



Work Session - Minutes Monday, September 21, 2020

COUNCIL PRESENT:

Mayor Mulhollem
Mayor Pro Tem Castleberry
Council Member Bruton (Remotely)
Council Member Jackson
Council Member Purvis
Council Member Wilson

STAFF PRESENT:

Mike Gordon, Town Administrator
Julie Maybee, Town Planner
Marcus Burrell, Town Attorney
Al Benshoff, Special Attorney (Remotely)
Kim P. Batten, Finance Officer/Town Clerk

COUNCIL ABSENT:

MEDIA PRESENT:

None

1 WELCOME/CALL TO ORDER:

- a) **Mayor Mulhollem called the meeting to order at 6:31 p.m. in the Jeffrey D. Barnes Council Chambers located at 14094 Buffalo Road, Archer Lodge, NC and declared a quorum present.**

Due to the State of NC Guidelines and to limit the spread of Coronavirus (COVID-19) Council Member Bruton and Attorney Benshoff attended remotely via Webex/Phone conferencing.

2 NEW BUSINESS:

- a) **Discussion and Consideration of Amending the Code of Ordinances, Town of Archer Lodge, NC, Chapter 30 - Zoning and Subdivisions, Articles II, III, IV and Appendices pertaining to ordinance applicability, special use permits, zoning compliance permits, site plans, design standards, and other related provisions, and Setting a Public Hearing for Monday, October 5, 2020**

Ms. Maybee thanked Staff for organizing the materials for the work session, and Attorney Benshoff, Mr. Chad Meadows, AICP, President and Founder of CodeWright Planners, LLC. for putting the revisions together.
Ms. Maybee provided a brief overview in her Staff report which appears as follows:



TOWN OF ARCHER LODGE
14094 Buffalo Road
Archer Lodge, NC 27527
Main: 919-359-9727
Fax: 919-359-3333

Mayor:
Matthew B. Mulhollem

Council Members:
Clyde B. Castleberry
Mayor Pro Tem
Teresa M. Bruton
J. Mark Jackson
James (Jim) Furvis, III
Mark B. Wilson

To: Town Council
From: Julie Maybee, Town Planner
Date: September 17, 2020
Cc: Town Administrator, Finance Officer/Town Clerk, Deputy Clerk, Town Attorney, Brough Law Firm, CodeWright Planners
Re: Agenda Item 2.a. - Proposed Revisions of Chapter 30 - Zoning & Subdivisions, Articles II, III, IV and Appendices

Background Information:

North Carolina laws have changed, or in the process of changing, that affect the development of land in Archer Lodge, NC. As referenced at the Council's recent budget retreat and at subsequent meetings, revisions to the Code of Ordinances, Town of Archer Lodge, NC, are ongoing.

As you may recall, Chad Meadows provided an overview of the proposed commercial building design standards at the Council's September 8, 2020 meeting; and the provisions are provided in the context of the ordinance draft at the link below.

Also, on Thursday, September 10, 2020, Kim Batten, Town Clerk, sent an email to the Town Council Members and Hewett Law Group that included a memorandum, for your review, which was addressed to the Planning Board from Julie Maybee, Town Planner; Al Benshoff, The Brough Law Firm; and Chad Meadows, CodeWright Planners; pertaining to proposed ordinance revisions addressing: applicability, special use permits, zoning compliance permits, site plans, design standards, and other related provisions. The memorandum may be viewed at the link below for convenience:

<https://townofarcherlodge.civicweb.net/document/13429/2020%2009%20ZONING%20ORDINANCE%20AMENDMENTS%20FOR%20PLAN%20BOARD.pdf?handle=5AA9851A82CC48049896260CBBF>

As proposed, the revisions will follow guiding land use principals referenced in the *Town of Archer Lodge 2030 Comprehensive Land Use Plan* and other adopted plans having bearing on the matter. "Archer Lodge's vision for future land development is to encourage a compatible mix of uses which preserves the Town of Archer Lodge's small-town character while respecting its historic features." (*Town of Archer Lodge 2030 Comprehensive Land Use Plan*)

A PowerPoint overview of the draft revisions will be presented at the upcoming Town Council Work Session on Monday, September 21, 2020.

