

# Mount Pleasant

North Carolina

*Founded in 1848*

## Planning & Zoning Board Meeting

Town Hall - 8590 Park Drive Mount Pleasant, NC

Tuesday, November 25, 2019

6:00 PM

1. **Call to Order**-Chair Whit Moose
2. **Recognition of Quorum**
3. **Approval of Agenda**
4. **Approval of Minutes of Previous Meetings** (October 29, 2019)
5. **Public Comment Period**
6. **Planning Board Cases**

### **TA 2019-05 Riparian Area Management & Protection**

Text amendments to make stream buffer requirements more consistent with state requirements and the requirements of other local jurisdictions. Affected Sections of UDO: 9.2

### **TA 2019-04 Use Matrix, Supplemental Regulations, and Use Definitions (Recommendation)**

#### **REVIEW PACKET INFORMATION FROM 10-29-19 MEETING**

Text Amendments to begin compliance with new NCGS Chapter 160D, update Use Matrix and related supplemental requirements and definitions. Affected Sections of UDO: Article 4, Article 5, and Appendix A.

7. **Board of Adjustment Cases**  
None
8. **Rules of Procedure Updates**  
Review of proposed rules of procedures updates for Planning Board and Board of Adjustment.  
Vote to take place at January meeting.
9. **Reports**
  - Planning Report for November (to date)
10. **Planning & Zoning Board Comment Period**
11. **Adjourn**

8590 Park Drive : PO Box 787 : Mount Pleasant, North Carolina 28124 : tel. 704-436-9803 : fax 704-436-2921

Website: [www.mtpleasantnc.org](http://www.mtpleasantnc.org) Email: [townhall@mtpleasantnc.us](mailto:townhall@mtpleasantnc.us)

# Mount Pleasant

North Carolina

*Founded in 1848*

TOWN OF MOUNT PLEASANT, NORTH CAROLINA  
Planning and Zoning Board Meeting Minutes  
November 25, 2019

**Members Present:** Chairman, Whit Moose, Vice-Chair Jeff Helmtoller, Mike Steiner, Shirley Freeman, Bridget Fowler, and Alternate, Rick Burleyson

**Conflict of Interest:**

The Chair and Board Members are asked at this time to reveal if they have a Conflict of Interest with any item on the Agenda in order to be excused for that item. (No member shall be excused from voting except upon matters involving the consideration of the member's own financial interest or official conduct or on matters on which the member is prohibited from voting under G.S. 14-234, 160A-381(d), or 160A-388(e)(2). NC State Statute 160A-75).

No Board members shared a conflict of interest

**Members Absent:** None

**Staff Present:** Town Planner, Erin Burris, Clerk to Board, Jennifer Blake, Town Attorney, John Scarbrough

**Also Attending:** None

**Call to Order:** Chairman Whit Moose called the Town of Mount Pleasant Planning and Zoning Board meeting to order at 6:00 pm.

**Recognition of Quorum:** Chairman Whit Moose stated a quorum was present with Rick Burleyson as an alternate.

**Approval of Agenda:** Chairman Whit Moose entertained a motion to approve the Agenda as presented. A motion was made by Mike Steiner, and a second was made by Jeff Helmtoller. All members were in favor (5-0).

**Approval of Minutes:** Chairman Whit Moose entertained a motion to approve the minutes for October 29, 2019. Mike Steiner made a motion to approve the minutes with a second by Bridget Fowler. All members were in favor (5-0).

**Public Comment:** None

**Planning and Zoning Board Cases:**

**TA 2019-05 Riparian Area Management & Protection (Recommendation)**  
**Affected Sections of UDO: 9.2**

Ms. Burris presented the staff report. She stated that the proposed text amendments are proposed to bring the riparian buffers for perennial and intermittent streams more in line with state requirements and the standards of nearby jurisdictions. The proposed amendments are intended to maintain water quality while not being unnecessarily restrictive. In preparation of these amendments, the following resources were consulted: NCGS 143-214.7, North Carolina Phase II Stormwater Model Ordinance, NCDEQ State General Permit for Impacts to Isolated and Other Non-404 Jurisdictional Wetlands and Surface Waters (IWGP100000), NCDOT Best Management Practices for Construction and Maintenance Activities, Cabarrus County Development Ordinance, City of Concord Development Ordinance, Town of Midland Development Ordinance.

