



Text Amendment: Chapter 40 PUD Regulations Update

AUGUST 12TH, 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.