS 160A-323) ~~(N.C.G.S. 160D-601)~~.

- 18). Amend Article 4, Zoning Districts, Section 4.7.2.C.1., Notified Required, as follows:

C. Development Coordination Required/Encouraged

1. Notification Required

Notification Required

When an ordinance amendment or modification would result in a rezoning or change or affect the list of permitted uses within five miles of a military base, comments and analysis of the base commander shall be included in the consideration before making a final determination (NCGS 160A-323) **N.C.G.S. 160D-601**). Mailed notification shall be provided prior to any such action as specified in Section 9.1.B.3.iv.

- 19). Amend Article 4, Zoning Districts, Section 4.8.6.C.1., Permitted Uses, as follows:

C. Permitted Uses

1. Any use permitted by right, subject to limitations, or through special exception **use** permit in the underlying base districts shall be allowed in the overlay.

- 20). Amend Article 4, Zoning Districts, Section 4.9.1., Authority, as follows:

4.9.1. Authority

The standards and provisions of this Voluntary Agricultural District Program are established pursuant to the authority conferred by N.C.G.S. 106-735 through 106-743 and Chapter 153A **160D**.

- 21). Amend Article 4, Zoning Districts, Section 4.13.2.C.3.ii.c., Flags and Flagpoles Requirements, as follows:

ii. Requirements

- (c) In residential districts, flagpoles shall not exceed 25 feet in height unless a special exception **use** permit (see Section 3.5) is granted by the Board of Adjustment. A fee shall not be charged for a use permit request for a flag in a residential district.

- 22). Amend Article 4, Zoning Districts, Section 4.13.2.C.3.ii.f., Flags and Flagpoles Requirements, as follows:

4.13.2.C.3.ii.f. Flags and Flagpoles Requirements

- (f) Each property shall be allowed a maximum of three flagpoles unless a special exception **use** permit (see Section 3.5) is granted by the Board of Adjustment.

- 23). Amend Article 5, Permitted Uses, Section 5.2.1., Uses not Specifically Listed, as follows:

5.2.1. Uses Not Specifically Listed

- A. Any use not specifically listed in this chapter is expressly prohibited, unless the Planning Director determines in accordance with Section 9.7, Written Interpretation, that the use is similar to a permitted individual use or permitted group of uses as listed in this Article. Where such similar permitted individual use or permitted group of uses is subject to a limited use standard contained in this Article or special exception **use permit** review, the proposed use shall also be subject to such standard or approval. The Planning Director shall not amend this chapter by adding to or eliminating any use standard for the proposed use.

- 24). Amend Article 5, Permitted Uses, Section 5.2.2., Developments with Multiple Principal Uses, as follows:

5.2.2. Developments with Multiple Principal Uses

Commentary: If a proposed development includes a gas station, library and a restaurant, including outparcels, and one of those uses is only permitted as **with** a special exception **use permit** in the district, then the entire development requires special exception **use permit** review.

- D. Where a use requiring approval as a limited use or a special exception **use** lies on a separate legal parcel, only the building containing the use and its separate parcel shall be subject to review, not the entire project. However, where the separate legal parcel is an outparcel, the application shall describe the relationship of the outparcel to the remaining site.

Commentary: For example, where a vehicle repair shop in a C-LD District (subject to special exception **use** review) is an outparcel within a larger retail development, the special exception **use** shall review the outparcel only – not the entire development. However, where a special exception **use** is proposed in a building that contains a variety of other uses, the entire building and its associated parcel(s) of land shall require special exception **use** review.

- 25). Amend Article 5, Permitted Uses, Section 5.3.2.B.4., Agricultural Tourism, as follows:

B. Agricultural Tourism

4. Property that is subject to a conservation agreement under G.S. 106-743.2 that remains in effect may receive up to twenty-five percent (25%) of its gross sales from the sale of non-farm products and still qualify as a bona fide farm that is exempt from zoning regulations under G.S. 153A-340(b) **N.C.G.S. 160D-903**. The Planning Director or his/her designee may periodically request documentation to establish that property's sale of non-farm products does not exceed twenty-five percent (25%) of its gross sale.

26). Amend Article 5, Permitted Uses, Section 5.3.4.C.2.iii., Additional Standards for Adult Facilities, as follows:

2. Additional Standards for Adult Facilities

- iii. Programs meeting any of the following criteria shall be exempted from these requirements and may be permitted in accordance with the use tables in Section 5.1 without the issuance of a ~~Special Exception Permit~~ **special use permit**.

27). Amend Article 5, Permitted Uses, Section 5.3.4.O.3.iii.a., Wireless Telecommunication Facility (WTF) Standards, Dimensions, as follows:

iii. Dimensions

- (3) Freestanding WTF in Residential Districts: In the RR District, the maximum height shall be 250 feet. In the R-7500, R-6000, and SBR-6000 Districts, the maximum height shall be 200 feet. However, increases in height of up to 20% may be allowed by Board of Adjustment as part of the special ~~exception use~~ permit approval with a certification by a registered engineer that the setbacks provide adequate fall area in case of a tower collapse.
- (4) Freestanding WTF in Nonresidential Districts: In the N-C District, the C-I and C-LD, and all other nonresidential districts the maximum height shall be 300 feet. However, increases in height of up to 20% may be allowed by Board of Adjustment as part of the ~~Special Exception Permit~~ **special use permit** approval with a certification by a registered engineer that the setbacks provide adequate fall area in case of a tower collapse.

28). Amend Article 5, Permitted Uses, Section 5.3.4.O.3.iii.b.3, Setbacks, as follows:

5.3.4.O.3.iii.b.3

- (3) Freestanding Nonconcealed WTF: Setbacks for WTFs shall be determined according to the underlying zoning district, plus an additional six inches of setback (on each side) for every one-foot of tower height. The Board of Adjustment may approve reductions to this setback requirement as a part of the special ~~exception use~~ permit approval with a certification by a registered engineer that the resulting setbacks provide adequate fall area in case of a tower collapse.

