

Memorandum

TOWN OF SPRING HOPE ZONING AND SUBDIVISION AMENDMENTS

TO: Andrew DeIonno, Town Manager, Town of Spring Hope
FROM: Andrea Radford | Community Planning Lead, Community Planning, STEWART
RE: Text Edits to Zoning and Subdivision Ordinance
DATE: April 16, 2024

In July 2019, Chapter 160D was enacted; municipalities were given until July 1, 2021 to make conforming updates to their ordinance. The following revisions are broken down into two sections, (1) **Chapter 160D Required Changes**, and (2) **Permitted Uses/Standards/Etc.**

Chapter 160D Required Changes

- Definitions added
- Administrative Hearing
- Bed and Breakfast Home and Bed and Breakfast Inn
- Bedroom
- Bona Fide Farm
- Building
- Child/Adult Day Care Center
- Comprehensive Plan
- Conditional Zoning
- Day Care Center
- Decision Making Board
- Determination
- Developer
- Development
- Development Approval
- Development Regulation
- Dwelling
- Evidentiary Hearing
- Governing Body
- Landowner or Owner
- Legislative Decision
- Legislative Hearing
- Local Act
- Planning Board
- Planning and Development Regulation Jurisdiction
- Property
- Quasi-Judicial Decision
- Sleeping Unit
- Site Plan
- Special Use Permit

- Zoning Map Amendment or Rezoning
- Definitions updated
- Dwelling Unit
- Family Care Home
- Manufactured / Mobile Home
- Modular Home
- Special Use Permits
- Converted Conditional Use Permits to Special Use Permits to conform to state law (160D).
- Special Use Permits reviewed by Board of Adjustment.
- Vested Development Rights and Permit Choice
- Updated General Statutes references
- Updated terms of vested rights – termination is a one-year period, multi-phase developments is a period of seven years
- Special Use Districts
- Deleted special use districts
- Official Zoning Map Established
- Added language about legal copies of the zoning map.
- Conditional Uses
- Removed conditional uses
- Gender Neutral
- Removed references to him and made gender neutral
- Conflict of Interest Standards
- Added conflict-of interest standards for governing and advisory boards and staff.
- Oath of Office
- Each board member must take an oath of office before starting his, her, or their duties.
- ETJ Representation on Advisory Boards
- Simplified and clarified process for appointment
- Public Hearing Noticing Requirements
- Updated mailed, posted, and published noticing requirements
- Citizen Comments
- Removed protest petitions and changed to citizen comments which allows written statements from any resident or property to be submitted two days prior to a text or map amendment.
- Civil Penalties
- Updated the delivery of notice of violations to allow for personal and/or electronic delivery.
- Subdivision Standards
- Provided for administrative review for minor and major subdivisions.
- Subdivision standards are set during a rezoning and no further legislative or quasi-judicial review is needed as long as the uses and/or subdivision meet all applicable standards.
- If the applicant desires deviations from dimensional standards this can be achieved through the Variance process.

