

# CAROLINA BEACH

Planning and Zoning Meeting

Thursday, August 12, 2021 — 6:30 PM

Council Chambers, 1121 N. Lake Park Boulevard, Carolina Beach, NC



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## AGENDA

### CALL TO ORDER

1. Workshop Session & Landscape Discussion

### APPROVAL OF MINUTES

2. July 8, 2021 Minutes

### STAFF REPORT ON RECENT COUNCIL MEETINGS

### STAFF REPORT ON RECENT DEVELOPMENTS

### PUBLIC DISCUSSION

### DISCUSSION ITEMS

3. Consider amending the Land Use Plan & Article IX to allow standalone residential buildings within a Mixed Use commercial-residential development and the Mixed use classification.  
Applicant: Cape Fear four, LLC
4. Consider a Text Amendment to Chapter 40 Article XII Section 40-354 Review Criteria, to update standards related to Major and Minor PUD applications

### NON-AGENDA ITEMS

### ADJOURNMENT





## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Jeremy Hardison, Planning &  
Development Director

**DEPARTMENT:** Planning

**MEETING:** Planning and Zoning – 12 AUG 2021  
Workshop Session & Landscape Discussion

**SUBJECT:**

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**BACKGROUND:**

Discuss a list of goals that you would like for the Chairman to bring up at the August Town Council workshop.



# CAROLINA BEACH

Planning and Zoning Meeting

Thursday, July 8, 2021 - 6:30 PM

Council Chambers, 1121 N. Lake Park Boulevard, Carolina Beach, NC



## MINUTES

### CALL TO ORDER

Chairman LeCompte called the meeting to order at 6:30 PM.

### PRESENT

Chairman Deb LeCompte

Vice Chairman Wayne Rouse

Commissioner Jeff Hogan

Commissioner John Ittu

Commissioner Ethan Crouch

Commissioner Todd Piper

### ABSENT

Commissioner Melanie Boswell

### ALSO PRESENT

Planning Director Jeremy Hardison

Senior Planner Miles Murphy

### APPROVAL OF MINUTES

1. Approval of the Minutes from May 13<sup>th</sup>, 2021

**ACTION:** Motion to approve the minutes as written

Motion made by Vice Chairman Rouse, Seconded by Commissioner Hogan

Voting Yea: Chairman LeCompte, Vice Chairman Rouse, Commissioner Hogan, Commissioner Ittu, Commissioner Crouch, Commissioner Piper

*Motion passed 6-0*

### STAFF REPORT ON RECENT COUNCIL MEETINGS

Town Council and Other Updates

- Temporary parking lots – September
- 160D – approved
- Amusement rides

### STAFF REPORT ON RECENT DEVELOPMENTS

Mr. Murphy reported the following statistics for the past two months:



### Permitting

- 151 permits (renovation, repair, grading, additions, fence)
- 37 residential new construction
- 31 certificates of occupancy

### Code Enforcement

- 37 complaints received
- 28 resolved

Mr. Murphy said a new Code Enforcement Officer is starting on August 1. This will fill the vacancy created by the May 31 retirement of previous Code Enforcement Officer Joe Hutcherson.

### Demos in Progress

- 210 Cape Fear Boulevard
- 710 Monroe Avenue (partial interior demo)
- 315 Hamlet Avenue (accessory building)
- 1616 Bowfin Lane (house moving)
- 206 Carolina Beach Avenue South
- 1419 Mackerel Lane

### Complete Demos

- 1311 Searay Lane
- 1213 Canal Drive
- 619 Spencer Farlow Drive
- 1512 Bowfin Lane
- 1416 Bowfin Lane
- 912 Old Dow Road

Mr. Hardison said he hopes demolition of the previous Mermaid Manor building at 308 Carolina Beach Avenue North will be complete by the next meeting.