29). Amend Article 5, Permitted Uses, Section 5.3.5.A.1., Adult & Sexually Oriented Businesses Authority, as follows:

A. Adult & Sexually Oriented Businesses Authority

1. Authority

The provisions of these regulations are adopted by the Brunswick County Board of Commissioners under authority granted by the General Assembly of the State of North Carolina, in Ordinance 153A, Article 18 of the General Statutes **N.C.G.S. 160D-902**. From and after the effective date and hereof, these regulations shall apply to every building, lot, tract, or parcel of land within Brunswick County.

30). Amend Article 5, Permitted Uses, Section 5.3.8.C.11.i.(a. & c.), RV Resort Operations, as follows:

11. RV Resort Operations

- (a) The entity to which a ~~Special Exception~~ **special use permit** is issued for an Outdoor RV Resort shall operate the Outdoor RV Resort in compliance with this Ordinance and shall provide adequate supervision to maintain the Outdoor RV Resort, its facilities and equipment in good repair and in a clean and sanitary condition.
- (c) The Outdoor RV Resort Owner(s) shall be responsible for refuse collection. Storage, collection, and disposal of refuse shall be so managed as not to create health hazards, rodent harborage, insect-breeding areas, accident, fire hazards, or air pollution. The method of garbage disposal shall be noted on the plan and approved as part of the ~~Special Exception~~ **special use permit**.

31). Amend Article 6, Design and Performance Standards, Section 6.1.4.D.2., Clear-Cutting, as follows:

D. Clear-Cutting

2. Prior to Development

Properties shall not be clear-cut prior to undertaking development activities. Along public rights-of-way, a buffer consisting of all existing vegetation located in a required street yard shall be maintained, exclusive of areas required for access to the site. Applications proposing development of properties that failed to maintain such a buffer prior to development may be denied for a period of up to five years from the date of clearing in conformance with N.C.G.S. Section 153A-452(e) **160D-921(c)**.

- 32). Amend Article 6, Design and Performance Standards, Section 6.22.1.B., Applicability, as follows:

6.22.1. Applicability

B. The requirements of this Section do not supersede or replace any previously issued special exception **use permit** for outdoor display or storage.

- 33). Amend Article 7, Flood Damage Prevention, Section 7.1.1., Statutory Authorization, as follows:

7.1.1. Statutory Authorization

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; ~~Parts 3 and 4 of Article 18 of Chapter 153A; and Part 121, Article 6 of Chapter 153A of the North Carolina General Statutes~~ **and Article 7 of Chapter 160D**, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare.

- 34). Amend Article 7, Flood Damage Prevention, Section 7.1.3.B., Basis for Establishing the Special Flood Hazard Areas, as follows:

7.1.3.B. Basis for Establishing the Special Flood Hazard Areas

~~The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its FIS dated December 6, 2019 for Brunswick County and associated DFIRM panels, including any digital data developed as part of the FIS, which are adopted by reference and declared a part of the Flood Damage Prevention Ordinance, and all revisions thereto after January 1, 2021. Future revisions to the FIS and DFIRM panels that do not change flood hazard data within the jurisdictional authority of Brunswick County are also adopted by reference and declared a part of the Flood Damage Prevention Ordinance. Subsequent Letter of Map Revisions (LOMRs) and/or Physical Map Revisions (PMRs) shall be adopted within 3 months.~~

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its FIS dated December 6, 2019 for Brunswick County and associated DFIRM panels, including any digital data developed as part of the FIS, which are adopted by reference and declared a part of this ordinance, and all revisions thereto.

- 35). Amend Article 7, Flood Damage Prevention, Section 7.1.3.H., Penalties for Violation, as follows:

7.1.3.H. General Provisions Penalties for Violation

Violation of the provisions of the Flood Damage Prevention Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions **use permits**, shall constitute a Class 1 misdemeanor pursuant to N.C.G.S. §143-215.58. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$200.00 or imprisoned for not more than 30 days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Brunswick County from taking such other lawful action as is necessary to prevent or remedy any violation.

- 36). Amend Article 9, Administration and Enforcement, Section 9.1.B.3.iv., Mailed Notice, as follows:

3. Mailed Notice

iv. If the action would result in changes to the zoning map, text amendment, or would change or affect the permitted uses of land located five miles or less from the perimeter boundary of a military base, written notice of the proposed changes shall be provided to the commander of the military base by certified mail, return receipt requested. Notice shall be provided at least 10 days, but not more than 25 days prior to the date of the public hearing (~~NCGS 160A-323~~) **N.C.G.S. 160D-601(b)**.

- 37). Amend Article 9, Administration and Enforcement, Section 9.5.1.A.2., With Site Specific Development Plan, as follows:

A. With Site Specific Development Plan (See Vested Rights Amendment)

2. Each map, plat, site plan or other document evidencing a site specific development plan shall contain the following notation: "Approval of this plan

established a zoning vested right under N.C.G.S. ~~Section 153A-344.1~~ **160D-108**. Unless terminated at an earlier date, the zoning vested right shall be valid until (date)."

38). Amend Article 9, Administration and Enforcement, Section 9.5.1.B., With Special Use Permit, as follows:

B. With Special Use Permit (See Vested Rights Amendment)

1. Pursuant to N.C.G.S. ~~Section 153A-344.1~~ **160D-108**, Vesting Rights, as of May 1, 2007, a vested right to undertake and complete the development and use of property under the terms and conditions as approved pursuant to this Ordinance shall be established with respect to any property upon the approval of a ~~Special Exception Permit~~ **special use permit** for a site specific development plan or a phased development plan.
2. The approved plans and conditions for a ~~Special Exception Permit~~ **special use permit** constitute, for purposes of N.C.G.S. ~~Section 153A-344.1~~ **160D-108**, site specific development plans.

39). Amend Article 9, Administration and Enforcement, Section 9.5.3.B., Application Requirements, as follows:

9.5.3. Application Requirements (See Vested Rights Amendment)

B. Landowners seeking zoning vested rights on plats, ~~special exception~~ **use** permit applications, or other plans that would not normally receive site plan approval, may apply for vested rights protection through submittal of an application which contains the identical information, fee, and plans required for a complete site plan application and an additional fee for a vested rights public hearing.

40). Amend Article 9, Administration and Enforcement, Section 9.5.5.B., Action by the Zoning Administrator, as follows:

9.5.5. Action by the Approving Authority (See Vested Rights Amendment)

B. Approval by the approving authority shall confer upon the owner of the property a zoning "vested right" as defined in ~~NCGS §153A-344.1~~ **N.C.G.S. 160D-108**, effective on the date of approval. The approving authority may condition the approval upon terms and conditions reasonably necessary to protect the public health, safety, and welfare.