Additional Updates to Permitted Uses, Standards, Parking, and Signage

- Establish five planning board members, plus two alternates. Allow this to happen through resignations or expiration of terms.
- Reviewed, simplified, and clarified uses in table of permitted use table.
- Added upper story residential in the Central Business District and updated standards.
- Added the following lodging uses in the Table of Permitted Uses: Bed and breakfast homes (up to 8 rooms), hotel or motel, and short-term rentals. Hotels and motels are permitted by-right uses in the Central and General Business Districts. Bed and breakfast homes have standards are permitted by-right in the RA, R30, R15, R8, RMF, CB, and GB districts. Standards include not permitting the use to serve food to the general public, allowance of serving food to guests, the appearance of the use must be compatible with the neighborhood, must meet all applicable local and State health and building code requirements, and requiring 1 off-street parking space per guest room and 1 space for the owner/operator. Short-term rental standards include evergreen screening requirements for more than 4 spaces and screening of trash collection areas.
- Added a limited event venue to the Table of Permitted Uses in the RA, CB, and GB districts. Standards are applicable in the RA district and the minimum area is 5 acres, time limits are set for amplified music from 9:00 AM – 11:00 PM, parking must be located outside of the road rights-of-way, setbacks for stages, vendors, restrooms, parking is 150 from property line, it must front or have direct access to a NCDOT maintained road or privately maintained road, can serve food to guests but not the general public, the hosting area may not exceed 8,000 square feet, and allows for accessory uses (dance floors, food and beverage service, music, tents, etc.)
- Added indoor and outdoor shooting ranges to the Table of Permitted Uses. The outdoor shooting range requires a special use permit and includes standards. An indoor shooting range is permitted in GB, LI, and HI and has standards that require the control of noise levels. The outdoor shooting range limits hours of operation, requires a Type D landscape buffer, and requires the control and removal of lead according to best management practices.
- Added motion picture studio to the Table of Permitted Uses. The use is allowed by-right in the LI and HI zoning districts.
- Added lawn, tree, or pest control services. The use is allowed by-right in GB and LI zoning districts.
- Added veterinary hospital or clinic. The use is allowed by-right in RA, GB and LI zoning districts.
- Simplified manufacturing uses in the Table of Permitted Uses. More intensive uses require a Special Use Permit and are only allowed in the HI district.
- Clarified the difference between a truck stop and trucking terminal. Added standards for trucking terminal to including setbacks from residential properties and lighting control measures.
- Added standards for drive-thru restaurants. These include limiting the location of the drive-thru window and ensuring that vehicle stacking is located outside of the right-of-way.
- Added nonresidential design standards for commercial and nonresidential buildings. These include requiring 50% of the façade facing the public right of way to be masonry and prohibiting the exclusive use of metal siding. Metal siding is limited to 50% of the exterior materials. The use of vinyl is not allowed in the CB district.
- Reduced off-street parking requirements.
- Updated signage requirements and removed the regulation of content based signage.
- Provided a lookup table to describe zoning district levels in the planting yard chart.

Planning Board / Council Recommended Edits

The following edits were recommended by the Planning Board and have been incorporated into the current draft version. Changes requested from Council are identified in parenthesis. Upon adoption, all red-lined and underlined sentences will be accepted and a clean version of the ordinance will be put on the Town's website.

- Section 26-261 Shooting Range, Outdoor. Hours of operation changed from 9:00 AM – 9:00 PM to 9:00 AM – 6:00 PM.
- Section 26-72 (c) Nonresidential Design Standards. Decreased the percentage of metal siding from 50% to 25% on commercial buildings.
- Section 26-72 (3) Nonresidential Design Standards. Façade Articulation. This section was added as follows:
 - The requirements shall apply to all facades that face a public or private street (except alleys) and to facades that are oriented so as to be visible from a public or private street. Rear service areas shall be screened so as to not be visible from adjacent properties, and shall comply with these requirements if visible from any street with a classification greater than an alley or commercial service street.
 - Facades greater than 100 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth/projection of at least three percent of the length of the façade and extending horizontally for at least 20% of the length of the façade.
 - No portion of the façade shall extend more than 50 feet in length without incorporating a break as described in the preceding paragraph. (Changed from 20 feet in original draft based on Council input)
 - No less than 60% of the horizontal length of ground floor shall have arcades, display windows, entry areas, awnings, or other such features.
 - No less than 60% of the horizontal length of ground floor facades shall be transparent between the height of three feet and eight feet above the walkway grade.
 - Variations in front rooflines shall be used to reduce the scale of buildings. Roof features shall be required which will complement the character of adjoining and nearby structures.
- Section 26-170 Parks and Open Space Design Standards. This section was added and is applicable in R-8 and R-15. Updates were made to anticipate approval of the Open Space Ordinance (Chapter 25).