Planning Board Recommendation:

On September 16, 2020, the Planning Board deliberated, made consistency statement findings¹ and recommended approval of proposed amendments.

Town Council Requested Action:

Staff respectfully requests that the Town Council:

- (1) provide input on the proposed provisions, and
- (2) set a public hearing date at an upcoming regular Town Council meeting on Monday, October 5, 2020.

¹ Planning Board consistency statement findings/comments will be presented at the public hearing.

Attorney Benshoff provided the following PowerPoint presentation of the proposed Zoning Ordinance Amendments and appears as follows:



ZONING ORDINANCE AMENDMENTS

Town Council Work Session
9-21-20



Overview of Task 3

Slide 2

- 3a. Update procedural requirements
- 3b. Update subdivision standards, add model covenants; update Water Supply Watershed Protection ordinance
- 3c. Update design standards.
- Page Numbers (Memo Page Numbers)

Task 3a. Procedures

Slide 3

Section #	NAME
30-89	Applicability
30-90	Special Uses
Art. III	Div. 1. Intro, Gen'l Requirements. Sections 30-163, -164, - 165, Address staff comments on draft
	Div. 2. Zoning Compliance Permit Procedure
	Div. 3. Site Plan Procedure
Appendices	30-A3 List of Recommended Plants
	30-A5 Info Required w/ Applications
	30-A6 Infor Required on Lighting Plans

Slide 4

- A. No more “Conditional Uses” per General Assembly
- B. ALWAYS QUADI-JUDICIAL. Procedures in Chapter 2, Art. II, Div. 2 and 4
- C. Town Council holds public hearing. Like a trial in that witnesses are sworn in , cross examinations, motions, standing, etc.
- D. If there is Planning Board review, Council may not base its’ decision on Planning Board recommendation.

Public hearing procedure § 30-90(d)(3)

Slide 5

- ☐ “At a Special Meeting Town Council may view the premises”.
- ☐ Strongly recommended that Council visits should be an advertised meeting.
- ☐ Other contacts and visits should be disclosed before public hearing.

30-90 (d)(4) Conditions (P. 7)

Slide 6

Standards that applicant must meet (Bottom of page 7)

- a. Meets Ordinance
- b. Access
- c. Parking and Loading
- d. Utilities and public safety adequate
- e. Site arrangement harmonizes with neighbors
- f. Complies with Comp. Plan
- g. Reduce or minimize any potentially injurious effect on adjoining properties, neighborhood character, community health, safety and welfare

30-90 Special Uses

Slide 7

- ☐ Should be used sparingly – only for most important land uses
- ☐ Town Council must find facts showing how applicant meets ALL conditions
- ☐ Town Council must make conclusions of law
- ☐ Council’s order recorded at Deed Registry – runs with land
- ☐ Appeal to Superior Court

Art. III Zoning compliance permits (ZCP) & Site Plans

Slide 8

- Site plan is a plan of a single parcel, group of buildings or a combination of buildings and parcels
- Site Plans and Subdivisions are the two ways developments are reviewed, approved
- Div. 1. General Requirements. §§ (sections) 30-163 through 30-165. Pages 8 – 9).