41). Amend Article 9, Administration and Enforcement, Section 9.5.7.C., Effect of Zoning Vested Rights, as follows:

9.5.7. Effect of Zoning Vested Rights (See Vested Rights Amendment)

C. The establishment of a zoning vested right shall not preclude the application of new laws or regulations as is allowed under ~~NCGS §160A-385.1~~ **N.C.G.S. 160D-108**. In addition, it shall not preclude overlay zoning that imposes additional requirements, but does not affect the allowable type or intensity of use, or ordinances or regulations that are general in nature and are applicable to all property subject to land use regulation. Otherwise applicable new or amended regulations shall become effective with respect to property that is subject to a site specific development plan upon the expiration or termination of the vested right in accordance with this section.

42). Amend Article 9, Administration and Enforcement, Section 9.8.1., Applicability, as follows:

9.8.1. Applicability

As specified in N.C.G.S. ~~153A-345.1~~ **160D-405**, an appeal by any person aggrieved by a final order, interpretation or decision of the Zoning Administrator, Planning Director or other administrator in regard to the provisions of this Ordinance may be taken to the Board of Adjustment.

43). Amend Article 9, Administration and Enforcement, Section 9.11.9.A., Permit Revocation, as follows:

A. Permit Revocation

In accordance with the provisions of Section 9.10.2 of this Ordinance and the provisions of N.C.G.S. ~~153A-362~~ **160D-403(f)** and **160D-1115**, the Zoning Administrator or Building Inspector may revoke any permit or other authorization granted under this Ordinance for failure to comply with the provisions of this Ordinance or the terms and conditions of a permit or authorization granted under this Ordinance.

44). Amend Article 10, Nonconformities, Section 10.3.3.B., Change of Use, as follows:

10.3.3. Change of Use

B. The Board of Adjustment is authorized to approve a ~~Special Exception Permit~~ **special use permit** to allow a change from one nonconforming use to another nonconforming use that is in the same use category (see Section 5.1, Use

Interpretation) or to another functionally similar use, provided that the Board of Adjustment determines that the proposed use will have no greater adverse impacts on the surrounding area. To make a determination, the Board of Adjustment shall consider all of the following:

45). Amend Article 2, Decision-Making and Administrative Bodies, Section 2.1.2., Temporary Disqualification, as follows:

2.1.2. Temporary Disqualification

A board, commission, or committee member may not participate in any vote on a matter that would violate an applicant's right to an impartial decision maker. Common conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members of the board, commission, or committee shall by majority vote rule on the objection.

2.1.2. Conflicts of Interest

A. Governing Board

A governing board member shall not vote on any legislative decision regarding a development regulation adopted pursuant to Chapter 160D-109 where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A governing board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

B. Appointed Boards

Members of appointed boards shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to Chapter 160D-109 where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

C. Administrative Staff

No staff member shall make a final decision on an administrative decision required by Chapter 160D-109 if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance.

No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under Chapter 160D-109 unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with the County to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the County, as determined by the County.

D. Quasi-judicial decisions

A member of any board exercising quasi-judicial functions pursuant to Chapter 160D-109 shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.

E. Resolution of Objection

If an objection is raised to a board member's participation at or prior to the hearing or vote on that matter and that member does not recuse himself or herself, the remaining members of the board shall by majority vote rule on the objection.

F. Familial Relationship

For purposes of this section, a close familial relationship means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.

- 46). Amend Article 2, Decision-Making and Administrative Bodies, add the following:

2.1.3. Oath of Office for Elected and Appointed Boards

Every member of an Elected or Appointed Board shall before taking office or entering upon the execution of the office, take and subscribe to the following oath:

"I, _____, do solemnly and sincerely swear that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me God."

- 47). Amend the Definitions Section as follows:

Building: A temporary or permanent structure having a roof supported by columns or walls and which can be used for the shelter, housing, or enclosure of person, animals, or goods. Mobile homes and modular homes are buildings.

Building: Any structure used or intended for supporting or sheltering any use or occupancy.

Dwelling: A building that contains one or two dwelling units used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

Dwelling Unit: Rooms used for human habitation containing independent cooking, sleeping, and toilet facilities; excluded are boarding houses, hotels, and dormitories.

Dwelling Unit: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Sleeping Unit: A room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

- 48). Amend Article 9, Administration and Enforcement, Section 9.11.2., Initial Notice of Violation, as follows:

9.11.2. Initial Notice of Violation

- A. On determining that a violation exists, the Zoning Administrator shall give the responsible person(s) issue a written notice of the violation in conformance with statutory procedures to both the violator and landowner if different by personal delivery, email, or by certified or registered mail, return receipt requested. The notice shall describe the nature of the violation, state the actions necessary to correct the violation, and invite the alleged violator to meet with the Zoning Administrator within ten (10) days to discuss the violation and how it may be corrected. The Zoning Administrator must certify that the notice was provided, and the certificate shall be deemed conclusive in the absence of fraud. The Zoning Administrator may provide the alleged violator additional written notices of violation.
- B. If reasonable attempts have been made to effect service of the written notice upon the responsible person(s) by personal delivery, email, or by certified or registered mail have been unsuccessful, then notice may be provided by posting the written notice upon the property in a conspicuous place for a period of not less than ten (10) days.
- C. Before revoking a permit or other authorization, the Zoning Administrator shall give the holder of the permit or authorization ten days notice of intent to revoke the permit or authorization. The notice shall state the reasons for the intended revocation and state that the holder may have an informal hearing on the intended revocation before the Zoning Administrator. On revoking a permit or authorization, the Zoning Administrator shall give the holder of the permit or authorization a written notice of the revocation and the reasons for it.