### New Businesses

- Edward Jones – 206 North Lake Park Boulevard, Suite H
- MMC Insurance – 1204 North Lake Park Boulevard, Suite 1E
- Carolina Sign Craft – 1311 Bridge Barrier Road
- Sumthin Beachie – 809 North Lake Park Boulevard (new owner)

### Coming Up

- Text amendment: table of permissible uses
- Text amendment: minor Planned Unit Development (PUD) standards
- Permanent right-of-way closure: Croaker Lane – 20-foot portion
- Conditional zoning: 209 Peninsula Drive



Commissioner Piper asked which Code Enforcement complaints were not resolved. Mr. Hardison said not every complaint is a violation, so sometimes action is not needed after investigation. Mr. Murphy said staff can look up specific data if necessary.

## **PUBLIC DISCUSSION**

**ACTION:** Motion to open public discussion

Motion made by Chairman LeCompte, Seconded by Vice Chairman Rouse

Voting Yea: Chairman LeCompte, Vice Chairman Rouse, Commissioner Hogan, Commissioner Ittu, Commissioner Crouch, Commissioner Piper

*Motion passed 6-0*

No one requested to speak.

**ACTION:** Motion to close public discussion

Motion made by Chairman LeCompte, Seconded by Vice Chairman Rouse

Voting Yea: Chairman LeCompte, Vice Chairman Rouse, Commissioner Hogan, Commissioner Ittu, Commissioner Crouch, Commissioner Piper

*Motion passed 6-0*

## **DISCUSSION ITEMS**

2. A discussion regarding amending Chapter 40, Zoning Ordinance to address gated communities and drives  
Applicant: Town of Carolina Beach

Mr. Hardison presented the details.

### Gated Communities and Drives

#### Gates

- Fire Department requests regulations
- Zoning ordinance is silent; no regulations
- Currently two gated communities (Oceana/Spinnaker Point and Waterview)

Vice Chairman Rouse asked if Cabana Suites would be considered gated. Mr. Hardison said yes, that is a good point. He also said the Hidden Hills community installed a gate but does not actively use it.

Mr. Hardison outlined the proposed ordinance, which was reviewed and recommended by the Technical Review Committee (TRC). The ordinance would allow gates over private drives but not public streets or public access easements. A vehicle turnaround shall be provided before the gate entrance, and the gate shall be setback from the abutting street for the queueing of vehicles. The gates shall open away from, not toward, vehicles entering. Pedestrian access points should be provided along the gates. The gate entrance area shall be illuminated. Gates shall be approved by the Fire Marshal and meet fire code standards. The proposed ordinance addresses opening gate width requirements and would exempt the Town for closing streets and facilities for maintenance or safety reasons, such as Canal Drive for flooding reasons or Freeman Park for severe weather. The Land use Plan does not



address gates directly. The proposed amendment would not conflict with the plan if the Town would like to address standards and create an allowance.

The change would only regulate new gated communities that are permitted in the future. Mr. Hardison said existing communities would not have to retrofit.

Chairman LeCompte asked if the proposed ordinance addresses everything that Fire Chief Alan Griffin wanted. Mr. Hardison said yes and added that the TRC was also comfortable with the language.

**ACTION:** Motion that whereas in accordance with the provisions of the North Carolina General Statutes, the Commission does hereby find and determine that the adoption of the following ordinance amendment to amending Chapter 40 is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans

Motion made by Vice Chairman Rouse, Seconded by Commissioner Hogan

Voting Yea: Chairman LeCompte, Vice Chairman Rouse, Commissioner Hogan, Commissioner Ittu, Commissioner Crouch, Commissioner Piper

*Motion passed 6-0*

### 3. Process for Planning and Zoning Commission initiated amendments

Mr. Hardison said Council wanted to look at the process of amendments initiated by the Commission. He said the purpose is not to discourage conversations during the non-agenda portion of meetings but to establish a framework for how things move forward from there. He said Council wanted Commissioners to have goal-setting sessions to talk through ideas and issues they would like to see addressed and then have one Commissioner present upcoming goals at Council's workshop each month. He said this would allow Council to offer feedback and ask staff to move forward if necessary. He said formalizing this process is part of Council's plan to adopt a new policy regarding committees at their next meeting on Tuesday.

