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# ZEBULON

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NORTH CAROLINA

**TOWN OF ZEBULON  
JOINT PUBLIC HEARING AGENDA  
BOARD OF COMMISSIONERS AND PLANNING BOARD  
October 10, 2022  
7:00 PM**

**I. CALL TO ORDER**

**II. APPROVAL OF THE AGENDA**

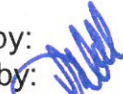
**III. PUBLIC HEARING**

- A. **Text Amendment 2023-01 Development Process Change, Public Hearing & Parks and Recreation.** Proposed text amendments to the Unified Development Ordinance. The proposed amendments eliminate the Joint Public Hearing from, and add the Parks and Recreation Advisory Board to, the development review process.
- B. **Text Amendment 2023-02 Public Hearing Notification.** Proposed text amendments to extend the mailed public hearing notification to 750 feet from the outer boundaries of a proposed request.
- C. **Text Amendment 2023-03 Industrial Ground Signs.** Proposed text amendment to allow for ground signs for industrial uses.
- D. **Text Amendment 2023-04 Multi-Family Dwelling Building Height.** Text Amendment to allow the Board of Commissioners to approve deviations to building height requests for proposed multi-family dwelling units.
- E. **Text Amendment 2023-05 Corrections Article 10.** Proposed text amendments to correct errors in Article 10 of the UDO.

**IV. ADJOURNMENT**

STAFF REPORT  
TEXT AMENDMENT 2023-01  
PUBLIC HEARING PROCESS  
OCTOBER 10, 2022

**Topic: TEXT AMENDMENT 2023-01 – PUBLIC HEARING PROCESS.**

Speaker: Michael J. Clark, AICP, CZO, Planning Director  
From: Michael J. Clark, AICP, CZO, Planning Director  
Prepared by: Michael J. Clark, AICP, CZO, Planning Director  
Approved by:  Joseph M. Moore II, PE, Town Manager

**Executive Summary:**

The Board of Commissioners will consider text amendments to the Unified Development Ordinance. The proposed amendments eliminate the Joint Public Hearing from, and add the Parks and Recreation Advisory Board to, the development review process.

**Background:**

The Unified Development Ordinance (UDO) was approved November 2019 and implemented January 1, 2020. Some of the UDO's regulations reflected the previous Zoning Code. One such carryover was the Joint Public Hearing. The Board of Commissioners would invite the Planning Board to participate in the statutorily required Public Hearing on quasi-judicial decisions. Unlike the former Zoning Code, the Planning Board does not make recommendations on quasi-judicial cases in the UDO, and thereby the need of a Joint Public Hearing to eliminate ex-parte communication is no longer applicable.

The Parks and Recreation Master Plan (*Play Zebulon*) was adopted in the Fall of 2021. The plan provides guidance on the inclusion of recreational amenities in development plans, and the collection of Parks and Recreation Impact Fees to fund the future construction of parks and other features as noted in the Plan. The increase in the number and complexity of development submittals requires a more focused oversight to ensure components of *Play Zebulon* are implemented.

The proposed amendments to Section 2.2 of the UDO, eliminate the Joint Public Hearing from, and add the Parks and Recreation Advisory Board to, the development review process.

**Discussion:**

The Board will accept and submit comments and questions related to the proposed amendments to Section 2.2 of the UDO.

**Policy Analysis:**

The proposed amendments are consistent with the recommendations for the Planning Board as outlined in the Implementation Section of the Comprehensive Land Use Plan. The proposed amendments also further the Town's objective to Grow Smart as listed in the 2030 Strategic Plan by modifying processes to provide greater transparency to the public and increase opportunities for public engagement.

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The proposed text amendments help to implement the Parks and Recreation Master Plan and are consistent with Sections 5.4 and the execution of Section 5.5 of the Parks and Recreation Master Plan. The proposed text amendments are also consistent with the Recreation and Amenities Chapter of the Comprehensive Land Use Plan. Finally, the proposed text amendments further the Town's effort to Grow Smart as outlined in the 2030 Strategic Plan.

**Financial Analysis:**

The proposed process change will utilize the existing meeting schedule and will not require any additional Town resources.

The amendments to Section 6.7 will provide clear guidance towards developer constructed public parks and recreation amenities in lieu of the full payment of the required Parks and Recreation Impact Fee. This offsets some of the costs associated with mobilization and design resulting in a reduced financial obligation for the Town.

**Staff Recommendation:**

Staff Recommends seeking public comment pertaining to the proposed text amendments and refer the matter to the Planning Board.

**Attachments:**

1. Draft Text Amendments
2. Process Flow Chart

## ARTICLE 2: PROCEDURES

### 2.2. Application Review Procedures

### 2.1.3. Steps in the Development Review Process

#### 2.1.3. STEPS IN THE DEVELOPMENT REVIEW PROCESS

- A.** The first step in the development review process is to determine the specific type(s) of development application to be submitted. Table 2.2, Application Review Procedures, describes all the application review procedures in this Ordinance and the review authorities who decide them.
- B.** The second step is to find the relevant application procedure in Section 2.2, Application Review Procedures, and review that information to better understand the steps and the criteria used in the decision-making process.
- C.** The third step is to review the application processing information in Section 2.3, Application Processing, to understand how the Town will process the application.
- D.** Step four is to review the Procedures Manual for application forms, submittal requirements, application fees, and application review schedules.
- E.** Applications that are not prepared, filed, and determined to be complete in accordance with this article and the Procedures Manual will not be processed by the Town.

#### 2.1.4. FOR ADDITIONAL INFORMATION

Applicants who need additional information on how to file an application should schedule a pre-application conference with Town staff (see Section 2.3.2, Pre-application Conference) to better understand the review requirements and relevant procedural steps associated with their particular application.

## 2.2. APPLICATION REVIEW PROCEDURES

Table 2.2, Application Review Procedures, lists the development application procedures (in alphabetical order), identifies the section of this Ordinance where the information may be found, whether or not a pre-application conference is required or is optional, and the review authority(ies) who review and decide the application type.

### TABLE 2.2: APPLICATION REVIEW PROCEDURES

Pre-application Conference: "M" = Mandatory "O" = Optional "." = not applicable  
 Type of Action: "R"=Recommendation "D"=Decision "A"=Appeal  
 Table symbols: | =Public Meeting < >=Legislative Public Hearing / \ =Quasi-Judicial Hearing  
 [ ] =see Notes

REVIEW PROCEDURE	SECTION REFERENCE	PRE-APPLICATION CONFERENCE	REVIEW AUTHORITIES					
			PLANNING DIRECTOR [1]	TECHNICAL REVIEW COMMITTEE	<u>PARKS AND RECREATION ADVISORY BOARD</u>	PLANNING BOARD [2]	BOARD OF COMMISSIONERS	BOARD OF ADJUSTMENT
Administrative Adjustment	<u>2.2.1</u>	M	D	.		.	.	/A\
Annexation [ <u>34</u> ]	<u>2.2.2</u>	O	.	.		.	<D>	.
Appeal	<u>2.2.3</u>	O	.	.		.	.	/D\
Building Permit	<u>2.2.4</u>	O	[ <u>45</u> ]	.		.	.	.
Certificate of Occupancy	<u>2.2.5</u>	O	[ <u>45</u> ]	.		.	.	.
Conditional Rezoning [2]	<u>2.2.6</u>	M	.	[ <u>67</u> ]	<u>[R]</u>	R	D	.
Development Agreement	<u>2.2.7</u>	M	.	.		.	<D>	.
Exempt Subdivision [ <u>56</u> ]	<u>2.2.8</u>	O	D	.		.	.	/A\
Expedited Subdivision	<u>2.2.9</u>	M	D	.		.	.	/A\
Final Plat	<u>2.2.10</u>	O	D	.		.	.	/A\

**ARTICLE 2: PROCEDURES**

**TABLE 2.2: APPLICATION REVIEW PROCEDURES**

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REVIEW PROCEDURE	SECTION REFERENCE	PRE-APPLICATION CONFERENCE	REVIEW AUTHORITIES					
			PLANNING DIRECTOR [1]	TECHNICAL REVIEW COMMITTEE	<u>PARKS AND RECREATION ADVISORY BOARD</u>	PLANNING BOARD [2]	BOARD OF COMMISSIONERS	BOARD OF ADJUSTMENT
Floodplain Development Permit	<u>2.2.11</u>	O	D	.		.	.	/A\
Interpretation	<u>2.2.12</u>	O	D	.		.	.	/A\
Planned Development [2]	<u>2.2.13</u>	M	.	[6]	<u> R </u>	R	D	.
Preliminary Plat	<u>2.2.14</u>	M	.	D		.	.	/A\
Reasonable Accommodation	<u>2.2.15</u>	M						/D\
Sign Permit	<u>2.2.16</u>	O	D	.		.	.	/A\
Site Plan	<u>2.2.17</u>	M	.	D		.	.	/A\
Special Use Permit	<u>2.2.18</u>	M	.	[6]		.	/D\	.
Temporary Use Permit	<u>2.2.19</u>	O	D	.		.	.	/A\
UDO Text Amendment [2]	<u>2.2.20</u>	M	.	.		R	D	.
Variance	<u>2.2.21</u>	M	.	.		.	.	/D\
Vested Rights Determination	<u>2.2.22</u>	M	.	.		.	<D>	.
Zoning Compliance Permit	<u>2.2.23</u>	O	D	.		.	.	/A\
Zoning Map Amendment <del>[2]</del> [3]	<u>2.2.24</u>	M	.	.		R	D	.

**NOTES:**

- [1] The Planning Director may delegate review authority in accordance with Section 9.1.9, Delegation of Authority.
- [2] ~~Applications subject to a recommendation by the Planning Board shall first be heard by the Board of Commissioners and the Planning Board in a joint legislative public hearing noticed in accordance with Section 2.3.6, Public Notice. Following the joint public hearing, the application is considered by the Planning Board during a public meeting and then by the Board of Commissioners in a second public meeting. Applications shall be introduced at a public meeting to the Board of Commissioners before proceeding to the public meetings before the Parks and Recreation Advisory Board and the Planning Board for recommendation. The Board of Commissioners shall consider the recommendations following a legislative public hearing, noticed in accordance with the requirements of Section 2.3.6 Public Notice. Public meetings are not subject to public notification requirements in Section 2.3.6, Public Notice.~~
- [3] Applications shall be introduced at a public meeting to the Board of Commissioners before proceeding to a public meeting before the Planning Board for recommendation. The Board of Commissioners shall consider the recommendation following a legislative public hearing, noticed in accordance with the requirements of Section 2.3.6 Public Notice. Public meetings are not subject to public notification requirements in Section 2.3.6, Public Notice.
- [4] In the event land being annexed is also subject to another application (such as a zoning map amendment), the annexation shall be reviewed and decided prior to any subsequent application.
- [5] Building permits and certificates of occupancy are issued in cooperation with the Wake County Building Inspector.
- [6] The exempt subdivision review procedure is provided as a courtesy, and is not mandated.
- [7] The TRC shall conduct a preliminary review of a site or concept plan attached to an application prior to consideration by the Board of Commissioners.



## ARTICLE 2: PROCEDURES

### 2.2.6. CONDITIONAL REZONING

**A. PURPOSE AND INTENT**

The purpose of this section is to provide a uniform means for amending the Official Zoning Map to establish a conditional zoning district. In cases where the standards of a general use zoning district are inadequate to ensure that development allowed by the district will conform to the Town’s adopted plans or to appropriately address the impacts expected to be generated by development, a landowner may apply for a conditional rezoning. The conditional rezoning, if approved, establishes a parallel conditional zoning district that is equivalent to a corresponding general use zoning district, except as modified through additional conditions restrictions that the applicant and Town mutually agree are necessary to ensure conformance with adopted plans and to adequately address expected development impacts.

**B. APPLICABILITY**

This procedure sets out the requirements for amendments to the zoning district designation of land within the Town’s planning jurisdiction as well as for land coming into the Town’s planning jurisdiction via annexation in accordance with the standards in Section 160D-703 of the North Carolina General Statutes.

**C. PROCEDURES DISTINGUISHED**

Applications filed as a conditional rezoning application may not be converted to a map amendment application to establish a general use zoning district during the review process, and shall instead be withdrawn and resubmitted as a zoning map amendment application (see Section 2.2.24, Zoning Map Amendment).

**D. APPLIED TO ENTIRE SITE**

1. Applications for a conditional rezoning submitted after January 1, 2020 shall include all the land area within a recorded lot or site that is the subject of the application.
2. Conditional rezoning applications may not establish bifurcated zoning classifications where only a portion of a lot or site is subject to a particular conditional zoning district classification.

**E. CONDITIONAL REZONING PROCEDURE**

The conditional rezoning procedure is described in [Figure 2.2.6, Conditional Rezoning Procedure](#), as supplemented by [Section 2.3, Application Processing](#), and the Procedures Manual.

