



**Regular Council Meeting &
Public Hearing Minutes on Amending the Code
of Ordinances, Town of Archer Lodge, NC
in accordance with State Law as referenced
below:**

***Chapter 30. Zoning and Subdivisions, Article II. Zoning,
Division 3. Overlaying Zoning Districts, Section 30-131. -
Water Supply Watershed Protection Overlay District
(WSWOD), (e) Definitions***

Monday, May 3, 2021

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
Kim P. Batten, Finance Officer/Town Clerk

COUNCIL ABSENT:

GUEST PRESENT:

Chad Meadows, CodeWright Planners, LLC

1. WELCOME/CALL TO ORDER:

a) Invocation

Mayor Mulhollem called the meeting to order at 6:33 p.m. in the Jeffrey D. Barnes Council Chambers located at 14094 Buffalo Road, Archer Lodge, NC and declared a quorum present. Council Member Jackson offered the invocation.

b) Pledge of Allegiance

Mayor Mulhollem led in the Pledge of Allegiance to the US Flag.

2. APPROVAL OF AGENDA:

a) No additions or changes noted.

Moved by: Council Member Wilson
Seconded by: Mayor Pro Tem Castleberry

Approved Agenda.

CARRIED UNANIMOUSLY

3. OPEN FORUM/PUBLIC COMMENTS:

(Maximum of 30 minutes allowed; three minutes per person)

a) No Public Comments.

4. **PRESENTATION:**

a) **Presentation of Unified Development Ordinance, Town of Archer Lodge ~ Chad Meadows, CodeWright Planners, LLC**

Mr. Meadows shared an informational presentation for reviewing the Unified Development Ordinance and appears as follows:



UNIFIED DEVELOPMENT ORDINANCE

 Town Council Presentation 5-3-21

Overview

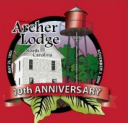
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- ☐ Project Background
- ☐ Document Overview
- ☐ Key Changes
- ☐ Next Steps

Town of
ARCHER LODGE

UNIFIED DEVELOPMENT ORDINANCE
(formerly Town Code Chapter 30 – Zoning and Subdivisions)

Adoption Draft – May 1, 2021



Project Background

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Description	☐ Overhaul of development regulations into a Unified Development Ordinance
Objectives	☐ Compliance with Changing Law
	☐ Increase User-Friendliness
	☐ Ease Administration
	☐ Increase Predictability
	☐ Protect Property Values
	☐ Preserve Community Character

Document Overview

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Article
Structure

- 1. General Provisions
- 2. Authorities
- 3. Procedures
- 4. Zoning Districts
- 5. Use Regulations
- 6. Development Standards
- 7. Subdivisions
- 8. Nonconformities
- 9. Enforcement
- 10. Measurement & Definitions

Document
Overview

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Page Layout

ARTICLE 4 - ZONING DISTRICTS
DIVISION 1 - Generally.

ARTICLE 4. - ZONING DISTRICTS

DIVISION 1. - GENERALLY.

Sec. 30-4101 - Districts distinguished.

All land within the Town's planning jurisdiction shall be in one or more of the following types of zoning districts:

- (a) All land subject to these standards shall be classified into one of the conventional or planned development zoning districts identified in the Zoning Districts Established Table.
- (b) Land in any conventional or planned development zoning district may also be classified into one or more overlay zoning districts.
- (c) In cases where land is within an overlay zoning district, the standards in the overlay district apply in addition to the standards governing development in the underlying conventional or planned development zoning district.
- (d) Land in the Town's planning jurisdiction shall be classified or reclassified into a conventional, planned development, or overlay zoning district only in accordance with the procedures and requirements set forth in this Article, Section 30-4102, Rezoning, or Section 30-4103, Planned development, as appropriate.

Sec. 30-4102 - Districts established.

The Zoning Districts Established Table listed below sets out the conventional, planned development, and overlay zoning districts established by this Ordinance. All land in the Town's planning jurisdiction shall be included in at least one of the available conventional or planned development zoning districts.

ZONING DISTRICTS ESTABLISHED			
CONVENTIONAL ZONING DISTRICTS			
APPLICABLE	DISTRICT NAME	APPLICABLE	DISTRICT NAME
Residential Districts		Non-Residential Districts	
AR	Agricultural Residential	OI	Office and Institutional
SFR-1	Single-Family Residential 1	NB	Neighborhood Business
SFR-2	Single-Family Residential 2	CB	Community Business
SFR-3	Single-Family Residential 3	LI	Light Industrial
R-MHP	Residential-Manufactured Home Park		
RMF	Residential Multi-Family		
PLANNED DEVELOPMENT DISTRICTS			
APPLICABLE	DISTRICT NAME	APPLICABLE	DISTRICT NAME
PD	Planned Development (1)	WSW	Water Supply Watershed

NOTES:
(1) Planned Development districts are applied to individual lots or developments, each with its own unique planned development district designator.

Sec. 30-4103 - Generally applicable dimensional standards.

- (a) Developments of multiple buildings or structures.