- 49). Amend Article 9, Administration and Enforcement, Section 9.11.9.A., Permit Revocation, as follows:

A. Permit Revocation

In accordance with the provisions of Section 9.10.2 of this Ordinance and the provisions of N.C.G.S. 153A-362 160D-403(f), the Zoning Administrator or Building Inspector may revoke any permit or other authorization granted under this Ordinance for failure to comply with the provisions of this Ordinance or the terms and conditions of a permit or authorization granted under this Ordinance development approvals may be revoked. The Zoning Administrator may revoke any permit by the County by notifying the permit holder in writing stating the reason for revocation. The County shall follow the same development review and approval process required for issuance of the development approval, including any required notice or hearing, in the review

and approval of any revocation of that approval. The revocation of an administrative development approval may be appealed pursuant to G.S. 160D-4-5.

Before revoking a permit or other authorization, the Zoning Administrator shall give the holder of the permit or authorization ten days notice of intent to revoke the permit or authorization. The notice shall state the reasons for the intended revocation and state that the holder may have an informal hearing on the intended revocation before the Zoning Administrator. On revoking a permit or authorization, the Zoning Administrator shall give the holder of the permit or authorization a written notice of the revocation and the reasons for it.

50). Amend Article 3, Common Review and Approval Procedures, Section 3.5.8., Approval of a Special Use Permit, as follows:

3.5.8. Approval of a Special Use Permit

C. The approving authority Board of Adjustment may place conditions on the use as part of the approval to assure that adequate mitigation measures are associated with the use. The conditions shall become a part of the Special Use permit approval. Verbal consent to the conditions associated with the Special Use Permit must be agreed to by the applicant at the meeting once the Board discusses and decides on the case. Written consent is required from the applicant following the meeting as part of the draft Special Use Permit that is sent to the applicant once the Special Use Permit is approved. Written consent to conditions related to a Special Use Permit must be obtained to ensure enforceability. Violations of any of the conditions shall be treated in the same manner as other violations of this Ordinance.

51). Amend Article 9, Administration and Enforcement, Section 9.1.B.3.i., Mailed Notice, as follows:

9.1.B.3. Mailed Notice

i. Where any mailed notice is required, the County shall notify by both first class mail all property owners on the subject property and adjoining properties. Adjoining properties shall include properties separated from the subject parcel(s) by street, railroad or other transportation corridor. In rezoning cases where properties have been added to a rezoning application by the County (in addition to properties in the original application), owners of the added properties must be notified by both certified mail and first class mail.

52). Amend Article 3, Common Review and Approval Procedures, Section 3.1.1., Development Permit Required, as follows:

3.1.1. Development Permit Required

No land shall be used or occupied and no building hereafter constructed, structurally altered, erected, or moved shall be used or its use changed until a Development Permit is issued by the Planning Director. The purpose of the Development Permit is to guide the applicant in carrying out their improvement plans and avoid potential pitfalls by ensuring that the appropriate approvals are obtained in the most efficient and effective manner possible. Applications for development approvals may be made by the landowner, a lessee or person holding an option or contract to purchase or lease land, or an authorized agent of the landowner. Development permits shall be provided in writing in by the County in print or electronic form. Additional administrative provisions pertaining to Development Permits are outlined in Section 9.3 of Article 9, Administration and Enforcement, of this ordinance.

53). Amend Article 9, Administration and Enforcement, Section 9.3., Development Permit Requirements, as follows:

A. Applicability

1. No excavation shall be commenced, no wall, structure, premises, or land used, building or part thereof shall be built, constructed or altered, nor shall any building be moved, nor shall any sign be erected or structurally altered (unless exempted), until application has been made and the property permit has been obtained. When the Zoning Administrator, with the technical assistance of other County departments or upon direction by the Brunswick County Planning Board or Board of Adjustment, has determined that the proposed land use may be permitted under the provisions of this Code, a permit for the proposed use shall be issued in print or electronic form.

54). Amend Article 3, Common Review and Approval Procedures, add the following:

Unless provided otherwise by law, all rights, privileges, benefits, burdens, and obligations created by development approvals made pursuant to Chapter 160D attach to and run with the land. This article outlines the most common types of review and approval of development activity. Less frequently used approvals, such as temporary use permits, vested rights, etc., are outlined in 8-3 Article 9, Administration and Enforcement.

55). Amend Article 3, Common Review and Approval Procedures, Section 3.2.10., Duration of Validity, as follows:

3.2.10. Duration of Validity

An approved site plan shall remain valid for a period of three years from the date of approval ~~and shall run with the land~~. After the initial three-year period, construction or development activity must be actively pursued to maintain validity. If construction or development activity is discontinued for a period of greater than 180 calendar days, the site plan shall expire and a new application must be submitted. ~~Consistent with Chapter 160, Section 108.D.3., Brunswick County may provide that rights regarding a site-specific vesting plan shall be vested for a period exceeding three years, but not exceeding five years, where if warranted by the size and phasing of development, the level of investment, the need for the development, economic cycles, and market conditions or other considerations.~~

56). Amend Article 9, Administration and Enforcement, Section 9.5.1.A., Establishment, as follows:

9.5.1. Establishment

A. With Site-Specific Development ~~Vesting~~ Plan

1. ~~In order for a zoning vested right to be established upon approval of a site specific development plan, the applicant must indicate at the time of application, on a form to be provided by the County, that a zoning vested right is being sought. Upon approval by the appropriate approval authority, site plans constituting a Site-Specific Vesting Plan shall be automatically vested for a period of three years unless a greater period is requested.~~
2. Each map, plat, site plan or other document evidencing a site-specific development ~~vesting~~ plan shall contain the following notation: "Approval of this plan established a zoning vested right under N.C.G.S. ~~Section 153A-344.1 160D-108~~. Unless terminated at an earlier date, the zoning vested right shall be valid until (date)."

B. With Special Use Permit

1. Pursuant to N.C.G.S. ~~Section 153A-344.1 160D-108~~, Vesting Rights ~~and Permit Choice~~, as of May 1, 2007, a vested right to undertake and complete the development and use of property under the terms and conditions as approved pursuant to this Ordinance shall be established with respect to any property upon the approval of a Special ~~Exception Use~~ Permit ~~for a site specific development vesting plan or a phased development plan~~.
2. The approved plans and conditions for a Special ~~Exception Use~~ Permit constitute, for purposes of N.C.G.S. ~~Section 153A-344.1 160D-108~~, site-specific development ~~vesting~~ plans.