**F. APPLICATION SUBMITTAL**

1. Conditional rezoning applications may only be initiated by the landowner(s) of the land subject to the application, or their authorized agents.
2. All conditions of approval proposed by the applicant must be included with the conditional zoning application.
3. Conditional rezoning applications shall include a site plan or concept plan depicting the proposed development

<b>FIGURE 2.2.6: CONDITIONAL REZONING PROCEDURE</b>	
Step	Action
1	Pre-application Conference See <a href="#">Section 2.3.2, Pre-application Conference</a>
2	File Application See <a href="#">Section 2.3.3, Application Filing</a>
3	Completeness Determination See <a href="#">Section 2.3.3.G, Determination of Application Completeness</a>
4	TRC Review of Site or Concept Plan See <a href="#">Section 2.3.5, Staff Review and Action</a>
5	<a href="#">Introduction to Board of Commissioners</a> <a href="#">Public Hearing Scheduled</a> See <a href="#">Section 2.3.7, Public Hearings and Meetings</a>
6	Public Notice See <a href="#">Section 2.3.6, Public Notice</a>
7	<a href="#">Joint Public Hearing by Planning Board &amp; Board of Commissioners</a> See <a href="#">Section 2.3.7, Public Hearings and Meetings</a>
8Z	Review by Planning Board See <a href="#">Section 2.3.7, Public Hearings and Meetings</a>
8	<a href="#">Review by the Parks and Recreation Board</a> See <a href="#">Section 2.3.7, Public Hearings and Meetings</a>
9	<a href="#">Review Public Hearing</a> and Decision by Board of Commissioners See <a href="#">Section 2.3.7, Public Hearings and Meetings</a>
10	Notification of Decision See <a href="#">Section 2.3.9, Notification of Decision</a>

## ARTICLE 2: PROCEDURES

### 2.2. Application Review Procedures

### 2.2.6. Conditional Rezoning

configuration that shall be reviewed by the TRC prior to ~~the joint public hearing~~ introduction to the Board of Commissioners.

4. The application shall include a transportation impact analysis for review, when required by Section 6.13, Transportation Impact Analysis.

#### **G. INTRODUCTION TO THE BOARD OF COMMISSIONERS**

The proposed request shall be presented by staff and the applicant to the Board of Commissioners for introductory purposes. The Board shall refer the matter to the Parks and Recreation Board and Planning Board for Recommendation and shall set the public hearing.

#### **H. REVIEW BY THE PARKS AND RECREATION ADVISORY BOARD**

1. The Parks and Recreation Advisory Board shall review the application and the information presented by the applicant, and shall make a recommendation on the conditional rezoning application in accordance with Section 2.2.6.L, Conditional Rezoning Review Standards as they pertain to the Parks and Recreation Master Plan, open space, land dedication for parks features, or similar recreation elements.
2. In making its recommendation, the Parks and Recreation Board shall prepare a written consistency statement including each of the following:
  - a. Whether the conditional rezoning application is recommended for approval, denial, or remanded to Town staff; and
  - b. The degree to which the conditional rezoning is or is not consistent with the Town's adopted policy guidance; and
  - c. The ways in which the conditional rezoning is or is not consistent with the Town's adopted policy guidance; and
  - d. Whether recommendation of the conditional rezoning amends or does not amend the Town's adopted policy guidance; and
  - e. If the adopted policy guidance is amended as part of the application approval, a description of the change in conditions to meet the development needs of the Town that were taken into account as part of the recommendation; and
  - f. An explanation of why the recommendation is reasonable; and
  - g. An explanation of why the recommendation is in the public interest.
3. During its review of a conditional rezoning application, the Parks and Recreation Advisory Board may suggest revisions to the proposed conditions (including the concept plan), consistent with the provisions of Section 2.2.6.M, Conditions of Approval. Only those revisions agreed to in writing by the applicant shall be incorporated into the application.

#### **~~G. JOINT PUBLIC HEARING~~**

~~Following provision of public notice for a public hearing in accordance with Section 2.3.6, Public Notice, the Planning Board and Board of Commissioners shall conduct a joint legislative public hearing on the conditional rezoning application.~~

#### **H.I. REVIEW BY PLANNING BOARD**

1. The Planning Board, ~~following the close of the joint public hearing,~~ shall review the application and the information presented ~~during the joint public hearing during a follow-up public meeting~~ by the applicant, and shall make a recommendation on the conditional rezoning application in accordance with Section 2.2.6.KL, Conditional Rezoning Review Standards.
2. In making its recommendation, the Planning Board shall prepare a written consistency statement including each of the following:
  - a. Whether the conditional rezoning application is recommended for approval, denial, or remanded to Town staff; and
  - b. The degree to which the conditional rezoning is or is not consistent with the Town's adopted policy guidance; and
  - c. The ways in which the conditional rezoning is or is not consistent with the Town's adopted policy guidance; and

## ARTICLE 2: PROCEDURES

### 2.2. Application Review Procedures

### 2.2.6. Conditional Rezoning

- d. Whether ~~approval~~recommendation of the conditional rezoning amends or does not amend the Town's adopted policy guidance; and
  - e. If the adopted policy guidance is amended as part of the application approval, a description of the change in conditions to meet the development needs of the Town that were taken into account as part of the ~~approval~~recommendation; and
  - f. An explanation of why the recommendation is reasonable; and
  - g. An explanation of why the recommendation is in the public interest.
3. During its review of a conditional rezoning application, the Planning Board may suggest revisions to the proposed conditions (including the concept plan), consistent with the provisions of Section 2.2.6.LM, Conditions of Approval. Only those revisions agreed to in writing by the applicant shall be incorporated into the application.

#### ~~I.J.~~ J.J. **BOARD OF COMMISSIONERS PUBLIC HEARING, REVIEW, AND DECISION**

1. Following provision of public notice for a public hearing in accordance with Section 2.3.6, Public Notice, the Board of Commissioners shall conduct a legislative public hearing on the conditional rezoning application.
- ~~1.2.~~ The Board of Commissioners, after concluding the public hearing and ~~the conclusion of the joint public hearing conducted with the Planning Board, and~~ receipt of a recommendation on the conditional rezoning application by the Planning Board and Parks and Recreation Advisory Board,<sup>7</sup> shall decide the application ~~during a follow-up public meeting~~ in accordance with Section 2.2.6.KL, Conditional Rezoning Review Standards.
- ~~2.3.~~ The decision shall be one of the following:
  - a. Adoption of the conditional rezoning application as proposed;
  - b. Adoption of a revised conditional rezoning application;
  - c. Denial of the conditional rezoning application; or
  - d. Remand of the conditional rezoning application to the Planning Board and/or the Parks and Recreation Advisory Board for further consideration.
- ~~3.4.~~ In making its decision, the Board of Commissioners shall adopt a written consistency statement including each of the following:
  - a. Whether the conditional rezoning application is approved, denied, or remanded; and
  - b. The degree to which the conditional rezoning is or is not consistent with the Town's adopted policy guidance; and
  - c. The ways in which the conditional rezoning is or is not consistent with the Town's adopted policy guidance; and
  - d. Whether approval of the conditional rezoning amends or does not amend the Town's adopted policy guidance; and
  - e. If the adopted policy guidance is amended as part of the application approval, a description of the change in conditions to meet the development needs of the Town that were taken into account as part of the approval; and
  - f. An explanation of why the action taken by the Board of Commissioners is reasonable; and
  - g. An explanation of why the action taken by the Board of Commissioners is in the public interest.

#### ~~J.K.~~ J.K. **DESIGNATION ON OFFICIAL ZONING MAP**

The Planning Director shall make changes to the Official Zoning Map promptly after approval of a conditional rezoning application by the Board of Commissioners.

#### ~~K.L.~~ K.L. **CONDITIONAL REZONING REVIEW STANDARDS**

The advisability of an amendment to the Official Zoning Map is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny a proposed conditional rezoning, the Board of Commissioners may weigh the relevance of and consider the following:

1. Whether the proposed conditional rezoning advances the public health, safety, or welfare;



## ARTICLE 2: PROCEDURES

### 2.2. Application Review Procedures

### 2.2.6. Conditional Rezoning

2. Whether and the extent to which the proposed conditional rezoning is appropriate for its proposed location, and is consistent with the purposes, goals, objectives, and policies of the town's adopted policy guidance;
3. Whether an approval of the conditional rezoning is reasonable and in the public interest;
4. Whether and the extent to which the concept plan associated with the conditional rezoning is consistent with this Ordinance; and
5. Any other factors as the Board of Commissioners may determine to be relevant.

#### **L.M.** **CONDITIONS OF APPROVAL**

1. Only conditions mutually agreed to by the owner(s) of the property that is the subject of a conditional zoning district designation and the Board of Commissioners may be approved as part of a conditional rezoning application establishing a conditional zoning district.
2. Conditions shall be limited to those that address conformance of development and use of the site with Town regulations and adopted plans and that address the impacts reasonably expected to be generated by the development or use of the site.
3. Conditions shall be in writing and may be supplemented with text or plans and maps.
4. Unless subject to an approved condition, all requirements of a corresponding general zoning district shall apply to a conditional zoning district.
5. No condition shall be made part of the application which:
  - a. Is less restrictive than any applicable overlay zoning district standard;
  - b. Specifies the ownership status, race, religion, or other characteristics of the occupants of housing units;
  - c. Establishes a minimum size of a dwelling unit;
  - d. Establishes a minimum value of buildings or improvements;
  - e. Excludes residents based upon race, religion, or income; or
  - f. Obligates the Town to perform in any manner relative to the approval of the conditional rezoning or development of the land.

#### **M.N.** **EFFECT**

1. Lands subject to an conditional rezoning shall be subject to all the standards, conditions, and plans approved as part of that application. These standards, plans, and approved conditions are perpetually binding on the land as an amendment to this Ordinance and the Official Zoning Map, and may only be changed in accordance with the procedures established in this Ordinance.
2. Development located outside the Town of Zebulon's corporate limits shall comply with all Town policies related to annexation and the extension of utilities.

**N.O. AMENDMENT**

Amendments to an approved conditional rezoning application may only be considered in accordance with the following:

**1. MINOR CHANGES**

- a. Subsequent plans and permits for development within a conditional rezoning district may include minor changes. Minor changes are limited to changes that have no material effect on the character of the proposed development or changes that address technical considerations that could not reasonably be anticipated at the time of the conditional rezoning approval.
- b. The following minor changes may be approved by the Planning Director, in consultation with other appropriate Town staff:
  - i. Changes to the location of entrances or driveways, the rearrangement of internal streets, turn lanes, drives, or access restrictions;
  - ii. Changes to the configuration of parking areas, but not the number of parking spaces;
  - iii. Changes to the configuration or location of open space or placement of required amenities, provided the amount of open space (whether passive or active) is unchanged;
  - iv. Changes to the configuration of landscape yards, including types of materials, provided minimum width and planting requirements are met;
  - v. Changes to proposed building elevations or facades, including materials, provided that the change retains the same general architectural character and provided the development still complies with the applicable design requirements; and
  - vi. Changes to the arrangement or location of buildings provided there is no increase in the number of buildings, size, or amount of impervious surface.

**2. SIGNIFICANT CHANGES CONSIDERED AMENDMENTS**

- a. Changes that materially affect the basic character or configuration of the proposed development or that exceed the scope of a minor change are considered amendments. Amendments include, but are not limited to:
  - i. Changes in use designations;
  - ii. Density/intensity increases;
  - iii. Decreases in open space;
  - iv. Substantial changes in the location of streets (particularly if streets are to be deleted or access points to the development moved so traffic flows both inside and outside the development are affected); and
  - v. Change in the location of any public easement.
- b. Amendments shall be reviewed and considered in accordance with the procedures and standards established for the original approval of a conditional rezoning application.

**O.P. APPEAL**

- 1. Any decision by the Board of Commissioners shall be subject to review by the Superior Court of Wake County.
- 2. Petitions for review must be filed with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

**ARTICLE 2: PROCEDURES**

**2.2.13. PLANNED DEVELOPMENT**

**A. PURPOSE AND INTENT**

The purpose for this planned development procedure is to provide a uniform means for amending the Official Zoning Map to establish a Planned Development (PD) zoning district. The planned development district creates opportunities for master planned development that is developed under unified control in accordance with more flexible standards and procedures that are conducive to creating high quality, mixed-use, pedestrian-oriented development that makes efficient use of land while protecting natural resources. It is the intent of these standards to allow an applicant to propose a wide variety of allowable uses and the flexible application of some of the development standards in Article 5: Development Standards, in return for a higher quality of development with more amenities than might otherwise result from a strict application of the standards in this Ordinance.

**B. APPLICABILITY**

The standards in this section may be applied to any land except land in the Residential Watershed (R1) district.

**C. PLANNED DEVELOPMENT PROCEDURE**

The planned development procedure is described in Figure 2.2.13, Planned Development Procedure, as supplemented by Section 2.3, Application Processing, and the Procedures Manual.