TOWN OF ARCHER LODGE
Unified Development Ordinance

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ADOPTION DRAFT
May 1, 2021

Key
Changes

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Article 3:
Procedures

APPLICATION SUMMARY TABLE

Review Authority Actions: C = Comment; R= Recommendation; D = Decision; A = Appeal; M = Mandatory
Type of Review: []=Public Meeting; / []=Legislative Hearing; ()=Quasi-Judicial Hearing

APPLICATION TYPE	UDO SECTION NUMBER	PRE-APPLICATION	REVIEW AUTHORITY /2/						
			TOWN PLANNING	TECH. REVIEW COMMITTEE	PLANNING BOARD	BOARD OF ADJUSTMENT	TOWN COUNCIL	SUPERIOR COURT	
Administrative Adjustment	30-3301	M	D	•	•	{A}	•	•	
Appeal	30-3302	N/A	•	•	•	{D}	•	•	A
Building Permit /3/	30-3303	N/A	C	•	•	•	•	•	
Certificate of Occupancy /3/	30-3304	N/A	D	•	•	•	•	•	
Comprehensive Plan	330-3305	M	C	C	{R}	•	D	•	
Determination and Interpretation	30-3306	O	R	•	•	{D}	•	•	
Development Agreement	30-3307	M	C	•	{R}	•	/D\	A	
Exempt Subdivision	30-3308	N/A	D	•	•	{A}	•	•	
Expedited Subdivision	30-3309	N/A	D	/4/	•	{A}	•	•	A
Final Plat	30-3310	N/A	D	•	•	•	•	•	A
Floodplain Development Permit	30-3311	N/A	D	•	•	{A}	•	•	
Major Subdivision	30-3312	O	R	/4/	•	•	D	•	
Minor Subdivision	30-3313	O	D	/4/	•	{A}	•	•	
Planned Development	30-3314	M	C	/4/	{R}	•	/D\	A	
Reasonable Accommodation	30-3315		C	C			{D}		
Rezoning	30-3316	O	C	•	{R}	•	/D\	A	
Site Plan	30-3317	M	C	R	{R}	•	/D\	A	
Special Use Permit	30-3318	M	C	R	{R}	•	{D}	A	
Temporary Use Permit	30-3319	N/A	D	•	•	{A}	•	•	
Text Amendment	30-3320	O	C	•	{R}	•	/D\	A	
Variance	30-3321	M	C	•	•	{D}	•	•	A
Vested Rights Certificate	30-3322	O	R	/4/	•	•	/D\	A	
Zoning Compliance Permit	30-3323	N/A	D	•	•	{A}	•	•	

Key Changes

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Article 4: Zoning Districts

Sec. 30-4206 - Residential multi-family district (RMF).

(a) District intent

The Residential Multi-Family (RMF) district is established to accommodate a wide range of residential and institutional use types at medium densities. The district allows a wide range of housing types, including single-family detached homes, duplexes, townhouses, and multi-family development (apartments), but manufactured housing is not permitted. The district also allows a wide variety of institutional uses, including community centers, day care, schools, assisted living, churches, parks, and utilities. Lots served by public sewer may have reduced minimum lot sizes. District regulations are intended to support the Town's investment in infrastructure by encouraging the development of compact, vibrant neighborhoods with a variety of house sizes and types that are located in close proximity to complementary institutional uses. Multi-family development is typically more dense than its immediate surroundings, and can also serve as an effective transition between single-family detached development and adjacent commercial or employment uses. Buildings in the RMF district tend to have shared site access, shared building access, common site features (like recreation space) owned in common, and centralized service functions.

(b) Typical development



(c) Dimensional standards [1]

Requirement	SF Detached	Duplex	Townhouse	Multi-Family	All Other Uses
Max. Density (units/ac)	3.0 [2]	2.0 [2]	4.0 [3]	5.0 [4]	N/A
Min. Lot Area (sf) [5]	14,520 [6]	43,560 [7]	87,120 [8]	130,560 [8]	43,560
Min. Lot Width (ft)	125	150	175 [9]	200 [9]	150
Max. % Impervious Surface [10]	50	50	55 [9]	60 [9]	40
Min. Street Setback (ft)					
From Arterial/Collector	70	70	70	70	70
From Local Outside Subdivision	50	50	50	50	50
From Local Inside Subdivision	25 [11]	25 [11]	25 [11]	25 [11]	25 [11]
Min. Access Easement Setback (ft)	15	15	N/A	N/A	N/A
Min. Side Lot Line Setback (ft)	10 [12]	10 [12]	20	20	10
Min. Rear Lot Line Setback (ft)	10 [12]	10 [12]	20	20	10
Min. Perimeter Setback (ft)	N/A	N/A	20	20	20
Min. Building Separation (ft)	10	10	20	20	20
Min. Accessory Structure Setback (ft)	10	10	10	10	10
Min. Open Space Set-Aside (% of total site size) [13]	15	15	20	20	N/A
Max. Building Height	40	40	40	40	40

Key Changes

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Article 4: Zoning Districts

Sec. 30-4304 - Light industrial district (LI).

(a) District intent

The Light Industrial district is established to accommodate agricultural and light manufacturing uses, including assembly, fabrication, processing, distribution, storage, and wholesales sale of finished or semi-finished products from previously prepared materials. The district also allows commercial activities intended to serve the primary businesses in the district and their employees. Uses allowed in the district do not require large amounts of land or large building areas for operation nor large yard areas for isolation or protection from adjoining premises or activities. Activities take place almost entirely indoors and result in minimal exterior movement of vehicles, materials, and goods in areas around the district. Buildings are situated so as to have minimal visual impacts, and are well-screened from adjacent lower intensity uses. Heavy industrial uses and uses with significant adverse impacts on adjoining lands, single-family detached homes, and other low-intensity uses are prohibited.

