

**MINUTES  
VILLAGE OF LAKE PARK  
PLANNING BOARD  
3801 LAKE PARK ROAD, LAKE PARK, NC  
APRIL 18, 2017**

**Planning Board Members Present:** Jonathan McDaniel, Heather Rodney, John Laurents, Bjarne Hansen and Rob Bowlin.

**Zoning Administrator:** Cheri Clark

**Call to Order:** Chairman Jonathan McDaniel called the April 18, 2017 meeting to order.

**Pledge of Allegiance:** Chairman Jonathan McDaniel led the Pledge of Allegiance.

**Public Comments:** There was no public comment.

**Approval of Minutes:** Bjarne Hansen made the motion to approve the January 17, 2017 Planning Board minutes as presented. Heather Rodney seconded the motion. Vote – Unanimous.

**Changes to the Agenda:** No changes to the agenda.

**Council Liaison:** Last month Attorney Ken Swain shared that recent case law could potentially impact our Unified Development Ordinance (UDO). The case law addressed prohibitions within the UDO concerning what is allowed by not stating that it is not allowed.

Cheri Clark discussed the Coates' Canons Blog: Dealing with Land Uses Not Specifically Addressed in a Zoning Ordinance: The Saga Continues. The implications for Land Use Regulation are as follows:

1. Clarity on uses that are not permitted is critical. The ordinance should include as much specificity as is feasible and should have clear general "catchall" categories for unlisted uses.
2. A local government should periodically update the ordinance to list how the local government intends to address specific controversial or emerging land uses. Keeping the ordinance clear and current will minimize difficulties.
3. The courts clearly favor a provision that unlisted uses should be treated the same as the most nearly similar use as opposed to a blanket prohibition of unlisted uses.

Cheri Clark also provided the board with a copy of the full NAICS list for Planning Board to review. Vagn Hansen, Benchmark Consultant, will be discussing the Village's ordinance and suggested changes to the Unified Development Ordinance at the May 16<sup>th</sup> meeting.

**Board Comments:** There were no Board Comments.

**Setting Agenda for Next Month's Meeting:** Add: Vagn Hansen/Benchmark to the Agenda after Council Liaison. .

**Adjourn:** Bjarne Hansen made the motion to adjourn. Rob Bowlin seconded the motion. Vote – Unanimous.

Respectfully Submitted,



Cheri Clark  
Village Administrator