**D. APPLICATION**

1. The application shall include a master plan depicting the general configuration and relationship of the principal elements of the proposed development, including uses, general building types, density/intensity, resource protection, pedestrian and vehicular circulation, open space, public facilities, and phasing. The TRC shall review and comment on the master plan prior to the ~~joint~~ public hearing.
2. The application shall also include a statement of terms and conditions document that identifies how the proposed development will meet or exceed the standards in Section 3.5.5, Planned Development (PD) District, how any required environmental mitigation will take place, and outline how public facilities will be provided to serve the planned development.
3. To ensure unified control, the application shall also include a copy of the title to all land that is part of the proposed planned development zoning district classification.
4. The application shall include a transportation impact analysis for review, when required by Section 6.13, Transportation Impact Analysis.

<b>FIGURE 2.2.13 PLANNED DEVELOPMENT: PLANNED DEVELOPMENT PROCEDURE</b>	
Step	Action
1	Pre-application Conference
	See <u>Section 2.3.2, Pre-application Conference</u>
2	File Application
	See <u>Section 2.3.3, Application Filing</u>
3	Completeness Determination
	See <u>Section 2.3.3.G, Determination of Application Completeness</u>
4	TRC Review of Master Plan
	See <u>Section 2.3.5, Staff Review and Action</u>
5	<del>Joint</del> Introduction to Board of Commissioners Public Hearing Scheduled
	See <u>Section 2.3.7, Public Hearings and Meetings</u>
6	Public Notice
	See <u>Section 2.3.6, Public Notice</u>
7	<del>Joint Public Hearing by Planning Board &amp; Board of Commissioners</del>
	See <del>Section 2.3.7, Public Hearings and Meetings</del>
8Z	Planning Board Review and Recommendation
	See <u>Section 2.3.7, Public Hearings and Meetings</u>
8	<u>Parks and Recreation Advisory Board Review and Recommendation</u>
	See <u>Section 2.3.7, Public Hearings and Meetings</u>
9	Board of Commissioners <u>Public Hearing</u> , Review, and Decision
	See <u>Section 2.3.7, Public Hearings and Meetings</u>
10	Notification of Decision
	See <u>Section 2.3.9, Notification of Decision</u>

## ARTICLE 2: PROCEDURES

### **E. INTRODUCTION TO THE BOARD OF COMMISSIONERS**

The proposed request shall be presented by staff and the applicant to the Board of Commissioners for introductory purposes. The Board shall refer the matter to the Parks and Recreation Board and Planning Board for Recommendation and shall set the public hearing.

### **F. REVIEW BY PARKS AND RECREATION ADVISORY BOARD**

1. The Parks and Recreation Advisory Board shall review the application and the information presented by the applicant and shall make a recommendation on the planned development application in accordance with Section 2.2.13.I, Planned Development Review Standards.
2. In making its recommendation, the Parks and Recreation Advisory Board shall prepare a written consistency statement including each of the following as the request relates to the Parks and Recreation Master Plan, open space, land dedication for parks, or similar recreation elements:
  - a. Whether the planned development application is recommended for approval, denial, or remanded to Town staff; and
  - b. The degree to which the planned development is or is not consistent with the Town's adopted policy guidance; and
  - c. The ways in which the planned development is or is not consistent with the Town's adopted policy guidance; and
  - d. Whether recommendation of the planned development amends or does not amend the Town's adopted policy guidance; and
  - e. If the adopted policy guidance is amended as part of the application approval, a description of the change in conditions to meet the development needs of the Town that were taken into account as part of the recommendation; and
  - f. An explanation of why the recommendation is reasonable; and
  - g. An explanation of why the recommendation is in the public interest.
3. During its review of a planned development application, the Parks and Recreation Advisory Board may suggest revisions to the master plan or terms and conditions statement, consistent with the provisions of Section 2.2.13.J, Conditions of Approval. Only those revisions agreed to in writing by the applicant shall be incorporated into the application.

### **~~E. JOINT PUBLIC HEARING~~**

~~Following provision of public notice for a public hearing in accordance with Section 2.3.6, Public Notice, the Planning Board and Board of Commissioners shall conduct a joint legislative public hearing on the planned development application.~~

### **F.G. REVIEW BY PLANNING BOARD**

1. The Planning Board, ~~following the close of the joint public hearing,~~ shall review the application and the information presented ~~during the joint public hearing during a follow-up public meeting,~~ by the applicant shall make a recommendation on the planned development application in accordance with Section 2.2.13.H, Planned Development Review Standards.
2. In making its recommendation, the Planning Board shall prepare a written consistency statement including each of the following:
  - a. Whether the planned development application is recommended for approval, denial, or remanded to Town staff; and
  - b. The degree to which the planned development is or is not consistent with the Town's adopted policy guidance; and
  - c. The ways in which the planned development is or is not consistent with the Town's adopted policy guidance; and
  - d. Whether ~~approval~~ recomnedation of the planned development amends or does not amend the Town's adopted policy guidance; and

## ARTICLE 2: PROCEDURES

### 2.2. Application Review Procedures

### 2.2.13. Planned Development

- e. If the adopted policy guidance is amended as part of the application approval, a description of the change in conditions to meet the development needs of the Town that were taken into account as part of the ~~approval~~[recommendation](#); and
      - f. An explanation of why the recommendation is reasonable; and
      - g. An explanation of why the recommendation is in the public interest.
3. During its review of a planned development application, the Planning Board may suggest revisions to the master plan or terms and conditions statement, consistent with the provisions of [Section 2.2.13.J, Conditions of Approval](#). Only those revisions agreed to in writing by the applicant shall be incorporated into the application.

### **G.H. REVIEW AND DECISION BY BOARD OF COMMISSIONERS**

- [1.](#) [Following provision of public notice for a public hearing in accordance with Section 2.3.6, Public Notice, the Planning Board and Board of Commissioners shall conduct a legislative public hearing on the planned development application.](#)
- ~~1.2.~~ The Board of Commissioners, after the conclusion of the ~~joint~~ public hearing ~~conducted with the Planning Board~~, and receipt of a recommendation on the planned development application by the [Parks and Recreation Advisory Board and the Planning Board](#), shall decide the application during a follow-up public meeting in accordance with [Section 2.2.13.HI, Planned Development Review Standards](#).
- ~~2.3.~~ The decision shall be one of the following:
  - a. Approval of the planned development subject to the master plan and statement of terms and conditions in the application;
  - b. Approval of the planned development subject to additional or revised conditions related to the master plan or statement of terms and conditions;
  - c. Denial of the planned development; or
  - d. Remand of the planned development application back to the Planning Board [and/or the Parks and Recreation Advisory Board](#) for further consideration.
- ~~3.4.~~ In making its decision, the Board of Commissioners shall adopt a written statement including each of the following:
  - a. Whether the planned development application (and associated zoning map amendment) is approved, denied, or remanded; and
  - b. The degree to which the planned development application (and associated zoning map amendment) is or is not consistent with the Town's adopted policy guidance; and
  - c. The ways in which the planned development application (and associated zoning map amendment) is or is not consistent with the Town's adopted policy guidance; and
  - d. Whether approval of the planned development application also amends or does not amend the Town's adopted policy guidance; and
  - e. If the adopted policy guidance is amended as part of the application approval, a description of the change in conditions to meet the development needs of the Town that were taken into account as part of the approval; and
  - f. An explanation of why the action taken by the Board of Commissioners is reasonable; and
  - g. An explanation of why the action taken by the Board of Commissioners is in the public interest.

### **H.I. PLANNED DEVELOPMENT REVIEW STANDARDS**

The advisability of amending the Official Zoning Map to establish a planned development district is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny a planned development application, the Board of Commissioners may consider the standards in [Section 2.2.24.J](#), and the standards for the district in [Section 3.5.5, Planned Development \(PD\) District](#).

### **H.J. CONDITIONS OF APPROVAL**

1. Only conditions mutually agreed to by the owner(s) of the property that is the subject of a planned development application and the Board of Commissioners may be approved as part of a planned development application establishing a planned development district.



## ARTICLE 2: PROCEDURES

### 2.2. Application Review Procedures

### 2.2.13. Planned Development

2. Conditions shall be limited to those that address conformance of development and use of the site with Town regulations and adopted plans and that address the impacts reasonably expected to be generated by the development or use of the site.
3. Conditions shall be in writing and may be supplemented with text or plans and maps.
4. No condition shall be made part of the application which:
  - a. Specifies the ownership status, race, religion, or other characteristics of the occupants of housing units;
  - b. Establishes a minimum size of a dwelling unit;
  - c. Establishes a minimum value of buildings or improvements;
  - d. Excludes residents based upon race, religion, or income; or
  - e. Obligates the Town to perform in any manner relative to the approval of the planned development district or development of the land.

#### **J.K. DESIGNATION ON THE OFFICIAL ZONING MAP**

Designation of a PD zoning district on the Official Zoning Map shall note the ordinance number approving the PD zoning classification.

#### **K.L. EFFECT**

1. Lands rezoned to a PD district shall be subject to the approved master plan and the approved statement of terms and conditions.
2. The master plan and terms and conditions are binding on the land as an amendment to the Official Zoning Map.
3. The applicant may apply for and obtain subsequent development permits and approvals necessary to implement the master plan in accordance with the appropriate procedures and standards set forth in this Ordinance.
4. Any permits or approvals shall comply with the master plan and the statement of terms and conditions.
5. Only those portions of the development subject to an approved master plan and statement of terms and conditions shall be included in development activities.

#### **L.M. AMENDMENT**

##### **1. MINOR CHANGES**

- a. Subsequent plans and permits for development within a planned development district may include minor changes to the approved master plan map or statement of terms and conditions, provided the development continues to meet the minimum requirements of this Ordinance. Minor changes are limited to changes that have no material effect on the character of the planned development or changes that address technical considerations that could not reasonably be anticipated at the time of the planned development approval.
- b. The following minor changes may be approved by the Planning Director, in consultation with other appropriate own staff:
  - i. Changes to the location of entrances or driveways, the rearrangement of internal streets, turn lanes, drives, or access restrictions;
  - ii. Changes to the configuration of parking areas, but not the number of parking spaces;
  - iii. Changes to the configuration or location of open space or placement of required amenities, provided the amount of open space (whether passive or active) is unchanged;
  - iv. Changes to the configuration of landscape yards, including types of materials, provided minimum width and planting requirements are met;
  - v. Changes to the proposed building elevation or facade, including materials, provided that the change retains the same general architectural character and remains consistent with the design parameters established in the PD approval; and
  - vi. Changes to the arrangement or location of buildings provided there is no increase in the number of buildings, size, or amount of impervious surface.

##### **2. SIGNIFICANT CHANGES CONSIDERED AMENDMENTS**

## ARTICLE 2: PROCEDURES

### 2.2. Application Review Procedures

### 2.2.13. Planned Development

- a.** Changes that materially affect the basic concept of the planned development master plan map or basic parameters establishing the terms and conditions or that exceed the scope of a minor change are considered amendments. Amendments include, but are not limited to:
  - i.** Changes in use designations;
  - ii.** Density/intensity increases;
  - iii.** Decreases in open space;
  - iv.** Substantial changes in the location of streets (particularly if streets are to be deleted or access points to the development moved so traffic flows both inside and outside the development are affected); and
  - v.** Change in the location of any public easement.
- b.** Amendments shall be reviewed and considered in accordance with the procedures and standards established for the original approval of a planned development application.

#### **M.N. EXPIRATION**

- 1.** If no application for approval of a preliminary plat or site plan for any part of the approved master plan is submitted within two years after approval of the planned development, the Town may initiate a zoning map amendment application to rezone the land back to its prior zoning classification or any other base zoning classification determined to be appropriate. Such time period shall not be extended with transfer of ownership.
- 2.** Upon written request submitted at least 30 days before expiration of the two-year period provided in subsection (1) above, and upon a showing of good cause, the Planning Director may grant one extension not to exceed one year for the applicant to submit required development applications.

#### **N.O. APPEAL**

- 1.** Appeal of a decision by the Board of Commissioners on a planned development shall be subject to review by the Superior Court of Wake County.
- 2.** Petitions for review must be filed with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

**ARTICLE 2: PROCEDURES**

**2.2.20. UDO TEXT AMENDMENT**

**A. PURPOSE AND INTENT**

This section provides a uniform means for amending the text of this Ordinance whenever public necessity, changed conditions, convenience, general welfare, or appropriate land use practices justify or require doing so.

**B. APPLICABILITY**

The standards and requirements of this section shall apply to applications to revise the text of this Ordinance.

**C. TEXT AMENDMENT PROCEDURE**

The text amendment procedure is described in Figure 2.2.20, Text Amendment Procedure, as supplemented by Section 2.3, Application Processing, and the Procedures Manual.

