



Planning Board Meeting
April 17, 2019 11:00am

Pledge of Allegiance to the Flag and Moment of Silence

- I. Call to Order
- II. Approval of Minutes
N/A
- III. Administrative Reports
 1. Staff Report
- IV. New Business
 2. Review of a possible text amendment to amend the table of permitted uses and supplemental standards for multifamily and mixed use developments
- V. Public Comment
- VI. Adjournment

TOWN OF CAROLINA SHORES NORTH CAROLINA

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MEMORANDUM

TO: Planning & Zoning Board
FROM: Ami Ruland, Town Planner
SUBJECT: Proposed Zoning Text Amendments – ZA19-4
DATE: 4/17/19
ENCL: None
CC: File

The Town of Carolina Shores Staff suggests Zoning Text Amendments as follows:

Title IX: Planning and Regulation of Development, Chapter 91 Unified Development, Section 91.73, TABLE OF PERMITTED/CONDITIONAL USES, that the text of the permitted use table be amended by making multifamily permitted by conditional use permit only in the PRD district and removing the permitted right designation in the other districts.

APPENDIX A: DEFINITIONS, Section A.3 DEFINITIONS, PERMANENT COMMON OPEN SPACE, that the text of the permanent common open space be amended to, No plan for a PRD or MIXED USE shall be approved unless such plan provides for PERMANENT COMMON OPEN SPACE equivalent to 25% of the total of the PRD or MIXED USE site under consideration for development.

Title IX: Planning and Regulation of Development, Chapter 91 Unified Development, Section 91.87, MIXED USE, that the text of the MIXED USE be amended to include,

(E) *School site reservation*. If the Board of Commissioners and the Brunswick County Board of Education have jointly determined the specific location and size of any school sites to be reserved in accordance with the Town Comprehensive Plan, staff shall immediately notify the Board of Education in writing whenever a development approval is sought or submitted which includes all or part of a school site to be reserved. The Board of Education shall promptly decide whether it still wishes the site to be reserved. If the Board of Education does wish to reserve the site, the subdivision shall not be approved without such reservation. The Board of Education shall then have 18 months beginning on the date of final approval of the subdivision within which to acquire the site by purchase or by initiating condemnation proceedings. If the Board of Education has not purchased or begun proceedings to condemn the site within 18 months, the developer may treat the land as freed of the reservation.

(F) *Dedication of land for park, recreation and open space.* Every developer who proposes a mixed use project of land with a residential component shall dedicate for public or private use a portion of land or pay a fee in lieu thereof, in accordance with this section, for public park, greenway, recreation and open space sites to serve the recreational needs of the residents of the subdivision or development. The town prefers that ownership and maintenance of parks, recreation or open space lands be by a private entity, such as a property owners' association. Dedication of land, or fee in lieu of, must be approved by the Board of Commissioners prior to approval of the preliminary plat by the Planning Board.

(1) At least one-thirty-fifth of an acre shall be dedicated for each dwelling unit planned or proposed in the development.

(2) The minimum amount of land which shall be dedicated for a public park, recreation or open space site shall be no less than two acres in size. When the area to be provided is less than two acres, the developer may be required to make payment in lieu of the dedication to be used for the acquisition or development of recreation, park or open space sites which would serve the needs of the residents of the development.

(3) Except as otherwise required by the Board of Commissioners, all dedications of land shall meet the following criteria.

(a) The dedicated land shall form a single parcel of land, except where the Board of Commissioners determines that two or more parcels would be in the best interest of the public, given the type and distribution of open spaces needed to adequately serve the proposed development. In these cases, the Board of Commissioners may require that the parcels be connected by a dedicated strip of land at least 30 feet in width.

(b) Two-thirds of the dedicated land shall be usable for active recreation. Furthermore, lakes and other bodies of water may not be included in computing any of the dedicated land area. Land dedicated only for greenways need not follow the requirements of this division (J)(3)(b).

(c) The shape of the portion of the dedicated land which is deemed suitable for active recreation shall be sufficiently square or round to be usable for any or all recreational facilities and activities, such as athletic fields and tennis courts, when a sufficient amount of land is dedicated to accommodate the facilities. Land dedicated only for greenways need not follow the requirements of this division (J)(3)(c).