C. Multiphase Development

1. A multiphase development shall be vested for the entire development with the zoning regulations, subdivision regulations, and unified development ordinances in place at the time a site plan approval is granted for the initial phase of the multiphase development. This right shall remain vested for a period of seven years from the time a site plan approval is granted for the initial phase of the multiphase development. For purposes of this section, "multiphase development" means a development containing 25 acres or more that (i) is submitted for site plan approval for construction to occur in more than one phase and (ii) is subject to a master development plan with committed elements, including a requirement to offer land for public use as a condition of its master development plan approval.

D. All Other Development Approvals

~~Consistent with the issuance of a development permit, all other development approvals shall be automatically vested for a period of 1 year~~

57). Amend Article 9, Administration and Enforcement, Section 9.5.2, Approving Authority, as follows:

9.5.2. Approving Authority

~~Commentary: In order to determine the approving authority, refer to the table of permitted uses in Section 5.2.~~

~~Commentary: In order to determine the approving authority, refer to the Summary of Review Authority in Section 2.14.~~

58). Amend Article 9, Administration and Enforcement, Section 9.5.3.A., Application Requirements, as follows:

9.5.3. Application Requirements

- A. An application for vested rights determination ~~in excess of three years~~ shall be submitted in accordance with Section 3-1.7.J ~~3.1.8~~, Application Requirements. Applications shall include, at a minimum, the following information in addition to the standard information required:
 - 1. Information on the proposed uses of the property that the applicant wishes to vest;
 - 2. The length of time for which vesting is requested;
 - 3. A listing of those provisions of this Ordinance from which vesting is requested;
 - 4. Identification of the portions of the development plan for which vesting is requested;
 - 5. Indication of the impact on the ability of the project to proceed as originally approved if vesting is not granted; and,
 - 6. The proposed timetable for the construction of the phases of the project for which vesting is requested.
 - 7. If the owner considers prior expenditures and economic impact to be relevant to the governing body's determination, then any economic information regarding expenditures shall be accompanied by information regarding benefits or profits realized resulting from phases of the development previously built.
- ~~B. Landowners seeking zoning vested rights on plats, special exception permit applications, or other plans that would not normally receive site plan approval, may apply for vested rights protection through submittal of an application which contains the identical information, fee, and plans required for a complete site plan application and an additional fee for a vested rights public hearing.~~
- ~~B. Pursuant to G.S. 160D-403(c), unless otherwise specified in this section, all other local development approvals expire one year after issuance unless work has substantially commenced.~~
- ~~C. An extension of vested rights not to exceed five years may be sought. The applicant must submit an application which contains the identical information, fee, and plans required for a complete site plan application and any required fee for a vested rights evidentiary hearing.~~

59). Amend Article 9, Administration and Enforcement, Section 9.5.5., Action by the Approving Authority, as follows:

9.5.5. Action by the Approving Authority

Commentary: In order to determine the approving authority, refer to the table of permitted uses in Section 5.2.

- A. ~~Upon receipt of a complete application the Zoning Administrator shall schedule an evidentiary hearing before the appropriate body, give public notice as set forth in Section 9.1, and forward a copy of the application with all related materials to the approving authority.~~
- ~~B.A.~~ The approving authority may ~~shall~~ hold the vested rights public hearing at the same time that the site plan is considered for approval.
- ~~C.B.~~ Approval by the approving authority shall confer upon the owner of the property a zoning "vested right" as defined in N.C.G.S. 160D-108 NCGS §153A-344.1, effective on the date of approval. The approving authority may condition the approval upon terms and conditions reasonably necessary to protect the public health, safety, and welfare. ~~Such conditional approval shall result in a vested right, although failure to abide by its terms and conditions will result in a forfeiture of vested rights.~~

60). Amend Article 9, Administration and Enforcement, Section 9.5.6., Duration as follows:

9.5.6. Duration

- A. A right which has been vested as provided for in this section shall remain vested for a period of three years, ~~unless a longer period, not to exceed five years, is granted by the approval authority.~~ Modifications or amendments to an approved plan do not extend the period of vesting unless specifically so provided by the Board of Adjustment or the Planning Board upon approval of the modification and or amendment.
- B. The Board of Adjustment or the Planning Board may approve an extension of a zoning vested right for a period of two years resulting in a total vesting period of five years ~~if warranted by the size and phasing of development, the level of investment, the need for the development, economic cycles, and market conditions, or other considerations.~~ Applications to extend a vesting period shall

be considered by the same authority that approved the original vested right determination.

C. A multiphase development shall be vested for the entire development at the time a site plan approval is granted for the initial phase of the multiphase development. This right shall remain vested for a period of seven years from the time a site plan approval is granted for the initial phase of the multiphase development. For purposes of this section, "multiphase development" means a development containing 100 acres or more that is submitted for site plan approval for construction to occur in more than one phase and is subject to a master development plan with committed elements, including a requirement to offer land for public use as a condition of its master development plan approval.

61). Amend Article 9, Administration and Enforcement, Section 9.5.7.(A, C and D), Effect of Zoning Vested Rights, as follows:

9.5.7. Effect of Zoning Vested Rights

- A. Following approval or approval of a site-specific development vesting plan, nothing in this section shall exempt such a plan from subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with the original approval.
- C. The establishment of a zoning vested right shall not preclude the application of new laws or regulations as is allowed under NCGS §160A-385.1 N.C.G.S. 160D-108. In addition, it shall not preclude overlay zoning that imposes additional requirements, but does not affect the allowable type or intensity of use, or ordinances or regulations that are general in nature and are applicable to all property subject to land use regulation. Otherwise applicable new or amended regulations shall become effective with respect to property that is subject to a site-specific development vesting plan upon the expiration or termination of the vested right in accordance with this section.
- D. A vested right obtained under this section is not a personal right, but shall attach to and run with the subject property. After approval of a site-specific development vesting plan, all successors to the original landowner shall be entitled to exercise such right while applicable.