~~**D. JOINT PUBLIC HEARING**~~

~~Following provision of public notice for a public hearing in accordance with Section 2.3.6, Public Notice, the Planning Board and Board of Commissioners shall conduct a legislative joint public hearing on the UDO text amendment application:~~

**D. INTRODUCTION TO BOARD OF COMMISSIONERS**

The proposed request shall be presented by staff and the applicant to the Board of Commissioners for introductory purposes. The Board shall refer the matter to the Planning Board for Recommendation and shall set the public hearing.

**E. REVIEW BY PLANNING BOARD**

1. The Planning Board, ~~following the close of the joint public hearing,~~ shall review the application and the information presented ~~during the joint public hearing during a follow-up public meeting~~ by Town Staff and the applicant, and shall make a recommendation on an application in accordance with Section 2.2.20.G, UDO Text Amendment Review Standards.
2. In making its recommendation, the Planning Board shall prepare a written consistency statement including each of the following:
  - a. Whether the text amendment application is recommended for approval, denial, or remanded to Town staff; and
  - b. The degree to which the text amendment is or is not consistent with the Town’s adopted policy guidance; and

**FIGURE 2.2.20: UDO TEXT AMENDMENT PROCEDURE**

Step	Action
1	Pre-application Conference
	See Section 2.3.2, Pre-application Conference
2	File Application
	See Section 2.3.3, Application Filing
3	Completeness Determination
	See Section 2.3.3.G, Determination of Application Completeness
4	Planning Director Review
	See Section 2.3.5, Staff Review and Action
5	Town Attorney Legal Sufficiency Review
6	<u>Board of Commissioner Introduction</u>
	<u>Public Hearing Scheduled</u> See Section 2.3.7, Public Hearings and Meetings
7	Public Notice
	See Section 2.3.6, Public Notice
8	<del>Joint Public Hearing</del>
	<del>See Section 2.3.7, Public Hearings and Meetings</del>
98	Planning Board Review and Recommendation
	See Section 2.3.7, Public Hearings and Meetings
109	Board of Commissioners <u>Legislative Public Hearing,</u> Review and Decision
	See Section 2.3.7, Public Hearings and Meetings
110	Notification of Decision
	See Section 2.3.9, Notification of Decision

## ARTICLE 2: PROCEDURES

### 2.2. Application Review Procedures

### 2.2.20. UDO Text Amendment

- c. The ways in which the text amendment is or is not consistent with the Town's adopted policy guidance; and
- d. Whether ~~approval~~ recommendation of the text amendment also amends or does not amend the Town's adopted policy guidance; and
- e. If the adopted policy guidance is amended as part of the application approval, a description of the change in conditions to meet the development needs of the Town that were taken into account as part of the ~~approval~~ recommendation; and
- f. An explanation of why the recommendation is reasonable; and
- g. An explanation of why the recommendation is in the public interest.

#### F. REVIEW AND DECISION BY BOARD OF COMMISSIONERS

1. ~~Following provision of public notice for a public hearing in accordance with Section 2.3.6, Public Notice, the Planning Board and Board of Commissioners shall conduct a legislative public hearing on the UDO text amendment application.~~

~~1.2.~~ The Board of Commissioners, after the ~~conclusion of the joint public hearing conducted with the Planning Board, and~~ receipt of a recommendation on the UDO text amendment by the Planning Board, shall decide the application ~~during a follow-up public~~ meeting in accordance with Section 2.2.20.G, UDO Text Amendment Review Standards.

~~2.3.~~ Nothing shall require the BOC to wait for or consider the recommendation of the Planning Board on the text amendment application.

~~3.4.~~ The decision shall be one of the following:

- a. Adoption of the text amendment as proposed;
- b. Adoption of a revised text amendment;
- c. Denial of the text amendment; or
- d. Remand of the text amendment application to the Planning Board for further consideration.

~~4.5.~~ In making its decision, the Board of Commissioners shall adopt a written statement including each of the following:

- a. Whether the text amendment application is approved, denied, or remanded; and
- b. The degree to which the text amendment application is or is not consistent with the Town's adopted policy guidance; and
- c. The ways in which the text amendment application is or is not consistent with the Town's adopted policy guidance; and
- d. Whether approval of the text amendment application also amends or does not amend the Town's adopted policy guidance; and
- e. If the adopted policy guidance is amended as part of the application approval, a description of the change in conditions to meet the development needs of the Town that were taken into account as part of the approval; and
- f. An explanation of why the action taken by the Board of Commissioners is reasonable; and
- g. An explanation of why the action taken by the Board of Commissioners is in the public interest.

#### G. UDO TEXT AMENDMENT REVIEW STANDARDS

The advisability of amending the text of this Ordinance is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny the proposed text amendment, the Board of Commissioners may, but is not required to, consider whether and the extent to which the proposed text amendment:

1. Enhances the public's health, safety, and welfare;
2. Is consistent with the Town's adopted policy guidance;
3. Is not in conflict with any provision of this Ordinance or the Town Code of Ordinances;
4. Is required by changed conditions;
5. Addresses a demonstrated community need;
6. Addresses an unforeseen matter not present when the Ordinance was adopted;

## ARTICLE 2: PROCEDURES

7. Is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and ensure efficient development within the Town;
8. Would result in a logical and orderly development pattern;
9. Addresses other factors determined to be relevant by the Board of Commissioners; and
10. Would not result in significantly adverse impacts on the natural environment, including water, air, noise, stormwater management, wildlife, vegetation, and the natural functioning of the environment.

### H. AMENDMENT

Amendment of the decision on a UDO text amendment may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

### I. EXPIRATION

UDO text amendments shall not expire.

### J. APPEAL

1. A decision by the BOC shall be subject to review by the Wake County Superior Court.
2. Petitions for review must be filed with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.



**ARTICLE 2: PROCEDURES**

**2.2.24. ZONING MAP AMENDMENT**

**A. PURPOSE AND INTENT**

This section provides a uniform means for reviewing and deciding proposed amendments to the Official Zoning Map whenever the public necessity, general welfare, the Town’s adopted policy guidance, or appropriate land use practices justify or require doing so.

**B. APPLICABILITY**

This procedure sets out the requirements for amendments to the zoning district designation of land within the Town’s planning jurisdiction as well as for land coming into the Town’s planning jurisdiction via annexation in accordance with the standards in Sections 160D-602 through 160D-605 of the North Carolina General Statutes.

**C. PROCEDURES DISTINGUISHED**

1. This zoning map amendment procedure shall be used in the consideration of traditional map amendment.
2. Conditional rezoning (see [Section 2.2.6, Conditional Rezoning](#)) applications are applications that include conditions agreed to by the applicant and the Town that seek to either further limit development beyond that allowed within a specific base zoning district, or otherwise deviate from the minimum standards that would otherwise apply.
3. Applications filed as either a traditional zoning map amendment or conditional rezoning application may not be converted to the other form of map amendment application during the review process, and shall instead be withdrawn and resubmitted as a new application.

**D. ZONING MAP AMENDMENT PROCEDURE**

The zoning map amendment procedure is described in [Figure 2.2.24, Zoning Map Amendment Procedure](#), as supplemented by [Section 2.3, Application Processing](#), and the Procedures Manual.

**E. APPLICATION SUBMITTAL**

Applications may be initiated by the Board of Commissioners, the Planning Board, the Planning Director, all landowner(s) or contract purchasers of the land in the proposed application.

~~**F. JOINT PUBLIC HEARING**~~

~~Following provision of public notice for a public hearing in accordance with [Section 2.3.6, Public Notice](#), the Planning Board and Board of Commissioners shall conduct a joint legislative public hearing on the zoning map amendment application.~~

**[INTRODUCTION TO BOARD OF COMMISSIONERS](#)**

<b>FIGURE 2.2.24: ZONING MAP AMENDMENT PROCEDURE</b>	
Step	Action
1	Pre-application Conference See <a href="#">Section 2.3.2, Pre-application Conference</a>
2	File Application See <a href="#">Section 2.3.3, Application Filing</a>
3	Completeness Determination See <a href="#">Section 2.3.3.G, Determination of Application Completeness</a>
4	Planning Director Review See <a href="#">Section 2.3.5, Staff Review and Action</a>
5	<a href="#">Board of Commissioner Introduction Public Hearing Scheduled</a> See <a href="#">Section 2.3.7, Public Hearings and Meetings</a>
6	Public Notice See <a href="#">Section 2.3.6, Public Notice</a>
7	<del>Joint Public Hearing</del> See <del><a href="#">Section 2.3.7, Public Hearings and Meetings</a></del>
87	Review and Recommendation by Planning Board See <a href="#">Section 2.3.7, Public Hearings and Meetings</a>
98	Board of Commissioners <a href="#">Public Hearing</a> , Review, and Decision See <a href="#">Section 2.3.7, Public Hearings and Meetings</a>
109	Notification of Decision See <a href="#">Section 2.3.9, Notification of Decision</a>

## ARTICLE 2: PROCEDURES

The proposed request shall be presented by staff and the applicant to the Board of Commissioners for introductory purposes. The Board shall refer the matter to the Planning Board for Recommendation and shall set the public hearing.

### G. REVIEW BY PLANNING BOARD

1. The Planning Board, ~~following the close of the joint public hearing,~~ shall review the application and the information ~~presented during the joint public hearing during a follow-up public meeting, by Town Staff and the applicant~~ and shall make a recommendation on a the zoning map amendment application in accordance with Section Section 2.2.24.J, Zoning Map Amendment Review Standards.
2. In making its recommendation, the Planning Board shall prepare a written consistency statement including each of the following:
  - a. Whether the zoning map amendment application is recommended for approval, denial, or remanded to Town staff; and
  - b. The degree to which the zoning map amendment is or is not consistent with the Town's adopted policy guidance; and
  - c. The ways in which the zoning map amendment is or is not consistent with the Town's adopted policy guidance; and
  - d. Whether approval of the zoning map amendment also amends or does not amend the Town's adopted policy guidance; and
  - e. If the adopted policy guidance is amended as part of the application approval, a description of the change in conditions to meet the development needs of the Town that were taken into account as part of the approval; and
  - f. An explanation of why the recommendation is reasonable; and
  - g. An explanation of why the recommendation is in the public interest.

### H. BOARD OF COMMISSIONERS REVIEW AND DECISION

1. Following provision of public notice for a public hearing in accordance with Section 2.3.6, Public Notice, the Planning Board and Board of Commissioners shall conduct a legislative public hearing on the zoning map amendment application.
- ~~1.2.~~ The Board of Commissioners, after the ~~conclusion of the joint public hearing conducted with the Planning Board, and~~ receipt of a recommendation on the zoning map amendment by the Planning Board, shall decide the application during a follow-up public meeting in accordance with Section 2.2.24.J Zoning Map Amendment Review Standards.
- ~~2.3.~~ The decision shall be one of the following:
  - a. Adoption of the zoning map amendment as proposed;
  - b. Adoption of the zoning map amendment to a zoning district designation of lesser intensity;
  - c. Denial of the zoning map amendment; or
  - d. Remand of the zoning map amendment application to the Planning Board for further consideration.
- ~~3.4.~~ The Board of Commissioners shall not rely upon any representations made by the applicant that if the application is granted, the subject land will be used for limited types of uses permitted in the requested zoning district. Rather, the Board of Commissioners shall consider the full range of use types allowable in the proposed zoning district designation.
- ~~4.5.~~ In making its decision, the Board of Commissioners shall adopt a written statement including each of the following:
  - a. Whether the zoning map amendment application is approved, denied, or remanded; and
  - b. The degree to which the zoning map amendment is or is not consistent with the Town's adopted policy guidance; and
  - c. The ways in which the zoning map amendment is or is not consistent with the Town's adopted policy guidance; and
  - d. Whether approval of the zoning map amendment amends or does not amend the Town's adopted policy guidance; and

## ARTICLE 2: PROCEDURES

- e. If the adopted policy guidance is amended as part of the application approval, a description of the change in conditions to meet the development needs of the town that were taken into account as part of the approval; and
- f. An explanation of why the action taken by the Board of Commissioners is reasonable; and
- g. An explanation of why the action taken by the Board of Commissioners is in the public interest.

### I. DESIGNATION ON OFFICIAL ZONING MAP

The Planning Director shall make changes to the Official Zoning Map promptly after approval of a zoning map amendment application by the Board of Commissioners.

### J. ZONING MAP AMENDMENT REVIEW STANDARDS

The advisability of an amendment to the Official Zoning Map is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny a proposed zoning map amendment, the Board of Commissioners may weigh the relevance of and consider the following:

1. Whether the proposed zoning map amendment advances the public health, safety, or welfare;
2. Whether and the extent to which the proposed rezoning is appropriate for its proposed location, and is consistent with the purposes, goals, objectives, and policies of the Town's adopted policy guidance.
3. Whether an approval of the rezoning is reasonable and in the public interest.
4. Other factors as the Board of Commissioners may determine to be relevant.

### K. EFFECT

1. Lands subject to an approved map amendment shall be subject to all the applicable standards in this Ordinance, which shall be binding and shall run with the land.
2. Development located outside the Zebulon corporate limits shall comply with all Town policies related annexation and the extension of utilities.