Ms. Burris explained that floodplains are separate and have different regulations. Stream buffers are to protect water quality and water flowing to water supply. These regulations apply to streams not in a watershed regardless if there in a floodplain.

Jeff Helmtoller made a motion to recommend approval of the proposed text amendment, finding that proposed amendments are not addressed by the Comprehensive Plan, but are not inconsistent with it. These amendments are intended to bring the riparian buffers for perennial and intermittent streams more in line with state requirements and the standards of nearby jurisdictions and to maintain water quality while not being unnecessarily restrictive. The motion was seconded by Whit Moose. All were in favor. (5-0)

**TA 2019-04 Use Matrix, Supplemental Regulations, and Use Definitions (Recommendation)**

**Affected Sections of UDO: Article 4, Article 5, Appendix A**

Continuing review of the proposed text amendments from the October 29, 2019 Planning & Zoning Board meeting, Erin Burris presented the staff report.

In an effort to begin compliance with newly updated North Carolina General Statute Chapter 160D, updates have been proposed for Article 4. Updates include providing a table showing which districts are consistent with which land use designations on the Future Land Use Map in the adopted Comprehensive Plan. NCGS Chapter 160D also changes the name of "Conditional Use Permits" to "Special Use Permits" to avoid confusion with "Conditional Zoning". This nomenclature is reflected in the proposed amendments and will also be updated throughout the ordinance.

Additionally, Town staff requests updates to the Use Matrix table (now Table 4.6-2) in order to consolidate similar uses, add uses that did not exist at the time of ordinance adoption, and organize uses in a clearer manner. Article 5 is proposed to be reorganized using the same categories as the Use Matrix to make supplemental regulations easier to find, with redundant language to be removed. Appendix A has been revised to make definitions consistent with the Use Matrix updates and remove inconsistencies.

Erin Burris presented a summary of the proposed amendments:

- Throughout: Statutory references (160D). Amendments for consistency and reduction of redundancy throughout. Section number references to be confirmed upon approval.
- Section 4.2.1: I-2 Heavy Industrial to be considered as Conditional Zoning District only
- Section 4.3.1: Addition of table (Table 4.6-1) to show correlation of zoning districts with Comprehensive Plan land use designations.
- Section 4.6: New Use Matrix to replace previous Use Matrix (Table 4.6-2 to replace former Table 4.6-1, included in packet for reference). Matrix consolidates similar uses (i.e. retail based on size rather than type). Disallows tobacco/electronic cigarette, vaping, and related accessory stores as a principal use. Consolidates manufacturing uses into three types based on potential impacts, defined by NAICS codes. Adds business kiosks, gunsmithing, taxidermy, and vacation rental homes as uses. Changes "private club" to "bars, nightclubs, and lounges". Allows printing establishments in the CC district. All uses are defined in Appendix A. Section reference numbers for supplemental requirements are placed in a column for each use, as applicable.
- Section 4.7.5: Allowance for Administrator to approve small setback encroachments of less than (1) foot for field adjustments during construction. Clarification that lot sizes for Conservation Development cannot be reduced by more than 50% below the district minimum (Table 4.7-1).
- Section 5.3 (and Appendix A): Allowance for two or fewer pot-bellied pigs of less than 150 pounds and less than 24" tall to be considered pets instead of livestock. Inclusion of separation distances that are in the Code of Ordinances for consistency. Includes reduction of the allowable number of "animal units" as defined in Appendix A.
- Section 5.4.2: Addition of common home occupations to list to include low-volume baking, canning, catering, internet-based ordering
- Section 5.4.3: Standards for vacation rental homes added, following statutory requirements.
- Section 5.5: Removal of standards for state-regulated facilities that could conflict with state requirements.
- Section 5.6.1: Beach Bingo establishment requirements amended to match statutes.
- Section 5.6: Standards for Private Clubs removed (regulated by state ABC)
- Section 5.8.1: Removal of the allowance for temporary mobile units for motor vehicle sales.

