



Ordinance 2023-03

Ordinance to Amend the Unified Development Ordinance for the Town of St. James, North Carolina

Amend the text in Sections 4.1, 4.3, 4.4, 4.6, 7.1, 7.3, and 7.10.

WHEREAS, the Town has enacted a set of development regulations that control land development and construction within the Town's planning and development regulation jurisdiction; and

WHEREAS, in order to promote the public health, safety and general welfare and to promote the best interests of the Town and community, it is necessary from time to time for the Planning Board and Town Council to consider appropriate revisions, modifications and updates to the Town's Development Regulations; and

WHEREAS, staff have drafted language for the town's Unified Development Ordinance (UDO) to provide additional flexibility regarding the types of development proposals that may be considered in exchange for additional public input requirements via a conditional zoning application; and

WHEREAS, at their December 16, 2022 meeting the Town Planning Board recommended adoption of the proposed update of the Town's UDO to the Town Council and found that (i) it is consistent with the Town's 2007 Land Use Plan (Brunswick County Multi-jurisdictional CAMA Land Use Plan), which states "Brunswick County and its participating municipalities support provision of diversity in housing including price, style, and type (i.e., single-family/multifamily)," and, (ii) the Town of St. James Comprehensive Plan VI expresses both caution and potential for future development particularly along the NC 211 corridor, providing support for a suitable tool to manage future development proposals; and, (iii) it is in the public interest because it will advance the public health, safety, and/or welfare of the Town of St. James through balancing a customer-friendly review process with appropriate controls within the Town's planning jurisdiction in addition to providing additional clarity and compliance with state statute to the ordinance; and

WHEREAS, pursuant to N. C. General Statutes and Town ordinances, a public hearing, properly noticed, was held on March 1, 2023 where public comment was heard and considered by the Town Council regarding this issue; and

WHEREAS, the Town Council hereby finds that the proposed update of the Town's UDO is (i) it is consistent with the Town's 2007 Land Use Plan (Brunswick County Multi-jurisdictional CAMA Land Use Plan), which states "Brunswick County and its participating municipalities support provision of diversity in housing including price, style, and type (i.e., single-family/multifamily)," and, (ii) the Town of St. James Comprehensive Plan VI expresses both caution and potential for future development particularly along the NC 211 corridor, providing support for a suitable tool to manage future development proposals; and, (iii) it is in the public

interest because it will advance the public health, safety, and/or welfare of the Town of St. James through balancing a customer-friendly review process with appropriate controls within the Town's planning jurisdiction in addition to providing additional clarity and compliance with state statute to the ordinance.

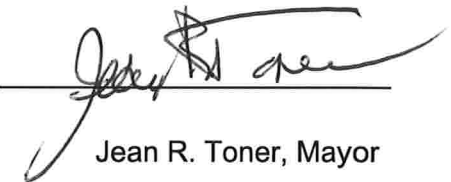
NOW, THEREFORE, BE IT ORDAINED by the Town Council of St. James that the proposed update is hereby adopted and shall become effective immediately.

Adopted this 1st day of March, 2023.

ATTEST:

Laura Williams

Laura Williams, Town Clerk



Jean R. Toner, Mayor

Conditional Zoning UDO Amendments

4.1 Common Review Procedures

4.1.3 Application Requirements

Requirements (NR= Non-residential)	Master Development Plan *	Site Plan *	Preliminary Plat	Major Final Plat	Minor Final Plat
All required open space and/or recreation areas that have been dedicated or reserved (If part of an approved conditional zoning district, refer to the approved standards for the conditional zoning district).	X	X	X	X	X

4.1.4 Public Notice and Public Hearing Requirements

Application	NOTICE REQUIRED			PUBLIC HEARING			
	Published	Mailed	Posted	Planning Board	Town Council	Board of Adjustment	Related Article
Zoning Map Amendment – Conditional Zoning District	X	X*	X	R	D		Article 4.4
Master Development Plan		X	X	D			Article 4.6

4.3 Zoning Map Amendments - All Zoning Districts (Rezoning)

4.3.4 Neighborhood Meeting

It is recommended that all applicants petitioning for a general use, PD-CD, or MR-CD rezoning hold a neighborhood meeting. After the pre-application conference, and at least 10 days prior to submitting the application, the neighborhood meeting is recommended for the following approvals:

1. Zoning Map Amendment - All General Use Zoning Districts
2. Zoning Map Amendment - MR-CD or PD-CD

Applicants seeking a rezoning to the CZ-CD district shall be required to hold a neighborhood meeting prior to submitting an application.