(b) Typical development



(c) Dimensional standards [1]

Requirement	Industrial and Commercial Uses	All Other Uses
Max. Density (units/ac)	N/A	N/A
Min. Lot Area (sf) [2]	87,120	43,560
Min. Lot Width (ft)	200	150
Max. % Impervious Surface [3]	50	50
Min. Street Setback (ft)		
From Arterial/Collector	50	50
From Local	40	40
Min. Access Easement Setback (ft)	N/A	15
Min. Side or Rear Lot Line Setback from a Non-Residential District (ft)	20	20
Min. Side or Rear Lot Line Setback from a Residential District (ft)	40	40
Min. Perimeter Setback (ft)		40
Min. Building Separation (ft)	20	10
Max. Building Height	40	40

NOTES:

[1] "sf" = square feet; "ft" = linear feet.

[2] Johnston County Public Health may require a larger minimum lot area based on soil conditions.

[3] Development in a water supply watershed shall be subject to the built-upon limits in Sec. 30-4502.

Key Changes

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Article 5: Use Regulations

PRINCIPAL USE TABLE

Use Type	Zoning Districts										Use Standards \$30-	
	AR	SFR-1	SFR-2	SFR-3	RM HP	RMF	OI	NB	CB	LI		PD
Agricultural Use Classification												
Agri-tourism	P	*	*	*	*	*	*	*	*	*	A	5301(a)
Agriculture and Horticulture	S	*	*	*	*	*	*	*	*	P	A	5301(b)
Agriculture Support Service	S	*	*	*	*	*	*	*	*	P	A	5301(c)
Farmers Market	P	*	*	*	*	*	*	P	P	P	A	
Riding Stable	P	S	*	*	*	*	*	*	P	P	A	
Residential Use Classification												
Assisted Living Facility	S	*	*	S	*	S	P	*	*	*	A	5302(a)
Dormitory	S	*	*	*	*	*	*	*	*	*	*	
Duplex Dwelling	*	*	S	P	*	P	P	S	*	*	A	
Family Care Home	P	P	P	P	P	P	P	P	P	P	A	5302(b)
Group Home	S	S	S	S	*	S	S	*	*	*	A	5302(c)
Manufactured Dwelling, Class A (Double-wide)	P	*	*	P	P	*	*	*	*	*	A	5302(d)
Manufactured Dwelling, Class B (Single-wide)	P	*	*	S	P	*	*	*	*	*	A	5302(d)
Manufactured Dwelling, Class C	*	*	*	*	*	*	*	*	*	*	*	
Manufactured Home Park	*	*	*	*	P	*	*	*	*	*	*	5302(e)
Multi-Family Dwelling	*	*	*	*	*	P	P	S [2]	*	*	A	
Nursing Home	S	*	*	*	*	*	*	P	*	P	A	5302(f)
Single-Family Detached Dwelling [1]	P	P	P	P	P	P	P	P	P	P	A	
Townhouse	*	*	*	*	*	P	P	*	*	*	A	

Key Changes

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Article 5: Use Regulations

ACCESSORY USE OR STRUCTURE TYPE	COMMON ACCESSORY USE TABLE											Acc. Use STANDARDS §30-
	AR	SFR-1	SFR-2	SFR-3	RM HP	RMF	OI	NB	CB	LI	PD	
Accessory Dwelling Unit	P	P	S	S	*	P	S	*	*	*	A	5405(a)
Amateur Ham Radio	P	P	P	P	P	P	P	P	P	P	A	5405(b)
Automated Teller Machine	*	*	*	*	*	*	S	P	P	P	A	5405(c)
Child Care, Incidental	P	P	P	P	P	P	P	S	*	*	A	5405(d)
Drive Through	*	*	*	*	*	*	S	P	S	A		5405(e)
Electric Vehicle Charging Station	P	P	P	P	P	P	P	P	P	P	A	5405(f)
Family Health Care Structure	P	P	P	P	P	P	P	*	*	*	A	5405(g)
Guard House, Shelter, or Gatehouse	P	S	S	S	P	P	P	P	P	P	A	5405(h)
Home Occupation	P	P	P	P	S	P	S	*	*	*	A	5405(i)
Outdoor Dining and Seating	*	*	*	*	*	*	*	P	P	*	A	5405(j)
Outdoor Display/Sales	S	*	*	*	*	*	*	P	P	P	A	5405(k)
Outdoor Storage (as an accessory use)	*	*	*	*	*	*	*	S	P	P	A	5405(l)
Parking of Commercial Vehicles	P	S	S	S	*	*	*	P	P	P	A	5405(m)
Parking of Heavy Trucks or Trailers	*	*	*	*	*	*	*	*	P	P	A	5405(n)
Parking of Recreational Vehicles	P	P	P	P	*	*	*	*	*	*	A	
Play Equipment	P	P	P	P	P	P	*	*	*	*	A	
Produce Stand	P	*	*	*	*	*	P	P	*	*	A	5405(o)
Solar Energy System (small scale)	P	P	P	P	P	P	P	P	P	P	A	5405(p)
Stable (horses)	P	P	P	P	*	*	*	*	*	*	A	5405(q)
Storage of Unlicensed or Inoperable Vehicles or Trailers	P	P	P	P	P	*	*	*	*	*	A	5405(r)
Swimming Pool/Hot Tub	P	P	P	P	P	P	*	*	*	*	A	5405(s)
Tool/Storage Shed	P	P	P	P	*	*	*	P	*	P	A	
Underground Storage Tank	P	*	*	*	*	*	*	P	P	P	A	5405(t)