62). Amend Article 9, Administration and Enforcement, Section 9.5.8.(C, D, E, and F), Termination, as follows:

9.5.8. Termination

- C. Upon findings by the Board of Adjustment or the Planning Board by ordinance and after notice and public an evidentiary hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the site-specific development vesting plan;
- D. Upon payment of compensation to the affected owner for all costs, expenses, and other losses incurred by the landowner together with interest; The extent to which the affected landowner receives compensation for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consulting fees incurred after approval by the local government, together with interest as is provided in N.C.G.S. 160D-106. Compensation shall not include any diminution in the value of the property that is caused by such action;
- E. Upon findings by the Board of Adjustment or the Planning Board by ordinance and after notice and public an evidentiary hearing, that the landowner or the landowner's representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the approving authority of the site-specific development vesting plan; or
- F. Upon the enactment of a State or Federal law or regulation or local ordinances enacted in compliance with such laws or regulations that preclude development as contemplated in the site-specific development plan. Upon the enactment or promulgation of a State or federal law or regulation that precludes development as contemplated in the approved vested right, in which case the Board of Adjustment or the Planning Board may modify the affected provisions, upon a finding that the change in State or federal law has a fundamental effect on the plan, after notice and an evidentiary hearing.

63). Amend the Definitions Section as follows:

Site-Specific Development Plan: A plan of land development submitted to the appropriate approval authority for the purpose of obtaining one of the following approvals/permissions pursuant to N.C.G.S. 153A334.1:

(a) A major site plan prepared for a Special Exception to this Ordinance based upon such required and official site plan;

~~(b) A Planned Unit Development Plan jointly receiving permissions/authority under the terms of this Ordinance and the Subdivision Ordinance, thus a combined Zoning Special Exception and preliminary plat.~~

~~(c) Or such other combination of approvals and permissions under both this Ordinance and the Subdivision Ordinance as from time to time may be developed in accordance with the intent of this General Statute.~~

~~Site-Specific Vesting Plan: A plan which has been submitted to the County by a landowner describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. Such plan may be in the form of, but not be limited to, any of the following plans or approvals:~~

~~(a) A planned unit development plan~~

~~(b) A subdivision plat~~

~~(c) Minor and major site plans~~

~~(d) A special use permit~~

~~(e) A conditional zoning and an associated site plan.~~

~~(f) Or any other land-use approval designation as may be utilized by the County~~

64. Amend Article 3, Common Review and Approval Procedures, Section 3.2.2.B., Actions by the Planning Board, as follows:

A. For applications which the Planning Board serves as the approving authority, the Planning Board may approve or disapprove the application, approve the application with conditions, or send the application back to the Planning Director for additional consideration. Approval by the Planning Board shall be in the form of the conceptual plan for the project including street layout, lot/building layout, development type (commercial, residential, multifamily), number of dwelling units, floor area of buildings, building form and size (stories, etc.), open space areas, setbacks, buffers, etc. The detailed site plan shall be approved by the Planning Director, the components of which shall be in general conformance with the components of the conceptual plan as approved by the Planning Board. For Conditional Zoning site plans, the Planning Board shall make recommendations on the conceptual plan to the Board of Commissioners for final action ~~take final action~~.

65). Amend Article 3, Common Review and Approval Procedures, Section 3.2.4.A., Action by the Board of Commissioners, as follows:

~~A. The Board of Commissioners shall be responsible for hearing appeals of decisions by the Planning Board for Conditional Rezoning requests with site plans and shall hear the case de novo.~~

~~A. Before taking action on a site plan in conjunction with a Conditional Rezoning request, the Board of Commissioners shall consider the recommendations of the Planning Director and the Planning Board.~~

66). Amend Article 3, Common Review and Approval Procedures, Section 3.2.12.B., C., and D., Appeal, as follows:

~~B. Final Action on a site plan in conjunction with a Conditional Rezoning request may be appealed to the Board of Commissioners.~~

~~B. Final action on a major site plan that does not involve a Special Use may be appealed to the Board of County Commissioners.~~

~~C. Final action on a major site plan that involves a Special Use may be appealed by filing a petition for certiorari with the Brunswick County Superior Court.~~

67). Amend Article 3, Common Review and Approval Procedures, Section 3.7.3.C. and D., Action by the Planning Board, as follows:

C. The Planning Board shall make a recommendation following the required public hearing based on the approval criteria in Section 3.7.5., as appropriate.

D. When conducting a review of proposed zoning text amendment, the Planning Board shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the Board of Commissioners that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Board of Commissioners.

~~D. The Planning Board shall make its recommendation following the initial public hearing.~~

68). Amend Article 3, Common Review and Approval Procedures, Section 3.7.4, Action by the Board of Commissioners, add the following:

- F. When adopting or rejecting any zoning text amendment, the Board of Commissioners shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the meeting that at the time of action on the amendment the Board of Commissioners was aware of and considered the Planning Board's recommendations and any relevant portions of an adopted comprehensive plan.

69). Amend Article 3, Common Review and Approval Procedures, Section 3.8.1., Applicability, add the following:

3.8.1. Purpose & Applicability

A. Purpose

1. Conventional Rezoning

A conventional rezoning or zoning map amendment is a legislative zoning map amendment to change the zoning district of a specified property or properties. Refer to Article 4, Zoning Districts, for a list of zoning districts. The permitted uses associated with these districts are found in Article 5, Permitted Uses.

2. Conditional Rezoning

A conditional rezoning is a legislative zoning map amendment that incorporates site-specific conditions designed to mitigate impacts on adjacent properties and offers flexibility to meet project needs that are not accommodated by conventional zoning districts. Elements of conventional zoning classifications may be incorporated into the conditional rezoning.

B. Applicability

1A. Amendments to the Zoning Map shall be made, including by Conventional Rezoning and Conditional Zoning, (see Section 3.1.7. for additional information). The two types of rezoning follow the same legislative process in accordance with the provisions of this section.

2B. The Planning Board and if appealed, the Board of County Commissioners, shall consider amendments to the Zoning Map of Brunswick County, as may be required from time to time.

3C. Rezoning should correspond with the boundary lines of existing platted lots or tracts. Where the boundaries of a rezoning request stop short of an exterior property line, it must be possible to subdivide and develop that portion of the property outside the proposed rezoning boundary in accordance with the existing zoning, required conditions and other requirements of this Ordinance.

4D. All zoning requirements shall be met within the boundaries of the area being rezoned. If all of the requirements cannot be met on the site being rezoned, the rezoning shall be expanded to include all property necessary to meet zoning requirements.

5. Any land use may be approved, subject to agreed-upon conditions in a Conditional Rezoning. Uses allowed as a Special Use Permit included with the Conditional Rezoning shall not require separate approval.