### L. AMENDMENT

Amendment of a decision on a zoning map amendment may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

### M. APPEAL

1. Any decision by the Board of Commissioners shall be subject to review by the Superior Court of Wake County.
2. Petitions for review must be filed with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

## 5.7. OPEN SPACE

### 5.7.1. HOW TO USE THESE STANDARDS

- A.** Developments subject to these open space set-aside standards (see [Section 5.7.3, Applicability](#)) shall provide the minimum amount of open space set-aside required for the zoning district where located as identified in [Article 3: Districts](#).
- B.** The physical amount of open space to be set aside within a particular development is a percentage of total development size. These percentage requirements are found in the dimensional standards tables for the zoning districts in [Article 3: Districts](#). There is no limitation on the provision of additional open space set-aside beyond the minimum specified in [Article 3: Districts](#).
- C.** Once the minimum amount of open space set-aside to be provided is determined, the type of open space set-aside, if specified, should also be determined.
- D.** Applicants should consult [Section 5.7.5, Open Space Set-Aside Configuration](#), in order to understand any applicable design requirements or prohibited features.
- E.** The required amount of open space set-aside may be reduced based on the provision of sustainable development features in accordance with [Section 5.12, Sustainability Incentives](#), or other aspects of this Ordinance.
- E.F.** [Applicants should consult the Town's Comprehensive Parks and Recreation Master Plan for recommendation and guidance pertaining to the community's needs, design parameters, and general configuration subject to location.](#)

### 5.7.2. PURPOSE AND INTENT

The purpose of this section is to help ensure the provision and maintenance of open space resources that encourage recreation and the gathering of Town residents and visitors. These standards are further intended to:

- A.** Establish the standards under which residential, mixed-use, and nonresidential development shall set aside a portion of the development area as open space;
- B.** Distinguish between the characteristics, requirements, and appropriate locations for open space set-asides, based on the zoning district designation; and
- C.** Establish minimum ownership and maintenance standards for homeowner and property owner associations related to open space set-asides.

### 5.7.3. APPLICABILITY

#### A. GENERALLY

1. Unless exempted in accordance with [Section 5.7.3.C, Exemptions](#), the standards in this section shall apply to all new development and redevelopment in the City.
2. Redevelopment conducted after January 1, 2020, shall comply with the standards in this section, to the maximum extent practicable, and shall provide its pro rata share of open space set-aside.

#### B. CONSERVATION SUBDIVISIONS

Open space set-asides associated with a conservation subdivision shall be subject to the standards in [Section 6.2, Conservation Subdivision](#), in addition to these standards. In the event of a conflict, the standards in [Section 6.2, Conservation Subdivision](#), shall control.

#### C. EXEMPTIONS

The following forms of development shall be exempted from the standards in this section:

1. Development of an individual single-family dwelling (including manufactured homes) on lots platted prior to January 1, 2020;
2. Subdivisions comprised solely of four or fewer lots where all lots intended for single-family detached residential dwellings;
3. Development located within the LI, IC, HI, and DTC districts.

**E. FEATURES NOT CREDITED TOWARDS OPEN SPACE SET-ASIDE**

The following areas shall not be included in or credited towards any open space set-aside requirements:

1. Private yards not subject to a deed restriction or conservation easement;
2. Street rights-of-way;
3. Parking areas and driveways for dwellings or other uses;
4. Land covered by structures not designated for active recreational uses;
5. On-site wastewater treatment facilities, including septic tank drain fields
6. Stormwater management features not configured as a site amenity; and
7. Designated outdoor storage areas.

**5.7.6. OWNERSHIP OF OPEN SPACE SET-ASIDES**

Open space set-asides are intended to remain under private ownership while being available for use to residents and visitors in the development where located. Ownership of open space set-aside shall remain with the owner of the land, except in the following circumstances.

**A. HOMEOWNERS' OR PROPERTY OWNERS' ASSOCIATION**

All open space set-aside areas may be owned jointly or in common by the owners of the development through a recognized homeowners' or property owners' association, which shall be established in accordance with Section 6.5, Owners' Associations.

**B. NONPROFIT ORGANIZATION**

The landowners may decide to convey an open space set-aside to a nonprofit organization such as a land trust or land conservancy for management and maintenance if the Town is provided adequate assurance the set-aside will be properly managed and maintained.

**C. DEDICATED TO TOWN OR OTHER PUBLIC AGENCY**

In some cases, certain lands designated as open space set-asides, such as wildlife habitat or greenways, may be dedicated to the Town or other public agency during the development review process. The Board of Commissioners shall determine which lands and under what conditions open space set-asides may be dedicated to the Town or other public agency. [Lands dedicated to the Town of Open Space must conform to the standards, details, and recommendations set forth in the Comprehensive Parks and Recreation Master Plan.](#)

**5.7.7. MAINTENANCE OF OPEN SPACE SET-ASIDES**

- A. The owner of the land shall be responsible for maintenance of all open space set-aside areas (including land, vegetation, private infrastructure, greenways, and other features) in accordance with this Ordinance and any conditions of approval associated with the development.
- B. Failure to maintain open space set-aside areas is a violation of this Ordinance subject to the remedies and penalties in Article 8: Enforcement.



## ARTICLE 6: SUBDIVISIONS

### 6.3. Fee-in-Lieu

### 6.3.3. Amount

- b. All fees collected by the Town pursuant to this section shall be deposited in Town's revolving fund for purchase of recreation land, installation of vegetation, or installation of required infrastructure (whether streets, sidewalks, bikeways, or other infrastructure, as appropriate).
- c. Use of funds collected in accordance with this section shall only take place in the general vicinity of where funds are collected and may only be used for the purchase of in-kind lands or the same type of infrastructure in accordance with all applicable State and federal law.
- d. The Planning Director shall maintain records of the amounts collected, the timing, and the location, which shall be used by the Town as part of its capital facilities program.

### 6.3.3. AMOUNT

#### A. LAND

1. The fee-in-lieu shall be calculated based upon the total acreage of land required for dedication.
2. The land's assessed value (as determined by the Wake County Tax Assessor) following subdivision shall be used to arrive at the required payment-in-lieu amount.

#### B. INFRASTRUCTURE

1. The amount of fee-in-lieu shall be based on an estimate by a professional engineer licensed by the State of North Carolina.
2. The estimate shall include the cost of all materials and labor based on current unit prices.
3. Nothing shall prevent the Planning Director from acquiring an additional estimate for the same infrastructure from another professional engineer licensed by the State of North Carolina.
4. The Planning Director may select the estimate that will form the basis for the fee-in-lieu payment.

#### C. VEGETATION

In cases where a fee-in-lieu is proposed for the installation of vegetation, the fee amount shall be based upon the unit price of the vegetation along with all associated labor, transportation, and incidental costs such as ground cover, staking, and fertilizer, but not irrigation.

### 6.3.4. REVIEW STANDARDS FOR FEE-IN-LIEU

In determining whether to accept a request for payment of fee-in-lieu, the Planning Director may rely on any of the following review criteria.

#### ~~A. PARK LAND~~

- ~~1. There is sufficient public park land in proximity to the proposed development based on a review of the Town's adopted policy guidance and information from Town staff;~~
- ~~2. Private common open space resources provided on the subject site will be available for public use and will mitigate park land needs created by the proposed development;~~
- ~~3. Collected funds could be utilized to further improve an existing park facility in a proximate location;~~
- ~~4. The topography or other natural conditions of the site do not provide adequate opportunities for on-site recreation and park areas;~~
- ~~5. The amount of park land to be dedicated is too small to provide adequate recreation and park opportunities or to be efficiently maintained;~~
- ~~6. The intended location of the park land is too far from existing recreation and park areas to be efficiently maintained; or~~
- ~~7. Adequate access is not available to the proposed park land.~~

#### ~~B.A. GREENWAY LAND~~

1. The conditions on the land make installation or operation of a greenway segment impossible or cost prohibitive for the Town;
2. The potential for the connection of a proposed greenway segment to the Town's greenway network is unlikely within the foreseeable future, in the opinion of Town staff; or
3. There are suitable alternatives to a greenway segment, such as a multi-purpose trail, in close proximity to the proposed site.

## ARTICLE 6: SUBDIVISIONS

6.3. Fee-in-Lieu

6.3.4. Review Standards for Fee-In-Lieu

### ~~C.~~B. STREETS

1. The proposed street alignment creates an unacceptable environmental impact; or
2. The proposed street is impossible or impractical to build based on topography, slope, soil conditions, or development patterns on adjacent lands.

### ~~D.~~C. SIDEWALKS

1. The potential for the connection of a proposed sidewalk segment to the Town's sidewalk network is unlikely within the foreseeable future, in the opinion of Town staff; or
2. There are suitable alternatives to a sidewalk, such as a greenway, in close proximity to the proposed site.

### ~~E.~~D. VEGETATION

1. The proposed location of vegetation will not support healthy vegetation due to shading or topographic conditions
2. The site where vegetation is proposed is incapable of supporting additional vegetation due to the presence of existing vegetation, buildings, or impervious surfaces.

## ARTICLE 6: SUBDIVISIONS

6.7. Reservation of Public Lands

6.7.1. Reservation of School Sites

### 6.7. RESERVATION OF PUBLIC LANDS

#### 6.7.1. RESERVATION OF SCHOOL SITES

- A. If a proposed subdivision of 40 or more lots includes a school site that is designated in the Land Use Plan (in accordance with Section 153A-331 of the North Carolina General Statutes) or some other long range document adopted by the Board of Commissioners, the Town shall immediately notify the Wake County Board of Education.
- B. If the Board of Education determines the school site does not need to be reserved, it shall not be required as part of the subdivision.
- C. If the Board of Education determines the school site needs to be reserved to accommodate a new school, the subdivision shall not be approved without reservation of the school site. If the school site is reserved, the Board of Education must acquire the site within 18 months after the date the site is reserved, or the subdivider may treat the reservation as null and void as authorized by Section 153A-331 of the North Carolina General Statutes.

#### 6.7.2. DEDICATION OF LAND FOR PUBLIC PARKS

Subdivisions of land for 30 or more single-family residential lots ~~shall be required~~ may pay a reduced Parks and Recreation Impact fee with the dedication of ~~to dedicate~~ a portion of land, ~~or pay a fee-in-lieu thereof;~~ for public parkland, in accordance with the standards of this section.

##### A. DEDICATION AMOUNT

1. Single-family residential subdivisions of 30 or more lots shall dedicate 1,000 square feet of land per residential lot to the Town for its use in developing public parkland.
2. No credit towards required parkland dedication is given for 404 wetlands or other lands mandated for preservation by federal or state requirements.
3. No more than 25 percent of the total dedication requirement may be met through dedication of water areas.

##### B. PROCEDURE FOR DEDICATION OR PAYMENT

1. The developer shall identify land proposed for dedication on the preliminary plat, or propose payment of ~~an in-lieu fee~~ the Parks and Recreation Impact Fee as part of the application for approval of a preliminary plat.
- ~~1.2.~~ The Parks and Recreation Advisory Board shall review the proposed request in context of the Comprehensive Parks and Recreation Master Plan and make a recommendation to the Board of Commissioners.
- ~~2.3.~~ The Board of Commissioners shall review the proposed application and recommendation and to determine if it complies with the standards in Section 6.7.2.C, Nature of Area to be Dedicated, or Section 6.3, Fee-in-Lieu, as appropriate. The decision to accept dedication of land or payment-in-lieu is up to the sole discretion of the Board of Commissioners.
4. Land shall be dedicated prior to recording the first final plat for the subdivision, or the ~~payment-in-lieu full Parks and Recreation Impact Fee~~ shall be paid prior to recording the lots associated with the first final plat for the subdivision. ~~for which the payment-in-lieu is paid.~~
- ~~3.5.~~ The value of the reduction of Parks and Recreation Impact Fees shall be calculated based on the assessed value of the land proposed to be dedicated.

##### C. NATURE OF AREA TO BE DEDICATED

All lands proposed for dedication as recreation and park areas shall meet the following standards:

###### 1. UNITY

The dedicated land shall be a single parcel of land, whether the subdivision is developed in phases or sections, except where it is determined by the BOC that multiple parcels would better serve Town residents.

###### 2. USABILITY

## ARTICLE 6: SUBDIVISIONS

### 6.7. Reservation of Public Lands

### 6.7.2. Dedication of Land for Public Parks

Public parkland must be flat, well-drained, usable land for a park, as determined by the BOC. In cases where dedication includes an area of water, public access to all portions of a water feature shall be provided and maintained, regardless of water feature's size.

#### 3. SHAPE

The dedicated land shall be of a shape that supports gathering and recreation activities.

#### 4. LOCATION

**a.** The dedicated parkland shall be located so it can reasonably serve the park needs of the residents of the subdivision and immediate area.

**b.** The BOC may require that the land dedicated be located on the periphery of the development in order to allow enlargement by combining the recreation and park area with adjacent development or park facilities, existing or planned.