Key Changes

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Article 6: Development Standards

(divisions marked in red have been revised)

- Div. 1: Access and Circulation
- Div. 2: Design Standards
- Div. 3: Exterior Lighting
- Div 4: Fences and Walls
- Div 5: Landscaping and Screening
- Div 6: Open Space Set-Aside
- Div. 7: Off-Street Parking and Loading
- Div. 8: Signage

Key Changes

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Article 7: Subdivisions

(divisions marked in red have been revised)

- Div. 1: Introductory Provisions
- Div. 2: Subdivision Design Standards
- Div. 3: Streets and Sidewalks
- Div 4: Open Space
- Div 5: Utilities and Infrastructure
- Div 6: Performance Guarantees
- Div. 7: Owners' Associations

Key Changes

Article 10: Measurement & Definitions

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ARTICLE 10 - MEASUREMENT & DEFINITIONS

DIVISION 10 - Rules of Measurement

DIVISION 1 - RULES OF MEASUREMENT

Sec. 30-10001 - Purpose

The purpose of this section is to clarify the rules of measurement and exemptions that apply to all principal and accessory uses allowed in this Ordinance. These standards may be modified by other applicable sections of this Ordinance.

Sec. 30-10002 - Measurement Generally

(a) *Straight lines.* Unless otherwise stated in this Ordinance, distances specified in this Ordinance are to be measured as the length of an imaginary straight line joining two points.

(b) *Rounding.* Unless otherwise provided in this section or elsewhere in this Ordinance, numerical operations that result in fractions shall be rounded upwards or downwards in accordance with this section.

(1) *Density.* When the determination of the number of dwelling units permitted on a lot results in a fraction of a dwelling unit, any fractional component shall be disregarded and rounded down to the nearest whole number.

(2) *All other instances.* All calculations that result in a fractional unit or part of a whole number, a fraction of one foot or more shall be rounded up to the next highest whole unit and a fraction of less than one-half shall be disregarded.

(3) *Irregular shapes.* In cases where an irregular shape complicates the application of these standards, the Town Planner shall determine the applicable dimensional setback, or bulk standards in accordance with the standards in this section and Section 30-5500, Determination and Interpretation.

(c) *Separation.*

(1) *Lot to lot.* When the provisions of this Ordinance require separation between two or more lots, or a lot and another feature, separation shall be measured by drawing straight lines from the nearest point of one lot line to the nearest point of the lot line subject to the separation requirement (see Figure 29: Separation).

(2) *Use type to use type.* When the provisions of this Ordinance require one use type to be separated from another use type, separation shall be measured by drawing straight lines from the nearest point of the wall of one existing or proposed principal structure to the nearest point of the wall of another existing or proposed structure subject to the separation requirement.

FIGURE 29: SEPARATION

LEGEND

- Lot to Lot Separation
- Use Type to Use Type Separation
- Lot Line

TOWN OF ARCHER LODGE
Ordinance Development Ordinance

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ADOPTION DRAFT
May 1, 2021

ARTICLE 10 - MEASUREMENT & DEFINITIONS

DIVISION 10 - Rules of Measurement

(d) *Abutting versus adjacent.*

(1) *Abutting.* The term abutting describes a condition where two or more features (a lot line, building, driveway, etc.) are immediately beside or next to one another either on the same lot or on different lots sharing a common lot line.

(2) *Adjacent.* The term adjacent describes a condition where two or more similar features (a lot line, building, use type, structure, site feature, etc.) are proximate to one another, but are separated by some form of intervening feature, such as a street, alley, water feature, railroad, lot or property under separate ownership, or natural feature of sufficient size as to prevent direct site visibility or impede the movement of sound from one feature to another.

Sec. 30-10003 - Lot Dimensions

(a) *Lot measurements.*

(1) *Acreage.* The total number or gross number of acres on a tract or site.

(2) *Lot depth.* The dimension measured from the front of the lot to the extreme rear line of the lot. In cases of irregularly shaped lots, the mean depth shall be taken (see Figure 30: Lot Measurements).

(3) *Lot width.* The width of a lot is measured at right angles to its depth at the edge of the street setback or at a proposed building setback line, whichever is further from the street right-of-way.

(4) *Minimum lot area.* The minimum amount of required land area, measured horizontally, that must be included within the lines of a lot. Lands located within any private easements shall be included within the lot area.

(5) *Street frontage.* The length of the lot line of a single lot abutting a public or existing private street right-of-way.

FIGURE 30: LOT MEASUREMENTS

LEGEND

- Lot Line
- Included in Lot Area
- Street Setback
- Lot Width
- Street Address Number
- Public or Private Street
- Access Easement (Private)
- Private Easement (Included in Lot Area)
- Lot Width - Measured at Street Setback
- Lot Width - Measured at Building Setback Line

TOWN OF ARCHER LODGE
Ordinance Development Ordinance

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ADOPTION DRAFT
May 1, 2021

Next Steps

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- Planning Board Public Meeting – Recommendation May 19, 2021
- Town Council Public Hearing – Adoption June 7, 2021
- Final Delivery June 14, 2021

Points of Interest:

- The mandate is overhauling the development regulations into a consolidated document or a UDO.
- One of the reasons for the change is for compliance for the new Chapter 160D.
- The focus was on Key Changes for Division 3 - Procedures, Division 4 - Zoning Districts, Division 5 - Use Regulations, Division 6 - Development, and Division 10 - Measurements.
- Features:
 - Selective use of color.
 - Same numbering system as current ordinance.
 - More consistent formatting.
 - Header's listing articles and divisions.
 - Footers listing page numbers and last revision dates.
 - More cross references and more prevalent use of tables.
 - Added illustrations to the document.
 - More user friendly.
 - More productive for Staff.
- New Procedures added to Application Summary Table:
 - Administrative Adjustment
 - Development Agreement

MAY 3, 2021

REGULAR COUNCIL MEETING

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- Expedited Subdivision
- Planned Development
- Reasonable Accommodation
- Temporary Use Permit
- Vested Rights Certificate
- Carried over current Zoning Districts but excluded the current Environmentally Sensitive Area Overlay Districts due to the Town adopting the Johnston County Environmental Health stormwater requirements for Water Supply Watershed Protection Overlay District (WSWOD).
- Duplex Dwelling, Family Care Home, and Multi-Family Dwelling have been added to the "Use Type" in Regulations Principal Use Table.
- Recommended that the Town Council and Planning Board provide additional suggested revisions to the language at the meetings.

Mr. Meadows thanked the Town Council and Staff for their help. He commended Staff and shared that they were a pleasure to work with and always had the Town's needs at heart.

Discussion followed.

5. **PUBLIC HEARING, DISCUSSION AND POSSIBLE ACTION ITEMS:**

a) **Discussion and Consideration of Setting a Public Hearing at the Monday, June 7, 2021 Regular Town Council Meeting for Amending the *Code of Ordinances, Town of Archer Lodge, NC, Unified Development Ordinance (UDO)***

Mayor opened floor for discussion. Discussion followed.

Moved by: Council Member Purvis

Seconded by: Council Member Jackson

Set a Public Hearing for Monday, June 7, 2021 at the Regular Town Council Meeting on Amending the Code of Ordinances, Town of Archer Lodge, NC, Unified Development Ordinance (UDO).

CARRIED UNANIMOUSLY

b) **PUBLIC HEARING - Text Amendments - *Code of Ordinances, Town of Archer Lodge, NC, Chapter 30. Zoning and Subdivisions, Article II. Zoning, Division 3. Overlaying Zoning Districts, Section 30-131. - Water Supply Watershed Protection Overlay District (WSWOD), (e) Definitions***

1. **Open Public Hearing**
2. **Staff Report and Planning Board Recommendations**
3. **Comments**
4. **Close Public Hearing**
5. **Governing Body**
 - **Discussion and Consideration of the Consistency Statement**
 - **Discussion and Consideration of Amending *Code of Ordinances, Town of Archer Lodge, NC, Chapter 30. Zoning and Subdivisions, Article II. Zoning, Division 3. Overlaying Zoning Districts, Section 30-131. - Water Supply Watershed Protection Overlay District (WSWOD), (e) Definitions***

1. Mayor Mulhollem called for a motion to **Open the Public Hearing.**

2. **Staff Report and Planning Board Recommendations**

Ms. Maybee read the Staff Report where the State recommended to amend one definition, Protected Area, and Planning Board Recommendations 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) Purvis, III
Mark B. Wilson

To: Town Council

From: Julie Maybee, Town Planner

Date: April 29, 2021

Cc: Town Administrator, Finance Officer/Town Clerk, Deputy Clerk, Town Attorney, Brough Law Firm, CodeWright Planners

Re: Agenda Item 5.b. – Text Amendments to the Code of Ordinances, Archer Lodge, NC, Chapter 30. Zoning and Subdivisions, Article II. Zoning, Division 3. Overlaying Zoning Districts, Section 30-131. – Water Supply Watershed Protection Overlay District (WSWOD), Section (e) *Definitions*

Summary:

The Town is required to adopt ordinances limiting development in drinking water watersheds to protect the drinking water supply of downstream communities. These ordinances must be approved by the State. The basis of this regulation is that streams and rivers will naturally clean themselves of certain pollutants after about ten miles of flow. Thus, local governments are required to control certain types of polluting land uses and discharges within defined watershed upstream from drinking water intakes.

NC Environmental Management Commission (EMC) amended the NC Administrative Code (NCAC) in 2019 which required counties and towns to amend their Water Supply Water Ordinance (WSWO) by 2020.

Revisions to local watershed supply watershed protection ordinances and watershed maps must be submitted to the EMC or its designee for approval in accordance the NC Administrative Code 15A NCAC 02b.0623 (4) as referenced below:

"REVISIONS TO ORDINANCES AND MAPS. Revisions to local watershed supply watershed protection ordinances and watershed maps shall be submitted to the Commission or its designee for approval. The submission requirements set forth in Item (2) of this Rule shall apply to all subject revisions. In addition, revisions to ordinances shall be submitted in a format that identifies the changes adopted or being proposed, as applicable ..."

Draft revisions, complying with 2019 amendments, were submitted for review, and were tentatively approved in early November 2020 by the Water Supply Program Coordinator (designated approval authority) with the Division of Energy, Mineral, and Land Resources, NC Department of Environmental Quality.

On January 20, 2021, the Planning Board deliberated, made consistency statement findings, and recommended approval of the new water supply watershed overlay protection provisions.

On February 1, 2021, the Archer Lodge Town Council adopted Ordinance #AL-2021-02-1 that incorporated the new water supply watershed overlay protection provisions.