Chairman LeCompte said this process would ensure an issue has Council's OK before staff starts working on it.

After some discussion about when to consider ideas, the Commission decided to meet on August 12 at 5:30 PM, an hour before the next scheduled meeting.

### **NON-AGENDA ITEMS**

Chairman LeCompte referred to material that was in front of each Commissioner. She said some of the information referred to a study about stormwater mitigation by the non-profit organization N.C. Coastal Federation.

Mr. Hardison gave some background. He said the Town adopted a watershed plan that broke the Town into five areas where stormwater accumulates and is handled by the Town. He said this went through the planning process because it's a requirement to have a plan to apply for grants, and the plan also



gives recommendations for what the Town needs to do to improve stormwater and best practices for private development.

Chairman LeCompte said the distributed material includes great ideas for ways to incentivize instead of penalize residents. She said she thinks the Commission should discuss with Council the idea of partnering with the N.C. Coastal Federation to determine solutions that residents can tackle to help mitigate stormwater, such as rain gardens, rain barrels, and not cutting down trees. She said she wanted Commissioners to have the information for further discussion at the upcoming workshop.

Commissioner Piper said he was interested in also hearing from the Operations Department about stormwater mitigation ideas. Mr. Hardison said he will look into scheduling a joint meeting between the Commission and the Operations Advisory Committee with staff also in attendance. This will take place after the Commission's upcoming workshop.

Vice Chairman Rouse said he thinks Commissioner Boswell will want to discuss a tree ordinance at the upcoming workshop.

Commissioner Piper said as a builder, he deals with different tree ordinances in different municipalities. He said he has given a lot of thought to what the Town can do and proposed the following: For new construction or major renovation, at the end of a project there must be a total of 8 inches of tree caliper, with none smaller than 2 inches. He also proposed that if property owners saved one 6-inch tree, they would be exempt from any other tree regulations, and if property owners cut down a tree that is over 18 inches, they have to plant a 4-inch tree one time. He said this could be for the part of the Town west of Lake Park Boulevard or the boat basin. He said this is a good solution because it is simple and doesn't require the completion of a tree survey or getting staff involved. He said there should be some incentive to keep trees on lots where houses will be razed, and this seems like a fair compromise for all involved.

Chairman LeCompte said this proposal sounds logical. She said she agrees with Commissioner Piper and doesn't like telling people what they can do on their property. She said the tree discussion is about three decades too late because of the Town's 4,683 residential lots, only 663 are undeveloped, and of those, 418 are 50-foot lots.

Commissioner Crouch said it's not just about the remaining undeveloped lots. He said a tree ordinance would also protect previously developed lots where homes will be razed in the future and those trees could potentially be cleared.

Vice Chairman Rouse asked about the legality of a tree ordinance that would apply only to a certain area or only to new construction and major renovation. Mr. Hardison said it depends on how the ordinance is created. Vice Chairman Rouse asked what would happen if people don't comply. Mr. Hardison said the only recourse would be fines. Vice Chairman Rouse said he thinks there are some details to iron out and asked that Town Attorney Noel Fox weigh in during the early stages of the



discussion. He said he is big on private property rights and would be interested in exploring ways to educate and incentivize.

Mr. Murphy said it's important to note that there is legislature on the State floor to prohibit tree ordinance measures in any capacity and even eliminate those that already exist. He said if residents want to ensure tree ordinance activity can continue at the municipal and County levels, they should fight back against the proposed State legislature.

Chairman LeCompte said maybe the issue could be addressed from a stormwater point of view and not a tree ordinance point of view. She said both were about saving trees because trees absorb a lot of water, especially large live oaks.

Commissioner Crouch said the way the stormwater ordinance is written now incentivizes a lot of trees to be cut down. He said he agrees that the issues are connected, but they should be approached from two separate text amendments. He said it would be confusing to roll them into one.