6. For conditional rezoning, a site plan, a list of proposed uses, and a list of conditions shall be included with the approval.

7. The conditions shall relate to the list of uses, development standards, site features, improvements, etc. and be agreed upon in writing by the current property owner to ensure enforceability.

70). Amend Article 3, Common Review and Approval Procedures, Section 3.8.2., Initiation of Amendment, as follows:

3.8.2. Initiation of Amendment

A. A request for a conventional rezoning may be initiated by the Board of County Commissioners, the Board of Adjustment, the Planning Board, the Zoning Administrator, or the property owner or their agent or any other party. A request for a conditional rezoning may be initiated by the property owner or their agent. However, the property owner must agree to the conditions in writing to ensure enforceability.

B. Amendments to zoning regulations or the zoning map that down-zone property shall not be initiated or enforced without the written consent of all property owners unless initiated by the County. For purposes of this section, "down-

zoning” means a zoning change that affects a parcel or area of land in one of the following ways:

1. By decreasing density to allow less development than previously allowed.
2. By reducing permitted uses that are specified within this ordinance to less than were allowed previously.

71). Amend Article 3, Common Review and Approval Procedures, Section 3.8.3., Project Planning Session, as follows:

3.8.3. Project Planning Session

All applicants petitioning for a rezoning shall schedule a project planning session with the ~~Zoning Administrator~~ **Planning Director or designee** in accordance with Section 3.1.7.

72). Amend Article 3, Common Review and Approval Procedures, Section 3.8.4., Neighborhood Meeting, as follows:

3.8.4. Neighborhood Meeting

All applicants petitioning for a **Conventional** Rezoning are encouraged to hold a neighborhood meeting in accordance with Section 9.2. A neighborhood meeting is required for Conditional Zoning requests.

73). Amend Article 3, Common Review and Approval Procedures, Section 3.8.7., Action by Zoning Administrator, as follows:

3.8.7. Action by ~~Zoning Administrator~~ **Planning Director**

- A. The ~~Zoning Administrator~~ **Planning Director or designee** shall prepare a staff report that reviews the rezoning request in light of any applicable plans and the general requirements of this Ordinance. ~~The staff report shall consider the entire range of permitted uses in the requested classification regardless of any representations made that the use will be limited, unless a development plan is submitted that restricts the permitted range of uses to specific uses. For conventional rezonings, the staff report shall consider the entire range of permitted uses allowed within the requested zoning district regardless of a proposed site plan or representations made that a specific use will be limited. For conditional rezonings, the staff report shall consider proposed uses, site plan, and conditions.~~
- B. Following completion of technical review by staff, the ~~Zoning Administrator~~ **Planning Director or designee** shall forward the completed request, staff ~~recommendation report~~, and any related materials to the Planning Board for a hearing and decision.

74). Amend Article 3, Common Review and Approval Procedures, Section 3.8.8.A., D., and E. and renumber items as follows:

3.8.8. Action by Planning Board

- A. Before making any decision on a rezoning request, the Planning Board shall consider any recommendations from the ~~Zoning Administrator~~ **Planning Director or designee** and shall conduct a public hearing where interested parties may be heard.
- B. Notice and public hearing requirements shall be in accordance with Section 9.1.
- C. The Planning Board shall make a decision based on the approval criteria in Section 3.8.10, as appropriate.
- ~~D. When adopting or rejecting any zoning amendment, the Planning Board shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive plan. If a zoning amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land-use map in the approved plan, and no additional request or application for a plan amendment shall be required.~~
- ~~E. When adopting or rejecting any petition for a zoning amendment, a statement analyzing the reasonableness of the proposed rezoning shall be approved by the Planning Board. This statement of reasonableness may consider factors including but not limited to the following:~~
 - ~~1. The size, physical conditions, and other attributes of the area proposed to be rezoned.~~
 - ~~2. The benefits and detriments to the landowners, the neighbors, and the surrounding community.~~
 - ~~3. The relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment.~~

~~4. Why the action taken is in the public interest, and~~

~~5. Any changed conditions warranting the amendment~~

~~F~~ D. Following Planning Board decision, the Planning Board Chair or Zoning Administrator shall announce that any person with standing may appeal the decision of the Planning Board by providing written notice to the County Manager within 15 days of the decision.

~~G~~ E. If notice of the appeal is not provided in writing within 15 days, then the decision of the Planning Board shall be final.

75). Amend Article 3, Common Review and Approval Procedures, Section 3.8.9.C. and D., Action by Board of County Commissioners, as follows:

3.8.9. Action by Board of County Commissioners

C. The Board of County Commissioners shall take action on a rezoning request ~~the appeal of a rezoning decision~~ based on the approval criteria in Section 3.8.10., as appropriate.

D. The Board of County Commissioners may approve the rezoning, deny the rezoning, or send the rezoning back to the Zoning Administrator ~~Planning Director or designee~~ for additional consideration.

76). Amend Article 3, Common Review and Approval Procedures, Section 3.8.12.A., Resubmission of Application, as follows:

3.8.12. Resubmission of Application

Upon final action to deny or approve an application for the rezoning of a piece of property, the Planning Board shall not review any applications for changes affecting the same property or any portion thereof until the expiration of one year from the date of such previous action except as provided as follows:

A. The Zoning Administrator ~~Planning Director~~ may allow re-submission of such petition within one year period if it is determined that, since the date of action on the prior petition:

77). Amend Article 4, Zoning Districts, Section 4.8.2., CZ: Conditional Zoning, as follows:

4.8.2. CZ: Conditional Zoning

A. Purpose

~~The Conditional Zoning Overlay is established to offer flexibility to meet project needs that are not accommodated by conventional zoning districts. These overlay districts are approved with individualized development standards adopted as part of the rezoning. Property is rezoned to these districts in response to and consistent with a petition filed by the property's owner. The petition includes a site plan, a specification of the actual use planned, and any rules, regulations, or conditions that would govern development of the site. The petitioner must conduct at least one community meeting on the proposal prior to the official hearing on the rezoning. These districts are potentially available in conjunction with any of the conventional zoning classifications.~~