As required by law, the adopted ordinance was submitted to and reviewed by the Water Supply Watershed Protection Coordinator with the Division of Energy, Mineral, and Land Resources, NC Department of Environmental Quality, on February 24, 2021

Upon review, it was requested that the Town amend/replace the definition of *protected area* in Chapter 30 - Zoning and Subdivisions, Article II, Division 3, Section 30-131 - Water Supply Watershed Protection Overlay District (WSWOD), Section (e) *Definitions*. The definition to read as follows:

"*Protected area* means the area adjoining and upstream of the critical area in a WS-IV water supply in which protection measures are required. The boundary of a protected area is defined as: (a) extending either five miles in an as-the-river-runs manner upstream from and draining to the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed, whichever is nearest the normal pool elevation of the reservoir; (b) extending either 10 miles in an as-the-river-runs manner upstream from and draining to the intake located directly in the stream or river run-of-the-river or to the ridge line of the watershed, whichever is nearest the intake. In some cases, the protected area shall encompass the entire watershed; or (c) extending a different distance from the reservoir or intake as adopted by the Commission during the reclassification process pursuant to Rule .0104 of this Subchapter."

On March 17, 2021, the Planning Board deliberated on the proposed amendment referenced above (in **blue text**); and considered applicable consistency statement findings:

2030 Archer Lodge Comprehensive Land Use Plan (Plan Excerpts)

"Vision Statement: Today and into the future the Town of Archer Lodge, will be a peaceful, family oriented, active community that looks to retain our small-town, agricultural character meeting the needs of current and future residents and business."

"Mission Statement: The Town of Archer Lodge is a community that honors and embraces its rich cultural heritage and past, pursues healthy living in the present and looksfor opportunity of mold future growth into the town's core values. Archer Lodge ishome to many natural resources and open-agricultural land. With an eye toward planning future growth the Town will protect these resources."

Planning Board Recommendations – March 17, 2021. Planning Board Meeting:

Consistency Statement Findings:

The Planning Board finds that the proposed amendments to Chapter 30, Article II, Division 3, Section 30-131 – Water Supply Watershed Protection Overlay District (WSWOD), Section (e) *Definitions* are reasonable and in the public interest. The proposed revisions clarify/streamline the process/procedures pertaining to protection of natural resources/development of lands within the Town's WSIV water supply watershed protection program in accordance with NC State laws.

Furthermore, the proposed amendments are in compliance with the Town of Archer Lodge 2030 Comprehensive Land Use Plan, aka "Comprehensive Plan", vision and mission statements and other adopted Town plans having bearing on the matter.

Text Amendment Recommendation:

The Planning Board recommends approval of the proposed text amendments (see **blue text** above) pertaining to Water Supply Watershed Protection Overlay District (WSWOD), as presented, to the Code of Ordinances, Archer Lodge, NC - Chapter 30, Article II, Division 3, Section 30-131, Section (e) *Definitions*, Protected Area.

Town Council Requested Procedure/Action:

Staff respectfully requests that the Town Council:

1. Open Public Hearing
2. Staff Report and Planning Board Recommendation
3. Comments
4. Close Public Hearing
5. Town Council:
 - Discuss and Consider Consistency Statement
 - Discuss and Consider:

"An Ordinance Amending the Code of Ordinances, Town of Archer Lodge, North Carolina, Chapter 30. Zoning and Subdivisions, Article II. Zoning, Division 3. Overlaying Zoning Districts, Section 30-131. – Water Supply Watershed Protection Overlay District (WSWOD), Section (e) *Definitions*, Code of Ordinances, Archer Lodge, NC"

Draft Town Council Consistency Statement:

The Archer Lodge Town Council finds that the proposed amendments to Chapter 30, Article II, Division 3, Section 30-131 – Water Supply Watershed Protection Overlay District (WSWOD), Section (e) *Definitions* are reasonable and in the public interest. The proposed revisions clarify/streamline the process/procedures pertaining to protection of natural resources/development of lands within the Town's WSIV water supply watershed protection program in accordance with NC State laws.

Furthermore, the proposed amendments are in compliance with the Town of Archer Lodge 2030 Comprehensive Land Use Plan, aka "Comprehensive Plan", vision and mission statements and other adopted Town plans having bearing on the matter.

Draft Town Council Motion on Ordinance Adoption:

Town Council Member _____ moves to approve Ordinance# AL2021-05-1 entitled "An Ordinance Amending the Code of Ordinances, Town of Archer Lodge, North Carolina, Chapter 30. Zoning and Subdivisions, Article II. Zoning, Division 3. Overlaying Zoning Districts, Section 30-131. – Water Supply Watershed Protection Overlay District (WSWOD), Section (e) *Definitions*."

The motion was second by _____ and approved by a ____ to ____ vote.

3. Mayor Mulhollem asked if there were any **Public Comments**.
There were no public comments.

4. Mayor Mulhollem called for a motion to **Close the Public Hearing**.

5. Mayor Mulhollem opened the floor to the **Governing Body Discussion** session.

Consistency Statement

- No further discussion regarding the Consistency Statement.

Ordinance# AL2021-05-1

- No comments or concerns.

Having no further discussion, Mayor Mulhollem called for a motion to adopt the Consistency Statement as written and presented by Staff.