#### **ADJOURNMENT**

**ACTION:** Motion to adjourn

Motion made by Chairman LeCompte, Seconded by Commissioner Hogan

Voting Yea: Chairman LeCompte, Vice Chairman Rouse, Commissioner Hogan, Commissioner Ittu, Commissioner Crouch, Commissioner Piper

*Motion passed 6-0*

The meeting adjourned at 7:26 PM.





## AGENDA ITEM COVERSHEET

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**PREPARED BY:** First Last, Title

**DEPARTMENT:** Planning

**MEETING:** P&Z – 12 August 2021

**SUBJECT:** July 8, 2021 Minutes

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**BACKGROUND:**

Enter Here

**ACTION REQUESTED:**

Enter Here

**RECOMMENDED MOTION:**

Enter Here



Amendment Number: 21LP-01

Item 3.



## PETITION FOR A LAND USE PLAN AMENDMENT

Petitions shall be submitted for review to the Department of Planning and Development located at 1121 N. Lake Park Blvd., Carolina Beach, NC 28428. Only complete petitions will be processed.



### PETITIONER

Petitioner's Full Name: Samuel B. Franck, Agent for Cape Fear Four, LLC Phone #: (910)- 794 - 4835

Street Address: 127 Racine Dr., Suite 100

City: Wilmington State: NC Zip: 28401

Email: sbfb@wardandsmith.com

### REQUESTED LAND USE PLAN AMENDMENT

Land Use Plan Section(s) Requested to be Amended:

Proposal is to adapt the LUP, including without limitation the definition of Future Land Use Map and Character Areas, "Mixed Use Commercial" on Page 45, to contemplate the possibility of mixed-use development that includes multiple structures and some residential use on the ground floor.

Please provide a reason for the amendment to the Land Use Plan Section(s) stated above: The proposed amendment is intended to allow for mixed use development over multiple buildings on large sites within the Mixed Use Commercial land use type identified by the LUP.

This petition will be scheduled for the next possible meetings with the following boards: (1) Technical Review Committee, (2) Planning and Zoning Commission and (3) Town Council (4) Coastal Resource Commission. The petitioner or a representative should be present at all meetings to answer any questions. Contact the Department of Planning and Development for a schedule of meeting times and submittal deadlines. All meetings are held at the Municipal Administration Building, 1121 N. Lake Park Boulevard, Carolina Beach, NC 28428. Petitioners will be informed of any changes in date, time, or location of meetings.

I understand that the \$800 fee for review is nonrefundable.

Signature of Petitioner: [Signature] Date: 7/26/2021





### **Resolution No. 21-**

## **RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CAROLINA BEACH, NORTH CAROLINA, AUTHORIZING AN AMENDMENT TO THE 2021 CAMA LAND USE PLAN**

**WHEREAS**, the Town of Carolina Beach desires to amend its CAMA Land Use Plan, specifically the policy related to Residential uses allowed only on upper stories Mixed Use Commercial building; and

**WHEREAS**, the CAMA Land Use Plan currently states; and

### **2020 Town of Carolina Beach CAMA Land Use Plan** **Future Land Use Map and Character Areas** Mixed Use Commercial

Higher density area with a mix of uses, within the district and individual buildings. Residential uses allowed only on upper stories.

**WHEREAS**, the Town of Carolina Beach desires to amend the CAMA Land Use Plan to state; and

Higher density area with a mix of uses, within the district and individual buildings. Residential uses allowed only on upper stories; [unless associated with a mixed commercial-residential use on a 10 acre or greater lot.](#)

**WHEREAS**, on August 12, 2021 the Planning & Zoning Commission recommended approval of the draft amendment to the CAMA Land Use Plan; and

**WHEREAS**, the Town of Carolina Beach conducted a duly advertised public hearing on the draft amendment to the CAMA Land Use Plan at the Regular Meeting of the Town Council on September 14, 2021; and

**WHEREAS**, at the Regular Meeting on September 14, 2021 the Town Council of the Town of Carolina Beach, North Carolina found the draft amendment to be consistent with the Town Council desired vision for the future and approved to adopt the draft amendment; and

