



Text Amendment: Residential PUDs and Multi-Family

October 8th, 2020
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Background

- *State Statute changes from 153/160A to 160D for Zoning*
- *Many, many changes required in local ordinances*
- *Conditional Use Permits are no longer permitted*
- *Transitioning to Conditional Zoning on Attorney's Recommendation*
- *Reviewing Table of Permissible Uses at TC direction to reassess which uses really need additional scrutiny and where uses are permitted*
- *Many more 160D changes coming...*
- *Deal with the PUD and multifamily issue which both P&Z and TC brought to staff's attention regarding small-scale PUDs*

New Language

ARTICLE III. – Zoning District Regulations Sec. 40-72. – Table of permissible uses.

USES OF LAND	R-1	R-1B	R-2	R-3	C	MH	MF	MX	CBD	NB	HB	MB-1	T-1	I-1
Residential Uses														
Multifamily dwellings (See section 40-260) <u>Units ≤ 4</u>							P	<u>EP</u>				<u>EP</u>	<u>EP</u>	
<u>Multifamily dwellings (See section 40-260)</u> <u>Units > 4</u>							<u>C</u>	<u>C</u>				<u>C</u>	<u>C</u>	
Planned unit development, residential (See article XII of this chapter) <u>Units ≤ 4</u>	<u>EP</u>		<u>EP</u>			<u>EP</u>	<u>EP</u>	<u>EP</u>				<u>EP</u>	<u>EP</u>	<u>EP</u>
<u>Planned unit development, residential</u> <u>(See article XII of this chapter) Units > 4</u>	<u>C</u>		<u>C</u>			<u>C</u>	<u>C</u>	<u>C</u>				<u>C</u>	<u>C</u>	<u>C</u>

Staff Recommendation

- Staff recommends approval of the proposed text amendment

Amend Chapter 40, Article VIII Sec. 40-72

- (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 three 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 VIII Sec. 40-72 to allow for PUDs in the NB zoning district in the Town of Carolina Beach 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 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.
- 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.

Action

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 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.