- Section 5.8.4: Clarification of supplemental standards for "Retail Sales Outside a Fully Enclosed Building"
- Section 5.9.1: Addition of standards for solar and wind electric power generation.
- Section 5.10.1: Addition of standards for "Business kiosks (ATMs, Ice Vending, etc.)"
- Section 5.10.2.4: Addition of standard to allow for temporary relocation of businesses during renovations.
- Appendix A: Amendments to ensure that each use listed in the Table 4.6-2 Use Matrix has a definition. Removal of unnecessary definitions. Clarification of definitions.

Jeff Helmtoller made a motion to recommend approval of the proposed text amendments, finding that proposed amendments are not addressed by the Comprehensive Plan, but are not inconsistent with it. These amendments are intended to bring the riparian buffers for perennial and intermittent streams more in line with state requirements and the standards of nearby jurisdictions and to maintain water quality while not being unnecessarily restrictive. Shirley Freeman seconded the motion. All were in favor. (5-0)

### **Rules of Procedure Updates**

Review of proposed rules of procedures updates for Planning Board and Board of Adjustment.

#### Rules and Procedure for Board of Adjustments

- Changed statute reference
- Changed wording on holding election to the first regular meeting after July 1<sup>st</sup>
- Added Town Board and County Commissioner (as applicable) for removal of commissioner that misses 3 consecutive meetings.
- Changed meeting time to 4<sup>th</sup> Monday of the month at 6 p.m.

Mike Steiner made a motion to hold a vote on the amendments to the Rules of Procedure at the January 2020 meeting. Bridget Fowler seconded the motion. All were in favor. (5-0)

#### Rules and Procedure for Planning Board

- Changed statute reference
- Changed wording on holding election to the first regular meeting after July 1<sup>st</sup>
- Added Town Board and County Commissioner (as applicable) for removal of commissioner that misses 3 consecutive meetings.
- Clarification on Map Amendment Hearings.
  - A. Map Amendment hearings are the only public hearing.
  - B. The public hearing comes first and anything else comes after.
  - C. The hearings have  $\frac{3}{4}$  majority –

Have 5 Board Members –  
2 members agree – denial to Town Board  
3 members agree - approval to Town Board

Whit Moose made a motion to hold a vote on the amendments to the Rules of Procedure at the January 2020 meeting. Bridget Fowler seconded the motion. All were in favor. (5-0)

8. Rules of Procedure Updates  
Review of proposed rules of procedures updates for Planning Board and Board of Adjustment. Vote to take place at January meeting.

**Board of Adjustment Cases:** None

**Monthly Report:**

Erin Burris reviewed the monthly report including site plan and subdivision status updates and the November Permit report to date.

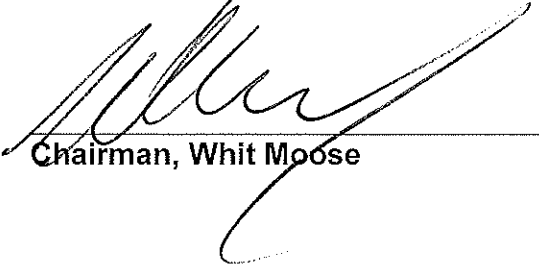
**Board Comments:**


Rick Burleyson emphasized concern for sidewalks.

Whit Moose asked Erin Burris about the ownership of the apartments. Erin Burris stated that to her knowledge the ownership status of the apartments had not changed since they opened.

**Adjournment:**

With no further discussion, Chairman Whit Moose entertained a motion to adjourn. A motion was made by Mike Steiner with a second by Bridget Fowler. All members were in favor (5-0).

  
Chairman, Whit Moose

  
Clerk to Board Jennifer Blake