Div. 2. Zoning Compliance Permit (ZCP) Procedures

Slide 9

- ZCP Procedures. Required for all developments unless a site plan required. Approval by Zoning Administrator (ZA). §§ (sections) 30-166 through 30-172. (Pages 9-12)
- Sketch Plans defined at 30-166 (c)(1) and (2) [P. 9-10]

Div. 3. Site Plan Procedures §§ 30-173 through 30-178. (P. 12-14)

Slide 10

- Standards are in next Article. Application requirements in § 30 A-5
- Reviewed by ZA and a “committee” of interested persons and agencies. EX ZA and Johnston County utilities.
- Approved by ZA, UNLESS site plan accompanies another application. EX. Site Plan + Special Use, then approved by Town Council.
- Time limit: Two years. (Option to make shorter)
- Appeals from ZA to Board of Adjustment. Appeals from Town Council to Superior Court. 30 days for both.
- ZA Modifications permitted – to be defined by Council. Cannot be uses or densities.

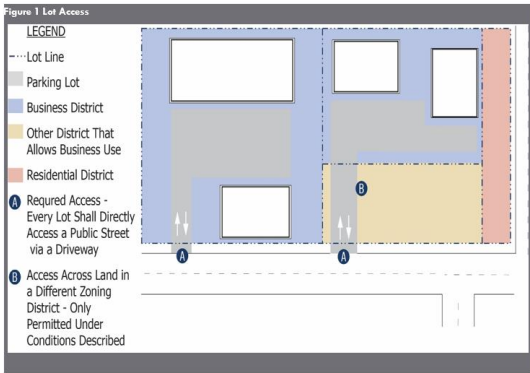
Art. IV. Design Standards §§ 30-194 through 30-210. (P. 14-86)

Slide 11

- §§ 30-194 through 30-198 are amended versions of current code.
- NEW § 30-199 Site Access and on-site circulation.
- Access through property in SAME zoning district except part of same development or only choice.

§30-199 Lot Access (P. 15)

Slide 12



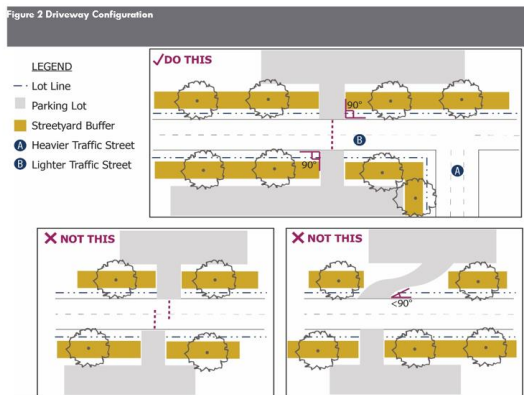
Driveways

Slide 13

- ACCESS to PUBLIC STREETS REQUIRED
 - NC DOT maintained streets
 - HOA maintained streets
 - “Private” streets open to public
- DRIVEWAYS
 - Paired or same lot – 20’ apart.
 - All others 50’ apart

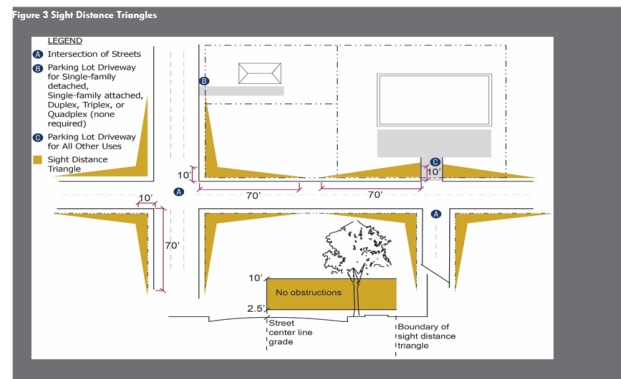
§30-199 Driveway Configurations (P. 17)