**b.c.** The location of the land proposed for dedication shall conform to the locations recommended in the Comprehensive Parks and Recreation Master Plan.

#### 5. ACCESS

**a.** All dwelling units in the subdivision and residents in the immediate area shall have access to and from the parkland provided by means of streets and public walkways or trails.

**b.** Rights-of-way for this access shall be shown on the preliminary and final plats.

~~**c.**~~ All dedicated lands shall have access by way of a street. Such access can be provided when the dedicated land is adjacent to existing or proposed public parkland with street access.

#### 6. LAND DEDICATED FOR OTHER PURPOSES

**a.** The Board of Commissioners may consider the dedication of land of other governmental related purposes including but not limited to the following:

**i.** Police Substation

**ii.** Fire Station

**iii.** EMS Station

**iv.** Public School

**v.** Other Governmental Activity

# 10: REVIEWING AGENCIES

## 10.1. OVERVIEW

As identified in [Article 2: Procedures](#), the following review authorities have powers and responsibilities for administering this Ordinance, especially with regard to procedures related to development applications.

- 10.1.1. Board of Adjustment (BOA);
- 10.1.2. Board of Commissioners (BOC);
- 10.1.3. Planning Board [and Parks and Recreation Advisory Board](#);
- 10.1.4. Technical Review Committee (TRC); and
- 10.1.5. Town staff, comprised of the Building Inspector, Planning Director, and Town Manager.

## 10.2. BOARD OF ADJUSTMENT (BOA)

The Board of Adjustment is hereby established in accordance with Section 160D-302 of the North Carolina General Statutes. The BOA shall have the following powers and duties, composition, and rules of procedure under this Ordinance:

### 10.2.1. POWERS AND DUTIES

#### A. APPLICATION REVIEW AND DECISION

To review and decide applications for:

1. Appeals of decisions by town staff members deciding applications under this Ordinance; and
2. Variances.

#### B. OTHER POWERS AND DUTIES

To exercise other powers and authority provided to it by the Board of Commissioners, this Ordinance, or state law.

#### C. WATERSHED REVIEW BOARD

The Board of Adjustment shall serve as the Watershed Review Board and review and decide variance requests from the watershed protection standards in accordance with [Section 2.2.21, Variance](#).

### 10.2.2. COMPOSITION

#### A. MEMBERSHIP

The BOA shall consist of five regular members.

#### B. RESIDENCE LOCATION AND APPOINTMENT

1. Four members shall be citizens and residents of the town and shall be appointed by the Town of Zebulon Board of Commissioners;
2. One member shall be a citizen of Wake County and reside outside the town but within the extraterritorial jurisdiction boundaries of the town and shall be appointed by the Board of Commissioners of Wake County.
  - a. If despite good faith efforts, enough residents of the extra territorial planning area cannot be found to fill the seats reserved for residents of the area, then the Wake County Board of Commissioners may appoint other residents of the county (including residents of the town) to fill these seats.
  - b. If the county Board of Commissioners fails to make these appointments within 90 days after receiving a resolution from the town Board of Commissioners requesting that they be made, the town Board of Commissioners may make them.
3. If a regular or alternate in-town member moves outside the town, or if an extra-territorial area regular or alternate moves outside the planning jurisdiction, that shall constitute a resignation from the BOA, effective upon the date a replacement is appointed.

#### C. ALTERNATE MEMBERS



## ARTICLE 10: REVIEWING AGENCIES

### 10.8. Town Manager

## 10.8. TOWN MANAGER

The Town Manager shall have the following powers and duties:

### 10.8.1. POWERS AND DUTIES

#### A. POWERS AND DUTIES

The ~~Town Attorney~~Town Manager shall have the following other powers and duties:

1. Enforce this Ordinance in accordance with Article 8: Enforcement, and State law;
2. Advise applicants on the merits of proposed applications;
3. Facilitate coordinated implementation, enforcement, and periodic review of this Ordinance by keeping the Board of Commissioners informed of matters involving this Ordinance;
4. Hear appeals of development-related aspects not addressed in this Ordinance; and
5. Perform other duties as may be assigned by the Board of Commissioners in accordance with State law.

## 10.9. PARKS AND RECREATION ADVISORY BOARD

The Parks and Recreation Board is hereby established in accordance with Sections 31.62 – 31.64 of the Zebulon Code of Ordinances. The Parks and Recreation Advisory Board shall have the following powers and duties, composition, and rules of procedure under this Ordinance:

### 10.9.1. POWERS AND DUTIES

#### A. RECOMMENDATION AUTHORITY

To make recommendations to the Board of Commissioners on the following applications:

1. Comprehensive Parks and Recreation Plan Amendments;
2. Planned Developments; and
3. Conditional Zoning Map Amendments.

#### B. OTHER POWERS AND DUTIES

The Parks and Recreation Advisory Board shall have the following other powers and duties:

1. To make studies of the Town's Parks and Recreation Facilities;
2. To determine objectives to be sought in the recreation of the town;
3. To prepare and adopt plans for achieving these objectives;
4. To develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans that the Board of Commissioners may direct;
5. To advise the Board of Commissioners concerning the use and amendment of means for carrying out plans;
6. To exercise any functions in the administration and enforcement of various means for carrying out plans that the Board of Commissioners may direct;
7. To perform any other related duties that the Board of Commissioners may direct;
8. To conduct such public meetings as may be required to gather information necessary for the drafting, establishment, and maintenance of adopted or proposed plans and before recommending any such plans to the Board of Commissioners; and
9. To promote public interest in and an understanding of its recommendations, and to that end, publish and distribute copies of its recommendations and employ such other means of publicity and education as it may determine.

### 10.9.2. COMPOSITION

#### A. MEMBERSHIP

The Parks and Recreation Advisory Board shall consist of seven members.

#### B. RESIDENCE LOCATION AND APPOINTMENT

## ARTICLE 10: REVIEWING AGENCIES

### 10.9. Parks and Recreation Advisory Board

1. Members shall be citizens and residents of the town and shall be appointed by the town of Zebulon Board of Commissioners;
2. Members of the Parks and Recreation Advisory Board shall hold no other official municipal government position except on a Board of Adjustment, Planning Board, or housing authority board.
3. A member may be removed by the Board which appointed the member for neglect of duty or malfeasance in office.
4. Upon request of the member proposed for removal, the Board of Commissioners may hold a hearing on the removal before it becomes effective.

#### **C. MEMBER TERMS**

1. Members of the Parks and Recreation Advisory Board shall be appointed for terms of three years with terms expiring on June 30.
2. Members may continue to serve until their successors have been appointed.
3. There shall be no term limits for those serving on the Parks and Recreation Advisory Board

#### **D. VACANCIES**

Vacancies occurring for reasons other than expired terms shall be filled as they occur for the unexpired remainder of the term by the Board of Commissioners of the Town.

#### **E. OFFICERS**

1. The Parks and Recreation Board shall elect a Chairperson and may create and fill other offices as it may deem necessary.
2. The term of officers shall be one year or until successors shall have been elected and installed, with eligibility for re-election.

### **10.9.3. RULES OF PROCEDURE**

#### **A. GENERALLY**

The Parks and Recreation Advisory Board shall adopt rules for the transaction of its business and shall keep a record of its members' attendance and its resolutions, discussions, findings and recommendations, which record shall be a public record.

#### **B. COMPENSATION**

Members of the Parks and Recreation Advisory Board shall receive no compensation for their services.

#### **C. SCHEDULE**

1. The Parks and Recreation Advisory Board shall establish a regular meeting time and place.
2. Unless there is no business to be conducted, the Parks and Recreation Advisory Board shall hold at least one meeting monthly.
3. The Parks and Recreation Advisory Board may elect to change and/or delete meeting dates, times and/or locations of its regular meetings.

#### **D. OPEN MEETINGS**

All meetings and hearings shall be open to the public.

#### **E. OFFICIAL RECORD**

1. The Parks and Recreation Advisory Board shall keep minutes of its proceedings showing the vote of each member upon each question and the absence or failure of any member to vote.
2. Unless otherwise provided by law, all records and minutes shall be public record.

#### **F. QUORUM**

1. No official business of the Parks and Recreation Advisory Board may be conducted without a quorum present.
2. A quorum shall consist of a majority of actual membership excluding vacant seats.

#### **G. VOTING**

## ARTICLE 10: REVIEWING AGENCIES

### 10.9. Parks and Recreation Advisory Board

1. An affirmative vote of the majority of Parks and Recreation Advisory Board members constituting a quorum is required for all decisions.
2. The Chairperson shall vote as any other member.

#### **H. ATTENDANCE**

Faithful attendance at meetings of the Parks and Recreation Advisory Board is considered a prerequisite to continued membership, and the appointing authority may remove and replace any member continually delinquent in his duty to attend. Specifically, members of the Parks and Recreation Advisory Board may be removed by the Board of Commissioners at any time for:

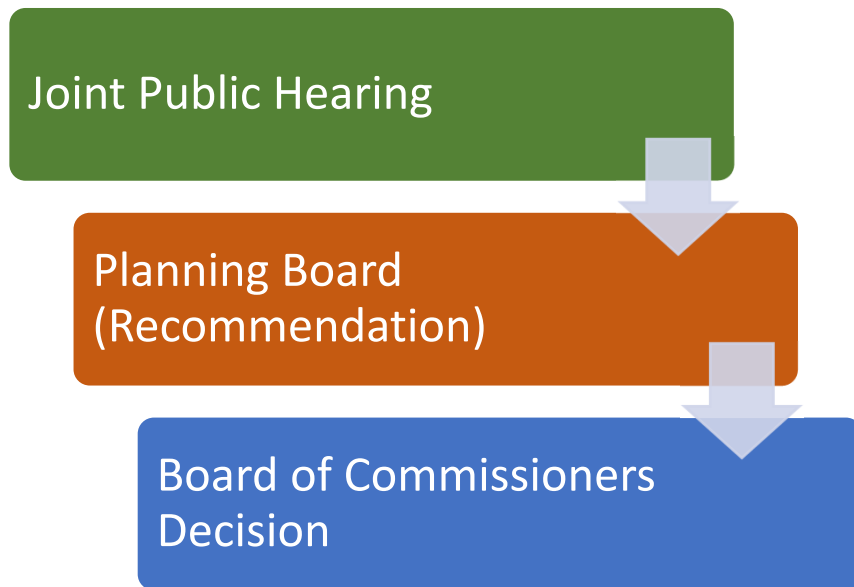
1. Failure to attend three consecutive meetings; or
2. Failure to attend 70% or more of the meetings within any 12-month period;
3. For any other good cause related to performance of duties.

#### **I. CONFLICT OF INTEREST**

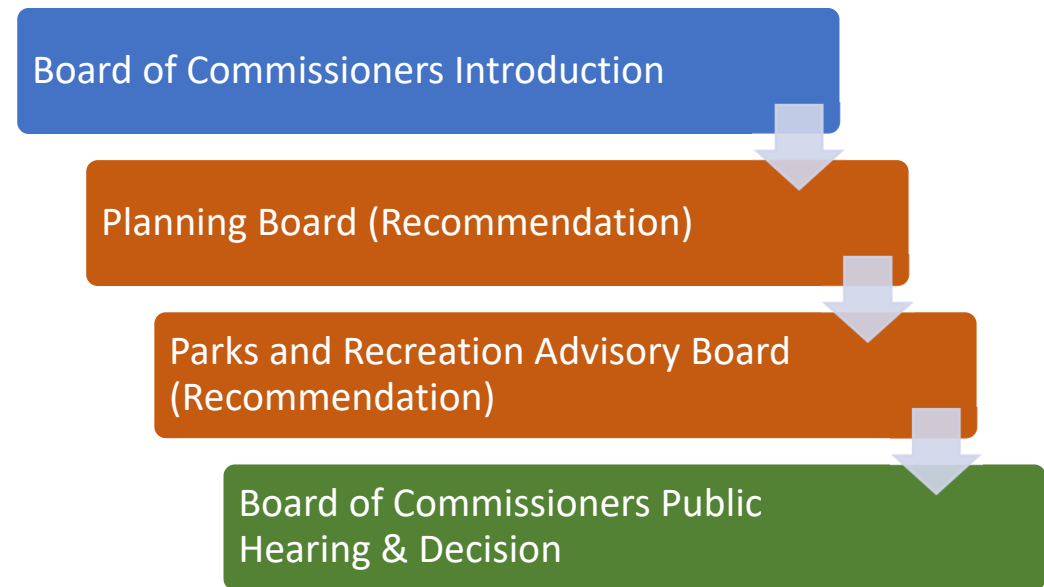
1. A member of the Parks and Recreation Advisory Board shall not vote, nor participate in any manner that would violate an affected person's constitutional rights to an impartial decision maker; including, but are not limited to:
  - a. A member having a fixed opinion prior to hearing the matter that is not susceptible to change;
  - b. A close family, business, or other associational relationship with an affected person; or
  - c. Financial interest in the outcome of the matter.
2. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

# Process Changes

## CURRENT




## PROPOSED



STAFF REPORT  
TEXT AMENDMENT 2023-02  
PUBLIC HEARING NOTIFICATION  
OCTOBER 10, 2022

**Topic: TEXT AMENDMENT 2023-02 – PUBLIC HEARING NOTIFICATION**

Speaker: Michael J. Clark, AICP, CZO, Planning Director  
From: Michael J. Clark, AICP, CZO, Planning Director  
Prepared by: Michael J. Clark, AICP, CZO, Planning Director  
Approved by:  Joseph M. Moore II, PE, Town Manager

**Executive Summary:**

The Board of Commissioners will consider text amendments to the Unified Development Ordinance to extend the distance required for mailed public hearing notifications.