**WHEREAS**, the adopted draft amendment will be submitted as required by State law to the District Planner for the Division of Coastal Management under the North Carolina Department of Environmental Quality and forwarded to the Coastal Resources Commission; and

**WHEREAS**, a review of the adopted draft amendment will be scheduled; and the Division of Coastal Management will certify the draft amendment;



**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Carolina Beach, North Carolina, that in the CAMA Land Use Plan be amended as follows:

**2020 Town of Carolina Beach CAMA Land Use Plan**  
**Future Land Use Map and Character Areas**  
Mixed Use Commercial

Higher density area with a mix of uses, within the district and individual buildings. Residential uses allowed only on upper stories; [unless associated with a mixed commercial-residential use on a 10 acre or greater lot.](#)

**BE IT FURTHER RESOLVED** that the Town Council of the Town of Carolina Beach, North Carolina, has adopted the draft amendment; and

**BE IT FURTHER RESOLVED** that the Town Manager of the Town of Carolina Beach is hereby authorized to submit the adopted CAMA Land Use Plan draft amendment to the State for certification as described above.

Adopted this 14th day of September 2021.

\_\_\_\_\_  
LeAnn Pierce  
Mayor

Attest:

\_\_\_\_\_  
Kim Ward  
Town Clerk





Amendment Number:

21T-01

**PETITION FOR A TEXT AMENDMENT**

Petitions shall be submitted for review to the Department of Planning and Development located at 1121 N. Lake Park Blvd., Carolina Beach, NC 28428. Only complete petitions will be processed.

**PETITIONER**

Petitioner's Full Name: Samuel Frank, Agent for Phone #: (910)-794-4835  
CAPE FEAR FOUR, LLC  
 Street Address: 127 RACING DR STE. 101  
 City: WILMINGTON State: NC Zip: 28403  
 Email: SF@WardandSmith.com

**REQUESTED TEXT AMENDMENT**

Town Code Section(s) Requested to be Amended:

§40-261(u)

Please provide a general proposal for the amendment to the Town Code Section(s) stated above which you believe will result in improved regulations for all the residents of the Town of Carolina Beach

Allow for mixed use over multiple buildings on large sites.

This petition will be scheduled for the next possible meetings with the following boards: (1) Technical Review Committee, (2) Planning and Zoning Commission and (3) Town Council. The petitioner or a representative should be present at all meetings to answer any questions. Contact the Department of Planning and Development for a schedule of meeting times and submittal deadlines. All meetings are held at the Municipal Administration Building, 1121 N. Lake Park Boulevard, Carolina Beach, NC 28428. Petitioners will be informed of any changes in date, time, or location of meetings.

**I understand that the \$350 fee for review is nonrefundable.**

Signature of Petitioner:

Date: 7-13-21





## AGENDA ITEM COVERSHEET

**PREPARED BY:** Jeremy Hardison, Planning & Development Director

**DEPARTMENT:** Planning

**MEETING:** Planning and Zoning – 12 AUG 2021

**SUBJECT:** Consider amending the Land Use Plan & Article IX to allow standalone residential buildings within a Mixed Use commercial-residential development and the Mixed use classification. Applicant: Cape Fear four, LLC

### BACKGROUND:

The applicant Cape Fear Four, LLC would like to amend the ordinance to allow for standalone residential structures for Commercial-Residential Mixed Use. As part of the text amendment process the amendment would need to be consistent with the Land Use Plan(LUP). If the Commission voted to change the Ordinance, it would also change the LUP policy.

Commercial-Residential Mixed Use Buildings are allowed in the Highway Business (HB) and Central Business Districts (CBD). Commercial-Residential Mixed Use allows for mixed use buildings, but not for mixed use developments with standalone residential buildings. The ordinance requires residential on upper floors and commercial on the ground or first habitable floor for all buildings. The proposed amendment would allow for a 10 acre or greater lot to have stand-alone residential buildings. To protect the commercial corridor any standalone residential building shall not be located any closer than three times the setback distance to a major thoroughfare (Lake Park and Dow). The amendment also includes a minimum of 1,500 square feet per acre of commercial uses (see proposed amendment). The Highway Business requires a minimum front setback of 30'. The applicant would like to apply the proposed amendment to a project in the HB district. Their proposal would combine two parcels to equal the 10-acre requirement. Only one lot in the HB and CBD that is close or over 10 acres and that is the Publix property.