Slide 14

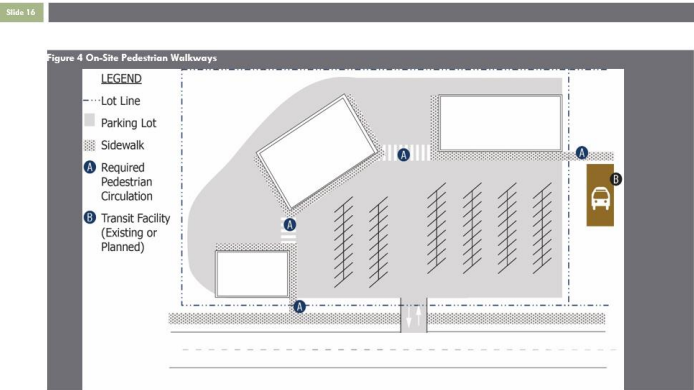


§30-199 Driveways, Site Distances (P. 18)

Slide 15



§30-199 Sidewalks (P. 20)

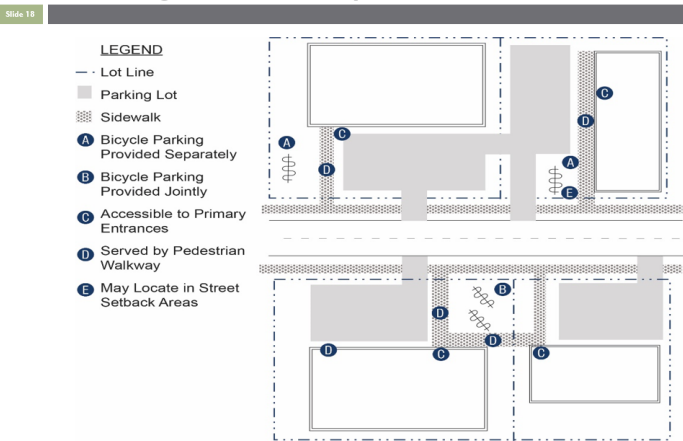


NEW §30-200 Off-street parking and loading. New Table (P. 23)

Slide 17

Table of Minimum Off-Street Parking Requirements	
Use Type	Minimum Number of Off-Street Parking Spaces
Residential Uses	
Assisted Living Facility	1 per employee on the largest shift + 0.25 per bed
Boarding/Rooming House	2 + 1 per each rental room
Continuing Care Retirement Community	1.5 per every individual dwelling unit + 1 per every employee on the largest shift + per every 200 sf used by the public
Duplex Dwelling	2 per every dwelling unit
Dormitory (for students or workers)	1 per employee on largest shift + 0.25 per bed
Family Care Home	2 + 1 per bedroom

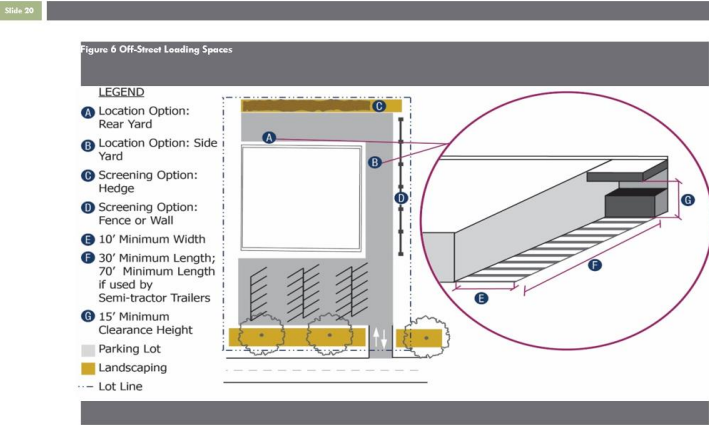
NEW §30-200 Off-street parking and loading. New Bicycles (P. 27)