**Background:**

The Unified Development Ordinance was approved November 2019 and implemented January 1, 2020. Several of the regulations and operational elements continued with the new regulations. One such operational process was the 150-foot notification for public hearings. NCGS 160D-602(a) requires “Abutting” properties receive public hearing notification by first class mail, and Section 2.2.6 of the UDO currently just references NCGS.

**Discussion:**

At the Board Work Session on September 15, 2022, Staff provided several options to consider addressing the desire to increase the notification radius. The consensus was to expand the radius to 750 feet. The amendment to Section 2.3.6 of the UDO reflects the consensus of the Board.

**Policy Analysis:**

The proposed amendment is consistent with the spirit and intent of NCGS 160D-602(a) and the Comprehensive Land Use Plan’s guiding principal #5 be Collaborative by increasing the information distribution and opportunity for further citizen engagement.

**Financial Analysis:**

Currently, the applicant is responsible for the mailed notification by providing addressed and stamped envelopes. If the Town absorbs this fee, it would be approximately \$100 per case depending on the location and lot sizes of parcels within the 750-foot radius.

**Staff Recommendation:**

Staff Recommends accepting public comment and referring the matter to the Planning Board for recommendation.

**Attachments:**

1. Draft Text Amendments

**ARTICLE 2: PROCEDURES**

**C. DISTRIBUTION AND AVAILABILITY OF APPLICATION AND STAFF REPORT**

In cases where a staff report is prepared, the Planning Director shall take the following actions within a reasonable time period before the application is scheduled for review:

1. Schedule and ensure any required public notice of the application (if appropriate) is prepared in accordance with Section 2.3.6, Public Notice;
2. Transmit the application, related materials, and staff report to the appropriate review authority (ies);
3. Transmit a copy of the staff report and any related materials to the applicant; and
4. Make the application, related materials, and staff report available for examination by the public.

**D. APPLICATIONS SUBJECT TO DECISION BY STAFF**

1. In cases where a development application is decided by the Planning Director or other designated Town staff member, the appropriate Town staff member shall make one of the following decisions, based on the review standards set forth in Section 2.2, Application Review Procedures:
  - a. Approve the application;
  - b. Disapprove the application; or
  - c. Delay decision making for a specified time to allow the applicant to revise the application for compliance with the requirements in this Ordinance.
2. In some instances, Town staff may decide an application contingent upon further revision by the applicant in accordance with the direction provided in the decision.

**2.3.6. PUBLIC NOTICE**

**A. PUBLIC MEETING DISTINGUISHED**

Public meetings conducted in accordance with this Ordinance are not public hearings, and do not require the provision of public notification in accordance with this section.

**B. PUBLIC HEARING SCHEDULING**

When a development application is subject to a public hearing, the Planning Director shall ensure that the public hearing is scheduled for a regular meeting or a meeting specially called for that purpose by the review authority.

**C. PUBLIC NOTIFICATION REQUIREMENTS**

1. All development applications subject to public notification shall comply with the appropriate standards in the North Carolina General Statutes. More specifically, Section 160D-601(a) for published notice, Section 160D-602(a) for mailed notice, and Section 160A-602(c) for posted notice.
2. Table 2.3.6.C, Public Notification Requirements, summarizes the provisions related to public notice. In computing the required time periods, the day the notice is published, mailed, or posted shall not be included, but the day of the hearing shall be included.

<b>TABLE 2.3.6.C: PUBLIC NOTIFICATION REQUIREMENTS</b>			
<b>APPLICATION TYPE</b>	<b>TYPE OF PUBLIC NOTIFICATION</b>		
	<b>"X"=REQUIRED</b>		
	<b>PUBLISHED NOTICE [1]</b>	<b>MAILED NOTICE [2]</b>	<b>POSTED NOTICE [3]</b>
Annexation	X	.	.
Appeal	X	X [4]	.
Conditional Rezoning	X	X	X
Development Agreement	X	X	X
Planned Development	X	X	X
Reasonable Accommodation	X	X [4]	.
Special Use Permit	X	X	X

**ARTICLE 2: PROCEDURES**

<b>TABLE 2.3.6.C: PUBLIC NOTIFICATION REQUIREMENTS</b>			
<b>APPLICATION TYPE</b>	<b>TYPE OF PUBLIC NOTIFICATION "X"=REQUIRED</b>		
	<b>PUBLISHED NOTICE [1]</b>	<b>MAILED NOTICE [2]</b>	<b>POSTED NOTICE [3]</b>
UDO Text Amendment	X	·	·
Variance	X	X	X
Vested Rights Determination	X	X	·
Zoning Map Amendment	X	X	X

**NOTES:**  
 [1] Published notice shall be provided once a week for two successive calendar weeks, with the first notice published between 10 and 25 days before the public hearing.  
 [2] Mailed notice shall be provided to the applicant, affected landowners, and landowners of abutting land between 10 and 25 days before the public hearing.  
 [3] Posted notice shall be provided between 10 and 25 days before the public hearing.  
 [4] Mailed notice shall only be required in cases where an appeal pertains to a particular lot or site.

**D. PUBLISHED NOTICE REQUIREMENTS**

1. When the provisions of Section 160D-601 of the North Carolina General Statutes require that public notice be published, the designated review authority shall publish a notice in a newspaper that is regularly published at least one time per week and that has general circulation in the Town.
2. The content and form of the notice shall comply with the applicable requirements in the North Carolina General Statutes.

**E. MAILED NOTICE REQUIREMENTS**

When the provisions of Section 160D-602(a) of the North Carolina General Statutes require that public notice be mailed, the designated review authority shall provide the required mailed public notice in accordance with the following:

1. Mailed notice specified in Table 2.3.6.C, Public Notification Requirements, shall be mailed to:
  - a. The applicant, if different from the landowner; and
  - b. All landowners ~~entitled to receive notice in accordance with Section 160D-602(a) of the North Carolina General Statutes, as well as Town policy,~~ within 750 feet of the outer boundaries of the subject parcel or parcels whose address is known by reference to the latest county tax listing.
2. Notice shall be deemed mailed by its deposit in the United States first class mail, properly addressed, postage paid. The content and form of the notice shall comply with Section 2.3.6.G, Notice Content, and Section 160D-602(a) of the North Carolina General Statutes.
3. A copy of the mailed notice shall be maintained in the offices of the designated review authority for public inspection during normal business hours.
4. Mailed notice shall not be required when a zoning map amendment includes more than 50 lots or tracts owned by at least 50 different landowners, provided the Town publishes a map (occupying at least 1/2 of a newspaper page) showing the boundaries of the affected area in a newspaper of general circulation once a week for two successive calendar weeks between 10 days and 25 days before the public hearing. Affected landowners residing outside the newspaper circulation area shall be notified via first class mail pursuant to Section 2.3.6.E, Mailed Notice Requirements.


**F. POSTED NOTICE REQUIREMENTS**

When the provisions of Section 160D-602(c) of the North Carolina General Statutes require that public notice be posted, the Planning Director shall provide the required posted public notice in accordance with the following:



STAFF REPORT  
TEXT AMENDMENT 2023-03  
INDUSTRIAL GROUND SIGNS  
OCTOBER 10, 2022

**Topic: TEXT AMENDMENT 2023-03 – INDUSTRIAL GROUND SIGNS**

Speaker: Michael J. Clark, AICP, CZO, Planning Director  
From: Michael J. Clark, AICP, CZO, Planning Director  
Prepared by: Michael J. Clark, AICP, CZO, Planning Director  
Approved by:  Joseph M. Moore II, PE, Town Manager

**Executive Summary:**

The Board of Commissioners will consider text amendments to Unified Development Ordinance (UDO) Table 5.11.9.E (Ground Signs)

**Background:**

UDO Table 5.11.9.E.2 states ground signs are permitted in all districts other than the industrial zoning districts (LI, CI, & HI). However, subsection 3 includes dimensional standards allowing signs to be up to 15 feet tall and a sign face area of up to 36 square feet.

**Discussion:**

At the Board Work Session on September 15, 2022 the Board of Commissioners supported the consideration of a text amendment to permit signs within industrial zoning districts. This proposed text amendment provides that ability.

**Policy Analysis:**

The proposed amendment would bring UDO Section 5.11.9.E.2 into alignment with the dimensional standards in UDO Section 5.11.9.E.3.

**Financial Analysis:**

The proposed text amendment would allow increased visibility to businesses within industrial districts and would have no impact on staff resources.



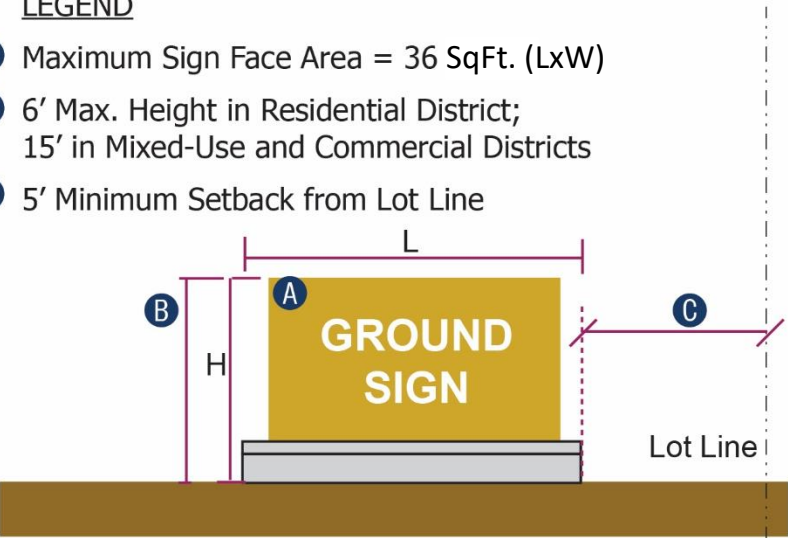
**Staff Recommendation:**

Staff Recommends accepting public comment and referring the matter to the Planning Board for recommendation.

**Attachments:**


1. Draft Text Amendments

**TABLE 5.11.9: SIGN STANDARDS BY SIGN TYPE**

E. GROUND SIGNS						
 	<p><b>LEGEND</b></p> <ul style="list-style-type: none"> <li><b>A</b> Maximum Sign Face Area = 36 SqFt. (LxW)</li> <li><b>B</b> 6' Max. Height in Residential District; 15' in Mixed-Use and Commercial Districts</li> <li><b>C</b> 5' Minimum Setback from Lot Line</li> </ul> 					
<b>1. DEFINITION</b>	<p>Any sign, other than a pole sign, that is attached directly to the ground by means of a supporting system comprised of a solid pedestal, or other bracing system where there is no open space between the bottom of the sign face area and the ground. Ground signs are configured so that the base of the sign support structure is at least as wide as the sign face area. Ground signs may also be referred to as "pedestal" signs or "monument" signs. Any sign with an opening between the bottom of the sign's face area and ground or where the sign face area is wider than the sign support structure shall be considered as a pole or "freestanding" sign, which are prohibited. Ground signs are not mounted to a building wall, and are not located within a street right-of-way.</p>					
<b>2. WHERE PERMITTED</b>	Residential	OI	NC	GC & HC	DTC & DTP	LI, CI, HI
	Yes	Yes	Yes	Yes	Yes	No/Yes
<b>3. DIMENSIONAL STANDARDS</b>						
Maximum Number of Ground Signs Per Lot	1 [1]					
Maximum Height [2] [3] [4]	Residential	OI	NC	GC & HC	DTP & DTC	LI, CI, HI
	3 Feet	4 Feet	4 Feet	6 Feet	3 Feet	15 Feet
Maximum Sign Face Area [5]	36 Square Feet					
Minimum Setback from any Lot Line	5 feet [6]					
Minimum Separation between Ground Signs on Adjacent Lots	50 feet [7]					
<p>NOTES:</p> <p>[1] Developments on lots of 2 acres in size or greater and corner lots may have a ground sign for each roadway fronting the perimeter of the development.</p> <p>[2] Sign height shall be determined based on the higher of: the adjacent grade level or the grade level of the adjacent street.</p> <p>[3] In nonresidential districts, the maximum height of a ground sign may be increased by 1 foot for every 10 feet of setback beyond the minimum applicable setback to a maximum ground sign height of 25 feet.</p> <p>[4] The support structure shall be included within the measurement of the sign's maximum height.</p> <p>[5] The maximum sign face area may be increased by 4 square feet for every 10 feet of setback beyond the minimum applicable setback to a maximum ground sign face area of 175 square feet.</p> <p>[6] Except within the DTC and DTP districts, all portions of a ground sign shall be at least 5 feet from a street right-of-way.</p> <p>[7] In cases where a ground sign is proposed and it is impossible to meet the minimum separation distance requirements from an existing ground sign, the proposed sign shall maintain the minimum street setback necessary to ensure an unimpeded view of the existing ground sign on an adjacent lot.</p>						

STAFF REPORT  
TEXT AMENDMENT 2023-04  
BUILDING HEIGHT LIMITATION  
OCTOBER 10, 2022

**Topic: TEXT AMENDMENT 2023-04 – BUILDING HEIGHT LIMITATION**

Speaker: Michael J. Clark, AICP, CZO, Planning Director  
From: Michael J. Clark, AICP, CZO, Planning Director  
Prepared by: Michael J. Clark, AICP, CZO, Planning Director  
Approved by:  Joseph M. Moore II, PE, Town Manager

**Executive Summary:**

The Board of Commissioners will consider text amendments to Unified Development Ordinance (UDO) Section 5.3.3.E.8 regarding building height.