The Landuse Plan states that this area is classification as Higher density area with a mix of uses, within the district and individual buildings. Residential uses are allowed only on upper stories. The LUP amendment would add a sentence that stated unless associated with a mixed commercial-residential use on a 10 acre or greater lot.

### ACTION REQUESTED:

Consider the amendment and make a motion for recommendation.



**RECOMMENDED MOTION:**

Approval - whereas in accordance with the provisions of the NCGS, the Commission does hereby find and determine that the adoption of the following ordinance amendment to Chapter 40 Article XII Section 40-354 Review Criteria, to update standards related to Major and Minor PUD applications is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans

Or - A statement approving the proposed amendment and declaring that this also amends the plan, along with an explanation of the change in conditions to meet the development needs of the community that were taken into account in the zoning amendment.

Denial - based on inconsistencies with the goals and objectives of the adopted Land Use Plan and/or other long-range planning documents.





## ORDINANCE NO. 20-1148

### Amend Chapter 40 Zoning Article IX, Mixed use Commercial-Residential

- (u) *Mixed ~~use~~ commercial-residential.* The purpose of the mixed ~~use~~ commercial-residential ~~use development~~ is to accommodate ~~mixed-use buildings that preserve and limit the ground floor or first habitable floor to commercial uses with either~~ commercial and/or residential uses ~~within a building and/or development.~~ ~~allowed above. Development is encouraged that exhibits physical design characteristics that include storefronts oriented to pedestrian movement with a decreased reliance on vehicles.~~
- (1) The first habitable floor shall have 50 percent of the building footprint being dedicated to a commercial use.
- (2) In a VE flood zone the commercial use may be reduced to 25% of the building footprint.
- a. ~~—A commercial building and use.~~
- i. ~~In a VE flood zone the commercial use shall occupy at least 25 percent of the building footprint.~~
- ii. ~~In AE or X zones the commercial use shall occupy at least 50 percent of the building footprint.~~
- (3) For each lot that is 10 acres or greater, subsections (1) and (2) above shall not apply, and cumulative commercial uses shall occupy a minimum of 1500 square feet per acre. Stand-alone residential buildings shall not be located any closer than three times the setback distance to a major thoroughfare (Lake Park and Dow).
- (4) There shall be pedestrian connectivity between all commercial uses.
- (5) Mixed use commercial-residential developments located in the CBD shall have ~~the~~ a building's front facade and at least one ingress/egress located adjacent to a public right-of-way or town property.
- (6) A conditional zoning shall be required if the mixed use commercial-residential development meets any of the following:
- a. Mixed use buildings that are cumulatively more than 25,000 square feet of gross floor area.
  - b. Building height that exceeds 50 feet.

#### DEFINITION:

*Mixed ~~use~~ commercial-residential* means a building development that contains both commercial and residential uses. ~~contains at least one floor devoted to allowed commercial use and at least one devoted to allowed residential use.~~

Adopted this 14<sup>th</sup> day of September, 2021.