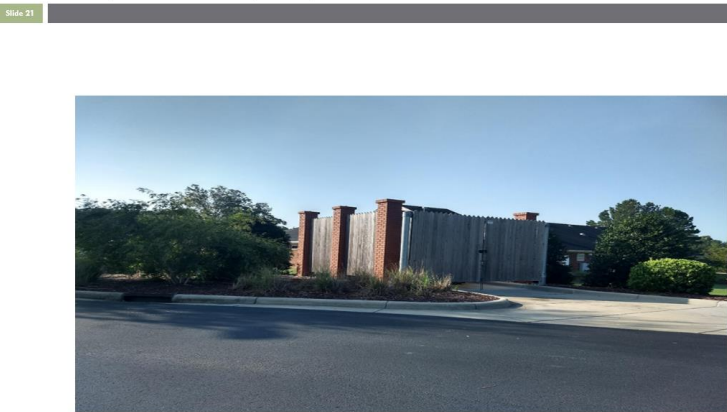
NEW §30-200 Off-street parking and loading. Other.

- Slide 19
- Maximum parking allowed is 150% of minimum.
 - Remote parking.
 - Shared parking.
 - Off-street loading.
 - Rule of reason ZA has flexibility to make site solutions.

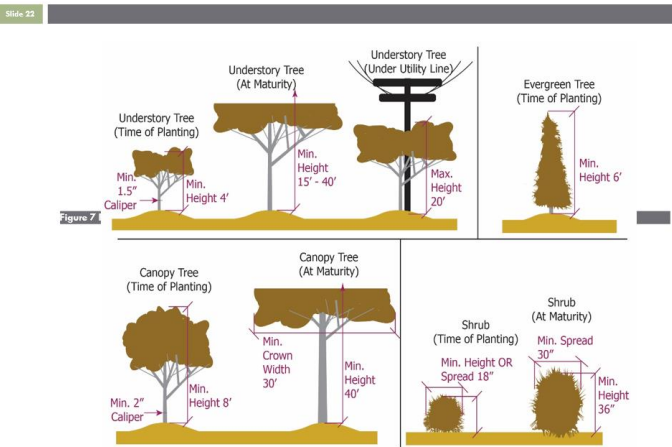
NEW §30-200 (h) Off-street loading. (P.32/74)



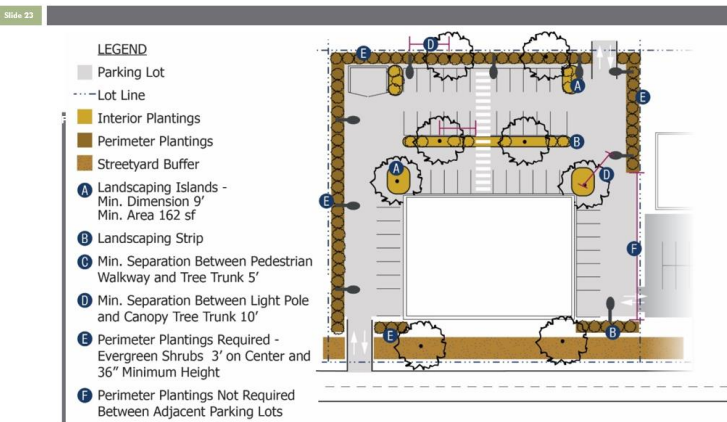
§30-204 – Collection of solid waste and recyclables (P. 34)



NEW § 30-205 Landscaping (P. 35)



NEW § 30-205(i) Parking lot landscaping. (P. 42)



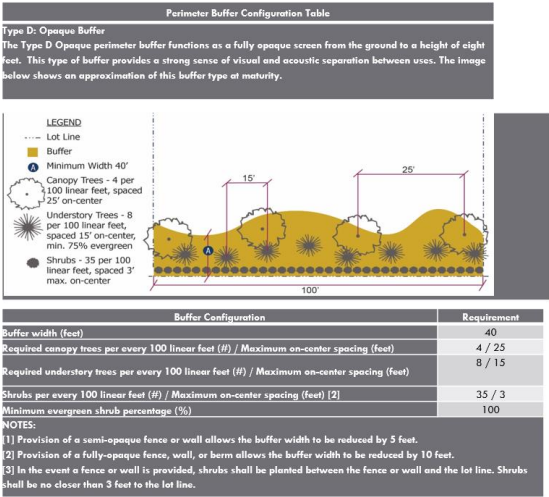
NEW § 30-205(k) Perimeter buffers (P. 44)

- (3) Buffers distinguished. The Perimeter Buffer Configuration Table, establishes the standards for four perimeter buffers, including the minimum requirements for each of the following buffer types:
- a. Type A, Separation Buffer;
 - b. Type B, Intermittent Buffer;
 - c. Type C, Semi-Opaque Buffer; and
 - d. Type D, Opaque Buffer.