4.4 Zoning Map Amendments – Conditional Zoning Districts

4.4.1 General Procedure

Zoning map amendment applications for an amendment to a conditional zoning district as described in Section 7.1.2 are processed, considered, and voted upon in accordance with the procedures of Article 4.3 (Zoning Map Amendment-All Zoning Districts) except as otherwise expressly stated in this Article.

4.4.2. Pre-Application Conference

- A. All applicants seeking a zoning map amendment to a conditional district shall schedule a pre-application conference with the UDO Administrator. The UDO Administrator shall review the preliminary Concept Plan (prepared in accordance with the requirements of Article 4.4.5) for completeness and consistency with the purpose and intent of the conditional zoning district requirements.
- B. Following the pre-application conference, the UDO Administrator shall notify the applicant of any modification to the Concept Plan that may be required. The applicant will then prepare the final Concept Plan for submission to the Planning Board.

4.4.3 Neighborhood Meeting

It is recommended that all applicants seeking approval of (1) a PD/PUD or MRCD, or (2) a modification, including expansion, to an existing PD/PUD or MR-CD hold a neighborhood meeting in accordance with Article 4.3.4 (Neighborhood Meeting). An application to create or modify a CZ-CD shall require a neighborhood meeting.

4.4.4 Application Requirements

The conditional rezoning application consists of the following materials:

- A. A conditional district zoning map amendment application prepared in accordance with Article 4.1.3.
- B. The Concept Plan approved by the UDO Administrator for submission. This Concept Plan consists of a map-based presentation of proposed zoning conditions attached to the conditional district zoning map amendment application.

4.4.5 Concept Plan

For the purpose of establishing conditions to be included with the conditional zoning map amendment, applications for a zoning map amendment to a conditional zoning district must be accompanied by a Concept Plan for the entire property proposed to be included in the district. At a minimum, the Concept Plan must include the elements listed below. Additional details may be added to the Concept Plan.

- A. The location and size of the area involved.
- B. The current zoning of the surrounding properties.
- C. Location of existing waterways and other riparian areas, and other significant environmental features.
- D. General layout of transportation routes including streets, pedestrian ways, and off -street parking and loading areas.
- E. Estimated population density and extent of activities to be allocated to parts of the project.
- F. Reservations for public use including schools, parks, and other open spaces.
- G. The general means of the disposition of sanitary wastes and stormwater.
- H. A graphical indication of areas and a tabulation of these land areas to be devoted to various uses and overall densities.
- I. If a project is to be developed in phases, a general breakdown showing the various phases and the estimated schedule of construction.

4.4.6 Approval Process and Guidelines

- A. The Concept plan.

The UDO Administrator shall review the Concept Plan for consistency with the standards of Article 12 (Subdivision Standards) and other applicable standards in this Ordinance. The UDO Administrator may consult with the Technical Review Committee or other consultants. Upon finding such consistency, the UDO Administrator shall approve the Concept Plan for Submission to the Planning Board in combination with an application for a zoning map amendment.

4.4.7 Conditions

- A. Conditions may specify the location on the property of proposed uses; the number of dwelling units; the location and extent of supporting facilities such as parking lots, driveways, and access streets; design elements of the proposed use; the location and extent of buffer areas and other special purpose areas; the timing of development; the location and extent of rights-of-way and other areas to be dedicated for public purposes; the widening of streets to mitigate traffic impacts; and other such matters as the applicant may propose as conditions upon the request.
- B. Any conditions imposed in association with a conditional district and so authorized are perpetually binding upon the property included within the conditional district unless subsequently changed or amended as provided for in this Article or future modifications thereof.
- C. Specific conditions may be proposed by the petitioner or the Town or its agencies, but only those conditions approved by the Town and consented to by the petitioner in writing may be incorporated into the zoning regulations. Unless consented to by the petitioner in writing, in the exercise of the authority granted by this section, the Town may not require, enforce, or incorporate into the zoning regulations any condition or requirement not authorized by otherwise applicable law, including, without limitation, taxes, impact fees, building design elements within the scope of G.S. 160D-702(b), driveway-related improvements in excess of those allowed in G.S. 136-18(29) and G.S. 160A-307, or other unauthorized limitations on the development or use of land. Conditions and site-specific standards imposed in a conditional district shall be limited to those that address the conformance of the development and use of the site in accordance with this ordinance, plans adopted pursuant to G.S. 160D-501, or the impacts reasonably expected to be generated by the development or use of the site.

4.4.8 Procedure

The procedure for a zoning map amendment to a conditional zoning district shall be the same as set forth in Article 4.3 (Zoning Map Amendments-All Zoning Districts) in that notice and public hearings shall be in accordance with Article 4.1.4, Public Notice Requirements. Action by the Planning Board shall be in accordance with Article 4.3.8. Action by the Town Council is a legislative decision procedure in a public hearing in accordance with Article 4.3.9, including required statements of consistency and reasonableness.