\_\_\_\_\_  
LeAnn Pierce, Mayor

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

Kimberlee Ward, Town Clerk







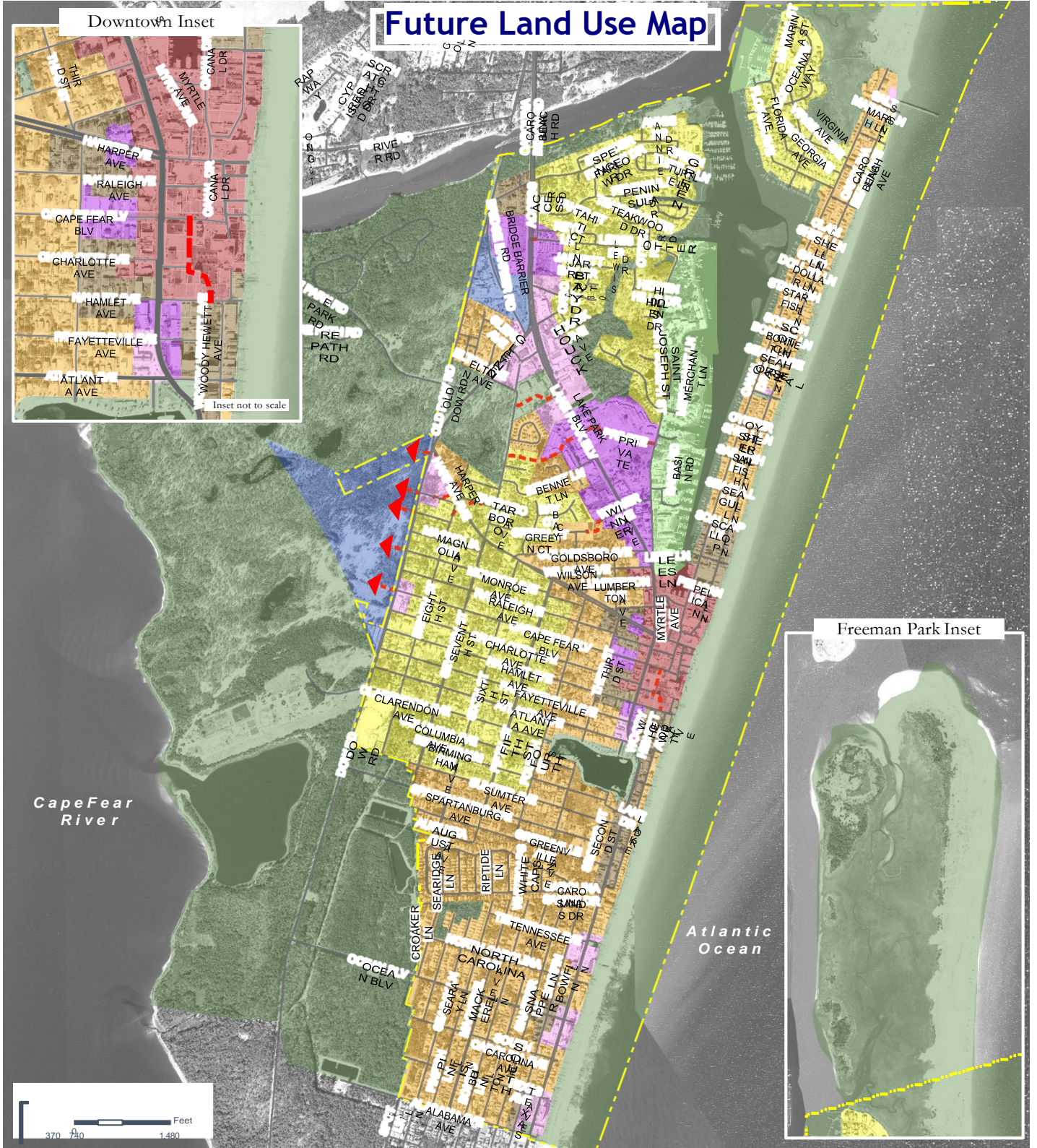








# Future Land Use Map and Character Areas



The Town of Carolina Beach Future Land Use Map.

Certified: November 18, 2020







# Future Land Use Map and Character Areas



## **Mixed Use Commercial**

Higher density area with a mix of uses, within the district and individual buildings. Residential uses allowed only on upper stories; unless associated with a mixed commercial-residential use on a 10 acre or greater lot. ground floor encouraged to be active. 4-5 story structures possible, unless adjacent to low or medium density residential. Attractive street facades.