Perimeter Buffers, Cont.

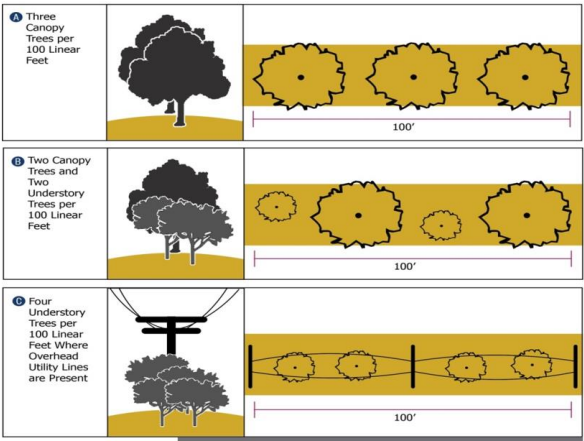
Buffer Application Table				
Zoning District of Developing Land	Zoning District of Land Adjacent to Proposed Development			
	AR, SFR-1	SFR-2, SFR-3	R-MHP, OI, NB	CB
AR, SFR-1	A	C	B	B
SFR-2, SFR-3	C	A	B	B
R-MHP, OI, NB	D	C	A	None
CB	D	D	C	None

Slide 26



§30-205 (l) Streetscape Buffers (P. 50)

Slide 27



§30-205 Misc.

Slide 28

- (n) Planting flexibility
- Credit for existing plants
- Alternative plans.
- NEW Appendix of recommended species

Slide 29

30-206 Outdoor lighting (P. 54)

New appendix §30-A6 Info Required on Lighting Plans - Page 100

§30-209 Commercial design standards

Slide 30

- Planning Board has already reviewed this section.
- Pages 55-71

New §30-210 Multi-family design standards. (P. 71)

Slide 31

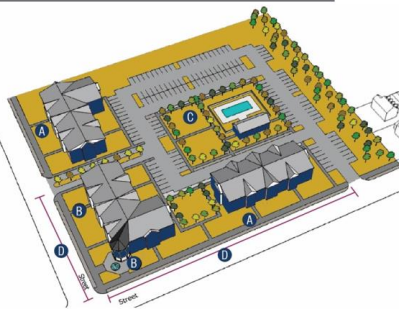
- Applies to new multi-family, triplex, quadruplex dwellings and
- New multi family dwellings in a continuing care retirement community
- New assisted living and nursing homes

New §30-210 Multi-family design standards. (e)(2) Orientation (P. 72)

Slide 32

Figure 20 Multi-Family Building Orientation

- LEGEND
- A Buildings Abutting Streets Oriented Parallel to Street
 - B Corner Lot Building's Longer Axis Parallel to Longest Lot Frontage
 - C Buildings Clustered to Define Open Space Areas
 - D Vehicular Entrance Min. 100' Separation from Intersection



New §30-210 Multi-family design standards. (f)(2) Building facades (P. 74)

Slide 33

- LEGEND
- A Covered Porch or Terrace
 - B Dormer Windows or Cupolas
 - C Eyebrow Windows
 - D Awnings or Overhangs
 - E Decorative Moldings
 - F Shutters
 - G Pillars, Posts, or Pilasters
 - H Bay Window(s) (Min. 12" Projection)
 - I Windows With Minimum 4" Wide Trim
 - J Corniced Parapets
 - K Eaves With Min. 4" Wide Trim
 - L Integral Planters or Seating Areas