The Adopted Archer Lodge Town Council Consistency Statement appears as follows:

The Archer Lodge Town Council finds that the proposed amendments to Chapter 30, Article II, Division 3, Section 30-131 – Water Supply Watershed Protection Overlay District (WSWOD), Section (e) *Definitions* are reasonable and in the public interest. The proposed revisions clarify/streamline the process/procedures pertaining to protection of natural resources/development of lands within the Town's WSIV water supply watershed protection program in accordance with NC State laws.

Furthermore, the proposed amendments are in compliance with the Town of Archer Lodge 2030 Comprehensive Land Use Plan, aka "Comprehensive Plan", vision and mission statements and other adopted Town plans having bearing on the matter.

Having adopted the Consistency Statement, Mayor Mulhollem called for a motion to Adopt Ordinance# AL2021-05-1 Amending Water Supply Watershed Protection Overlay District (WSWOD) Definitions as presented by Staff.

The Adopted Ordinance# AL2021-05-1 as presented appears as follows:

ORDINANCE# AL2021-05-1

AN ORDINANCE AMENDING THE CODE OF ORDINANCES,
TOWN OF ARCHER LODGE, NORTH CAROLINA,
CHAPTER 30 - ZONING AND SUBDIVISIONS, ARTICLE II, DIVISION 3,
SECTION 30-131 - WATER SUPPLY WATERSHED
PROTECTION OVERLAY DISTRICT (WSWOD)

Section 1. Pursuant to authority granted by N.C. Gen. Stat. § 143 - 214.5, 160A - 174, 160D - 801, and 160D - 702, the Town of Archer Lodge hereby amends the Code of Ordinances, Town of Archer Lodge, North Carolina, Chapter 30 – Zoning and Subdivisions, Article II, Division 3, Section 30 - 131 – Water Supply Watershed Protection Overlay District (WSWOD), Section (e) *Definitions* as follows:

Delete the existing definition of "**Protected Area**" in its entirety and replace with the following definition:

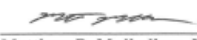
"Protected area" means the area adjoining and upstream of the critical area in a WS-IV water supply in which protection measures are required. The boundary of a protected area is defined as: (a) extending either five miles in an as-the-river-runs manner upstream from and draining to the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed, whichever is nearest the normal pool elevation of the reservoir; (b) extending either 10 miles in an as-the-river-runs manner upstream from and draining to the intake located directly in the stream or river run-of-the-river or to the ridge line of the watershed, whichever is nearest the intake. In some cases, the protected area shall encompass the entire watershed; or (c) extending a different distance from the reservoir or intake as adopted by the Commission during the reclassification process pursuant to Rule .0104 of this Subchapter.

Section 2. This ordinance shall become effective on May 3, 2021.

DULY ADOPTED, THIS THE 3RD DAY OF MAY 2021, WHILE IN REGULAR SESSION.

TOWN OF ARCHER LODGE:

(SEAL)


Matthew B. Mulhollem, Mayor



ATTEST:


Kim P. Batten, Town Clerk

Moved by: Council Member Wilson
Seconded by: Mayor Pro Tem Castleberry
Approved to Open the Public Hearing at 7:33 p.m.

CARRIED UNANIMOUSLY

Moved by: Council Member Purvis
Seconded by: Mayor Pro Tem Castleberry
Approved to Close the Public Hearing at 7:38 p.m.

CARRIED UNANIMOUSLY

Moved by: Council Member Jackson
Seconded by: Council Member Purvis
Adopted the Consistency Statement as written.

CARRIED UNANIMOUSLY

Moved by: Council Member Jackson
Seconded by: Mayor Pro Tem Castleberry
Adopted Ordinance# AL2021-05-1 Amending Water Supply Watershed Protection Overlay District (WSWOD)

CARRIED UNANIMOUSLY

c) Discussion and Consideration of Adopting a Resolution Opposing Senate Bill 349 / House Bill 401

Mayor Mulhollem opened the floor for discussion.

- Council Members suggested the following:
- Voice contact with the Elected Officials.
 - A Resolution with a signed cover letter expressing opposition be sent to them.

The Adopted Resolution# AL2021-05-03 Opposing Senate Bill 349/House Bill 401 appears as follows:

RESOLUTION# AL2021-05-03

TOWN OF ARCHER LODGE

RESOLUTION OPPOSING SENATE BILL 349 / HOUSE BILL 401

WHEREAS, the legislation proposed in SB 349/HB 401 is of great concern to the Town of Archer Lodge and other municipalities within North Carolina; and

WHEREAS, this legislation would severely inhibit and in some instances, even eliminate the ability of local government to determine what is best for its citizens or allow community input or involvement in the decision-making process; and

WHEREAS, development would become uncontrolled with little to no regard for property-owners rights, would add unnecessary stress and unneeded demand on a municipality's infrastructure, leading to declining real property values; and

WHEREAS, town officials were elected by their citizens to protect and preserve the quality of life in their municipality; and

WHEREAS, local residential zoning ordinances provide town residents with safe, secure, clean, and well-kept neighborhoods; and

WHEREAS, this legislation promotes a one-size fits all approach to land use, which is not in the best interest of the Town of Archer Lodge or its citizens; and

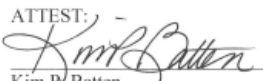
WHEREAS, having a one-size fits all approach to land use for all cities and towns under one statewide zoning mandate would eliminate the single-family zoning, effectively allowing multi-family and low-income housing in all neighborhoods throughout the State; and

WHEREAS, the Town of Archer Lodge strongly believes in the ability of each municipality to effectively regulate residential growth and provide affordable housing options for their citizens through local, individualized zoning regulations adopted by the town councils of each municipality.