# Text Amendment: Chapter 40 PUD Regulations Update

AUGUST 12<sup>TH</sup>, 2021

MILES MURPHY – SENIOR PLANNER



# Background

- PUD submissions have been inconsistent in their standards
- Nonconforming properties are being utilized to place a second structure, while the first is in violation of 1 or more Building, CAMA, Fire, Flood, or Zoning ordinances
- Staff was directed to tighten up the ordinance to ensure that these projects, which not always requiring TC approval, are still meeting high standards



# Proposed Language Additions

## Sec. 40-354. – Review Criteria

(14) Any lot which has an existing nonconforming structure shall not be permitted to add an additional primary structure as a part of a Major or Minor PUD, unless the nonconforming structure is fully brought up to current code.

(15) In addition to all regulations and requirements set forth in Article XII, all Major and Minor PUD applications must submit a site plan which meets the standards set forth in Article XIII, Sec. 40-394, Site Plan



# Amend Chapter 40 Article XII Section 40-354 Review Criteria

- (1) It is recommended that Planning and Zoning open the public hearing for comments.
- (2) Close the public hearing
- (3) Consider approval or denial of the proposal and make a motion according to the appropriate statement.

## New Statutory Requirements

The General Assembly amended G.S. 153A-341 and 160A-383 to add more specificity to the law regarding the mandated plan consistency statements. The amended statute still requires approval of a statement and the statement still must describe plan consistency and explain why the proposed action is **reasonable and in the public interest**. However, the form of the required statement has changed. The statement must take one of these forms:

- A Statement of Approval – The Commission, whereas in accordance with the provisions of the NCGS 160A-383, does hereby find and determine that the adoption of a Text Amendment: To amend Chapter 40 Article XII Section 40-354 Review Criteria, to update standards related to Major and Minor PUD applications, is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans. (If applicable - List any recommended restrictions or requirements)
- A Statement of Denial – Town Council deny the adoption of the following ordinance amendment based on inconsistencies with the goals and objectives of the adopted Land Use Plan and/or other long range planning documents.





## AGENDA ITEM COVERSHEET

**PREPARED BY:** Miles Murphy, Senior Planner

**DEPARTMENT:** Planning

**MEETING:** Planning and Zoning – 12 AUG 2021

**SUBJECT:** Consider a Text Amendment to Chapter 40 Article XII Section 40-354 Review Criteria, to update standards related to Major and Minor PUD applications

### BACKGROUND:

Staff was directed to address issues involving PUDs with nonconforming structures and incomplete site plans being submitted for Major and Minor PUDs. This language would eliminate the option to have a PUD without making all structures conforming and reiterate the site plan requirements for PUDs, as set forth in Article XIII.

### ACTION REQUESTED:

Listen to staff presentation and vote on the proposed language

Staff recommends approval of the Text Amendment

### RECOMMENDED MOTION:

Approval - whereas in accordance with the provisions of the NCGS, the Commission does hereby find and determine that the adoption of the following ordinance amendment to Chapter 40 Article XII Section 40-354 Review Criteria, to update standards related to Major and Minor PUD applications is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans

Or - A statement approving the proposed amendment and declaring that this also amends the plan, along with an explanation of the change in conditions to meet the development needs of the community that were taken into account in the zoning amendment.

Denial - based on inconsistencies with the goals and objectives of the adopted Land Use Plan and/or other long-range planning documents.



## Planned Unit Developments



**ORDINANCE NO \_\_\_\_\_**

### **Amend Chapter 40 Zoning Article XII, Sec. 40-354 Review Criteria**

Sec. 40-354. – Review Criteria

(14) Any lot which has an existing nonconforming structure shall not be permitted to add an additional primary structure as a part of a Major or Minor PUD, unless the nonconforming structure is fully brought up to current code.

(15) In addition to all regulations and requirements set forth in Article XII, all Major and Minor PUD applications must submit a site plan which meets the standards set forth in Article XIII, Sec. 40-394, Site Plan

Adopted this 14th day of September, 2021.

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LeAnn Pierce, Mayor

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

Kimberly Ward, Town Clerk