New §30-210 (f)(3) Building massing (P. 75)

Slide 34

- LEGEND
- A Upper Story Facade May Only Project Beyond Ground Floor Footprint With Window Bump-Outs
- Two Story Building Options:
- B Second Story In Line With Facade of First Story
 - C Second Story Setback from First Story Facade
- Three or More Story Buildings:
- D Upper Story Facades Setback from Second or First Floor Facades



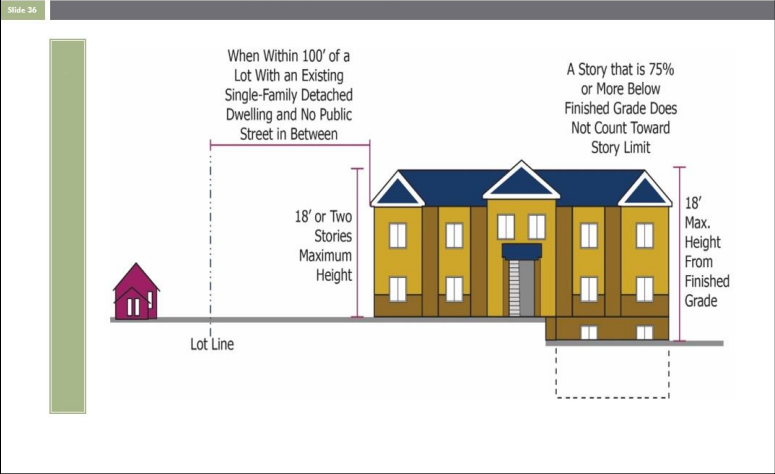
New §30-210 Multi-family design standards. (f)(4) Articulation (P. 76)

Slide 35

- LEGEND
- A Primary Facade
 - B Minimum 2' Articulation Every 35 Linear Feet
 - C Projections Extend to Top of Highest Story
 - D Not a Projection Because Does Not Extend to Highest Story



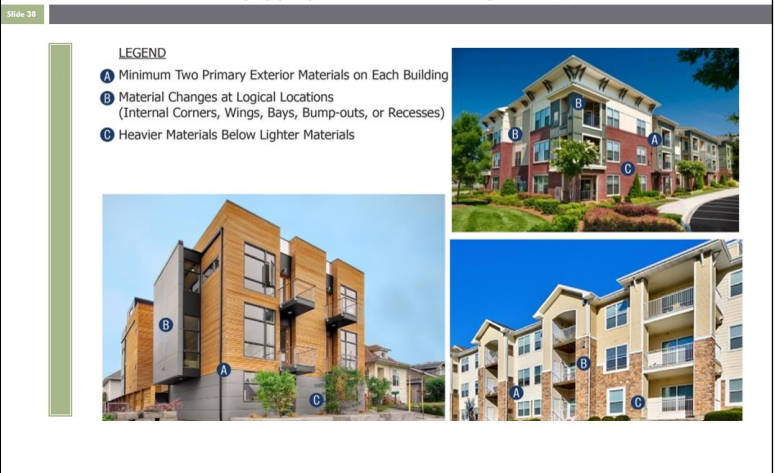
New §30-210 Multi-family design standards. (f)(5) Height (P. 76)



New §30-210 Multi-family design standards. More

- Slide 37
- ☐ Pitched roofs
 - ☐ Prohibited materials (P. 78)
 - ☐ Street network (P. 72)
 - ☐ Accessory structures (P. 73)
 - ☐ Site Features (P. 73)
 - ☐ Entrances (P. 74)

New §30-210 Multi-family design standards. (f)(7) Materials (P. 77)