NOW, THEREFORE, BE IT RESOLVED that copies of this resolution are hereby sent to our local legislative representatives and to the leadership of the North Carolina General Assembly urging each of them to vote against SB 349/HB 401 in an effort to prevent this bill from becoming law and to work together to find real ways to advance affordable housing opportunities.

DULY ADOPTED ON THIS 3RD DAY OF MAY 2021, WHILE IN REGULAR SESSION.

ATTEST: -



(SEAL)

Kim P. Batten
Town Clerk



(SEAL)

Matthew B. Mulhollem
Mayor



Moved by: Council Member Wilson
Seconded by: Council Member Purvis
Adopted Resolution# AL2021-05-03 Opposing Senate Bill 349/House Bill 401.

CARRIED UNANIMOUSLY

d) Discussion and Consideration of Setting a Public Hearing at the Monday, June 7, 2021 Regular Town Council Meeting for the Proposed Annual Budget Ordinance for FY 2021-2022

Mayor Mulhollem opened the floor for discussion. Council Member Bruton questioned when Council would actually receive the budget. Ms. Batten responded that as in years past, the proposed budget will be presented at the May Work Session and is on schedule to be presented on Monday, May 17, 2021 and Council will receive the proposed budget following the presentation.

MAY 3, 2021

REGULAR COUNCIL MEETING

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Having no further discussion, Mayor called for a motion.

Moved by: Council Member Jackson

Seconded by: Council Member Purvis

Set a Public Hearing for Monday, June 7, 2021 at the Regular Town Council Meeting on the Proposed Annual Budget Ordinance for FY2021-2022.

CARRIED UNANIMOUSLY

e) Discussion and Consideration of Council's Desire to Pursue Sewer for Economic Development in the Town of Archer Lodge

Mr. Gordon asked for a consensus of the Council Members regarding pursuing sewer possibilities for the Town. Discussion followed.

Consensus:

- Recommended meeting with some representatives with the County to discuss the possibilities.
 - Recommended that Staff continue the exploration process for sewer with an option to bridge the gap on the cost.
-

6. TOWN ATTORNEY'S REPORT:

a) Attorney Burrell shared the following:

- When reviewing the checklist of changes for the 160D, items with square symbols must comply by July 1, 2021 deadline.
 - The Proposed Ordinance is a suggestion by Chad Meadows, CodeWright Planners, LLC and is based on his experience.
 - Submit suggestions or changes to Staff and be mindful to stay in compliance with the checklist.
 - Review the Permitted Use Table closely.
 - The Proposed Final Draft Ordinance (UDO) of the 160D will be presented at the Monday, June 7, 2021 Regular Town Council Meeting, but it doesn't have to be adopted at that meeting should changes need to be made.
 - As a Reminder - both the 160D and the Annual Budget Ordinance must be adopted by June 30, 2021.
 - After the start of the new fiscal year, Town Council will need to consider adopting Rules of Procedures for the Town Council and then Appointed Boards should consider having some as well.
-

7. TOWN ADMINISTRATOR'S REPORT:

a) Mr. Gordon shared the following:

- Construction plans and permitting will be finalized within the next 60 days.
- Inquiry if Town Council wishes to have Groundbreaking Ceremony for the park. Town Council wishes to hold a Groundbreaking.
- Naming of the Park was mentioned by Council Member Bruton. Mayor Mulhollem explained that the Smith Family, prior landowners, felt it would be appropriate to name it after the Town such as Archer Lodge Town Park. He shared that he would like for the Town to consider naming something prominent in the Park after the Smith Family. Mr. Gordon ask that the naming of the Park be included on the Agenda in the near future.

Discussion followed.

8. MAYOR'S REPORT:

a) Mayor Mulhollem shared the following:

- There will be a Public Hearing regarding the Consolidation of the Archer Lodge Fire Department and the Thanksgiving Fire Department at 6:00 p.m. on Monday, May 17, 2021 at the Johnston County Courthouse, which is also the night of our Town Council Meeting.
 - Council Member Purvis informed that anyone that could not physically attend the public hearing but would like to address the Board could email their comments to Clerk to the Board of the Johnston County Commissioners prior to the public hearing.
 - Ms. Batten noted that the deadline to email the Clerk to the Board of Commissioners was Friday, May 14, 2021 by 5:00 p.m.
-
-

9. COUNCIL MEMBERS' REMARKS:

(Town-related, non-agenda items)

a) Council Member Wilson shared that TJCOG started a new program for Code Compliance, a cost share program that provides a Code Compliance person for enforcement in towns and cities and advised to contact Ms. Aleena Keegan, TJCOG Rep, if interested.

b) Council Member Jackson informed that he would not be available Monday, June 7, 2021 for the Town Council Meeting. He apologized for not be able to attend the last Town Council Meeting due to sickness.

c) Mayor Pro Tem Castleberry expressed that Johnston County is experiencing much economic development growth.

d) Council Member Purvis had no remarks.

e) Council Member Bruton had no remarks.

10. ADJOURNMENT:

a) Having no further business, Mayor Mulhollem asked for a motion to adjourn meeting.

Moved by: Mayor Pro Tem Castleberry

Seconded by: Council Member Jackson

Adjourned meeting at 8:33 p.m.

CARRIED UNANIMOUSLY

Matthew B. Mulhollem, Mayor

Kim P. Batten, Town Clerk