



# Agenda Item Summary Sheet

Item No: **F-1**

Meeting Date: **March 1, 2023**

**Item Title:** Public Hearing to consider, Town Code, UDO and Zoning Map Amendment requests pertaining to the Historic Character Area and the moratorium adopted on October 19, 2022

## **Item Summary:**

Following the adoption of the October 19, 2022 moratorium prohibiting all non-residential developments located within the C-2, General Commercial Zoning District applicable to areas from Danube Street north to Hollowell Street, between US Highway 158 and NC 12, Planning staff and the Planning Board began working together to draft proposed regulatory mechanisms to ensure that the Town's vision is maintained and any future development within the Historic Character Area preserves and compliments the integrity of the area.

The following text amendments to the UDO are being proposed for Board of Commissioner consideration:

- Various text amendments to the Unified Development Ordinance establishing a new zoning district, the C-5, Historic Character Commercial District including the creation of intent narrative outlining the district's purpose.
- Amendments to Section 6.6, Table of Uses and Activities, proposing the uses to be allowed within the C-5 District.
- Amendments to Section 8.2, Development Standards to establish dimensional requirements for the C-5 District. Note that lot coverage allowances for the C-5 District are proposed under Section 8.6.6.4.
- Amendments to Section 8.3, Special Development Standards to outline special commercial building design criteria for both new and existing commercial structures within the C-5 District.
- Amendments to Section 10.24, related to signage allowances within the C-5 District, Section 10.82 related to the applicability of commercial design standards, Section 7.23 related to setbacks from sexually oriented businesses, Section 7.45 related to lot coverage for religious complexes, Section 7.78 related to wall and fence height and Appendix A, Definitions to include reference to the C-5 District within the definition for "commercial transitional protective yard".

The following text amendments to the Town Code are being proposed for the Board of Commissioners consideration:

- Amendment to Section 12-143, Licensing of sexually oriented businesses to include reference to the C-5 District.
- Amendment to Section 16-73, Maximum permitted sound levels by zoning district to include reference to the C-5 District.

In addition, a Map Amendment/Rezoning is being proposed for the properties within the moratorium area as noted above. The proposed map amendment also includes properties on the east side of Memorial Avenue from Bainbridge Street south to Hollowell Street. Clusters of residentially developed and vacant properties have been proposed to be designated as R-3, Medium Density Residential. Areas with existing commercial development or a mixture of commercial and residential development have been proposed to be designated as C-5, Historic Character Commercial. These recommended changes would create consistency with existing land uses and would be compatible with the current intensity of development within the Historic Character Area.

**Staff Recommendation/Planning Board Recommendation**

At their January 17<sup>th</sup>, 2023, meeting the Planning Board voted unanimously to recommend adoption of the proposed text amendments to the Unified Development Ordinance to create the C-5, Historic Character Commercial Zoning District including amendments to the table of uses and activities, dimensional standards, and special commercial building design criteria. The Planning Board also voted unanimously to recommend adoption of a zoning map amendment to rezone the moratorium area to a combination of the R-3, High Density Residential Zoning District and the C-5, Historic Character Commercial Zoning District. The Planning Board also voted unanimously to recommend adoption of a zoning map amendment to include properties on the east side of Memorial Avenue from Bainbridge Street south to Hollowell Street from C-2 to R-3.

Planning Staff recommends adoption of the proposed UDO and Map Amendments as presented; however, staff does acknowledge that additional text amendments may be necessary to ensure that the intent of the Historic Character Area amendments has been captured.

Number of Attachments: 6

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**Specific Action Requested:**

Consideration and adoption of the proposed text amendments to the Unified Development Ordinance (Attachment A).

Consideration and adoption of the proposed text amendments to the Town Code (Attachment A continued).

Consideration and adoption of the proposed Map Amendment for designation of R-3, High Density Residential and C-5, Historic Character Commercial (Attachment B).

Submitted By: Planning and Development

Date: February 24, 2023

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**Finance Officer Comment:**

Insufficient information to determine precise fiscal impact.

Signature: Amy Miller

Date: February 24, 2023

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**Town Attorney Comment:**

I will participate in the discussion as necessary.

Signature: John Leidy

Date: February 24, 2023

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**Town Manager Comment and/or Recommendation:**

I will participate in the discussion.

Signature: Andy Garman

Date: February 24, 2023