(d) The dedicated land shall be located so as to reasonably serve the recreation and open space needs of residents of the development.

(e) Public access to the dedicated land shall be provided either by adjoining public street frontage or by a dedicated public easement, at least 30 feet wide, which connects the dedicated land to a public street or right-of-way. Gradients adjacent to existing and proposed streets shall allow for reasonable access to the dedicated land. Where the dedicated land is located adjacent to a street, the developer shall remain responsible for the installation of utilities, sidewalks and other improvements required along that street segment.

(f) Dedicated parks, recreation and open space areas shall have a sufficient natural or human-made buffer or screen to minimize any negative impacts on adjacent residents.

(4) The payment of fees, in lieu of the dedication of land, may occur at the request of the developer. However, the decision to require the dedication of land for recreational purposes, or a payment of a fee in lieu, shall be made by the Board of Commissioners prior to development approval after having received a recommendation from the Planning Board and having evaluated the proposed dedication and the relationship the dedication would have with the town's overall recreational needs.

(a) The fees in lieu of dedication shall be paid prior to the approval of the development.

(b) The amount of the payment shall be the product of:

1. The number of acres to be dedicated, as required by this division (J); and

2. The assessed value for property tax purposes of the land being subdivided, adjusted to reflect its current fair market value at the time the payment is due to be paid.

(c) Procedures for determining the amount of the payment are as follows.

1. An appraisal of the land in the development shall be performed by a professional land appraiser selected by the developer from an approved list maintained by the Board of Commissioners. Professional land appraiser refers to a land appraiser who, in the opinion of the Board of Commissioners, has the expertise and/or certification to perform an adequate appraisal.

2. The cost of the appraisal shall be borne by the developer.

(5) At the time of filing an application for approval, the developer shall designate thereon the area or areas to be dedicated pursuant to this section. If the developer desires to make a payment in lieu of the dedication of land, a letter to that effect shall be submitted with the application. The Board of Commissioners reserves the right to approve or disapprove dedication of parcels for public park, recreation or open space, or payment in lieu of.

(6) Where a dedication of land is required, the dedication shall be shown on a final plat, and the plat shall be accompanied by an executed general warranty deed conveying the dedicated land to the town. Where a payment in lieu of dedication is approved by the Board of Commissioners, the payment will be made before the development approval is granted.

(7) The Board of Commissioners shall have the authority to sell land dedicated pursuant to this section. The proceeds of the sale shall be used for the acquisition and/or development of other recreation, park or open space sites, or for sidewalk development serving the development or more than one development in the immediate area.

(8) The town encourages neighborhood or property owner associations or management to construct, operate and maintain private parks and recreation. The construction, operation or maintenance of the private facilities shall not, however, diminish or eliminate the responsibility and obligations of the developer under this section.

(9) Greenways may be credited against the requirements of this section, provided that the greenways are part of the town's greenway plan and dedicated to public use.

(G) *Street construction.* To provide for the orderly growth and development of the town, and to coordinate the streets and highways within proposed developments with existing or planned streets and highways, a developer may be required in lieu of required street construction and as a condition of approval, to provide funds which the town may use for the construction of roads to serve the occupants, residents, or invitees of the development and these funds may be used for roads which serve more than one subdivision or development within the area. All funds received by the town pursuant to this division shall be used only for development of roads, including design, land acquisition, and construction. The town may undertake these activities in conjunction with the North Carolina Department of Transportation under an agreement between the town and the Department of Transportation. Any formula adopted to determine the amount of funds the developer is to pay in lieu of required street construction shall be based on the trips generated from the subdivision or development. A combination of partial payment of such funds and partial dedication of constructed streets may be required when the Board of Commissioners determines that such a combination is in the best interests of the public in the area to be served.

(H) *Uniform Standardization of Infrastructure.* To provide for the orderly growth and development of the town, and to coordinate infrastructure, developments made pursuant to Section 91.87 shall also comply with Section 91.217 thru 91.224 of the Code of Ordinances as amended. In order that proper reference be made to Section 91.217 thru 91.224, for the purposes of this subsection the term subdivider or subdivision shall mean developer or development as appropriate.