B. Designation of Conditional Zoning Overlay

~~1. A Conditional Zoning Overlay may only be established as a zoning map change in accordance with the requirements of Section 3.8, Rezoning.~~

~~2. A Conditional Zoning Overlay may be established in conjunction with any conventional zoning base district.~~

C. Permitted Uses and Development Standards

~~1. Any use permitted by right, subject to limitations, or through special use permit in the underlying base districts may be approved in the overlay. Uses allowed as a special use permit included with the Conditional Zoning Overlay shall not require separate approval.~~

~~2. Conditions pertaining to the uses, development standards, site features, improvements, etc. may be included with the approval; provided however, the petitioner must be agreeable to such conditions.~~

VIII. ADMINISTRATIVE REPORT

1. **Administration - Recommended Budget Ordinance, Capital Improvement Plan, Schedule of Fees for FY 2022 (Randell Woodruff, County Manager)**
Request that the Board of Commissioners receive the Recommended Budget Ordinance, Capital Improvement Plan, Schedule of Fees for FY 2022, and schedule a public hearing on the matters for June 7, 2021 at 3:00 p.m.

Chairman Thompson recognized Deputy County Manager Steve Stone to present the recommended budget ordinance in Mr. Woodruff’s absence. Mr. Stone presented the FY 2021-2022 recommend budget totaling \$291.5 million for all funds, with no change in the property tax rate of 48.50 cents.

Following the presentation, Commissioner Williams moved to set the Public Hearing to receive comments on the proposed budget for 3:00 p.m. on June 7, 2021. The motion was seconded by Commissioner Sykes and passed unanimously (5 to 0).

It was the consensus of the Board to cancel the June 7, 2021 study session previously scheduled for 1:00 p.m.

2. **Engineering - Courthouse Addition & Renovation Project - Architect Additional Services (Wm. L. Pinnix, P.E.)**

Request that the Board of Commissioners receive an update from the architect on courthouse furniture and using the Big Sky Interior Design firm for consultative services as a subconsultant to the architect for courthouse furniture design, specification, cost opinion, and bid package preparation.

Mr. Pinnix gave a brief update on the project. The courthouse addition and renovation project began on April 1, 2020 and Phase I was completed on April 9, 2021. Phase 2 and 3 renovation of the remainder of the original building began on April 26, 2021 and is scheduled to be completed April 2022. Mr. Pinnix explained that furniture, fixtures and equipment are not generally included in the General Contractor’s contract, however, the Contractor did provide seating in the new jury assembly room and the pew-style seating in the courtrooms. The Clerk of Court has requested furniture for other areas of the building.

Following a brief discussion regarding the security gate for the secure parking lot, Mr. Pinnix introduced Mr. John Sawyer, Sawyer Sherwood & Associate Architects, to provide an update on both the gate and the courthouse furniture needs.

Mr. Sawyer provided information on the operation and design of the security gate to address the security concerns. Following discussion, Mr. Sawyer indicated that a second gate could be installed.

Mr. Sawyer presented a request for a subconsultant to assist with furnishing the 115,000 sq. ft. courthouse and reviewed the process for bidding the project.

Following discussion, Vice-Chairman Forte moved to approve the consultant, subject to final review by the County Attorney. The motion was seconded by Commissioner Cooke and passed 4 to 1 (Ayes - Thompson, Cooke, Forte Williams; No – Sykes).

Chairman Thompson noted that a correction needed to be made to the date for consideration of the amendments proposed by the Planning staff.

Commissioner Williams moved to correct the previous motion to postpone the remaining amendments as proposed by Planning staff until the July 6, 2021 meeting at 3:00 p.m. The motion was seconded by Commissioner Cooke and passed unanimously (5 to 0).

3. **Emergency Services - Ambulance Purchase (Ed Conrow, Emergency Services Director)**
(This item was amended during Adjustments/Approval of Agenda to include item V-12 Emergency Services – Ambulance Remount Purchase)

Request that the Board of Commissioners approve the purchase of two new ambulances and to proceed with the budgeted purchase of a remounted ambulance

Mr. Conrow presented information on both the new and remounted ambulance needs and specifications. Both the remount and the purchase will be facilitated by Northwestern Emergency Vehicles and will consist of two new Chevrolet C-5500 ambulances and one Chevrolet G-4500 remount.

Commissioner Cooke stepped out of the meeting at 8:18 p.m. and returned at 8:20 p.m.

Following a brief discussion on the item, Commissioner Williams moved to approve the purchase of the remount and two new ambulances. The motion was seconded by Vice-Chairman Forte and passed unanimously (5 to 0).

IX. **Board Appointments**

1. **Governing Body - Annual Board Appointments**

Request that the Board of Commissioners approve the annual board appointments as presented.

Following discussion, Commissioner Williams moved to approve the board appointments as presented. The motion was seconded by Commissioner Sykes and passed unanimously (5 to 0).

X. OTHER BUSINESS/INFORMAL DISCUSSION

No items were brought forth.

XI. CLOSED SESSION

1. **Closed Session**

Request the Board of Commissioners enter into Closed Session pursuant to N.C.G.S. 143-318.11(a)(1) to approve closed session minutes, 143-318.11(a)(3) to consult with its attorney, and 143-318.11(a)(4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body.

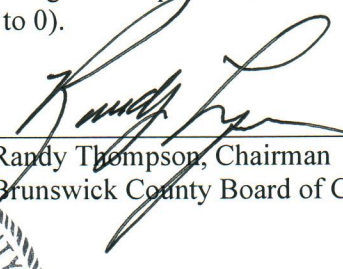
Mr. Shaver noted that the statutory requirements were included in the agenda with the purpose to approve closed session minutes, consult with the attorney, and discuss matters relating to the location or expansion of industries.

Commissioner Cooke moved to enter Closed Session as stated at 8:27 p.m. The motion was seconded by Vice-Chairman Forte and passed unanimously (5 to 0).

Chairman Thompson called the Regular Session to order at 8:48 p.m. There were no items to report from Closed Session.

XII. ADJOURNMENT

Commissioner Williams moved to adjourn the meeting at 8:48 p.m. The motion was seconded by Commissioner Cooke and passed unanimously (5 to 0).


Randy Thompson, Chairman
Brunswick County Board of Commissioners

Attest:



Andrea White, NCCCC
Clerk to the Board