4.4.9 Effect of Approval

Approval of a zoning map amendment application and accompanying Conceptual Plan has the effect of establishing the maximum density/intensity, maximum height and general location of buildings and uses of each tract, or area shown on the Conceptual Plan.

4.4.10 Amendments and Modifications

Minor modifications, such as reducing density, increasing open space, adding buffers, etc., may be approved by the Planning Board.

Any major proposed change from what is shown on the approved Concept Plan shall require an amendment of the conditional zoning district following the same procedure as that required for the original approval of the district.

4.4.11 Conditional District-Site Plans and Permits

The concept plan approvals establish the basic zoning requirements of the district. A master development plan (MDP) and subsequent site plans for the development in the conditional district must be submitted for review and approval in accordance with the site plan approval procedure of Article 4.7 of this Ordinance to enable site development and subdivision of land and construction. See Article 4.1.3 for MDP requirements.

4.6 Subdivision and Master Development Plan

7.1 Zoning Districts Established

7.1.2 Conditional Zoning Districts

- A. Typically, conditional districts are established as parallel or counterpart districts to a general use district. In such cases, references in the zoning ordinance to the general use district shall be construed to also include the counterpart conditional district. Conditional districts, like general use districts, may be layered with overlay districts.
- B. Each conditional district with a counterpart general use district is intended to accomplish the purposes of the counterpart district through the development of identified uses at a specific location in accordance with this Article. All regulations and uses which apply to a general use district also apply to the counterpart conditional district, and no use shall be allowed in the conditional district that is not allowed in its counterpart general use district.

7.3 Establishment of Zoning Districts

7.3.2 Conditional Zoning Districts

- A. MR-CD Multi-family Residential - Conditional District
- B. PUD-CD Planned Unit Development -Conditional District
- C. CZ-CD Creative Zoning - Conditional District

7.10 CZ - CD Creative Zoning Conditional District

The Creative Zoning district is intended to allow a pathway for unique projects which may not otherwise fit within the parameters of the UDO to be considered in exchange for stronger public engagement in the form of a required neighborhood meeting. Factors that must be considered include adopted plans accessible open space, recreational facilities, traffic patterns, neighborhood screening and adjoining neighborhood impacts (see Article 12 for established standards, though the applicant may request flexibility).

7.10.1 Establishment of a CZ-CD

- A. *Zoning Map Amendment.* A CZ-CD may be established as provided in Article 4.4 - Zoning Map Amendments – Conditional Zoning Districts.
- B. *Concept Plan.* See Article 4.4.5 for plan requirements.

7.10.2 Permitted Uses

The applicant shall provide a list of all uses proposed for the district, which shall be of equal descriptiveness and in the same format and description as listed in the Table of Uses by District from this Ordinance.

7.10.3 District Standards

The standards in this Article, in the approved Concept Plan, and those of any subsequent approvals govern development within a CZ-CD.

- A. *Environmentally Sensitive Areas.* The following must be left natural and undisturbed except for street crossings, utilities, and erosion control devices:
 - 1. Land within a Floodplain; and
 - 2. Wetlands, steep slopes, and other critical ecological areas.
- B. *Density.* Provisions governing the maximum residential density of the development are established by the Concept Plan.
- C. *Minimum Lot Size.* Provisions governing minimum lot size are established by the Concept Plan.
- D. *Minimum Perimeter Setback.* For portions of the development adjoining any R district, the interior setback standards of the adjoining district apply along the adjoining lot line.
- E. *Minimum Street Setbacks.* Provisions governing minimum street setbacks are established by the Concept Plan.

- F. *Commercial Areas.* Commercial areas, adjacent residential and office areas must be designed to provide pedestrian access and circulation between and within such areas.
- G. *Street Design.* Streets must be designed and located so that they are integrated into and provide continuations of the surrounding street network.

7.10.4 Review of Approval of a Conditional Zoning District

- A. *It is intended that property shall be reclassified to a conditional zoning district only in the event of firm plans to develop the property. Therefore, no sooner than three (3) years after the date of approval of the petition, the UDO Administrator may examine the progress made toward developing the property in accordance with the approved petition and any conditions attached to the approval.*
- B. *A report of the findings of the UDO Administrator may be provided for Planning Board consideration, which may then recommend that the property be rezoned to its previous zoning classification or to another district.*

4.9.5 Review of Approval of a Conditional Zoning District

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- 2. A report of the findings of the UDO Administrator may be provided for Planning Board consideration, which may then recommend that the property be rezoned to its previous zoning classification or to another district.