Other

- Slide 39
- ☐ §30-421. Sedimentation, erosion control and stormwater management. Applies the site plan section on these topics to subdivisions (P. 87)
 - ☐ §30-208 Transportation Impact Analysis. Applies the subdivision TIA standards to site planned developments. (P. 55)
 - ☐ Definitions.
 - ☐ Appendices

Discussion

Slide 40



Points of Discussion:

- Sections with the following acronyms with their meaning appear below:
 - ZCP** - Zoning Compliance Permits
 - ZA** - Zoning Administrator (aka: Town Planner in Archer Lodge)
 - §** - refers to Subsection in General Statutes
- This final text amendment is to update the code of ordinances making them usable while a new Unified Development Ordinance (UDO) is being prepared that will meet the requirements of the new General Statute Chapter 160D, with a deadline of July 1, 2021.
- The Water Supply Watershed Protection District is now being reviewed by the NC Department of Environmental Quality, so the ordinance is forthcoming.
- Rewrote procedures for Special Use Permits and General Statutes.
- Rewrote procedures for Zoning Compliance Permits for clarity.
- Site Plan procedures are almost entirely new.
- Appendix on information to be submitted with application is entirely new.
- The Standards that an applicant must meet were brought over from the current ordinance.
- Suggested that *"Section 30-90 (d)(4) Other conditions to be met"* be removed in the next draft due to being repetitive.
- Recommended changing Section 30-90 (d)(4)(d) to read as follows: *"Utilities and public safety will be adequate to handle the proposed use."* Remove schools and other necessary public facilities.
- The duration of a site plan approval before any building begins cannot be less than one year by the General Statutes, but the length of time is up to the Town Council's discretion.
- The terms *Special Use Approval* and *Special Use Permits* are used interchangeably and suggested that before a Public Hearing, the terms be made the same throughout the ordinance.

Ms. Maybee shared the following:

- The importance of having standards in place is to protect the community and preserve the character of the Town.
- Noted that in the future an ordinance can be tweaked if needed.
- Have received good feedback from the Planning Board and Town Council regarding the proposed amendments.
- The Watershed Protection Provisions is currently being reviewed by the State and will be discussed tentatively at the upcoming November Town Council and Planning Board Joint Meeting.
- Census information projected a growth rate of over 20% in Johnston County within next 10 years and will continually increase thereafter.
- As mentioned in the Staff Report, the Planning Board recommended approval of Findings and Facts as written.

Mayor Mulhollem opened the floor for discussion with the following comments being noted:

- The PowerPoint presentation was simplistic, but the **DRAFT** ordinance is a complex document, not easy to read, and lengthy for the public to understand.
- Mr. Gordon hoped that the public would contact Staff in advance with any questions or concerns.
- Attorney Burrell noted that the design standards should be in-depth due to developers requesting special use permits that could potentially result in holding a Quasi-Judicial Hearing for Town Council.

Ms. Maybee added additional comments for clarification:

- The amendments to the current ordinances are in preparation to comply with the new Chapter 160D of the NC General Statutes with a deadline of July 1, 2021.
- An item that is forthcoming will be a Unified Development Ordinance (UDO) that Town Attorneys, Staff, Town Council, and Planning Board will bring up to current standards.
- Once Chapter 160D has been implemented, the next plan for the Town will be updating the Comprehensive Development Plan, that will be due within a year after the Chapter 160D is implemented.

Discussion followed regarding a Public Hearing. Mayor Mulhollem suggested the Board review the proposed ordinance. Mr. Gordon asked Council to contact Staff with any questions or concerns prior to the Public Hearing.

Town Council agreed to set a Public Hearing on Monday, October 5, 2020 for Amending the Code of Ordinances in the Town Archer Lodge, NC , Chapter 30, Articles II, III, IV and Appendices.

3 ADJOURNMENT:

- a) **Having no further business, Mayor Mulhollem adjourned the meeting at 7:46 pm.**
-



Matthew B. Mulhollem, Mayor



Kim P. Batten, Town Clerk