**Background:**

UDO Section 5.3.3.E.8 establishes an 18-foot height maximum for multi-family residential structures within 100 feet of the property line of single family detached residential structures. This section also prevents the Board of Commissioners from approving requested deviations from this standard as part of a Conditional Zoning or Planned Development Request.

**Discussion:**

At the Board Work Session on September 15, 2022 the Board of Commissioners acknowledged that they would like the ability to approve requested deviations on a case by case basis. The proposed amendment to Section 5.3.3.E.8 provides that ability.

**Policy Analysis:**

Section 5.3.3.E.8 would still regulate maximum height, however it brings this provision into alignment with the spirit and intent of Section 2.2.6.A (Conditional Rezoning) and Section 2.2.13.A (Planned Development). It further establishes flexibility when the result would be better than what the strict interpretation of the ordinance would otherwise allow. This advances the Town's efforts to Grow Smart as noted in the 2030 Strategic Plan and is consistent with the Housing Chapter of the Comprehensive Land Use Plan.

**Financial Analysis:**

The proposed text amendments would allow for the Board of Commissioners to approve multi-family structures of greater density when appropriate, resulting in increased tax revenue to the Town.

**Staff Recommendation:**

Staff Recommends accepting public comment and referring the matter to the Planning Board for recommendation.

**Attachments:**

1. Draft Text Amendments



**FIGURE 5.3.3.E.7: MULTI-FAMILY FAÇADE ARTICULATION**

**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



**8. BUILDING HEIGHT**

- a.** Buildings subject to the standards of this section shall have a maximum height of two stories or 18 feet within 100 feet of a lot with an existing single-family detached residential dwelling, without an intervening street. ~~This standard shall apply regardless of any incentives, administrative adjustments, or planned development master plans~~ (see Figure 5.3.3.E.8: Multi-family Building Height).
- b.** Building stories that are 75 percent or more below the finished grade at the front of the lot shall not be counted towards the number of allowable stories.

**FIGURE 5.3.3.E.8: MULTI-FAMILY BUILDING HEIGHT**

When Within 100' of a Lot With an Existing Single-Family Detached Dwelling and No Public Street in Between


A Story that is 75% or More Below Finished Grade Does Not Count Toward Story Limit



**9. ROOF FORM**

STAFF REPORT  
TEXT AMENDMENT 2023-05  
ARTICLE 10 CORRECTIONS  
OCTOBER 10, 2022

**Topic: TEXT AMENDMENT 2023-05 – PUBLIC HEARING PROCESS.**

Speaker: Michael J. Clark, AICP, CZO, Planning Director  
From: Michael J. Clark, AICP, CZO, Planning Director  
Prepared by: Michael J. Clark, AICP, CZO, Planning Director  
Approved by:  Joseph M. Moore II, PE, Town Manager

**Executive Summary:**

The Board of Commissioners will consider text amendments to Article 10 of the Unified Development Ordinance (UDO).

**Background:**

The UDO was approved November 2019 and implemented January 1, 2020. Several of the regulations were reflective of the previous Zoning Code or conditions. Some changes to the previous Zoning Code did not fully carry over and are reflected in Chapter 10. These include membership and assignments of the Planning Board.

The UDO includes an outdated assignment for the Planning Board. One of the final text amendments in the former Zoning Code was to reduce the ETJ representation by one member and increase the in-town representation by one member, establishing a 5-2 Town/ETJ board.

Another modification removes the reference to ex-parte communication. Since the Planning Board does not hear quasi-judicial cases, this regulation is not applicable. Other amendments include the Planning Director having the authority to designate other staff to officiate Technical Review Committee meetings and providing direction to the Building Inspector. Finally, clarification of the role of Town Manger to oversee existing tasks as listed in the UDO.

**Discussion:**

The Board will accept and submit comments and questions related to the proposed amendments to Section 2.2 of the UDO.

**Policy Analysis:**

The proposed amendment establishes Planning Board representation more consistent with population distribution and other provisions and operational processes of the UDO.

**Financial Analysis:**

The proposed process change will not require additional Town resources.

**Staff Recommendation:**

Staff Recommends seeking public comment pertaining to the proposed text amendments and refer the matter to the Planning Board.

**Attachments:**

1. Draft Text Amendments

## ARTICLE 10: REVIEWING AGENCIES

### 10.4. Planning Board

#### 10.4. PLANNING BOARD

The Planning Board is hereby established in accordance with Section 160D-301 of the North Carolina General Statutes. The Planning Board shall have the following powers and duties, composition, and rules of procedure under this Ordinance:

##### 10.4.1. POWERS AND DUTIES

###### A. RECOMMENDATION AUTHORITY

To make recommendations to the Board of Commissioners on the following applications:

1. Comprehensive Plan Amendments;
2. Development Agreements;
3. Planned Developments;
4. Special Use Permit concept plans;
5. UDO Text Amendments; and
6. Zoning Map Amendments.

###### B. OTHER POWERS AND DUTIES

The Planning Board shall have the following other powers and duties:

1. To make studies of the town's planning jurisdiction and surrounding areas;
2. To determine objectives to be sought in the development of the town;
3. To prepare and adopt plans for achieving these objectives;
4. To develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans that the Board of Commissioners may direct;
5. To advise the Board of Commissioners concerning the use and amendment of means for carrying out plans;
6. To exercise any functions in the administration and enforcement of various means for carrying out plans that the Board of Commissioners may direct;
7. To perform any other related duties that the Board of Commissioners may direct;
8. To conduct such public meetings as may be required to gather information necessary for the drafting, establishment, and maintenance of adopted or proposed plans and before recommending any such plans to the Board of Commissioners; and
9. To promote public interest in and an understanding of its recommendations, and to that end, publish and distribute copies of its recommendations and may employ such other means of publicity and education as it may determine.

##### 10.4.2. COMPOSITION

###### A. MEMBERSHIP

The Planning Board shall consist of seven members.

###### B. RESIDENCE LOCATION AND APPOINTMENT

1. ~~Four~~ Five members shall be citizens and residents of the town and shall be appointed by the town of Zebulon Board of Commissioners;
2. ~~Three~~ Two members shall be citizens of Wake County and reside outside the town but within the extraterritorial jurisdiction boundaries of the town and shall be appointed by the Board of Commissioners of Wake County.
  - a. If despite good faith efforts, enough residents of the extra territorial planning area cannot be found to fill the seats reserved for residents of the area, then the Wake County Board of Commissioners may appoint other residents of the county (including residents of the town) to fill these seats.
  - b. If the County Board of Commissioners fails to make these appointments within 90 days after receiving a resolution from the Board of Commissioners of the town requesting that they be made, the Board of Commissioners of the town may make them.
3. Members of the Planning Board shall hold no other official municipal government position except on a zoning board, zoning board of adjustment or housing authority board.

## ARTICLE 10: REVIEWING AGENCIES

### 10.4. Planning Board

members of the Planning Board regardless of whether the matters at issue arise within the town or within the extraterritorial area.

#### H. ATTENDANCE

Faithful attendance at meetings of the Planning Board is considered a prerequisite to continued membership, and the appointing authority may remove and replace any member continually delinquent in his duty to attend. Specifically, members of the Planning Board may be removed by the Board of Commissioners at any time for:

1. Failure to attend three consecutive meetings; or
2. Failure to attend 70% or more of the meetings within any 12-month period;
3. For any other good cause related to performance of duties.

#### I. CONFLICT OF INTEREST

1. A member of the Planning Board shall not vote, nor participate in any manner that would violate an affected person's constitutional rights to an impartial decision maker; including, but are not limited to:
  - a. A member having a fixed opinion prior to hearing the matter that is not susceptible to change;
  - ~~b. Undisclosed ex-parte communication;~~
  - ~~e.b.~~ A close family, business, or other associational relationship with an affected person; or
  - ~~d.c.~~ Financial interest in the outcome of the matter.
2. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.



## ARTICLE 10: REVIEWING AGENCIES

### 10.5. Technical Review Committee (TRC)

#### 10.5. TECHNICAL REVIEW COMMITTEE (TRC)

The Technical Review Committee (TRC) is hereby established in accordance with Section 160D-306 and Section 160D-803 of the North Carolina General Statutes. The TRC shall have the following powers, duties, composition, and rules of procedure under this Ordinance:

##### 10.5.1. POWERS AND DUTIES

###### A. APPLICATION REVIEW AND DECISION

To review and decide the following applications:

1. Preliminary Plats; and
2. Site Plans.

###### B. OTHER POWERS AND DUTIES

To conduct a review of any other issue deemed appropriate by the Board of Commissioners or Town Manager.

##### 10.5.2. COMPOSITION

###### A. MEMBERSHIP

1. The TRC shall consist of the following persons or their appointed representatives:

- a. Town Manager;
- b. Planning Director;
- c. Police Chief;
- d. Fire Chief;
- e. Public Works Director;
- f. Finance Director;
- g. Parks and Recreation Director;
- h. Appropriate representatives from any other public utility; and
- i. Other persons whose attendance would be beneficial to the review process as determined by the Chair.

2. Representatives from other town departments, representatives from other municipalities, NC DOT, railroad representatives, private utility companies, and public or private school systems may also attend.

###### B. OFFICERS

The Planning Director, or their designee shall serve as Chair of the TRC, and shall schedule committee meetings, coordinate the committee's activities, preside over committee meetings, prepare committee reports, and serve as liaison to the departments and agencies involved for clarification of issues and resolution of conflicts.

##### 10.5.3. RULES OF PROCEDURE

###### A. MEETINGS

1. The TRC shall establish a regular meeting schedule, and shall meet frequently enough to discuss any plats, plans or related issues submitted to it for review.
2. The Planning Director may invite applicants to attend TRC meetings.

###### B. CONFLICT OF INTEREST

1. No staff member shall make a final decision on an administrative decision required by this Chapter if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance.
2. No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this Chapter unless the staff member is the owner of the land

## ARTICLE 10: REVIEWING AGENCIES

### 10.6. Building Inspector

#### 10.6. BUILDING INSPECTOR

With respect to the administration of this Ordinance, the Building Inspector shall have the following powers and duties:

##### 10.6.1. POWERS AND DUTIES

###### A. APPLICATION REVIEW AND DECISION

To review and decide applications for:

1. Building Permits; and
2. Certificates of Occupancy.

###### B. OTHER POWERS AND DUTIES

The Building Inspector shall have the following other powers and duties:

1. Assist with enforcement of this Ordinance in accordance with [Article 8: Enforcement](#);
2. Process applications as designated in the Procedures Manual;
3. Provide expertise and technical assistance to the town's review authorities and administration, upon request;
4. Maintain all records pertaining to the provisions of this Ordinance and make records available for public inspection; and
5. Perform other duties as may be assigned by the Town Manager or the ~~Board of Commissioners~~[Planning Director](#).

## ARTICLE 10: REVIEWING AGENCIES

### 10.8. Town Manager

## 10.8. TOWN MANAGER

The Town Manager shall have the following powers and duties:

### 10.8.1. POWERS AND DUTIES

#### A. POWERS AND DUTIES

The ~~Town Attorney~~Town Manager shall have the following other powers and duties:

1. Enforce this Ordinance in accordance with Article 8: Enforcement, and State law;
2. Advise applicants on the merits of proposed applications;
3. Facilitate coordinated implementation, enforcement, and periodic review of this Ordinance by keeping the Board of Commissioners informed of matters involving this Ordinance;
4. Hear appeals of development-related aspects not addressed in this Ordinance; and
5. Perform other duties as may be assigned by the Board of Commissioners in accordance with State law.